Les Waters Manager, Licensing Railway Markets and Economics E-mail les.waters@orr.gsi.gov.uk Telephone 020 7282 2106



14 September 2018

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

#### Network licence condition 7 (land disposal): Northolt Park, South Ruislip, Middlesex

#### Decision

1. On 20 August 2018, Network Rail gave notice of its intention to dispose of land at Northolt Park, off Victoria Road, South Ruislip, Middlesex (the land), in accordance with paragraph 7.2 of condition 7 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 its notice.

#### **Reasons for decision**

3. We are satisfied that Network Rail has consulted relevant stakeholders with current information and that no objections were left unresolved.

- 4. In considering the proposed disposal, we note that:
  - there is no evidence that current or future railway operations would be affected adversely;
  - the land's long-established use as a rail-served waste transfer and recycling centre is expected to continue for the foreseeable future: its freehold is to be sold to the lessee, who currently has a leasehold tenure until 2098, and the land's continued use for waste transfer features in the West London Waste Plan 2015;
  - Network Rail has stated that the terms of the disposal will include a covenant restricting the land from being used for residential development; and
  - Network Rail will reserve the rights it needs to manage its railway assets.

5. Based on all the evidence we have received and taking into account all the material facts and views relevant to our consideration under condition 7, we are satisfied that there are no issues for us to address.



www.orr.gov.uk



6. We have had regard to our decision criteria in *Land disposal by Network Rail: the regulatory arrangements, December 2013,*<sup>1</sup> and balanced our section 4 duties given to us 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".

7. We have therefore concluded that the proposed disposal is not against the interests of users of railway services and that our consent should be granted.

Les Wa

Les Waters Duly authorised by the Office of Rail and Road

<sup>&</sup>lt;sup>1</sup> Available from <u>www.rail-reg.gov.uk/server/show/nav.150</u>

# **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	Land and Sidings used as a waste transfer and recycling centre by the West London Waste Authority at Victoria Road, South Ruislip, Middlesex HA4 0YS.					
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	d v the					
Clearance Ref:	Business Clearance CR/33796 dated 3rd October 2017 Technical Clearance CR/33796 dated 8 <sup>th</sup> November 2017					
Project No.	N/A					
Ordnance survey coordinates	E: 511800 N: 185166					
Details of attached photographs (as required)	N/A					
2. Proposal						
Type of disposal	It is proposed to sell the freehold of the land coloured blue on plan no 6325831-B and to assign the lease held by Network Rail of the roadway and watercourse shown coloured blue verged yellow on plan no 6325831-B. The lease of the roadway expires in 2098.					
	Network Rail will reserve out of the sale the right to continue to have use and maintain underbridge No 1B as shown coloured blue hatched purple on plan no 6325831-B.					
Proposed party taking disposal	West London Waste Authority					

Proposed use / scheme	The property is currently leased for a term of years expiring in 2098 by Network Rail to the West London Waste Authority, who use the property as a rail head for the transfer and distribution of containerised waste materials, the waste materials currently being sent to the Severnside Energy Recovery Centre in Bristol. The proposal will see Network Rail selling its freehold interest and assigning its leasehold interest in the property to the West London Waste Authority.
Access arrangements to / from the disposal land	The proposed disposal includes the private roadway known as "Civic Way" that leads from Victoria Road to the main site. Rail underbridge no 1B (shown coloured blue hatched purple on plan no 6325831-B) which passes over the private road is excluded from the disposal. In addition access rights to the underbridge and adjoining operational land will be reserved out of the terms of sale
Replacement rail facilities (if appropriate)	N/A - it is anticipated that after completion of the disposal West London Waste will continue for the foreseeable future to operate the site as a rail served waste transfer facility.
Anticipated rail benefits	Under the Hendy Review Network Rail has committed to the raising of £1.8 billion of cash proceeds, via asset disposals, by 2019/20. Under Project Falcon a number freight sites, including the subject site, have been identified for disposal for the purpose of raising capital towards the £1.8 billion target. The money raised by the disposals will thus directly support investment in the wider railway.
Anticipated non-rail benefits	None
3. Timescales	
Comments on timescales	It is anticipated the sale will be completed in autumn 2018 as part of a limited number of disposals of freight sites arising out of the "Project Falcon" freight estate review.

4. Railway Related Issues	
History of railway related use	The current use of the site as a rail connected waste transfer station commenced around 1980 and has continued since then.
When last used for railway related purposes	The site is currently in use as a rail connected waste transfer station.
Any railway proposals affecting the site since that last relative use	N/A
Impact on current railway related proposals	The site falls within the proposed alignment of the new High Speed Two line between London and Birmingham. HS2 are proposing at this location that the new high speed line will run in a tunnel beneath the property. The disposal will not impact on HS2's proposals as HS2 have compulsory purchase powers to acquire the land interest they need to construct their tunnel.
Potential for future railway related use	Northolt Waste Transfer Terminal is noted as a freight site accessed by lines and sidings designated as "other freight routes" in the LNW Route Specification.
Any closure or station change or network change related issues	None. The existing connection agreement arrangements will continue post sale. The Freight Operating Companies have previously agreed that the property can be removed from the Strategic Freight Site list.

Whether disposal affects Acces	s rights exercised by Network Rail over the site to the
	ing lineside will be retained under the disposal terms. No impact on access rights is envisaged.
operational issues on severance of land from railway The d regard works The d obliga Netwo Group things Railwa Regul mana mainli turn, r as we chang	isposal includes arrangements under which Network Rail or irchaser will install new boundary fencing along parts of the y boundary and sufficient fencing already exists for the rest. isposal is on a basis under which Network Rail has had due d (where applicable) to impact of the disposal on lineside , including railway troughing, signalling and their maintenance. isposal is without prejudice to Network Rail's safety tions, with which Network Rail will continue to comply. In Rail's network licence requires compliance with Railway o Standards. These set out requirements for – amongst other – fencing, access and signal sighting. In addition, the ays and Other Guided Transport Systems (Safety) ations 2006 require Network Rail to have a safety gement system and safety authorisation in respect of its ne railway system and its railway infrastructure. These, in equire Network Rail to comply with Railway Group Standards II as its own internal standards; and also continually to monitor es to the risks arising from its operations and to introduce ontrol measures as appropriate.

