

Department for
Transport

John Armit Esq
Chief Executive
Network Rail Infrastructure Limited
Euston Square
London
NW1 2EE

Messrs Rees & Freres
Solicitors and Parliamentary Agents
1 The Sanctuary
Westminster
London
SW1P 3JT

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Dear Sirs

**RAILWAYS ACT 1993
THAMESLINK 2000 – PROPOSAL TO DISCONTINUE PASSENGER SERVICES,
CLOSE PARTS OF NETWORK, CLOSE PARTS OF STATIONS, AND
TERMINATE USE OF A STATION**

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to the application for the following closures made by Network Rail Infrastructure Limited (“Network Rail”):
 - a. withdrawal of all national railway passenger services between Farringdon and Moorgate;
 - b. closure of the national railway network between Farringdon and Moorgate;
 - c. closure of parts of the national railway network adjacent to platforms 1, 2 and 3 at London Blackfriars Station;
 - d. closure of parts of the national railway network adjacent to platforms 8, 9 and 10 at London Bridge Station;
 - e. withdrawal of all national railway services to/from King’s Cross Thameslink Station; and
 - f. closure of King’s Cross Thameslink Station in Pentonville Road, London.
2. These closures are collectively referred to as the “Thameslink 2000 closure proposals”.

Gary Backler
Director
Rail Service Delivery
Great Minster House
76 Marsham Street
London SW1P 4DR

Tel: 020 7944 8300
Fax: 020 7944 2177
E-Mail: thameslink2000@dft.gsi.gov.uk

Web site: www.dft.gov.uk

Summary of Decision

3. The Secretary of State has decided that all of the Thameslink 2000 closure proposals may proceed in accordance with the provisions of this decision letter.
4. A separate letter is also being issued today, on behalf of the Secretary of State, setting out his decision on the Transport and Works Act 1992 applications made by Network Rail for the purposes of the Thameslink 2000 scheme. The proposals are for:
 - a. the Network Rail (Thameslink 2000) Order ("the Order"), to be made under sections 1, 3 and 5 of the Transport and Works Act 1992 ("the TWA"); and
 - b. a direction as to deemed planning permission for development provided for in the Order, to be given under section 90(2A) of the Town and Country Planning Act 1990.
5. A separate letter is also being issued today jointly from the Secretary of State and the Secretary of State for Communities and Local Government in relation to a number of applications for planning permission, listed building consent and conservation area consent which are related to the Thameslink 2000 scheme.
6. Each application which has been made by Network Rail in relation to the Thameslink 2000 project has been assessed in regard to the considerations which are relevant to that application under its particular statutory regime. At the same time, since Thameslink 2000 is a single, integrated project which has been environmentally assessed as such, decisions on all the linked applications have been taken with due regard to each other, in view of their very close inter-relationship and mutual dependency.

Background

7. The Thameslink 2000 closure proposals are required to facilitate construction and operation of the Thameslink 2000 rail enhancement scheme, which seeks to extend and upgrade the existing Thameslink network so as to allow for more frequent and longer trains to serve a wider range of destinations than at present. The project also incorporates the London Bridge Masterplan scheme which allows increased circulation space throughout that station, a larger bus station and an improved road layout. The scheme will also increase the availability of direct cross London services without the need to interchange between main-line and London Underground Limited ("LUL") services. The scheme will provide step-free access for Thameslink services at all inner London stations, namely London Bridge, London Blackfriars, Farringdon and London St. Pancras Midland Road Stations.
8. Notice of the Thameslink 2000 closure proposals was first published by the Shadow Strategic Rail Authority in September 1999 under the Railways Act 1993 ("the 1993 Act"). As required under the 1993 Act the notifications were supported by a Statement of Reasons. Objections to the closure proposals were lodged with the Office of The Rail Regulator ("ORR") and copied to the London Regional

Passenger Committee ("LRPC")/ London Transport Users Committee ("LTUC")¹ which held public hearings to assist it in considering whether the proposals would cause any hardship and, if so, whether there were reasonable means of alleviating any hardship. LRPC/LTUC completed three reports on the closure proposals in 2000 as follows:

- a. report of LRPC on proposal to close King's Cross Thameslink Station dated 25 May 2000;
- b. report of LRPC on proposals to close parts of London Bridge and London Blackfriars dated 5 June 2000; and
- c. report of LTUC on proposals to close the Moorgate to Farringdon branch line dated 1 September 2000.

