

Application by Highways England for A63 Castle Street Improvement-Hull

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 1 April 2019

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 22 February 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A63CastleStreet@PlanningInspectorate.gov.uk and include 'A63 Castle Street Improvement-Hull' in the subject line of your email.

Responses are due by **Deadline 2: Friday 10 May 2019**.

ExQ1: 1 April 2019
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Abbreviations used

PA2008	<i>The Planning Act 2008</i>	LIR	<i>Local Impact Report</i>
Art	<i>Article</i>	LPA	<i>Local planning authority</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MP	<i>Model Provision (in the MP Order)</i>
BoR	<i>Book of Reference</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) Order 2009</i>
CA	<i>Compulsory Acquisition</i>	NN NPS	<i>National Policy Statement for National Networks</i>
CPO	<i>Compulsory purchase order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
dDCO	<i>Draft DCO</i>	R	<i>Requirement</i>
EM	<i>Explanatory Memorandum</i>	SI	<i>Statutory Instrument</i>
ES	<i>Environmental Statement</i>	SoS	<i>Secretary of State</i>
ExA	<i>Examining authority</i>	TP	<i>Temporary Possession</i>
HCC	<i>Hull City Council</i>		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010016/TR010016-000261-Examination%20Library%20A63%20Castle%20Street.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1	Question to:	Question:
1.0	General and Cross-topic Questions	
1.0.1	Applicant	<p>Scheme objectives</p> <p>4 objectives have been identified:</p> <ul style="list-style-type: none"> • Improve access to the Port of Hull • Relieve congestion • Improve safety • Improve connections between the city centre to the north and developments and tourist and recreational facilities to the south. <p>To what extent will each of these objectives be met? Given the very general nature of these objectives, how can the success or otherwise of the scheme be evaluated? Are there any meaningful comparisons that can be made with other schemes to assist in evaluating the benefits of this scheme?</p>
1.0.2	Applicant	<p>Planning policy</p> <p>Please confirm that all of the information provided in the submission documents relating to the legal and policy framework is complete and up to date. If there have been any changes or additions, or if any changes are anticipated within a timescale that might be relevant to the consideration of this scheme, please provide details. Please provide details of any relevant changes that take place in respect of these matters throughout the examination and ensure that the information is fully up to date at its close. It is acceptable to cross-refer to existing or new documents rather than duplicating information as appropriate, provided this matter is fully addressed.</p>

ExQ1	Question to:	Question:
1.0.4	Applicant	<p>Environmental Statement – Lifetime of Development</p> <p>Please clarify the lifetime of the Proposed Development. Section 2.10.4 of the ES suggests this is 60 years, but then states that no decommissioning stage has been planned, suggesting the scheme shall last in perpetuity. The EA has raised that the modelling report for the Climate Change assessment extends to 2115, and that the Applicant has previously alluded to a 120 year lifetime in discussions. Please also confirm the lifetime that has been assumed for the purposes of the assessments within the ES</p>
1.0.5	Applicant	<p>Environmental Statement – Cumulative Effects</p> <p>The assessment of cumulative effects in Chapter 16 of the ES does not provide a breakdown of the anticipated effect by receptor and instead provides an overall assessment with a finding at section 16.1.6 that moderate effects are anticipated. Can the Applicant please provide information to address this and explain the method applied to assess cumulative effects to individual receptors and how these combine to result in an overall assessment of moderate adverse?</p>
1.0.6	Applicant	<p>Environmental Statement – Mitigation</p> <p>Please provide a list of all mitigation/ management plans relied upon for the purposes of the ES in support of the Proposed Development. The Applicant's response should address the fact that the list of plans noted in the Register of Environmental Actions and Commitments (REAC) appears to be different to those secured in the dDCO, and should therefore identify, for the avoidance of doubt, how all plans relied on for the purposes of mitigation are to be secured.</p>

