



Mr Paul Carey
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN

10 September 2014

Dear Mr Carey

Response to Consultation “Revising Railway Safety Regulations”

I am writing in response to the consultation on the review of existing rail safety regulations and wish to register an objection by the New Forest National Park Authority to the proposal to revoke Regulation 3 of the MPR 97 regarding unauthorised access.

The consultation document considers Regulation 3 to be a duplication of both the Health & Safety at Work etc Act 1974 (HASAW) and the Railways and other Guided Transport Systems (Safety) Regulations 2006. (ROGs)

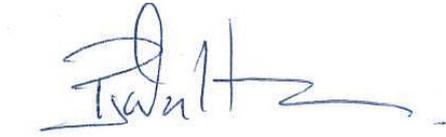
However, Regulation 3–(2) states “In paragraph (1) “access” means access by any person not at work on the transport system or by any animal”. Neither the HASAW nor the ROGs make specific reference to persons not at work on the transport system, nor animals.

The New Forest has considerable numbers of large grazing animals – cattle, ponies, pigs and donkeys – that regularly graze land alongside railway lines. The Forest also receives in excess of 13.5 million day visits a year. Consequently the New Forest National Park Authority shares the concern expressed by other organisations that to delete the specific reference to both animals and persons not at work on the transport system will reduce the commitment to safety by the railway companies.

The rail companies responsible for lines through the New Forest are subject to specific covenants regarding the maintenance of trackside fencing as well as the existing regulations yet there have been several occasions over the years when Forest animals have got onto the railway line through defective fencing. It is our view that removing the specific reference to access by animals and people not working on the transport system, as proposed in this consultation,

will weaken current legislation. We are not convinced that the specific issues covered by Regulation 3 are duplicated by other statutory obligations and therefore should not be revoked.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Walton', with a long horizontal flourish extending to the right.

Paul Walton
Head of Environment & Rural Economy
New Forest National Park Authority