

A63 Castle Street Improvements, Hull

Scheme Number: TR010016

Applicant's Comments on Written Representations

APFP Regulation 5(2)(h)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed

Forms and Procedure) Regulations 2009



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Infrastructure Planning
Planning Act 2008

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

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

Applicant's Comments on Written Representations

Regulation Number:	Regulation 5(2)(h)
Planning Inspectorate Scheme Reference	TR010016
Author:	A63 Castle Street Project Team

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Applicant's Comments on Relevant Representations

1.1 Written Representation from Environment Agency

	Written Representation from Environment Agency	Response from Highways England (the Applicant)
	<p>Since the submission of our Relevant Representation (RR-018), we have continued to attend a number of meetings with the applicant to discuss ways of addressing the matters raised within our representation. In a meeting in August 2018, before the submission of the Development Consent Order (DCO) application (TR010016), the applicant had confirmed to us that they would not have time to address all outstanding matters prior to submission and that they would therefore be seeking to address our outstanding concerns via a technical note, to be submitted to the Examining Authority (ExA) at a later date. We are not aware, to date, that this has been included within the submission. Although we appreciate that it is the applicant who will determine if or when this document is submitted, we have made reference to the latest version of the Flood Risk Information Technical Note (referenced HE514508-MMSJV-EWE-S0-RP-ZH-000001, V2.0, dated 1 March 2018) provided to us, to give some context to our Written Representation (WR) and to ensure our representation reflects our more recent position. We have therefore enclosed a copy for your information.</p> <p>Some of our concerns have been satisfied, but a number remain, even following production of the Technical Note. For this reason, it should be noted that the draft Statement of Common Ground (SoCG) submitted by the applicant is no by no means final or agreed and will not be signed off by either party at this stage.</p> <p>1. Compliance with National Policy Statement for National Networks</p>	<p>1.0.1 The final version of the Additional Flood Risk Information Technical Note was submitted for examination Deadline 1 as an Appendix to the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>No further amendments have been made to this document (version dated 1 March 2019) which was initially issued to the Environment Agency on 4 March 2019.</p> <p>1.0.1 Noted.</p>

	<p>1.1 As stated in RR-018, the applicant should provide evidence to demonstrate that the development will be safe for its proposed lifetime and will not increase flood risk to others, in line with paragraph 160 of the National Policy Statement for National Networks (NPS NN). The applicant has confirmed that they do not consider it possible to prevent flooding of the underpass, without significantly increasing flood risk to others. The scheme therefore offers limited mitigation opportunities and must be managed predominantly through emergency planning procedures.</p> <p>1.2 The Flood Risk Information Technical Note confirms that there will already be some transfer of risk to the surrounding area resulting from the scheme's current design. In this respect, we consider that the scheme cannot comply with the NPS NN. However, we are aware that the applicant is undertaking some analysis of the offsite impacts in relation to threshold levels, to determine how significant the offsite impacts will be. This will likely be the basis for discussion relating to the second part of ExQ1.10.3.</p>	<p>1.1 Noted</p> <p>1.2 Please refer to the Applicant's comments on Written Question 1.10.9 with regard to the significance of the potential increases in flood risk elsewhere and also the analysis presented in the Additional Flood Risk Information Technical Note (appended to the Applicant's comments on the Environment Agency's Relevant Representation. The Technical Note is the Applicant's response to Appendix 11.9 (as part of Environmental Statement (ES) Volume 3 Appendices 11.5 – 11.9 (APP-056)) which provides greater detail on the significance of the transfer of flood risk as a result of the Scheme.</p> <p>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.</p> <p>The results of the analysis referenced above indicate that changes in flood depth are generally marginal (<0.05m) at all allocated development sites except those noted below. In addition, several of the allocated development sites show a marginal decrease in flood depth as a result of the Scheme.</p> <p>Generally, the increase in depths at the</p>
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	<p>2. Climate Change</p> <p>2.1 Our previous concern regarding the use of the climate change allowance for the north east of England, instead of the east of England allowance, has been resolved in discussion with the applicant. The applicant has confirmed to us that the reference to the north east allowance within the flood risk modelling report (APP-053) was a typographical error and that the eastern allowances had in fact been used correctly.</p> <p>2.2 The UK Climate Change Projections 18 (UKCP18) were published in November 2018, although the climate change allowances have not yet been updated by the Environment Agency to reflect these revised projections. Due to the application's acceptance by the Planning Inspectorate on 18th October 2018, the applicant considered that there had been insufficient time for them to re-run their modelling to include these projections, or to consider the H++ scenario. In lieu of any modelled outputs, the applicant has proposed to undertake a qualitative assessment of climate change effects using UKCP18 projections and the H++ scenario. We understand that the applicant intends to address this within their response to RR-018.</p> <p>2.3 The applicant has indicated that it would be unfeasible to mitigate the</p>	<p>allocated development sites are within the range of 0.05 to 0.11m. However, a number of sites have increased depths greater than 0.11m depending on the return period and source of flooding. These sites are 7, 9, 18, 22, 23, 29 and 35.</p> <p>2.1 Noted.</p> <p>2.2 Additional modelling has been carried out to include a consideration of the H++ climate change allowances.</p> <p>In agreement with the Environment Agency, UCK18 climate change allowances have been considered qualitatively due to a lack of suitable information to enable additional modelling of these scenarios.</p> <p>The above information has been included in the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>2.3 Noted</p>
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	<p>effects of climate change through design of the scheme. However, the outputs of the assessment remain important for the ExA in understanding the risk to the development over its lifetime. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>3. Lifetime of the Development</p> <p>3.1 Since we requested clarity on the proposed lifetime of the development, the applicant has confirmed to us in writing that the lifetime of the development is considered to be 60 years. Section 4.2.5 of the submitted flood risk assessment (APP-052) states that 'a uniform increase in peak sea level of 1.125m [was applied] to allow for the effects of climate change through the lifetime of the Scheme (2010 to 2115)'. Should the lifetime of the development be confirmed as 60 years (to the year 2085), the FRA is potentially misleading, as it discusses the flood risk to the development beyond its lifetime, up to the year 2115. However, should the lifetime be considered to be longer, the assessment to 2115 may still be relevant.</p>	<p>3.1 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 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 will 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</p>
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	<p>3.2 We note that ExQ1.0.4 seeks confirmation on this matter, given that no decommissioning stage has been planned, and look forward to receiving final clarification on this matter. The uncertainty around this issue is reflected within the SoCG.</p> <p>4. Breach Assessment</p> <p>4.1 The applicant indicated to us in January 2019 that a qualitative assessment of breach was being undertaken. In addition, we understand that the applicant has recently obtained modelling information undertaken for Hull City Council's Strategic Flood Risk Assessment, which includes consideration of a breach in the defences both now and in the future, and is currently deciding how this might</p>	<p>FRA and agreed with the Environment Agency at the time. Where climate change is incorporated into the model output, the allowance included is up to 2115 in line with the current guidance. 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>Following discussions with the Environment Agency, some additional assessments of the effects of the H++ climate change scenario have been undertaken using a design life of 60 years (i.e. climate change up to 2085). 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 the model. The results of these additional assessments are provided in the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>3.2 Noted</p> <p>4.1 Additional modelling assessments of the impacts of defence breaches has been undertaken. The results of these additional assessments are provided in the Applicant's comments on the Environment Agency's Relevant Representation.</p>
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	<p>be used within the evidence base for their flood risk assessment. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>4.2 In RR-018, we also requested that the applicant seeks to determine how the impact of a breach might be altered with the project in place, for example the risk to surrounding areas, and how any increased risk might be mitigated or managed. Given the offsite flood risk resulting from the scheme in its current form, identified within sections 2.1, 2.2 and 2.3 of the above referenced Technical Note, it is not likely that this assessment of breach will affect the design of the scheme, because the applicant has indicated that the raising of roads, to a level that would prevent flooding of the underpass, is likely to significantly increase the transfer of flood risk to nearby receptors. We expect that this will be explored further by the applicant, as it links to the first part of ExQ1.10.3. Any agreements reached will be confirmed within the SoCG in due course.</p> <p>4.3 Even if further mitigation is found to be unfeasible, the assessment of breach is still vital to enable the ExA to understand the risks from a breach over the development's proposed lifetime. This will be key in determining whether the measures proposed within the Flood Emergency and Evacuation and Evacuation Plan (FEEP; Appendix B of APP-052) are sufficient to ensure the safety of road users during such an event, and how the project might affect flood risk to adjacent receptors.</p> <p>4.4 We have recently provided the applicant with modelling information gathered for our proposed Humber Hull Frontages scheme. We understand that the applicant is still reviewing this information. The scheme has now been signed off by the Secretary of State and therefore has full planning permission,</p>	<p>4.2 Noted – see above.</p> <p>4.3 The Flood Emergency and Evacuation Plan (FEEP) (Appendix B of APP-052) will be updated to include latest breach scenario modelling (including breach inundation times of the underpass).</p> <p>4.4 This information has been reviewed although no additional modelling has been carried out to assess the impacts of Humber Hull Frontages scheme. Further information is provided in the Applicant's comments on the</p>
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<p>with the exception of the Victoria Pier works, which have outline permission. Should the Humber Hull Frontages scheme be implemented, it will provide this project with the same level of protection as currently until 2040, which will remove the risk of flooding from overtopping until beyond this period. However, it should be noted that the scheme cannot remove the risk of a breach.</p> <p>5. Inundation Times</p> <p>5.1 In a meeting with the applicant in January 2019, the applicant confirmed that the flood inundation times for a wave overtopping event are nearer to 1.5 - 2 hours, rather than the 2.5 - 3 hours quoted in section 10.3.19 of the FRA.</p> <p>5.2 The concerns raised in RR-018 regarding the speed of onset of flooding in a breach event remain, as inundation is likely to be much more rapid in a breach than due to overtopping. We understand that the applicant intends to address breach inundation times within their response to our RR.</p> <p>5.3 The applicant has also confirmed to us that the inundation times would be clarified and updated within the FEED. The applicant has agreed to provide an explanation of why their suggested inundation times are much greater than local reports of inundation time during the tidal surge in 2013. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>6. Offsite Flood Risk</p> <p>6.1 Section 2.1 – 2.3 of the Flood Risk Information Technical Note provides some discussion around the changes to offsite flood risk, including comparison of extent, depths and hazard for pre- and post-scheme. It was agreed in a meeting with the applicant, on 18 December 2018, that further analysis would be undertaken relating to threshold levels of surrounding</p>	<p>Environment Agency's Relevant Representation.</p> <p>5.1 Further information on inundation times is provided in the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>5.2 Additional modelling assessments of the impacts of defence breaches has been undertaken. The results of these additional assessments are provided in the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>5.3 Refer to response to point 4.3.</p> <p>5.3 Commentary on the suggested inundation times is provided in the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>6.1 Analysis of flooding relative to property thresholds has been carried out. The results of these additional assessments are provided in the</p>
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<p>properties. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>6.2 Following the concerns we raised in our RR regarding the potential effects on Hull City Council's allocated development sites, the applicant confirmed to us in January 2019 that they had conducted an analysis of the flood risk changes to the allocated sites. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>7. Evacuation Plan</p> <p>7.1 As the applicant considers it unfeasible to design the scheme in such a way that the underpass can remain dry, the project relies heavily on emergency procedures. In addition, the FEEP is clear that the evacuation procedures outlined on pages 9 - 12 rely heavily on the Environment Agency Flood Warning System.</p> <p>7.2 The FEEP does also includes a section titled 'Flood Event with no warning'. However, this identifies emergency procedures based on wave overtopping of the flood defences. This section will need to be updated to show that it is informed by the accurate inundation times for both overtopping and breach events. It is much more likely that a breach would occur without warning, than overtopping, so this should be the focus for this section of the FEEP. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>7.3 The FEEP outlines a number of possible technological solutions to aid in monitoring and closure of the underpass in a flood. These include CCTV, LED above road signals and the Variable Message Signs on approaches to the underpass. The applicant has confirmed to us that fixed</p>	<p>Applicant's response to the Environment Agency's Relevant Representation.</p> <p>6.2 Analysis of changes in flood risk at Hull City Council allocated development sites has been carried out. The results of these additional assessments are provided in the Applicant's comments on the Environment Agency's Relevant Representation.</p> <p>7.1 Refer to response to point 4.3</p>
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	<p>secured through a flood risk requirement and that consultation takes place with emergency planners as required. Discussions around this matter are ongoing and any agreements reached will be confirmed within the SoCG in due course.</p> <p>8. Underpass Pumps</p> <p>8.1 The applicant has confirmed to us that the high volume pumps would only be deployed during the recovery phase following the flood, to remove water quickly from the flooded underpass. We understand that the applicant intends to clarify this within a revised FEEP. We consider that this will address our previous concerns in relation to safety of personnel and effectiveness at keeping the underpass dry if combined with a pluvial event.</p> <p>8.2 However, the applicant has confirmed that there is uncertainty at this stage around where this floodwater may be discharged too. Given that sewers in Hull may already be at capacity during such an event, a temporary discharge to the Humber estuary may be required. We consider that a requirement may be needed for production of a recovery plan, to include details of discharge location, and any consents that may be required. Discussions around this matter are ongoing and any agreements reached</p>	<p>A meeting was held on 25 May 2018 as noted in the Statement of Common Ground submitted for examination Deadline 1. The meeting was attended by Humberside Fire & Rescue, Humberside Police, Humber Emergency Planning Services and Hull City Council who discussed and agreed requirements for the Flood Emergency and Evacuation Plan (FEEP) (APP-052).</p> <p>The Construction Environmental Management Plan (CEMP) will detail requirements during construction and operation in accordance with the FEEP (APP-052) and the Flood Evacuation Plan for the site compounds as noted at W12 of the Register of Environmental Actions and Commitments (REAC) (APP-68).</p> <p>Requirements for the FEEP have been added to the Outline Environmental Management Plan (OEMP) (APP-072) and Register of Environmental Actions and Commitments (REAC) (APP-68) at row W13 as noted in the DCO Documents Errata. The Draft DCO (APP-015) has also been updated.</p> <p>The Flood Emergency and Evacuation Plan (FEEP, Appendix B of App-052) will be updated as design progresses to provide further clarity on the use of the high-volume pumps.</p> <p>A Recovery Plan is currently being discussed between the Applicant and</p>
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1.2 Written Representation from Northern Gas Networks

