

# **A1 Birtley to Coal House**

## **Scheme Number TR010031**

### **7.5 D Statement of Common Ground: Historic England**

Rule 8 (1) (e)

Planning Act 2008

The Infrastructure Planning (Examination Procedure  
Rules) 2010

Volume 7

February 2020

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure Rules)  
2010**

A1 Birtley to Coal House Improvement Scheme  
Development Consent Order 20 [ ]

---

**STATEMENT OF COMMON GROUND: HISTORIC ENGLAND**

---

<b>Regulation Number:</b>	Rule 8 (1) (e)
<b>Planning Inspectorate Scheme Reference</b>	TR010031
<b>Application Document Reference</b>	TR010031/7.5D
<b>Author:</b>	A1 Birtley to Coal House Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	February 2020	Deadline 2 submission

## STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Historic England.

Signed.....  
[NAME]  
Project Manager  
on behalf of Highways England  
Date: [DATE]

Signed.....  
[NAME]  
[POSITION]  
on behalf of Historic England  
Date: [DATE]

## CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>1</b>
1.1	Purpose of this Document .....	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology .....	2
<b>2</b>	<b>RECORD OF ENGAGEMENT</b> .....	<b>3</b>
	Table 2-1 - Record of Engagement .....	3
<b>3</b>	<b>ISSUES</b> .....	<b>9</b>
	Table 3-1- Issues related to chapter 6 of the Environmental Statement (ES) .....	9
	Table 3-2 - Issues related to the Construction Environmental Management Plan .....	11
	Table 3-3 – “Other Issues” .....	11
	<b>APPENDICES</b> .....	<b>14</b>

## 1 INTRODUCTION

### 1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ("SoCG") relates to an application made by Highways England (the "Applicant") to the Planning Inspectorate (the "Inspectorate") under the Planning Act 2008 (the "2008 Act") for a Development Consent Order ("DCO"). If made, the DCO would grant consent for the Applicant to undertake the A1 Birtley to Coal House Scheme (the "Scheme"). A detailed description of the Scheme can be found in Chapter 2 of the Environmental Statement (the "ES") (**Application Document Reference: TR010031/APP/6.1**).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Inspectorate website<sup>1</sup>.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

### 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) **Historic England**.
- 1.2.2 The Applicant became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing the Applicant made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by the Applicant.
- 1.2.3 Historic England was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of Historic England under Section 33 are as follows:
- “...so far as is practicable:
- to secure the preservation of ancient monuments and historic buildings situated in England;
  - to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
  - to promote the public’s enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation”.

<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/A1-Birtley-to-Coal-House-Improvement-Scheme/>

1.2.4 Historic England is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent, and is also a statutory consultee on all Nationally Significant Infrastructure Projects. Similarly Historic England advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal adviser on the historic environment.

### 1.3 Terminology

1.3.1 In **Table 3-1**, the Issues, section 3 of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.

1.3.2 It can be taken that any matters not specifically referred to in the Issues section 3 of this SoCG are not of material interest or relevance to **Historic England**, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to **Historic England**.

## 2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between the Applicant and **Historic England** in relation to the Application is outlined in **Table 2-1**.

**Table 2-1 - Record of Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes
February to July 2018	Various (see <b>Appendix A</b> )	<p><b>Key topics</b> Investigation and mitigation strategies for Bowes Railway Scheduled Monument.</p> <p><b>Key outcomes</b> A section of wall would be recorded and an interpretation panel as mitigation. Archaeological monitoring would be undertaken during intrusive works across the railway line as mitigation. A recommendation for investigation is to be carried out if construction of the compound will necessitate any ground moving activities, including topsoil stripping or ground levelling that may disturb Bowes Railway Scheduled Monument. These additional works will be raised with Highways England. The compound area near Allerdene Bridge is of no archaeological interest and does not to be considered any further.</p>
05/03/18	Email (see <b>Appendix A</b> )	<p><b>Key topics</b> Scope of the Bowes Railway Scheduled Monument; specifically, whether the retaining walls which flank the former railway are included in the scheduling.</p> <p><b>Key outcomes</b> The retaining walls do form part of Bowes Railway Scheduled Monument however anything within Longbank Underpass is not (though this would be safeguarded by the NPPF).</p>

Date	Form of correspondence	Key topics discussed and key outcomes
11/04/18	Minutes (see <b>Appendix B</b> )	<p><b>Key topics</b> Scope of the Bowes Railway Scheduled Monument.</p> <p><b>Key outcomes</b> The scheduling includes the majority of the bridleway and the remains of the retaining walls which flank the former railway but excludes the earth embankments and the bridleway through Longbank Underpass.</p> <p><b>Key topics</b> Closure and extension of Longbank Underpass without damage to pathway.</p> <p><b>Key outcomes</b> A diversionary route will be set up allowing pedestrians, cyclists and equestrians to cross the A1 at Eighton Lodge (further details at detailed design stage). The pathway will be protected (e.g. with road plates) and any damage during the construction phase will be rectified.</p> <p><b>Key topics</b> Drainage - there are existing issues with drainage at Longbank Underpass. Lighting - the Longbank Underpass Structure Option Report recommended installation of lighting system to improve safety and enhance user experience.</p> <p><b>Key outcomes</b> Drainage - there is no existing record of a drainage system through the underpass. The Applicant would welcome a new drainage system, which could outfall and tie into the existing network beyond the underpass, minimising disturbance to the Bowes Railway Scheduled Monument. Lighting - the technical details are to be confirmed but the Applicant does not object to this proposal.</p>



Date	Form of correspondence	Key topics discussed and key outcomes
		<p><b>Key topics</b> Recommendations from Historic England.</p> <p><b>Key outcomes</b> As part of the ES: Walkover survey to be carried out at Longbank Underpass to identify features hidden by vegetation and assess condition of retaining wall. Plans to be produced showing section of retaining wall proposed for demolition based on rectified aerial photography. If Scheduled Monument Consent is granted: Any dismantling of retaining wall to be undertaken by an archaeologist prior to commencement of trial trenching. Trial trenching to be undertaken pre-construction at proposed location of required foundation trench for extension of Longbank Underpass. Restoration of section of retaining wall equal in length that which is being demolished if found during walkover survey to be in state of disrepair.</p>
02/05/19	Email (see <b>Appendix C</b> )	<p><b>Key topics</b> Updated documents sent to Lee (McFarlane, Historic England).</p> <p><b>Key outcomes</b> The following documents were sent to Lee (McFarlane, Historic England): updated ES Cultural Heritage chapter, the HEDBA and extract from the CEMP.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
02/05/19	Meeting (see <b>Appendix C</b> )	<p><b>Key topics</b> Overview of the Scheme, key design updates, update on the ES chapter, review of the SoCG.</p> <p><b>Key outcomes</b> Historic England had concerns regarding the impact from gantries on views toward the Angel of the North, this will be looked at again during the detailed design stage. Changes to the reporting requirements for the impacts to Bowes Railway SM to be included in the ES/CEMP. A request for the Angel of the North to be included in the SoCG and letter of no impediment.</p>
16/07/19	Meeting	<p><b>Key topics</b> Meeting between WSP (Nicola Ashworth) and Historic England (Lee McFarlane).</p> <p><b>Key outcomes</b> Historic England discussed and agreed the updates to the Register of Environmental Actions and Commitments (REAC) for the Scheme.</p>
17/07/19	Email (see <b>Appendix D</b> )	<p><b>Key topics</b> WSP provided the extract from the Construction Environmental Management Plan (CEMP) which relates to archaeology updated in response to the meeting between WSP (Nicola Ashworth) and Historic England (Lee McFarlane) on 16/07/19. The email also attached an extract from the draft DCO relating to archaeological remains and an updated letter of no impediment for Historic England.</p> <p><b>Key outcomes</b> Historic England were asked for comments / amends to the documents attached.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
23/07/19	Email (see <b>Appendix D</b> )	<p><b>Key topics</b> Updates from Historic England to WSP wording of the CEMP and draft DCO where it relates the archaeology, updated letter of No Impediment for Historic England.</p> <p><b>Key outcomes</b> Updates to wording of the document was sent to WSP from Lee McFarlane (Historic England).</p>
13/08/19	Email (see <b>Appendix D</b> )	<p><b>Key topics</b> WSP provided an updated Letter of No Impediment, Draft DCO extract in relation to Archaeological Remains, Schedule 10 from the Draft DCO and aspects of the Construction Environmental Management Plan relating to cultural heritage.</p> <p><b>Key outcomes</b> Historic England were asked to review the documents with a view to moving towards a signed Letter of No Impediment from Historic England for the Scheme.</p>
01/10/19	Email (see <b>Appendix D</b> )	<p><b>Key topics</b> A response from Historic England to WSP's email of 13/08/19.</p> <p><b>Key outcomes</b> Historic England advised that they will not sign a "letter of no impediment" as their legal department cannot bind the future actions of the Secretary of State in this way.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
30/01/2020	Meeting minutes (see <b>Appendix E</b> )	<p><b>Key topics</b> Discuss updates on the Scheme, gantries visualisation for the Angel of the North, SoCG and questions relating to the first round of the written questions.</p> <p><b>Key outcome</b> The Angel of the North is not designated but remains as high value, as such Historic England would defer to Gateshead Council on this matter.</p> <p>The requirement to produce an Outline WSI was discussed in addition to agreeing format.</p> <p>The Draft DCO was discussed and changes were requested to the wording in relation to the historic environment.</p>

