

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – Ecology

The proposals will result in the direct loss of 14.13ha combined priority woodland habitat (Embankment) and 13.83ha combined priority woodland habitat (Viaduct). This includes the loss of 57m² of Long Acre Wood Local Wildlife Site. Replacement/compensation woodland creation totaling 14.88ha (Embankment) and 14.33 (Viaduct) is proposed. Given the considerable time lag in achieving the same level of ecological value and function as that to be lost; it is considered that a significant increase in the provision of replacement/compensation woodland creation is required.

The Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018) state:

6.7 Replacement ratios of compensatory habitat greater than one-to-one are frequently appropriate because of the uncertainty inherent in compensation, particularly in cases which require ecological restoration, habitat creation or translocation of species or habitats. The scientific basis for deriving appropriate ratios is not exact and will vary depending on the habitat or species concerned. Increased replacement ratios can also help take account of the time lag in delivering compensation and regaining the same maturity, complexity and diversity of habitats and the full complement of species as those affected.

In addition to impacts on biodiversity, the proposed loss of c.14ha of established, semi-mature/mature woodland has implications for the borough in terms of reduced ecosystems services, including air and water quality and carbon sequestration.

Both options are anticipated to result in the direct loss of 6.79ha of priority grassland habitat. Replacement/compensation species rich grassland habitat creation of 6.41ha (Embankment) and 5.94ha (Viaduct) is proposed. Again, the replacement ratio of species rich grassland is considered to be inadequate. Similarly, the proposals are predicted to result in a net loss of dense/continuous scrub habitat and running water. Hedgerow is the only habitat type for which a significant increase in area/length is proposed.

NB There appears to be some discrepancy between the figures provided for habitat loss and habitat creation within different sections of the Biodiversity chapter of the Environmental statement (e.g. Pg. 53 Table 8.17 – Priority habitat creation across the scheme footprint and Pg. 64 para. 8.10.7).

The need to ensure the proposed scheme delivers appropriate and proportionate levels of ecological compensation, particularly with regards to the creation of replacement priority habitat(s), is of particular concern as the scheme does not propose to provide any compensation for the direct/permanent loss of non-priority habitats and as a national infrastructure project is exempt from having to provide biodiversity net gains.

In addition to the above, the opportunity to better understand, discuss and address the following key issues with the 'project team' and Council colleagues is considered necessary:

- The relative benefits/disbenefits of the two options (i.e. embankment and viaduct) for biodiversity.
- Realignment of the Allerdene culvert.
- Appropriate mitigation for the areas of Council land to be impacted by the scheme.

- Compensatory habitat creation and maintenance issues relating to Bowes Railway LWS and Longbank underpass.
- Mitigation measures for otter during the construction and operation of the proposed scheme.
- Predicted impacts and proposed mitigation relating to breeding and wintering waders.
- Impacts on ecological connectivity and wildlife mortality associated with the use of acoustic fencing and concrete step barriers.
- Details of landscaping proposals/habitat creation.
- Provision of species specific mitigation/enhancement measures including bat and bird boxes (what and where)

On the basis of the information available; it is currently considered that delivery of the proposed Scheme (both options) is not achievable within acceptable ecological limits.

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – Heritage and Culture

Bowes Railway

The proposed scheme will extend the existing tunnel over the Bowes Railway by approx. 15m to the north side. The current tunnel is not illuminated. The extra length of tunnel will compound the lack of light within the tunnel and create an uninviting, anti-social environment for users. The conflict arises with the use of the tunnel at present by bats. Further consideration should be given to lighting the tunnel, with the Council's preference being for lights operated on a sensory basis i.e. only triggered when pedestrians/horses approach but not triggered by bats.

At the meeting with Charly Vallance (WSP) on 1st March 2018 it was agreed that the scheme would seek to provide:

- Measures to enhance the appreciation including the instalment of information boards along the public right of way detailing the origin, form and function of Bowes Railway were discussed as a possibility.
- Opportunities to enhance the appreciation and understanding of Bowes have the potential to outweigh the physical harm to the SM.
- The appearance of the new underpass is not of concern.
- Any physical impact to the Bowes Railway including the demolition of a section of retaining wall should be discussed with Historic England in order to devise an appropriate investigation/mitigation strategy. WSP will be consulting with Historic England on all matters associated with gaining Scheduled Monument Consent.

The existing path surface is of little significance, but below the surface, there is varying survivals of the former railway line including masonry structures. The construction of the additional 15m of tunnel will disturb the remains of railway bed. This matter should be discussed and agreed with the County Archaeologist and Historic England.

