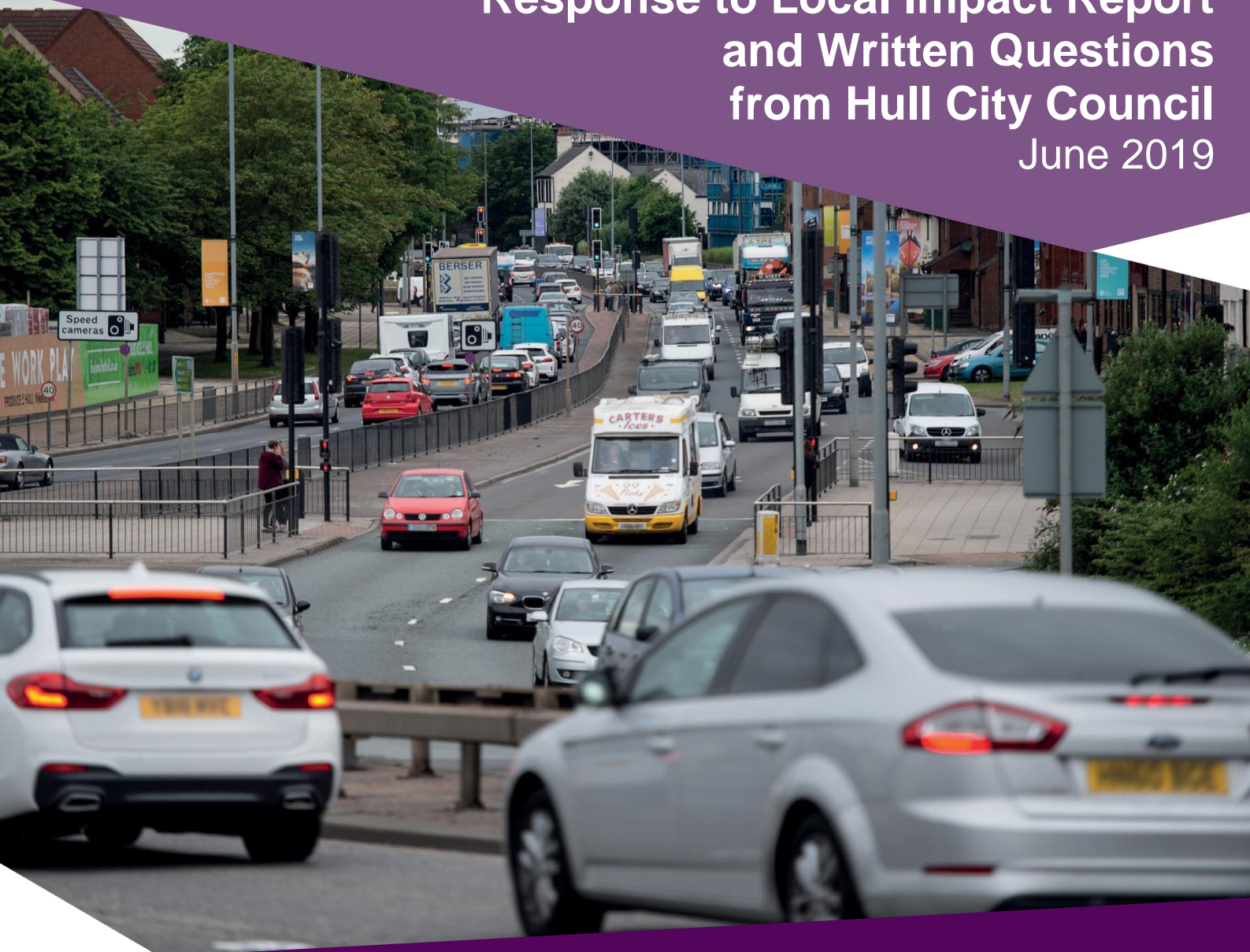


# A63 Castle Street Improvement, Hull

TR010016

Response to Local Impact Report  
and Written Questions  
from Hull City Council  
June 2019



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

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### RESPONSE TO HULL CITY COUNCIL LOCAL IMPACT REPORT and WRITTEN QUESTIONS

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<b>Planning Inspectorate Scheme Reference</b>	TR010016
<b>Application Document Reference</b>	
<b>Author:</b>	A63 Castle Street Improvement Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	17 June 2019	Final

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## 1 Introduction

### 1.1 Purpose of this document

- 1.1.1 The Applicant, having considered Hull City Council's (HCC) responses to the Examining Authority's Written Questions (WQ's) [REP2-013] and the Local Impact Report (LIR) [REP2-016] submitted for Deadline 2, notes that there is considerable overlap in the points made in both representations. Rather than address each submission in separate documents, the Applicant has prepared this document to address the issues of concern by topic without creating unnecessary repetition.
- 1.1.2 This response to the HCC LIR and WQ's will only address areas where is a difference of opinion or need to clarify an issue that hasn't been noted in either the Applicant's response to the ExA's WQ's, further clarified at the Issue Specific Hearings (ISH), or in the Applicant's post-hearing written submissions of oral case.
- 1.1.3 The Statement of Common Ground (SoCG) between the Applicant and HCC also contains many of the issues noted within this report. The Applicant is hopeful that the SoCG will be signed by both parties in due course and in time for Deadline 5.
- 1.1.4 The order of this document will reflect that of the LIR and WQ's submitted by HCC.

