



Historic England

**COMMENTS ON OTHER MATTERS REQUIRED  
FOR DEADLINE 3**

**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 3 Submission**

**10<sup>th</sup> March 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 Draft Statement of Common Ground separately (please see “*Historic England Comments on Draft Statement of Common Ground with Highways England*” submitted for Deadline 3).
- 1.3. We set out below our comments on other matters that have arisen from documents submitted for Deadline 2 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:
  - Hearing Action Points Response Table – EV-006
  - Applicant’s Comments of Written Representations (REP2-061)
  - Applicant’s Responses to ExA’s First Written Questions (REP2-060)
  - Outline Construction Environmental Management Plan (REP2-050)
  - Revised Draft DCO (Rev 2 REP2-045)

## 2. HEARING ACTION POINTS RESPONSE TABLE – DEADLINE 2 (EV-006)

### Ref: ES Chapter 19 and 20 – Requirement 9

- 2.1 Historic England notes that the Applicant has responded regarding changes we requested to Requirement 9.

- 2.2 We note that the Applicant has made changes Requirement 9 (1) to the Draft DCO to reflect our request that we are included as a “consultation body” in addition to the “relevant planning authority” and we welcome this. However alongside some changes which have been made, other changes are required. See sections 5.2 – 5.5 below for more detailed discussion of the changes made.

### **3. APPLICANT’S RESPONSES TO EXA’S FIRST WRITTEN QUESTIONS (REP2-060)**

***Ref: Q1.5.6***

- 3.1 The Applicant has made changes as requested to the Outline CEMP to clarify when the repair works to the retaining wall(s) on the monument will be done and that it will form part of the FINAL WSI – see CH3 and CH6 of the updated Outline CEMP (REP2-050) dated 25<sup>th</sup> February 2020.

***Ref: Q1.5.7***

- 3.2 We await sight of the OUTLINE WSI (see Q1.5.9 below) to ensure that the “agreed conservation strategy” is set out. Despite the Applicant’s response here, the OUTLINE WSI was not submitted at Deadline 2 and we await submission of this document to ourselves for review and comment.

***Ref: Q1.5.9***

- 3.3 We note that an OUTLINE WSI is being prepared and that the FINAL WSI will be prepared “...fully in accordance with the OUTLINE WSI...” The Outline WSI was not submitted for Deadline 2 as indicated here. It is our understanding from the Applicant that it will be submitted to Historic England and the Local Authority for comment before it is submitted to the Examining Authority within the next 10 days.

#### **4. APPLICANT'S COMMENTS ON WRITTEN REPRESENTATIONS (REP2-061)**

- 4.1 In our Written Representations (REP1 – 012), Historic England raised some issues and we note in Section 1.5 of the “Applicant’s Comments on Written Representations” (REP2-061) that the Applicant has addressed these concerns and amended the Outline CEMP (REP2 – 050) and Draft DCO (REP2 – 045). Specifically we note the following in Section 1.5.
- 4.2 **Items 20, 21 & 30** – Historic England welcomes that the Applicant will now be producing an OUTLINE WSI. We are pleased that the Applicant acknowledges the need for more detail to be in the Outline WSI than the original submission provided. We encourage the Applicant to submit a draft to ourselves and the Local Authority archaeology advisor as soon as possible. We welcome the opportunity to review this document prior to its submission to the Examining Authority. It is our understanding after a recent discussion with the Applicant’s agents that a draft will be sent through to us within next 10 days as noted in section 3.3 above.
- 4.3 **Items 1, 24, 27** – We welcome that the Applicant has agreed to accept our recommended changes to the Outline CEMP (REP2 – 050) and has also made some of the changes requested to the DRAFT DCO (REP2 – 045). See Sections 5 and 6 below for more detailed comments.
- 4.4 **Item 18** – there is a typo which requires amendment. We believe the penultimate sentence should read: “...The potential for buried remains to be present **under** the current bridleway is agreed....”

#### **5. OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (REP2-050)**

- 5.1 Historic England welcomes the amendments made to the Outline CEMP by the Applicant following our recommendations as set out in our Written Representations 1 (REP1 – 012).

