



Historic England

COMMENTS ON MATTERS REQUIRED

FOR DEADLINE 11

(17th July 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 11 Submission

17th July 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. The following statement has been prepared by Historic England for submission at the Final Deadline 11 (17th July 2020) of the Examination of the application by Highways England for the A1 Birtley to Coalhouse Improvement Scheme DCO. This is Historic England’s concluding statement.

2. HISTORIC ENGLAND POSITION

2.1 We set out and summarised our position in our Deadline 9 submission [REP9 – 028] as requested by the Examining Authority. We highlighted that there were still some issues to reach agreement on in the following documents:

- Draft Development Consent Order
- Outline Construction Environmental Management Plan
- Outline Written Scheme of Investigation

2.2 We have had further opportunity to engage with Highways England on the issues we raised. We therefore set out our current position on these issues below.

3. DRAFT DEVELOPMENT CONSENT ORDER

3.1 Historic England considers that, other than the issue highlighted below, i.e. with the phrase “substantially in accordance with” in Requirement

9(1), Highways England has broadly addressed the issues we have raised in relation to this document.

Requirement 9 – Archaeological Remains

- 3.2 Discussions over the wording of this Requirement have continued via email since our Deadline 9 submission [REP9 – 028] between DLA Piper and Historic England’s legal advisor. No agreement was reached over the wording.
- 3.3 Historic England therefore confirms in relation to Requirement 9, other than the change to 9(1) with the insertion of “substantially”, we welcome and are content with the other changes that have been made to the wording of Requirement 9.
- 3.4 We remain of the view that “substantially” should be deleted from Requirement 9(1). This particular issue is unresolved. This will be reflected in the Final Statement of Common Ground to be issued at Deadline 11. We therefore respectfully recommend its deletion with the Examining Authority taking a view on its inclusion/deletion.**

Schedule 10 – Scheduled Monuments

- 3.5 We consider that Schedule 10 is now a comprehensive list of works to the Scheduled Monument and are content with the wording which has been carried forward into the latest version of the dDCO [REP9 – 004].**

4. OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 4.1 Historic England considers that, other than the issue highlighted below, i.e. with REAC table Action Point CH2, Highways England has broadly addressed the issues we have raised in relation to this document.**
- 4.2 Our Deadline 9 submission [REP9 – 028] set out and summarised our position and the issues which still required clarification in relation to the Outline CEMP.

CH3, CH5, CH6, CH7, CH9, CH10 and N8

4.3 Historic England confirms that our concerns with these provisions have all been met and carried forward into the latest version of the Outline CEMP [REP9 – 008].

CH2

4.4 As we set out in our Deadline 9 submission [REP9 – 028] we had two issues with this provision.

4.5 The first is that the provisions of **CH7, CH9 and CH10** need to be included within this Action Point to reflect the agreement that has been reached between us and applicant regarding these provisions. Also for the sake of consistency **CH8** should also be included here.

4.6 The Applicant notes that the provisions of CH9 do not require the FINAL WSI to address the actions required in it. The FINAL WSI will be presented at the same time as the final CEMP. CH9 is not included in the provisions for CH2 as the first stage, prior to production of a method statement for the works, will be consultation in regard to the design. However, both the design consultation and the method statement production are secured within the CEMP. In addition, the Method Statement for construction of the drainage grip will be produced in consultation with the Local Authority and Historic England. **We therefore confirm that CH9 does not need to be added into CH2 as we previously set out in [REP9 – 029].**

4.7 It is our understanding that CH7, CH8 and CH10 have been added to CH2 and this will be addressed in the Outline CEMP to be submitted at Deadline 11 on 17th July 2020. We anticipate that an updated version of the Outline CEMP will be submitted at Deadline 11.

4.8 The second issue relates to unexpected amendments to CH2 at Deadline 4 [REP4 – 023]. CH2 was amended to say that the Final WSI would be produced “**substantially in accordance with**” the Outline WSI.

