Les Waters Manager, Licensing Telephone 020 7282 2106 E-mail <u>les.waters@orr.gsi.gov.uk</u>



13 October 2014

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

Network licence condition 7 (land disposal): Rosyth station, Fife

Decision

1. On 29 August 2014, Network Rail gave notice of its intention to dispose of land at Rosyth station, Fife (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 the land in accordance with the particulars set out in its notice.

Reasons for decision

3. ORR granted consent to Network Rail for this land disposal area in November 2004 but the transaction was not concluded. Since more than five years have passed since our consent was granted it was, in this case, appropriate for Network Rail to re-consult its stakeholders and submit a new notification to ensure that stakeholder views had not changed significantly.

4. We are satisfied that Network Rail has consulted all relevant stakeholders with current information. No alternative reasonably foreseeable railway use for the land was identified and no objections were received. We note that:

- there is no evidence that railway operations at Rosyth station would be adversely
 affected, the land will remain a station car park and Network Rail will retain its access
 rights to the operational railway;
- Network Rail has stated it will protect future car parking at the station by including a 'buy back' option in the sale documents, that would provide Network Rail with the right to purchase the land for one pound should Fife Council no longer wish the keep the land as a car park;
- the land acquired from Fife Council will allow Network Rail to implement an 'Access for All' scheme at the station; 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 layout of the station facilities and requires the station facility owner and train operator using the station to be consulted on any proposed changes.

5. Based on all the evidence we have received and taking into account all 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.

les Walt

Les Waters

Duly authorised by the Office of Rail Regulation

Available from <u>www.rail-reg.gov.uk/server/show/nav.150</u>

Annex A: Notice given by Network Rail to ORR on 29 August 2014

Proposed Property Disposal

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

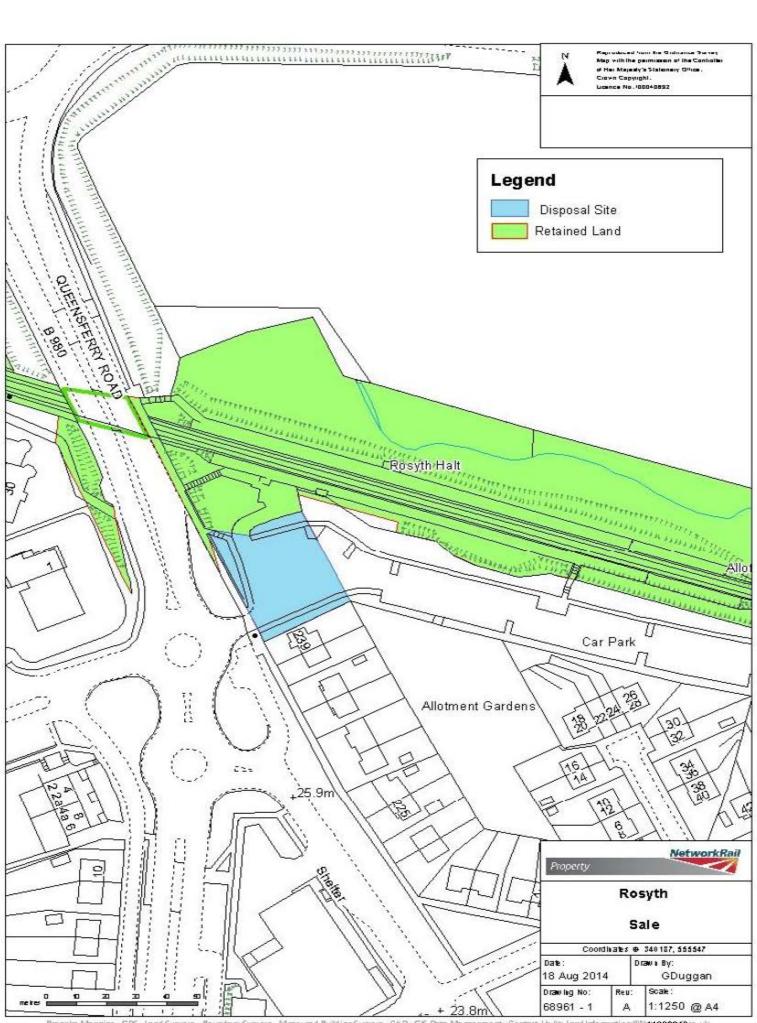
1. Site			
Site location and description	Part of the station car park at Rosyth Station, Rosyth, Fife, shaded blue on Drawing 68961-1.		
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	Drawing No. 68961 – 1 Sale Plan Drawing No. 68961 – 2 Station Lease Plan Drawing No. 68961 – 3 Station Lease & Sale Plan Combined Drawing No. 64600 Purchase Area 1 Drawing No. 64600-1 Purchase Area 2		
Clearance Ref:	CR/21882		
Project No.	130303		
Ordnance survey coordinates	340187, 555547		
Photographs (as required)	3 Photos of disposal site enclosed.		
2. Proposal			
Type of disposal (i.e. lease / freehold sale)	Sale of land comprising of station car parking equating to approximately 1,249sqm.		
Proposed party taking disposal	Fife Council		
Proposed use / scheme	The land is being purchased by Fife Council for the nominal sum of £1 and will remain as station car parking. In return Fife Council has agreed to transfer two small areas of land to Network Rail at the station for the same nominal sum of £1 to facilitate the Rosyth Station Access for All Scheme. Fife Council has confirmed in their email dated the 25 February 2014 from xxxx in their Estates Department that the land will remain as a car park.		

