

Summary of Responses to Consultation on Proposed Closure of the Folkestone Harbour Branch line and Folkestone Harbour Station – and Department for Transport comments

Introduction

The Department for Transport carried out a public consultation on Network Rail's proposal to discontinue the operation of the Folkestone Harbour branch line and Folkestone Harbour station.

Next steps

Following consideration of the replies, Ministers have agreed to allow the proposed closure to proceed as a modified proposal under section 32(4) of the Railways Act 2005, relating to the network on the Folkestone Harbour Branch line as far as the end of Network Rail's lease area on Folkestone Harbour pier, as shown coloured green on the plan appearing at the end of this document. The closure is now subject to ratification by the Office for Rail Regulation, which is not automatic.

Replies and response

1. Seventy-two responses to the consultation were received. Fifty-two of these made representations in relation to the proposal, of which seven expressed positive support. The remaining responses were simple requests for copies of the consultation documentation (11) and obvious 'spam' e-mails (9) containing no reference to the proposal whatsoever.

Representations were received on behalf a number of councils (Kent County Council, Folkestone Town Council, Stanford Parish Council) and from an individual member of Kent County Council. Three representations were made for or on behalf of the Remembrance Line Association ('RLA') and single representations from the following organisations: Ashford Railway Heritage Trust, Folkestone Trawlers Ltd/Folkestone Fisherman's Association, Kent Channel Chamber of Commerce, Shipping and Port Management Limited, Savills Chartered Surveyors and Shepway HEART forum (it should be noted that Network Rail were advised that this representation was made by the Chairman in a personal capacity rather than on behalf of the forum). One train operating company (Southeastern) made a representation as did Passenger Focus, the statutory body representing the interests of rail passengers in Great Britain, who noted that proposals for future use of the branch other than for heavy rail were outside their remit. The remainder were made by individuals.

Representations – in favour of closure

2. Seven representations were in favour of the closure taking place, the predominant reason being that it would facilitate the long-awaited redevelopment of the Harbour area, which is the preferred option of Shepway District Council and is a key component in the regeneration of the town. In the absence of any cross-Channel ferries from Folkestone Harbour, and of any prospect of them resuming in the future, the Branch and station no longer served their original purpose.

Representations – against closure

3. Thirty-five representations considered that the Branch and station had a role to play in relation to (a) the proposed redevelopment of the harbour area and/or (b) the RLA's proposals for operating a tram-train service (with 12 representations expressing general support for the latter).

It was argued that a light rail service would be of benefit to the regeneration of the Harbour area (and also potentially to the proposed development at Shorncliffe, to the west of Folkestone) and would re-establish the eastern side of Folkestone as the focal point of the town. A rail service to the Harbour redevelopment was more appropriate than the use of the existing road system, which was considered not conducive to the Harbour development, whether for bringing construction materials to the site (in view of the weight restriction on the Road of Remembrance) or for access to the development when it was complete. It would also help reduce pollution through car exhaust.

It was noted that the planning consent for the Harbour redevelopment did not require the closure of Branch line and Harbour station and that, in any event, the planning process was not complete and the full range of opportunities for the potential future use of the Branch had not been fully explored. It was also argued that the redevelopment itself was not in the interests of Folkestone or its people.

In the event that closure were allowed, it was argued that Network Rail should continue to maintain the infrastructure in minimal form, so that it might be re-opened should a definite use be identified.

COMMENT

The proposals to redevelop the harbour do not include retention of the railway, either in its current heavy rail format or as a light rail alternative. The harbour development plans form part of Shepway District Council's Core Strategy which was agreed at an extraordinary council meeting and approved by the Planning Inspectorate.

The RLA has published details of its proposals for a tram-train system using a 'Parry People Mover' (Class 139), which would operate from a park-and-ride facility at Folkestone East Junction, along the Branch line infrastructure via a stop at East Cliff to the new Harbour Master's Square (part of the Seafront development) and then run on-street along Marine Parade to Leas Lifts. Some services would run from Folkestone East via a connection with the main line to Folkestone Central station, to provide interchange with heavy rail services to all destinations.

