

Dear Mr Carey

**Haresfield Farms, Stonehouse, Gloucestershire**

**Generally**

1. We are responding to the ORR consultation document published on 8 July. Due to the holiday season – a very good time for consultations! – we have only recently become aware of this consultation via the National Farmers Union(NFU) to whom we are copying this response.
2. We are content that our response should be publicly available.
3. We support the NFU response, its inherent criticism of Network Rail's (NR) performance as a neighbour and specifically the shortcomings of NR in the management of rail boundary features.
4. Our view is that the statutory responsibilities of Network in relation to boundary fences – and rail-side ditches and water courses - should be strengthened, not weakened, and that rail safety should not be the only criterion on which NR's management responsibilities are based and its performance judged.

**Specifically**

5. Our land is located between Gloucester and Stroud/Stonehouse. Mainlines to/from London and Bristol run through the farm for about 1.5 miles.
6. 'Good fences make good neighbours' and Network Rail has been a very poor neighbour for some years.
7. Boundary features including fences and ditches are in poor repair. These were becoming a concern when we quit livestock/dairy farming in 2009. Embankments are untended and overgrown and accommodate populations of rabbits which graze crops on neighbouring fields.
8. Recent (last three years) contact with Network Rail, specifically Robin Basu\*, Sue Douglas\*\* (visits in January 2010 and again with an engineer in December 2011) and colleagues have failed to induce NR to act on their responsibilities and in particular to clear rail-side ditches and culverts which are a contributory factor in the flash-flooding that has occurred to residential properties in Haresfield Village. In wet years such as 2012/2013, NR's failure to clear ditches has also caused moderate to severe waterlogging on neighbouring agricultural land. The impression given by Mr Basu at a recent parish council meeting (12May 2014), is that in spite of NR's existing prescriptive obligations under other statute, rail safety under Railway Safety legislation is the only criterion which drives action by NR to live up to its responsibilities. Some action has been taken by NR in relation to long-standing complaints from Haresfield Parish Council about the pedestrian crossing in Haresfield Village and its immediate environs.

We trust that you will take our experiences into account not only in relation to the current consultation but also in relation to your other responsibilities as rail regulator. We are happy to expand on them at an appropriate time.

Yours sincerely

Mark Heywood

Managing Partner