

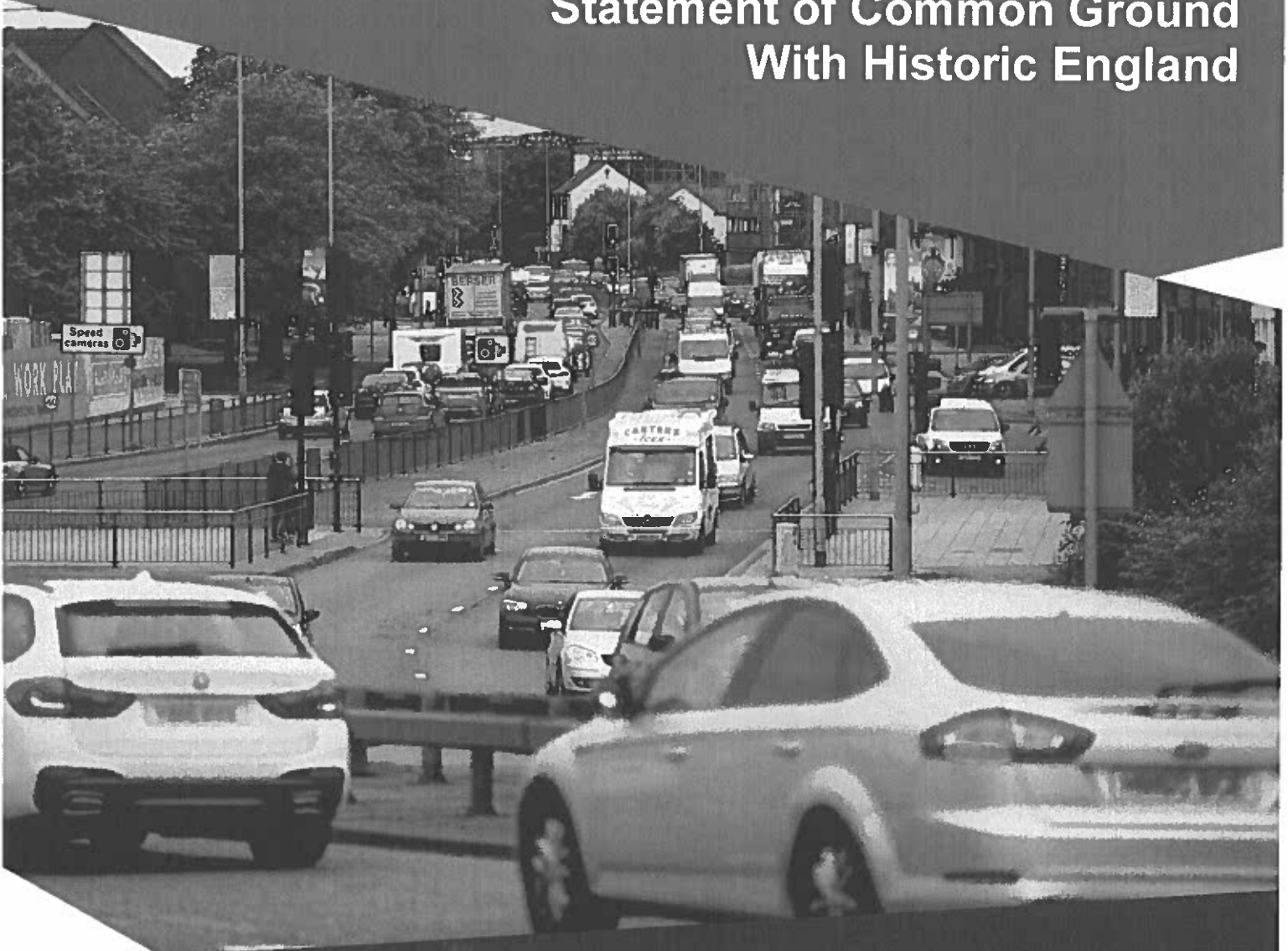


**highways
england**

A63 Castle Street Improvement, Hull

TR010016

**Statement of Common Ground
With Historic England**



A63 Castle Street Improvement, Hull

Development Consent Order 20[]

STATEMENT OF COMMON GROUND

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

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1	April 2019	For comment
1.1	June 2019	Updated following discussions.
1.2	August 2019	Mutual changes accepted

STATEMENT OF COMMON GROUND

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

Signed 
Bernice Beckley
Project Manager
on behalf of Highways England
Date:

Signed 
Keith Emerick
Inspector of Ancient Monuments
on behalf of Historic England
Date:

CONTENTS

1	INTRODUCTION.....	1
1.1	Purpose of this document.....	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology	3
2	RECORD OF ENGAGEMENT	4
3	ISSUES.....	18

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) Historic 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 Historic England is the public body that advises central and local government on England's historic environment: The Historic Buildings and Monuments Commission for England is generally known as Historic England. However due to the potential for confusion in relation to "HE" (Highways England and Historic England), we have used "HBMCE" in our formal submissions to the examination to avoid confusion. HBMCE was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of HBMCE under Section 33 are as follows:

"...so far as is practicable:

- to secure the preservation of ancient monuments and historic buildings situated in England;
 - to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation".

HBMCE is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent, and is also a statutory consultee on all Nationally Significant Infrastructure Projects. Similarly HBMCE advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal adviser on the historic environment.

1.2.4 In the context of this Application, Historic England's statutory responsibilities relate primarily to applications for development which affects:

- Undesignated assets considered to be of national importance
- Assets that can contribute significantly to acknowledged national research objectives
- Conservation Areas and their settings
 - Hull Old Town Conservation Area and its associated listed buildings
- Relevant works¹ in respect of designated heritage assets
 - Beverley Gate Scheduled Monument
- Grade II listed buildings, specifically being:
 - Earl de Grey public house
 - Castle Buildings
 - Humber Dock Wall Scheduled Monument

- any grade II (unstarred) listed building within the Old Town Conservation Area

1.2.5 This SoGC specifically relates to the Application, the associated impact on the grade II listed former Earl de Grey public house, Castle Buildings, the Humber Dock Wall, Trinity Burial Ground (TBG) and other areas in addition to Trinity Burial Ground, which have been identified as requiring archaeological mitigation.

