

A63 Castle Street Improvement, Hull

TR010016

Statement of Common Ground
With Natural England



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Development Consent Order 20[]

STATEMENT OF COMMON GROUND

Planning Inspectorate Scheme Reference	TR010016
Author:	A63 Castle Street Project Team

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Natural England.



Signed...
Bernice Beckley
Project Manager
on behalf of Highways England
Date: 2 May 2019



Signed
Lauren Forecast
Team Leader
on behalf of Natural England
Date: 7th May 2019

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1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A63 Castle Street Improvement, Hull ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("DCO") under section 37 of the Planning Act 2008 ("2008 Act").
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and to focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Natural England.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Natural England is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. Within England, Natural England is responsible for:
- promoting nature conservation and protecting biodiversity
 - conserving and enhancing the landscape
 - securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment
 - promoting access to the countryside and open spaces and encouraging open-air recreation
 - contributing in other ways to social and economic well-being through management of the natural environment, e.g. changes to wildlife licensing to improve flexibility for developers

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position, and “Under discussion” indicates issues which will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Natural England, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Natural England in relation to the Application is outlined in Table 2.1.

Table 2.1 Record of Engagement

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
01.	10 April 2013	Meeting minutes	Highways England outlined Scheme update and acknowledged previous Appropriate Assessment screening report dated January 2010 required further information. Natural England stated all impacts on protected species could be mitigated. Natural England advised Scheme to be registered with Discretionary Advice Service (DAS). Natural England would be interested in aspects of the outfall. Natural England suggested Hull City Council (HCC) should be consulted on impacts to Trinity Burial Ground Site of Nature Conservation Interest (SNCI).
02.	9 May 2013	Email	Application for Scheme to be registered with Natural England's DAS to seek advice regarding the assessment of impacts upon bats.
03.	22 May 2013	Email	Application registered with DAS. Request that contact is made with Kathryn Murray or Oliver Lowe re. protected species.
04.	23 May 2013	Email	Advice request regarding requirement for European Protected Species (EPS) licence.
05.	25 July 2013	Letter	Advising that Natural England aware that all matters previously raised were being addressed. Acknowledgement that further assessments need to be made for Habitats Regulation Assessment (HRA).
06.	6 June 2013	Meeting minutes	Consultation with Environment Agency, Natural England and Marine Management Organisation to discuss potential locations of the discharge, water quality impact assessment requirements and other requirements of the stakeholders including consents associated with the construction and operation of the rising main and outfall to the Humber Estuary.
07.	14 June 2013	Email	Natural England DAS team advised that increased survey effort should be

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			applied at the buildings with high bat roost potential which were unsafe to enter. Advice about EPS licence application.
08.	23 October 2013	Letter	Advising of changes to the rising main route and outfalls with request for approval in principle.
09.	29 October 2013	Email	Request for review of proposals for route of rising main and location of outfall.
10.	8 November 2013	Email / letter	Proposed rising main route and outfall location not likely to need an appropriate assessment, but Natural England's assent or advice regarding the Humber Estuary Site of Scientific Interest (SSSI) under Section 28 of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 1981) not covered by letter.
11.	17 April 2014	Letter	Request for consultation regarding European Sites and SSSI due to boundary extension.
12.	22 April 2014	Letter	Natural England advised that selection of compound site locations should be away from water's edge; no preference on rising main options; and requirement for consultation on outfall locations.
13.	28 April 2014	Email	Concerns about the consideration of the Hessle site as the proposed compound site due to its location.
14.	6 May 2014	Email / letter	Regarding boundary extension consultation – no objection regarding European Sites or SSSI.
15.	22 July 2014	Letter	Reply to letters / emails from Lauren Garside from 22 April 2014 (proposed rising main, outfall and compound site options); 28 April 2014 (potential site compounds) and 3 June 2014 (potential site compounds) stating that comments had been noted and will be taken account of.
16.	28 August 2015	Letter	Consultation response on the separate Princes Quay Bridge (PQB) planning application submitted under The Town and Country Planning Act 1990; The Conservation of Habitats and Species Regulations 2010 (as amended) and Section 281 of the Wildlife and Countryside Act 1981 (as amended). SSSI consent granted, advised conditions for HRA. (Note: At the request of HCC, the design for PQB was brought forward as part of

