

**Rob Plaskitt**  
**Head of Access and Licensing**  
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22 May 2014

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

**Network licence condition 7 (land disposal):  
Wheldon Road, Castleford (Allerton Bywater)**

**Decision**

1. On 25 March 2014, Network Rail gave notice of its intention to dispose of land at Wheldon Road, Castleford (Allerton Bywater) (the land) in accordance with condition 7.2 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 Network Rail's notice but subject to the condition that prior to the disposal of land, Network Rail notifies ORR that the land has been removed from the list of Strategic Freight Sites<sup>1</sup>.

**Reasons for decision**

3. We are satisfied that Network Rail has consulted all relevant stakeholders with current information. We note that:

- there is no evidence that the proposed disposal would affect adversely existing or future railway operations;
- some concerns regarding alternative freight sites were raised by Freightliner and DB Schenker. However the disposal will necessitate the de-listing of Wheldon Road freight yard from the Strategic Freight Site list<sup>2</sup>. Network Rail must do this before a disposal can proceed. Should there be disagreement regarding the de-listing an arbitrator can be appointed to resolve the issue; and
- the scheme will provide a rail-served power facility which may benefit the businesses of freight operators.

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<sup>1</sup> See Schedule 7 to the *Supplemental Agreement for leases, site demarcations, connection agreements and BRT easements between British Railways Board and Railtrack PLC made 1 April 1994 pursuant to the Railtrack Transfer Scheme (Supplemental Agreement to the Railtrack Transfer Scheme)*.

<sup>2</sup> Strategic freight sites are sites that were identified during privatisation as important for future freight use by the rail freight business. They are not currently in use and may or may not have rail connections.

4. We note that Wakefield Council holds a restrictive covenant on the land and is not fully supportive of the scheme, as it may be deemed contrary to its current land allocation. However, matters relating to town planning are outside our locus and instead are for the local authorities to consider and address.

5. We have had regard to our decision criteria in *Land disposal by Network Rail: the regulatory arrangements, December 2013*,<sup>3</sup> and balanced our section 4 duties 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*” (section 4(1)(a), referred to in paragraph 3.5(a)(ii) of the decision criteria).

6. Based on all the evidence we have received and taking into account all of the material views and facts relevant to our consideration under condition 7 of Network Rail’s network licence, we have concluded that the proposed disposal is not against the interests of users of railway services and that our conditioned consent should be granted.

A handwritten signature in black ink, appearing to read 'Robert M Plaskitt', with a stylized flourish at the end.

**Rob Plaskitt**

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<sup>3</sup> Available from our website [here](#).

**Annex A: Notice given by Network Rail to ORR on 25 March 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	<p>The property is known as land at Wheldon Road, Castleford (Allerton Bywater).</p> <p>The property shown by blue colour on the attached plan number 55058-1 comprises an area of approximately six acres and is situated to the south-east of Leeds, on the north eastern outskirts of Castleford in an area characterised by vacant brown-field sites of former colliery and chemical industry uses.</p> <p>The surrounding area has a mix of uses largely formed by these vacant sites but also includes a limited number of residential properties, a large sewage works to the east and a rugby league ground to the west. The location is one focused on employment generating uses.</p> <p>The site has the benefit of an existing rail connection at Castleford East junction (the connection to the former Allerton Bywater branch) and has good road access onto Wheldon Road and the rest of the local highway network. This network gives good access to the M62 to the south and the A1(M) to the north. The nearest railway station is Castleford which is located approximately 1.5 km to the west of the site.</p> <p>The site is on a variety of levels and is part formed by a Strategic Freight Site. This land is currently being levelled to create a site for rail-freight use. The site is also formed by other vacant land. The site adjoins the Castleford to York railway line. An existing track access point used for rail maintenance lies between the site and this railway line.</p> <p>The site to be disposed of comprises approximately 6 acres of a larger railway holding at this location of 10.5 acres.</p>
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	<p>Plan No. 55058-1 which identifies the disposal site by blue colour. and Network Rail's retained land by green colour.</p> <p>Plan no D1.4 shows the proposed site layout and the layout of an adjoining Open Access Terminal (as hatched blue) to be built as part of the scheme.</p>
Clearance Ref:	CR/15494

Project No.	S09190
Ordnance survey coordinates	E - 443969, N - 426189
Photographs (as required)	 <p>The first photograph shows a muddy, rutted path cutting through a grassy field under a cloudy sky. The second photograph shows a muddy field with a fence on the right side. The third photograph shows a view of an industrial site with tall chimneys in the distance, seen from a grassy area.</p>