ExQ1	Question to:	Question:
1.0.7	Applicant	Environmental Statement – Residual Effects Please provide a justification as to why each of the significant residual effects identified could not be further mitigated, and the steps that have been taken to date to attempt to reduce these effects as far as possible.
1.0.8	Applicant	Environmental Statement – Assumptions and Limitations Please confirm the limitations and assumptions that are applicable to the assessment of both cultural heritage and noise and vibration.
1.0.9	Applicant	Environmental Statement – Porter Street Bridge Section 2.6.38 of the ES states that the width of Porter Street Bridge is 3m. The Structure Details Plan provided as part of the engineering drawings shows that this is the width of the bridge between parapets, with the overall width being 3.5m. Please can the Applicant confirm the dimensions of the Porter Street Bridge that have been used for the purposes of the assessments within the ES, and explain any discrepancy between these dimensions and those that are secured by the dDCO.
1.0.10	Applicant	Habitats Regulations Assessment The Applicant's screening report suggests that impacts to the European site will be managed through a network of on-site attenuation features to retain surface water run-off. Can the Applicant explain what these features are and include details of where they are to be located and how they will operate? The Applicant should also explain what confidence it has in the overall efficacy of such measures to reduce impacts on the European site to a level that would avoid effects on integrity.
1.0.11	Applicant	Habitats Regulations Assessment Please comment on whether, in reaching the conclusion an Appropriate Assessment is not necessary, regard was had to the judgment in People

ExQ1	Question to:	Question:
		over Wind and Sweetman v Coillte Teoranta (C-323/17) and also the reliance placed on measures included in the drainage design of the Proposed Development.
1.0.12	Applicant	Other consents Section 4 of the Outline Environmental Management Plan indicates that the applicant will need Listed Building Consent and Scheduled Monument Consent for the scheme. It appears that this may be incorrect, having regard to the provisions of s33 of the 2008 Act. Could you please review the OEMP in the light of this and ensure that it accurately and completely identifies the additional consents that are needed.
1.1.	Air Quality and Related Emissions	
1.1.1.	The Applicant, HCC	Objectives <ul style="list-style-type: none"> Why wasn't improvement in air quality an objective of the scheme, given its location in an Air Quality Management Area? Should it have been an objective? In the absence of a specific objective, what is the minimum the scheme should seek to achieve in terms of air quality and would it achieve it?
1.1.2.	The applicant, HCC	Measures to improve air quality Are there any measures, either physical works or operational matters, which could be taken to improve air quality and/or mitigate the effects of the scheme?
1.1.3.	The Applicant	Environmental Impact Assessment – Receptor sensitivity An assessment of value/ sensitivity of receptors is provided at section 6.5.57 of the ES, but as per Table 6.5 of the ES it appears that the assessment of significance is based on magnitude of change criteria only.

ExQ1	Question to:	Question:
		Please provide an explanation of how the sensitivity of receptors has been taken into account in the overall assessment of significance for this aspect.
1.1.4.	The Applicant	Environmental Impact Assessment – Change magnitude Paragraph 6.5.59 states “sensitive receptors that have a reasonable risk of exceeding an air quality threshold have been assessed in both the Do Minimum and Do Something scenario” in assessing the magnitude of change criteria. Please can the Applicant confirm how this “reasonable risk” of exceeding an air quality threshold was assessed, and how it arrived at its decision as to which sensitive receptors met this test.
1.1.5	The Applicant	Environmental Impact Assessment – Mitigation Paragraph 6.7.1 of the ES provides a list of the construction mitigation measures that are to be secured through the OEMP and form part of the CEMP. However, this list does not include the construction traffic management measures outlined at Table 6.3 of the ES, and no reference is made as to how these measures will be secured. Please confirm how those mitigation measures outlined in Table 6.3 of the ES are to be secured.
1.2.	Biodiversity (including Habitats Regulations Assessment (HRA))	
1.2.1.	Applicant	Bird nesting season Should the bird nesting season within the OEMP be defined? If so, what should it be?
1.2.2.	Applicant	Non-statutory Sites The key on the Environmental Statement Figure 10.2 (non-statutory designated site) is incorrect, as already mentioned within the S56 advice. Please provide a new Figure 10.2 to address the issues identified at acceptance.

ExQ1	Question to:	Question:
	Applicant	<p>Non-Statutory Sites Not all non-statutory sites located within 2Km of the Proposed Development have been included in the assessment. For example, the mudflats to the south of Sammy's point is discounted but it is located only 250m from the Proposed Development. Please explain the rational for this.</p>
1.2.3.	Applicant, Natural England	<p>Breeding Bird surveys</p> <ul style="list-style-type: none"> • Please explain the rationale behind the decision to concentrate four breeding bird visits between May and June 2016. Can the Applicant be sure that this would not result in the underestimation of bird numbers present on site? • Neptune Street site compound is also considered suitable for breeding birds, but no breeding bird surveys have been conducted at this location. The ES states that the compound at Neptune Street was added to the project after the surveys were conducted. What certainty can there be that the likely significant effects have been identified correctly in view of this omission? • Can the Applicant please advise whether there is any functional link between Neptune Street and the Humber Estuary in terms of both wintering and breeding birds? • Can the Applicant engage with Natural England and provide evidence that there is agreement that the level of surveys conducted is enough to reach the conclusions that the project will not have a likely

