



Historic England

COMMENTS ON OTHER MATTERS REQUIRED

FOR DEADLINE 2

25th 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

1. INTRODUCTION

- 1.1. Historic England is more formally known as the "*Historic Buildings and Monuments Commission for England*". We are the government's statutory adviser on all matters relating to the historic environment, including world heritage. It is our duty under the provisions of the *National Heritage Act 1983* (as amended) to secure the preservation and enhancement of the historic environment.
- 1.2. We have provided our responses to the Examining Authority's Written Questions in a separate document for ease of reference. We therefore set out below our comments on other matters that have arisen from documents submitted for Deadline 1 to this DCO examination. We have sought to focus our attention on those documents which we consider it would be of assistance to the Examining Authority to have our commentary. These relate particularly to:
- Comments on Gateshead Borough Council Written Representations (REP1-005).
 - Draft Statement of Common Ground.
 - Comments on Applicant's first revised draft DCO (AS-012).
 - Comments on draft itinerary for Accompanied Site Inspection and suggested locations for site inspections by Highways England (REP1-004).
 - Comments on Written Submission of Oral Case for ISH1 (draft DCO) by Highways England (REP1-003).
 - Comments on the Hearing Action points issued by the Examining Authority (EV-006).

2. GATESHEAD BOROUGH COUNCIL WRITTEN REPRESENTATIONS (REP1-005)

- 2.1 Gateshead Borough Council in their Written Representations cover various matters, including the Bowes Railway Scheduled Monument.
- 2.2 We would make two comments in relation to this particular matter. Firstly, we note the reference to further consideration should be given to lighting the tunnel, with the Council's preference being for lights operated on a sensory basis. We consider that the introduction of lighting within the tunnel on a sensory basis would be of assistance for those wishing to use the tunnel as access to the monument.
- 2.3 Secondly, we note the reference to "scour protection" in relation to any design incorporating features that offer scour protection at the headwall and within the underpass which is mentioned in connection to the bridleway which crosses the monument. It is unclear the extent to which this point has been considered by Highways England, nor is it clear the approach and methodology that would be used to provide scour protection features as part of the design and the implications this would have on the scheduled monument.
- 2.4 Whilst the path within the current tunnel is not part of the monument, any scour protection works within the monument boundary either side of the existing tunnel will necessitate details being provided so that the works can be carried out without harm being caused to the scheduled monument. We would welcome discussion of the matter with Highways England so that agreement can be reached with the necessary provisions made in the relevant documents to this DCO.

3. DRAFT STATEMENT OF COMMON GROUND

- 3.1 As noted in Section 7 of our Written Representations (REP1 – 012), we anticipated having discussions with the Applicant to progress a draft SoCG by Deadline 2.

3.2 We are disappointed to note that since our meeting with the Applicant and their Agents on 30th January 2020 we have not heard anything further from Highways England and their comments on our Relevant Representations appear to indicate that they do not consider that further requirements are needed to safeguard CH5 and CH6. We would hope however that following the submission of our Written Representations that they will reflect further on the matter. We remain willing to discuss the issues we have previously raised with them and as set out in our Written Representations.

4. COMMENTS ON APPLICANT'S FIRST REVISED DRAFT DCO (AS-012)

4.1 We note that the Applicant has issued a first revised draft DCO; however the points that we had highlighted in our Relevant Representations and then provided further detail in our Written Representation do not appear to have been taken into account yet.

5. COMMENTS ON DRAFT ITINERARY FOR ACCOMPANIED SITE INSPECTION AND SUGGESTED LOCATIONS FOR SITE INSPECTIONS (REP1- 004)

5.1 Historic England note that Highways England has submitted (REP1-004) a draft itinerary for the Accompanied Site Visit. We further note that Stop 3 relates to the Longbank Bridleway Underpass. We would like to suggest an amendment to Stop 3 on the Accompanied Site Inspection schedule due to its location in relation to the Bowes Railway Scheduled Monument.

5.2 We suggest that the opportunity therefore is taken at Stop 3 to view the Scheduled Monument and the proposed works on the North side of A1. Changes are proposed not only to the tunnel but also to the existing footpath arrangement as it comes down onto the monument (the bridleway) which the Examining Authority may wish to note and take into consideration.

6. COMMENTS ON WRITTEN SUBMISSION OF ORAL CASE FOR ISH1 (DRAFT DCO) BY HIGHWAYS ENGLAND (REP1-003)

- 6.1 Article 39 Scheduled Monuments: The Applicant was asked whether it was necessary to include this Article in the Order. In responding, Highways England stated "...the Article and Section 10 state exactly which interference is actually authorised, and as such are appropriate for inclusion so that the extent of the authorised works to the scheduled monument is properly interpreted." Historic England would agree that Article 39 is required as it is expressly tied to Schedule (not Section) 10 which authorises what works are permitted to the Scheduled Monument. However, Historic England do not agree with Highways England that they "state exactly which interference is actually authorised". This is a point that we raised in paragraphs 6.2 and 6.6 of our Written Representations (REP1 – 012).
- 6.2 Appendix A: Justification Of Ancillary Works Provided In Schedule 1 Of The Draft DCO [App-013]: Historic England is concerned that works to the scheduled monument may be included in (c) which includes works to footpaths, bridleways, embankments... etc., but the details will only be provided at detailed design stage to "...enable the final details of works to be defined and provided by the main contractor..."
- 6.3 We are concerned that the full details of works to the Scheduled Monument are therefore not explicit in Schedule 10 as they should be. We refer the Examining Authority to our Written Representations at paragraph 6.4.

7. HEARING ACTION POINTS ISH1 (EV-006)

- 7.1 The Examining Authority has also issued a Hearing Action Points document following the Issue Specific Hearing 1.
- 7.2 Action Point (AP) 4: "Where there is disagreement with any part of the Applicant's draft DCO (including Requirements), provide suggested alternative wording."

7.3 With regards this Action point Historic England have set out our position in Section 6 of our Written Representations (REP1-012).

7.4 *AP19: “Requirement 9 – Clarify relationship with the Archaeological Mitigation Strategy sought through Requirement 4.”*

7.5 We note that this Action Point is directed to the Applicant. However we would like to note that this is an issue we raised in paragraphs 5.12 – 5.13 of our Written Representations.

7.6 *AP 20: “Requirement 9(1) – Update the Requirement to include Historic England as a consultation body in addition to the ‘relevant planning authority’”*

7.7 We note that this Action Point is also for the Applicant to respond; however, we welcome the Examining Authority’s comment to include Historic England as a consultation body in relation to this requirement.