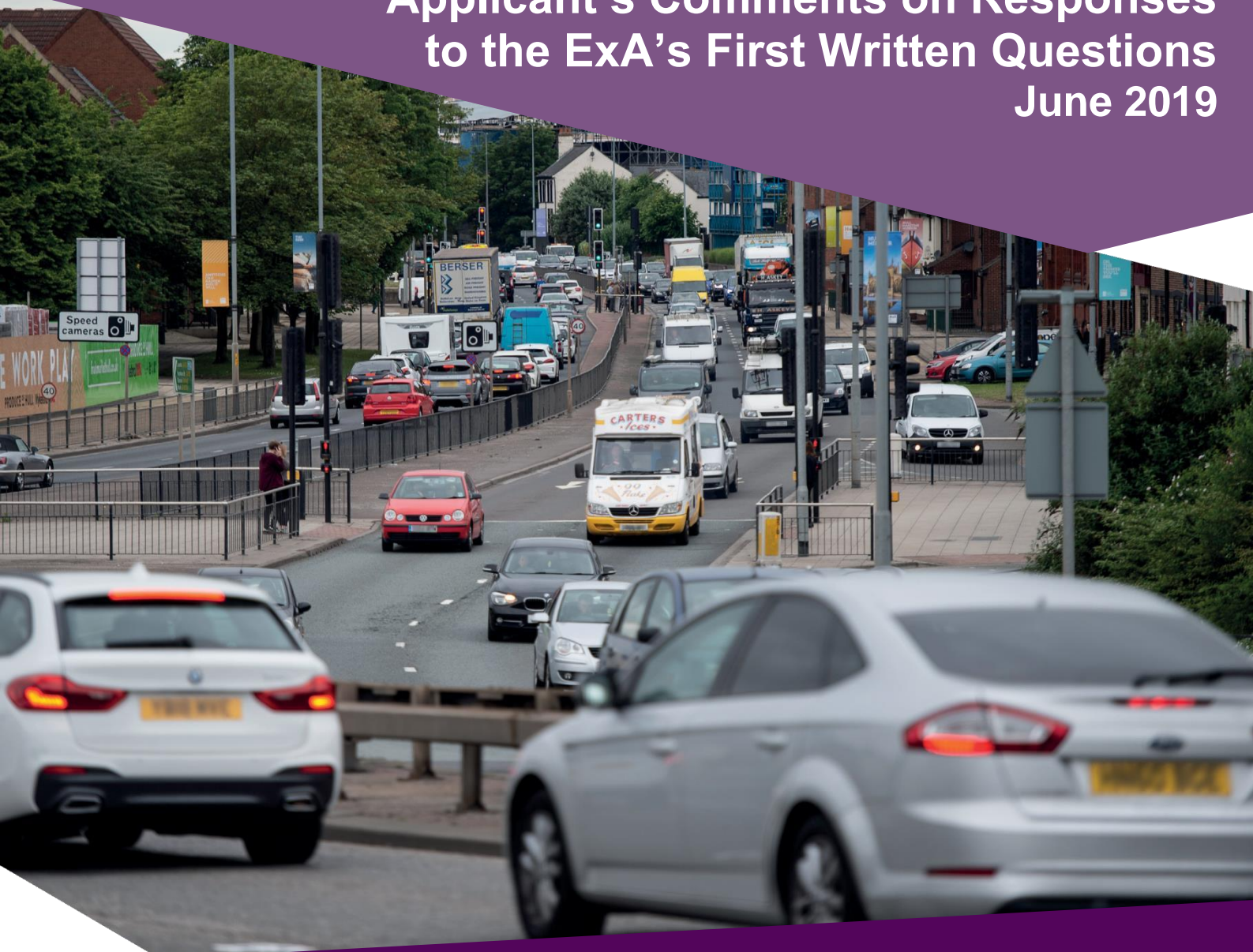


A63 Castle Street Improvement, Hull

TR010016

Applicant's Comments on Responses
to the ExA's First Written Questions
June 2019



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

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1 Introduction

1.1 Purpose of this document

- 1.1.1 The Applicant has considered all responses to the Examining Authority's (ExA) first Written Questions (WQ's). This document collates all of the Applicants responses to the first set of WQ's submitted by all parties with the exception of Hull City Council, which is referenced in a separate document submitted at Deadline 3.
- 1.1.2 The Applicant has therefore prepared responses to the first WQ's from the following parties and in the following order within this document:
- Environment Agency
 - Hull Access Improvement Group (HAIG)
 - Historic England
 - Temple Bright LLP on behalf of EPIC (No.2) Limited
- 1.1.3 The order of this document will reflect that of the WQ's submitted by the above parties.