Access arrangements to / from the disposal land	The land is already being used for station parking and there will be no change in the access arrangements for passenger using the station car park. The land is merely being transferred from Network Rail to Fife Council. There will be no effect on Network Rail's ability to carry out its duties as we are retaining rights over the disposal area.		
	The council has indicated that the area will remain as a car park and it is not envisaged that there will be any loss of car parking spaces at the station. Prior to the land transfer taking place Network Rail will ensure that the contract contains a reversionary clause which will allow Network Rail to buy back the land disposed of for the same nominal value of £1 if Fife Council were to decide they no longer wished to keep the land as a car park. If Fife Council does not agree to this clause then Network Rail will not dispose of the site in question.		
	There are currently 20 car parking spaces in this area, five of which are for disabled users. This will not change.		
Replacement rail facilities (if appropriate)	N/A		
Anticipated Rail benefits	As the area of land being disposed to the council will remain a station car park there will be no impact on the railway.		
	Network Rail will implement an Access for All Scheme at the station utilising the small areas of land Fife Council are willing to transfer in exchange. This will involve the implementation of Disability Discrimination Act compliant ramps to the north and south of the station which will allow more passengers to use the station.		
Anticipated Non-rail benefits	The Access for All Scheme will provide major benefits to the community in and around Rosyth. This will only happen if Fife Council provides the land required for the ramps in exchange for the area of land we plan to dispose to them. By implementing the Disability Discrimination Act compliant ramps it will provide for step-free access making the station more user friendly. The proposed scheme has been designed to improve the access at the station for people with impaired mobility, travelling with luggage, children and cycles.		
3. Timescales			
Comments on timescales	The land acquisition for the areas required to implement the Access for All Scheme will be concluded in parallel with the proposed disposal of land from Network Rail to Fife Council which will begin only once approval is obtained from the ORR to dispose of the said land.		
4. Railway Related Issues			
History of railway related use	The land is currently and has always been part of Rosyth's station car part and this use will continue after the disposal to Fife Council as per the email dated the 25 February 2014 from xxxx of Fife Council. xxxx is in their Estates Department.		