	Written Representation from Northern Gas Networks	Response from Highways England (the Applicant)
	<p>No Objection to Planning Application at: Proposed Highway Improvement Works, A63 Castle Street, Hull.</p> <p>Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.</p> <p>We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.</p>	<p>Noted – no response required however all statutory undertakers will be engaged throughout the development of the detailed design.</p>

1.3 Written Representation from East Yorkshire and Derwent Area Ramblers

	Written Representation from East Yorkshire and Derwent Area Ramblers	Response from Highways England (the Applicant)
	<p>I hope the protocol for this Hearing would permit public participants to make written comments to yourself as HM Examining Inspector after the Hearing, although I would not expect them to form part of the official record. The first relates to availability and accuracy of information before the hearing, the second concerns the comments made at the Hearing by Mr Walker of HE about my submission.</p> <p>(1) The Ramblers have attended an/or responded to public consultations in 2009, 2013 and 2018, and attended two meetings with HE in 2018 (a small meeting in Hull Guildhall in Jan 2018, and a public meeting in the Holiday Inn on Castle Street, 13/9/18). We only knew about the present Hearing through HE's Public Notice in the Hull Daily Mail of 5/3/19. If this were true for other interested parties, it might explain why there were so few members of the public present.</p> <p>Your letter of 22 Feb, ref TR010016, contained a paragraph "Management of Information", within which was a document headed "National Infrastructure". This contained a subtext "About this Project" in which lines 16-21 stated that there were three crossings over the A63, namely Porter Street, Princes Quay, and Market Place. At first I wondered whether HE had reinstated this bridge missing from the second consultation: I queried this through enquiries@pins.qsi.gov.uk, and the text was altered by next day, with the Market Place bridge omitted. So anybody reading this site before 6/3/19 might have thought that Market Pace Bridge had been reinstated in the current plans.</p> <p>2) Mr Walker of HE made comments about my submission to which I should perhaps have sought your permission to responds at the Hearing. He said my comment that</p>	<p>Highways England confirm the scheme description is correct.</p> <p>We also confirm that the scheme objectives are not listed in order of priority.</p> <p>An early preliminary design for the A63 Castle Street Improvement Scheme included a proposal for a bridge at Market Place. During the 2013 statutory consultation concerns about a bridge in this location were raised by Statutory Consultees and two separate consultations proposing replacing the bridge with a new upgraded route under Myton Swing Bridge were held in Sep 2013 and July 2014. Having considered the responses received to this targeted consultation, and in discussion with HCC and Historic England, a decision was made to upgrade the existing at grade NMU route beneath Myton Swing Bridge instead of providing a bridge over the A63 at Market Place. The main factor in the change from the original proposal was the impact a footbridge would have on the listed statue of King William III in Market Place. The Applicant considers this to be a safe alternative pedestrian route to cross the A63.</p> <p>The Applicant is committed to protecting the Listed Earl de Grey and are working with the building's owners with regards to their current planning application.</p>

