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12 July 2019

Company Secretary
Network Rail Infrastructure Limited
1 Eversholt Street
London
NW1 2DN

Network licence Condition 17 (land disposal): Core Valley Lines, South Wales

Decision

1. On 15 May 2019, Network Rail gave notice of its intention to dispose of the railway lines known as the Core Valley Lines in South Wales (“the land”), in accordance with Condition 7¹ 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 consulted. For the purposes of Condition 17 of Network Rail’s network licence, ORR consents to the disposal of the land in accordance with the particulars set out in its notice.

Background

3. In June 2018, Welsh Ministers awarded the rail franchise for Wales & Borders to Keolis Amey Wales Cymru Limited (“KAWCL”). The rail services are operated by Keolis Amey Operations / Gweithrediadau Keolis Amey Limited (“KAOL”), operating as TfW Rail Services. The franchise award also covers the future operation, maintenance and assessment of renewals and upgrades of the Core Valley Lines (“CVL”), currently owned and operated by Network Rail.
4. For this to happen, Network Rail is requesting to transfer the CVL to Transport for Wales (“TfW”), who would subsequently lease the assets to Amey Keolis Infrastructure / Seilwaith Amey Keolis Limited (“AKIL”). AKIL would then carry out infrastructure services on behalf of KAWCL and become the infrastructure manager for the CVL network.
5. The transfer is currently anticipated to take place on 20 September 2019, subject to all the requirements for the transfer being met.
6. The contractual terms for the management of the CVL infrastructure are set out in the Grant Agreement² entered into between Welsh Ministers and KAWCL on 4 June 2018 (“the Grant Agreement”).

¹ From 1 April 2019, Condition 7 became Condition 17 in Network Rail’s network licence.

² See <https://tinyurl.com/y2x7ucca>



Preparation for transfer

7. The transfer of the CVL is the disposal of a land asset by Network Rail and therefore it requires our consent, in accordance with Condition 17 of its network licence. However, our consent alone is not sufficient to enable the transfer to take place. In order to achieve the transfer by the proposed deadline of 20 September 2019, a number of other agreements need to be secured. These are summarised below:

Network Change

8. The transfer of the CVL would result in the size and capability of Network Rail's network being reduced. Part G of the Network Code (incorporated into each track access contract between Network Rail and a train operator) requires Network Rail to propose a Network Change in circumstances such as these. The Network Change must either be agreed by the affected train operators or any dispute must be resolved (whether by agreement or in accordance with the Access Dispute Resolution Rules) before the change can be implemented.

Variation to Network Rail's track access contracts

9. Network Rail has existing track access contracts with train operators that include access rights for paths on the CVL. Network Rail needs to vary these contracts to reflect the transfer and to remove these access rights. Without this variation, Network Rail would be in breach of these contracts should the transfer go ahead. The variation requires the operators' agreement and requires approval from ORR.

New track access contracts with AKIL

10. Each train operator also needs to enter into a track access contract with AKIL to enable it to operate on the CVL after transfer. AKIL therefore needs to negotiate the terms of these new contracts with the operators. This includes agreement on issues such as the charges for the use of the network, the terms of the performance regime and the set of codes that set out how the network will operate in practice. Each new track access contract requires approval from ORR.

Grant of a network licence to AKIL

11. Section 6 of the Railways Act 1993 makes it an offence to act as the operator of a network without holding a Railways Act licence or licence exemption. In the event that the transfer proceeds, ORR has considered the scope of a network licence for AKIL and we published our initial consultation on this on 7 June 2019³.

Safety Authorisation

12. Before it can commence network operations, AKIL, as the proposed infrastructure manager for the CVL, will have to obtain the necessary safety authorisation from ORR in accordance with regulations 3 and 10 of *The Railways and Other Guided Transport Systems (Safety) Regulations 2006*.

13. These issues are all currently subject to discussions between the operators, Network Rail, AKIL, TfW and ORR.

³ See <https://tinyurl.com/yvbk7mq>. Consultation closed 5 July 2019.

Issues raised in Network Rail's consultation

14. Network Rail received six responses objecting to the land disposal and raising concerns from non-franchised operators who have, or may wish to have, access to the CVL.

15. DB Cargo ("DBC"), Freightliner, GB Railfreight, West Coast Railway Company, the Rail Freight Group and the Freight Transport Association raised broadly similar concerns over the challenges presented by having a different infrastructure manager for CVL, compared to the rest of the network, and the uncertainty regarding the terms of the new track access contract to be offered by AKIL.

16. The objections can be found in Network Rail's stakeholder consultation (attached). In summary, the questions raised by respondents covered:

- how the current performance regime would be affected;
- how the future timetabling process would operate;
- how engineering access would be protected;
- how CVL network capability, gauge clearance and route availability would be protected;
- the lack of a Network Statement;
- whether there would be a CVL Network Code;
- whether Network Change would continue to apply;
- whether price would be protected in a new connection agreement;
- whether track access contracts and rights would be transferred;
- cost-neutrality for entering into new access contracts; and
- where liabilities would lie in new access agreements.

17. We note these are all issues that are currently under discussion between the operators, AKIL and Network Rail, and they require resolution before operators will agree to vary their existing Network Rail contracts to reflect the transfer and enter into new track access contracts with AKIL. In addition, the operators state that they will not consent to Network Rail's proposed Network Change before these issues are resolved. The transfer will therefore not progress until these issues are resolved.

18. Respondents also raised the question of the regulatory regime that will apply to AKIL. As noted above, AKIL will require a network licence, one of the purposes of which is to protect users of railway services from the abuse of a dominant position or discriminatory behaviour by a monopoly operator.

19. We are sympathetic to the concerns raised by operators in their responses to Network Rail's land disposal consultation. We note that the need for each operator to have a separate track access contract to operate on the CVL increases the level of complexity and burden on them and brings the potential that operators face additional costs or liabilities above those they face now in the current position of the CVL being part of Network Rail's network. This issue is a key factor in discussions on the terms of the access contracts between the operators and AKIL.

20. We note that this is the first transfer of a significant piece of operational network from Network Rail to a third party. The issues encountered on this transfer have highlighted the challenges associated with delivering this type of change and the necessity of agreeing these issues at an early stage in the process. We understand that parties are likely to feed these views into the Williams Review.

21. However, the specific decision we are making now relates to Network Rail's land disposal, in accordance with Condition 17 of its network licence and our decision criteria set out in *Land disposal by Network Rail: the regulatory arrangements, December 2013*⁴.

22. We have decided to grant consent to the proposed disposal noting that the new owner of the freehold, TfW, will as the Welsh Ministers' public agency for transport-related matters, oversee the continued use and development of the CVL for the railway. TfW is a public body and is accountable to Welsh Ministers for its actions in the public interest. The particulars of this specific case means that this is not inconsistent with our objective: to protect against the disposal of land which may be important to the continuing operation and future development of the railways.

23. Our consent to the transfer does not mean that it must now go ahead. Successful completion of the transfer will rely on the issues discussed above being resolved. Agreement will need to be reached with all parties: train operators will need to consent to the Network Change proposal and agree to vary their existing contracts with Network Rail; AKIL and train operators must enter into new track access contracts for the CVL network. Network Rail and AKIL also intend to enter into a connection agreement to set out their rights and obligations for the ongoing connection between the two railway networks.

Reasons for decision

24. In making our decision, we have had regard to our decision criteria as set out in *Land disposal by Network Rail: the regulatory arrangements, December 2013*. We have also balanced our section 4 duties given to us under the Railways Act 1993, in particular our duties to:

- (i) promote improvements in railway service performance;
- (ii) otherwise to protect the interests of users of railway services;
- (iii) promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that it considers economically practicable;
- (iv) contribute to the development of an integrated system of transport of passengers and goods;
- (v) contribute to the achievement of sustainable development; and

⁴ Available from www.rail-reg.gov.uk/server/show/nav.150. In that publication, references to the Condition 7 licence requirements should be read as if they were references to the equivalent Condition 17 licence requirements.

- (vi) enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.

25. 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”. We have also had regard to our duties under section 149 of the Equalities Act 2010.