1.2.6 Trinity Burial Ground is not a designated heritage asset but contributes to the character and significance of Hull Old Town conservation area. Historic England consider the burial ground to be of national importance. The Application's impact on Trinity Burial Ground has formed part of the discussions with Historic England and therefore the matters agreed / yet to be agreed in relation to TBG are set out in this SoCG.

1.2.7 The grade II listed building description for the former Earl De Grey public house was revised by Historic England in July 2017. The two-storey extension built in 2003 at the rear of the Earl de Grey public house is not included in the revised listing description.

¹ Relevant works as defined by the Arrangements for handling heritage applications Direction 2015, available <https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2015>

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 Historic 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 not of material interest or relevance to Historic England.

2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Historic 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.	11 January 2013	Cultural Heritage Liaison Group ² meeting	<p>The impacted area of TBG might contain 500 - 1000 burials. The archaeology of the Old Town and the Old Town defences are considered of national importance. Humber Archaeology Partnership (HAP) indicated that TBG, by comparison and bearing in mind the limited range of evidence it afforded, was of less importance than archaeology of the Old Town.</p> <p>Principal concerns of Hull City Council (HCC) are potential impacts on two listed buildings (Earl de Grey public house and Castle Buildings) and the Old Town conservation area. For the Earl de Grey public house, HCC Principal Conservation Officer suggested that one approach might be to re-site the architectural details on one of the gable ends.</p>
02.	8 February 2013	Cultural Heritage Liaison Group meeting	<p>Update on progress of the appraisal of impacts on TBG and other assets. A Deposit Model (desk-based study) to be undertaken by the Archaeological Contractor once appointed, to inform and advise on approaches to the archaeology.</p> <p>Confirmation that three grade II listed buildings were affected by the Scheme (former Earl de Grey public house, Castle Buildings and north wall of the Humber Dock). Historic England raised concern at the potential loss of or damage to listed buildings and require options appraisal to explore potential mitigation.</p>
03.	8 March 2013	Cultural Heritage Liaison Group meeting	<p>Update on progress, including issue of the Scoping Report and planned appointment of Architectural History Practice (AHP) to undertake townscape assessment. Historic England circulated English Heritage Guidance note on the importance of</p>

² The Cultural Heritage Liaison Group was established with representatives from Historic England, Hull City Council and Humber Archaeology Partnership (HAP) to ensure all are kept up to date with the Scheme and views are represented from members on approaches and methodologies to matters affecting cultural heritage interests.

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			historic burial grounds.
04.	3 May 2013	Cultural Heritage Liaison Group meeting	<p>TBG was described as being 'in a very sad state', with little sign of any recent maintenance. HCC suggested proposal to include surplus gates and gate piers from Holy Trinity Church into reinstated burial ground walls. Option to be explored.</p> <p>Access gained to Castle Buildings and the Earl de Grey public house. Interim draft summary on historic townscapes and buildings received from AHP which reports poor interior state for both buildings. Road alignment options are being explored in the area of the listed buildings.</p>
05.	26 June 2013	Cultural Heritage Liaison Group meeting	<p>Highways England mitigation proposals for TBG to include resurfacing paths, relocating the boundary wall and adding railings, possibly the relocated gates from Holy Trinity churchyard.</p> <p>Further review of TBG will be undertaken by Oxford Archaeology (Archaeological Contractor) to estimate number of burials and resultant excavation duration time and risk to the programme. A Method Statement will be developed for review by Historic England.</p> <p>The alignment has been revised and moved south to avoid the need to demolish the grade II listed Earl de Grey public house and Castle Buildings.</p>
06.	13 September 2013	Cultural Heritage Liaison Group meeting	<p>Potential mitigation measures for the TBG have been developed further by Highways England and outlined, including a renewed entrance at the south-west corner, improved boundaries and walling including reduction of wall heights at the east end, reduced vegetation, lighting and interpretation. Oxford Archaeology review almost complete. Burials register had been checked and proved to contain a record of 43,933 interments over the period of its use. This informs the scale of the clearance works required.</p> <p>The grade II listed Earl de Grey public house and Castle Buildings are both managed by Wykeland. HCC is currently considering issues with both buildings and working on a development brief for the</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			area.
07.	27 November 2013	Cultural Heritage Liaison Group meeting	<p>Oxford Archaeology developing the methodology for excavating and clearing TBG [Historic England to review the methodology as a statutory consultee].</p> <p>Following consultation with the Diocese of York, Highways England consider that a Faculty³ is the best way to progress permissions for excavation and clearance of the burial ground.</p> <p>The AHP report concluded that a loss of approximately a third of the burial ground is considered to be a significant impact which will need to be balanced by public / heritage gain.</p>
08.	24 January 2014	Cultural Heritage Liaison Group meeting	<p>Highways England outlined some of the potential problems and procedures to excavate burial ground if remains are waterlogged. All agreed that a TBG working group be set up ancillary to the Cultural Heritage Liaison group - membership to vary according to business to be discussed but key attendees to include Highways England, Historic England, HAP and Hull Minster. Envisaged that one contractor would be involved in the excavation of TBG and other areas. The developed methodology for TBG to be circulated shortly.</p>
09.	20 March 2014	Cultural Heritage Liaison Group meeting	<p>Meetings with Hull Minster (Vicar and Parochial Church Council representatives) continued and no difficulty with the proposed Faculty was anticipated. A draft methodology for TBG had been circulated and comments received from Historic England. Historic England were concerned at the stated maximum number of burials to be analysed (1000). Historic England would prefer a percentage statement. Explained by project team that the affordability also have an influence on the extent of the sample. Agreed that an explanatory note be prepared by Highways England on why 1000 might reasonably be considered to be an appropriate sample size.</p> <p>Historic England raised possibility of retaining some of the exhumed sample of</p>