The Department considers that retaining the branch on the basis of an undefined requirement would not represent value for money and would be contrary to decisions made by the local planning authority.

Network Rail provided the following comments about the RLA tram-train proposals: "The consultation document provided outline costs for re-instatement of the branch and station as part of the heavy rail network (Appendix 3). This totalled £4.6m capital and £30k p.a. operational costs. Network Rail acknowledges that some investment costs could be reduced if a light rail system was operated (i.e. lower track and

structural specification due to lighter vehicles). However, costs such [as] for signalling at level crossings are intractable regardless of type of vehicles. Furthermore, significant additional costs would be incurred if a dedicated light rail system was introduced. Taking the recent example of the Stourbridge branch:

- £140k for one buffer stop at Stourbridge Town (not including design and installation – nor compliance with safety standards)*
- £1.4m estimated cost of a vehicle servicing depot*
- “six figure sum” sunk by London Midland on rolling stock spare parts*
- Plus leasing costs of rolling stock, maintenance, power, cleaning, staffing etc*

The Stourbridge branch ‘benefits’ from being separated from rail network, hence some costs are kept relatively low due to different operating licence conditions (e.g. use of bus drivers rather than train drivers). The stated long-term ambition of the Remembrance Line Association proposals is connection with the main line at Folkestone East with onward connection to Folkestone West. Such a proposal would require extensive remodelling of the signals and track between Dover and Sandling in order to operate both services in parallel. No work has been undertaken to establish the cost of such a re-signalling, however as a comparison parts of the Maidstone East line will be re-controlled and the interlocking renewed at an estimated cost of c£15m.

The significant costs, the uncertain passenger demand case, and the lack of planning authority support does not provide a strong case for developing a light rail/tram service.”

4. Thirty-one representations advocated the resumption of heavy rail passenger services to Folkestone Harbour station (potentially in parallel with heritage services). It was noted that expansion of Folkestone Central station is not possible because of a constrained site, so the Harbour branch represented a potential alternative, with the possibility of building a new station at Folkestone East (where a station formerly existed until 1965).

Six representations considered that the Branch and station would be required for future passenger services if cross-Channel ferries resumed from Folkestone Harbour. A new foot-passenger ferry service was considered likely to be profitable after one year of operation. It was considered that Folkestone Harbour was a realistic alternative should the Channel Tunnel or the Port of Dover not be available, either because they had reached full capacity or as a result of some catastrophic event. Two representations foresaw the resumption of cross-channel ferries if the United Kingdom seceded from the European Union following a proposed referendum and this resulted in the resumption of the trade in duty-free goods from Europe. Closure of the Branch now would mean that it would be difficult, if not impossible, to restore rail services to the Harbour to serve a new ferry service. One representation considered that the Department for Transport should actively consider the introduction of fast foot-ferries, possibly under a franchise.

COMMENT

Passenger ferries from Folkestone Harbour ceased in 2000 and a passenger ferry service does not form part of Shepway District Council’s plan for the harbour. In any

case, the Department does not consider that a ferry service is predicated on the presence of the railway connection. There is no longer a rail connection with the cross-channel ferries at Dover, where the port is now a 30-40 minute walk from Dover Priory station or 10 minutes by shuttle bus costing £2. Nor is there a rail connection at Calais, where passengers may either walk from the port to Calais Ville station (25 minutes) or take a shuttle bus costing around €2. No ferries currently operate from Boulogne, the historical destination for ferries from Folkestone.

The provision of ferry services to and from UK ports is a matter for commercial decision by ferry operators and the ports between which they wish to operate. The UK Government does not franchise ferry operations. The general view is that there is sufficient capacity on the cross-channel ferry and railway routes to meet the likely demand for goods and passengers.

The size and nature of ferry vessels using Dover has changed in recent years and other ports could not handle such vessels. There are a number of other ports along the south coast, along with the Channel Tunnel, that could handle traffic in the event of prolonged disruption at the port of Dover. Therefore, even if were an operational port, it is unlikely that Folkestone would make any difference to the level of disruption, especially given the constraints arising from the tidal problems of berthing ferries.

