

Councillor Battle
Councillor Meegan

Date: 20th March 2007
Our Ref: Mw/bat/mee
Your Ref: -
Phone: (01273) 291058
Fax: (01273) 291089
e-mail: martin.warren@brighton-hove.gov.uk

Dear Councillors,

ENVIRONMENT COMMITTEE – 15th March 2007

I write in response to the letter you submitted to Environment Committee in respect of the management of track side vegetation by Network Rail.

The Chair made the following remarks;

'We know that this is an issue which deeply concerns residents and the council. As pointed out at the previous committee, we cannot force Network Rail to take or not take actions on their land. I know that you and Cllr Meegan have tried, with the Council to mediate between Network Rail and the residents and at least secured one-to-one consultation with the homes bordering the embankment.

The last committee agreed that a letter would be sent to the Chief Executive of Network Rail expressing this committee's concerns.


The council has a duty to protect the natural environment and to encourage biodiversity. Unfortunately Network Rail does not have a duty. It is not a 'public body' as defined by Government and therefore is not bound by Section 40 of the Natural Environment and Rural Communities Act 2006.

I agree that a protocol with bodies is a way forward and for that reason the council has developed this approach in consultation with the Wildlife Advisory Group and the Sustainability Commission. But the problem remains that Network Rail do not have to agree or sign this protocol, and have so far not, despite being requested repeatedly.'

Chair concluded that it would be useful for the committee to receive a report in future that detailed what actions the council might have use of in respect of working with Network Rail.

I hope this information is useful to you, thank you for your letter.

Yours sincerely,



Martin Warren
Committee Administrator.