

Comments And observations to Highways England response to Relevant Representation questions  
for ease of reference I have used the references as detailed in H E detailed response.

Reference

### 1.71.1

**Point 1** refers to the grounds of the Old Northgate Site which implies that the hospital is no longer in existence or affected by this proposal. This is incorrect as these proposals impact not only on West View in particular but also on the access to the hospital (which is still operational and currently expanding) this road is also access for the residents of the current housing development and the proposed future development.

**Point 2** Whilst I have no information as to the developers intention to upgrade the road to adoptable standards I have been informed of a conversation between another residents with NCC where NCC have stated they have no intention to adopt this section of road therefore I have no definitive indication of the developers intention and NCC position.

**Point 3** The residents have been told the highway will be widened and footpath will be provided to the West side of the road however the only confirmation of this I can obtain is in the form of a very basic drawing in the housing development planning application, which details the overall width of the proposed highway which when checked against the actual present road indicates that the proposed road and foot path width is the current road plus the width of a standard 2.M footpath.

The applicant has stated that they are proposing to undertake these works as part of the application and have further stated they will provide additional parking bays. That been the case then it would appear that the application is to upgrade the existing road to adoptable standard provide a footpath to the western side of the road and install a couple of parking bays, therefore other than increasing the width of the overall carriageway by the inclusion of the footpath the existing road is not intended to be increased in width. I have been unable to find anything within the documentation to indicate an increase to a two carriageway road on West View to accommodate the increase in traffic volume and the size of the Vehicle and type of vehicle using the road. We had been told previously that the road would be widened to two lanes This documentation would suggest it will only be single lane. Please advise what the intention are

### Point 4

I disagree in the strongest possible terms with the statement from H E **“that it is incorrect that the proposals do not adhere to the CDM regulations 2015 “**

Whilst they clearly state the preliminary design of the scheme is in accordance with the CDM regulations they have referred to risk assessments having been undertaken but they have not produced them as part of their evidence to substantiate this statement

I have previously explained in depth to HE representatives during the Statutory Consultation 16<sup>th</sup> April to 14<sup>th</sup> May 2020 (appendix A) my reasons for stating that they have not complied with the CDM regulation in short The CDM regulations state that The designers should avoid the risks they have not done so. I contend they have designed risk into this proposal. Likewise the HSE Risk

assessment documentation describes the hierarchy of control and states the first control as **Elimination** – (redesign the job, or substitute a substance, so a hazard is removed or eliminated.) This has clearly not been done. Had it been executed it would have shown that the by choosing an alternative route as described in (Appendix A) The dangers to the residents in West View During the construction phase and when the road is in use would have been eliminated in this area of the works The Alternative route i have alluded to eliminates the works in West View (Currently a cost bourn by the housing developer not HE) takes away all H E construction works in West View, eliminates additional traffic in particular large farm machinery from West View The hospital main entrance road and away from the increasing number of residents within the complex.

To summarise the applicant has missed an opportunity to eliminate all of the works associated with West View thus eliminating the dangers during construction and when the proposal would be brought into use.

I cannot agree to the statement that after completion of the scheme there will be no additional dangers because there will only be a small number of additional Vehicles using West View. The reality is that there will be a large increase in volume compared to the present use, at present there are 12 houses in West View with a total of 16 residents cars, I have looked at satellite pictures of the dwellings that are proposed to be using West View and there are some 14 cars on view Whilst I accept that that is just a snap shot in time it is an indication that not counting deliveries etc the traffic level will increase at least some 85%.

**The applicant goes on to state During construction , the principal contractor will plan and manage the construction phase in accordance with the CDM regulations , and will ensure that the works are carried out without risk to health and safety including the safety of residents.**

This Statement to my mind highlights the concerns I have

The whole purpose of the CDM regulations was to place specific duties on all parties within a construction project with a view to ensuring that all parties contribute to delivering a project safely in this case the designers had a golden opportunity to rise to the challenges, comply with his duties under the regulations eliminate or reduce the risks then include the residue risks within the pre-tender information At present the opportunity to design out substantial dangers not just during the construction phase but during future maintenance, use, of the project and ultimately it end of life removal has been missed It is I consider a breach of duties not to design out risks and pass those residue risks on to the Principal contractor when the designer could and should have eliminated them at the design stage. The statement in bold clearly demonstrates that the designer anticipates the principal Contractor to comply with the regulations whilst they do not

I would also add that there has not been a response to my statutory consultation letter referred to above.

