

27 March 2014

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

Network licence condition 7 (land disposal): Haywards Heath station, West Sussex

Decision

1. On 3 February 2014, Network Rail gave notice of its intention to dispose of an area of land on the east side of Haywards Heath station, West Sussex (the land) in accordance with paragraph 7.2 of condition 7 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 land in accordance with the particulars in your 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 railway operations at Haywards Heath station, as station car parking during construction would be provided at alternate stations;
 - the disposal will provide an enhanced station environment including increased station car parking capacity, a food store, retail and restaurant units;
 - air rights have been protected so nothing can be built upon the Waitrose car park without Network Rail permission; and
 - Network Rail has yet to complete the station change procedure, but it must do so prior to disposing of the land. This procedure will deal with matters related to the lay out of the station and requires the station facility owner and the train operators using the station to be consulted on any proposed changes.
4. We note Network Rail's statement to the effect that the proposed disposal will not prevent the potential extension of Bluebell Railway's operations to the station. We also note that Network Rail believes that DB Schenker's operations around the Ardingly site would not be affected. Furthermore DB Schenker has access rights that are protected in its track access contract should an extension take place.

5. Based on the evidence we have received and taking into account all of the material facts and views relevant to our consideration under condition 7, we are satisfied that there are no issues for us to address.

6. We have had regard to our decision criteria in *Land disposal by Network Rail: the regulatory arrangements, December 2013*¹, 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*”.

7. We have therefore 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 written in a cursive style with a large, stylized 'P'.

Rob Plaskitt

¹ Available from www.rail-reg.gov.uk/server/show/nav.150

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 to the east side of Haywards Heath Station. The land currently forms part of the Station Lease area and is primarily used as an access road and Station car parking</p> <p>It is proposed that the land will developed for a new Waitrose food store plus ancillary retail and restaurant units. The Station car parking numbers will be significantly increased and improved and an enhanced Station environment will be created.</p> <p>It is possible that less land may be required to deliver the development and that the eventual area to be sold may be reduced.</p>
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	No. 54264
Clearance Certificates:	CR/16585
Project No.	QPD305
Ordnance survey co-ordinates	(E/N) 533084, 124554
Photographs (as required)	Aerial photograph showing the current site
2. Proposal	
Type of disposal (ie: lease/freehold sale)	Long leasehold disposal of the land shown in blue on the attached plan No. 54264
Proposed party taking disposal	A 250 year long lease will be granted to Solum Regeneration (Network Rail's Joint Venture partner). Solum or a third party developer will subsequently grant sub-leases replicating the terms of the head lease to investors of the individual elements of the scheme. Alternatively It is possible that an agreement will be signed directly with Waitrose or an investor wishing to purchase the long leasehold.
Proposed use/scheme	<p>Commercially led development which will broadly comprise :</p> <ul style="list-style-type: none"> • New Waitrose food store with ancillary, retail and restaurant units • New decked Station car parking • New disabled compliant pedestrian street • Improved Station building, forecourt drop off areas and public spaces

Access arrangements to/from the disposal land	Network Rail will retain ownership of all the land required for operational requirements.
Replacement rail facilities (if appropriate)	<p>The Station entrance will be kept open for continuation of pedestrian access for most or all of the duration of the development.</p> <p>Should it become necessary to close this part of the Station entrance then the details will be agreed with the Train Operating Company and Department for Transport as part of the Station Change and Minor Modification processes.</p>
Anticipated Rail benefits	<ul style="list-style-type: none"> • Much improved Station environment • Catalyst for larger multi-storey car park of at least 820 spaces. The intention is for Network Rail to provide additional funding to increase the capacity to closer to 1,100 spaces. • Funding for new link bridge from car park to platforms to reduce passenger journey times • Replacement 300 cycle spaces and replacement Cycle Hub. • Capital receipt for Network Rail by way of residual land value plus 50% of the profit that the Joint Venture releases
Anticipated Non-rail benefits	Regeneration of a major town centre site which currently acts as a poor gateway to Haywards Heath.
3. Timescales	
Comments on timescales	<p>Intention to:</p> <ul style="list-style-type: none"> • Full planning permission for the scheme received February 2013 • Car park start on-site March 2014 • Waitrose element start on-site Summer 2014
4. Railway Related Issues	
History of railway related use	<p>The Station has been in use since the 19th Century. The main Station building was relocated in 1918 to its present location.</p> <p>In recent times the area has primarily been used for Station car parking. There are currently 670 spaces within railway ownership which are all within the Station Lease area and managed by NCP on behalf of the franchisee, Southern. This will be increased to at least 820 spaces with the intention to deliver closer to 1,100 spaces to meet high passenger demand. Network Rail is funding the larger car park, Solum delivering it, and Southern (and any future TOC) will continue to manage it as part of the Station Lease area. This will be documented via Station Change.</p> <p>The Sussex Route Utilisation Strategy 2010 clearly shows the intent to bring forward a commercial development scheme to generate Station Enhancements, see Fig 4.5 and Appendix B.</p>
When last used for railway related purposes	The land is currently used for an access road and Station car parking. There is track access for maintenance purposes to the rear of the site adjacent to an operational battery room which will be maintained.