26. As noted above, our objective in regulating Network Rail’s land disposals is to protect against the disposal of its land which may be important to the continuing operation and future development of the railway. In this case the proposed disposal is to TfW, so it can, on behalf of Welsh Ministers, secure the future provision of railway services in Wales and the Borders. No overall reduction of the railway in Wales and the Borders is proposed. We have noted the strategic aim of the Welsh Ministers for rail services in Wales and the Borders, and the specifications in their Grant Agreement to help achieve that aim.

27. We have concluded that the proposed disposal of land is not against the interests of users of railway services. In reaching its decision, ORR is satisfied that:

- (i) the Welsh Ministers, through TfW, have published their proposals for the future development of the CVL, including new vehicles, more frequent trains, improved stations and faster journey times;
- (ii) the land proposed for disposal is required by Welsh Ministers for the future development of the CVL;
- (iii) there is no evidence to indicate the proposed disposal would conflict with Network Rail’s obligations under condition 1 of its network licence; and
- (iv) trains will be able to access the CVL network through track access agreements between AKIL and train operators, the terms of which are subject to agreement with the operators before the transfer can take place.

28. We are also satisfied that Network Rail has consulted relevant stakeholders with current information on the proposed land disposal.

29. Based on all the evidence we have received and taking into account all the material facts and views relevant to our consideration under Condition 17, we are satisfied that there are no issues for us to address. We note that Network Rail must complete the Network Change procedure in relation to the transfer, prior to the transfer of the land.

30. In light of that and our understanding of the transaction as set out above, we grant our consent to the proposed disposal of the land.

A handwritten signature in blue ink that reads 'Les Waters'.

Les Waters

Duly authorised by the Office of Rail and Road

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>The area described as the Core Valley Lines (CVL) is 85 route miles north of Cardiff Bay station. It includes all rail routes from:</p> <p>Cardiff Bay to Rhymney, Cwmbargoed and Coryton, and Cardiff Queen Street North Junction to Merthyr Tydfil, Hirwaun and Treherbert.</p> <p>The transfer will include all adjoining land and buildings along these routes, as well as the infrastructure/operational assets.</p> <p>The City Line will be included from Radyr to 1m20ch, and the CEJ from Queen Street South Junction to 0m13ch.</p>
Plans attached:	<p>The following plans are attached:</p> <ol style="list-style-type: none">1. Map of Core Valley Lines2. CEJ boundary3. RAD boundary
Clearance Ref:	<p>Business Clearance CR/38833 dated 22nd January 2019 and Technical Clearance CR/38833 dated 23rd January 2019</p>
Project No.	<p>OP 153266</p>

Ordnance survey coordinates	ELR	Start Mileage	End Mileage
	ABD	All	
	ALK	All	
	CAM	All	
	CAR	All	
	CEJ	0m13ch	0m22ch
	CRY	All	
	MOA	All	
	PTA	All	
	TBD	All	
	THT	All	
	VON	12m41ch	13m36ch
	VON	20m68ch	27m15ch
	RAD	1m20ch	4m41ch
Details of attached photographs (as required)	Due to the geographical size of the transfer area, individual photographs have not been included.		
2. Proposal			
Type of disposal	Freehold sale		
Proposed party taking disposal	Transport for Wales (Welsh Government's wholly-owned company responsible for procuring a rail service delivery partner, Keolis Amey, to specify interventions to transform the Core Valley Lines).		

<p>Proposed use / scheme</p>	<p>As part of political devolution, Welsh Government (WG) through their wholly-owned company Transport for Wales (TfW) procured the new Wales & Borders franchise as an agent of the Department for Transport (DfT) in October 2018. WG has assembled a funding package to transform the 'Core Valley Lines' (CVL). TfW's rail service delivery partner, Keolis Amey, has specified the interventions that this transformation requires, which includes electrifying the CVL and replacing the current diesel fleet. The design will re-signal the CVL from the Wales Route Operating Centre to a new control centre at Taffs Well at some future point.</p> <p>To allow these proposals to take place, Network Rail will transfer ownership of the CVL to TfW by means of a sale, with the works being delivered pursuant to a Transport & Works Act Order which has already been applied for by TfW. Network Rail will divest the assets on the basis that it retains no liability for them following the transaction.</p> <p>A form of Transport & Works Act Order has been agreed which would enable Welsh Ministers to make a Statutory Transfer Scheme to enable the full transfer of legal title and rights to those railways that form the CVL. As TfW (the recipient under any Scheme) would effectively be the same party at law as NR, the transfer would therefore include the transfer of statutory rights accruing to a Transport Undertaking, including permitted development rights. The objective would be that TfW (and any of its subcontractors) would immediately have the statutory capabilities required for running the CVL as a passenger railway.</p>
<p>Access arrangements to / from the disposal land</p>	<p>NR access arrangements will transfer to Keolis Amey, and trains can access the CVL network exactly as they do currently. TfW's proposal sees the CVL integrated into the national network with through-running of trains between the CVL and NR's retained network and, due to this high level of integration between the two networks, NR will provide timetable planning services to the new infrastructure manager.</p> <p>A separate access agreement will be entered into to agree NR rights to maintain access to retained assets on the CVL.</p>
<p>Replacement rail facilities (if appropriate)</p>	<p>Not applicable.</p>
<p>Anticipated rail benefits</p>	<p>TfW's proposals to transform the Core Valley Lines aim to provide benefits to passenger experiences through new vehicles, more frequent trains, improved stations and faster journey times.</p>
<p>Anticipated non-rail benefits</p>	<p>The transformation of the Core Valley Lines is part of TfW's plan to create a 'South Wales Metro' which is intended to improve connectivity and accessibility in the area and to boost economic development and regeneration across the region.</p>

3. Timescales

Comments on timescales	The parties have agreed a completion window commencing on 1 October 2019 (or such earlier date agreed between the parties) and expiring on 31 March 2020; the current proposed date for transfer is 20 th September 2019.
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4. Railway Related Issues

History of railway related use	The CVL routes are currently operational and part of Network Rail's national rail network.
When last used for railway related purposes	The CVL routes are currently operational and part of Network Rail's national rail network.
Any railway proposals affecting the site since that last relative use	Not applicable.
Impact on current railway related proposals	A change to Wales Route's CP6 settlement will be agreed through the ORR's Managing Change process. NR will not retain funding for assets it no longer controls. Divestment cannot proceed until TfW and its infrastructure manager are properly licenced.
Potential for future railway related use	The proposal for the transformation of the CVL by TfW is the continued use of the lines as a railway, integrated with the national network.
Any closure or station change or network change related issues	A Network Change is also being drafted concurrently to reflect the transfer of the Core Valley Lines to a new infrastructure manager.

<p>Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future</p>	<p>A Track Access Contract was concluded between Network Rail and Keolis Amey as Operations and Delivery Partner on 14th October 2018. This includes the CVL as an NR asset and will need to be amended to reflect that NR is no longer the Infrastructure Manager for the assets.</p> <p>The revised Track Access Contract provisions will need specific approval of the ORR following approvals by Timetable Change Risk Assessment Group in the Route and the Sale Of Access Rights panel in NR's System Operator function.</p> <p>Any parties that benefit from rights against NR, such as freight facility owners at Cwmbargoed and Hirwaun, will retain their rights under the scheme but the counterparty will become TfW.</p>
<p>Position as regards safety / operational issues on severance of land from railway</p>	<p>As detailed above, TfW's proposal sees the CVL integrated into the national network with through-running of trains between the CVL and NR's retained network and, due to this high level of integration between the two networks, NR will provide timetable planning services to the new infrastructure manager subject to securing such consents as may be required.</p> <p>The proposed boundary points are at 0m13ch on the CEJ and 1m20ch on the RAD. Keolis Amey have produced a technical proposal for each of these boundary points, detailed below:</p> <p><u>CEJ 0m13ch (see Appendix 1, diagram 2 CEJ Boundary)</u></p> <p>Signalling</p> <ul style="list-style-type: none"> • Down Line - CF2895 would be controlled to prevent trains entering NR infrastructure, (normal direction), CF2604 would be a signal preventing trains entering CVL infrastructure in the bi-direction. • Up line – CF2898 would be a signal preventing trains entering CVL infrastructure (normal direction), CF2895 would be controlled to prevent trains entering NR infrastructure in bi-direction. <p>Assets</p> <ul style="list-style-type: none"> • Permanent Way – Both up and down line boundaries would be at 0m13ch CEJ. A marker plate will be installed on respective sleepers. • Lineside Assets – Not applicable • Embankment, fencing and vegetation – Not applicable as there are none of these assets at this location. • Structures – School St underbridge (0m13ch) which is on CVL. • Signalling – Existing interlocking boundary is c0m13ch CEJ, specific assets either side of 0m13ch to be identified and listed.