- 4.9 This issue is similar to our concerns with the wording of Requirement 9 (see section 3 above). Despite further discussion with the Applicant since Deadline 9, agreement about removing the word “substantially” has not been reached.
- 4.10 **Historic England understands the Outline CEMP to be submitted at Deadline 11 retains the word “substantially” in CH2. We remain of the view that “substantially” in CH2 should be deleted, and this particular issue in relation to CH2 is unresolved. This will be reflected in the Final Statement of Common Ground to be issued at Deadline 11. We would therefore respectfully recommend the deletion of the word “substantially” from CH2, with the Examining Authority taking a view on its inclusion/deletion.**

5. OUTLINE WRITTEN SCHEME OF INVESTIGATION (Outline WSI)

- 5.1 Historic England has had further discussions with the Applicant regarding the Outline WSI since Deadline 9 and we can now update the Examining Authority on the amendments which we understand will be made to the Outline WSI to be submitted at Deadline 11.
- 5.2 We identified the following issues which required either more details or some amendments before we would be in a position to approve the Outline WSI.
- 5.3 The Outline WSI [REP8 – 007] did not include confirmation that a method statement for the construction of the access (including timings) from Compound 4 onto the Bowes Railway Scheduled Monument (i.e. CH7) would be included in the FINAL WSI. **Historic England confirms that we are satisfied that Rev 4 of the Outline WSI addresses this point. We anticipate that this version will be appended to the Outline CEMP submitted at Deadline 11.**
- 5.4 We recommended that all references to specific versions of the dDCO and Outline CEMP, and any other documents, should be deleted from the Outline WSI. **This has been addressed in the latest version of the document and Historic England confirms that we are satisfied that Rev 4 of the Outline**

WSI addresses this point. We anticipate that this version will be appended to the Outline CEMP submitted at Deadline 11.

- 5.5 The “Relevant Guidance” section required reviewing and updating as some references had recently been revised. **This has been addressed in the latest version of the document and Historic England confirms that we are satisfied that Rev 4 of the Outline WSI addresses this point. We anticipate that this version will be appended to the Outline CEMP submitted at Deadline 11.**
- 5.6 Similar to (5.3), reference to the methodology and timing of the works as agreed for provisions CH3, CH5, CH6 and N8 had not been fully incorporated into the Outline WSI at Deadline 8 in order to ensure that the methodology and timing would be dealt with within the FINAL WSI. The Outline WSI (REV4) Section 1.3.3 (list a – f) now clearly lists the need for these to be in the FINAL WSI. In addition, paragraph 2.1.2 notes that the FINAL WSI will include the methodologies etc., for all elements listed in the above list. **This has been addressed in the latest version of the document and Historic England confirms that we are satisfied that Rev 4 of the Outline WSI addresses this point. We anticipate that this version will be appended to the Outline CEMP submitted at Deadline 11.**
- 5.7 A specific methodology for “*Repair and the Repointing and Conservation Methodology*” (i.e. a general methodology for CH6), was included in the Deadline 8 version, but there were no equivalent methodologies for the other Cultural Heritage Action Points. This methodology has now been removed to avoid confusion. **This has been addressed in the latest version of the document and Historic England confirms that we are satisfied that Rev 4 of the Outline WSI addresses this point. We anticipate that this version will be appended to the Outline CEMP submitted at Deadline 11.**
- 5.8 At Deadline 6, the Applicant referred to “awaiting a response” from Historic England regarding monitoring requirements in the Outline WSI for the reinstatement of access to the monument. We noted that “monitoring” is referred to in the Outline WSI but it was unclear what was intended. The

Outline WSI (REV4) has been amended at paragraph 2.2.1 Item (q) and paragraph 2.7 which are now re-named “Monitoring and Consultation”. Item (g) “Archaeological Recording” has also been clarified to include trial trenching, watching brief and topographical survey. During recent discussions, we made a recommendation that “e.g.” is inserted before the list to make clear that this is not prescriptive. **We understand that this change has been addressed in the latest version of the document. We anticipate that this version will be appended to the Outline CEMP submitted at Deadline 11.**

6. CONCLUSION

- 6.1 Historic England has welcomed the continued discussion with the Applicant since Deadline 9 over these amendments. Broadly speaking we believe that all issues have now been addressed in the DCO documents apart from the remaining unresolved issue around the use of the word “substantially” in requirement 9(1) of the dDCO and CH2 of the Outline CEMP.
- 6.2 This concludes Historic England’s submission.