

The Secretary of State for Transport
Department for Transport,
c/o Kevin Liptrott
3/29 Great Minster House
76 Marsham Street
London
SW1P 4DR

30 July 2004

Dear Secretary of State,

Proposed closure of the Sheepcote Lane Curve

In accordance with Section 4B (3) (c) of the Railways Act 1993, as amended by the Transport Act 2000, please find enclosed the Committee's report on its hearing into the closure proposals relating to the Sheepcote Lane Curve.

We also enclose correspondence from objectors and others who wrote directly to us either on their own initiative or else prompted by us. All this correspondence has been considered by the Committee.

Yours sincerely,

Rufus Barnes
Director

Suzanne May OBE
Chair

London Transport Users Committee**Report to the Secretary of State
under Section 43 (3) (c) of the Railways Act 1993, as amended by the Transport Act
2000****Proposed closure of the Sheepcote Lane Curve**

1 The closure proposal

1.1 The closure proposal in question is:

The closure of the Sheepcote Lane Curve a section of line between West London Junction and Latchmere No. 3 Junction which connects the South West Main Line from London Waterloo with the West London Line in the London Borough of Wandsworth on or after 1 October 2004.

1.2 Until 22 May 2004 a service operated over this section of line:

Mondays to Thursdays only 20:16 Pembroke Dock to London Waterloo (arriving 04:13)

Tuesdays to Fridays only 05:05 London Waterloo to Maesteg (arriving 09:11)

After that date a taxi service operated:

Tuesdays only Kensington Olympia to London Waterloo at 03:45 arriving 04:13 and returning at 05:05.

1.3 The proposal was promoted by the Strategic Rail Authority and made under the provisions of the Railways Act 1993, as amended by the Transport Act 2000. The proposal was advertised, by the Strategic Rail Authority, twice in two national newspapers: The Daily Express and The Daily Telegraph and a local paper: The London Evening Standard on 8 and 15 April 2004.

1.4 It should be noted that throughout the process both the Committee and the Strategic Rail Authority have considered the service that recently operated over with the Sheepcote Lane Curve, i.e. the Pembroke Dock / London Waterloo / Maesteg service. However, the Committee recognises that the proposal only refers to withdrawal of passenger services over the Sheepcote Lane Curve. The Committee fully understands that refusal to allow closure would not result in the reinstatement of the South Wales service.

1.5 Statutory notices were posted at Reading and London Waterloo stations. Additional notices were posted, at the request of the London Transport Users Committee, at stations served by the Pembroke Dock / London Waterloo / Maesteg service.

2 Procedural background

- 2.1 The Railways Act 1993, as amended by the Transport Act 2000 establishes a procedure to be followed for closure proposals relating to the national rail network.
- 2.2 In respect of the proposals in question, the Committee is required (under section 43 (3) of the Railways Act 1993 as amended by the Transport Act 2000) to:
- a) consider whether or not the proposed closure will cause any hardship;
 - b) identify any reasonable means of alleviating any such hardship; and
 - c) prepare, and send to the Secretary of State, a report of the conclusions which it has reached in the discharge of its functions under paragraphs (a) and (b) above.
- 2.3 For the purposes of (b) above, the Committee is required not to conclude that any particular means of alleviating hardship is reasonable unless, balancing the cost to the Strategic Rail Authority (or any other public authority) of employing those means against the benefit of any alleviation thereby secured, the Committee is of the opinion, on the basis of the information supplied to it, that the expenditure involved represents good value for money.

3 Receipt of representations

- 3.1 Under the statutory closure procedure, objections to the closure proposals are to be sent to the Secretary of State, who must consider them. However, the Secretary of State must also send copies of the objections to the Committee. Because the Committee has a general duty to consider all the information it receives, it ought to consider the objections too.
- 3.2 A period of six weeks was allowed for objections. The Committee took into account all representations received, whether or not they were 'duly made' within the stated time limits.
- 3.3 Representations received up to 1 June 2004 were summarised, and the summary sent to the Strategic Rail Authority. This summary and the Strategic Rail Authority's responses were included in a report to members.
- 3.4 The Secretariat has made no administrative distinction between 'duly made' objections and those which arrived after the deadline apart from being short of time to get a written response from the Strategic Rail Authority.
- 3.5 Seven representations (some of which were multiple) were made of which three were observations and the remainder objections. Objections that arrived after the sub-committee reports were written were considered at a sub-committee meeting as detailed below.
- 3.6 All those making representation were invited to attend the sub-committee's meeting.
- 3.7 The Committee is not bound to take *only* the objections into account when reaching its conclusions; indeed the Committee is under a general duty to take into account all the relevant information it receives. The Committee also considered issues that it has

spotted for itself but have not been mentioned in the representations. Members also asked for further information at the sub-committee meeting.

4 The Committee's consideration of the proposals

- 4.1 As allowed for in statute, and in accordance with the Committee's Rules of Procedure, a sub-committee was appointed to deal with the Sheepcote Lane Curve closure proposal on behalf of the Committee.
- 4.2 The Sub-Committee met at 10:00am on 8 July 2004 at the London Transport Users Committee offices at 6 Middle St. London, EC1A 7JA.
- 4.3 Members of the Sub-Committee were supplied with copies of all the representations received.
- 4.4 The Secretariat produced an agenda including notes on how the sub-committee would conduct the meeting.
- 4.5 The Secretariat produced two documents. The first detailing the background and the sub-committee's duties, the second reporting the issues raised by objectors and London Transport Users Committee.
- 4.6 The Minutes of the meeting are attached as Annex 1. This report should be read in conjunction with the minutes and with the documents considered by Members at the meeting, also attached. The Committee has also forwarded to the Secretary of State correspondence that the Sub-Committee received directly from objectors.
- 4.7 An audio recording of the meeting was made.