	<p>HE gave pedestrians a lower priority than speeding-up traffic was wrong, that HE's list of four objectives was in no particular order of priority. Whilst the latter might be strictly correct, in my opinion the deletion of the Market Place bridge from Draft 3 might reasonably be interpreted as a lower priority for pedestrians. Mr Walker then said he would respond to my other points in writing: on reflection, I wonder whether Mr Walker might have been avoiding the issue of the Market Place bridge – this was a public hearing, I had submitted my comments in writing beforehand to assist the Hearing, so Mr Walker could have given his comments at the Hearing, out of courtesy for the meeting. Mr Walker might have said that the Ramblers were generally supportive of the major features of the scheme, ie the Ferensway intersection and the pedestrian bridge at the Marina. As it is now, only Mr Walker will know what his responses were until the written record of the Hearings is published. Nowhere in the guidance notes does it mention that participants may responds in writing after the meeting to written submissions made before the meeting: I wonder what the Inspectorate's view is on this point of procedure?</p> <p>I am afraid there might be some truth in what the speaker after me, Mr Cullen, said: Highways England goes to some lengths to organise consultations with the public, but then gives an impression of avoiding any real dialogue. After the Hearing concluded (after one and a quarter hours, I believe), I spoke with one of HE's staff (who had attended our meeting in the Guildhall in Jan 2018), and mentioned the error about the Market Place Bridge on the website: she insisted I was wrong until I told her the mistake had been accepted and corrected by PINS staff.</p> <p>Yours sincerely,</p> <p>Peter Ayling (Dr Peter Ayling, President, East Yorkshire & Derwent Area Ramblers)</p>	
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1.4 Written Representation from Temple Bright LLP on behalf of EPIC (No.2) Limited

	Written Representation from Temple Bright LLP on behalf of EPIC (No.2) Limited	Response from Highways England (the Applicant)
	<p>1. INTRODUCTION AND OBJECTION</p> <p>1.1 EPIC (No.2) Limited (“EPIC”) own and control the freehold interest of Kingston Retail Park under title number HS287149 (“Kingston Retail Park”) (see Appendix A). EPIC is the landlord to numerous tenants on Kingston Retail Park. Kingston Retail Park is a key retailing destination that supports hundreds of jobs in the local community.</p> <p>1.2 EPIC object to the proposed A63 (Castle Street Improvement, Hull) Development Consent Order (“proposed Order”). EPIC has no objection to the principle of the proposed Order or the provision of A63 (Castle Street) Improvement Works (the “Scheme”) but object to compulsory acquisition of its land (both temporary and permanent) and the relevant works adjacent to the Kingston Retail Park and this representation is primarily concerned with matters related to the proposed compulsory acquisition. EPIC has raised its concerns with Highways England and would be willing to withdraw its objection in the event an appropriate agreement was entered into between EPIC and Highways England that satisfactorily addressed the concerns of EPIC.</p> <p>1.3 EPIC submitted a relevant representation on 19 December 2018. EPIC continue to rely on this representation and this Written Representation supplements the relevant representation already submitted.</p> <p>1.4 EPIC wish to make oral representations at the following hearings:</p> <p>1.4.1 Compulsory Acquisition Hearings</p>	<p>The Applicant has continued engagement with EPIC (No.2) Limited, owners and managers of the land at Kingston Retail Park, in relation to progressing their issues and concerns raised in their Relevant and Written Representations. The outstanding points are being discussed between the parties and we are hopeful and expectant that these discussions can be progressed into an agreement with EPIC (No.2) Limited as soon as possible.</p> <p>Following DCO submission we met with EPIC (No.2) Limited on site to discuss and understand their concerns, including:</p> <ul style="list-style-type: none"> • maintaining access to the retail park at all times • access and egress routes and locations, with focus on traffic and pedestrian movements in relation to the stopping up of Spruce Road • clear and sufficient signage for pedestrians and both eastbound and westbound traffic, which will avert the need for staff and customers having to find alternative routes. Signage on the local highways network will need agreeing with Hull City Council and EPIC and will be subject to relevant standards • accessibility for large delivery vehicles to the service yard