2 Applicant's Response to Environment Agency Written Questions

ExQ1	Question	Environment Agency Response	The Applicant's comment on the response
1.4.1	<p>Changes to the dDCO 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><i>As we have mentioned in earlier representations, we consider that the draft Development Consent Order would benefit from a number of additional Requirements, to ensure that appropriate measures to mitigate or manage flood risk are properly secured. 1. Firstly, we would consider that a Requirement requesting final details of the technology to be used for closure of the underpass, including the use of physical barriers, either on receipt of a flood warning or onset on flooding. The scheme must include consideration of how the technology will remain operable in the event of power loss. The Flood Emergency and Evacuation Plan (Appendix B of APP-052) includes two possible options proposed to be used in the event of flooding of the underpass. Without this Requirement, people could be put at risk by entering the underpass during a flood. While it is not our role to assess the suitability of emergency procedures, we consider that a physical barrier would be much more effective at preventing people entering the underpass than the sole use of signage. In addition, many of the proposed measures rely on technology, which could be rendered ineffective should there be local power loss as a result of the flooding.</i></p>	<p>The technology details for the closure of the underpass were discussed with the Environment Agency and Hull City Council at the Issue Specific Hearing (ISH) Water and Flood Risk. An updated Flood Emergency and Evacuation Plan (FEEP) will be issued to include a Recovery Plan and resilience details in consultation with the Environment Agency. The location of vehicles preventing access to the underpass would be agreed by the multi emergency agencies via the Flood Advisory Cell (FAC).</p> <p>The FEEP has been added to the dDCO Requirement 4 (REP2-005). The FEEP - will include a Recovery Plan The applicant will continue to discuss the resilience measures required for the proposed surface water pumping station with the Environment Agency.</p>

ExQ1	Question	Environment Agency Response	The Applicant's comment on the response
		<p><i>Secondly, we consider that a Requirement for a Recovery Plan is necessary, to confirm temporary arrangements for the discharge of flood water, including its final destination. The Requirement should ensure that appropriate permits will be obtained from the Environment Agency prior to there being need of the recovery operation. This will ensure that recovery of the underpass can be achieved as quickly as possible following a flood and that all environmental risks have all been considered and mitigated beforehand. 3. Finally, we consider a Requirement is necessary to secure the submission of details of resilience measures for the proposed surface water pumping station to an agreed level (in metres above Ordnance Datum). Sensitive equipment should be raised as high as practically possible, to reduce the chance of the pumping station becoming damaged or inoperable during a flood. This could result in further delays during the recovery phase whilst the pumping station is brought back online, which could seriously impact traffic flow in the city in the days following a flood. Once the applicant has considered an achievable level of resilience for the surface water pumping station, we would be happy to work with them on the proposed wording of such of Requirements.</i></p>	
1.10.1	<p>Proposed pumping station Have all available details of</p>	<p><i>We have been provided with limited details of the proposed pumping station, although an outline plan has been provided in APP-009, and no</i></p>	<p>The proposed pumping station approvals in principle (AIP) designs have been approved by Highways England's Safety,</p>

ExQ1	Question	Environment Agency Response	The Applicant's comment on the response
	<p>the proposed pumping station been provided? Are the details provided sufficient to enable the scheme to be adequately assessed.</p>	<p><i>proposed flood risk mitigation to protect the pumping station has been discussed at present. We do not consider that we have received sufficient information at this stage to assess the risk to the surface water pumping station. We cannot therefore determine whether the pumping station will be appropriately flood resilient and resistant, as required by paragraph 5.99 of the National Policy Statement for National Networks.</i></p> <p><i>It is possible that details of any proposed resilience measures may be secured through a Requirement on the DCO, but with the level of protection (in metres above Ordnance Datum) to be agreed now. We understand that the applicant is currently attempting to determine a suitable and realistic level of protection for the pumping station. Once this is determined, we may be able to consider appropriate wording for a draft Requirement to secure this.</i></p>	<p>Engineering and Standards (SES) specialists as part of the Stage 3 design. The information provided as part of the DCO and EA consultation, was deemed sufficient to provide preliminary understanding of the scheme's requirements.</p> <p>The intention has always been to engage with EA to determine and agree appropriate and realistic resilience measures, which would inform the detail design process. The detail design of the pumping station, and associated pumping station building/kiosk, will be done in line with the agreed requirements.</p>
1.10.1	<p>Please explain how the pumping station will be connected to the outfall.</p>	<p><i>We expect that the applicant will provide you with an explanation regarding the outfall, although it is our understanding that surface water from the underpass will now drain to Yorkshire Water sewer and not via an outfall to the Humber estuary under normal circumstances. Should the underpass flood, the recovery phase may involve flood water being discharged directly into the estuary, although it is not anticipated that a permanent outfall would be required for this. As stated in our response to</i></p>	<p>Agreement has been reached with Yorkshire Water, to allow the pumping station rising main to discharge directly into their network.</p> <p>If the underpass floods and additional pumping capacity is required, proposals have been put forward in the Flood Emergency and Evacuation Plan (FEPP) to assist in the recovery process. The</p>