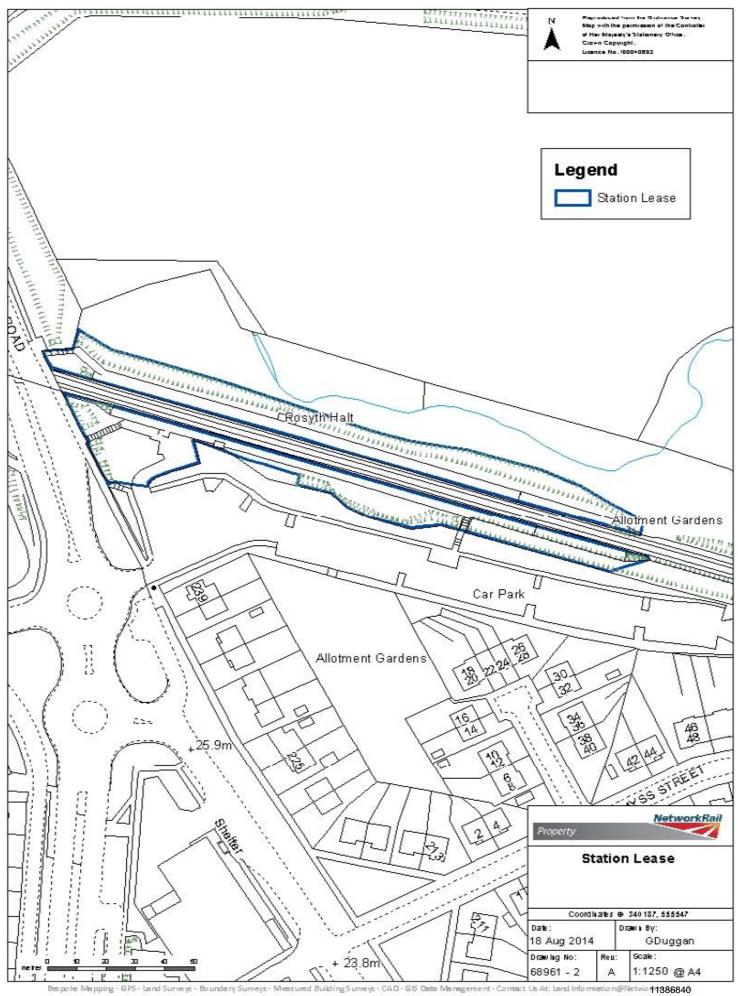
When last used for railway related purposes	Currently being used as a station car park. There will be no change to the number of spaces available at the station.		
Any railway proposals affecting the site since that last relative use	Not applicable as site is still being used for railway related purposes.		
Impact on current railway related proposals	No impact on current railway related proposals. The disposal area will remain as station car parking and Network Rail and First ScotRail will retain access rights over it.		
Potential for future railway related use	The land will continue to be used for station parking.		
Any closure or station change or network change related issues	A station change will be completed in advance of the disposal being concluded. This will include how the station ownership will change with regards the areas of land acquired and the area of land being disposed of to Fife Council.		
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	Disposal of the land to Fife Council will come with the condition that Network Rail and First ScotRail retain access rights across the disposal area. Any change to the access route must be agreed with both Network Rail and First ScotRail in writing prior to any change taking place and that if Fife Council wish to charge for use of the car park then again it must seek prior consent from Network Rail and First ScotRail. Fife Council will be responsible for the general maintenance of the car		
	park, ensuring clear and unobstructed access to Network Rail and First ScotRail at all times.Fife Council will also be responsible for keeping the car park salted adequately during the winter months as required.		
Position as regards safety / operational issues on severance of	 The disposal does not include any requirement for new fencing of the railway boundary, as sufficient fencing already exists. 		
land from railway	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.		

5. Planning History and Land Contamination				
Planning permissions / Local Plan allocation (if applicable)	N/A			
Contamination / Environmental Issues (if applicable)	Network Rail is not aware of any environmental or contamination issues.			
6. Consultations				
Railway (internal – Network Rail)	Network Rail internal clearance has been granted – CR/21882. Stage 1 Business Clearance granted on the 13 th December 2013. Stage 2 Technical Clearance granted on the 23 rd December 2013. xxxx indicated by email on the 18th August 2014 that as the land is already being used for car parking she does not have any issue with the disposal of land.			
Summary of position as regards external consultations	There have been no objections to this disposal from any of the external consultees. First ScotRail did indicate some concerns but are agreeable to the proposed disposal subject to retaining access rights across the area and responsibilities on who is obliged to maintain etc. being agreed and the station change procedures being completed.			
	Of the 27 external parties consulted, 26 have responded without comment or objection with only the Grand Central Railway Company Limited failing to provide a response. Network Rail has made reasonable endeavours to elicit a response from Grand Central.			
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:	Fife Council Estates & Property Services Ground Floor Bankhead Central Bankhead Park Glenrothes KY7 6GH Contact –xxxx Tel: Email: @fife.gov.uk			
Local Transport Authorities:	Transport Scotland			