9. The TWA Order, planning and heritage applications were subject to a public inquiry in 2000/2001. The Inspector's report on that inquiry was published in July 2002. He concluded that "*Thameslink 2000 is a proposal which would enhance existing assets to provide very substantial benefits, both directly to the travelling public and in underpinning the economy of London, and enhancing the conditions for regeneration in parts of the capital*".

10. However he found himself unable to recommend that the Order should be made due to three deficiencies which were related to planning rather than transportation issues. This led to further applications by Network Rail which were considered at a re-opened inquiry between September and December 2005. Following consideration of the second Inspector's report, decisions on the related TWA, planning and heritage applications, and the reasons for them, are given in the separate decision letters referred to above.

11. Because of the need for fresh planning applications to address the deficiencies identified by the Inspector, no final decision was taken on whether the Thameslink 2000 closure proposals should be allowed to proceed. The decision on whether or not to allow the closure proposals rests with the Secretary of State. In the Secretary of State's view, relying alone on the Statement of Reasons, LRPC/LTUC reports and objections, from over 5 years ago to make the decision would be highly unsatisfactory.

12. In order to provide a better basis for the decision, LTUC (now referred to as "London TravelWatch" or "LTW") was asked to provide a new report on passenger hardship that might arise from the Thameslink 2000 closure proposals. These were to take into account passengers presently using affected services and stations. This was done under section 252B(1)(b) of the Greater London Authority Act 1999. LTUC was advised that the Department for Transport (DfT) would take appropriate steps to re-publicise the closure proposals and enable current rail users and other interested parties to lodge objections over an 8 week period. The notice of the proposals was to provide that objections should be lodged with the DfT and all objections would be forwarded to LTW.

¹ Under the Greater London Authority Act 1999 LRPC was replaced by LTUC with effect from 3 July 2000.

13. LTW was advised that it could hold public hearings to help it to produce its report. The report was to be lodged with the Secretary of State no later than 14 weeks after the date specified for lodging objections.
14. The Secretary of State also asked Network Rail and Thameslink Rail Limited to produce a revised and updated Statement of Reasons to assist in making a decision on the Thameslink 2000 closure proposals made in 1999 under sections 38, 39 and 41 of the 1993 Act. This Statement was made available to LTW and, through the consultation process, to any interested parties.
15. The procedure set out above was not part of the statutory closure procedure set out in the 1993 Act, but in the view of the Secretary of State was a transparent and appropriate way of providing refreshed, up to date information in order to decide the Thameslink 2000 closure proposal applications.
16. On 4th November 2005 the DfT published a notice seeking views on the Thameslink 2000 closure proposals. The closure notice was published by the DfT in one local and two national newspapers on 4th and 11th November 2005, in addition to notices being displayed at stations in the area affected. All of the notices invited views on the closure proposals. The consultation period ran until 13th January 2006.
17. One hundred and fifty three representations were received by email or by letter as follows:
 - a. 83 commented on the Farringdon-Moorgate branch closure;
 - b. 20 of those commenting on the Farringdon-Moorgate branch closure referred to ticket prices.
 - c. 35 commented on the King's Cross Thameslink Station closure;
 - d. 4 commented on the London Bridge closure; and
 - e. 2 commented on the London Blackfriars closure
18. There were 18 requests for information.
19. Twenty-seven of the representations relating to King's Cross Thameslink misunderstood that the new station, St Pancras Midland Road, would replace King's Cross Thameslink. LTW and the DfT contacted the people making these representations to clarify this situation and request any further response. No substantive responses were received to the clarification sent by LTW or the DfT.
20. Ten objections or representations were received which covered matters other than the Thameslink 2000 closure proposals.
21. LTW considered the representations which were received and produced two hardship reports as follows:

