

**Rob Plaskitt**  
**Head of Access and Licensing**  
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10 April 2014

Company Secretary  
Network Rail Infrastructure Limited  
Kings Place  
90 York Way  
London  
N1 9AG

**Network licence condition 7 (land disposal):**  
**land north of the Tealby Building, Battersea Dogs and Cats Home, London SW8.**

### **Decision**

1. On 13 March 2014, Network Rail gave notice of its intention to dispose of land north of the Tealby Building, Battersea Dogs and Cats Home (BDCH), London SW8, (the land) in accordance with condition 7.2 of its network licence. The land is described in more detail in the notice (copy attached).
2. We have considered the information supplied by Network Rail including the responses received from third parties you have consulted. For the purposes of condition 7 of Network Rail's network licence, ORR consents to the disposal of the land in accordance with the particulars set out in Network Rail's notice.

### **Reasons for decision**

3. We are satisfied that Network Rail has consulted all relevant stakeholders with current information. No objections were received. We note that:

- the proposed disposal would not affect adversely existing or future railway operations; and
- Network Rail will retain ownership of the area beneath and next to the the viaduct to enable operational access when necessary.

4. We have had regard to our decision criteria in *Land disposal by Network Rail: the regulatory arrangements, December 2013*,<sup>1</sup> and balanced our section 4 duties given to us under the Railways Act 1993. In doing so, we have given particular weight to our duty to exercise our functions in a manner which we consider best calculated to "*protect the interests of users of railway services*" (section 4(1)(a), referred to in paragraph 3.5(a)(ii) of the decision criteria).

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<sup>1</sup> Available from our website [here](#).

5. Based on all the evidence we have received and taking into account all of the material views and facts relevant to our consideration under condition 7 of

6. Network Rail's network licence, we have concluded that the proposed disposal is not against the interests of users of railway services and that our consent should be granted.


A handwritten signature in black ink, which appears to read 'Robert M Plaskitt'. The signature is fluid and cursive, with a large loop at the end.

**Rob Plaskitt**

## Proposed Property Disposal

Application by Network Rail Infrastructure Limited to dispose of land in accordance with the Land Disposal Condition of the Network Licence

### 1. Site

Site location and description	<p>Land north of Battersea Dogs &amp; Cats Home (“BDCH”) Tealby Building, accessed via Battersea Park Road, London SW8 4AA</p> <p>The property comprises two areas shown coloured blue (272 sq metres) and brown (106 sq metres) on the attached plan bounded by a retaining wall and fence to the northeast, a rail viaduct/bridge to the west and a 4-storey building (the “Tealby Building” owned by BDCH) to the south.</p>
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	<p>Plan 68090 shows Network Rail’s retained land coloured green with the blue area proposed for freehold disposal and the brown area proposed for access rights to be granted to BDCH.</p> <p>The brown area (Access Area) is 3.5 metres wide, measured from the eastern edge of the adjoining rail viaduct.</p>
Clearance Ref:	CR/21681
Project No.	N/A
Ordnance survey coordinates	Easting 528882, Northing 177208 – TQ288772
Photographs (as required)	



## 2. Proposal

Type of disposal (i.e. lease / freehold sale)	<ol style="list-style-type: none"> <li>1. Sale Area (coloured blue) – freehold sale</li> <li>2. Access Area (coloured brown) – area over which access rights are to be granted with or without vehicles for all purposes, in perpetuity.</li> </ol>
Proposed party taking disposal	Battersea Dogs and Cats Home (BDCH) or such other party or body associated with BDCH.
Proposed use / scheme	Planning permission has been granted for an eight-storey building for kennel, veterinary clinic and office use to be part constructed on the Sale Area.
Access arrangements to / from the disposal land	Network Rail will retain freehold ownership of the Access Area (brown) to enable operational access to the eastern and western sides of the rail viaduct. BDCH will access the Sale Area via its adjoining HQ complex to the south and the Access Area, using access rights beneath the viaduct to other BDCH-owned land to the northwest currently being transferred from Network Rail.
Replacement rail facilities (if appropriate)	Not applicable as no operational facilities are being disturbed.
Anticipated Rail benefits	The inclusion of restrictive covenants in the title documentation of the Sale Area will protect the interests of the operational railway. If the sale did not proceed the land could be lost through an adverse possession claim without the ability to impose suitable protective covenants.
Anticipated Non-rail benefits	None