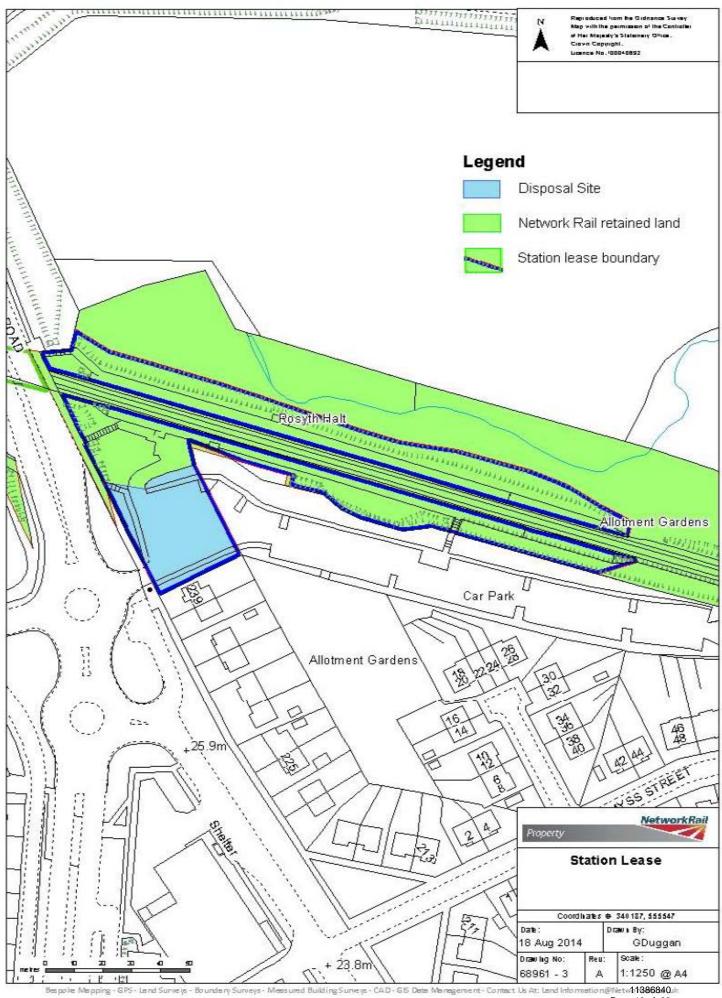
Other Relevant Local Authorities:	N/A				
8. Internal Approval					
Surveyor Name:					
Approved by Property Services Manager	Name:	Date Approved by PSM: 26/08/14			