2. Proposal	
Type of disposal (i.e. lease/freehold sale)	Leasehold disposal, 250 year term
Proposed party taking disposal	Xxxx or another such nominated company
Proposed use / scheme	<p>The property will be used for a non-incineration renewable energy from waste (EfW) power facility, to comprise 7.6MW EfW plant based on 6MW Advanced Conversion Technology (ACT)/pyrolysis and 1.6MW Anaerobic Digestion (AD) facilities.</p> <p>The party operating the site hope to bring feedstock into the site by rail (subject to source of traffic and economic viability) and hope to take out recyclate material by rail. Otherwise, material in and out of the site will be by road haulage.</p>
Access arrangements to / from the disposal land	The property will be accessed direct from the adjoining highway – Wheldon Road.
Replacement rail facilities (if appropriate)	Development of the site will also include the development of the sidings and hard standing shown on Plan No D1.4 to provide a rail facility at the location. This will replace the existing Strategic Freight Site at the location thereby protecting rail freight use at the site. Ownership and operation of the facility has still to be decided but the intention is for it to be an Open Access Terminal.
Anticipated Rail benefits	<p>The proposal will create an open access rail freight interchange on site capable of handling 600 metre long trains (no such facility exists at present although the site does have a Strategic Freight Site designation). This will comprise nominally 2 x 375 metre length sidings to permit train arrival and train engine run-round and also a hard surfaced loading/unloading apron.</p> <p>The creation of this terminal will expand the opportunities for local railfreight use and gives the means to bring in feedstock to the site and export recyclates of up to 400,000 tonnes per annum of waste/recyclate. The opportunities for local businesses to use a rail terminal will make the local area more attractive for new employment generating uses within what is a Local Authority designated growth area.</p> <p>Development of the disposal site for the waste to energy facility will create an annual income stream for Network Rail to be re-invested in the operational railway.</p>
Anticipated Non-rail benefits	The generation of electricity will benefit the local and national community and the use of waste products will help national Government sustainability targets by utilising green technology. Employment opportunities will be created and the potential to utilise electricity generated locally may be available.

3. Timescales	
Comments on timescales	Disposal will occur provided consent is obtained and subject to satisfactorily dealing with the Strategic Freight Site designation affecting the site and subject to the grant of planning consent for the proposed scheme.
4. Railway Related Issues	
History of railway related use	<p>The disposal site was acquired by Network Rail in 2008 and has been designated as part of a Strategic Freight Site since this date. It was not in railway ownership up until this point and hence has no other history of railway use in railway company ownership.</p> <p>It has proven difficult to develop or realise the site for rail freight use since purchasing it 6 years ago. This disposal offers significant inward investment directly to the site, fully retaining a rail freight usage (as part of the supply chain to an energy from waste power facility) and delivers an open access freight terminal, constructed at the expense of CPPL. Given the end user requires rail freight to serve the site this investment (via the disposal) significantly enhances the site's rail freight potential.</p> <p>The site was used for private railway sidings within Wheldale Colliery up until the late 1980s.</p>
When last used for railway related purposes	Only in rail ownership since 2008.
Any railway proposals affecting the site since that last relative use	Other than the site being placed on the Strategic Freight Site (SFS) list as a substitute for land adjoining Wakefield Westgate station, no railway proposals are known to affect the site.
Impact on current railway related proposals	The site is on the Strategic Freight Site (SFS) list, but is vacant and not currently used for freight purposes. The proposed scheme still allows for a freight use at the location and arguably helps to promote the growth of freight traffic in the area.
Potential for future railway related use	The potential for the site to be used for future railway related use is enhanced by the proposed disposal because the Open Access Terminal will be built as part of the scheme. The use of the proposed disposal site has the potential to create a user for the Open Access Terminal as feedstock may be brought into the site by rail and recyclates exported from the site by rail. There are no long term planning requirements from a RUS and Network Planning perspective for the disposal site
Any closure or station change or network change related issues	No



Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	No impact on any railway related access needs.
Position as regards safety / operational issues on severance of land from railway	<p>1. The disposal includes arrangements under which the other party will install new boundary fencing along parts of the railway boundary.</p> <p>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.</p>

## 5. Planning History and Land Contamination

Planning permissions / Local Plan allocation (if applicable)	<p>Wakefield has an adopted Waste DPD which allocates sites for future waste development although this site is not specifically allocated within the Waste DPD.</p> <p>The site is allocated in the Wakefield Site Specific Proposals DPD as part of the Castleford Riverside Special Policy Area (policy SPA N9). This is a major regeneration area for Castleford with particular focus on providing employment. Within this overall allocation the site is allocated for a rail freight facility. The proposed scheme creates a rail freight facility for the locality and generates employment by development of the power plant facility on the disposal site.</p> <p>There is an existing energy generating facility on the eastern boundary of the site (the Wheldale Green Energy park).</p>
Contamination / Environmental Issues (if applicable)	N/A