5. Planning History and La	5. Planning History and Land Contamination							
Planning permissions / Local Plan allocation (if applicable)	The draft London Borough of Hillingdon Local Plan Part 2 has proposed that the site be designated as an existing railhead with capacity for aggregate distribution to safeguard it from inappropriate development. In addition the terms of sale will include a covenant restricting the site from being used for residential development. The West London Waste Plan July 2015 identifies the site as a safeguarded site for waste transfer related use.							
Contamination / Environmental Issues (if applicable)	None relevant to this application.							

6. Local Authorities						
Names & Email Addresses:	Hillingdon Borough Council planning@hillingdon.gov.uk					
Local Transport Authorities:	Transport for Lond	lon				
Other Relevant Local Authorities:	N/A					
7. Internal approval to con	sult					
Recommendation:	Based on the above, I recommend that Network Rail consults on the terms of 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 Surveyor				
Signed		Date23 April 2018				
Authorised by (name):		Authoriser's job title: Property Services Manager				
8. Consultations	8. Consultations					
Internal consultation	Internal clearance has been obtained for the proposal. The proposed sale documentation will reflect the stipulations requested by Network Rail's internal consultees.					

Summary of position as regards external consultations	comments or object and HS2) lodged in subsequently witho Council) did not re- issues or concerns Companies have a proposed freehold have no objections	ere consulted, with 22 confirming they had no ctions. 3 stakeholders (WH Malcolm, DB Cargo nitial objections which, following discussion, were drawn. 1 party (Hillingdon London Borough spond but it is not considered this raises any s. It should be noted that the Freight Operating Ilready been separately consulted regarding the disposal and have confirmed in writing that they s to the proposed sale or any associated LC7 york change related to it.		
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	Not applicable			
9. Internal approval to disp	oose			
Recommendation:	the disposal of the 6325831-B and the	ve, I recommend that Network Rail proceeds with freehold of the land coloured blue on plan no e assignment of the lease of the roadway and n coloured blue verged yellow on plan no		
Declaration:		derstood Network Rail's code of Business Ethics ests in Transactions		
Proposer's name:	<u></u>	Proposer's job title: Senior Surveyor		
Signed		Date20 August 2018		
Authorised by		Authoriser's job title: Property Services Manger		
Signed		Date20 August 2018		



Request a Service @ http://connect/delivery/CommercialProperty/Land-information.aspx

# **CONSULTATION REPORT**

# relating to

# PROPOSED LAND DISPOSAL

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

Northolt Park–Land and Sidings off Victoria Road London as shown coloured blue and coloured blue verged yellow on plan no 6325831-B.

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

Summary of position regarding responses:

26 stakeholders were consulted, with 22 confirming they had no comments or objections. (Consultations were addressed to two parties in TfL but one of thoise parties replied on behalf of both consultees). 3 stakeholders (WH Malcolm, DB Cargo and HS2) lodged initial objections which, following discussion, were subsequently withdrawn. 1 party (Hillingdon London Borough Council) did not respond despite reminders being sent.

WH Malcolm initially objected to the proposal on 24 April 2018 on the basis the site was an active railfreight facility, but on being given details of other sites available for railfreight use they withdrew their objection on 7 May 2018.

DB Cargo sought an assurance that the disposal would not prevent any restoration of full double track past the site between South Ruislip Junction and Greenford. Whilst noting there is currently no committed or funded scheme to double track past the site between South Ruislip Junction and Greenford Network Rail was able to produce a high level concept drawing which suggested twin tracking could potentially be accommodated without needing to use part of the proposed sale area. In the light of this D B Cargo withdrew their objection on 15 June 2018.

HS2 requested that Network Rail includes a restrictive covenant within the transfer such that that no change of use could take place or anything else be done on site that might prejudice or obstruct the HS2 tunnel boring or protection thereof without first obtaining the approval of HS2. After providing further details to HS2 of the site and the activities thereon to HS2, and querying whether any such restrictive covenant was appropriate given current arrangements or even enforceable, HS2, after giving the matter further consideration, withdrew their previous comments on 10 August 2018.

Please see the consultation report below for full details of these email exchanges.

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	c2c Rail		Y	30/4/2018	No objection	
2	Chiltern Railway Company		Y	4/6/2018	No comments	
3	Eurostar UK		Υ	1/05/2018	No comment	
4	Great Western Railway		Y	23/5/2018	No objection	
5	Grand Central / Grand Union		Y	29/5/2018	No comments	
6	London and South Eastern Railway		Y	23/4/2018	No comment	
7	Merseyrail Electrics 2002		Y	23/4/2018	No objections	

Lan	Land disposal consultation report V							
8	Northern Rail		Y	24/4/2018	No objections			
9	XC Trains Limited (t/a CrossCountry)		Y	14/5/2018	No comment			
10	COLAS Freight		Υ	24/4/2018	No comment			
11	Direct Rail Services Limited		Y	11/5/2018	No comments.			
12	DB Cargo UK		Y	15/6/2018	Initial response from DB Cargo:			
					I can confirm that DB Cargo (UK) Limited has no objection in principle to the proposed land disposal as described.			
					Could you please confirm that this in no way prevents restoration of full double track past the site between South Ruislip Junction and Greenford as and when this becomes necessary?			
					NR response : In respect of your double tracking query. I am advised that			
					<ol> <li>There is currently no committed or funded scheme to double track past the site between South Ruislip Junction and Greenford.</li> <li>A high level concept drawing was produced in 2015 as part of the West Midlands &amp; Chilterns Route Study process ( copy attached) which suggests twin tracking could potentially be accommodated without needing to use part of the proposed sale area, although the full extent of railway</li> </ol>			