- E&P – DNO supplies for points heating at Queen Street South to be reviewed. Signalling Supply (650v) System assets to be determined.
- Telecoms – All FTN & GSMR Telecoms assets are to remain the responsibility of NR, excluding lineside copper cables and the existing cable route from 0m13ch CEJ.

RAD 1m20ch (see Appendix 1, diagram 3 RAD Boundary)

Signalling

- Down Line - CF2517 would be controlled to prevent trains entering NR infrastructure. If the boundary was at the signal, NR staff would not be safe working within the overlap without the signal on approach to CF2517 also being controlled to red.
- Up line - CF2520 would be a signal preventing trains entering CVL infrastructure. The signal is an auto with replacement, propose the auto-plate is removed so that drivers are not permitted to pass on their own authority.

Assets

- Permanent Way – Both up and down line boundaries would be at 1m20ch RAD. A marker plate will be installed on respective sleepers.
- Lineside Assets - Embankment, fencing and vegetation – Both up and down side boundaries would be at 1m20ch RAD. A marker plate will be installed on the up and down side fence line. Pedestrian access adjacent to Grosvenor Road underbridge (1m24ch) available for both NR and TfW access.
- Structures – Nearest structure is Grosvenor Road underbridge (1m24ch) which is on CVL.
- Signalling – all signalling assets between 1m20ch and the existing interlocking boundary at Danescourt will remain the responsibility of NR.
- E&P – DNO supplies for stations and other assets from 1m20ch RAD will be TfW assets. Signalling Supply (650v) System assets between 1m20ch and the existing interlocking boundary at Danescourt will remain NR asset.
- Telecoms – All FTN & GSMR Telecoms assets are to remain the responsibility of NR, including lineside copper cables and the existing cable route from 1m20ch RAD to Danescourt.

5. Planning History and Land Contamination

Planning permissions / Local Plan allocation (if applicable)	As above, a form of Transport & Works Act Order has been agreed which would enable Welsh Ministers to make a Statutory Transfer Scheme to enable the full transfer of legal title and rights to those railways that form the CVL. TfW (the recipient under any Scheme) would therefore benefit from the transfer of statutory rights accruing to a Transport Undertaking, including permitted development rights.
Contamination / Environmental	Not applicable.

6. Local Authorities

Names & Email Addresses:	<p>Caerphilly County Borough Council –Transportation Engineering Manager</p> <p>Cardiff Council –Operational Manager, Transport Development and Network Management</p> <p>Merthyr Tydfil County Borough Council –, Head of Planning</p> <p>Rhondda Cynon Taf County Borough Council –Acquisitions & Disposals Manager, Corporate Estates</p>
Local Transport Authorities:	As above
Other Relevant Local Authorities:	None

7. Internal approval to consult

Recommendation:	<p>By proceeding to consult I am:</p> <ul style="list-style-type: none"> • recommending that Network Rail consults on the terms of disposal • confirming that I have read and understood Network Rail's Code of Business Ethics and policy on Interests in Transactions • confirming that I have secured internal written approval to consult in accordance with Network Rail's policy on Authorising Application Forms.
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8. Consultations

<p>Internal consultation</p>	<p>Network Rail internal land clearance (Business & Technical) has been secured (reference numbers detailed in Section 1 of this consultation).</p> <p>Network Rail's Welsh Route Study, released in March 2016 forecast a likely growth of commuter journeys into the Cardiff City Region of 68% by 2023 and 144% by 2043. It also identified a series of constraints to growth in the Cardiff Valley Lines, which includes but is not limited to the CVL routes.</p> <p>Among others, the Welsh Route Study therefore outlined these interventions for funders to consider in order to meet the growth needs forecast:</p> <ol style="list-style-type: none"> 1) Additional passenger capacity on the Valley Lines by operating more frequent and/or longer trains; 2) A phased programme of enhancements to the Valley Lines; 3) Redevelopment of Cardiff Central station to create a better customer experience. <p>Not included in the Welsh Route Study was reference to Valley Lines Electrification, a proposal to electrify the routes that make up the Cardiff Valley Lines both North and South of Cardiff, and the Vale of Glamorgan route from Barry to Bridgend as a continuation of the mainline electrification work from Pilning to Swansea. This proposal has been subject to some outline design but was furloughed following the genesis of WG's own proposals for the South Wales Metro area.</p>
<p>Summary of position as regards external consultations</p>	<p>29 stakeholders were consulted and 29 responses were received.</p> <p>In total, six objections were received to the proposal. Five of the objections were from the Freight industry (DB Cargo UK Ltd, Freightliner Ltd, GB Railfreight Ltd, Freight Transport Association and Rail Freight Group) and followed a similar theme. The final objection was from West Coast Railway Company regarding future open access, however, it was confirmed that once industry consultation is complete track access agreements will be offered to all charter operators.</p>

<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward</p>	<p>NR does not own the business case for divestment of the CVL, but in facilitating Transport for Wales we have undertaken the LC17 and Network Change consultations with the industry. The only objections to LC17 have been raised by members of the freight and open access community, who have concerns about how their rights and business interests will be guarded across the boundary between NR's retained network and the newly-divested CVL. These written objections include ones of principle (that the divestment of an operational network sets an unhelpful precedent for freight operators) as well as ones of tactical issues (how will track access rights be protected, how will the infrastructure manager be incentivised to maintain performance etc.) These are all questions for TfW and its Operator & Development Partner (ODP) to answer. However, meetings with DB and Freightliner have confirmed that they have no strategic objection to the CVL transfer but need to ensure that their commercial interests are protected.</p> <p>Concomitant to our consultation, the ODP is developing its safety and economic licences in conjunction with the ORR. In April and May 2019, the ODP and TfW have directly met affected operators to discuss their concerns about the introduction a new boundary between the networks. TfW and the ODP have stated to Network Rail that they are committed to resolving these concerns. Their actions have included sharing draft model-clause track access contracts and explaining their plans for operating the Core Valley Lines (including a discrete Network Code), as well as direct meetings with affected operators to explore the issues raised. Further meetings and engagement with the freight operators is planned for May 2019.</p> <p>The outstanding objections relate to the Network Change proposal rather than the LC17 disposal of land. NR has received very similar objections to the Network Change consultation from the same operators who objected to the LC17 application. Being mindful of LC17 timescales, Network Rail is submitting this LC17 application with unresolved objections as TfW has advised that it must acquire the asset on or around 20th September 2019. In order to achieve this transfer date, all approvals need to be in place by 12th July 2019.</p>
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9. Internal approval to dispose

<p>Recommendation:</p>	<p>Based on the above, I recommend that Network Rail proceeds with the disposal subject to successful completion of Network Change.</p>	
<p>Declaration:</p>	<p>I have read and understood Network Rail's code of Business Ethics and Policy on Interests in Transactions</p>	
<p>Proposer's name:</p>	<p>Proposer's job title: Senior Surveyor, NRIL Property</p>	

Signed	Date 14 th May 2019
Authorised by:	Authoriser's job title: Property Services Manager, NRIL Property
Signed.....	Date.....