## 6. Consultations

Railway (internal – Network Rail)	The site is fully cleared and no comments/objections were raised in respect of the disposal other than the fact that this site possesses a SFS allocation and DB Schenker and Freightliner stated no objection on a conditional basis. The conditions as stated are acceptable.
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Summary of position as regards external consultations	In addition to normal consultees, the additional stakeholders from Freight have been consulted from a commercial freight perspective:			
	<b>Organsation</b>	<b>Contact</b>	<b>Position</b>	<b>Email Address</b>
	DB Schenker Rail (UK)			
	DB Schenker Rail (UK)			
	DB Schenker Rail (UK)			
	DB Schenker Rail (UK)			
	Freightliner Group Ltd			
	Freightliner Group Ltd			
	Colas Rail			
	Colas Rail			
	DRS			
	GB Railfreight			
	GB Railfreight			
	Rail Freight Group			
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	Not Applicable			
<b>7. Local Authorities</b>				
Names & Email Addresses:	(with name and telephone numbers for any personal contact at authorities)			
Local Transport Authorities:	<a href="mailto:@wakefield.gov.uk">@wakefield.gov.uk</a>			
Other Relevant Local Authorities:	Wakefield Council Newton Bar Leeds Road Wakefield WF1 2TX <b>Phone:</b> <b>Fax:</b> <b>Email:</b> @wakefield.gov.uk			
<b>8. Internal Approval</b>				
Surveyor Name:				
Approved by Property Development Manager	Name:	Date Approved by PDM: 13.3.2014		



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**Disposal site**  
**Network Rail retained land**

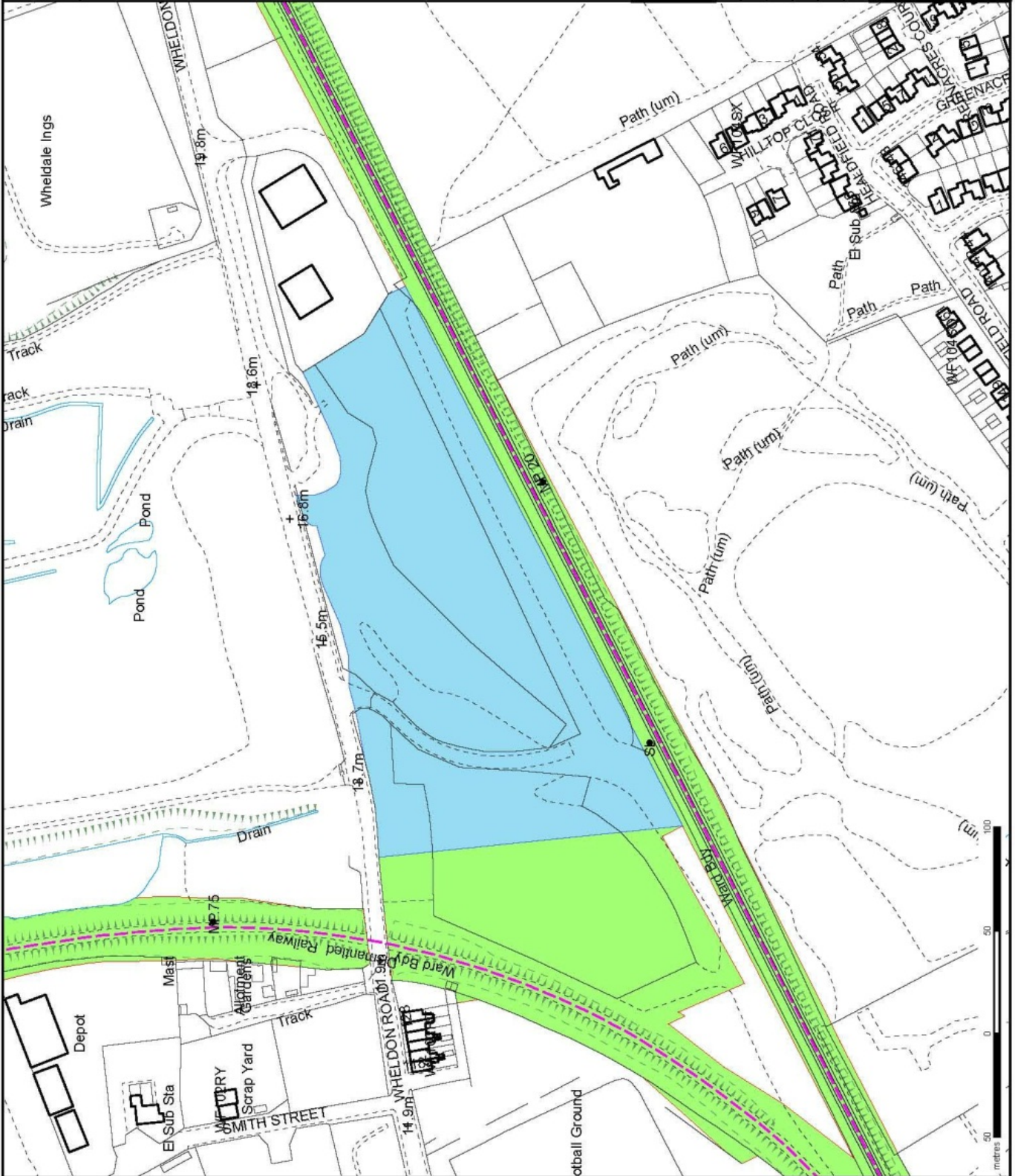


**CASTLEFORD  
 ALLERTON BYWATER**

Coordinates #	443969, 426189
Scale @ A4	1:2500
Sheet No.	1 of 1
Date	02 Jul 2012
Prepared By	C.C.Hilton
Plan No.	55059-1



Mapping & Surveying Services  
 Property  
 1st Floor, Square One  
 4 Travis Street  
 MANCHESTER M1 2NY  
 mapping&surveying@networkrail.co.uk



This drawing, its contents and copyright are the property of the client and shall not be used for any other project without the written consent of the client.

