

Les Waters
Senior Manager, Licensing
Email: les.waters@orr.gov.uk



23 March 2021

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

Network licence Condition 17 (land disposal): Commercial Estate premises, St Erth, Cornwall

Decision

1. On 9 February 2021, Network Rail gave notice of its intention to dispose of land forming part of its commercial estate, St Erth, Cornwall, TR27 6JW (“the land”), in accordance with Condition 17 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 consulted. For the purposes of Condition 17 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. In considering the proposed disposal, we note that:
 - there is no evidence that current or future railway operations would be affected adversely;
 - the disposal of this land would facilitate the closure of a level crossing. Closure of the crossing could allow the associated speed restriction of 5mph to be lifted and so improve journeys for passengers; and
 - Network Rail would retain the access rights its needs for operational purposes.
4. Network Rail’s submission showed that, at the time of notification to ORR, the majority of its consultation responses had fallen outside the six-month period referred to in our land disposal guidance¹. However, we note that Network Rail had worked until late last year to resolve the issues raised and we have concluded that it will not be necessary for Network Rail to reconsult its stakeholders on this occasion.

¹ https://orr.gov.uk/_data/assets/pdf_file/0007/1996/land-disposal-regulatory-arrangements.pdf

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 17, we are satisfied that there are no issues for us to address.

6. We have had regard to our decision criteria in *Land disposal by Network Rail: The regulatory arrangements, October 2019*,² 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 concluded that the proposed disposal is not against the interests of users of railway services. In light of that and our understanding of the transaction as set out above, we grant our consent to the proposed disposal of the land.

A handwritten signature in blue ink that reads 'Les Waters'.

Les Waters

Duly authorised by the Office of Rail and Road

² Available from https://orr.gov.uk/_data/assets/pdf_file/0007/1996/land-disposal-regulatory-arrangements.pdf.

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 disposal of land at St Erth, Cornwall. Land coloured blue on plan SER00101 – plan 6690858-2 SALE PLAN dated 25 th February 2019 is attached for reference.		
Rationale for disposal	See 1. SER00101 – Consort Tyres Summary for background. This site was originally disposed under a 99 year lease in 1964 and has another 43 years to run. The lease is subject to a nominal ground rent. The primary interest for Network Rail by agreeing a freehold transfer in ownership is the cessation of the access route and level crossing to the site, which will increase line speed on the St Ives branch line and extinguish heavy goods vehicle usage on the Station Approach.		
2. Clearance	Type	Reference	Date
Clearance Details	Business Clearance	CR/39185	5 th February 2019
	Technical Clearance	CR/39185	4 th October 2019
3. Site			
Description of property for disposal	<p>The land to be disposed is situated approximately ½ mile to the East of St Erth Station and is identified on the attached SER00101 - plan 6690858-2 SALE PLAN. The site area in total comprises some 5051 sq m (1¼ acres) and is triangular or wedge-shaped parcel of land separating the branch lines between St Erth and St Ives to the North and mainline from Penzance to London Stations to the east. The land is comparatively flat though rises a few metres to the northern boundary line along the branch line to St Ives.</p> <p>The only access route to this site was formerly via a level crossing to the South West of the site, along a goods yard access road north of St Erth Station. Once disposed the only access to the site will be from the adjoining agricultural land holding which is owned by the party taking the title of the residual interest. SER00101- NR Land Information Report 6413163 dated 13th November 2018 is available detailing the current condition of the site.</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 SER00101 – Lease overlay sale area 6690858-03 identifies the previous leased area of land outlined dark blue and the proposed sale site area shaded light blue.</p> <p>Approximately 985 sq m of the former leased area will be retained by Network Rail.</p> <p>Also attached Site Location and Aerial View photos 2016-2018 detailing condition of the site prior to the fire incident in 2016 and the subsequent condition, which still exists today and detailed in the on site report carried out by SER00101 - NR Land Information Report 6413163 on 13th November 2018.</p>
<p>Ordnance survey coordinates</p>	<p>Easting X; 154400 : Westing Y; 35885 Map reference; SW544358/SW544143 Post Code; TR27 6JW</p>
<p>4. Proposal</p>	
<p>Proposed party taking disposal</p>	<p>Lord St Levan of The St Aubyn Estates Office, Kings Road, Slipway, Marazion, Cornwall TR17 0EL</p>
<p>Proposed use / scheme</p>	<p>The intentions of the land owner for the long-term use of the site are unknown but as detailed below the land is zoned for agricultural use. The current Neighbourhood Plan dated March 2018 has no further classification for this site area other than its existing agricultural use. The adjoining land is also in the ownership of Lord St Levan and is enclosed by the A30 Trunk Road to the North and St Erth to Hayle railway line to the South. Access is gained under the railway from the South and under the A30 trunk road from the North. South of the railway line is a water treatment works and scope for any redevelopment of the site would need to factor the proximity of that operation. Any future use of this site will require a site clearance and programme of decontamination the responsibility for which will remain with the acquiring party.</p>
<p>Access arrangements to / from the disposal land</p>	<p>Future access arrangements to the site once disposed will be from the tenants adjoining agricultural land. Agreement for the FH transfer will include the permanent closure of the access road over the level crossing. Access over the crossing will be solely for NR operational purposes post disposal.</p>
<p>Replacement rail facilities (if appropriate)</p>	<p>n/a</p>