The Angel of the North

The land immediately around the Angel is owned by the Council but land between the Angel and existing A1 is owned by Highways England.

The Council has recently, in partnership with Historic England, produced a study which examines the significance of the setting of the Angel including key views. The study highlighted the harmful impact the current tree cover has had on key views of the Angel. A further study, to examine the quality of the existing landscape, which amounts to two planting schemes – one by Highways England and one by the Council, was undertaken. The key objective was to enhance the setting of the Angel and enable improved views, and an improved visitor and resident experience. Both reports should form part of any evidence base informing this scheme of improvement.

The landscape report proposed three options - essentially do nothing, carry out minor works to create views and a comprehensive clearance and new, low level landscape. In discussion with Highways England (Nicola Wilkes) in November 2019 it was discussed how the proposal to enhance the Angel landscape and the Highways England scheme for the A1 could and should be aligned. It was agreed that single designed landscape covering both Council and Highways England land was the preferred outcome. It was agreed that detailed landscape design would take place during the

course of 2020 for discharge as a condition by the Council. This design process would allow the Council to work with Highways England on the preferred landscape option.

It is recognised that, in any event, the existing landscape will not exist once the A1 works start on site due to the levels of tree clearance which will be required prior to construction work starting. The design and level of planting will need to be designed in partnership and having regard to all stakeholders. It is preferred that the final scheme is a single contract across both land ownerships.

Stakeholder consultation on the options outlined above shows a preference towards a more open, less planted landscape which enhances the setting of, and views of the Angel and offers a low maintenance low revenue management option. At the meeting in November 2019 Highways England confirmed they had an obligation to show no net loss of trees, but that the replanting could be on a different site. The Council would equally not wish to see a net loss in trees and would seek to compensate for the latter option with replanting off site at no net loss and outside of any commitment to plant trees in response to the climate change agenda. This would allow an existing, or new site within Gateshead to be enhanced/created with significant biodiversity benefits.

The second issue which is of concern, is the number of and proposed locations for the gantries. It is recognised that, at this stage, the precise locations of the gantries are not confirmed. Further, visual information requested at the meeting with Highways England in November 2019 has not been submitted – specifically a photo montage or visuals of the finished scheme showing the new infrastructure of the road to assess construction massing to understand appearance as if a traveller on the A1 and the views of the Angel.

A number of the proposed gantries will directly harm key views of the Angel as identified in the study (referred to above). The following information would be prudent:

- Exact locations
- Photo montage of impacts on views with specific reference to the Angel and the study
- Justification for their location and numbers – is this a mandatory requirement or are they simply desirable?

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – Landscape

At an early stage the viewpoints and photomontage locations were agreed with the consultants, however, the extent of the overhead infrastructure gantries and the impact on the Angel have become apparent since then. The Council have not received any updated information despite meetings in 2019, the latest of which was in November when WSP indicated that they were carrying out additional visual assessment and refining the design. As a result, the Council considers that the Landscape and Visual Assessment is incomplete at this stage. Therefore, as the unresolved matters could have significant adverse landscape and visual impacts, the Council believes they must be fully considered and finalised before the scheme can be approved.

Landscape and Visual Impacts

The widening of the road and introduction of new signage and bridges will adversely affect the landscape and people's experience of the area, whether from the surroundings or using the A1 itself. None of the landscape mitigation removes this impact in the short term. In the medium to long-term, from 15 years post completion, the woodland planting should form an effective screen and attractive landscape feature in some locations. The mitigation is currently insufficient and there is no compensation planting.

The fragmentary nature of some existing planting that is shown as retained is of concern. At the scale of these drawings the outcome is uncertain. Remaining vegetation may be more delicate than anticipated and more vulnerable to windthrow or incidental loss due to operations during construction. The approach taken in this scheme of increasing the width of highway within existing boundaries inevitably leaves less space for revegetation, and sections are already tightly confined e.g. beside the Angel, and between Birtley and the A167 junction. The adverse impact of the scheme is of particular concern in these sections. More detailed information and increased mitigation are required.

There is potential for additional infrastructure in future eg OH signage increasing in size, additional smart features, VMS etc, so the correct location and treatment is imperative at this point.

The Landscape Institute issued updated guidance in September 2019 on LVIA. This is not retrospective, but a note should be provided of the consideration given to the new Technical Guidance Note.