ExQ1	Question to:	Question:
		significant effect on birds present within the Humber Estuary all year around?
1.2.4.	Applicant	<p>Wintering Bird surveys</p> <ul style="list-style-type: none"> • Can the Applicant explain why wintering bird surveys were conducted only during January and February 2017, contrary to the recommended methodology included at, Appendix 10.3 para 5.3.1 of the Environmental Statement? • Please provide evidence that the concentration of survey effort within only two months has not led to the underestimation of the site's importance for wintering birds. Could this have altered the results of the Likely Significant Effects assessment? • Please explain the extent to which the assessment of impacts on birds takes into account behavioural patterns linked to the tidal regime.
1.2.5.	Applicant, Natural England	<p>Potential Bat Roost - Earl de Grey public house</p> <ul style="list-style-type: none"> • The Applicant has assumed there is no bat roost present at the Earl de Grey public house. However, this finding is based on a survey which is not in line with the 2016 Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition. Can the Applicant explain the confidence it has in this assumption and what mitigation measures are in place in the event that the assumption is found to be incorrect? • Can the Applicant provide evidence that Natural England would provide a disturbance licence in the event that the assumption that no bat roost will be affected is proved to be incorrect?

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Is there a need for any further bat surveys at the building?
1.2.6.	Applicant	<p>Impact Assessment</p> <p>Potential impacts are summarised at Table 10.9 of the ES. The Table does not clearly differentiate between construction and operational impacts. Please provide an explanation of the impacts listed in Table 10.9, clearly separating potential impact emerging from construction and operations.</p>
1.2.7.	Applicant	<p>Biodiversity – NN NPS</p> <p>Paragraph 5.33 of NN NPS indicates that, when considering a proposal, the SoS should consider whether the Applicant has provided opportunities for building in beneficial biodiversity or geological features as part of good design, in and around the development. Please explain how the proposal addresses this and how any gains would be measured and secured.</p>
1.2.8.	Applicant	<p>Mitigations measures</p> <p>As part of compensation for the loss of mature trees within Trinity Burial Ground the Applicant is proposing to replant 55 larger native semi mature trees close to Trinity Burial Ground. Are any measures proposed for the event that the tree planting fails?</p> <p>Vegetation removal at Wellington Street Island Wharf, Neptune Street and Livingstone Road compounds would affect UKBAP habitat. How is it proposed that the proposed mitigation measures would be secured?</p>

ExQ1	Question to:	Question:
1.3.	Compulsory Acquisition and Temporary Possession	
1.3.1.	Applicant	<p>Annex B of the Statement of Reasons</p> <ul style="list-style-type: none"> The Applicant is requested to keep Annex B of the Statement of Reasons up to date. An updated version of the document, or a statement to the effect that there are no updates to be made, should be provided at each deadline identified in the examination timetable. The updates to the document should take account of the positions expressed in relevant representations and written representations, and reasons should be given for any additions or deletions. The final column of the Statement of Reasons - Status of objection and negotiations with land interest – is often filled in with the words, 'Not applicable'. It is not clear from this answer whether there is an objection or not, or whether any negotiations have taken place. Could a more informative answer please be given.
1.3.2.	Applicant	<p>National Trust Land</p> <p>The Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of the Planning Act 2008 (as amended) section 130 (s130 PA2008). This question should be responded to in the light of any ongoing due diligence in respect of land and should be responded to at any deadline up to the end of the examination, should circumstances as known to the Applicant change.</p>
1.3.3.	Applicant	<p>Crown land</p> <p>The Applicant is requested to provide and at each subsequent deadline to maintain and resubmit a table identifying any Crown land subject to PA2008 s135 with reference to the latest Book of Reference and the Land Plans and</p>

