

Wycherley, Briony

From: John Sears <John.Sears@passengerfocus.org.uk>
Sent: 06 December 2012 17:35
To: Wycherley, Briony
Cc: Mike Hewitson
Subject: ORR's regulation of land disposals by Network Rail 0312a13

Briony,

Thank you for sending Les Waters' letter *ORR's regulation of land disposals by Network Rail* to Passenger Focus.

They note that the ORR's overall objective – "to protect land that has a reasonably foreseeable use in the future development of the railway network" – is unchanged. Passenger Focus believes that is a vital part of your regulation. Some land that is proposed for disposal is obviously of no future use, but other land could again become required for the operational railway. It is particularly important that, with growing demand for rail transport, land is not sold without adequate consultation and consideration. To that end, section 4 *Railway Related Issues* of Network Rail's *Proposed land disposal evaluation form V1.1* provides for adequate information regarding possible future railway use for land, but perhaps should be re-ordered to state first if there is any potential for future railway related use. It is important that it is made completely clear if land has no foreseeable rail use.

Passenger Focus has a few comments and questions about the text in section 1. of the *General consent*.

(c) (i) – why is the grant to a "person", and should it state that person is qualified or licensed?

(j) – how will "major developments" be identified?

(q) – noted. Network Rail should provide adequate notice of any prior consultation, and confirm that all "relevant stakeholders" have been contacted. Their consultation reports show that they take reasonable steps to obtain responses from consultees.

What is the mechanism for making an objection if it is felt that Network Rail has over-stepped its authority?

As well as Network Rail having an obligation to comply with the terms of the general consent, consultees also have an obligation to respond in a useful and timely fashion.

Regards,

John Sears.

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