



Responses to ExQ1

Ref: 20018303

Application by Highways England for A63 Castle Street Improvement Hull

TR010016

ExQ1	Question to:	Question:	HCC response:
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>	
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>	
1.0.4	Applicant	Environmental Statement – Lifetime of Development	

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		<p>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 discussions. Please also confirm the lifetime that has been assumed for the purposes of the assessments within the ES</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>	
1.0.6	Applicant	<p>Environmental Statement – Mitigation 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>	
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</p>	

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		to date to attempt to reduce these effects as far as possible.	
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>	
1.0.9	Applicant	<p>Environmental Statement – Porter Street Bridge 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 the ES, and explain any discrepancy between these dimensions and those that are secured by the dDCO.</p>	
1.0.10	Applicant	<p>Habitats Regulations Assessment 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>	
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</p>	

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		Sweetman v Coillte Teoranta (C-323/17) and also the reliance placed on measures included in the drainage design of the Proposed Development.	
1.0.12	Applicant	<p>Other consents</p> <p>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>	
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>The Council are of the view that it would not have been inappropriate for air quality improvement to have constituted one of the stated objectives of the scheme, given that the order improvement route sits wholly within a designated Air Quality Management Area. Notwithstanding the fact that an improvement in air quality is not a stated objective of the scheme, throughout consultation between Highways England and Hull City Council, the implications of the proposals on air quality, both within and outwith the designated Air Quality Management Area have been a constant consideration, and the City Council recognise that the stated objective of relieving congestion should deliver concomitant improvements in air quality. The Local Plan, as well as expressing support for this improvement scheme in principle, recognises the interrelationship between air quality and congestion under Policy 29, which supports new roads and road improvements where, amongst other criteria, they 'reduce congestion/pollution and improve air quality'.</p> <p>The scheme should seek to achieve levels below the national air quality objectives and ensure compliance with the Air Quality Directive (2008/50/EU).</p> <p>On the basis of the modelling and monitoring undertaken in connection with</p>

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			the proposed scheme, and reported within the accompanying Environmental Statement, the City Council considers that the minimum air quality objectives appropriate to the scheme would be met.
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>Hull City Council has adopted a Supplementary Planning document on Trees (SPD10), which identifies a total of 611 individual sites across the city with tree and/or woodland planting potential for in the region of 26,700 individual standard trees. In addition to the 362 trees proposed to be planted as part of the mitigation for the scheme to compensate for the loss of 317 trees, further tree planting, as guided by the SPD could be utilised to assist in improving air quality further in the wider locality.</p> <p>Green walling could be considered for utilisation within the scheme where practicalities of application and maintenance allow.</p> <p>Support for electric vehicle charging infrastructure in developments and existing car parks and park and ride facilities could also serve to improve air quality along the corridor.</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>	
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 criteria. Please can the Applicant confirm how this “reasonable risk” of exceeding an air quality threshold was assessed, and how it arrived at its</p>	

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		decision as to which sensitive receptors met this test.	
1.1.5	The Applicant	<p>Environmental Impact Assessment – Mitigation 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 these measures will be secured. Please confirm how those mitigation measures outlined in Table 6.3 of the ES are to be secured.</p>	
1.2.	Biodiversity (including Habitats Regulations Assessment (HRA))		
1.2.1.	Applicant	<p>Bird nesting season Should the bird nesting season within the OEMP be defined? If so, what should it be?</p>	
1.2.2.	Applicant	<p>Non-statutory Sites 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>	
	Applicant	<p>Non-Statutory Sites 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 rationale for this.</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 	

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		<p>and June 2016. Can the Applicant be sure that this would not result in the underestimation of bird numbers present on site?</p> <ul style="list-style-type: none"> • 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 the likely significant effects have been identified correctly in view of this omission? • 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? 	
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 	

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		<p>wintering birds. Could this have altered the results of the Likely Significant Effects assessment?</p> <ul style="list-style-type: none"> Please explain the extent to which the assessment of impacts on birds takes into account behavioural patterns linked to the tidal regime. 	
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? 	
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>	
1.2.7.	Applicant	<p>Biodiversity – NN NPS</p> <p>Paragraph 5.33 of NN NPS indicates that, when considering a proposal, the SoS should consider</p>	

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		<p>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>	
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> <p>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>	
1.3.	Compulsory Acquisition and Temporary Possession		
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 	

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		informative answer please be given.	
1.3.2.	Applicant	<p>National Trust Land 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 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.</p>	
1.3.3.	Applicant	<p>Crown land 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>	
1.3.4.	Applicant	<p>Crown Land 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 plots, bearing in mind the limitations that apply to CA in respect of Crown Land?</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</p>	

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		Holiday Inn land? If a deed is agreed, how, if at all, should it be reflected in the DCO?	
1.3.6.	Applicant and Princes Quay Retail/Estates/Development	<p>Princes Quay Shopping Centre car park</p> <p>Will the operation of the Princes Quay multi-storey car park be affected by the development? If so, is any mitigation proposed?</p>	
1.4.	Draft Development Consent Order (dDCO)		
1.4.1.	All IPs other than the Applicant	<p>Changes to the dDCO</p> <p>Please identify any changes to the dDCO that you seek, referring to Articles, Requirements and any other provisions as necessary, and where possible setting out your preferred drafting. Please explain what each proposed change aims to achieve and why it is necessary. Please cross-refer your response(s) to this question to your Relevant Representation, Written Representations and to answers to other questions in ExQ1 as necessary.</p>	<p>Hull City Council seeks the following changes to the dDCO:</p> <ul style="list-style-type: none"> • Part 2 Limits of deviation 6(6) <p>Hull City Council interpret that, as drafted, the article allows for vertical deviation upwards or downwards by 0.5m without the need for any consideration as to whether or not such deviation could give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement. Only where deviation would exceed 0.5m is such consideration required, to the satisfaction of the Secretary of State. A vertical deviation of up to 0.5m has the potential to have significant impacts upon matters such as surface and flood water drainage flows, equitable access, and the physical integrity and settings of heritage assets, and could therefore give rise to materially worse or materially new adverse environmental effects. . Hull City Council recommends that article 6(b) be amended to read ‘provided such deviation would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <ul style="list-style-type: none"> • Part 4 Supplemental Powers <p>Protective work to buildings 18 (1)</p> <p>As drafted, this article affords broad supplemental powers to carry out protective works to any building which may be affected by the</p>