## 2 Applicant's Response to HCC Local Impact Report

### 2.1 Summary

- 2.1.1 The HCC LIR has been reviewed by the Applicant in detail and consider it to be an overwhelmingly well-structured and positive representation of the status of the Scheme and matters discussed to date. It reflects many of the positive and collaborative discussions that have taken place since the scheme has been in development.
- 2.1.2 It is accepted that there are areas within the Scheme where there is a disagreement on matters, but officers from both organisations are committed to working together and this is reflected in the status of the Statement of Common Ground (SoCG) and ongoing dialogue.
- 2.1.3 As section 1.4 of the LIR states, it is encouraging to note that HCC are supportive of the scheme and note the benefit it will bring to the City and wider Region.

### 2.2 The Proposed Scheme

- 2.2.1 The LIR generally accurately reflects the scheme proposals, but several clarifications are required:
- *'The construction of the Princes Quay Bridge which is not a standard motorway style bridge. It has been designed with a wide 4m deck, which*

*is to be well lit and will be monitored by CCTV scheme to provide a pleasant safe environment for pedestrians and cyclists to cross the A63 without having to wait for traffic to stop before they cross at grade. The route is segregated from the traffic and has been designed to cater for the high flows experienced at annual events in the City, such as the Freedom Festival where there is a significant demand for pedestrians to cross the A63.'*

It should be noted that the Princes Quay Bridge (PQB) usable deck width (inside of stringer to inside of stringer) varies from 5.50m at the entrances to 4.0m at the centre-span.

The Applicant is working with HCC at the moment to introduce CCTV monitoring into the scheme as it was not originally part of the scheme approved by HCC in 2015.

- *'The alignment of the scheme requires land to be acquired from Trinity Burial Ground which requires that approximately 17,000 bodies are to be exhumed and reinterred within the burial ground.'*

The submitted Development Consent Order (DCO) Application refers to 17,500 bodies required to be exhumed as the base assessment which has been established in previous surveys and exploratory works.

- *'Three existing side roads which currently have direct access to the A63 namely; Dagger Lane, Fish Street and Vicar Lane are to be closed as part of the scheme proposals for safety reasons. Alternative access arrangements into the area have been developed as part of the scheme.'*

It should also be noted that in addition to the above statement and to clarify the 'alternative access arrangements' Princes Dock Street will be made one way in a northerly direction from the A63.

Humber Dock Street will also be stopped up on the southern side of Castle Street to prevent vehicles accessing and egressing the A63.

- *'Waverley Street and Spruce Road to be closed. Alternatively a new link from Arco site to serve an adjacent business.'*

This relates to the Applicants' selection of the production compound site. As the 'Staples' site (Option B) has now been removed from the Application this statement is correct and access to the rear of Kingston Retail Park and other businesses in this area will be from a newly constructed access road from Lister Street.

## **2.3 Local Characteristics**

- 2.3.1 This section accurately reflects the Applicants understanding of the local characteristics of the City of Hull and wider Humber Region.

## **2.4 Planning History**

- 2.4.1 This section accurately reflects the Applicants understanding all planning applications that have an association with the Scheme submitted to HCC that have been either granted or are pending.

## **2.5 Local Impacts – Air Quality**

2.5.1 This section accurately reflects the Applicants understanding of all Air Quality matters contained and assessed within the DCO Application.

## **2.6 Local Impacts – Noise and Vibration**

2.6.1 This section accurately reflects the Applicants understanding of all Noise and Vibration matters contained and assessed within the DCO Application.

## **2.7 Local Impacts – Cultural Heritage and the Historic Environment**

2.7.1 This section generally aligns with the Applicants understanding of all Cultural Heritage and the Historic Environment matters contained and assessed within the DCO Application. There are some areas that require clarification which are detailed below.

### **Designated Funds**

2.7.2 Designated Funds is part of the Governments Road Investment Strategy, and a separate funding stream to improve the surroundings of the Strategic Road Network (SRN) in a way that supports and protects people and quality of life, both now and in the future.