Anticipated rail benefits	The immediate benefit to the railway will be the cessation of 3 rd party commercial access over the single line railway from St Erth to St Ives. Access for NR purposes remains but the risks associated with 3 rd party access will be extinguished permanently. Speed restrictions for trains approaching St Erth Station on the St Ives branch line will be lifted as a result, reducing journey times for passengers.
Anticipated non-rail benefits	Liability for land contamination caused by the fire incident in 2016 include clean up costs are significant (based on 2017 estimates – See Email SER00101 – St Erth – indicative costs of waste removal – 3 rd March 2020). Litigation against the tenant and associated costs can be averted. Consideration has been given to forfeiture of the lease and taking back the site but potentially the onus for site decontamination would fall with Network Rail and access over the crossing would need to be maintained to facilitate the same.
5. Timescales	
Comments on timescales	It is anticipated the disposal will take effect early in the financial year 2021/22, and at the very latest late Spring 2021. Subject to final R&V sign off and conclusion of LC17 consultation and acceptance by the ORR.
6. Railway Related Issues	
History of railway related use	This land has been let since 4 th July 1964 – at the time to Western Growers for agricultural purposes. The lease was subsequently assigned in 2002 to the current tenant who underlet to a tyre recycling company Consort Tyres around the same time. No record exists of any rail related use for the site before 1964. However there are on the original plans of the site suggestions that there was once a siding from the St Ives line into the site area.
When last used for railway related purposes	As per the above comment the site has been leased on a 99 year agreement without breaks since 4 th July 1964 so any likely use of the site for rail use would probably pre-date that arrangement.
Any railway proposals affecting the site since that last relative use	None known.
Impact on current railway related proposals	There is no known impact on current railway related proposals identified in consultation undertaken leading up to the circulation of this paper. As detailed elsewhere the permanent closure of the 3 rd party crossing is likely to lead to a positive advantage by the prospect of increasing future capacity for the St Ives Branch Line.

Potential for future railway related use	NR Senior Strategic Planner for the Western Route was consulted prior to this circular. The response received on 11 th March 2020 advised that this land disposal was unlikely to receive an objection from his team. The only reservation with regard the disposal, was that NR remove the rights on the crossing due to the severe 5mph speed on the approach to St Erth Station from St Ives due to the existing rights. Closure of the crossing could potentially remove the speed restriction and increase future capacity for this branch line. SER00101 - System Operator Response 11 th March 2020
Any closure or station change or network change related issues	No station closure or network change issues has been identified in the proposed disposal of this site.
Whether disposal affects any railway (including train operator) related access needs, and how these are to be	The site access route runs from the station approach road along the entire length of the goods yard to the level crossing, a total length of around 250m. This is the only route to service the site and 3 rd party rights will be extinguished following disposal. Future use of the access area may be limited to operational use only. The residual land area removed from the parcel to be disposed freehold will be transferred into the route and out of Commercial Estate responsibility.
Position as regards safety / operational issues on severance of land from railway	<p>The disposal does not include a requirement for new fencing of the railway boundary, as sufficient fencing already exists. As part of the disposal the onus of responsibility for the fence boundary will pass to the new owner.</p> <p>The disposal is on a basis under which Network Rail has had due regard (where applicable) to impact of the disposal on lineside works, including railway troughing, signalling and their maintenance. The disposal is without prejudice to Network Rail's safety obligations, with which Network Rail will continue to comply. Network Rail's network licence requires compliance with Railway Group Standards. These set out requirements for – amongst other things – fencing, access and signal sighting. In addition, the Railways and Other Guided Transport Systems (Safety) Regulations 2006 require Network Rail to have a safety management system and safety authorisation in respect of its mainline railway system and its railway infrastructure. These, in turn, require Network Rail to comply with Railway Group Standards as well as its own internal standards; and also continually to monitor changes to the risks arising from its operations and to introduce new control measures as appropriate.</p>

