

Application by Highways England for A63 Castle Street Improvement-Hull

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 1 April 2019

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 22 February 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A63CastleStreet@PlanningInspectorate.gov.uk and include 'A63 Castle Street Improvement-Hull' in the subject line of your email.

Responses are due by **Deadline 2: Friday 10 May 2019**.

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	LIR	<i>Local Impact Report</i>
Art	<i>Article</i>	LPA	<i>Local planning authority</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MP	<i>Model Provision (in the MP Order)</i>
BoR	<i>Book of Reference</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) Order 2009</i>
CA	<i>Compulsory Acquisition</i>	NN NPS	<i>National Policy Statement for National Networks</i>
CPO	<i>Compulsory purchase order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
dDCO	<i>Draft DCO</i>	R	<i>Requirement</i>
EM	<i>Explanatory Memorandum</i>	SI	<i>Statutory Instrument</i>
ES	<i>Environmental Statement</i>	SoS	<i>Secretary of State</i>
ExA	<i>Examining authority</i>	TP	<i>Temporary Possession</i>
HCC	<i>Hull City Council</i>		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010016/TR010016-000261-Examination%20Library%20A63%20Castle%20Street.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1	Question to:	Question:
1.0	General and Cross-topic Questions	
1.0.1	Applicant	<p>Scheme objectives 4 objectives have been identified:</p> <ul style="list-style-type: none"> • Improve access to the Port of Hull • Relieve congestion • Improve safety • Improve connections between the city centre to the north and developments and tourist and recreational facilities to the south. <p>To what extent will each of these objectives be met? Given the very general nature of these objectives, how can the success or otherwise of the scheme be evaluated? Are there any meaningful comparisons that can be made with other schemes to assist in evaluating the benefits of this scheme?</p>
<p>Answer 1.0.1</p> <p><u>Access to the Port of Hull & Congestion relief</u> The scheme will improve access to the Port of Hull and reduce congestion by removing many of the bottlenecks on the A63 (four sets of traffic light pedestrian crossings and an at-grade traffic light junction at Mytongate, which includes two pedestrian crossing phases). Traffic will remain free flowing from the M62 until it meets the recently upgraded Great Union Street junction at Roger Millward Way. The A63 Ferensway/Mytongate junction suffers severe congestion. It is one of the busiest sections of road in the whole of the East Riding of Yorkshire, carrying daily flows in excess of those recorded on the M62 within the region. The number of signal-controlled pedestrian crossings, operation of the Mytongate junction and occasional lifting of Myton Swing Bridge can cause substantial delays to travellers. This regularly results in stop/start conditions which are further exacerbated during peak periods or when an incident occurs. There are existing bottlenecks at the major at-grade junctions at Mytongate and, to a lesser degree, Market Place/Queen</p>		

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Question to:

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Street. The mixture of local traffic accessing side roads around Market Place and Princes Dock Street, and strategic traffic accessing the Port of Hull and M62, causes problems with weaving and traffic turning onto and emerging from side roads.

The Port of Hull is one of the UK's leading and fastest growing foreign trading ports and is the only passenger port on the Humber, handling nearly one million passengers and 10 million tonnes of cargo each year. The A63 Castle Street provides direct access to the Port of Hull and improving this bottleneck will increase its attractiveness to freight, passenger services and help make the port more competitive. The improvements will aid in supporting and encouraging the ongoing development of manufacturing in eastern Hull, ensuring that this sector growth is captured within the region and improving the attractiveness of the sites to prospective developers. The scheme reinforces the Government's Northern Powerhouse agenda by supporting the Government's vision for a transport system that is an 'engine for economic growth whilst also being greener, safer and improving the quality of life in our communities'.

Ultimately this scheme will bring long term benefits by segregating local traffic from the heavy port and long-distance traffic that currently uses the route, increasing the network capacity and thus reduce delays and improve journey time reliability. The removal of these issues will reduce congestion on this section of the A63. As presented in TR010016/7.1 Table 4.1 business users will benefit significantly from the provision of A63 Castle Street Improvement Scheme through reduced travel time (including reductions in congestion) and vehicle operating costs amounting to £88.6m and non-business users will benefit by £148.7m. There is a dis-benefit of £6.9m to all users during construction and maintenance. A key evaluation of the scheme post completion will be how this area of Hull is regenerated and the number of employment opportunities increases, and access to this area of employment is safer and traffic free flowing. The improvements will aid in supporting and stimulating the ongoing development of manufacturing in this area, ensuring that this sector growth is captured within the region, and improving the attractiveness of the sites to prospective developers. As such, it is important to improve the access to the port and reduce congestion.

Road Safety

Current road safety performance on this stretch of the A63 is reasonable, with an accident rate less than the national D2AP (all-purpose 2 lane dual carriageways) average accident rate. The project also includes for the replacement of the pedestrian guardrail central reservation barrier with concrete to further improve safety. The proposed improvements aim to improve safety for both motorised and non-motorised road (NMU) users. Improving the A63 will provide safer and segregated crossings points and improve

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Question to:

Question:

journey ambience leading to a reduction in driver stress. In addition, closing some direct access points onto the A63 will limit merge/diverge collisions.

As presented in [APP-073] Section 5 the Cost and Benefits of Accidents –Light Touch (COBALT) safety assessment suggested that the project will result in a reduction of 72 collisions over the 60 year appraisal period for the core growth scenario providing a monetary benefit of £2.9 million [APP-070 Table 4.1]. This results in a reduction of 98 casualties of which 7 are Killed or Seriously Injured (KSI) and 91 are slight over the 60-year period [APP-070 Table 5.5]. In summary, the Scheme achieves one of its key objectives of improving safety by reducing the numbers of accidents and casualties.

Connections

The A63 Castle Street acts as a substantial barrier and creates severance between the city centre, main shopping areas and transport links to the north of the A63 and developments, tourist and recreational facilities and retail parks to the south. The southern side of Castle Street in the vicinity of the Marina has undergone a transformation as it has been regenerated as part of the 2017 City of Culture celebrations, in particularly the Fruit Market area. Crossing the A63 has been raised as a regular concern by stakeholders in consultations events, especially the time it takes and the feeling of vulnerability whilst waiting in the central reserve.

The Scheme will reduce severance by removing four sets of traffic light pedestrian crossings and an at-grade traffic light junction at Mytongate, which includes two pedestrian crossing phases and replacing these with two segregated NMU bridges, an alternative route under the A63 at High Street and the new bridge between Ferensway and Commercial Road (across the A63) which will cater for all movements.

To further assess severance impact, the Applicant commissioned University College London and Accent to develop a new approach to measure the cost of community severance caused by busy roads on the Strategic Road Network. This was achieved through a survey to residents in the areas surrounding two roads, one of which was the A63 in Hull. The research produced a robust method to value severance, supported by a detailed understanding of severance in the case studies that were used to develop that method. The report demonstrates that the A63 Castle Street Scheme will bring benefits by reducing community severance through segregating traffic and pedestrians, improved facilities for pedestrians and the improved quality of the asset.

ExQ1	Question to:	Question:
<p>The success of the Scheme, and indeed all Highways England schemes will be monitored and evaluated through benefits realisation. This will be set out in our Benefits Realisation and Evaluation Plan which will be developed. This process will set out when benefits will be realised and how they will be measured, this will be produced in conjunction with the Highways England Evaluation team and form the 1 and 5 year Post Opening Project Evaluation (POPE) reviews.</p>		
<p>In terms of meaningful comparison with other schemes, the A63 Castle Street Improvement Scheme has been appraised using an Economic Assessment which was undertaken in line with the most up to date Transport Appraisal Guidance. The output from this is a Benefits to Cost Ratio (BCR) figure for the scheme of 1.59 which translates to a medium value for money rating [APP-070 Table 4.3]. This methodology and rating is used across all Highways England schemes and validated by the internal Transport Planning Group. Therefore, there is a direct quantitative comparison of benefits between schemes.</p>		
1.0.2	Applicant	<p>Planning policy Please confirm that all of the information provided in the submission documents relating to the legal and policy framework is complete and up to date. If there have been any changes or additions, or if any changes are anticipated within a timescale that might be relevant to the consideration of this scheme, please provide details. Please provide details of any relevant changes that take place in respect of these matters throughout the examination and ensure that the information is fully up to date at its close. It is acceptable to cross-refer to existing or new documents rather than duplicating information as appropriate, provided this matter is fully addressed.</p>
<p>The Scheme was assessed against relevant planning policy documents, detailed in the Planning Statement [APP-070]. As stated in paragraph 1.4.5 of the Planning Statement, the Scheme was assessed against the National Planning Policy Framework (NPPF) 2012, and whilst new revisions of the NPPF were published in July 2018 and February 2019, the amendments made are not considered to be applicable to the Scheme and therefore the assessment is still considered to be up to date.</p>		

ExQ1	Question to:	Question:
<p>The 2018 update to the NPPF provided an emphasis on the delivery housing development and indicated the importance for local planning authorities to update their local plans. The 2019 update to the NPPF included and update regarding Habitat Regulation Assessments (HRA's) and now clearly states that a plan or project which will have a significant effect on a habitats site will not be considered sustainable development unless an Appropriate Assessment has been concluded and found that the habitats site will not be adversely affected. This change was made to reflect the statutory wording contained within the Habitats Regulations. A HRA Screening Report [APP-069] was submitted as part of the DCO application, which screened out the need for an Appropriate Assessment at stage 1. It is therefore considered that the Scheme remains compliant with the latest revision of the NPPF.</p> <p>Hull City Council are currently developing a Joint Waste Local Plan and a Joint Minerals Local Plan, to replace the saved plans adopted in 2004. The timescales for adoption of the new joint plans are not clear, however, as stated in the Planning Statement (paragraph 5.3.3) a review of the current plans found that they are not applicable to the Scheme as they refer solely to waste and mineral developments respectively. It is therefore considered that the new joint plans will also hold no relevance, but the progress of these plans will be monitored.</p> <p>An update to the Highways England Delivery Plan was published in July 2018 and provided an update to the timescales expected for the Scheme. The report stated that "due to the complexities of the scheme and the need to ensure that details are developed sufficiently for a robust Development Consent Order application, the programme has been extended". The report allowed a change to the start of works (SoW) date (from 2018-19 to 2019-20), and the open for traffic (OfT) date from 2021-22 to 2024-25.</p>		
1.0.4	Applicant	<p>Environmental Statement – Lifetime of Development Please clarify the lifetime of the Proposed Development. Section 2.10.4 of the ES suggests this is 60 years, but then states that no decommissioning stage has been planned, suggesting the scheme shall last in perpetuity. The EA has raised that the modelling report for the Climate Change assessment extends to 2115, and that the Applicant has previously alluded to a 120 year lifetime in</p>

ExQ1	Question to:	Question:
		discussions. Please also confirm the lifetime that has been assumed for the purposes of the assessments within the ES
<p>The traffic and economic assessments demonstrate that the proposed Scheme would operate adequately for the first 60 years of opening to the Design Year of 2085. Typically, highway schemes are designed to have a material life-span of between 20 and 40 years before major maintenance and upgrading is required dependant on material properties, maintenance and usage. Elements including structural concrete and steelwork have extended design lives of up to 120 years with drainage elements having a design life of 60 years. As a consequence, for the purposes of the assessments within Environmental Statement (ES) Volume 1 [APP-023], the design life of the Scheme is 60 years.</p> <p>It is considered highly unlikely that the Scheme would be decommissioned as the Scheme is likely to have become an integral part of the infrastructure in the area. Decommissioning would not be either feasible or desirable and is therefore not considered further within the ES.</p> <p>The impacts of climate change have been considered in the ES Volume 3 Appendix 11.2 Flood Risk Assessment (FRA) [APP-052]. The modelling undertaken by the Applicant as part of the FRA 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 government guidance "Flood risk assessments: climate change allowances", updated in February 2019. 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.</p> <p>Follow discussions with the Environment Agency, some additional assessments of the effects of climate change under a H++ scenario were undertaken using a design life of 60 years (i.e. climate change up to 2085) as well as at 2115. This was possible as a number of simplifying assumptions were made which enabled the additional modelling without reliance on Environment Agency data as inputs to</p>		

ExQ1	Question to:	Question:
<p>the model. The results of these additional assessments are outlined in the Applicant's comments on the Environment Agency Relevant Representation.</p>		
1.0.5	Applicant	<p>Environmental Statement – Cumulative Effects The assessment of cumulative effects in Chapter 16 of the ES does not provide a breakdown of the anticipated effect by receptor and instead provides an overall assessment with a finding at section 16.1.6 that moderate effects are anticipated. Can the Applicant please provide information to address this and explain the method applied to assess cumulative effects to individual receptors and how these combine to result in an overall assessment of moderate adverse?</p>
<p>Environmental Statement (ES) Volume 1 Chapter 16 Combined and cumulative effects, Executive summary Section 16.1.6 [APP-23] summarises the overall “combined” effects from the Scheme is anticipated to be moderate adverse. Section .16.1.7 states that the residual “cumulative” effects are also anticipated to be moderate adverse.</p> <p>The terms “combined” and “cumulative” have different and particular technical definitions in environmental impact assessment (EIA), which are defined as follows:</p> <ul style="list-style-type: none"> • “Combined” effects arise from a single project and consider the inter-relationship between different environmental factors / topics. These are assessed in detail in the preceding topic chapters (6 to 15) of the ES. • “Cumulative” effects consider both other projects / developments and the project being assessed. <p>The breakdown of the methodologies are detailed both within the main body of Chapter 16 Combined and cumulative effects and the preceding topic chapters (6 to 15) of the ES. The assessment methodology for “cumulative” effects follows Planning Inspectorate Advice Note Seventeen as explained at Section 16.5.4. This involves a 4 stage Cumulative Effects Assessment (CEA) sifting process which does not assess individual receptors. The conclusion of overall moderate adverse has been reached by taking into account a number of factors in line with Advice Note Seventeen and as outlined from Sections 16.7.7 to 16.7.13, in particular:</p>		

ExQ1	Question to:	Question:
		<p>As explained at Section 16.7.10 <i>“For the ‘other developments’ scoped into the assessment, all are absent from the local planning authority and the PINS portal. It is therefore reasonable to assume that these developments are unlikely to have significant effects on the environment.”</i></p> <p>As stated at Section 16.7.11 <i>“The types of developments in the shortlist have also been considered (see Environmental Statement (ES) Volume 3 Appendix 16.2 [APP-061]). None are perceived to have significant effects. Therefore, no additional effects are anticipated over and above that identified in the preceding chapters of this Scheme and neutral effects have been assigned for these projects.”</i></p> <p>Sections 16.7.12 to 16.7.13 explain that <i>“There are both permanent and temporary effects, identified in the preceding environmental chapters, associated with the Construction and Operation Phases of the Scheme. No very high value receptors are considered to be significantly affected by the Scheme. High value receptors have been identified within the preceding chapters as having permanent residual significant effects from the Scheme. These include:</i></p> <ul style="list-style-type: none"><i>• Trinity Burial Ground (as a heritage asset, Project Landscape Character Area (PLCA) and Site of Nature Conservation Interest (SNCI)</i><i>• Humber and Railway Docks PLCA</i><i>• Humber Dock Marina UKBAP priority habitat</i> <p><i>These effects are contained within the footprint of the Scheme and not considered to be wide reaching. As a result, the Scheme is considered (as per the Planning Inspectorate guidance shown in Table 16.4) to have moderate adverse cumulative effect. Overall, the effects of the Scheme in association with other existing or more than likely / near certain major future developments upon an individual or collection of environmental receptors would be moderate adverse for both Construction and Operation Phases.”</i></p> <p>The “combined” effects assessment considers the overall anticipated effect by receptor, the overall breakdown of which is detailed within the preceding topic chapters of the ES. Receptors / resources assessed to have multiple different environmental effects (or an inter-relationship between environmental topics) from the Scheme were sub-divided into 3 groups as described at Section 16.6.2:</p> <ul style="list-style-type: none"><i>• “Cultural features</i>

ExQ1	Question to:	Question:
	<ul style="list-style-type: none"> • Residential property • Community amenity and businesses” 	<p>The significance of the “combined” effects for each receptor group is summarised in Table 16.7 which provides details of how these effects have been combined as a result of their individual significance on receptors.</p> <p>The preceding topic chapters identified potential significant effects on the following high value receptors for the operational phase of the Scheme as explained at Section 16.7.3:</p> <ul style="list-style-type: none"> • “Trinity Burial Grounds (as a heritage asset, PLCA and SNCI) • Humber and Railway Docks PLCA • Humber Dock Marina UKBAP priority habitat • Properties within Humber Floodplain”
1.0.6	Applicant	<p>Environmental Statement – Mitigation</p> <p>Please provide a list of all mitigation/ management plans relied upon for the purposes of the ES in support of the Proposed Development. The Applicant’s response should address the fact that the list of plans noted in the Register of Environmental Actions and Commitments (REAC) appears to be different to those secured in the dDCO, and should therefore identify, for the avoidance of doubt, how all plans relied on for the purposes of mitigation are to be secured.</p>
<p>The REAC featured at Annex B of the Outline Environmental Management Plan (OEMP) [APP-072] and also as a standalone document [APP-068] submitted for Development Consent Order (DCO) outlines requirements of proposed mitigation and commitments made for the Preliminary Design of the Scheme during the Environmental Impact Assessment (EIA) process and summarised within the ES topic chapter. The REAC also identifies a series of mitigation/management plans that are required to deliver the mitigation commitments. These are to be produced by the Principal Contractor to support the Construction Environmental Management Plan</p>		

ExQ1**Question to:****Question:**

(CEMP) during the Construction Preparation and Detailed Design stages of the Scheme and will be updated throughout the construction process. These are listed on page 50/51 of the OEMP as follows:

- Archaeological Project Design
- Arboricultural Implications Assessment
- Arboricultural Method Statement
- Landscape and Ecology Management Plan
- Handover Environmental Management Plan
- Marine Mammal Mitigation Plan
- Groundwater Monitoring Plan
- Flood Evacuation Plan
- Flood Emergency and Evacuation Plan
- Erosion Prevention and Sediment Control Plan
- Noise and Vibration Management Plan
- Materials Management Plan
- Site Waste Management Plan
- Foundation Works Risk Assessment
- Materials Logistics Plan
- Community Relations Strategy
- Traffic and Transport Management Plan

The Draft Development Consent Order [APP-015] list of plans will be updated at Schedule 2 Part 1 Requirements 4 Construction and handover environmental management plan (2) (d) to align with the list of plans in the OEMP [APP-072]. The Flood Evacuation Plan (to limit the impacts of flooding on construction workers, plant and materials) and the Flood Emergency and Evacuation Plan (FEEP) are omitted from the lists in the OEMP and the REAC. An additional row W13 will be added to the REAC to detail the requirements arising from the FEEP. These corrections will be added to the Errata.