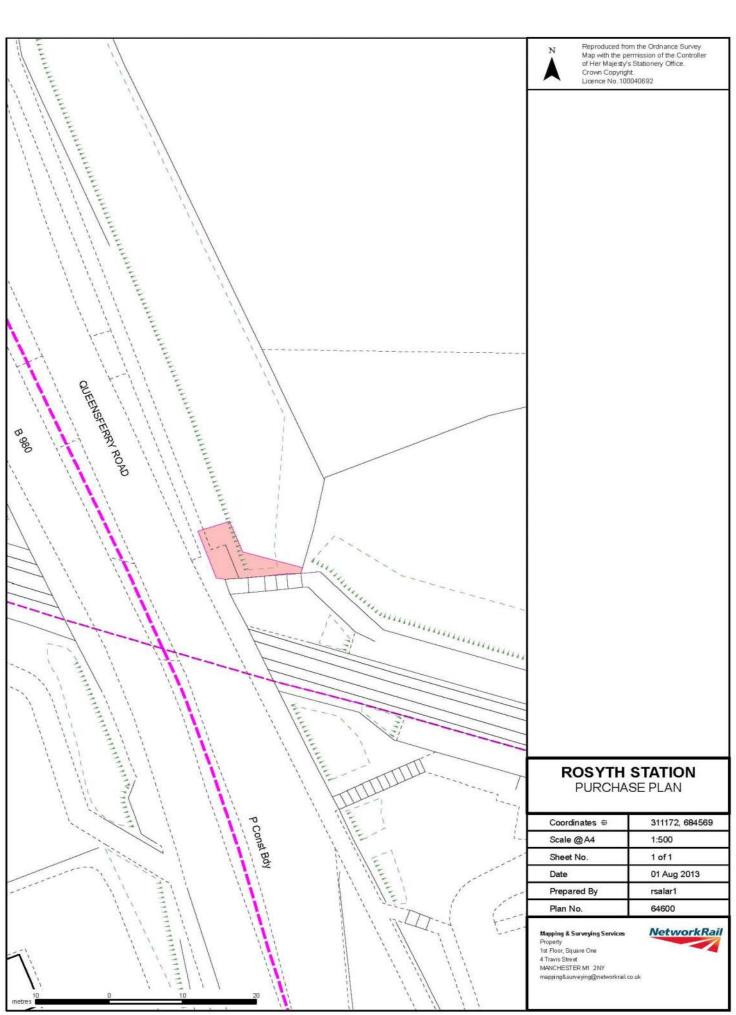


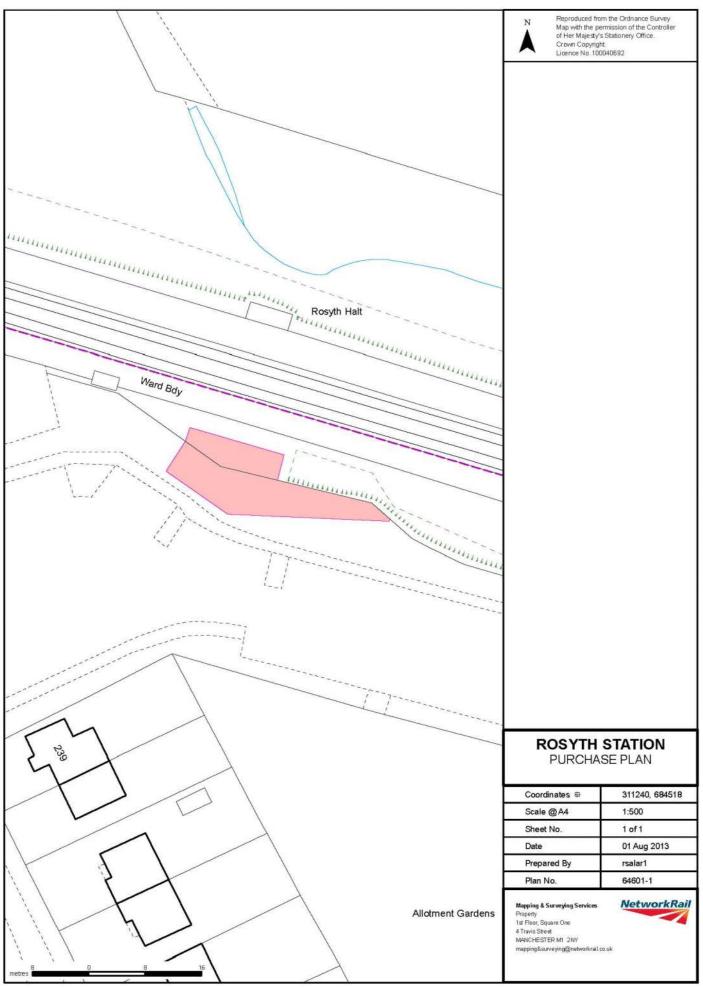
Bespoke Mapping - GPS - Land Surveys - Boundary Surveys-Measured Building Surveys - CAD - GIS Data Management - Contact Us At: Land Information@Net1386840:0.uk Page 8 of 23



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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 as a supplement to our forms for the proposed disposal of land at:

Rosyth Station, Rosyth, Fife

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

Summary of position regarding responses:

Of the 27 external parties consulted, 26 have responded without comment or objection with only the Grand Central Railway Company Limited failing to provide a response. It has been deemed that because they do not operate in the area of country concerned with this disposal that matters should proceed without their comments.