Other Design Issues

Aspects of the design require more attention to deliver improved landscape and other benefits, in particular the integration of the drainage and landscape design. The new SUDS basin and realigned watercourse should be of naturalistic appearance with varied shape, multiple pools, varied side-slope gradients and channel profile, to create an attractive appearance and develop diverse habitats. The SUDS basin is in an area publicly accessible from the residential area of Allerdene so should be a safe by design and unfenced.

The new Bowes Incline footbridge is more visually dominant than existing, and it is not clear that this is necessary or that alternatives have been considered.

The proposed landscape scheme should take account of the landscape at the Angel, and an integrated approach is desirable. The landscape treatment and land use at the Angel are currently under consideration by the Council. The necessary clearance of established planting for the A1 will cause radical change, not just through the absence of trees, but exposure of other elements, bringing other landscape features to greater prominence. The effect of the works on the experience of visitors to the Angel will be significant in terms of increased visibility of traffic and lighting perception of noise and loss of tranquillity & amenity.

The impact during the works upon the footpath routes and recreation around the Angel have not been considered and mitigated adequately. For example the use of bespoke fencing and screens may be required for safety and amenity during the works.

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – LLFA/flood risk/drainage/water quality

Minewater/ groundwater risk: The potential impacts of minewater/ groundwater constraints on the proposed surface water drainage system still require full consideration in accordance with the 2018 Coal Authority guidelines. This should take place as part of the consultation with the Coal Authority and should include a hydrogeological assessment of the design of any surface drainage features (eg geocellular storage, drainage basin, filter drains) and in accordance with the Coal Authority guidance document.

Surface water management/ SuDS: The General Arrangement drawings show the detention basin as heavily engineered and uniform in plan form and profile, served by an excessive area of maintenance track. The basin should be amended to a more naturalistic design, incorporating more variation in form and profile to provide maximum potential for habitat development, and delivery of water quality and amenity benefits. This would then be in accordance with Newcastle Gateshead Core Strategy Policy CS17, NPPF paragraph 165, and the aims of Appendix 13.2 (Water Framework Assessment). The extent of the basin maintenance track and turning head area should be reduced to allow more scope for the provision of appropriate habitat space around the basin. These improvements must be incorporated prior to the detail design stage, to provide confidence that they will be delivered at that stage.

Allerdene Burn: The re-aligned and opened-up sections of the Allerdene Burn shown on the General Arrangement drawings (all 3 options) are over-engineered, with not enough variation in form or profile. It goes against good flood risk management principles with an engineered design and disconnect from its floodplain. The drawings should be modified to show a more naturalised channel that would conform with paragraph 5.2.3 of the WFD Assessment (Appendix 13.2). There is space to incorporate some areas of widened channel with slackened bank profiles, pools, and possibly some connected floodplain areas. Although the Environmental Statement suggests that naturalised features could be considered at detail design stage, a firm commitment to them should be made now, to avoid them being overlooked or value-engineered out at detail design stage.

Underground tank (Junction 65): It seems unnecessary to install an underground tank. A surface basin or pond that has the potential to provide habitat would be more in keeping with WFD, local and national policy requirements.

Silt control vortex separators: There is only a firm commitment to provide a silt control mechanism at Long Acre Dene. A firm commitment to protect all affected watercourses should be made at this stage (prior to detail design) in order to avoid negative impact, and ideally provide betterment in water quality in line with WFD and local policy requirements.

Inlet/outlet features: New Inlets and outlets should utilise naturalistic design features wherever possible and minimise the use of pre-cast concrete features through the use of gabion mattresses, vegetated features, and a commitment to a more environmentally sensitive design. This approach would conform with the principles of the WFD, and with the objectives of the River Team Catchment Partnership and the emerging Gateshead Local Plan policies MSGP Policy 30:1a and b.

Ordinary Watercourses: The culverts at Bowes View, Leyburnhold Gill, Long Acre Dene, and the two at Smithy Lane should be clearly shown on the General Arrangement, and related drawings. This

shall be to demonstrate that the works will not physically damage the culverts and their connecting watercourses, and that no extensions or alterations will be required to the culverts, or their connecting watercourses. **Ordinary Watercourse Consent** is required from the LLFA for any alterations to culverts, or watercourse channels.

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – Property and Asset Management

The documents confirm that the Council will be affected by the proposals as landowner and occupier. The proposals intend to acquire Council land either by way of a temporary use, a permanent acquisition of the land and also acquisition of rights over the land.

The main areas of land that are affected by the proposals appear to be woodland areas within Council ownership and land that appears to be highway verge. In addition they are seeking temporary use over private access routes within Council ownership and public footpaths and public bridleway.