³ Under English ecclesiastical law, permissions for the works within Trinity Burial Ground (which is consecrated) will be sought through a Faculty (The Faculty Jurisdiction Rules 2015), which is issued by the Diocese of York

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			<p>burials. Highways England noted potential problem of finding an appropriate store and possibly requiring relative's permission (can be noted in the Faculty application). Highways England suggested an alternative might be to secure a digital record in the form of laser scanning.</p> <p>Highways England requested confirmation on status of grade II listed buildings. Historic England confirmed that a Grade II listed building is defined as a building or structure that is "of special interest, warranting every effort to preserve it". Listing means that a building is nationally important. These building would be defined as "medium importance" in the Design Manual for Roads and Bridges.</p>
10.	26 March 2014	Memo to Historic England	<p>Explanatory note prepared on behalf of Highways England, detailing the assumptions for selecting sample size for the archaeological recovery and analysis of human remains.</p> <p>Explanatory note provided to Historic England for information.</p>
11.	25 June 2014	Cultural Heritage Liaison Group meeting	<p>Methodology for archaeological excavation and exhumation of burials sent by Highways England to the Diocese for consideration. As agreed by Hull Minster, evaluation for geotechnical works and archaeology would be undertaken under a Faculty and the main clearance may also be undertaken under the Faculty process.</p>
12.	12 August 2014	Workshop on TBG	<p>Given range of issues and interested parties, a workshop held to discuss clearance and archaeology methodology for TBG, with assumption on ground conditions prior to site investigation. Workshop attendees included Highways England, Diocese of York, HAP, Historic England and other archaeological specialists in human remains invited by Historic England.</p> <p>Workshop reviewed the impact of increasing sample size from baseline (1000 burials) to 1500 and 5000. Historic England outlined the possibilities for analysis of the exhumed remains (potential 10-year research horizon) although recognised the potential issues associated with reburial</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			requirements. Highways England agreed to continue to engage with stakeholders during development of the methodology which shall be progressed following completion of the evaluation trenching.
13.	2 September 2014	Cultural Heritage Liaison Group meeting	Following workshop on 12 August 2014 all agreed that main clearance proposal would be developed following evaluation investigation. A Faculty for evaluation excavation work had been applied for by Highways England. HCC stated that there were now developing proposals for areas adjacent to the A63, including a Conference Centre (by HCC) and a hotel (private developer), which might impact on the listed buildings.
14.	18 November 2014	Cultural Heritage Liaison Group meeting	Highways England has reviewed the impacts on programme and cost for varying sample sizes between 1000 and 5000, as agreed at the workshop on 12 August 2014. Current proposals highlight space constraints. Historic England will need to put a case to their internal working group to seek approval to support an approach based on a smaller than desired sample size. Highways England to provide a summary note including indicative figures for excavation numbers, cost and duration of works to support these discussions.
15.	17 February 2015	Cultural Heritage Liaison Group meeting	Following consultation, relatives of over 70 of those buried had come forward. One objection on the grounds of general principal and disturbance of graves. A summary paper from Highways England detailing the cost and programme impacts of excavation / exhumation of varied numbers of burials had been issued to Historic England.
16.	15 May 2015	Cultural Heritage Liaison Group meeting	TBG geotechnical and archaeological works had been proceeding. No key issues raised regarding these on-going works. Gates and gate piers from Holy Trinity Church available for inclusion in the re-built TBG boundary during the main works. These will be stored securely by HCC at the Fruit Market site.
17.	24 July 2015	Cultural Heritage & TBG	Evaluation excavations underway and site visit undertaken (attendees included

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
		Liaison Group meeting	Historic England, Hull Minster, HAP). No key issues raised regarding these on-going works.
18.	7 October 2015	Cultural Heritage & TBG Liaison Group meeting	Highways England presented a summary of the findings of the evaluation works, including the number of burials encountered and the water-table. The final report will consider potential total population in the burial ground, percentage of complete skeletons etc., to progress development of the methodology for the main clearance works. Historic England raised no concerns with the methodology used for the evaluation works.
19.	19 November 2015	Cultural Heritage & TBG Liaison Group meeting	Draft of the Evaluation Excavation report to be issued shortly. In advance of start of construction activities for Princes Quay Bridge, there would be a requirement to undertake an audit of historic features potentially at risk from construction activities (including listed dock masonry, winches, bollards and other fittings). A separate Project Design is being prepared to cover this.
20.	27 January 2016	Cultural Heritage & TBG Liaison Group meeting	Meeting to discuss overall project updates and no specific issues regarding burial ground discussed.
21.	22 April 2016	Cultural Heritage & TBG Liaison Group meeting	Final copies of the Evaluation Excavation report have been issued by Highways England to HAP, Historic England, the Diocese and Hull Minster. Highways England agreed that a simple questionnaire regarding the excavation of burials will be provided at public consultation. Questions drafted by Historic England were included in the public consultation questionnaire.
22.	15 July 2016	Cultural Heritage Liaison Group meeting	Historic England comments on Evaluation Excavation Report queried methodology used to estimate number of burials predicted for the impacted area. Highways England has prepared a memo on estimated numbers using a range of methodologies which will be provided to Historic England. Date for next workshop to discuss clearance methodology to be arranged.
23.	29 November 2016	Issue of report	Update and issue of Methodology for Clearance of Trinity Burial Ground and Archaeological works by Highways