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			the Scheme prior to the 2017 UK City of Culture celebrations and a separate planning application for the bridge submitted to HCC on 4 August 2015 (reference 15/00965/FULL. This required liaison between Natural England and HCC. The application was granted consent by HCC on 7 October 2015)
17.	21 March 2018	Email	Consultation request for the revised PQB Habitat Regulations Assessment (HRA) No Significant Effects (NSE) Screening Report (issue 3 to support the planning application considering works for PQB within the Hull Marina.
18.	20 April 2018	Email	Natural England stated agreement of NSE with regard to revised PQB HRA Screening Report (issue 3).
19.	24 August 2018	Email	Consultation request for the revised PQB HRA NSE Screening Report (issue 5) following the Court of Justice of the European Union (CJEU) People Over Wind and Sweetman v Coillte Teoranta (C-323/17) ruling.
20.	17 September 2018	Email	Natural England stated agreement of NSE with regard to revised PQB HRA Screening Report (issue 5).
21.	2 October 2018	Email	Consultation request for the agreement of Assessment of Impacts on European Sites (AIES) (HRA) NSE Screening Report dated 14 September 2018.
22.	2 October 2018	Email	Natural England stated agreement of the conclusion of NSE for the AIES (HRA) Screening Report dated 14 September 2018.
23.	6 December 2018	Email	Consultation request regarding the need for any further bat surveys at Earl de Grey public house as observed by the Planning Inspectorate Section 51 Notice dated 18 October 2018.
24.	23 January 2019	Email	Response to query from Highways England regarding any further consultation requirements for Section 28 assent for the Humber Estuary SSSI (under the Wildlife and Countryside Act 1981) states <i>"if the plans for the project have not changed since we commented and what is to be in the assent is the same as DCO then you do not need to apply for S28 assent"</i>
25.	18 February 2019	Email	Response re. bat survey requirements at Earl de Grey public house stating that updated surveys are required,

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
26.	26 April 2019	Email	Response from Natural England confirming that this SoCG is an accurate record of what has been discussed and agreed.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Natural England in relation to the issues addressed in this SoCG.

3 ISSUES

3.1.1 A summary of issues identified within the ES in relation to the Application is outlined in Table 3.1.

Table 3.1 Summary of issues discussed in the ES

ES Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
Chapter 1: Introduction	1.8.1	Other relevant documents, AIES/HRA	See Natural England's comments below at 10.5.23, 10.5.26 and 10.5.28.	Agreed - see also at 10.5.23, 10.5.26 and 10.5.28 below	Agreed
	1.9.1	Other regulatory regimes, Licences	Licences required re. European Protected Species pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010.	Agreed	Agreed
	1.9.1	Other regulatory Regimes, Consents	Consents required to work in Sites of Special Scientific Interest under regulation 28E of the Wildlife and Countryside Act 1981 – see comments at 10.5.29 below.	Agreed - see also at 10.5.29 below	Agreed
Chapter 2: The Scheme	2.5.8	Scheme Site and the surrounding Area, Environmental designations and sensitive sites, AIES/HRA	Natural England have been consulted regarding the Habitats Regulations Assessment process and on the presence of European protected species and the need for licences – see comments at 10.5.23, 10.5.26, 10.5.28 and 10.5.29 below.	Agreed - see also at 10.5.23, 10.5.26, 10.5.28 and 10.5.29 below	Agreed
	2.6.71	Description of the proposed improvements, Drainage,	Selection of the preferred outfall to the River Humber location will depend on investigation of the existing sheet piled wall and any	Agreed – see also at 4.5.9, (third row).	Agreed. The project team has recent agreement with Yorkshire Water to

ES Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
		Underpass drainage system, Alternative proposed outfall locations	constraints due to land use. This proposal is being discussed with Natural England, Environment Agency and the land owner.		discharge directly into the existing Yorkshire Water sewer. This negates the need to outfall to the Humber Estuary.
Chapter 4: Consultation	4.5.9	Consultation relating to environment, Consultation with third parties, Natural England, European protected species	Natural England have been consulted on the presence of European protected species and the need for licences – see 10.5.29 below.	Agreed - see also at 10.5.29 below.	Agreed
	4.5.9	Consultation relating to environment, Consultation with third parties, Natural England, AIES/HRA	Natural England have been consulted regarding the HRA process – see comments at 10.5.23, 10.5.26 and 10.5.28 below.	Agreed - see also at 10.5.23, 10.5.26 and 10.5.28 below.	Agreed
	4.5.9	Consultation relating to environment, Consultation with third parties, Natural England, Outfall	Natural England have been consulted on the proposed location of the rising main outfall into the Humber Estuary.	Agreed	Agreed. The project team has recent agreement with Yorkshire Water to discharge directly into the existing Yorkshire Water sewer. This negates the need to outfall to the Humber Estuary.

ES Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
Chapter 10: Ecology and Nature Conservation	10.5.21	Consultation, Scoping, Scoping Report March 2013	Natural England commented that they agreed with the proposed scope of the ecology and nature conservation assessment.	Agreed	Agreed
	10.5.22	Consultation, Bats, Natural England Discretionary Advice Service	The Natural England Regulation team advised that increased survey effort should be applied at the buildings with high bat roost potential which were unsafe to enter.	Agreed	Agreed. Further bat surveys required at Earl de Grey Public House following consultation with Natural England as observed by Planning Inspectorate S51 advice.
	10.5.23	Consultation, AIES, AIES NSE Screening Report September 2014 (full Scheme)	Natural England agreed that there were unlikely to be any significant effects on the European Sites	Agreed	Agreed
	10.5.26	Consultation, AIES, HRA NSE Screening Report March 2018 (PQB only)	“ . . . due to the location of the proposed Princes Quay Bridge and the scale of works, we agree with the conclusion that the proposal is not likely to have a significant effect on the interest features of the Humber Estuary designated site and an Appropriate Assessment is therefore not required.”	Agreed	Agreed
	10.5.28	Consultation, HRA NSE Screening Report August	Consulted on 24 August 2018. Responded on 17 September 2018.	Agreed	Agreed

