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To all parties invited to the Preliminary Meeting

Your Ref:

By email only

Our Ref: TR010016

Date: 13 Sep 2019

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(3) and Rule 17

Application by Highways England for an Order Granting Development Consent for the A63 Castle Street Improvement Scheme

Request for further information

As you know, the Examination must conclude on or before 26 September 2019. With that in mind, the ExA asks that the Applicant provides the information requested below. The information must be provided not later than **Friday 20 September 2019**. Other Interested Parties may respond to the information received, but the responses must be received not later than **Thursday 26 September 2019**.

Earl de Grey Listed Building

In response to ExQ 2.5.1 [see REP5-004], the Applicant advised that:

In the event an agreement is reached with the building's owners then the proposed redevelopment to the Earl de Grey would replace Work No 30 of the DCO. The work to relocate the building would be completed by Castle Building LLP.

- In view of the above, please clarify whether the Applicant intends to provide details of an agreement before the close of the Examination and, if so, whether Work No 30 to Schedule 2 of the draft DCO will need to be amended.
- It is the ExA's understanding that the Applicant's proposal for the Grade II listed Earl de Grey in the event that the alternative relocation scheme fails to go ahead is contained entirely within the wording of Schedule 1, Work No 30, with further details to be provided only following any grant of development consent. Please confirm whether this is correct. Would it be consistent with the approach to designated heritage assets outlined in the National Networks NPS to grant development consent on the basis of this level of information?

Beverley Gate Scheduled Monument

Having considered the Applicant's response to ExQ 2.5.2 [see REP5-004] and other submitted material, the ExA requires further clarity regarding this matter as follows:

- Would any of the works proposed ordinarily require Scheduled Monument Consent if taking place outside the NSIP regime? If so, please identify the works and the area they relate to and why they would require consent.
- Alternatively, if there is no need for the DCO to make provision for works affecting the Scheduled Monument, could works within the scheduled area be specifically excluded from the permitted works by a requirement added to Schedule 2 of the DCO? If so, please provide wording for such a requirement.
- Please comment on the observations and suggestions made by Historic England at D7 in respect of the Scheduled Monument.

Statement of Reasons

In response to ExQ 2.3.1 [REP5-004] the Applicant advised that:

The Statement of Reasons has been updated and submitted for Deadline 5. Annex B has now been updated and reflects the progress of negotiations with affect persons. The Applicant is only intending to enter into agreement where they are seeking permanent acquisition of land. Therefore, in the final column – Status of objection and negotiations with land interest – now states 'Agreement not sought' where the Applicant is not planning on entering an agreement.

- In view of this, can you confirm that all of the references to negotiations within the written section of the SoR, (eg at paras 1.4.3, 4.9.3 and 8.1.3) relate solely to land subject to Compulsory Acquisition rather than Temporary Possession?
- Has the applicant attempted to reach a negotiated agreement with owners and occupiers of land where it is proposed to compulsorily acquire rights over land? If not, please explain why not, having regard to the guidance within the DCLG document *Guidance related to procedures for the compulsory acquisition of land* (eg footnote 2 and paragraph 8) and the MHCLG document *Guidance on Compulsory purchase process and The Crichel Down Rules* (eg paras 2 and 17).
- Annex B of the most recent version of the SoR still contains the phrase 'not applicable' in a number of instances. In view of the Applicant's response above, is it correct to assume that agreement has not been sought in those instances?
- Given the response above, please explain why there are instances in Annex B where the comment 'agreement not sought' or 'not applicable' is given even though the table indicates that the plot is to be subject to Compulsory Acquisition (objection no 15(c), for example).

Crown Estate consent – Article 45

- Having considered the response to ExQ 1.4.17 [see REP2-003] and subsequent enquiries, it is the ExA's understanding that the wording of Article 45 has not yet been agreed with the Crown Estate and that discussions are ongoing. Can you please confirm the current position. What options do you consider are open to the ExA if the Article is not agreed by the close of the Examination, having regard to the requirements of s135 of the Act?

Crown department (MHCLG) consent

The applicant's response to ExQ 2.3.2 [see REP5-004] says:

A notice has been received in relation to plots 3/5a, 3/5b, 3/5c, 3/5d, 3/5e, 3/5f, 3/5g, 3/5h, 3/5i and 3/5j disclaiming the Crown's interest in the land. In relation to plot 5/10a, in which Secretary of State for Housing, Communities and Local Government holds a leasehold interest, the Applicant is still attempting to find the correct party to engage with on this plot.

- A Notice of Disclaimer under s1013 of the Companies Act 2006 was provided at D7 but was not accompanied by a plan. Please confirm which plots it relates to and also whether the Crown interests in those plots now lie with another party.
- In view of the above, is plot 5/10a now the only land to which s135 applies?
- Can you please advise whether there has been any change in the position regarding plot 5/10a? What options do you consider are open to the ExA if there is no change in the position by the close of the Examination?
- Can you please provide an explanation of the need for the Temporary Possession powers sought in respect of plot 5/10a, which is not addressed in Annex A of the Statement of Reasons. Please check the SoR to ensure that the need for all other plots of land is addressed and confirm whether any other omissions have been identified.

Flood Evacuation and Emergency Plan (FEEP) Report

- Is there any reason not to amend the Worst Case Scenario considered on Page 16 of the FEEP Report [REP5-031] to make reference to surface water flooding as HCC suggests [see REP4-010]? If such an amendment can be made, please provide an amended document.
- Is the reference to 2.5 hours at bullet point 5 at Page 16 of the FEEP Report correct in view of the amended inundation times provided?

Early warning flood signage

- The ExA has noted the view of Hull City Council (the Lead Local Flood Authority) regarding the need for early warning flood signage to the west of the City [see REP6-017]. Are there any impediments to providing such signage? If the Secretary of State were to take the view that signage is necessary, what form should it take and how should it be addressed in the DCO?

Revised draft DCO

- The ExA understands that the Applicant wishes to submit a preferred draft DCO by 20 September 2019, and confirms his agreement to this. It is essential that this deadline is adhered to. Any comments on the revised DCO must be submitted not later than 26 September 2019.

Yours Faithfully

Peter Willows

Peter Willows
Examining Authority

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