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) the Applicant and (2) **Historic England** in relation to the issues addressed in this SoCG.

### 3 ISSUES

**Table 3-1- Issues related to chapter 6 of the Environmental Statement (ES)**

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Response	Status
Chapter 6: Cultural Heritage (APP-027)	Chapter 6 of the ES	N/A	We find that the ES summarises the Desk-based Assessment (DBA) and clearly presents the assessment of impact of the proposal on the designated heritage assets.	Agreed	Agreed
Chapter 6: Cultural Heritage (APP-027)	Para 6.8.7 and 6.9.6	Design, Mitigation and Enhancement Measures	The removal of part of the above wall and the foundations required for the new extended underpass tunnel may expose and/or remove features associated with the Bowes Railway. It will therefore be necessary to agree a mitigation strategy to inform the DCO process to ensure adequate archaeological monitoring of all groundworks within the scheduled area as noted in Para 6.8.7 of the ES. Para 6.9.6 is slightly confusing as we haven't advised	Agreed. The text in paras 6.8.7 and 6.9.6 have been updated to reflect Historic England's advice.  The preparation of a suitable WSI has been included as a requirement in the Construction Environmental Management Plan (CH3) as follows: The dismantling of the section of masonry retaining wall associated with Bowes Railway SM (1003723) during construction will be monitored by a suitably qualified archaeologist to record any archaeological features which	Agreed

ES Chapter	Paragraph Reference	Sub-section	Historic England Comment	Highways England Response	Status
			<p>excavation but rather direct archaeological monitoring / watching brief of the works here. It may be that the initial groundworks are directly overseen by your appointed archaeological contractor - this will need to be agreed in a WSI either in advance of the DCO being submitted or as a condition of the DCO. We advise that the Applicant provides a more detailed outline WSI to be agreed and submitted in support of the DCO.</p>	<p>may be uncovered. A method statement must be produced by the Main Contractor for how and when the dismantling will occur in order to inform the archaeological monitoring; the method statement will be required as part of the Final WSI. The methodology, including the timing of the works, will be submitted in writing to and approved by the Local Planning Authority in consultation with Historic England.</p> <p>An outline detailed Written Scheme of Investigation (WSI) is now in production and will be submitted in support of the DCO. The WSI will form the basis of the work to be detailed in the final WSIs produced by the archaeological contractor/s.</p>	

**Table 3-2 - Issues related to the Construction Environmental Management Plan**

CEMP Section	Paragraph Reference	Sub-section	Highways England Position	Historic England Response	Status
Section 3: REAC <b>(APP-174)</b>	Table 3 -1 REAC	CH2, CH3, CH5, CH6 and N8	We note that some refinement of wording is needed in CH2, CH3, CH5, CH6 and N8 to provide clarity; be enforceable; and, provide assurance that works to the Scheduled Monument will have the appropriate oversight of Historic England.	The Applicant discussed Historic England's proposed changes to the Outline CEMP in a meeting on 30 January 2020. These changes have further been clarified in Historic England's Written Representations Reference No: PL00552195 dated 04 February 2020. These changes have been made to the Outline CEMP which will be submitted at Deadline 2.	Agreed

**Table 3-3 – “Other Issues”**

Issue	Document Reference	Historic England Comment	Historic England Response	Status
Scheduled Monument Consent	Historic England Advice Letter_HERef_PL00552195_L340286 dated 13 March 2019	Please note, it is our understanding that for Development Consent Orders (DCO) Scheduled Monument Consent (SMC) will be wrapped up in the DCO itself and there will not be a standalone SMC as is	Agreed	Agreed

Issue	Document Reference	Historic England Comment	Historic England Response	Status
		usually required for works to a scheduled monument.		
Letter of no impediment	Email from Lee Macfarlane dated 1 October 2019 regarding a “letter of no impediment”	<p>I can now advise that Historic England will not sign a “letter of no impediment”.</p> <p>Our Head of Legal, Andrew Wiseman, advises that we cannot bind the future actions of the Secretary of State in this way – Historic England are advisors to the SoS and not decision-makers so we are not in a position to do this.</p>	Agreed	Agreed
DCO wording	Historic England’s Written Representations Reference No: PL00552195 dated 04 February 2020	<p>Regarding Draft DCO Schedule 2 Requirements Part 1 Requirements Archaeological Remains 9:</p> <p>Historic England find that the wording of Requirement 9 lacks clarity and should the DCO be granted might cause some confusion, especially in relation to works affecting the scheduled monument. We have identified the need to clarify Requirement with the Applicant and are in discussion with them about</p>	<p>Minor amendments and the appropriate legal reviews have been added to the amendments to the Draft DCO to parts 1) and 2 following Historic England’s recommended changes. However, these changes would not materially alter the work that Highways England has committed to undertake.</p>	Agreed



Issue	Document Reference	Historic England Comment	Historic England Response	Status
DCO wording	Historic England's Written Representations Reference No: PL00552195 dated 04	<p>amending it.</p> <p>Draft DCO Schedule 10 Scheduled Monuments: Historic England considers that Schedule 10 does not accurately nor clearly state the extent of demolition that is being proposed. We have therefore set out what we understand to be the extent of demolition required within Appendix 6 [of Historic England Written Representations Reference No: PL00552195 dated 04 February 2020] and would advise that this clarification is provided and Schedule 10 amended to reflect this. The suggested change to the wording is as follows:</p> <p><b>Schedule 10</b></p> <ul style="list-style-type: none"> <li>• Demolition of stone retaining walls (up to a maximum of 17m in length) on either side of the former trackbed of the monument.</li> </ul>	Historic England have sought to limit the extension of Longbank Bridleway Underpass to a maximum of 17m. The ability to accommodate such a requirement is being considered and further work is being undertaken to evaluate and agree the limitation to the extension, should it be possible. Highways England is intending to resolve this matter prior to the completion of the Examination.	Under discussion

