



# Department for Transport

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To named interested parties

27 February 2020

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Dear Sir/Madam

## **Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010**

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

The Secretary of State seeks further clarification and information from Highways England and EPIC (NO 2) Ltd (Question 1) on the following matters:

#### **1 EPIC (No 2) Ltd**

The Secretary of State requests an update from the Applicant and EPIC (No2) Ltd on the status of their negotiations regarding compulsory acquisition and temporary possession of land in relation to Kingston Retail Park.

If an agreement has not been signed, the Secretary of State requests the views of the Applicant and EPIC (No2) Ltd regarding the additional requirements and protective provisions set out in the attached Annex for inclusion in any DCO that may be granted by the Secretary of State.

The Applicant indicated in their response to our consultation letter of 20 January 2020 that they were checking whether Unit 1B Kingston Retail Park was Bona Vacantia land with EPIC (No2) solicitors. The Secretary of State requests an update from the Applicant and EPIC (No2) Ltd on the latest position.

## **2 Non motorised route plan**

Article 11(10) of the draft DCO makes reference to the non-user motorised route plan. The Secretary of State requests confirmation from the Applicant that this plan should be added to Schedule 9 “Documents to be certified”.

## **3 Open space land**

In responding to the Secretary of State’s consultation letter of 20 January, the Applicant requested that article 34 (special category land) be reinstated into the draft DCO, and provided a draft article. Paragraph (5) of the draft article lists plots 3/9a, 3/1bv and 3/1by in the definition of “special category land”. Plot 3/9a is shown as “not used” in the book of reference and plots 3/1bv and 3/1by are the two plots that the Applicant indicated are not open space. The Applicant’s response to the previous consultation also identified a different set of plots as open spaces for the purposes of section 131 and section 132 of the Planning Act 2008, and in the updated book of reference there is a further different set of plots which are listed as being “special category land: open space land to be acquired or used permanently”.

The Secretary of State requests that the Applicant confirms which plots should be mentioned in the definition of “special category land” in proposed article 34(5), and in particular whether this should include all the plots listed in the book of reference as being “special category land: open space land to be acquired or used permanently”.

In the definition of “the special category (rights) land” in proposed article 34(5), plot 3/9b is referred to but this is shown as “not used” in the updated book of reference. The Secretary of State requests confirmation that the plots which are listed in the book of reference as being “special category land: open space land to be occupied or used temporarily and rights to be acquired” should be identified in this definition.

The Secretary of State notes that the proposed definition of “the replacement land” in draft article 34(5) includes plot 3/1v which is not shown in the updated book of reference as replacement land, and does not include plot 3/1za which is shown in the book of reference. The Secretary of State invites the Applicant to confirm whether these plots, or any others, should be included within this definition.

## **4 Felling or lopping of trees**

The Secretary of State is concerned to ensure that the loss of trees is limited to those included within the Environmental Statement and is thus proposing to amend article 35 of any Development Consent Order that might be granted by the Secretary of State. The amended article proposed is:

### **Felling or lopping of trees and removal of hedgerows**

1.—(1) The undertaker may fell or lop any specified tree or any shrub within or overhanging land within the Order limits (other than a tree which is the subject of a Tree Preservation Order), or fell, lop or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

...

“specified tree” means a tree which is shown as a tree to be removed on the drawing with drawing title “Volume 2 Figure 9.9 Tree Removed Proposals” in the environmental statement.

Responses to the matters outlined in this letter should be submitted by email to [A63castlestreet@planninginspectorate.gov.uk](mailto:A63castlestreet@planninginspectorate.gov.uk) The deadline for responses is Tuesday 10 March. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published **as soon as possible after the 10 March 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

