

NETWORK RAIL FUNDING

Summary: To outline – and provide some context to - the £500,000 of funding that the Board has secured from Network Rail to mitigate and compensate for the adverse impacts of their electrification works in the Cotswolds AONB.

Recommendations:

(a) To note the funding secured from Network Rail and the context of this funding;

(b) to note the lessons learned from working with Network Rail.

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Introduction

1. The Cotswolds Conservation Board ('the Board') has recently negotiated and secured £500,000 from Network Rail (NR) to mitigate and compensate for the adverse impacts of the NR's electrification works between Old Sodbury and Alderton in the South Gloucestershire section of the Cotswolds Area of Outstanding Natural Beauty (AONB).
2. This funding consists of two elements:
 - £250,000 'Mitigation Planting Sum' for line-side planting and screening vegetation; and
 - £250,000 'Project Sum' for the delivery of projects in the rail corridor to enhance the AONB.
3. This funding has been provided as part of a legally-binding 'settlement agreement' between NR, the Board, the Chilterns Conservation Board and the North Wessex Downs AONB Partnership. The agreement is in full and final settlement of NR's liability (in relation to the works completed to-date) arising out of their statutory duty to have regard to the purpose of AONB designation.
4. This paper outlines the electrification works, their impact on the AONB, the process that led to the funding being secured, the purposes for which the funding must be used and lessons learned.

Electrification works

5. NR's electrification works in the Cotswolds AONB are part of their Great Western Electrification Programme, which was intended to electrify approximately 1,000km of railway between London and Cardiff.
6. In the Cotswolds AONB, electrification works were implemented between Old Sodbury and Alderton in 2017. This is a 10km section of train line, of which,

approximately 4km is in tunnels, 4km is in cuttings and 1.8km is at ground level or on an embankment.

7. Electrification works were also supposed to be implemented in the Cotswolds AONB between Box Tunnel and Bath. However, those electrification works have been deferred indefinitely.

Impact on the AONB

8. For the most visually prominent 1.8km of train line, between Acton Turville and Alderton, NR installed the electrification infrastructure at a reduced height. This was also done for a 300m section of train line immediately to the west of Old Sodbury tunnel, adjacent to the AONB. NR estimates that this work cost an additional £3.2 million, over-and-above the cost of installing their standard design. However, the visual impact in these locations is still 'substantial-moderate', compared to the 'substantial' impact that the standard design would have had.

Working towards the funding agreement

9. In early 2019, NR made it clear that they did not consider any additional direct mitigation options (e.g. using a different colour on the gantries) to be financially viable. On this basis, they drafted a settlement agreement which focussed on funding for line-side planting and screening and for wider enhancements within the rail corridor to compensate for the adverse impacts of the electrification works.
10. NR also explained that the funding for the electrification programme would end – and their project teams would be disbanded - at the end of March 2019. As such, any funding would need to be agreed before then.
11. The Board did not accept the initial funding offer (which would have been approximately £50,000-£100,000) so we lobbied for additional funding. NR finally agreed to allocate £500,000 to the Board.
12. The Chilterns Conservation Board and North Wessex Downs AONB Partnership have been allocated a larger sum of money, as part of the settlement agreement. This larger sum reflects the more significant landscape and visual impact of the electrification works there and the fact that no direct mitigation was undertaken in those AONBs.
13. Given that the settlement agreement is in full and final settlement of NR's liability (in relation to the works completed to-date) arising out of their statutory duty to have regard to the purpose of AONB designation, the Board will not be seeking any further redress from NR in relation to these works

What the funding will be used for

14. As indicated in the 'Introduction', above, the funding consists of two elements:
 - £250,000 'Mitigation Planting Sum' for line-side planting and screening vegetation; and

- £250,000 'Project Sum' for the delivery of projects in the rail corridor to enhance the AONB.

15. The Board's officers are currently working to establish how far this remit extends (e.g. defining what is meant by 'line-side' and 'in the rail corridor'). We are also establishing the framework for how this money should be allocated (e.g. recruiting a consultant / contractor to identify priority locations and implement projects in these locations v. operating a grants scheme).

Lessons learned

16. The most significant lesson learned is the importance of statutory undertakers, such as NR, giving serious consideration to the statutory duty to have regard to the purpose of AONB designation (under Section 85 of the Countryside and Rights of Way Act 2000) - the 'duty of regard'. In particular, it is essential that they give this statutory duty serious consideration at the very start of developing programmes and projects. If this had been done for the electrification works in the three AONBs, the adverse impacts on the AONBs could potentially have been significantly reduced.
17. If NR was to undertake any further electrification works in the AONB, the Board would seek to ensure that AONB issues are addressed from the earliest stages of the electrification project.
18. On a related point, there is a significant challenge in trying to prove that a statutory undertaker or other public body has not fulfilled the duty of regard. In this instance, this was made considerably harder by the fact that the Natural England representative didn't think that their guidance on the duty of regard was still 'live'. The Board had to prove to the Natural England representative that their guidance was still 'live' for him to accept this fact. This is a bizarre situation to be in when Natural England is supposed to be the government's 'watchdog' on issues relating to the duty of regard.
19. Overall, the duty of regard needs to be strengthened, both in terms of the legislation and in terms of guidance and enforcement. The Board and other stakeholders, such as the National Association of AONBs, have raised this issue in its response to the 'Glover Review' of National Parks and AONBs.

Supporting Paper(s):

Appendix 'A' - Maps showing the route of the electrification works through the Cotswolds AONB (N.B. Only the Old Sodbury-Alderton section has been electrified).

Link:

https://www.2bconsultancy.co.uk/GWEP_OLE_Consultees/AONB+OLE_Location_Maps/2016-319-GWEP-Track-AONB-locations.pdf

Appendix 'B' - Photomontages of the train line, between Acton Turville and Alderton, where it is crossed by the MacMillan Way

Link:

[https://www.2bconsultancy.co.uk/GWEP_OLE_Consultees/LVAppraisals/Cotswolds\(north\)/Figures/Cn-VPmD.pdf](https://www.2bconsultancy.co.uk/GWEP_OLE_Consultees/LVAppraisals/Cotswolds(north)/Figures/Cn-VPmD.pdf)

The six photomontages are as follows:

1. Pre-electrification works (i.e. pre-August 2017).
2. Works as of April 2018.
3. Low-level 'autotransformer feeder system' (ATF) (i.e. approximately how it looks now, with the ATF having been installed at a lower height, at the Board's request).
4. High-level ATF (i.e. how it would have looked if it had been installed at the standard height).
5. Low-level ATF and planting at 10 years (N.B. This shows that the ground-level infrastructure is well screened but the tops of the gantries are still clearly visible).
6. Low-level ATF, planting at 10 years and painted structures (N.B. This really demonstrates the significant extent to which painting the structures could have potentially reduced the visual impact).