



Railway Action Group (Goring Gap & South Stoke)
www.savegoringgap.org.uk

13th October 2015

Mark Carne, Chief Executive
Network Rail

Dear Mr Carne,

Impact of Overhead Line Equipment in the Goring Gap - an Area of Outstanding Natural Beauty

I refer to the next (3rd) meeting between our Railway Action Group ("RAG") and some of your managers on 14 October 2015 in Goring-on-Thames.

This letter is sent on behalf of the South Stoke & Goring Gap Railway Action Group in conjunction with The Chilterns Conservation Board. Following more than six months of trying to negotiate with your team, we have been frustrated by the lack of progress with redesigning the inappropriate Overhead Equipment ("OLE") currently being installed through the Goring Gap, which is a cherished part of two nationally protected Areas of Outstanding Natural Beauty (the Chilterns and North Wessex Downs AONBs). Despite the letter (see Appendix 1) sent in March from the Chilterns Conservation Board, the key statutory body who looks after the Chilterns AONB, asking for the structures to be removed and replaced with a much less visually intrusive alternative, there has been no effort to do this, and installation has continued. At this next meeting we are hoping that a senior decision-maker from Network Rail ("NR") will be present to resolve this stalemate.

For the avoidance of doubt, our position is set out below and is very clear. We believe that NR has failed to act in accordance with statute and we will be pursuing legal action if a decision to implement modifications to the design is not agreed very soon to significantly reduce the unacceptable adverse visual impact on the landscape.

We have taken legal advice and are in discussion with the Chilterns Conservation Board, the North Wessex Downs AONB, the National Trust, the Council for Protection of Rural England, Natural England and other organisations and individuals committed to protecting the environment and preventing environmental laws being flouted. We are now in a position to pursue this matter in the courts if necessary.

Section 85 of the Countryside and Rights of Way Act 2000 states: *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'*

As a statutory undertaker, NR is a relevant authority for the purposes of Section 85. We have been advised that we have good grounds for pursuing a judicial review of NR's decision not to install a less intrusive OLE system through the Goring Gap. We will adduce evidence (as set out below) to demonstrate that NR has failed to comply with this statutory requirement.

- 1) NR did not brief its Swiss OLE designers, Furrer and Frey, to develop a low visual impact variant of the standard design which had regard for the highly sensitive landscape in the Goring Gap as recognised by Atkins in the Environmental Statement it produced for NR several years ago. (We already know this from a previous meeting with NR and we believe this will be confirmed officially in your response to our Freedom of Information request on this specific subject shortly).
- 2) NR's own Environmental Statement ("ES") produced by Atkins highlights that the OLE will have a large adverse visual impact in the Goring Gap in South Oxfordshire. NR has admitted in writing that the design in the Goring Gap is no different to that used throughout the line, proving it had no regard for the environmental sensitivities the ES identified. We will argue that this ES appears to be a tick-box exercise and once completed it was largely ignored during the design and installation process.
- 3) Further supportive evidence will be adduced to demonstrate the lack of timely consultation following the publication of the ES. The ES promised that at the 'detailed design stage' specific consultation would take place with the Chilterns AONB and North Wessex Downs AONB. No such consultation happened and not one single meeting occurred throughout the whole period from responding to the ES to the stanchions appearing along the track.
- 4) We are awaiting a response to our Freedom of Information request in relation to the dialogue, correspondence and meetings on the subject of the design of the OLE, which we believe should have had regard to the conservation and enhancement of the natural beauty of the two AONBs through which the track passes in this section.
- 5) There has been no explanation or reasons given as to why NR did not commission a special, low visual impact OLE design in order to reduce the impact on the Goring Gap.

In summary, NR has, in our opinion, not considered the AONBs as nationally protected landscapes with the highest level of protection, equal to that of National Park (set out in the National Planning Policy Framework paragraph 115). These landscapes are protected by statute, and great weight should be applied to conserving their landscape and scenic beauty. We believe that NR is unable to demonstrate that it has had the required regard for conserving and enhancing its natural beauty.

NR has now written to RAG to say it will undertake 'remedial' action - if it is shown to have breached the law. We would hope and expect that taxpayers money will not be spent defending in court the undefendable position that NR has now put itself in.

On the electrification of this route, Patrick McLoughlin said that NR should "get that right". NR is clearly not getting it right and if some remedial action is not taken now before the electrification of the test track section between Reading and Didcot goes any further, then many millions of pounds of expenditure and massive disruption to the service to change the system afterwards will be required, which would be a disaster for taxpayers, passengers and NR.

We look forward to meeting you on 14 October and to having a more fruitful meeting than the previous two events.

Kind regards,

Ian Haslam
On behalf of Railway Action Group
www.savegoringgap.org.uk

Appendix 1. Chilterns Conservation Board to Network Rail, March 2015

From: Donna Webb
Sent: 25 March 2015 17:20
To: mark.carne@networkrail.co.uk;
francis.paonessa@networkrail.co.uk;
robbie.burns@networkrail.co.uk
Subject: Great Western Line electrification programme

Dear Sirs,

The Chilterns Conservation Board has been made aware of the work that is ongoing in connection with the Great Western Line electrification programme.

As you know the Board contributed to the preparation of the Environmental Statement that was published in 2013. The Board understood that it would be consulted at the detailed design stage in order to identify suitable mitigation measures (see paragraph 19.4.1 of the Great Western Main Line Electrification Project Environmental Statement: Volume 1B South Oxfordshire District Council). As far as we are aware this consultation has not taken place and the Board is very concerned that overhead gantries are now being erected within the Chilterns AONB. These have a significant detrimental impact on the landscape of the AONB and the Board would like to see them removed and replaced with a much less visually intrusive alternative. We understand that there are alternatives available (overhead wire spans for example) that would not have the same visual impact. In addition, methods of mitigating these should also be investigated. At present the Board considers that Network Rail is failing to fulfil its statutory duty, under Section 85 of the Countryside and Rights of Way Act 2000, to have regard to the purpose of the Chilterns AONB.

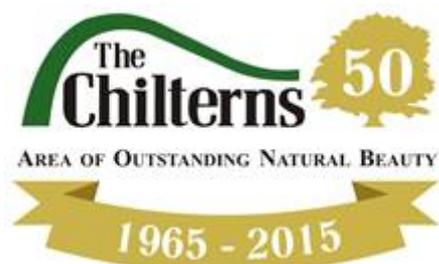
The Board would welcome a dialogue about this issue at the earliest opportunity. To facilitate this, and in order to set up a meeting, can you please contact the Board using the following details – office@chilternsaonb.org or 01844 355500?

We look forward to hearing from you.

Ian Reay

*Chairman,
Chilterns Conservation Board
01442 871798*

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