

South Stoke & Goring Railway Electrification Action Group
Meeting with Network Rail – Goring Parish Council Offices – 6th May 2015

Attendees:

Chair: Kevin Bulmer – Goring Parish Council & Oxfordshire County Council

SS & GG RAG:

Ian Haslam, Nigel Hawkey, John Wills (Goring PC), Ron Bridle and Roy McMillan (South Stoke PC)

Network Rail:

Richard Turner (Community Relations Manager), Nia Griffiths (Head of Consents and Environment), Simon Maple (Route Programme and Project Sponsor), Andy Mackintosh (Senior Asset Engineer)

Others:

John Howell (MP for Henley), Angie Patterson (PA to John Howell and former SODC Cllr - Planning), Ian Reay (Chairman of Chilterns Conservation Board)

Agenda:

- Welcome and Introductions - by Chairman
- Opening Statement by Network Rail - 10 mins
- Opening Statement by Action Group - 10 mins
- Open dialogue session - 60 mins plus
- Positions and future actions -10 mins
- Close

Opening Statement by Network Rail:

Simon Maple (SM) of Network Rail (NR) re-iterated the benefits of electrification and stated that we in the UK are behind other countries in implementing it. He stressed the highly complex and lengthy nature of the electrification programme. He mentioned that Richard Turner had met with some of the local authorities represented at the meeting in the past to discuss the programme.

Opening Statement by Action Group:

Ian Haslam (IH) stated that the Action Group was supportive of most aspects of the electrification programme excluding the infrastructure design. He used two maps to outline the sections of track that were of concern ie the section from Lower Basildon to Goring Station and the section from the sewage farm near Withymead to just short of the A329; these sections include the listed Gatehampton and Moulsoford Viaducts. He stressed that they were unique in the electrification of the western route lying in an AONB, elevated by embankments and highly visible from the surrounding countryside. He highlighted the importance of AONBs through the description in the recently published Goring & Streatley Visitor's Guide – 'AONBs are of such distinctive character and natural beauty and considered so precious that they are designated and protected by law (1994 National Parks and Access to Countryside Act and the Countryside and Rights of Way Act, 2000).'

He pointed out that Network Rail had recognised, in its 2012 Environmental Statement, that the work in these sections would have a significant visual impact on this particularly sensitive area, but had done nothing to mitigate this either in design or otherwise.

He said that the Action Group believed that NR had failed during their procedures in three aspects;

1. Due Process
2. Mitigation
3. Alternative Designs

He argued that NR has failed to carry out its promise, as expressed in the Environmental Statement, to consult with the Chilterns AONB and the North Wessex Downs AONB Boards with regard to mitigation measures - and he suggested that it may be considered that NR had actually misled local authorities in some of its earlier discussions. He went on to say that the Action Group believed that NR had 'fallen short' in the execution of its statutory duties which are subject to EU as well as national legislation, and could therefore be subject to judicial review.

In terms of the lack of mitigation he contended that despite NR recognising the unique nature of the stretch concerned and the high adverse impact of the work, and making a pledge to mitigate this impact, it had failed to do so, either through infrastructure design or through any other mechanism. He agreed that there had been a few recent remarks made in emails from Network Rail about the possibility of a planting exercise that they might be prepared to discuss with the local authorities. However, he argued that due to the elevated nature of the track section we are talking about, this would require tall trees. Tall trees must be planted >10m from the outside rail according to Network Rail's own guidance on planting next to railway lines. NR has not got rights to this land and it is unlikely the land-owners would want trees on their land in this area as it is predominately owned by large, external bodies and is mainly used for farming. Therefore the only mitigation NR had hinted at, it had no control over and was unlikely to secure it. IH suggested that what is under NR's control and what it could deliver on to provide the mitigation that had been promised is the infrastructure design. He requested that NR should come up with the least visually intrusive design it can in order to meet its mitigation requirements.

