

The Rt. Hon. Phillip Hammond,
Secretary of State for Transport
5/29 Great Minster House, Horseferry Road
London SW1P 2DR

2nd March 2011

Dear Mr Hammond

Railway Communications System – Masts at BereAlston and BereFerrers

I am writing on behalf of the residents of the Tamar Valley who are affected by the above proposals to:-

1. Object to the way Network Rail intends to implement an element of the proposed Railway Communications system – specifically the proposals to erect Masts outside Bere Alston and Bere Ferrers railway stations.
2. Register a formal complaint in relation to the manner in which Network Rail has progressed this matter in the absence of any meaningful consultation.

While the residents in this area fully support the Gunnislake branch line as a valuable resource, and recognises the prime importance of safety in its operation, they do not considered that the above proposal is required, needed or appropriate in local circumstance, nor that it would provide value for money and indeed could be prejudicial to the viability of the current branch line service.

Moreover, the residents believe these proposals will result in significant environmental harm to an Area of Outstanding Natural Beauty (AONB) and a World Heritage site, as well as creating an adverse and unreasonable impact on a number of properties in the immediate vicinity of the masts.

The residents affected by these proposals would also like to register a formal complaint in relation to the manner in which Network Rail has progressed this matter with unseemly haste and in the absence of any meaningful consultation. The process being used would seem to rely on a recent change in an Act of Parliament, which enables Network Rail to circumvent the normal planning process, (with all its checks and balances), in a way that surely can not have been intended or anticipated by the legislature. The process would also appear to ride 'rough shod' over a number of other statutory requirements such as EU Directive on the interoperability of the rail system within the community, as well as the potential need for an Environmental Impact Assessment on development proposals in environmentally sensitive or vulnerable locations – such as the Tamar Valley AONB and World Heritage site.

For Network Rail to progress, within a couple of weeks, from notifying those who will be directly affected to actually start building a 29 metre tower in a very prominent location within an AONB and World Heritage site, locating the

Bere Alston tower some 20 metres from an existing property, without any explanation or meaningful consultation, is simply not acceptable. Such an approach seems totally at odds with the Government's approach of enabling communities to contribute on any development proposals that will have a significant impact on their lives. It would also seem to be at odds with the concepts of natural justice and individual's rights.

The notes attached to this letter have been provided to amplify and substantiate the basis of these objections. The expectation is that this letter will persuade Network Rail that current works on these two towers should be halted, a meaningful consultation exercise should be undertaken by Network Rail with the local communities, and that this process will result in a review of the current proposals leading to a solution that is mutually acceptable to all parties.

Yours faithfully

Brian Lamb on behalf of **Tamar Rail Against Masts**

Please note: This letter will be copied to all relevant bodies and interested parties

cc David Flindell, Communications Manager, Network Rail

Notes attached below on pages 3/4

Notes to amplify and substantiate the basis of this objection.

This objection is based on Network Rail's failure to take into account the following matters in implementing an element of the proposed Railway Communications system – specifically the proposals to erect Masts outside Bere Alston and Bere Ferrers railway stations. The key concerns are as follows:

1) The proposal is not required by legislation.

You have advised local residents that this proposal arises from key recommendations in the Cullen Report. You have also indicated elsewhere that the masts are part of “a vital upgrade to railway infrastructure, supported by EU directives, the Office of Rail Regulation and the Department of Transport”.

Our understanding is that this is not a requirement ‘mandated by an EU directive’ in relation to branch lines, but rather left as a discretionary element for branch lines within the wider requirement to provide a railway communication system for main lines. Clearly, the EU directive takes a common sense approach by recognising that this proposal may not be appropriate or necessary in all circumstances, (see point 2 below).

It would therefore seem that it has been Network Rail's decision to implement this proposal for Branch Lines, rather than a specific need to meet a legislative requirement.

2) The proposal is not necessary to address any meaningful risk.

You have advised local residents that this proposal to – “allow direct and continuous communication between train drivers and signallers will improve safety, reliability and punctuality on the rail. Implementing this safety communications system

Accepting that safety is the key driver behind the need for this communications system, because the Gunislake line operates as a single train on a single track branch line, with failsafe procedures controlling access to the line and no signalling along its entire length, the argument for improved communications between drivers and signallers along the branch line would seem irrelevant as there is no meaningful risk of train collision.

However, it is acknowledged that where the branch line connects with the main line, at St.Budeaux, there clearly is a need for communication between drivers and signalling. While this seems to be adequately achieved at the present time, using a dedicated telephone line at the St.Budeaux station, I would assume that any additional requirements at this point would be met by the mainline communication network without the need for further masts along the branch line itself.

3) The proposal does not provide value for money

At a time when the government is seeking to identify significant cost savings, this proposal for a non essential communications system which does not address any meaningful risk, will inevitably add to the overall costs of running

the Gunislake branch line, threatening the line's overall viability, which in turn may tip the balance in retaining this valuable community asset.

I can only comment that Network Rail's approach to this proposal is clearly at odds with the findings of the Dft study, which concluded that there was "a requirement for a more cost-effective approach to standards and rail safety" and "the high levels of renewals on some branch lines". I would suggest that there are both more effective alternatives to addressing any communication issues on the branch line, as well as better value for money ways in investing in this service.

4) The proposal would result in significant environmental harm

Clearly the erection of 29m. masts will have an impact on not only the local environment, but will inevitably be prominent features in the wider landscape. To propose erecting these structures in an area of Outstanding Natural Beauty, adjacent to Conservation Areas and within a World Heritage Site with little or no regard for the environmental consequences or the relevant regulatory requirements seems inconceivable, (see point 5 below).

5) The proposal has not had regard to relevant statutory requirements

Network rail, as a public body should be aware:

- that Section 85 of the Countryside and Rights of Way Act 2000 states that a "relevant public authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".
- that Local Government Circular 07/2009 gives protection to World Heritage Sites and indicates that permitted development rights are restricted in such areas.
- of the potential need for an Environmental impact assessment, which are specifically intended to guide the development process for those developments proposed in particularly environmentally sensitive or vulnerable locations – such as an AONB and World Heritage site.

Network Rail appears to have had scant if any regard to these matters, with no meaningful public consultation, in implementing proposals, that will despoil the environment by creating these huge alien structures on the landscape.

6) The proposal would unreasonably impact on nearby properties

The proposed location for the Bere Alston Mast places a very prominent 29m. structure within some 20m. of an existing residence. The Bere Ferrers Mast is within 80 metres of an existing residence. Having such intrusive features placed literally at the bottom of your garden, towering over your property, with little or no consideration being given to the consequences on the individuals concerned would seem to be quite unjust. This is particularly so when the building of the structure is not required by legislation, is not necessary to address any meaningful risk, does not provide value for money, would result in significant environmental harm to national environmental assets, and has been promoted without due regard to the safeguards put in place to ensure an appropriate form of development. An infringement of human rights?