

South Stoke & Goring Railway Electrification Action Group

Meeting with Network Rail – Goring Village Hall – 14th January 2016

Attendees:

Chair: David Bermingham

SS & GG RAG (RAG):

Ian Haslam, Ron Bridle, Nigel Hawkey, Roy McMillan (Chairman - South Stoke PC), Bryan Urbick (Cllr, South Stoke & Goring PC)

Network Rail:

Mike Foss (Principal Programme Sponsor), Richard Turner (Community Relations Manager)

Others:

Peter Brampton (SODC Planning), Rob Greasley (Chairman - Lower Basildon PC), Ann Stickings (Cllr, Moulsoford PC), Carol Bemis (Cllr, Moulsoford PC)

Apologies:

John Howell, (MP – Henley), Angie Patterson (PA to John Howell and former SODC Cllr - Planning), John Cotton (Leader of SODC), Professor Richard Harding (CPRE – Chairman, Wallingford District), James Fletcher (CPRE Oxfordshire – Transport), David Wilson (RAG), Kevin Bulmer (Chairman Goring Parish Council, Cllr South Oxfordshire District Council & Cllr Oxfordshire County Council), John Wills (Cllr, Goring PC)

Agenda:

1. Welcome and Introductions - Chairman
2. Update on design mitigation - NR
3. Format and revised timetable for the full consultation process - NR
4. Feedback on NR's meeting with the AONB boards - NR
5. Status of Freedom of Information Requests (EIRs) – RAG
6. Future Actions – ALL

Introductions

The Chair of the meeting, David Bermingham (DB), requested all to introduce themselves. It was noted that John Howell MP and his assistant Angie Patterson were planning to attend, but because of the pared down meeting due to the lack of alternative designs to review (and the subsequent delay of the formal consultation start date), it was suggested they may not feel it necessary to attend. This applied also to James Fletcher from CPRE. A meeting was held earlier in the day between NR and the Chilterns Conservation Board (CCB) and the North Wessex Downs AONB authority (NWD).

Update on Design Mitigation

Mike Foss (MF) from Network Rail began with an update on progress, explaining that the main reason for delay was because NR had undertaken a thorough review of the design criteria including a wide-ranging view of potential solutions. Since they first committed to the study in October 2015 they have focused on working up a spec/remit ie a design brief, including review with a potential contractor over the past 2 months. They shortly intend to finalise this brief, which they will share with CCB/NWD and then share with RAG. Following this, NR will select a design contractor from their Framework list to work up a suite of

alternate designs. They are currently in negotiations with a contractor to undertake the study so can't give a name until the order is placed and the contract agreed.

In summary the process will be:

1. Finalise the design brief
2. Share this with CCB/NWD (and RAG) by end Jan
3. Commence the study, early Feb
4. Study will take around 3 months - with a number of options to be explored, including Landscape and Visual Impact Assessment (LVIA) (this will be part of the remit/brief, the appointed contractor must use appropriate resources for LVIA, engaging specialist resource, if required)
5. Commence public consultation (realistically, early summer)

Ian Haslam (IH) asked about the delay and if the scope of the design review had changed. MF responded that it hadn't, but that NR had further evaluated the size of task and concluded that in order to do the work thoroughly this meant that it would require more time.

IH expressed concern about the situation in respect of the legal challenge; RAG is still not convinced about the strength of the guarantee that NR has given that they will actually carry out the retrofit work, due to the significant caveats that have been included. The delay of the alternate design work and consultation allows NR to further complete installation of the infrastructure (for the test track section). RAG believes that once this is in place it is less likely that NR would be willing to remove it and replace it. The delay also means that RAG will not be able to determine whether the new designs go far enough to satisfy it that the visual impact would be significantly reduced, until the test track installation is near complete. Thus RAG has been put in a position that they may be forced to follow through with a judicial review, as any deferral of this action means that the conviction from NR to retrofit diminishes with time. RAG will therefore need the commitment and guarantees from NR to be significantly stronger than are currently provided.

Richard Turner (RT) confirmed that NR is entirely committed to the process. IH indicated that RAG would feel much better about the delays if some 'higher endorsement/commitment' to the promise of retrofitting this section was provided at a higher level - like Mark Carne or the Secretary of State for Transport - especially if this was made as a public statement such as a press release. If there were this higher endorsement/commitment, the caveats, which RAG understands will still need to exist in some form, would be a little more acceptable. RT committed to investigate the possibility of this higher endorsement from more senior representation and revert to RAG (and the local authorities). - **ACTION: RT**

Further to this point Nigel Hawkey (NH) affirmed that the current legal action is separate from the issues regarding consultation and thus would continue regardless at present.