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			<p>authorised development as the undertaker considers necessary or expedient. This power would be afforded regardless of any statutory listing or other heritage asset designation, and in the absence of any required approval from the local planning authority, or the secretary of state following consultation with the same, and regardless of the effect of any such protective works on the significance of any heritage asset so affected. Hull City Council request that the article be amended to read 'except where any building, as defined in article 2 to this order, is a listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990</p> <ul style="list-style-type: none"> • Schedule 4 (Part 3 – Public Rights of Way to be stopped up and for which a substitute is to be provided) <p>Final row to be amended in accordance with retaining east west controlled crossings on Market Place and Queen Street.</p> <p>This revision is requested in order to retain controlled east-west pedestrian / cycle crossing facilities across Market Place and Queens Street. The four signalised pedestrian crossings at the Market Place and Queen Street junctions are proposed to be replaced with uncontrolled crossing facilities. The crossings are located on the diverge and merge slips from/to the A63 carriageway; pedestrians are therefore likely to encounter relatively fast moving vehicles at these locations, particularly those across the A63 entry slips where vehicles will be accelerating to join the mainline. The reduction in the level of provision at these locations increases the likelihood of drivers unexpectedly encountering pedestrians /cyclists in the carriageway and associated collisions. The Stage 1- Road Safety Audit recommended that controlled crossings should be retained. (Stage 1 - Road Safety Audit -Report No: 498437.001 prepared in July 2017 - Problem (Location 56) – (Drawing reference Non-Motorised User Route Plans (Sheet 5) Point 5/29 to point 5/39 and point 5/34 to point 5/46).</p> <ul style="list-style-type: none"> • Schedule 3 (Part 4 - Roads Subject to 40mph Limit)

ExQ1	Question to:	Question:	HCC response:
			<p>Rows 7-10 will need amendment</p> <p>This revision is requested in order to revise the proposed location of the speed limit signs on the approaches to Market Place and Queens Street from the A63 off slip roads.</p> <p>Speed limit signs should be repositioned to ensure that traffic has already reduced its speed from 40mph to 30mph before passing the proposed pedestrian / cycle crossing points to provide additional protection to pedestrians and cyclists as follows:. (Drawing reference: Non-motorised User Route Plans (Sheet 5)</p> <p>At Market Place :</p> <ul style="list-style-type: none"> - Eastbound off slip lane. The speed limit needs to change to 30mph west of point 5/29 (before the controlled crossing) - Eastbound on slip lane. The speed limit needs to change to 40mph east of point 5/39 (after the controlled crossing) <p>At Queen Street:</p> <ul style="list-style-type: none"> - Westbound off slip lane. The speed limit needs to change to 30mph east of point 5/46 (before the controlled crossing (Refer to above bullet point) - Westbound on slip lane. The speed limit needs to change to 40mph west of point 5/33 (after the controlled crossing <ul style="list-style-type: none"> • Schedule 3 (Part 5 - Roads Subject to Weight Restrictions) <p>To be removed.</p> <p>This revision is requested in order to remove the proposed 7.5T weight limits on:</p> <ul style="list-style-type: none"> - Humber Dock Street from Point 5/7 to point 5/9

ExQ1	Question to:	Question:	HCC response:
			<p>- Blanket Row from point 5/10 to point 5/11</p> <p>The proposed 7.5T weight limit is an environmental weight limit which would still allow access into the area for vehicles exceeding this weight limit therefore impossible to enforce and therefore should be removed. (Drawing reference: Traffic Regulation Plans Sheet 5)</p> <ul style="list-style-type: none"> • Schedule 3 (Part 9 – Roads subject to prohibition of parking – restricted parking zone –except in marked bays – no waiting or loading at any time) <p>To be removed</p> <p>This revision is requested in order to amend the proposed changes to the TRO with respect to the parking arrangements on Blanket Row (Drawing reference: Traffic Regulation Plans (Sheet 5) – Point 5/10 to point 5/11). There is sufficient space on Blanket Row to retain the current parking layout / arrangements.</p> <p>Hull City Council requests that additional requirements be imposed upon the dDCO to address the following issues:</p> <ul style="list-style-type: none"> • Earl de Grey recording, dismantling, storage, reconstruction. <p>In order to minimise harm to the significance of the Grade II listed building, a requirement for a detailed method statement for the archaeological recording, dismantling, transit and storage, and re-erection of the building, including timeframes to be submitted to and approved in writing by the Secretary of State following consultation</p>

ExQ1	Question to:	Question:	HCC response:
			<p>with the local planning authority and Historic England is requested.</p> <ul style="list-style-type: none"> <p>• Pumping Station Design.</p> <p>In order to ensure that the siting, design, materials, landscaping, and boundary treatments associated with the proposed pumping station are appropriate to the character of the Old Town Conservation Area, and the settings of adjacent listed and locally listed structures, a requirement for those design details to be submitted to and approved in writing by the Secretary of State following consultation with the local planning authority is requested.</p> <p>• High Street Underpass Works.</p> <p>Given the importance of this route for connectivity across the A63 at the eastern end of the Old Town, and the relatively limited detail provided within the submission, an additional requirement for design details to be to be submitted to and approved in writing by the Secretary of State following consultation with the local planning authority is requested.</p> <p>• Design of the central barrier.</p> <p>In light of the sensitive built context of the scheme, passing as it does through the Old Town Conservation Area, and the settings of listed and locally listed structures, and given the concerns raised over pedestrian safety during through the relevant stage 1 safety audit, an additional requirement for design details to be to be submitted to and approved in writing by the Secretary of State following consultation with the local planning authority is requested, with a view to ensuring that fullest consideration is given to identifying a design solution which addresses both highway safety and the historic environment.</p> <p>Schedule 2 Part 2 Procedure for Discharge of Requirements</p>

