

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			
Type of disposal	Freehold sale or long leasehold sale		
Rationale for disposal	<p>The disposal of this site offers the opportunity to:</p> <ol style="list-style-type: none"> 1. Release underutilised railway land. 2. Generate a significant capital receipt for investment for the railway. 3. Provide a substantial number of homes towards government targets. 		
2. Clearance	Type	Reference	Date
Clearance Details	Business Clearance Technical Clearance	CR/33060 (Cert. No: 53580) CR/33060 (Cert. No: 54361)	12/03/2020 24/04/2020
3. Site			
Description of property for disposal	<p>Land situated to the southern side of Hythe station, Colchester, Essex, CO2 8JR.</p> <p>The site extends to approximately 1.09 ha (2.7 acres). It is accessed off Hythe Station Road. The site was a previous freight site, surplus to NR requirements and of no interest to the rail freight industry, it was delisted on 8th November 2017.</p> <p>The disposal of the land is proposed for residential / mixed use development.</p>		
<p>Attached plans and photographs:</p> <p>(all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)</p>	<p>Attached plans and photographs:</p> <ol style="list-style-type: none"> 1. General location plan, titled Hythe - Land for disposal South of Station. 2. Site plan No "6815734-1-B sale" which identifies the site in blue and Network Rail's remaining land holding in green. 3. Aerial photo of the site 		
Ordnance survey coordinates	X 601,542 Y 224,814		

4. Proposal	
Proposed party taking disposal	Site to be marketed and purchaser to be selected following LC17 consent.
Proposed use / scheme	<p>The immediate area to the south and west of the station has changed and continues to change in character from predominantly old and often redundant multi-level warehouse uses to predominantly residential uses.</p> <p>The site will be disposed of for predominately residential development, providing circa 110 homes. A right of way will be retained for NR access to railway equipment.</p>
Access arrangements to / from the disposal land	Access may be adjusted but will remain from Hythe Station Road on the southern boundary of the site.
Replacement rail facilities (if appropriate)	None proposed other than the proposed retained right of way (alignment to be confirmed) noted above, to provide access for maintenance storage area and signals maintenance.
Anticipated rail benefits	The development will contribute to the further regeneration of the area and improve the immediate environment of and around the station. There may be increased rail passenger journeys from Hythe station because of the proposed residential units and the subsequent growth of the local population.
Anticipated non-rail benefits	The sale of this underused land will provide a capital receipt for Network Rail for reinvestment in the operational railway and providing a significant contribution to the DfT housing target.
5. Timescales	
Comments on timescales	Business and Technical clearance has been achieved, and at pre-app the Council were supportive of residential development here. Following LC17 consent the site will be marketed with disposal anticipated in financial year 2021/22.
6. Railway Related Issues	
History of railway related use	<p>Historically the site was used extensively for sidings and subsequently was part of the Freight estate. It has not been used for railway use for over 30 years and has been subject to various lettings over recent years. The site was part of the freight property portfolio as an SFS, this was formally delisted in November 2017. The disposal land has never been in the station lease area. Network Rail's historical records show the site has been let to various commercial tenants since 1989 for numerous uses until 2011 when Essex County Parking took a lease for parking. That proved unviable with poor demand, resulting in several sub-lettings including car wash, car sales, car hire & storage. The National Rail website incorrectly mentioned there was rail parking available and that has now been corrected.</p>

When last used for railway related purposes	The site has not been used for railway use for over 30 years.
Any railway proposals affecting the site since that last relative use	<p>No current railway related proposals.</p> <p>The Clearance process has been completed and no objections have been raised regarding any railway related proposals for the site from either the Eastern Region/Anglia Route nor Freight and National Passenger Operator (FNPO). The maintenance team raised their requirements for a right of way for 60' vehicles to be retained. The requirement to agree the precise route with the Network Rail team will be written into the sale contract.</p>
Impact on current railway related proposals	No current railway related proposals.
Potential for future railway related use	<p>There are no future railway related proposals identified for this land.</p> <p>The Long-Term Plan (LTP) has been reviewed and system operator has been consulted and no future railway related proposals have been identified for this land.</p> <p>The Adjacent station and NR ownerships and land uses will be unaffected by this disposal.</p>
Any closure or station change or network change related issues	The site does not need Network Change or Station Change or any closure
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	Network Rail maintenance has a storage area to the north of the site. Disposal will be subject to a permanent 24/7 access route from the front of the site at Hythe Station Road to the storage area at the north western end of the site where parking is available for transit vans. The nearby signal must always also be accessible for inspection and maintenance. This requirement will be written into the sale contract and the route will be agreed with Network Rail teams.