2.7.3 These funds enable the Applicant to provide environmental, social and economic benefits to the people, communities and businesses who live and work alongside the strategic road network. The schemes are based on defined objectives and criteria to ensure schemes are of high-quality and ensure value for money is achieved.

2.7.4 Within the Environment fund there is a Cultural Heritage sub fund to reduce the network's impact on the historic environment. Conserving and enhancing the setting and condition of cultural heritage and historic features close to the network.

2.7.5 The A63 Castle Street scheme team has secured additional funding from Designated Funds to support cultural heritage in three ways:

- A £90,000 feasibility study was recently funded by the Applicant to assess the proposal to create a visitor attraction to exhibit South Block House, a fortification built by Henry VIII in 1541-42. The study included archaeological excavation and recording of the buried structure. The Applicant hopes to be able to support the long-term proposals for this attraction subject to a further successful application to Designated Funds.
- The Applicant has also successfully gained £4,000,000 of Designated Funds to support Hull Minster. This funding will allow for several improvements to Hull Minster including a new extension will include a visitor and heritage centre with an exhibition space included within.
- There is an ongoing Highways England Designated Funds application relating to the Spurn Lightship which is funded from the Cultural Heritage pot. This scheme seeks to relocate the Spurn Lightship into a potential dry dock in the Marina on the southern side of the A63 adjacent to the

Holiday Inn hotel. The initial funding was to carry out feasibility on this option which has been completed. No further funding is yet committed.

### **Pumping Station**

- 2.7.6 The Applicant notes the need for “careful siting, screening, design and materials selection” of the proposed pumping station to “ensure that the structure makes a positive contribution to the location”. As discussed during the Issue Specific Hearing Water and Flood Risk, further consultation on the pumping station will be undertaken with the Environment Agency (EA) and HCC during the Detailed Design stage. Within the Requirement section of this report this matter is explored in more detail.

### **Central Reserve Barrier**

- 2.7.7 The issue regarding setting of the central reserve barrier was discussed at numerous ISH’s in detail. The design and safety requirements of the central reserve barrier and pedestrian barriers will be discussed and reviewed with HCC in a workshop already planned for 27 June 2019. Within the Requirement section of this report this matter is explored in more detail.

### **Earl de Grey**

- 2.7.8 HCC have stated that ‘*The scheme proposes the total demolition of the Grade II listed Earl de Grey Public House, representing substantial harm to a Grade II listed building*’. The Environmental Statement assesses the worst-case scenario and therefore demolition of the Grade II listed Earl de Grey building however the DCO proposes to relocate the building approximately three meters to the north of its current position. This is in the event no other development comes forward for the building.
- 2.7.9 In addition, the requirement for Archaeological Project Design (APD) for recording, dismantling, storage and reconstruction of Earl de Grey public house is noted as a requirement at CH5 of the Register of Environmental Actions and Commitments (APP-068) and at dDCO Requirement 4. (APP-015).

## **2.8 Local Impacts – Landscape and Townscape and Visual Impacts**

- 2.8.1 This section generally aligns with the Applicants understanding of all Landscape and Townscape and Visual Impacts matters contained and assessed within the DCO Application. There are some areas that require clarification which are detailed below.

### **Myton Bridge / High Street Underpass**

- 2.8.2 As discussed at the ISH, the Applicant is engaging in further consultation with HCC as regards the detailed design elements of the Myton bridge underpass at High Street. Within the Requirement section of this report this matter is explored in more detail.

### **Pumping Station**

- 2.8.1 The Applicant notes the need for “careful siting, screening, design and materials selection” of the proposed pumping station to “ensure that the structure makes a

positive contribution to the location". As discussed during the Water and Flood Risk ISH, further consultation on the pumping station will be undertaken with the EA and HCC during the Detailed Design stage. Within the Requirement section of this report this matter is explored in more detail.

### **Earl de Grey**

- 2.8.2 The Applicant notes that HCC is not supportive of the reinstatement of the Earl de Grey public house 3m back from its original position but understand the rationale as to why this has been proposed which they do support. Within the Requirement section of this report this matter is explored in more detail.

### **Central Reserve Barrier**

- 2.8.1 See 2.7.7.

### **Princes Quay Bridge - Steps**

- 2.8.2 The Applicant notes the issues associated with the steps on the north west of the scheme. The Applicant is currently constructing the PQB as per the plans approved by HCC. HCC have requested a post planning approved design change of the step orientation and the retaining wall of the planters on the north western approach to Princes Quay Bridge. The Applicant has been entirely supportive of this request and has even offered to fund the design and construction change associate with the change. The issue is almost resolved and continues to be discussed and reviewed with HCC and the design / construction team.