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			<ul style="list-style-type: none"> Hull City Council request that the procedure for consultation with the local planning authority, where required by the terms of any given requirement be defined.
1.4.2.	Applicant	<p>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>	
1.4.3.	Applicant, HCC	<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” 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>Hull City Council is supportive of the exclusion of archaeological investigations from the definition of commencement for this scheme, given the implications of their inclusion on the submitted construction programme.</p> <p>The Council is of the view that the exclusion of remedial work in respect of contamination and other adverse ground conditions, diversion and laying of services, receipt and erection of construction plant and equipment, temporary means of enclosure, and installation of site compounds or any other temporary buildings or structures would render such activities exempt from appropriate controls, and mitigations identified within the submitted Environmental Statement, and would render requirements set-out within the Draft Development Consent Order covering the submission of a Construction Environmental Management Plan, contaminated land and groundwater, protected species, surface and foul water drainage, traffic management and fencing ineffective with regard to such activities.</p>
1.4.4.	Applicant, HCC	Article 2 Definition of ‘Maintain’	The Council considers that the inclusion of the words ‘alter, remove, or

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		<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, “‘maintain’ 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’. 	<p>reconstruct’ opens up the prospect of potentially significant deviation in terms of breadth, extent, or sensitivity without appropriate control over possible environmental impacts.</p> <p>The alternative wording referenced in the question would be preferable to the Council, restricting operations to those with impacts already assessed in the Environmental Statement, and the extent of those changes to part only, rather than the whole of the development, albeit that the extent of any such part would remain uncontrolled.</p>
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 undertaking specific works. Should this approach be adopted here? Is the looser approach proposed for the A63 justified?</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>	
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</p>	

¹ Ref: EN010055

² Ref: TR010020

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		<p>column 2</p> <p>11 (8) – the restrictions are specified in the title, not column 2</p> <p>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...’?</p> <p>11(10) as worded, might this be interpreted as meaning that the private accesses 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...’?</p> <p>11(11) should there be a requirement regarding when these are to be constructed and open for use?</p>	
1.4.8.	Applicant	<p>Article 19 - Authority to survey and investigate the land</p> <p>Should the text in A19(6)(c) be reformatted as a continuation of A19(6) rather than as a sub-paragraph?</p>	
1.4.9.	Applicant	<p>Article 21 - Compulsory acquisition of land – incorporation of the mineral code</p> <p>Should the text for substitution and replacement (“the acquiring authority” and “the undertaker”) be identified by quotation marks?</p>	
1.4.10.	Applicant	<p>Article 25 - Application of Part 1 of the Compulsory Purchase Act 1965</p> <p>Should the text in A25(3) of the Testos Junction Alteration³ DCO be included here? Is there a reason for taking a different approach?</p>	
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</p>	

³ TR010020

ExQ1	Question to:	Question:	HCC response:
		<p>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 article make some such provision – whether or not in the form in the NPA 2017? 	
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 ensure that it is satisfactory and that it will be implemented within an appropriate timeframe? • 34(4) – would the recipient of the replacement land 	<p>Hull City Council would envisage that the scheme would identify the extent of the land, construction and routing of any vehicular and/or non-motorised user access into, out of, or through the land, hard and soft landscaping including layout, full materials schedule and methods of construction for the former, planting plans including full specifications of species, number, age, spacing, and medium for the latter, location, layout, detailed design and specification of proposed play equipment, full schedule of lighting including impact survey, proposed groundworks including existing and proposed sectional drawings and layout plans, along with certification for any imported soils, and programme, for construction , planting, inspection, and handover to the City Council.</p>

ExQ1	Question to:	Question:	HCC response:
		<p>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?</p>	<p>Hull City Council envisage that the purpose of the scheme is to demonstrate, to the satisfaction of the Secretary of State in consultation with the local planning authority, that the replacement land is appropriate in function and nature, and that the land is delivered in a timely fashion given the constraints of the construction programme, and in an acceptable condition.</p>
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? 	<p>Hull City Council hold the opinion that the power afforded by Article 35 is disproportionately broad given the opportunity to consider at pre-application stage, the future relationships between the scheme and trees and hedgerows to be both retained and planted, and the recognised value of city centre trees and hedgerows to air quality, flood risk, biodiversity, townscape character, and general amenity.</p> <p>As currently written, Article 35 would compromise the efficacy of Requirement 5 with regard to the protection and retention of both existing trees and hedgerows, and those to be secured as part of the required landscaping scheme.</p>
1.4.14.	Applicant	<p>Article 36 - Removal of human remains</p> <p>36(3)(b) - How long does the notice have to be displayed for? Should a period be specified?</p> <p>36(6) - Should the word 'the' be added before 'remains'?</p>	
1.4.15.	Applicant	<p>Article 39 - Statutory Nuisance</p> <p>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>	
1.4.16.	Applicant	<p>Article 45 – Crown Rights</p> <p>Should the current A45(1)(b) to (d) be renumbered as</p>	

ExQ1	Question to:	Question:	HCC response:
		A45(1)(a)(i) to (iii)?	
1.4.17.	Applicant and the Crown Estate	<p>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?</p>	
1.4.18.	Applicant	<p>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....’?</p>	
1.4.19.	Applicant, HCC	<p>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?</p>	As worded, Requirement 5 does not require that the landscaping scheme be submitted by any specified date, time limit beyond the commencement of the scheme, or identified stage of construction or use. Consequently, HCC consider that the current drafting does not provide an appropriate level of control or certainty over the actual submission of a landscaping scheme or the timing of the same.
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? 	<p>Hull City Council considers that the nature and/or extent of the unexpected contamination found would be the determining factor in whether or not immediate cessation of works would be justified.</p> <p>The Council considers that any submitted programme of remediation should include timescales for approval by the Secretary of State, informed by advice from the local planning authority and the Environment Agency following due consultation in accordance with the terms of Requirement 6.</p> <p>As drafted, Requirement 6 does not stipulate that work on the relevant part of the development must cease if unexpected contamination is found, regardless of the findings of any completed risk assessment. It is then at the discretion of the undertaker as to whether or not remediation is necessary, and in the event that a written scheme and programme for remedial measures is not approved by the Secretary of State, there is no compulsion</p>