ExQ1	Question to:	Question:
1.0.7	Applicant	<p>Environmental Statement – Residual Effects Please provide a justification as to why each of the significant residual effects identified could not be further mitigated, and the steps that have been taken to date to attempt to reduce these effects as far as possible.</p>
<p>The significant residual effects are summarised at Environmental Statement (ES) Volume 1 Chapter 17 Summary of Environmental Statement findings, Table 17.1 Summary table [APP-023].</p> <p>Each of the ES topic chapters (6 to 15) has undertaken a robust environmental impact assessment in accordance with the relevant and required legislation, methodologies and guidance as clearly outlined within each chapter. A process of assessment for each topic has then proceeded in line with the declared approach and methodology.</p> <p>Significant adverse effects have been identified and due mitigation applied as a consequence to reduce these effects as far as possible. The Applicant does not consider that the effects could be further reduced within the DCO timeframe, however all efforts will be made to mitigate further if circumstances or advances in technology allow. An example of this is the current planning application to Hull City Council (reference 19/00334/LBC) from a third party which whom the Applicant has been liaising with for a number of years. The application is for the development of land to the north of A63 Castle Street and south east of Waterhouse Lane. This includes for the demolition and partial rebuilding of Earl de Grey public house, erection of link extension to Castle Buildings and Earl de Grey, and refurbishment, reconfiguration of, and external alterations to Castle Buildings. If the planning application is successful and the development goes ahead, the significance of adverse effects to both Earl de Grey and Castle Buildings will be further mitigated.</p>		
1.0.8	Applicant	<p>Environmental Statement – Assumptions and Limitations Please confirm the limitations and assumptions that are applicable to the assessment of both cultural heritage and noise and vibration.</p>
<p>Cultural Heritage</p>		

ExQ1	Question to:	Question:
		<p>The limitations and assumptions of the Environmental Statement (ES) Volume 1 [APP-023] that relate to cultural heritage are stated at Chapter 8 Cultural heritage Section 8.5.17 to 8.5.26 as follows:</p> <p>Detailed design</p> <ul style="list-style-type: none">8.5.17 states <i>“The assessment is based on the preliminary designs for the Scheme. Detailed Design may change impacts and would need to be reviewed at different design stages, as stated in Chapter 5, section 5.8.”</i> <p>Visual inspection</p> <ul style="list-style-type: none">8.5.18 states <i>“The walkover surveys were restricted to external visual inspection from publicly accessible areas, which limit the ability to assess the impacts of visual intrusion and interruption of views from within property boundaries or interiors of historic buildings.”</i> <p>Archaeological watching briefs on ground investigation and trial trenching</p> <ul style="list-style-type: none">8.5.19 states <i>“Archaeological watching briefs on ground investigation and archaeological trial trenching have been undertaken at available sites on the Scheme. The active nature of the A63 Castle Street has limited the available sites for investigation and results are therefore indicative of potential remains and cannot reflect entirely accurately the actual below ground archaeological remains.”</i> <p>Number of burials</p> <ul style="list-style-type: none">8.5.20 states <i>“An assumption has been made relating to the probable number of burials contained within Trinity Burial Ground. Estimates based on documentary and archaeological evidence range from 16,000-19,000 and an assumption has been made on approximately 17,000 burials existing in the burial ground.”</i> <p>Temporary land take and likely extent of impact to archaeological remains</p> <ul style="list-style-type: none">8.5.21 states <i>“It has been assumed that within the Trinity Burial Ground any temporary land take involved within the proposed scheme has the potential to impact on archaeological remains. The temporary land take will be required for the construction of</i>

ExQ1	Question to:	Question:
		<p><i>the retaining wall for the Mytongate underpass. It has been assessed that 43% of the archaeological remains within the current boundary of the Trinity Burial Ground may be permanently impacted.”</i></p> <p>Return to amenity use and extent of impact to above ground remains of Trinity Burial Ground</p> <ul style="list-style-type: none">• 8.5.22 states <i>“An assumption has been made that after completion of the proposed scheme the area required for the construction of the retaining wall will be returned to amenity use as part of the Trinity Burial Ground. It has been assessed that approximately one third of the above ground remains of the Trinity Burial Ground including elements of the Old Town Conservation Area may be permanently impacted.”</i> <p>Air quality assessment limitations</p> <ul style="list-style-type: none">• 8.5.23 states <i>“Limitations described in Chapter 6 Air quality apply to cultural heritage. Assessment has focused on nitrogen dioxide (NO2) emissions as opposed to particulate matter (PM10) because background PM10 concentrations and vehicle emission factors for PM10 are low and the Scheme is unlikely to result in an exceedance of the PM10 air quality objectives or limit values (which determines significance).”</i> <p>Noise and vibration limitations</p> <ul style="list-style-type: none">• 8.5.24 states <i>“Limitations and assumptions described in Chapter 7 Noise and vibration also apply to cultural heritage. Impacts on built heritage assets in the proximity to the Scheme are not expected as construction activities will be temporal and transient.”</i> <p>Landscape limitations</p> <ul style="list-style-type: none">• 8.5.25 states <i>“Limitations and assumptions described in Chapter 9 Landscape with relation to the extent of existing tree removal during construction and the extent and standard of lighting required by the Scheme also apply to cultural heritage.”</i> <p>Groundwater conditions</p> <ul style="list-style-type: none">• 8.5.26 states <i>“Future groundwater conditions have been modelled for the area around Mytongate underpass (see Chapter 11 Road drainage and the water environment). Beyond the immediate area of the underpass the model shows limited changes to</i>

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groundwater levels during construction or operation (+/- 0.13m). It is assumed that these limited impacts can be extrapolated beyond the area modelled to establish that the Scheme has limited potential to impact on waterlogged archaeological remains.”

Noise and Vibration

ES Volume 1 Chapter 7 Noise and vibration Section 7.5.16 [APP-023] states:

*“HD 213/11 requires the following in reporting an assessment of temporary impacts within a Detailed level assessment:
...State any limitations and assumptions used to inform the assessment.”*

The identified limitations for temporary and permanent noise and vibration impacts have been noted within the Chapter text where appropriate rather than set out in a specific section on limitations of the noise and vibration assessment as a whole.

Limitations that have been noted are:

Noise during construction – Daytime works

- Section 7.8.4 states *“The programme of work, methods of working and selection of construction equipment is still being determined. These factors influence the characteristics of the noise and vibration impacts. As construction planning is inevitably in an early stage it is necessary to make some assumptions in order to evaluate the potential impacts. The assumptions on construction activities, plant noise emissions and the utilisation of construction plant upon which the assessment is based, are stated in ES Volume 3, Appendix 7.3 Construction source noise levels (TR010016/APP/6.3) [APP-047].”*

Vibration during construction

- Section 7.8.38 states *“The specific locations and extents of proposed sheet piling works are not currently known. Therefore, distances to nearest sensitive properties and type of piling method and equipment may change and affect the magnitude and*

ExQ1	Question to:	Question:
<p><i>significance of impacts. It is worth noting that these works would be relatively short-term with respect to nearby sensitive dwellings and therefore the opportunity for associated impacts to occur would also be limited.</i></p> <p>Road diversions and changes in traffic during construction</p> <ul style="list-style-type: none"> Section 7.8.42 discusses the results of predicted temporary changes in road traffic noise due to diversion during construction and notes that <i>“Several road links do not have comparative data where it is understood links are changed or road closures are in place”</i> to highlight a limitation of the traffic data available for the predictions. <p>Noise Important Areas (NIA)</p> <ul style="list-style-type: none"> Section 7.8.66 states that <i>“It is not possible to assign a single benefit or dis-benefit to NIAs since those within the Scheme extend along a significant length of the Scheme extents and therefore experience both benefits and dis-benefits as outlined in Sections 7.7.29 to 7.7.45.”</i> <p>Baseline survey limitations</p> <ul style="list-style-type: none"> ES Volume 3 Appendix 7.1 Section 1.2.10 [APP-047] notes the limitations of the baseline noise survey: <i>“It is not practically or economically possible to monitor noise during all periods of the day and week at all the sensitive receptors that are in proximity to the Project boundary. Priority was therefore given to characterising the baseline noise climate at the most sensitive times of day within the periods of construction phase working hours.”</i> 		
1.0.9	Applicant	<p>Environmental Statement – Porter Street Bridge</p> <p>Section 2.6.38 of the ES states that the width of Porter Street Bridge is 3m. The Structure Details Plan provided as part of the engineering drawings shows that this is the width of the bridge between parapets, with the overall width being 3.5m. Please can the Applicant confirm the dimensions of the Porter Street Bridge that have been used for the purposes of the assessments within</p>

ExQ1	Question to:	Question:
		the ES, and explain any discrepancy between these dimensions and those that are secured by the dDCO.
<p>The overall width of the deck of Porter Street pedestrian, cycle and disabled user bridge is 3.5m as shown on Engineering Drawings and Plans, Structures Details Regulations 5(2)(o) & 6(2)(a) – Porter Street Bridge Sheet 1 of 2 (TR010016/APP/2.6(F) [APP-009]. The plan also specifies “3m clear width between parapets”. This 3m clear width within which non-motorised users would comfortably travel is the dimension used for the purposes of the assessments within the ES including Environmental Statement (ES), Volume 1 Chapter 14 People and communities [APP-023], ES Chapter 15 Effects on all travellers [APP-023] and ES Volume 3 Appendix 14.2 Equality Impact Assessment [APP-059].</p> <p>The DCO Documents Errata clarifies that ES Section 2.6.38 should be amended to state: “<i>The bridge deck width would be 3m between parapets to allow for un-segregated foot and cycle use.</i>”</p>		
1.0.10	Applicant	<p>Habitats Regulations Assessment</p> <p>The Applicant’s screening report suggests that impacts to the European site will be managed through a network of on-site attenuation features to retain surface water run-off. Can the Applicant explain what these features are and include details of where they are to be located and how they will operate? The Applicant should also explain what confidence it has in the overall efficacy of such measures to reduce impacts on the European site to a level that would avoid effects on integrity.</p>
<p>The network of on-site attenuation features is referred to in the Assessment of Implications on European Sites (AIES) (Habitat Regulations Assessment) Screening Report – No Significant Effects at Section 3.27 and Appendix C: PINS Advice Note 10 Appendix 1 Screening Matrices, Evidence supporting conclusions (a) [APP-069].</p>		

ExQ1	Question to:	Question:
		<p>Since the submission of the DCO it has been confirmed that surface water drainage from the underpass will not discharge to the Humber but instead all runoff from the operational Scheme area will be accepted by Yorkshire Water. Therefore, both the proposed at-grade and underpass drainage systems will discharge to the sewer system as described below.</p> <p>The proposed at-grade drainage system (Drainage Engineering Drawings [APP-010]) will discharge into the existing Yorkshire Water sewer. Highway surface water flows would be diverted into an underground drainage network by combined kerb drains and existing gullies. The proposed at-grade drainage would discharge flows into the existing sewer network at the existing or reduced rate including a 30% attenuation allowance for climate change. Flows greater than existing rates would be attenuated below ground in oversized pipes to avoid flooding of the carriageway for a 1 in 5 year event.</p> <p>The proposed underpass drainage (Drainage Engineering Drawings [APP-010]) would be designed to protect against flooding on the A63 in a 1 in 100-year return period rainfall event, with a 30% allowance for climate change. The drainage design also accounts for overland flows (external to the Scheme drainage area) entering the underpass and the westbound diverge slip road (which ultimately discharges to the underpass drainage) during such an event. Attenuation is provided within the underground drainage network and the storage associated with the wet well of the underpass drainage pumping station. The location of this is identified in TR010016/APP/2.6(M) as part of Engineering Drawings and Sections [APP-009]. The pumping station will discharge at a rate of 200 l/s which is based on the peak flow rate from a 1 in 5 year event. Storage in the wet well and the underground drainage network will accommodate a 1 in 100 year event without flooding in the underpass.</p> <p>The AIES Screening Report considers the limited on-site attenuation measures described above. It concludes that there are no significant effects to the European Sites and therefore there are no significant effects to their integrity.</p>
1.0.11	Applicant	<p>Habitats Regulations Assessment Please comment on whether, in reaching the conclusion an Appropriate Assessment is not necessary, regard was had to the judgment in People over Wind and Sweetman v Coillte Teoranta (C-323/17) and also the reliance</p>

ExQ1	Question to:	Question:
		placed on measures included in the drainage design of the Proposed Development.
<p>Assessment of Implications on European Sites (Habitat Regulations Assessment) Screening Report [APP-069] concludes that without mitigation, the proposed development would cause “No Significant Effects” to the European Sites located within 2km of the Scheme either alone or in-combination with other projects and plans. Therefore Stage 2 Appropriate Assessment was not required.</p> <p>The conclusion was reached with due regard to the judgement made by the Court of Justice of the European Union (CJEU) in the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17). This is referenced within Section 1.1.5 of the AIES Screening Report. As a consequence, the Screening Report does not take into account mitigation measures, including aspects such as timing restrictions.</p> <p>The conclusion reached in the Stage 1 Screening Report that a Stage 2 Appropriate Assessment is not necessary takes into account the recent agreement with Yorkshire Water for the Scheme to utilise the Yorkshire Water drainage network which removes the proposed long rising main and drainage outfalls into the River Humber from the drainage design of the Scheme.</p>		
1.0.12	Applicant	<p>Other consents Section 4 of the Outline Environmental Management Plan indicates that the applicant will need Listed Building Consent and Scheduled Monument Consent for the scheme. It appears that this may be incorrect, having regard to the provisions of s33 of the 2008 Act. Could you please review the OEMP in the light of this and ensure that it accurately and completely identifies the additional consents that are needed.</p>
<p>Under s33 (1f) and (1i) of the 2008 Act, consent under section 2(3) or 3 of the Ancient Monument and Archaeological Areas Act 1979 and consent under section 8(1), (2) or (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 would not be required under the granting of a Development Consent Order. The Statement of Common Ground with Historic England notes that</p>		

ExQ1	Question to:	Question:
<p>the grant of development consent obviates the need for certain separate consents, including those under the Planning (Listed Building and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979.</p>		
<p>The DCO Documents Errata clarifies that the final two sections of Outline Environmental Management Plan (OEMP), Section 4.2.3 Table 4.1 [APP-072] will be updated accordingly.</p>		
1.1.	Air Quality and Related Emissions	
1.1.1.	The Applicant, HCC	<p>Objectives</p> <ul style="list-style-type: none"> • Why wasn't improvement in air quality an objective of the scheme, given its location in an Air Quality Management Area? Should it have been an objective? • In the absence of a specific objective, what is the minimum the scheme should seek to achieve in terms of air quality and would it achieve it?
<p>As stated at Environmental Statement (ES) Volume 1 Section 2.3.2 [APP-023], the overall key objectives of the Scheme are:</p> <ul style="list-style-type: none"> • <i>“Improved access to the Port of Hull</i> • <i>Congestion relief</i> • <i>Improved safety</i> • <i>Improved connections between the city centre to the north and developments and tourist and recreational facilities to the south”</i> <p>Congestion is a key contributor to poor air quality and therefore by setting the aim of reducing congestion, the Scheme aims are closely linked to air quality improvements. In addition, the Scheme is required to comply with local Planning Policy. As stated at Section 6.3.24, the Hull Air Quality Action Plan sets out measures to improve air quality. As explained at Section 6.3.25, its primary aim is: <i>“To achieve the National Air Quality objective for nitrogen dioxide (annual average), of 40 µg/m³, within the Air Quality Management Area for the A63 Trunk Road (AQMA No.1 Order 2005).”</i></p>		

ExQ1	Question to:	Question:
<p>Therefore, considering the above, it is considered a specific air quality objective for the Scheme was not required as air quality was covered under the other objectives of the Scheme and within local Planning Policy.</p>		
<p>In the absence of specific air quality objectives for the Scheme, the impacts of the Scheme have been considered with regards to compliance with local planning policy and national legislation. The Scheme impacts have therefore been assessed in accordance with the criteria set out within Interim Advice Note (IAN) 174/13 “<i>Updated advice for evaluating significant local air quality effects for users of DMRB Volume 11, Section 3, Part 1 ‘Air Quality (HA207/07)’</i>”, which takes into account the requirements of the European Union’s Limit Values, national air quality objectives and local Air Quality Management Areas (AQMA). Based on this guidance, it is expected that as a minimum, a Scheme should seek to not result in significant adverse air quality impacts.</p>		
<p>The assessment undertaken concluded the Scheme is not predicted to result in significant air quality impacts and therefore meets this minimum requirement. It should be noted, the Scheme is predicted to result in improvements in air quality at some sensitive receptors exceeding the objective and removes the exceedances of the NO₂ objective at some properties within the Hull AQMA. The Scheme is therefore considered to comply with the relevant objectives outlined within local planning policy and national legislation</p>		
1.1.2.	The applicant, HCC	<p>Measures to improve air quality Are there any measures, either physical works or operational matters, which could be taken to improve air quality and/or mitigate the effects of the scheme?</p>
<p>Section 6.7 of Environmental Statement (ES) Volume 1 Chapter 6 Air quality [APP-023] outlines the construction phase mitigation to be included in the Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068] which will be subsequently carried forward into the Construction Environmental Management Plan (CEMP).</p>		
<p>IAN 174/13 outlines the approach to mitigation for the operational phase and states “<i>The air quality assessment and judgement of significance is an iterative process as illustrated in Figure 1.1. Where a scheme has been determined to have a significant effect (Section 3.1) then mitigation measures need to be considered to minimise effects.</i>” (sic)</p>		

ExQ1	Question to:	Question:
<p>The assessment presented in Chapter 6 Air quality, Section 6.8.52 concludes that there are no significant air quality effects associated with the Scheme. On this basis no further mitigation has been proposed. This conclusion is consistent with policy advice provided in Sections 5.14 and 5.15 of the National Policy Statement for National Networks. It is also in line with other DCO schemes, such as the M20 Junction 10a, where no operational air quality mitigation was proposed as there were judged to be no significant air quality impacts.</p>		
1.1.3.	The Applicant	<p>Environmental Impact Assessment – Receptor sensitivity An assessment of value/ sensitivity of receptors is provided at section 6.5.57 of the ES, but as per Table 6.5 of the ES it appears that the assessment of significance is based on magnitude of change criteria only. Please provide an explanation of how the sensitivity of receptors has been taken into account in the overall assessment of significance for this aspect.</p>
<p>IAN 174/13 sets out the approach for assessing the significance of air quality impacts. As described within IAN 174/13, the air quality assessment should include all sensitive receptors that have a reasonable risk of exceeding an air quality threshold. The IAN states <i>“Receptors are as defined in Defra’s Local Air Quality Management Technical guidance (LAQM.TG(09) includes houses, schools and care homes etc... and ecological receptors as set out in DMRB v11, s3, p1 (HA207/07).”</i></p> <p>All receptors where the air quality thresholds apply and which could experience an exceedance in the opening year are considered within the assessment. In accordance with IAN 174/13, only receptors which are predicted to exceed the air quality thresholds in either the “without Scheme” or “with Scheme” scenarios are included in the judgement of significance.</p>		
1.1.4.	The Applicant	<p>Environmental Impact Assessment – Change magnitude Paragraph 6.5.59 states “sensitive receptors that have a reasonable risk of exceeding an air quality threshold have been assessed in both the Do Minimum and Do Something scenario” in assessing the magnitude of change</p>

ExQ1	Question to:	Question:
		<p>criteria. Please can the Applicant confirm how this “reasonable risk” of exceeding an air quality threshold was assessed, and how it arrived at its decision as to which sensitive receptors met this test.</p>
<p>Environmental Statement (ES) Volume 1 Chapter 6 Air quality Sections 6.5.42 to 6.5.43 [APP-023] provide an explanation of the choice of receptors which met the test of “reasonable risk” of exceeding an air quality threshold and how the decision as to which receptors to include in the assessment was reached as follows:</p> <p><i>6.5.42. . . A total of 98 residential receptors were selected for the assessment at worst case locations within 200m of the affected road network as shown in Volume 3, Appendix 6.2 Local air quality receptor results and indicated in Volume 2, Figure 6.5 Modelled receptor locations (human health). Worst case locations were selected where total pollutant concentrations were expected to be greatest (typically closest receptors to roads), or where the greatest change in air quality was anticipated based on the traffic impacts. All receptors considered to be at risk of exceeding NO2 objectives were included in the model, based on the baseline NO2 concentrations monitored and the criteria above. Human health receptors were modelled at the height of residential properties ranging from ground floor (1.5m) to second floor height (7.5m) as shown in Volume 3, Appendix 6.2 Local air quality receptor results.”</i></p> <p><i>6.5.43 “Receptors for the Fruit Market Development, which would be open prior to the Scheme, have also been included within this assessment. These are receptors 14 and 15 presented in Volume 2, Figure 6.5 Operation Phase: Modelled receptor locations (human health).”</i></p> <p>Table 6.2 [APP-023]also shows the locations where the air quality objectives should and should not apply.</p>		
1.1.5	The Applicant	<p>Environmental Impact Assessment – Mitigation</p> <p>Paragraph 6.7.1 of the ES provides a list of the construction mitigation measures that are to be secured through the OEMP and form part of the CEMP. However, this list does not include the construction traffic management measures outlined at Table 6.3 of the ES, and no reference is made as to how</p>

ExQ1	Question to:	Question:
		these measures will be secured. Please confirm how those mitigation measures outlined in Table 6.3 of the ES are to be secured.
	<p>The Outline Environmental Management Plan (OEMP) [APP-072] and Register of Environmental Actions and Commitments (REAC) [APP-068] state that a Traffic and Transport Management Plan (TTMP) will be produced to support the Construction Environment Management Plan (CEMP).</p> <p>The traffic management measures outlined in Environmental Statement (ES) Volume 1, Chapter 6 Air quality, Table 6.3 [APP-023] will be included within the TTMP and also as per the Draft DCO Schedule 2 Part 1 Requirements 10 Traffic Management (1) [APP-015]: <i>“No part of the authorised development is to commence until a traffic management plan for that part has been submitted and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function”.</i></p> <p>The DCO Documents Errata clarifies that ES Section 2.6.38 should be amended to state: <i>“The bridge deck width would be 3m between parapets to allow for un-segregated foot and cycle use.”</i></p>	
1.2.		Biodiversity (including Habitats Regulations Assessment (HRA))
1.2.1.	Applicant	Bird nesting season Should the bird nesting season within the OEMP be defined? If so, what should it be?
		The Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068] reference E5 should include <i>“Clearance of potential bird nesting habitat to take place outside of the March – August (inclusive) breeding season (in particular for bats and birds). Destruction of nests would be avoided by sensitive timing of works.”</i> The section in this sentence which is in brackets <i>“(in particular for bats and birds)”</i> should now be deleted as the breeding season is different for bats and birds.