### **Compounds**

- 2.8.3 As stated in ES Chapter 2 Section 2.9.18 (APP-023) compound areas would be reinstated to their existing condition and handed back to previous land owners at the end of the Construction Phase. With respect to the handover of either the Arco or Staples site (now confirmed as the Arco site), the site would be cleared with no above ground structures left in situ and the hoarding removed.

## **2.9 Local Impacts – Biodiversity and Nature Conservation**

- 2.9.1 This section generally aligns with the Applicants understanding of all Biodiversity and Nature Conservation matters contained and assessed within the DCO Application. There are some areas that require clarification which are detailed below.

### **Bat Surveys**

- 2.9.2 Bat surveys are being updated in line with Natural England's Discretionary Advice Service requirements.

### **Yorkshire Water Sewer and Rising Main**

- 2.9.3 Since the submission of the DCO, the project team has reached agreement with Yorkshire Water to discharge directly into the existing Yorkshire Water Sewer. This will negate the need to outfall to the Humber Estuary and therefore these proposals are now no longer part of the Scheme. Land and Works plans have been re-issued and an Addendum to the ES has been issued to review the effects of this change.



## **2.10 Local Impacts – Flood Risk, Drainage and the Water Environment**

2.10.1 This section generally aligns with the Applicants understanding of all Flood Risk, Drainage and the Water Environment matters contained and assessed within the DCO Application. There are some areas that require clarification which are detailed below.

### **Pumping Station**

2.10.2 As discussed at the Issue Specific Hearing Water and Flood Risk, consultation on the pumping station will be undertaken with the EA and HCC during the Detailed Design stage. Within the Requirement section of this report this matter is explored in more detail.

### **Yorkshire Water Sewer and Rising Main**

2.10.3 See 2.9.3.

### **Construction Flood Emergency Plan (FEP)**

2.10.4 The Outline Environmental Management Plan (APP-072) and Register of Environmental Actions and Commitments (APP-068) states a requirement for a Construction Flood Emergency Plan (FEP) which will detail suitable 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 commitment in the dDCO at Requirement 4.

## **2.11 Local Impacts – Economic Growth**

2.11.1 This section generally aligns with the Applicants understanding of all Economic Growth matters contained and assessed within the DCO Application. There is a minor area that requires clarification which is detailed below.

### **Compounds**

2.11.2 The Applicant confirms that the preferred production compound will be located at the Arco site (site A) and the Staples site proposal (Site B) has been withdrawn from the DCO. Land and Works plans have been re-issued and an Addendum to the ES has been issued to review the effects of this change.

## **2.12 Local Impacts – Social Community Impacts**

2.12.1 This section generally aligns with the Applicants understanding of all Social Community Impacts matters contained and assessed within the DCO Application. There are some areas that require clarification which are detailed below.

2.12.2 HCC note the following *‘As a consequence of necessary diversions during the construction period, travel distances for some non-motorised users would be increased, to the detriment of some disabled residents in particular.’*

2.12.3 It should be noted that the Applicant is engaging in a study to assess and fund potential improvements to the HCC network. This is aimed making the HCC

network more resilient during the main construction phase. This is explained in more detail in the following section.

## **2.13 Local Impacts – Traffic and Transport**

2.13.1 This section generally aligns with the Applicants understanding of all Traffic and Transport contained and assessed within the DCO Application. There are some areas that require clarification which are detailed below.

### **Local Network Improvements**

- 2.13.2 The traffic management road layouts proposed during construction of the A63 Castle Street scheme involve the closure of a number of turning movements at the Mytongate junction. As part of the pre DCO submission process, a significant amount of work has been undertaken to assess the likely impact on both the Applicant's and HCC road networks during the traffic management phase.
- 2.13.3 In the second phase of the works there will be a requirement to restrict both pedestrian and vehicular movement within the Scheme extents in order to construct the Scheme. This will mainly focus around the Mytongate junction where pedestrians and vehicles will not be permitted to cross north to south (between Ferensway and Commercial Road).
- 2.13.4 The traffic modelling and assessment carried out for this construction stage indicates that there will be increased delay on the A63 and surrounding Local Road Network (LRN) during this phase of works. The impact is particularly significant during the AM and PM peak periods.
- 2.13.5 To mitigate this impact and ensure both the Strategic and Local Road Networks are as resilient as possible during the traffic management phases, the Applicant has allocated a sum of money to fund improvements to identified hotspots. The aim would be to carry out this work in the period prior to the Phase 2 works (2022-2025) subject to the Scheme going through the DCO examination period successfully.
- 2.13.6 The Applicant is currently working with HCC to identify the routes or junctions within the HCC network that would benefit most from some form of improvement during the construction phase. Examples of potential mitigation that are being considered are:
- Junction improvements / Signal Optimisation
  - Shuttle bus provision
  - Park and Ride enhancements

### **Market Place Crossings**

2.13.7 The Applicant is aware that HCC would like to retain the existing pedestrian crossings at Market Place / Queen Street that allow pedestrians to cross in an east/west direction upon completion of the Scheme.

