



Bolton Street Station, Bury, BL9 0EY. Telephone: 0161 764 6955, Fax: 0161 763 4481

To Bury Planning Department

By E Mail – 25 May 2021

**Re: Buckley Wells – Planning Application – 66745 and 66746 – ELLRCo Ltd
response to Rossendale BC**

Part I- Planning Matters

We refer to the letter of objection to the above planning application dated 21st April 2021 sent to Bury MBC Planning Department.

In our response it is worth noting the history of this application going back 2½ years which, throughout, has had the unanimous support of the ELR Trust Board and ELLRCo Ltd (operating company).

The ELR Trust received a presentation on the development of Buckley Wells at their meeting held on 4th October 2018. The Trust Board unanimously supported this proposed project and agreed a grant to cover the cost of professional fees leading up to a successful planning application. The application, as submitted, mirrors the details set out in that presentation.

Given this project's status within the ELR Trust, which includes the three representatives from Rossendale Council, we were rather surprised, through the planning process, to be made aware, for the first time, of Rossendale Council's objection.

In addition, we know that no members of the Trust Board have either discussed the issue at the Board or been advised of this objection prior to being made aware of the letter of objection submitted by a member of the Trust Partnership. Neither is it known whether Bury Council was consulted on the proposed new route.

The Buckley Wells development was also acknowledged and seen as an important 'keystone' project in support of the published ELR Trust Board's growth strategy (2020-2030). This strategy was unanimously supported and 'signed off' at the ELR Trust Board meeting, including Rossendale Trustees representing Rossendale Council, held on 3rd October 2019. Rossendale's claim that the application was submitted without prior due diligence and dialogue with one of the main strategic partners, i.e. Rossendale BC, runs counter to the extensive pre application ELR Trust discussions.

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It is also worth noting that should the objection have the support of the three Rossendale Trustees they, like all Trustees, have previously been made aware of legal advice in writing from the Trust's Auditors and Bury legal services that they cannot discuss, promote or develop a commuter line. Advice was given at the ELR Trust Board meeting held on the 25th January 2018 and relates to the Trust's charitable status, and were the Trustees to do so they would be in breach of the charity's Articles of Association and Charitable objectives. In addition to being a Trustee, the ELLR Co is also a charity with similar Articles of Association and Charitable Objectives.

Given this project's status within the ELR Trust, it is now questioned as to the actual status and legal premise of Rossendale BC's objection. At this time, we are not aware that the ELR Trust Board members have been formerly advised of this objection.

With the historic legal advice to Trustees it is assumed the objection is being made from Rossendale Council, who have no local proximity to the planning application.

This distinction is important for a number of longstanding reasons relating to the nature and history of the land ownership, the inherited commuted sum and custom and practice within the Trust Framework.

In 1982, a group of volunteers, determined to rescue and preserve the railway infrastructure, formed the ELLR Company and approached the then Greater Manchester County Council to see if a partnership could be formed to establish a heritage railway to run through the Irwell Valley. So, a partnership framework was established.

In 1984 the rail infrastructure was acquired from British Rail along with a commuted sum to help with the long term maintenance of the infrastructure. As a result, the ELR Charitable Trust was formed with Trustees from Bury, Rossendale and ELLR Co (operator with a 99 year lease) with Rochdale joining later when the line was extended to Heywood..

Whilst, the land in question and the existing rail infrastructure was vested in the ownership of the respective local authorities (freehold Ownership) it was done so within the agreed framework of a long lease being granted to the newly created charitable trust and then a sub lease granted to the operating company's Trust partner (ELLRCo). As a result the Company are responsible for the running of the railway and holds the Light Railway Order giving the Company the necessary legal operating powers. Within this Trust Framework the Trustees are legally responsible and accountable for the protection and preservation the infrastructure for heritage rail and educational purposes, which are enshrined in its Articles of Association along with specific Charitable Objects.

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For over 37 years the ELR Trust, through custom and practice, has successfully overseen the development of the heritage rail infrastructure. We are not aware any other body is legally able to bypass the Trust to impose a commuter line on the heritage railway.

The tone and tenor of the letter gives the appearance that Rossendale BC's aspirations for a commuter line have some weight. However, Rossendale BC are not a strategic regional transport body and therefore their objection is purely a local aspiration and comes unsupported by any reference of backing for their ideas from either Greater Manchester, Lancashire Strategic Transport Bodies or Transport for the North.

Over many years there have been numerous detailed strategic studies which the ELR and ELR Trust have been a part of and carried out by both Greater Manchester and Lancashire Transport Authorities. These studies have proved there has been no case to be made for a commuter line to be run economically, alongside a regionally significant heritage railway, still to reach its potential through growth developments, such as the present planning application. As such the ELR does not figure in any Greater Manchester, Lancashire Rail Commuter Line Development or Transport for the North Plans. In this respect therefore there is no justification in Rossendale BC's request that the application be referred to the Secretary of State for a decision.

As the long standing operating Partner within the ELR Trust Partnership, the ELLRCo legitimately holds a long lease to develop the railway to its maximum potential. The published 'Status' report leading up to the 2020-2030 Strategy covering the period 2008-2018 charted the effectiveness of the ELR heritage project so far and exemplified the significant development of the railway and its regional influence on the tourism economy, job creation and its preservation as 'living history' of the UK's industrial heritage.

The long lease to the Trust and sub lease to the operating company (ELLRCo.) has given the operating company the authority and confidence to establish its charitable credentials within its Memorandum and Articles. The Company's primary responsibilities being the development of the Trust's heritage railway assets as a education and public engagement. In doing so directly and indirectly helps to expand the regional tourism economy and educational value.

