

# A63 Castle Street Improvements, Hull

Scheme Number: TR010016

Applicant's Response to Hull City Councils Submission  
Of DCO amendments at Deadline 3



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Infrastructure Planning  
Planning Act 2008

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

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

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**Applicant's response to Hull City Council's submission of DCO  
amendments at Deadline 3**

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A63 (Castle Street Improvement, Hull)

Applicant's response to Hull City Council's submission of DCO amendments at deadline 3

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<b>HCC proposed wording</b>	<b>Applicant's comments</b>
<p>In relation to requirement 12 HCC has proposed the following amendments (shown in red):</p> <p><b>12. Fencing and vehicle restraint systems.</b></p> <p>(1) Any permanent or temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Volume 1, Series 0300 of the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.</p> <p>(2) No part of the authorised development is to commence until details and specifications for the scale, design and materials of the central reserve vehicle restraint system including any associated fence, barrier, wall or other means of enclosure along the entirety of the authorised development have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function.</p> <p>(3) The central reserve vehicle restraint system including any associated fence or barrier must be constructed in accordance with the approved details, unless otherwise agreed in writing by the secretary of State following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.</p>	<p>The Applicant has considered the proposed wording and is prepared to include this in the next draft DCO at Deadline 5, with the following amendment to part (2):</p> <p>(2) No part of <b>Work number 5</b> <del>the authorised development</del> is to commence until details and specifications for the scale, design and materials of the central reserve vehicle restraint system including any associated fence, barrier, wall or other means of enclosure along...</p>
<p>Proposed draft requirement relating to the underpass.</p> <p><b>Myton Bridge Underpass Improvement Works.</b></p> <p><b>15.</b>-(1) That part of the authorised development identified as Work No. 41 and described as the</p>	<p>The Applicant does not agree to the inclusion of this requirement. The Applicant has been consulting HCC in relation to the design of the underpass and will consider the representations put forward. However, the scope of this requirement goes beyond what is</p>

<p>improvement of Myton Bridge underpass on High Street is not to commence until the following details have been submitted to and approved in writing by the Secretary of State, following consultation with the local planning authority on matters related to its function:</p> <ul style="list-style-type: none"> <li>(a) design;</li> <li>(b) materials;</li> <li>(c) hard and soft landscaping;</li> <li>(d) means of enclosure;</li> <li>(e) lighting;</li> <li>(f) wayfinding and interpretation;</li> <li>(g) public art;</li> <li>(h) CCTV.</li> </ul> <p>(2) The underpass improvement works must be undertaken before the commencement of any of Works 35, 36, 37, 38, 39, or 40 as set out within Schedule 1 hereto, and in accordance with the approved details, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.</p>	<p>required of the Applicant in relation to designing the Scheme for the DCO.</p> <p>The Applicant considers it sufficient that the detailed design of the underpass will be approved under requirement 3 with the rest of the scheme.</p>
<p>Various amendments to Schedule 3 to the DCO</p>	<p>These are being considered and working up by the Applicant and will be included in the next draft of the DCO at deadline 5.</p>
<p>Suggested draft requirement in relation to the pumping station.</p> <p><b>Pumping station.</b></p> <p><b>13.</b>-(1) No part of the authorised development is to commence until the following details for the pumping station forming part of Work No. 24 have been submitted to and approved in writing by the Secretary of State, following consultation with the local planning authority and Environment Agency on matters related to their functions:</p> <ul style="list-style-type: none"> <li>(a) siting;</li> <li>(b) scale;</li> <li>(c) design;</li> <li>(d) materials;</li> <li>(e) landscaping;</li> <li>(f) means of enclosure;</li> </ul>	<p>The Applicant has considered the proposed draft requirement and is content to include it in the next draft DCO at deadline 5.</p> <p>The Applicant is unaware as to whether the Environment Agency is in agreement with HCC's draft wording.</p>