In terms of considering alternative designs and reliability he said that NR had failed to convince the Action Group that the use of wire-head spans over this stretch would make any significant difference in the overall reliability of the western route. He asserted that the Action Group could not agree with NR's reliability claims, as had been stated in one of their emails – because NR had failed to give the group enough information to convince it that the use of wire-head spans vs steel gantries over this small section of track would have any significant degree of impact in the overall reliability of the western route. He affirmed that the group believed that there would be minimal or no impact on overall reliability if the more environmentally acceptable wire head spans were used on this section, and understood that wire head spans would be retained at the busier London end of this route. He reiterated the request to NR to provide information to show how they had calculated the whole-life improvement in reliability on this section, and how that has been compared with the permanent large adverse environmental impact that would be suffered. He requested that NR shows how it had:

- Taken into account the absence of level crossings, points & crossings, curves and low bridges on this section.
- Included current performance of gantries and the possibility of effects of failures on adjacent lines.
- Taken into account improved reliability and maintenance of new trains.

He finished this part saying that the group had identified a number of key questions regarding reliability of OLE which they had prepared to give to NR and would like to address later.

IH concluded with the statement that based on these three main grounds the Action Group requested that;

- 1. NR halts the ongoing installation of the electrification infrastructure, as it appears not to have undergone due process for its approvals.**

2. **NR agrees to produce a more sympathetic design with appropriate mitigations for this section of track.**
3. **NR re-engages with the relevant local authorities in order to conduct serious and meaningful consultations.**

He said that the group would be happy to meet with NR once the work has been halted in order to help them meet the above objectives.

Open dialogue session:

- Nigel Hawkey (NH) further emphasised the legal status of an AONB. The concept originated in 1949 and is now covered by the Countryside and Rights of Way Act 2000 (CRWA). Section 85 of that Act requires a "relevant authority" in exercising or performing any functions in relation to an AONB, to "have regard" to the purpose of conserving and enhancing its natural beauty. As a statutory undertaker, NR is subject to this obligation.
 - He argued that NR has a duty to adhere to this statute despite its Permitted Development Rights (PDRs) and has so far failed to do so.
 - In addition the NPPF (Para 115) offers the highest level of protection to AONBs.
 - NR could potentially be subject to an Article 4 Direction, which allows the local planning authority to withdraw specified permitted development rights across a defined area.
 - Vol 1A of the Environmental Statement (section 8) identifies the need for general mitigation measures, particularly when large adverse effects are identified.
 - Vol 1b deals specifically with the South Oxfordshire area, and Table 19.3 identifies large adverse effects upon the AONB. Sections 19.4.1 identifies the commitment to engage with the two AONB boards at the detailed design stage, however, this has clearly not happened.
 - He stressed that this appears to demonstrate that NR has failed in its statutory duties, in particular under s85 of the CWRA.
- NR responded stating that they accepted the need for mitigation and wanted to enter into dialogue about planting. Nia Griffiths said that they recognised the challenges posed by the de-vegetation exercise and that a lot of work had been done ensuring that there would be no net loss of biodiversity in these areas; in this respect they fully intended to engage with the local authorities. They had provisions to fund a planting scheme, which would meet these requirements, including the longer term maintenance of these areas.
 - Kevin Bulmer challenged NR saying that they had not addressed the fundamental issue - that because NR had no rights to the land (and it was highly uncertain that they could get access) then they could not mitigate the visual impact by this method.
 - NR responded that they would do planting wherever they could.
- Ian Reay (IR) then presented the view of the Chilterns Conservation Board, which reinforced the criticism that planting a few trees in the Chilterns landscape was an unacceptable solution – and that it needs a thorough, thought-out plan encompassing both planting and infrastructure design. He commented that this engagement was very late in the day and that it should have been held back in 2012 and 2013 when there was no serious mitigation consultation offered.
 - Andy Mackintosh (AM) responded that a change to wire-head spans that the action group wanted would require 11.5m stanchion heights rather than the existing 9m. He further commented that he personally was not convinced that wire head spans would be less visually intrusive than the 'cleaner' steel gantries that had been planned.
 - John Wills (JW) commented that the structures installed on the other side of Reading are much better (less visually intrusive) and have use alternative designs for the stanchions, which were sometimes latticed and sometimes slotted.