Appendix 1

1. Map of the Core Valley Lines



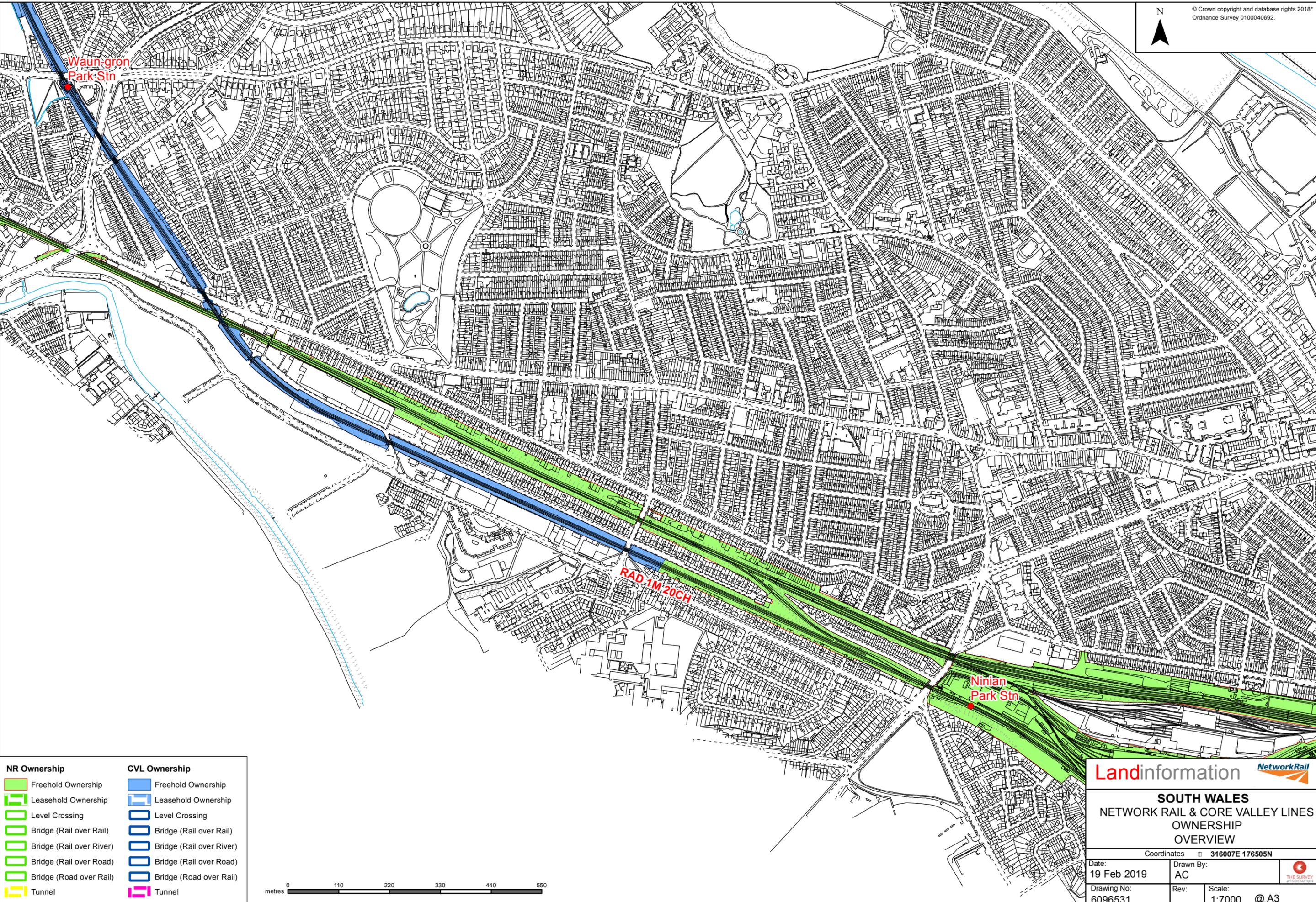


NR Ownership		CVL Ownership	
	Freehold Ownership		Freehold Ownership
	Leasehold Ownership		Leasehold Ownership
	Level Crossing		Level Crossing
	Bridge (Rail over Rail)		Bridge (Rail over Rail)
	Bridge (Rail over River)		Bridge (Rail over River)
	Bridge (Rail over Road)		Bridge (Rail over Road)
	Bridge (Road over Rail)		Bridge (Road over Rail)
	Tunnel		Tunnel

Landinformation

SOUTH WALES NETWORK RAIL & CORE VALLEY LINES OWNERSHIP OVERVIEW

Coordinates \square 318625E 176089N		
Date: 19 Feb 2019	Drawn By: AC	
Drawing No: 6096531	Rev:	Scale: 1:4000 @ A3



NR Ownership		CVL Ownership	
	Freehold Ownership		Freehold Ownership
	Leasehold Ownership		Leasehold Ownership
	Level Crossing		Level Crossing
	Bridge (Rail over Rail)		Bridge (Rail over Rail)
	Bridge (Rail over River)		Bridge (Rail over River)
	Bridge (Rail over Road)		Bridge (Rail over Road)
	Bridge (Road over Rail)		Bridge (Road over Rail)
	Tunnel		Tunnel

Landinformation

SOUTH WALES
 NETWORK RAIL & CORE VALLEY LINES
 OWNERSHIP
 OVERVIEW

Coordinates \square 316007E 176505N

Date: 19 Feb 2019	Drawn By: AC	
Drawing No: 6096531	Rev: Scale: 1:7000 @ A3	

CONSULTATION REPORT

relating to Land relating to Core Valley Lines, South Wales

PROPOSED LAND DISPOSAL

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

Site location and description: Land relating to Core Valley Lines, South Wales

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

Summary of position regarding responses: 29 external stakeholders were consulted and 29 responses were received, as per list below.

There were several objections and we list the parties below:

- DB Cargo UK Limited
- Freightliner Limited
- GB Railfreight Limited
- Rail Freight Group

- Freight Transport Association

The objections from DB Cargo, Freightliner and GB Railfreight were all along similar lines and concerned how their rights and business interests will be guarded across the boundary between NR's retained network and the newly-divested CVL. Rail Freight Group and Freight Transport Association echoed these views.

Further comments were raised from West Coast Railway Company, which sought written assurances regarding future open access, however, it was confirmed that once industry consultation is complete track access agreements will be offered to all charter operators.

Rhondda Cynon Taf County Borough Council had no objections to the transfer, however, on a practical basis they would like copies of the detailed land plans once agreed so to avoid any inaccuracies. This will be communicated to TfW and the information can be shared where relevant.

The full list of external consultees is set out below:

No.	External party name	Contact name, email address and telephone	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	16/04/19	No comment	Not applicable
2	Welsh Government		Y	09/05/19	No comment	Not applicable
3	Arriva Trains Cross Country		Y	25/02/19	No comment	Not applicable
4	TfW Rail Services		Y	22/03/19	No comment	Not applicable
5	c2c Rail Limited		Y	25/02/19	No objection	Not applicable
6	Chiltern Railway Company Limited		Y	09/05/19	No Comments	Not applicable
7	Eurostar International Limited		Y	25/02/19	No comment	Not applicable
8	Great Western Railway		Y	22/03/19	No objection	Not applicable

9	Grand Central Railway Company Limited		Y	25/02/19	No comment	Not applicable
10	London & South Eastern Railway Limited Southeastern		Y	25/02/19	No comment	Not applicable
11	Merseyrail Electrics 2002 Limited		Y	26/02/19	No objections	Not applicable
12	Northern Rail Limited		Y	26/02/19	No objections	Not applicable
13	COLAS Freight		Y	25/03/19	No comment	Not applicable
14	Direct Rail Services Limited		Y	08/03/19	No comments	Not applicable
15	DB Cargo UK Ltd Formerly DB Schenker		Y	21/03/19	Objection – see correspondence below.	Not applicable
16	Freight Transport Association		Y	21/03/19	Objection – see correspondence below.	Not applicable
17	Freightliner Limited		Y	25/02/19	Objection – see correspondence below.	Not applicable
18	GB Railfreight Limited		Y	28/03/19	Objection – see correspondence below.	Not applicable

19	Rail Freight Group		Y	26/02/19	Objection – see correspondence below.	Not applicable
20	West Coast Railway Company		Y	15/04/19	Required assurances existing access rights will continue. See correspondence below.	Not applicable
21	WH Malcolm		Y	06/03/19	No objections	Not applicable
22	Associated British Ports		Y	25/02/19	No comments	Not applicable
23	Association of Community Rail Partnerships		Y	27/02/19	No comment	Not applicable
24	British Transport Police		Y	02/04/19	No comments	Not applicable
25	Transport Focus formerly Passenger Focus		Y	18/03/19	No objection	Not applicable
26	Caerphilly County Borough Council		Y	15/08/18	Fully support – see comments below.	Not applicable
27	Cardiff Council		Y	17/04/19	Fully endorsed – see below.	Not applicable
28	Merthyr Tydfil Couhty Borough Council		Y	06/05/19	No comments	Not applicable

29	Rhondda Cynon Taf County Borough Council		Y	14/05/19	No objection in principle – see comments below requiring land plans.	Not applicable
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Copies of responses are given in the annexes to this report, as indicated above.