ExQ1	Question to:	Question:
<p>For clarification, an additional bullet has been added to reference E5 regarding the limitation of impacts to bats during vegetation clearance as follows:</p> <ul style="list-style-type: none"> • “<i>Felling of trees to be undertaken only in September/October and April to take account of the sensitive roosting periods for bats</i>”. <p>The DCO Documents Errata clarifies that these changes are required.</p>		
1.2.2.	Applicant	<p>Non-statutory Sites</p> <p>The key on the Environmental Statement Figure 10.2 (non-statutory designated site) is incorrect, as already mentioned within the S56 advice. Please provide a new Figure 10.2 to address the issues identified at acceptance.</p> <p>Not all non-statutory sites located within 2Km of the Proposed Development have been included in the assessment. For example, the mudflats to the south of Sammy’s point is discounted but it is located only 250m from the Proposed Development. Please explain the rational for this.</p>
<p>An amended Environmental Statement (ES) Volume 2 Figure 10.2 [APP-032] with the key corrected is provided in the DCO Documents Errata. Additionally, “<i>Site of Nature Conservation Interest (SNCI) Foredyke stream cycle track – south of Chamberlain Road (177)</i>” should be removed from ES Volume 1 Chapter 10 Ecology and nature conservation Table 10.4 [APP-023] as when re-measured it is 2.2km i.e. over 2km from the Scheme Site boundary.</p> <p>In accordance with data received from North East Yorkshire Ecological Data Centre and as shown on the Hull City Council Local Plan proposals map, all non-statutory sites within 2km of the development are included on ES Volume 2 Figure 10.2. The 2km zone is in accordance with the Chartered Institute of Ecological and Environmental Management (CIEEM) Ecological Impact Assessment (EclA)</p>		

ExQ1	Question to:	Question:
<p>guidance (2016). The desk study was undertaken before the guidelines were updated in 2018, but the guidelines regarding the zone of influence did not change.</p> <p>The mudflats to the south of Sammy’s Point SNCI (255) as referenced at Table 10.4 are 250m from the Site boundary and should be included in Figure 10.2. The mudflats should be considered in the chapter alongside the River Hull SNCI (168) which will be amended accordingly at the following locations:</p> <ul style="list-style-type: none"> • At Table 10.8 Summary of valuation of ecological receptors • Under sub heading Non-statutory designated sites after Section 10.7.17 and after Section 10.7.54 • At Table 10.9 Characterisation process of ecological impacts (see also response to WQ1.2.6) • Under sub heading Construction effects after Section 10.8.11 • Under sub heading Operation after Section 10.8.31 • At Table 10.10 Summary of ecological receptors <p>All the amendments detailed above are included in the DCO Documents Errata.</p>		
1.2.3.	Applicant, Natural England	<p>Breeding Bird surveys</p> <ul style="list-style-type: none"> • Please explain the rationale behind the decision to concentrate four breeding bird visits between May and June 2016. Can the Applicant be sure that this would not result in the underestimation of bird numbers present on site? • Neptune Street site compound is also considered suitable for breeding birds, but no breeding bird surveys have been conducted at this location. The ES states that the compound at Neptune Street was added to the project after the surveys were conducted. What certainty can there be that

ExQ1	Question to:	Question:
		<p>the likely significant effects have been identified correctly in view of this omission?</p> <ul style="list-style-type: none"> • Can the Applicant please advise whether there is any functional link between Neptune Street and the Humber Estuary in terms of both wintering and breeding birds? • Can the Applicant engage with Natural England and provide evidence that there is agreement that the level of surveys conducted is enough to reach the conclusions that the project will not have a likely significant effect on birds present within the Humber Estuary all year around?
<ul style="list-style-type: none"> • The potential compound sites that required breeding bird surveys were not identified as potential compound sites by the Scheme developers until May 2016 thereby the surveys were undertaken during this time period. The rest of the Scheme and other compounds that were not surveyed for breeding birds did not contain suitable habitat to support breeding or wintering birds for the Humber Estuary designations. <p>The results from the May and June 2016 surveys show resident bird species and not species that have migrated to breed in the compounds. Had any migratory birds been found breeding in the compounds in May and June, it could have indicated that bird numbers for April had been underestimated. However, the resident bird numbers that were recorded breeding, were not likely to have been in greater numbers during April as they would still have been present on site in May to be recorded during the May survey. This along with the enclosed nature, small size and the ephemeral habitats present in in the compounds suggests that numbers that may have been present in April would not have resulted in a significant underestimation based solely on the May and June numbers.</p>		

ExQ1

Question to:

Question:

- Neptune Street was first identified as a potential site compound in July 2016 and access was not granted until August 2016 after the breeding bird surveys had been undertaken and outside of the survey season. Work on the Scheme was paused in 2017 which prevented surveys being undertaken in the breeding bird season (March/April to June). Neptune Street compound was removed from the Scheme in January 2018 as it was considered a “backup” site but was then incorporated back into the Scheme on 22 May 2018 due to change in availability of alternative sites. These timescales prevented a suite of breeding bird surveys being undertaken at this compound site.

Despite this omission, it is considered that significant effects have been correctly identified with regards to breeding birds in the Neptune Street site compound. This compound, unlike the others surveyed, is not directly adjacent to the Humber Estuary. Between Neptune Street and the Humber Estuary there is Albert Dock, of which the northern and southern dock walls (Riverside Quay) are subject to industrial use. As a result, there is likely to be more disturbance at Neptune Street compound than the other compounds surveyed and likely to be fewer nesting birds because of this. Despite the ecology assessment concluding with probable certainty that there would be no significant effects to breeding birds at Neptune Street compound, measures have been implemented to prevent impacts to birds during clearance (see Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068] reference E5). The mitigation measures to prevent effects upon the Estuary designated sites have been accepted by Natural England.

- There is no functional link between Neptune Street and the Humber Estuary in relation to wintering birds as the surveys undertaken show a sighting of only one species that the Humber Estuary is designated for (Mallard *Anas platyrhynchos*). This was recorded flying over the site and not using it to forage or loaf in – see Environmental Statement (ES) Volume 3 Appendix 10.4 Wintering Bird Surveys [APP-050]. The Humber Estuary is not directly adjacent to Neptune Street, with Albert Dock and two dock walls lying between them. The Humber Estuary, where it is adjacent to Albert Dock is not a mudflat or saltmarsh and the substrate is not exposed during low tides. There is likely to be more disturbance at Neptune Street compound than the other compounds surveyed due to its industrial use. As a consequence, there are likely to be fewer nesting birds and these are less likely to be waterfowl due to the small enclosed nature of the compound. The mitigation measures to prevent effects upon the Estuary designated sites have been accepted by Natural England, and along with the measures to prevent impacts to birds

ExQ1	Question to:	Question:
<p>during clearance in the OEMP and REAC at reference E5, it has been assessed with probable certainty that there will be no significant effects on breeding birds at Neptune Street compound.</p> <p>It is not definitely known whether there is a functional link for breeding birds from the Humber Estuary as surveys could not be undertaken. However as explained in the response to Written Question 1.2.3, it was concluded that due to the industrial nature of Neptune Street, its location and levels of disturbance, the site is only likely to be used by common urban species and therefore there is no likely functional link to the wider bird assemblages found in Humber Estuary.</p> <ul style="list-style-type: none"> Natural England have been consulted throughout the lifetime of the Scheme. In particular, Natural England have agreed with the conclusions in the Assessment of Implications on European Sites (AIES) (Habitat Regulations Assessment) Screening Report [APP-069] that the Scheme will have no significant effects upon the birds present in the Humber Estuary all year round. This decision was based upon the levels of surveys already undertaken. Evidence is provided in the Statement of Common Ground with Natural England. 		
1.2.4.	Applicant	<p>Wintering Bird surveys</p> <ul style="list-style-type: none"> Can the Applicant explain why wintering bird surveys were conducted only during January and February 2017, contrary to the recommended methodology included at, Appendix 10.3 para 5.3.1 of the Environmental Statement? Please provide evidence that the concentration of survey effort within only two months has not led to the underestimation of the site's importance for wintering birds. Could this have altered the results of the Likely Significant Effects assessment? Please explain the extent to which the assessment of impacts on birds takes into account behavioural patterns linked to the tidal regime.

ExQ1

Question to:

Question:

- Delays in procuring a bird surveyor and difficulties with conducting surveys during high tides and low tides during daylight hours in December along with the Christmas holiday period meant that wintering bird surveys could not be conducted until January 2017.
- The results from the January and February 2017 surveys show only resident bird species. Should any non-resident overwintering birds have been found in the compounds in January and February, this may have indicated that bird numbers recorded were not accurate and some may have been missed. The results of the bird surveys recorded only resident birds that would be present throughout the winter. These were not likely to have been present in significantly greater numbers during November and December than January to February.

This along with the enclosed nature, small size and the ephemeral habitats present would suggest that the importance of the site for wintering birds in November and December would not have been significantly underestimated as most waterfowl prefer open, larger areas to forage and loaf in.

Natural England have been consulted throughout the lifetime of the Scheme. In particular, Natural England have agreed with the conclusions in the Assessment of Implications on European Sites (AIES) (Habitat Regulations Assessment) Screening Report [APP-069] that the Scheme will have no significant effects upon the wintering birds present in the Humber Estuary all year round. This decision was based upon the levels of surveys already undertaken. Evidence is provided in the Statement of Common Ground with Natural England.

- As stated in Environmental Statement (ES) Volume 3 Appendix 10.3 Section 4 and Appendix 10.4, Section 4 [APP-050], the species recorded both in the low tide and high tide surveys, with the exception of redwing, were resident species i.e. all birds recorded would not have specific behaviours associated with the tidal regime.

ExQ1	Question to:	Question:
<p>Birds out in the Estuary that were not within the survey area but would exhibit behaviour patterns related to the tidal regime, were screened out from impacts in the Assessment of Implications on European Sites (AIES) (Habitat Regulations Assessment) Screening Report [APP-069] because noise and vibration levels would be too low to disturb the birds and any adverse effects to water quality and sedimentation would not affect them due to dilution effects.</p>		
1.2.5.	Applicant, Natural England	<p>Potential Bat Roost - Earl de Grey public house</p> <ul style="list-style-type: none"> • The Applicant has assumed there is no bat roost present at the Earl de Grey public house. However, this finding is based on a survey which is not in line with the 2016 Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition. Can the Applicant explain the confidence it has in this assumption and what mitigation measures are in place in the event that the assumption is found to be incorrect? • Can the Applicant provide evidence that Natural England would provide a disturbance licence in the event that the assumption that no bat roost will be affected is proved to be incorrect? • Is there a need for any further bat surveys at the building?
<ul style="list-style-type: none"> • Although a bat roost had not been found at the time of writing the Environmental Statement (ES) Volume 1 Chapter 10 Ecology and nature conservation [APP-023] , the Earl de Grey public house is to have a further four emergence/re-entry surveys on separate days undertaken between April and June 2019 to be as certain as possible of the presence or likely absence of a bat roost. <p>In the event that a bat is found roosting in the building, which can happen even when a thorough suite of bat surveys has been undertaken, mitigation measures already included in the Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068] at reference E6 are “that demolition of the Earl de Grey</p>		

ExQ1	Question to:	Question:
		<p>public house and trees in Trinity Burial Ground SNCI would be overseen by a bat licensed ECoW.” In the event of a bat roost, the bat licensed ECoW would cease works and contact Natural England. If the surveys to be undertaken in April to June 2019 find the presence of roosting bats, the Applicant will consult Natural England regarding obtaining a European Protected species mitigation licence.</p> <ul style="list-style-type: none"> • Natural England do not provide statements on hypothetical licences. If a licence is required, the guidance on the GOV.UK website European Protected Species: Mitigation Licensing – How to get a licence” (WML-G12) will be followed. • Four further emergence or re-entry bat surveys are to be carried out between April and June 2019 as explained above.
1.2.6.	Applicant	<p>Impact Assessment</p> <p>Potential impacts are summarised at Table 10.9 of the ES. The Table does not clearly differentiate between construction and operational impacts. Please provide an explanation of the impacts listed in Table 10.9, clearly separating potential impact emerging from construction and operations.</p>
<p>The table below shows information taken from Environmental Statement (ES) Volume 1 Chapter 10 Ecology and nature conservation Table 10.9 Characterisation process of ecological impacts [APP-023], with impacts separated into a column for construction and a column for operation. The details are also included in the DCO Documents Errata.</p>		
<p>Resource</p>	<p>Proposed activity, biophysical change, related to receptor structure and function (impact) during construction</p>	<p>Proposed activity, biophysical change, related to receptor structure and function (impact) during operation</p>

ExQ1	Question to:	Question:
<p>Humber Estuary Value: International</p> <p>Conservation of Habitats and Species Regulations 2017</p>	<p>Potential impacts from piling into Humber Dock Marina during construction of Princes Quay footbridge would include noise, vibration, dust, sedimentation, groundwater contamination and silting.</p> <p>Potential air quality impact small % of NOx increase on existing amounts. Potential death, injury or disturbance to marine fauna during construction of Princes Quay footbridge.</p>	<p>Potential discharge of pollution from A63 to enter the Estuary through drainage system. Unknown impact on tidal mud and shales.</p> <p>(Drainage design has since changed and surface water will be entering the existing Yorkshire Water system).</p> <p>Potential pollution impacts during operation from spillages in underpass due to higher drainage area.</p> <p>Potential air quality impact small % of NOx increase on existing amounts.</p>
<p>Trinity Burial Ground SNCI Value: County / Unitary Authority Area</p> <p>Hull City Council designation</p>	<p>Permanent loss of 36 veteran mature trees (additional 36 to facilitate disinterment) and woodland understorey.</p> <p>Lighting of SNCI during construction at night</p>	<p>Light pollution from new junction during operation.</p>
<p>River Hull SNCI and Mudflats to the south of Sammy's Point SNCI</p> <p>Mudflats to the south of Sammy's Point SNCI</p>	<p>Indirect impacts from pollution during construction.</p>	

ExQ1	Question to:	Question:
<p>Value: County / Unitary Authority Area</p> <p>Hull City Council designation</p>		
<p>UKBAP (NERC Act 2006 S41) Priority Habitats –</p> <p>Value: National</p> <p>‘deciduous woodland’ and broad-leaved woodland’ – Trinity Burial Ground SNCI.</p> <p>‘mudflats’, ‘saltmarsh’, ‘intertidal substrate foreshore – mud’ Princes Dock; Humber Dock basin; Adjacent to site compounds at Neptune Street, Wellington Street Island Wharf and Livingstone Road.</p> <p>‘Intertidal substrate foreshore – man made – Humber Dock Marina; Princes Dock.</p> <p>Section 41 of the NERC Act 2006</p>	<p>Trinity Burial Ground as in SNCI above.</p> <p>Indirect and direct impacts from pollution spillages during construction.</p> <p>Humber Dock Marina would be directly impacted by piling to create supports for the deck that would carry the proposed Princes Quay footbridge (noise, vibrations, and disturbance of sediments).</p> <p>Impacts from the moving of Spurn Lightship could include additional disturbance of sediments.</p>	

ExQ1	Question to:	Question:
<p>Scattered Amenity Trees</p> <p>Value: Local – main site</p> <p>Hull City Council Local Biodiversity Action Plan</p>	<p>245 amenity trees (outside of Trinity Burial Ground) are to be removed to accommodate the Scheme.</p>	
<p>Standing Water</p> <p>Value: Regional – Humber Dock Marina; Railway Dock ‘regularly occurring populations of species which may be considered at an International level’ (IAN 130/10)</p>	<p>Humber Dock Marina would be directly impacted by piling to create supports for the deck that would carry the proposed new Princes Quay Bridge (noise, vibrations, and disturbance of sediments).</p> <p>Impacts from moving of Spurn Lightship could include additional disturbance of sediments.</p> <p>Impacts from indirect pollution during construction.</p>	
<p>Ephemeral / short Perennial</p> <p>Value: Local - site compounds at Wellington Street Island Wharf, Livingstone Road and Neptune Street</p>	<p>Impacts from loss of vegetation during site clearance.</p>	

ExQ1	Question to:	Question:
Section 41 of the NERC Act 2006 Hull City Council Local Biodiversity Action Plan		
Hedgerows Value: Local - site compounds at Livingstone Road, A63 eastbound recovery base and Staples site; car park site at the Myton Centre.	Loss of 5 x species-poor intact hedgerows, four of which are not connected to the wider surrounds or act as a green corridor. One is (A63 eastbound recovery base) connected to the wider area as it runs alongside the verge of the A63.	
Section 41 of the NERC Act 2006 Terrestrial Invertebrates Value: Local - Trinity Burial Ground SNCI; site compounds at Wellington Street Island Wharf, Livingstone Road and Neptune Street	Woodland in Trinity Burial Ground has potential to support UKBAP and Hull BAP species. Habitat to be lost. Ephemeral / short perennial habitat in other two compounds has potential to support UKBAP and Hull BAP species. Habitat to be lost.	
Section 41 of the NERC Act 2006 Hull City Council Local Biodiversity Action Plan Aquatic Invertebrates Value: National – Humber Estuary SSSI	Potential impacts from pollution events during construction (death or injury), disturbance from piling to install Princes	

ExQ1	Question to:	Question:
<p>The Wildlife and Countryside Act 1981 as amended (primarily by the Countryside and Rights of Way Act 2000)</p> <p>Value: Local – River Hull SNCI; Mudflats to the south of Sammy's Point SNCI</p> <p>Section 41 of the NERC Act 2006</p>	<p>Quay Bridge including noise, vibration, disturbance of sediments.</p> <p>Potential impacts (death or injury), from pollution events during construction.</p>	
<p>Fish (Sea and river lamprey)</p> <p>Value: International - Humber Dock Marina; Railway Dock; site compounds at Neptune Street, Wellington Street Island Wharf and Livingstone Road;</p> <p>Conservation of Habitats and Species Regulations 2017</p> <p>Fish (European eel, salmon, sea trout)</p> <p>Value: Local - Humber Dock Marina; Railway Dock; site</p>	<p>Direct impacts (injury, death, disturbance) to fish are likely during the piling works to construct Princes Quay Bridge.</p> <p>Indirect disturbance impacts from noise, vibration and sediment disturbance during construction.</p> <p>Impacts (death, injury) from indirect pollution during construction.</p>	

ExQ1	Question to:	Question:
<p>compounds at Neptune Street, Wellington Street Island Wharf and Livingstone Road</p> <p>Section 41 of the NERC Act 2006</p> <p>Eels (England and Wales) Regulations 2009</p>		
<p>Reptiles</p> <p>Value: Local - site compound at the A63 eastbound recovery base</p> <p>The Wildlife and Countryside Act 1981 as amended</p>	<p>Impacts from loss and severance of habitats. Potential killing or injury during site clearance.</p>	
<p>Birds</p> <p>Value: International - site compounds at Neptune Street, Wellington Street Island Wharf and Livingstone Road</p> <p>Conservation of Habitats and Species Regulations 2017 Wildlife and Countryside Act 1981 (as amended)</p>	<p>International - In all three site compounds, bird species the Humber Estuary was designated for were observed either adjacent to the site compounds in the mudflats or flying over the site compounds. Impacts to these bird species are likely to be from pollution or noise, vibration and sight disturbance during construction.</p>	<p>Light pollution from new junction during operation due to lack of trees.</p> <p>Lighting of Trinity Burial Ground SNCI during operation at night</p>

ExQ1	Question to:	Question:
<p>Value: Local - Main site; Trinity Burial Ground SNCI; site compounds at land south east of Mytongate Junction, A63 eastbound recovery base, Arco site and Staples site; car park site at the Myton Centre</p> <p>Section 41 of the NERC Act 2006</p> <p>Hull City Council Local Biodiversity Action Plan</p>	<p>Local – loss of breeding habitat. Lighting of Trinity Burial Ground SNCI during construction at night</p>	
<p>Aquatic mammals</p> <p>Value: International - Humber Dock Marina; Railway Dock; site compounds at Neptune Street, Wellington Street Island Wharf and Livingstone Road</p> <p>Conservation of Habitats and Species Regulations 2017. Wildlife and Countryside Act 1981 (as amended)</p>	<p>Grey seals may venture onto the site and fall in trenches causing injury or death. They could be disturbed by the lighting during construction.</p> <p>Disturbance during construction of Princes Quay Bridge from noise, vibration and sediment disturbance.</p> <p>Impacts from indirect pollution and lighting during construction.</p>	

ExQ1	Question to:	Question:	
<p>Bats Pipistrelle bats</p> <p>Value: Local – All areas</p> <p>Conservation of Habitats and Species Regulations 2017. Wildlife and Countryside Act 1981 (as amended)</p>		<p>Loss of potential roosts within trees and old wall in Trinity Burial Ground.</p> <p>Small possibility of unidentified roost presence in trees in Trinity Burial Ground SNCI when felling.</p> <p>Loss of foraging area for a small number of pipistrelle bats in Trinity Burial Ground and severance of commuting route to it across Mytongate Junction.</p> <p>Lighting of Trinity Burial Ground SNCI during construction at night.</p>	<p>Light pollution from new junction during operation due to lack of trees.</p>
<p>Otters</p> <p>Value – Local - Humber Dock Marina; Railway Dock; site compounds at Neptune Street, Wellington Street Island Wharf and Livingstone Road</p> <p>Conservation of Habitats and Species Regulations 2017. Wildlife and Countryside Act 1981 (as amended)</p>		<p>Otters may venture onto the site and fall in trenches.</p> <p>Disturbance during construction of Princes Quay Bridge from noise, vibration and sediment disturbance.</p> <p>Impacts from indirect pollution and lighting during construction.</p>	