## **APPENDICES**

**Appendix A – Meeting Minutes between Historic England (Lee McFarlane) and WSP (11/04/2018) and emails (19/02/2018), (20/02/2018) and (21/02/2018)**



## AGENDA & MEETING NOTES

<b>PROJECT NUMBER</b>	70041947	<b>MEETING DATE</b>	11 April 2018
<b>PROJECT NAME</b>	A1 Birtley to Coal House Improvements	<b>VENUE</b>	Historic England Newcastle NE1 3JF
		<b>TIME</b>	1:00pm – 2.30pm
<b>CLIENT</b>	Highways England	<b>RECORDED BY</b>	IM/CV
<b>MEETING SUBJECT</b>	Longbank Underpass Meeting		

<b>PRESENT</b>	Charly Vallance CV: (WSP – Senior Consultant) Imtiaz Mulla IM: (WSP – Senior Engineer) Lee Mcfarlane LM: (Historic England – Inspector of Ancient Monuments)
<b>APOLOGIES</b>	Nicola Ashworth NA: (WSP – Associate) Hitan Mistry HM: (WSP – Structures Lead)
<b>DISTRIBUTION</b>	As above plus: Nicola Wilkes NW: (Highways England – Project Sponsor) Martin Sunderland MS: (Highways England SES – Senior Structures Advisor)
<b>CONFIDENTIALITY</b>	<b>Confidential</b>

## MEETING NOTES

ITEM	SUBJECT	ACTION	DUE
1	<p><b>Introduction</b></p> <p>CV provided a brief overview of the project and designer proposals for Longbank Underpass.</p> <p>The Development Consent Order (DCO) for the A1B2CH scheme is currently proposed to be submitted by the end of 2018.</p>	-	-
2	<p><b>Bowes Railway (Scheduled Monument)</b></p> <p>LM identified a section of the dismantled Bowes Railway track bed lying directly beneath the existing path through Longbank Underpass.</p> <p>HE have confirmed the following: The existing bridleway is within the curtilage of the SM as are the remains of masonry retaining walls that flank it, in addition to the ground beneath these walls. The section of bridleway under the existing Longbank Underpass is not part of the scheduling and nor are the earth embankments along the course of the SM.</p> <p>Any proposals to be made as part of the A1B2CH improvement scheme shall have to be carefully considered and mitigation measures in place to minimise impact on the scheduled monument.</p>	-	-
3	<p><b>Longbank Underpass Extension</b></p> <p>IM talked through the engineering aspects of the underpass extension with the proposed structural form to be on a like for like basis. This shall constitute:</p> <ul style="list-style-type: none"> <li>• Extension of the existing underpass by a total length of approximately 16.1m to the northern entrance of the structure. No works are proposed to the southern entrance of the structure,</li> <li>• Structural form of the proposed superstructure shall be similar to existing i.e. Corrugated Steel Buried Structure (CSBS) with a profiled reinforced concrete collar and earthwork batter to tie into the existing structure. The substructure shall be reinforced concrete pilecaps founded on bored piles,</li> <li>• A high level construction sequence of the proposed structure shall comprise: <ul style="list-style-type: none"> <li>a) Set up pedestrian/equestrian diversions</li> <li>b) Installation of protection to the existing path (i.e. road plates, timber boards etc.) to avoid damage to the path/surfacing during construction works</li> <li>c) Removal of existing masonry walls abutting the northern entrance of the underpass</li> <li>d) Bench back existing embankment</li> <li>e) Excavation of trenches either side along the edge of the path for the new foundations</li> <li>f) Installation of bored piles, concrete pilecaps and upstand</li> <li>g) Installation of new CSBS arch including removal of existing concrete collar and stitching to existing arch</li> <li>h) Installation of new concrete collar</li> </ul> </li> </ul>	-	-

	<ul style="list-style-type: none"> <li>i) Backfill structure and install guardrail</li> <li>j) Reinstate remaining masonry walls up to the new underpass extension in a similar fashion to existing</li> <li>k) Install access steps down embankment</li> </ul> <p>There are no plans to disturb the path and/or surfacing during the underpass extension. Though protection measures will be in place, any damage to the path as a result of construction activity shall be rectified. It was also recommended in the structure options report that all outstanding maintenance actions recorded in the previous inspection reports be completed as part of the extension works.</p> <p>IM stated an initial contractor review determined that the existing Longbank Underpass will remain closed during the construction works. As a mitigation measure, there are preliminary provisions for a diversionary route for pedestrians/equestrians along Eighton Lodge junction.</p> <p>Access provisions for construction personnel/vehicles are anticipated to be via an existing path to the north-west of the existing underpass structure.</p> <p>Further details of the above are expected to be reviewed and clarified at detailed design stage.</p>		
<p><b>4</b></p>	<p><b>Drainage &amp; Lighting</b></p> <p>On previous occasions, there have been drainage associated issues on the existing path (beyond the underpass to the upstream) with material being washed away.</p> <p>There are no records of any current drainage system to the path going through the underpass. LM mentioned a new system would be welcome provided it could be outfalled beyond the underpass and tied into an existing network. This would minimise any additional excavation required so as to prevent any major disturbance to the scheduled monument.</p> <p>IM highlighted that there are no existing networks at that location. However, as part of the highway widening works, there may be scope to tie into the highway drainage system but details are yet to TBC. A further review will be necessary once the details are confirmed.</p> <p>IM stated that that the Longbank Underpass Structure Option Report recommended installation of a lighting system within the underpass to enhance the user safety/experience. Technical details of the lighting system are TBC but there would be no issues with the idea.</p>	<p>-</p>	<p>-</p>
<p><b>5</b></p>	<p><b>Historic England Recommendations</b></p> <p>In principle, there were no objections to any of the current designer proposals for the underpass. In addition, LM recommended the following be carried out:</p> <p>Investigations to be undertaken by the Cultural Heritage team as part of ES ;</p> <ul style="list-style-type: none"> <li>• A walkover survey to be conducted by along the section of monument that requires consent. The aim of the survey will be to identify any features/ structures associated with the railway that are presently hidden by vegetation and to assess the condition of the scheduled retaining wall. Vegetation to be cleared from lower half of the embankment prior to the survey taking place to enable observations.</li> <li>• To produce, through rectified photography, an elevation and plan of that section of retaining wall that is proposed for demolition in addition</li> </ul>	<p>-</p>	<p>-</p>

## MEETING NOTES

	<p>to the recording of any features/structures identified in the walkover survey.</p> <p>If Scheduled Monument Consent is granted, the following recommendations for mitigation have been made;</p> <ul style="list-style-type: none"> <li>• The dismantling of any part of the scheduled retaining wall should be undertaken by an archaeologist, prior to the commencement of evaluation trenching.</li> <li>• Evaluation trenching should be undertaken pre-construction at the location of the proposed foundation trench for the new underpass sleeve.</li> <li>• To offset the harm to the scheduled retaining wall and to enhance the appearance of the SM, a section of surviving wall of equal length to that being demolished should be repaired, if found to be in a state of disrepair during the walkover survey.</li> </ul> <p>Matters to discuss with GCC planning archaeologist;</p> <ul style="list-style-type: none"> <li>• The requirement for archaeological monitoring of any works that may require disturbance to the railway embankments. Such works may include the instalment of a new public access staircase and a bridleway.</li> </ul>		
<b>6</b>	<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• WSP CH team to provide costs and scope for the investigations outlined above. Vegetation clearance from the embankment will be required in advance.</li> <li>• IM to provide information showing proposed location of boreholes to be carried out in the vicinity of Longbank Underpass.</li> </ul>	<p>CV/NA</p> <p>IM</p>	<p>TBC</p> <p>April 18</p>
<b>7</b>	<p><b>Any Other Business</b></p> <p>LM has requested WSP consult with her through a single line of communication so that any queries regarding the scheduled monument can go through to the CH team.</p> <p>Any new proposals to be circulated for information.</p>	-	-

### NEXT MEETING

An invitation will be issued if an additional meeting is required.