		to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s). Written evidence of consent(s) and explanations around consents should be provided.
1.3.4.	Applicant	Crown Land Paragraph 7.1.4 of the Statement of Reasons states that the Applicant is seeking compulsory acquisition powers in respect of 4 plots of land where the Government Legal Department, on behalf of the Crown, have an interest. Could you please clarify what compulsory acquisition powers are intended in respect of these plots, bearing in mind the limitations that apply to CA in respect of Crown Land?
1.3.5.	Applicant and Holiday Inn	Option and Impact Mitigation Deed Has a deed been discussed or agreed in respect of the Holiday Inn land? If a deed is agreed, how, if at all, should it be reflected in the DCO?
1.3.6.	Applicant and Princes Quay Retail/Estates/Development	Princes Quay Shopping Centre car park Will the operation of the Princes Quay multi-storey car park be affected by the development? If so, is any mitigation proposed?
1.4.	Draft Development Consent Order (dDCO)	
1.4.1.	All IPs other than the Applicant	Changes to the dDCO Please identify any changes to the dDCO that you seek, referring to Articles, Requirements and any other provisions as necessary, and where possible setting out your preferred drafting. Please explain what each proposed change aims to achieve and why it is necessary. Please cross-refer your response(s) to this question to your Relevant Representation, Written Representations and to answers to other questions in ExQ1 as necessary.
1.4.2.	Applicant	Flood Risk How are any flood risk mitigation measures and evacuation procedures to be secured? Should there be additional requirements within the DCO relating to flood risk measures?

1.4.3.	Applicant, HCC	<p>Article 2 Definition of 'Commence'</p> <p>The definition in the DCO currently has exclusions as follows:</p> <p>"other than operations consisting of archaeological investigations, environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements or installation of a site compound or any other temporary building or structure"</p> <p>How are these exclusions from the statutory definition of commencement justified and what are the practical implications, given that certain requirements of the DCO are triggered by commencement? Would it, for example, allow works such as the diversion and laying of services or the creation of a site compound to be carried out before any scheme to manage impacts from such works has been agreed? If so, is it appropriate for such works to be carried out free from such control?</p>
1.4.4.	Applicant, HCC	<p>Article 2 Definition of 'Maintain'</p> <ul style="list-style-type: none"> • Why is 'maintain' so widely defined? Can matters such as 'alter, removal or reconstruction' be reasonably regarded as maintenance? Is the definition clear enough, given that interpretation of it requires a judgement to be made about the likely environmental effects of the works proposed? • Does the Environmental Statement take proper account of the implications of 'maintain' as defined? • Should the maintenance power be limited to activities to the extent assessed in the ES, as, for example, in the Wrexham Gas Fired

		Generating Station ¹ DCO, which says, ‘‘maintain’’ includes to the extent assessed in the environmental statement inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part, but not the whole of, the authorised development’.
1.4.5.	Applicant	Article 8 Consent to transfer benefit of Order A8(4) of the A19/A184 Testos Junction Alteration ² DCO limits the permitted transfers of benefit to specific parties for the purposes of undertaking specific works. Should this approach be adopted here? Is the looser approach proposed for the A63 justified?
1.4.6.	Applicant	Article 10 Construction and maintenance of new, altered or diverted streets and other structures Should the text in A10(5)(f) be reformatted as a continuation of A10(5) rather than as a sub-paragraph?
1.4.7.	Applicant	Article 11 – Classification of roads etc Please consider the wording of Article 11 with the following in mind: 11(1)(b) – the classification of the road is not specified in the table as suggested. 11 (7) – the restrictions are specified in the title, not column 2 11 (8) – the restrictions are specified in the title, not column 2 11(9) – as worded, might this be interpreted as meaning that the cycle tracks and footways should not be open for use at an earlier date? Would it be clearer to say that they should be open for use ‘not later than....’? 11(10) as worded, might this be interpreted as meaning that the private accesses should not be open for use at an earlier date? Would it be clearer to say that they should be open for use ‘not later than....’? 11(11) should there be a requirement regarding when these are to be constructed and open for use?