- a. report on the proposed closure of the Moorgate to Farringdon branch railway (references to this report are prefaced "LTW1", followed by the relevant paragraph number); and
- b. report on the proposed closure of King's Cross Thameslink station and parts of the railway network at Blackfriars station and London Bridge station (references to this report are prefaced "LTW2", followed by the relevant paragraph number).

The LTW reports set out or cross reference those recommendations in the earlier LTUC and LRPC reports which it wishes to retain. It is not therefore necessary to make separate reference to those reports, although they have been fully considered by the Secretary of State.

22. These reports:

- a. considered whether or not the proposed closures will cause hardship,
- b. set out the views of LTW on reasonable means of alleviating hardship; and
- c. recommended conditions which should be attached to any closure consent.

23. LTW submitted its report on 21st April 2006. This report supplemented the original hardship reports of 2000 produced by LTW's predecessors, LTUC and LRPC.

Considerations

24. Having considered all the evidence put before the Secretary of State, including the statements of reasons produced in 1999 and 2005, objections to the closures which were lodged with him, the LRPC and LTUC reports of 2000, the LTW report of 2006 into Passenger Hardship and the TWA Inspectors' reports, he has concluded that on balance consent should be given to all of the Thameslink 2000 closure proposals.

25. The Secretary of State considers that the evidence which he has reviewed is sufficient to demonstrate that the Thameslink 2000 closure proposals should proceed. However, in order to protect the travelling public the Secretary of State considers it necessary to impose conditions relating to the detail of each closures so that hardship to passengers is minimised. The conditions relevant to individual closures are set out below in relation to the relevant closure proposal. Where it has been decided not to impose a condition relevant to a closure the Secretary of State has explained his reasons for not doing so in relation to that closure.

26. This decision is without prejudice to any decisions which may be made on funding.

27. The Secretary of State has taken into account the fact that closures guidance in relation to the Railways Act 2005 is to be published in the near future. This

closures guidance requires a value for money assessment to be carried out for all proposed closures. The Secretary of State has decided that this guidance is not relevant since the closure provisions in the 2005 Act are not yet in force and since the closures guidance relates to closures to which the 2005 Act would apply. The current closure proposals originated under the 1993 Act and fall to be considered under that Act. In any case, a value for money assessment of the Thameslink 2000 scheme has been carried out in accordance with standard Department for Transport methods in any event.

28. The Secretary of State notes the criticisms which have been made by LTW in relation to the consultation exercise (LTW 1 6.20 and LTW 2 6.18). However he is satisfied that consultation has been adequate to identify and consider all issues relevant to the closures. In particular, there have been two public inquiries conducted by the TWA Inspectors, as well as two sets of public hearings conducted by LTUC and LTW.

Conditions

29. With the exception of the closure of Kings Cross Thameslink, none of the closures shall proceed until all of the following conditions are met:

- (a) the Secretary of State has been given at least three months' (or such other period as may be agreed in writing by the Secretary of State) notice that construction work relating to the Thameslink 2000 scheme will, by a date specified in the notice, reach a stage at which it will be necessary to effect the closure to which the notice relates before work on the scheme can proceed further. The notice shall be in the form annexed to this letter;
- (b) Network Rail has produced such evidence as the Secretary of State may require to show that:
 - (i) such a stage will in fact have been reached in relation to the relevant closure; and
 - (ii) work on the scheme generally is progressing such that any outstanding closures are also likely to proceed; and
- (c) the Secretary of State has given his written consent specifying the date on which the relevant closure may proceed.

