

A63 Castle Street Improvement, Hull

TR010016

Written Submission of Applicant's case put
orally at Issue Specific Hearing (4)
Draft DCO
on 6 June 2019



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

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Issue Specific Hearing (4) – Draft DCO on 6 June 2019**

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Author:	A63 Castle Street Improvement Project Team, Highways England

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document summarises the case put by Highways England (the Applicant), at the Issue Specific Hearing (ISH 4) regarding the Draft Development Consent Order (DCO) which took place at the KCOM Stadium, Hull on 6 June 2019.
- 1.1.2 In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for ISH 4 set out in the Examining Authority's (ExA) letter which was published on the Planning Inspectorate's website on 28 May 2019.
- 1.1.3 The following members of the Applicant's team spoke during this ISH:
- Stephen Whale, Counsel to the Applicant (**SW**)
 - Katie Persaud, Associate, BDB Pitmans (**KP**)
 - James Leeming, Senior Project Manager, Highways England (**JDL**)
 - Richard Green-Morgan, Engineering Manager, Balfour Beatty (**RGM**)

2 ExA Agenda Item 1 - Welcome, introductions and arrangements for the hearing

- 2.1.1 The ExA welcomed all parties to the hearing and discussed the agenda and format for the day.
- 2.1.2 The ExA explained the process for recording of the hearings and noted that they would be available on the Planning Inspectorate website for a period of five years post hearing.

3 ExA Agenda Item 2 - Progress Report by the Applicant

- 3.1.1 **KP** spoke to the revised, marked up version of the draft Development Consent Order (DCO) which showed all of the proposed changes between the draft DCO submitted at deadline 2 (REP2-005) and the draft DCO submitted with the application (APP-015).
- 3.1.2 **KP** explained why each of the changes had been made and made reference to the specific written question, where appropriate, that had led to the change. She also addressed those written questions where the ExA had asked for clarification on a matter which had not lead to a change in the draft DCO.
- 3.1.3 **KP** then addressed a number of changes suggested to the draft DCO in the written questions by Hull City Council (HCC) that had not been put into effect including:
- HCC raised a concern regarding the inclusion of the word 'remove' in the definition of 'maintain'. **KP** explained that as the works would have to not give rise to any 'materially new or materially worse' effects, it is likely that the works envisaged here would be relatively minor and certainly could not extend to the removal of a significant portion of the scheme.

- HCC had requested that article 6 (Limits of Deviation) be amended so that any such deviation would not give rise to any materially new or materially worse environmental effect. **KP** explained that the assessment undertaken for the Environmental Statement (ES) had taken into account the limits of deviation and as such, had assessed the 'worst case scenario' as can be seen in the Environmental Statement at 2.8.1. Therefore the suggested additional wording was not appropriate as any deviation within the limits of deviation would not give rise to any new or worse effects.
- HCC requested that the draft DCO include details in relation to the design of the central barrier. Whilst it was not agreed that such details would be included in the draft DCO, the Applicant and HCC have started some collaborative working to draw up a design of the barrier that HCC are satisfied with.
- HCC felt that article 35 did not go far enough to prevent unnecessary works to trees. **KP** explained that the article worked in conjunction with requirement 5 (which require the protection of trees) and that only works that were necessary could be undertaken under article 35. Furthermore, the Applicant is restricted from doing any 'unnecessary damage' under article 35(1)(b).

3.1.4 **RGM** outlined how the scheme will be constructed relative to the current boundaries and tie in points. The proposed limits of deviation give the ability to adjust through the construction period depending on what is found on site and there is allowance is there to ensure that the scheme can be constructed to the conditions found.

3.1.5 A technical note explaining the reason for retaining the proposed Limits of Deviation is included in **Annex A**.

3.1.6 As a point of clarification; the Applicant confirmed that in relation to Article 8, it would set out the specific works numbers relating to each statutory undertaker. On amending the DCO in this regard, it is clear that whilst this is possible for some of the larger works relating to Yorkshire Water, KCOM and BT, it is not possible for the other statutory undertakers as there are many minor works involved and they do not have specific works numbers. These minor works falls under parts (e) and (f) of the draft DCO and article 8 has been updated to reflect this.

3.1.7 **JDL** advised a meeting has been arranged with HCC for 27th June at The Applicant's offices in Leeds to discuss the central reserve barrier matter.

4 ExA Agenda Item 3 – Other Potential Changes

4.1.1 Holiday Inn's representative's spoke to a proposed amendment to Article 31 (statutory undertakers). This amendment has been agreed with the Applicant. The format of the proposed wording has been amended slightly when updating the draft DCO in order to conform with best practice statutory instrument drafting.

Holiday Inn's representatives have been informed of the proposed change which does not change the meaning of their proposed amendment to article 31.