¹ Ref: EN010055

² Ref: TR010020

1.4.8.	Applicant	Article 19 - Authority to survey and investigate the land Should the text in A19(6)(c) be reformatted as a continuation of A19(6) rather than as a sub-paragraph?
1.4.9.	Applicant	Article 21 - Compulsory acquisition of land – incorporation of the mineral code Should the text for substitution and replacement (“the acquiring authority” and “the undertaker”) be identified by quotation marks?
1.4.10.	Applicant	Article 25 - Application of Part 1 of the Compulsory Purchase Act 1965 Should the text in A25(3) of the Testos Junction Alteration ³ DCO be included here? Is there a reason for taking a different approach?
1.4.11.	Applicant	Article 29 - Temporary use of land for carrying out the authorised development The exclusion of the temporary possession provisions from the Neighbourhood Planning Act (NPA) 2017 in A2(7) is noted. However, given the parliamentary approval to the temporary possession regime under the NPA 2017, which was subject to consultation and debate before being enacted, should the current wording be modified to more closely reflect the incoming statutory regime where possible? As examples: <ul style="list-style-type: none"> • The notice period that will be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under article 29(2). Other than prior precedent, what is the justification for only requiring 14 days’ notice in this case? • Under the NPA 2017, the notice would also have to state the period for which the acquiring authority is to take possession. Should such a requirement be included in this case? • Powers of temporary possession are sometimes said to be justified because they are in the interests of landowners, whose land would not

³ TR010020

		then need to be acquired permanently. The NPA 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed temporary possession so that the landowner would have the option to choose whether temporary possession or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the NPA 2017?
1.4.12.	Applicant, HCC	<p>Article 34 - Special Category Land</p> <ul style="list-style-type: none"> • 34(2)&(3)– It appears that the land, rights and benefit of restrictive covenants would vest in the undertaker as soon as the undertaker has acquired the replacement land and a scheme for the provision of replacement land is received. What will be the purpose and nature of the scheme for the provision of the replacement land and what controls will be in place to ensure that it is satisfactory and that it will be implemented within an appropriate timeframe? • 34(4) – would the recipient of the replacement land have any control over the condition of the land or the moment of its being handed over? If not, should the DCO be amended to address this?
1.4.13.	Applicant, HCC	<p>Article 35 - Felling or lopping of trees and removal of hedgerows</p> <ul style="list-style-type: none"> • Is such a broad power necessary and justified? • Should all significant trees and hedgerows to be lost have been identified by the time the scheme is finalised? • Is this Article compatible with Requirement 5, which requires a landscaping scheme which includes details of existing trees to be retained, with measures for their protection during the construction period? Would that requirement afford any protection to trees to be retained if Article 35 remains in its current form?
1.4.14.	Applicant	<p>Article 36 - Removal of human remains</p> <p>36(3)(b) - How long does the notice have to be displayed for? Should a period be specified?</p> <p>36(6) - Should the word 'the' be added before 'remains'?</p>

1.4.15.	Applicant	<p>Article 39 - Statutory Nuisance</p> <p>Is Article 39 (Defence to proceedings in respect of statutory nuisance) of the Draft DCO consistent with the conclusion of the Statement of Statutory Nuisance (APP-063) that, with mitigation measures in place, none of the statutory nuisances identified in section 79(1) of the 1990 Act are predicted to arise on this Scheme? If the Statement of Statutory Nuisance is correct, is, for example, A39(1)(b) necessary?</p>
1.4.16.	Applicant	<p>Article 45 – Crown Rights</p> <p>Should the current A45(1)(b) to (d) be renumbered as A45(1)(a)(i) to (iii)?</p>
1.4.17.	Applicant and the Crown Estate	<p>Article 45 – Crown Rights</p> <p>Can the Applicant provide evidence that the form of this article been agreed by the Crown Estate in relation to this project?</p>
1.4.18.	Applicant	<p>Schedule 2, Requirement 4 - Construction and handover environmental management plan</p> <p>4(2)(c)(vi) – should 'and' be replaced with 'or'?</p> <p>4(2)(c)(vii) – should 'local authority' be replaced with 'local planning authority'?</p> <p>Would 4(2)(c)(vii) be better expressed as a continuation of 4(2) (c) and starting 'unless otherwise....'?</p>
1.4.19.	Applicant, HCC	<p>Schedule 2, Requirement 5 – Landscaping</p> <p>Should a timescale for the submission of the landscaping scheme be specified? As drafted, would Requirement 5 give any control in the event that no landscaping scheme were submitted?</p>
1.4.20.	Applicant, HCC	<p>Schedule 2, Requirement 6 - Contaminated land and groundwater</p> <ul style="list-style-type: none"> • Should there be a requirement to halt works if contamination is found? • Should timescales relating to the remediation programme be imposed? • What would be the effect of the Requirement in the event that the Secretary of State were not satisfied with the submitted remediation scheme?