ExQ1	Question	Environment Agency Response	The Applicant's comment on the response
		<p><i>ExQ1.4.1, we consider that this can be dealt with via a new Requirement for a recovery plan.</i></p>	<p>current proposal, which was agreed with Highways England's North East Regional Control Centre, is to use a high-volume pump to drain the underpass. The exact location still needs to be agreed as part of the production of the Combined Operations Report in detailed design, and will be done in consultation with the Environment Agency. The FEPP aims to support the Humber Local Resilience Forum Multi Agency Flood Plan and does not seek to replace it.</p>
1.10.1	<p>Whether the impact of the construction work has been considered in the ES.</p>	<p><i>We are not absolutely clear on the meaning of the final question, which asks 'whether the impact of the construction work has been considered in the ES'. We think that this may relate to the discharge of surface water during the construction phase. We would suggest that the applicant considers phasing the works to ensure that the pumping station is in place early in the construction programme to ensure that surface water runoff can be adequately managed with appropriate pollution prevention measures in place during the construction period.</i></p>	<p>The shaft will be installed as early in the programme as practical. Construction of the pumping station chamber is currently scheduled to begin in Spring 2022, the installation is constrained by the exhumation works in the burial ground. Once the associated activities are complete this will provide the necessary milestone for commencing the Pumping Station.</p> <p>Installation of pumps, mechanical and electrical fit out and commissioning for use will be May 2024. This is constrained by the connection of the structure to the underpass. The underpass needs to be excavated to enable the connections to</p>

ExQ1	Question	Environment Agency Response	The Applicant's comment on the response
			<p>be installed.</p> <p>In the interim period from September 2022 the possibility of using the chamber to manage surface water runoff is being investigated along with some form of pollution prevention measure to prevent turbid discharge between the pumping station and the Yorkshire Water outfall in Commercial Road.</p>
1.10.3	<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? • Has a plan been prepared regarding how to deal with flooding during construction? 	<p><i>The applicant considers that no additional mitigation can be designed into the scheme, as any further attempt to raise roads or keep water out of the underpass will result in additional water being pushed elsewhere, and potentially further increasing flood risk depths or hazards to people and property in the surrounding area. The applicant has concluded that there would be no way to mitigate this offsite increase in risk.</i></p> <p><i>In respect of determining the significance of the potential increases in flood risk to the surrounding area, the Flood Risk Technical Information Note within Appendix B of the Accompanying Documents for the Relevant Representations, submitted by Highways England in April 2019, includes figures showing the difference in flood extent resulting from the development, as well as percentage changes in depths and</i></p>	<p>The requirements for the Exception Test was discussed with the Environment Agency and Hull City Council at the Issue Specific Hearing on Water and Flood Risk. Hull City Council advised that in excess of 90% of the city of Hull is at high flood risk and there are instances where it is hard to balance out flood risk issues with other planning issues. Highways England is confident that the wider sustainability benefits outweigh flood risk and is safe for its lifetime and has requested that the Inspector considers the unique characteristics of Hull.</p> <p>The Outline Environmental Management Plan states a requirement for a Construction Flood Emergency Plan (FEP) which will detail suitable</p>

ExQ1	Question	Environment Agency Response	The Applicant's comment on the response
		<p><i>changes to hazard rating, over a range of scenarios. However, we respectfully highlight that in order to pass the Exception Test, the project must be safe for its lifetime without increasing flood risk elsewhere. Section 2.6 of the Flood Risk Technical Information Note submitted by the applicant discusses the requirement within the Outline Environmental Management Plan for suitable emergency procedures to be outlined, including a plan for the evacuation of the construction footprint in the event of extreme flooding. It states that plans will ensure safety of personnel and protection or removal of other sensitive material likely to be mobilised during a flood. Appropriate places of safety have also been outlined for each compound, in line with Figure 15 of Hull City Council's Strategic Flood Risk Assessment, which determines the minimum level that a place of safety should be at depending upon the development's location within the city.</i></p>	<p>emergency procedures during construction to ensure safety of personnel, nominated places of safety and includes measures for the protection or removal of other sensitive material likely to be mobilised during a flood. The FEP is a requirement in the dDCO at Requirement 4.</p>