Any railway proposals affecting the site since that last relative use	<p>Passive provision has been made to set aside an area which could be built into a platform should the Bluebell railway be extend to Haywards Heath in the future, see attached plan.</p> <p>Southern have already delivered many Station improvements at platform level and in relation to enhanced cycle facilities and provision. They have also undertaken major refurbishment of the interior of the ticket hall and subways. Therefore the main focus of the proposed improvements from the Solum led development relates to the wider Station environment.</p>
Impact on current railway related proposals	There are no foreseen impacts on current railway proposals.
Potential for future railway related use	Bluebell Railway has an aspiration to extend into Haywards Heath in the future. After extensive consultation Bluebell has accepted that enough land is being safeguarded to protect this aspiration.
Any closure or station change or network change related issues	The alteration of the station lease as a result of the redevelopment of the station facility will be the subject of a separate Station Change and Minor Modifications application to follow
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	The disposal does not negatively impact on railway access needs. Access for maintenance purposes to the track and battery room to the rear of the site will be retained via a new improved access road.
Position as regards safety/operational issues on severance of land from railway	The disposal will be subject to ensuring all safety and operational issues are protected, such as provision of suitable fencing.

5. Planning History and Land Contamination

Planning permissions/Local Plan allocation (if applicable)	Full planning permission for the scheme received February 2013
Contamination/ Environmental Issues (if applicable)	Any contamination will be addressed as part of the development planning process.

6. Consultations

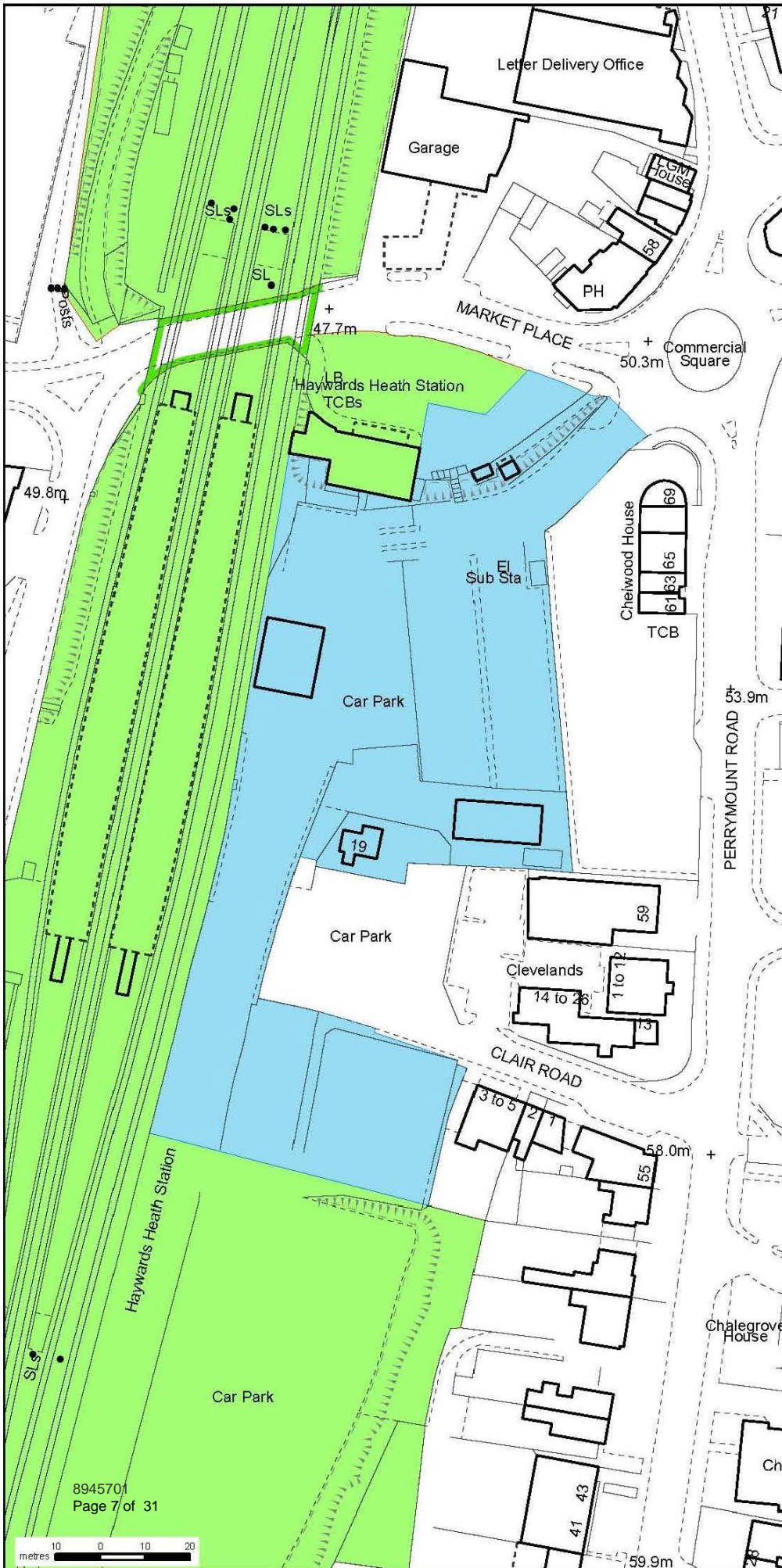
Railway (internal – Network Rail)	Network Rail's internal clearance for disposal is granted.
Summary of position as regards external consultations	Complete
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	There were no objections.