5.2 Specifically, we note and accept the changes made to address our concerns to safeguard and mitigate impacts to the historic environment as detailed in amendments to:

- **CH2** – The Applicant has acknowledged the requirement for a detailed OUTLINE WSI to be submitted with approval from the local authority and in consultation with Historic England. In addition, that a FINAL WSI will be produced “in accordance” with the Outline WSI. We welcome this.
- **CH3** – Some change has been provided about works to the masonry retaining wall associated with the Bowes Railway Scheduled Monument. However we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).
- **CH5** – Some change has been provided as requested regarding the interpretation panel. However we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).
- **CH6** – Some change has been provided regarding the potential for a retaining wall on both sides of the monument to be repaired and that an appropriate conservation methodology will be provided for approval by the Local Authority in consultation with Historic England. However we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).
- **N8** – Some changes has been provided regarding the monitoring for vibration damage during piling works on the monument and any necessary repairs required as a consequence. However we note that reference to the methodology and timing of the works has not been fully incorporated as requested in Appendix 7 of our Written Representations (REP1 – 012).

- 5.3 Whilst most of Historic England's amendments have been accepted by the Applicant, we note that there are some omissions in all of the above Outline CEMP Actions as the wording of which are set out in our Appendices to our Written Representations (REP1 – 012).
- 5.4 Specifically, we note that our request that each action includes the wording “...submitted in writing to and approved by the Local Planning Authority in consultation with Historic England...” has only been included in the CH2 Outline CEMP Action. We consider that this provision should be replicated in CH3, CH5, CH6 and N8.
- 5.5 We also suggest that Actions CH3, CH5, CH6 and N8 (although not relevant to Historic England, CH4 should also be included) all include the following text:
- “...The methodology, including the timing and details, will be required as part of the FINAL WSI to be approved under CH2 of the Outline CEMP.”*
- 5.6 We believe this will then address points we made on relation to each Action in the Outline CEMP as set out in Appendix 7 of our Written Representations (REP1 – 012).

## **6. REVISED DRAFT DCO (Rev 2 REP2-045)**

- 6.1 The Applicant has made some amendments to the Draft DCO (February 2020), in particular to the following sections in so far as relevant to matters raised by Historic England.

### **Schedule 2, Part 1, Requirement 9**

- 6.2 The Applicant has accepted some of our suggested amendments to Requirement 9 specifically to 9(1) and 9(2).
- 6.3 We note that sub-sections 9(3) – 9(6) are not significantly amended from the wording in the original Draft DCO submitted for examination despite our recommendations in our Written Representations (REP1 – 012) to do so.
- 6.4 We still contend that sub-section 9(3) requires amendment to ensure that the reporting and analysis referred to in this section is carried out as per the FINAL

WSI and in agreement with the Local Authority in consultation with Historic England.

- 6.5 Sub-section 9(4) still requires amendment to ensure that unexpected remains are subject to agreed mitigation (as defined in 9(5)) and not simply reported to the Local Authority and Historic England which is all this sub-section requires at present. If the recommended changes were made, there would then be no need for sub-section 9(6).
- 6.6 In our Written Representations Appendix 5 (REP1 -012) we had recommended wording for sub-section 9(5) which removed the requirement for agreement with the Local Authority. This was an error and therefore we accept the revision to 9(5) as shown on page 42 of the DRAFT DCO (REP2 – 045).

### **Schedule 10**

- 6.7 In our Written Representations and Appendices (REP1 – 012) Historic England requested that Schedule 10 be amended to fully reflect all works to the Scheduled Monument of the Bowes Railway. We do not find that this has yet been done to our satisfaction and welcome further discussion about this with the Applicant and their agents as soon as possible.
- 6.8 The reason for this is that the DCO replaces the need for a separate Scheduled Monument Consent, as reflected in Article 39 of the Draft DCO.
- 6.9 Historic England therefore need to be reassured that Schedule 10 is clear, detailed, and precisely lists all the works which will have a direct impact on the monument and not simply the excavation of two foundation trenches and the insertion of piles. There is much more intervention to the monument than this which needs to be set out here in Schedule 10, e.g.:
- demolition of part of the walls and track-bed of the monument;
  - construction of the tunnel;
  - repairs to an equal length of walling;
  - insertion of drainage;
  - access onto the monument during construction from Compound 4;
  - access after construction for the new PROW/Bridleway access ( we have raised this in correspondence with the Applicant's agents);
  - the location and fixing of the interpretation board

6.10 It is Historic England's opinion that the Applicant still has work to do in refining Schedule 10 and we welcome further discussion with the Applicant on this matter so that agreement can be reached as soon as possible.