

Office of Rail Regulation
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please reply to:

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For the attention of Debbie Daniels

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Consultation on ORR proposed approach to the duty to cooperate

Dear Debbie,

I am pleased to submit this response on behalf of **Railfuture**, which has been prepared by the Policy Group, with contributions from individual branches and groups. The document has been reviewed and approved by the Group.

Railfuture is an independent national voluntary organisation which campaigns for better rail services. It is structured in England as twelve regional branches, and two national branches in Wales and Scotland.

We have the following comments:

1. We consider that every county, unitary authority and Local Enterprise Partnership should have their own rail strategy and action plan. ORR should encourage each of these authorities to create these, and should provide the appropriate guidance on how to prepare them and comment on their content.
2. In Annex A para 2, the document refers to existing railways; this should be reworded to include existing, planned and proposed railways, railway stations, railfreight terminals and other rail connected facilities.
3. ORR should provide guidance to planning authorities on the identification and protection of closed and dismantled railway routes which may have the potential of reopening, and the identification and protection of sites for new passenger stations and rail freight facilities.
 - a. There has been a significant increase in rail travel since the rail closures of the 1960s. Some of the closed lines have the potential for reopening to meet that demand, as evidenced by the fact that since the 1970s, over 370 stations and 500 miles of line have been re-opened to passengers (or in some cases, built new).
 - b. We therefore think it is essential that disused railways are properly protected through the planning system from development which could obstruct former routes, and render future re-opening difficult or more expensive.
 - c. Paragraph 41 of the National Planning Policy Framework states that:

'Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.'

- d. If 'robust evidence' is taken to mean the existence of an established business case, it is likely that many routes which have potential for the future will be lost before the demand for sustainable transport is established in the area, and before local authorities can justify the expenditure on studies to prove the technical feasibility and business case for the route. Linear continuity is a valuable asset – once development has occurred or structures such as bridges and viaducts have been demolished, the increased cost of reinstatement may mean that the route is lost for ever. Routes often span multiple planning authorities, which may not take the value of the whole route into account when considering development in their own area.
- e. Transport schemes take a long time to develop, so there needs to be an approach which protects potentially valuable routes for which a business case has not yet been established. To provide the 'robust evidence' necessary, ORR should establish guidance on the characteristics which would indicate that a disused route or site has potential for reopening at some time in the future, and therefore should be protected.
- f. Characteristics which justify protection for a closed route should include at least the following:
 - i. Short lines which link growing towns to the network, eg Wisbech – March
 - ii. Duplicate lines linking major cities, which may be required to provide additional capacity in future, eg Manchester – Sheffield via Woodhead
 - iii. Lines which fill gaps in the network, eg Uckfield – Lewes
 - iv. Lines with one of the characteristics above but currently operated as a heritage railway, where transport (rather than leisure) services could be offered with the agreement of the heritage operator eg Bodmin General – Bodmin Parkway.
- g. Where development is permitted on a disused railway route or site, the developer should be required to identify an alternative potential route to maintain linear continuity.

If you require any more detail or clarification please do not hesitate to get in touch.

Yours sincerely



Chris Page
Railfuture Policy Group