3 Applicant's Response to HAIG Written Questions

ExQ1	Question asked to HAIG	HAIG Response	The Applicant's comment on the response
Topic			
1.8.5	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><i>The existing parts of these streets are of a design to replicate the cities heritage. Narrow paths and surfaces that are not smooth and even. This makes them difficult for wheelchair users, blind and partially sighted people and others. The proposals do not improve these aspects; including;</i></p> <p><i>Dagger Lane: vehicle crossovers don't provide level access across the crossover.</i></p> <p><i>Fish Street: has wider paths but vehicle crossovers and dropped kerbs at junctions are not appropriately designed as per Dept of Transport guidance.</i></p> <p><i>Vicar Lane: has narrow footways which are not wide enough to allow two people to pass on them. Apart from closing the end of the streets off we are not aware of any works being carried out down these highways to improve accessibility. If access across Castle St is improved for pedestrians these routes could have increased use. In which case they need to cater for the disabled population.</i></p>	<p>The current proposals for the Old Town Area are limited to the stopping up of Dagger Lane, Fish Street and Vicar Lane and Traffic Regulations Orders to accommodate these changes. Amendments to the wider accessibility of the Old Town fall outside the scope of the proposed Scheme.</p> <p>The proposals for the Scheme include providing one continuous footpath across the streets that will be stopped up and providing dropped kerbs and tactile paving across the turning heads on these streets.</p>
1.8.7	Pedestrian Underpass Have any details of the proposed upgrading of the underpass at High St been prepared?	<p><i>HAIG have been consulted on the proposed works and made suggestions to improve access. Meetings have been positive with the designers and Highways England engaging in constructive dialogue. Looking at the design in isolation it</i></p>	<p>Consultation on the proposed works at High Street will continue throughout the design of the scheme. The design is currently being updated following comments from HAIG and Hull City</p>

ExQ1	Question asked to HAIG	HAIG Response	The Applicant's comment on the response
	<p>Will the proposed upgraded underpass provide a suitable crossing point for the A63 for all non-motorised users?</p>	<p><i>works. But it cannot be looked at in isolation, it has to be seen in context of Castle Street and the travel distances involved by people using this route or the main bridge with its long ramps. Providing lifts to the main bridge must be added to the scheme to help reduce the travel distances.</i></p>	<p>Council.</p> <p>With regards to the provision of lifts at the Princes Quay Bridge. This currently falls outside the scope of the scheme however it is worth noting that the bridge has been designed to accommodate such requests in the future.</p>
<p>1.8.8</p>	<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><i>The main bridge across Castle Street has been designed with HAIG being involved in the consultation. HE has improved their understanding of accessibility and maintained consultation with disabled people throughout this process including being involved in a training day with HAIG and others to better understands accessibility.</i></p> <p><i>We are disappointed that HAIGs view that the bridge should incorporate lifts as well as ramps appears to have fallen on deaf ears. It is alright in providing ramps which meet with guidance but that increases travel distances. The provision of lifts helps people who struggle with the increased travel distances. The argument against having lifts is antisocial behaviour. We point out that if Network Rail can provide them and not just at the busiest stations why can't Hull City Council. This is a big short coming in the design and has a negative impact on disabled people.</i></p>	<p>With regards to lifts at Princes Quay Bridge due to the financial constraints and maintenance concerns these have not been included. As noted above regarding the lift provision.</p>