- 4.1.2 The Applicant agreed with HCC that a requirement relating to the detailed design of the pumping station could be included in the draft DCO. HCC and the Environment Agency will provide a draft of the requirement for the Applicant to consider.
- 4.1.3 **SW** explained that the principle of a requirement in favour of third party is not usual. He confirmed that the Applicant is willing to consider the draft proposed wording for requirements if provided by EPIC (on behalf of Kingston Retail Park) but that until such proposals were provided he was unable to comment on whether they might be acceptable.
- 4.1.4 **SW** advised that in Requirement D.15 the Traffic and transport management plan is likely to have provisions around signage, which may cover EPIC (on behalf of Kingston Retail Park) concerns, so there may not be a need for a separate requirement.
- 4.1.5 HCC noted that they felt Requirement 5 had too many words and doesn't make sense as currently drafted. **KP** agreed to review this for the next draft.
- 4.1.6 HCC noted that they felt it would seem sensible for the Environment Agency to be referenced given previous discussions on surface water issues regarding Requirement 8 – surface and foul water / drainage aspect and for consistency. **KP** agreed to review this for the next draft.
- 4.1.7 HCC noted that they would like additional Requirements for the several elements within the scheme. This included:
- Earl de Grey repositioning
 - Barrier design
 - Pumping Station
 - High Street Underpass design
- 4.1.8 **JDL** noted there may be no need for a requirement for a barrier design if a decision is made at the upcoming workshop.
- 4.1.9 **SW** noted that all HCC's additional requests for Requirements would be considered by the Applicant. [**Post Hearing Note: response within Applicants response to Local Impact Report**]
- 4.1.10 HCC would like part of the schedule of roads deleting that were parts of a previous iteration of the Scheme and related to weight and waiting restrictions. **JDL** agreed and noted that a future iteration of the DCO (Deadline 4) would address this.

5 ExA Agenda Item 4 – Any other matters concerning the dDCO

- 5.1.1 **KP** explained that the next version of the draft DCO would include the amendments regarding the removal of the Staples site compound and the update to the rising main to remove the longer route.

6 Annex A – Limits of Deviation Note

- 6.1.1 The purpose of this note is to explain the rationale for the current Limits of Deviation (LoD) within the current Draft Development Consent Order (DCO) for the A63 Castle Street Improvement Scheme, as shown in Article 6 below:

Limits of deviation

6. In carrying out the authorised development the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 0.5 metres upwards or downwards,

except that these maximum limits of vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.

- 6.1.2 This document seeks to identify the requirements for the LoD, the factors and constraints used in determining the LoDs and the opportunity to reduce the LoDs where appropriate.
- 6.1.3 The limits of deviation means the LoD's for the scheduled works shown on the works plans and associated engineering information.
- 6.1.4 The lateral limits of deviation shown within the DCO will define the maximum extent within which the road and accommodation works listed in the Order can be built and is defined by the red line boundary. In addition there are vertical limits of deviation for the same purpose.
- 6.1.5 The proposal for the LoD for the Scheme are +/- 500mm.
- 6.1.6 Hull City Council have raised concerns with regards to the limits and have suggested amending this figure to +/- 250mm which they consider to be in line with other Highways England DCO's.

Other Highways England Schemes

- 6.1.7 Other Highways England schemes have been referenced by Hull City Council which show different LoD to those of the A63 Castle Street Improvement Scheme. Some examples of those either under construction or recently completed are summarised below:

A19 Coast Road: +500mm upwards / -1.0m downwards

A19 Testos: +250mm upwards / -250mm downwards

M20 J10a: +1.0m upwards / -1.0m downwards

A556: +500mm upwards / -500mm downwards

Reason for selection of proposed Limits

- 6.1.8 A LoD is required to maintain engineering tolerance and the permissible limit of the civil engineering works.
- 6.1.9 Further design work will take place for the construction and detailed design phase of the scheme. This will be done by utilising additional surveys, ground investigations and other relevant additional information. It will need to take account of undertakings and assurances given during the Order application process, as well as discussions with third parties, which may lead to localised changes in areas of proposals.
- 6.1.10 The alignment of a modern road and associated structures and bridges are relatively inflexible as far as localised changes are concerned. Safety standards related to the speed of the vehicles result in minimum acceptable radius of curves and the rate at which gradients can change along the vertical alignment, which is defined by the standards such as Design Manual for Roads and Bridges and Eurocodes. The same process applies to the movement of structures. Consequently a small change at one location can produce a significant effect over a long length of road or ramped approach to structures and so the scope for deviation of the road within the limits of deviation is constrained.
- 6.1.11 The reason for the selection of the current LoD's are based on the current ground conditions and complex engineering solution, explained briefly below:

Ground Conditions

- 6.1.12 The existing ground conditions are challenging for a solution of this type, with deep areas of fluvial sands and gravel deposits sitting above chalk.
- 6.1.13 The variable depth of these deposits requires the ability to alter the level at which structural elements start and finish to ensure the design is competent

Engineering solution

- 6.1.14 Due to the challenging nature of the ground conditions, multiple techniques are required to treat the soil to allow the agreed scheme to be constructed.
- 6.1.15 Due to the numerous interfaces, some range in the levels of the elements is desirable.
- 6.1.16 The likely places where the limit of deviations would be used would be at structures (Porter Street bridge, Prince Quay Bridge and Mytongate underpass) and along the main carriageway. The likely effect of raising or lowering structures or the carriageway would be to lengthen or reduce tie ins to existing. As there are existing buildings and carriageways in very close proximity to the proposed

scheme these would naturally constrain the tie ins and hence, the LoD levels proposed.

Environmental Assessment

6.1.17 ES at 2.8.1 states that “No major modifications to the Scheme are anticipated, but as the Scheme is at Preliminary Design stage, it is expected that refinements would be made during the Detailed Design stage in advance of construction. The DCO application allows for the Scheme to be constructed within certain limits of deviation. In relation to the highway alignment, any change would not exceed a change in 0.5m (plus or minus) to the vertical alignment. Horizontal deviation would be within the limits of the DCO boundary. As a result, there is some flexibility as to the exact Scheme detail. The EIA is therefore based on the maximum design parameters and assesses the worst case scenario”

Summary

6.1.18 The current LoD within the Draft DCO are considered to be acceptable considering the technical engineering and ground condition challenges the Scheme presents. Highways England consider the risk of amending them too great and require this degree of flexibility in order to deliver the Scheme.