Dear Charly

I can confirm that the walls as shown in your photos are scheduled but anything within the underpasses is not as when the mapping polygons were drawn they avoided scheduling the western bypass and associated roads. However, if there are remains within the underpasses we would expect it be safeguarded under Para 139 of the NPPF.

Hope this answers your query.

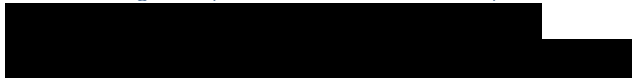
Regards

Lee

Lee McFarlane

Inspector of Ancient Monuments, North East

Historic England | Bessie Surtees House | 41-44 Sandhill | Newcastle Upon Tyne | NE1 3JF



From: McFarlane, Lee

Sent: 21 February 2018 09:44

To: 'Vallance, Charly'

Cc: Botham, Claire

Subject: RE: Bowes Railway and the A1 Widening

Importance: High

Dear Charlotte

Thank you for the photos. The stone walls are definitely part of the scheduled monument of the Bowes Railway and I must confess to not understanding which part you think is not scheduled here as the railway line is clearly scheduled from the East Coast Mainline to Springwell. However I accept that there is confusion as the mapping polygons stop and don't cover the modern roads. However, I believe that the track-bed below the underpasses is still part of the scheduled monument – to clarify this we are calling up our original scheduling files from the archive to confirm this and I will advise accordingly once I get this.

On another note, this is the first I've heard that demolition of part of the scheduled monument is even being considered. Perhaps someone from WSP or Highways England would be prepared to have some pre-application discussions about this to determine if this would even be acceptable to Historic England before presenting it as accepted design?

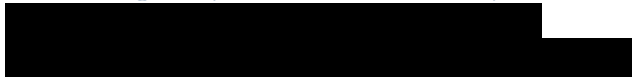
I am deeply frustrated and disturbed by this project and the lack of coordinated information or discussion from WSP and your client. Your client is dealing with works to a scheduled monument which will require Scheduled Monument Consent and should be having early discussions about all possible options being put forward. Historic England should not be told in a roundabout way what design has been decided without consultation. I have previously advised that we offer pre-application advice and I have reminded both yourselves and Highways England about the agreed protocol for consulting with Statutory Environmental Bodies (see attached). I am trying to work with Highways England to help them achieve what is needed here, but it must be done in an open, collaborative, and most importantly a co-ordinated, way to ensure that the best interests of all,

including the designated heritage asset, is taken into account and that the potentially substantial harm to the monument is justified.

I look forward to receiving more detailed information and clarification of the proposed options for discussion. I will send an abridged version of this email to Clare Richardson at Gateshead so she is aware of discussions about the extent of the scheduling.

Regards  
Lee

Lee McFarlane  
Inspector of Ancient Monuments, North East  
Historic England | Bessie Surtees House | 41-44 Sandhill | Newcastle Upon Tyne | NE1 3JF



From: Vallance, Charly [REDACTED]  
Sent: 20 February 2018 17:21  
To: Botham, Claire  
Cc: Clare Richardson; McFarlane, Lee; Ashworth, Nicola  
Subject: RE: Bowes Railway and the A1 Widening

Hi Claire,

Please find attached two photographs of the stone retaining walls that border the former railway bed of Bowes Railway (now a bridleway). The photograph also shows the north side of the existing Longbridge underpass that carries the A1 over the non-scheduled part of the bridleway. The walls on the west side of the track were found to be in a poor condition where the tunnel had cut through railway. The walls next to the underpass on the east side could not be identified and it is assumed they have been demolished/disturbed.

I have also attached a photo of the south side of the underpass so you can get a better impression of their form and character. These walls were found to be in a good state of preservation.

The proposed works will entail the replacement of the corrugated metal sleeve that comprises the underpass. The widening of the A1 will mean the new sleeve will extend out for 15m on its north side and will require the demolition of those stone retaining walls within this 15m. The bed of the railway is also likely to be disturbed by these works within this 15m.

Your advice on the scheduled status of these wall would be much appreciated.

With regards

Charly

**Charlotte Vallance BA (Hons) ACIfA**



Senior Consultant  
[REDACTED]



The Victoria, 150-182 The Quays  
Salford, Greater Manchester  
M50 3SP

[wsp.com](http://wsp.com)

From: Botham, Claire [REDACTED]  
Sent: 19 February 2018 16:05  
To: Vallance, Charly [REDACTED]  
Cc: Clare Richardson [REDACTED]; McFarlane, Lee  
[REDACTED]  
Subject: RE: Bowes Railway and the A1 Widening

Dear Charly,

Thank you for sending through the map as requested.  
I have attached a copy of the scheduled area, for that part of Bowes Railway, to this email.

As you can see the scheduled area, in red, stops at the A1 but includes a lot either side. You mentioned retaining walls- do you have photos of these? We need to understand what they look like and what they are made from before we can comment. Also, what are your plans for these walls? Is demolition proposed?

If they are stone built then they may be contemporary with the railway but if they are concrete, and/or parallel with the A1, then they sound modern.

Please note that Historic England offers free Initial Pre-application advice to prospective applicants for scheduled monument consent where we review information provided, conduct one site visit/meeting if necessary (reviewing further information arising from this), and issuing an advice letter. Once the Initial Pre-application advice is complete, further advice can be sought through Extended Pre-application advice. This is available on a full cost recovery (not-for-profit) basis. Customers benefit from on-going verbal and written advice, such as regular involvement in design team meetings, advice on archaeological assessment, field evaluation and comments on emerging schemes, from a named lead specialist from Historic England. Customers using this service will pay for the full cost of staff time, including travel and administration time <https://historicengland.org.uk/services-skills/our-planning-services/enhanced-advisory-services/extended-pre-application-advice/>

We are happy to provide further advice but please note the scope of our pre-application service above. If you have any questions please do get in touch.

Kinds regards  
Claire

Claire Botham | Business Officer  
[REDACTED]

**Historic England | Bessie Surtees House**  
**41-44 Sandhill | Newcastle upon Tyne | NE1 3JF**

[www.HistoricEngland.org.uk](http://www.HistoricEngland.org.uk)

Follow us:



Historic England

We help people understand, enjoy and value the historic environment, and protect it for the future. [Historic England](http://www.HistoricEngland.org.uk) is a public body, and we champion everyone's heritage, across England.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

Help us create a list of the 100 places which tell England's remarkable story and its impact on the world. [A History of England in 100 Places](#) sponsored by [Ecclesiastical](#).

**We have moved! Our new London office is at 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA.**

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available.

From: Vallance, Charly [REDACTED]  
Sent: 19 February 2018 14:35  
To: Botham, Claire  
Cc: Clare Richardson  
Subject: Bowes Railway and the A1 Widening

Dear Claire,

As per our conversation today, please see the section of Bowes Railway that we are concerned with in blue below. Are the retaining walls which lines the edges of the former railway bed included in the scheduling?