4 Applicant's Response to Historic England Written Questions

ExQ1	Question asked to Historic England	Historic England Response	The Applicant's comment on the response
Key Heritage Impacts			
1.5.1	<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>	<p><i>HBMCE Response HBMCE considers that the Executive Summary of the applicant's Cultural Heritage Assessment [APP-066] (paras 8.1.1 – 8.1.4) broadly identifies the cultural heritage matters on which the Examination should focus. However, although mentioned in the ES as being the subject of physical works or works within their setting, there is no explicit reference to the Grade I Listed King William III Statue and flanking lamps (NHLE 1197697), and no explicit reference to the Beverley Gate Scheduled Monument (NHLE1430250) in the specific paragraphs identified above. It is not clear therefore whether the applicant has correctly considered and assessed the impact of the proposed works on these designated heritage assets, and therefore it is our view that the Examining Authority should consider these heritage assets as key elements within the Scheme.</i></p>	<p>The impact has been correctly considered with respect to Grade I Listed King William III Statue and flanking lamps (NHLE 1197697). The construction work for the scheme stop prior to the statue and flanking lamps and therefore the impact is to the setting of the statue. There are no planned works around the statue that will impact on the monument itself. The temporary negative impact is identified in 8.9.10 of "The Cultural Heritage Assessment" (APP-066).</p> <p>The impact has been correctly considered with respect to the buried monument at Beverley Gate (NHLE 1430250). There are no planned works around the monument of Beverley Gate that will impact on the sunken display monument itself. The temporary negative impact is identified in 8.9.9 of "The Cultural Heritage Assessment" (APP-066) refer to the possible diversion of KCOM cables and the</p>

			diversion of cables through existing duct routes.
1.5.2	<p>Earl de Grey public house Can you please clarify the proposals in respect of the Grade II listed Earl de Grey? In particular, is it proposed to demolish the building or is to be rebuilt elsewhere? If it is to be rebuilt, where will be it be rebuilt and has a detailed scheme been prepared</p>	<p><i>We note that this question is directed to the Applicant, however we would note that the A63 Improvement Scheme requires that the Earl de Grey public house is to be demolished in order to construct the carriageway improvements, and to provide an adequate and safe public realm alongside the carriageway. It is further proposed that a portion of the Earl de Grey is rebuilt adjacent to its current location but incorporated into a proposed commercial development scheme. There is a live planning and LBC application for this commercial scheme. HBMCE has identified that the proposal to demolish the listed building would cause substantial harm to its significance.</i></p> <p><i>It is clearly for the Examining Authority to come to a conclusion on this aspect of the proposal, however we would note that paragraph 5.136 of the NN NPS states that where the loss of significance of any heritage asset has been justified by the applicant based on the merits of the new development and the significance of the asset in question, the Secretary of State should consider imposing a requirement that the applicant will prevent the loss occurring until the relevant development or part of development has commenced. HMBCE questions whether there is scope within the</i></p>	<p>The Environmental Statement (ES) assesses the worst-case scenario should the planning application from the building's owners (19/00334/LBC) not proceed.</p> <p>The Scheme requires dismantling of the Earl de Grey public house to allow work to proceed and the assessment in the ES Chapter 8 Cultural Heritage Section 8.7.5 (APP-023) reflects this scenario.</p> <p>Relocation of the Earl de Grey is required early in the programme of works to ensure that utility diversions required for the scheme can be completed safely. It is also required for installation of the traffic management.</p>

		<p><i>granting of the DCO to ensure that the demolition of the Grade II listed Earl de Grey public house does not take place until it is absolutely necessary, in order to deliver the construction of the relevant part of the road improvement scheme, but also to be correctly sequenced in the planning and Listed building consent process for the commercial development.</i></p>	
<p>1.5.3</p>	<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><i>As far as we understand it, from speaking to Hull City Council, the required demolition of the unsafe and fire damaged portion of this building has already been undertaken, carried out in December 2018. Please see section 6.3.1 and 6.3.2 of our Written Reps. Therefore we are not clear whether the references to 'demolition' within the ES refer to the demolition already undertaken, or to a subsequent demolition proposal yet to be discussed (see 6.3.7 of our Written Reps).</i></p> <p><i>The Landscape Plan (ES, Volume 2, Fig 9.8 Landscaping Proposals) identifies a tree to be planted to the west of the Grade II Listed Castle Street Chambers and indicates the surface treatment materials for the surrounding public realm. However, there is no explanation within the ES of the degree to which the setting of Castle Street Chambers contributes to its significance (please refer to section 6.3.5 of our Written Reps) and how this could be enhanced</i></p>	<p>All ES (APP-023) references to the demolition of the Castle Street Chambers refer to the demolition of the building that occurred after de-listing of the non-significant parts of the buildings that were unsafe and fire damaged in 2018.</p> <p>The ES reflects a worst-case scenario should the development covered by the planning application from the buildings' owners (19/00334/LBC) not proceed. The Scheme requires dismantling of the Earl de Grey public house to allow work to proceed and the assessment in ES Chapter 8 Cultural Heritage, Section 8.7.5 (APP-023) reflects this scenario. The dismantling of the Earl de Grey public house and changes to the layout of the Mytongate Junction would change the setting of the building and further degrade the historic street</p>