### 3. Timescales

Comments on timescales	Exchange of contracts is planned within one month of obtaining regulatory consent to dispose of the property interests outlined above
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### 4. Railway Related Issues

History of railway related use	Historic Ordnance Survey maps suggest that the land was at the end of some railway sidings in 1916 and was the site of a long narrow building adjoining a rail line that extended beneath a viaduct arch to the west. The building was removed post-1975, after which it has remained as open land.
When last used for railway related purposes	Sale Area (Blue land) - Not known Access Area (Brown land) – still used for access purposes by Network Rail for maintenance and inspection of the adjoining viaduct and arches. The Access Area will remain in Network Rail ownership.
Any railway proposals affecting the site	Not known
Impact on current railway	No impact.
Potential for future railway related use	After consultation with Network Rail's Strategic Planning team and the Rail Utilisation Strategy it has been confirmed that the site has no specific allocation for future railway use.
Any closure or station change or network	None
Whether disposal affects any railway (including train operator) related	The Access Area (brown) is to be retained in the freehold ownership of Network Rail and enables access beneath the adjoining viaduct/bridge to the western side of the viaduct. The Sale Area (blue) does not enable access to other rail land.
Position as regards safety / operational issues on severance of land from railway	<ol style="list-style-type: none"> <li>1. The disposal does not include any requirement for new fencing of the railway boundary, because its location or the nature of the disposal is such that the boundary demarcation is not needed.</li> <li>2. The disposal is on a basis under which Network Rail has had due regard (where applicable) to impact of the disposal on lineside works, including railway troughing, signalling and their maintenance. The disposal is without prejudice to Network Rail's safety obligations, with which Network Rail will continue to comply. Network Rail's network licence requires compliance with Railway Group Standards. These set out requirements for – amongst other things – fencing, access and signal sighting. In addition, the Railways and Other Guided Transport Systems (Safety) Regulations 2006 require Network Rail to have a safety management system and safety authorisation in respect of its mainline railway system and its railway infrastructure. These, in turn, require Network Rail to comply with Railway Group Standards as well as its own internal standards; and also continually to monitor changes to the risks arising from its operations and to introduce new control measures as appropriate.</li> </ol>

## 5. Planning History and Land Contamination

Planning permissions / Local Plan allocation	Planning permission has been granted to Battersea Dogs and Cats Home for an 8-storey building for kennel, veterinary clinic and office use on the Sale Area. The land is within the Wandsworth Thames Policy Area.
Contamination / Environmental Issues (if applicable)	None known, but given the former rail use and nearby gasholders site there may be contamination or environmental issues. BDCH will be required to take responsibility for any such issues as part of the property disposal.

## 6. Consultations

Railway (internal – Network Rail)	The property has Business and Technical Clearance.
Summary of position as regards external consultations	Twenty-eight rail stakeholders were consulted on this proposal and twenty-two responses were received. No objections or significant comments were made by any of the respondees. The six consultees who did not respond were sent two email reminders on 6 and 19 February asking for responses, but none were received as noted in the Land Disposal Consultation Report.
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	No unresolved objections received