This condition is without prejudice to any other conditions set out in this letter.

The reason for this condition is to ensure that the proposed closures do not proceed unless the Thameslink 2000 scheme proceeds.

Farringdon-Moorgate Branch

30. The Secretary of State is satisfied that the enhanced design for infrastructure works at Farringdon station which, on completion of the Thameslink 2000 project, will allow for trains of 12 car length and a service of up to 24 trains per hour at peak times, increased capacity on LUL services and improved circulation of

passengers through the interchange, will adequately compensate for the closure of the Moorgate branch.

31. The operational flexibility afforded by the Moorgate branch will be maintained by the turnback facilities which will be provided at City Thameslink Station.

32. In relation to the future of the track bed, the Secretary of State accepts LTW's concerns (LTW1 6.16). However he does not consider it appropriate to impose a condition in relation to future trackbed use where the trackbed is owned by LUL. This is because adequate protections already exist in relation to such trackbed. Section 163 of the Greater London Authority Act 1999 requires the consent of the Secretary of State to disposals of land. However, that requirement for consent only applies for 5 years from the date since the land was last operational land.

33. An analogous condition has been imposed where the trackbed is owned by Network Rail. These safeguards will ensure that the land is not disposed of in the 5 years after the closure, whilst leaving open the possibility of consent being given where the proposed use is appropriate. This condition is appropriate because all of the land on the trackbed is then subjected to the same safeguards.

34. LTW recommended (LTW1 7.4) that consent for closure be made conditional upon the TWA Order being made and funding identified to implement the full Thameslink 2000 project, both as to infrastructure and the level of service as proposed in the central area. The decision on the TWA Order is the subject of one of the other decision letters issued today.

35. The Secretary of State does not consider it appropriate to impose the condition suggested by LTW for a number of reasons as follows:

- a. The question of funding of the project is a separate decision which is not being made today. All of the the decision letters issued today are without prejudice to that decision;
- b. It is inappropriate to set a service level, since it may for example, be governed by such matters as future franchise agreements;
- c. In any case, the Secretary of State anticipates that the service level will be provided; and
- d. The nature of the proposed closure is such that it would be highly impractical to enforce a condition which specified a minimum infrastructure and the level of service.

36. However, the Secretary of State considers that the general condition imposed in paragraph 29 above substantially achieves the same objective as the condition proposed by LTW.

37. The following conditions apply to the closure of the Farringdon-Moorgate Branch:

- a. The closure must not proceed until arrangements are in place (or maintained) between Network Rail, LUL and First Capital Connect ("FCC") to ensure that passengers ("protected passengers") who use the Farringdon-Moorgate Branch service, whose journeys originate from points north and who either:
 - i. wish to change onto LUL services at Farringdon to continue on to Moorgate; or
 - ii. for whom travel onto City Thameslink, London Blackfriars or London Bridge would be a reasonable alternative;

do not incur additional cost compared with the fares for journeys to Barbican or Moorgate in place immediately prior to closure because of an additional LUL element being added to the ticket price, or due to the longer journey onto London Bridge. This condition applies for a period of 24 months from the day after the last service is operated on the Farringdon to Moorgate branch (LTW1 6.13). This condition will maintain current pricing arrangements, in terms of the inter-availability of tickets between Farringdon and Moorgate and the method of pricing journeys from the north (i.e from Bedford, Luton etc) to a generic London Thameslink destination. The London Thameslink destination covers stations on the Thameslink route from King's Cross Thameslink to London Bridge/Elephant and Castle inclusive.

Details of these arrangements must be submitted to the Secretary of State and approved by him in writing before the closure proceeds. The reason for this condition is to alleviate hardship to protected passengers. However, the Secretary of State considers that a period of 24 months after the closure is sufficient for protected passengers to adapt to new arrangements. This condition is without prejudice to the entitlement of the franchisee to impose fare changes on protected passengers in circumstances where the franchise agreement permits such changes.