<p>during week commencing 3 June 2019 and 15 July 2019</p> <p>1.4.2 Issue Specific Hearings during week commencing 3 June 2019 and 15 July 2019</p> <p>1.4.3 Any further scheduled Issue Specific Hearings or Compulsory Acquisition Hearings related to the proposed Order.</p> <p>2. SUMMARY OF IMPACTS ON KINGSTON RETAIL PARK</p> <p>2.1 Pell Frischmann has been commissioned by EPIC to review and identify the impacts of the proposed Scheme and their report is attached at Appendix B.</p> <p>2.2 It must be assumed that Highways England will utilise the powers sought to the fullest extent and EPIC considers that the powers sought by Highways England are excessive and disproportionate. Based on the findings of the report of Pell Frischmann and the knowledge of EPIC, it is considered that the Scheme, as currently proposed and without any mitigation being secured, will have the following impacts:</p> <p>2.2.1 Service Yard – the proposed solution for service vehicles to access the western service yard does not allow a realistic route option for HGV traffic. Under Option A, unless amendments are made to the Streets, Rights of Way and Access Plans there will be a permanent loss of access to the western service yard from the highway; 1 Subject to a request to make representations at the hearings week commencing 15 July 2019 2 Subject to a request to make representations at the hearings week commencing 15 July 2019</p> <p>2.2.2 Loss of Car Parking Spaces - The loss of car parking spaces permanently and the loss of between 50 to 175 car parking spaces during the construction period and in particular, Highways</p>	<ul style="list-style-type: none"> • hoardings, which will be of similar standard to that currently provided for the Princes Quay bridge construction works • totem pole locations, including the option of relocating them in a permanent location to avoid the need to move them during construction and therefore minimising the impact on the retail park <p>The Applicant has also been working with the designers and have shared with EPIC (No.2) Limited visual interpretations of what the retail park will look like from A63 during the different phases of construction and in the finished state, including landscaping, potential configuration of the car park and plans for the service yard access for delivery vehicles.</p> <p>The Applicant has also begun negotiations with EPIC (No.2) Limited on acquiring land by agreement and compensation for any loss of car parking provision.</p> <p>To date, engagement has been directly with EPIC (No.2) Limited and their advisors and not the tenants of Kingston Retail Park. EPIC (No.2) Limited have stated it is their preference for them to engage directly with all retail park tenants, which includes sharing the detailed plans as and when they have been agreed. The Applicant will support EPIC (No.2) Limited in this process.</p>
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<p>England could stop parking and access to the units of Mothercare and Carphone Warehouse;</p> <p>2.2.3 Vehicular Access routes during construction: No assessment of the alternative routes that would be taken by vehicles during construction. There is the potential for junction capacity issues to be created that would impact on service vehicles and customers trying to access the retail park;</p> <p>2.2.4 Signage - No clarity has been provided on signage strategy to ensure vehicular traffic understands the alternative routes to access the retail park and to ensure that eastbound A63 traffic is diverted via the Daltry Street / Madeley Street / Rawling Way / Hessle Road Roundabout;</p> <p>2.2.5 Pedestrian Routes – no pedestrian routes into the retail park from Mytongate Roundabout have been provided during construction works and no evidence that the existing routes will be reinstated on completion of highway works;</p> <p>2.2.6 Pedestrian Access - Pedestrian crossings over Mytongate Junction are to be removed during construction with the shortest diversion greater than 1km. There is a loss of a realistic pedestrian access from the city centre during construction;</p> <p>2.2.7 Totem Poles – the location and agreement to move Totem Poles during construction works and on completion of the highway works have not been confirmed;</p> <p>2.2.8 Hoarding - the construction hoarding impedes visibility of the retail park with no confirmed solution offered by Highways England during the construction period;</p> <p>2.3 Details of the impacts are set out in detail in the report of Pell Frischmann. The consequent effects on Kingston</p>	
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<p>Retail Park is unacceptable, both on the business of EPIC and their tenants, details of which are set out below and in paragraph 5.4 of the Pell Frischmann Report.</p> <p>3. DESCRIPTION OF EPIC'S INTEREST AND WORKS AFFECTING KINGSTON RETAIL PARK</p> <p>3.1 EPIC owns the freehold interest to Kingston Retail Park. The details of the current tenants are illustrated on the plan at Appendix C. In addition to its freehold interest in Kingston Retail Park, it is presumed that EPIC owns the sub-soil beneath the highway immediately adjacent to its registered interest (under the presumption that EPIC own up to the middle of the highway).</p> <p>3.2 Currently the main vehicular access to Kingston Retail Park is from Kingston Street. Access from the A63 is via the Mytongate Junction with vehicles accessing the site by travelling along Commercial Road and Kingston Street. Kingston Retail Park has two service yards with the western service yard accessed via Spruce Road, with leads directly onto the A63 and the eastern service yard access accessed from Commercial Road. Kingston Retail Park is highly visible from the A63, with attractive landscaping and signage and can be easily accessed by pedestrians from the city centre via the Mytongate roundabout.</p> <p>3.3 Highways England propose to permanently acquire areas of EPIC land to the north of the Kingston Retail Park that is currently used for landscaping and car parking spaces as a result of the A63 being widened under the proposed Order. The service yard of Kingston Retail Park will be altered as a result of amendments to the access to it and will also be impacted by the proposed diversion of the YW sewer.</p> <p>3.4 Highways England seek to acquire</p>	
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	<p>temporary possession of large areas of EPIC's land. No time period has been specified for such possession other than the limitations contained in Article 29 of the proposed Order. The proposed Order also provides for broadly drafted powers of access for survey and investigation, the provision of associated works and its construction and maintenance. WORK AREAS</p> <p>3.5 Highways England are proposing to undertake the following works in relation to land belonging to EPIC:</p> <p>3.5.1 Work number 9 (Option A only): "The demolition of the Arco premises and clearance of land for use as a site compound"</p> <p>3.5.2 Work number 10: "The diversion of statutory undertakers' apparatus (YW sewer) along Waverley Street, Arco's site and across and along the north side of A63 Hessle Road to Cogan Street."</p> <p>3.5.3 Work number 15: "The construction of a new westbound A63 on-slip and retaining wall, to the west of Mytongate Junction"</p> <p>3.5.4 Work number 16 (Option A only): "The construction of a new access road from Lister Street to local businesses"</p> <p>3.5.5 Work number 18: "Alterations to Kingston Retail Park car park."</p> <p>3.5.6 Work number 44 (Option B only): "Alterations to (Arco's) car park and service roads, including modifications to St James Street, Waverley Street and Spruce Road"</p> <p>3.6 Plans of the work areas relevant to Kingston Retail Park are at Appendix E. LAND ACQUISITION</p> <p>3.7 Highways England are proposing to acquire the following land belonging to EPIC:</p>	
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<p>3.7.1 For Option A Highways England seek: (a) the permanent acquisition of plot reference 3/5a, 3/5d, 3/5h and (sub soil) 3/1ak. (b) the temporary acquisition of plot references 3/5b, 3/5c, 3/5e, 3/5f, 3/5g, (subsoil) 3/1c, 3/1aj, 3/1bb, 3/1bc</p> <p>3.7.2 For Option B Highways England seek: (a) the permanent acquisition of plot references 3/5d, 3/5h and 3/5i. (b) the temporary acquisition of plot references 3/5e, 3/5f, 3/5g, 3/5j, 3/5k, 3/1ck, (subsoil) 3/1c, 3/1bb, 3/1bc</p> <p>3.8 Plans of the plots relevant to Kingston Retail Park are at Appendix D.</p> <p>3.9 It should be noted that some (but not all) of the plots are for the same areas but have different references depending on whether they are in Option A or Option B.</p> <p>STOPPING UP AND RIGHTS OF WAY</p> <p>3.10 In addition, Highways England are proposing to carry out the following works in relation to the service yard access to Kingston Retail Park. The two options provide different approaches depending on whether the Arco site is used as a compound. In Option A the service yard access is changed from the A63, to a new road from Lister Street. In Option B, the service yard is still accessed from the A63 via Spruce Road but there is some realignment. The proposals include:</p> <p>3.10.1 Option A – point numbers 3/6, 3/L, 3/k and 3/15. This includes the stopping up of Spruce Road up to the boundary of the entrance to the service yard of Kingston Retail Park. It does provide for a new road access from Lister Street but the plans do not show the new road being provided as highway to the boundary of Kingston Retail Park Unless it is amended, the right of access</p>	
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<p>to the western service yard from the highway will be lost. This is critical and must be amended.</p> <p>3.10.2 Option B – point numbers 3/28, 3/5 and 3/15</p> <p>3.11 Plans of the plans relevant to Kingston Retail Park are at Appendix F. A document showing the area where the western service yard can no longer be accessed from the proposed new highway under Option A is attached at Appendix G.</p> <p>4. THE CONSEQUENCES OF THE LIKELY IMPACTS ON KINGSTON RETAIL PARK</p> <p>4.1 The report of Pell Frischmann sets out (at paragraph 5.4) the implications of the identified likely impacts of the Scheme on Kingston Retail Park. This is on the basis if mitigation measures proposed by EPIC are not provided. At its worst it will mean that Kingston Retail Park is no longer viable and will cease operating. For example, this might occur if the western service yard could not be accessed or Highways England took possession of the part of the car park and western service yard for the entire construction period as it seeks to be authorised to do so. Other impacts, whilst not necessarily likely to cause Kingston Retail Park to cease operations could have significant effects, such as the approach to construction hoarding, totem poles and signage.</p> <p>4.2 The identified likely impacts of the Scheme on Kingston Retail Park demonstrate that, unmitigated and viewed as a whole, there will be a significant effect on the business of EPIC and their tenants. The Scheme as proposed with mean that the ability of EPIC to retain current tenants and attract new retail tenants will be greatly diminished. The Scheme as proposed will affect the ability for EPIC to attract and retain customers. At a time of great</p>	
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<p>uncertainty in the retail market, it is incumbent on Highways England to ensure that any impacts are ameliorated as far as possible.</p> <p>4.3 As a consequence, EPIC strongly disagrees with the assessment in the Environmental Statement of Highways England. In table 14.8 the impact is assessed as "A slight adverse effect, which is not considered to be significant.". This is said to be following mitigation but this is limited to what is described as minimising as far as possible the area of land take. The extent it has been limited to is not considered to be sufficient mitigation and robust and effective mitigation must be offered and secured. 3 It is understood that Option A is the preferred and most likely option. 4 From point 3/K to point 3/L on Streets, Rights of Way and Access Plans Sheet 3 and in accordance with Article 13 and Schedule 4, Part 1 of the proposed Order 5 From point 3/5 to point 3/6 on Streets, Rights of Way and Access Plans Sheet 3 and in accordance with Article 13 and Schedule 4, Part 1 of the proposed Order</p> <p>5. MANNER OF IMPLEMENTATION</p> <p>5.1 Highways England has not provided sufficient justification or evidence to demonstrate why all of EPIC's land is required for the delivery of the scheme to which the proposed Order relates. Highways England is seeking powers that are excessive and disproportionate. It is evident that Highways England has chosen (and has been noted by other interested parties) to follow a 'broad brush' approach which appear to be driven for reasons of expediency and to secure costs savings for Highways England, rather than only utilising powers of compulsory acquisition to the extent they are specifically necessary for the implementation of the Scheme and in the public interest. This approach is considered to be ill-conceived as it results in far greater impacts than should</p>	
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<p>otherwise be the case. Also (although not a matter for the examining authority) the perceived cost saving for Highways England is unlikely to materialise in relation to the land of EPIC due to the substantial compensation that would be likely to be awarded in the event compensation was awarded by the Upper Tribunal, since far greater disturbance is caused than that would be in the case of a proportionate approach.</p> <p>5.2 An example of the 'broad brush' approach relates to Work number 18 and the temporary possession of (amongst others) plot number 3/5e (5,326 square metres) which is the majority of the northern end of the main car park, including up to the front entrances of units occupied by Mothercare and Carphone Warehouse, as well as plot 3/5c (620 square metres) which includes the northern end of the service yard for Kingston Retail Park. The period of temporary possession is unlimited other than by Article 29 of the proposed Order. The justification for the possession of such a large area for an unlimited period is unclear but appears to be on the basis to ensure 'flexibility' for Highways England should it want to provide amendments to the car park and service yard layout as it sees fit. The consequences of the possession of these plots for the entire construction period (as has to be assumed) on the interests of EPIC and their tenants would be clearly excessive and disproportionate to the public interest. This is far from the "clear idea" that the statutory guidance requires Highways England must have of how this land is intended to be used.</p> <p>5.3 It has not been demonstrated that all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored nor has Highways England demonstrated that the proposed interference with the rights of EPIC is for a legitimate purpose, and that it is necessary and proportionate. A</p>	
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<p>review of paragraph 5.5 of the Statement of Reasons reveals that the focus of attention has been on alternatives to the promotion of the Scheme from a 'broad brush' approach and has failed to consider how impacts might be avoided for each interested party, such as EPIC. Highways England has failed to consider alternatives or modifications that would obviate the need to acquire all of EPIC's land, when a lesser extent could achieve the same purpose.</p> <p>6. NEGOTIATION AND THE MITIGATION OF IMPACTS</p> <p>6.1 EPIC considers the identified impacts of the Scheme can be mitigated, provided suitable mitigation was offered and secured. Whilst this may be possible through the DCO process, it 6 Article 29 and Schedule 7 of the draft DCO specifies the period of temporary possession to be "the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 7", 7 Annex A of the Statement of Reasons merely says "Alterations to Kingston Retail Park car park" 8 "Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land" Department of Communities and Local Government, September 2013 would be better obtained through a negotiated agreement. EPIC considers that efforts of Highways England to negotiate a private agreement have been insufficient.</p> <p>INSUFFICIENT EFFORTS AT NEGOTIATION</p> <p>6.2 There have been a few meetings and a limited exchange of information between Highways England and EPIC in relation to the proposed Order. However, these meetings and the exchange of information have not been sufficiently meaningful. It is evident that due to the complexity of the potential impacts of Highways England utilising excessive</p>	
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<p>powers of acquisition, that the securing of rights, interests and mitigation measures through the conclusion of a private agreement to acquire EPIC's land would be a much more preferable route for both EPIC and Highways England. The failure to sufficiently progress negotiations has meant that EPIC has now had to incur significant costs in relation to the formal process for the proposed Order, when Highways England should have commenced the process as a last resort. It is acknowledged that Highways England has limited resource and numerous other parties to negotiate with but it appears from the relevant representations of other significant interested parties that Highways England has ignored the approach advocated by the statutory guidance. Since the land of EPIC is a critical element in delivering the scheme, Highways England must seek to meaningfully engage with EPIC to conclude a negotiated agreement as soon as possible and only rely on the powers of compulsory acquisition if those attempts have failed. This is further demonstrated by Highways England describing the status of negotiations as "non-applicable" in paragraph 4.9.3 and Annex B of the updated Statement of Reasons (March 2019).</p> <p>6.3 It is noted that the examining authority have stated in their letter dated 5 April 2019 to Shulmans LLP that they are content for the client of Shulmans LLP to request to make submissions at the Compulsory Acquisition Hearing week commencing 15 July 2019 rather than week commencing 3 June 2019. Since Highways England has failed to meaningfully engage with EPIC, costs savings could be made if EPIC were to make representations at the Compulsory Acquisition Hearings in the week commencing 15 July 2019, rather than week commencing 3 June 2019. This should provide sufficient time for Highways England to meaningfully engage and an appropriate agreement</p>	
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<p>concluded and a request is made for the Compulsory Acquisition Hearing addressing Kingston Retail Park be held on week commencing 15 July 2019 rather than 3 June 2019. Should Highways England fail to meaningfully engage in the interim, it is requested that further submissions can be made later in the process.</p> <p>MITIGATION OF IMPACTS</p> <p>6.4 The Pell Frischmann report sets out at paragraph 5.3 the type of mitigation that should be provided by Highways England to ensure that the identified impacts are capable of being mitigated. It is considered that the mitigation identified is best secured through a negotiated agreement since it identifies specific matters that effect Kingston Retail Park only. This includes a reduction in the area of land take, controls over construction phasing and management, car park and servicing yard design, signage strategy, pedestrian access, location of totem poles, details of construction hoarding, amongst other matters.</p> <p>6.5 EPIC is conscious that whilst Highways England has provided some documents for discussion (the latest of which was sent on the evening of Thursday 18 April 2019, just before the Easter holidays), insufficient progress has been made towards concluding the heads of terms of a settlement/compromise agreement and is considered that a negotiated agreement could be concluded in the near future.</p> <p>6.6 Should Highways England fail to agree a suitable negotiated agreement, EPIC reserves the right to make further representations to the examining authority (both written and at the oral hearings), to request the removal and amendment of EPIC's land sought to be acquired and the associated work areas and requesting the revision of the</p>	
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	<p>proposed Order in order to secure necessary mitigation.</p> <p>7. LIST OF APPENDICES</p> <p>7.1 In the following appendices are attached to this Written Representation: 7.1.1 Appendix A – Title Plan HS287149 7.1.2 Appendix B – Report of Pell Frischmann 7.1.3 Appendix C – Plan of tenants at Kingston Retail Park. 7.1.4 Appendix D – Extract of Land Plans 7.1.5 Appendix E – Extract of Work Plans 7.1.6 Appendix F – Extract of Rights of Way Plans 7.1.7 Appendix G – Identification of area of highway not provided</p> <p>TEMPLE BRIGHT LLP 23 APRIL 2019</p>	
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1.5 Written Representation from Public Health England