ExQ1	Question to:	Question:
<p>Hedgehogs</p> <p>Value: Local – Terrestrial areas</p> <p>Section 41 of the NERC Act 2006</p>	<p>Woodland to be permanently lost in Trinity Burial Ground SNCI has potential to support hedgehogs.</p> <p>Habitats elsewhere to be temporarily lost. Impacts to individuals during vegetation clearance.</p>	
<p>Invasive species</p> <p>Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)</p> <p>cotoneaster (main site – A63 and Market Place junction and A63 and Queen Street junction); land south east of Mytongate Junction</p>	<p>Legal impact of allowing these species to spread.</p>	
<p>1.2.7.</p>	<p>Applicant</p>	<p>Biodiversity – NN NPS</p> <p>Paragraph 5.33 of NN NPS indicates that, when considering a proposal, the SoS should consider whether the Applicant has provided opportunities for building in beneficial biodiversity or geological features as part of good design, in and around the development. Please explain how the proposal addresses this and how any gains would be measured and secured.</p>

ExQ1	Question to:	Question:
		<p>The Scheme's conformity with the National Policy Statement for National Networks is set out within the Planning Statement Sections 2.7.4 – 2.7.8 and 5.2.3 – 5.2.11 [APP-070] and accompanying document National Networks National Policy Statement (NN NPS) Accordance Table, Table 4, pages 38 – 41 [APP-071].</p> <p>There is limited scope for beneficial biodiversity enhancement to be associated with the Scheme due to the constrained urban nature of the Scheme Site. However, benefits for biodiversity are achieved through the Landscape and Ecological Management Plan (LEMP), which is secured by the Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068], which at reference L4 clarifies the requirements for ensuring the successful establishment of the proposed landscape design. As stated <i>“Maintenance should be undertaken in accordance with the Landscape and Ecology Management Plan (LEMP) to ensure the establishment and continued growth of new plant stock to ensure proposed mitigation planting meets its objectives as presented in the Environmental Masterplan.”</i></p> <p>Proposed mitigation at Wellington Street Island Wharf, Neptune Street and Livingstone Road compounds involves retaining an area of ephemeral/short perennial habitat in a corner of each site throughout the works to retain a seed source. Subsequent compensation involves leaving the site to revegetate naturally upon completion of works, which would happen quickly due to the nature of the habitat.</p>
1.2.8.	Applicant	<p>Mitigations measures</p> <p>As part of compensation for the loss of mature trees within Trinity Burial Ground the Applicant is proposing to replant 55 larger native semi mature trees close to Trinity Burial Ground. Are any measures proposed for the event that the tree planting fails?</p>

ExQ1	Question to:	Question:
		Vegetation removal at Wellington Street Island Wharf, Neptune Street and Livingstone Road compounds would affect UKBAP habitat. How is it proposed that the proposed mitigation measures would be secured?
<p>Aftercare of landscaped areas will be for a two year period after completion. This will be the responsibility of the Principal Contractor who would be required to replace failed planting of trees and shrubs during this time.</p> <p>The Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068] at reference L4 clarify the requirements for ensuring the successful establishment of the proposed landscape design. As stated <i>“Maintenance should be undertaken in accordance with the Landscape and Ecology Management Plan (LEMP) to ensure the establishment and continued growth of new plant stock to ensure proposed mitigation planting meets its objectives as presented in the Environmental Masterplan.”</i></p> <p>At the end of the Aftercare period, parts of the Scheme landscape will be handed over to Hull City Council as clarified in the OEMP and REAC reference L5 as <i>“including hard and soft landscaping adjacent to the A63 highway and the underpass, the replacement public open space at the Myton Centre, works to Trinity Burial Ground including the maintenance of paths and historic features such as monuments.”</i> AOne+ on behalf of Highways England will become responsible for the landscape along the A63 including trees and shrub planting.</p> <p>The handover requirements for maintenance and monitoring for both parties will be specified in the Handover Environmental Management Plan (HEMP).</p> <p>The proposed mitigation measures for vegetation removal at Wellington Street Island Wharf, Neptune Street and Livingstone Road compounds are a Scheme requirement which is secured in the OEMP and REAC at references E4 and E5 and delivered by the Principal Contractor during the works.</p>		

ExQ1	Question to:	Question:
<p>Proposed mitigation involves retaining an area of ephemeral/short perennial habitat in a corner of each site throughout the works to retain a seed source. Subsequent compensation involves leaving the site to revegetate naturally upon completion of works, which would happen quickly due to the nature of the habitat.</p>		
1.3.	<p>Compulsory Acquisition and Temporary Possession</p>	
1.3.1.	Applicant	<p>Annex B of the Statement of Reasons</p> <ul style="list-style-type: none"> • The Applicant is requested to keep Annex B of the Statement of Reasons up to date. An updated version of the document, or a statement to the effect that there are no updates to be made, should be provided at each deadline identified in the examination timetable. The updates to the document should take account of the positions expressed in relevant representations and written representations, and reasons should be given for any additions or deletions. • The final column of the Statement of Reasons - Status of objection and negotiations with land interest – is often filled in with the words, ‘Not applicable’. It is not clear from this answer whether there is an objection or not, or whether any negotiations have taken place. Could a more informative answer please be given.
<p>The Statement of Reasons Annex B (document reference TR010016/APP/4.1) has been updated to take account of the positions expressed in the Relevant Representations and will be submitted on the 17th May. The words ‘Not Applicable’ have been replaced to give a clear understanding of whether there is an objection or not, or whether negotiations have taken place.</p>		
1.3.2.	Applicant	<p>National Trust Land</p> <p>The Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of the Planning Act 2008 (as amended) section 130 (s130</p>

ExQ1	Question to:	Question:
		PA2008). This question should be responded to in the light of any ongoing due diligence in respect of land and should be responded to at any deadline up to the end of the examination, should circumstances as known to the Applicant change.
The Applicant can confirm that it is not seeking to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of the Planning Act 2008 (as amended) section 130 (s130 PA2008). This takes account of the updated information received through the latest HM Land Registry (Searchlight) update (March 2019).		
1.3.3.	Applicant	<p>Crown land</p> <p>The Applicant is requested to provide and at each subsequent deadline to maintain and resubmit a table identifying any Crown land subject to PA2008 s135 with reference to the latest Book of Reference and the Land Plans and to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s). Written evidence of consent(s) and explanations around consents should be provided.</p>
The table attached at Appendix [X] identifies the relevant Crown Land plots with reference to the Book of Reference and Land Plans. This table sets out the current position with regards to obtaining consent under s.135 of the Planning Act 2008.		
1.3.4.	Applicant	<p>Crown Land</p> <p>Paragraph 7.1.4 of the Statement of Reasons states that the Applicant is seeking compulsory acquisition powers in respect of 4 plots of land where the Government Legal Department, on behalf of the Crown, have an interest. Could you please clarify what compulsory acquisition powers are intended in respect of these</p>

ExQ1	Question to:	Question:
		plots, bearing in mind the limitations that apply to CA in respect of Crown Land?
<p>These four plots are subject to permanent acquisition powers and the Applicant is seeking to acquire all rights and interests in them. The Crown has a category 2 interest in all of these plots. The acquisition of these rights is therefore subject to s135(2) of the Planning Act 2008 and the Applicant is seeking consent from the Crown for the inclusion of these powers in relation to these plots.</p>		
1.3.5.	Applicant and Holiday Inn	<p>Option and Impact Mitigation Deed Has a deed been discussed or agreed in respect of the Holiday Inn land? If a deed is agreed, how, if at all, should it be reflected in the DCO?</p>
<p>The Applicant and Holiday Inn have been negotiating and progressing a deed which addresses Holiday Inn's concerns and provides the Applicant with the necessary land rights. The Applicant anticipates that it is likely to be completed in the next month. The issues can all be dealt with by private treaty and do not need to be reflected in the DCO.</p>		
1.3.6.	Applicant and Princes Quay Retail/Estates/Development	<p>Princes Quay Shopping Centre car park Will the operation of the Princes Quay multi-storey car park be affected by the development? If so, is any mitigation proposed?</p>
<p>The continued use of the car park is essential for the operation of the Princes Quay Shopping Centre. There are plans outlined in the land plan drawings for the temporary use of land within the car park area. This is identified as plot 3/7f and encompasses six number of parking spaces in the South-West corner of the ground level.</p> <p>The current programme requires the use of plot 3/7f for the period of August 2020 through to August 2024. The land is required initially to facilitate the safe demolition of the Earl de Grey public house. The land will then subsequently be required to provide safe access around the works for pedestrians, cyclists and disabled users due to construction activities along the existing route and to avoid long detours through the city.</p>		

ExQ1	Question to:	Question:
<p>The Principal Contractor will erect a temporary fence to create a safe work zone for the dismantling and demolition of the Earl de Grey listed building and also ensure that the car park is secure. 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 A63 Castle Street scheme is being constructed and is planned to be removed in August 2024.</p> <p>There will be no restrictions to the main access and egress points of Princes Quay Car Park for vehicles or pedestrians, cyclists and disabled users using the facility. The temporary acquisition of plot 3/7f will not impair the normal use of the car park. The use of the land will allow the Princes Quay car park to remain operational at all times and continue to operate normally. The car park circulation space will not be affected and there are no plans to restrict any movement outside the six spaces as detailed in</p> <p>The overall impact will be negligible on the 900 space Princes Quay car park. Therefore, other than the compensation proposed by the Applicant there is no mitigation for the planned loss of six spaces.</p>		
1.4.	Draft Development Consent Order (dDCO)	
1.4.1.	All IPs other than the Applicant	Changes to the dDCO
1.4.2.	Applicant	Flood Risk How are any flood risk mitigation measures and evacuation procedures to be secured? Should there be additional requirements within the DCO relating to flood risk measures?
<p>The flood risk mitigation measures and evacuation procedures are set out in the Flood Risk Assessment and the Flood Emergency and Evacuation Plan (FEED) [APP-064], the Outline Environmental Management Plan (OEMP) [APP-072] and the Register of Environmental Actions and Commitments (REAC) [APP-068] at references W3, W5, W7, W12 and W13. W13 has been added as a new requirement for the FEED and is noted as a correction in the DCO Documents Errata. Requirement 4 has been amended in the</p>		

ExQ1	Question to:	Question:
<p>draft DCO [APP-015] to include the Flood Evacuation Plan for the site compounds and the FEED as a part of the CEMP requirements and therefore the mitigation will be secured through the DCO.</p>		
<p>1.4.3.</p>	<p>Applicant, HCC</p>	<p>Article 2 Definition of ‘Commence’ The definition in the DCO currently has exclusions as follows: “other than operations consisting of archaeological investigations, environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements or installation of a site compound or any other temporary building or structure”</p> <p>How are these exclusions from the statutory definition of commencement justified and what are the practical implications, given that certain requirements of the DCO are triggered by commencement? Would it, for example, allow works such as the diversion and laying of services or the creation of a site compound to be carried out before any scheme to manage impacts from such works has been agreed? If so, is it appropriate for such works to be carried out free from such control?</p>
<p>The definition is designed to clarify that a number of works that would constitute a ‘material operation’ under the Town and Country Planning Act 1990 do not mean that the authorised development has been ‘commenced’. This enables the Applicant to undertake certain preparatory works prior to the submission of relevant details for approval under the requirements. The items that are excluded are either de minimis or have minimal potential for adverse effects. In some cases they may need to be carried out in order to comply with pre-commencement requirements (for approval). It will also ensure that the construction timetable is minimised.</p>		

ExQ1	Question to:	Question:
<p>The definition of commence used is appropriate for the requirements of this authorised development and also has precedent in recent schemes such as the M20 Junction 10a Development Consent Order 2017 and the Silvertown Tunnel Order 2018.</p>		
1.4.4.	Applicant, HCC	<p>Article 2 Definition of ‘Maintain’</p> <ul style="list-style-type: none"> • Why is ‘maintain’ so widely defined? Can matters such as ‘alter, removal or reconstruction’ be reasonably regarded as maintenance? Is the definition clear enough, given that interpretation of it requires a judgement to be made about the likely environmental effects of the works proposed? • Does the Environmental Statement take proper account of the implications of ‘maintain’ as defined? • Should the maintenance power be limited to activities to the extent assessed in the ES, as, for example, in the Wrexham Gas Fired Generating Station¹ DCO, which says, “<i>maintain</i>” includes to the extent assessed in the environmental statement inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part, but not the whole of, the authorised development’.
<ul style="list-style-type: none"> • The definition “maintain” provided in Article 2 of the dDCO, (which explicitly includes “inspect”, “repair”, “adjust”, “alter”, “remove” or “reconstruct”) follows the same form as that in The M20 Junction 10a Development Consent Order 2017. It is less extensive than that found in The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016, which explicitly 		

¹ Ref: EN010055

ExQ1	Question to:	Question:
		<p>included “clear”, “refurbish”, “decommission”, “demolish”, “replace” and “improve” in addition. It is also less extensive than that found in Schedule 2 of The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (no longer in effect) which includes “replace” in addition.</p> <ul style="list-style-type: none"> The Environmental Statement takes account of the implications of this definition of maintain and the assessment was undertaken on this basis. <p>Arguably, none of these definitions goes beyond the normal English meaning of the word “maintain.” However, it is vital for the proper operation of the proposed Scheme into the future (and the safety and convenience of users of the Scheme) that the Applicant is unambiguously able to repair the highway and maintain it to the standards required by prevailing best practice, potentially many decades hence. Therefore, to avoid any ambiguity, a definition has been provided which clearly includes removal, alteration and reconstruction, to provide for this maintenance. The power to maintain is constrained by Article 6, and therefore cannot be used in such a way as to give rise to materially different environmental effects to those assessed.</p> <ul style="list-style-type: none"> The wording “materially new or materially worse” in the definition allows for a proportionate and acceptable level of flexibility in the final design of the authorised development, which is considered necessary and appropriate in major infrastructure projects. This wording links any such changes to the Environmental Statement and the ExA can therefore be confident that the environmental impact of any changes made will not exceed those that have been assessed in the Environmental Statement. Therefore, it was not considered necessary for the definition to be amended as per the Wrexham Gas Fired Generating DCO.
1.4.5.	Applicant	<p>Article 8 Consent to transfer benefit of Order A8(4) of the A19/A184 Testos Junction Alteration² DCO limits the permitted transfers of benefit to specific parties for the purposes of</p>

² Ref: TR010020

ExQ1	Question to:	Question:
		undertaking specific works. Should this approach be adopted here? Is the looser approach proposed for the A63 justified?
<p>The Applicant has no objection to the article setting out the specific works which would require the transfer of the benefit of the DCO. It was deliberately drafted in the simpler form, without works numbers only to avoid confusion as there are several instances which would require the benefit of the order to be transferred to more than one party for a work. For example, a transfer to both BT and KCOM is required for work number 11.</p>		
1.4.6.	Applicant	<p>Article 10 Construction and maintenance of new, altered or diverted streets and other structures Should the text in A10(5)(f) be reformatted as a continuation of A10(5) rather than as a sub-paragraph?</p>
<p>Yes. This has been updated in the latest draft DCO [APP-015 Rev 1].</p>		
1.4.7.	Applicant	<p>Article 11 – Classification of roads etc Please consider the wording of Article 11 with the following in mind: 11(1)(b) – the classification of the road is not specified in the table as suggested. 11 (7) – the restrictions are specified in the title, not column 2 11 (8) – the restrictions are specified in the title, not column 2 11(9) – as worded, might this be interpreted as meaning that the cycle tracks and footways should not be open for use at an earlier date? Would it be clearer to say that they should be open for use ‘not later than....’? 11(10) as worded, might this be interpreted as meaning that the private accesses should not be open for use at an earlier date?</p>

ExQ1	Question to:	Question:
		Would it be clearer to say that they should be open for use ‘not later than....’? 11(11) should there be a requirement regarding when these are to be constructed and open for use?
11(1)(b) – the table in Schedule 3, Part 2 has been updated in the latest draft DCO [APP-015 Rev 1] to include the classifications. 11(7) and 11(8) – agreed. This has been updated in the latest draft DCO [APP-015 Rev 1] 11(9) and 11(10) – agreed. This has been updated in the latest draft DCO [APP-015 Rev1] 11(11) – The rights of way will be constructed and open for use no later than when the authorised development is open for traffic. The latest draft DCO [APP-015 Rev 1] has been updated to reflect this.		
1.4.8.	Applicant	Article 19 - Authority to survey and investigate the land Should the text in A19(6)(c) be reformatted as a continuation of A19(6) rather than as a sub-paragraph?
Yes. This has been updated in the latest draft DCO [APP-015 Rev 1].		
1.4.9.	Applicant	Article 21 - Compulsory acquisition of land – incorporation of the mineral code Should the text for substitution and replacement (“the acquiring authority” and “the undertaker”) be identified by quotation marks?
Yes. This has been updated in the latest draft DCO [APP-015 Rev 1].		
1.4.10.	Applicant	Article 25 - Application of Part 1 of the Compulsory Purchase Act 1965 Should the text in A25(3) of the Testos Junction Alteration ³ DCO be included here? Is there a reason for taking a different approach?

³ TR010020

ExQ1	Question to:	Question:
Yes. This has been updated in the latest draft DCO [APP-015 Rev 1].		
1.4.11.	Applicant	<p>Article 29 - Temporary use of land for carrying out the authorised development</p> <p>The exclusion of the temporary possession provisions from the Neighbourhood Planning Act (NPA) 2017 in A2(7) is noted. However, given the parliamentary approval to the temporary possession regime under the NPA 2017, which was subject to consultation and debate before being enacted, should the current wording be modified to more closely reflect the incoming statutory regime where possible?</p> <p>As examples:</p> <ul style="list-style-type: none"> • The notice period that will be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under article 29(2). Other than prior precedent, what is the justification for only requiring 14 days' notice in this case? • Under the NPA 2017, the notice would also have to state the period for which the acquiring authority is to take possession. Should such a requirement be included in this case? • Powers of temporary possession are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The NPA 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed temporary possession so that the landowner would have the option to choose whether temporary possession or permanent acquisition was desirable. Should this

ExQ1	Question to:	Question:
		article make some such provision – whether or not in the form in the NPA 2017?
<p>The provisions in the Neighbourhood Planning Act (NPA) 2017 are not yet in force. It is therefore appropriate in the absence of an enacted regime for temporary possession for the powers set out in Article 29 to apply. However, it should be noted that:</p> <ol style="list-style-type: none"> 1. Although the notice period of 14 days is less than that envisaged by the NPA 2017, the owners and occupiers of the land will have been consulted and notified of the Applicant’s need to temporarily use the land to carry out the authorised development as a result of the DCO application process. The Applicant needs to ensure that the Scheme can be carried out efficiently and expeditiously following the making of the Order. Therefore, a longer notice period is considered to be unnecessary given that the relevant landowners will already have had prior notice via consultation. 2. The Applicant will be cooperating and communicating with the owners and occupiers of the land through the construction of the scheme and will therefore keep them apprised of the construction timetable and likely period of temporary use as a matter of course. However, the construction timetable may require some flexibility due to unforeseen external factors and therefore it is not proposed to state the period for which the Applicant will take possession. 3. The construction timetable is such that it is not envisaged that the temporary possession of land last longer than 5 years and not all sections of the scheme would be under construction for the full 5 years as set out in paragraph 2.9.3 of the Environmental Statement [APP-023]. As such, it is not considered appropriate in this instance that landowners would be able to seek permanent acquisition of the land instead. 		
1.4.12.	Applicant, HCC	<p>Article 34 - Special Category Land</p> <ul style="list-style-type: none"> • 34(2)&(3)– It appears that the land, rights and benefit of restrictive covenants would vest in the undertaker as soon as the undertaker has acquired the replacement land and a scheme for the provision of replacement land is received. What will be the purpose and nature of the scheme for the provision of the replacement land and what controls will be in place to

ExQ1	Question to:	Question:
		<p>ensure that it is satisfactory and that it will be implemented within an appropriate timeframe?</p> <ul style="list-style-type: none"> • 34(4) – would the recipient of the replacement land have any control over the condition of the land or the moment of its being handed over? If not, should the DCO be amended to address this?
	<ul style="list-style-type: none"> • The purpose and nature of the scheme for the provisions of the replacement land is to demolish the existing office building and to landscape the area before it is handed over as replacement land as set out in paragraph 7.2.4 of the Statement of Reasons [APP-018]. The replacement land will be given with the same rights, trusts and incidences as the land subject to compulsory acquisition. • The Secretary of State will certify and approve the scheme for the provision of the replacement land and a timetable for its implementation under article 34(1) of the draft DCO [APP-015] rather than the recipient of the replacement land. The Applicant has been in consultation with Hull City Council in relation to the nature of the replacement land 	
1.4.13.	Applicant, HCC	<p>Article 35 - Felling or lopping of trees and removal of hedgerows</p> <ul style="list-style-type: none"> • Is such a broad power necessary and justified? • Should all significant trees and hedgerows to be lost have been identified by the time the scheme is finalised? • Is this Article compatible with Requirement 5, which requires a landscaping scheme which includes details of existing trees to be retained, with measures for their protection during the construction period? Would that requirement afford any protection to trees to be retained if Article 35 remains in its current form?