RB also questioned the selection of the electrification designers mentioned for the new options, as the list mentioned by MF (albeit probably not comprehensive) appeared to be NR's regular engineering contactors (eg Amey Rail etc) who were not, RB thought, recognized as original electrification system designers, but rather installing contractors. No mention from MF that major international design companies (eg Siemens and Alstom) would be approached, which gave concern that fundamentally new and totally creative 'blue sky' options are not being considered, but just 'tweaks' to the existing structures. RB asked whether the designs by the four winning finalists in the RIBA HS2 design competition would be worked up as options too. - **ACTION: MF**

In order to increase confidence in NR's intentions RB and IH asked if NR would consider ring-fencing a contingent budget for the retrofit, even if still subject to some caveats. MF agreed to explore if NR (and or DfT) could give additional comfort about how NR would plan to fund the work. RT agreed that he would follow-up on this point as well. - **ACTION: MF**

DB questioned if the potential design mitigation/retrofit is specific to AONB, to which MF responded 'yes'.

When IH sought clarification as to why only the AONB section was included, RT indicated that it is because of the specific protections given to AONBs.

RB requested whether NR had calculated a ballpark cost that would be necessary to carry out a retrofit, to which MF explained the ethos of the proposed study - that the idea is currently to rule nothing out and to look at a wide range of options - such that it isn't currently possible to assign numbers (meaningful cost figures) to it at this stage

Format and Revised Timetable for the Full Consultation Process

RT reiterated that for a proper consultation, NR is committed to consider all options, and that until a suite of designs are available, it is not possible to assign potential costs (and later re-confirmed that the design process would have costings as part of the remit).

RT then went further to explain the overview of the consultation:

- There is planned to be 6 - 8 weeks consultation
- NR would contact all communities within AONB
- NR would put together a stakeholders' pack
- Multiple consultation drop-ins would be conducted - Goring, South Stoke as well as other areas
- In the consultation, NR will display options and provide staff to answer questions. There would also be feedback forms
- NR will also have a consultation webpage (a consultation 'hub') – on which will be reports, drawings, FAQs and more
- After the consultation, the results will be properly analysed
- A report of the consultation responses will be published

IH highlighted the previous pre-consultation at South Stoke and shared some views of those in attendance (poor signage, difficult to get to, needed to arrange car park, no disabled access) with the hope that these kind of issues will be addressed in the future consultation process.

NR will ensure these and other issues are considered for future consultations. RT reported on the South Stoke pre-consultation – they had been surprised about the size of the turn-out - about 700 people attended with 500 completing feedback forms that were admittedly vague as they didn't ask specific questions. Almost all those who provided feedback expressed a desire for design alteration.

RB raised the issue of the caveat in the previously provided 'Letter of Intent' that indicated that a 'significant number' would need to be against the current design and demand for it to be changed. Concern was highlighted as to how NR would determine 'significant number'. RT indicated that in unequivocal terms, the commitment to retrofit would not be based on the number of people attending the drop-in sessions and voicing their concerns. RB read a quote from the 'Letter of Intent' and wanted reassurance that the consultation format will not be about how many show up, etc. RT reassured the meeting that the South Stoke event wasn't part of the official consultation, but simply to help inform the body of the future consultation. He would revert back after discussion with the consultation team to reassure all concerned about the process. - **ACTION: RT**

NH suggested that it was most important to agree the terms of reference about the consultation. RAG is looking for a much more sophisticated approach and want to agree terms of reference, how the consultation questions will be posed, how advertised, etc. RT reconfirmed that NR will discuss the terms of reference for the consultation with the Conservation Boards and will come back with more details. He then went on to say that the South Stoke pre-consultation confirmed that people were not happy with design. RT indicated that he understands NH's point, but it did deliver clear understanding that local people weren't happy with the current design. He then went on to share that in previous consultations, NR would

advertise the drop-in session, and would usually get about 40-50 people to attend. As the South Stoke pre-consultation had 700 people, it delivered the message very clearly.

DB asked if NR has an idea about the consultation format. RT indicated that NR had a high level overview, but will make sure it is a professional consultation. They will return in early March to meet with RAG to update the process. RT committed that NR will work closely with CCB and RAG on the process.

RB requested a 'special awareness' be made that this is to be a retrospective consultation. It is important that people needed to know that that any consultation was not a waste of time; that they shouldn't think that nothing will happen as a result, as this attitude had been encountered by RAG many times leading to a slightly apathetic response from some - and that NR had to make it clear to the potential attendees that their voices and concerns would translate into real actions. DB summarised in confirmation for the meeting that NR has fully committed to a professional consultation process, that it will be meaningful, and there would be full engagement.

Feedback on NR's meeting with the AONB boards

MF provided feedback on the meeting with CCB and NWD (earlier today). The discussions were about how the design mitigation study would be conducted, how CCB and NWD will be engaged – they were very keen to ensure it is done thoroughly and properly. Nia Griffiths (Head of Consents and Environment) will meet again with CCB and NWD, who confirmed that they want to help NR in a constructive manner.

MF was asked and agreed to ask NG to provide a brief summary of the meeting with Natural England. -

ACTION: MF

DB questioned if there was a feeling that the meeting was positive. MF confirmed 'absolutely'. It was felt that the meeting was constructive. However, Dr Lucy Murfett (LM) had also some concerns about NR's commitment to funding the retrofit.