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				<ul> <li>infrastructure footprint was not established then. You will appreciate of course that a detailed scheme would need to be developed to fully establish the feasibility of the twin tracking and therefore this drawing is issued for information only and "without prejudice".</li> <li>3. It is worth bearing in mind that even if the land sale did not proceed the site would continue to be held on a long lease by West London Waste and would not therefore be available for other purposes whilst the lease was running without the agreement of West London Waste being secured.</li> <li>I hope this answers your query- could you please confirm?</li> <li>DB Cargo reply:</li> <li>I have examined the attached plan and am satisfied that the proposed sale boundaries would not interfere with a possible future redoubling.</li> </ul>	
13	Freight Transport Association	Y	23/5/2018	No comment	
14	Freightliner Limited	Υ	23/4/2018	No comment	
15	GB Railfreight Limited	Y	25/5/2018	No objections	
16	Rail Freight Group	Y	24/4/2018	Ok with RFG	
17	West Coast	Υ	14/05/2018	No comments	
					-

	Railway Company				•
18	Association of Community Rail Partnerships	Y	24/4/2018	No comment	
19	British Transport Police	Y	1/05/2018	This is justified, as long as the safety and security of the railway is not compromised and standards are maintained or where needed improved. I have reviewed the plan 6030831 B-1 and documentation attached, and have no major concerns with this	
20	DfT	Y	14/5/2018	No comment	
21	London TravelWatch	Y	3/5/2018	No objections	
22	WH Malcolm	Y	7/5/2018	Original response: I presume there are alternative rail facilities readily available in the surrounding area without the need for significant capital investment and this is the justification for the sale. Please provide details of the alternative sites in the area which are available. NR response: I can confirm that Network Rail does own other sites in the region that can and do support railfreight activities. Having checked our website we are currently adverting railfreight sites to let at Southall, West Drayton, Park Royal, and Basingstoke, although some of these are under offer at the time of writing. Additionally we are currently looking at additional land being made available to let at Banbury SSFS and bringing part of the SSFS at Luton into use for railfreight purposes	

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				WH Malcom response: No objections	
23	TfL	Y	4/6/2018	No objections	
24	TfL	Ν			No response but TfL position covered by above response from TfL (Stephen Miles copied into that response)
25	Hillingdon BC	Ζ			Reminder emails sent 14 May 2018 and 23 May 2018. Phoned Council 19 June 2018, I was advised the emails had been passed to two individuals but neither were available and I could not be given their direct dial telephone numbers. I sent both individuals an email on 19 June with a further request for a response. No response was received from either party.

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Land disposal consultation report V 1.1						V 1.1
26	HS2		Y	10/8/2018	HS2 Initial main response:	
					Generic conveyance obligations should be contractually inserted within the transfer of freehold title against the landowner, or tenant in the case of the lease (and any occupier, future under- tenant or successors in title), to not knowingly or unknowingly contaminate the land, overload the surface of the land or do anything that prejudices or obstructs the HS2 tunnel boring or protection thereof (including but not limited to deep apparatus, shafts, extraction of mines or minerals, deep foundations) without the prior approval of HS2 Ltd, which will not be unreasonably withheld or delayed but which may be granted subject to appropriate conditions HS2 considers and for the avoidance of doubt, HS2 engineers conditions are final. Additional response from HS2 on 25 May:	
					Please consider including a restrictive covenant within the transfer and lease (if relevant), that no change of use (from the pre-existing use) or do anything that might prejudice or obstruct the HS2 tunnel boring or protection thereof without first;	
					<ul> <li>Consulting with HS2 before designing or carrying out the works,</li> <li>Taking all HS2 representations reasonably into account</li> </ul>	
					The prior written approval of	

13/09/2018

	HS2 consent may not be unreasonably withheld but may be given subject to reasonable conditions for the protection, operation and maintenance of HS2 tunnels, and for the avoidance of doubt HS2's engineers conditions are final.	
	NR Response:	
	• To meet financial requirements the sale needs to be a "clean"sale, with our only being able to include standard terms designed to protect our operational railway.	
	• West London Waste Authority do not operate any kind of land infill on site or carry out excavations on site. Their operation involves the compacting of domestic waste in a purpose built facility, placing the waste in containers and sending the waste out by rail (currently one train per day). I will send you a photo of the weighbridge and main building to give you a sense of the type of operation on site at present.	
	• West London Waste Authority has in place a contract for 25 years to take waste by rail to Severnside Energy Recovery Centre. See https://www.letsrecycle.com/news/latest- news/sita-uk-signs-25-year-west-london- contract/	
	• I doubt that any development that would fall under permitted development would impact on your proposed tunnels?	

the HS2 qualified engineer

		• Any more major development with foundations etc that might impact on your tunnels would likely require planning permission and your safeguarding arrangement with local planning authorities would then presumably give you the opportunity to comment on any proposals and protect your interests.	
		• I am not certain how rights reserved for the benefit of HS2 would be enforceable if HS2 was not a party to the transfer.	
		• There is nothing in the existing lease that requires the approval of HS2 to be given for any works so a disposal on a similar basis would not seem to place HS2 in any worse position than they are now.	
		I believe a disposal without the clause you have requested would not materially affect HS2's interests and I would therefore ask you to consider withdrawing your request and confirming that you have no comments on the proposal.	
		HS2 Response dated 10 August 2018:	
		Following a period of liaison with HS2 Engineers, HS2 is willing to withdraw the initial proposed co-operation covenant based on Act powers and current information.	

10.

Land disposal consultation report Copies of responses are given in the annexes to this report, as indicated above.

A copy of the consultation request (before customisation for any individuals) is given in Annex 1.