2.13.8 Whilst the Applicant understands the reason for this request, and notes the inclusion in the Road Safety Audit, this needs to be assessed to ensure there are no negative impacts on queuing traffic on the A63 which could create an increased risk of vehicular collision. The Applicant will assess this and ensure HCC are informed. This is referenced in the current Statement of Common Ground (SoCG) and in the Applicants response to the first set of written questions submitted by HCC.

### **High Street Underpass**

2.13.9 The Applicant is aware that HCC are concerned by the proposal to use the High Street underpass at the route to cross the A63 at Market Place. Within the Requirement section of this report this matter is explored in more detail.

### **Site A Compound and New Access Road**

- 2.13.10 This section of the LIR refers to the Spruce Road access and proposed access road from Lister Street to service the western side of Kingston Retail Park.
- 2.13.11 The Applicant has now confirmed that the preferred production compound will be located at the Arco site (site A) and the Staples site proposal (Site B) has been withdrawn from the DCO. Land and Works plans have been re-issued and an Addendum to the ES has been issued to review the effects of this change.
- 2.13.12 As a result of this change, the Spruce Road access/egress onto the A63 will be stopped up. This will reduce the risk of slow-moving commercial vehicles leaving the service yards and merging with traffic on the westbound slip road.
- 2.13.13 It is accepted that a new adopted access road will be provided from Lister Street. This will need to have an agreed Traffic Regulation Order scheme to control parking and ensure adequate visibility splays are provided. The Applicant is working with HCC to finalise this.

## **2.14 Compliance with Local Plan Policy**

- 2.14.1 This section of the LIR is overwhelmingly positive and reflects how the scheme supports the Local Plan and specific Strategic Priorities and Policies within. There are some areas that require clarification which are detailed below.
- 2.14.2 Section 6.14 Policy 10 City Centre Mixed Use Sites refers to the Earl de Grey relocation and the selection of production compound.
- 2.14.3 As stated previously within the report compound Option B has now been removed from the Application and all documents associated with this amendment have been resubmitted to the ExA. The Applicant has been extraordinarily flexible of the request from HCC despite the initial risk to the timing of the DCO submission. The Applicant has engaged in detail with Arco and other adjacent stakeholders to communicate the reasons for the site selection and complete all necessary legal agreements with affected parties.
- 2.14.4 In relation to the Earl de Grey this issue is referenced in more detail within the Requirements section.

## **2.15 Compliance with Supplementary Planning Documents (SPD's)**

2.15.1 This section of the LIR is overwhelmingly positive and reflects how the scheme is compliant with the HCC Supplementary Planning Documents. As noted, many of the DCO Requirements align with these SPD's. The Applicant has no reason to challenge any of the content in this section.

## 2.16 Compatibility with Local Strategies

2.16.1 This section of the LIR is overwhelmingly positive and reflects how the scheme is compatible with Local Strategies. The Applicant has no reason to challenge any of the content in this section.

## 2.17 Suggested Requirements

### Earl de Grey Public House: recording, dismantling, storage, reconstruction.

2.17.1 HCC have made the following request for a Requirement:

- *'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 with the local planning authority and Historic England is requested'*

2.17.2 This seems be an unnecessary request for a Requirement. Both the Applicant and HCC agree that the Earl De Grey needs to be repositioned to safely accommodate two lanes of eastbound traffic in order to deliver the scheme and mitigate the impact on the HCC traffic network. Since the submission of the DCO Application a local developer (Wykeland) has submitted plans to further relocate the Earl De Grey [Refs: 19/00333/FULL and 19/00334/LBC] which the Applicant generally supports as long as the building is relocated and in line with the Scheme construction programme. It is however not a Requirement for the Applicant to relocate the Earl De Grey to the preferred location of the developer nor link this into a hotel development which is outside the Scheme red line boundary. Discussions are progressing well between the developer and Applicant to agree a compensation figure and agreement to support their desire to facilitate and unlock the development. As the planning application has been approved this appears to be more certain, which is encouraging. Should agreement fail to be reached, or there is uncertainty on the part of the developer, the Applicant would have no alternative but to relocate the Earl De Grey to the location as assessed within the DCO.

### Pumping Station Design

2.17.3 HCC have made the following request for a requirement:

- *'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.'*

- 2.17.4 The Applicant having considered this, and the Response to Examining Authority's Written Questions by the Environment Agency (EA) [REP2-001] agree that a Requirement regarding the operation and setting of the proposed pumping station is agreeable. The Applicant is awaiting suggested wording from both HCC and the EA to help inform this.