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Article 35 reflects Article 39 of the Model Provisions (Felling or Lopping of Trees) and is the same as the corresponding article in the Testos Junction Alteration Development Consent Order 2018. This broad power is required to ensure that the Applicant is able to proceed with the construction of the scheme without delays relating to obtaining consents for works to trees or hedgerows. All significant existing trees to be removed and existing hedgerows to be retained have been identified and are shown on TR010016/APP/6.2 Environmental Statement (ES) Volume 2 Figure 9.9 Trees removed. We have amended the wording in relation to Requirement 5 in the latest draft DCO [APP-015 Rev 1] to state that the existing trees to be retained are subject to necessary works required under article 35.
1.4.14.	Applicant	<p>Article 36 - Removal of human remains 36(3)(b) - How long does the notice have to be displayed for? Should a period be specified? 36(6) - Should the word 'the' be added before 'remains'?</p>
		<ul style="list-style-type: none"> The latest draft DCO [APP-015 Rev 1] has been updated to add a period of 28 days for the notice to be displayed. Yes. This has been updated in the latest draft DCO [APP-015 Rev 1].
1.4.15.	Applicant	<p>Article 39 - Statutory Nuisance Is Article 39 (Defence to proceedings in respect of statutory nuisance) of the Draft DCO consistent with the conclusion of the Statement of Statutory Nuisance [APP-063] that, with mitigation measures in place, none of the statutory nuisances identified in section 79(1) of the 1990 Act are predicted to arise on this Scheme? If the Statement of Statutory Nuisance is correct, is, for example, A39(1)(b) necessary?</p>
<p>The Applicant considers that, with the mitigation measures in place, as set out in the Statement of Statutory Nuisance [APP-063], that none of the statutory nuisances set out in s.79(1) of the 1990 Act are likely to arise. However, should there be a situation in</p>		

ExQ1	Question to:	Question:
which a nuisance does arise, that could not have been predicted, the Applicant would seek to rely on the protection of article 39(2) of the DCO if necessary.		
1.4.16.	Applicant	Article 45 – Crown Rights Should the current A45(1)(b) to (d) be renumbered as A45(1)(a)(i) to (iii)?
Yes. This has been updated in the latest draft DCO.		
1.4.17.	Applicant and the Crown Estate	Article 45 – Crown Rights Can the Applicant provide evidence that the form of this article been agreed by the Crown Estate in relation to this project?
The Applicant is in the process of obtaining Crown Estate approval for the acquisition of land and DCO provisions.		
1.4.18.	Applicant	Schedule 2, Requirement 4 - Construction and handover environmental management plan 4(2)(c)(vi) – should ‘and’ be replaced with ‘or’? 4(2)(c)(vii) – should ‘local authority’ be replaced with ‘local planning authority’? Would 4(2)(c)(vii) be better expressed as a continuation of 4(2) (c) and starting ‘unless otherwise....’?
Yes. This has been updated in the latest draft DCO.		
1.4.19.	Applicant, HCC	Schedule 2, Requirement 5 – Landscaping Should a timescale for the submission of the landscaping scheme be specified? As drafted, would Requirement 5 give any control in the event that no landscaping scheme were submitted?

ExQ1	Question to:	Question:
<p>The landscaping scheme will be submitted prior to the commencement of the authorised development. This has been updated in the latest draft DCO.</p>		
1.4.20.	Applicant, HCC	<p>Schedule 2, Requirement 6 - Contaminated land and groundwater</p> <ul style="list-style-type: none"> • Should there be a requirement to halt works if contamination is found? • Should timescales relating to the remediation programme be imposed? • What would be the effect of the Requirement in the event that the Secretary of State were not satisfied with the submitted remediation scheme?
<ul style="list-style-type: none"> • The drafting of Requirement 6 has been amended in the latest draft DCO [APP-015 Rev 1] to include consideration of whether construction should be halted and appropriate timescales. • Requirement 6(2) requires approval of the written scheme for remediation of the contaminated land. If the Secretary of State was not satisfied with the submitted Scheme then the Applicant would revise the scheme and resubmit it for approval. The Applicant requires the scheme to be approved before it can undertake the remediation works as stipulated by Requirement 6(3). • 		
1.4.21.	Applicant	<p>Schedule 2, Requirement 7</p> <p>7(4) –Is the reference to ‘and under any necessary licenses’ necessary? What kind of licences might they be?</p>
<p>The potential for Permits, consent and licences for the Scheme is detailed at Table 4.1 of Outline Environmental Management Plan (OEMP) [APP-072]. In particular this specifies a requirement for Site of Special Scientific Interest (SSSI) consent under the Wildlife and Countryside Act 1981, regulation 28E. Recent consultation with Natural England regarding licences is documented in the</p>		

ExQ1	Question to:	Question:
<p>Statement of Common Ground, with their response stating, <i>“if the plans for the project have not changed since we commented and what is to be in the assent is the same as DCO then you do not need to apply for S28 assent.”</i></p> <p>Environmental Statement (ES) Volume 1 Chapter 1 Introduction Section 1.9 Other regulatory regimes refers to regimes and consent [APP-023]. In addition to the SSSI consent discussed above, it states that <i>“licences from Natural England to affect European Protected Species pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010”</i> need to be obtained to allow the Scheme to proceed.</p> <p>The Applicant would prefer to retain the reference to ‘and under any necessary licences’ in the DCO in the event that further licences are necessary during Detailed Design Stage.</p>		
1.4.22.	Applicant, HCC	<p>Schedule 2, Requirement 9 – Archaeological remains</p> <p>9(4) – Given the wording of 9(5), should ‘reported to’ be changed to ‘notice served on’ to ensure clarity and consistency?</p> <p>9(6) - Could the wording, ‘to be submitted in writing to, and approved in writing by, the relevant planning authority’ be interpreted as meaning that the planning authority is required to approve the submitted scheme?</p>
<ul style="list-style-type: none"> • 9(4) – Yes. This was updated this in the latest draft DCO [APP-015 Rev 1]. • 9(6) – Yes, that is what is meant. If the relevant planning authority decides that the archaeological remains requires further investigation, then it has to say so in writing. This then means that no construction operations can take place within 10 metres of the remains until provision has been made for further investigation and recording of the remains takes place in accordance with details submitted in writing to the relevant planning authority; and the relevant planning authority has to approve that submission in writing. 		
1.4.23.	Applicant	Schedule 2, Requirement 12 – Fencing

ExQ1	Question to:	Question:
		Can the words ‘temporary and permanent’ be removed? Alternatively, since the fencing cannot be both temporary and permanent, should ‘and’ be replaced with ‘or’?
The word ‘and’ has been replaced with ‘or’ in the latest draft DCO [APP-015 Rev 1].		
1.4.24.	Applicant	Schedule 2, Requirement 13 - Applications made under requirements 13(1) – as drafted there is no indication of which time period is preferred out of (a) and (b). Does this need to be addressed (perhaps by referring to whichever is the later of the 2 dates)?
It is not a case of which one is preferred more a case of which one the Secretary of State decides to calculate the 8 week period from. The latest draft DCO [APP-015 Rev 1] has been amended to make this clearer by inserting the word “or” at the end of sub-sub-paragraph (a) to indicate that the choice is either (a) or (b) or (c).		
1.4.25.	Applicant	Schedule 3 - Classification of roads etc Part 2 - Column 2 does not specify the classification – see comments relating to Article 11.
Part 2 of Schedule 3 has been updated in the latest draft DCO [APP-015 Rev 1] to specify the classifications.		
1.4.26.	Applicant	Schedule 4 - Permanent stopping up of streets and private means of access Part 3, Column 1 – the 3rd item down on page 54 has the words ‘Kingston Upon Hull’. Does this need to be amended to identify the right of way?
Yes – this has been updated in the latest draft DCO [APP-015 Rev 1].		
1.5.	Historic Environment	
1.5.1.	Historic England, HCC	Title: Key Heritage Impacts

ExQ1	Question to:	Question:
		The Executive Summary of the Applicant's Cultural Heritage Assessment [APP-066] identifies some adverse effects of the scheme (paras 8.1.1 – 8.1.4). Are these the key cultural heritage matters on which the Examination should focus?
1.5.2.	Applicant	<p>Earl de Grey public house Can you please clarify the proposals in respect of the Grade II listed Earl de Grey? In particular, is it proposed to demolish the building or is to be rebuilt elsewhere? If it is to be rebuilt, where will be it be rebuilt and has a detailed scheme been prepared?</p>
<p>The Environmental Statement for the scheme assessed the worst-case scenario and therefore demolition of the Earl de Grey listed building, however it has long been a Highways England commitment to ensure the building is relocated. It was proposed that the building would be reinstated approximately three meters to the south of its current position and the Applicant has conducted a high-level assessment to look at options for achieving this work.</p> <p>Alongside this, the Applicant has been working with Hull City Council, Historic England and the building's owners, Castle Buildings LLP, to include the Earl de Grey building in a future development which would see it being brought back into use. The proposed development from the building's owners was not at a stage where there was sufficient detail for the Applicant to confirm it could be supported by the scheme. Following submission of the A63 Castle Street Development Consent Order application the owner's proposals have now been submitted to the Local Planning Authority.</p> <p>The Applicant now supports Castle Buildings LLP's application to move the Earl de Grey building to the adjacent plot, orientated towards Waterhouse Lane. The Applicant is negotiating an agreement with the owners to facilitate this development.</p>		
1.5.3.	Applicant, Historic England, HCC	Castle Street Chambers

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • What in detail is proposed regarding the partial demolition of the Grade II Listed Castle St Chambers? How will the retained part of the building be protected during construction? • How will changes to the setting of the Castle St Chambers affect its significance?
<p>The Applicant is not proposing to demolish any of the Grade II Listed Castle Buildings (Castle St Chambers). It was originally proposed an unlisted modern eastern extension on the building would be demolished as part of the scheme due to a conflict with the traffic management required. This section of the building was badly fire damaged and as a result the work was completed by the buildings owners under permission from the local planning authority in April 2018. The Castle Buildings is currently protected by scaffolding, the Applicant requires this to be removed in order to install the traffic management barriers required to protect the area. The building is currently subject to a Section 215 Notice requiring improvements including repairs to the building in order to remove the scaffold.</p> <p>The Applicant fully supports the current planning application [19/00334/LBC] submitted by the building's owners to redevelop both the Earl de Grey and the Castle Buildings</p> <p>Due to the requirement to dismantle the Earl de Grey public house during construction, and the changes being made to the Mytongate Junction, there will be an impact on the historic setting of the Grade II Listed Castle Buildings and the historic street layout of Castle Street. Reconstructing the Earl de Grey public house would reduce the residual effect caused to the historic setting of the Grade II Listed Castle Buildings.</p> <p>The impact of working alongside the Castle Buildings which borders the A63 has been taken account of in the preliminary design which has resulted in the implementation of reduced lane sizes, protection barriers and a speed restriction of 30mph. This is discussed and illustrated in ES Volume 3, Appendix 15.2 Temporary Traffic Management Plan, Virtus, Section 1, and Figures 1, 2 and 3 [APP-060]. Listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 would be required for vibration monitoring of Castle Buildings as discussed in the Outline Environmental Management Plan (OEMP) Table 4.1 Permits, consents and</p>		

ExQ1	Question to:	Question:
<p>licences [APP-072]. The wider impacts from noise and vibration during construction are discussed in ES Volume 1 Chapter 7 Noise and vibration, Section 7.1.14 [APP-023].</p>		
<p>The impact to the setting of the Castle Buildings is as stated in ES Volume 1 Chapter 8 Cultural heritage, Section 8.9.16 [APP-023]: <i>“The medium value Grade II listed Castle Buildings (MMS603) would see a permanent moderate negative impact caused by changes to its setting resultant from the dismantling of the adjacent Earl de Grey public house, and changes to the layout of the Mytongate Junction. All these would result in changes to the historic setting of the building and further degrade the historic street layout of Castle Street. This would have a permanent moderate significant adverse effect.”</i></p>		
<p>The changes to the setting are also discussed at ES Volume 3 Appendix 8.3 Section 1.2, Table 1.5, reference MMS603 [APP-048]. As the building’s setting is adjacent to the busy A63 Castle Street, it acts as a focal point on the corner of Waterhouse Lane and Castle Street. It has become increasingly isolated from its historic context due to the loss of adjacent historic buildings and replacement with modern dominant skyline buildings including the Princes Quay Shopping Centre and Hull Venue. Although it would continue to act as a focal point of the two streets, the changes to the setting caused by the demolition of the Earl de Grey would affect its significance as it has limited ability to sustain further loss of adjacent buildings as the lone historic building in this area.</p>		
1.5.4.	Applicant	<p>Earl de Grey and Castle Street Chambers Can the demolition works to the Earl de Grey and the Castle St Chambers be avoided? Has consideration been given to modifying the scheme to achieve this?</p>
<p>The original proposals for the Scheme included complete demolition of both the Castle Building and the Earl de Grey public house but modification of the design for the Scheme allowed the Castle Buildings to be avoided and a commitment was made to save the Earl de Grey building.</p>		
<p>The Applicant has considered modifying the Scheme but maintained a commitment to retain two lanes of traffic in each direction along the A63 during construction of the Scheme. In order to achieve this commitment and ensure the health and safety of those undertaking works immediately in front of the Earl de Grey the building must be relocated.</p>		

ExQ1	Question to:	Question:
1.5.5.	Historic England	<p>Trinity Burial Ground Why does Historic England consider that the archaeological strategy for the Trinity Burial Ground site is not consistent with sector-wide published guidance on the excavation of Christian burial grounds? How would you like to see the strategy amended?</p>
1.5.6.	Historic England	<p>Archaeological Strategy Why does Historic England consider that the suggested archaeological strategy for the scheme is not consistent with current Historic England or Chartered Institute for Archaeology guidance on good practice? What else should the scheme include in terms of mitigation?</p>
1.5.7.	Applicant/Historic England/HCC	<p>Enhancement of Heritage Assets Having regard to paragraphs 5.130 and 5.137 of the NN NPS, does the scheme take any opportunities to enhance heritage assets or their settings? What else, if anything, could be reasonably achieved?</p>
<p>The Applicant has considered the impact of the scheme on heritage assets but must ensure the scheme remains within budget and is therefore achieving the value for money requirements for Government projects.</p> <p>With regards to the Old Town Conservation Area, the Applicant has ensured that works in the area are suitable for the setting and as a result of consultation with Hull City Council changes to the area were reduced.</p>		

ExQ1	Question to:	Question:
		<p>Consultation with regards to the reinstatement of Trinity Burial Ground have been undertaken with the Diocese of York who are keen to retain the existing character of the area and wish the look and feel to remain very much a burial ground.</p> <p>The Applicant recognises that there are many heritage assets close to the A63 Castle Street scheme and have already supported proposals to enhance these where appropriate. Highways England have series of ring-fenced funds to address a range of issues beyond the traditional focus of road investment, known as Designated Funds. One of these funds deals with improvements to the environment with cultural heritage included as part of this. The A63 Castle Street scheme has secured additional funding from Designated Funds to support cultural heritage in three ways:</p> <ul style="list-style-type: none"> • A £90,000 feasibility study was recently funded by the Applicant to assess the proposal to create a visitor attraction to exhibit South Block House, a fortification built by Henry VIII in 1541-42. The study included archaeological excavation and recording of the buried structure. The Applicant hopes to be able to support the long-term proposals for this attraction subject to a further successful application to Designated Funds. • The Applicant has also successfully gained £4,000,000 of Designated Funds to support Hull Minster. This funding will allow for a number of improvements to Hull Minster including a new extension will include a visitor and heritage centre with an exhibition space included within. • A £50,000 feasibility study has been funded by the Applicant through Designated Funds to assess creating a dry dock for the Spurn Light Ship.
1.5.8.	Applicant	<p>Beverley Gate and adjacent archaeological remains Scheduled Ancient Monument</p> <p>Table 4.1 of the Outline Environmental Management Plan [APP-072] says that Scheduled Monument Consent may be required for Beverley Gate and archaeological remains, depending on if it is affected by utilities diversions. Has this now been clarified? If not, when will it be clarified? See also Question 1.0.12 – Other Consents.</p>

ExQ1	Question to:	Question:
		<p>The red line boundary for the Scheme intersects the site of the scheduled monument (also referred to as the scheduled monument boundary) of Beverley Gate and adjacent archaeological remains as defined on the National Historic List for England. Utility diversions for the Scheme could impact the significant element of the scheduled monument. The detailed design stage will provide clarification on the requirement for utilities diversions prior to construction.</p> <p>The assessment of impact is recorded in Environmental Statement (ES) Volume 3 Appendix 8.3 Section 1.2, Table 1.4, reference MMS494 [APP-048] which concludes that there would not be a significant effect to the scheduled monument. However, under section 2 (4-7) of the Ancient Monuments and Archaeological Areas Act 1979 scheduled monument consent would still be required to undertake this work.</p> <p>Under s33 (1f) and (1i) of the 2008 Act, consent under section 2(3) or 3 of the Ancient Monument and Archaeological Areas Act 1979 would not be required under the granting of a Development Consent Order (DCO). However, the DCO would require the equivalent level of documentation to scheduled monument consent. The baseline documentation requirements are reported at ES Volume 3 Appendix 8.1 Sections 2.4.13 to 2.4.22 Zone 2: The Town Defences / Post-medieval Docks [APP-048]. ES Volume 3 Appendix 8.2 Section 1.2, Table 1.2, reference MMS494 [APP-048] provides the background to a project design not yet completed for the archaeological watching brief element of the work but committed to in the Outline Environmental Management Plan (OEMP) Annex B Register of Environmental Actions and Commitments, reference CH4 Preservation by record of archaeological remains [APP-072].</p> <p>Discussions regarding Beverley Gate have also been noted in the Statement of Common Ground with Historic England.</p>
1.5.9.	Applicant and Historic England	<p>Assessment and weighing of public benefits Paragraphs 5.132 – 5.134 of the NN NPS and paragraphs 195 and 196 of the NPPF require public benefits of the scheme to be considered and weighed against any harm to heritage assets. Paragraph 1.2 of the NN NPS also requires the adverse impacts of the development to be weighed against its benefits. Please</p>

ExQ1	Question to:	Question:
		consider the public benefits of the scheme and give your assessment of the scheme against these parts of the NPS and NPPF.
<p>The Applicant has made the assumption that paragraphs 195 and 196 of the National Planning Policy Framework (NPPF) (2018) refers to paragraphs 133 and 134 of the NPPF (2012) which is unchanged in substance in the newer version of the NPPF. Paragraph 5.133 and 5.134 are identical in substance to paragraphs 133 and 134 of the NPPF (2012).</p> <p>The public benefits of the Scheme are outlined in the Scheme objectives set out in ES Volume 1, Chapter 2 The Scheme, Sections 2.3.2 to 2.3.8 and Figure 2.2 Alignment of National networks National Policy Statement and Scheme objectives [APP-023].</p> <p>The assessment of the impacts of the Scheme on the Earl de Grey Public House, the Castle Buildings and the Old Town conservation area are recorded in ES Volume 1, Chapter 8 Cultural heritage, Sections 8.9.16, 8.9.17 and 8.9.18 [APP-023]. The Applicant is working closely with Hull City Council and Historic England to reduce the impact on, and protect, the historic heritage assets on Castle Street. To facilitate the construction methodology, to the Scheme requires the dismantling of the Grade II listed Earl de Grey public house. The building will be archaeologically recorded in advance of being dismantled and stored appropriately so that it can be later reconstructed. The dismantling of the Earl de Grey Public House would be considered substantial harm.</p> <p>Due to the requirement to dismantle the Earl de Grey public house during construction, and the changes being made to the Mytongate Junction, there would also be an impact on the historic setting of the Grade II Listed Castle Buildings. Reconstructing the Earl de Grey public house would reduce the residual effect caused to the historic setting of the Grade II Listed Castle Buildings and result in less than substantial harm to the Castle Buildings.</p> <p>The impacts to the Old Town conservation area would result in less than substantial harm.</p>		
1.6.	Social, Economic and Land-Use Effects	
1.6.1.	Applicant/HCC	Batching compound

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Have matters progressed regarding the options for the batching compound? If not, when will the decision be finalised? • Is having 2 options for a batching compound site justified? Does this approach accord with the policies of the National Networks NPS? • For both sites, what measures are proposed to address the impact of the use of the site on nearby land uses?
<ul style="list-style-type: none"> • In 2017, following design development, the Applicant identified the requirement for a substantially sized production compound in close proximity to the proposed underpass. This was to pump in the material required to stabilise the large excavations (bentonite), pump in the foundations for the underpass (jet grout) and also treat any excess wet material excavated from the area. This site was initially identified as the semi vacant 'Staples' compound [Option B] within the DCO Application. This was discussed with Hull City Council in November 2017 and they made it clear that this would not be supported. The reasons noted included it being adjacent to the (at this time under construction) Bonus Arena and it would compromise a prime retail development site already identified within their Local Plan, also located within the same site. <p>Further assessments were made on sites Hull City Council suggested may be feasible, including the Hull Ice Arena. This was assessed and discounted due to the distance from the site, conflict with businesses, health and safety risks and the number of junctions the pumping lines would have to cross. Following this consultation, Hull City Council then suggested the use of the Arco site at Waverly Street [Option A in within the DCO Application] as a potential production compound. This was suggested as Arco were already assessing the feasibility of relocating their head offices from the site, they were concerned about the impact the scheme may have on them if they remained there. This would allow the Applicant to remove interest in the 'Staples' site following completion of agreements and pending successful planning for the new site.</p>		

ExQ1	Question to:	Question:
		<p>The Applicant was keen to listen and support key stakeholders over this issue, and using the Arco site would clearly have benefits for all parties involved. As such, this required the Applicant, Hull City Council and Arco to work together in advance of the DCO submission in September 2018 to finalise agreements regarding the relocation, lease and purchase of the site which were finally signed and exchanged on 29 March 2019. The Applicant repeatedly made it clear to all parties that following the consultation on the use of both sites would remain in the DCO application until such a time that it could be removed. This was agreed to be on successful decision of the planning application for Arco's new offices [Planning Ref: 19/00103/FULL] which was determined on 3 April 2019.</p> <p>The Applicant has also made every effort to keep Princes Quay Estates Ltd and their representatives (Shulmans LLP) up to date with progress on the agreements and application. This was always with a view to removing interest in option B on successful completion of the planning application for Arco's new offices.</p> <ul style="list-style-type: none">• Following the preliminary hearing on Tuesday 26th March 2019 a note was issued to the ExA to explain the rationale for including two sites in the Application. The Applicant considers that including two options for the batching compound in the application is not contrary to the National Networks NPS. The Secretary of State will use the National Networks NPS as a basis for making decisions in relation to the scheme. The Secretary of State must be satisfied that the benefits of the scheme outweigh the harm to the public. Should the scheme still contain two options for the batching compound at the point when the Secretary of State is to make the Order, this would be contrary to the interests of the public as it would require the unnecessary compulsory acquisition of one of the sites. However, the Applicant intends to make a decision during the examination with regards to which site to progress for the location of the batching compound and therefore this potential harm will be eliminated. As communicated to the ExA in submitted notes, this date was initially supposed to be 17 May 2019. Hull City Council have subsequently confirmed that due to a delay issuing the planning application decision, the judicial review period has now been delayed. As a result, the Applicant will confirm the removal of Option B on the 6th June 2019 upon closure of the judicial review period with no challenges made.