7. Local Authorities

Names & E-Mail Addresses:	Strategic Planning West Sussex County Council @westsussex.gov.uk
Local Transport Authorities:	West Sussex County Council
Other Relevant Local Authorities:	N/A

8. Internal Approval

Surveyor Name:	
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- Disposal site
- Network Rail retained land

HAYWARDS HEATH

Coordinates #	533084, 124554
Scale @ A4	1:1250
Sheet No.	1 of 1
Date	23 May 2012
Prepared By	adaybark
Plan No.	54264

Mapping & Surveying Services

Property
5th Floor
1 Evershot Street
LONDON NW1 2DN
DX 141520 Euston 7
mapping&surveying@networkrail.co.uk



Scheme: Public Realm Improvements – Station Forecourt Existing



Scheme: Public Realm Improvements – Station Forecourt



Scheme: Existing Aerial from North West



Scheme: Proposed Aerial from North West



PROPOSED PROPERTY 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 by Network Rail to the Office of Rail Regulation as a supplement to our application for consent to disposal of land at:

Property: Haywards Heath

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

Summary of position regarding responses:

- 27 consultees, all of whom have responded without objection. Responses from two consultees (Grand Central and DP World) are more than 12 months old as they have not responded to the more recent refreshers consultations. Neither are considered to have a particular interest in Haywards Heath.
- **Southern** - initial response from Southern (as the SFO) was that it could not support the disposal due to concerns around delivery of associated Station improvements. This has been addressed and Southern now support the disposal – see Appendix C
- **Bluebell Railway plc** are not an official consultee but have been engaged with in some depth due to their aspirations to extend into Haywards Heath in the future. Bluebell originally objected and would still prefer that the land is not sold but have accepted that Network Rail has safeguarded enough land to protect their future interest – see Appendix D.

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	19/12/13	No comment	
2	Arriva Trains Cross Country	Y	10/12/13	No objection	
3	Chiltern Railway Company Limited	Y	13/01/14	No comment	
4	Eurostar international Limited	Y	10/12/13	No objection	
5	First Great Western Limited	Y	11/12/13	No objection	

6	Grand Central Railway Company Limited	Y	26/06/12	No objection	
7	Alliance Rail	Y	22/01/14	No comment	
8	Merseyrail Electrics 2002	Y	10/12/13	No comment	
9	Northern Rail Limited	Y	10/12/13	No objection	
10	COLAS Freight	Y	10/01/14	No comment	
11	Direct Rail Services Limited	Y	06/01/14	No objection	
12	DB Schenker	Y	24/01/14	No objection	DBS flags up concerns around need to balance future DBS and Bluebell requirements
13	Freight Transport Association	Y	13/01/14	No comment	
14	Freightliner Limited	Y	10/01/14	No comment	
15	GB Railfreight Limited	Y	24/01/14	No objection	
16	Rail Freight Group	Y	10/12/13	No objection	
17	West Coast Railway Company	Y	10/01/14	No comment	
18	Association of Community Rail Partnerships	Y	08/01/14	No objection	
19	British Transport Police	Y	12/03/13	No objection	Check that new foodstore will be Sussex Police responsibility and that design should try and reduce / prevent crime
20	DP World	Y	18/06/12	No comment	Emailed June 13 Emailed Dec 13 No responses
21	London & South Eastern Railway Ltd (Southeastern)	Y	10/01/14	No comment	
22	New Southern Railway Limited (Southern)	Y	22/11/13	Support	

23	c2c Rail Ltd	Y	11/12/13	No objection	
24	Passenger Focus	Y	12/12/13	No objection	
25	West Sussex County Council	Y	20/03/13	No objection	
26	Captrain	Y	24/01/14	No comment	
27	First Capital Connect	Y	12/03/13	No objection	

We give copies of responses in the annexes to this report, as indicated above.

APPENDIX A – NETWORK RAIL CONSULTATION REQUESTS

Initial Consultation – 16 June 2012

Dear Consultee,

Property:

We seek to consult you as regards your views, on our proposed disposal by way of Long Leasehold. We attach a draft application form to the Office of Rail Regulation which, with its related plan(s), 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 (including any "no comment" response) please, by **27 July 2012**.

It would be helpful if your response is provided by email.

If you have any queries as regards this proposal, please direct them to:

@networkrail.co.uk

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.

Updated Consultation – 4 March 2013

Hello All

We consulted on the above in June last year and since then the scheme has been granted planning permission. Our intention is to submit the application to the Office of Rail Regulation at the end of this month. As more than 6 months have passed since the original consultation I am re-circulating to give you the chance to comment in case anything has changed in respect of your organisation's view.

The date for any additional responses is 25 March 2013.

Southern Railway

– you registered the only objection due to concerns around the detail of the scheme which we have since worked through with your colleagues. I understand the project goes before the Southern Executive Board this week. Assuming they give approval please could I ask you to withdraw the objection?

