

## Summary of responses to ORR’s consultation on closure procedures

### General Point

ORR's role in the closure process, as set out in our procedures document, is to:

- (a) ensure that the consultation undertaken in accordance with section 3 of the closures guidance, has been carried out appropriately;
- (b) evaluate the assessment made to ensure that the published methodology has been followed correctly; and
- (c) consider whether the proposed closure represents poor or low value for money in comparison with retention.

ORR considers that the majority of the comments raised in response to the consultation are adequately addressed by the approach that we have identified in our procedures.

| Respondee          | Comment  | ORR’s View  |
|--------------------|--|---|
| Rail Freight Group | <p>The RFG identified three particular areas where it considers ORR should take particular care when assessing closure proposals. These are:</p> <ul style="list-style-type: none"> <li>(a) ORR should check that freight related elements of any appraisal have been properly reviewed and considered;</li> <li>(b) closures which effectively create freight only lines through the removal of passenger services should be given particular attention as the full costs of maintaining the railway will then fall to the freight operators; and</li> <li>(d) where RFG and freight customers are listed as optional consultees in the DfT guidance, ORR should check that any consultation has been properly undertaken and taken relevant views into account.</li> </ul> | ORR considers that the general point set out above addresses these views. |

| Respondee                      | Comment  | ORR's View   |
|--------------------------------|--|--|
| Railfuture (North East Branch) | <p>Railfuture raised the following issues:</p> <ul style="list-style-type: none"> <li>(a) ORR must ensure the consultation has been carried correctly, and that those affected by the proposal fully understand what is being proposed and have had sufficient opportunity to have their say. It proposed a 12 week consultation period rather than 4 weeks to enable full opportunity to evaluate proposals and respond accordingly. Also, any local knowledge contained in consultation responses should be taken account of by ORR in order that it can make an informed judgement;</li> <li>(b) ORR needs to take a view on the reasonableness of the closure proposal and the veracity of the supporting data;</li> <li>(c) ORR should be a critical judge of the estimates and projections used in the proposal and not take them at face value;</li> <li>(d) the analysis of options provided by the proposer must be complete and the methodology as set out by DfT in its guidance document must be followed precisely;</li> <li>(e) a closure proposal can only be justified if it delivers real cost savings in the round, and ORR should ensure that any proposal provides unambiguous evidence that this is indeed the case;</li> <li>(f) revenue data is considered to be inaccurate and might therefore underestimate the financial contribution of certain parts of the network being reviewed as part of the proposal. These approximations of revenue data should</li> </ul> | <p>We consider that the general point outlined above addresses the majority of these issues. However, we have some specific comments to make in respect of three of the points raised (our numbering reflects the comments made);</p> <ul style="list-style-type: none"> <li>(a) Railfuture believes that we should have a 12 week publication period in respect of the consultation responses summary (see para 24 of our guidance) instead of the currently suggested 4 weeks. As the intention of this summary is only to list the responses received and identify any subsequent changes made to the original proposal, we believe that 4 weeks should be sufficient for consultees to take a view on the revisions proposed. We have also indicated, as has the closures guidance document, that we will have regard to any further valid representations that we receive in response to this published summary;</li> <li>(b) In terms of us taking account of the reasonableness of the proposal, ORR has made it clear in its guidance document that it will not be looking at proposals from first principles. We can only judge the proposal in accordance with the jurisdiction set out in the Railways Act 2005; and</li> </ul> |

| Respondee                             | Comment  | ORR's View  |
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|                                       | <p>be taken into account in the decision making process. They also point to a need to ensure that local initiatives have been adequately explored in respect of the promotion of services to increase revenues;</p> <p>(g) it considers that ORR needs to be vigilant in ensuring that land sales are not the main driver for closure; and</p> <p>(h) ORR should draw on experience to take account of the impact and effect of previous closures, particularly in terms of whether promised value for money was actually delivered.</p> | <p>(h) ORR is required by the Railways Act 2005 to ratify proposals for closure in a clearly defined way. We do not, therefore, consider that past experience of decisions would have any relevance to the question of whether a proposal should be ratified or not. Our decision has to be made in respect of the information presented to us on a case by case basis.</p> <p>We do not consider that our procedures document needs to be amended to reflect these issues.</p> |
| Strathclyde Partnership for Transport | The SPT noted the importance of ORR considering any further representations that might be received following our publication of closure reference material on our website.   | Our document already states that we will take such comments into account if they raise new points not already made, or concerns about how representations have been treated or how the closure assessment has been carried out. There is therefore no need to amend the document to take this comment into account.   |
| Transport for London                  | TfL considered that there are no major issues for concern and supported the proposals.   |   |
| Network Rail                          | Network Rail had no comments to make in respect of the proposed document.  |   |