### High Street Underpass Works

- 2.17.5 HCC have made the following request for a Requirement:
- *'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.'*
- 2.17.6 The Applicant has provided a preliminary design to HCC to aid discussions that reflect the need to provide a safe and suitable route to divert all pedestrians and non-motorised users away from the proposed closure of the Market Place pedestrian crossing. The proposal offers significant improvement on the current underpass arrangement and includes proposals to provide improved ramp gradients, new lighting, CCTV and paved areas that meet the HCC specifications. The Applicant has facilitated workshops with the Access Officer, Hull Access Improvement Group (HAIG) and highway officers to present the proposals and offer a guided tour of the site on 2 July 2019 with an aim to incorporate any realistic and achievable suggestions into the design. The feedback on the design is that it works, (refer to HAIG Deadline 2 response [REP2-012]) and with further engagement this can be refined to create a proposal that all parties agree with. A Requirement would seem to be unnecessary considering that work is progressing well with all parties.

### Design of the central barrier

- 2.17.7 HCC have made the following request for a Requirement:
- *'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.'*
- 2.17.8 HCC have made it clear that they are not in agreement with the current scheme proposal of a concrete step barrier (CSB) in the vicinity of the Old Town Conservation Area. The Applicant has repeatedly asked HCC to provide detail of what would be deemed acceptable and until the hearings no proposal has been forthcoming. A document was tabled by HCC during the hearings titled

*'Bridge Rails and Barriers - A Reference Guide for Transportation Projects in the Coastal Zone'* to allow the Applicant to consider alternatives to the CSB. Whilst this is a useful visual guide and serves as a note that the request from HCC is to provide a more permeable visual barrier, the content of this report is not something the Applicant can realistically consider in detail. It has no bearing on UK Design Manual for Roads and Bridges (DMRB) standards which the Applicant must use to design and manage the SRN.

- 2.17.9 Since the ISH's proposals have been circulated, which appear favourable to both parties, a workshop has been arranged for 27 June 2019 to discuss this matter with a view to agreeing a preferred solution. With this in mind the Applicant feels that a Requirement for this is unnecessary.

### 3 Applicant's Response to HCC Written Questions

3.1.1 This section provides the Applicant's response to the answers given by HCC [within REP2-013] to the Examining Authority's First Round of Written Questions (Table 3.1 below). The Applicant has adopted a targeted approach, only providing responses where it is considered relevant, necessary or it is felt further clarification was required on the answer provided to assist the ExA. On this basis the Applicant has not provided a response to question asked of HCC by the ExA.

Table 3.1: Comments on Hull City Council's responses to the ExA's Written Question

ExQ1	Question asked to HCC	HCC Response	The Applicant's comment on the response
<b>Air Quality and Related Emissions</b>			
1.1.2	<p><b>Measures to improve air quality</b> 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><i>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.</i></p> <p><i>Green walling could be considered for utilisation within the scheme where practicalities of application and maintenance allow. 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</i></p>	<p>As discussed at the ISH for Traffic and Movement, The Applicant explained that the results of the air quality assessment presented in ES Chapter 6 Air Quality (APP-023) demonstrates that there are no significant adverse air quality effects and therefore mitigation is not required as it meets the policy tests set out within paragraphs 5.14 and 5.15 of the National Networks National Policy Statement.</p> <p>The Applicant acknowledges that Hull City Council has adopted a supplementary planning document 'Trees' 2019 (SPD10) and has suggested the use of green walling. The UK's Air Quality Expert Group (AQEG) who provide independent scientific advice to the Department for Environment, Food and Rural Affairs (DEFRA) recently released 'Impacts of vegetation on urban air pollution' 2018. This sets out a summary of the latest research and</p>

ExQ1	Question asked to HCC	HCC Response	The Applicant's comment on the response
			<p>states: <i>"The effects of realistic planting schemes to alleviate air quality problems by enhancing deposition to the surface with vegetation in cities are small" and "For nitrogen dioxide (NO2), vegetation is, generally speaking, of little benefit; it is not a very efficient sink". Overall whilst the document shows there can be some modest benefits when used on a large scale "the potential for improving Air Quality using vegetation is modest, an important limitation to mitigation of current Air Quality problems with vegetation is that the most polluted areas of cities are those with very limited space for planting, greatly reducing the potential for mitigation using these methods".</i></p> <p>The Applicant has however been successful in obtaining initial funding to asses and deliver up to six vehicle charging points within the City through Highways England Designated Funds. The cost of this is approximately £100k. HCC are currently assessing the feasibility of these sites.</p>
<b>Draft Development Consent Order (dDCO)</b>			
1.4.1	<p><b>Changes to the dDCO</b>            Please identify any changes to the dDCO that you seek, referring to Articles, Requirements and any other provisions as necessary, and</p>	<p><i>Hull City Council seeks the following changes to the dDCO:</i></p> <ul style="list-style-type: none"> <li>• <b>Part 2 Limits of deviation 6(6)</b>  <i>Hull City Council interpret that, as drafted, the article allows for vertical deviation upwards or</i></li> </ul>	<ul style="list-style-type: none"> <li>• This limit of deviation has been addressed separately in a technical note submitted by the Applicant on Deadline 3</li> </ul>