**Ref 1.17.2**

## **Point 1**

I have previously brought to the attention of the design team a current concern regarding flooding in the area adjacent to no 11 and 12 West View and have supplied photographs to the designers of previous incidents where flooding from the fields North of West View over spills and runs down like a river past the properties on West View. A visual look at the field shows the land falls from the North Southwards and from the East to the West the lowest point been adjacent to no 11&12 West View. The surface water fills up a ditch which is located behind the gas Pumping house and the hedgerow which segregates West View from the fields to the North.

The proposal to open up the area at the point where the pumping station will be removed for the proposed road will then divert the flood water down on to West View.

My garage door has level access with the road and my front door step is only some 50/70 mm high therefore the proposal increases the risk of my property been flooded. I would add that the first road gully in the road is outside number 9 West View. At present after heavy rain the water in the afore mentioned ditch pecculates out of the adjacent land on to my drive and on to the road this gradual draining of the land above this can last for several weeks after the rain has occurred therefore the road and my drive is continually wet most of the time and runs water heavily at peak times.

My concern is not the Hydraulic modelling referred to, it is the fact that a containment area will be breached by this proposal therefore mine and other properties put at increased risk of flooding

This problem is well known about by the Hospital estate management team as they have previously attempted to resolve the situation by installing a field drain South of the hedgerow running parallel with the dividing hedgerow between West View and the fields to the North as the fields still collect large quantities of water i can only presume the drain has had little effect.

In conclusion the applicant's response has not answered my concerns.

## **Ref 1.17.3**

### **Point 1**

Acknowledges that there will be a band of trees and hedge row removed but it has to remember that there also will be the removal of the gas pumping station also. Therefore at the point where the road will enter the fields to the North there are currently 3 layers of noise protection at this point namely the gas pumping station the hedgerow and the trees after the hedgerow.

To achieve this entrance, all of these three lines of sound defence would have to be removed at the entrance point for the width of the road and working space either side of the road this will provide a significant gap at a point almost touching the A1 and the slip road from the A.697... This opening has the potential to act as a funnelling effect directing the noise down West View.

I would further add that there appears to be no consideration given to the possible future use of the fields. These could be used for cattle which would require a cattle grid at the field entrance to stop wandering cattle or other life stock entering West View this would also be a loud source of noise and vibration in close location to my house.

## **Point 2**

Whilst I do not have the benefit of sound level reading equipment, I have the experience of living in this location and can confirm that during the winter months when the ground vegetation has died back and the trees and hedgerows have lost their leaves there is a distinct increase in noise levels this will be further be increases as a result of the observation at point 1 above

## **Point 3**

I am unable to find within this document any detail relating to West View. Please detail where this is

I would observe that whilst on a satellite vision of the area of Northgate farm and adjacent houses there were substantial vehicles numbers within that complex. Therefore it follows that the total number of movements has the potential to double at least that is not counting the agricultural vehicles. I would also add that Northgate farm has been used as a shop in the past and given access via West View may potentially inspire someone to open the Farm shop again in fact there are distinct possibility other businesses may move there all of which will increase the volume of traffic using West View.

The response from the applicant plays down the level of traffic and assumes very low levels this may well be not the case, for instance a change of use of the fields to live stock will result in several visits a day by the farmer and if so likely to be via a tractor and trailer, cattle wagons to move the stock there will be required also. There are endless possibilities of potential changes to the land and buildings when improve access is given, whilst the applicant is detailing low levels of addition movement there is no consideration for the potential increase so therefore i would consider the predicted outcomes flawed.