<p>Position as regards safety / operational issues on severance of land from railway</p>	<p>The disposal will include arrangements under which Network Rail or the new purchaser will install new boundary fencing along the railway boundary as required and agreed with Network Rail.</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 monitor changes to the risks arising from its operations and to introduce new control measures as appropriate.</p>
<p>Safety issues identified</p>	<p>The disposal documentation shall include Network Rail's usual safety provisions appropriate to this disposal site and type of disposal.</p> <p>The disposal includes a requirement to enter into an Asset Protection Agreement in the Network Rail templated form as applicable at the time of the disposal and subject to such reasonable modification as appropriate to the disposal site and its intended use.</p> <p>The Technical clearance referenced in Part 2 above additionally stipulates certain bespoke site-specific conditions related to safety as outlined below.</p> <p>Additional disposal site specific safety conditions identified in the Clearance Certificate in addition to those usually referenced for any disposal:</p> <p>Fencing</p> <p>The apex section of the proposed sale land shall be amended not extend beyond the nearest/adjoining Station platform to avoid any construction or structures within the zone of influence of the high voltage overhead line infrastructure.</p> <p>Access</p> <p>A 24/7 access route will be agreed for Network Rail to the maintenance storage and signal and will be provided through the development.</p> <p>Geotechnics</p>

	<p>Due to the river adjacent to the site additional drainage and ground measures are to be taken by the developer including site investigation, drainage surveys and other surveys as appropriate.</p> <p>Power Systems</p> <p>Future development shall be subject to an EMC risk assessment that Network Rail should approve before commissioning begins.</p> <p>Level Crossing</p> <p>Investigate if a pedestrian bridge could be provided to avoid pedestrians using the level crossing.</p> <p>(N.B. The safety conditions described above are a requirement of the Technical Clearance Certificate and are relevant at the disposal stage of the transaction. These requirements are subject to change e.g. by development of subsequent detailed designs that may necessitate amended safety requirements subject to consultation and agreement by the railway engineer)</p>
7. Planning History and Land Contamination	
Planning permissions / Local Plan allocation (if applicable)	<p>Following a recent pre-application, planners are supportive of residential lead mixed use development on the site under conditions outlined in their report.</p> <p>The draft Local Plan is supportive of residential/mixed uses on the site.</p>
Contamination / Environmental Issues (if applicable)	<p>Given the past railway and other uses of the site, it is likely some contamination will be present on the site.</p> <p>A desktop contamination survey will be undertaken to identify the level of contamination.</p> <p>Prior to any future development an intrusive ground and ecology survey will be required as part of any planning submission to identify any remediation measures needed.</p> <p>The purchaser/developer will undertake any required remediation work.</p>

8. Internal Consultation

Internal consultation	The Clearance process has been completed with no objections regarding any railway related proposals from the Anglia Route, Anglia Strategic Planning and the Anglia signalling team nor Freight National Passenger Operator (FNPO). System Operator and the Station Portfolio Surveyor have commented accepting the proposed plans. There are no other proposals identified in the Anglia Long Term Plan/Route Study.
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9. Local Authorities

Names & Email Addresses:	<p>Planning services</p> <p>Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG</p> <p>Phone:</p> <p>E-mail:</p>
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Local Transport Authorities:	<p>Essex County Council, County Hall, Chelmsford, CM1 1QH</p> <p>Email:</p>
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Other Relevant Local Authorities:	None
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10. 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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11. External Consultation