ExQ1	Question asked to HCC	HCC Response	The Applicant's comment on the response
	<p>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>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.</i></p> <ul style="list-style-type: none"> <li> <b>Part 4 Supplemental Powers</b>   <i>Protective work to buildings 18 (1)</i>   <i>As drafted, this article affords broad supplemental powers to carry out protective works to any building which may be affected by the 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</i> </li> </ul>	<p>and are also referenced in the dDCO Issue Specific Hearing Notes for that day. The Environmental Assessment considers the impact of the worst-case scenario of the limits of deviation in any case therefore the request for this wording amendment would be irrelevant</p> <ul style="list-style-type: none"> <li>The DCO includes listed building consent and therefore separate consent from Hull City Council will not be required. We have only carried out the environmental assessment in relation to those listed buildings that will be affected (Castle Building and Earl de Grey) and it is not proposed to extend these powers to other heritage assets.</li> </ul>

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		<p><i>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</i></p> <ul style="list-style-type: none"> <li>• <b>Schedule 4 (Part 3 – Public Rights of Way to be stopped up and for which a substitute is to be provided)</b></li> </ul> <p><i>Final row to be amended in accordance with retaining east west controlled crossings on Market Place and Queen Street.</i></p> <p><i>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</i></p>	<ul style="list-style-type: none"> <li>• This requires further assessment by the Applicant as it may have adverse effects on traffic flow and road safety in this locality. This is further explained in the Applicants response to the LIR in section 2.13.7 of this report. If, however further sensitivity tests prove this is a feasible and safe provision it can be integrated into the Scheme.</li> </ul>

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		<p><i>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).</i></p> <ul style="list-style-type: none"> <li>• <b>Schedule 3 (Part 4 - Roads Subject to 40mph Limit)</b></li> </ul> <p><i>Rows 7-10 will need amendment 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. 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)Schedule 3 (Part 4 - Roads Subject to 40mph Limit)</i></p> <ul style="list-style-type: none"> <li>• <b>Schedule 3 (Part 5 - Roads Subject to Weight Restrictions)</b></li> </ul> <p><i>To be removed.</i></p>	<ul style="list-style-type: none"> <li>• This requires further assessment by the Applicant as the visibility of the signs needs to be considered in relation to the crossing location (discussed above) and the alignment of the road. The principle suggested is agreed but assessment of the location of the signs will need to be undertaken.</li> <li>• The Applicant agrees with this and this issue will be amended in the D4 submission.</li> </ul>

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		<p><i>This revision is requested in order to remove the proposed 7.5T weight limits on:</i></p> <ul style="list-style-type: none"> <li>- <i>Humber Dock Street from Point 5/7 to point 5/9</i></li> <li>- <i>Blanket Row from point 5/10 to point 5/11</i></li> </ul> <p><i>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).</i></p> <ul style="list-style-type: none"> <li>• <b>Schedule 3 (Part 9 – Roads subject to prohibition of parking – restricted parking zone –except in marked bays – no waiting or loading at any time)</b></li> </ul> <p><i>To be removed</i></p> <p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <b>Hull City Council requests that additional requirements be imposed upon the dDCO to address the following issues</b></li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant agrees with this and this issue will be amended in the D4 submission.</li>   <li>• The Applicant has responded to all points made by HCC in section 2.17 of the response to the LIR.</li> </ul>

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		<ul style="list-style-type: none"> <li>• <b>Schedule 2 Part 2 Procedure for Discharge of Requirements</b></li> </ul> <p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• The Applicant does not consider it necessary to introduce a formal process for consulting HCC when required to do so under any requirement; existing Highways England DCOs are similarly worded have been implemented without incident. The local planning authority can be expected to be consulted properly, especially given that it is a criminal offence not to comply with the terms of a DCO.</li> </ul>
1.4.4	<p><b>Article 2 Definition of 'Maintain'</b> Why is 'maintain' so widely defined? Can matters such as 'alter, removal or reconstruction' be reasonably regarded as maintenance?</p> <p>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?</p> <p>Does the Environmental Statement take proper account of the implications of 'maintain' as defined?</p> <p>Should the maintenance power be limited to activities to the</p>	<p><i>The Council considers that the inclusion of the words 'alter, remove, or reconstruct' opens up the prospect of potentially significant deviation in terms of breadth, extent, or sensitivity without appropriate control over possible environmental impacts.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• The definition of maintain is already circumscribed by not giving rise to new or worse environmental effects. It would be for the Applicant to determine this, just as it is for the Applicant to determine whether the works it is carrying out are within the powers granted by the DCO generally. This is consistent with other Highways England DCOs such as the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (see definition of 'maintain' and article 6(2)).</li> </ul>