With regard to the possibility of a resumption of the cross-Channel duty-free trade, the private member's EU Referendum Bill, which sought a referendum on the United Kingdom's continued membership of the European Union to be held in 2017, had its Second Reading on 10 January 2014 but peers voted to end debate at committee stage in the Lords. There is not time for the bill to get through all its stages in the Lords and Commons in the current session of Parliament.

5. Eighteen representations considered that the Harbour Branch and station should be retained in recognition of their historical importance due to their role during two World Wars in transporting troops and equipment across the Channel. Some considered it to be a tourist attraction. One representation regretted that closure proposal coincided with the 100th anniversary of the beginning of the First World War (in August 1914). One representation noted that there were a number of items at the Harbour station worthy of preservation; another asked that Roman and Saxon archaeological remains in the area around Warren Road/Folly Road should be investigated.

COMMENT

The Department is happy to acknowledge the important role played by the Folkestone Harbour branch line in the transport of men and equipment during both World Wars. However, while the Railways Closures Guidance notes that there will often be impacts that cannot be quantified or valued in money terms, historical importance is not one of the objectives for transport referred to in the New Approach to Appraisal, the basis for evaluating railway closures (the objectives being Environmental, Safety, Economy, Accessibility, and Integration).

The Department understands that an initial scoping report for the Masterplan for the seafront development has been agreed with the Council and that this will take

account of Archaeology and Heritage, based on heritage and 'PPS 5' statements. (PPS 5 is the guidance that assists local authorities, owners, applicants and other interested parties in implementing Planning Policy Statement 5 (Planning for the Historic Environment) and to help in the interpretation of policies within the PPS.)

The Department understands that no physical works are planned to the infrastructure in and around Warren Road/Folly Road that would require an archaeological investigation to be carried out.

6. Two representations envisaged the Branch being used for alternative purposes: one considered that it could be used for the training of railway apprentices and another considered that the possibility of its use for the transportation of bulk freight in the form of sea-dredged materials had not been explored.

COMMENT

While the proposals to use the Branch for alternative purposes appear to be attractive, the Department is not aware that either of those referred to here has any firm basis.

7. One representation understood that the continued operation of VSOE services on the branch would have minimised Network Rail's losses and would have contributed towards the economy of the Harbour but there was no evidence of any dialogue about this between Network Rail and the town's representatives.

COMMENT

Network Rail advised the Department that the decision to move the operation of the VSOE services from the harbour to Folkestone West was based on safety and economic grounds. As described in the consultation document, the operation of this and other services was unsustainable as the expenditure on maintaining and operating the harbour branch and station far exceeded access charges received in return. The resources required to operate VSOE to Folkestone West are much less than Folkestone Harbour and it is incorrect to suggest otherwise. In terms of contribution to the harbour economy, VSOE passengers were taken by coach from the harbour station directly to the Channel Tunnel. Network Rail's recollection of this operation suggests that it did not allow much time to contribute to the local economy and therefore it is also incorrect to imply that closure has had an adverse effect. The coach transfer operation is currently replicated at Folkestone West since 2009, which has provided a safe and efficient means of handling passengers.

8. One representation queried whether the reversion of land currently leased to Network Rail back to Radnor Estates would jeopardise proposals to use the branch for other rail services.

COMMENT

Network Rail advised the Department that it believes that the correspondent has confused the issue with the terms of the lease between Network Rail and Folkestone Harbour Company. Network Rail is currently unaware of any lease between Network Rail and Radnor Estates in respect of the harbour branch. In terms of jeopardising proposals to use the branch for other rail services, Network Rail pointed out that no rail services are currently permitted to use the branch under the terms of the

Permanent Out of Use Network Change. Closure will allow local stakeholders to develop the site which in theory could include retaining all or part of the railway, albeit not as part of the national rail network. However, such plans are likely to contradict with the outline planning permission that has already been granted for the harbour area.

