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FLUSCO - A DIFFERENCE OF OPINION ?

In November the investigators in the office of the Local Government Ombudsman closed their file.

CKP Railways plc had complained about Eden District Council's handling of the planning application for access roads in the Industrial Park at Flusco, and the way permission was granted for a road to be built which cuts through the Railway trackbed in a way which makes reinstatement of the route more difficult and costly. CKP felt strongly that Government guidance and policies at various levels had been ignored or misinterpreted to arrive at this decision.

The Investigators asked CKP to demonstrate why the Council's process was unreasonable.

CKP supplied over 200 documents including correspondence about the planning application, assessments of the engineering and cost consequences for the Railway reconstruction if the road was built as planned, how the Council handled this information, what the Councillors on the Planning Committee who decided the application were actually told - and what they were not told.

There were also items from local newspapers showing that the Council and the Developers had promised to cooperate with the Railway developers, some very interesting comments by Council representatives about why the decision had been made, and the validity of their policies.

CKP felt that the Members on the Planning Committee had been denied access to all the facts, particularly any technical explanation of the difficulties of the three dimensional relationships of the various features at Flusco (land, slopes, railway alignment along the hillside, limiting factors for Railway operation, and how the Railway goes over and under other roads at the site boundaries).

Apart from omitting tables of evidence, facts and figures, the Council also refused to allow CKP to provide an Engineer to brief Councillors at a site visit - which in CKP's opinion meant that the Councillors went away without a proper understanding of the problem.

Without undertaking any technical investigations, environmental assessments, or costings, Eden District Council's Officers suggested that a "viable" alternative route past the site was available for the Railway. This undoubtedly convinced Councillors that there was not really a problem.

CKP had in fact told the Officers that any diversion would require either embankments up to 60 feet tall across boggy, untested, ground causing massive visual intrusion, or cuttings up to 100 feet deep with steep, perhaps unworkable, gradients through solid limestone.

Either "alternative" would cost many millions of pounds and could upset the economics of the entire project, as well as meaning that many miles of existing trackbed might have to be abandoned and new construction undertaken to replace something which already existed !

Comments by Eden's Chief Executive, recorded in the Keswick Reminder in January 2005 (4 months after the decision), suggest that granting permission in this case was preferable to facing a Planning Enquiry if they refused permission.

None of this was mentioned in the evidence put before the Planning Committee, nor in the notices of the decision. CKP felt that this undermined the whole process - which should have been based on planning and policy issues alone, not administrative convenience.

WHAT IS A POLICY WORTH ?

There are legal precedents which show that Councils must be honest about the reasons for granting Planning Permission, but chasing this through the courts is an expensive exercise.

In another comment recorded by the Cumberland and Westmorland Herald in January 2005, at a Planning Committee judging an unrelated application, an Officer from Eden remarked that their tourism policies "...are wholly out of date and have been overtaken by central government guidance and the structure plan.", and advised Councillors that they "... should pay more attention to the more up to date advice and less to our own policies."

However, as long ago as March 2002, Penrith Chamber of Trade made a submission to Penrith's Market Towns Initiative action plan, urged on by the Residents' Association, to support the reopening of the line - because of the benefits it would bring to Penrith. Eden District Council do not seem even to be listening to their own constituents.

Comments from the Ombudsman's office which are particularly worrying are:

- ◆ "Policies set by a Council are not legal obligations. At best they are publicly stated guidelines and intentions."
- ◆ "...in my view the Council considered the material planning issues and on the merits of the case as it saw them took the decision it did. That you interpret the same information differently is not maladministration by the Council, but a difference of opinion."
- ◆ "I can appreciate that from your perspective it seems wrong that a Council can have policies which it then either works contrary to or interprets in such a way as seems illogical"

Closing the file does not constitute a proper judgement on whether the Council acted correctly, and raises even more questions - specifically whose job is it to ensure that Government Planning Policy Guidance (and other relevant policies) is abided by ?

What status does Government Planning Policy Guidance have if the Ombudsman's staff feel that policies derived from them at local level carry no obligation ?

WHO CAN HELP ?

Much of what we are doing is pushing at the edges of what Local Authorities and other interested bodies are familiar with. Ensuring that everyone understands the benefits of the reopened Railway - and what needs to be done to ensure that those benefits are realised quickly and economically - has led us into all sorts of areas of politics, law and economics. The Engineering is relatively simple ! We are also drawing on the experience of Professionals who work on Railway construction, development and reinstatement projects in the UK and abroad.

The UK Government has, in the last few years, recognised that transport has a major role to play in all aspects of life, and the economic health of the nation. The same is true at Regional and Local levels. In a speech to the Confederation of British Industry (CBI) on 29th November 2005, Prime Minister Tony Blair made the following comments:

"..... another issue that also demands a long-term solution and if possible a consensual approach, is transport. By 2007, transport spending - after inflation - will be over 60% higher than 1997.

And this investment has bought improvements. Over 100 road schemes have been completed; 40% of the rolling stock on rail has been replaced in the last 5 years; rail freight has increased by more than a third since 1997; the Channel Tunnel Rail Link opened on time and budget; the second section is due in 2007.

But as you said earlier in the week, economic growth, higher living standards and therefore large increases in car, rail and tube usage mean we still face a big challenge to renew our infrastructure.

There are many facets to this issue. Congestion is one. Financing transport improvement another.

A planning regime that helps not hinders, crucial. For these reasons again we asked someone independent of Government, in this case Rod Eddington, to review the options and report back next year."

We eagerly await the conclusions !

MISCONCEPTION CORNER

From time to time we will attempt to gently correct some of the wrong impressions that people have gained about the project to reinstate the Railway between Keswick and Penrith.