Under the proposals the Council will be entitled to compensation for the various parcels of land that the Order is seeking to acquire. DLA Piper have already approached the Council in this regard seeking to negotiate settlement.

Notwithstanding the above, based on the negative impact the scheme would have on Council land in respect of ecology/biodiversity, the Council is concerned about the extent of Council land/rights to be acquired by the scheme. The Council will seek assurance that appropriate ecology/biodiversity mitigation is provided as part of any compensation settlement.

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – diversion of Public Rights of Way

This representation is based on information contained in Document 2.4 – Streets, Rights of Way and Access Plan. Its area of concern is in the proposals for the temporary diversion of Rights of Way during the construction of the project.

When making a diversion whether that is temporary or permanent the following should be considered:

- **Physical features.** The physical features of the new route should be similar to the original route, including:
 - surface;
 - gradient; and
 - path width.
- **Directness.** The new route should not unreasonably lengthen the path.
- **Landscape character.** The new route should not result in lower quality or diversity of views for the path user.
- **Features of interest.** The new route should not move the path away from significant features of interest.
- **Financial.** The new route should not result in any increased maintenance costs.
- **Safety.** The new route should not subject users to any potential dangers or hazards.
- **Needs of all users.** The new route should include features to improve access for the mobility impaired user; (for example, gates rather than stiles and ramps, rather than steps).

Highways England should confirm that the proposals for temporary diversion meet, as far as is reasonably possible, the above criteria.

The Council has the following specific concerns concerning the proposed temporary diversions of Public Rights of Way:

Document 2.4 – sheet 3 (TR010031/APP/2.4(D))

This shows the temporary stopping up of two rights of way where they cross the temporary means of access (between points 3/10 and 3/11, and points 3/12 and 3/14). The plan indicates that controlled crossings will be put in place to allow continued use of the right across this during the construction phase. Confirmation is sought from Highways England that this will be the case, and that any interruptions to use of these paths will be minimised.

Document 2.4 – sheets 5 and 6 (TR010031/APP/2.4(F/G))

North Dene Footbridge

The footbridge from footpath BI/16 is being stopped up. On the plan there is a diversion from the north side but it does not reconnect with the south side. The length of the diversion is approximately 1,650 metres when the distance across the bridge is 60 metres.

Bridleway LA/72 (Bowes Railway Path)

This Bridleway is being diverted. The diversion route is over 1100 metres in length and is not user friendly as a bridleway, as a section of the diversion is on road. It also requires crossing the slip roads

to and from the A1. These see high volumes of traffic some of which (particularly in relation to the on-slip) is travelling at relatively high speed. This will pose significant problems for pedestrians, cyclists and in particular horse riders seeking to use the diverted route. Closures and diversions affecting the Bowes Railway Path can be met with hostility from users, so any diversions should take on board the different users' needs and be properly communicated to all parties.

Both the diversions as currently proposed do not meet the principles outlined above. Further discussion is needed with Highways England over the possibility of improved provision, and to ensure that any time the use of Rights of Way is interrupted is minimised.

Should the closure of North Dene footbridge be required for any length of time, consideration should be given to provision of a temporary bridge crossing at this location.

A1 Birtley to Coal House Improvement Scheme TR010031

Gateshead Council's Written Representations – Structures – Long Bank Bridge

Long Bank Bridge provides the underpass by which the Bowes railway path passes beneath the A1 (see attached plan). The ponding effect of the northern slope of the embankment at this point, which sees the underpass effectively act as a drain, has been raised previously with Highways England.

The original deck of Long Bank Bridge was beyond economic repair and a corrugated steel buried structure (CSBS) was placed inside the bridge span in 2006. The CSBS was extended at each end onto land owned by Gateshead Council.

Subsequent to this an extreme weather event in September 2012 occurred which resulted in surface water from the uphill catchment being obstructed by the embankment of the A1 at this location and channelled into the Bowes Railway cutting. This caused extensive damage to the fabric of the Bowes Railway and the embankment that supports the A1 (see attached picture).

Action to repair the damage to the embankment at this time highlighted uncertainty over the responsibilities for this, and whether it lay with the landowner or Highways England.

The DCO process, and proposed widening at this point, provides the opportunity to clarify responsibilities on this matter. As the embankment supports the A1 at this point it is the Council's view that future maintenance responsibilities and liabilities should lie with Highways England, and confirmation of this is sought. Also, any design should incorporate features that offer scour protection at the headwall and within the underpass.

The wider issue of the ponding effect of the embankment, and the damage this can cause to the Bowes Railway Path as a whole, will be considered in the Local Impact Report.