	Written Representation from Public Health England	Response from Highways England (the Applicant)
	<p>Thank you for your letter of 1st April inviting Public Health England (PHE) to provide comments relating to the above National Significant Infrastructure Project (NSIP).</p> <p>We have reviewed the documentation and note that there are no written questions directed towards PHE. On that basis, we do not wish to provide any additional comments at this stage of the NSIP process.</p>	<p>Noted – no response required.</p>

1.6 Written Representation from Shulmans LLP on behalf of Princes Quay Estates Limited

	Written Representation from Shulmans LLP on behalf of Princes Quay Estates Limited	Response from Highways England (the Applicant)
	<p>1 This written representation is an objection by Princes Quay Estates Limited to the proposed temporary acquisition pursuant to the DCO of part of the current Princes Quay Shopping Centre multi-storey car park at its south western corner.</p> <p>2 The details of the objection are set out in the following appendices:</p> <ul style="list-style-type: none"> • Appendix 1 – Letter to Highways England dated 30 August 2018. • Appendix 2 – Statutory Objection <p>3 Since submitting the Statutory Objection, Highways England have indicated that the temporary acquisition will be required on the following terms:</p> <ul style="list-style-type: none"> • For a period between August 2020 and August 2024 • Initially to erect scaffolding on the site. This will involve a temporary fence being erected on the site from August 2020 to February 2021. • The site will then be used to provide safe access for pedestrians, cyclists and disabled users and again the fence will remain in situ on the site to form the boundary for the pedestrian footway with its removal planned for August 2024. • The temporary acquisition will allow the Princes Quay car park to remain fully operational as normal except for the loss of six 	<p>1.This written representation relates to the temporary acquisition of plot reference 3/7f which is within Princes Quay Shopping Centre car park and is required to form a temporary working area.</p> <p>2.The Applicant notes the previous correspondence and objection referenced which were submitted to the Applicant previously and the Examining Authority on 18 April 2019.</p> <p>3.The information noted on the written representation is correct and has been clarified following discussions between Princes Quay Estates Limited and the Applicant.</p>

	<p>parking spaces.</p> <ul style="list-style-type: none"> • Compensation will be paid for the loss of these six spaces. <p>4 No legal undertaking or agreement has been provided by Highways England in respect of the matters referred to in the preceding paragraph.</p>	<p>4. Further meetings have been arranged to discuss this with Princes Quay Estates Limited and it is expected a suitable legal agreement can be made which would include compensation for the loss of the spaces for the period they are required.</p>
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1.7 Written Representation from Bryan Cave Leighton Paisner LLP on behalf of HICP Limited and HIN Hull Limited