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	Transport Scotland	Y	25/03/14	No comments.	
2	Transport Scotland	Y	29/05/14	No comments.	
3	Arriva Trains Cross Country	Y	26/02/14	No objections.	
4	c2c Rail Limited	Y	26/02/14	No objections.	
5	Chiltern Railway Company Limited	Y	25/02/14	No comments.	
6	Eurostar International Limited	Y	25/02/14	No issues.	
7	First Great Western Limited	Y	07/03/14	No comment.	
8	First Scotrail Limited	Y	25/02/14	First Scotrail accept subject to conditions built into the disposal agreement and formal station change.	
9	Grand Central Railway Company Limited	N			Chased on 25/02/14, 25/03/14, 02/04/14, 01/05/14, 20/05/14 & 02/06/14

		1	1	1	
10	London & South Eastern Railway Limited (Southeastern)	Y	10/04/14	No comment.	
11	Merseyrail Electrics 2002 Limited	Y	26/03/14	No comments or objections.	
12	Northern Rail Limited	Y	20/05/14	No objections.	
13	COLAS Freight	Y	01/05/14	No comment.	
14	Direct Rail Services Limited	Y	24/03/14	No objections.	
15	DB Schenker (Formerly EWS)	Y	02/06/14	No objections.	
16	Captrain UK (formerly Freight Europe)	Y	27/02/14	No comments.	
17	Freight Transport Association	Y	02/04/14	No comments.	
18	Freightliner Limited	Y	25/02/14	No comments.	
19	GB Railfreight Limited	Y	25/02/14	No objection.	
20	Rail Freight Group	Y	25/02/14	No comments – ok with RFG.	
21	West Coast Railway Company	Y	01/05/14	No comment.	
22	W. H. Malcolm	Y	25/02/14	No objections.	
23	Association of Community Rail Partnerships	Y	26/03/14	No objections.	
24	British Transport Police	Y	11/04/14	No views to express.	
25	Passenger Focus	Y	26/02/14	No objections.	
26	Scottish Council for Development and Industry	Y	26/02/14	No comments.	
27	Fife Council Estates Team	Y	25/02/14	Supported by Fife Council.	

A copy of the consultation request (before customisation for any individuals) is given in Annex 1.

Copies of responses are given in the Annex 2 to this report, as indicated above.

Annex 1 – Network Rail's consultation request

From: @networkrail.co.uk Sent:25 February 2014 15:39 To: Cc: Subject: Proposed Land Disposal - Rosyth Station

Dear consultee,

Property: Land Disposal at Rosyth Station, Rosyth, Fife

We seek to consult you as regards your views, please, on our proposed disposal by way of freehold sale.

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, please, by Tuesday 25th March 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 xxxx at Network Rail (Email: <u>@networkrail.co.uk</u> or Tel:). 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,

Annex 2 – Stakeholder Responses

Consultee 1 – Transport Scotland

From: @dft.gsi.gov.uk] Sent: 25 March 2014 14:44 To: Subject: RE: Proposed Land Disposal - Rosyth Station

Thanks for clarifying. I can confirm that DfT has no further comments on this scheme.

Department for Transport | Zones 3/11-19 Great Minster House | 33 Horseferry Road | London | SW1P 4DR |

Consultee 2 – Transport Scotland

From: @transportscotland.gsi.gov.uk Sent: 28 May 2014 10:56 To: Subject: RE: Proposed Land Disposal - Rosyth Station Hi No comment from Transport Scotland on this one. Apologies again for the late reply.

Consultee 3 – Arriva Trains Cross Country

From: @crosscountrytrains.co.uk] Sent: 26 February 2014 14:12 To: Subject: FW: Proposed Land Disposal - Rosyth Station XC Trains has no objection to this proposal. Regards CrossCountry Phone: Mobile: Fax:

Consultee 4 – c2c Rail Limited

From: @c2crail.net] Sent: 26 February 2014 13:28 To: Subject: Re: Proposed Land Disposal - Rosyth Station

Dear

I confirm on behalf of c2c Rail Ltd that we have no objection to the proposed land disposal.

Kind regards,

c2c Rail Limited, 2nd Floor, Cutlers Court, 115 Houndsditch, London EC3A 7BR

Consultee 5 – Chiltern Railway Company Limited

From: EXTL: Sent: 25 February 2014 16:14 To: Subject: RE: Proposed Land Disposal - Rosyth Station Dear

Chiltern Railways has no comments to return regarding the attached land disposal.

Kind regards,

Consultee 6 – Eurostar International Limited

From: @eurostar.com] Sent: 25 February 2014 16:56 To: Subject: RE: Proposed Land Disposal - Rosyth Station Hi there, No issue for EIL. Kind regards,

Eurostar International Limited

Consultee 7 – First Great Western Limited

From: @firstgroup.com Sent: 07 March 2014 16:31 To: Subject: Re: Proposed Land Disposal - Rosyth Station FGW has no comment thank you.

