

Mr Nick Harris
Acting Chief Executive, Highways England

(By email)

14 June 2021

Dear Mr Harris

Historical Railways Estate

We note that your colleague David Wheatley, Head of Scheme Delivery, was recently quoted in a Highways England press statement saying:

"We can confirm that any work carried out by the Historical Railways Estate in the future will not thwart any potential and/or [sic] active travel schemes, or any rail re-openings, including the extension of preserved railways. We have paused infilling and demolition works where local authorities have raised queries about the works."

Highways England's press statements about the ongoing HRE asset management programme state that:

"Infill or demolition is only considered on structures that are unsafe."

Your press statements about the infilling of the HRE bridge at Great Musgrave, Cumbria, (EDE/25) make clear that:

"We have complied with any planning requirements and have consulted widely - including with Eden Valley [sic] District Council, Sustrans and the Eden Valley Railway Company - on our plans to strengthen the bridge with an infilling scheme..."

In her response to a letter from the House of Commons Transport Committee, Transport Minister Baroness Vere said that:

"Where there is an interest to retain access [beneath a bridge], HE will work to retain this access. Its engagement with local authorities and other stakeholders is part of uncovering that interest where it exists."

Remarkably, every one of these statements is contradicted by Highways England's actions.

The bridge at Great Musgrave was assessed as having a 17-tonne capacity in 1998. The local road network is effectively subject to an 18-tonne weight limit due to a restriction on the A685 at Kirkby Stephen - signposted on all approaches to EDE/25 - which prohibits any vehicle over 18 tonnes making a through journey via the bridge. Sharp bends and humped river crossings restrict the size of vehicle that can use the road across the bridge; hence it sees very little traffic.

Highways England's most recent Detailed Examination of EDE/25 (August 2017) records it as being in Fair condition, presenting no significant public risk and low likelihood. £5K of general repairs were recommended.

Your most recent Visual Inspection (February 2020) also records the bridge as presenting no significant public risk and low likelihood. All accessible longstanding defects showed "no evidence of change since the previous detailed examination". The inspector's only recommendation regarding load-bearing elements was £5K of repointing to "very deep open joints" in the soffit.

The only recommendation made in the 1998 structural assessment was to "repoint the arch barrel" which would be "satisfactory for full 40-tonne assessment loading". In other words, any concerns about the bridge being under-strength could have been mitigated through cheap and simple minor works. However the recommendations of the assessment and visual inspection were not implemented and infilling work has been undertaken instead.

Eden District Council has twice asked Highways England to pause its infilling works at Great Musgrave - which do not benefit from planning permission - and HE has twice refused, citing Permitted Development rights under Schedule 2 Part 19 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. These facilitate temporary works in emergency situations presenting a serious threat of death or injury.

The bridge spans a disused trackbed which the Eden Valley and Stainmore railways intend to relay to connect their operations and draw more tourists into the area. This has been a formal objective of the EVR since 1999 and it has acquired a section of trackbed for this purpose between Great Musgrave Station and a missing bridge over the River Eden.

Given the available evidence and statements made by Highways England and Baroness Vere, could you please explain:

- Why did Highways England not carry out the recommended repointing of the bridge?
- In what respect was the bridge "unsafe" prior to the start of infilling?
- Why has Highways England undertaken works that could thwart a potential railway reopening (i.e. the extension/connection of two preserved railways)?
- Why did Highways England not pause the infilling works when the local authority raised queries about them?
- What is Highways England's intention with regards the removal of the infill when the six-month period allowed under Class Q expires on 24 November 2021?
- Why did Highways England not engage with the Eden Valley and Stainmore railways who had very clear interest in retaining access beneath the bridge?

The contracted cost of the infilling works is £124K. According to Highways England's draft Strategic Report on the Historical Railways Estate (March 2016), £25K of inspection, repair and assessment costs are incurred every ten years per typical bridge. This means that the taxpayer will see no benefit from this one-off infilling scheme until 2070. However this takes no account of the prejudicial impact on the reconnection of the two railways and loss of associated tax revenue that would have accrued through increased tourism.

Could you please explain how the infilling of EDE/25 is justified in economic terms?

More broadly, Highways England's management of the Historical Railways Estate is subject to the mandatory obligations set out in Historic England's *Protocol for the Care of the Government Historic Estate 2017*. In the last available review of compliance against this protocol, Highways England ranked the lowest of 20 Government Departments/agencies, with a rating of just 50%.

Could you please explain how the infilling or demolition of 130 HRE structures - most of which are in Fair condition and about one-third of which have identified future potential for sustainable transport use - aligns with the overarching objective of the Protocol, to manage historic property "to achieve value for money and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations"?

We note also that Highways England is now routinely refusing all Freedom of Information requests regarding your infilling and demolition programme, based on unsubstantiated allegations about the collective intentions of those independently seeking information.

We presume - as a reputable public body with a commitment to openness and transparency - that Highways England welcomes scrutiny of its actions and spending of taxpayers' money. However that scrutiny is currently proving impossible due to its 'shutting down' of Fol.

Could you please explain how stakeholders and other interested parties are expected to lodge their interest in the retention of access beneath an HRE bridge if detailed information regarding your asset management programme is being withheld and many individual schemes are not subject to planning applications?

We would appreciate you providing us with an updated list of the structures currently earmarked for infilling and demolition.

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.