# Annex 2 – Consultee Responses

1 c2c Rail

From: @c2crail.net Sent: 30 April 2018 08:52 To: Subject: Re: LC7 Consultation- Proposed sale of land at Northolt Park

Good morning

No objection from c2c on the below proposal.

# Regards

**Property and Projects Manager** 2nd Floor, Cutlers Court, 115 Houndsditch, London EC3A 7BR

# **c2c**

W: www.c2c-online.co.uk

2 Chiltern Railway Company

Hi

No comments from Chiltern.

Sorry for the delay!

Regulatory Contracts Manager Chiltern Railways

Great Central House, Marylebone Station, Melcombe Place, London, NW1 6JJ @chilternrailways.co.uk

www.chilternrailways.co.uk



Please consider the environment before printing this email

From: <u>@networkrail.co.uk</u>
Sent: 04 June 2018 09:28
To: <u>@chilternrailways.co.uk</u>
Subject: LC7 Consultations for West Ealing, Brentford and Northolt Park

Hello

Further to our conversation last week are you able to confirm whether you have any comments on the above three LC7 consultations? I think you hoped you would have had any comments from your colleagues by Friday of last week?

Kind regards,

Senior Surveyor Freight, Property			
Network Rail			
1st Floor			
Baskerville House			
Centenary Square			
Birmingham B1 2ND			
E @networkrail.co.uk			
www.networkrail.co.uk/property			

### 3 Eurostar UK

From: @eurostar.com Sent: 01 May 2018 12:01 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

No comment from EIL, Thanks

PA to Chairman and to Company Secretary Eurostar International Limited Times House | Bravingtons Walk | London N1 9AW eurostar.com

#### 4 Great Western Railway

From: @gwr.com Sent: 23 May 2018 12:54 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Hello

Many thanks for calling.

GWR has no objection to this.

(I will look at the the other outstanding sites.)

Yours,

Network Access Manager | Great Western Railway 1 Milford Street | Swindon | SN1 1HL @GWR.com

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

5 Grand Central / Grand Union

6 London and South Eastern Railway

From: @southeasternrailway.co.uk Sent: 23 April 2018 11:58 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Good Morning

Thank you for the opportunity to review the below.

Southeastern has no comment on this proposal.

Kind Regards

Access Contracts Business Partner

southeasternrailway.co.uk

**southeastern** Friars Bridge Court 41-45 Blackfriars Road London, SE1 8NZ 7 Merseyrail Electrics 2002

From: @merseyrail.org Sent: 23 April 2018 11:26 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

We have no objections, thanks

#### Legal & Contract Assistant Merseyrail



# 8 Northern Rail

From: @northernrailway.co.uk Sent: 24 April 2018 09:02 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Northern have no objections to the below proposal.

Thanks,

9 XC Trains Limited (t/a CrossCountry)

From: @networkrail.co.uk
Sent: 14 May 2018 10:47
To: @crosscountrytrains.co.uk
Subject: RE: LC7 Consultation- Proposed sale of land at Oxford

#### Thanks

The Oxford Consultation form is attached.

Your "no comment" below on the other three sites should suffice.

Kind regards,

Senior Surveyor Freight | Network Rail Property

From: @crosscountrytrains.co.uk Sent: 14 May 2018 10:41 To: Subject: RE: LC7 Consultation- Proposed sale of land at Oxford

Hi

I don't seem to have received any of the original emails you refer to. If you can resend this one for Oxford I'll take a quick look & respond.

As for the other three reminders, on the basis that the locations are not on our route I'd be confident enough to say 'no comment' without seeing the supporting documentation. I'll send separate replies for these if you need them.

Thanks

Station Contracts Manager CrossCountry

#### Phone: Mobile: Fax:

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

Buy train tickets online at crosscountrytrains.co.uk | Get our Train Tickets app for free from your app store or via our website



From: <u>@networkrail.co.uk</u>

Sent: 14 May 2018 10:12

To: @crosscountrytrains.co.uk ; @chilternrailways.co.uk ; @gwr.com; @grandcentralrail.com ; @deutschebahn.com; @fta.co.uk; @gbrailfreight.com ; @aol.com; @oxfordshire.gov.uk; @oxford.gov.uk; @eastwestrailwaycompany.co.uk; @networkrail.co.uk Subject: RE: LC7 Consultation- Proposed sale of land at Oxford

Good morning everyone,

Just a reminder that we are hoping to complete the consultation on the above by **Monday 21st May 2018** so if you are able to let me have a response to my below email this week that would be really helpful.

Kind regards,

Senior Surveyor Freight | Network Rail Property

#### From: <u>@networkrail.co.uk</u>

Sent: 23 April 2018 11:23

**To:** '@dft.gsi.gov.uk'; '@crosscountrytrains.co.uk'; '@c2crail.net'; '@chilternrailways.co.uk'; '@eurostar.com'; '@gwr.com'; @grandcentralrail.com; '@southeasternrailway.co.uk'; '@merseyrail.org'; '@northernrailway.co.uk'; '@colasrail.co.uk'; '@drsl.co.uk'; '@deutschebahn.com'; '@fta.co.uk'; <u>@freightliner.co.uk</u>; @rfg.org.uk'; '@aol.com'; '@merseyrail.org'; '@btp.pnn.police.uk'; '@Transportfocus.org.uk'; '@oxfordshire.gov.uk'; '@oxford.gov.uk'; '@

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'@eastwestrailwaycompany.co.uk'; **Subject:** LC7 Consultation- Proposed sale of land at Oxford

Please find enclosed a consultation form in respect of a proposed land disposal at Oxford.

I would be grateful if you could either confirm you have no comments on the proposal or make any comments you have on the proposal no later than **Monday 21st May 2018.** 

Kind regards,

Senior Surveyor Freight, Property Network Rail 1st Floor Baskerville House Centenary Square Birmingham B1 2ND E @networkrail.co.uk www.networkrail.co.uk/property

10. COLAS Freight

No comment on proposed disposal



Property & Estate Manager

@colasrail.co.uk

COLAS RAIL LTD West Goods Yard, Dundonald Road, Wimbledon, London, SW19 3QJ, United Kingdom

www.colasrail.co.uk



11 Direct Rail Services Limited

Hi

DRS have no comments.