		<i>through the changes 5 proposed to its setting. Please see sections 6.3.8, 6.3.9, 6.3.10 and 7.3.1 of our Written Reps.</i>	<p>layout of Castle Street.</p> <p>The setting and its contribution to its significance are described in detail in Appendix 8.2 Gazetteer of Assets Section 2.1.1 Table 2.1 MMS603 (APP-048). It is stated that the setting of the buildings has been severely affected by the loss of surrounding buildings and widening of the A63 Castle Street in the 1970s but retains significance due to its prominent location on the street corner which is an important touchstone to the past townscape. It is not considered that the mitigation described in ES Chapter 9 Landscape Section 9.7.4 to 9.7.12 (APP-023) and Figure 9.8 Landscape Proposals (APP-035) including the tree and surface treatment in proximity to the Castle Chambers would alter the assessment of impact.</p>
1.5.4	<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</p>	<p><i>As stated in our Written Reps (paras 6.5.1 to 6.5.12 and 7.5.1 to 7.5.3) we consider that the decision by Highways England not to allow for the further off-site scientific analysis of a representative sample of the buried population is contrary to published and agreed sector wide guidance on the treatment of human remains from Christian burial grounds.</i> <i>Current good archaeological practice (established in Guidance for Best Practice for</i></p>	<p>Highways England's response to the archaeological mitigation strategy at the Trinity Burial Ground has been discussed with Historic England and the Church of England during ongoing consultation at the Cultural Heritage Liaison Group in accordance with best practice.</p> <p>As discussed at the Issue Specific</p>

	<p>amended?</p>	<p><i>the Treatment of Human Remains Excavated from Christian Burial Grounds in England, Advisory Panel on the Archaeology of Burials in England, 2017 2nd edition and Burial Grounds: guidance on sampling in archaeological fieldwork projects, Advisory Panel on the Archaeology of Burials in England, 2015) requires that the opportunity for additional analytical work is undertaken off-site on an appropriately sized sample, but funded by the research community (rather than the developer) who have very specific research questions to ask of the material. The corollary of this is that development projects affecting large scale burial sites should allow an appropriate timescale for the removal of human material, the further research on that material and its later reburial, preferably on the site from which it came. This has not been included in the case of the Trinity Burial Ground. Whilst Highways England have allowed for and say that they will fund limited analysis of a small sample size as a direct result of the physical impact of their scheme, they have not provided the safeguards necessary for this additional research. HBMCE recognises the ethical considerations associated with the study of human remains generally and the Trinity Burial Ground in particular and the wishes of the Holy Trinity PCC. As the lead national authority on heritage matters, HBMCE has century (section 7.5.3 of our Written Reps).</i></p>	<p>Hearing on the Historic Environment, the size of the sample reflects considerations of both Historic England and the Church of England who have provided a Faculty for the exhumation of the remains.</p> <p>National guidelines referred to in the Historic England response do not contain specific numbers for sample sizes (see - <i>Advisory Panel on the Archaeology of Burials in England, 2017 2nd edition and Burial Grounds: guidance on sampling in archaeological fieldwork projects, p6</i>). The sample size decided has resulted from ongoing consultation between Highways England, the Church of England and Historic England and represents a compromise between the concerns of all parties.</p> <p>The total burial numbers to be exhumed and the number of burials that are 25% complete and therefore suitable for analysis is based on historic research and archaeological evaluation but remains an estimate.</p> <p>The Highways England Designated Funds cannot be used to fund mitigation for the scheme. The</p>
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<p>1.5.8</p>	<p>Beverley Gate and adjacent archaeological remains Scheduled Ancient Monument 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>	<p><i>The possible extent and impact of the proposed works on the Beverley Gate scheduled monument have not been clarified (see 2.1 above). Whilst understanding that a separate Scheduled Monument Consent, or indeed separate listed building consent, is not required for works to a scheduled monument, or listed building respectively, in accordance with the Planning Act 2008, it is expected that works to any scheduled monument or listed building within the DCO application will be set out in detail so that the legislative and policy requirements for determination of the impacts on these designated heritage assets will be correctly discharged. Our understanding is that should works take place to a scheduled monument or listed building which is not covered by the DCO application would require separate scheduled monument consent and separate listed building consent. In respect of the Beverley Gate scheduled monument the details of these works to the scheduled monument should have been set out</i></p>	<p>Initial enquiries with utilities have identified that a KCOM for the scheme. This has identified an option for diverting the existing cables running along the northern footway of the A63 in the vicinity of the Princes Quay bridge. The option identifies the diversion of the cables via Anlaby Road and Beverley Gate. This route would require a new cable being pulled along the existing network in Anlaby Road, around Beverley Gate and into Princes Dock Street. A new duct run would be required for reconnection the network with the existing cables running from Princes Dock Street towards Market Place. It is believed that there is adequate spare capacity in the existing duct network in Anlaby Road and round Beverley Gate to accommodate the cables required.</p> <p>During the detailed estimates (C4) stage</p>