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	<p>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>		
1.4.13	<p><b>Article 35 - Felling or lopping of trees and removal of hedgerows</b></p> <p>Is such a broad power necessary and justified?</p> <p>Should all significant trees and hedgerows to be lost have been identified by the time the scheme is finalised?</p> <p>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</p>	<p><i>Hull City Council hold the opinion that the power afforded by Article 35 is disproportionately broad given the opportunity to consider at preapplication 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.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• This article and Requirement 5 are independent of each other because they are for different purposes – Requirement 5 is concerned with landscaping, whereas Article 35 allows felling or lopping of trees for reasons of safety and interference with the works. This article is identical to several Highways England DCOs that have been made and involve similar highway improvement works.</li> <li>• This is also addressed in the summary of Oral Case.</li> </ul>

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1.4.19	<p><b>Schedule 2, Requirement 5 – Landscaping</b></p> <p>Should a timescale for the submission of the landscaping scheme be specified? As drafted, would Requirement 5 give any control if no landscaping scheme were submitted?</p>	<p><i>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</i></p>	<ul style="list-style-type: none"> <li>• The final details of the landscaping required cannot necessarily be known until the works are nearly complete, as it will have to reflect what is actually built within the allowed scope for variation, and so it would be unrealistic for the landscaping scheme to be developed and approved at an early stage. The requirement is expressed that the development must be landscaped in accordance with the scheme, which means that it cannot not be done at all. This article is identical to several Highways England DCOs that have been made and involve similar highway improvement works.</li> <li>• This is also addressed in the summary of Oral Case.</li> </ul>
1.4.20	<p><b>Schedule 2, Requirement 6 - Contaminated land and groundwater</b></p> <p>Should there be a requirement to halt works if contamination is found?</p>	<p><i>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.</i></p> <p><i>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</i></p>	<ul style="list-style-type: none"> <li>• It is independently an offence under Part IIA of the Environmental Protection Act 1990 not to comply with a remediation notice that has been served and not appealed. By requiring the Applicant to notify the local authority, Environment Agency and Secretary of State upon discovery of contamination, those</li> </ul>

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	<p>Should timescales relating to the remediation programme be imposed?</p> <p>What would be the effect of the Requirement if the Secretary of State were not satisfied with the submitted remediation scheme?</p>	<p><i>planning authority and the Environment Agency following due consultation in accordance with the terms of Requirement 6.</i></p> <p><i>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 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.</i></p>	<p>parties, including HCC, will be able to serve remediation notices. The DCO preserves this separate regime and need not provide duplicate protections to it. This article is identical to several Highways England DCOs that have been made and involve similar highway improvement works. The wording has been amended in the previous draft of the DCO for Deadline 2.</p>
<b>Transportation and Traffic</b>			
1.8.1	<p>Road safety</p> <p>Is the projected reduction in accidents and casualties significant when compared with other schemes?</p> <p>Is the current safety record of the road good or poor compared to similar roads?</p> <p>Is there any prospect of improving safety further?</p>	<p><i>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.</i></p> <p><i>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.</i></p>	



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		<p><i>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.</i></p>	<p>This requires further assessment by the Applicant as it may have adverse effects on traffic flow and road safety in this locality. This is further explained in the Applicants response to the LIR in section 2.13.7 of this report. If, however further sensitivity tests prove this is a feasible and safe provision it can be integrated into the Scheme.</p>
1.8.7	<p><b>Pedestrian Underpass</b></p> <p>Have any details of the proposed upgrading of the underpass at High St been prepared?</p> <p>Will the proposed upgraded underpass provide a suitable crossing point for the A63 for all non-motorised users?</p>	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Route-length will remain greater than the current at grade crossing, and this may prove a deterrent for some disabled people.</i></p> <p><i>The council harbours some outstanding concerns that the underpass does not currently offer the most inviting</i></p>	<p>A joint site visit has been organised with HAIG, HCC and the Applicant to walk the route and discuss current observations and the current proposals. This has been scheduled for 2 July 2019.</p>

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		<p><i>of environments, particularly for potentially vulnerable travellers. Securing the best detailed design solution given inherent constraints, alongside the ongoing 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.</i></p>	

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