Do not scale off this drawing.

All heights, levels, sizes and dimensions are subject to field verification.

**NOTES**

1. All levels are above sea level unless otherwise stated.

**intermodality**  
transport strategy & delivery

Project: **CPIC - Alton Bywater**

Drawing title: **Plant & Open Access Rail Terminal**

Project Number: **MTL 01077**

Drawing Number: **DI/4**

Date: **10/11/13**

Scale: **Not to scale**



PROPOSED LAND 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:

Property: Land at Wheldon Road (Allerton Bywater) - Castleford

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

Summary of position regarding responses:

No objections in respect of the consultation, however, there are a few conditional agreements to the disposal – namely from DB Schenker & Freightliner – these comments will be actioned at the appropriate time and it is acknowledged a disposal cannot take place until these have been confirmed. There are a number of consultees who have not responded – and it is demonstrated on the consultation report that every effort has been made to elicit a response from them – without satisfaction. Consultees who have not responded are:

- British Transport Police
- South Yorkshire Passenger Transport Executive
- GB Railfreight

The Local Planning Authority has made references to requirements in respect of ongoing planning matters, however, this should not be taken as material considerations when forming a view in respect of the LC7 consultation process

The full list of external consultees is set out below:

No	External party (name)	Whether response received (y/n)	Date of response	Details of response (e.g. “no comment”), with reference to any accompanying copy representation in annexes to this report	Comments (e.g. as regards endeavours to obtain response where none given)
1	Department for Transport	y	31.5.13 & 4.2.14	no observations – refresh comments still stand	Responded
2	South Yorkshire PTE	n		Chased numerous times and CD sent of info due to email being too big – no response	no
3	Cross Country Trains	y	14.6.13 & 23.1.14	no objection – refresh comments still stand	Responded
4	C2c Rail	y	1.6.13 & 20.1.14	no objection – refresh comments still stand	Responded
5	Chiltern Railway	y	5.6.13 & 23.1.14	no comment – refresh comments still stand	Responded
6	Eurostar International	y	7.6.13	no issues – chased for re-fresher, however no comments received back	Responded
7	First Great Western	y	3.6.13 & 21.1.14	no comment – refresh comments still stand	Responded



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)
8	Grand Central Railways	y	17.2.14	No comments	Responded
9	Hull Trains	y	23.9.13	No comments	Responded
10	London & SE Railways	y	30.5.13 & 24.1.14	no comment – refresh comments still stand	Responded
11	Merseyrail	y	31.5.13 & 20.1.14	no comment – refresh comments still stand	Responded
12	Northern Rail	y	27.6.13 & 20.1.14	no objection – refresh comments still stand	Responded
13	Alliance Rail	y	31.5.13 & 7.2.14	no comment – refresh comments still stand	Responded
14	Colas Rail	Y	7.2.14	No comment	Responded
15	Direct Rail Services	Y	28.2.14	No objection	Responded
16	DB Schenker	Y	20 9 13	no objections but comments on moving forward as highlighted in report	Responded
17	Captrain	Y	3.2.14	No comment	Responded
18	Freight Transport Association	Y	20 8 13	no comment	Responded
19	Freightliner	Y	19.9.13	no objections in principle - however comments – overarching email on all sites	Responded
20	GB Railfreight	N		No response despite numerous emails	See correspondence in Annex 1
21	Rail Freight Group	Y	30.5.13 & 20.1.14	ok with proposal – no change in comments	Responded
22	West Coast Railway Co.	Y	3.2.14	No comment	Responded
23	WH Malcolm	Y	14.1.14	No objection – originally objected on grounds not relating to this site – however, following discussions objection removed	Responded
24	Association of Community Rail Partnerships	Y	14.6.13	no objection	Responded
25	British Transport Police	N		No response despite numerous emails sent	See correspondence in Annex 1
26	DP World	Y	3.6.13	no comment – doesn't want to be included on LC7 consultations going forward so no refresher sent	Responded

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)
27	HS2	Y	1.7.13 & 24.1.14	no comment – no objections on refresher c/o john craven	Responded
28	Passenger Focus	Y	31.5.13 & 20.1.14	no objection – refresh comments still stand	Responded
29	Wakefield Council	Y	28.6.13	wrong email addressee and amended to correct person - Hubert Tos response covers all – chased for refresher, however, no comments recieved	Responded

Copies of responses are given in the Annexe 1 to this report, as indicated above.

A copy of the consultation request (before customisation for any individuals) is given in Annex 2.

## Annex 1 – Stakeholder Responses

### 1. Department for Transport

**From:** @dft.gsi.gov.uk]

**Sent:** 04 February 2014 09:40

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Hi

Thanks, yes these now work. I confirm that, as per our previous response, we have no comments on this proposal.

Thanks,

**From:** @dft.gsi.gov.uk]

**Sent:** 31 May 2013 15:01

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

I have no observations to make on this proposed disposal.