9. One representation queried what would happen to the swing bridge in the event that closure was allowed to go ahead.

COMMENT

On the assumption that closure is ratified and railway assets are disposed of in line with Network Rail's licence conditions, it is noted that the developers' plans retained the route across the harbour as a pedestrian pathway. Hence, it may be assumed that both viaduct and swing bridge may be incorporated into the planned development to serve this function.

10. One representation was concerned that there did not appear to be any notice of the proposed closure in local newspapers and that it was not possible to download the documentation from the Department's website

COMMENT

Schedule 7 of the Railways Act 2005 requires notice of any proposed closure to be published in a local newspaper circulating in the area affected by the proposal (and also in two national newspapers). In this instance, notice was published in the Folkestone Herald on 28 November and 5 December 2013. Schedule 7 also requires that copies of the notice be displayed at every station in the area affected by the proposal. These were displayed at Folkestone Central and Folkestone West stations, as well as at Folkestone Harbour station.

Copies of all relevant documents were e-mailed direct to the correspondent by the Department.

11. The RLA's representation is analysed separately as it was the most comprehensive of the representations that argued against the closure being allowed to take place.

The Remembrance Line Association

12. The RLA submitted a detailed response, which merits separate comment.

- **Unique situation of the Folkestone Harbour Branch line**

RLA raised a number of points relating to the history of the Branch line.

COMMENT

These are subjective and/or not relevant to the closure proposal.

- **General comments on the consultation document**

RLA queried the robustness of the figures and arguments put forward by Network Rail (page 2, para a).

COMMENT

The expenditure on maintaining the facilities is detailed in Appendix 3 of the consultation document, which formed Network Rail's original assessment

RLA were concerned about the apparent confused position with regard to ownership of land and structures associated with the Branch line and station (page 2, para b)

COMMENT

Network Rail acknowledged that the legal issues in relation to land ownership of the harbour area are complex. However, Network Rail does not believe that they are materially relevant to establishing closure

- **The Financial appraisal**

RLA felt that the economic case as laid out in the consultation document was incomplete (page 3, para a).

COMMENT

The economic case, as described in section 3 of the consultation document, refers to the current status of the branch – i.e. under a permanent out of use Network Change. Network Rail accepts that this may present a misleading view to a non-industry person, hence the transparency provided in the assessment in Appendix 3.

RLA were concerned about the robustness of the economic appraisal, with the inclusion of 'suspicious' rounded figures (page 3-4, para b).

COMMENT

Network Rail advised the Department that the cost estimates (for both formal and Appendix 3 assessments) were provided by Kent Route Asset Managers during the summer of 2012. The estimates are a combination of unit rates (e.g. for track refurbishment and renewal) and professional knowledge and judgement (e.g. the viaduct is a unique structure on Kent Route, and the cost for refurbishment based on jobs of equivalent difficulty). Any element of 'rounding' reflects the fact that in lieu of an expensive and time-consuming appraisal of each asset, that costs were underestimated. In reality, full refurbishment and renewal would undoubtedly be higher.

RLA noted that EWS had objected to the Network Change in 2008, additionally expressing concerns about the level of maintenance and type of signalling control on the Branch.

COMMENT

Network Rail advised the Department that DB Schenker, EWS's successor, agreed to the Network Change in 2012.

Network Rail does not deny that it was downgrading the line from 2008/09 and suggests that downgrading started some time before that date. The Department has not specified a franchised service since 2001 and charter traffic covered a fraction of

costs. Network Rail was, and is, faced with the choice of investment in existing passenger and freight services or on infrastructure that has no reasonable expectation of achieving value for public money.

RLA does not believe that Network Rail should base its maintenance of the Branch on the aspirations of the Folkestone Harbour Company, which, up until 2013, had no planning consent to use the harbour area for any other purpose (page 5, para a).

COMMENT

Network Rail considers that this is an issue for the harbour owners. However, the fact that a port is operational does not equate to maintaining the operation of the railway. Dover, as an example, closed its railway connection in the 1990s. Similarly other English Channel ports, such as Ramsgate and Weymouth do not currently have a train service.