I can only conclude removing buildings hedgerows and tress, the increase in traffic volumes in West View has the potential to increase the noise levels in West View given that this traffic will be passing at speed within 3 metres of my front door where as at present we have only slow moving turning to facilitate leaving the street.

## **Ref 1.17.4**

### **Point1**

The light pollution I referred to was not resulting from Street lights. New designs and LED fitments have reduced light pollution in general.

My concern is related to the removal of the Gas Pumping station, hedge rows and trees as detailed in Ref1.17 3 point1 this will create a clear tunnel for lights from the slip road on to the A1 from the A 697 . There is also the distinct possibility of light from the A1 to, this source may be shielded by the embankment on which the afore mentioned slip road is built on.

### **1.17.5**

#### **Points 1**

Refers to a stage 1 safety audit and states there were no safety concerns. This document has not been seen or referenced within the documents for the scheme hence there is no evidence of the statement. Can this be supplied please?

Given that I consider CDM regulations have not been adhered to by the applicant that gives me reason to question the above statement.

#### **Point 2**

Acknowledge the commitment and look forward to that report when available

#### **Point 3**

The applicant has been given numerous different proposals for access for these properties /fields and has only briefly responded to one, after many telephone conversations asking for these to be considered. I have also in my Statutory consultation response 16th April 2020 to 14<sup>th</sup> May 2020 (appendix 1) proposed an alternative route which is shorter than the proposed route safer to construct and removes all the proposed works within West View

### **Ref 1.17.6**

#### **point 1**

The applicant states there will be a **small** increase in agricultural traffic levels

At one of the consultation meetings I asked a representative from WSP what was the level of agricultural vehicles would be using the fields it is about four visits a year was the reply when asked where the numbers were derived from the response was "We asked the farmer how often he goes there" very little scientific evidence there.

I challenge this statement that the level will be low, if the fields are sown and harvested there has to be many visits when you consider the operations needed, Hedge cutting which generally occurs over a four or 5 day period, first plough, second plough seeding, fertilizer application weed spraying, harvesting of crop, bailing of straw removal of straw. Muck spreading, to name but a few, of course there is also the possibility of two crops a year in a field. This would double the aforementioned visits Likewise the land may be changed from arable to live stock, or a combination of both.

Therefore I would contend that agricultural traffic will not be low it may in fact be substantial consequently I reaffirm my opinion that this design is flawed, it is not a route that designs out danger but designs danger in particularly to the residents' of West View.

### **Ref 1.17.7**

#### **Point 1**

To date the only information regarding the modification/alteration to services the housing developer has informed the residents about is the renewal of the water service wherein they have agreed as part of the land purchase agreement to undertake the renewal of the water main along the length of West View and provide new individual services complete with meters to each house. The developer last year sent out the individual proposals for each property for acceptance of the proposed routes in to each property, the proposed works are not to the front of the property but are to the rear of each property on the land between the rear gardens and the new development.

The electric supply is in the front gardens of the properties therefore will not require alterations

There may be street lighting to consider

BT supplies are overhead

The gas for no 12 and 11 is fed from the land adjacent to the gas station and splits into both houses I have no definite proof but believe it then continues through other front gardens Southwards. Feeding the remaining properties

The applicant states that the PMA (private means of access) is the reason to relocate the gas house, If that is the case it would therefore probably have to move Eastward as there is little land to the West of the proposed opening, this would therefore move the gas house closer to my property increasing the risk to my property. The gas was installed many years after the properties were constructed it is clear the gas house at that point in time was located as far away from the properties as possible obviously for safety reasons. The relocation of this would also have to be well away from the PMA as there will be risk of damage to the gas house from traffic using the road. This consideration would therefore move the gas house even closer to my property

I would observe that recently constructed Gas house at the South end of West View has been located well away from the existing properties, the new properties, and well away from the roads. See photographs below.



**Gas house at southern end of West View well away from existing houses and road**



### **Gas house at Southern end of West View sited well away from new houses**

I consider that this is another reason why this design is not the safest solution and is building in dangers.