<p>(g) flood risk resistance measures;  (h) flood risk resilience measures.  (2) The pumping station must be constructed in accordance with the approved details, unless the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions, gives consent to a variation.</p>	
<p>Inclusion of Flood Water Management Plan in the CEMP</p>	<p>The Applicant will already have to comply with the relevant Health and Safety regulations in relation to managing flood water and as such it was not proposed to submit a further plan in this regard for inclusion in the CEMP.</p>
<p>Requirement in relation to the Earl de Grey relocation.</p> <p>HCC has proposed two versions of a draft requirement as follows (the difference is highlighted in yellow below):</p> <p>Firstly:  <b>Earl de Grey public house.</b>  <b>14.-(1)</b> No works to the Earl de Grey public house are to commence until a method statement describing full details of how the Earl de Grey public house shall be:</p> <p>(a) structurally assessed;  (b) recorded in situ to level 4 building recording in accordance with Historic England guidance;  (c) dismantled, including compiling an inventory of all building materials to be rep-used, and justification for excluding any historic fabric;  (d) stored;  (e) reconstructed,  has been submitted to and approved in writing by the Secretary of State, following consultation with the local planning authority and Historic England on matters related to their functions  (2) The development authorised under Work No. 30 must be carried</p>	<p>The Applicant does not consider that these requirements or the amendments to Work 30 are appropriate. The Applicant cannot have a requirement in the DCO that is tied to a planning permission that it has no control over. Should the development not come forward, the Applicant would be obliged to move the Earl de Grey further than necessary and at substantial additional cost.</p> <p>The Application includes the Earl de Grey being moved by 3 metres which is all that is <u>necessary</u> for the Scheme.</p> <p>The Applicant does not consider that the comparison of this scheme with the very different circumstances of the Able Marine Energy Park is a helpful one. That scheme required the Applicant to acquire and apply for planning permission for some compensation land outside of the red line boundary.</p> <p>In this scheme, the Applicant does not need to obtain any land outside of the red line boundary to make it acceptable as it has already demonstrated that the Earl de Grey building can be moved just 3 metres in order to preserve it and allow it to</p>

out in accordance with the approved details, unless the Secretary of State, following consultation with the relevant planning authority and Historic England on matters related to their functions, gives consent to a variation.

Secondly:

14.-(1) No works to the Earl de Grey public house are to commence until:

(a) details of the location for the partial reconstruction of the Earl de Grey public house, and

(b) a method statement describing full details of how the Earl de Grey public house shall be:

(ia) structurally assessed;

(iib) recorded in situ to level 4 building recording in accordance with Historic England guidance;

(iiic) dismantled, including compiling an inventory of all building materials to be rep-used, and justification for excluding any historic fabric;

(ivd) stored;

(e) reconstructed,

has been submitted to and approved in writing by the Secretary of State, following consultation with the local planning authority and Historic England on matters related to their functions

(2) The development authorised under Work No. 30 must be carried out in accordance with the approved details, unless the Secretary of State, following consultation with the relevant planning authority and Historic England on matters related to their functions, gives consent to a variation.

Both of these relate to a proposed change to work 30 as follows:

**Work No.30** — Work to listed buildings – Castle buildings and Earl de Grey; **installation of vibration monitoring equipment to Castle**

co-exist alongside the scheme.

Furthermore, the Applicant for the Able Marine Energy Park had applied for the planning permission in relation to the conservation land itself whereas in this scheme, the proposed alternative location for the Earl de Grey building is in the hands of a third party and as already mentioned, the Applicant can not have any certainty that the development will come forward.

The Applicant does understand HCC's desire to move the building to an alternative location and is willing to cooperate with them and the developer to assist with meeting that aim. However, any such arrangement will be outside of the DCO process and the Applicant will require the fall back position contained in the DCO in the case that the development does not proceed for whatever reason.