1.4.21.	Applicant	Schedule 2, Requirement 7 7(4) –Is the reference to ‘and under any necessary licenses’ necessary? What kind of licences might they be?
1.4.22.	Applicant, HCC	Schedule 2, Requirement 9 – Archaeological remains 9(4) – Given the wording of 9(5), should ‘reported to’ be changed to ‘notice served on’ to ensure clarity and consistency? 9(6) - Could the wording, ‘to be submitted in writing to, and approved in writing by, the relevant planning authority’ be interpreted as meaning that the planning authority is required to approve the submitted scheme?
1.4.23.	Applicant	Schedule 2, Requirement 12 – Fencing Can the words ‘temporary and permanent’ be removed? Alternatively, since the fencing cannot be both temporary and permanent, should ‘and’ be replaced with ‘or’?
1.4.24.	Applicant	Schedule 2, Requirement 13 - Applications made under requirements 13(1) – as drafted there is no indication of which time period is preferred out of (a) and (b). Does this need to be addressed (perhaps by referring to whichever is the later of the 2 dates)?
1.4.25.	Applicant	Schedule 3 - Classification of roads etc Part 2 - Column 2 does not specify the classification – see comments relating to Article 11.
1.4.26.	Applicant	Schedule 4 - Permanent stopping up of streets and private means of access Part 3, Column 1 – the 3rd item down on page 54 has the words ‘Kingston Upon Hull’. Does this need to be amended to identify the right of way?
1.5.	Historic Environment	
1.5.1.	Historic England, HCC	Title: Key Heritage Impacts The Executive Summary of the Applicant’s Cultural Heritage Assessment [APP-066] identifies some adverse effects of the scheme (paras 8.1.1 –

		8.1.4). Are these the key cultural heritage matters on which the Examination should focus?
1.5.2.	Applicant	Earl de Grey public house Can you please clarify the proposals in respect of the Grade II listed Earl de Grey? In particular, is it proposed to demolish the building or is to be rebuilt elsewhere? If it is to be rebuilt, where will be it be rebuilt and has a detailed scheme been prepared?
1.5.3.	Applicant, Historic England, HCC	Castle Street Chambers <ul style="list-style-type: none"> • What in detail is proposed regarding the partial demolition of the Grade II listed Castle St Chambers? How will the retained part of the building be protected during construction? • How will changes to the setting of the Castle St Chambers affect its significance?
1.5.4.	Applicant	Earl de Grey and Castle Street Chambers Can the demolition works to the Earl de Grey and the Castle St Chambers be avoided? Has consideration been given to modifying the scheme to achieve this?
1.5.5.	Historic England	Trinity Burial Ground Why does Historic England consider that the archaeological strategy for the Trinity Burial Ground site is not consistent with sector-wide published guidance on the excavation of Christian burial grounds? How would you like to see the strategy amended?
1.5.6.	Historic England	Archaeological Strategy Why does Historic England consider that the suggested archaeological strategy for the scheme is not consistent with current Historic England or Chartered Institute for Archaeology guidance on good practice? What else should the scheme include in terms of mitigation?

1.5.7.	Applicant/Historic England/HCC	Enhancement of Heritage Assets Having regard to paragraphs 5.130 and 5.137 of the NN NPS, does the scheme take any opportunities to enhance heritage assets or their settings? What else, if anything, could be reasonably achieved?
1.5.8.	Applicant	Beverley Gate and adjacent archaeological remains Scheduled Ancient Monument Table 4.1 of the Outline Environmental Management Plan [APP-072] says that Scheduled Monument Consent may be required for Beverley Gate and archaeological remains, depending on if it is affected by utilities diversions. Has this now been clarified? If not, when will it be clarified? See also Question 1.0.12 – Other Consents.
1.5.9.	Applicant and Historic England	Assessment and weighing of public benefits Paragraphs 5.132 – 5.134 of the NN NPS and paragraphs 195 and 196 of the NPPF require public benefits of the scheme to be considered and weighed against any harm to heritage assets. Paragraph 1.2 of the NN NPS also requires the adverse impacts of the development to be weighed against its benefits. Please consider the public benefits of the scheme and give your assessment of the scheme against these parts of the NPS and NPPF.
1.6.	Social, Economic and Land-Use Effects	
1.6.1.	Applicant/HCC	Batching compound <ul style="list-style-type: none"> • Have matters progressed regarding the options for the batching compound? If not, when will the decision be finalised? • Is having 2 options for a batching compound site justified? Does this approach accord with the policies of the National Networks NPS? • For both sites, what measures are proposed to address the impact of the use of the site on nearby land uses?
1.6.2.	Applicant	Impacts on existing businesses <ul style="list-style-type: none"> • Has there been any attempt to assess/quantify any impact the scheme may have on trading at local businesses during construction?