**ANNEX**

<b>Requirement</b>	
<b>R10</b>	<p><b>Add the following to R10 and renumber any cross-references as necessary</b></p> <p>(2) The Traffic and Transport Management Plan to be submitted to the Secretary of State for approval under paragraph (1) must make provision for traffic modelling and a traffic scheme (“the Daltry Street scheme”) in respect of the operation of the Daltry Street roundabout and the route along English Street to Kingston Street during the construction of the authorised works. The Daltry Street Scheme must include, as necessary, appropriate improvement works to roads and junctions and a timetable for any works or other measures.</p> <p>(3) The Traffic and Transport Management Plan to be submitted under paragraph (2) must include vehicular and pedestrian signage including signage for the Kingston Retail Park to customers from the A63 eastbound via the Daltry Street / Madeley Street / Rawling Way / Hessele Road Roundabout, Daltry Street, Jackson Street and English Street.</p>
<b>Additional Requirement: Pedestrian Routes during the construction period</b>	<p><b>Add the following new Requirement after R16 and renumber all subsequent Requirements and cross-references accordingly</b></p> <p><b>Pedestrian route at Mytongate Junction</b></p> <p>A direct pedestrian route from Ferensway to Commercial Road or the Kingston Retail Park at the Mytongate Junction must be retained open for public use during the carrying out of the authorised works unless the Secretary of State, following consultation with the relevant planning authority on matters relating to its function, gives consent to any variation. In considering whether to give such consent, the Secretary of State must have regard to any mitigation measures proposed by the undertaker, including, but not limited to, the provision of a regular shuttle bus service between those destinations.</p>
<b>Additional Requirement: Access to properties off Spruce Road</b>	<p><b>Add the following new Requirement after R16 and renumber all subsequent Requirements and cross-references accordingly</b></p> <p><b>Spruce Road</b></p> <p>Spruce Road must not be stopped up, nor its use by frontagers restricted, until:</p> <p>(a) Alternative vehicular access, suitable for articulated heavy goods vehicles up to 16.5m long for premises served by Spruce Road has been provided via Lister Street; and</p> <p>(b) Parking on Lister Street has been controlled by a Traffic Regulation Order to allow the safe and convenient passage of such heavy goods vehicles.</p>

## Protective Provisions

No	
1	<p>After Part 2 of Schedule 8, add a new 'Part 3: For the protection of the interests of EPIC (No.2) Limited and the occupiers of the Kingston Retail Park'</p> <p>Add new protective provisions as follows:</p> <p>For the protection of EPIC (No.2) Limited and the occupiers of the Kingston Retail Park, the following provisions have effect, unless otherwise agreed in writing between the undertaker and EPIC (No.2) Limited.</p> <p>Access must be maintained to both service yards at Kingston Retail Park for vehicles up to 16.5m articulated HGVs at all times (24 hours a day, seven days a week) during the construction of the authorised development.</p>
2	<p>Add a new protective provision to the new Schedule 8, Part 3 as follows: The undertaker must take reasonable steps to minimise the extent and duration of temporary possession of the Kingston Retail Park service yard and car park.</p>
3	<p>Add a new protective provision to the new Schedule 8, Part 3 as follows: Prior to taking possession of plot 3/5a or 3/5b, the undertaker must agree the temporary arrangement of the Kingston Retail Park service yard and car park with EPIC (No.2) Limited and must carry out the agreed works, in accordance with an agreed timetable.</p>
4	<p>Add a new protective provision to the new Schedule 8, Part 3 as follows: Prior to the completion of Work No 15, the undertaker must agree the permanent layout of the Kingston Retail Park service yard and car park with EPIC (No.2) Limited and must carry out the agreed works, in accordance with an agreed timetable.</p>
5	<p>Add a new protective provision to the new Schedule 8, Part 3 as follows: The undertaker must reinstate permanent level pedestrian access to the Kingston Retail Park from the Mytongate Junction in agreement with EPIC (No.2) Limited and prior to the completion of Work No 15.</p>
6	<p>Add a new protective provision to the new Schedule 8, Part 3 as follows: The undertaker must relocate the two existing totem poles on the Kingston Retail Park, during the works period and after completion of the works, to locations agreed with EPIC (No2) Ltd. The poles must be reinstated within 14 days of their removal.</p>
7	<p>Add a new protective provision to the new Schedule 8, Part 3 as follows: The undertaker must agree with EPIC (No.2) Limited on the design and finish of the hoarding to be erected by the undertaker on the Kingston Retail Park. The A63-facing side the hoarding must contain a combination of Kingston Retail Park and Highways England panels. The side of the hoarding facing the Kingston Retail Park car park and service yard must have a facing as designed and agreed by EPIC (No.2) Limited.</p>