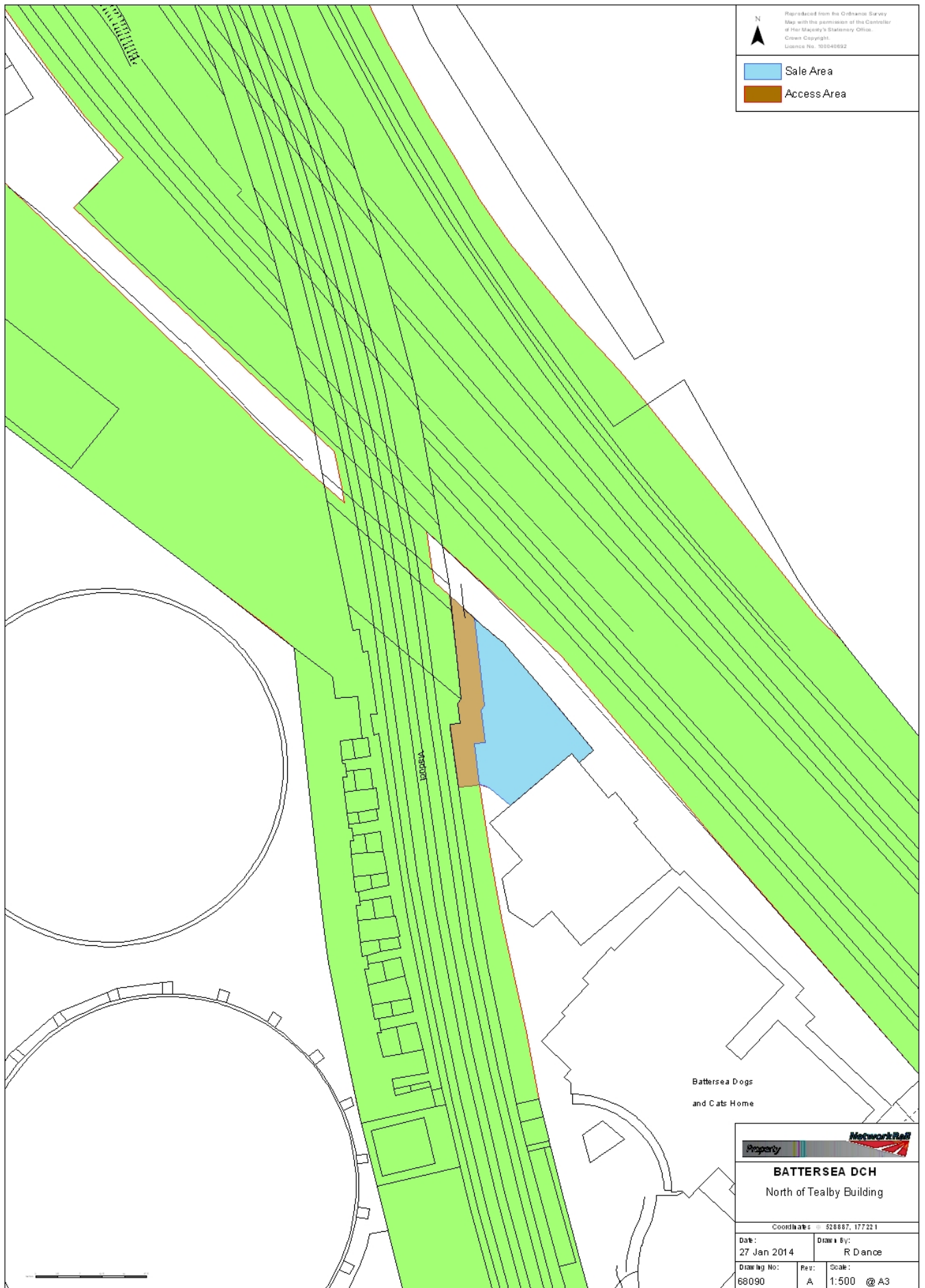
## 7. Local Authorities

Names & Email Addresses:	Wandsworth Council
Local Transport Authorities:	TfL
Other Relevant Local Authorities:	N/A

## 8. Internal Approval

Surveyor Name:		
Approved by Property Development Manager	Name:	Date Approved by PDM: 10 <sup>th</sup> March 2014





PROPOSED LAND DISPOSAL CONSULTATION REPORT  
relating to

**APPLICATION BY NETWORK RAIL INFRASTRUCTURE LIMITED FOR REGULATORY  
CONSENT UNDER THE LAND DISPOSAL CONDITION OF ITS NETWORK LICENCE**

This report is provided as a supplement to our forms for the proposed disposal of land at

Property: **Part of the property occupied by Battersea Dogs and Cats Home (BDCH) and leased from Network Rail, with accesses off Battersea Park Road and Sopwith Way, London SW8 4AA, known as land north of the Tealby building**

We have consulted in relation to this evaluation, and summarise the results of this as follows:

Summary of position regarding responses: Twenty eight rail stake-holders were consulted, as listed below. Six failed to respond. No objections to the proposed transactions have been received.