	Written Representation from Bryan Cave Leighton Paisner LLP on behalf of HICP Limited and HIN Hull Limited	Response from Highways England (the Applicant)
	<p>A63 Castle Street Improvement, Hull (TR010016) Written Representation on behalf of HIN Hull Limited and HICP Limited</p> <p>1 Introduction</p> <p>1.1 This Written Representation is made on behalf of HIN Hull Limited and HICP Limited (“Holiday Inn”), for whom we act in respect of the proposed A63 (Castle Street Improvement, Hull) Development Consent Order (the “Proposed Order”).</p> <p>1.2 We refer to the Relevant Representation dated 29 November 2018 submitted on behalf of Holiday Inn (the “Relevant Representation”). A copy of the Relevant Representation is appended to this Written Representation for ease of reference.</p> <p>1.3 For the reasons set out in the Relevant Representation, and pursuant to Regulation 10(4) of The Infrastructure Planning (Examination Procedure)</p>	<p>The Applicant has been continuing to engage with Holiday Inn and their representatives in relation to progressing the draft Option and Mitigation Deed. The outstanding points are being discussed between the parties and the Applicant is hopeful and expectant that the deed will be completed prior to Deadline 3 which will allow Holiday Inn to withdraw its objection and will mean that Holiday Inn does not need to attend the Compulsory Purchase hearing in June 2019.</p>

	<p>Rules 2010, Holiday Inn restates its objection to the Proposed Order (in particular the proposed compulsory acquisition and temporary use powers and the terms on which it is proposed these will be exercised). However, Holiday Inn hopes to be in a position to withdraw this objection as soon as Highways England ("HI") agrees and completes the necessary Option and Mitigation Deed (the "Option Deed") which we are endeavouring to progress with it.</p> <p>2 Current Position</p> <p>2.1 Paragraph 6 of the Relevant Representation contains the outline terms of a settlement proposal put forward by Holiday Inn which sought inter alia, in accordance with the principles of national policy, to: (i) minimise land take associated with the Proposed Order, (ii) provide for the voluntary acquisition of land and other interests required by HE in lieu of the exercise of powers of compulsory purchase, (iii) secure appropriate protection for Holiday Inn's existing and future operations, and (iv) mitigate the adverse impacts anticipated to arise from the carrying out of works associated with the Proposed Order.</p> <p>2.2 Following an all-parties meeting, a draft Option Deed was provided to BDB Pitmans, who act for HE, on 20 December 2018.</p> <p>2.3 Whilst the process of negotiation of the Option Deed has been somewhat lengthier than Holiday Inn had originally anticipated, particularly given its proactivity in preparing and To: The Planning Inspectorate Date: 23 April 2019 Page: 2 issuing drafts of the documents, a substantial measure of 'in principle' agreement now exists between Holiday Inn and HE.</p> <p>2.4 Certain matters pertaining to the Option Deed do, however, remain</p>	
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	<p>outstanding between the parties, particularly in relation to ensuring that the documented mitigation measures will be binding on any party exercising powers under the Proposed Order.</p> <p>2.5 As at the date of this Written Representation, a substantive response is awaited from HE in respect of the outstanding points.</p> <p>3 Next Steps</p> <p>3.1 As both the Examining Authority and HE will be aware, the confirmed timetable for Examination of the Proposed Order necessitates the further detailed involvement of all Interested Parties (including Holiday Inn) at a number of stages in the coming weeks and months.</p> <p>3.2 In the short-term, this is likely to include responding in detail to the Examining Authority's First Written Questions and requests for further information (each by 10 May 2019), and preparation for, and attendance at, compulsory purchase and other issue-specific hearings relating to the Proposed Order (during the week commencing 3 June 2019).</p> <p>3.3 In accordance with the Examination Timetable included at Annex A to the Rule 8 Letter of 1 April 2019, this letter constitutes written notice that we may wish to attend and speak at the compulsory purchase and other issue specific hearings on behalf of Holiday Inn. However, we await written confirmation from the Examining Authority as to the exact dates on which these hearings are to be scheduled.</p> <p>3.4 Cognisant of these deadlines, and the substantial resources, time and cost required to be expended in preparing for them, it is Holiday Inn's strong preference for the Option Deed to be agreed by Wednesday 8 May, being two clear working days before Deadline 2 of</p>	
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	<p>the Examination (10 May 2019). It is anticipated that completion of the Option Deed will follow shortly after Wednesday 8 May, depending on the availability of Holiday Inn's and HE's authorised signatories.</p> <p>3.5 We consider that it is entirely realistic to expect the Option Deed to be agreed by this deadline, although Holiday Inn wishes to place on record at this juncture its disappointment that, through no fault of its own, the Option Deed was not agreed before the Preliminary Meeting as had been originally and reasonably requested.</p> <p>3.6 In the event that the Option Deed cannot be completed before the revised deadline of Wednesday 8 May, Holiday Inn will have little choice but to provide the Examining Authority with a supplementary written representation outlining the nature of its continued concerns regarding the Proposed Order.</p> <p>3.7 We hope that the proposed course of action will be acceptable to the Examining Authority, and would invite it to make early contact with the writers of this letter if it is not. Whilst we are cognisant of the need to ensure the efficient progression of the Examination, we remain keen to avoid both the unnecessary wasting of resources, and burdening the Examining To: The Planning Inspectorate Date: 23 April 2019 Page: 3 Authority with detailed written material that should, in the event of appropriate engagement by HE as promoter, ultimately prove unnecessary.</p> <p>3.8 Further, and as stated in Paragraph 6.6 of the Relevant Representation, Holiday Inn will also be left in a position whereby it will have to revise terms relating to mitigation into protective provisions and request that the Examining Authority place these on the face of the Proposed Order, which would then render them subject to</p>	
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	<p>Section 161 of the Planning Act 2008. Doing so would also ensure that they are binding on parties other than HE which are authorised to exercise powers under the Proposed Order.</p> <p>3.9 However, Holiday Inn very much hopes that it will not have to engage substantively in the Examination of the Proposed Order, and looks forward to HE engaging with it so as to swiftly complete the Option Deed.</p> <p>3.10 Please let Sheridan Treger or Tom White of this office know if you have any queries in relation to this Written Representation.</p>	
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1.8 Written Representation from Shulmans LLP on behalf of Mytongate Development Company Limited

	Written Representation from Shulmans LLP on behalf of Mytongate Development Company Limited	Response from Highways England (the Applicant)
	<p>Development Consent Order Application – A63, Castle Street Improvement, Hull (“DCO”) Our client: Mytongate Development Company Limited</p> <p>We are instructed by Mytongate Development Company Limited (“Mytongate”) which is the residents’ management company for Trinity Court, Fish Street, Hull, HU1 2NA (“Land”) and is the registered proprietor for the freehold interest in the Land registered under title number HS391449.</p> <p><u>Request to Become and Interested Party</u></p> <p>Our client wishes to be treated as an Interested Party for the Examination Procedure pursuant to the Infrastructure</p>	