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			England following receipt of comments from Historic England and HAP.
24.	10 January 2017	Meeting with Historic England	<p>Development of the temporary traffic management arrangements during construction identified that the Earl de Grey public house and Castle Buildings are now at risk of demolition. Historic England highlighted that it is important to know any future plans for the buildings and they are not able to support demolition of listed Earl de Grey public house due to the temporary works.</p> <p>Highways England plan to look for opportunities to remove risk but the potential for the demolition of both the Earl de Grey public house and Castle Buildings have been included in the 2017 statutory consultation information. Agreed that key issue is to identify long term plans for both buildings.</p>
25.	27 January 2017 & 28 January 2017	Public exhibitions	Historic England attended and contributed to the public exhibitions for the 2017 statutory consultation held by Highways England at the Mercure Royal Station Hotel, Hull.
26.	22 February 2017	Cultural Heritage Liaison Group meeting	<p>Historic England comments on the updated Methodology for Clearance of Trinity Burial Ground and Archaeological Works (dated 29 November 2016) received. Historic England remain concerned that the proposed burial sample size (10%) is too small. Noted that the Diocesan Advisory Committee (DAC) view was that 10% was the maximum sample size envisaged and that less would be preferred. Storage (e.g. up to 10 years as suggested by Historic England) of skeletal material was also not acceptable to the DAC. The Methodology had been prepared in the light of the DAC views. Second workshop to be arranged.</p> <p>Detailed letter from Historic England received regarding the listed Castle Buildings and the Earl de Grey public house. Historic England require justification for adverse impacts. Problems highlighted, in particular the pinch-point created by the proximity of the Earl de Grey public house to the carriageway. Recognised that there was a necessity for on-going discussion about listed buildings required involving</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			HCC, Historic England and Wykeland.
27.	13 March 2017	Letter	Response to Historic England comments on the Methodology for Clearance of TBG and Archaeological Works stating no proposed revision to the methodology.
28.	21 March 2017	Listed Building meeting	<p>Current Highways England position regarding the listed buildings is that they may need to be demolished due to safety and buildability constraints. Historic England view these listed buildings as nationally important – based on fabric of both buildings and how these add to the streetscape. Historic England starting point will be for both to be retained. If this is not an option, need to identify what can be retained and how buildings can be re-used. Priorities are adapt, re-use or move. Ideally 1) keep building where it is, 2) rebuild, 3) retain significant elements of the building for re-use including the tiled faience on the southern and western elevations and architectural features (as detailed in the National Historic List for England entry reference 1297037⁴, in particular exterior). Historic England welcome the opportunity to provide pre-application advice for the Earl de Grey site.</p> <p>Historic England views these buildings (and the Secretary of State agreed by confirming their listing) as nationally important due to their 'special architectural and historic interest' rather than 'based on fabric of both building and how they contribute to the streetscape'. These are important elements that contribute to the heritage significance of the listed buildings but we would not say that their listing is purely based on these matters.</p> <p>Apart from the east wing of Castle Buildings which has fire damage and is a later edition, both the Earl de Grey public house and Castle Buildings are considered structurally sound and have no significant structural issues.</p> <p>Current outline proposal for the Earl de Grey site has existing Earl de Grey public</p>

⁴ <https://historicengland.org.uk/listing/the-list/list-entry/1297037>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			<p>house integrated into new hotel development but no plans for the current Castle Buildings.</p> <p>Historic England recognises that moving Earl de Grey public house back would be preferable to its loss in these specific circumstances. A Heritage Impact Assessment would be required for any redevelopment proposal by HCC / Wykeland.</p>
29.	29 March 2017	Workshop on TBG	<p>Attendees included representatives from the Church and Historic England. The proposed clearance and excavation methodology tabled had been developed in the light of Historic England comments and the requirements of the Church. The views of the Church had taken precedence. Historic England tabled no major concerns with the approach for the construction and physical works within the burial ground.</p> <p>The position of the Church / DAC remains supportive of the general approach but wanted a maximum sample of 10% burials analysed on site and all remains to be reburied within four years (i.e. the projected life of the Faculty).</p> <p>Position of Historic England has not changed, including the need for remains to be removed from site for analysis. Historic England have concerns on the sample proportion (10% not deemed to be statistically valid) and the limited retention time for skeletal material. The suggested four years retention of parts is not considered realistic by Historic England in terms of the complexity of constructing research funding.</p> <p>Historic England confirmed that the outline for the outreach and community engagement programme provided in the methodology was acceptable at this stage.</p>
30.	27 April 2017	Listed Building meeting	<p>Options Report for both listed buildings has been prepared by Highways England and to be issued shortly. The Options Report details requirements to set back the Earl de Grey public house by 3m due to minimum lane widths required for temporary traffic management, working areas and deflection zones. This also provides a reasonable</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			<p>service corridor in front of the Earl de Grey public house and 5m clearance from the operational A63, rather than 2m which only allows for a non-compliant pathway. The Options Report assumes that the scaffolding for the Castle Buildings will be removed and the east wing demolished. An enhanced listing survey has been commissioned from Historic England.</p> <p>Wykeland have held a meeting on 13 April 2017 with Historic England regarding development of the Earl de Grey site. HCC reported that planning application for hotel at Earl de Grey site is going forward and discussions taking place with potential hotel operator and funder. No formal planning application for the Earl de Grey site hotel has been submitted to date.</p>
31.	27 April 2017	Cultural Heritage Liaison Group meeting	Position of the DAC on the sample size and long term storage has not changed. All agreed that a point has been reached where it is sensible to develop a Statement of Common Ground between Highways England and Historic England.
32.	16 June 2017	Listed Building meeting	<p>Report from the enhanced survey for Earl De Grey and Castle Buildings indicates that the demolition of the fire damaged east wing of Castle Buildings is unlikely to raise concerns and interior of the Earl de Grey public house has no features of interest.</p> <p>Wykeland reported that they propose to bring the hotel planning application for the Earl de Grey site forward but no details available at this time.</p>
33.	16 June 2017	Cultural Heritage Liaison Group meeting	Draft text for the Statement of Common Ground discussed.
34.	15 September 2017	Listed Building meeting	<p>A revised listing description has been provided for both the Earl de Grey public house and Castle Buildings (dated 26 July 2017). The east wing of Castle Buildings and the 2-storey rear extension of the Earl de Grey public house are excluded from the listing.</p> <p>Wykeland reported that a pre-application planning request has been sent for the Earl de Grey site and an Architect instructed. Wykeland also to request pre-application advice from Historic England however this was not received until early 2019. Historic</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			England attended a meeting with Wykeland on 22 February 2019 and provided advice on 5 March 2019. This was based on the 'Committee Presentation' from 18 December 2018. Historic England noted that there will need to be a strong justification for planning proposals, especially given the unusual situation since the A63 Castle Street Improvement Development Consent Order (DCO) has not yet been submitted.
35.	15 September 2017	Cultural Heritage Liaison Group meeting	Statement of Common Ground between Highways England and Historic England awaiting review by Historic England legal. Highways England proposed that Statement to be revised with comments from Historic England and HAP.
36.	9 November 2017	Cultural Heritage & TBG Liaison Group meeting	<p>Agreement between Highways England, HAP and Historic England on potential opportunities for archaeological mitigation works as part of the Scheme. Archaeology investigations as a form of mitigation prior to the DCO submission or decision is not anticipated since this may be seen to pre-empt the DCO decision.</p> <p>Planning application discussions for the Earl de Grey site understood to be ongoing. Highways England will have to make assumption that the application is not progressed before the A63 Castle Street Improvement DCO submission. HCC are preparing a Draft Development Brief which details options for this area.</p>
37.	17 January 2018	Listed Building meeting	HCC have developed their draft Supplementary Planning Guidance (SPG) which sets out the parameters for developments across 12 strategic sites, including the Earl de Grey public house and Castle Buildings sites. Draft proposals show demolition of the de-listed east wing of Castle Buildings (for which a planning application has been submitted) and relocation of the Earl de Grey public house to the northern corner of the plot. The SPG will go through a public consultation process and is not designed to be too prescriptive. The SPG consultation takes place over the next few months and would not be finalised for the A63 Castle Street Improvement DCO submission in summer