- b. The closure of the Moorgate branch shall not take place until Network Rail has notified the Secretary of State in writing, and provided him with such evidence as he may require, to show that the necessary infrastructure is in place to allow those trains which currently terminate at Moorgate to pass through Farringdon to destinations south (LTW1 7.4ii). The closure may not proceed until Secretary of State has confirmed in writing that he is satisfied that such infrastructure is in place. The reason for this condition is to prevent hardship by ensuring that the capacity of the network to cope with trains originating from the North is not decreased before full implementation of the project is achieved.
- c. After closure, the trackbed must be secured from unauthorised access using high quality materials and design.
- d. Where the vacated trackbed is owned by Network Rail, it must not be disposed of without the consent of the Secretary of State. This condition

shall apply for a period of 5 years from the date on which the last scheduled service operates between Farringdon and Moorgate.

- e. The closure must not proceed until there is a strategy in place to manage passenger flows at Farringdon Station, and passengers who could reasonably avoid the area, during the various stages of construction work and the different train service patterns at various stages. This strategy should particularly address passenger information, accessibility, seating, personal security, staffing and ticketing issues. The strategy must be submitted to and approved in writing by the Secretary of State. The strategy must contain a timetable for implementation outlining the stages at which each part of the strategy will be implemented. The strategy must be implemented in accordance with that timetable. The purpose of the strategy is to ameliorate hardship whilst work on the Thameslink 2000 scheme is proceeding at Farringdon station.

King's Cross Thameslink Station.

38. The Secretary of State is satisfied that the current station is inadequate in its design and does not meet required safety standards as regards width of platforms, lack of fire escapes and lack of step-free access. Due to the constraints of the site, and given that a new station will be provided, it does not represent good value for money to improve the station. The new station, St Pancras Midland Road (SPMR), will provide better interchange, modern fully accessible facilities and improved walking routes to main line stations. It will also play an important role in the dispersal of passengers from London St Pancras following the completion of the Channel Tunnel Rail Link.
39. LTW have withdrawn many recommendations made in LTUC's 2000 report which related to the blockade of the Thameslink route that took place during the construction of SPMR and have accepted that keeping King's Cross Thameslink station open would compromise the operation of the enhanced Thameslink service.
40. It is a condition of the closure that it must not proceed until arrangements are made for the fare and ticket retailing requirements applying to King's Cross Thameslink immediately prior to closure to be transferred to SPMR as if there had been no change of location (LTW2 6.17). These arrangements must be submitted to and approved in writing by the Secretary of State and shall be implemented in accordance with the approved arrangements. The reason for this condition is to ensure that passengers who formerly travelled to Kings Cross Thameslink will not suffer financial hardship as a result of the closure.
41. Some objections raised concerns about hardship which would be caused by the change of location. LTW have raised this in their hardship report (LTW2 6.9) and made recommendations related to hardship which may be caused by the relocation in respect of pedestrian access and bus interchange. The Secretary of State is satisfied that the necessary liaison between NR, Transport for London and the Local Authority is taking place so that the best use is made of the pedestrian areas around King's Cross/St Pancras. For that reason the Secretary of State does not consider that it is necessary to impose a condition.

42. LTW also suggested a condition that St. Pancras Midland Road station should be open simultaneously with, or before, the closure (LTW2 6.4). The Secretary of State accepts this condition although his predecessor announced on 8 February 2006 that funding would be made available to fit out SPMR. Closure of King's Cross Thameslink and subsequent withdrawal of passenger services will not take place until this work is complete. Consequently it is a condition of the closure that the closure is not to take place until all arrangements are in place for passenger services to operate from SPMR.
43. LTW recommended a condition that the Pentonville Road access be retained as an entrance and exit to and from the Underground (LTW2 6.16). The Secretary of State has considered such a condition and decided against imposing it, since it would relate to the provision of an access to the Underground network. This is a matter for LUL, albeit in conjunction with Network Rail.