### **General .Comments**

1 At present bin wagons, large wagons, 7 tonne plus struggle to negotiate this street and most have to reverse up to ensure easy exit from the street without going on the grass at the North of the Street to turn . How will this be dealt with within the design?

2 I have previously received notification that a section of my drive will be required to enable this development thus reducing the length of my drive thus making it more difficult to park on my drive and bringing the traffic closer to my property. This again indicates situations where dangers are designed in not out.

3 I do not have the option of gating my property to keep my child and visitor's children safe as the gates would have to open out on to the road and into traffic.

4 One of the properties has been developed almost to the Kerb Line and could easily be hit particularly by agricultural traffic at harvest time.

5 There are times and events (Funerals , house moving, building works to list but a few )in the street where Vehicles have to park in the street for prolonged periods of time blocking access this will be more difficult with the increase of use.

6 The documents now talk about a PMA to Northgate Farm. This statement alone brings concerns.

6.1 Where will the PMA commence, is it at the edge of the turning circle or will it commence at the line of the hedgerow?

6.2 If it commences at the edge of the turning circle then there will be a stretch of road where the residents of West View will not have ability to ensure it is maintained in good order. Or is it the intention to commence the PMA at the hedgerow? If so will the stretch of road from the edge of the turning circle be of adoptable standard and adopted by the Local Authority? Previous consultations have not answered these questions

6.3 We were once advised the track would be of a compacted hardcore construction with passing places if that is the case no doubt mud from the farming operations will migrate on to the track and within a short period of time contaminate the hardcore Therefore if this PMA commences at the turning circle the migrated mud and the excess water previously noted at **Ref 1.17.2 point 1** of this response Will form a mud mess on West View. If the section of road from the edge of the turning circle is adoptable standard there is still the prospect of this muddy sludge running down West View.

Conclusion.

We firmly believe that these proposal are flawed and the designer has failed to discharge his duties to design out risk or at the very least reduce it to the lowest possible level then, having done so control the residue risks. We have detailed at point that it is the intention to move the risks to the main contractor for the construction phase contrary to the CDM regulation.

The design which has been proposed has not achieved this duty of the designer, and we would contend that this design builds in significant risk not only during the construction Phase but for the whole term this facility will be in use until its final demolition.

The route chosen will bring hazards into West View which are not there at present and increase the likelihood of hazards which are there been released.

In simple terms if you look at the people who are likely to be exposed to these risks they are substantial

The residents, tradesmen, service workers of West View, the same group of people for the 250 plus houses nearing completion, The next residents of proposed housing development, 150 plus houses then the patients and staff and visitor to the hospital all of these will be exposed to the hazards quite possibly upwards of 800 people could be affected by this proposed route in particular from the agricultural traffic. These people cannot use an alternative route all of these people will be exposed to these risks when the traffic leaves West View on to the main road through the complex grounds.

If you look at the alternative route heading North there are the resident of some 8 houses which would be affected however designed correctly they will each join the track safely, and exit on to the surrounding road network safely, the Agricultural traffic will have good visibility.

In short the alternative route substantially reduces the hazards but most importantly reduces the people at risk down to numbers of 20/30 max instead of potentially 800 people

## **Appendix A**

### **A1 in Northumberland Morpeth to Ellingham.**

**Statutory Consultation 16<sup>th</sup> April 2020 to 14<sup>th</sup> May 2020.**

#### **Planning Act 2008 Section 42 Duty to consult on a proposed application.**

With reference to the above consultation I wish to comment as follows:-

I have previously responded to the first consultation before this current proposal has been put out to consultation. **I request that my first response is carried forward to this consultation and my comments below are added to it.**

In principal I welcome this proposal to upgrade the A1 to dual carriageway .This is something that I consider is long overdue. The campaign for these improvements has been long and difficult for those involved .The improvements are a necessity to reduce the number of accident and fatalities therefore I welcome the proposals in general and look forward to the day the upgrading is completed and all the benefits of a safer A1 to travel on.