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
			<p>2018.</p> <p>There are no finalised plans for the Earl de Grey site planning application submission and Historic England have not yet received a request to formally consult on the proposals.</p>
38.	8 February 2018	Letter	Letter from Historic England expressing concerns about the lack of information about the proposal for the Earl de Grey.
39.	5 April 2018	Listed Building meeting	<p>Agreement that the current Decision Record dated 21 March 2018 from HCC does not provide any further confirmation that a hotel development will be progressed on the Earl de Grey site prior to submission of the Application. The Application submission will be progressed with the assumption that no hotel development is confirmed at this stage. Given the uncertainty with the hotel and no agreement on the mitigation, the assessment for the Environmental Statement has assumed a worst-case scenario, with dismantling of the Earl de Grey public house and no re-construction / re-positioning proposal. This would be developed during the Application examination period and if a planning application is subsequently submitted, this will need to be reviewed by HCC.</p> <p>Report to be prepared by Highways England to outline options and cost estimates for the Earl de Grey public house. In these circumstances with no future proposals received then it would be desirable to Historic England to minimise movement / re-orientation as much as possible since the existing location forms a prominent position along the A63. Re-positioning without a storage delay would be the preferred option. HCC would want to see other options explored for re-positioning within the general area of the Earl de Grey public house plot of land. Historic England agreed that there would not be a requirement for Highways England to make the Earl de Grey public house a functioning building. End-use of the building would remain an obligation of the Earl de Grey public house owners and not Highways England.</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
40.	25 May 2018	Letter	Letter from Historic England reiterating concerns about the lack of information about the proposal for the Earl de Grey.
41.	27 June 2018	Site Meeting	Site Meeting with Structural Engineer working on behalf of Highways England and Historic England's Structural Engineer.
42.	31 July 2018	Listed Building meeting	<p>Presentation of the options discussed in the feasibility report for the Earl De Grey. Historic England noted lack of mention of a further option, the reconstruction of the body of the building principally retaining the facade and front elevation. This was reported as technically challenging but shall be included in the updated report and the reasons for its rejection stated.</p> <p>HCC provided an update on revised development proposals which were currently being worked up by Wykeland. These envisage the Earl de Grey public house being re-sited and a new hotel intended to be, in design terms, a 'good neighbour' of the listed buildings.</p>
43.	5 September 2018	Email	Historic England raised the point that mitigation relating to Beverley Gate had not been specifically discussed at previous Cultural Heritage Liaison Group meetings. Provision for mitigation and watching brief already included in the Environmental Statement and this has been added to the SoCG.
44.	3 April 2019	Email	Highways England advised that a revised SoCG would be forwarded.
45.	3 April 2019	Email	Historic England expressed comments on previous draft SoCG dated 4 th May and concern about the archaeological response in the DCO.
46.	22 May 2019	Meeting	Meeting to discuss amendments to the Statement of Common Ground
47.	20 June 2019	Meeting	Meeting to discuss amendments to the Statement of Common Ground
48.	1 August 2019	Meeting	To begin planning the programme of community engagement connected to cultural aspects of the scheme including Trinity Burial Ground and the Earl de Grey.