Consultees who have not responded:

We have not received any comment from a number of freight stakeholders despite reminders and would be grateful for a response:

- COLAS Freight
- DB Schenker
- Freight Europe
- Freight Transport Association

Please contact me if you have any queries or requests.

Kind regards

Refresher Consultation – 10 December 2013 (due to time passing since original consultation)

Dear Consultee

This is a refresher opportunity for final comments on the above proposal due time elapsing to work through queries from two consultees. There are now no objections to the disposal based on previous comments but these need updating as ORR will not accept responses that are more than 12 months old.

- Initial consultation June 2012
- Check consultation March 2013
- Final consultation Dec 2013

I would appreciate a response from all, even if you have previously responded, by **10 January 2014**

The only changes are covered in the attached document, namely Network Rail is now funding a large multi-storey car park to replace and increase parking numbers and that the property disposal will help fund a new pedestrian link bridge from the car park to the platforms.

Kind regards

APPENDIX B – CONSULTEE RESPONSES
(Numbering in accordance with Consultation Report)

1. Department for Transport

From: @dft.gsi.gov.uk]
Sent: 19 December 2013 09:29
To: (Surveyor)
Subject: Haywards Heath, Sussex - LC7 "refresher" consultation

Hello

Please accept this confirmation that DfT has no comment or objection to the proposal for land disposal at Haywards Heath,

Thanks and regards

2. Arriva Trains Cross Country

From: @crosscountrytrains.co.uk]
Sent: 10 December 2013 12:21
To: (Surveyor)
Subject: FW: Haywards Heath, Sussex - LC7 "refresher" consultation

XC Trains has no objection to this proposal.

Regards

|

3. Chiltern Railway Company Ltd

From:
Sent: 13 January 2014 13:45
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Hi

Thanks for the information.
There are no comments from Chiltern.

Best,

4. Eurostar Ltd

From: @eurostar.com]
Sent: 10 December 2013 15:46
To: (Surveyor); @chilternrailways.co.uk
Cc:
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Hi there, no issue here for EIL.

Kind regards,

5. First Great Western Ltd

From: @firstgroup.com]
Sent: 11 December 2013 08:30
To: (Surveyor)
Subject: Re: Haywards Heath, Sussex - LC7 "refresher" consultation

Still no objection thank you

6. Grand Central Railway Company Ltd

From: @grandcentralrail.com]
Sent: 26 June 2012 12:22
To:
Subject: RE: Haywards Heath, Sussex - LC7 land disposal consultation

Thank you for your email. Grand Central has no comment on this specific land disposal.

Regards
Grand Central Railway Company Ltd

7. Alliance Rail

From: @alliancerail.co.uk]
Sent: 22 January 2014 15:37
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

I can confirm that Alliance has no comments regarding the updated consultation.

Kind Regards

Alliance Rail Holdings

8. Merseyrail Electrics 2002

From: @merseyrail.org]
Sent: 10 December 2013 11:46
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Hi
Merseyrail have no comments on the above proposal.

Regards

9. Northern Rail Ltd

From: @northernrail.org]
Sent: 10 December 2013 11:40
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Dear Sir

With reference to your email dated 10th December 2013. Northern Rail Ltd have no objections to the proposals contained in your email.

Yours faithfully

10. Colas Freight

From: @colasrail.co.uk]
Sent: 10 January 2014 11:05
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

No Comment

11. Direct Rail Services Ltd

From: @drsl.co.uk]
Sent: 06 January 2014 14:39
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Direct Rail Services have no objections to the proposed land disposal at Haywards Heath, Sussex.

Regards

12. DB Schenker

From: EXTL:
Sent: 24 January 2014 11:49
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 land disposal consultation

I think that our position is still the same, i.e. the fact that this facilitates the Bluebell extension in future is fine provided our interests and those of our customer who uses the Ardingly site are safeguarded as far as the availability of space in the future Haywards Heath layout for run-round manoeuvres is concerned.

Yours,

From: @networkrail.co.uk]
Sent: 24 January 2014 11:37
To:
Subject: FW: Haywards Heath, Sussex - LC7 land disposal consultation

Morning

As discussed Wed evening please could you confirm the DBS position remains the same as per your last comment March 2013, see below?

Thanks

From: @dbschenker.com]
Sent: 25 March 2013 12:14
To:
Subject: RE: Haywards Heath, Sussex - LC7 land disposal consultation - refresher from June 2012

I can confirm that in general, DB Schenker has no objection to the proposed land disposal as described, but one issue has been highlighted by the setting aside of a portion of land adjacent to the site for a future platform for a possible Bluebell Line extension. This is due to the fact that the platform would then lie adjacent to the loop which is used by freight trains to run round when travelling between the Ardingly terminal and Acton Yard or other sources of quarried construction materials. Although DB Schenker has absolutely no objection to the Bluebell Railway's activities and future plans, it is concerned as to whether Network Rail have set aside sufficient land for their potential future use if their operations are not to interfere with the established freight use by DB Schenker.

Obviously, were the Bluebell Railway ever to reconnect to the existing NR Network at Ardingly, many other issues would arise, e.g. a revised layout at Ardingly and property-related matters, access rights and future ownership of the Ardingly - Copyhold Jn line, etc, etc, which do not fall within the remit of this consultation. In the case of the land disposal being considered here, DB Schenker is simply concerned to receive assurances that in the case of potential competing future claims on the current track layout at Haywards Heath, Network Rail has reserved sufficient land to satisfy the needs of the Bluebell Railway's passenger operation without prejudice to those of DB Schenker, the current freight user.