First Great Western

Consultee 8 – First Scotrail Limited

From: @networkrail.co.uk Sent: 05 March 2014 11:29 To: '@firstgroup.com' Subject: RE: Rosyth Station

Thanks for your email. A formal station change will of course be undertaken should this disposal proceed. Regards

From: @firstgroup.com Sent: 04 March 2014 16:07 To: Subject: Re: Rosyth Station

Thanks for that it is all helpful and particularly if this was made formal as part of the agreement/disposal as you know things can change with a change of personnel. Further a station change will need to be undertaken for the area to be formally removed from the lease.

Thanks

T - , Fm -Atrium Court , 50 Waterloo Street , Glasgow , G2 6HQ First ScotRail Limited , Registered in Scotland No SC 185018 Registered office 395 King Street , Aberdeen , AB24 5RP

From: @networkrail.co.uk Sent: To: '@firstgroup.com' Subject: RE: Rosyth Station

Good morning

Further to our conversation of last week I have had a discussion with Fife Council with regards the proposed land transfer. The main reason they would like the land transferred is to clean up title at the station as they already own the remainder of the car park. The indication was that they currently deal with the car park in its entirety with regards gritting etc...in winter and are more than happy for this to continue. The council remains perfectly happy for NR/Operators retaining rights of access across this ground and confirmed there is no intention whatsoever of changing the access route. If this was to change then a condition of the agreement would be that Fife Council must agree the route with NR/First Scotrail in writing prior to any change taking place.

A further issue discussed was the potential to charge for parking at the station. The Council have no intention of doing this, however we can write into the agreement that should they seek to charge in the future then again they must seek prior consent in writing from NR/First Scotrail.

I would appreciate your thoughts and any additional points you would like to see in any agreement going forward.

I look forward to hearing from you.

Kind regards

Consultee 9 – Grand Central Railway Company Limited

No response but chased by email and telephone on the following dates -25/02/14, 25/03/14, 02/04/14, 01/05/14, 20/05/14 & 02/06/14.

Consultee 10 - London & South Eastern Railway Limited (Southeastern)

From: @southeasternrailway.co.uk] Sent: 10 April 2014 09:24 To: Subject: RE: Proposed Land Disposal - Rosyth Station Southeastern have no comment on this proposal

Regards

Consultee 11 - Merseyrail Electrics 2002 Limited

From: @merseyrail.org] Sent: 26 March 2014 08:06 To: Subject: RE: Proposed Land Disposal - Rosyth Station

Dear

I can confirm that Merseyrail have no comments or objections to the above proposal.

Regards

Consultee 12 - Northern Rail Limited

From: @northernrail.org] Sent: 20 May 2014 14:57 To: Subject: RE: Proposed Land Disposal - Rosyth Station

Dear Sir

Thank you for your emails. Please accept my apologies for the late response. Northern Rail Ltd have no objections to the proposed disposal of land at Rosyth Station.

Yours faithfully

Consultee 13 – COLAS Freight

From: @colasrail.co.uk] Sent: 01 May 2014 11:51 To: Subject: RE: Proposed Land Disposal - Rosyth Station No Comment.

Regards

Consultee 14 – Direct Rail Services Limited

From: @drsl.co.uk] Sent: 24 March 2014 11:38 To: Subject: RE: Proposed Land Disposal - Rosyth Station Direct Rail Services have no objections to the proposed land disposal at Rosyth station, Fife. Regards

Consultee 15 - DB Schenker (Formerly EWS)

From: EXTL: Sent: 02 June 2014 10:34 To: Subject: RE: Proposed Land Disposal - Rosyth Station I can confirm that DB Schenker has no objection to the proposed land disposal as described. Yours, DB Schenker Rail (UK) Ltd.

Consultee 16 – Captrain UK (Formerly Freight Europe)

From: @captrain.co.uk] Sent: 27 February 2014 14:33 To: Subject: RE: Proposed Land Disposal - Rosyth Station

Good Afternoon We have no comments. Regards.