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) Historic 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	Historic England Comment	Highways England Position	Status
Chapter 2: The Scheme	2.5.3 and 2.5.7	Land take	The scope of the Scheme as identified here was agreed on 20 December 2017	Road alignment for the existing proposed Scheme has been optimised and the area of TBG impacted by the Scheme warranted in terms of land take requirements. Approximately a third of the burial ground will need to be cleared of burials to allow construction of the Scheme. Trinity Burial Ground is associated with Holy Trinity Church and is consecrated under the rites of the Church of England. Accordingly, a Faculty would be required from the Diocese of York in order to undertake works within the site. It would be necessary to remove all funerary remains from just over a third of the area of the burial ground, within a c 3,507m ² zone of impact (excavation zone) across the northern part of the site. This represents 43.2% of the current, c 8,120m ² , area of the site. The area includes land	Agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				required temporarily to construct the retaining wall of the Mytongate underpass. Although this would result in the loss of buried remains of the burial ground once the proposed works are completed land would be returned to public use. The overall loss of land from the Trinity Burial Ground would be 2,632m ² would equate to c. 32% of the current area of c. 8,120m ² . The burial ground would be improved, landscaped and made safe, as appropriate, so that it is a more welcoming public space.	
	2.6.76	Land take	Historic England has been provided with full justification for the need to dismantle the listed Earl de Grey public house. However it is our view that moving the listed portion of the building 3 meters from its current location (the Highways England position) is inadequate and inappropriate and will not secure or enhance its significance. Our preference is that the building, once demolished, is then partially rebuilt as part of the consented development	The Scheme requires dismantling of the grade II listed former Earl de Grey public house. A recent planning and Listed Building Consent was granted by Hull City Council (reference 19/00334/LBC) from a third party for the development of land to the north of A63 Castle Street and south east of Waterhouse Lane. This includes for the demolition and partial rebuilding	Not agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
			<p>proposal. We are aware that negotiations are ongoing between Highways England, Hull City Council and the developer to deliver the consented scheme for the Earl de Grey and we are happy to facilitate and engage in these discussions as necessary. It is essential that any conclusion to these discussions includes clear directions for the implementation of the agreement and there is a provision to make the consented option the preferred choice (making the Highways England 3 meter option null and void in order not to compromise the DCO). We have made our position clear that it is essential to ensure that provisions are in place to secure the future of the asset before the close of the DCO (Written Reps Section 6 2 and para 7 2.6; para 2.2 Responses to ExAs Questions, para 2.2 Comments on Applicant's responses; and para 2.2 Responses to ExAs Further Questions)</p>	<p>of Earl de Grey public house, erection of link extension to Castle Buildings and Earl de Grey, and refurbishment, reconfiguration of, and external alterations to Castle Buildings</p> <p>Highways England are seeking an agreement with the building's owners in order to facilitate this new development. Heads of terms are being agreed currently and a legal agreement is expected to follow.</p> <p>In the event this agreement is signed the building's owners will complete the work to relocate the building in line with their planning permission and Highways England's construction programme.</p> <p>The DCO will also include a requirement for Highways England to agree a method statement with Historic England and Hull City Council in the event Highways England undertake any of the work to the Earl de Grey, this method statement will clearly demonstrate the</p>	

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				programme for the works which will not take place until necessary.	
	2.6.85	Environmental mitigation	Outline proposals agreed 20 December 2017	Outline proposals for the landscape treatment of the remaining area of TBG have been discussed with the Church and will also be discussed with HCC's Building Conservation Officer and Public Open Space / Parks Officer. The works will be undertaken under the terms of the Faculty.	Agreed
Chapter 8: Cultural Heritage	8.8.4 – 8.8.8	Cultural heritage	The suggested areas of Off Line and On Line archaeological opportunity are agreed 20 November 2017. However, Historic England require that the archaeological strategy outlined in the ES for Off Line and On Line elements of the scheme is redrafted to address our comments on its current unsatisfactory content (as stated at paras 6.6 and 7.6 in our Written Representations; para 2.5 in our Responses to Ex As Questions 01/042019).	In addition to TBG, the following potential opportunities for archaeological mitigation works have been identified Off-Line Area to the west of Spruce Road - current activities within or adjacent are such that given their archaeological potential / depth of impact, archaeological works in advance of construction is not justifiable Humber Dock Street (southern defence trench) - works completed Princes Dock Street (northern	Under discussion

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				<p><i>defence trench)</i></p> <p>On-Line</p> <p>Humber Dock Street (other areas) - available data indicates archaeological potential is limited. Archaeological works unlikely to provide meaningful results given the anticipated extent of truncation. Watching brief during construction proposed, with allowance for the investigation of archaeological assets should they be encountered.</p> <p>Areas of highways construction where depth of impact is up to 6m (excluding area for Mytongate re-configuration) - potential for evidence of the settlement of Wyke and Myton. Advance archaeological works as part of the Scheme is proposed in area of land west of the TBG and prior to construction of new pumping station. This would involve archaeological excavation of the footprint of the pumping station and any required earth-</p>	

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				<p>movement to the depth of archaeological horizons estimated at between 1.5m to 2.0m below the current ground level. Watching brief also proposed during construction phase for these areas.</p> <p>Former gaol site (adjacent to north side of TBG) - addressed by the Project Design for the clearance and archaeological works in TBG.</p> <p>Area for deeper excavation (Mytongate reconfigured) - soil treatment will be required to enable excavation of soils for construction. It is currently proposed to involve grout injection of soil on a grid system to enable their excavation at depth, rendering the soils inappropriate for archaeological investigation during construction.</p> <p>A63 carriageway between Humber Dock Street and Princes Dock Street - projected line of the Civil War defences. Deposits within the carriageway likely to have been excavated and any remains not anticipated to survive in good</p>	

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				<p>condition Survival of resources within the area of the works and expected depth of excavation required is unlikely to expose significant archaeological resources. Watching Brief proposed during construction.</p> <p>Humber Dock Street to the end of the Scheme - Watching Brief incorporating an allowance for the investigation of any archaeological resource will be required. Potential to impact programme if resources encountered.</p>	
	8.8.4 – 8.8.8	Cultural heritage	<p>At a meeting on 6 September 2018 Historic England raised point that mitigation relating to the scheduled monument Beverley Gate had not been specifically discussed at previous Cultural Heritage Liaison Group meetings.</p> <p>Historic England is aware that a utilities workshop was held to define the works within the Beverley Gate scheduled area, but have yet to receive official confirmation of the conclusions and outcomes of this meeting. Generally:</p>	<p>The potential impacts to Beverley Gate are addressed in the Environmental Statement and relate to temporary construction works and the proposed diversion routes for statutory utilities. The Scheme boundary in the area around Beverley Gate remains unchanged from that provided for the public consultation in January 2017.</p> <p>A utility diversions for the Scheme is required in the area of the scheduled monument. Highways England have</p>	Under discussion

