

Baroness Vere of Norbiton  
Parliamentary Under Secretary of State, Department for Transport

(By email)

6 July 2021

Dear Baroness Vere

### **Historical Railways Estate**

We listened with great interest to the short debate in the House of Lords yesterday on Highways England's management of the Historical Railways Estate. We were however concerned to hear you make a number of statements which did not accurately reflect the prevailing reality.

The timecodes associated with the comments below reference this link to the debate...

<https://parliamentlive.tv/event/index/6b4a27df-a607-4e73-ad0c-92370976c2c5?in=13:17:31&out=13:28:03>

*At 13:19:10, you assert that Highways England consults with heritage railways about its infilling and demolition schemes.*

In relation to the infilling of Great Musgrave bridge in Cumbria (recently highlighted in the media), Highways England did not enter into *any* dialogue with either the Eden Valley or Stainmore railways who have longstanding plans to reunite by relaying five miles of track beneath the bridge.

The Caledonian Railway (Breachin) has not been consulted about the proposed infilling of a Grade C-listed bridge near Montrose which is needed for a proposed extension of its line; neither has Highways England spoken with the Mid-Norfolk Railway or Norfolk Orbital Railway group about the intended infilling of a bridge near Fakenham.

We should also point out that the Department for Transport now specifically has a policy of not allowing heritage railways to take on structures from the Historical Railways Estate, despite the sector having many decades of experience in managing such structures. This policy resulted recently in the DfT blocking the transfer of a short section of trackbed to the Eden Valley Railway which is needed for its future extension plans.

It should also be noted that Highways England did not consult with the community groups developing active travel schemes in Northumberland, East Renfrewshire or Herefordshire before progressing plans to infill structures on those routes.

*At 13:19:30, you assert that infilling can be reversed.*

Whilst it is physically possible to break out the aggregate and concrete used for infilling, doing so will result in damage to the original structure due to the concrete having bonded with the brick or stonework. Removal would also be costly - likely to run into many tens of thousands of pounds - weakening the business case associated with any repurposing scheme.

*At 13:22:15, you assert that existing infrastructure needs to be "substantially rebuilt" if a railway is reopened.*

The Borders Railway, which reopened in 2015, repurposed 21 of the route's overline legacy structures which mostly required only modest repair. Where new structures were built, this was generally associated with deviation from the original alignment, or where bridges had been demolished, infilled or replaced with an embankment after closure. Some of the new bridges made use of original extant abutments, which Highways England is now routinely demolishing.

*At 13:25:10, you assert that Highways England only uses Permitted Development orders where there is an emergency situation.*

In April and September 2020, Highways England sent 34 letters to Local Planning Authorities (LPA) informing them of schemes to infill bridges under Permitted Development powers (Class Q or its equivalent in Scotland) "to prevent an emergency arising". The LPAs consented to only two of those schemes - in both cases, the bridges were recorded by Highways England as Priority 2: action required within five years.

In the remaining cases, at least ten months have now passed since the notifications of 'emergency' work were submitted and, to the best of our knowledge, there have been no interventions at any of the identified structures. This demonstrates that there was *no* emergency by any recognisable definition of the word.

At Great Musgrave, Highways England cited PD (Class Q) powers after Eden District Council challenged the infilling work which did not have planning permission. HE stated that the work was required urgently "to prevent an emergency arising". However Highways England's own inspection reports recorded the bridge as presenting "No significant risk" to public safety, with a Low likelihood of any adverse event occurring and that "No action [was] required".

It should be noted that the Class Q powers (which we have appended for your reference) only facilitate *temporary* works which must be removed within six months unless the LPA consents to their retention. Infilling is clearly intended to be permanent.

We are not aware of any pending planning applications for infilling or demolition projects. Currently schemes are being progressed opportunistically where the LPA has authorised work to progress without the need for planning permission, notably in Dumfries & Galloway. This disenfranchises interested parties and results in no democratic scrutiny of the wider environmental, ecological, heritage and transport impacts.

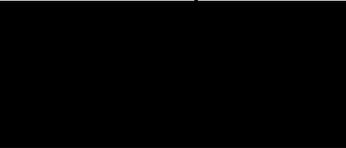
*At 13:26:18, you refer to the Clifton Hall Tunnel collapse "a couple of decades ago".*

This event actually occurred in April 1953 and resulted from the failure of a hidden construction shaft, about which all records had been lost. The structure was therefore not subject to an asset management regime. It has no relevance to the infilling and demolition of bridges, all of which benefit from annual inspections/examinations and generally remain in Fair condition.

It is a matter of considerable regret that Ministers continue to perpetuate Highways England's deceit about its infilling and demolition programme, rather than exposing it to appropriate scrutiny.

We ask that you instruct Highways England to pause its programme, commission an independent review of the affected structures and consider the proposal put forward by Lord Young of Cookham that responsibility for the Historical Railways Estate should be transferred to Great British Railways who, with its deeper expertise and less risk-averse culture, will be much better placed to manage it proportionately.

Yours sincerely

A solid black rectangular box redacting the signature of the sender.

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.

Distribution List:

Lord Faulkner of Worcester