ExQ1

Question to:

Question:

- In terms of the proposed production compound, Site A (Arco) is bounded by the A63 on the north, Kingston Retail Park and other businesses to the east, Lister Street to the south and St James Street to the west. Waverly Street (a now un-adopted road, runs through the middle of the site). The existing Arco offices and associated factory outbuildings will be demolished prior to the production compound coming into use. The purpose for the site would be to undertake production and a basis of operations for soil mixing and jet grouting activities for use on the main underpass. The site would also be used for bentonite supply and production of excavation support fluids for diaphragm wall production. The size of the site would also permit materials treatment and disposal arising from the activities. The access will be from the existing gates on Lister Street (for small vehicles) and via the A63 (for commercial / delivery) with all vehicles subject to a control gate prior to entry. There will be a one-way system within the confines of the site for all vehicles to ensure safety is paramount. CCTV and lighting with a temporary hoarding or fence will be erected to prevent access by unauthorised persons. Accommodation for the site will be single and twin story modular buildings housing laboratory, office and staff washing facilities, security and canteens and subcontract operational staff. Plant for the site would consist of de-sander, de-silting and de-watering equipment such as centrifuges and presses, water tanks, wet and dry silos, mixing equipment, pumping equipment and earthworks movement plant. Storage of fuels and liquids will be stored in designated, bund-shielded, safe areas within the site compound. An emergency spill plan would be generated and spill kits would be available at appropriate locations. The site will be fenced to prevent unauthorised access. Hoardings or fences can be installed to lessen the impact on the surrounding area. Where there is existing vegetation clearance and clearance of potential nesting habitat an ecological watching brief will be established and works carried out outside the bird nesting season.
- Environmental measures and management plans proposed to address the impacts of use of both sites on nearby land uses are as described in Outline Environmental Management Plan (OEMP) at Annex B [APP-072] and TR010016/APP/6.11 Register of Environmental Actions and Commitments (REAC) [APP-068], in particular at the references below:
 - AQ1 Minimise the release of dust and vehicle / plant emissions which may impact upon air quality
 - NV1 The control of noise and vibration arising from the works and compounds to minimise disturbance in community

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> ○ L1 To limit visual intrusion and impacts upon townscape character during construction ○ L6 To ensure protection of existing trees ○ E3 Minimise the release of dust, noise, vibration and point pollution which may impact upon all other habitats ○ W1 To limit effects as a result of storage of materials ○ W6 To limit impacts of pollution due to accidental spillages of oils, fuels, chemicals, concrete, cement or admixtures, etc ○ W9 To limit the deterioration of groundwater quality as a result of mobilisation of contamination and generation of suspended solids through ground disturbance, Creation of new contamination pathways between the surface superficial deposits and Chalk, and direct contact with construction materials. ○ W12 To limit impacts of flooding on construction workers, plant and materials ○ G2 Prevent heave of the ground surrounding the active construction area caused by jet grouting or ground improvement measures ○ G5 Prevent exposure to soils containing elevated concentrations of contaminants ○ G6 Prevent exposure to asbestos fibres in localised areas of Made Ground ○ G9 Management of hazardous waste ○ G10 Prevent the release of contaminants within groundwater / run-off which may impact local water quality ○ M3 Minimise the release of contaminants to air (dust), land or the water environment and generation of noise due to handling / movement of materials and waste (including transport) ○ M4 Reduce demand on handling capacity of regional waste management and disposal facilities ○ M5 Reduce energy / fuel consumption (transport carbon emissions) and climate change through plant use and transportation of materials and waste ○ T1 Communication and consideration of the general public ○ T3 Effects of construction upon NMUs

ExQ1	Question to:	Question:
<p>Mitigation and management plan requirements as identified in the OEMP and REAC will be secured by the Principal Contractor via the Construction Environmental Management Plan (CEMP).</p>		
1.6.2.	Applicant	<p>Impacts on existing businesses</p> <ul style="list-style-type: none"> • Has there been any attempt to assess/quantify any impact the scheme may have on trading at local businesses during construction? • What measures are proposed to minimise the impact of the development on local businesses during the construction phase?
<ul style="list-style-type: none"> • We have communicated with affected businesses and land owners throughout the pre-application process and this continues now. Negotiations are commencing for compensation and disturbance with all affected parties. Those not affected will have recourse under Part I of the 1973 Land Compensation Act – physical factors from the use of the road after the scheme has opened subject to qualifying criteria under the act. • A number of measures have been considered to minimise the impact throughout the scheme and the construction phase. These measures include; <ul style="list-style-type: none"> ○ Working with Hull City Council and local groups on local network improvements ○ Working and consulting with local businesses and retail parks to understand needs and concerns during the construction phase ○ Regular updates of closures and traffic management staging through bulletins and correspondence ○ Maintaining access at all times for businesses during business hours 		

ExQ1	Question to:	Question:
	<ul style="list-style-type: none"> ○ Maintaining current levels of parking for businesses where possible and if this can't be achieved suitable alternatives proposed ○ Paving improvements to public areas interfacing with businesses operating times ○ Producing visual models of the scheme before, during and after ○ Managing access for construction vehicles within the works area ○ Traffic sign provision and alternative route diversion signs ○ Provision of Variable Message Signs on the approaches to the scheme to inform road users ○ Vehicle recovery during the main phase to avoid additional congestion ○ Provision of new accommodation works accesses prior to the main scheme ○ Early provision of pedestrian routes across the A63 to maintain access to businesses (Princes Quay Bridge, Porter Street Bridge and High St. Underpass) <p>To ensure continual engagement a fulltime stakeholder liaison team will to work closely with local businesses and groups through consultation and local engagement meetings throughout the construction phase.</p>	
1.6.3.	Applicant, Holiday Inn	<p>Holiday Inn – Option and Impact Mitigation Deed Does the Applicant support Holiday Inn’s proposal for an ‘Option and Impact Mitigation Deed?’ If so, what ground should it cover? Has there been any progress towards negotiating one?</p>
<p>The Applicant and Holiday Inn have been working together to settle Holiday Inn’s concerns by way of an Option and Mitigation Deed. The deed covers land acquisitions, easements required, construction arrangements and protective provisions. It is anticipated that this deed should be completed prior to deadline 3.</p>		
1.6.4.	HCC, Holiday Inn	<p>Holiday Inn – existing planning permission What are the prospects of the Hotel implementing its planning permission to extend (Ref 16/00893/FULL)? Please provide basic details of the planning permission.</p>

ExQ1	Question to:	Question:
1.6.5.	Applicant	<p>Proposed shuttle bus The relevant representation from EPIC (No.2) Limited refers to a shuttle bus proposal. Please provide details of this and consider the relevance to the scheme.</p>
<p>The Applicant has taken on board the comments from EPIC (No.2) Limited and are currently working in conjunction with Hull City Council and our consultants to come up with the best mitigation solutions and all avenues are currently being explored including the shuttle bus option.</p>		
1.6.6.	Applicant, HCC	<p>Open space Will the proposed new open space at the Myton Centre fully compensate for the space to be lost at the Trinity Burial Ground? How do the two sites compare in matters such as size, character and location?</p>
<p>It is considered that the proposed new open space at the Myton Centre would over time fully compensate for the open space lost at the Trinity Burial Ground.</p> <p>Location The Myton Centre site is located in close proximity to the Trinity Burial Ground at approximately 320m to the east. Both sites would service the same areas of Hull due to their proximity. It is considered that the Myton Centre site would be more accessible from residential areas. Due to the short distance between the two sites it is considered that there is no significant difference in location.</p> <p>Extents The existing Trinity Burial Ground is approximately 0.8Ha in area. An area of approximately 0.26Ha of the Trinity Burial Ground would be lost as a result of the Scheme leaving approximately 0.54Ha of the Trinity Burial Ground open space remaining. Further areas of open space would be lost because of the Scheme (Special Category Land Plans [APP-012]). These would include land to the west of Trinity Burial Ground (1649m²) and very small sections of William Oak Park (29m²) and Jubilee Arboretum (4m²). This would result in</p>		

ExQ1**Question to:****Question:**

an overall loss of approximately 0.4313Ha of public open space. Replacement land at the Myton Centre site and immediately adjacent land totalling approximately 0.4555Ha in area (Special Category Land Plans plots 3/1s, 3/1y, 3/1aa and 3/1za [APP-012]) would be acquired as public open space. This would result in a net gain in open public space of approximately 242m². The proposed new open space would also amalgamate the existing Jubilee Arboretum and William Oak Park to create an overall rationalised and cohesive combined open space of approximately 0.8Ha that is similar in size to the existing Trinity Burial Ground

Character

It is acknowledged that the character of the proposed Myton Centre open space would be different from the Trinity Burial Ground. The Trinity Burial Ground currently forms an attractive green island within the surrounding urban area and is characterised by its distinctive, mature trees and scattered historic gravestones set within amenity grass, bulbs and shrubs. Despite the close proximity of the A63 highway, there is a sense of tranquillity within this green space due to the mature tree canopies and shelter provided by the north boundary wall. The area is largely used as a transition zone enabling pedestrians to avoid walking next to the busy carriageway. The level difference between the burial ground and Holiday Inn site located to the south of the site, along with the boundary walls and mature tree cover encloses the space creating a strong sense of seclusion. The space however appears to be a site for anti-social behaviour, seen in the presence of graffiti and litter.

The introduction of the Scheme would result in the loss of approximately 53 trees within the boundary of the Trinity Burial Ground open space, including the loss of 10 Category A trees along with approximately 0.26Ha of understorey ground cover including mostly amenity grass, bulbs and self-set shrubs. The replacement planting for this site would introduce approximately 55 semi-mature and extra-heavy trees along with native hedgerow, infill shrub planting and wildflower meadow into the remaining site.

Historic graves would be lost however the headstones would be relocated to designated areas within the open space. The historic north boundary wall would be removed from its original location and rebuilt further to the south using the original bricks. New railings would be introduced on the top of the wall along with the historic gates from the Church of the Holy Trinity at the two new entrances along the north boundary. A new network of paths would be introduced along with new street furniture and interpretation signage. The existing historic gas lights would be retained and relocated within the site. The character of the space would change considerably as

ExQ1	Question to:	Question:
		<p>a result of the Scheme due to the loss of the majority of the distinctive mature trees and their replacement with young tree planting. However, historic features would remain albeit in a different location.</p> <p>In contrast, the character of the proposed Myton Centre open space would be that of a contemporary, residential, pocket park with young trees set within amenity grass, wildflower meadow, species rich hedgerow, bulb and shrub planting. The proposals include the introduction of approximately 81 extra heavy to semi mature trees. Approximately 31 of these trees would replace those removed from the open space's immediate surroundings to allow for the Scheme. The existing playground would be relocated from the William Oak Park further from the A63 highway to a more central location at the heart of the open space. The new location would improve the informal surveillance of the playground as it would be located along the main axis through the open space and overlooked by residential flats. The green space has high levels of physical permeability with entrances along Hessle Road, William Street and Porter Street. High quality hard materials would be used including resin bound gravel paths and natural stone clad walls to define the entrances. Street lighting is provided along the main path through the green space to improve site safety. All proposed trees would have clear stems up to 2.1m to maintain lines of sight within the space. The reconfigured space would deliver both an attractive transition zone enabling pedestrians to avoid walking next to the busy A63 carriageway and a location for recreation provided by areas of amenity grass and play opportunities. Tree planting, hedgerow and mounding along the southern edge of the space would create a buffer between the space and the A63 highway.</p> <p>Despite the difference in character between the two spaces it is considered that the open space at the proposed Myton Centre site compensates for the loss of character at the Trinity Burial Ground by providing an enhanced open space in an overlooked location within a residential area with an overall net gain in open space provision.</p>
1.6.7.	Applicant	<p>Noise mitigation Paragraph 5.196 of the NN NPS states: In determining an application, the Secretary of State should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the project do not exceed those described in the</p>

ExQ1	Question to:	Question:
		assessment or any other estimates on which the decision was based. Please explain if/how this is addressed in the dDCO.
<p>Environmental Statement (ES) Volume 1 Chapter 7 Noise and vibration, Section 7.7 [APP-023] describes mitigation measures put forward to ensure noise levels from the Scheme do not exceed those described in the assessment. These are described as follows:</p> <ul style="list-style-type: none"> Section 7.7.7 <i>“Temporary acoustic barrier fencing to be provided along the northern carriageway edge between the Myton Centre and William Booth House when construction activities are programmed to occur along in this section of the Scheme.”</i> Section 7.7.13 <i>“Operational noise impacts would be mitigated by the treatment of the new carriageway and slip roads with a thin layer of stone mastic asphalt (thin surface course).”</i> <p>These requirements are also specified within the Register of Environmental Actions and Commitments (REAC) [APP-068] at references NV1 and NV2.</p>		
1.7.	Townscape and Visual Impact	
1.7.1.	Applicant	Hoardings Are there any proposals relating to hoardings and signage during construction? If so, please provide details.
<p>Hoardings on the scheme are required to be in place for numerous reasons, including to provide security, a system for controlling access to and around the work site, offices, staff, equipment and materials, or as a screen to the A63 traffic to prevent distraction.</p> <p>Hoardings will be utilised around compounds and work zones. Full schematic work areas have not yet been established but the types and categories of fence most likely have been considered:</p> <ul style="list-style-type: none"> Road restraint systems and hoardings 		

ExQ1	Question to:	Question:
	<ul style="list-style-type: none"> • Work area solid hoardings • Security Fence 	<p>Solid hoardings with can receive decorative finishes but consideration of driver distraction is required. The hoardings can be set in position with a concrete foundation or with kentledge to ensure that they are secure.</p> <p>Consultation on visual impact to the Kingston Retain Park has been undertaken with the owners and the Applicant and engagement continues with Hull City Council regarding the level of detail on any hoardings required. These solid hoardings can be provided branded or unbranded, can be decorated, have colours to lessen impact or provided with information boards or road signage.</p> <p>Signage in and around the site is still in development however the Traffic Management Plan explains the principle of the proposals and the methodology. Agreed tactical diversion routes will be used for any road closures and temporary traffic management signage will be erected in lieu of any traffic signage removed from the works to give clear direction to local, regional and national traffic in accordance with the requirements of Traffic Signs Manual Chapter 8.</p>
1.8.	Transportation and Traffic	
1.8.1.	Applicant, HCC	Road safety <ul style="list-style-type: none"> • Is the projected reduction in accidents and casualties significant when compared with other schemes? • Is the current safety record of the road good or poor compared to similar roads? • Is there any prospect of improving safety further?
<ul style="list-style-type: none"> • The Applicant highlights that as accident and casualty assessments are highly context specific, any comparison between specific scheme appraisals should be undertaken with caution. As set out by the applicant in Table 5.4 and Table 5.5 of the 		

ExQ1

Question to:

Question:

Transport Assessment Report [APP-073], total accidents and casualties saved by the scheme are projected to be 72 and 98 respectively over the 60-year appraisal period, with 2 accidents saved in the Opening Year of the scheme.

- Other schemes have been selected for comparison based on availability of information and similarity to the scheme:
 - Table 29 of the A19 Downhill Lane Junction Improvement Transport Assessment Report [APP-073] describes an expected reduction of 17 accidents and 37 casualties.
 - Table 6.3 and Table 6.4 of the A585 Windy Harbour to Skippool Improvement Scheme Transport Assessment Report [APP-073] describe expected accident saving of 30 and casualty saving of 120.

In addition, the Post-Opening Project Evaluation (POPE) of Major Schemes demonstrates an outturn average accident saving for the Opening Year of “major schemes” of 4 accidents per annum. POPE data is sourced from 31 schemes involving various interventions. Source: Evaluation Insights Paper; post Opening Project Evaluation of Major Schemes, January 2019 (Page 8)

- As set out by the Applicant in Table 5.3 of Transport Assessment Report [APP-073], local and national accident rates (per million vehicle kilometres) are provided for selected road types. Comparing the national and local accident rates:
 - Modern D2 roads with a speed limit of 30/40 mph have a local accident rate of 0.21 which is lower than national rate of 0.553.
 - Older D2 roads with a speed limit of 30/40 mph also see a lower local accident rate of 0.39 compared to 0.599 national rate.
 - Modern D2 roads with a speed limit in excess of 40 mph have a local accident rate of 0.14 which is marginally higher than national rate of 0.107.
- As set out by the applicant in Paragraph 2.2.12 of Environment Statement [APP-023], the proportion of killed and serious injury (KSI) casualties in the six-year period is 7.69%. This is lower than the comparable national average of 10.31%, based on casualty records occurring on built-up A roads in 2014. The applicant concludes that the current safety record is good in comparison to the national average for similar roads. Finally, as stated by the applicant in the Environment Statement [APP-

ExQ1	Question to:	Question:
	<p>023 – Section 2.6.3], the scheme includes the following distinct measures to improve safety through removal of vehicle-pedestrian conflicts:</p> <ul style="list-style-type: none"> ○ Removing four existing signal-controlled pedestrian crossings and one signalled junction (which includes two pedestrian phases) on the A63; ○ Removing one existing uncontrolled crossing on the A63; ○ Providing a new bridge over the A63 for pedestrians, cycles and disabled users at Porter Street; ○ Providing a bridge over the A63 for pedestrians, cycles and disabled users south of Princes Quay Shopping Centre; ○ Upgrading of the existing route that runs from Market Place under the A63 using High Street to allow pedestrians, cycles and disabled users to cross underneath the A63; and ○ Restricting access to the A63 by closing some junctions and restricting movements on some side roads to improve safety. 	
1.8.2.	Applicant	<p>Road safety information requirements – NN NPS Please confirm, with reference to the relevant documentation, that the applicant has complied with all of the relevant requirements set out in Paragraphs 4.60-4.66 of the NN NPS.</p>
<p>The Applicant can confirm that the proposed scheme does comply with the relevant requirements outlined in Paragraphs 4.60 to 4.66 of the National Policy Statement for National Networks (NPS NN).</p> <p>The Applicant has engaged with Highways England specialists and the independent Road Safety Auditors to ensure that we address and mitigate any and all risks associated with the scheme through a Stage 1 Road Safety Audit (RSA) on completion of preliminary design. Further RSA Stages will be completed at key milestones to ensure compliance. These include RSA 2 on completion of detailed design, RSA Stage 3 on completion of construction and potentially a RSA Stage 4 post opening monitoring.</p>		

ExQ1	Question to:	Question:
1.8.3.	Applicant, HCC	Non-motorised transport Will connections for non-motorised transport be improved overall? Will there be any negative effects?
<p>ES Volume 1 Chapter 15 Effects on all travellers [APP-023] and Appendix 14.2 People and Communities – Equality Impact Assessment [APP-059] outline the potential impacts to NMUs along the proposed route.</p> <p>The proposed Scheme aims to improve NMU connections by upgrading the conditions and routes of the footpaths along the A63 Castle Street, as well as providing grade separated routes crossing the A63 at key locations. Currently, there are five signalised pedestrian crossings along the A63 (Porter Street, Mytongate junction, Holiday Inn access, Dagger Lane and Market Place). The current accident data indicates that there have been several accidents with pedestrians and cyclists at some of these signalised crossings. The intention of the Scheme is to improve safety for NMUs by replacing the existing crossing with four grade separated routes: -</p> <ul style="list-style-type: none"> • Porter Street Bridge; • Mytongate Junction; • Princes Quay Bridge; and • High Street Pedestrian route. <p>These proposed measures improve the safety and access for NMU as it separates NMUs from live traffic. All measures have been designed in consultation with Hull City Council and the Hull Access Improvement Group (HAIG). The detailed design will be produced with continued consultation with these key parties to ensure that the impact on NMUs will be improved. However, the removal of the at-grade crossings may disproportionately impact on those less able to manage longer walking distances or steep gradients, which may include some disabled people with mobility impairments and those using wheelchairs. However, two bridges with disabled access are being provided over the Scheme and the upgrading of the route that runs from Market Place under</p>		