Yours,

13. Freight Transport Association

From: @fta.co.uk]
Sent: 13 January 2014 15:51
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Apologies, FTA has no comment.

Rail Freight Policy

14. Freightliner Ltd

From: @Freightliner.co.uk]
Sent: 10 January 2014 11:23
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Freightliner has no comment to make on this

Regards

15. GB Railfreight Ltd

From: @gbrailfreight.com]

Sent: 24 January 2014 16:54

To: (Surveyor)

Cc:

Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

I can confirm that GB Railfreight Ltd has no objection to the proposed land disposal at Haywards Heath as detailed in your email and attachments of 10/12/13 provided that passive provision for a future Bluebell Railway platform is made within the scheme.

Regards

GBRf

16. Rail Freight Group

From: @rfg.org.uk]

Sent: 10 December 2013 14:38

To: Clarke David (Surveyor)

Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Ok with RFG,

Thanks

17. West Coast Railway Company

From: @aol.com]

Sent: 10 January 2014 20:06

To: (Surveyor)

Subject: Re: FW: Haywards Heath, Sussex - LC7 "refresher" consultation

no comments

WCR

18. Association of Community Rail Partnerships

From: @btconnect.com]

Sent: 08 January 2014 16:43

To: (Surveyor)

Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

ACoRP have no objection to this disposal

Regards

19. British Transport Police

From: @networkrail.co.uk
Sent: 12 March 2013 15:54
To:
Cc: @btp.pnn.police.uk
Subject: RE: Haywards Heath - LC7 update consultation - re-sending with attachments

The Waitrose element (most of the area coloured blue) would transfer out of rail ownership and therefore I assume it would transfer to Sussex responsibility. The new multi-storey car park and Station forecourt and drop off areas would remain within rail ownership and therefore BTP responsibility.

Kind regards

From: @btp.pnn.police.uk]
Sent: 12 March 2013 15:20
To:
Subject: FW: Haywards Heath - LC7 update consultation - re-sending with attachments
Importance: High

Good afternoon,

please note a query raised in regards to the Land Disposal. Is it possible for you to respond to me by tomorrow in order for BTP to respond to you accordingly.

Thank you
Strategic Development Department
British Transport Police

From:
Sent: 08 March 2013 17:16
To:
Subject: FW: Haywards Heath - LC7 update consultation - re-sending with attachments
Importance: High

I have one point that I need clarifying:

- Can I get confirmation that once the land highlighted blue is sold does it cease to be policed by BTP? The presence of a major supermarket on BTP policed land with the attendant calls to shop-lifters etc would be a major draw on the very limited resources at BTP Brighton and it would not be possible to respond to such calls. Can you please confirm that once sold the land, supermarket and its attendant car park become the responsibility of Sussex Police and obviously the new station car park would remain under the BTP jurisdiction?

Regards

From: @btp.pnn.police.uk]
Sent: 12 July 2012 10:03
Subject: FW: Haywards Heath, Sussex - LC7 land disposal consultation
Importance: High

Good morning,
As per our conversation regarding the point made below by Insp xxxx, can you please liaise with Insp xxxx in relation to BTPs Crime Reduction Officers involvement in discussions around security and or crime reduction.
xxxx can you please update our database noting that BTP has no comment but will be liaising with NWR in regards to security and or crime reduction.

Thank you
Strategic Development Department

20. DP World – London Gateway

From: @dpworld.com]
Sent: 18 June 2012 09:24
To:
Subject: RE: Haywards Heath, Sussex - LC7 land disposal consultation

No comment.

DP World - London Gateway

Tel:
Mobile:
email address - r@dpworld.com

21. London & Southeastern Railway Ltd (Southeastern)

From: @southeasternrailway.co.uk]
Sent: 10 January 2014 16:43
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

No comment from Southeastern

Regards

22. New Southern Railway Ltd (Southern) – See also Appendix C

From: @southernrailway.com]
Sent: 22 November 2013 11:20
To: (Surveyor)
Cc:
Subject: RE: Haywards Heath - LC7 submission

Morning

Reference is made to NRs letter dated 11 November (attached for your easy reference) and we can now confirm our support of the above proposal.

Regards.

23. c2c Rail Ltd

From: @nationalexpress.com]
Sent: 11 December 2013 10:30
To: (Surveyor)
Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Dear

I confirm c2c Rail Ltd has no objections to this proposal.

Regards,

24. Passenger Focus

From: @passengerfocus.org.uk]

Sent: 12 December 2013 09:35

To: (Surveyor)

Subject: Re Haywards Heath, Sussex - LC7 "refresher" consultation 1012a14

Thank you for the opportunity to make further comments regarding the proposed disposal at Haywards Heath. They note that:

the proposed disposal area is the same as initially proposed;
construction of the car park is now due to begin in March 2014;
the car park will have 1,100 spaces, 280 more than the first plan;
there is funding for a link bridge from the car park to the station, which will reduce the time to walk between them.

Passengers will approve the additional spaces and the new link; Passenger Focus has no objection to the proposed disposal.

