

# Property Disposal – Specific Consent

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

| 1. Disposal   |  |   |  |
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| Type of disposal  | Freehold Sale  |   |  |
| Rationale for disposal  | Following completion of the Aberdeen to Inverness Railway Improvements Project (A2I) we have been left with surplus land to the west of the newly constructed road overbridge which is known as site of the old Forres Station. There is no access to the land from the nearest public roads and the site can only be accessed via two of the adjacent privately-owned industrial properties and has no immediate or future railway use. Both neighbouring landowners have submitted a notice of interest in acquiring the site.   |   |  |
| 2. Clearance  | Type   | Reference                                   | Date   |
| Clearance Details   | Business   | CR/34538 expired and superseded by CR/44375 | 15 <sup>th</sup> December 2017<br>5 <sup>th</sup> May 2020 |
|   | Technical  | CR/34538                                    | 7 <sup>th</sup> October 2019                               |
| 3. Site   |  |   |  |
| Description of property for disposal  | The property for disposal is the site of the old Forres Station which was demolished and relocated as part of the A2I Project. The track at this location has been redesigned and constructed to run in a straight line, as opposed to being curved in its previous form, and the station has been moved east to accommodate these changes. The works have left us with a plot of land 4.46 acres in size that we have no direct access to other than from the trackside. The site is fenced off around the east, south and west of the property and one of the conditions of sale will be that any proposed buyer bears responsibility for installing fencing at a suitable specification to the north. |   |  |
| Attached plans and photographs:<br>(all site plans should be in JPEG format, numbered and should clearly show the | Attached plans and photographs:<br><br>5981676 Forres Sale-1.JPEG<br>IMG_0361<br>IMG_0362<br>IMG_0364  |   |  |

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| sites location approximate to the railway)      | Forres Old Station Site<br>Forres Old Station Site 2   |
| Ordnance survey coordinates                     | 302896E, 858944N   |
| <b>4. Proposal</b>                              |  |
| Proposed party taking disposal                  | Unknown at this stage. The property is being marketed for sale on the Network Rail Property website conditional on receiving external industry stakeholder consent.  |
| Proposed use / scheme                           | The site is expected to be used as an extension of one of the adjacent businesses.   |
| Access arrangements to / from the disposal land | There is no access to the site from either of the two adjacent public roads, the A96 and Benromach Way. The only access available is via two of the neighbouring businesses to the west of the site, one being a timber yard and the other being a builder's merchant. |
| Replacement rail facilities (if appropriate)    | Not applicable as no rail facilities will be lost by the proposed disposal.  |
| Anticipated rail benefits                       | As the site is landlocked and Network Rail has means of access/egress other than from the operational railway, the disposal of this site will remove a maintenance liability from the network.   |
| Anticipated non-rail benefits                   | The sum received for the sale of the property will be reinvested within business.  |
| <b>5. Timescales</b>                            |  |
| Comments on timescales                          | We are keen to conclude the sale as quickly as possible, likely timescale for completion will be 8 weeks on receipt of consent to dispose.   |
| <b>6. Railway Related Issues</b>                |  |

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| History of railway related use  | The site was the former location of the old Forres Railway Station. As part of the A2I Project, the station was demolished, and a new station was constructed within Network Rail owned land to the east of this site.  |
| When last used for railway related purposes   | The site was last used for railway related purposes in late 2017 on completion of A2I works in Forres.  |
| Any railway proposals affecting the site since that last relative use   | Not applicable  |
| Impact on current railway related proposals   | There are no current railway related proposals for which this disposal would have any impact.   |
| Potential for future railway related use  | As part of the A2I Project for the west in 2017, significant engineering works were undertaken at and around Forres station included the redoubling of the track, straightening of the track and relocation of the station. In light of this there are no additional works planned at this location within the long-term plan, therefore there is likely to be no potential that this plot will be required for future railway related use. |
| Any closure or station change or network change related issues  | As above, the new station has been relocated to a more suitable location following the recent network change in 2017 as part of the A2I project.  |
| Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future | This disposal will not affect any railway related access. There is a GSMR mast to the north of the site for which the A2I project created a safe access route for Maintenance staff which runs west from Forres station to ensure non restrictive access will be available at all times.  |

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| Position as regards safety / operational issues on severance of land from railway | <p>The disposal will include arrangements under which the other party will install new boundary fencing along parts of the railway boundary, specifically north of the site, and sufficient fencing already exists for the rest.</p> <p>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.</p> |
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## 7. Planning History and Land Contamination

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| Planning permissions / Local Plan allocation (if applicable) | The site has been added and accepted into the Local Plan for industrial use. The buyer will be responsible for all relevant planning consent on completion of the proposed sale. |
| Contamination / Environmental Issues (if applicable)         | There is no know contamination or environmental issues with the site that we are aware of.   |

## 8. Internal Consultation

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| Internal consultation | Following review of the Scotland Route Study, published July 2016, there was nothing contained within this document that was raised during the internal consultation period. |
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|   | With regards to the business and technical clearance certificates referenced in section 2 and attached to this document, technical clearance was initially rejected by our Maintenance colleagues on the basis that the access to the GSMR mast from Forres was not completed to their satisfaction. All outstanding items were resolved to Maintenance's satisfaction in September 2019 and the objection was lifted and clearance granted on 7 <sup>th</sup> October 2019. |
| <b>9. Local Authorities</b>             |  |
| Names & Email Addresses:                | Moray Council Town Planner.  |
| Local Transport Authorities:            |  |
| Other Relevant Local Authorities:       | None   |
| <b>10. Internal approval to consult</b> |  |
| Recommendation:                         | <p>By proceeding to consult I am:</p> <ul style="list-style-type: none"> <li>• recommending that Network Rail consults on the terms of disposal</li> <li>• confirming that I have read and understood Network Rail's Code of Business Ethics and policy on Interests in Transactions</li> <li>• confirming that I have secured internal written approval to consult in accordance with Network Rail's policy on Authorising Application Forms.</li> </ul>                    |

## 11. External Consultation

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| Summary of position as regards external consultations   | <p>Stakeholders 28 organisations were consulted. Details can be found in the attached Land Disposal Consultation Report.</p> <p>An initial objection was received from Freightliner on the basis that the site had not been considered for rail freight. Following further communication, they withdrew their objection.</p> |
| Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward | <p>There are no unresolved objections</p>  |

## 12. Internal approval to dispose

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| Recommendation:       | Based on the above, I recommend that Network Rail proceeds with the disposal.                             |  |
| Declaration:          | I have read and understood Network Rail's code of Business Ethics and Policy on Interests in Transactions |  |
| Proposer's name:      | Proposer's job title:<br>Property Services Surveyor   |  |
| Signed.....           | Date.....18/05/2020.....  |  |
| Authorised by (name): | Authoriser's job title:<br>Property Services Manager  |  |
| Signed.....           | Date.....   |  |