



Pilning – a test case for Network Rail’s integrity and WELEP’s authority

Executive summary: Network Rail are proposing to shortly remove the footbridge at Pilning Station, thereby closing the westbound platform at Pilning, as part of electrification of London to Cardiff Line. This was done with the very minimum of consultation. FOSBR maintain that having trains call in one direction only will have the effect of deterring even the users of the current Saturday excursion service, and moreover prevent any trial commuter service from being successful. FOSBR argue that this means that the proposed change should be treated in the category of closure of all or part of a station under the Railways Act 2005, and therefore that the Secretary of State should have carried out the full statutory consultation for closing all or part of a station. FOSBR anticipates that there will be a healthy demand for rail services at Pilning Station now that there is nearby Severnside industrial development, and calls on the Secretary of State to carry out the full statutory consultation now, or else to commit to replace the current footbridge as part of the electrification works.

Key points in FOSBR argument:

1. FOSBR notes that Network Rail cites a low footfall at Pilning (due to the current weekly “parliamentary service”) and pre-2006 as the justification for the non-replacement of the footbridge, but draws SLB’s attention to the growing industrial estate and demand for Severn Beach Station rail service, coupled with the complete inadequacy of the rail service at Severn Beach station due to some well-understood factors (see Appendix D); FOSBR also notes the 21 minute journey time from Pilning to Temple Meads as compared with the 37 minute journey from Severn Beach and the direct connectivity to the Bristol North Fringe and Wales enjoyed by Pilning and not by Severn Beach Station.
2. FOSBR notes that Network Rail are now treating Pilning as a “minor modification” to justify the lack of consultation (but not described in the original 21 April letter as such), but would argue that on the contrary the removal of the footbridge will close the westbound platform and renders impractical any Saturday excursion, let alone any trial commuter service on a weekday, and therefore should be regarded as closure of part of the station and subject to the full statutory consultation under the Railways Act 2005. The proposed provision of a 13:32 Bristol-bound Saturday service to replace the 15:42 Cardiff-bound Saturday service would necessitate a 45 minute wait at Severn Tunnel Junction and therefore cut short any Saturday outing by 3 hours. **This cannot be considered as a minor deviation in “the provision of... rail passenger services”.**
3. **FOSBR therefore considers that Network Rail have been disingenuous in treating the Pilning footbridge non-replacement as a Network Change or “minor modification” and should have carried out wider consultation in line with current statutory procedures for closing all or part of a station.**
4. FOSBR notes that Network Rail considered raising the existing footbridge by extending the brick pediment, but discounted this due to the age of the bridge and “condition” (presumably visual). FOSBR notes that no technical survey on the actual soundness of the bridge has been undertaken, despite the low cost and potential savings.
5. FOSBR notes that the electrification works are not due to be live until December 2018 and advises the Secretary of State that significant savings to the Network Rail budget could be made by not simply demolishing the Pilning footbridge on the basis of actual age and visual condition, but by lifting the existing metal overbridge to a suitable location near the station for full assessment at leisure.

- 6. FOSBR therefore urge the Strategic Leaders' Board to secure a meeting with the Secretary of State to request that the Secretary of State either:**
- a. Orders that the existing footbridge at Pilning is given a technical assessment for structural soundness with a view to modifying it to fit over the electrification gantries; or**
 - b. Undertakes to replace the footbridge with like-for-like; or**
 - c. Carries out the full statutory consultation for closing all or part of a station as prescribed under the Railways Act 2005.**

Christina Biggs (FOSBR), Thursday 12 October 2016

Appendices

Appendix A Order of events:

21 April 2016 – emailed letter from Network Change Co-ordinator (attached) advising of online consultation for Network Change removing the Pilning footbridge and “closing the westbound platform” – emailed to restricted distribution list comprising TOC, freight companies, Passenger Focus and Welsh Assembly – consultation list as prescribed for Network Change “minor modification” but not for closure of all or part of a station under the Railways Act 2005 (see Note).