Many thanks

Charly



**Charlotte Vallance BA (Hons) ACIfA**

Senior Consultant



The Victoria, 150-182 The Quays  
Salford, Greater Manchester  
M50 3SP

[wsp.com](http://wsp.com)

**Appendix B – Advice letter from Historic England (Lee McFarlane) (13/03/2019)**



Historic England

NORTH EAST OFFICE

Ms Alison Plummer

Direct Dial: 0191-269-1239

WSP

8 First Street

Our ref: PL00552195

Manchester

M15 4RP

13 March 2019

Dear Ms Plummer

**RE: Environmental Statement A1 Birtley To Coal House Scheme - Cultural Heritage**

Thank you for contacting Historic England on 26th February 2019 to review drafts of Chapter 6.1 of the Environmental Statement (ES) and the desk-based assessment (DBA) for the Highways England A1 road scheme above. You also sent through the report by University of Salford on the retaining wall to the Bowes Railway which will be affected by the proposed scheme. Our comments primarily relate to the Scheduled Monument but we also make reference to the Angel of the North, having recently concluded a setting study on this art work in partnership with Gateshead Borough Council. Grade II listed buildings and non-designated assets are within the remit of the Local Authority Conservation and Archaeology Officers.

**Advice**

We find that the ES summarises the DBA and clearly presents the assessment of impact of the proposal on the designated heritage assets.

Please note, it is our understanding that for Development Consent Orders (DCO) Scheduled Monument Consent (SMC) will be wrapped up in the DCO itself and there will not be a standalone SMC as is usually required for works to a scheduled monument.

**Bowes Railway SM**

Clearly there will be permanent impact and harm to the Bowes Railway Scheduled



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

Telephone 0191 269 1255  
HistoricEngland.org.uk





NORTH EAST OFFICE

Monument associated with the extension of the Longbank Bridleway underpass. This will necessitate intrusive works for the foundations of the tunnel extension and the permanent removal of some sections of masonry walling. The former have been subjected to historic building recording and we agree with the conclusions that there is nothing highly significant about the wall apart from its association with the Bowes Railway. No further recording work will be necessary to inform the proposals.

The removal of part of the above wall and the foundations required for the new extended underpass tunnel may expose and/or remove features associated with the Bowes Railway. It will therefore be necessary to agree a mitigation strategy to inform the DCO process to ensure adequate archaeological monitoring of all groundworks within the scheduled area as noted in Para 6.8.7 of the ES. Para 6.9.6 is slightly confusing as we haven't advised excavation but rather direct archaeological monitoring / watching brief of the works here. It may be that the initial groundworks are directly overseen by your appointed archaeological contractor - this will need to be agreed in a WSI either in advance of the DCO being submitted or as a condition of the DCO.

Monitoring of the removal of the aforementioned recorded wall will also need to be included in the WSI document. We had previously suggested that some suitable mitigation to off-set the loss of the dry-stone retaining walls at Longbank could be a scheme to repoint and consolidate a similar length of embankment walling. We would be pleased to have discussion about this and agree a strategy to inform the DCO.

Additional mitigation in terms of interpretation panels should be discussed with the Local Authority officers (e.g. PROW and Archaeology/Conservation Officers) as they will be best placed to advise on the nature and type of boards that they think should be located here. The location will also need to be agreed in case it is within the monument area.

### **Angel Of the North**

We welcome the inclusion of the Angel within the Cultural Heritage section because its social and economic value has grown immensely since its creation twenty-one years ago and is now an internationally recognised symbol of Gateshead and Tyneside. Whilst the sculpture is not currently recognised by a formal heritage designation it is useful to use the same methods of considering impact upon significance to understand the impact of this highways proposal.

Historic England and Gateshead Borough Council recently commissioned a setting study of the Angel of the North to better understand how its surroundings help people experience this iconic piece of public sculpture. Naturally, its presence within the local landscape is a major part of why the sculpture took the form it did and remains a key consideration for its presentation and enjoyment. The visibility of the sculpture to motorists along the A1 is an intentional and important relationship, one that defines the



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

Telephone 0191 269 1255  
HistoricEngland.org.uk





Historic England

NORTH EAST OFFICE

sculpture as a symbol of arrival to Tyneside.

We agree with section 6.9.3 that clearance and rationalisation of tree cover on the banks between road and sculpture has potential for enhancement, allowing it to become far more visible, as intended by the artist. However, we have concerns that the amount of new gantry signs in this section of road would then start to obscure such views by virtue of their number and their height and the net result of these proposals could be negative rather than beneficial. This is not considered within the Environmental Statement and a fuller analysis is required.

Yours sincerely,



Lee McFarlane  
Inspector of Ancient Monuments



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

Telephone 0191 269 1255  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



**Appendix C – Meeting Minutes between Historic England (Lee McFarlane) and WSP  
(02/05/2019)**





## MEETING NOTES

<b>PROJECT NUMBER</b>	70041947	<b>MEETING DATE</b>	02 May 2019
<b>PROJECT NAME</b>	A1 Birtley to Coal house	<b>VENUE</b>	Historic England Newcastle Office
<b>CLIENT</b>	Highway England	<b>RECORDED BY</b>	Tiffany Bienfait
<b>MEETING SUBJECT</b>	Statement of Common Ground Update		

<b>PRESENT</b>	Lee McFarlane (LM) (Historic England), Nicola Ashworth (NJA) (WSP), Tiffany Bienfait (TB) (WSP)
<b>APOLOGIES</b>	Alison Plummer (WSP)
<b>DISTRIBUTION</b>	As above plus: Sarah Wilson (WSP)
<b>CONFIDENTIALITY</b>	<b>Restricted</b>

ITEM	SUBJECT	ACTION	DUE
<b>1</b>	<b>The Scheme</b>		
<b>1.1</b>	NJA presented an overview of the Scheme and gave updates on the project design progress showing the Scheme Footprint on the General Arrangements drawings.	Note	-
<b>2</b>	<b>Key Design Update</b>		
<b>2.1</b>	<u>Lady park</u> : only signage changes.	Note	-
<b>2.2</b>	<u>Kingsway Viaduct</u> : works will affect the River Team	Note	-
<b>2.3</b>	NJA described the Allerdene bridge options.	Note	-
<b>2.4</b>	<u>Longacre Wood</u> : The design changes included less land-take on the Wildlife Site to minimise impact on the Green corridor.	Note	-
<b>2.5</b>	<u>Landscape Planting</u> : The design changes includes less dense tree planting to enhance views of the Angel of the North.	Note	-
<b>2.6</b>	<u>Gantry Location</u> : LM raised that a commitment to look at the gantry design to favour continuous views of the Angel of the north was lacking in the SoCG/ES.	Note	-