Telephone:

Office

Mobile:

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### 2. South Yorkshire Passenger Transport Executive

No response

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### 3. Cross Country Trains

**From:** @crosscountrytrains.co.uk]

**Sent:** 14 June 2013 13:48

**To:**

**Subject:** FW: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) – Castleford

XC Trains has no objection to this proposal.

Regards

CrossCountry

Phone: Mobile: Fax:

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

Buy train tickets online at [crosscountrytrains.co.uk](http://crosscountrytrains.co.uk) | Get our Train Tickets app for free from your app store or via our website

**From:** @crosscountrytrains.co.uk]

**Sent:** 14 June 2013 13:48

**To:**

**Subject:** FW: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

XC Trains has no objection to this proposal.

Regards

CrossCountry

Phone: Mobile: Fax:

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

Buy train tickets online at [crosscountrytrains.co.uk](http://crosscountrytrains.co.uk) | Get our Train Tickets app for free from your app store or via our website

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### 4. c2c Rail

**From:** @nationalexpress.com]

**Sent:** 20 January 2014 12:24

**To:**

**Cc:**

**Subject:** Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

xxx no longer works for National Express/c2c

xxxx is c2cs Head of Property and consultations for c2c should be directed to her in the first instance

On behalf of National Express Group however, I confirm we have no objections to this proposed disposal



Rgds

**From:** @nationalexpress.com]

**Sent:** 01 June 2013 15:00

**To:**

**Cc:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
On behalf of c2c Rail Limited, I confirm that we have no objection to this proposed disposal.

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## 5. Chiltern Railways

**From:** (@chilternrailways.co.uk)

**Sent:** 23 January 2014 16:05

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) – Castleford  
Hi

Our original response of no comment still stands.

Regards,

**From:** (@chilternrailways.co.uk)

**Sent:** 05 June 2013 12:47

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

I have no comment to make on behalf of Chiltern Railways concerning this proposal.

Regards

Chiltern Railways

Great Central House, Marylebone Station, Melcombe Place, London, NW1 6JJ

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## 6. Eurostar International

**From:** @eurostar.com]

**Sent:** 07 June 2013 11:40

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Dear

No Issue for EIL.

**Eurostar International Limited**

Times House | Bravingtons Walk | London N1 9AW

T +44 (0)20

M +44 (0)

**eurostar.com**

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## 7. First Great Western

**From:** @firstgroup.com]

**Sent:** 24 January 2014 11:42

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

No comment thanks

First Great Western

3rd Floor | Milford House | 1 Milford St | Swindon SN1 1HL

e: @firstgroup.com | m:

First Greater Western Limited | Registered in England and Wales number 05113733

Registered office: Milford House, 1 Milford Street, Swindon SN1

**From:** @firstgroup.com]

**Sent:** 03 June 2013 17:00

**To:**

**Subject:** Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
FGW has no comment thank you

First Great Western 3rd Floor | Milford House | 1 Milford St | Swindon SN1 1HL

e: r@firstgroup.com | m:

First Greater Western Limited | Registered in England and Wales number 05113733  
Registered office: Milford House, 1 Milford Street, Swindon SN1 1HL.

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### 8. Grand Central Railways

From: EXTL: (@grandcentralrail.com)

Sent: 17 February 2014 09:25

To:

Subject: Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

GC has no comment on this consultation.

Regards

Grand Central Railway Company Ltd

T:

F:

M:

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### 9. Hull Trains

From: EXTL: (@firstgroup.com)

Sent: 23 September 2013 08:54

To:

Subject: RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

No comment from Hull Trains.

Regards

**First Hull Trains** 4<sup>th</sup> Floor, Europa House, 184 Ferensway, Hull, East Yorkshire, HU1 3UT

Tel: -

Fax: -

Mobile:-

---

### 10. London & South Eastern Railway

From: @southeasternrailway.co.uk]

Sent: 24 January 2014 15:34

To:

Subject: RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

I confirm our comment remains as previous

Regards

From: @southeasternrailway.co.uk]

Sent: 30 May 2013 20:07

To:

Subject: RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Southeastern have no comment on this proposal.

Regards

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### 11. Merseyrail

From: @merseyrail.org]

Sent: 20 January 2014 18:04

To:

Subject: Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

I have no further comments.

Regards

From: @merseyrail.org]

Sent: 31 May 2013 09:30

To:

Subject: Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) – Castleford

Merseyrail have no comments on the above proposal.

Regards

**Merseyrail**

Tel  
Mob  
Email [@merseyrail.org](mailto:@merseyrail.org)  
Web [www.merseyrail.org](http://www.merseyrail.org)

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## 12. Northern Rail

**From:** @northernrail.org]

**Sent:** 20 January 2014 12:59

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Dear Sir

With reference to your email below. Northern Rail Ltd have no objections to the proposal.

Yours faithfully

**From:** @northernrail.org]

**Sent:** 27 June 2013 12:04

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Dear Sir

With reference to your email dated 30<sup>th</sup> May 2013. Northern Rail Ltd have no objections to the proposal contained in your email.

Yours faithfully

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## 13. Alliance Rail

**From:** @alliancerail.co.uk]

**Sent:** 07 February 2014 11:19

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Alliance has no comments.