ExQ1	Question to:	Question:	HCC response:
			on the undertaker to cease work, amend the scheme or programme to the satisfaction of the Secretary of State, or carry out any remediation, the third paragraph to the requirement only requiring that the any remediation that is indeed undertaken is done so in accordance with an approved scheme.
1.4.21.	Applicant	Schedule 2, Requirement 7 7(4) –Is the reference to ‘and under any necessary licenses’ necessary? What kind of licences might they be?	
1.4.22.	Applicant, HCC	Schedule 2, Requirement 9 – Archaeological remains 9(4) – Given the wording of 9(5), should ‘reported to’ be changed to ‘notice served on’ to ensure clarity and consistency? 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?	Hull City Council raises no objection to the amended wording proposed, in the interests of clarity and consistency. Hull City Council considers that, as drafted, Requirement 9(6) could indeed be interpreted as meaning that the local planning authority is required to approve the submitted scheme.
1.4.23.	Applicant	Schedule 2, Requirement 12 – Fencing Can the words ‘temporary and permanent’ be removed? Alternatively, since the fencing cannot be both temporary and permanent, should ‘and’ be replaced with ‘or’?	
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)?	
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.	
1.4.26.	Applicant	Schedule 4 - Permanent stopping up of streets and private means of access	

ExQ1	Question to:	Question:	HCC response:
		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?	
1.5.	Historic Environment		
1.5.1.	Historic England, HCC	<p>Title: Key Heritage Impacts</p> <p>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?</p>	Yes, Hull City Council considers that the identified adverse effects referred to in the question are indeed the key cultural heritage matters on which the Examination should focus.
1.5.2.	Applicant	<p>Earl de Grey public house</p> <p>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>	
1.5.3.	Applicant, Historic England, HCC	<p>Castle Street Chambers</p> <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>On 5th March 2018, Hull City Council granted listed building consent under reference 18/00029/LBC for remedial works to the eastern elevation of Castle Buildings, following demolition of 13-14 Castle Street, comprising making good of brickwork and blocking up of 2no. door openings at ground and first floor. The demolition work referred to was undertaken previously by the landowners in advance of the submission of the road improvement scheme, and in the context of concerns as to the structural safety of the buildings. This followed the removal of 13-14 Castle Street from the list entry on 26th July 2017.</p> <p>Hull City Council is not aware of any intention on behalf of the undertaker to carry out further demolition works to Castle Buildings.</p> <p>Table 4.1 to the submitted Outline Environmental Management Plan references the need to secure from the Secretary of State, listed building consent for the installation of vibration monitoring equipment for Castle Buildings. Hull City Council is not aware of any other proposed methods of protection during construction.</p>

ExQ1	Question to:	Question:	HCC response:
			<p>Hull City Council consider that the significance of Castle Buildings is enshrined in its architectural interest, manifest in its striking curved façade and renaissance revival styling to a prominent corner on one of the prime routes in and out of the city, with historic interior survivals. Another factor of the building’s significance is the historic interest evident in its location close to the historic city docks, and as an important physical reminder of the City’s maritime history and trading links.</p> <p>The significance of Castle Buildings will be affected detrimentally by the dismantling of the Earl de Grey Public House, and by its proposed relocation approximately 3 metres northwards from its current position. The two listed structures currently share a historic building frontage line, facing southwards onto Castle Street. The removal of the Earl de Grey from this historic alignment would compromise the ability to identify and understand this shared history, and would cause less than substantial harm to the significance of Castle Buildings. This impact would be lessened to a degree by the rebuilding of the Earl de Grey as proposed in the submission, but the disruption of the shared frontage relationship through the effective retreat of the Earl de Grey by 3 metres northwards would still constitute less than substantial harm in the opinion of the Council.</p> <p>Hull City Council are also concerned that the proposed relocation of the Earl de Grey as described would serve to compromise the potential for enabling redevelopment of the wider allocated parcel of land, as supported by the Council’s Local Plan, and adopted Supplementary Planning Document 13 – City Centre Key Sites Design Guide, and in so doing threaten further harm to the significance of both Castle Buildings and the Earl de Grey as a consequence of r prolonged vacancy and continued physical deterioration. Castle Buildings and the Earl de Grey have in effect been blighted by the uncertainty and delay associated with the history of this proposed improvement scheme.</p> <p>The inclusion within the submission of the Option B materials batching compound site at ‘Staples’ would result in a detrimental impact on the setting of the Castle Buildings for the temporary period of construction.</p> <p>With regard to the proposed works to the surrounding highway</p>

ExQ1	Question to:	Question:	HCC response:
			<p>infrastructure, the current setting to Castle Buildings is far removed from its historic context of the built-up frontage to Mytongate (later renamed Castle Street in part), of which only Castle Buildings, the Earl de Grey, and Warehouse 6 remain. The road was originally widened in the 1970's, and the setting of Castle Buildings is now heavily influenced by a busy dual carriageway. Although the proposed works would have some impact on the setting of Castle Buildings by altering further its relationship with Castle Street, the Council do not consider this adverse impact to represent substantial harm.</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>	
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>Notwithstanding temporary and permanent adverse impacts identified within the submitted Environmental Statement, Hull City Council consider that the proposals will enhance the remainder of Trinity Burial Ground, through the proposed incorporation of the reserved former gates and piers from Hull Minster (Holy Trinity) into the boundary treatment, enhancing the heritage asset from visual as well as historic connection perspectives, whilst the accessible relocation of disturbed memorials, enhanced landscaping, and in time, replacement tree planting will also serve to enhance the remaining asset.</p>