<p>Summary of position as regards external consultations</p>	<p>Consultation was undertaken with 28 parties all of whom have responded.</p> <p>There were no objections on the basis of foreseeable railway related use, however 5 of the respondents made general comments.</p> <p>The full Consultation Report including email exchanges accompanies this document.</p> <p>Consultation No 23 British Transport Police – No objection. As requested BTP will be consulted during the town planning process.</p> <p>Consultation No 28: Transport Focus: Earlier advice from ORR to extend consultation to Transport Focus has now confirmed that they also have no objection to the proposal (see Consultation Report attached for full comment at consultation response no.28)</p> <p>Consultations; No 8 Greater Anglia, No 26 Colchester Borough Council, and No 27 Essex County Council</p> <p>Whilst not objecting both Greater Anglia and Essex County Council commented on the possible need for future carparking. Network Rail have investigated this with the System Operator and whilst there are no forecasts for this route, pre-Covid ORR data shows the station usage is going up albeit numbers are still quite low. The System Operator concluded no particular need for parking has been identified, which accords with GA's own thoughts.</p> <p>Given Hythe station is approximately one mile from Colchester Town station (and town centre) passengers predominantly arrive on foot or bicycle from the immediate surrounding areas. The inconvenience of driving and parking a car so close to the town centre and then having to transfer to an infrequent train service is undoubtedly a factor in passenger's decisions.</p> <p>Similarly, for services to London, Hythe is only two miles from Colchester station which has a fast (1 hour or less) service to London, approximately every 10 minutes at peak times. The service from Hythe is infrequent and can take considerably longer. The superior service and convenience of using Colchester station is evidently a factor in passengers choosing Colchester rather than travelling from Hythe.</p> <p>Essex County Council and Colchester Borough Council both commented on the potential of requiring part of the land for a Rapid Transport System (RTS) with the possibility it could run alongside the south side of the railway from Hythe station to the town centre.</p>
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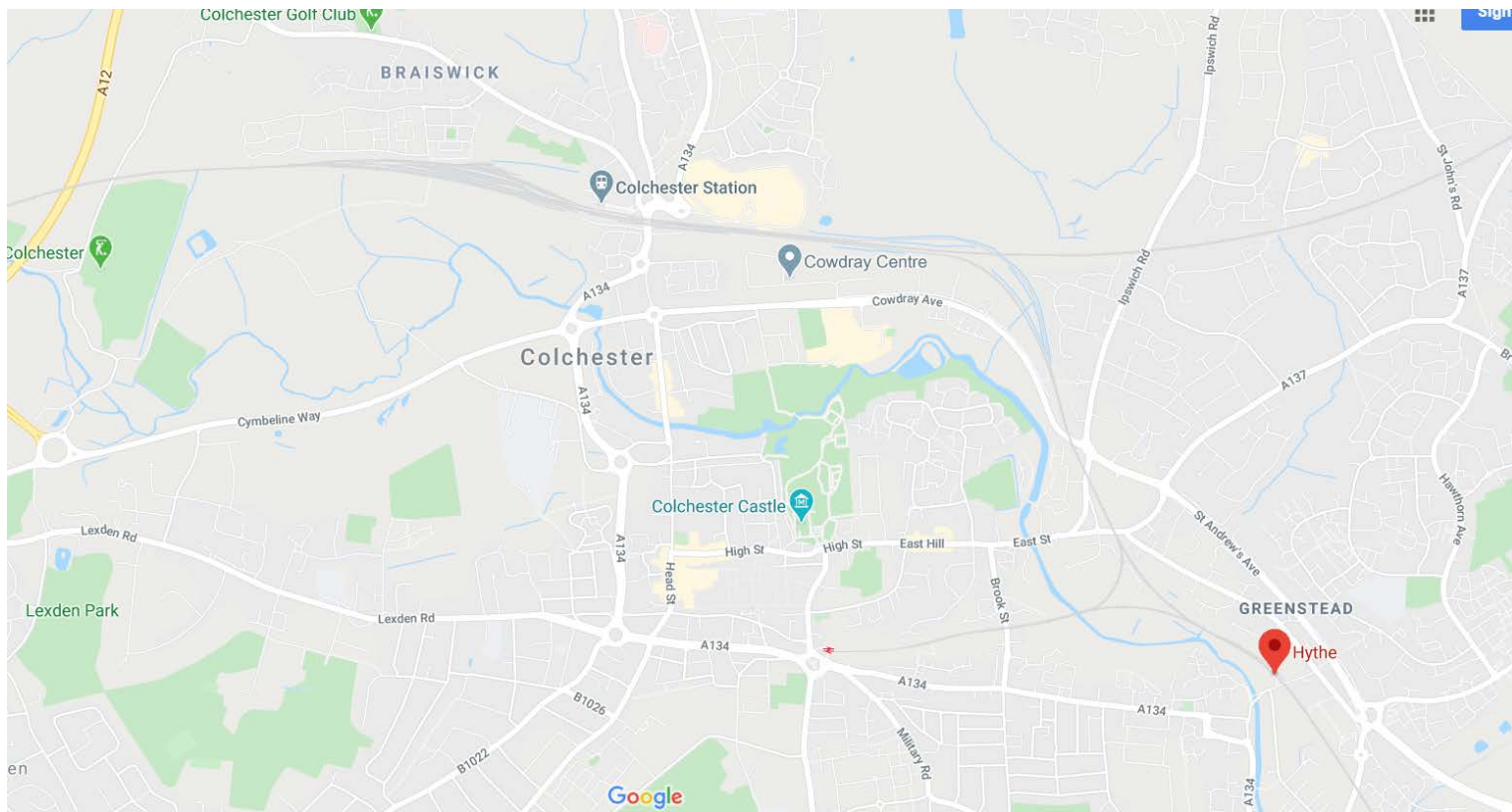