Regards

Alliance Rail Holdings

88 The Mount

York

YO24 1AR

[@alliancerail.co.uk](mailto:@alliancerail.co.uk)

**From:** @alliancerail.co.uk]

**Sent:** 31 May 2013 12:21

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

No comment from Alliance

regards

Alliance Rail Holdings

88 The Mount

York

YO24 1AR

[@alliancerail.co.uk](mailto:@alliancerail.co.uk)

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## 14. Colas Rail

**From:** @colasrail.co.uk]

**Sent:** 07 February 2014 11:18

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

No comments.

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## 15. Direct Rail Services

**From:** @drsl.co.uk]

**Sent:** 28 February 2014 10:41

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
Direct Rail Services have no objections to the proposed disposal of land at Wheldon Road Castleford.

Regards

Tel:

Mobile:

E-mail: [j@drsl.co.uk](mailto:j@drsl.co.uk)

Direct Rail Services Limited

Kingmoor TMD

Etterby Road

Carlisle

CA3 9NZ

**From:** @networkrail.co.uk

**Sent:** 11 September 2013 11:16

**To:** '

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

With reference to your email below.

It is proposed to construct both an Energy for Waste (EfW) facility and open access freight terminal. This will greatly enhance the potential for freight related use at the site as CPPL the EfW operator, will be under covenant to utilise rail freight to transport the majority of waste to the facility and export the recyclates via rail and the terminal will also be fully available for third party open access use. Given this is a freight use it is not clear if an alternate SFS is therefore required? However if DRSL feel it appropriate that another site be offered as replacement for a lost freight site, we are happy for you to make your case and add it as a condition of your LC7 approval to the disposal.

It is intended to take this site off the SFS list and grant a 250 year lease to CPPL and therefore a 6 month termination will not be included.

As explained above the intention is to develop out as both an EfW facility and Open Access Railfreight Terminal, and therefore it is hoped that freight traffic can be encouraged for both EfW and other uses. This minimises the development risk and is hoped to be a helpful kick start to the future use of the site for Railfreight use. The sidings will be maintained as long as there is an operational use on site.

NR and or CPPL will be both the owner and responsible for the terminal facility. However we are open to discussing the idea of a Railfreight operator taking over this role of terminal operator?

It is important to note that significant investment is being proposed at this site and your support of the LC7 will allow significant benefit to the Railfreight industry at this site and it is difficult to understand a scenario that objects to increased Railfreight use and new railfreight infrastructure

1 Eversholt Street

London

NW1 2DN

T +44 (0)

M +44 (0)

E [@networkrail.co.uk](mailto:@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

**From:** @drsl.co.uk]

**Sent:** 21 August 2013 10:12

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Can you please advise if it is the intention to offer up an alternative SFS to Castleford?

We also note that as a SFS there should be a six months termination clause?

You also mention the development of the sidings/open access rail freight interchange and I believe that there was funding for this put aside as part of the original agreement?

Will the sidings be developed as a matter of course or be dependent on potential rail traffic?

If the sidings are put in place and rail freight does not materialise will the sidings be maintained to an operational standard? Or as in other lease arrangements up and down the country there is currently no obligation for a lessee to maintain sidings that fall out of use.

We still have no information as to owner or operational responsibility for the facility.

At this point in time relative to the aforementioned Direct Rail Services are not in a position to agree to the proposed land disposal at Castleford.

Regards

Tel:

Mobile:

E-mail: [@drsl.co.uk](mailto:@drsl.co.uk)

Direct Rail Services Limited

Kingmoor TMD

Etterby Road

Carlisle

CA3 9NZ

---

### 16. DB Schenker

**From:** EXTL: [@dbschenker.com](mailto:@dbschenker.com)

**Sent:** 19 September 2013 16:12

**To:**

**Cc:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

I can confirm that DB Schenker has no objection in principle to the objective of this proposal, but considers that a major issue alluded to in the notification will require to be resolved, namely the Strategic Freight Site status of the site. This is controlled jointly by representative FOCs and Network Rail and clearance from the appropriate bodies will have to be obtained in advance, and might well require the provision of a substitute Strategic Freight Site, as this one was originally substituted for Wakefield Westgate.

Yours,

DB Schenker Rail (UK) Ltd.

2nd Floor, 310 Goswell Road

London EC1V 7LW

Tel:

Fax:

Mobile:

---

### 17. Captrain UK

**From:** [@captrain.co.uk](mailto:@captrain.co.uk)

**Sent:** 03 February 2014 09:58

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Good Morning

Apologies for the delay – we have no comments.

Regards.

Captrain UK Ltd

2nd Floor, Asra House

1 Long Lane

LONDON SE1 4PG

Tel: + 44 (0)

Mobile: + 44 (0)

Email: [@captrain.co.uk](mailto:@captrain.co.uk)

Web: [www.captrain.co.uk](http://www.captrain.co.uk)

---

### 18. Freight Transport Association

**From:** [@fta.co.uk](mailto:@fta.co.uk)

**Sent:** 20 January 2014 12:20

**To:**  
**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
Apologies, FTA has no comment.

**From:** @fta.co.uk]

**Sent:** 20 August 2013 10:32

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
Apologies we have no comment.