The full list of external consultees is set out below:

No.	External party (name)	Whether response received (y/n)	Date of response	Details of response (e.g. "no comment"), with reference to any accompanying copy representation in annexes to this report	Comments (e.g. as regards endeavours to obtain response where none given)
1	Department for Transport	Y	28/1/14	No comment	
2	Arriva Trains Cross Country	Y	19/2/14	No objection	
3	c2c Rail Limited	Y	27/1/14	No objections	
4	Chiltern Railway Company Limited	Y	28/1/14	No comment	
5	Eurostar International Limited	Y	27/1/14	No issues	
6	Grand Central Railway Company Limited	N		No response received	2 email reminders
7	London & South Eastern Railway Limited (Southeastern)	N		<i>Note: NR provided response of 'no comment' on 20/03/2014</i>	2 email reminders
8	Merseyrail Electrics 2002 Limited	Y	7/2/14	No comment	
9	New Southern Railway Limited (Southern)	Y	19/2/14	No comment	
10	Northern Rail Limited	N			2 email reminders
11	South West Trains Limited (including Island Line)	N			2 email reminders
12	COLAS Freight	Y	20/2/14	No comment	
13	Direct Rail Services Limited	Y	28/2/14	No objection	
14	DB Schenker (Formerly EWS)	N		<i>Note: NR provided response of 'no objection' on 20/03/2014</i>	2 email reminders
15	Captrain UK (formerly Freight Europe)	Y	28/1/14	No comment	
16	Freight Transport	Y	7/2/14	No comment	



No.	External party (name)	Whether response received (y/n)	Date of response	Details of response (e.g. "no comment"), with reference to any accompanying copy representation in annexes to this report	Comments (e.g. as regards endeavours to obtain response where none given)
	<b>Association</b>				
17	<b>Freightliner Limited</b>	Y	27/1/14	No comment	
18	<b>GB Railfreight Limited</b>	Y	27/1/14	No objection	
19	<b>Rail Freight Group</b>	Y	28/1/14	OK	
20	<b>West Coast Railway Company</b>	Y	7/2/14	No comment	
21	<b>W. H. Malcolm</b>	Y	28/1/14	No objection	
22	<b>Association of Community Rail Partnerships</b>	Y	27/1/14	No objection	
23	<b>British Transport Police</b>	N		<i>Note: NR provided response of 'no issues' on 03/04/2014</i>	2 email reminders
24	<b>Crossrail</b>	Y	7/2/14	No comment	
25	<b>London Travelwatch</b>	Y	20/2/14	No objection	
26	<b>Transport for London</b>	Y	19/2/14	No comment	
27	<b>First Great Western Limited</b>	Y	27/1/14	No comment	
28	<b>London Borough of Wandsworth</b>	Y	3/2/14	No comment	

Copies of responses are given in the annexes to this report, as indicated above.

A copy of the consultation request (before customisation for any individuals) is given in Annex 2.

## **Annex 1 - Consultation Responses**

### **1. Department for Transport**

**From:** @dft.gsi.gov.uk]

**Sent:** 28 January 2014 10:06

**To:**

**Subject:** Land at Battersea Dogs and Cats Home, Battersea Park Road - Land North of Tealby Building, London SW8 4AA

Hello

Please accept this email as confirmation that DfT has no comment nor objection to this proposal.

Thanks and regards

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### **2. Arriva Trains Cross Country**

**From:** @crosscountrytrains.co.uk]

**Sent:** 19 February 2014 12:06

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Apologies , I thought I had responded to this. Please accept this email as confirmation that XC Trains has no objection to the proposal.