A copy of the consultation request is given in Annex 2

Annex 1

1. Department for Transport

From: @dft.gov.uk

Sent: 16 April 2019 14:52

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

I can confirm that we in Rail Infrastructure South, Department for Transport, have no comment to make.

Regards,

**Briefing and Correspondence Manager, Great Western and Wessex, Rail Infrastructure South,
Department for Transport
4/27**

2. Welsh Government

From: @gov.wales

Sent: 09 May 2019 11:55

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hello

I've checked my records & there were no comments from my colleagues here. But, Welsh Government colleagues have referred this to Transport for Wales to provide a response for you. Welsh Government have "no comments" on this proposal.

Hope that helps?

Kind Regards

Yr Uned Rheilffyrdd/Rail Unit
Adran yr Economi a'r Seilwaith/Department for Economy & Infrastructure
Llywodraeth Cymru/Welsh Government
Parc Cathays/Cathays Park
Caerdydd/Cardiff
CF10 3NQ / Ffôn/
e-mail/e-bost

3. Arriva Trains Cross Country

From: @crosscountrytrains.co.uk

Sent: 25 February 2019 13:26

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Rob

XC Trains Ltd has no comment on this proposed disposal.

Regards

Station Contracts Manager CrossCountry

Phone: Mobile: Fax:

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

4. TfW Rail Services

From: @tfwrail.wales

Sent: 22 March 2019 13:42

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hi

TfW Rail Services has no comments on this proposal.

Regards,

5. c2c Rail Limited

From: @c2craill.net

Sent: 25 February 2019 08:16

To: @networkrail.co.uk

Subject: Re: Consultation on proposed land disposal: Core Valley Lines, South Wales

Good morning

No objection from c2c for the below proposal.

Regards

Reactive Works Manager

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

c2c

6. Chiltern Railway Company Limited

From: @chilternrailways.co.uk

Sent: 09 May 2019 14:04

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hello,

Chiltern have no comments.

Regulatory Contracts Manager
Chiltern Railways

7. Eurostar International Limited

From: @eurostar.com

Sent: 25 February 2019 09:24

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

No comment from EIL,

Thanks

PA to Chairman and to Company Secretary

Eurostar International Limited

Times House | Bravingtons Walk | London N1 9AW

8. Great Western Railway

From: @gwr.com

Sent: 22 March 2019 14:46

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Good afternoon

Thank you for sight.

We have no objection thank you.

Network Access Manager | Great Western Railway
1 Milford Street | Swindon | SN1 1HL

9. Grand Central Railway Company Limited

From: @grandcentralrail.com

Sent: 25 February 2019 07:30

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

Thank you for your email.

GC has no comment.

Regards

Chief Operating Officer | **Grand Central Rail**

10. London & South Eastern Railway Limited Southeastern

From: @southeasternrailway.co.uk

Sent: 25 February 2019 08:28

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Good morning

Thank you for the opportunity to review the below.

Southeastern has no comments on this proposal.

Kind regards,

[Commercial Manager](#)

southeasternrailway.co.uk

11. Merseyrail Electrics 2002 Limited

From: @merseyrail.org

Sent: 26 February 2019 09:01

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

We have no objections,

Thanks

Legal & Contract Assistant
Merseyrail

12. Northern Rail Limited

From: @northernrailway.co.uk

Sent: 26 February 2019 09:45

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Northern have no objections to the below proposal.

Thanks,

13. COLAS Freight

From: @colasrail.com

Sent: 25 March 2019 14:32

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

– no comment.

Property Manager

14. Direct Rail Services Limited

From: @drsl.co.uk

Sent: 08 March 2019 12:40

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hi

DRS have no comments.

Best Regards,

Procurement Apprentice

Direct Rail Services Ltd

15. DB Cargo UK Ltd Formerly DB Schenker

On 24 Apr 2019, at 16:54 @deutschebahn.com" @deutschebahn.com wrote:

Dear

Further to my previous e-mail, obviously the transfer can be made acceptable by tailoring the contractual and regulatory situation vis-a-vis the current access beneficiaries such as DB Cargo so as to render them cost-neutral, but there is so far a total absence of detail as to the way this will be handled, which makes formal acceptance of the transfer an unacceptable risk until the access conditions have been sorted out in detail. Basically, all the "loose ends" need to be tied up before acceptance.

From:

Sent: 24 April 2019 16:30

To: @deutschebahn.com

Cc: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

Further to email below, I just wanted to check with you that you are aware that the Network Change consultation for the Core Valley Lines divestment has been circulated. Your initial response to the disposal consultation mentioned that you had not seen the Network Change yet, but to date I don't believe we've had a response from you on that so I just wanted to check with you that you are aware that the Network Change consultation ends on 28th April?

While we of course recognise your concerns on the disposal, we believe they are more appropriately dealt with by the Network Change process, and do not appear to be objections to the principle of transferring the CVL.

Many thanks

Senior Sponsor | Wales
Uwch Noddwr | Cymru

St Patrick's House | 17 Penarth Road | Cardiff | CF10 5ZA
Tŷ St Patrick | 17 Heol Penarth | Caerdydd | CF10 5ZA

From:
Sent: 08 April 2019 12:10
To: '@deutschebahn.com' @deutschebahn.com
Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

Thank you for your detailed response, which has been shared with TfW/KeolisAmey. They have provided the following response:

The transfer of the Core Valley Lines to Transport for Wales, KeolisAmey will become the Infrastructure Manager for this Network. Freight and passenger operators using the Core Valley Lines will require ORR regulated access agreements to which KeolisAmey, rather than Network Rail, will be the counterparty. Dialogue with DB Cargo commenced on the 1st of April 2019 to discuss the Network Code and the Network Statement that will apply to the CVL post-transfer. We suggest that the questions raised are dealt with in these discussions, although we are happy to provide a formal written response once these discussions have been concluded.

Please advise if you agree with the above proposal or wish to make further comment, which I'm happy to share with TfW/KeolisAmey.

Kind Regards

Senior Surveyor

From: @deutschebahn.com @deutschebahn.com **On Behalf Of** @deutschebahn.com
Sent: 21 March 2019 13:42
To:

Subject: Re: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

DB Cargo UK Limited "DB Cargo" holds a Track Access Contract Freight Services dated 11 December 2016 with Network Rail that expires in 2026 "the contract". Under the contract, DB Cargo has permission to use the entire Network subject to the terms and conditions set out therein. This permission to use includes the Core Valley Lines "the CVL" upon which DB Cargo operates regular services, for example, to and from Cwmbargoed.

DB Cargo understands that the proposal is intended to permit the transfer of ownership of the CVL from Network Rail to Transport for Wales "TfW" who will become the infrastructure manager. Therefore, if this proposal is implemented, Network Rail would no longer be able to honour the contract in its entirety as the contract will no longer provide DB Cargo with permission to use the CVL. This would prevent DB Cargo's services accessing the CVL and, in particular, the various freight terminals located on the CVL e.g. Cwmbargoed.

Consequently, DB Cargo is seriously concerned that this proposal would:

a breach the contract;

b disapply the Network Code including Access Dispute Resolution Rules;

c disapply other common industry rules and procedures that apply to Network Rail's Network e.g. the Timetable Planning Rules, Delay Attribution Principles and Rules and Traction Electricity Rules;

d. increase bureaucracy i.e. DB Cargo would likely need two access contracts rather than one; and

e result in additional cost i.e. there could be charges from TfW for using the CVL which could be set at a magnitude far in excess of the charges currently levied by Network Rail.

Furthermore, DB Cargo currently enjoys a high degree of certainty under the contract so that it can continue to operate its current services and secure future access to the CVL. It also understands the level of charges that is levied for that access. However, if the proposal is implemented, that high degree of certainty is lost, its current services would be at risk and instead any access required would be subject to the successful negotiation of a separate contract with TfW containing unknown terms, conditions and charges. However, DB Cargo notes that the proposal is currently silent on the terms and conditions of the access regime including any Performance Regime intended to be introduced by TfW if the proposal is implemented.

Similar concerns to the majority of those outlined above in respect of DB Cargo's track access arrangements to the CVL also apply to DB Cargo's current access arrangements to stations on the CVL.