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
			i) There needs to be reference to our comments on the ES and the confusion in the archaeological strategy documents, and ii) There needs to be reference to the Conservation Area.	engaged with the utility company to agree that the diversion works will be no deeper than 0.5m below ground level which is excluded from the current listing for Beverley Gate scheduled monument, The requirement for targeted Archaeological Watching Briefs during construction includes the area of the scheduled monument Beverley Gate. We note that the grant of development consent should remove the need for certain separate consents, including those under the Ancient Monuments and Archaeological Areas Act 1979 and Planning (Listed (as amended)).	
	8.8.9	Cultural heritage	Historic England cannot support the dismantling of the listed building until such time as the mechanism to agree its amalgamation into the consented development scheme is defined, or, failing that, agreement is reached with Highways England that the building will not be demolished until absolutely necessary.	The feasibility report for the Earl de Grey public house highlights the technical challenges, cost and limitations in either jacking and moving or dismantling and rebuilding the Earl De Grey. Highways England preferred option would be to archaeologically record, dismantle and store the listable elements of the Earl de Grey	Under discussion

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
			<p>Our concern is that if the implementation of the consented development scheme is not agreed before the conclusion of the Examination there is a risk that the Earl de Grey will be demolished by Highways England. The options then are that the building is demolished and the listed remains are stored, or the building is demolished and the listed portion is rebuilt 3 meters from the carriageway, and then demolished a second time to be amalgamated into the consented development scheme. See above 2.6.76 for refs.</p>	<p>public house for future inclusion in an appropriate design / development within the existing locality. Re-construction would be subject to planning conditions imposed by HCC for any future development and would be undertaken by the owners of the Earl de Grey public house plot and not by Highways England.</p> <p>Highways England are working with the building's owners to help facilitate the new development.</p> <p>The DCO will include a requirement for Highways England to agree a method statement with Historic England and Hull City Council in the event Highways England undertake any of the work to the Earl de Grey.</p>	
Appendix 8.1 Baseline Report	2.4.29	Cultural heritage	<p>Historic England agree with the suggested population of the portion of the burial ground to be removed, but disagree with the suggested archaeological sample size (Written Reps</p>	<p>Appendix 8.1, 2.4.29 iterates that the likely buried population figure for that area of the TBG to be removed was established by the archaeological evaluation. This indicated that the majority of</p>	Not Agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
			section 6.5 and 7.5; para 2.4 Responses to ExAs Questions; para 2.4 Comments on Applicant's Responses)	articulated remains (~70%) were more than 25% complete and therefore considered suitable for osteological analysis. The excavation evaluation estimated that the total number of burials within the impacted area of the burial ground at around 16,000-19,000. This gives an estimated total number of exhumed articulated remains of around 11,200-13,300. A smaller sample size has been identified for on-site analysis, although Historic England disagree with the suggested size of this latter sample.	
Appendix 8.2 Gazetteer of assets	Table 2 1	Cultural heritage	Agreed 27 February 2018 that a programme of archaeological investigation and outreach is required as mitigation but see 2.4.29 above.	TBG is not a designated heritage asset but its historical value has high significance since it was the principal place of burial for the parish of Hull from 1783-1861. It is the opinion of Historic England that TBG is of national importance, with considerable archaeological, historical and social value. Given the impact of the Scheme on the burial ground and the high significance, a programme of archaeological investigation and outreach research is required as	Agreed