Best Regards,

**Procurement Apprentice** 

**Direct Rail Services Ltd** Regents Court Baron Way Carlisle CA6 4SJ

E: <u>@drsl.co.uk</u>

12 DB Cargo UK

From: @deutschebahn.com Sent: 15 June 2018 16:43 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

I have examined the attached plan and am satisfied that the proposed sale boundaries would not interfere with a possible future redoubling. Although this is not a

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committed scheme the problems with access to what is currently referred to as the Chiltern main line and was once the GWR / GCR Joint Railway are so acute that the possibility is not as remote as it seemed a few years ago, and the proposed buyer's traffic is affected by the lack of main line capacity east of Northolt as much as anyone else's.

#### Tel.

14/06/2018 15:49:57--- In respect of your double tracking query. I am advised that

From:	@networkrail.co.uk
To:	@deutschebahn.com"
Date:	14/06/2018 15:49
Subject:	RE: LC7 Consultation- Proposed sale of land at Northolt Park

In respect of your double tracking query. I am advised that

1. There is currently no committed or funded scheme to double track past the site between South Ruislip Junction and Greenford.

2. A high level concept drawing was produced in 2015 as part of the West Midlands & Chilterns Route Study process (copy attached) which suggests twin tracking could potentially be accommodated without needing to use part of the proposed sale area, although the full extent of railway infrastructure footprint was not established then. You will appreciate of course that a detailed scheme would need to be developed to fully establish the feasibility of the twin tracking and therefore this drawing is issued for information only and "without prejudice".

3. It is worth bearing in mind that even if the land sale did not proceed the site would continue to be held on a long lease by West London Waste and would not therefore be available for other purposes whilst the lease was running without the agreement of West London Waste being secured.

21.

I hope this answers your query- could you please confirm?

Kind regards,

Senior Surveyor Property Service Freight Network Rail Property

From: @deutschebahn.com Sent: 05 June 2018 15:09 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

I has to do with the inadequacy of the post-Crossrail arrangements at West Ealing, where the junction has been singled to, permit platform extensions. This has so badly constrained freight paths to and from Greenford that future paths to and from the Princes Risborough direction will be almost unobtainable if the Northolt - Greenford section is not restored to double track. This is being discussed as a long-term issue rather than immediate, but I'm just checking to make sure we haven't put as spanner in the works.

From:	@networkrail.co.uk
To:	@deutschebahn.com
Date:	05/06/2018 11:23
Subject:	RE: LC7 Consultation- Proposed sale of land at Northolt Park

Thanks – I'll check the double tracking point – to help me with this is there a particular scheme/proposal the proposed double tracking is linked to?

Kind regards,

Senior Surveyor Freight | Network Rail Property

From: @deutschebahn.com Sent: 05 June 2018 11:11 To: Subject: Re: LC7 Consultation- Proposed sale of land at Northolt Park

I can confirm that DB Cargo (UK) Limited has no objection in principle to the proposed land disposal as described.

Could you please confirm that this in no way prevents restoration of full double track past the site between South Ruislip Junction and Greenford as and when this becomes necessary.

Yours,

Rail Network Manager DB Cargo (UK) Limited 310 Goswell Road

London EC1V 7LW

13 Freight Transport Association

Apologies Peter FTA has no comment.

14 Freightliner Limited

From: @Freightliner.co.uk Sent: 23 April 2018 14:10 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Hi

Following recent 'Project Falcon sign off' of this site, I can confirm that Freightliner has no comment to make on this proposal

Regards

15 GB Railfreight Limited

From: @gbrailfreight.com Sent: 25 May 2018 17:55

#### Land disposal consultation report To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

No objections from GB Railfreight.

Regards, Head of Capacity Planning, GB Railfreight Ltd., 3<sup>rd</sup> Floor, 55 Old Broad Street, London, EC2M 1RX. E-mail: @gbrailfreight.com.

GB Railfreight Ltd. Registered in England & Wales No. 03707899. Registered Office: 3<sup>rd</sup> Floor, 55 Old Broad Street, London, EC2M 1RX.

16 Rail Freight Group

From: @rfg.org.uk Sent: 24 April 2018 08:01 To: Subject: RE: SPAM LC7 Consultation- Proposed sale of land at Northolt Park

Ok with RFG

**Executive Director** 

Rail Freight Group 7 Bury Place London WC1A 2LA @rfg.org.uk

17 West Coast Railway Company

From: @aol.com Sent: 14 May 2018 14:22 To: Subject: Re: LC7 Consultation- Proposed sale of land at Northolt Park

no comments

WCR

E @aol.com

18 Association of Community Rail Partnerships

Sent: 24 April 2018 14:29 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Dear No comment from Acorp.

Thanks

Senior Operations Manager



Web: acorp.uk.com

The Old Water Tower, Huddersfield Railway Station, St Georges Square, Huddersfield HD1 1JF

# 19 British Transport Police

From: @btp.pnn.police.uk Sent: 01 May 2018 11:10 To: Subject: FW: Northolt Park Land Disposal CRU 2018 0647 Importance: High

Good morning,

Please note the email below for BTPs resposne regards

**Business Support Manager** 

### Strategy & Performance Department

6<sup>th</sup> Floor, FHQ Camden NW1 9LN British Transport Police

Email: <u>@btp.pnn.police.uk</u> <u>www.btp.police.uk</u>



Please consider the environment before printing this email Please consider the environment before printing this email Unless otherwise stated above this e-mail is considered 'OFFICIAL'
From: Sent: 25 April 2018 10:33 To: Cc: Design-OutCrime Subject: Northolt Park Land Disposal CRU 2018 0647

Regarding the land disposal at Northolt Park this is justified, as long as the safety and security of the railway is not compromised and standards are maintained or where needed improved.