	<p>We have considered their comments and the council's supporting documents which have been provided separately to this report, "The North Essex Rapid Transit System (RTS) Stage 1 Options Technical Note July 2019" and "appendix G RTS section B option 3 rail-route". The reports conclude that other routes are more deliverable</p> <p>The RTS proposal comprises 4 sections (A, B, C and D) with options within each section. Our site is Option 3 within Section B. The report concludes against selecting this option, stating: <i>"It is not deemed a practical or workable solution to expand the rail route corridor to a suitable width to share with adjacent RTS vehicles."</i></p> <p>It goes on to list 10 issues and further concludes: <i>"Given these issues it is recommended that this option is not progressed at this time as it would be unachievable within the timescales and budgets imposed by this project."</i></p> <p>The preferred Options for Section B (2 and 5) are progressing to the next stage of the assessment (neither affect our site).</p> <p>Finally, despite our site being discounted from consideration for the present scheme, the report comments: <i>"However, this (option 3) could present a viable option for future improvements to the RTS, and therefore the land should continue to be safeguarded and future developments in the locality should not obstruct this aspiration".</i></p> <p>We feel this comment is inappropriate and prejudices the development of our site because of a long-term aspiration which there is no firm proposal or identified funding.</p> <p>Additionally, even though the local authority's comment is on transport grounds, the RTS alignment proposals are unfunded, and the proposals for our land are far from "reasonably foreseeable".</p> <p>Within ORRs own guidance in section 3.6 of https://www.orr.gov.uk/sites/default/files/om/land-disposal-regulatory-arrangements.pdf there is specific reference to the importance of having a "clear, feasible and funded plan or plans put forward". We believe that the local authority has not demonstrated that they have a clear, feasible and funded plan in place and that therefore it would be unreasonable and unsubstantiated to object to the disposal in this case.</p> <p>We therefore conclude it's very unlikely that our site will be required for the RTS given it has been discounted and preferred options are already being progressed.</p> <p>Therefore, subject to ORR approval to this LC17 submission, we propose to progress with the marketing and disposal of the site but will specifically highlight the RTS situation to any potential purchaser.</p>
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Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	There are no unresolved Objections.
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12. Internal approval to dispose	
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: Senior Development Surveyor
Signed	Date: 04/08/2021
Authorised by (name):	Authoriser's job title: Principal Development Manager
Signed.....	Date.....04/08/2021.....