<p>Planning (Examination Procedure) Rules 2010 and we submitted an online registration form to that effect pursuant to Regulation 4(1) of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/5462 on 17 April 2019.</p> <p>Mytongate's interest in the Land is affected by the DCO with regard to plots 5/5a to 5/5f (inclusive) which comprises the following:</p> <ul style="list-style-type: none"> • 5/5a to 5/5d - land to be occupied for use temporarily; and • 5/5e and 5/5f - land to be acquired or used permanently for construction, operation and maintenance works. <p>Mytongate were unaware of the requirement to register a relevant representation until receipt of a letter dated 1 April 2019 from the Planning Inspectorate providing a link to the Rule 8 letter following the Preliminary Meeting on 26 March 2019. We request that in light of Mytongate's interest in the Land, parts of which are included in the DCO that it is accorded formal status as an Interested Party for the purposes of the examination of the DCO.</p> <p><u>Grounds for Objection</u></p> <p>The grounds on which our client objects to the inclusion of plots 5/5d, 5/5e and 5/5f are as follows:</p> <p>1.No Justification for the Land to be Permanently Acquired</p> <p>1.1 To date there have been no efforts made by the Applicant to negotiate with Mytongate to acquire the interest in Plots 5/5e and 5/5f. This is contrary to its assertion at paragraph 1.4.3 of the Statement of Reasons that it has entered into negotiations to acquire interests voluntarily.</p>	<p>It is noted that the plots of land referenced by the written representation are correctly referenced for both temporary and permanent acquisition.</p> <p>The Applicant has no objection to this.</p> <p>The Applicant is seeking to permanently acquire three plots of land (5/5d, 5/5e and 5/5f) to facilitate the provision of a turning head on Fish Street, which is located at the junction of Trinity Court development, in the ownership of Mytongate Development Company Limited ("Mytongate").</p> <p>1.1 To date numerous formal and targeted consultation events have been held for this scheme (all referenced in the Consultation Report) with an aim to fully inform affected parties of the proposals.</p> <p>In addition to this the project team have made many attempts to contact Mytongate Development Company</p>
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<p>1.2 The DCO proposes the stopping up of Fish Street so that there is no vehicular access from at the junction of Fish Street and the A63. Plots 5/5e and 5/5f are located on Fish Street in the entrance to Trinity Court and are to be acquired on a permanent basis pursuant to the DCO to create a turning head for large vehicles at the end of Fish Street. However, no evidence has been provided by the Applicant to support the choice of the entrance to Trinity Court as being the most suitable area for use as a turning head that would necessitate its inclusion in the DCO. In particular there has been no assessment in the supporting documentation for the DCO of:</p> <p>1.2.1 The suitability of the entrance to Trinity Court to accommodate large vehicles; or</p> <p>1.2.2 alternative locations for the turning head at wider points (e.g. the junction between Fish Street and Grammar School Yard).</p> <p>Consequently the Applicant has failed to show that the powers of compulsory acquisition are necessary, proportionate and justified or that there is a compelling case in the public interest to permanently acquire Plots 5/5e and 5/5f for the purposes of the DCO.</p> <p>2.No Assessment of Impact of Proposed Turning Head on Residential Amenity</p> <p>2.1 Section 104(3) of the Planning Act 2008 states that the Secretary of State must decide the application in</p>	<p>Limited to further inform them about the scheme, the impact the turning head will have on the residents, what will happen with the access gates and also discuss the acquisition of the plots. This had been regrettably unsuccessful in the past, however the project team have been working on the proposals for some time and a meeting has now been scheduled for Monday 13 May 2019.</p> <p>1.2.1 The Applicant has carried out swept path analysis to assess the suitability of the turning head on Fish Street with respect of the types of vehicles likely to use it.</p> <p>1.2.2 The Applicant believes there is no other suitable alternative location for a turning head on Fish Street. The written representation refers to an alternative location. The Applicant believes that Grammar School Yard is located too far north of the end of Fish Street and providing a turning head at this location would present a road safety issue for road users and pedestrians as it would lead to vehicles reversing for a significant distance. The road safety audit for the scheme based on this proposed arrangement raised no concern with regards to the provision of the turning head, whereas The Applicant feels that if it was omitted it may be raised as a problem within the road safety audit.</p> <p>2. The Applicant believes, and Hull City Council agree that a turning head is fundamental to the safe operation of the local road network. The proposal to close the access to and from the A63 from Fish Street is to improve road safety on the A63 by reducing conflicts between merging and diverging vehicles and those travelling eastbound on the A63.</p>
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<p>accordance national policy, the relevant one being the National Network's National Policy Statement ("NN NPS"). Paragraph 3.2 of the NN NPS states: <i>"The Government recognises that the development of the national road....networks ...should be designed to minimise social and environmental impacts and improve quality of life".</i></p> <p>2.2 Paragraph 3.3 of the NN NPS states that: <i>"In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles in the NPPF and the Government's planning guidance".</i></p> <p>2.3 - Not used</p> <p>2.4 Paragraph 4.81 of the NN NPS states: <i>"Where the proposed project has likely significant environmental impacts that would have an effect on human beings, any environmental statement should identify and set out the assessment of any likely significant adverse health impacts".</i></p> <p>2.5 Paragraph 4.82 of the NN NPS goes on to state: <i>"The application should identify measures to avoid, reduce or compensation for adverse health impacts as appropriate".</i></p> <p>2.6 Paragraph 5.188 of the NN NPS refers to factors that could determine the likely noise impact including:</p> <ul style="list-style-type: none"> • <i>"Construction...the inherent operational noise from the proposed development and its characteristics;</i> • <i>The proximity of the proposed development and noise sensitive premises (including residential properties...)."</i> <p>2.7 The inclusion of plots 5/5e and 5/5f in</p>	<p>Residents who live within the Trinity Court development regularly accept deliveries and refuse collection takes place which results in vehicles driving into the current turning head and using it in a similar fashion to that it is intended in the future.</p> <p>A traffic sign in accordance Traffic Signs Regulations and General Directions 2016 Diagram (TSRGD) No. 816 - 'no through road' will be erected adjacent to the Robinson Row junction to inform road users that there will be no access permitted from Fish Street to the A63. This will reduce the number of vehicles using Fish Street compared to the current levels.</p> <p>There is currently an existing arrangement with a secure electronic gate in place for vehicular access and a side gate for pedestrians.</p> <p>2.7 The intention is that these gates will be removed from site, replaced with a newer electronic gate in the proposed position which is approximately 3 metres further west into Trinity Court. Therefore a newer secure gate will still be in place in the final scheme arrangement.</p> <p>2.8 The number of vehicles likely to use the turning head is expected to be similar to current levels. As noted</p>
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<p>the proposed DCO is not in accordance with the guidance set out in the NN NPS. The creation of a turning head in the entrance of Trinity Court would have a significant adverse impact on the residents. Trinity Court is comprised of a mixture of 54 small town houses and flats which are laid around an inner courtyard area which provides parking and some green space / landscaping. The boundary between Trinity Court and Fish Street is marked by a security fence and electric gates. This creates an enclosed residential area which allows for increased likelihood of reverberation of sound and the potential containment of vehicle exhaust fumes.</p> <p>2.8 There are approximately 93 residents in Trinity Court who will be adversely affected by the proposed turning head being located at Plots 5/5e and 5/5f. The impacts will include:</p> <ul style="list-style-type: none"> • Noise and vibrations from the engines of large vehicles reversing into the turning head, along with the reversing safety noises that such vehicles are fitted with; • Lights from such vehicles during hours of darkness; • Fumes from such vehicles which will be slow to dissipate due to being contained within the courtyard area; and • Restricted access to and egress from Trinity Court for residents with vehicles when large vehicles are using the proposed turning head. <p>2.9 In particular, the entrance to Trinity Court is narrow and is bounded by 26 Trinity Court on the northern side of the entrance, and 27 and 29 Trinity Court on the southern side of the entrance. There is no scope to widen the entrance and these residential properties will be most significantly adversely affected due to their extreme proximity to large vehicles using the turning head, including the entrances to these properties, which is likely to create a significant health and</p>	<p>previously traffic signs will be provided to discourage vehicles driving south on Fish Street and the proposed scheme for the Old Town area is aimed at reducing the number of vehicles entering the area. The Applicant will be permanently closing two adjacent accesses onto the A63 and making Princes Dock Street one way in a northerly direction.</p> <p>2.9 There is no scope to widen the entrance in this vicinity, however the vehicular access gate will be moved approximately 3 meters to the west. The pedestrian gate will remain in the current position to ensure the door to No.26 remains within the secure area. The provision of traffic signs and incorporation of the new road layout onto new mapping systems is likely to reduce the number of vehicles using the access solely as a turning head. A turning head is required to ensure that if a vehicles does inadvertently drive on Fish Street hoping to access the A63 they can safely turn around and exit the Old Town successfully.</p> <p>2.10 The additional noise attributed to the use of the access as a turning head is considered to be of similar levels to those currently experienced. Traffic levels on Fish Street are expected to be of a similar level to current levels.</p> <p>2.11 The Applicant believes that no significant noise impacts are likely to arise from the conversion of this access into a turning head. All assessments within the Environmental Statement Chapter 14 (People and communities) and Chapter 15 (Effects on all travellers) adequately assess impacts as a result of the Scheme in accordance with</p>
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<p>safety risk when large vehicles use the turning head.</p> <p>2.10 NN NPS states at paragraph 5.186: <i>"Excessive noise can have wide-ranging impacts on the quality of human life and health (e.g. owing to annoyance or sleep disturbance...) the Government's policy is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings....in line with current legislation, references to noise apply equally to assessment of impacts of vibration".</i></p> <p>2.11 Paragraph 5.189 of the NN NPS addresses in detail the assessment that is required for noise and vibration. This requires that where significant noise impacts are likely to arise from a proposed development, the applicant should include a noise assessment in the Environmental Statement which should provide:</p> <ul style="list-style-type: none"> • <i>"a description of the noise sources including likely usage in terms of number of movements, fleet mix and diagonal pattern...</i> • <i>identification of noise sensitive premises and noise sensitive areas that may be affected.</i> • <i>the characteristics of the existing noise environment.</i> • <i>a prediction on how the noise environment will change with proposed development:</i> • <i>In the shorter terms such as during the construction period;</i> • <i>In the longer term during the operating life of the infrastructure;</i> • <i>At particular times of the day, evening and night as appropriate.</i> • <i>an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas;</i> 	<p>Design Manual for Roads and Bridges (DMRB) requirements.</p> <p>2.12 Fish Street is an adopted highway and as a result all permitted vehicles are able to use it, and that will be the case in the completed layout. They will however be prevented from accessing the A63. If this access is not changed into an official turning head it would be used as an informal turning head, so the Applicant want to prevent this issue occurring by ensuring the gate is appropriately placed and road markings are proposed to prevent vehicles blocking the area. This would be in the form of double yellow lines; TSRGD Diagram No. 1018.1. It is noted that currently large vehicles already use Fish Street for such activity as deliveries to those within Trinity Court and refuse collection. It is not expected that an excessive volume of traffic will increase on Fish Street, and the provision of signs is</p>
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<ul style="list-style-type: none"> • <i>measures to be employed and mitigating the effects of noise. Applicants should consider using best available techniques to reduce noise impact;</i> • <i>the nature and extent of the noise assessment should be proportionate to the likely noise impact".</i> <p>2.12 No assessment has been made in the Environmental Statement submitted with the DCO of the effect of noise and vibration on the residents of Trinity Court as a result of large vehicles using the turning head once the stopping up works to Fish Street have been completed. There is no assessment of the potential number of vehicles which would need to use the turning head, nor the most likely times of day or night when this would occur. Because Fish Street is adopted highway large vehicles will be permitted to use it at all times without limitation which will have a significant noise / vibration impact on the residents of Trinity Court.</p> <p>2.13 In addition, no assessment has been made of the number of vehicles which will require access to Fish Street during the course of the works required to stop up the access from Fish Street to the A63 and the impact of these on the residents of Trinity Court.</p> <p>2.14 Given the lack of assessment by the Applicant for the impact of the inclusion of Plots 5/5e and 5/5f on the residential amenity for Trinity Court or the potential for the relocation of the turning head at another more suitable location on Fish Street, we would submit that these plots should be removed from the DCO application</p> <p>3.Adverse Impact of Turning Head on Mytongate's Commercial Interests</p> <p>3.1 Mytongate subsidise the amount that the residents pay in service charges</p>	<p>likely to prevent vehicles driving down Fish Street unnecessarily.</p> <p>2.13 The stopping up of Fish Street will be carried out from the A63. Whilst this is underway a diversion route will be sign posted to ensure road users within the Old Town are able to navigate the works safely. Access to residents of Trinity Court will be maintained at all times during all works.</p> <p>2.14 The Applicant disagrees with this comment as it would have a negative road safety impact and would result in vehicles being required to reverse in a northerly direction on Fish Street. If this access is not changed into an official turning head it would be used as an informal turning head, so the Applicant would like to prevent this issue occurring by ensuring the gate is appropriately located and road markings are provided to prevent vehicles blocking the area.</p> <p>3.1 The Applicant is not aware of this commercial arrangement, but the likelihood of a significant number of vehicles using the turning head thereby preventing others accessing</p>
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<p>for the Land by charging non-residents who are local business users to use the parking in Trinity Court. The creation of a turning head in the entrance to Trinity Court will have an adverse impact on the ability of users of the car park to gain access to and exit safely from Trinity Court.</p> <p>4. Removal of Gates</p> <p>4.1 The Applicant states that it will require temporary rights to Plot 5/5d in order to relocate the entrances gates for Trinity Court from Plot 5/5e to this location. The gates are electric and it will require substantial works to remove these and install them in a new position. This change of location for the gates will adversely affect the entrances to properties at 26, 27 and 29 Trinity Court which are currently located inside the security gates and which would no longer be the case once the gates are moved.</p> <p><u>Appearance at Examination</u></p> <p>We also wish to notify you that we would wish to speak on Mytongate's behalf at any subsequent Issue Specific Hearing, Compulsory Acquisition Hearing and Open Floor Hearing that relates to the DCO and which may affect our client's interest. In particular, we would also request the opportunity to attend and speak on our client's behalf at the Compulsory Acquisition Hearing listed for the week commencing 3 June 2019.</p>	<p>the area is considered to be low. The Applicant is willing to discuss the matter with the Mytongate Development Company Limited and residents.</p> <p>4.1 The current electronic gates will need to be taken down and new ones erected approximately 3 metres to the west. The pedestrian gate will remain in place and the current fencing will be extended to ensure the whole area remains contained and no resident is worse off than they are currently. The Applicant has a proposal indicating this layout which we will share with the Mytongate Development Company Limited and residents at the next meeting.</p>
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1.9 Written Representation from Historic England