In conclusion, whilst in principle, DB Cargo is not opposed to the proposal to transfer the CVL to TfW, it has strong concerns outlined above over how the proposal will be implemented and is particularly keen to ensure that it is not disadvantaged in any way. Therefore, until its concerns have been addressed, DB Cargo will be unable to give its consent to the proposal and questions whether a proposed implementation date of only 7 months hence, will provide sufficient time to resolve its concerns, particularly as no Network Change or Station Change proposals have so far been consulted upon.

Yours,

Rail Network Manager
DB Cargo UK Limited
310 Goswell Road, London EC1V 7LW

16. Freight Transport Association

From: @fta.co.uk

Sent: 08 April 2019 13:11

To: @networkrail.co.uk

Cc: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thank you. That is appreciated. Our views will be aligned with those of Rail Freight Group.

Director of UK Policy
Freight Transport Association

www.fta.co.uk

From:

Sent: 08 April 2019 11:54

To:
Cc:
Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

Thank you for your comments below, which I shared with TfW/KeolisAmey for comment. They have sent a brief update below:

TfW and the proposed new CVL Network Licence holder met with the representatives from Rail Freight Group on 01/04/19 to discuss issues raised during the LC17 consultation and outline the proposal for CVL going forward.

I haven't been provided with any further details following the meeting and will advise you of these once received.

Kind Regards
Senior Surveyor

From:
Sent: 21 March 2019 10:38
To:
Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

FTA would like to raise an objection to this proposal. It currently says:
Any parties that benefit from rights against NR, such as freight facility owners at Cwmbargoed and Hirwaun, will retain their rights under the scheme but the counterparty will become TfW.
It is vital for freight operations that one body currently Network Rail retains responsibility for nationwide granting of access rights, timetabling, the performance regime, engineering access. Rail freight operations are national operations, rather than just operations inside the Core Valley

so it all needs to be planned together if not there will be interface issues which will be extremely detrimental to rail freight.

We would also like to see that TfW have a commitment to grow rail freight. Can you confirm this is in place?

With thanks

Director of UK Policy
Freight Transport Association

www.fta.co.uk

17. Freightliner Limited

From:

Sent: 24 April 2019 16:30

To: @freightliner.co.uk; @freightliner.co.uk

Cc: @freightliner.co.uk; @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

Further to email below, I just wanted to check with you that you are aware that the Network Change consultation for the Core Valley Lines divestment ends on 28th April? Your response to the disposal consultation below indicated that you would not be comfortable to approve any Network Changes at this point in time, but to date I don't believe we've had a response from you on that so

I just wanted to check with you that you are aware that the Network Change consultation ends this weekend.

While we of course recognise your concerns on the disposal, we believe they are more appropriately dealt with by the Network Change process, and do not appear to be objections to the principle of transferring the CVL.

Many thanks



**Senior Sponsor | Wales
Uwch Noddwr | Cymru**

St Patrick's House | 17 Penarth Road | Cardiff | CF10 5ZA
Tŷ St Patrick | 17 Heol Penarth | Caerdydd | CF10 5ZA

Please note my usual working pattern is 8:00 – 17:15, Tuesday-Friday

From:

Sent: 29 March 2019 12:13

To:

Cc: @networkrail.co.uk;

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hi

For the avoidance of doubt until the issues listed in our email are resolved Freightliner has no choice but to object to the disposal of the Core Valley Lines. I am aware that other freight operators have also objected.

The issues around access should have been addressed before the formal disposal notice was consulted upon.

We are meeting with Transport for Wales on Monday to discuss what their proposals are, but we have had nothing from them to date in terms of a proposal, so we are at a very early stage.

Our view still remains that access to this infrastructure should be contracted via Network Rail. We have raised our concerns with the ORR regarding the lack of consultation about how access should be contracted.

We have received the Network Change and will also be objecting to that until issues over access are resolved.

Regards

Head of Rail Strategy
Freightliner Group Limited

Email:
Web: www.freightliner.co.uk
Freightliner® is a registered trademark

Please consider the environment before printing this email

From:
Sent: 08 March 2019 08:48
To:
Cc:
Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hi

I appreciate you are the messenger on this one.

We are very concerned about what is being proposed here. We do not want a separate contract and bidding process - could the whole thing be subcontracted via Network Rail?

Suggest we have a meeting including RFG and DB Cargo to discuss.

Thanks

Head of Rail Strategy

----- Original Message -----

From:

Date: Fri, March 08, 2019 8:17 am +0000

To:

CC:

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hi

Thanks again for your response below. I have now heard back from the project/TfW addressing your queries/comments as follows:

1. Post-transfer, there will be no change to the provision of freight services on the CVL, noting the existing short term network change on the Hirwaun line.
 2. Post-transfer, a freight operator would have to bid through TfW; the process itself will remain the same however it will be through TfW rather than NR.
-

3. TfW will shortly be in contact with Freight operators to commence discussion in respect to freight Track Access Agreements.

4. NR Standards will be adopted from the date of transfer.

5. Timetabling shall be the responsibility of TfW however the validation of timetables will be sub-contracted from NR through a Services Agreement, to be entered into in advance of transfer.

6. On the Core Valley Lines infrastructure post transfer, engineering access will be controlled by TfW.

The Network Change to which you refer is currently out for internal consultation only and will be sent externally in due course.

Freightliner are a statutory consultee in relation to TWAOs that give authority for works that affect infrastructure you have rights over. This TWAO does not give authority for any works, so Freightliner are therefore not statutory consultees.

I hope these answer your questions/concerns but please let me know if you have any further points you would like addressed.

Kind Regards
Senior Surveyor

From:

Sent: 25 February 2019 09:56

To:

Cc:

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Hi

Hope you are well.

Freightliner currently operates trains to Cwmbargoed and has concerns about this proposed disposal and objects pending further information. Please can you confirm:

1. that existing track access rights for freight operators will be protected
2. how a freight operator would bid for access in the future – Freightliner would not be agreeable to having to bid separately to TfW and suggests we do so with NR for NR to subcontract any access with TfW
3. How will this impact the performance regime
4. We require reassurances that the infrastructure will be maintained to national standards e.g. gauge clearance, route availability.
5. Please confirm who controls timetabling
6. Please confirm who controls engineering access

I note there is mention of a network change but to date we have not been consulted and a change of this nature needs to be discussed with our strategy team.

We also do not appear to have been consulted as part of the Transport and Works Act Order application and would note that we are a statutory consultee for any TWAO impacting infrastructure that we operate on.

I look forward to hearing from you.

Kind regards

Group Property Manager
Freightliner Group Limited

Email:
Web: www.freightliner.co.uk

18. GB Railfreight Limited

From:

Sent: 24 April 2019 16:29

To: @gbrailfreight.com

Cc: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Further to email below, I just wanted to check with you that you are aware that the Network Change consultation for the Core Valley Lines divestment has been circulated. Your initial response to the disposal consultation indicated that you would not be comfortable to approve any Network Changes at this point in time, but to date I don't believe we've had a response from you on that so I just wanted to check with you that you are aware that the Network Change consultation ends on 28th April?

While we of course recognise your concerns on the disposal, we believe they are more appropriately dealt with by the Network Change process, and do not appear to be objections to the principle of transferring the CVL.

Many thanks



Senior Sponsor | Wales
Uwch Noddwr | Cymru

St Patrick's House | 17 Penarth Road | Cardiff | CF10 5ZA
Tŷ St Patrick | 17 Heol Penarth | Caerdydd | CF10 5ZA

Please note my usual working pattern is 8:00 – 17:15, Tuesday-Friday

From:

Sent: 08 April 2019 11:43

To:

Cc:

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

I have now heard back from TfW and KeolisAmey who have responded as follows:

TfW and KeolisAmey the proposed new CVL Infrastructure Manager met with the representatives from Rail Freight Group on 01/04/19 to discuss the issues raised during the LC7 consultation and outline the proposal for CVL going forward. It is proposed that the CVL network will remain a Heavy Rail network and existing route capability will be maintained. Details will be available when the CVL Network Statement is published later this month. New regulated Access Agreements will need to be entered into for freight operations on the CVL network. Details of how the CVL will be operated and managed will be contained within the new Access Agreements, Network Code and Network Statement. As dialogue with the RFG is ongoing, we suggest that detailed answers to many of the issues raised here are worked through in these discussions, although we are happy to provide a formal written response once the CVL management arrangements for freight have been confirmed.