I have reviewed the plan 6030831 B-1 and documentation attached, and have no major concerns with this.

Many Thanks.

Designing Out Crime Officer DOCO Designing Out Crime Unit Force Headquarters British Transport Police

25 Camden Road London NW1 9LN Tel BTP Internal Mobile email @btp.pnn.police.uk www.btp.police.uk

20 DfT

From: @dft.gov.uk Sent: 14 May 2018 10:57 To:

## No comment from us.

# Thank you

Briefing and Correspondence Manager, Rail Network Services Directorate, Department for Transport 2/21

# 21 London TravelWatch

From: @londontravelwatch.org.uk Sent: 03 May 2018 13:37 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

#### Dear

London TravelWatch has no objection to the aforementioned proposal.

Kind regards

22 WH Malcolm

From: @whm.co.uk Sent: 07 May 2018 13:23 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

I confirm I have no objections to the proposal.

Regard



From: @networkrail.co.uk Sent: 02 May 2018 09:09 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

#### Thank you for your below email.

I can confirm that Network Rail does own other sites in the region that can and do support railfreight activities. Having checked our website we are currently adverting railfreight sites to let at Southall, West Drayton, Park Royal, and Basingstoke, although some of these are under offer at the time of writing. Additionally we are currently looking at additional land being made available to let at Banbury SSFS and bringing part of the SSFS at Luton into use for railfreight purposes

I hope this will enable you to withdraw your objection.

Kind regards,

Senior Surveyor Freight | Network Rail Property

From: @whm.co.uk Sent: 24 April 2018 08:06 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Please treat this response as an objection. Subject to your responses I am prepared to withdraw the objection.

Network Rail has made clear that it will not grant leases of rail sites unless they include unencumbered termination rights linked to levels of rail use. It is understood this is due to a scarcity of such sites and ensures availability long term.

Selling this site is contrary to the principles you are following. I presume there are alternative rail facilities readily available in the surrounding area without the need for significant capital investment and this is the justification for the sale.

Please provide details of the alternative sites in the area which are available.

Regards

Contracts, Rail & Estate Management | W H Malcolm Ltd Malcolm Group, Brookfield House, 2 Burnbrae Drive, Linwood, Renfrewshire PA3 3BU DD: | Mobile: Email: @whm.co.uk | Web: www.malcolmgroup.co.uk | Malcolm Group on LinkedIn

23 TfL

From: @tfl.gov.uk Sent: 04 June 2018 16:08 To: Cc: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park Importance: High

Hi

We would like to confirm 'No objections' to the proposed sale at Northolt Park.

Kind regard

24 TfL

See above

25 Hillingdon BC

No response received

From: Sent: 19 June 2018 16:57 To: @hillingdon.gov.uk'; @hillingdon.gov.uk' Subject: FW: LC7 Consultation- Proposed sale of land at Northolt Park - URGENT Importance: High

Dear and,

I understand that the below emails have passed to you for review.

I will shortly be reporting to the ORR on the outcome of the consultation process. If you have any comments on the proposal can you please let me have them by return, or alternatively, if you have no comments, confirmation to that effect would be greatly appreciated.

31.

Kind regards,

Senior Surveyor Property Service Freight Network Rail Property

13/09/2018

Sent: 23 May 2018 17:19 To: @hillingdon.gov.uk' Subject: FW: LC7 Consultation- Proposed sale of land at Northolt Park

#### Good afternoon

I am just chasing up the last responses in respect of the below consultation and think you have not yet responded?

If you are able to reply that would be very helpful as the deadline has now passed.

Kind regards,

Senior Surveyor Freight | Network Rail Property

#### From:

Sent: 14 May 2018 10:11 To: '@dft.gsi.gov.uk'; @crosscountrytrains.co.uk'; @chilternrailways.co.uk'; @gwr.com'; @grandcentralrail.com; @deutschebahn.com'; @fta.co.uk'; '@aol.com'; @londontravelwatch.org.uk'; @tfl.gov.uk'; @tfl.gov.uk'; @hillingdon.gov.uk'; @hs2.org.uk' Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

#### Good morning everyone

Just a reminder that we are hoping to complete the consultation on the above by **Monday 21st May 2018** so if you are able to let me have a response to my below email this week that would be really helpful.

Kind regards,

Senior Surveyor Freight | Network Rail Property

Sent: 23 April 2018 11:23

To: @dft.gsi.gov.uk'; @crosscountrytrains.co.uk'; @c2crail.net'; @chilternrailways.co.uk'; @eurostar.com'; @gwr.com'; @grandcentralrail.com; @southeasternrailway.co.uk'; @merseyrail.org'; @northernrailway.co.uk'; @colasrail.co.uk'; @drsl.co.uk'; @deutschebahn.com'; @fta.co.uk'; @freightliner.co.uk; @rfg.org.uk'; @aol.com'; @whm.co.uk'; @acorp.uk.com'; @btp.pnn.police.uk'; @londontravelwatch.org.uk'; @tfl.gov.uk'; @tfl.gov.uk'; @hillingdon.gov.uk'; @hs2.org.uk' Subject: LC7 Consultation- Proposed sale of land at Northolt Park

Please find enclosed a consultation form in respect of a proposed land disposal at Northolt Park London.

I would be grateful if you could either confirm you have no comments on the proposal or make any comments you have on the proposal no later than **Monday 21st May 2018.** 

Kind regards,

Senior Surveyor Freight, Property Network Rail 1st Floor Baskerville House Centenary Square Birmingham B1 2ND **E** @networkrail.co.uk www.networkrail.co.uk/property

26 HS2

From: @hs2.org.uk Sent: 10 August 2018 11:21 To: Cc: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

#### Dear

33.

V 1.1

I have now managed to discharge the governance comments in relation to this matter.