ExQ1	Question to:	Question:
		<p>the Scheme to cater for pedestrians, cyclists and disabled users would help to provide crossing points for disabled users. In addition, the associated removal of traffic interaction may improve safety and as such benefit disabled pedestrians.</p> <p>As identified in Environmental Statement (ES) Volume 1 Chapter 15 Effects on all travellers Section 15.9.7 [APP-023], overall effects on NMUs are predicted to be adverse at worst but not significant, after taking into account changes in journey length, facilities for NMUs and traffic flows in the opening year (2025) for NMU routes identified in the study area for the Scheme.</p> <p>The operational NMU assessment in Table 15.13 identified significant adverse effects at four locations, non-significant adverse effects at 10 locations, no change in effect at eight locations, beneficial non-significant effects at 13 locations and beneficial significant effects at one location.</p> <p>The removal of at-grade crossings and their replacement with the two pedestrian, cycle and disabled user bridges at Porter Street and Princes Quay would have the benefit of separating NMUs from vehicle traffic and improving safety for NMUs but would increase journey lengths for some routes. Changes to traffic flows at locations where NMUs cross roads would result in a reduction in amenity at some locations but an improvement in amenity at others.</p>
1.8.4.	Applicant and HCC	<p>Non-motorised users (NMUs) Is the increase in journey times for some NMUs justified given the Government's policy of making sustainable modes of transport an attractive and convenient option?</p>
		<p>Whilst journey length increases were predicted for 7 of the 36 locations identified in Environmental Statement (ES) Volume 1 Chapter 15 Effects on all travellers Table 15.13 [APP-023], new and improved non-motorised user (NMU) facilities would be provided at 6 of these 7 locations, including the pedestrian, cycle and disabled user bridges at Porter Street and Princes Quay. The provision of these facilities would partially offset adverse effects experienced by NMUs due to journey length increases, and would improve safety, therefore potentially making each of these journeys more attractive and convenient.</p>

ExQ1	Question to:	Question:
		<p>The remaining location where journey length increases were assessed was location 10 at Market Place. Here a signal-controlled crossing would be removed and replaced with an uncontrolled crossing. The design of the slip roads (including sight lines) in this location, coupled with the predicted traffic flow changes have been thoroughly assessed from a road safety perspective, and it has been confirmed that removing the signal-controlled crossing at this location would not result in an increased safety risk for NMUs and is acceptable from a safety perspective. Whilst it is possible that the Scheme would make this single route less attractive and convenient, when put into context with the operational mitigation measures included as part of the Scheme design as a whole as set out in Section 15.7, the new and improved facilities provided as part of the Scheme ensure that the needs of cyclists and pedestrians have been addressed as identified in paragraph 3.17 of the National Policy Statement for National Networks.</p> <p>The Scheme objectives aim to find a reasonable balance between reducing traffic congestion, improving access to the Port of Hull, improve safety for road users and the local community, as well as reducing severance between the city centre and business.</p> <p>As the Scheme is found within an existing built up environment, constrained by several features such as buildings, burial ground and the marina, the scope for providing infrastructure that promotes sustainable modes of transport is limited. The Scheme has endeavoured to provide as many features that promotes and accommodates NMUs along the route, whilst ensuring to deliver on the objectives of the Scheme.</p> <p>Continued consultation with affected parties is crucial to the design development of the scheme. On 09 April 2019 a combined meeting with HAIG and HCC was held to review the High Street Pedestrian route to ensure that their needs are incorporated in the detailed design. In this meeting HAIG reaffirmed that they are happy with the proposals included in the draft DCO and the level of consultation that has taken place up to this point. Monthly meetings will form part of the detail design process. Therefore, the proposed scheme addresses the fine balance between reducing traffic congestion and improving access and provision for NMUs, thus making sustainable modes of transport and attractive and convenient option.</p>
1.8.5.	Applicant, HCC, HAIG	Road restrictions

ExQ1	Question to:	Question:
		What impact will the restriction of movement along Dagger Lane, Fish Street and Vicar Lane have on businesses on nearby roads such as South Church Side in terms of accessibility for customers (including disabled customers) and servicing? Are any mitigation measures proposed to address any impacts?
<p>The design for the Old Town area has developed through consultation with Hull City Council and stakeholders in the period since the formal consultation was concluded in January 2017. Several consultation exercises have been undertaken to specifically target those who live and work in the Old Town area, which includes Dagger Lane, Fish Street and Vicar Lane, but also other roads in the locality. The most recent of these events was held in November and December 2017 with an aim to present the plans that were current at that time, review any comments received and where possible integrate those into the developing design for the area.</p> <p>In 2016/17 Hull City Council invested significantly in this area as the City of Culture events progressed. Parking restrictions were amended, some roads were stopped up, one way streets / no entry regulations / weight restrictions amended and new areas of public realm completed. Consultation with those who work and reside in this area seemed to indicate that this is working well presently, so there was a desire to retain this as much as possible and align the A63 Castle Street Improvement Scheme proposals with the Hull City Council works. In consultation with officers from Hull City Council the submitted design as part of the Application is now aligned to the current layout as much as practicable.</p> <p>An example of how this affects businesses, and how the Applicant has listened to stakeholders relates to the original design which proposed weight limits amendments (7.5 tonnes) into the Old Town area. During the consultation in November and December 2017 several businesses raised concerns that this would not be practical and would cause them issues with regards to deliveries. It was agreed they raised a valid point, the area operates well now and therefore it was removed from the design.</p> <p>The closure of Dagger Lane, Fish Street and Vicar Lane have always been in the Scheme proposals, as it is critical to reduce the number of access and egress points onto the A63 in order to achieve the scheme objectives, specifically of improving safety and the</p>		

ExQ1	Question to:	Question:
<p>flow of traffic. With the closure of these roads as part of the Scheme, access to these areas will need to be made from Princes Dock Street or South Church Side. As this is the case, road users will be required to travel a slightly longer distance to reach their end destination when compared to the current layout. This will be balanced by the fact that there will be less vehicles accessing the Old Town area as opportunities to access it are reduced due to the segregation island in the eastbound carriageway. As these roads are to be closed, turning heads are to be provided on each of Dagger Lane, Fish Street and Vicar Lane all of which involved some localised accommodation works.</p> <p>Another change which resulted from the consultation in November and December 2017, and to reduce the distance vehicles need to travel to get to out of the Old Town included South Church Side being reinstated to a two-way road. This allows vehicles to egress Dagger Lane, Fish Street and Vicar Lane onto Market Place rather than having to drive round via Robinson Row and Posterngate. Some general car parking provision on the north side of South Church Side would be removed to accommodate this. There will be no loss of disabled car parking spaces within the Old Town area which has been a commitment from both Hull City Council and the Applicant which has been communicated to stakeholders in the area in meetings.</p>		
1.8.6.	Applicant, HCC, HAIG	<p>Proposed Porter Street Bridge Will the proposed Porter Street Bridge cater satisfactorily for the needs of disabled people?</p>
<p>Yes, the proposed Porter Street Bridge has been developed in line with all relevant standards, and in consultation with Hull City Council and the Hull Access Improvement Group (HAIG).</p> <p>Appendix 14.2 People and Communities – Equality Impact Assessment [APP-059] outlines the aspects considered during the preliminary design.</p>		
1.8.7.	Applicant, HCC, HAIG	<p>Pedestrian Underpass</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Have any details of the proposed upgrading of the underpass at High St been prepared? • Will the proposed upgraded underpass provide a suitable crossing point for the A63 for all non-motorised users?
<ul style="list-style-type: none"> • The Applicant is currently working closely with our designers and stakeholders regarding the proposed upgrade of the route under the A63 between Market Place, via High St and back to Queen Street. The proposed draft plans have been shared with Hull City Council officers, including the access officer and the Hull Access Improvement Group (HAIG) and the general consensus was favourable. Hull City Council officers and HAIG will continue to be engaged as the design progresses in the form of workshops and site visits to help inform the design. Suggestions may be included in the design if they are feasible and within the scope of the Scheme. • The proposed upgraded underpass at High St will provide a suitable crossing point for the A63 for all non-motorised users. Improvements for the area will include: <ul style="list-style-type: none"> ○ Improved ramped access with accessible gradient on the northern side of the A63 between Market Place and High Street; ○ A fully accessible route from to connect the northern side of the A63 to the south; ○ Additional street lighting in the form of new columns, uplighters and downlighters in the area; ○ Improved paving within the area to match that of the recently completed Hull City Council public realm scheme at the Fruit Market; 		
1.8.8.	HAIG and HCC	<p>Accessibility Do you have any specific comments on accessibility relating to the various elements of the scheme and any effects of the scheme on accessibility for all users?</p>

ExQ1	Question to:	Question:
1.9.	Utility Infrastructure	
1.9.1.	Applicant, Holiday Inn	Holiday Inn sub-station Please provide details of the existing sub-station, how the scheme would affect it and any proposals to replace it.
<p>Existing situation</p> <p>The current sub-station is located within Plot 3/1cb to the west of the Holiday Inn building, beside the Burial ground (eastern edge). This sub-station is a local distributor which provides supplies to the local area network and Holiday Inn. It comprises of the Northern Power Grid (NPG) local distributor sub-station and a plant/switch room for Holiday Inn. The plant/switch room is an extension to the NPG sub-station and is separated from the NPG side by an internal wall.</p> <p>Impact of the scheme on this apparatus</p> <p>The proposed slip road on the southern side of the realigned A63 will run through the existing sub-station and Holiday Inn circulation road, and requires a retaining wall due to the proposed level changes at this point.</p> <p>The existing cables that enter and leave the sub-station come from the A63 and will need to be diverted as part of the impact the new road alignment will have on this area.</p> <p>The existing plant/switch room attached to the sub-station will also be affected by the new alignment and needs to be relocated.</p> <p>There are also other utilities entering the plant/switch room which will also be impacted by the relocation of the sub-station and plant/switch room, namely the gas supply to the Holiday Inn.</p> <p>Proposed Solution</p>		

ExQ1

Question to:

Question:

The proposed new location for the sub-station is at Plot 3/1be in the area to the west of the burial ground (namely the proposed pumping station location). This has the benefit that it removes the need to have services running along the A63.

From this location it will also be possible to have a connection into the pumping station and local area network, therefore maintaining the existing network without any major disruption, as this new sub-station can be constructed at any time and energised before the existing one is taken offline.

It is also proposed to relocate the plant/switch room to the new pumping station area to comply with the electrical connection regulations (i.e. switch room should be within 20m of sub-station). This sub-station will be supplied by the same high voltage cables currently supplying the existing sub-station, although these will need to be diverted as part of the main works (current route will be impacted by the underpass).

The sub-station and plant/switch room will be constructed as two individual buildings in their new location, to satisfy the latest regulations. The material for the buildings is to be agreed but will be in accordance with NPG regulations and Holiday Inn requirements.

The proposed location of the sub-station and plant/switch room are in a shared area with the pumping station, with the sub-station on the western side of the plant/switch room.

Vehicle access for the proposed area will be from Commercial Road, north of the current Holiday Inn access.

It should also be noted that as part of the relocation of the sub-station and plant/switch room all the other services into the Holiday Inn will be diverted via Commercial Road and therefore the current substation building will be demolished.

ExQ1	Question to:	Question:
1.10.	Water Environment	
1.10.1.	Applicant, the Environment Agency, HCC	<p>Proposed pumping station</p> <ul style="list-style-type: none"> • Have all available details of the proposed pumping station been provided? Are the details provided sufficient to enable the scheme to be adequately assessed? • Please explain how the pumping station will be connected to the outfall and whether the impact of the construction work has been considered in the ES.
<p>The necessary Approval in Principle designs have been signed off by the Applicant, for both the pumping station shaft design and the pumping station mechanical and electrical works. The information that has been provided, drawing [APP-009], shows a high-level outline of the proposed pumping station solution. Our opinion is that the information that has been provided as part of the DCO is sufficient to assess that the necessary due diligence has been carried out in the design development.</p> <p>As part of the design development, it has been agreed to discharge the pumping station outfall into the Yorkshire Water drainage system. The effects of this have been reviewed in the “ES Addendum: Yorkshire Water drainage network” to be submitted as part of the DCO. The outfall will discharge into a new manhole in Commercial Road as part of the Yorkshire Water diversion route. The connection onto Commercial Road will be constructed by Yorkshire Water. It will be necessary to close off sections of Commercial Road to construct the connection, which will be phased to mitigate the impact on local routes and residents.</p>		
1.10.2.	Applicant	<p>Surface water discharge</p> <p>Two options are presented regarding the disposal of surface water. Surface water from the underpass will be collected into underground attenuation features, controlling the flow rate either</p>

ExQ1	Question to:	Question:
		<p>into a new public sewer connection or a new outfall into the Humber Estuary.</p> <ul style="list-style-type: none"> • Why are 3 options for the proposed surface water outfall shown? When will the proposal be finalised? • Have discussions with Yorkshire Water regarding discharge of surface water to the existing Yorkshire Water sewer progressed? If so, what is proposed? • Is it clear that the ES addresses whichever solution is preferred?
<p>Yorkshire Water have recently confirmed that they have no objection to the disposal of surface water via the underpass pumping station discharging to the public combined sewer. This will negate the need for the proposed surface water outfall options into the River Humber through an existing sheet piled wall as shown on Environmental Statement (ES) Volume 2 Figure 2.5.6 The Scheme Proposals – Sheet 5 of 6 [APP-025]. An application for a non-material change will be submitted in due course to reflect this and the works plans will be updated accordingly.</p> <p>ES Volume 1, Chapter 2 The Scheme, Section 2.6.71 [APP-023] explains why there are three options as follows: <i>“There are alternative proposed locations for the outfall to the River Humber as shown on Volume 2, Figure 2.5 Sheet 5 The Scheme proposals. Selection of the preferred outfall location will depend on investigation of the existing sheet piled wall and any constraints due to land use. This proposal is being discussed with Natural England, the Environment Agency and the land owner.”</i></p> <p>At the time of writing the ES, the decision had not been made by Yorkshire Water to allow the use of the existing drainage network for the Scheme. The alternative drainage option to this was to direct the discharge of surface water from the proposed underpass at Mytongate Junction, via a new long rising main to one of three outflow locations into the Humber.</p> <p>The Applicant made the decision to leave the long rising main route and outfalls in the environmental impact assessment (EIA) process. This was in order that the ‘worst case’ scenario would be assessed in the ES, in the event that agreement with Yorkshire Water was not reached.</p>		

ExQ1	Question to:	Question:
<p>The Applicant has reviewed the implications to the EIA process within an ES Addendum to be submitted as part of the DCO application, on the following basis:</p> <ul style="list-style-type: none"> • the long rising main route to the outfall - down Commercial Road, Manor House Street and Wellington Street West - can be removed • a short rising main route would be required from the pumping station across the Holiday Inn access road to a proposed manhole in the land adjacent to Commercial Road • the removal of all three proposed outfall locations <p>The conclusion in the ES Addendum is that that removal of the long rising main route and outfall locations and addition of short rising main would result in no significant changes to effects as assessed in the ES.</p>		
1.10.3.	Applicant, Environment agency, HCC	<p>Flood Risk</p> <ol style="list-style-type: none"> 1. Are there any changes to the design of the scheme that could reduce the risk of flooding of the underpass? 2. How significant are the potential increases in flood risk elsewhere as a result of the development? Could such increased flood risk affect proposals for new housing development proposed in Hull City Council's adopted Local Plan? 3. Has a plan been prepared regarding how to deal with flooding during construction?
<p>1) A section of the vertical elevation was altered to reduce surface water run-off to the main carriageway into the underpass. This was done in consultation with the Environment Agency.</p>		

ExQ1

Question to:

Question:

At present the vertical alignment of the A63 mainline is raised to form a gentle convex profile or “hump” either side of the underpass to minimise overland surface water flows entering the underpass from pluvial flooding events up to a 1 in 100 year return period (with an allowance of 30% for climate change).

Potential additional changes to the design of the Scheme that could reduce the risk of flooding of the underpass include:

- raising \ lowering the A63 mainline east of the underpass to divert flood flows elsewhere
- raising the “hump” or adding other structures to prevent flows into the underpass
- removing \ adding a central barrier along the proposed mainline to divert flood flows elsewhere

Although these changes would likely reduce the risk of flooding of the underpass, it is believed they would increase the flood risk elsewhere. These design changes are currently being modelled in consultation with the Environment Agency as explained in the Applicant’s comments on their Relevant Representation .

- 2) Please refer to the Applicant’s response to Written Question 1.10.9 regarding the significance of the potential increases in flood risk elsewhere and the analysis presented in the Revised Technical Note. This is the Applicant’s response to ES Volume 3 Appendix 11.9 [APP-056] and the Applicant’s comments on the Environment Agency’s Relevant Representation. The document provides greater detail on the significance of the transfer of flood risk as a result of the Scheme.

The Applicant’s comments on the Environment Agency’s Relevant Representation also presents an assessment of the impact of the Scheme on Hull City Council’s proposed development allocations. The results of the analysis indicate that changes in flood depth are generally marginal (<0.05m) at most of the allocated development sites. 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 few 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.

- 3) Transfer of water from within the excavation will be in accordance with the Construction Environment Management Plan (CEMP). At present there is not sufficient detail to give a thorough answer however we can confirm that the run-off into the

ExQ1	Question to:	Question:
<p>excavation will be managed through the local highway drainage networks, settlement tanks and the new pumping facility, which will be detailed in a Pumping Management Plan. Consultation with the Highways England Regional Control Centre has identified that additional support is available in the event of an emergency. Subject to the source and severity of the flooding it should be noted that if the underpass floods it is likely that other areas of the city will have already flooded.</p> <p>A Flood Evacuation Plan for the site compounds will be prepared as part of the CEMP. Requirements for this plan are stated at reference W12 in the Register of Environmental Actions and Commitment (REAC) as featured at Annex B of the Outline Environmental Management Plan (OEMP) [APP-072] and as a standalone document [APP-068] submitted for this application.</p> <p>In addition, flood emergency and evacuation procedures for the construction footprint will be prepared as part of the CEMP. These procedures will be based on the Flood Emergency and Evacuation Plan (FEED), which forms Appendix B of ES Volume 3 Appendix 11.2 Flood Risk Assessment [APP-052]. This requirement is located at new reference W13 (as documented in the DCO Documents Errata) in the REAC at Annex B of the OEMP [APP-072] and as a standalone document submitted for DCO [APP-068].</p>		
1.10.4.	Applicant	<p>Deemed Marine License (DML)</p> <ul style="list-style-type: none"> • Please identify which of the amendments and conditions sought by the Marine Management Organisation in its relevant representation can be addressed by changes to the draft DCO. Please highlight any requested changes that you think could not be made, and explain why not. • Are any other changes to the DML proposed?
<p>Amendments and conditions sought by the Marine Management Organisation (MMO) in its Relevant Representation are responded to by the Applicant as follows:</p> <p>MMO Relevant Representation Paragraph 2.2.3</p>		

ExQ1

Question to:

Question:

“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.”

Response to MMO Relevant Representation Paragraph 2.2.3

The proposed development has been assessed for compliance against the relevant policies of the East Marine Plan.

The Environmental Statement (ES) and Assessment of Impacts to European Sites (AIES)/Habitat Regulations Assessment (HRA) 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, adaptation 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).

MMO Relevant Representation Paragraph 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.”

Response to MMO Relevant Representation Paragraph 2.3.1

As noted in para 2.3.2 below, para 1.3.7 of the ES explains why the ES includes Princes Quay pedestrian, cycle and disabled user bridge in the environmental impact assessment (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

ExQ1

Question to:

Question:

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.”

MMO Relevant Representation Paragraph 2.3.2

“ . . . the ES should consider the likely impact of the proposed development in-combination with the construction of the Princes Quay footbridge in Chapter 16”

Response to MMO Relevant Representation Paragraph 2.3.2

The ES including Chapter 16 Combined and Cumulative Effects considers the likely impact of the proposed development in combination with the construction of Princes Quay Bridge.

MMO Relevant Representation Paragraph 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.”

Response to MMO Relevant Representation Paragraph 2.4.1

The Applicant does not foresee any works in the UK Marine Area being undertaken on the A63 Castle Street Improvement, Hull, other than those at Princes Quay Bridge for which a Marine Licence has been granted.

The Applicant has 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.

ExQ1

Question to:

Question:

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 Deemed Marine Licence (DML) will be removed from the final iteration of the Development Consent Order (DCO) application.

MMO Relevant Representation Paragraph 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 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.”

