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Mr Alan McCarthy
Chief Executive
Brighton & Hove City Councillor
1st Floor
King's House

Date: 2 March 2007

Our Ref: SB/VM/AN

Your Ref:

Dear Alan

NETWORK RAIL TREE FELLING IN GOLDSMID WARD CUTTING

We are writing to request that a report be brought to a future Environment Committee on the issue of Network Rail tree felling and the lessons that can be learnt from this issue locally and across the city and nationally.

On Sunday 4 March Network Rail continue a programme of works which aims to destroy tree cover and wildlife habitat in the cutting between Addison Road and Highdown Road in our community. Work proposed by Network Rail over the course of the next few years will mean the gradual removal of all trees which presently provide an attractive, natural screen along the back of gardens of houses overlooking the rail cutting.

The threat to the cutting, which is a wildlife corridor in the middle of an urban area near the centre of the city, has provoked a massive Save the Trees campaign in Goldsmid. The issue has caused outrage extending to the whole of the St Ann's Well community, not just the two roads directly affected.

We commend the campaign which has already resulted in two major achievements. First it has highlighted the issue of Network Rail's actions both locally and at national level. We believe it will lead directly to improved consultation and communication by the company now and in the future. Secondly, through commissioning its own analysis by expert professionals, the campaign has identified a credible, alternative approach to sustainably managing the cutting and others like it.

On the one hand it would seem natural that Network Rail has the right to control what happens on its own land. But it is not as straightforward as that. As has been pointed out in Parliament during a debate on this issue initiated by Labour MP Stephen McCabe, Network Rail is funded by taxpayers. As such valuable embankments and wildlife sites such as the Goldsmid cutting belong to all of us.

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With this in mind, we are writing to draw Environment Committee's attention to the powerlessness residents and Councillors have felt in trying to encourage Network Rail to adopt an environmentally sensitive approach.
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We would like a report to be brought to Committee on the Goldsmid Cutting: the progress to date, the lessons that can be learned, and the policy implications. We believe that a protocol or charter is needed guide relationships with unaccountable third parties such as Network Rail. Even in instances where the Council does not have direct control over the outcome of an environmentally-harmful action, we believe it can still play a vital part in helping hold organisations to account in the communities affected, to try to influence outcomes in a positive way. We would like this report to include not only Network Rail's report into the cutting but also the two alternative reports commissioned by the Save the Trees campaign.

We understand the rail safety reasons behind the works and respect that Network Rail's first priority is a safe and reliable railway. We also appreciate the need to protect our city's internationally recognised Elm population from Dutch Elm Disease. As Ward Councillors we support the removal of Elms from the embankment if this helps contain the disease.

However, it seems to us that Network Rail has failed to strike a reasonable balance between environmental protection and addressing safety concerns. How else could a policy of clearance - cutting down natural vegetation and using herbicide to prevent regrowth - possibly be described as a balanced or sustainable way of managing the Goldsmid Cutting?

The independent studies commissioned by residents show that an alternative approach of removing Elm while using a coppicing for managing remaining trees exists. This would represent a sustainable alternative to Network Rail's clearance policy. We have read the studies commissioned by the residents with interest. One is a geological study by Rory Mortimore, a professor of Engineering Geology at Brighton University. The other is an arboricultural report by Tim Laddiman of Broad Oak Tree Consultants. Issues around the stability of the slopes, as well as the trees, have been addressed and they ask significant questions of Network Rail's approach.

Nationally Network Rail has embarked on a systematic campaign to remove trees from its land. Railway cuttings provide a wildlife corridor through areas which often have little or no open green space. The habitat in the Goldsmid cutting is described in one of the reports as follows:

"The site represents a micro-habitat virtually sealed off from links with other green corridors. The dense ground cover and diversity of tree heights and forms are providing a range of habitats for small mammals, birds and invertebrates."

Further it states that the removal of trees in one operation would completely destroy the habitat. The niche environment and associated fauna would be lost to the area. We do not believe this is acceptable where an alternative coppice-based approach to management exists.

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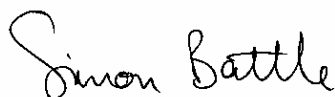
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The City Council brokered a meeting between residents and Network Rail last year, and the efforts of the Save the Trees campaign did result in a commitment to a 1:1 consultation with every household. However, what concerns us is that this consultation does not appear to have affected the outcome. Network Rail's approach remains the same. Indeed at the public meeting, the company said it was committed to retaining a screen but even this commitment seems to have now been reduced to retaining some "scrub" and advising residents on what to plant in their gardens.

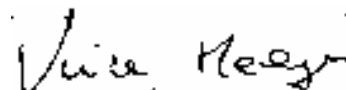
We believe that this issue raises important issues about the accountability of third parties such as Network Rail. It is clear that despite the efforts of the City Council, residents and Councillors that nothing has really had any effect on the company's decision to decimate trees in the cutting. Indeed in adding new issues to the pot such as fly-tipping and land encroachment Network Rail fails to accept responsibility for the neglectful management of its land over several generations.

We would finally urge the Committee Chair to express her concerns to Network Rail based on the contents of this letter.

Regards



Councillor Simon Battle



Councillor Vince Meegan