London Bridge Station

44. The Secretary of State is satisfied the proposed closures of network adjacent to platforms 8, 9 and 10 and subsequent modifications to the station are required to enable London Bridge to operate safely with the increased number of trains which the Thameslink 2000 Project will bring to the network and consent to the platform closures. He sees no reason to impose any conditions on this closure, other than the general condition referred to in paragraph 29 above.

Blackfriars Station

45. The Secretary of State is satisfied that the proposed closures of network adjacent to platforms 1, 2 and 3 and the subsequent modification to London Blackfriars station are required to allow the full benefits of the Thameslink 2000 scheme and will result in improved operational performance and passenger environment. The Secretary of State consents to the platform closures.
46. The Secretary of State accepts that there will be hardship to passengers during the construction phase and extended works involved in delivering what will be a 'new' station at London Blackfriars (LTW2 6.58, 6.59) and that this can be ameliorated by the development of a management plan by Network Rail and all relevant parties.
47. Before the closure takes place, Network Rail shall ensure that a passenger management plan is agreed between Network Rail, LUL, FCC and any relevant contractor. The plan shall cover the provision of advance information (including written information and announcements) of service disruption, additional staffing, information on trains and station management measures to deal with any overcrowding. The plan shall also interface with arrangements made to manage the temporary closure of Blackfriars underground station. The plan must be submitted to and approved in writing by the Secretary of State before the closure takes place. The plan must contain a timetable for implementation outlining the stages at which each part of the plan will be implemented. The plan must be implemented in accordance with that timetable. The purpose of the plan is to ameliorate hardship whilst work on the Thameslink 2000 scheme is proceeding at Blackfriars station.

48.LTW in their hardship report considered that hardship would be caused to passengers who could not travel to Blackfriars during the works and to those of limited mobility and they felt this could be ameliorated by the provision of replacement buses (LTW2 6.62). However, the Secretary of State accepts Network Rail's position that Blackfriars will only be fully closed for a 4 week period during which time trains will run through to City Thameslink which has step free access. The Secretary of State would expect sufficient additional staff to be available at all locations during disruption to passenger services.

Section 46 of the Railways Act 1993 permits the Secretary of State to vary or revoke a condition required to be complied with in connection with a closure. Any person who is aggrieved by any particular condition may make an application to the Secretary of State for him to vary or revoke that condition.

Any person who is aggrieved by a decision to permit or refuse to permit a closure under section 43 of the Railways Act 1993 may seek permission to initiate judicial review proceedings. Any challenge must be brought promptly and in any event within three months of the decision being made.

It is suggested that anybody who is contemplating applying for leave to judicially review a decision to permit or refuse to permit a closure, seeks legal advice.

The Secretary of State is obliged by law to require you to publish this letter at the stations affected. I am copying this letter to the Office of Rail Regulation, First Capital Connect, Southern, South Eastern Trains, London TravelWatch and the Mayor of London.

Yours faithfully



Gary Backler
Director Rail Service Delivery

Annex

[Network Rail paper]

Dear Sir

Notice of requirement to effect closure

We refer to paragraph 29 your decision letter related to railway closures dated [] 2006 (the "decision letter").

The Thameslink 2000 scheme has now progressed to the stage where it will be necessary to effect the closure of [relevant closure] on [relevant date] before further construction work on the scheme can proceed.

[Insert description of evidence used to support the Notice to demonstrate that:

- (d) construction work relating to the Thameslink 2000 scheme will, by [relevant date] reach a stage that requires the relevant closure to take effect before further work can progress; and
- (e) work on the scheme generally is progressing such that any outstanding closures are also likely to proceed.]

[Insert details of arrangements for inspection of evidence]

We therefore request that you consent to the closure of [relevant closure] on [relevant date] in accordance with the terms of that letter.

Yours etc.