	Written Representation from Historic England	Response from Highways England (the Applicant)
	<p>Please find attached our Written Representations on the A63 Hull, DCO, for the Examining Authority to consider.</p> <p>The attached files are:</p> <ol style="list-style-type: none"> 1) Written Representations 2) Summary document 3) Appendix A Designation descriptions (A.1; A.2; A.3; A.4) 4) Appendix B Letter Historic England to Highways England 10th Feb 2017 5) Appendix C Photograph Earl de Grey public house, Grade II Listed Building 6) Appendix D Photograph Castle Buildings, Grade II Listed Building 7) Appendix E Photograph Beverley Gate, Scheduled Monument <p>We do not anticipate a need to attend hearings, but we wish to reserve the right to attend should it be necessary.</p> <p>Please contact me should you wish to discuss any of the above.</p> <p>Regards</p> <p>Keith Emerick Keith Emerick MA, PhD Inspector of Ancient Monuments Planning Group</p>	<p>The Applicant needs to relocate the Earl De Grey listed building to ensure that the commitment to keeping two lanes of traffic operating in each direction can be maintained whilst ensuring the safety of the road user and work force.</p> <p>The Applicant is working with the owners of the Earl de Grey listed building, Hull City Council and Historic England to ensure the harm to the building is minimised by incorporating the building into a new development on the adjacent site. This new development would see the building being brought back into use. A planning application [19/00334/LBC] has now been submitted by the building's owners to Hull City Council showing the proposals for the Earl de Grey and the adjacent Castle Buildings. The Applicant will continue to work with the building's owners to support this application and the proposed development.</p> <p>The Applicant is not proposing to demolish any part of the Grade II Listed Castle Buildings.</p> <p>The Applicant proposes to permanently acquire approximately 40% of Trinity Burial Ground and it is estimated that 17,500 burials will have to be relocated within the remaining area. The Applicant's methodology for clearance and archaeological works in Trinity Burial Ground allows for the osteological analysis of up to 1,500 burials, it is expected that this will account for around 11% of the burials suitable for analysis.</p>

		<p>The Applicant recognises that the sample size is not comparable to the recommended sample size given by Historic England and examples given in guidance developed by the wider heritage sector, Historic England and the Church of England. The sample size has been governed by views held by the Diocese of York both at Parochial Church Council and Diocesan Advisory Committee levels. The Diocese of York have granted the planning permission for the works in Trinity Burial Ground through the Faculty process based on the proposed methodology.</p> <p>The Applicant is continuing to consult with Hull City Council with regards to the proposals for the Old Town to ensure that these are in keeping with the conservation area and recent improvements to the public realm.</p> <p>With regards to archaeology along the route of the A63 and potential impacts on Beverley Gate, a statutory utility diversion is required in the area. Initial conversations with the utility company indicate that there is capacity in the existing duct network that runs around Beverley Gate which would limit any excavation works required with the exception of a connection to the existing network at Princes Dock Street. Further discussion with the utility companies to confirm the existing capacity will be undertaken as the design continues.</p> <p>Excavation work will be conducted under an archaeological watching brief.</p>
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1.10 Written Representation from Princes Quay Retail

	Written Representation from Princes Quay Retail	Response from Highways England (the Applicant)
	<p>Dear Sirs</p> <p>Further to the Rule 8 letter dated 1 April 2019 and in accordance with the examination timetable, we attach written representations to the DCO on behalf of Princes Quay Retail Limited.</p> <p>Please also accept this email as formal notification as Princes Quay Retail Limited's wish to speak at the compulsory acquisition hearing, week commencing 15 July 2019 in the event that the DCO is not amended by then to exclude our client's site from the DCO (being the alternative compound site known as Site B or the Staples Site). Please note, in this event we would wish to submit further representations.</p> <p>Yours faithfully</p> <p>SHULMANS LLP</p>	<p>The Applicant has discussed the removal of Site B (Staples) with the landowner and their representative.</p> <p>The Applicant has also updated the Planning Inspectorate website to inform the Examining Authority that Site B will be removed from this Application on completion of the Judicial Review period for the new Arco site. The Judicial Review period will close on 5 June 2019 and therefore officially removed from the Application prior to the Compulsory Acquisition Hearing.</p>