



Department for Transport

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To named Interested Parties

20 January 2020

Dear Sir/Madam

Planning Act 2008 (as amended)

Application by Highways England (“the Applicant”) for an Order Granting Development Consent for the A63 Castle Street Improvement – Hull.

Request for comments from the Applicant, Affected Persons (Question 3), EPIC (No 2) Ltd (Question 6), Hull City Council (Question 7 & 8), Historic England (Question 8)

Earl de Grey Pub

1 Is the Applicant able to provide further details regarding the relocation of the Earl de Grey Public House including details of the reconstruction or partial reconstruction of the building and the method statement as would be required under Requirement 14(1) in Schedule 2 to the draft DCO should it be made? If so, please provide them.

Central Reserve Barrier

2 Is the Applicant able to provide further details and specifications regarding the central reserve vehicle restraint system of the type that would be required by Requirement 12(3). If so, please provide them.

Compulsory Acquisition and Related Matters

3 Can the Applicant provide an update on the status of negotiations with all Affected Persons (APs) where compulsory acquisition (CA) is proposed? This should be in the form of an updated Annex B to the Statement of Reasons provided with the Rule 17 Letter and it must include reference to APs whose land is subject to the acquisition of rights. In each case

where the status of negotiations remains “Not applicable” or “Agreement not sought” the applicant is asked to provide a reason in the table. If APs have any comments can they please set these out.

4 The Rule 17 Letter says, in relation to Trinity Burial Ground and Special Parliamentary Procedure (SPP), that the applicant wished to submit a further draft DCO prior to the end of the examination which will **reflect the removal of compulsory purchase powers relating to the open space plots contained in the application**. It said that this was being done to avoid SPP and that the applicant was in the process of completing an agreement with the landowner to acquire the land voluntarily. The Land Plans that were sent with the Rule 17 letter show that plot 3/9a has been removed from the scope of the Order, but plots 3/1bd and 3/1be and other smaller plots remain within the order limits and they are also shown on the revised Special Category Land Plan as being “special category land – open space to be permanently acquired”, and the Book of Reference also reflects that.

Could the Applicant:

- confirm that the plots mentioned above and which are shown as being special category land are open spaces which fall within section 131 of the Planning Act 2018?
- confirm that those plots remain subject to compulsory acquisition under the DCO and if so, explain why it has sought to remove article 34 from the draft DCO (and the relevant paragraphs in the preamble to the DCO relating to sections 131 and 132 of the Planning Act 2008) in its rule 17 response?
- confirm which subsections in sections 131 and 132 (if any) is the applicant relying on in relation to the acquisition of open space land (and rights over such land), to avoid SPP?
- explain, in the absence of powers to acquire the proposed replacement land compulsorily, how would that replacement land be secured in a way that would meet the requirements of section 131(4)(b), assuming that subsection is relied on?
- explain why plots 3/1bv and 3/1by are not included as special category land? If they were special category land, how would the applicant justify avoiding SPP?

If the Applicant is of the view that SPP does apply to the Order in the form appended to the Rule 17 letter, the Applicant is asked to confirm so, which would avoid responses being required to the questions in the first four bullets above.

5 Can the Applicant confirm that plot 5/10a is the only Crown Land subject to CA and that the Book of Reference, Crown Land Plans and Statement of Reasons will be amended accordingly. Has the Applicant obtained consent from the Ministry of Justice under section 135 of the Planning Act 2008 in relation to plot 5/10a?

EPIC (No 2) Ltd

6 Can the Applicant and EPIC (No2) Ltd provide an update on negotiations and whether an agreement has been signed regarding compulsory acquisition and temporary possession of land in relation to Kingston Retail Park.

Draft Development Consent Order (DCO)

7 The Secretary of State seeks the view of the Applicant and Hull City Council for an amendment to Schedule 2, Requirement 15 (Replacement Green Space) for inclusion in any DCO that might be granted in due course and that it should read:

Requirement 15

No works or other actions resulting in the loss of any part of the existing open space at the Trinity Burial Ground are to commence until—

- (a) details of the design of the replacement green space set out in Schedule 1, Work No.13 including hard and soft landscaping;
- (b) details of the phasing of the works; and
- (c) the method for and timing of the handover of the space to the local authority,

have been submitted to and approved by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

The works shall be carried out and the open space handed over to the local authority in accordance with the approved details.

8 The Secretary of State seeks the view of the Applicant, Hull City Council and Historic England for an amendment to Schedule 2, Requirement 16 (Beverly Gate Scheduled Monument) for inclusion in any DCO that might be granted in due course and that it should read:

Requirement 16

16.— (1) No works affecting the Beverly Gate Scheduled Monument may commence until a methodology and appropriate archaeological strategy for such works has been agreed with Historic England.

(2) All such works must be carried out in accordance with the agreed methodology and appropriate archaeological strategy.

(3) In this paragraph “works” has the meaning given in section 2(2) of the Ancient Monuments and Archaeological Areas Act 1979.

Responses to the matters outlined in this letter should be submitted by email to A63castlestreet@planninginspectorate.gov.uk. The deadline for responses is Monday 3 February 2020. If you will have difficulty in submitting a response by the consultation deadline, please inform the Case Team.

Your response will be published **as soon as possible** after 3 February 2020 at:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/a63-castle-street-improvement-hull/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the A63 Castle Street project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Colin Dunn