## MEETING NOTES

<p><b>2.7</b></p>	<p>LM discussed that it is a key issue for Historic England to ensure that the best view of the Angel is not obstructed by gantries. The “reveal point” for the Angel of the North should be identified by, for example, driving along the route to identify the visual impacts.</p> <p>NJA mentioned that this would be looked at at detailed design stage.</p> <p>LM discussed that this needs to be flagged up early as this could have a big impact on people’s appreciation on the Angel and that more thought should be given to how the gantries will impact on the views.</p> <p>NJA raised that Gateshead Council mentioned that views travelling north are more opened.</p> <p>WSP to look at what effects the gantries may have on views from the road.</p>	<p>NJA / AP</p>	<p>End May 2019</p>
<p><b>3</b></p>	<p><b>Cultural Heritage ES</b></p>		
<p><b>3.1</b></p>	<p>Bowes Railway assessment was undertaken. NJA to send the final ES Chapter to LM.</p> <p>Survey left to do in the field north of the Scheme (near North Dene Footbridge). NJA to check.</p>	<p>NJA</p> <p>NJA</p>	<p>May 19</p>
<p><b>3.2</b></p>	<p>LM mentioned that paragraph 6.8.7 of the ES was confusing as it mentioned excavating rather than monitoring. Excavation is different from evaluation.</p> <p>ES text has been changed to reflect that monitoring will be undertaken before any excavation work.</p>	<p>Note</p>	<p>-</p>
<p><b>3.3</b></p>	<p>AP to change wording in the ES regarding the recording of phasing of wall construction details rather than masonry marks.</p> <p>NJA to change this wording in the REAC.</p>	<p>AP / NJA</p>	<p>May 19</p>
<p><b>3.4</b></p>	<p>Mitigation CH6 to add “needs to be approved by the local authority archaeologist.” (ES and CEMP)</p>	<p>AP / NJA</p>	<p>May 19</p>
<p><b>3.5</b></p>	<p>LM discussed that the interpretation panels would be discussed with the local authority but that Historic England would appreciate having an overview of the panels content.</p> <p>Wording to be changed in the ES / CEMP to reflect this.</p>	<p>AP / NJA</p>	<p>May 19</p>
<p><b>3.6</b></p>	<p>Mitigation CH7 methodology for repair needs to be agreed with Historic England.</p> <p>Wording to be changed in the ES/CEMP.</p> <p><u>Reporting requirement:</u> Photographic before and after photos will be needed (alongside a plan of repair locations). Stone Mason (lime mortar) will be required for the repair with guidance from the design archaeologist.</p>	<p>AP / NJA</p>	<p>May 19</p>

MEETING NOTES

3.7	<p><u>DCO process</u>: The ES and CEMP are part of the DCO Application.</p> <p>NJA to send relevant aspects of the REAC to LM (Cultural Heritage and Population and Human Health) to review and comment on.</p>	NJA	May 19
3.8	<p>LM mentioned that paragraph 6.8.18 of the ES does not state any impact on the Angel of the North. LM further discussed that the impacts of the gantries on the Angel of the North view need to be mentioned as this is not considered to be beneficial.</p>	Note (see Action 2.7)	-
4	<p><b>Statement of Common Ground (SoCG)</b></p>		
4.1	<p>LM discussed that no impact on the Angel of the North is currently included in the SoCG.</p> <p>AP to update text to include impacts on the Angel.</p>	AP	May 19
4.2	<p>NJA stated that the DCO application is due to be submitted mid-June 2019.</p>	Note	-
4.3	<p>WSP to discuss with Gateshead Council to see if there is a particular “classic” view of the Angel of the North and how the gantries would impact on this.</p>	SW	May 19
4.4	<p>WSP to look at the photomontages to what could be done to look at / highlight the impacts of gantries on views to the Angel of the North.</p>	NJA / SW	May 19
4.5	<p>NJA discussed that Highways England would like Historic England to provide a Letter of No Impediment (LoNI) for the Scheme. LM discussed that she had not been involved in a LoNI previously. is an agreement from Historic England.</p> <p>LM raised a number of questions concerning the letter including: How would Historic England would ensure conditions are met? Does the LoNI cross reference to anything? Does it include “conditions” required by Historic England.</p> <p>WSP will look for other examples that have been produced.</p>	NJA	May 19
4.6	<p>NJA discussed that a draft SoCG may be submitted as part of the DCO. The final SoCG is finalised during Examination.</p> <p>NJA/AP will update the SoCG in line with this discussion.</p>	NJA / AP	May 19
4.7	<p><u>REAC</u>: WSP to include the recommendations from Historic England on the interpretation panels, as detailed in Historic England’s letter date 13<sup>th</sup> March 2019.</p>	NJA / AP	May 19
4.8	<p><u>Table 3.1 of the SoCG</u>:</p> <p>LM discussed that Historic England did not agree that the impacts of the gantries on views to the Angle of the north had been considered in the design.</p>	NJA / AP	May 19

## MEETING NOTES

	<ul style="list-style-type: none"><li>- p.6 - Remove reference to listed buildings as this is for local authorities.</li><li>- P.7 - Remove reference to listed buildings. Last paragraph on the setting of the Angel needs to be changed in line with comments from 13<sup>th</sup> March 2019.</li><li>- P.8 - Wording on the Scheme excavation to be changed to "evaluation".</li><li>- Significance of effect: remove reference to listed buildings.</li><li>- Summary and conclusion: add text on the impacts of gantries on views to the Angel of the North. LM suggested adding wording that gantry locations would be looked at at detailed design stage.</li></ul>		
<b>4.9</b>	WSP to provide any further actions (comments/review) needed from Historic England so their quote can be updated.	<b>NJA</b>	<b>May 19</b>

## NEXT MEETING

N/A

**Appendix D – Emails between Historic England (Lee McFarlane) and WSP (17/07/2019) (23/07/2019), (07/08/2019), (08/08/2019), (13/08/2019) and (01/10/2019)**

## Bienfait, Tiffany

---

**From:** McFarlane, Lee [REDACTED]  
**Sent:** 01 October 2019 09:38  
**To:** Ashworth, Nicola  
**Cc:** Rothwell, Jodie; Bienfait, Tiffany; 'Procter, Darlene'; Wilkes, Nicola [REDACTED]; Rawcliffe, Nigel; Stubbs, Kevin; Plummer, Alison  
**Subject:** RE: Birtley to Coal House Scheme

Dear Nicola

Apologies for the rather long response time for this – between leave, workload and a conference my time has been rather busy. I have finally had a response from our legal team at Historic England and I can now advise that Historic England will not sign a “letter of no impediment”.

Our Head of Legal, Andrew Wiseman, advises that we cannot bind the future actions of the Secretary of State in this way – Historic England are advisors to the SoS and not decision-makers so we are not in a position to do this.

I trust that this does not cause issues for the DCO process from your point of view – we don't believe it should. If you have any questions don't hesitate to contact me and I will endeavour to answer them if I can!

Regards  
Lee

### Lee McFarlane

Inspector of Ancient Monuments (NE) | Historic England | Newcastle | North East & Yorkshire Region  
[REDACTED]

[www.https://historicengland.org.uk/](https://historicengland.org.uk/)

*We're celebrating 20 years of our Heritage at Risk campaign. Read about some of the [best rescues since 1998](#) and the latest stories from our [2018 North East Register](#).*

---

**From:** Ashworth, Nicola [REDACTED]  
**Sent:** 13 August 2019 15:30  
**To:** McFarlane, Lee  
**Cc:** Rothwell, Jodie; Bienfait, Tiffany; 'Procter, Darlene'; Wilkes, Nicola ([REDACTED]); Rawcliffe, Nigel; Stubbs, Kevin; Plummer, Alison  
**Subject:** RE: Birtley to Coal House Scheme

Hi Lee,

Please find attached the updated Letter of No Impediment, Draft DCO extract in relation to Archaeological Remains, Schedule 10 from the Draft DCO and aspects of the Construction Environmental Management Plan relating to cultural heritage.

It would be greatly appreciated if Historic England could review the attached documents with a view to moving towards a signed Letter of No Impediment from yourselves for the Scheme.

I look forward to hearing from you.