Regards,

25. West Sussex County Council

From: @westsussex.gov.uk]

Sent: 20 March 2013 16:29

To:

Subject: RE: FW: Haywards Heath - re-sending attachments

Hello , in light of the WSCC Highway position and comments made on the recently permitted Solum planning application for the station area and those made initially on this land disposal last July, there would be no foreseen detriment to the users of the public highway were the area of land indicated to be disposed of. As such, there would be no objection.

Best regards

26. Captrain

From: @captrain.co.uk]

Sent: 24 January 2014 14:59

To: (Surveyor)

Subject: RE: Haywards Heath, Sussex - LC7 "refresher" consultation

Apologies for the delay in responding.

We have no comments.

Regards.

27. First Capital Connect

From: @firstgroup.com]

Sent: 12 March 2013 14:19

To:

Subject: Re: Haywards Heath - LC7 update consultation - re-sending with attachments

I can confirm that FCC has no objection to this proposal

Regards

APPENDIX C – DETAIL OF CONSULTATION WITH SOUTHERN RAILWAY

From: @southernrailway.com]
Sent: 27 June 2012 15:29
To:
Subject: RE: Haywards Heath, Sussex - LC7 land disposal consultation

With reference to the above, we note there is no scope for replacement of the large bank of trees that were at the front of the station. Whilst these have been removed following incidents, we had hoped there would be some planting to replace the loss of biodiversity potential. We would like to suggest that some green areas are built into Waitrose's plans. There are a number of possibilities including options such as 'green roof' areas, 'living walls' etc, which would go some way to enabling some kind of offset for this loss.

This Proposal has been discussed at the Station Transformation Steering Group and the consensus was to go back to Network Rail and see if the Country End Subway could be extended to give access from the Car Park with an additional ATG enclosure. We are therefore unable to agree to this Proposal until our concerns have been addressed in this respect.

Regards.

From: @southernrailway.com]
Sent: 28 June 2012 09:48
To:
Cc:
Subject: RE: Haywards Heath, Sussex - LC7 land disposal consultation

Reference is made to the e-mail you sent to me and to our discussion yesterday in respect of the above. Please note we will only support the land sale on the condition that an entrance to the station platforms is created from the car park.
Hoping this now clarifies the matter.
Regards.

From: @southernrailway.com]
Sent: 22 November 2013 11:20
To: (Surveyor)
Cc:
Subject: RE: Haywards Heath - LC7 submission

Morning

Reference is made to NR's letter dated 11 November (attached for your easy reference) and we can now confirm our support of the above proposal.
Regards.



Mr Alex Foulds
Southern Railway
Go-Ahead House
26-28 Addiscombe Road
Croydon
CR9 5GA

Network Rail
1 Eversholt Street
London
NW1 2DN

T 020 7904 7985

cc. Paul Trevitt & Pieter Wilke – Southern Railway

11 November 2013

Dear Alex

HAYWARDS HEATH – PROVISION OF FUNDS FOR STATION IMPROVEMENTS

This is to confirm that Network Rail will invest up to £4.0m in station improvements at Haywards Heath subject to the following:

- Scope of improvements to be agreed by the two parties, this will be done via the LDG which will have the authority to determine on what it will be spent
- Successful conclusion to the necessary consents to allow the Solum scheme to proceed (as this is essential to release the funding)
- Successful conclusion of the negotiations between ourselves on the proposed three story car park (again is essential to release funding)

Although the final amount will not be known until the various other agreements are concluded we can confirm the amount will not be less than £3.5m and we are working as of today on a figure of £4.0m.

Please can you confirm that this acceptable.

Kind regards,

Simon Chapman
Route Enhancement Manager, Sussex

David Clarke
Development Surveyor, Property

APPENDIX D – DETAIL OF CONSULTATION WITH BLUEBELL RAILWAY

The Bluebell Railway is a heritage operation running steam locomotives along an 11 mile stretch of track between East Grinstead and Sheffield Park. Bluebell has an aspiration to extend its operations into Haywards Heath in the future. Network Rail has engaged with Bluebell to work through its concerns and believes it has proved that the proposed land disposal at Haywards Heath does not prejudice Bluebell from realising its aspiration in the future.

Bluebell opened its East Grinstead extension Spring 2013. It is understood that no feasibility work has yet commenced on the Haywards Heath aspirations.

It should be noted that the technical advice is that the biggest challenges likely to face Bluebell will come from trying to operate on part of the London to Brighton mainline. Currently Bluebell only runs on branch lines.

Bluebell Concerns

Bluebell has said it is supportive of the principle of the development but has two major concerns:

1. Provision to be able to create a new platform for its passengers
2. The ability to create a “run-around” piece of track for locomotives which is Bluebell's preference for a terminus Station

Network Rail's Response

Solum were requested to supply evidence that its scheme would not prevent Bluebell's aspirations and produced two documents:

1. Architects drew up an indicative plan demonstrating the land retained included passive provision for a new platform and passenger access and egress
2. URS were commissioned to produce a feasibility study to assess whether Bluebell would still be able to introduce its operation to Haywards Heath

The URS study concluded that, whilst the Solum scheme would inhibit Bluebell's preferred methodology there remained a number of deliverable options available. This did not satisfy Bluebell.