		<p><i>clearly so that they can be considered as part of the DCO application. However, these details have not yet been clarified and it is unclear when they will be clarified. We would expect that Highways England would present clear details of the work that will be undertaken together with a comprehensive scheme of archaeological mitigation in relation to these works. We would be pleased to consider these details and advise further when this information is forthcoming.</i></p>	<p>these works will be finalised and confirmation on any works required in this area will be agreed with the understanding that unless there is sufficient capacity for the new cable to run in the existing duct network another alternative route may be required. This will therefore minimise any excavation works required in the vicinity of Beverley Gate, apart from the connection in Princes Dock street to the existing network.</p> <p>The diversion are fibre cables and therefore the most likely outcome is two way ducts if required to divert the service. A 450mm wide trench would be the most likely solution if this is the case.</p> <p>National Joint Utilities Group guidelines on the "Positioning and Colour Coding of Underground Utilities Apparatus" gives a recommended depth of utilities as 250-350mm depth in footways and 450-600mm in carriageways giving a depth distribution of 250-600mm.</p> <p>It is not possible to confirm with a definitive answer until the detailed estimate stage during the detailed design which will not commence until September 2019 on the current</p>
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			programme.
1.5.9	<p>Assessment and weighing of public benefits Paragraphs 5.132 – 5.134 of the NN NPS and paragraphs 195 and 196 of the NPPF require public benefits of the scheme to be considered and weighed against any harm to heritage assets. Paragraph 1.2 of the NN NPS also requires the adverse impacts of the development to be weighed against its benefits. Please consider the public benefits of the scheme and give your assessment of the scheme against these parts of the NPS and NPPF.</p>	<p><i>In its assessment of the Scheme, HBMCE is looking only at proposed heritage benefits, and providing a commentary on those. It would be for the Examining Authority to conclude whether there would be public benefits to be considered and weighed against the harm to the heritage assets.</i></p> <p><i>It has always been our concern that the A63 severs Hull from its waterfront, thereby eroding the principal relationship that has defined Hull throughout its history, and thus causing harm to the significance of the place. Our concern has been to establish ways in which this boundary between Hull and its waterfront can be made more permeable, and identify how the Scheme can be modified to help establish a sense of 'place'.</i></p> <p><i>HBMCE actively supported the installation of an architect designed bridge (as opposed to the installation of a standard Highways England engineering bridge solution) over the A63, and we consider that this will go some way to addressing the question of permeability between the centre of Hull and its waterfront, but we consider that much more can be done by Highways England to deliver the potential of the heritage components to create a better sense of place and enhance their significance. In our Written Reps (and in answer to these</i></p>	<p>The baseline environment where the Scheme passes through the Old Town conservation area, is one of the weakest elements of the conservation area and does not convey a sense of place of the historic environment. There is limited historic building stock and the grain of the street pattern has been disrupted by the existing A63 Castle Street. This is reflected in the assessment of significance for the individual components of the Old Town conservation area as outlined in Appendix 8.2, Table 2.2, section B2, B3, and C2 Docklands (APP-048) which concludes that it is medium value in comparison with other areas of the Old Town conservation area which are of high value.</p> <p>There are limited areas and scope within the conservation area to improve the public realm and sense of place. The boundaries of the Scheme are close to the buildings in the conservation area and public space is limited to a few parcels of land at Market Place, Princes Dock and Humber Dock and the Trinity Burial Ground which limits the areas for</p>