A63 (Castle Street Improvement, Hull)
Statement of Common Ground

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				mitigation.	
Appendix 8.6 A63 Castle Street Improvements - Kingston Upon Hull - Advance Archaeological Works Report: Holy Trinity Burial Ground			Historic England agree that there are no available burial plot records and a limited number of surviving gravestones and memorials. However although there are no available burial plot records and a limited number of surviving gravestones and memorials, Historic England disagrees with the analysis of the archaeological potential of the site. Historic England considers that the archaeological and historic significance of the burial ground is not reduced (See Section 6.5 and 7.5, para 2.4 Responses to ExAs questions; para 2.4 HE comments on applicants responses)	There are no available burial plot records and a limited number of surviving gravestones and memorials. The excavation evaluation found no depositum plates which were legible and at present it seems unlikely that a significant proportion of the assemblage could be identified as named individuals (at best 1-2%). This reduces the potential for examining specific family groups and case studies for individuals.	Not agreed
Appendix 8.7 A63 Castle Street Improvements - Kingston Upon Hull - Holy Trinity Burial Ground - Project Design for Main Phase			Agreed 27 February 2018, but see above 2.4.29	The tabled methodology for clearance and archaeological works for TBG includes an overall approach for the outreach and community engagement programme. This programme is designed to supplement the archaeology investigations given the reduced ability for examining specific family groups / individuals from the	Agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
Clearance of Burial Remains and Archaeological Works				archaeological sample. The overall approach for the outreach and community engagement programme is agreed at this stage and will be further developed by the Highways England prior to start of the construction.	
			Historic England agrees with the methodology for the clearance of the burial ground, but disagrees with the sample size (see above 2.4.29).	The tabled methodology for clearance and archaeological works for TBG details that all articulated human remains from the impacted area will be archaeologically recovered. The work will be undertaken under the terms of the Faculty. As well as osteological analysis on-site, sub-sampling will be undertaken for biochemical analysis (e.g. DNA, isotopic) which will involve destructive techniques to be conducted off-site. Detail is provided in the TBG Methodology for the Clearance of Burial Remains and Archaeology Works.	Not Agreed
			Agreed 20 December 2017	The tabled methodology for clearance and archaeological works for TBG details an overall approach for construction and physical works within the burial	Agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				ground. Historic England have no immediate concerns with the overall approach to the construction and physical works at this stage. Further detail will be developed by the contractor prior to start of the construction, including developing a detailed piling mat design and construction methodology to minimise potential for over compaction of underlying ground.	
			The tabled methodology for clearance and archaeological works for TBG allows for the osteological analysis of up to 1500 burials (or an estimated ~11% of burials suitable for analysis). Historic England do not consider this is be a large enough sample size to be statistically valid or within best practice guidelines. Historic England recommend the sample size to be between 2000-5000 burials (see above 2.4.29)	Highways England recognise that the sample size is not comparable to the recommended sample size given by Historic England and examples given in guidance developed by the wider heritage sector, Historic England and the Church of England. The sample size has been governed by views held by the Parochial Church Council and Diocesan Advisory Committee (DAC), as well as project constraints such as programme and cost against public benefit. It is the DAC and PCC who are responsible for agreeing the	Not agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				<p>Faculty submission to undertake the clearance works.</p> <p>Highways England have reviewed the costs for excavation, analysis and the outreach programme for the burial ground in relation to the overall project costs. These costs are considered proportionate and offer an appropriate level of mitigation in relation to the overall project costs.</p> <p>If burials were permitted to be sent for off-site analysis, Highways England acknowledges that external funding would be required to cover the biomolecular analysis. Costs for the exhumation / recovery, on-site analysis, reporting and reburial would however rest with Highways England.</p>	
			<p>The tabled methodology for clearance and archaeological works for TBG does not allow for the off-site storage of burials and subsequent off-site analysis. Historic England do not consider this to comply with best practice</p>	<p>Highways England recognise the Historic England position on off-site storage. The methodology has been governed by views held by the PCC and the DAC, as well as by project constraints such as programme and budget,</p>	Not agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
			<p>guidelines and would recommend off-site storage for up to 10 years to allow for the securing of future funding and research opportunities of the exhumed remains. This off-site storage period might be long enough to secure funding (typically 3 years) and undertake the analysis (e.g. a further 3 years) (see above 2.4.29).</p>	<p>and the practicalities of ensuring that reburial can be secured once the construction works have been completed and the remaining area of TBG landscaped.</p> <p>Highways England proposals involve the reburial of the exhumed remains within a dedicated strip in the remaining area of TBG. These are not being destroyed and would be available for future excavation and analysis by a third party beyond completion of the Scheme (subject to Faculty approval) if future funding was secured. Responsibility and guardianship for the analysis, return and appropriate reburial of remains within TBG would rest with the third party and not Highways England.</p>	
			<p>Although there are no available burial plot records and a limited number of surviving gravestones and memorials, the archaeological and historic significance of the burial ground is not reduced (see above 2.4.29)</p>	<p>Given that there are no available burial plot records and a limited number of surviving gravestones and memorials, this reduces the archaeological and historic value of the burial ground as it is unlikely that individuals will be identified.</p>	Not agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
		Market Place Crossings	<p>As at 20th August 2019, Historic England has yet to see any draft proposals for the location of the crossings, but we remain willing to work with Highways England and Hull City Council to resolve this new addition to the Scheme. We remain convinced that more can be achieved with sensitive design and landscaping to enhance the junctions between the A63 and the Old Town Conservation Area (see Section 6.8 and 7.8 of the Written Reps; Section 2.8, Responses to ExAs Questions; Section 2.8 Comments on Applicant's Responses to Historic England; Hearing Action Points: Issue Specific Hearing 5, Item 4, Responses to ExAs Further Questions)</p>	<p>A change has been requested to the east /west crossings at the Market Place and Queen Street. The scheme proposed uncontrolled crossings but Hull City Council have requested controlled crossings be used in these locations.</p> <p>Highways England are currently assessing if controlled crossings can be included, an economic assessment of the scheme has been conducted including these crossings however a safety assessment is now required. This assessment will look at the potential queuing caused in the off slip which is already a shorter than standard weaving lane from traffic joining and exiting the A63.</p> <p>If the assessment shows that controlled crossing can be there is potentially an impact on the Grade I listed King William statue. It is possible that the crossings may be moved closer to the statue.</p>	Under Discussion

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Position	Status
				<p>Highways England cannot provide the detail to make an assessment of the impact until a decision to include the controlled crossings had been made and a design of the crossings and their location is available.</p> <p>Highways England hope to soon be able to provide Historic England with more information to enable them to make an assessment.</p>	
		Landscaping in the conservation area.	Historic England considers that the current proposals for the enhancement of the landscape/public realm at the junctions between the Conservation Area and A63 could be more ambitious and delivered in a 'whole scheme' approach, in order to deliver greater public benefit (See para 2.6 Responses to ExAs Questions and para 2.8 Comments on Applicant's Responses to Historic England)	Landscaping across the scheme is the subject of ongoing discussions with Hull City Council in order to establish a design which is suitable but within the scheme budget.	Under Discussion

3.1.2 A summary of issues identified within the Outline Environmental Management Plan (OEMP) in relation to the Application is outlined in Table 3.2.

Table 3.2 Summary of issues discussed in the OEMP

OEMP Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Response	Status
Annex B: Register of Environmental Actions and Commitments (REAC)	Cultural Heritage	CH1 – archaeological investigation of archaeological trench on Princes Dock Street	Requirement for preservation by record of archaeological remains	Agreed	Agreed
	Cultural Heritage	CH2 – archaeological investigation within Trinity Burial Ground	Requirement for preservation by record of archaeological remains	Discussions are ongoing regarding the archaeological investigation within Trinity Burial Ground.	Agreed
	Cultural Heritage	CH3 – archaeological watching brief during construction of Princes Quay Bridge	Requirement for preservation by record of archaeological remains	Agreed	Agreed
	Cultural Heritage	CH4 – archaeological project design for main works and Old Town accommodation works	Requirement for preservation by record of archaeological remains	As stated in the REAC prior to and during construction, the Archaeological Project Design (APD) will be produced in consultation with the Local Authority Archaeological Advisor (Humber Archaeology Partnership on behalf of HCC) as part of the CEMP to cover the archaeological watching brief	Under discussion

OEMP Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Response	Status
				during the main works and Old Town.	
	Cultural Heritage	CH5 - archaeological project design for recording the Earl de Grey public house in advance of and during dismantling.	Requirement for preservation by record of built heritage remains	Discussions are ongoing regarding archaeological project design for Earl de Grey public house.	Not agreed