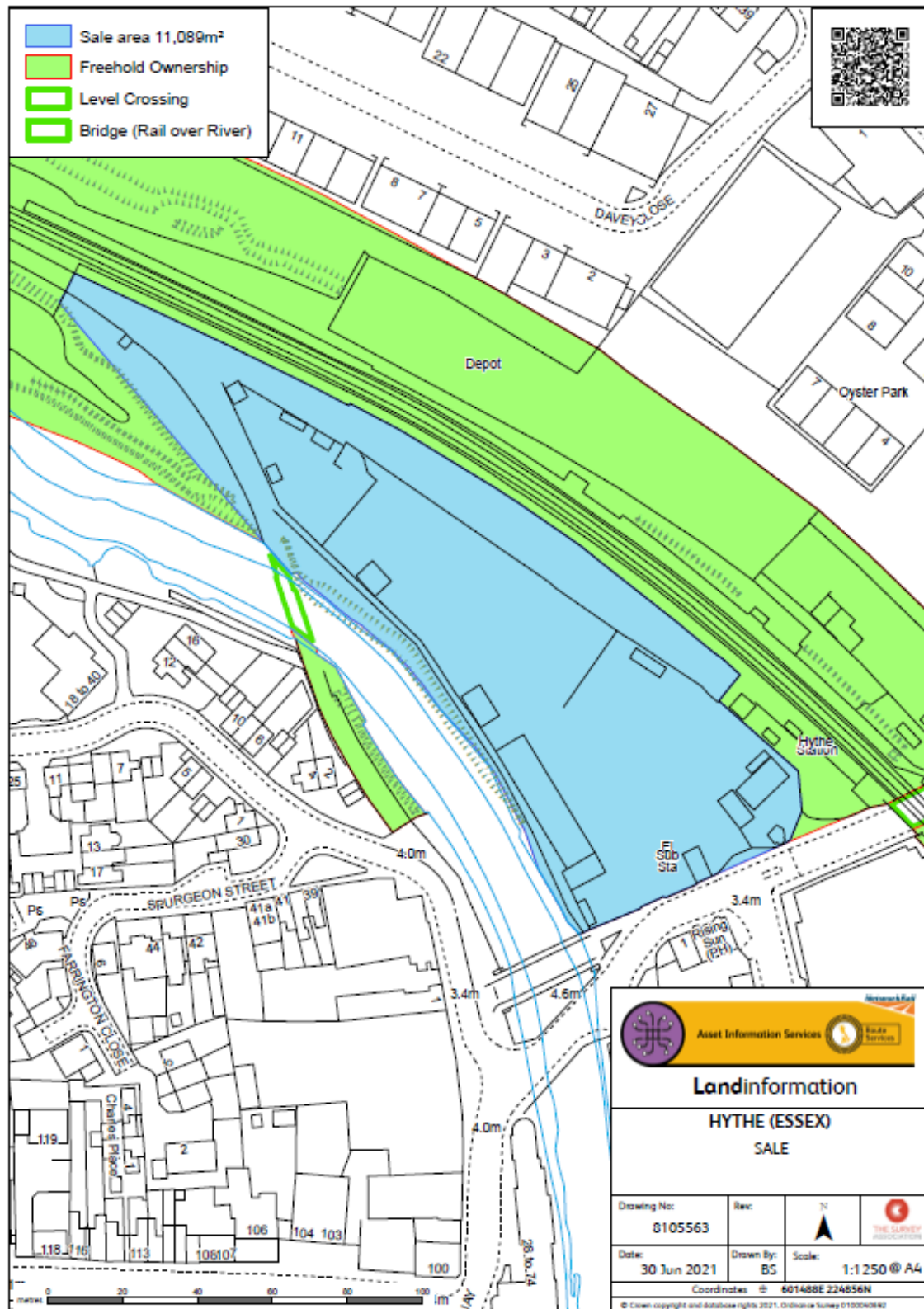
Appendix

1. General location Plan



2. Site Plan identifying the disposal site. Retained NR ownership shaded green.

The NR maintenance storage area & signal which require 24/7 access are to the N-E of the disposal site. The required access will pass through the disposal land, the precise route of which will be agreed between NR & the developer in due course.



3. Satellite photo of the site

The NR maintenance storage area & signal which require 24/7 access are to the N-E of the disposal site.