To dilute this effort by reserving an aspirational future commuter track line, suggested only by Rossendale BC, without any technical basis as to whether this could ever be achieved, would seem to the ELLRCo Ltd, to run in the face of all previous conclusions on the commuter line question.

In the light of the foregoing, with respect, we do not believe Rossendale Council have any legal powers to use the heritage railway to pursue its ambition for commuter services, as it implies in its letter of objection. The letter de facto, as written, is therefore not a legally based objection to prevent a fully supported legal planning application by the recognised body responsible for the heritage railway's development.

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Part 2 – Operational and Technical

Turning to the red line marked on the Google earth image.

Our senior ex British Rail Engineers and other senior volunteers operating on the main line railway have looked at this aerial view and proposed route that Rossendale BC wish to protect. There are no technical details presented, such as to how Rossendale BC believe this 'live' running line would be operationally possible and economically, whilst ensuring the safe operation in what would now be a shared site. In addition, there are no technical/signalling details on how this 'live' running line would run through the depot to arrive, and connect to a proposed junction station.

The bold line in red is simply that: just a line on a map and of little interest. However, to support such a line would require considerable earthworks; removal and repositioning of at least 4 high mast floodlights; a new 'protected' level crossing; and additional new tracks to be laid. Currently two separate manually operated gates are opened and closed at Buckley Wells level crossing for each train movement leaving and returning to the depot where trains run up to Bolton Street station. Such a simple and efficient crossing would not be allowed to continue with commuter trains in use.

The changes to this proposed route would actually have to commence and be connected to Bolton Street Station with a radically remodelled junction with signalling design issues affecting all of the railway's safety controls starting from the Ramsbottom signal box in Bury to the Broadfield section in Heywood. To fence off a live running line with adequate safe distances would require a second line being laid from Buckley Wells up to and incorporating Bolton Street Station. This remodelling work would have to be designed by external consultants to meet new 'mainline' standards and the designs would have to be signed off by an independent verifier to the satisfaction of the Office of Rail and Road (ORR). Costs of this work alone would run into the millions of pounds.

Operationally, there would also need to be secured, a Transport and Works Order at huge additional cost and time. The proposal from Rossendale BC implies shared depot operations and it is unclear at this stage, 'who is in control' or 'who has priority' in such arrangements, and we believe that this would be an unacceptable and foreseeable risk. The ORR will require knowing who is responsible for 'safe' rolling stock movements and would wish to see a single accountable body. As has been stated many times by the ELR there can be no **option/outcome for the ELR where an imposed Commuter Line can safely and economically co-exist.**

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From Rossendale BC's letter it is also proposed to build a junction station at the south end of the rail depot to allow Metrolink trams to stop. Our comments relate to the safe operation of a secure station with no public access to or from the station. The length of the proposed commuter trains has not been made known, but any size of train would have the effect of severely reducing the capability and operational efficiency of the depot in its current form. Pre-covid, the ELR hosted up to 70 events days where mulipal locos are required to be cleaned, coaled and fuelled in areas where the proposed station is thought to be located. Vital shunting operations to move around rolling stock and to set up carriage sets for locos to connect to would be severely curtailed, impacting on efficient event preparation time. This area is also the location of the ELR's planned locomotive turntable.

For commuter services to access a junction station a considerable amount of track would have to be lifted and relocated which will have the knock on effect of heritage locomotive movements for coal bunkers, preparing locomotives and loss of a spare track as they make their way up to Bolton Street for service running. Currently 2 tracks make for efficient use of depot shunting and stabling between duties, which would not be the case with only a single track available.

Concerning the proposal to move the proposed superstructure 5 metres to the east of the depot, this is not possible given the need for running tracks to access Baron Street Workshops and running sheds with a new reconfigured running line up to Bolton Street Station. If the superstructure were reduced by 5 metres along its length, 50% of the anticipated storage space for carriages would be lost. The superstructure was specifically designed to support the ELR Trust's growth plans, set out in its 2020-2030 strategy. There would also be lost revenue opportunities with a reduced solar panel footprint.

Finally, extensive work would be required to upgrade the line to a main line standard, requires extra track (single to double), upgrades for signalling and stations from Rawtenstall to a proposed new Station at Buckley Wwells. It is estimated this would take between 1-2 years during which the ELR simply couldn't operate. With no revenue coming in, the heritage railway would be bankrupt with the redundancies of 75 employees, loss of 750 volunteers, loss of local supply chains and no support for local tourism economies.

Concluding Comments

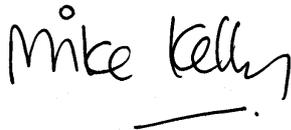
In **Part 1** of our response we have clarified that;

- in fact the ELR have carried out proper due diligence and fully engaged with Rossendale BC on the scope and development of the proposals for the Buckley Wells heritage rail depot through the auspices of the ELR Trust Board;
- proposals for a commuter service have previously been considered to be unfeasible and do not form part of the plans of the relevant strategic transport bodies.

In **Part 2** of our response we have highlighted that very considerable operational, technical, safety and legal issues that would have to be addressed to deliver a “proposal” put forward by Rossendale BC to place a dedicated commuter line through the Buckley Wells heritage rail depot.

For all of these reasons, with respect, we believe that Rossendale BC’s objection and “proposal” have no relevance to how the planning application and listed building consent application for the proposals for the Buckley Wells heritage rail depot development.

Yours Sincerely



Mike Kelly
Chairman

CC: ELR Trust Members
Bury Chief Executive & ELR Trust Company Secretary
Rochdale Chief Executive
Rossendale Chief Executive
ELR Company Board