RLA considered that any compensation payments to operators through the Network Change process (page 5, para ii) should have been included in the appraisal.

COMMENT

Network Rail acknowledges that the payment of compensation to operators is routine. However, no compensation has been paid in relation to Folkestone Harbour.

RLA considers that any costs that have been incurred by Network Rail as a result of a downgrading or a network change effecting the branch, which in turn has resulted in a reduction of traffic which is cited in the Consultation Document to illustrate or at least imply that the Branch is not viable, should naturally be included in any closure related cost/benefit analysis as costs required to close and decommission the line (page 6, second para).

COMMENT

Network Rail advised the Department that no such costs have been incurred.

RLA considered that the £1.4 million expenditure on new facilities for VSOE at Folkestone West were a necessary pre-condition to realising the intention of closing the Branch to facilitate the Folkestone Harbour Company's business plan (page 6-7).

COMMENT

Network Rail advised that the expenditure was justified on the safe and efficient operation of trains, and the avoidance of major costs as highlighted in Appendix 3.

RLA further felt that the figures in the consultation document were incomplete because they did not include any sums for bringing assets/structures up to an acceptable condition for transfer (page 7 iii).

COMMENT

Network Rail advised that the costs described reflect its current understanding. Network Rail's examination of the development plans submitted by the Folkestone Harbour Company suggest that either Network Rail's assets will be destroyed under the development (e.g. parts of the station); or in the case of the viaduct, that the structure is suitable for usage as defined by the plans (i.e. pedestrian walkway).

RLA has no confidence in the rounded figures given under the 'do minimum' scenario (page 8 iv).

COMMENT

See response on the industry processes above.

RLA considers that the use of language in relation to the potential passenger benefits under both the 'do something' and 'do minimum' scenarios implies that there is no possibility that the Branch could be reinstated so that an operator could obtain access (page 8 v).

COMMENT

See response above.

RLA challenges the assertions in the consultation document that the prospect of a passenger ferry service resuming from Folkestone Harbour was very weak, in the light of the Folkestone Harbour Company's own optimistic press release in 2005 and the aspirations of Shipping and Port Management Limited to introduce a ferry service (page 8-9 c).

COMMENT

Any ferry proposal is not dependant on the operation of a railway service (as per Dover). In any case, a ferry service has not been supported by harbour owner or local authority.

RLA see no basis for the statement in the consultation document about the future potential for a ferry service (page 8-9 c).

COMMENT

Network Rail commented that the statement about future potential was informed by the fact that no cross-channel operation has been sustained in Folkestone; and several companies (e.g. Sea France and Transeuropa) have been faced by severe financial difficulties.

RLA is concerned that Network Rail has no role in analysing the potential for maritime operations (page 8-9 c).

COMMENT

Network Rail agrees that it is not qualified to comment on maritime operations. However, the response of Planning Inspectorate's assessment of Shepway District Council's Core Strategy established the following:

"Freight and pedestrian traffic between Folkestone and Boulogne ceased a number of years ago (2000). A specific area of concern is whether the CS should include safeguards to allow the reintroduction of cross-channel ferry services and re-establishment of the harbour rail link. Neither is explicitly ruled out by policy SS6 which, for example, retains the rail corridor as a cycle/pedestrian link. However, the Council clarified at the hearing session that development that met this policy's requirements but did not retain the potential for passenger ferries to be reintroduced

would be acceptable in principle. As such, the CS proposes the deletion of LP policy FTC4 and its safeguards.