ExQ1	Question to:	Question:	HCC response:
			<p>The proposed public realm works around the Princes Quay Bridge would improve the settings of the Grade II listed Warehouse No.6, Princes Dock, and Humber Dock. Such public realm improvements also stand to enhance the setting of the Spurn Light Ship, an important visitor attraction in the city, an entry on the National Register of Historic Vessels, and part of the National Historic Fleet, whilst the Princes Quay Bridge will afford new opportunities to appreciate the vessel's significance from an elevated position. Furthermore, subject to a designated funds application, the scheme has the potential to create a new dry dock for the vessel within the Marina, thereby facilitating enhanced longevity and reduced maintenance liability with regard to its submerged hull, and an improved visitor experience including enhanced interpretation and equitable access arrangements.</p> <p>The high quality contemporary and distinctive design of the Princes Quay Bridge will serve to enhance the character of the Old Town Conservation Area, introducing a new townscape element which re-connects the historic dock estate, introduces a new 'gateway' feature into the Old Town, redolent of and approximate in location to the Mytongate, a key historic portal within the mediaeval town walls, the alignment of which now demarcated by the north-south arrangement of the historic docks.</p> <p>By relieving visitors from the current delay and negative environmental experience of crossing the trunk road at grade, affording elevated views over the historic listed docks and associated maritime buildings and structures, Princes Quay Bridge will also better reveal the significance of various heritage assets.</p> <p>A more sensitive and positive re-siting of the Earl de Grey public house would enhance both the building and its setting, alongside that of Castle Street Chambers.</p> <p>Hull City Council is currently considering the following applications for planning permission and listed building consent respectively:</p> <p><i>19/00333/FULL - Application for full planning permission for the demolition</i></p>

ExQ1	Question to:	Question:	HCC response:
			<p><i>and partial rebuilding of the Earl de Grey public house; erection of link extension to Castle Buildings and the Earl de Grey; external alterations to Castle Buildings; use of relocated Earl de Grey, Castle Buildings and link extension for café or restaurant (A3) and/or drinking establishment (A4) and/or office (B1a); the erection of a nine-storey hotel; new public realm and associated works, including landscaping, car parking and servicing, and associated infrastructure.</i></p> <p><i>19/00334/LBC - Application for listed building consent for demolition and partial rebuilding of Earl de Grey Public House; erection of link extension to Castle Buildings and Earl de Grey; refurbishment, reconfiguration of, and external alterations to Castle Buildings.</i></p> <p>The two applications are yet to be determined by the local planning authority, but it is recognised that, in principle, and in accordance with approved supplementary planning document 13 – Key City Centre Sites Design Guide, the proposals offer the potential to enhance the significance of both assets by addressing their unplanned and inappropriate isolation from accompanying, particularly historic, built fabric, and in combining available floorspace, thereby broadening opportunities for viable and flexible use, as well as recreating enclosure and active frontage along historic Waterhouse Lane. To date consultation responses from Historic England, The Georgian Group, Humber Archaeology Partnership, Hull Civic Society, and the Council’s own Conservation and Urban Design Officers are supportive of the principle of the proposed relocation. Subject to the local planning authority’s full and proper consideration of the applications before it, these alternative proposals may offer a more favourable change to the setting of Castle Buildings, with which this improvement scheme could align, given agreement between Highways England and third parties. Such an outcome would significantly increase the probability of both buildings being re-used, and their significance preserved.</p> <p>Sensitive design and material selection of both central barrier and safety fencing alongside the route will be important in optimising the visual impacts of the scheme on the special character of the Old Town Conservation Area, its setting, and that of the identified listed buildings and structures which feature along the corridor of the route, and the integration</p>

ExQ1	Question to:	Question:	HCC response:
			<p>of these means of enclosure with hard soft landscaping will be important also.</p> <p>The design and materials selection of the propped pumping station should also be sensitive to the surrounding Old Town Conservation Area, and nearby listed dock and locally listed Whittington and Cat public house.</p> <p>Greater interpretation could be provided around Trinity Burial Ground, and around other heritage assets along the scheme corridor, tying into existing and proposed interpretative material at key locations.</p>
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>	
1.5.9.	Applicant and Historic England	<p>Assessment and weighing of public benefits</p> <p>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 consider the public benefits of the scheme and give your assessment of the scheme against these parts of the NPS and NPPF.</p>	
1.6.	Social, Economic and Land-Use Effects		
1.6.1.	Applicant/HCC	<p>Batching compound</p> <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 	<p>The following planning application was granted permission by Hull City Council on 24.04.2019.:</p> <p><i>Hybrid planning application (ref. no.: 19/00103/FULL) comprising:</i></p> <p><i>1. Full Planning Application for the erection of mixed use development</i></p>

ExQ1	Question to:	Question:	HCC response:
		<p>policies of the National Networks NPS?</p> <ul style="list-style-type: none"> For both sites, what measures are proposed to address the impact of the use of the site on nearby land uses? 	<p><i>including office (B1) (5082m2) and a 356-space multi-storey car park (both pay and display and contract parking), and</i></p> <p>2. <i>Outline Planning Application with all matters reserved for erection of mixed use development including 34 dwellings (C3) and any of, or a combination of the following: retail (A1), financial and professional services (A2), restaurant/cafe (A3), drinking establishment (A4), hot food takeaway (A5), office (B1).</i></p> <p>This approval effectively facilitates the replacement of the Arco Ltd headquarters at Waverley Street on Site A, with a new office scheme at Blackfriargate, adjacent to the proposed scheme underpass NMU route at High Street.</p> <p>Hull City Council has now exchanged an agreement with Arco Ltd for the sale and lease back (to Arco) of freehold property known as land and buildings at Waverley Street, Kingston upon Hull. The completion date for the sale and lease back of the Waverley Street site is tied into completion of an agreement between Hull City Council and Wykeland Beal Limited (“the Wykeland Beal agreement”); This agreement relates to the development of the Arco offices and multi-storey car park taking place in the Fruit Market. The Wykeland Beal agreement is subject to planning permission being granted. The planning notice for the Wykeland Beal agreement was issued on the 24th April 2019, and is currently in the Judicial Review period which is due to expire on the 5th June 2019. On the 5th June 2019, the Wykeland Beal agreement will become unconditional which in turn means that the Waverley Street site agreement will become unconditional, and completion of the sale and lease back can then happen between Hull City Council and Arco.</p> <p>In relation to the Waverley Street site being used as a construction compound during the A63 improvement works, Hull City Council have an executed agreement for lease in place with Highways England to lease the Waverley Street site (following vacation by Arco when they move to their Fruit Market site) for the duration of the A63 redevelopment works for its use as a construction compound. Highways England will occupy this site no later than the 4th January 2021.</p>