Kind regards,

Nicola

**Nicola Ashworth MIEMA CEnv TechIOSH**

Associate



Amber Court, William Armstrong Drive,  
Newcastle  
NE4 7YQ

**wsp.com**

---

**From:** Ashworth, Nicola

**Sent:** 08 August 2019 21:37

**To:** McFarlane, Lee [redacted]

**Cc:** Rothwell, Jodie [redacted]; Bienfait, Tiffany [redacted]; Procter, Darlene [redacted]

[redacted]; Wilkes, Nicola ([redacted])

[redacted]; Rawcliffe, Nigel [redacted]

[redacted]; Stubbs, Kevin [redacted]

[redacted] Plummer, Alison [redacted]

**Subject:** RE: Birtley to Coal House Scheme

Hi Lee,

Thanks for your email and I note your timeframes. We have been very hard at work completing the Environmental Statement for submission to the Planning Inspectorate next week. I am also just waiting for the Draft DCO to be finalised by the lawyers so that I can send you all the supporting information to go with the Letter of No Impediment.

I will send you all the information for your consideration as soon as it is available.

Kind regards,

Nicola

**Nicola Ashworth MIEMA CEnv TechIOSH**

Associate



Amber Court, William Armstrong Drive,  
Newcastle  
NE4 7YQ

**wsp.com**

---

**From:** McFarlane, Lee [redacted]

**Sent:** 07 August 2019 09:56

**To:** Ashworth, Nicola [REDACTED] >  
**Subject:** RE: Birtley to Coal House Scheme

Dear Nicola

I've had no response to this email. I need to advise you that I'm barely in the office the next two weeks due to leave and meetings so I am unlikely to be able to meet any August/Early sept deadline you may have for this – bearing in mind I still need to send to our legal team (who are also very busy) a draft of the final letter of no impediment you are asking us to consider signing. Please also note that my time is limited in September due to workloads and more leave.

Regards  
Lee

**Lee McFarlane**

Inspector of Ancient Monuments (NE) | Historic England | Newcastle | North East & Yorkshire Region  
[REDACTED]

[www.https://historicengland.org.uk/](https://historicengland.org.uk/)

*We're celebrating 20 years of our Heritage at Risk campaign. Read about some of the [best rescues since 1998](#) and the latest stories from our [2018 North East Register](#).*



Historic England

We are the public body that helps people care for, enjoy and celebrate England's spectacular historic environment, from beaches and battlefields to parks and pie shops.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.

---

**From:** McFarlane, Lee  
**Sent:** 23 July 2019 10:35

**To:** 'Ashworth, Nicola'; [REDACTED]

**Cc:** [REDACTED]; Plummer, Alison; Murray, Elizabeth; Rothwell, Jodie; Bienfait, Tiffany; Stubbs, Kevin

**Subject:** RE: Birtley to Coal House Scheme

Dear Alison

**Our Ref:** PL00552195 A1 Birtley to Coal House roundabout

Many thanks for the email and attachments.

I have comments as follows:

1. **CEMP:**
  - a. **CH2** and **CH3** are both for archaeological WSI's. The former covers the non-designated archaeological works and the latter the designated.
  - b. Would it not be clearer to merge CH2 and CH3 into one ref point? Why do you need two to cover the archaeological works? To me it makes sense to have one action described thusly:
    - i. Prior to construction, an archaeological Written Scheme of Investigation (WSI) will be agreed with both Historic England and the Local Authority in relation to archaeological works during construction required within the Bowes Railway



Scheduled Monument (SM) (1003723) and the wider development area. The WSI will include those actions detailed within CH2, CH3, CH4, CH5, CH6, CH7 and N8 of this CEMP.

- c. **CH4** – I'm happy with the Action description but the Achievement Criteria needs amending
  - i. Remove ref to Local Authority approval. Only requires Historic England approval
- d. **CH5** - Remove ref to Historic England approval. Only requires Local Authority approval as does not affect Scheduled Monument
- e. **CH6** – Happy with this
- f. **CH7** – Happy with this
- g. **N8** – needs slight amendment towards end:
  - i. *...if any of the wall is damaged it will be repaired on a like for like basis using the agreed conservation strategy set out in CH7.*
  - ii. Not sure that the wording of the Achievement Criteria makes sense? Why does this one refer to approval of CEMP when none of others do? Also this does not require approval by the LPA. It is Historic England who would approve this aspect (apart from it being included in the overall WSI is that what you mean in ref to the LPA?).

## 2. Requirements:

- a. Subsection (4) should be amended:
  - i. ...must be retained in situ and reported to the relevant planning authority, **or to Historic England in the case of them being within the scheduled monument area**, as soon as...
- b. Subsection (5) amendment:
  - i. ...unless otherwise agreed in writing by the relevant planning authority **and/or Historic England**.
- c. Subsection (6) amendments:
  - i. ...If the relevant planning authority **and/or Historic England** determines in writing...and approved in writing by, the relevant planning authority **and/or Historic England**.
- d. Subsection (7): Not sure that this works as a pre-commencement condition? What does Jenny think? To my mind it would work better if tied into something other than commencement as the design of the board may be influenced by findings of the work?

## 3. Letter of no impediment:

- a. I will need to send this to our Lawyers and at present I cannot tell you if we will sign this or not. However, in anticipation of questions from them please ensure that I have copies of all the relevant documents to send them – i.e. relevant parts (or all) of Schedule 10, as I really can't see them saying yes to signing something which refers to a document we have not yet seen?
- b. The letter needs editing as it doesn't read well. I know some of it is legal speak but there are a few typo errors which need fixing before I send it on.

Regards  
Lee

### Lee McFarlane

Inspector of Ancient Monuments (NE) | Historic England | Newcastle | North East & Yorkshire Region

[www.https://historicengland.org.uk/](https://historicengland.org.uk/)

We're celebrating 20 years of our *Heritage at Risk* campaign. Read about some of the [best rescues since 1998](#) and the latest stories from our [2018 North East Register](#).

---

**From:** Ashworth, Nicola [REDACTED]  
**Sent:** 17 July 2019 15:42

**To:** McFarlane, Lee; [REDACTED]  
**Cc:** [REDACTED] Plummer, Alison; Murray, Elizabeth; Rothwell, Jodie; Bienfait, Tiffany; Stubbs, Kevin  
**Subject:** Birtley to Coal House Scheme

Hi both,

Following my meeting yesterday with Lee, and my conversation with Jennifer this morning, I have attached the various documents that we discussed. This includes the extract of the Construction Environmental Management Plan (CEMP) which relates to archaeology updated in response to my meeting with Lee yesterday, the wording included in the draft DCO relating to archaeological remains and an updated letter of no impediment for Historic England.

I would appreciate it if you could both take a look at the documents and let me know if you have any comments / amends that you would like to be made or confirm that you have no further comments. Jennifer - the letter of no impediment relates to Historic England only so you do not need to look at this one.

The DCO is being submitted in mid-August and we would need some time prior to this to make any amends so if you could let me know if you have any comments at your earliest available opportunity, that would be much appreciated.

If you have any questions at all, please do not hesitate to contact me.

