16th October, 1967.

Thank you for your letter of 4th October, 1967 which enclosed a memorandum from one of your constituents about my recent decision not to grant a Light Railway Order for the line between Robertsbridge and Tenterden.

Fundamentally the reasons for my decision not to make the Order were twofold: I was not convinced beyond reasonable doubt that the Light Railway Company would be sufficiently profitable to be able to sustain in perpetuity the heavy statutory obligations in respect of bridging and drainage which attach to the line; and I was not convinced that the local transport need which the Railway Company proposes to meet is of an order which would justify reviving level crossings over several important major roads. It is for the Minister, in the light of all the information available, to decide where the balance of public interest lies, and I do assure you that the final decision was taken only after the most thorough examination of the facts, not only by officials, but in turn by the Joint Parliamentary Secretary, by the Minister of State and finally by me.

I should like now to deal in detail with the points raised in the Railways Company's press release which seem to be threefold:-

(i) It adduces "new evidence" about the Company's financial support, and about the road traffic on the A.21.

(ii) My decision was based largely upon the probability that dual carriageway bridges, at a cost to the taxpayer of several hundred thousand pounds, might become necessary if the level crossings were re-opened. The Company complains that this factor was not raised at the public inquiry, and not put to the promoters.

/(iii)

(iii) I did not discuss with the promoters alternative forms of order incorporating restrictions either on the duration of the Order or on the timing of the trains.

In our view neither of the items of new evidence now brought forward by the Company is sufficient to alter the balance of public interest on which I made my decision, even if it were now legally possible to reconsider the application.

It would clearly not be possible to regard the personal financial resources of a single supporter however generous as overcoming the considerable doubts which emerged during the inquiry about the financial resources of the Company, and their likely ability to build up adequate reserves not only in the short term but in perpetuity. Protective clauses sought by the drainage authorities would of course be valueless if the Company went into liquidation.

As far as the problem of level crossings is concerned I cannot accept that the A.21 census figures now produced by the Company, but not submitted before, alter the basic issues. In the letter to the Company announcing the decision the summer peak flow on the A.21 was given as over 13,000 vehicles a day. The Company's figure for the busiest week-ends of the year is "barely 12,200 vehicles", surely not a radically different order of magnitude. Moreover there are six other level crossings to be considered including one on the A.229 and two on the A.28. The Company is quite wrong in its contention that the possibility of dual carriageway bridging was not mentioned at the public inquiry. The spokesman for Kent County Council said that by 1981 there might be 700 vehicles an hour at times on the A.28, that dual carriageways might then be necessary, and that in this case a bridge would have to be built. Although the possibility of bridges on the A.21 and A.229 was not specifically mentioned at the inquiry, the figures quoted in the inspector's report make it clear that those two roads are even busier than the A.28.

It is true that we did not discuss with the promoters the possibility of some kind of restricted order. The idea of an order for an experimental period of years, although at first sight attractive, is in the view of my legal advisers doubtfully acceptable. Moreover the serious question will arise of the obligations in respect of drainage and bridging at the end of the period. These could clearly not be transferred back to the Railway Board, and it would quite inequitable for the landowners and drainage authorities to be deprived fo their legal rights.

Certainly an order could have been made allowing trains to run only on limited days of the week, but so as to avoid delays to large and evergrowing week-end road traffic to the coast it would have been necessary to restrict the railways almost entirely to weekday working. This would surely have reduced the

/potential

potential revenues of the Company, which on their own evidence would only just be sufficient, even without such restrictions, to cover the very considerable operating costs of the line.

In this context the Company suggest that weekday working would "enable the weekday local passenger and freight services to be run to the maximum of advantage of local users"; but the detailed figures of estimated revenue produced by the promoters after the inquiry showed that two-thirds of the railway business would be excursion traffic, while only a tenth would be non-excursion passenger traffic and the remaining 20-25 percent will be freight.

These estimates in our view show that essentially this would be an entertainment railway rather than a necessary rail service. Indeed the fact that British Railways withdrew their passenger services as long ago as 1954, long before the Beeching report, throws strong doubt on the extent of local demand and the likely viability of the Company.

Of course I have every sympathy for light railways, whether or not their function is unashamedly non-utilitarian, but one cannot share the Company's view that the interests of such a railway, however loyally and enthusiastically supported, must be allowed to prevail against other major public interests.

The Company refers to the inspector's view expressed in the last paragraph of his report. To quote more fully than they do, this reads: "There is a public demand slenderly amounting to evidence of a public need, but of a strength which could not prevail against serious objections on wider public grounds to the railway being re-opened". I doubt whether many disinterested people would share the Company's view that no such serious objections exist.

When I was advised to make this decision, I knew of course that the applicants would be deeply disappointed, and would probably react accordingly.

It is important to remember, however, that as early as May, 1966 the Ministry warned the Company in writing that the proposal involving the re-opening of seven level crossings, some of them on major roads, would be bound to raise serious difficulties.

This is not as the railway promoters and supporters imply, a matter simply between them and the Minister. One must consider the landowners and drainage authorities whose protection would disappear if the Company got into serious financial difficulties. There are also the interests of the thousands of motorists who use these coast roads, particularly in the summer; and even more there are the interests of the taxpayers and ratepayers who might ultimately be called upon to provide the funds to build new carriageway overbridges.

/In

In considering the objections of the Light Railway Company, it is important not to forget these other interested parties who by the nature of things do not put forward their views so strongly now, but who would rightly blame the Minister in the future if the Order were to be made.

I am sorry about the obvious disappointment of the Railway Company and their supporters but I cannot reverse my decision, or ask the Railways Board to delay any further their plans for disposal of the line.

(Sgd.) BARBARA CASTLE

BARBARA CASTLE