I hope this addresses your queries below and we will advise you further of any outcomes of last week's meeting involving RFG.

Kind Regards

Senior Surveyor

From:

Sent: 28 March 2019 17:10

To: @networkrail.co.uk; '@dft.gsi.gov.uk'; @crosscountrytrains.co.uk; @tfwrail.wales; @c2craail.net; @chilternrailways.co.uk; @eurostar.com; @gwr.com; @grandcentralrail.com; @southeasternrailway.co.uk; @merseyrail.org; @northernrailway.co.uk; @colasrail.com; @drsl.co.uk; @deutschebahn.com; @fta.co.uk; @freightliner.co.uk; @rfg.org.uk; @aol.com;

Cc: @networkrail.co.uk;

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Importance: High

Dear

I am aware that the property disposal and Network Change are two parallel processes however GB Railfreight is not comfortable to approve either this disposal or any Network Changes until more of future contractual detail is clear. Some of the items that need to be made clear are:

- What safeguards are there for the new TfW network to be maintained to its currently published capability and that defined by Network Rail's CP6 settlement?
- What would the regulation process be for the new TfW network and where would that be defined?
- Where is the proposed new TfW Network Statement?
- Is there to be a new TfW Network Code?
- Would GBRf need a completely new access agreement in place and what would that look like? Where do all the liabilities lie?
- How would GBRf or other FOCs exercise their firm rights and spot bid rights? Also, how do we bid for paths over the new TfW network and who controls the engineering access for the network? On what contractual basis would that all sit? It isn't clear at all.
- Would there be any additional charges, when compared with the Network Rail CP6 charging regime?

Without any real clarity to these and other questions, it is premature to proceed with this disposal of the network from Network Rail and GBRf cannot agree to it.

Regards,

Head of Capacity Planning,
GB Railfreight Ltd.,

3rd Floor,
55 Old Broad Street,
London, EC2M 1RX.

E-mail:

GB Railfreight Ltd. Registered in England & Wales No. 03707899.

19. Rail Freight Group

From:

Sent: 08 March 2019 08:17

To: @rfg.org.uk

Cc: @btinternet.com; @deutschebahn.com' @deutschebahn.com; @networkrail.co.uk;
@networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thanks again for your email below. I have now heard back from the project/TfW who have responded to your comments as follows:

- Yes ORR will regulate TfW in terms of Safety and track access are regulated agreements. However, the ORR will not cover economic regulation for the CVL.
 - The existing freight track access contracts will not transfer and new contracts with TfW will need to be set up. As above, track access is a regulated agreement.
 - Freight Customers will be contacted shortly to commence discussion in respect to respective connection agreements at Hirwaun and Cwmbargoed.
-

-
- TfW will be required to maintain the network in future as NR are and there will be a network change process in place, in line with the Network Code.
 - Engineering access planning for the CVL will be undertaken by TfW; access planning across the boundaries will work as it does currently between routes.

I hope this provides clarification on the points you raised but please do let me know if you require any further information.

Kind Regards

Senior Surveyor, Property Services – Wales & Western Route

From

Sent: 26 February 2019 16:08

To:

Cc: @btinternet.com; @deutschebahn.com ' @deutschebahn.com;

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

many thanks for this,

We have no *defacto* issue with the transfer of the Valley lines to TfW, but the consultation is not clear on a number of points, and I would be grateful of your clarification. I know that there are only a few freight flows remaining, but nonetheless the principles are important.

- Will TfW, as infrastructure manager, be regulated by ORR as with NR? Will track access charges be regulated in the same way for example?
 - There is no reference to freight track access contracts and rights. Do these transfer where they continue to apply? Will FOCs require a separate contract, or will they continue to have a single contract with NR? How will access be regulated?
 - There is reference to the need to change the contractual parties for connection agreements. Have the end customers been contacted, and what protection will they have, for example in terms of price?
-

-
- Will TfW be required to maintain the network in future as NR are – will the process of Network Change continue to apply for example?
 - We note that NR will continue to undertake timetabling activities. Will this also include engineering access planning?

Clearly these are a subset of issues which relate to the establishment of a new infrastructure manager for part of the UK network and so I am sure they are being considered, but I would be grateful if you could let me know where and how so we can get the necessary assurances regarding these lines, and also as a 'case study' for any future schemes elsewhere,

Many thanks

Director General
Mobile

20. West Coast Railway Company

From:
Sent: 10 May 2019 13:13
To: @aol.com
Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thank you for your response below. I sent this to TfW/Amey Keolis who have commented as follows:

Amey Keolis Infrastructure Limited has very much considered charter operator's needs in its principles and plans for stations and track access. We aim to present as little change as possible for continued access by operators to the Core Valley Lines. In advance of the track access agreements being made available for industry consultation, we can say that for charter operators:

-
- *The Network Code will describe how the coordination of planning and engineering access will be seamless across each border*
 - *Schedule 4 will not be applicable*
 - *Schedule 5 will show how rights will be co-ordinated across the borders*
 - *Schedule 7 will be applicable where the mechanism for calculating and the charges themselves will be similar to present*
 - *Schedule 8 is still under review*

Once industry consultation is complete, we shall offer track access agreements to all charter operators.

Kind Regards
Senior Surveyor

From:
Sent: 15 April 2019 16:36
To:
Subject: Re: Consultation on proposed land disposal: Core Valley Lines, South Wales

Although charters rarely access the lines in question, WCR, in common with all other open access charter train operators, would need firm written assurances that the same rights, as currently permitted, will be maintained, in particular, for existing traction and rolling stock.

Best

WCR

E

21. WH Malcolm

From: @whm.co.uk

Sent: 06 March 2019 14:58

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

No objections.

Regards

Business & Estate Manager | W H Malcolm Ltd

22. Associated British Ports

From: @abports.co.uk

Sent: 25 February 2019 14:04

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thank you for the e-mail consultation. No comments on the proposal. Kind regards

Huw Turner | Group Head of Property | Associated British Ports

Queen Alexandra House | Cargo Road | Cardiff | CF10 4LY

Tel: | Mob: | www.abports.co.uk

23. Association of Community Rail Partnerships

From: @acorp.uk.com

Sent: 27 February 2019 09:17

To: networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

No comment

Senior Operations Manager

24. British Transport Police

From: @btp.pnn.police.uk

Sent: 02 April 2019 07:41

To: @networkrail.co.uk

Subject: Core Valley line.

Hi

I am currently in dialogue with Transport for Wales re issues relating to their future working. I have no comments to add to the proposals sent out.

Regards

Ymgynghorwr Lleihau Troseddau
Crime Reduction Advisor

25. Transport Focus

From: @transportfocus.org.uk

Sent: 18 March 2019 14:23

To: @networkrail.co.uk

Subject: Re: Consultation on proposed land disposal: Core Valley Lines, South Wales 2102c19

Thank you for sending Transport Focus details of the proposed land disposal in South Wales. They note that it includes:

the disposal, freehold, to Transport for Wales, of the "Core Valley Lines" CVL, which are these railways:

the City Line from Radyr Junction to north of Ninian Park station, current proposed boundary at RAD 1m 20ch.,

Cardiff Queen Street South Junction towards Cardiff Central, current proposed boundary at CEJ 0m 13ch.,

Cardiff Bay station via Cardiff Queen Street to Rhymney station,

the branches off that line from Heath Junction to Coryton station, and Ystrad Mynach South Junction to Cwmbargoed,

Cardiff Queen Street North Junction to Merthyr Tydfil station,

the branches off that line from Pontypridd Junction to Treherbert station, and from

Abercynon Junction to Aberdare and Hirwaun,

the lines from Ystrad Mynach S. Junc. to Cwmbargoed, and from Aberdare to Hirwaun are currently freight only;

all the infrastructure, operational assets, adjoining land and buildings on those routes;

specific agreements which will be in place at the boundaries between the CVL and NR lines regarding signalling and assets;

a survey which will be made to locate operational and utility services, and any necessary measures are required to safeguard them.