ExQ1	Question to:	Question:	HCC response:
			<p>Hull City Council consider that the inclusion of two options for the batching compound site is justified, given uncertainty over potential voluntary acquisition at the time of submission, and in the interests of minimising detrimental, social, economic, and environmental impacts.</p> <p>Hull City Council is not aware of any evident non-compliance with policies set out within the National Networks NPS with respect to this dual option approach for a DCO at the draft stage.</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? 	
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>	
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>	<p>Planning application ref. no. 16/00893/FULL described the following:</p> <ol style="list-style-type: none"> 1. <i>Erection of 3 storey extension to form additional bedrooms</i> 2. <i>Erection of extension to form enlarged lounge</i> <p>The proposed increase in room numbers would take the premises from 100 to 148 bedrooms. The application is very similar to one which was granted approval in 2000, and never implemented. The extant approval would expire on 21.03.2020.</p> <p>The approval is subject to pre-commencement planning conditions, but to date, no application for conditions compliance has been forthcoming. Hull City Council is unable to advise as to whether or not this situation is likely to</p>

ExQ1	Question to:	Question:	HCC response:
			change.
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>	
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>The proposed new open space at the Myton Centre will compensate for the loss of land at Trinity Burial Ground by making available a total of 4453 m² land in lieu of 3569.6m² to be lost, 2633m² of which is designated as a site likely to qualify as a Local Wildlife Site under Policy 44 of the Local Plan. In pure land area terms, the replacement provision would more than compensate for that lost to the proposed scheme.</p> <p>The Local Plan recognises Trinity Burial Ground as a 0.81 ha area of open space, and a site likely to qualify as a Local Wildlife Site. In comparing the two areas with respect to character, it is recognised that the Trinity Burial Ground site is identified within the ‘cemeteries and churchyards’ category of open space types within tables 12.1 and 12.4 of the Local Plan, and consequently, the proposed new open space will not fully reflect the character of that lost, given that it will not be possible to replicate the historic interest inherent in Trinity Burial Ground, a closed Georgian / Victorian burial ground, which would be subject to a 30% loss in area.</p> <p>Policy 42 (3b) of the Local Plan is of relevance to this comparison when it states that <i>‘Open space, sports and recreational buildings and land, including playing fields, should not be built on unlessThe loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location’.</i></p> <p>It is recognised that, in addition to the historic significance of the burial ground and its associated monuments, its natural characteristics, featuring mature trees and grassland, are most akin to those of natural and semi-natural greenspaces as described in table 12.1 to the Local Plan. The replacement greenspace described in the submission will feature more extensive grassland and tree planting than that proposed to be lost, and an area in excess of the recommended minimum size threshold for new open</p>

ExQ1	Question to:	Question:	HCC response:
			<p>space of that typology identified in Table 12.3 of the Local Plan.</p> <p>An update report to the Hull City Council Planning Committee on 16th April 2019 identified the comparative supply of different categories of open space within each political ward, and demonstrates that the St. Andrew's and Docklands Ward (Riverside Committee Area) within which the Trinity Burial Ground and Myton Centre are both located, displays a shortfall in natural and semi-natural space, to which the proposed replacement land will contribute.</p> <p>Policy 44 (4&5) states that:</p> <p>'Development resulting in the loss or significant harm to a Local Wildlife Site or Local Nature Reserve will only be permitted if it can be clearly demonstrated there is a strong need for the development, and that there are no other appropriate locations for the development. Where loss or harm cannot be prevented or adequately mitigated, as a last resort, appropriate compensation for the loss/ harm must be agreed.</p> <p>Until formally reviewed, an open space site will be afforded the same level of protection as a Local Wildlife Site if it meets the Council's LWS selection criteria.'</p> <p>The site has yet to be formally reviewed, but its potential has been recognised based upon the presence of veteran trees, including three or more notable species such as Ash, Hybrid Poplar, Lime, Oak, Elm and Sycamore, nesting and breeding birds, including Song thrush, a bird of Principal Importance under Section 41 of the NERC Act 2006, and Common Pipistrelle bats both foraging and commuting, with possible high potential as a roosting site.</p> <p>Although the partial loss of such value cannot be readily replicated in the short term, the replacement land should, in time, with appropriate native and biodiversity friendly tree and landscaping details, secured through a DCO requirement, and suitably maintained thereafter, be capable of developing nature conservation value in its own right.</p> <p>Hull City Council also recognise that the proposed replacement greenspace will have a cumulative value in connecting, visually and functionally, with</p>

ExQ1	Question to:	Question:	HCC response:
			<p>existing designated open space in sites 946 and 947, identified in the Local Plan, namely Jubilee Arboretum of 0.22 ha, and William Street Park of 0.13 ha, categorised as natural or semi-natural open space and a pocket park respectively, with which there is significant scope for complementarity.</p> <p>With regard to location, both the existing and proposed areas of open space are similarly located adjacent to the A63 trunk road, with an immediate hinterland of commercial character around the former, predominantly residential around the latter. The sites are located within around 300m of each other, with a greater number of residential addresses, namely 5546, having suitable access to the proposed open space at the Myton Centre (based on the a typical travel distance of 960 metres or a 20 min walk, identified in the Local Plan and adopted Supplementary Planning Document 11 on Protecting Existing and Providing New Open Space as appropriate for access to Natural or semi-natural greenspace), than the existing open space at the Trinity Burial Ground, where 5185 residential properties sit within the same radius.</p> <p>Taking into account the greater land area, accessibility to larger residential population, complementarity with adjoining existing open space, and potential to develop nature conservation value progressively over time, and balancing these factors alongside the retention of the larger portion of the Trinity Burial Ground, and the proposed enhancements thereto, the Council recognise that whilst the replacement land may not be like for like in all respects, it does represent satisfactory compensation.</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 assessment or any other estimates on which the decision was based. Please explain if/how this is addressed in the dDCO.</p>	
1.7.	Townscape and Visual Impact		
1.7.1.	Applicant	Hoardings	