I have had regard to the documents submitted by representors supporting these projects. However, in both cases there is no strong evidence that there is sufficient likelihood of either being delivered within the likely development timescale of this site. Although a business plan has been prepared for the reopening of the Folkestone Harbour Branch Railway, key delivery elements (including project funding and the conclusion of negotiations with Network Rail) do not appear to have been secured. Investigations by the owner of Folkestone Harbour and the Mayor of Boulogne concluded that reintroducing the ferry service would be unfeasible for both technical and commercial reasons. While this is disputed by some parties, very little evidence to the contrary has been submitted. For example, a funding package for a resumed ferry service is not in place. Neither project is a national policy requirement. Notwithstanding its revocation, neither scheme was required by the SEP, which (within East Kent) made reference to the Ports of Dover and Ramsgate – identifying the latter as Kent's second cross-channel port.

Clearly, the re-establishment of the cross-channel ferry and harbour rail link would accord with sustainable transport objectives. Both would be likely to result in economic benefits. Nevertheless, LP policy FTC4's protection of the potential for a cross-Channel ferry link and the retention of the Harbour Station has failed to deliver either the Port area's regeneration or the implementation of the projects themselves. Bearing in mind both the accepted need for the area's regeneration and the wider housing pressures that apply to the District as a whole (discussed elsewhere in this report), the alteration of policy SS6 in order to perpetuate safeguards for passenger ferry services and the harbour rail link is not needed to make the Plan sound.

Subject to the above-noted main modifications, I conclude that the Core Strategy's proposals for Folkestone Seafront are effective, adequately justified and consistent with national policy."

The full report (published June 2013) and supporting documentation can be found below:

[http://www.shepway.gov.uk/content/view/201677/4372/#Core Strategy Final Report](http://www.shepway.gov.uk/content/view/201677/4372/#Core%20Strategy%20Final%20Report)

- **The future potential of the Folkestone Harbour Branch line**

RLA state that Network Rail has taken account of its detailed proposals to use part of the Branch infrastructure (page 10, para a).

COMMENT

Network Rail was pleased that the RLA described it as "cordial and accessible". However, Network Rail does not recognise the statement that NR did not engage in detailed discussion on the RLA proposals. Its recollection is that Network Rail actively and openly engaged with the RLA over several years, culminating in a meeting in December 2013, in which it provided a long list of challenges that the RLA must overcome to make their proposals happen. Network Rail stressed that it cannot allocate inexhaustible resources to stakeholders that are neither funded nor supported by the local authorities.

RLA refer to a response from EWS to the Network Change Proposal in 2008 suggesting that a scheme be sought that would make the Branch infrastructure fit for more frequent charter traffic (page 10, para b)

COMMENT

Network Rail commented that it is not obliged to carry out work described within a Network Change consultation response.

RLA state that Network Rail has made no credible effort to explore/test the assumptions about an absence of ferry operations from Folkestone Harbour (page 10, para c).

COMMENT

See the response above and the Planning Inspectorate's comments

RLA state that Network rail has failed to take account of the European Commission's TEN-T Network policies, in particular "Ports, Gateways to the Trans European Transport Network", published in September 2013". TEN-T ports are defined in part by their connection to the hinterland, a connection related qualification which, in Folkestone's case is achieved by the existence of the Harbour Branch Line (page 10, para d).

COMMENT

As highlighted above, the operation of the port is not dependant on the presence of the railway.

Network Rail has not taken account of the Department for Transport's "National Policy Statement for Ports" of January 2012 (page 11, para e).

COMMENT

As above

RLA believes that Network Rail has taken statements made by the Folkestone Harbour Company at face value and has gone beyond simply basing its business case upon the aspirations of the port authority, it has been pursuing closure in order to support the business case of the Folkestone Harbour Company itself to the detriment of the Branch Line by pursuing closure, in at least part, for the purpose of supporting that development.

COMMENT

Network Rail reject the assertion that it accepted the decisions of Folkestone Harbour Company at face value and is disappointed about the RLA's implication that Network Rail is in cahoots with them. Network Rail's objectives have always been within the terms of reference provided by their Licence Conditions, to save the industry money and support the policies of the local and national authorities.

- **Assessment of the environmental impact**

RLA state that no mention was made in the consultation document of the environmental impact of the closing the Harbour Branch, in particular the effects on road traffic of the creation of some 1,000 new homes on the Seafront site (page 12, Para 2).