Transport Focus also notes that:

a completed Network Change will be required before the sale for any operational sidings in the sale area;

a Network Change is also required for the transfer itself;

the current plan is for the transfer to be made on Sunday, 22nd. of September 2019;

NR access arrangements will transfer to TfW's rail service delivery partner, Keolis Amey;

NR's access rights to maintain retained assets on the CVL will be guaranteed by a separate access agreement;

trains will inter-work between the CVL and the national network;

because of that inter-working NR will continue to plan the timetable of the CVL services;

the Welsh Government has applied for a Transport & Works Act order for Transport for Wales' plans for the CVL, which include:

electrification, re-signalling, new rolling stock;

a Statutory Transfer Scheme will transfer all the legal title and rights to the railways that make up the CVL;

TfW will effectively be the same party at law as NR, with the transfer including the transfer of a Transport Undertaking's statutory rights, including permitted development rights;

TfW will therefore be statutorily able to immediately assume running the CVL as a passenger railway.

Transport Focus suggests that all parties involved in this disposal should consider any future changes that are, or might be, required, that could affect the disposal, such as adding infrastructure, including stations, platforms, sidings, passing sidings or double-tracking.

Transport Focus's research with passengers on TfW services showed that they wanted a step change in the rolling stock and capacity. TfW's proposals for the Core Valley Lines, as part of the South Wales Metro, which will modernise the lines and their operation, with improved stations and new trains operating a more frequent service with faster journey times, should bring passengers those benefits. Transport Focus therefore has no objection to the proposed disposal.

Regards,

26. Local Authority – Caerphilly County Borough Council

From: CAERPHILLY.GOV.UK

Sent: 18 March 2019 11:40

To: @networkrail.co.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear

On behalf of Caerphilly County Borough Council, I confirm that we are fully supportive of the proposed land disposal to Transport for Wales and the Core Valley Lines transformation programme that it will help facilitate.

A key aspect of supporting this programme will be to exploit opportunities to deliver Active Travel improvements, integrate public transport provision and deliver developments with a focus on employment and economic regeneration.

Should you require any further information from the Council, please contact me.

Regards,

Rheolwr Peirianeg Trafnidiaeth | Transportation Engineering Manager
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

27. Local Authority – Cardiff Council

From: @cardiff.gov.uk

Sent: 17 April 2019 12:57

To: @networkrail.co.uk

Cc: @cardiff.gov.uk; Gregory, @cardiff.gov.uk; @cardiff.gov.uk; @cardiff.gov.uk; @cardiff.gov.uk; Walter, @cardiff.gov.uk

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thank you for clarification,

The proposals for delivery South Wales Metro is fully endorsed by Cardiff Council.

Regards

Rheolwr Gweithredol – Datblygu Trafnidiaeth a Rheoli'r Rhwydwaith
Operational Manager – Transport Development and Network Management
Cynllunio, Trafnidiaeth a'r Amgylchedd / Planning, Transport and Environment
Cyngor Caerdydd / Cardiff Council

From:

Sent: 02 April 2019 12:41

To:

Cc:

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

I understand your concerns but one of the main reasons behind the transfer of the assets/land is to allow Transport for Wales to carry out their proposals. No land within the transfer area is being retained by Network Rail as everything is being transferred along with Network Rail's statutory powers – therefore, the proposed transfer will not compromise any proposals and they will in fact make delivering improvements easier.

Please feel free to call me should you wish to discuss.

Kind regards

From:

Sent: 27 March 2019 17:49

To:

Cc:

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thank you for the information and indicative plans. It is understood that the land disposal will facilitate the delivery of the Core Valley Line proposals of the UK Government and Welsh Government Wales and Borders Rail Franchise which is endorsed by Cardiff Council. Cardiff Council is mindful of the need to ensure that future improvements such as new stations and extendibility of the rail network are not compromised and/or made more difficult by any land disposals. The plans provided to date do not provide sufficient information to comment in any detail. Therefore, it is requested that a copy of the full set of detailed maps of the land to be transferred in Cardiff to Transport for Wales is provided for comment at the appropriate time.

Regards

Rheolwr Gweithredol – Datblygu Trafnidiaeth a Rheoli'r Rhwydwaith
Operational Manager – Transport Development and Network Management
Cynllunio, Trafnidiaeth a'r Amgylchedd / Planning, Transport and Environment
Cyngor Caerdydd / Cardiff Council

From:

Sent: 20 March 2019 13:58

To: Cc:

Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

As all Network Rail's land/assets between the specific points are to be transferred to Transport for Wales we don't have detailed plans to share with you – these are still being drawn up to be included in the legal documentation.

To answer the Council's query I have put together the attached document with overview plans concerning Cardiff. Whilst these are high level the dark green shows the railway tracks and light green colouring shows the land ownership adjoining, which is confined to the railway and there are no notable parcels of land either adjoining or away from the railway infrastructure.

The purpose of the two maps included originally is to show the points at which the transfer will start/stop to the west and east of Cardiff Central and the south Wales Mainline.

I trust the additional plans are of assistance, please let me know if you have any further questions and I look forward to the Council's response in due course. If the Council have no comments to make I would be grateful if you could confirm this.

Kind Regards

28. Local Authority – Merthyr Tydfil County Borough Council

From: @merthyr.gov.uk
Sent: 06 May 2019 07:21
To: @networkrail.co.uk
Subject: RE: Consultation on proposed land disposal: Core Valley Lines, South Wales

Thank you for your email.
We have no comments.
Regards

29. Local Authority – Rhondda Cynon Taf County Borough Council

From: @rctcbc.gov.uk

Sent: 14 May 2019 11:22

To: @networkrail.co.uk

Cc: @rctcbc.gov.uk

Subject: FW: Consultation on proposed land disposal: Core Valley Lines, South Wales CPEPUB-00308

Importance: High

I refer to your e mail to my colleague and our subsequent telephone conversation.

In principle, the Authority have no objections with the transfer of land from Network Rail to TFW associated with the Core Valleys Line Transfer.

On a practical basis, we would like to be included in any exchange of plans between the organisations to ensure that the plans are accurate and reflect any landholdings owned by the Authority immediately adjacent to the railway corridor, to avoid any potential queries from solicitors and the Land Registry.

Kind Regards

**Rheolwr Prynu a Gwerthu Eiddo / Acquisitions & Disposals Manager
Gwasanaethau Corffaethol/ Corporate Estates**

**Ty Trevithick
Abercynon
Aberpennar/Mountain Ash
CF45 4UQ**

- Deialu Ffon / Tel:
e-bost/email:

Annex 2

From:

Sent: 22 February 2019 16:15

To: @dft.gsi.gov.uk; @gov.wales; @gov.wales; @crosscountrytrains.co.uk; @tfwrail.wales; @c2crail.net' chilternrailways.co.uk; @eurostar.com; @gwr.com; EXTL: English, @grandcentralrail.com; @southeasternrailway.co.uk; @merseyrail.org; northernrailway.co.uk; @colasrail.com; @drsl.co.uk; deutschebahn.com; @fta.co.uk; @freightliner.co.uk; @gbrailfreight.com; @rfg.org.uk; @aol.com; @whm.co.uk; @acorp.uk.com' @acorp.uk.com; @btp.pnn.police.uk; @transportfocus.org.uk; @cardiff.gov.uk; @rctcbc.gov.uk; @caerphilly.gov.uk; @merthyr.gov.uk

Cc: @networkrail.co.uk; @networkrail.co.uk; networkrail.co.uk

Subject: Consultation on proposed land disposal: Core Valley Lines, South Wales

Dear Consultee

We are currently seeking views of relevant parties on our proposed land disposal of the Core Valley Lines in south Wales by way of freehold sale.

We attach a draft application form which together with the related plans, explains the proposed land disposal in detail. Following this consultation and having considered any comments that are received, a decision will be made whether to submit a formal application to ORR for consent to dispose under the terms of our network licence.

Any application made will be based on this draft Property Evaluation form and updated in light of consultation responses. It is therefore important that we have your views on the proposed disposal. Please could any comments be provided to me via email by **22nd March 2019**.

If a formal application to ORR is made we will, in accordance with ORR's regulatory arrangements for land disposal, send you notification of our application in due course.

If you have any queries regarding our proposal do not hesitate to contact me. If future consultations of the nature should be directed elsewhere within your organisation please advise us of the appropriate contacts details so that we may amend our records.

Yours sincerely,

Senior Surveyor, Property Services – Wales & Western Route
Network Rail Property
Temple Point, Redcliffe Way, Bristol, BS1 6NL

Email

Mobile



www.networkrail.co.uk/property