Regards

CrossCountry

Address: 5th Floor, Cannon House, 18 The Priory Queensway, Birmingham, B4 6BS

Buy train tickets online at [crosscountrytrains.co.uk](http://crosscountrytrains.co.uk) | Get our Train Tickets app for free from your app store or via our website

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### **3. c2cRail**

**From:** @nationalexpress.com]

**Sent:** 27 January 2014 17:17

**To:**

**Cc:**

**Subject:** Re: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

On behalf of National Express Group, I confirm that we have no objections to the proposed disposal

Rgds

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### **4. Chiltern Railway Co.**

From: EXTL:

Sent: 28 January 2014 13:23

To:

Subject: RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Hi

Chiltern Railways returns a response of "no comment" to the proposed disposal.

Regards

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### **5. Eurostar International**

**From:** @eurostar.com]

**Sent:** 27 January 2014 16:30

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

No issue for EIL,

Kind regards,

**Eurostar International Limited**

Times House | Bravingtons Walk | London N1 9AW

T +44 (0)

M +44 (0)

**eurostar.com**

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**6. Grand Central Railway**

No response received.

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**7. London & South Eastern Railway**

No response received

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**8. Merseyrail Electrics**

**From:** @merseyrail.org]

**Sent:** 06 February 2014 16:44

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Hi

Merseyrail have no comments.

Regards

Merseyrail

Tel

Mob

Email @merseyrail.org

Web www.merseyrail.org

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**9. New Southern Railway**

**From:** @southernrailway.com]

**Sent:** 19 February 2014 10:18

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

[We have no comments to make in respect of the above.](#)

[Regards.](#)

[Go-Ahead House | 26-28 Addiscombe Road | Croydon | Surrey | CR9 5GA](#)

[e: @southernrailway.com | t: external | internal | m:](#)

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**10. Northern Rail**

No comment received

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**11. South West Trains**

No comment received

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**12. COLAS Freight**

**From:** @colasrail.co.uk]

**Sent:** 20 February 2014 10:22

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

[No comment](#)

[Regards](#)



• Dacre House - Floor 2, 19 Dacre Street, London, SW1H 0DJ

• M • [@colasrail.co.uk](#) • [www.colasrail.co.uk](#)

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**13. Direct Rail Services**

**From:** @drsl.co.uk]

**Sent:** 28 February 2014 12:14

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

[Direct Rail Services have no objections to the proposed land disposal re land north of Tealby building, Battersea, London.](#)

[Regards](#)

Tel:  
Mobile:  
E-mail: [@drsl.co.uk](mailto:@drsl.co.uk)  
Direct Rail Services Limited  
Kingmoor TMD  
Etterby Road  
Carlisle  
CA3 9NZ

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**14. DB Schenker**

No comment received

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**15. Captrain UK**

**From:** [@captrain.co.uk](mailto:@captrain.co.uk)

**Sent:** 28 January 2014 08:26

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

I can confirm we have no comments.

Regards.

Captrain UK Ltd  
2nd Floor, Asra House  
1 Long Lane  
LONDON SE1 4PG

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**16. Freight Transport Association**

**From:** [@fta.co.uk](mailto:@fta.co.uk)

**Sent:** 07 February 2014 13:06

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Apologies we have no comment.

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**Freight Transport Association**

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**17. Freightliner**

**From:** [@Freightliner.co.uk](mailto:@Freightliner.co.uk)

**Sent:** 27 January 2014 16:12

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Dear

Freightliner has no comment to make on this proposal

Regards

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**18. GB Railfreight**

**From:** [@gbrailfreight.com](mailto:@gbrailfreight.com)

**Sent:** 27 January 2014 17:29

**To:**

**Cc:**

**Subject:** BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

I can confirm that GB Railfreight Ltd has no objection to the proposed disposal of land north of the Tealby Building at Battersea Dogs & Cats Home as detailed in your email and attachments of today.

Regards

GBRf

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## 19. Rail Freight Group

**From:** @rfg.org.uk]

**Sent:** 28 January 2014 11:01

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

[Ok with RFG](#)

[Rail Freight Group](#)

[7 Bury Place](#)

[London](#)

[WC1A 2LA](#)

[Tel](#)

[Mobile](#)

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## 20 West Coast Railway Co.