		<ul style="list-style-type: none"> What measures are proposed to minimise the impact of the development on local businesses during the construction phase?
1.6.3.	Applicant, Holiday Inn	Holiday Inn – Option and Impact Mitigation Deed Does the Applicant support Holiday Inn’s proposal for an ‘Option and Impact Mitigation Deed?’ If so, what ground should it cover? Has there been any progress towards negotiating one?
1.6.4.	HCC, Holiday Inn	Holiday Inn – existing planning permission What are the prospects of the Hotel implementing its planning permission to extend (Ref 16/00893/FULL)? Please provide basic details of the planning permission.
1.6.5.	Applicant	Proposed shuttle bus The relevant representation from EPIC (No.2) Limited refers to a shuttle bus proposal. Please provide details of this and consider the relevance to the scheme.
1.6.6.	Applicant, HCC	Open space Will the proposed new open space at the Myton Centre fully compensate for the space to be lost at the Trinity Burial Ground? How do the two sites compare in matters such as size, character and location?
1.6.7.	Applicant	Noise mitigation Paragraph 5.196 of the NN NPS states: In determining an application, the Secretary of State should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision was based. Please explain if/how this is addressed in the dDCO.
1.7.	Townscape and Visual Impact	
1.7.1.	Applicant	Hoardings Are there any proposals relating to hoardings and signage during construction? If so, please provide details.

1.8.	Transportation and Traffic	
1.8.1.	Applicant, HCC	Road safety <ul style="list-style-type: none"> Is the projected reduction in accidents and casualties significant when compared with other schemes? Is the current safety record of the road good or poor compared to similar roads? Is there any prospect of improving safety further?
1.8.2.	Applicant	Road safety information requirements – NN NPS Please confirm, with reference to the relevant documentation, that the applicant has complied with all of the relevant requirements set out in Paragraphs 4.60-4.66 of the NN NPS.
1.8.3.	Applicant, HCC	Non-motorised transport Will connections for non-motorised transport be improved overall? Will there be any negative effects?
1.8.4.	Applicant and HCC	Non-motorised users (NMUs) Is the increase in journey times for some NMUs justified given the Government's policy of making sustainable modes of transport an attractive and convenient option?
1.8.5.	Applicant, HCC, HAIG	Road restrictions What impact will the restriction of movement along Dagger Lane, Fish Street and Vicar Lane have on businesses on nearby roads such as South Church Side in terms of accessibility for customers (including disabled customers) and servicing? Are any mitigation measures proposed to address any impacts?
1.8.6.	Applicant, HCC, HAIG	Proposed Porter Street Bridge Will the proposed Porter Street Bridge cater satisfactorily for the needs of disabled people?
1.8.7.	Applicant, HCC, HAIG	Pedestrian Underpass <ul style="list-style-type: none"> Have any details of the proposed upgrading of the underpass at High St been prepared?

		<ul style="list-style-type: none"> Will the proposed upgraded underpass provide a suitable crossing point for the A63 for all non-motorised users?
1.8.8.	HAIG and HCC	Accessibility Do you have any specific comments on accessibility relating to the various elements of the scheme and any effects of the scheme on accessibility for all users?
1.9.	Utility Infrastructure	
1.9.1.	Applicant, Holiday Inn	Holiday Inn sub-station Please provide details of the existing sub-station, how the scheme would affect it and any proposals to replace it.
1.10.	Water Environment	
1.10.1.	Applicant, the Environment Agency, HCC	Proposed pumping station <ul style="list-style-type: none"> Have all available details of the proposed pumping station been provided? Are the details provided sufficient to enable the scheme to be adequately assessed? Please explain how the pumping station will be connected to the outfall and whether the impact of the construction work has been considered in the ES.
1.10.2.	Applicant	Surface water discharge Two options are presented regarding the disposal of surface water. Surface water from the underpass will be collected into underground attenuation features, controlling the flow rate either into a new public sewer connection or a new outfall into the Humber Estuary. <ul style="list-style-type: none"> Why are 3 options for the proposed surface water outfall shown? When will the proposal be finalised? Have discussions with Yorkshire Water regarding discharge of surface water to the existing Yorkshire Water sewer progressed? If so, what is proposed? Is it clear that the ES addresses whichever solution is preferred?