There are however proposals for works off the main duelling works which gave me serious concerns, they are the works to close existing private accesses situated on the East side of the A1 between West View and the Highlaws and Low Espley Junction. I believe possibly 5 in total.

The proposal is to provide new access roads for several properties in the areas generally known as the Warreners house, Trafford House, which is slightly further North, and provision of access for farm vehicles to service the farm land in the surrounding area.

The proposals are in general to form two separate access tracks one commencing at the turning circle at the northern end of West View, travelling north to Wareners House, with sub roads for other properties in this area, then on to the fields further North which at present have access on to the existing A1. This route will require demolition of a gas substation, diversion of high pressure gas mains, removal of existing tree belt then the formation of access roads with a total length of 1010 metres. Trafford house will be accessed by a new road northwards on to the Hebron road and then direct safe access North and South on to the new A1 via the new Highlaws Junction, this road has a total length of 234 Meters thus making a total length of 1244 metres of new road construction.

Having studied the lay of the land from West View to Trafford House it is feasible to change the layout by constructing the road from the propose access on Hebron road servicing (Strafford house) and then continuing on to Wareners house, This will provide a route which is some 114 meters shorter than the proposed route at 1100 meters long. It will be considerably easier and much safer to construct,it will also eliminate all of the work in West View with substantial savings been gained.

In my previous response I have stated that I consider the current proposals do not comply with the Construction Design and Management Regulations 2015 which places duties on all parties who are involved in a construction project.

At this stage of the consultation process we are been asked to look at the design of the project and comment on it. Therefore the duties of the client and the designers need to be examined to see if the design has taken into account of the regulations

Regulations 9 and 10 set out the duties placed on designers. These include the duty to eliminate, reduce or control foreseeable health and safety risks through the design process, such as those that may arise during construction work or in maintaining and using the building once it is built.

**Appendix 1 of the guidance on CDM states:-**

2 The general principles of prevention are to:

- (a) avoid risks;
- (b) evaluate the risks which cannot be avoided;
- (c) combat the risks at source;
- (d) adapt the work to the individual, especially regarding the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work, work at a predetermined work rate and to reducing their effect on health;
- (e) adapt to technical progress;
- (f) replace the dangerous by the non-dangerous or the less dangerous;
- (g) develop a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;
- (h) give collective protective measures priority over individual protective measures; and (i) give appropriate instructions to employees.

**This therefore instructs the designer when designing the scheme if there is a design which can avoid the risk ,then it should be adopted.**

The proposed design without doubt introduces risk. The proposals will introduce substantial construction works in the street and for a considerable period of time there is the very high likelihood of accidents. Likewise there will be an ongoing risk when completed, from increased traffic, and a considerable risk from farming traffic.

At present West View is a single track road with a turning circle at the Northern end with a secondary restricted turning circle midway on the road there are limited street lights and no footpaths. Each dwelling has access to their driveway from this road. This has been the situation now for eighty plus years.

Prior to these proposals by Highways England it had been agreed under the sale of surrounding land to the developer (Taylor Wimpey) for housing, the road would be upgraded, drainage improved a

new water services installed to each of the properties in West View. This would provide a footpath and improved Street lighting, considered adequate by the planners.

We have previously been informed that Highways England's proposals would be to widen the road to two lanes, provide a footpath adjacent to the dwellings, new street lights and possibly two additional parking places, then the works to form the road to Warreners house and beyond. This work is substantial with thousands of tonnes of earth to be excavated and transported possibly off site, then to be replaced with the new road construction materials.

This will necessitate many wagons, excavators, road rollers, possibly tarmac machines, passing through West View very close to the properties. In short this design has not taken into account the dangers it will subject the residents to, during the Construction Phase of the scheme nor has it taken account the inherent dangers it will bring by introducing additional traffic and most concerning farm traffic when the works are complete.

When reading the HSE risk assessment documentation it describes the Hierarchy of control.

Below is an extract of that document.

**Risks should be reduced to the lowest reasonably practicable level by taking preventative measures, in order of priority.** This is what is meant by a hierarchy of control. The list below sets out the order to follow when planning to reduce risks you have identified in your workplace. Consider the headings in the order shown, do not simply jump to the easiest control measure to implement.