23 May 2016 – close of online consultation: FOSBR became aware of this after the event, and when alerting Pilning and Severn Beach Parish Council and WELEP, was informed that they had not been consulted. A FOI from the Parish Council revealed that S Glos Council were merely “informed” after the event and the Welsh Assembly were not consulted either despite being on prescribed list.

17 June 2016 – Network Rail email out a briefing note on Pilning, again as “information” not for consultation. Patchway and Severn Beach are cited as viable alternatives, despite lack of parking at Patchway and Severn Beach and poor train service for both train stations.

6 July 2016 – S Glos send letter to Sir Peter Hendy expressing concern but not challenging the decision on Pilning; this was signed by Colin Hunt (chair of WELEP Joint Transport Board) and one other S Glos councillor. S Glos suggest that Network Rail funds should be spent on Severn Beach despite the very different budgets involved.

15 August 2016 – Pilning Parish Council send letter of appeal to Chris Grayling Secretary of State

Thursday 27 Sept 2016 first face-to-face meeting of Network Rail communications team, in a private meeting with Pilning and Severn Beach Parish Council. Julian Burnell of Network Rail apologised for the lack of consultation and promised to answer the questions (as submitted by Pilning Parish Council) by the 10-day deadline but to date this has not been done. Pilning submitted a formal complaint to Network Rail which has to date not been formally acknowledged.

Tuesday 11 October – first Network Rail public Drop-in at St Peter's School, Pilning. The Network Rail sponsor Samantha Patterson was present, verbally citing “minor modification” as justification of non-consultation; reference to “age and condition” of footbridge despite lack of technical survey; decision to not replace bridge presented as unalterable; no record of questions asked; “advice” to FOSBR to request S Glos to start a business case for Pilning despite Pilning station being at that time fully operational with the footbridge intact.

Saturday 29 October, Saturday 5 November and Saturday 12 November 2016: scheduled removal and demolition of the Pilning footbridge as advised by email to restricted list by Claire Mcgine of Network Rail.

4 November 2016 – due delivery date of the Severn tunnel electrification works; **December 2018** – electrification live date of London – Cardiff

Appendix B Why Pilning is in a special category in MetroWest

1. FOSBR reminds WELEP that in their Great Western Franchise response they requested an improved service for Pilning and calls on WELEP to press for the replacement of the Pilning footbridge as part of the electrification budget, as a matter of principle and good economic strategy, given the duty of care of Network Rail to WELEP to maintain the level of rail access. FOSBR notes that Pilning is not eligible for New Stations funding.
2. FOSBR notes that WELEP are aware of the issue of Pilning and list it with Stapleton Rd and Lawrence Hill as parallel issues. However, FOSBR maintain that Pilning is in a special category, due to the projected complete closure of a platform due to electrification, whereas the issue at Stapleton Rd and Lawrence Hill is that of providing disabled access to the island platforms created by four-tracking and therefore should be budgeted for separately to Pilning.
3. While supporting WELEP in their insistence on adequate access at Lawrence Hill and Stapleton Rd, FOSBR urge WELEP to press for a like-for-like replacement at Pilning as a matter of principle and good economy, and warns that following removal of the footbridge that the condition of the westbound platform will deteriorate and will necessitate a costly and lengthy GRIP process (including a new business) case to replace.

Appendix C The case for an improved rail service to Pilning:

1. FOSBR notes the continued economic development of Severnside just to the south of Pilning with attendant increase in rail ridership on the Severn Beach line; the absence of any public bus services serving Pilning; the close proximity of Pilning to Cribbs Causeway; the potential for a Park and Ride at Pilning to serve the wider area such as Thornbury, Tockington, Almondsbury and Easter Compton; the possibility of the current half-hour services to Severn Tunnel Junction also stopping at Pilning; and the existing passing loop at Pilning Station allowing slow trains to be overtaken by fast ones. FOSBR notes that there is some daytime freight movement through Pilning but suggests that these can be accommodated by the passing loop at Pilning.
2. **The possibility of an hourly and selected half-hourly services to Pilning:** FOSBR draws SLB's attention to the identical timetable for the Cardiff to Taunton trains on Saturday (when they stop at Pilning at 08:32) to Monday-Friday (when they currently do not) and similarly at 15:41 on the return journey, and would suggest that a trial daily commuter service at 07:52 and/or 08:32 could be instated to prove commuter demand and build a business case for restoration of a regular passenger service to Pilning.