Planning Process

Bluebell decided to submit an objection to the planning application submitted by Solum to the local authority. xxxx spoke on behalf of Bluebell at the planning committee January 2013. He confirmed that Bluebell supported the scheme in principle but wanted a condition inserted to protect its aspirations. This would have effectively stymied the scheme.

After some debate the committee agreed that Solum had produced enough evidence that Bluebell could be accommodated in the future and passed a resolution to grant permission without any condition relating to Bluebell. The full written permission was granted in February and the Judicial Review period finished in May which means Solum has secured an unchallengeable permission.

Post - Planning Engagement

Network Rail, Solum and Bluebell met in April to discuss how best to close out the Bluebell concerns. Bluebell asked that:

- URS were commissioned to produce a supplementary study to look at whether a “run-around” could be created on retained land adjacent to the tunnel at the Brighton end of the Station
- Network Rail to send a letter of comfort setting out in greater detail the legal interests and protections to enable Bluebell to construct a platform and operation in the future
- Network Rail to ideally grant some sort of legal option to Bluebell

URS were instructed to undertake the additional study which identified two options for Bluebell to be able to create its run-around facility.

Network Rail sent the letter of comfort June 2013 as requested. The letter confirms that Network Rail cannot meet Bluebell's request for a legal option in case this might prejudice future operational needs relating to the mainline railway in the area. See attached letter entitled "Proposed development at Haywards Heath" from 21 June 2013 and the subsequent email exchange:

From: @railestate.co.uk]
Sent: 28 June 2013 13:34
To: (Surveyor)
Subject: RE: Haywards Heath - Bluebell letter

Thanks for your response. As I have said previously, Bluebell Railway is most appreciative of all your help to date and I am sure that when the time comes, this level of continued cooperation will help establish whether and how the reinstated railway route from Horsted Keynes via Ardingly can be accommodated with appropriate facilities at Haywards Heath.

Regards,

From: @networkrail.co.uk]
Sent: 28 June 2013 11:54
To:
Cc:
Subject: RE: Haywards Heath - Bluebell letter

Hello

Thanks for the prompt responses, answers to your queries in italics below. A couple of overall points:

- I appreciate you are instructed to try to secure a position for Bluebell and try and off-load as many costs onto other parties ie. Network Rail / or Solum. We have already done more than enough to assist and reassure Bluebell and will not be providing or paying for any further studies or technical work
- There is little point trying to agree any items of detail until Bluebell starts it feasibility work in earnest, which I suspect will be some time away

Kind regards

From: [@railestate.co.uk]
Sent: 25 June 2013 13:11
To: (Surveyor)
Cc:
Subject: RE: Haywards Heath - Bluebell letter

Thanks for your email and attached letter dated 21st June.

Once Bluebell Railway have had the opportunity of commenting on your proposals I shall of course arrange for their response to be made to you in the form of a letter, as requested.

My clients are most grateful for the consideration you are giving to this matter.

Just a few initial observations for your further comment :

- 1) The URS report appears to provide potentially viable 'in principle' options for a run round facility in the area between the proposed Bluebell Railway platform and the tunnel to the south immediately adjacent to the site of the proposed multi storey car park and the existing Network Rail operational compound. We understand that the report, and recommendations therein, was produced without reference to a topographical survey or to an asset survey identifying items of critical, existing

infrastructure and has not identified any future requirements for the land required for the run round including track access from the existing Network Rail compound etc to the BML.

Correct – as discussed this is something Bluebell would need to do when it is ready to begin proper feasibility on its proposals.

- 2) Without survey work we cannot be certain that the areas shown by blue colour on Plan No. 5011 SK08 Rev F will be adequate for the provision of pedestrian access, especially the two areas marked with crosses for vertical circulation to include dwell areas, lifts and stairs.

Again, Bluebell would need to do this is part of its feasibility with input from the operational railway's passenger flow requirements..

- 3) The use of the taxi order office as part of the Bluebell reception and access requirement is appreciated. How will this be reserved for future Bluebell Railway use in any station lease?

We are not reserving the taxi office for Bluebell, simply showing that it could be used if required and with agreement from Network Rail and the incumbent TOC at the relevant time.

- 4) The provision of pedestrian/disabled access via a controlled gate immediately adjacent to the multi storey car park is appreciated.

This is not being offered and was not what we discussed. The area will remain fenced off as part of the redevelopment but should be capable of using for access assuming Bluebell placed its platforms as shown.

- 5) Safeguarded provision needs to be made for utilities and services across Network Rail's freehold land and possibly also over the proposed Waitrose car park. A water supply, electricity supply, drainage and telecommunications will be required.

Bluebell will be able to run the necessary utilities (subject to the relevant infrastructure providers having capacity / network etc.) for its operations over the Network Rail retained land. It would not have that ability over the land to be sold.

- 6) Can we assume that standard provisions will be included in the lease to Waitrose regarding the lighting arrangements for their car park and surrounding access routes and that such lighting should not interfere with signal sighting etc on the adjoining railway and retained land?

Yes – for the existing facilities.

