



Historic England

**COMMENTS ON MATTERS REQUIRED**

**FOR DEADLINE 7**

**(2<sup>nd</sup> June 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 7 Submission**

**2<sup>nd</sup> June 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 set out below our comments on matters that have arisen from documents submitted for Deadline 6 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.
- 1.3. Historic England are providing comments on the following documents:
  - Revised Draft DCO (REP6 – 03)
  - Outline CEMP (REP6 – 19)

## 2. REVISED DRAFT DCO (REP6 – 03)

### Schedule 2, Part 1, Requirement 9

- 2.1 Historic England welcomes the discussions we have had with the Applicant regarding Requirement 9.
- 2.2 However, we note that the Applicant has amended the wording of 9(1) and it is at odds with what we had understood was agreed wording.
- 2.3 In the latest submission of the dDCO at Deadline 6 (REP6 – 03) Requirement 9(1) has been changed to say “...*The FWSI shall be **substantially** in accordance with the mitigation measures included in the REAC and the outline written scheme of investigation...*”.
- 2.4 The previous wording, and which we were in agreement with, stated:

*“...The FWSI shall be **in accordance** with the mitigation measures included in the REAC and the outline written scheme of investigation...”*

- 2.5 There is now a confusing lack of concordance between the Outline CEMP (REP6 – 08) and the dDCO (REP6 – 03), with the amendment in dDCO (REP6-03) being contrary to the Applicant’s Response to Deadline 5 submission (REP6 – 11).
- 2.6 Our understanding that the FWSI shall be “in accordance” is confirmed by Applicant’s Response to Deadline 5 submission (REP6 – 11; Ref 2.6) in which the Applicant acknowledges that we are happy with the wording in REP4 – 013 which states in Req 9(1) that “...The FWSI shall be in accordance with...”
- 2.7 This is also reflected in the Outline WSI contained in Appendix C of the Outline CEMP (REP6 – 08) which states that the Final WSI will be “in accordance with” (see para 1.1.1).
- 2.8 Historic England considers that the documents (dDCO and Outline CEMP) should be consistent on this point and therefore reflect the position which we had understood to be agreed after Deadline 4 (see REP4 – 075 dDCO version with correct wording of 9(1)) – that of the Final WSI to be “in accordance with”, and for the word “substantially” to be deleted. In our view “in accordance with” should be the wording to ensure that the methodology as set out in the Outline WSI is taken forward into the Final WSI. We consider this is a clearer, more enforceable phrasing to use and recommend that wording of the Outline CEMP and the dDCO should be consistent. It is important that the FWSI is in accordance with the Outline WSI to ensure that all archaeological works are conducted as agreed, particularly in relation to the scheduled monument.

### **3. OUTLINE CEMP (REP6 – 19) (tracked)**

- 3.1 Historic England welcomes the updated Outline CEMP submitted at Deadline 6 (REP6 – 19) which addresses, in part, the issues we raised in REP6 – 18 with regards an update to action point CH9 and a new action point CH10.

- 3.2 Historic England welcomes the addition of CH10 to the REAC table. Its inclusion with the addition of Figure 3 to the Outline WSI in Appendix C showing the boundary of the Scheduled Monument provides reassurance that the reinstated access for the PROW and Bridleway back onto the Monument will be carried out accordingly and in consultation with us.
- 3.3 However, in relation to the *“Achievement criteria and reporting requirements”* in both CH9 and CH10 we request that some words are added to ensure the protection of the Scheduled Monument insofar as it falls within our remit. Specifically, we suggest that the wording for both CH9 and CH10 are amended to include consultation with Historic England in relation to the design of the drainage and the reinstated accesses, as well as the method statements, due to the impact that these proposed works would have on the Scheduled Monument. The potential for the impacts on the scheduled monument to be mitigated through design and our consultation and engagement in the proposed design will assist in informing this outcome.
- 3.4 Discussions are on-going with the Applicant’s Agents, but we believe the inclusion of the words “design of” as well as consulting with us about the Method Statements at the beginning of the achievement criteria may resolve the issue.