Captrain UK Ltd

Consultee 17 – Freight Transport Association

From: @fta.co.uk] Sent: 02 April 2014 19:28 To: Subject: RE: Proposed Land Disposal - Rosyth Station Apologies, FTA has no comment.

Freight Transport Association

Consultee 18 – Freightliner Limited

From: @Freightliner.co.uk] Sent: 25 February 2014 15:50 To: Subject: RE: Proposed Land Disposal - Rosyth Station Dear

Freightliner has no comment to make on this proposal

Regards

Consultee 19 – GB Railfreight Limited

From: @gbrailfreight.com] Sent: 25 February 2014 17:18 To: Cc: Subject: RE: Proposed Land Disposal - Rosyth Station

I can confirm that GB Railfreight Ltd has no objection to the proposed land disposal at Rosyth Station as detailed in your email and attachments of today.

Regards GBRf

Consultee 20 – Rail Freight Group

From: @rfg.org.uk] Sent: 25 February 2014 16:24 To: Subject: RE: Proposed Land Disposal - Rosyth Station

Ok with RFG,

Thanks

Consultee 21 - West Coast Railway Company

From: @aol.com Sent: 01 May 2014 12:06 To: Subject: Re: Proposed Land Disposal - Rosyth Station

no comments

WCR

Consultee 22 – W.H. Malcolm

From: @whm.co.uk] Sent: 25 February 2014 15:46 To: Subject: RE: Proposed Land Disposal - Rosyth Station

WH Malcolm has no objections to the proposal.

Consultee 23 – Association of Community Rail Partnerships

From: @btconnect.com] Sent: 26 March 2014 10:52 To: Subject: RE: Proposed Land Disposal - Rosyth Station Sorry for the delay. ACoRP have no objection to this disposal.

Regards

Association of Community Rail Partnerships

Consultee 24 – British Transport Police

From: <u>@btp.pnn.police.uk]</u> On Behalf Of Sent: 11 April 2014 15:51 To: Subject: Proposed Land Disposal - Rosyth Station

I have made enquiries in relation to this and have been advised that BTP have no views to express at this time.

Kind regards,

Consultee 25 – Passenger Focus

From: @passengerfocus.org.uk] Sent: 26 February 2014 11:57 To: Subject: RE: Proposed Land Disposal - Rosyth Station 2402h14

Thank you for sending Passenger Focus details of the proposed land disposal at Rosyth. They note that:

the land on which the station car park is sited will be sold to Fife Council;

it will continue to be used as the station's car park;

Fife Council will sell two small areas of land that are required for the Access for All improvements at the station;

the disposal is to be made as soon as possible.

Passengers will benefit from the improved accessibility; Passenger Focus has no objection to the proposed land disposal.

Regards,

Consultee 26 – Scottish Council for Development and Industry

From: @scdi.org.uk] Sent: 26 February 2014 01:06 To: Cc: Subject: Re: Proposed Land Disposal - Rosyth Station

Thanks for the note and consultation, about which I doubt SCDI will wish to make comment, although I've asked our team for any local knowledge that may impact upon that stance.

On a wider note, I would welcome an opportunity to both learn a bit more about the disposal process, and a discussion about other opportunities that may be factored into some of our policy- to- practice initiatives, especially those focusing on regional economies.

XXXXXXXX

Consultee 27 – Fife Council Estates Team

From: @fife.gov.uk]
Sent: 25 February 2014 16:44
To:
Subject: RE: Proposed Land Disposal - Rosyth Station
No problem with these conditions. No changes planned to the use as a car park.

Just let me know if you need anything else.

From: @networkrail.co.uk] Sent: 25 February 2014 16:39 To: Subject: RE: Proposed Land Disposal - Rosyth Station No problem, we can discuss matters further when I receive all external responses.

Disposal of the land to Fife Council will come with the condition that NR will retain access rights across this land and a further conditionl will be that any change to the access route must be agreed with both NR and First Scotrail in writing prior to any change taking place.

I assume Fife Council will not be planning a change of use from the existing car park?

Regards

From: @fife.gov.uk] Sent: 25 February 2014 16:30 To: Subject: RE: Proposed Land Disposal - Rosyth Station

Thanks, look forward to hearing further on this.

Spoke to our solicitor, xxxx, a few weeks ago and the sale to you should be progressing. If you need anything else on that let me know.