5 Conclusions and Recommendations

- 5.1 The Committee's conclusions, and the reasoning behind them, are as follows. The conclusions are set out in bold type.

Hardship

- 5.2 Members heard that the very lowest cost advance purchase fares would be withdrawn, but that only a very few such fares were in fact sold. Members welcomed the Strategic Rail Authority's comments that there would be advance purchase fares available on the First Great Western services and that the allocation would be sufficient to meet demand.
- 5.3 **Members did not feel that there would be *hardship* caused due to the loss of the very lowest cost fares, but that allocations of First Great Western advance purchase fares must be maintained at levels that meet the demand.**
- 5.4 Members heard that the demand for the Pembroke Dock / London Waterloo / Maesteg service was low, particularly between Reading and London over the Sheepcote Lane Curve and that there were alternative services available, albeit via alternative routes. Members felt the alternatives for passengers wanting to travel from London would be acceptable following the introduction of the 05:39 service from London Paddington to Cardiff which the Strategic Rail Authority expected to commence in December 2004.

- 5.5 However, members felt that alternatives to the service from South Wales and the West Country were not as good. Members suggested that the London Transport Users Committee and the Rail Passengers Committee for Wales should investigate the case for an improvement to the service from Wales.
- 5.6 **Members felt that given the low demand and the alternatives available there would not be *hardship* caused due to the withdrawal of services over the Sheepcote Lane Curve.**
- 5.7 **If the expected 05:39 service did not materialise when the December 2004 timetable is published London Transport Users Committee should make further representations to promote its operation.**
- 5.8 **London Transport Users Committee and the Rail Passengers Committee for Wales should consider the case for an improved alternative service from Wales.**

Availability of line for future use

- 5.9 Members felt there was legitimate concern about the future availability of the line for passenger services and welcomed the assurance that Network Rail had given that there were no current plans to change the status of the line and that it would continue to be maintained. The Committee was informed that any subsequent change to the line would follow the Network Change Procedure and have to receive consent from the Office of Rail Regulation. Subsequently the Secretariat was informed that the procedure does not require details to be given to either London Transport Users Committee or Transport for London. Outside London, in Passenger Transport Authority areas the affected Passenger Transport Executives are informed.
- 5.10 **London Transport Users Committee requests that a condition be attached, should closure be allowed, by the Secretary of State, that London Transport Users Committee and Transport for London be informed of any changes proposed that would limit the future use by passenger rail services of the Sheepcote Lane Curve, and that they be afforded full opportunity to make representations before any final decision is reached.**

Consultation / Legality

- 5.11 Members accepted that the Strategic Rail Authority had followed the closure process required by the Railways Act 1993, as amended by the Transport Act 2000. However, members felt strongly that the process should have been initiated much earlier, before the through train services to and from South Wales service were removed from the timetable.
- 5.12 **The Strategic Rail Authority should not permit or propose the withdrawal of passenger train services from any line or station before the closure procedures required by law have been completed and the consent of the Secretary of State has been given.**

Publicity

- 5.13 Members accepted that the Strategic Rail Authority had properly publicised the closure and had indeed had notices posted at more stations than statutorily required. However, members were concerned that the technical nature of the notices was not

'user friendly'. The notice simply described the section of line to be closed without reference to the service affected. This will mean passengers may not have fully appreciated the process and how the closure would affect them. Members welcomed the proposal from the Strategic Rail Authority that it would be reviewing the notice 'template' in order that it was more 'user friendly'. Members wanted the Strategic Rail Authority to be asked that the Rail Passengers Council / Committees and London Transport Users Committee be invited to contribute to this review.

- 5.14 The Strategic Rail Authority should review the format and content of closure notices in order that passengers and others who may be affected will be able to determine without undue difficulty the practical consequences of the proposal. The Rail Passengers Council / Committees and London Transport Users Committee should be invited to contribute to this review**

Accessibility

- 5.15 Members discussed accessibility issues. They welcomed the introduction of the new trains that formed the 06:11 service from Reading as they were accessible. However, they were concerned that interchange between London Waterloo and London Paddington by bus (as opposed to taxis due to cost) should be possible. After the meeting the Secretariat looked into the availability of service 705 which is specifically run to meet the accessibility requirements between these stations. It was determined that the service only operated between approximately 08:00 and 21:30 and as such would not be an available connection for some of the alternative services.

- 5.16 Members regret that there is no accessible bus service between London Waterloo and London Paddington at all times that rail services are operating.**

Subsidy required

- 5.17 Members felt strongly that it was not satisfactory that the Strategic Rail Authority would not give the sub-committee any economic data regarding the subsidy required to maintain the service. Members said that they would be in a much better position to consider railway closures if economic data were available to them, even if this was only the order of magnitude of the costs. Indeed, members considered that in the absence of such data, they were effectively prevented from discharging their statutory duty to take account of the costs of any proposals they might make for alleviating hardship, particularly if such proposals included the retention or restoration of part or all of the service affected.

- 5.18 The Strategic Rail Authority should reconsider its stance regarding its unwillingness to give any economic data regarding services affected by a railway closure proposal.**