

Mr Chris Heaton-Harris MP
Minister of State for Transport
Great Minster House
33 Horseferry Road
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17th December 2020

Dear Mr Heaton-Harris

Historical Railways Estate

The Secretary of State's announcement in May of a £2 billion investment in active travel recognised the need for a better normal as we rebuild following the coronavirus pandemic. Lockdown clearly demonstrated the public's enthusiasm for walking and cycling when safe to do so and we all benefited from the consequential improvements in air quality.

Whilst on-road cycle lanes and more designated accommodation for pedestrians are welcome and vital, connecting urban networks through longer-distance routes creates further opportunities for commuting, leisure and access to green space, as well as the potential to boost tourism and local economies.

In this context, the value of our disused railway network is already apparent through dozens of nationwide schemes, notably the Bristol & Bath Railway Path and the Peak District's Monsal Trail which demonstrate how iconic routes can draw people out for commuting and exercise. Although very different, these routes are always busy (around 5.5 million daytime journeys are made on the B&BRP through Easton every year), highly valued and important income generators for the areas they serve. It should be noted however that the viability of developing such routes is determined, in part, by continuity of the alignment.

From 2021, the annual budget of Highways England's Historical Railways Estate (HRE) team (or its successor) will increase from ~£10M now to ~£40M for the next 7-10 years, funding a programme of demolition and infilling schemes, potentially involving hundreds of bridges which either span or carry disused railways. Whilst these options are entirely legitimate in asset management terms, it is a matter of concern that the vast majority of structures identified for inclusion have not first been assessed to determine whether their loss would prejudice the proposed reuse of alignments or compromise routes with clear strategic value.

The list of 135 schemes currently in development includes many structures with very low risk rankings, suggesting that the programme's selection criterion is at least partly opportunistic.

Given the emerging importance of the Historical Railways Estate, it is our view that only structures with a high risk ranking should be considered for demolition or infilling, and only then if doing so would meet "the needs of the present without compromising the ability of future generations to meet their own needs", as recognised as a very high level objective of the National Planning Policy Framework.

It should be recognised that, in many cases, extensive repair will cost less than infilling and deliver similar benefits in respect of risk reduction and the long-term financial burden of maintenance, as would the installation of a steel/concrete arch (eg Asset Multiplate®) beneath the original brick/masonry/ironwork to maintain access beneath a span.

Many local authorities have adopted planning policies which seek to protect disused railway alignments and encourage the development of active travel routes to improve public health, meet our environmental obligations, benefit community connectivity and provide an economic uplift. The Government is also investigating the possibility of reopening some railways through the 'Restoring Your Railway Fund'. In this context, it is important that proposals to demolish or infill structures are subject to effective scrutiny so as not to compromise those policies and plans. Local rail and active travel groups should be consulted.

It would seem however that Jacobs, the engineers acting on Highways England's behalf, are routinely seeking to circumvent normal planning processes through the use of permitted development powers, asserting that infilling schemes are necessary "in order to prevent an emergency arising."

The powers are set out in Schedule 2, Part 19, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 and are applicable only when there is a threat of "serious damage to human welfare [and/or] the environment", and specifically "only if it involves, causes or may cause loss of human life [or] human illness or injury...".

Furthermore it is a condition that, within six months of the work starting, "the [Crown] land [or 'structure' in this context] is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority (LPA) and the developer." It is therefore reasonable to conclude that Jacobs/Highways England are attempting to undertake routine asset management activities using powers which were never intended for such a purpose.

If Highways England is fulfilling its responsibilities in compliance with Clause 5.10 of the HRE Protocol, it is not possible that *any* HRE structure carrying or spanning a public road could be in such a condition that there is *any* risk of an 'emergency' arising, based on any reasonable definition of that word.

Back in March 2020, Jacobs submitted documentation to Northumberland County Council relating to the infilling of two bridges over the former Alnwick-Cornhill railway. Both structures have a low risk ranking and inspections record them as being in generally Good condition.

Jacobs made clear that they had “reviewed the Alnwick District Wide Local Plan and the Northumberland Local Plan Publication Draft and note Proposal CD3 states that the Council will develop leisure uses of disused railway lines and Policy TRA 5 aims to safeguard disused railway lines for future passenger and freight transport uses.”

Alnwick Town Council, Alnwick Civic Society and Alnwick Ramblers all objected to the infilling plans on the grounds that proposals are being developed for a greenway passing beneath the two bridges.

However, in September 2020, Jacobs wrote again to the LPA making clear its intention to progress the infilling works under the permitted development powers identified above, “in order to prevent an emergency arising”, because of “increasing risk to public safety”. There is no evidence to uphold either of these quoted statements.

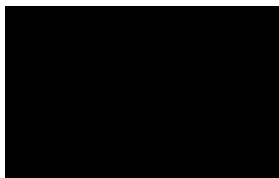
A similar situation arose in respect of an overbridge near Wells, Somerset, where a notification of infilling under permitted development powers was submitted to Mendip District Council on 10 September 2020, only to be put on hold four weeks later supposedly as a result of very minor repairs undertaken ten months earlier. The LPA had challenged the infilling proposal due to a “lack of submitted details” and illegitimate use of the permitted development powers.

It is our view that Jacobs/Highways England are abusing these powers to force through schemes for which there is a realistic possibility that the LPA would refuse planning permission due to conflicts with its established policies. We therefore regard the approach being taken by Jacobs/Highways England as disreputable, exploitative and contrary to the public interest.

We would welcome your assurance that no HRE structures will be demolished or infilled without assessments first being undertaken of each scheme’s impact on proposed or potential reuses of the relevant disused railway alignment and that Jacobs/Highways England will fully engage with normal planning processes to ensure that all proposals are subject to effective and appropriate scrutiny in relation to local development plans and policies, and through consultation with local rail and active travel groups. No use should be made of the specified permitted development powers unless there is a genuine and foreseeable threat of an emergency arising.

We look forward to hearing from you.

Yours sincerely



on behalf of The HRE Group

The HRE Group is an alliance of walking, cycling and heritage campaigners, engineers and greenway developers who regard the Historical Railways Estate's 3,000+ structures to be strategically valuable in the context of future rail and active travel provision.