<p><b>Buildings, and partial demolition of the Earl de Grey, followed by and partially rebuilding of the Earl de Grey in the location identified on plans approved under Hull City Council full planning permission 19/00333/FULL and listed building consent 19/00334/LBC approximately 3 metres to the north of existing position.</b></p>	
<p>Amendment to requirement 5, Landscaping. HCC proposes the following amendment:</p> <p><b>Landscaping</b></p> <p><b>5.—</b>(1) No part of the authorised development is to commence until a landscaping scheme which sets out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</p> <p>(2) The landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the illustrative environmental masterplan annexed to the environmental statement.</p> <p>(3) The landscaping scheme prepared under sub-paragraph (1) must include details of—</p> <p>(a) location, number, species mix, size and planting density of any proposed planting;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p><b>(e) location, orientation, design, and materials to be used in the construction of the access steps and ramps serving the new bridge over the A63 between Princes Quay shopping centre and Humber Dock (Work No. 31), and</b></p> <p>(f) implementation timetables for all landscaping works.</p>	<p>The Applicant does not agree to this amendment. The design of the steps is currently being worked up and the construction of the steps will be completed prior to the DCO coming into force. Therefore, this amendment is unnecessary.</p>

<p>Amendments in relation to listed buildings. HCC has proposed the following amendments to the DCO.</p> <p>A new article 18(6A) as follows: (6A) Where the proposed protective works would, but for the provisions of this Order require consent under [section 8] [Chapter II of Part 1] of the Planning (Listed Buildings and Conservation Areas) Act 1990 the undertaker may not serve a notice under paragraph 5(a) until the proposed protective works have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and , only for such works as would normally require such consultation under the Planning (Listed Buildings and Conservation Areas) Act 1990 as set out in the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenities Societies and the Secretary of State (England) Direction 2015, Historic England.</p> <p>A new article 29(2A) as follows: (2A) Where the proposed removal of any buildings under paragraph (1)(b), the proposed construction of temporary works (including the provision of means of access) and buildings under paragraph (1)(c) or the proposed works as are mentioned in Schedule 1 under paragraph (1)(d) would, but for the provisions of this Order require consent under [section 8] [Chapter II of Part 1] of the Planning (Listed Buildings and Conservation Areas) Act 1990 the undertaker may not exercise any power granted under paragraph (1)(b), (1)(c) or (1)(d) until details of the proposed works have been submitted to and approved in writing by the Secretary of State following consultation with the</p>	<p>Separate listed building consent is not required under the DCO by virtue of s33(1)(i) and 33(1)(j). As such, those parts of the scheme that incorporate works to listed buildings will not require a listed building consent.</p> <p>In relation to article 18 of the DCO, this article is to protect buildings from being damaged by works. As such, any items that may fall under this article are likely to be temporary in nature, rather than being a part of the works where design effects should be considered. The Applicant therefore does not agree to the proposed changes to these articles. The wording of these articles is standard and has been used in many DCO applications.</p>
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<p>relevant planning authority and, only for such works as would normally require such consultation under the Planning (Listed Buildings and Conservation Areas) Act 1990 as set out in the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenities Societies and the Secretary of State (England) Direction 2015, Historic England.</p>	
<p>Amendments to Article 35 (protective work to trees). HCC have suggested a number of amendments to article 35.</p>	<p>Amendments to article 35 were discussed in the draft Development Consent Order hearing on 6 June. The Applicant explained that this wording is common and used in many DCO applications. The wording of the article requires that the Applicant would do no more damage than necessary. The Applicant therefore does not propose to change this article.</p>
<p>Amendments to Part 2 of Schedule 2; Applications made under requirements.</p> <p>HCC have proposed the following new wording for paragraph 13:</p> <p>(4) Where any requirement in this Order requires the undertaker to consult with the relevant planning authority, the undertaker must</p> <p>(a) not less than 21 days before making the application referred to in paragraph (1)(a) provide all information to the relevant planning authority subsequently to be submitted to the Secretary of State as constituting the undertaker's proposed application;</p> <p>(b) give due consideration to any representations made by the relevant planning authority about the proposed application; and</p> <p>(c) include with its application to the Secretary of State copies of any representations made by the relevant planning authority about the proposed application, and a written</p>	<p>The Applicant has considered this wording and agrees to its inclusion in the DCO. It will be included in the next draft of the DCO at deadline 5.</p>

account of how any such representations have been taken into account in the submitted application.	
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