1.10.3.	Applicant, Environment agency, HCC	Flood Risk <ul style="list-style-type: none"> Are there any changes to the design of the scheme that could reduce the risk of flooding of the underpass? How significant are the potential increases in flood risk elsewhere as a result of the development? Could such increased flood risk affect proposals for new housing development proposed in Hull City Council's adopted Local Plan? Has a plan been prepared regarding how to deal with flooding during construction?
1.10.4.	Applicant	Deemed Marine License (DML) <ul style="list-style-type: none"> Please identify which of the amendments and conditions sought by the Marine Management Organisation in its relevant representation can be addressed by changes to the draft DCO. Please highlight any requested changes that you think could not be made, and explain why not. Are any other changes to the DML proposed?
1.10.5.	Applicant and Marine Management Organisation	East Marine Plan Has the development been assessed against the East Marine Plan? Should it be?
1.10.6.	Applicant and Marine Management Organisation	Unexploded ordinances Does the application documentation need to be amended to reflect any need for a licence for the offshore detonation of unexploded ordinances?
1.10.7.	Applicant, HCC, Marine Management Organisation	Princes Quay Bridge <ul style="list-style-type: none"> When did construction of the Princes Quay Bridge commence? Since construction has already commenced, should it be regarded as a benefit of the scheme or as a separate project? If it is a separate project, should any of the supporting documentation, including the ES, be amended to reflect that? Since construction has already commenced and the planning permission for it has been implemented, should it be removed from the dDCO?

1.10.8.	Applicant	Environmental Impact Assessment Groundwater Please confirm the study area that has been used to assess impacts on groundwater within the Environmental Statement and explain how the study area was arrived at.
1.10.9.	Applicant	Environmental Impact Assessment Flood Flow Routes Please provide clarity on the identification of a 'large/very large beneficial to very large adverse' residual effect in respect of changes in flood flow routes due to alteration of ground elevations and construction of structures during construction and operation. Please highlight which particular aspects are considered to have an adverse effect which would be moderate or above.
1.10.10.	Applicant	Environmental Impact Assessment - Community amenities and business Please provide clarity on what is meant by the identification of a 'large/very large beneficial to very large adverse' residual effect in respect of the interaction of the road drainage and water environment with community amenities and business during both construction and operation, and highlight which particular aspects are considered to have an adverse effect which would be moderate or above.
1.10.11.	Applicant	Environmental Impact Assessment Flood risk impacts Please provide clarity on what is meant by the identification of resulting flood risk impacts ranging from major beneficial to major adverse depending on the location, source of flooding and return period of event, and highlight which particular aspects are considered to have an adverse effect which would be moderate or above.
1.10.12.	Applicant	Environmental Impact Assessment Zone of Influence (ZOI) Please can the Applicant provide a justification for the ZOI that has been applied to the assessment, having regard to the extent of the impacts

		likely to occur, in particular with regard to the concentration and volume of possible pollutants and potential pollution incidents.
1.10.13.	Applicant	<p>Environmental Impact Assessment Mitigation Measures</p> <p>The ES proposes measures necessary to ensure that the application of bentonite does not result in significant effects. With reference to relevant DCO Requirements, or any other mechanisms, can the Applicant confirm how such measures, including application of a waterproof membrane to buried bentonite slurry and jet grouting supply pipelines, are to be secured?</p>
1.10.14.	Applicant	<p>Environmental Impact Assessment Mitigation Measures</p> <p>Paragraph 11.6.37 of the ES states that there is no opportunity for SuDs features as part of the Proposed Development due to limited space availability. However, ES Table 11.15 relies upon the use of temporary SuDS as a mitigation measure. Please can the Applicant address this apparent discrepancy and confirm whether the use of temporary SuDS features has been relied upon in concluding a neutral residual significance in respect of the following impacts:</p> <ul style="list-style-type: none"> • increased suspended solids and reduction in water quality because of earthworks, piling, construction dewatering, plant and vehicle washing, etc; and • Increase in surface water runoff due to increases in impermeable areas within the construction area and compounds and plant and vehicle washing. <p>Please also comment on whether the project complies with paragraph 5.230 of the NN NPS, which says that the project should adhere to any National Standards for sustainable drainage systems (SuDs).</p>