COMMENT

Network Rail commented that insignificant revenue was generated by this line when it was operational.

Road transport alternatives have been proposed and approved by Shepway District Council and formed part of their Core Strategy. These plans include improvements to the road and bus network, to which S106 contributions have been allocated. The FHC proposals were approved at an extraordinary meeting of Shepway District Council on 31st July 2012 [2013] with 37 councillors voting for and one abstention.

Link to planning application and meeting details:

<http://www.shepway.gov.uk/moderngov/mgAi.aspx?ID=3711>

- **Linkages to the Port**

RLA considers that the view that the Branch Line is not commercially viable because it operates to a port to/from which no maritime operations are conducted is flawed, since all options for either rail or maritime operations have not been exhausted.

COMMENT

Network Rail considers that this point has already been addressed above.

- **Conclusions**

- a. The RLA questions the objectivity, thoroughness, comprehensiveness; basis and credibility of the costs and arguments employed within the Consultation Document and its Financial Appraisal and wishes the source, basis and evidence for such costings and arguments to be made accessible

COMMENT

Network Rail's response to the financial appraisal above refers.

- b. The RLA asserts that Network Rail has failed, since at least 2008, to explore and test all possible scenarios and options for the line's continued existence and operation – it certainly did not appear to have worked with EWS on the matter and has not engaged actively and constructively with either this Association or the 'Folkestone-Boulogne Ferry Service' in relation to their proposals;

COMMENT

Network Rail's response to financial appraisal above refers.

- c. The RLA asserts that Network Rail have not taken into account the Localism Act 2011, in respect of community based groups or associations;

COMMENT

Network Rail advised the Department that it believes it has worked closely with local authorities and made itself accessible to the RLA (as acknowledged in their response).

- d. The RLA asserts that Network Rail's actions in respect of the line have been guided not by the interests of the line itself, but by the commercial investment interests of the Folkestone Harbour Company, not in relation to its role as a statutory port authority, but as a housing development investor;

COMMENT

Network Rail consider that this has been addressed in the comments on the future potential of the Folkestone Harbour branch above, in particular that its objective has been to save the industry money and support the policies of the local and national authorities

- e. The RLA objects to the inclusion of statements within the Consultation Document that lack explanatory background and context and are therefore misleading. Likewise the Association objects to the inclusion of statements of apparent fact, mentioned elsewhere in this response, which are in reality assumptions, when the supportive evidence for them is not provide and their validity and robustness therefore not open to scrutiny.