		<p><i>specific questions) we have identified that more could be done to improve the landscaping and public realm at the interface of the Scheme and the conservation area. HMBCE considers that paragraphs 5.1.38 of the NN NPS and paragraph 200 of the NPPF calling for applicants to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance have not been taken. Please refer to the issues raised in our Written Reps 6.2.9, 6.3.7 – 6.2.10 and 7.3.1. At the moment the problem with the Scheme and its supporting information is the lack of clarity around its proposed execution, and therefore a lack of certainty about its impact on heritage assets, its confused and partial mitigation measures and as a consequence the lack of a clear relationship between harm and public benefit.</i></p>	<p>landscape design.</p> <p>However, the Scheme has introduced mitigation where possible to the Old Town as discussed in the ES Chapter 8, Cultural Heritage Section 8.8.9 and in ES Chapter 9 Section Landscape paragraphs 9.7.4 to 9.7.17 (APP-023) and as shown on Figure 9.8 Landscape proposals (APP-035) with positive design improvements in the following areas:</p> <ul style="list-style-type: none"> • Old Town conservation area includes some areas of natural stone paving. • Market Place and the improvements to the High Street underpass include new tree planting at the eastern end of the scheme close to the Magistrates Court. • Princes and Humber Dock area includes the construction of the Princes Quay Bridge and associated public realm works around the grade II listed Warehouse No. 6, grade II listed Humber Dock and Grade II listed Princes Dock which will have positive impacts on the Old Town conservation area as
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			<p>detailed in ES Appendix 8.3, Table 1.6 and 1.9 (detailed section C2 Zone 2 Docklands) (APP-048). These are supported by Hull City Council in their Local Impact Report, Section 5.3.1.</p> <ul style="list-style-type: none">• Trinity Burial Ground landscape improvements include the replacement of mature and semi mature trees (within and immediately adjacent to the burial ground). The boundary wall is to be rebuilt and enhanced using the reclaimed brick and stone copings from the original wall and the addition of historic gates and pillars from the Minster (formally Holy Trinity Church) at both north boundary entrances and contemporary railings to match the gates. These proposals have been approved by the Diocese of York <p>Consultation between Highways England, Historic England and Hull City Council has been ongoing throughout the development of the mitigation through the Cultural Heritage Liaison Group to reduce the impact and protect all the historic</p>
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			<p>heritage assets on Castle Street.</p> <p>As stated in Highways England's response to the Examining Authority's Written Question 1.0.7 (APP-REP2-003), all efforts will be made to mitigate further if circumstances allow. An opportunity for this may arise from the current planning application to Hull City Council (reference 19/00334/LBC) which includes for the demolition and partial rebuilding of Earl de Grey public house and erection of link extension to Castle Buildings. If the development goes ahead, the significance of adverse effects to both Earl de Grey and Castle Buildings will be further mitigated.</p> <p>As stated in Highways England response to the Examining Authority's Written Question 1.5.9 (APP-REP2-003), the wider public benefits of the Scheme are outlined in the Scheme objectives set out in ES Volume 1, Chapter 2 The Scheme, Sections 2.3.2 to 2.3.8</p>
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			<p>and Figure 2.2 Alignment of National networks National Policy Statement and Scheme objectives (APP-023). The assessment of the cultural heritage impacts of the Scheme are clearly recorded in ES Volume 1, Chapter 8 Cultural heritage, Sections 8.9.16, 8.9.17 and 8.9.18 (APP-023).</p>
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5 Applicant's Response to Temple Bright LLP on behalf of EPIC No.2 Written Questions

ExQ1	Question asked to EPIC	EPIC Response	The Applicant's comment on the response
Topic 1.4.1	Changes to the dDCO 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.	<i>This letter makes comments in relation to Q1.4.1 which sought for all Interested Parties to identify any changes sought to the draft Development Consent Order (dDCO). In the event a suitable negotiated agreement could not be reached with Highways England, EPIC would seek changes to the dDCO. However, should Highways England approach the discussions meaningfully and with greater urgency, then this should not be necessary and it is hoped that it would not be necessary for EPIC to attend the hearing on 6 June to discuss the dDCO. If no agreement can be reached, EPIC would seek changes in relation to the plans underlying and referred to in the dDCO (for example see paragraphs 3.10, 3.11 and 5.2 of the Written Representations of EPIC) and the scope of the powers sought so far as they affect Kingston Retail Park. In addition, EPIC have sought that specific mitigation is provided by Highways England and considers that this is most appropriately secured through a negotiated agreement. No progress has been made towards this aim since the Written Representations</i>	Discussions are currently ongoing with EPIC No.2 and their representatives and a statement of common ground has been produced and submitted for Deadline 3.

ExQ1	Question asked to EPIC	EPIC Response	The Applicant's comment on the response
		<i>made on 23 April. Should a negotiated agreement appear unachievable, EPIC will have no choice but to make the reasonable request that the mitigation measures for Kingston Retail Park are secured through protective provisions within the dDCO and reserves its right to make such request.</i>	

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