ES Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
		2018 (PQB only, post CJEU)	“Natural England agrees with the conclusion of the Determination of Likely Significant Effects report, that there are not likely to be significant effects on the Humber Estuary SPA / SAC / Ramsar site.”		
	10.5.29	Consultation, SSSI Humber Estuary	Natural England were satisfied that the Princes Quay Bridge works would not require a separate consultation regarding impacts to the Humber Estuary SSSI if the works are carried out in accordance with the planning application.	Agreed	Agreed
	10.5.29	Consultation, SSSI Humber Estuary	If Natural England require a separate consultation regarding impacts to the Humber Estuary SSSI regarding the A63 Castle Street Improvement, one will be undertaken.	Agreed	Agreed
Appendix 11.1 Surface Water Quality Impact Assessment	2.5.1 – 2.5.4	Summary of consultation	To discuss potential locations of the discharge, water quality impact assessment requirements and other requirements of the stakeholders including consents associated with the construction and operation of the rising main and outfall to the Humber Estuary.	Agreed	Agreed. The project team has recent agreement with Yorkshire Water to discharge directly into the existing Yorkshire Water sewer. This negates the need to outfall to the Humber Estuary.

ES Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
			<p>Natural England stated that any new outfall should be located as close as possible to existing outfalls which discharge onto existing rock armour. Therefore, the proposed location of the outfall is located above an area of existing rock armour, in the location of other outfalls, thereby minimising scour and the generation of a resultant sediment plume.</p> <p>Natural England stated that they would require construction and operational impacts to be considered including an assessment of the impacts on flow rates, volumes and water quality.</p> <p>It was agreed that any approach to the water quality impact assessment would need to be agreed with Environment Agency as well as the Highways England. Natural England confirmed that Environment Agency should take the lead on this matter.</p>		

3.1.2 A summary of issues identified within the Princes Quay Bridge Habitats Regulations Assessment (HRA) Screening Report 30 July 2018 in relation to the Application is outlined in Table 3.2.

Table 3.2 Summary of issues discussed in the Princes Quay Bridge HRA Screening Report July 2018

HRA Screening Report Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
Chapter 1: Introduction	1.1.2	Background, AIES NSE Screening Report September 2014 (full Scheme)	Natural England agreed that there were unlikely to be any significant effects on the European Sites	Agreed	Agreed
	1.1.4	Background, HRA NSE Screening Report August 2018 (PQB only, post CJEU)	Consulted on 24 August 2018. Responded on 17 September 2018. "Natural England agrees with the conclusion of the Determination of Likely Significant Effects report, that there are not likely to be significant effects on the Humber Estuary SPA / SAC / Ramsar site."	Agreed	Agreed
Chapter 2: Requirements for HRA	2.1.6	Purpose, AIES, HRA NSE Screening Report March 2018 (PQB only)	". . . due to the location of the proposed Princes Quay Bridge and the scale of works, we agree with the conclusion that the proposal is not likely to have a significant effect on the interest features of the Humber Estuary designated site and an Appropriate Assessment is therefore not required."	Agreed	Agreed

3.1.3 A summary of issues identified within the A63 Castle Street Improvement, Hull Assessment of the Implications on European Sites (AIES) Screening Report 14 September 2018 in relation to the Application is outlined in Table 3.3.

Table 3.3 Summary of issues discussed in the A63 Castle Street Improvement AIES Screening Report September 2018

AIES Screening Report Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
Chapter 1: Introduction	1.1.2	Background, AIES NSE Screening Report September 2014 (full Scheme)	Natural England agreed that there were unlikely to be any significant effects on the European Sites	Agreed	Agreed
Chapter 4: Conclusion	4.1.5	AIES NSE Screening Report September 2018 (full Scheme)	Responded on 2 October 2018. "I can confirm that, based on the justification set out in Section 3 of the report, Natural England agrees with the conclusion of no likely significant effect."	Agreed	Agreed

3.1.4 A summary of issues identified within the Outline Environmental Management Plan (OEMP) in relation to the Application is outlined in Table 3.4.

Table 3.4 Summary of issues discussed in the OEMP

OEMP Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
Chapter 4: Consents and Permissions	4.2.3	Consents, licences and permitting, Table 4.1, AIES/HRA	Natural England has agreed that there were unlikely to be any significant effects on the European Sites.	Agreed	Agreed
Chapter 4: Consents and Permissions	4.2.3	Consents, licences and permitting, Table 4.1, SSSI Consent	Natural England were satisfied that the Princes Quay Bridge works would not require a separate consultation regarding impacts to the Humber Estuary SSSI if the works are carried out in accordance with the planning application.	Agreed	Agreed

OEMP Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
			If Natural England require a separate consultation regarding impacts to the Humber Estuary SSSI regarding the A63 Castle Street Improvement, one will be undertaken.		

