



Our ref: A63 Castle Street Improvement, Hull  
Your ref: TR010016

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By Email [A63castlestreet@planninginspectorate.gov.uk](mailto:A63castlestreet@planninginspectorate.gov.uk)

Dear Mr Dunn,

**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.**

Thank you for your letter dated 27 February 2020 requesting further information regarding the status of the scheme. Please find below our response to your letter:

**1. Epic (No.2) Ltd**

The Applicant confirms that the conditional Agreement with Epic (No.2) Limited has been agreed regarding the compulsory acquisition and temporary possession of land at Kingston Retail Park and that engrossments have now been prepared and circulated to the parties for execution. It is anticipated that the Agreement will be completed within the next 14 days and in any event as soon as possible.

The protective provisions set out at the Annex to the Secretary of State for Transport’s letter of 27 February have been broadly incorporated into the Agreement for the purposes of robustness and do not therefore require to be separately incorporated into the DCO as it is the intention of the parties to enter into the Agreement.

The Applicant’s solicitors have liaised with Epic (No.2) Limited’s solicitors regarding the former ownership of Unit 1B and Epic (No.2) Limited’s solicitors have confirmed that Unit 1B was not bona vacantia land. They have confirmed it was previously let to ‘Toys R Us Limited’ (the lease was registered under title HS208795) and the lease was surrendered on 27 July 2015.”

## **2. Non motorised route plan**

Yes, this plan has now been included in the updated Schedule 9 in the draft DCO accompanying this response document.

## **3. Open space land**

The updated DCO accompanying this response document has been updated at article 34 to correspond with the plots set out in the Book of Reference in relation to open space which are correct.

For clarity, the plots that are to be acquired under s.131 Planning Act 2008 are: 3/1bd, 3/1be, 3/1zk, 3/1ag, 3/1zd, 3/1zg, 3/1zi, 3/1k.

The plots for which rights only are to be acquired, under s.132 Planning Act 2008 are: 3/1af, 3/1zc, 3/1zf, 3/1l.

The plots that make up the replacement land are: 3/1s, 3/1y, 3/1aa, 3/1za.

There are three additional open space plots that the Applicant will be occupying or using temporarily: 3/1ai, 3/1zb and 3/1n.

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

The purpose of article 35 is provide the Applicant with a small degree of flexibility when undertaking the construction of the scheme. Article 35 would allow the Applicant to fell or lop trees only where they would interfere with the construction, maintenance or operation of the scheme. However, this power is curtailed by the requirement in article 35(2) to ensure that 'no unnecessary damage' to any trees must be done. For example, the Applicant can only exercise this power where it considers it would be necessary. In practice, if this power is not included in the DCO, the Applicant will still need to undertake such works to the trees in question (as the works would be only those necessary to prevent interference with the construction, maintenance or operation of the scheme).

Therefore, the Applicant may have to seek consent for such works outside of the DCO which could cause a delay to the construction timetable and, if consent is not granted, cause disruption to the scheme going ahead.

It is the Applicant's intention that the only trees to be affected would be those that have already been identified in the Environmental Statement, however, this article has been drafted more widely in order to take account of any potential issues that

may come to light with trees that were not previously identified or that make have not previously posed an issue but have changed or grown since the assessment.

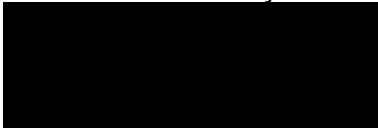
Therefore, the Applicant considers that the article should remain as drafted in order to ensure efficient and manageable construction of the scheme.

In addition, please find attached to this letter the following documents:

- A63 Castle Street Improvement Hull DCO - Master Copy
- A63 Castle Street Improvement Hull DCO - Master Copy with tracked Changes

If you have any queries, please do contact me at your earliest convenience.

Your sincerely



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