**Freight Transport Association**

**Direct Line:**

**Mobile:**

**Fax:**

[www.fta.co.uk](http://www.fta.co.uk)

---

## 19. Freightliner

**From:** @Freightliner.co.uk]

**Sent:** 12 September 2013 17:03

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Willesden Junction - London

**Importance:** High

Hi

I hope you don't mind me preparing one 'cover – all' response to the various CPP proposals, but this seems the most straightforward approach.

Based on the ongoing discussions we are having with R-Land/CPP, **Freightliner is prepared to AGREE in principle to the proposed disposals at Brierley Hill, Castleford, Willesden, and Washwood Heath**

This is strictly subject to obligations being placed on the developer by Network Rail - Network Rail to impose a covenant in the lease between NR/CPP, requiring CPP to hit a benchmark rail tonnage, based on available waste streams to serve the site.

You state that CPP should use 'reasonable endeavours' to hit these tonnages – but we feel the obligation needs to be a bit more robust than this i.e. there must be no room for CPP to wriggle out of using rail in the future simply because they feel it is uneconomic to move it by rail.

The exact benchmark tonnages will need to be established following ongoing discussions between CPP and the rail industry stakeholders (including Freightliner).

I am not able to finalise our views on the benchmark Waste tonnages at the present time, as this requires further work with CPP and identification of firm contractual Waste Flows to and from each of the sites so that we can work out the sites' potential contributions to Railfreight activity.

We need to weigh this up against the potential of the sites for alternative Railfreight uses – albeit that these might not necessarily have come to fruition within the same timescales as the CPP proposals. I had hoped to have at least some steer on the level of tonnages for you by today, but unfortunately will have to provide later as my colleagues are on leave this week.

As regards Castleford – as the site is an SFS there needs to be provision for an intermediate (peppercorn) lease between Network Rail and whichever Freight Operator is successful in securing the rail traffic for the site.

Willesden – we would need further work to be done to ensure that the remainder of the site is still useable for other railfreight activities, as discussed previously.

Again, I had hoped to have feedback from colleagues regarding the sites listed by Nick Gallop below – but this has not been forthcoming as yet.

I think it is fair to say that we remain sceptical about the prospects of open access use of any of the CPP terminals, hence why we feel there should be a commitment imposed upon CPP themselves to use rail.

Regards

---



## 20. GB Railfreight

### No response

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## 21. Rail Freight Group

**From:** @rfg.org.uk]

**Sent:** 03 February 2014 11:23

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

OK with RFG

Rail Freight Group

7 Bury Place

London

WC1A 2LA

Tel 020

Fax 020

Mobile

[@rfg.org.uk](mailto:@rfg.org.uk)

Rail Freight (Users and Suppliers) Group

Registered No. 332 4439

**From:** @rfg.org.uk]

**Sent:** 30 May 2013 20:19

**To:**

**Subject:** Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Ok with RFG

Thanks

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## 22. West Coast Railway Co.

**From:** @aol.com]

**Sent:** 03 February 2014 13:17

**To:**

**Subject:** Re: FW: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Cas...

no comments

WCR

T

M

E [@aol.com](mailto:@aol.com)

**From:** @aol.com]

**Sent:** 11 September 2013 12:50

**To:**

**Subject:** Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castlef...

No comment

WCR

T

M

E [wotho@aol.com](mailto:wotho@aol.com)

---

## 23. WH Malcolm

**From:** @whm.co.uk]

**Sent:** 14 January 2014 13:59

**To:**

**Cc:**

**Subject:** LICENCE CONDITION 7: LAND AT WILLESDEN, BRIERLEY HILL, WASHWOOD HEATH AND ALLERTON BYWATER

As discussed I confirm WH Malcolm has no objections to your proposals in respect of the above locations.

Regards

---

## 24. Association of Community Rail Partnerships

**From:** @btconnect.com]  
**Sent:** 20 January 2014 18:08  
**To:**  
**Subject:** Re: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
If nothing substantial has changed ACoRP's comment still stands  
ACoRP

**From:** @btconnect.com]  
**Sent:** 14 June 2013 14:19  
**To:**  
**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
Hello  
ACoRP have no objection to this disposal.  
Regards  
Association of Community Rail Partnerships  
**T:**  
**M:**  
**E:** [@acorp.uk.com](mailto:@acorp.uk.com)  
**W:** [www.acorp.uk.com](http://www.acorp.uk.com)  
*'New Life For Local Lines'*

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## **25. British Transport Police**

**No response**

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**26. DP World**  
**From:** @dpworld.com]  
**Sent:** 03 June 2013 10:36  
**To:**  
**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford  
No Comment.  
DP World - London Gateway  
Tel:  
Mobile:  
email address - [@dpworld.com](mailto:@dpworld.com)  
"Safety begins with teamwork"

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**27. HS2**  
**From:** @hs2.org.uk]  
**Sent:** 24 January 2014 01:12  
**To:**  
**Subject:** RE: Response to consultation  
– I have discussed your requests with colleagues and we have no comments, concerns, interests or conflicts at the locations you detail below, as per our previous submission.  
Kind regards