Following a period of liaison with HS2 Engineers, HS2 is willing to withdraw the initial proposed co-operation covenant based on Act powers and current information.

Best

| Property Acquisition Manager | HS2 Ltd

From: @networkrail.co.uk Sent: 07 June 2018 08:44 To: @hs2.org.uk Subject: LC7 Consultation- Proposed sale of land at Northolt Park Importance: High

Hello

Thanks you for your time yesterday discussing the above.

To recap the background to this matter

The sale at Northolt is to help fund Network Rail during the current control period. Under the Hendy Review Network Rail has committed to the raising of £1.8bn of cash proceeds, via asset disposals, by 2019. Under Project Falcon a number freight sites, including the subject site, have been identified for disposal for the purpose of raising capital towards the £1.8million target.

The bullet points of our discussion are as follows:

- To meet financial requirements the sale needs to be a "clean" sale, with our only being able to include standard terms designed to protect our operational railway.
- West London Waste Authority do not operate any kind of land infill on site or carry out excavations on site. Their operation involves the compacting of domestic waste in a purpose built facility, placing the waste in containers and sending the waste out by rail (currently one train per day). I will send you a photo of the weighbridge and main building to give you a sense of the type of operation on site at present.

- West London Waste Authority has in place a contract for 25 years to take waste by rail to Severnside Energy Recovery Centre. See <a href="https://www.letsrecycle.com/news/latest-news/sita-uk-signs-25-year-west-london-contract/">https://www.letsrecycle.com/news/latest-news/sita-uk-signs-25-year-west-london-contract/</a>
- I doubt that any development that would fall under permitted development would impact on your proposed tunnels?
- Any more major development with foundations etc that might impact on your tunnels would likely require planning permission and your safeguarding arrangement with local planning authorities would then presumably give you the opportunity to comment on any proposals and protect your interests.
- I am not certain how rights reserved for the benefit of HS2 would be enforceable if HS2 was not a party to the transfer.
- There is nothing in the existing lease that requires the approval of HS2 to be given for any works so a disposal on a similar basis would not seem to place HS2 in any worse position than they are now.

I believe a disposal without the clause you have requested would not materially affect HS2's interests and I would therefore ask you to consider withdrawing your request and confirming that you have no comments on the proposal.

Kind regards,

Senior Surveyor Freight, Property Network Rail 1st Floor Baskerville House Centenary Square Birmingham B1 2ND

E @networkrail.co.uk

www.networkrail.co.uk/property

From: @hs2.org.uk Sent: 25 May 2018 16:38 To: Cc: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

Hello

Thanks again for your email. I have now checked position with colleagues and please note the following by way of clarification.

Whilst the HS2 Act does enable compulsory powers, the proposed change of tenure is likely to relax the obligations upon the current tenant. Accordingly, there is a concern that the change, from leasehold to freehold, will potentially increase engineering, buildability and programme risk for HS2.

The concern is primarily in relation to intensifying ground seeping contamination or pollution, or the ease for which change of land use can be effected, for example erecting structures, installing deep foundations or in some way disrupting the subsoil for which the tunnels will be located. It might be the case in future that a change in land use or proposed future works upon the land benefit from deemed planning permission, and therefore the safeguarding protection HS2 benefits from will not provide adequate representation. In such a case, as a result of this LC7 consultation and nature of the proposed transaction, we would urge Network Rail to please consider including a restrictive covenant within the transfer and lease (if relevant), that no change of use (from the pre-existing use) or do anything that might prejudice or obstruct the HS2 tunnel boring or protection thereof without first;

- Consulting with HS2 before designing or carrying out the works,
- Taking all HS2 representations reasonably into account
- The prior written approval of the HS2 qualified engineer

HS2 consent may not be unreasonably withheld but may be given subject to reasonable conditions for the protection, operation and maintenance of HS2 tunnels, and for the avoidance of doubt HS2's engineers conditions are final.

It is noted on the LC7 consultation that the disposal will not impact on HS2's proposals as HS2 "have compulsory purchase powers to acquire the land interest they need to construct their tunnel". Whilst HS2 does have powers to acquire the land interests, the safeguarding conditions are designed to protect the engineering viability and practical feasibility of building the railway. This LC7 response is on the basis of practical engineering protection rather than protecting the acquisition of land interests.

HS2 supports NRIL's objectives, however they must be balanced with HS2's objectives. We don't consider this is unreasonable as it is not an absolute restriction, rather an obligation for the new owner (and their successors in title) to consult with HS2 for works which will or are likely to impact upon HS2's design, construction, operation and maintenance, in order for HS2 to influence the extent of such future works (whatever they may be) if they are considered impacting.

We also don't consider this request will detrimentally impact upon the proceeds collected by NR due to the co-operative nature of covenant request.

I hope above clarifies the position for you, however if you have any further queries can you please direct them to my colleague Jason Moore (cc'd herein) in the HS2 Property Acquisitions team.

36.

V 1.1

#### Land disposal consultation report Kind regards,

# Safeguarding Planning Manager | HS2 Ltd

Tel: | Mob: | @hs2.org.uk | Facebook | Twitter | LinkedIn

High Speed Two (HS2) Limited, One Canada Square, Canary Wharf, London, E14 5AB | www.gov.uk/hs2

From: @networkrail.co.uk Sent: 21 May 2018 11:29 To: @hs2.org.uk Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park Importance: High

#### Hello

#### Thank you for your email.

Just for clarity could you please confirm that you are not suggesting that Network Rail includes these restrictions and obligations in our proposed transaction but instead these are requirements that HS2 will look to impose when it acquires the rights to construct the HS2 tunnel beneath the site in due course?

Kind regards,

Senior Surveyor Freight | Network Rail Property

From: @hs2.org.uk Sent: 21 May 2018 10:58 To: Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

#### OUR REF: HS2-LBE-PE-013

#### Dear

Thank you for consulting HS2 Ltd on the above matter, we have the following comments to make on the proposal.