Appendix D: The inadequacy of the Severn Beach rail service

1. FOSBR notes that Severn Beach Station is (according to our recent survey) considered preferred to Pilning "should there be a regular service", but notes that the current service frequency at Severn Beach is currently once every two hours on weekdays and frequently turned back at Avonmouth, a considerable drive on a very congested road. Although in MetroWest Phase 1 the Severn Beach Station service is projected to be once-hourly (due to continued opposition from the Port of Bristol to a 30-minute service), FOSBR predicts that a similar or even increased frequency of turn-backs at Avonmouth are likely, and therefore that the residents of Pilning will never receive a 30-minute service at Severn Beach Station as stipulated in the JLTP3 (Joint Local Transport Plan). Network Rail are therefore being misleading by regarding Severn Beach to be delivering an adequate rail service for Pilning and

Severn Beach Station. Moreover, Pilning Parish Council note that Severn Beach Station is accessible from Pilning only by road and motorway bridge, whereas Pilning Station, though more distant, is accessible by a quiet back road and therefore a comfortable bike ride.

2. The Port of Bristol have their main entrance on the St Andrew's Gate level crossing and have recently been persuaded to commission a study from Network Rail on 24-hour road access. The study remains unpublished but FOSBR have been informed that the outcome was an estimate of £128m for a road bridge. FOSBR understand that no attempt was made to evaluate road access at other points, such as St Andrew's Rd Station which FOSBR consider would be much more straightforward. Until this matter is resolved, Severn Beach Station will never have a half-hour service as prescribed in the Joint Local Transport Plan (JLTP3).

Appendix E: Note on Railways Act 2005 on Closure of part or all of a station

In brief, the Railways Act 2005 provides for the procedure that must be followed, including an extensive consultation process, when a station, or part of a station, is to be closed.

Section 29 of the 2005 Act applies where 'the operator of a station proposes to discontinue the use of a station or some part of it'. It provides that the operator must give notice to the secretary of state for transport, having first carried out an assessment of the closure. The secretary of state must carry out a consultation before consulting to the closure. Section 45(1)(c) defines 'closure' as 'the discontinuance of the use or operation of the whole or a part of a station'. Section 6(2) of the Railways Act 1993 (applied to the Railways Act 2005 by section 58(2) of the 2005 Act) defines 'operator', in relation to any railway asset, as 'the person having the management of that railway asset for the time being'. The form that the consultation must take is prescribed in detail in Schedule 7 to the 2005 Act. It includes placing advertisements in national newspapers and consulting local authorities.

However, the procedure described in section 29 does not need to be followed in the case of a 'minor modification', defined as the discontinuance of the operation or use of part of a station 'so far as the operation or use of that part of the network or that part of the station is not necessary for the operation or use of the network or station for or in connection with the provision of railway passenger services'.

The Railways Act 2005 may be found here: <http://www.legislation.gov.uk/ukpga/2005/14/contents>. (The relevant parts are in force, despite being labelled as 'prospective'.)

Conclusion

It is evident that the consultation procedure set out in Schedule 7 has not been followed, even though part of Pilning station is to be closed by removal of the footbridge that is the only means of access to it. The argument Network Rail are citing is to regard the closure of one of Pilning's two platforms as a 'minor modification'. That would be the case if the platform to be closed is not 'necessary for ... the provision of railway passenger services'.

FOSBR argues that the platform to be closed is necessary for the provision of railway passenger services because without it trains can call at Pilning in one direction only, and a return journey in either direction involves doubling back at either Severn Tunnel Junction or Patchway. With the proposed stops on Saturday at 08:32 and 13:32 on the eastbound platform, such a return journey would necessitate a 45 minute wait at either Severn Tunnel Junction or Patchway and renders impractical any trial commuter service. FOSBR therefore argue that the closure is therefore not a minor modification and so the full consultation procedure in Schedule 7 for closure of all or part of a station should be followed before the footbridge is removed.