

Rt.Hon Patrick McLoughlin MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

21 December 2015

Dear Minister,

HS2 Hybrid Bill – clause 39 disapplication of statutory railway closure provisions.

As you know London TravelWatch has petitioned the HS2 Bill Committee, in respect of a number of matters that would affect transport users in London, including the design of Euston station and the development of the Old Oak Common interchange. We have also petitioned in respect of the proposed clause 39 that provides for the disapplication of statutory railway closure provisions in respect of railways affected by and including the High Speed line that has wider implications than just for services in the London Railway Area (our statutory remit). We gave evidence to the Committee on 7 December and await with interest the outcome of their consideration of these points.

However I am writing to you about Clause 39 because we are concerned that it could have some significant wider implications for consumer interests. In our petition we asked for greater clarity as to whether this clause only applied to services by or on HS2, or could be used more widely to services that operate on lines that would be affected by its construction, and effectively circumvent the closures process agreed by Parliament in the 2005 Railways Act.

The promoter has responded that this is the case. Our concern is that this would leave the passengers affected by any closures affected - either directly or indirectly - by the HS2 project without the means of making effective representations, either through us or through Transport Focus as the statutory bodies with responsibility for this process. It would be helpful for us to understand in practical terms and outcomes what your intentions are in respect of existing railways affected by this clause.

In the London Railway Area for which we are responsible the following existing lines are affected by the Bill:-

- Euston – services on the West Coast Main Line and Watford local services (known as the DC lines)
- North and West London Lines (Richmond / Clapham Junction to Stratford London Overground services and Milton Keynes to East Croydon GTR services) in the vicinity of Old Oak Common
- Great Western Main Line and Crossrail services through Old Oak Common
- High Wycombe Single Line service from Old Oak Common West Junction to Northolt Junction (currently operated by Chiltern Railways)
- Chiltern Line services between Marylebone and Aylesbury via both High Wycombe and Amersham

As we understand it, the proposals at present are only for the High Wycombe Single Line service only to be fully closed under this procedure. But this could clearly change as the project develops.

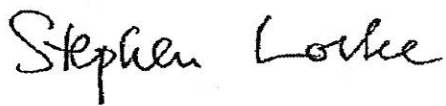
Inclusion of Clause 39 in its current form would mean that the standard assessment of railway closures would not be undertaken. The current Railway Closures Guidance requires the promoter of the closure to satisfy itself that all options for re-invigorating services have been considered, and once a decision is made to do this it must carry out an appraisal of the closure, and that this appraisal must follow this guidance. The appraisal must cover the objectives of environmental impact, safety, economy, accessibility and integration.

The promoter of the Bill has offered us access to a single point of contact regarding the closure of proposed (though not necessarily in relation to any other closures arising from HS2 construction), so that we can feed in views from interested parties. We do not consider this an adequate substitute for application-by the operator concerned of the procedures and criteria established by Parliament.

We understand that Chiltern Railways and the five Buckinghamshire councils have also expressed similar concerns about the implications of Clause 39.

I would therefore ask you to clarify to us your intentions with respect of the extent of use of closure provisions within the Hybrid Bill, and why you think these are needed given the existence of the established procedure in the Railways Act 2005.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Locke". The signature is written in a cursive, slightly slanted style.

Stephen Locke

Chair

cc Jeff Halliwell, Transport Focus, Simon Kirby, HS2 Ltd, Robert Syms MP Chair of the High Speed Rail Committee.