Firstly with reference to p3 of the evaluation form, it is welcome that the presence of HS2 Phase One interests in that location are acknowledged in terms of the subsurface safeguarding interest for construction and operation of the tunnel beneath the property. The claim that the proposed disposal will not impact upon HS2 CPO powers to acquire the land in question is also welcomed.

It is also acknowledged that since the West London Waste Plan allocates the land for waste transfer related use the terms of any potential sale will include a restrictive covenant preventing the site from being developed for residential purposes. However, HS2 Ltd advises that the proposed disposal also includes the private roadway known as Civic Way and this road is shown within both the Limits of Land to be Acquired or Used (LLAU) for the railway and the Consolidated Land Boundary (CLB).

In light of the above circumstances I have liaised with HS2 Property and Construction teams who have made a number of observations, which are summarised below respectively.

The HS2 Act enables acquisition of requisite subterranean tunnel rights and rights to impose covenants upon the surface of the land above the tunnels and in safeguarded areas. Accordingly, generic conveyance obligations should be contractually inserted within the transfer of freehold title against the landowner, or tenant in the case of the lease (and any occupier, future under-tenant or successors in title), to not knowingly or unknowingly contaminate the land, overload the surface of the land or do anything that prejudices or obstructs the HS2 tunnel boring or protection thereof (including but not limited to deep apparatus, shafts, extraction of mines or minerals, deep foundations) without the prior approval of HS2 Ltd, which will not be unreasonably withheld or delayed but which may be granted subject to appropriate conditions HS2 considers and for the avoidance of doubt, HS2 engineers conditions are final.

The sector Enabling Works Contractor (EWC) Project Manager comments that any prospective purchaser of the land should be aware that the HS2 Act provides rights of access over Civic Way to undertake utilities diversions, which are required due to the construction of the Northolt tunnel, (see screen shot below for extent of those powers).



Further information on the safeguarding process can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/546118/Guidance\_notes\_for\_local\_planning\_authorities.pdf and you are also directed towards information produced by HS2 about design criteria for the use of developers bringing forward new developments in the safeguarded area of the route of HS2. That information is attached for awareness and reference purposes.

39.

I hope this response if of assistance and if any further information or clarification is needed please contact me at: <u>@hs2.org.uk</u>.

Yours sincerely,

# Safeguarding Planning Manager | HS2 Ltd

Tel: M: | @hs2.org.uk | Facebook | Twitter | LinkedIn

High Speed Two (HS2) Limited, 18th Floor, One Canada Square, Canary Wharf, London, E14 5AB www.gov.uk/hs2

# HS2

Annex 1 - Network Rail's Consultation Request (and reminder e-mail)

#### From:

Sent: 23 April 2018 11:23

**To:** @dft.gsi.gov.uk'; @crosscountrytrains.co.uk'; @c2crail.net'; @chilternrailways.co.uk'; @eurostar.com'; @gwr.com'; @grandcentralrail.com; @southeasternrailway.co.uk'; @merseyrail.org'; @northernrailway.co.uk'; @colasrail.co.uk'; @drsl.co.uk'; '@deutschebahn.com'; @fta.co.uk'; @freightliner.co.uk; @rfg.org.uk'; @aol.com'; @whm.co.uk'; @acorp.uk.com'; @btp.pnn.police.uk'; @londontravelwatch.org.uk'; @tfl.gov.uk'; @tfl.gov.uk'; @hillingdon.gov.uk'; @hs2.org.uk' **Subject:** LC7 Consultation- Proposed sale of land at Northolt Park

Please find enclosed a consultation form in respect of a proposed land disposal at Northolt Park London.

I would be grateful if you could either confirm you have no comments on the proposal or make any comments you have on the proposal no later than **Monday 21st May 2018.** 

Kind regards,

Senior Surveyor Freight, Property Network Rail 1st Floor Baskerville House Centenary Square Birmingham B1 2ND E @networkrail.co.uk www.networkrail.co.uk/property

#### From: <u>@networkrail.co.uk</u>

Sent: 14 May 2018 10:11
To: @dft.gsi.gov.uk'; @crosscountrytrains.co.uk'; 'tasmeen.bachra@chilternrailways.co.uk'; @gwr.com'; grandcentralrail.com; @deutschebahn.com'; @fta.co.uk'; @aol.com'; @londontravelwatch.org.uk'; '@tfl.gov.uk'; @tfl.gov.uk'; @hillingdon.gov.uk'; @hs2.org.uk'
Subject: RE: LC7 Consultation- Proposed sale of land at Northolt Park

#### Good morning everyone

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Kind regards,

Senior Surveyor Freight | Network Rail Property

#### From: <u>@networkrail.co.uk</u>

#### Sent: 23 April 2018 11:23

**To:** '@dft.gsi.gov.uk'; @crosscountrytrains.co.uk'; @c2crail.net'; @chilternrailways.co.uk'; @eurostar.com'; @gwr.com'; @grandcentralrail.com; @southeasternrailway.co.uk'; @merseyrail.org'; @northernrailway.co.uk'; @colasrail.co.uk'; @drsl.co.uk'; @deutschebahn.com'; '@fta.co.uk'; @freightliner.co.uk; '@rfg.org.uk'; '@aol.com'; '@whm.co.uk'; '@acorp.uk.com'; '@btp.pnn.police.uk'; @londontravelwatch.org.uk'; '@tfl.gov.uk'; '@tfl.gov.uk'; @hillingdon.gov.uk'; @hs2.org.uk'

Subject: LC7 Consultation- Proposed sale of land at Northolt Park

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I would be grateful if you could either confirm you have no comments on the proposal or make any comments you have on the proposal no later than **Monday 21st May 2018.**  Kind regards,

Senior Surveyor Freight, Property Network Rail 1st Floor Baskerville House Centenary Square Birmingham B1 2ND E @networkrail.co.uk www.networkrail.co.uk/property