COMMENT

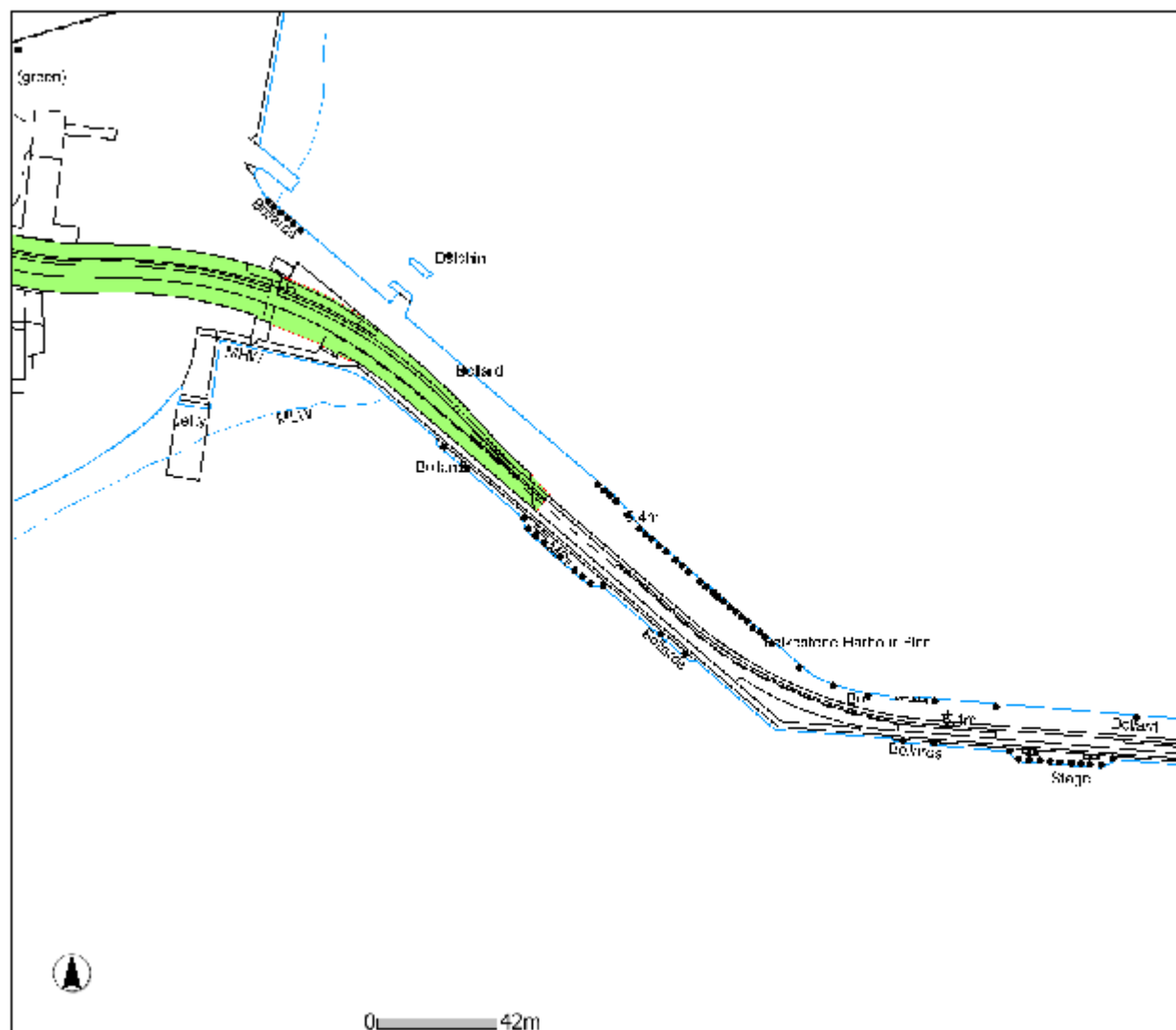
Network Rail believes that the key issues described in the document are supported by context and explanation. Any apparent assumptions do not have a material effect on the case for closure or supported by overwhelming evidence (e.g. challenges of operating a profitable ferry service in a hugely competitive market; and the need for a dedicated railway line)

Clarification of extent of network closure

The Remembrance Line Association contacted the Department on 10 April 2103 (after the consultation period had ended) to report that some of the network on Folkestone Harbour pier beyond the station had been lifted, in advance of the ratification of the closure by the Office of Rail Regulation.

Upon investigation, the Department established that the part of the network in question was beyond Network Rail's lease area and therefore, in all probability, had not been used by any passenger trains or other passenger rolling stock in recent years. Under section 26(1)(b) of the Act, the network closure provisions apply where "the network or, as the case may be, that part of it has, at any time within the preceding five years, been used for or in connection with the provision of services for the carriage of passengers by railway". The Department's conclusion is that, in all probability, the provisions of section 26 of the Act do not apply the network in question because it has not had the necessary use as set out in section 26(1)(b).

Since it is possible to infer from the diagram in the consultation document that all the network on Folkestone Harbour pier was included in the proposal, the description of the network for closure in the consultation document may have been wider than necessary. Therefore, under section 32(4) of the Act the proposal is a modified proposal, relating to the network on the Folkestone Harbour Branch line as far as the end of Network Rail's lease area on Folkestone Harbour pier, as shown coloured green on the attached plan.



Centre of Map Window (E,N): 623637 , 135678

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FOLKESTONE PIER Extent Of NR Estate

Plot Scale 1:2035

Plot Date 10/4/2014



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