ExQ1	Question to:	Question:	HCC response:
		Are there any proposals relating to hoardings and signage during construction? If so, please provide details.	
1.8.	Transportation and Traffic		
1.8.1.	Applicant, HCC	<p>Road safety</p> <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? 	<p>Hull City Council does not host within the local authority area any other stretches of the Strategic Road Network where similar improvement schemes either have, or may be proposed to take place. Nor has the local highway authority, undertaken, or have planned any highway schemes approaching comparable scale for which projected accident and casualty projection could be referenced.</p> <p>Hull City Council does not host within its local authority area any roads similar to the A63, or have ready access to safety record data from roads in other local authority areas with which to make such a comparison.</p> <p>Road safety could be further improved by retaining controlled east-west pedestrian / cycle crossing facilities across Market Place and Queen Street, and revising the proposed location of the speed limit signs on the approaches to and departures from Market Place and Queens Street from the A63 on and off slip roads, repositioning them to ensure that the speed limit on approach to the proposed pedestrian / cycle crossing points on Market Place and Queen Street is 30mph, thereby providing additional protection to pedestrians and cyclists.</p>
1.8.2.	Applicant	<p>Road safety information requirements – NN NPS</p> <p>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>	
1.8.3.	Applicant, HCC	<p>Non-motorised transport</p> <p>Will connections for non-motorised transport be improved overall? Will there be any negative effects?</p>	<p>Hull City Council consider that, overall, connections for non-motorised transport will be improved. The scheme will provide an environment in which NMUs will be segregated from motorised traffic, and able to cross the A63 without having to wait at the side of the road, or indeed on the central reservation to cross safely, as the current at-grade crossings force non-motorised users to cross in at least two stages, including on relatively narrow</p>

ExQ1	Question to:	Question:	HCC response:
			<p>islands at Mytongate and Princes Quay. This is an unpleasant environment and experience for users, particularly as waiting times are long, and it acts as a deterrent for linkages between the waterfront and the remainder of the city centre. The limited extent of the pedestrian refuges also serves to place limited capacity restrictions on usage. This is an issue in a busy city centre location, and particularly so when waterfront cultural events draw thousands of patrons across the A63, with consequent increase in accident risk. It also represents a challenge for wheelchair and mobility scooter users, raising concerns about the ability to safely fit onto the narrow refuges during periods of high footfall.</p> <p>There would be a reduction in the number of crossing points as a result of the scheme, and travel distances for users, including disabled users, will increase via the bridges proposed for Porter Street and Princes Quay, but the necessity of this is recognised in the context of seeking to achieve optimal ramp length/gradient ratios to make travel as easy as possible for many disabled users.</p> <p>Existing at-grade crossings around Mytongate roundabout are accessible for NMUs, but involve crossing four stretches of carriageway, and lengthy waiting times. The proposed scheme will enhance connectivity by reducing travel distance and potentially waiting times subject to details of signal arrangements.</p> <p>The existing at-grade crossing at Market Place / Queen Street is very accessible with generous pedestrian refuges, although again, waiting times can be long. Whilst for some users, the journey time involved with utilising the High Street underpass may not be materially different in terms of convenience, inevitably, given the broad range and often specific nature of mobility impairments, for some disabled users, the longer travel distance associated with the underpass, or alternatively journeying to Princes Quay Bridge will involve greater time and effort, to their inconvenience or disadvantage.</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</p>	<p>Hull City Council consider that the proposed scheme would improve the attractiveness of utilising sustainable modes by delivering enhanced public realm leading crossing points segregated from road</p>

ExQ1	Question to:	Question:	HCC response:
		modes of transport an attractive and convenient option?	<p>traffic and via elevated and safe crossing points in the case of Porter Street and Princes Quay, alongside improved routes running parallel to the A63 itself, although the High Street underpass will be considered less attractive than the current at-grade crossing by some, despite associated waiting times at the latter.</p> <p>In terms of convenience, journey time increases for most sustainable modes including cycles, motorised wheelchair and scooter users, and non-disabled ambulant are unlikely to be materially inconvenient. For some pushed or self-propelled wheelchair users, and some ambulant disabled people, the increase in length of some journeys will have a material impact. However, given the overall benefits associated with the scheme for NMUs in terms of environment, safety, and convenience generally, and subject to mitigations including in improvements to the High Street underpass route and enhanced accessible public realm works, the Council considers that, on balance, the resultant increase in journey times for some NMUs are justifiable.</p>
1.8.5.	Applicant, HCC, HAIG	<p>Road restrictions 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>	Impacts should be limited. Pedestrian access to businesses on nearby roads is not likely to be hindered by the proposals, whilst vehicular access for customers and servicing would be maintained, although routing would be altered through changes to the Old Town one-way system and the introduction of turning heads. There should be no need for any reduction in blue badge parking bays around South Church Side as a consequence of the works.
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>	Yes, although of relatively basic design, Porter Street Bridge has been designed to accord with relevant legislation and current guidance for disabled users, achieving optimal lengths and gradients. Highways England has consulted with the Council's Access Officer and the Hull Access Improvement Group at length on the design of the bridge to ensure compliance and garner advice from local users.
1.8.7.	Applicant, HCC, HAIG	<p>Pedestrian Underpass</p> <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? 	Consultation on the design details of the High Street underpass with Council Planning, Highways, Major Projects, and Access Officers, along with the Hull Access Improvement Group is on-going, with some draft details having been shared, and others understood to be under preparation, with a joint site visit scheduled.