1. **Elimination - Redesign the job or substitute a substance so that the hazard is removed or eliminated.**
2. Substitution - Replace the material or process with a less hazardous one.
3. Engineering controls - for example use work equipment or other measures to prevent falls where you cannot avoid working at height, install or use additional machinery to control risks from dust or fume or separate the hazard from operators by methods such as enclosing or guarding dangerous items of machinery/equipment. Give priority to measures which protect collectively over individual measures.
4. Administrative Controls - These are all about identifying and implementing the procedures you need to work safely. For example: reducing the time workers are exposed to hazards (eg by job rotation); prohibiting use of mobile phones in hazardous areas; increasing safety signage, and performing risk assessments.
5. Personal protective clothes and equipment - Only after all the previous measures have been tried and found ineffective in controlling risks to a reasonably practicable level, must personal protective equipment (PPE) be used. For example, where you cannot eliminate the risk of a fall, use work equipment or other measures to minimise the distance and consequences of a fall (should one occur). If chosen, PPE should be selected and fitted by the person who uses it. Workers must be trained in the function and limitation of each item of PPE.

It is clear from this document that this design has not gone through this process if it had the risk assessment would have shown the high levels of risks for considerable periods of time during the construction period of the works and the ongoing risks from increased vehicle levels and in particular, especially when farming traffic is introduced.

This Design places residents, their relatives, and friends at risk not to mention Royal mail workers delivery drivers, Council workers but to mention a few. Likewise the removal of trees at the North of West View, will increase the level of noise, pollution from headlights, and further blight the living conditions within the street. I have previously expressed my concern about a future risk of flooding and have previously forwarded photos to highlight my concerns, opening up through here has the potential to divert the runoff from the fields down the new road potentially flooding my house.

Consideration also needs to be given further afield than West View at the southern end of west view there is a large new housing development, with further development planned to the east of West View. Therefore constriction traffic will be using the main road into the hospital for several years to come the proposal brings more traffic into this mix and does not just impact on West View it potentially impacts on every new resident, within the Northgate site, and it should not be forgotten that there are venerable patients who use this road and to introduce the risk of heavy farm traffic is a further danger to them.

I have proposed an alternative route for this road which can be constructed commencing at the proposed entrance off Hebron Road this can be constructed progressively independently away from residents without the inherent dangers of the proposed design. In short this design eliminates a considerable amount of risk, follows the principals of CDM, and the hierarchy of control by eliminating the main risks at design stage, the Construction Phase of the works, and day to day risks of increase vehicle traffic especially farm vehicles under the proposal. This alternative proposal is shorter, eliminates the dangers I have highlighted. This proposal does not adversely affect any property. With considerate location of the road, all the properties and farm land can be provided with new access which are safe to for all concerned, eliminates substantial costs to the Client but most importantly demonstrates the **client and designers have discharged their legal obligations under Government regulations.**

This situation reminds me of a similar event many years ago at the junction of the A1 with Station road at Stannington, whilst the road was duelled at that point in time the junction was left with traffic having to cross at least two lanes of traffic and the central reservation. At the time there were many warnings that this would become a black spot and requests were made to amend the design which fell on deaf ears. These warnings were totally ignored and subsequently many fatalities occurred. It took many years before the junction was closed and a new joining layout was constructed at Stannington village, something which could have been included in the design when the road was duelled initially.

Please do not make the same mistake here at West View produce an alternative design along the lines I have stated save lives and costs.

During or perhaps just after the previous consultation there were two incidents involving tractors one in Belford just off the A1 where a collision between a tractor and a pedestrian resulted in the pedestrians death. This was on or about 17/08/18

Below are two pictures from a tractors trailer overturning on 22/08/18 on the underpass of the A1 at Alnwick. Spilling its load just missing passing cars.

This is the very reason why I consider this design dangerous and not fit for purpose and respectfully request that this design be discarded and a new safe design produced.