- AM informed the meeting that NR does not have its own capacity for design of the portals and that much of what is being used is brought in from Switzerland where they use a lot of lattice structures.
 - KB pointed out that the AONB is a legal planning entity and that the discussion on what was best for the area had not been had.
 - SM stated that we could have that discussion, that NR would take us through the discussion of the design choice and that they would be 'happy to consider alternatives'.
 - NH asked NR if they could confirm that NR had signed up to the Freedom of Information Act, to which NR replied that they had.
 - SM re-iterated that NR was happy to take us through the overhead power line support design possibilities, but because the new breed of high-speed electric trains used multiple pantographs, as opposed to single ones (as in the 1980's), the design of overhead supports had to be different to those used previously.
 - IR intervened and said that a meeting as proposed was fine, but did not constitute a recognised consultation; that required NR to produce a document showing the plans that they had for the design – together with a consideration of alternatives, which was subsequently published for review by the local authorities and was then subject to a formal discussion to agree (or not) a way forward.
 - JW reminded the meeting that there had only been two meetings with NR in 2013 with no follow up as promised by NR, who had said they would come back with designs and locations.
 - SM agreed that there 'hasn't been any mitigation of the basic design' for the AONB area and the design being used is a standard design.
 - AM responded to the earlier comments on the west London section of the route saying that the head-spans used there were not planned for replacement, that this had been a difficult subject for discussions at NR and that reliability was only a small factor in the decision on what to do in this area.
- John Howell (JH) said that he also did not have a problem with the electrification programme in principle and that he welcomed the offer from NR to hold consultation talks with the relevant authorities - and that this fitted well with the Localism Act, on which he had worked extensively. He asked NR now that they had made an offer to enter into proper consultation, how they planned to proceed and to what timetable. He stressed that this should be done in a short time-frame and that there was no desire to add cost to the electrification programme through needless prevarication or slow progress.
 - SM asked for suggestions from the meeting on the best way forward
 - NH suggested that as NR had accepted that they needed to restart the consultation phase that they should take more ownership of it, be more pro-active and produce a plan for it.
 - IR proposed that NR put together their detailed proposals, together with some landscape photographs showing the visual impact of various designs, and then send these through to the relevant authorities, namely the CCB, SODC Planning and the Parish Councils.
 - Angie Patterson (AP) contended that these authorities needed to know from NR exactly what designs had been considered and why they had been excluded for use; furthermore what were the parameters that they could work under in considering new designs.
 - AM replied that two miles of head-spans is unlikely to be a problem.
 - IH challenged NR saying that the Action Group wanted NR to agree that they would seriously entertain the use of alternative designs in these consultations and that this would not just be an exercise in defending the existing design.

- NR responded that they would look into whether they could offer other solutions and revert to the action group.
- Ron Bridle (RB) asked whether he could have confirmation from NR that no more infrastructure work would be done over the area of concern until some settlement had been reached.
 - SM responded that he could not guarantee that, but that they would check the current schedule and revert to the group. He also stated that NR would endeavour to put the consultation plan together and come back to the local authorities with two weeks.
- IH informed NR that the Action Group had been working with the local press and engage local BBC television and would continue to keep them abreast of progress; he would like to give them a positive message that the group and local authorities were working in co-operation with NR.
- IH asked about electrification schedule for the area and that the group was aware that a new train had been brought into the country for testing.
 - SM replied that the train was currently undergoing trials on a test track in Leicestershire, that it was planned subsequently to trial it on part of the East Coast Line and that it was not planned to be brought to this area until early next year when the testing of the Reading Didcot section would be undertake.
- SM confirmed that NR would revert back within two weeks with a proposal for a consultation programme.
 - KB asked who NR planned to respond to and it was agreed by the representatives of the local authorities that it should be the two Parish Councils, the AONB (through the Chilterns Conservation Board) and SODC Planning with the Action Group to be copied in of the communications.
- NG also confirmed the plan to start discussions on a planting programme and asked who she should communicate with – it was agreed that she should talk with Roy McMillan of South Stoke Parish Council and that Goring Parish Council would contact her later with a name.
- IH gave NR a list of questions regarding Environmental Sensitivity, Systems Reliability and Gatehampton Viaduct, which they agreed to look at and respond to.
- KB thanked everyone for their contributions and the generally positive attitude to the issues and closed the meeting.