ExQ1	Question to:	Question:	HCC response:
			<p>Details should demonstrate that the route will conform to all relevant regulatory standards in terms of lengths, gradients, and contours, dropped kerbs, and lighting levels. If the optimal design solution can be identified, then the route will be suitable for all non-motorised users, including disabled people.</p> <p>Route-length will remain greater than the current at grade crossing, and this may prove a deterrent for some disabled people.</p> <p>The council harbours some outstanding concerns that the underpass does not currently offer the most inviting of environments, particularly for potentially vulnerable travellers. Securing the best detailed design solution given inherent constraints, alongside the on-going and planned redevelopment of neighbouring strategic development sites, increasing natural surveillance and footfall occasioned by the proposed removal of the at-grade crossing at Market Place should combine to alleviate those concerns, and enhance personal safety and environmental perceptions of the High Street route.</p>
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>	<p>Controlled east-west pedestrian cycle/crossing facilities across and around Market Place and Queen Street referred to in response to Q.1.4.1. above, would improve accessibility for all users.</p> <p>The Council, recognise that some disabled people will be disproportionately negatively affected by the proposals due to the reduction in crossing points and the increased route lengths necessitated by compliant ramp, bridge, and underpass design. However, throughout the development of the proposed scheme, including work in advance on the Princes Quay Bridge, the level of consultation with and the meaningful response to feedback from a disabled minority group has been, and continues to be exemplary, and could be utilised as case study for best practice.</p>
1.9.	Utility Infrastructure		
1.9.1.	Applicant, Holiday Inn	<p>Holiday Inn sub-station Please provide details of the existing sub-station, how the scheme would affect it and any proposals to replace</p>	

ExQ1	Question to:	Question:	HCC response:
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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>Hull City Council have previously requested further information on the proposed pumping station with regard to resilience to flood risk, and are currently in the process of reviewing the technical note provided by Arup on behalf of Highways England, published on 24.04.2019.</p> <p>The Council also await confirmation of the intended route and destination of flood water discharged via the pumping station following a flood event.</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 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? 	
1.10.3.	Applicant, Environment agency, HCC	<p>Flood Risk</p> <ul style="list-style-type: none"> • Are there any changes to the design of the scheme that could reduce the risk of flooding of the underpass? • 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? 	<p>Hull City Council considers that the risk of flooding to the underpass could potentially be reduced by design changes to increase the level at which the road enters and exits the underpass. However, this would likely result in increased risk of flood to surrounding areas and premises, and Council's preference from a Local Lead Flood Authority perspective would always be to contain flood water within the confines of the highway and its drainage system, rather than to increase flood risk to neighbouring residential and commercial premises.</p>

ExQ1	Question to:	Question:	HCC response:
		<ul style="list-style-type: none"> Has a plan been prepared regarding how to deal with flooding during construction? 	<p>The Council understands that Highways England have undertaken updated modelling analysis based on amended predictions of flood water depths, taking into account latest climate change allowances, and is currently in the process of reviewing Highways England's Additional Flood Risk Information Technical Note published 24.04.2019. The technical note suggests that increases in flood risk are likely to be of limited magnitude, either less than 0.005m, or within a range of 0.05 – 0.11m (although predicted depths above 0.11m referred to have not been specified).</p> <p>Over 90% of the local authority area is located within a high flood risk zone, and addressing flood risk in new development, particularly more vulnerable uses such as residential is a routine consideration for the local planning authority, and given the order of increase in flood depth predicted within the submitted technical note, the Council consider that residential development on allocated sites affected could be made adequately resilient to flood risk through standard methods of mitigation.</p> <p>Hull City Council also recognise that the scheme works would be taking place within the same timeframe as the Environment Agency's on-going £42m Humber Hull Frontages and £36.5m River Hull Frontages defence enhancement schemes, which will have the effect of upgrading the standard of tidal and fluvial defences for the entire city centre, in light of predicted climate change effects including sea level rise and extreme weather events up to 2040, with contingency built-in for adaptation thereafter.</p> <p>The applicant proposes that the Construction Environmental Management Plan should be based on the submitted Outline Environmental Management Plan, which includes road drainage and the water environment under the list of potential environmental impacts, with draft DCO requirement 4 d (vi) identifying a surface water management plan amongst the management plans to be included within the submitted CEMP. Paragraph 11.6.17. of the submitted Environmental Statement states that mitigation of extreme flooding impacts from tidal, fluvial and pluvial sources during construction should be considered in the OEMP. Hull City Council suggests that a Flood Risk Management Plan to be included within the list of management plans set out in Requirement 4 (d).</p>
1.10.4.	Applicant	<p>Deemed Marine License (DML)</p> <ul style="list-style-type: none"> Please identify which of the amendments and 	

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		<p>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.</p> <ul style="list-style-type: none"> • Are any other changes to the DML proposed? 	
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>	
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>	
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>Construction works to Princes Quay Bridge commenced on 04.10.2018.</p> <p>The Council are of the strong opinion that the bridge should sit firmly within the scheme, for full and comprehensive consideration. It constitutes a fundamental element of the scheme in terms of its significance to both the removal of at-grade crossings along the route, contributing thereby to the scheme objectives of relieving traffic congestion and improving access to the port, and improved connectivity between the larger part of the city centre to the north and the waterfront to the south, including during the construction process. It should therefore remain to be recognised as one of the key benefits of the scheme when economic, environmental, and social impacts of the proposals are considered.</p> <p>Furthermore, the Council has considered and determined applications for both planning permission and listed buildings consent, and additionally non-material amendment applications in the absence of detailed information on the improvement scheme. Subsequent to the submission of the scheme, it has become possible for functional and visual relationships between the bridge and other aspects and elements of the scheme to be understood more fully, and whilst the bridge remains under construction, there is</p>

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			<p>potential within the process for a holistic approach to be taken to ensuring optimal integration, rather than considering the bridge as an external element over which proceedings can exert no influence. To illustrate the point, the Council has been in discussion with Highways England over an amended design to the north-western approach to the bridge which would present a less austere visual introduction to the bridge structure, and aid route legibility. These discussions are on-going and making positive headway, and the Council considers that it is important that such changes and their implications are understood, captured, and reflected as appropriate within the DCO process.</p> <p>It is also noteworthy that there remain a number of conditions on both the planning permission and listed building consent applications which have yet to be complied with, and consequently, a fully authorised scheme outside of the DCO process is not yet in place.</p> <p>The Council also recognise that there remains a residual risk to the bridge delivery where this is reliant upon voluntary land agreements, and consider that the additional assurance afforded by the DCO provisions would be merited, given the significance of the bridge in meeting the objectives of the scheme.</p>
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>	
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</p>	

ExQ1	Question to:	Question:	HCC response:
		above.	
1.10.10.	Applicant	<p>Environmental Impact Assessment - Community amenities and business 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>	
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>	
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>	
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,</p>	

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		<p>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>	
1.10.14.	Applicant	<p>Environmental Impact Assessment Mitigation Measures</p> <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>	