IH asked if LM had queried the lack of a satisfactory response to the two letters the AONBs had jointly sent to the Transport Secretary and NR. MF confirmed that the DfT was aware of the situation of the electrification issues in the AONBs and wanted NR to work together with the local authorities throughout the revised process. MF confirmed that regular meetings with DfT are held to review GW Electrification Programme

DB asked if it is intended that there be a written response from the Transport Secretary. MF indicated that he can't speak for the DfT as they are clients of NR. He did surmise, though, that they are aware of the process, and are assuming the process will take its due course. He suggested that RAG/CCB/NWD follow up with DfT and request a reply.

NH asked how who (in DfT) is reviewing the situation. MF indicated that the DfT Rail Upgrade Director for the GW Route Modernisation Programme is Rhydian Phillips. He is supported by Nick Woodbridge.

IH questioned if the attendees were aware of NR having had contact with CPRE – as he believed that CPRE had asked the DfT (and NR) to set up an independent panel to review electrification infrastructure for all new projects throughout the UK. RT & MF indicated that they hadn't heard anything regarding this, but would follow up with NR colleagues and revert –**ACTION: RT**

IH requested an update on the timetable for the test track installation and testing programme and questioned if there were any thoughts to stopping the work as it is so far behind schedule. MF indicated that the Great Western upgrade had been looked at recently as part of the 'Hendy' review, and NR is some months away from finishing the test section. The DfT is proposing to initiate a formal consultation on the Hendy report later this month. Current target for completion of the test track is no later than Sept 2016. There was no plan to stop the works.

NH asked for clarification of the testing plan. MF wasn't able to give a firm answer, as it is in the hands of Agility Trains (the provider of the trains) - he will ask them for the testing plan. NH then requested that NR ask Agility to provide details of the stages involved in the plan, as it is understood that a critical point, in terms of commitment and costs, is the installation of overhead wires. MF to provide further detail at the next meeting with RAG, subject to the approval of Agility Trains/ DfT. **ACTION: MF**

Regardless of the overhead wire installation RT indicated that 'everything done can be undone if the consultation and subsequent analysis support it'.

MF affirmed that NR can't guess the timetable (of retrofitting) until the alternate design review and consultation had been completed and the results analysed.

DB reminded the meeting that the legal challenge would not be discussed in any detail. However, he asked hypothetically, that if the conclusion reached on the 25th January were that NR had acted unlawfully and that they were obliged to ultimately undo and mitigate what had been done, with the necessary regard for obligations to the taxpayer, should they not immediately stop the work on the test track? MF & RT did not feel able to address the question without discussing the legal situation and were unable to comment – though could understand the logic behind the question.

Bryan Urbick (BU) asked – based on the current plan for consultation, not considering the potential legal claim – if NR could just stop the work and wait until the consultation is completed. After all, the completion of the test track section is not scheduled to be completed until September 2016, and the consultation would be completed by end July/early August. Therefore, 'what is a couple more months'? Certainly it would then be perceived by the taxpayer to be more responsible. RT & MF explained that it is a contractual issue between DfT and the train manufacturer, but agreed that they would make sure the request/suggestion is made known to DfT. – **ACTION: MF**

DB raised the question that since DfT is a client of NR, would it be possible for them to procure a meeting with DfT and CBB/NWD. However, MF agreed to make DfT aware of the CBB/NWD request. **ACTION: MF**

Rob Greasley (RG) asked if NR has similar issues elsewhere with the electrification. MF indicated that there are also issues with the Bath area as it is a World Heritage Site. IH asked if the GWM went through any other AONBs, to which someone answered that it also cut through a section of the Cotswold's AONB.

Status of Freedom of Information Requests (EIRs)

BU explained about the situation with the FOI requests and that they have been refused because of 'vexatiousness'. The current options are to get many individuals to apply for separate requests, or to pursue legal action as it can be shown that the requests are in the public interest.

RT asked for them to be sent to him and he will see what can be done. **ACTION: BU to send to RT, RT to respond.**

Any Other Business

IH asked if NR were intending to further respond to the set of questions they had submitted in mid 2015 (which had been answered by NR, but unsatisfactorily in RAG's view, who had subsequently issued a rebuttal asking for further details). A couple of these were similar to the FOI requests ie asking for details of the design brief to F&F, and asking for details of when NR had discussed special measures and CROW 2000 Sec 85 in meetings or instructions. RT said that he wasn't sure of the status of these, but if IH would send them to him he would see if NR intended to further respond. – **ACTION – IH to send to RT**

RT agreed to liaise with IH to get a date in diary for the next meeting in early March. He said that NR intended to have these catch up meetings with RAG (and the local authorities) on a regular basis until the consultation process was formally started.

As there was no other business, DB thanked everyone and adjourned the meeting at approximately 8.40pm.