- 7) Is it too late to modify Clause 3.11 of the proposed head lease to ensure that vehicles bringing workmen, materials and equipment can enter the demised premises and that working compounds can be established on the car park site. A gated access of adequate width will be required by Bluebell Railway whilst the platform and associated track work and facilities are constructed ...and thereafter for maintenance and emergency purposes. Can you suggest where this might be permitted? Access to the gate will be required at all times for emergency purposes (ie, evacuation of the platform or working site).

Sorry – too late and should not be necessary as the current clause is fairly wide.

- 8) Appropriate signage will be required at various locations within the development site and on and around Haywards Heath Station.

To be agreed with Network Rail as part of detailed scheme design.

- 9) How do you intend documenting Network Rail's 'in principle' willingness for Bluebell Railway to undertake the access, platform and track work and use and maintain such in the future, subject of course to the necessary approvals, deeds of grant etc? Would a legal option to enter into easements, lease or even purchase seem appropriate to you?

No – as I explained we cannot provide a formal document as we cannot prejudice the future needs of the operational railway.

I look forward to hearing from you and will pass on any other comments that I receive from our clients.

Best regards,

A final letter was sent September 2013 summarising the consultation and to invite a final comment from Bluebell before Network Rail submitted its LC7 land disposal application. See attached "Haywards Heath - Summary of Discussions and Actions" from 13 September 2013. No further comment was received.



Rail Estate Solutions

By Email: [@railestate.co.uk](mailto: @railestate.co.uk)

Network Rail
1 Eversholt Street
London
NW1 2DN

T 020

13 September 2013

Dear

HAYWARDS HEATH – SUMMARY OF DISCUSSIONS & ACTIONS

We have been in discussion with yourself, acting on behalf of Bluebell, since summer 2012 regarding the Network Rail proposals for redevelopment of the railway land adjacent to the Station. I set out a summary of these along with notification that we intend to proceed with the scheme and begin the first works on-site in November.

Background

The original proposals comprised a new 820 space multi-storey car park, 42,000 sq ft Waitrose food store with ancillary retail and Station environment improvements, all commercially funded and delivered by Solum Regeneration. The proposals have evolved so that the scheme now comprises :

- 1,100 space multi-storey car park, funded by Network Rail and delivered by Solum
- Waitrose and ancillary retail + Station improvements funded and delivered by Solum
- Pedestrian link bridge from the new car park to access the rear end of the platforms, funded by part of the commercial proceeds from Solum and delivered by Network Rail

The Solum scheme received full planning consent February 2013, with the local authority accepting Network Rail's notification of permitted development for the larger car park March 2013. The link bridge is at an early design stage and will be delivered using permitted development rights.

Solum has signed an Agreement to Lease with Waitrose and have recently selected a preferred investor to forward fund the commercial elements of the scheme following strong interest from the investment market.

The car park received full financial authority from Network Rail's Investment Panel July 2013. The link bridge has been given initial financial authority to work up designs to an Approval in Principle stage.

The improved scheme has no impact on the land take or required development footprint which has been the subject of our discussions.

Bluebell Aspirations

Bluebell wishes to safeguard the future ability to extend its activities into Haywards Heath and beyond. The two primary requirements are for a new platform with suitable access / egress and a 'run-around' loop to be able to change the direction of the locomotive. The new loop at East Grinstead is used as an example of the latter.

Bluebell's stance has been that it supports the principle of the Network Rail / Solum proposals but objects to use or disposal of part of the land which it feels could be required for its operations.

Engagement

An initial meeting was held between yourself, _____ (Network Rail) and _____ (Solum) in May 2012. Bluebell requested a change to the Solum scheme designs to remove a significant parcel of land running along the length of the track.

Solum rejected the request as it would have removed too much land and affect the commercial and practical viability of its scheme. It showed that land had been excluded to make possible construction of a new platform adjacent to the running lines.

In September 2012 Solum commissioned URS to carry out a study to assess if the land to be retained by Network Rail would allow for passive provision for a future Bluebell scheme. The study concluded that, whilst the Solum scheme probably removed the optimum option, there remained a number of feasible solutions available to Bluebell.

Bluebell objected to the Solum planning application in January 2013 and spoke at committee to ask for a condition in their favour to be inserted into any planning permission. The committee over-ruled the request and passed a resolution to grant with no such condition.

Myself and [redacted] re-engaged with you April 2013 to look at how to progress the dialogue and provide additional re-assurance to Bluebell. Solum agreed to pay for an additional study by URS to look at the possibility of creating the 'run-around' loop on retained land further towards the Brighton end tunnel. The report was forwarded to you in May and concluded there were two options available to deliver such a solution.

I then wrote to you in June to set out detail of the retained land to show how Bluebell could operate its passenger facing elements. The letter also explained the legal rights and protections embedded in the agreements relating to access over the proposed Waitrose car park for construction and maintenance of rail related assets.

Next Steps

Network Rail is very comfortable that the proposals for Haywards Heath do not prevent Bluebell from realising its future aspirations. We welcome any final comments from Bluebell by Friday 27 September after which we intend to :

- Submit a License Condition 7 application for the sale of the Waitrose related land to the Office of Rail Regulation
- Solum to enter into a construction contract before the end of October with the selected contractor for building out the new car park. NB: this is on our retained land and not subject to any external approvals

Kind regards,

Cc [redacted] - Bluebell Railway plc