**From:** @aol.com]

**Sent:** 06 February 2014 16:30

**To:**

**Subject:** Re: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and C...  
No comments

T

M

E [@aol.com](#)

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## 21. W. H. Malcolm

**From:** @whm.co.uk]

**Sent:** 28 January 2014 15:26

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

[WH Malcolm has no objections to the proposal.](#)

**MALCOLM**

LOGISTICS

Email: [@whm.co.uk](#)

Tel:

Mobile:

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## 22. Association of Community Rail Partnerships

**From:** @btconnect.com]

**Sent:** 27 January 2014 17:44

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

[ACoRP have no objection to this disposal.](#)

[Regards](#)

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## 23. British Transport Police

No comment received

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## 24. Crossrail

**From:** @crossrail.co.uk]

**Sent:** 06 February 2014 16:52

**To:**

**Subject:** Re: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

No comment from a Crossrail perspective

## 25. London Travelwatch

**From:** @londontravelwatch.org.uk]

**Sent:** 20 February 2014 10:45

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Dear

**Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home**

Thank you for your consultation regarding the aforementioned proposed land disposal.

London TravelWatch has no objection to this proposal, provided the proposals do not affect Transport for London future plans for the Northern Line extension.

Kind regards

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## 26. Transport for London

**From:** @tfl.gov.uk]

**Sent:** 18 February 2014 21:19

**To:**

**Cc:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

TfL makes no comment on this proposed property disposal.

Regards,

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## 27. First Great Western

**From:** @firstgroup.com]

**Sent:** 27 January 2014 16:20

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

Good afternoon

We have no comment thank you.

First Great Western

3rd Floor | Milford House | 1 Milford St | Swindon SN1 1HL

e: @firstgroup.com | m:

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## 28. Wandsworth Council

**From:** @wandsworth.gov.uk]

**Sent:** 03 February 2014 10:00

**To:**

**Subject:** RE: BDCH Consultation on proposed land disposal: Land at Battersea Dogs and Cats Home - Land North of Tealby building, Battersea Park Road, London SW8 4AA

I can confirm that the Council does not wish to comment on the proposed disposal of land.

Kind regards,

Environment and Community Services Department

London Borough of Wandsworth

e-mail: [@wandsworth.gov.uk](mailto:@wandsworth.gov.uk)

Visit us at [www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)



## Annex 2 – Network Rail's Consultation Request

Dear Consultee,

Property: Land at Battersea Dogs and Cats Home, Battersea Park Road – Land North of Tealby Building, London SW8 4AA

We seek to consult you as regards your views, please, on our proposed disposal by way of a freehold transaction and grant of access rights to Battersea Dogs and Cats Home at the above property. You may recall that you received a similar consultation request in September 2013. The attached consultation relates to land adjoining that which was the subject of the previous consultation.

We attach a draft application form to the Office of Rail Regulation which, with its related plan (Plan No 68090), explains the proposal in detail. Subject to the outcome of our consultation, we may make a formal application to ORR for consent to make the disposal under the terms of our network licence land disposal condition. We would expect to make an application based on this form, updated in the light of consultation responses.

Alternatively, if in the light of the consultation responses, the proposed disposal would qualify to be made under ORR's general consent, we may complete it accordingly.

ORR reviewed our land disposal arrangements so that from 1 April 2008, ORR will no longer launch any separate consultations when we apply for consent to dispose of land. The arrangements are that we will consult and report the results to ORR in conjunction with our application. It is therefore important that we have your views, so that these may be considered in ORR's decision.

We request your comments, please, by **Monday 24<sup>th</sup> February 2014** (including any "no comment" response). It would be helpful if your response is provided by email.

If you have any queries as regards this proposal, please direct them to me, xxxx, (see contact details below). If future consultations of this nature should be directed differently to your organisation, please advise us of the appropriate contact details, so we may amend our records.

Yours faithfully,

Property Services (South East)  
1 Eversholt Street, London NW1 2DN

T

M

E [\\_@networkrail.co.uk](mailto:property@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)