Response to MMO Relevant Representation Paragraph 3.6

All activities requiring marine licensing have been included in existing DML for Princes Quay Bridge. The Applicant does not foresee any further works in the UK Marine Area being undertaken on the A63 Castle Street Improvement, Hull.

MMO Relevant Representation Paragraph 4.1

“In its current form, the MMO considers that the drafted DML is not fit for purpose.”

Response to MMO Relevant Representation Paragraph 4.1

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 DCO hearing (but not before DCO submission).

The Applicant does not foresee any further works in the UK Marine Area being undertaken on the A63 Castle Street Improvement, Hull

ExQ1	Question to:	Question:
<p>Are any other changes to the DML proposed?</p> <p>No changes are proposed to the DML.</p>		
1.10.5.	Applicant and Marine Management Organisation	<p>East Marine Plan Has the development been assessed against the East Marine Plan? Should it be?</p>
<p>The proposed development has been assessed for compliance against the relevant policies of the East Marine Plan.</p> <p>The ES and AIES/HRA 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).</p>		
1.10.6.	Applicant and Marine Management Organisation	<p>Unexploded ordinances Does the application documentation need to be amended to reflect any need for a licence for the offshore detonation of unexploded ordinances?</p>
<p>The application documentation acknowledges and considers the risks associated with unexploded ordinance (UXO).</p> <p>As stated at Environmental Statement (ES) Volume 1 Chapter 2 The Scheme Section 2.9.24 Construction uncertainty [APP-023] <i>“The advance works proposed to exhume remains from the burial ground also carries uncertainty related to the condition of the remains, the number of remains and possible risk of unexploded ordnance.”</i></p>		

ExQ1

Question to:

Question:

Unexploded ordnance is further discussed at ES Chapter 12 Geology and soils [APP-023] and also at ES Volume 3, Appendix 12.1 Ground contamination assessment [APP-057].

Chapter 12 Section 12.6.27 states: *“Historic bombing raids are known to have occurred within parts of the study area (EAR, 2010). Areas of ‘medium’ risk due to the potential for unexploded ordnance (UXO) were identified in the far west and east of the Scheme Site area. The remaining areas were identified as ‘low’ risk.”*

12.6.28 states *“Specialist Explosive Ordnance Disposal (EOD) support was provided during the 2013 ground investigation. An EOD Engineer supervised the excavation of exploratory holes in areas identified with a ‘medium’ UXO risk. No anomalies from the magnetometer surveys carried out or suspected UXO items were identified during the ground investigation. Before the commencement of the 2015 ESG (2016a - d) intrusive works cone magnetometer penetration tests were undertaken at the exploratory hole locations to confirm the absence of detectable unexploded ordnance (ESG 2016a).”*

In relation to other areas of the site, Chapter 12 Section 12.6.29 states *“Specialist EOD support will be required during sub-surface construction or earthworks within areas of the Scheme Site where a potential UXO risk has been identified.”*

Mitigation measures for the risk of encountering and detonating UXOs are discussed at Chapter 12 Table 12.7 requiring adherence to safe systems of work in accordance with Explosive Ordnance Safety and Awareness briefings. In areas of medium risk (or above), earthworks / piling are to be carried out under the supervision of specialist Explosive Ordnance Disposal (EOD), with use of magnetometer surveys and targeting of suspected anomalies, where necessary. This requirement is replicated in Outline Environmental Management Plan (OEMP) [APP-072] and Register of Environmental Actions and Commitments (REAC) [APP-068] at reference G4. The results of an UXO survey for the construction of Princes Quay Bridge, carried out in advance of the piling works, determined that no licence was required.

In consideration of the findings and recommendations of the ES and the UXO survey for Princes Quay Bridge, the Applicant does not consider that the DCO application documentation requires amendment.

ExQ1	Question to:	Question:
1.10.7.	Applicant, HCC, Marine Management Organisation	<p>Princes Quay Bridge</p> <ul style="list-style-type: none"> • When did construction of the Princes Quay Bridge commence? • Since construction has already commenced, should it be regarded as a benefit of the scheme or as a separate project? If it is a separate project, should any of the supporting documentation, including the ES, be amended to reflect that? • Since construction has already commenced and the planning permission for it has been implemented, should it be removed from the dDCO?
<p>Answer 1.10.7</p> <ul style="list-style-type: none"> • Construction of Princes Quay Bridge (PQB) formally commenced on 4 October 2018 following successful discharge of the conditions associated with the planning application via Town and Country Planning Act (Ref: 15/00965/FULL) which expired in October 2018. <p>The programme for the completion of PQB is currently spring 2020. Currently the programmed start of works for the A63 Castle Street Improvement Scheme is spring 2020. The current layout of the road (with the traffic management in place) is such that no changes to the current arrangement are required, with both pedestrian crossings remaining in place until the bridge is open to the public and two lanes of traffic running in each direction during peak and daytime hours. As the opening of the bridge is likely to coincide with the start of works for the A63 Castle Street Improvement Scheme the benefits would only be realised post Secretary of State decision. The decision to deliver the PQB element of the Scheme early will also demonstrate additional benefits to the Scheme as accessibility and connectivity benefits would be evident at the early stages of the construction phase, which may not have been the case should it had been delivered as originally planned. The</p>		

ExQ1	Question to:	Question:
		<p>construction phasing of the Scheme is such that for a significant period of time, pedestrian access across the A63 (especially near Mytongate) will be restricted due to the construction of the underpass. Early completion of PQB will aid safe and segregated pedestrian and other non-motorised user (NMU) movement in this area during the construction phase.</p> <ul style="list-style-type: none"> • The Applicant feels that even though construction has commenced, it should be regarded as a benefit of the scheme and should not be removed from the dDCO. As PQB is a fundamental part of the Scheme and early construction of PQB was subject to the Applicant being able to reach voluntary land agreements with all affected landowners it was decided that it should also remain in the Application. • At the time of the negotiations taking place, the Application was being prepared for submission (September 2018) and removing it from the Application may have resulted in the Applicant being unable to deliver a key part of the Scheme. This issue still remains a risk if landowners prevent the Applicant from implementing the scheme and the DCO will permit the Applicant to complete the scheme.
1.10.8.	Applicant	<p>Environmental Impact Assessment Groundwater Please confirm the study area that has been used to assess impacts on groundwater within the Environmental Statement and explain how the study area was arrived at.</p>
<p>The study area encompasses the Scheme Site Boundary and a 4km radius around it. It has been extended to the west and north west to include the Source Protection Zone 1 of a number of Hull public water supply groundwater sources and the furthest site compound at Livingstone Road (see Environmental Statement (ES) Volume 3 Appendix 11.4 Groundwater Report, Sections 2.1.2 and 2.5.16 [APP-054]).</p>		
<p>The 4km radius study area was originally used in 2014 as this was considered at the time to encompass an area larger than the perceived zone of influence. Following the Environment Agency’s updates to the source protection zones for the Hull public water</p>		

ExQ1	Question to:	Question:										
<p>supply groundwater sources, which extended the Source Protection Zone 3 to beyond the extents of the Scheme Site Boundary, the study area was also extended to incorporate the Source Protection Zone 1 for these sources (see Consultation Report Annexes Annex K2.4: s47 Consultation Material - Updated Preliminary Environmental Information, Section 7.3.9 [APP-020]).</p>												
1.10.9.	Applicant	<p>Environmental Impact Assessment Flood Flow Routes Please provide clarity on the identification of a 'large/very large beneficial to very large adverse' residual effect in respect of changes in flood flow routes due to alteration of ground elevations and construction of structures during construction and operation. Please highlight which particular aspects are considered to have an adverse effect which would be moderate or above.</p>										
<p>Significance of residual effect was calculated by examining maps of flood model output (Environmental Statement (ES) Volume 3 Appendix 11.2 Flood Risk Assessment [APP-052]) showing differences in maximum flood depth as a result of the Scheme. These maps were used to determine the magnitude of the residual impact (in terms of changes in flood depths. The magnitude of the flood risk impact varied from major adverse (where flood depth would be increased as a result of the Scheme) to major beneficial (where flood depths would be reduced). The definition of magnitude and significance is defined ES Volume 1 Chapter 11 Road drainage and the water environment, Table 11.2 and Table 11.3 [APP-023] respectively, and aligns with the Design Manual for Roads and Bridge (DMRB) Volume 11 Section 3 Part 10 HD45/09 Tables A4.4 and A4.5. Table A4.5 is reproduced below for clarity. It must be noted that Table A4.5 includes significance of effects that are 'Large/Very Large' for Major Adverse magnitude impacts occurring in High importance attributes or Moderate Adverse magnitude impacts occurring in Very High importance attributes.</p>												
<p>Table A4.5</p> <table border="1" data-bbox="297 1206 1603 1313"> <thead> <tr> <th data-bbox="297 1206 562 1262"></th> <th colspan="4" data-bbox="562 1206 1603 1262">Magnitude of impact</th> </tr> <tr> <th data-bbox="297 1262 562 1313"></th> <th data-bbox="562 1262 745 1313">Negligible</th> <th data-bbox="745 1262 1016 1313">Minor</th> <th data-bbox="1016 1262 1308 1313">Moderate</th> <th data-bbox="1308 1262 1603 1313">Major</th> </tr> </thead> </table>				Magnitude of impact					Negligible	Minor	Moderate	Major
	Magnitude of impact											
	Negligible	Minor	Moderate	Major								

ExQ1		Question to:		Question:	
Importance of attribute	Very high	Neutral	Moderate / Large	Large / Very Large	Very Large
	High	Neutral	Slight / Moderate	Moderate / Large	Large / Very Large
	Medium	Neutral	Slight	Moderate	Large
	Low	Neutral	Neutral	Slight	Slight / Moderate

The residual effect significance for flood risk is driven entirely by the magnitude of impact (i.e. change in depth of flooding) as the entire study area is located within Flood Zone 3 with greater than 100 residential properties (i.e. an attribute of Very High importance).

Given the complex nature of the floodplain and the impact of the Scheme on the flood pathways within it, the Scheme results in some areas receiving a beneficial impact (i.e. reduced depths of flooding) ranging to other areas receiving an adverse impact (i.e. increased depths of flooding) depending on the source of flooding (either from the River Hull or the Humber Estuary) and the return period of such flood events.

In general terms, areas to the east and south of the Scheme show areas of increased flood depths and areas to the north show reduced flood depths. Further detail on the spatial changes in flood risk and residual impact is given below and in ES Volume 3 Appendix 11.2 Flood Risk Assessment [APP-52].

The changes in flood depths and resulting residual effects are largely caused by the permanent alteration of ground levels which in turn effects flood flow routes through the study area. The Scheme design elements with the most significant impact on flood risk transfer are the raising of the A63 mainline to the east of the proposed underpass, the changes in ground profile associated with the proposed slip roads, and most significantly in terms of flood risk, the changes in ground profile associated with the proposed underpass. The proposed carriageway to the west, north and south will be largely unchanged in terms of ground elevations.

ExQ1	Question to:	Question:
		<p>The raising of road levels in the east (to tie-in with the adjacent thresholds on the pedestrian routes) is largely responsible for the increase in maximum flood depths in areas to the east. This is particularly the case for flood events from the River Hull and lower return period floods from the Humber Estuary as one of the main flow routes for flood water is along the existing A63 carriageway. Raised road levels causes <i>some</i> flow to be diverted away from the A63 and to increase flood depths in the surrounding streets to the north and south. However, the same mechanism is also responsible for the reduction in flood depths seen to the north and west of the underpass, as flow is diverted away from these areas. Furthermore, a large volume of water that does flow along the A63 would then flood and inundate the underpass prior to flooding areas to the north and west.</p> <p>The construction of the Princes Quay pedestrian, cycle and disabled bridge has a relatively minor impact on changes in flood flow routes through the study area.</p> <p>The ES contains levels of magnitude of flood risk impact (given in Chapter 11 Table 11.18 of the ES Volume 1 [APP-023]) that were incorrect with reference to the DMRB guidance taken from Annex IV, Table A4.4 (See Table 1 in Appendix A. A corrected version of Table 11.18 is given in Table 2 in Appendix below which shows flood risk magnitudes greater than “moderate” only. The correct version of Table 11.18 is also presented in the DCO Documents Errata.</p> <p>Appendix A Table 2 should be read in conjunction with the relevant flood depth difference maps given in Appendix A of the Flood Risk Assessment (ES Volume 3 Appendix 11.2 Flood Risk Assessment [APP-023]). It is noted that the maps presented in the Flood Risk Assessment do not show flood risk magnitudes classed as “negligible” or “minor” as depth changes of less than 50mm were considered within the range of model uncertainty. The Applicant has provided additional flood mapping in this response (Appendix A – Figures 1 to 8) showing the flood risk depth differences presented as per the magnitude categories in Appendix A Table 1 and including depth differences less than 50mm.</p> <p>To confirm, taking into account the correction above, there is no impact on the overall significance of residual effects arising from the Scheme.</p> <p>Appendix A – Additional information in response to 1.10.9.</p>

ExQ1	Question to:	Question:																				
1.10.10.	Applicant	<p>Environmental Impact Assessment - Community amenities and business</p> <p>Please provide clarity on what is meant by the identification of a 'large/ very large beneficial to very large adverse' residual effect in respect of the interaction of the road drainage and water environment with community amenities and business during both construction and operation, and highlight which particular aspects are considered to have an adverse effect which would be moderate or above.</p>																				
<p>The Applicant has assumed that this question refers to the flood risk impacts in respect of the interaction of the road drainage and water environment with community amenities and business during both construction and operation. The Applicant's comments on Written Question 1.10.9 above, provides clarity on the definition of impact magnitude and residual effect categories and how they were derived for the Scheme. Table 16.7 (from Environmental Statement (ES) Volume 1 Chapter 16 Combined and cumulative effects [APP-023]) notes that there is a "large / very large beneficial to very large adverse" residual effect on "community, amenities and businesses" during both construction and operation. This should read "very large beneficial to very large adverse" and also apply to the "residential property" category in Table 16.7 as shown in red below. This correction has been included in the DCO Documents Errata.</p> <p>The particular aspects which are considered to have an adverse effect of moderate or above are presented in our response to Written Question 1.10.9.</p> <p>Table 1 – ES Volume 1 Chapter 16 Combined and cumulative effects Table 16.7 (revised)</p> <table border="1"> <thead> <tr> <th rowspan="2">Receptor</th> <th colspan="2">Cultural features</th> <th colspan="2">Residential property</th> <th colspan="2">Community amenities and business</th> </tr> <tr> <th>Construction</th> <th>Operation</th> <th>Construction</th> <th>Operation</th> <th>Construction</th> <th>Operation</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Receptor	Cultural features		Residential property		Community amenities and business		Construction	Operation	Construction	Operation	Construction	Operation							
Receptor	Cultural features			Residential property		Community amenities and business																
	Construction	Operation	Construction	Operation	Construction	Operation																

ExQ1	Question to:		Question:			
Air quality	-	-	Not significant adverse	Not significant adverse	Not significant adverse	Not significant adverse
Noise and vibration	Negligible increase	Not significant	Significant adverse	Significant adverse to significant beneficial	Minor increase	Not significant
Cultural heritage	Large adverse	Large adverse	-	-	Large adverse	Large adverse
Landscape	Large adverse landscape	Large adverse	Moderate adverse landscape	Significant adverse and beneficial visual	Large adverse landscape	Large adverse
Ecology and nature conservation	Large adverse	Large adverse	-	-	Large adverse	Large adverse
Road drainage and the water environment	-	-	Very large beneficial to very large adverse	Very large beneficial to very large adverse	Very large beneficial to very large adverse	Very large beneficial to very large adverse
Geology and soils	No significant adverse or beneficial residual effects					
Materials	No significant adverse or beneficial residual effects					
People and communities	Moderate adverse	Moderate adverse	-	-	Moderate adverse	Moderate adverse

ExQ1	Question to:	Question:
Effects on all travellers	No significant adverse or beneficial residual effects	
Overall Significance of Combined Effects	Moderate adverse	
1.10.11.	Applicant	<p>Environmental Impact Assessment Flood risk impacts Please provide clarity on what is meant by the identification of resulting flood risk impacts ranging from major beneficial to major adverse depending on the location, source of flooding and return period of event, and highlight which particular aspects are considered to have an adverse effect which would be moderate or above.</p>
Please refer to the Applicant's comments on Written Question 1.10.9.		
1.10.12.	Applicant	<p>Environmental Impact Assessment Zone of Influence (ZOI) Please can the Applicant provide a justification for the ZOI that has been applied to the assessment, having regard to the extent of the impacts likely to occur, in particular with regard to the concentration and volume of possible pollutants and potential pollution incidents.</p>
The Zone of Influence (ZOI) is referred to in Environmental Statement (ES) Volume 1 Chapter 11 Road drainage and the water environment, Sections 11.5 and 11.7 [APP-023]. It is the area around the underpass where modelling suggests that groundwater levels might be impacted by more than 0.01m due to the groundwater mounding effects of the underground underpass structure (see		

ExQ1	Question to:	Question:
<p>ES Volume 3 Appendix 11.4 Groundwater Report, Section 5.3.6[APP-054] and ES Volume 3 Appendix 11.7 Groundwater modelling update, Sections 4.1.2 to 4.1.4 [APP-056]). As stated in ES Volume 1 Chapter 11 Section 11.4.22 [APP-023], the groundwater model focussed on the underpass as this structure is considered most likely to impact the groundwater regime, but potential impacts for other underground structures such as the pumping station and Holiday Inn retaining wall can be inferred from the impacts predicted for the underpass as these are adjacent and at similar depths. A separate 2D model was created to assess the impact of the underpass tension piles and bridge piers, although this showed very little impact on groundwater levels and flows.</p> <p>The impact assessment considered all groundwater receptors identified within the study area, with consideration of individual receptors (such as the overall Chalk aquifer, public water supply sources, the Humber Estuary or nearby property foundations, etc), their associated catchment areas where relevant, and their location in relation to the ZOI to give an indication of magnitude of impact (see ES Volume 1 Chapter 11 Table 11.16 [APP-023]). The extents of likely water quality impacts (i.e. resulting from pollution incidents) has not been categorically defined as this depends on the nature of the contaminant and its ability to be transported through the aquifer.</p>		
1.10.13.	Applicant	<p>Environmental Impact Assessment Mitigation Measures The ES proposes measures necessary to ensure that the application of bentonite does not result in significant effects. With reference to relevant DCO Requirements, or any other mechanisms, can the Applicant confirm how such measures, including application of a waterproof membrane to buried bentonite slurry and jet grouting supply pipelines, are to be secured?</p>
<p>Bentonite and jet grout supply lines will be secured by their inclusion in the Materials Logistics Plan and Ground Water Monitoring Plan. This will be produced as part of the CEMP and is included in Requirement 4 of the latest draft DCO.</p>		
1.10.14.	Applicant	<p>Environmental Impact Assessment Mitigation Measures</p>

ExQ1	Question to:	Question:
		<p>Paragraph 11.6.37 of the ES states that there is no opportunity for SuDs features as part of the Proposed Development due to limited space availability. However, ES Table 11.15 relies upon the use of temporary SuDS as a mitigation measure. Please can the Applicant address this apparent discrepancy and confirm whether the use of temporary SuDS features has been relied upon in concluding a neutral residual significance in respect of the following impacts:</p> <ul style="list-style-type: none"> • increased suspended solids and reduction in water quality because of earthworks, piling, construction dewatering, plant and vehicle washing, etc; and • Increase in surface water runoff due to increases in impermeable areas within the construction area and compounds and plant and vehicle washing. <p>Please also comment on whether the project complies with paragraph 5.230 of the NN NPS, which says that the project should adhere to any National Standards for sustainable drainage systems (SuDs).</p>
<p>The statement refers to the operational Scheme area where there is no opportunity for SuDs due to limited space availability. Since the submission of the DCO it has been confirmed that surface water drainage from the underpass will not discharge to the Humber but instead all runoff from the operational Scheme area will be accepted by Yorkshire Water. Therefore, both the proposed at-grade and underpass drainage systems will discharge to the sewer system.</p> <p>The Scheme complies with paragraph 5.230 of the National Policy Statement for National Networks in as much there are no feasible options to use SuDs within the operational Scheme area.</p>		

ExQ1	Question to:	Question:
		<p>The temporary construction compounds and working areas would involve increases to impermeable areas and plant and vehicle washing operations which would in turn increase surface water runoff rates and potentially cause localised flooding. Mitigation measures are outlined in the Register of Environmental Actions and Commitments (REAC) at Annex B of [APP-072] 7.3 Outline Environmental Management Plan (OEMP) (and also in the REAC as a standalone document [APP-068]). Reference W4 includes a requirement for the use of closed drainage systems incorporating SuDS features, where possible. The destination of discharge from construction compounds is not yet confirmed but it is expected to be the Yorkshire Water sewer subject to obtaining the necessary consents.</p> <p>During construction there will be a requirement to discharge surface water runoff from areas associated with construction activities such as earthworks, piling, construction dewatering, plant and vehicle washing. Where the water contains increased suspended solids and / or a reduction in water quality, mitigation measures may be a requirement prior to discharging to the Yorkshire Water sewer. Such measures could include temporary treatment using SUDs like temporary sedimentation tanks or chemical dosing tanks.</p>