



**Request for comments from the Applicant,
Affected Persons, EPIC (No 2) LTD,
Hull City Council, & Historic England.**

Application by Highways England for A63 Castle Street Improvement Hull

Q	Question to:	Question:	HCC response:
Earl de Grey Pub			
1.	The Applicant	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.	<p>Although this request for information is not directed at Hull City Council, as local planning authority, the Council would appreciate the opportunity to comment on any forthcoming details in this respect.</p> <p>The Council is committed to working with the Applicant and Castle Buildings LLP to facilitate the implementation of planning and listed building consent approvals issued by the local planning authority for the relocation of the Earl de Grey PH on land adjacent to the order land.</p>
Central Reserve Barrier			
2.	The Applicant	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.	Although this request for information is not directed at Hull City Council, as local planning authority, the Council would appreciate the opportunity to comment on any forthcoming details and specifications in this respect.

Q	Question to:	Question:	HCC response:
Compulsory Acquisition and Related Matters			
3.	The Applicant, Affected Persons.	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.	N/A
4.	The Applicant	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	Although this request for information is not directed at Hull City Council, the Council can advise that plots 3/1bv and 3/1by on the Land Plans referred to do not constitute designated open space within the Hull Local Plan 2016-2032 (Adopted November 2017).

Q	Question to:	Question:	HCC response:
		<p>Category Land Plan as being “special category land – open space to be permanently acquired”, and the Book of Reference also reflects that.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> • 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? <p>If the Applicant is of the view that SPP does apply to the Order in the form appended to the</p>	

Q	Question to:	Question:	HCC response:
		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.	The Applicant	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?	N/A
6.	The Applicant, EPIC (No2) Ltd	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.	N/A
Draft Development Consent Order (DCO)			
7.	The Applicant, HCC	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:	<p>Hull City Council understand that the Applicant's provisional programme would require various works to be undertaken within the Trinity Burial Ground at a relatively early stage of scheme implementation, should the DCO be granted.</p> <p>Notwithstanding the Council's recognition of the need to secure the delivery of appropriate replacement open space, subject to interpretation of the wording of the proposed amendment to</p>

Q	Question to:	Question:	HCC response:
		<p>Requirement 15</p> <p>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—</p> <p>(a) details of the design of the replacement green space set out in Schedule 1, Work No.13 including hard and soft landscaping;</p> <p>(b) details of the phasing of the works; and</p> <p>(c) the method for and timing of the handover of the space to the local authority,</p> <p>have been submitted to and approved by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</p> <p>The works shall be carried out and the open space handed over to the local authority in accordance with the approved details.</p>	<p>Requirement 15, in particular <i>‘works or other actions resulting in the loss of any part of the existing open space...’</i>, the timeframes for agreeing details of design, phasing, and method and timing of handover could become constrained. Such constraint could prove challenging for the identification of optimal outcomes through discussion and negotiation with the Applicant, and for the Council’s own internal consultation and approval processes.</p>
8.	The Applicant, Hull City Council, Historic England	<p>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:</p> <p>Requirement 16</p>	<p>The requirement as currently worded recognises the importance of the scheduled monument and the associated principle that such monuments should be protected from negative development impacts, while at the same time, acknowledging a possible practical necessity that may lead to such impacts occurring as a consequence of the scheme proposals. Whilst the current draft requirement recognises that the monument could be negatively impacted by development, there is a clear intention to avoid this if possible, and if not, then to restrict such impact as far as possible.</p>

Q	Question to:	Question:	HCC response:
		<p>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.</p> <p>(2) All such works must be carried out in accordance with the agreed methodology and appropriate archaeological strategy.</p> <p>(3) In this paragraph “works” has the meaning given in section 2(2) of the Ancient Monuments and Archaeological Areas Act 1979.</p>	<p>HCC considers that the proposed amendment as drafted represents a shift in emphasis away from acknowledging this principle and the presumption in favour of preservation, with negative impacts anticipated but subject to mitigation, representing a presumption in favour of impactful development, with no evident limit to the extent of the impact of those works as defined by the 1979 Act referred to. Such a shift in emphasis is considered to have the potential to undermine the purpose and potency of scheduling, increasing the risk posed by the scheme to the retention of the monument’s heritage significance, at odds with its legal status and national guidance on the treatment of scheduled monuments within development schemes.</p>