New people and organisations become involved with the project all the time, so these are issues which crop up repeatedly. Our hope in writing this section is that if everyone understands the reality of the Project, we should achieve the end result more easily, quickly and economically.

Misconception 1: *CKP Railways plc is a massive organisation with huge financial resources and lots of highly paid staff sitting around waiting to deal with any eventuality.*

- IN FACT CKP has only two Directors who are not paid at all for their efforts. They have put in something in the order of 20,000 unpaid hours to get the project this far. The Directors made this effort because they understand what needs to be done and are prepared to take on the challenges.

The only money available to CKP so far has come from the sale of Bonds (nearly £330,000 so far) plus profits and commissions kindly provided by other companies who support their aims.

All professional skills are bought in and paid for "as required". Nobody gets paid a salary to sit doing nothing at CKP's expense. Payment is by results against agreed budgets.

Misconception 2. *Railway project costs are spiralling out of control and any Railway construction costs huge amounts of money, probably more than building roads.*

- IN FACT Railway construction costs are quite stable and continuing technological improvements mean that there is little actual "inflation". Project costs on the National Network are high because huge amounts of work are done in very short periods of time, usually at unsocial hours, flooding sites with people and equipment so that work is completed quickly to avoid financial penalties.

CKP will operate as a closed construction site without these pressures. CKP's far much more modest costs for construction have been estimated by people involved in real projects - not imagined.

Local management and control, without huge corporate structures, will also mean that the project is cost effective. This is exactly what the Government wants the National Network to achieve by devolving parts as "Community Railways" - not lowering standards, but ensuring that only true costs are incurred and money is spent where it achieves real benefits for each individual route.

The Highways Agency is spending £2.3 million at Junction 40 of the M6 to try and improve traffic flows. This is almost 10% of the cost of the "basic railway" solution to reach Keswick.

Keswick's real problem is that it can not cope with more road traffic - making it easier to get there by road by easing Penrith's woes could actually make Keswick's situation worse.

MONEY AND PROGRESS

Almost £330,000 has been raised from the sale of Bonds to finance design and development work.

Spending on the Environmental Impact Assessment is now catching up with the available money.

The current programme of environmental work stretches to July 2006, and needs continuing income from all possible sources. Much of the work is seasonal, so if a time "slot" is missed, overall progress could go back months or even a full year. The result is a careful balancing act.

Bonds are still available in multiples of £100 - see the back page for how to get a Prospectus.

CKP continues to pursue other sources of funding for development work - with some encouraging signs, but progress can be slow. There is no magical pot of money for Railway development projects.

BUSES AND TRAINS

From time to time we receive comments about the bus service between Keswick and Penrith and whether the trains would displace them.

We see the services as complementary. Use of the station at Keswick would generate more demand for buses along this route, and others radiating from Keswick, from visitors and residents alike.

Bus services have been recently reduced along the route as Government funding came to an end. More usage would make these services more secure.

THANK YOU AND BEST WISHES !!!

Finally and most importantly, a big "thank you" to everyone who has supported, encouraged, advised and contributed to the development effort so far.

A huge amount of work has been done, and the professionalism of the whole team has been recognised in many places - often unexpected and apparently unconnected. There is still a lot to do, but we know we are going the right way about it. Over the next year or so we will become involved in many more procedures and meet even more new people. This project is certainly never boring !

Season's Greetings and best wishes for a happy and successful New Year.

PLEASE SUBSCRIBE NOW FOR UPDATES IN 2006

If you have not already done so, please subscribe to next year's Updates (£10). 25% of every subscription goes to CKP Railways plc to help fund development work.

If you have access to email, we can send Updates electronically - saving time, money and paper. Please tell us if you change your e-mail address !!

BUYING TO SUPPORT THE PROJECT

25% of the price of each item goes directly to the Keswick to Penrith Railway Project.

The BBC recently found that only 8% of the price of charity Christmas Cards goes to the named causes !

1. Fine Art prints and greetings cards featuring a stunning winter view of the steam hauled "Lakes Express" near Bassenthwaite Lake station, painted by Eric Bottomley of the Guild of Railway Artists. Prints (24" x 16") are £18 each, cards (6" x 8") with envelopes - £1.40 each.
2. "CKP, only sleeping" on CD contains hundreds of photographs of the trackbed and surrounding scenery, taken recently by Nigel Wright - who also manages the CKP website. Scenic and detailed views of the route and landscape in all seasons. The double CD costs £10.
3. "Trains to Keswick" is a professionally produced video featuring people along the line. It was filmed in the last few months before closure in 1972. Buy from us at £12.99 per copy.
4. The report "Return to Keswick - the case for a New Railway" is available at £20 per copy direct from us (post free), or order through bookshops by quoting ISBN 1-902543-02-5.
5. "Northern Railways" is a DVD by Nigel Wright covering many parts of the north of England. Lots of recent material from a wide variety of locations. £13.00 per copy.

N.B. All the prices above are post free to addresses in the UK, but please add £2.50 per order for posting to addresses outside the UK (Postage to overseas destinations on packages is not cheap !).

6. Phone and book your rail tickets through "Chester-le-Track" for any journey on the National Network, including discounted fares for Railcard holders, etc. Phone Chester-le-Track on 0191-387-1387, quote "CKP Offer" and they will pay 3% of the total sale as commission to CKP Railways plc. The total sale must be at least £25, paid for by credit card.

THINKING OF APPLYING FOR BONDS ?

CKP Railways plc Bonds, in multiples of £100, pay interest at 4% per annum gross.

These funds are used only for the Railway reconstruction project.

Please contact the address below for a copy of the Prospectus.

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