**From:** @hs2.org.uk]  
**Sent:** 01 July 2013 10:44  
**To:**  
**Subject:** Response to consultation  
Dear  
**Property: - Land at Brierley Hill - Dudley**  
**Property: - Land at Wheldon Road (Allerton Bywater) – Castleford**

Further to your email of 30 May, we apologise for the late response but can confirm that HS2 Ltd has no comments in respect of either of these two proposals.  
Kind regards

---

**28. Passenger Focus**  
**From:** @passengerfocus.org.uk]  
**Sent:** 20 January 2014 12:06

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford 3105g14  
Passenger Focus's comments in their e-mail, ref. 3105g14, sent on 31/5/13 still apply.

Regards,

**From:** @passengerfocus.org.uk]

**Sent:** 31 May 2013 15:09

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford 3105g14

Thank you for sending Passenger Focus details of the proposed lease of land at Wheldon Road, Castleford. They note that:

the disposal will be by means of a 250 year lease;  
approximately six acres will be leased as the site of a power station generating energy from waste;  
a freight terminal, probably open access, is also proposed;  
disposal could be within 6 – 12 months;  
no known proposal for its use for passenger facilities has been identified.

Passenger Focus has no objection to the disposal.

Regards,

Tel.

---

## 29. Wakefield Council

**From:** @networkrail.co.uk

**Sent:** 21 February 2014 14:57

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Thanks for your email dated 28 June, with regards to the comments below. All these points are acknowledged, understood and are being progressed via the planning process by CPP

Regards

**From:** @wakefield.gov.uk]

**Sent:** 28 June 2013 11:12

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Dear

Thank you for your email and an opportunity to comment on the potential disposal of the area of land located at Wheldon Road, Castleford.

The land in question has been reserved in the local plan to be developed for the purposes of a rail facility. Any other development / use of the land may be deemed contrary to the current land allocation. Any planning proposals at the land for a development other than that in accordance with the local plan would need to provide a justification and this would be considered on its merits when formally submitted.

We would expect that a strategic assessment of the importance of the site in the broader context of the rail / freight operations would be submitted in support of any such planning scheme.

Any planning proposals should be in accordance with the development plan, unless there are other material considerations which would provide justification to deviate from the provisions of the plan.

I have also consulted my colleagues in Regeneration Department who have the following comments:

- The site lies at the Wheldon Road gateway area of the Castleford Growth Delivery Plan (CGDP) and Special Policy Area SPA4, the primary purpose of which is to facilitate initiatives to regenerate the eastern part of Castleford. Any development on the Wheldon Road south site should not be detrimental to the ability to deliver the SPA and CGDP objectives in this area, which is primarily for housing and leisure use (eg Wheldale Farm, Stansfield Road, Saxon Way, Fryston, Fryston Country Trails). The proposed disposal is for a waste to energy plant, the potential levels of recyclates for export (up to 400,000 tpa) would seem to infer a significantly higher proportion of waste imported for treatment. There

is no detailed information on how this proposal benefits the locality in terms of job creation or energy. This use is not supported in this locality on regeneration grounds.

- The whole of the 10.5 acres site, including the 6 acres proposed for disposal, is identified in the LDF Sites document as being reserved for a rail freight facility. It is Regeneration's view that the proposed disposal for a waste to energy plant does not fit with this policy objective. There was no challenge by Network Rail to the allocation during the LDF proceedings and Regeneration is of the view that the land should retain the requirement for a rail freight facility.
- The Council holds a restrictive covenant on the land proposed for disposal, with use restricted for a Rail Freight Facility or a rail related use. Although the proposal may include some future rail access, the main use of the site is for the waste power facility and as such appears to be caught by the restrictive use covenant in the Transfer to Network Rail.

I trust that you find our comments useful.

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## Annex 2 – Network Rail’s Consultation emails

**From:** @networkrail.co.uk

**Sent:** 20 January 2014 11:55

**To:**

**Subject:** RE: ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Dear Consultee,

With regards to the consultation document sent out to yourselves, I would be grateful if you could confirm that your comments still stand, I can confirm nothing has changed in respect of the body of the original consultation document sent out.

I would be grateful for your response by return

Regards

**From:** @networkrail.co.uk

**Sent:** 30 May 2013 17:27

**To:**

**Subject:** ORR LC7 Consultation - Land at Wheldon Road (Allerton Bywater) - Castleford

Dear Consultee,

### **Property: - Land at Wheldon Road (Allerton Bywater) - Castleford**

We seek to consult you as regards your views, please, on our proposed disposal by way of long-leasehold or Freehold

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 **28 June 2013**, being 4 weeks from issue of email (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 on xxxx or [@networkrail.co.uk](mailto:@networkrail.co.uk) If future consultations of this nature should be directed differently to your organisation, please advise us of the appropriate contact details, so we may amend our records.

Yours faithfully,

1 Eversholt Street

London

NW1 2DN

T +44 (0)

M +44 (0)

E [@networkrail.co.uk](mailto:@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)