

<p><b>London Transport Users Committee</b></p> <p>Proposed Closure of the Sheepcote Lane Curve</p>	<p><b>Document</b></p>
<p><b>Secretariat's Memorandum</b></p> <p><b>Author: Vincent Stops</b></p>	<p><b>B</b></p>

## **Proposed closure of Sheepcote Lane Curve**

### **1 Purpose of report**

This report informs members of the closure proposals, the background, and the Committee's duty.

### **2 Description of the line and service**

2.1 The Sheepcote Lane Curve is a short section of line located in the London Borough of Wandsworth that has been used by one passenger service in each direction (operating four times per week Monday to Friday). The service was one of several that operated between London Waterloo and South Wales / Manchester via Bristol Temple Meads. The other services did not use this section of line and so are not considered as part of this process.

2.2 The service was timetabled to operate:

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)

Full details are contained in the Strategic Rail Authority's 'Statement of Reasons'.

2.3 The service has now ceased to operate but is being replaced by a weekly taxi service between Kensington Olympia and London Waterloo, pending the decision on whether or not to allow closure.

### **3 Why conduct a closure process?**

From the above it is clear that this is not a straightforward closure. The service to and from South Wales has effectively ceased following a decision by the Strategic Rail Authority not to include it in a franchise beyond the winter 2003/04 timetable which ended on 22 May 2004. However, a passenger service can only be legally closed by two mechanisms:

1. If no service uses the line for five years then the line is deemed to be closed;
2. Following a full closure process under the provisions of the Railways Act 1993 as amended by the Transport Act 2000.

The Strategic Rail Authority believe that the temporary taxi service fulfils its legal obligation to run a passenger service over the line, pending the decision on closure by the Secretary of State.

### **4 The Transport Act 2000**

Members should note that the above act modified the Railways Act 1993 insofar as it transferred the role of the Rail Regulator in closures to the Secretary of State and that of the Franchising Director to the Strategic Rail Authority.

## **5 The Committee's Duty**

- 5.1 The Sub-Committee has been appointed, in accordance with the Committee's Rules of Procedure, to deal with Sheepcote Lane Curve closure proposals on behalf of the Committee.
- 5.2 The Secretary of State must decide whether the closure should be allowed. The Committee is required (under section 43 of the Railways Act 1993) 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.
- 5.3 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 available to it, that the expenditure involved represents good value for money.
- 5.4 The Committee may, however, do more than is legally required of it. It may, for example, recommend conditions that the Secretary of State should attach to any closure consent; recommend steps that should be taken by operators, the Strategic Rail Authority or any other parties; or recommend steps that should be taken by any parties who are found likely to experience hardship.

## **6 Notification**

- 6.1 Statutory notices of the proposed closure were placed in a local newspaper (the Evening Standard) and two national newspapers (the Daily Express and the Daily Telegraph) on two consecutive weeks (8 and 15 April 2004) as required by the Act. Posters were placed at London Waterloo, and Reading.
- 6.2 Additionally the Committee asked the Strategic Rail Authority to place posters at all the stations affected. Although this was beyond the legal requirement and the Strategic Rail Authority had no power to direct station operators to put up these posters they were asked and there is evidence to show that many were put up.
- 6.3 We also made representations regarding the location of the posters at London Waterloo and Reading. The Strategic Rail Authority subsequently had them displayed at better locations in addition to the original ones.
- 6.4 Members should note that the wording on the notices and posters referred to the closure of a section of line and that passengers may well have been unaware that the section of line related to a particular train service.
- 6.5 A period of six weeks and 5 days from 15 April 2004 was allowed for objections, i.e. until 1 June 2004.

## **7 Statement of Reasons**

The notices referred to the Strategic Rail Authority's 'Statement of Reasons' that describes the Authority's justification for closure. This was available, on request, either from the Authority or from the Committee. The Committee posted it on our website and sent out about 15 paper copies.

## **8 The taxi service**

The Strategic Rail Authority arranged for a taxi service to run from Kensington Olympia to Waterloo (stations either side of the Sheepcote Lane Curve) at 03:45 arriving 04:13 once a week. The Committee asked that the service be run both ways and this is happening. The return journey departs London Waterloo at 05:05. The service has been publicised and is included on the National Rail Enquiry Service timetables.

## **9 Objections and other representations**

- 9.1 Objections to the closure proposals were to be sent to the Secretary of State, who must consider them before deciding whether to allow closure to go ahead. The Secretary of State has forwarded copies of the objections to the Committee. Because the Committee has a general duty to consider all the information it receives, it follows that the Committee ought to consider the objections too.
- 9.2 Representations received up to 1 June 2004 were summarised, and the summary sent to the SRA. This summary and the SRA's responses are included in document F.
- 9.3 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.
- 9.4 At the time of writing this report, 7 representations have been made of which 3 were observations and the remainder objections.
- 9.5 All those making representation have been invited to attend the Sub-committee's meeting.
- 9.6 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 may also consider issues that it has spotted for itself but have not been mentioned in the representations. Members may also ask for further information, as appropriate.

## **10 Value for money implications**

Members are under a general duty, when making recommendations in relation to the national rail network, to take value for money issues into account. In addition, however, the very specific legal requirement described in paragraph 5.3 above also applies.

## **11 Accessibility implications**

Members will no doubt wish to consider accessibility issues when reaching conclusions on the closure proposals.

## **12 Reporting**

- 12.1 The Committee must report to the Secretary of State within 12 weeks of the closing date for objections, i.e. by 23 August 2004 unless an extension is granted by the Secretary of State.
- 12.2 The Committee, in addition to reporting to the Secretary of State, must send a copy to the Rail Passengers Council, and may also publish the report as it thinks fit.