



Historic England

**RESPONSES TO THE WRITTEN QUESTIONS OF THE EXAMINING
AUTHORITY FOR DEADLINE 2 (25 February 2020)**

ON BEHALF OF THE

**HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR
ENGLAND
(HISTORIC ENGLAND)**

Application by

**Highways England for an Order granting
Development Consent for the
A1 Birtley to Coal House Improvement Scheme, Tyne & Wear**

PINS Reference No: TR010031

Historic England Reference No: PL00552195

Deadline 2 Submission

25th February 2020

ExA Question Ref & Topic:	Question for:	Question
1.0 General and Cross-topic Questions		
1.0.2	Gateshead Council, Sunderland City Council, Environment Agency, Natural England and Historic England	The outline Construction Environmental Management Plan (CEMP) [APP-174] including the Record of environmental actions and commitments (Table 3-1) and outline Construction Traffic Management Plan (CTMP) (Appendix B) includes measures to avoid, prevent, reduce or, where possible and appropriate, offset the potential environmental impacts associated with the construction of the Proposed Development. Please comment on the acceptability of the outline CEMP including any potential amendments or additions that may, in your view, be required. Provide appropriate justification for any amendments or additions sought.
<p>Historic England Response:</p> <p>In our Written Representations (REP1– 012 at paragraph 6.5) Historic England commented on some modifications that we have discussed with the Applicant to the Outline CEMP to ensure that it will protect the Historic Environment and is fit for purpose. Specifically we would like to see changes to CH2, CH3, CH5, CH6 and N8. We set out our proposed amendments in detail in Appendix 7 of our Written Representations.</p>		
1.4 Draft Development Consent Order (DCO)		
1.4.1	IPS other than The Applicant	With respect to matters raised in Relevant Representations or Written Representations 1 but which were not discussed in ISH1 and in your view require changes to the DCO please identify any changes that you require, referring to Articles, Requirements and any other provisions as necessary. Provide your preferred drafting where possible and explain

		<p>why it is proposed and what it aims to achieve. Please cross-reference responses to this question to your Relevant Representation, Written Representation and to other questions in ExQ1 as necessary.</p>
<p>Historic England Response:</p> <p>In our Written Representations REP1-012 at paragraphs 6.2 – 6.4) Historic England set out the issues in relation to the draft DCO regarding Article 39; Schedule 2 (Part 1)(Requirement 9); and, to Schedule 10. We considered that changes are required to these provisions in order to clarify exactly what and how works are to be carried out to the Scheduled Monument of the Bowes Railway</p> <p>Article 39: (see Appendix 7 of Written Representations) authorises the undertaker to carry out specified works to the Monument as set out in Schedule 10. However, no methodology and approach as to how these works are to be carried out are provided for in Schedule 10. We suggested amendments in the draft outline CEMP were required.</p> <p>Schedule 2 (Part 1) (Requirement 9): lacks clarity and may cause confusion in the carrying out of the works should consent be forthcoming. We have set out in Appendix 5 of our Written Representations our proposed amended wording for consideration.</p> <p>Schedule 10: Historic England considers that this schedule lacks clarity regarding the extent of demolition proposed to the Scheduled Monument of the Bowes Railway. We have set out in Appendix 6 of our Written Representations our understanding of the extent of demolition proposed and would like to see Schedule 10 amended to reflect this more accurately.</p>		
<p>1.5 Cultural Heritage</p>		
<p>1.5.5</p>	<p>The Applicant and Historic England</p>	<p>In ES Appendix 4.1 [APP-103], the Applicant states that it: “...is in discussions with Historic England in order to obtain a Letter of No Impediment with the aim to include Scheduled Monument Consent within the Development Consent Order”.</p> <p>Noting that consent for works to the Bowes Railway Scheduled Monument is sought through the DCO (Article 39 and Schedule 10), can the Applicant and Historic England provide an update regarding progress</p>

		towards agreeing any such Letter of No Impediment?
<p>Historic England Response:</p> <p>The Applicant did request that Historic England sign a “Letter of No Impediment” as noted above. However, in view of the issues that we raised which we considered the Applicant needed to address we have not signed this letter. We are currently awaiting Highways England response to our discussions with them on the points we have raised.</p>		
1.5.6	Applicant	<p>To mitigate the loss of part of the retaining wall associated with Bowes Railway Scheduled Monument, ES paragraph 6.9.10 [APP-027] states that Historic England have requested that another section of the surviving wall associated with Bowes Railway Scheduled Monument of equal length to that being demolished is repaired. It is proposed that the section of retaining wall to be repaired and the repointing and conservation methodology would be agreed with Historic England.</p> <p>a) Can the Applicant provide further details and a framework of what is proposed in this regard and at what point in the programme these works would be implemented?</p> <p>b) Schedule 10: Scheduled Monuments of the DCO [AS-012] does not currently include the mitigation to repair sections of the retaining wall associated with Bowes Railway Scheduled Monument. Can the Applicant confirm how delivery, including timing, of these works would be secured through the DCO?</p>
<p>Historic England Response:</p> <p>We note that this is a question that has been put to the Applicant and await their response and will comment on it if appropriate. As set out in our Written Representations REP1-012, we consider that there needs to be greater clarity in relation to the walling to be</p>		

repaired.		
1.5.8	Historic England	Article 39 of the DCO [AS-012] includes authorisation for the works specified in column 2 of Schedule 10 to be carried out. Historic England are requested to comment on whether any further details are required, including with regard to mitigation, in connection with the proposed works to the Bowes Railway Scheduled Monument.
Historic England Response:		
We commented on Article 39 and Schedule 10 in our Written Representations REP1-012 see paragraphs 6.2 and 6.4 and Appendices 6 and 7 which set out our position on the matter.		
1.5.9	Applicant	Table 3-1 (Ref CH2) of the REAC [APP-174] sets out the measures proposed to be included within the Written Scheme of Investigation (WSI). These would include a mitigation strategy for the impact on the Bowes Railway as well as other potential archaeological remains. The Applicant is requested to submit an outline WSI that has been agreed with Historic England and the LPA setting out the principles to ensure the protection of the archaeological resource and a summary of the necessary archaeological mitigation measures.
Historic England Response:		
We note that this is a question that has been put to the Applicant and await their response and will comment on it if appropriate. As set out in our Written Representations REP1-012 (see paragraphs 5.11-5.13 and 6.5) we set out the need for a clear archaeological strategy for the historic environment which is appropriately designed, implemented and manageable and provided amendments for consideration in our appendices. We also provided an example of what we expect the WSI to look like (see Appendix 4 of Historic England Written Representations). We discussed the matter further with the Applicant and their agents at a meeting on 30 January		

2020 and are currently waiting for a response from the Applicant.