Kind regards,

Nicola

**Nicola Ashworth MIEMA CEnv TechIOSH**  
Associate



Amber Court, William Armstrong Drive,  
Newcastle  
NE4 7YQ

[wsp.com](http://wsp.com)

**Appendix E – Meeting Minutes between Historic England (Lee McFarlane) and WSP  
(30/01/2020)**



## AGENDA & MEETING NOTES

<b>PROJECT NUMBER</b>	70041947	<b>MEETING DATE</b>	30 January 2020
<b>PROJECT NAME</b>	A1 Birtley to Coal House Scheme	<b>VENUE</b>	Newcastle
<b>CLIENT</b>	Historic England and Highways England	<b>RECORDED BY</b>	Aona Stuart
<b>MEETING SUBJECT</b>	Meeting with Historic England to discuss A1 Birtley to Coal House		

<b>PRESENT</b>	<ul style="list-style-type: none"><li>• Nicola Ashworth (NJA) (WSP)</li><li>• Aona Stuart (AS) (WSP)</li><li>• Lee McFarlane (LM) (Historic England)</li><li>• Elizabeth Murray (EM) (WSP) – via Skype</li><li>• Michael Birkett (MB) (WSP) – via Skype</li><li>• Andrew Williams (AW) (WSP) – via Skype</li><li>• Nicola Wilkes (NW) (Highways England) – via Skype</li></ul>
<b>APOLOGIES</b>	N/A
<b>DISTRIBUTION</b>	Attendees
<b>CONFIDENTIALITY</b>	<b>Restricted</b>

ITEM	SUBJECT	ACTION	DUE
	<p><b>Update on the Scheme – NJA</b></p> <p>NJA: WSP are currently undertaking an additional land desktop assessment as part of the examination. A map of proposed changes to the additional land showed:</p> <ol style="list-style-type: none"><li>1 Storing materials</li><li>2 Top soil (bund along the edge to act as screening)</li><li>3 Soil soil</li><li>1. 4 Attenuation pond</li></ol> <p>EM: All the above features will be temporary and are a moderate adverse impact during construction. There will be loss of ridge and furrow, but land will be returned to pasture after construction. All the features are within the conservation area boundary.</p>		
2	<b>Gantries Visualisations – MB and AW</b>		

MEETING NOTES

ITEM	SUBJECT	ACTION	DUE
	<p>AW: Gantries visualisation and the Angel of the North was played through video and described.</p> <p>Northward bound: Proposed footbridge to Birtley does interrupt the Angel of the North view (current footprint does too), the gantries then interrupt the view and then the Angel of the North disappears behind existing vegetation. In the middle of Junction 66, there is a clear view of Angel of the North. It is proposed that existing trees will be thinned and there would be a creation of proposed woodland edge.</p> <p>Southward bound: Tyne valley at junction 67 – clear view of Angel of the North, the gantries briefly interrupt the view. Existing vegetation starts to slightly block the view of the Angel of the North. Past Smithy Lane there is no view of the Angel of the North, it is planned to re-profile the hill / vegetation.</p> <p>Historic England discussed that as that the Angel of the North was not designed that Historic England would defer to Gateshead Council for matters relating to this. However, it remains Historic England’s wish that the view of the Angel of the North is enhanced.</p> <p>It was agreed that Angel of the North should remain as high value within the cultural heritage assessment of the ES.</p> <p>LM discussed that the drive through really assists with visualising where the gantries are. Verdict from Historic England is that the gantries are not intrusive but refer to local authority (Gateshead Council) for final view.</p>		
3.	<p><u>Questions relating to the DCO</u></p> <p>Article 39 of the DCO allows to the work in Schedule 10 to be undertaken LM discussed that it is not clear in Article 39 what the methodology or approach is, or how Historic England would be engaged. LM discussed that the wording should be tightened up.</p>	NJA	
4.	<p><b>In relation to ExA Qu. 1.5.9 relating to the request that the Applicant produce an Outline WSI</b></p> <p>LM discussed that an Outline WSI for intrusive works and a method statement for works to the retaining wall be produced.</p> <p>The outline WSI should be sent to Rachel Grahame and Lee McFarlane to review.</p>		

MEETING NOTES

ITEM	SUBJECT	ACTION	DUE
	<p>WSP confirmed that an Outline WSI could be produced. WSP would produce the Outline WSI, the appointed archaeological contractor would produce the final WSI.</p> <p>Action: WSP to produce Outline WSI.</p> <p>LM provided the example of A30 Chiverton to Carland Cross Outline WSI was provided as a good example which includes the following layout and details: purpose, content, who is responsible and when, preconstruction requirements and reporting. LM stated that this would close out the concerns from Historic England.</p>	EM	
5	<p><b>EQ1: 1.5.6 in relation to mitigating the loss of part of the retaining wall associated with Bowes Railway Scheduled Monument</b></p> <p>LM discussed the timing of the repairs.</p> <p>EM confirmed that the repairs would be done after the main construction works and LM agreed this was appropriate.</p> <p>NJA and LM discussed that it is assumed that repair of the retaining wall is 16m. There is some flexibility which is why it is stated as being 15m to 17m.</p> <p>Action: WSP to make text clear that the repair of the retaining wall is up to 17m.</p> <p>LM discussed that there was a possibility that the retaining wall associated with Bowes Railway SM is on both sides of Longbank Bridleway as the earth embankment could be hiding it. Records would need to be checked if there is anything on the south side. It is advised that the engineers drawing include a hazard / information icon.</p> <p>Action: Hazard / information icon to be included on the drawing.</p> <p>LM discussed that the WSI should be checked and the information included within it, communicated to workers prior to any work being carried out in that area.</p> <p>LM discussed that this information is outlined in the CEMP. Tool box talks will be carried out on site- content will be managed by the environmental advisor.</p> <p>NJA discussed that the CEMP will be updated during examination.</p> <p><u>Action:</u> WSP to insert information regarding briefing out the WSI / the importance of the monument and carrying out appropriate archaeology tool box talk for all workers carrying out work in the</p>	<p>NJA to communicate to WSP design team</p> <p>NJA to communicate to WSP design team</p> <p>NJA</p>	

MEETING NOTES

ITEM	SUBJECT	ACTION	DUE
	vicinity of the Scheduled Monument into the CEMP. This should be carried out prior to- and during the works.		
6	<p><b>In relation to the dDCO</b></p> <p>LM discussed that the mitigation strategy detailed in CH5 and CH6 of the CEMP isn't tied into the dDCO requirements. Include interpretation strategy in the WSI.</p> <p>LM also discussed that Historic England would want the requirement in the DCO to be 'in accordance with' not 'substantially in accordance with'.</p> <p><u>Action:</u> WSP to feed this back to the DCO / legal team.</p> <p>LM discussed that she had no issue with the wording of Schedule 10 but that she would check the wording in other DCOs that have been produced. LM also discussed that the wording of the DCO Requirements should be discussed with Rachel Graham.</p> <p><u>Action:</u> WSP to consult with Rachael Graham on the wording in the DCO Requirements.</p> <p>LM: Discharge conditions by local authority, one of the requirements is 9 – sign off from Historic England. Example Stonehenge DCO. Is it required to be put in writing?</p> <p><u>Action:</u> WSP to ask advice from lawyers as to whether it would be appropriate to add in, within the requirements, for Historic England to approve the WSI or if it would be appropriate for this to just be included in the CEMP.</p>	<p>NJA to feed back to legal team</p> <p>EM</p> <p>NJA to feed back to legal team</p>	
7	<p><b>DMRB</b></p> <p>LM discussed that the DMRB table of value is different with the Historic England table of value. Historic England discussed that Grade II buildings are of "moderate" value.</p> <p>EM: In the case of a direct impact to the scheduled monument it is classed as minor impact for local area but a moderate adverse impact for the monument. If its destructive it should be major. Despite these differences in approach, the overall significant effects are correct.</p>		
8	<p><b>Statement of Common Ground</b></p> <p>Action: WSP to include the following items in the Historic England SoCG:</p> <ol style="list-style-type: none"> <li>1 Bowes Railway SM, issue meeting minutes from 02/05/2019</li> <li>2 Minutes for this meeting – add in main points of discussions</li> <li>3 Update Angel of the North section, data requirements and all other sections that have been discussed today</li> </ol>	<p>NJA</p>	

## MEETING NOTES

ITEM	SUBJECT	ACTION	DUE
	4 Add in details of Outline WSI		