7. Planning History and Land Contamination

<p>Planning permissions / Local Plan allocation (if applicable)</p>	<p>The site falls under the jurisdiction of Cornwall Council and planning policies are contained in the Cornwall Local Plan (strategic policies 2010-2030) adopted November 2016. The St Erth Neighbourhood Development Plan was adopted in June 2018. The former document contains no specific planning use for the land, and the latter document only references the site in Appendix J as Grade 2 Agricultural Land.</p> <p>The last planning application approved for the site was 15th September 2003 (NR/03/00184/WAS) for proposed change of use of former industrial building and use of tyre shredding facility and ancillary storage of shredded and un-shredded tyres.</p> <p>NB. Whilst planning consent was granted there is no record of any Landlord consent being sought by the intermediary Landlord interest for this use.</p> <p>There are no other listings for the site and it is not in a Conservation Area. The area also falls outside the St Erth industrial area set out in the NDP so planning consent would be required for any other future use of the site for industrial use, though the suggestion is expansion might be permitted providing the existing Industrial Area is at capacity.</p>
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<p>Contamination / Environmental Issues (if applicable)</p>	<p>The notable fire event of August 2016 resulted in significant residual damaged tyre material strewn across the site. There is further cross contamination from corrugated asbestos roof sheeting from the former industrial unit on site.</p> <p>(SER00101-HD surveying - St Erth Volume Report 12/5/2017 is attached)</p> <p>The deposit mounds were created by the fire brigades attempt to break up the concentration of the fire and access the site at the time of the blaze.</p> <p>Estimated deposits of 3,020 tons of debris need to be removed at an estimated cost of £461,000 (SER00101 – St Erth – indicative costs of waste removal – 3rd March 2020 - Original email dated 23/5/2017 from). There is also reference to clearance of Japanese knotweed which forms part of that estimate – though the suggestion from the NR Land Information Report 2018 is that this had been treated.</p> <p>The Environment Agency were contacted by NR at the time of the event but as this was not an area open to the public and no observation of any spread of contamination to other areas, the EA were not minded to take further action. An application to the EA for a `problematic waste stream' status for the residual waste (effectively classing the site as Landfill) was rejected by the assessment panel given incineration facility is available at Ellesmere Port and was viewed a better alternative arrangement.</p> <p>Post site disposal the new owner will not be permitted access over the crossing to effect removal of waste. Any removal of residual waste will be across the landowners neighbouring land.</p> <p>Monitoring by NR post the fire incident established there was no seepage of waste material on to NR's retained land interest. Some caveat in connection with the transfer documentation will be sought to further protect NR's interest.</p>
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8. Internal Consultation

Internal consultation	<p>The NR Strategic planning team were contacted independently of the clearance process to gauge any long term plans that may affect disposal. No objections were raised and the closing of the crossing was viewed positively. SER00101 – System Operator Response 11th March 2020</p> <p>The Technical Clearance Certificate raised a number of reservations, which will be addressed either prior to disposal or by way of a restrictive covenant within the sale documentation – these are referenced under Site Specific conditions to be included in legal documentation, which in summary are (but not limited to);</p> <p>2.1 Access Rights for NR purposes to be permitted at all reasonable times at no cost to Network Rail.</p> <p>2.2 The boundary fence line to be a minimum 5m away from the nearest running track line. Confirmed by Land Information existing fence line meets that requirement.</p> <p>2.3 The existing fence to be maintained by the site owner.</p> <p>2.4 All surface and foul drainage to be directed away from NR landholding.</p> <p>2.5 No development will be permitted within 3m of the boundary fence.</p> <p>A full buried Services Survey is awaited and boundary adjustments may follow in favour of NR. Equally a further caveat regarding subsequent assets found on site and NR will be permitted to lift and shift at any time and at no cost or charge from the beneficiary.</p> <p>Further discussion with the maintenance protection co-ordinator prior to disposal and on receipt of BS Report.</p>
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9. Local Authorities

Names & Email Addresses:	Planning
Local Transport Authorities:	Principal Transport Officer
Other Relevant Local Authorities:	St Erth Parish Council ;



10. Internal approval to consult

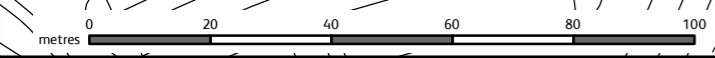
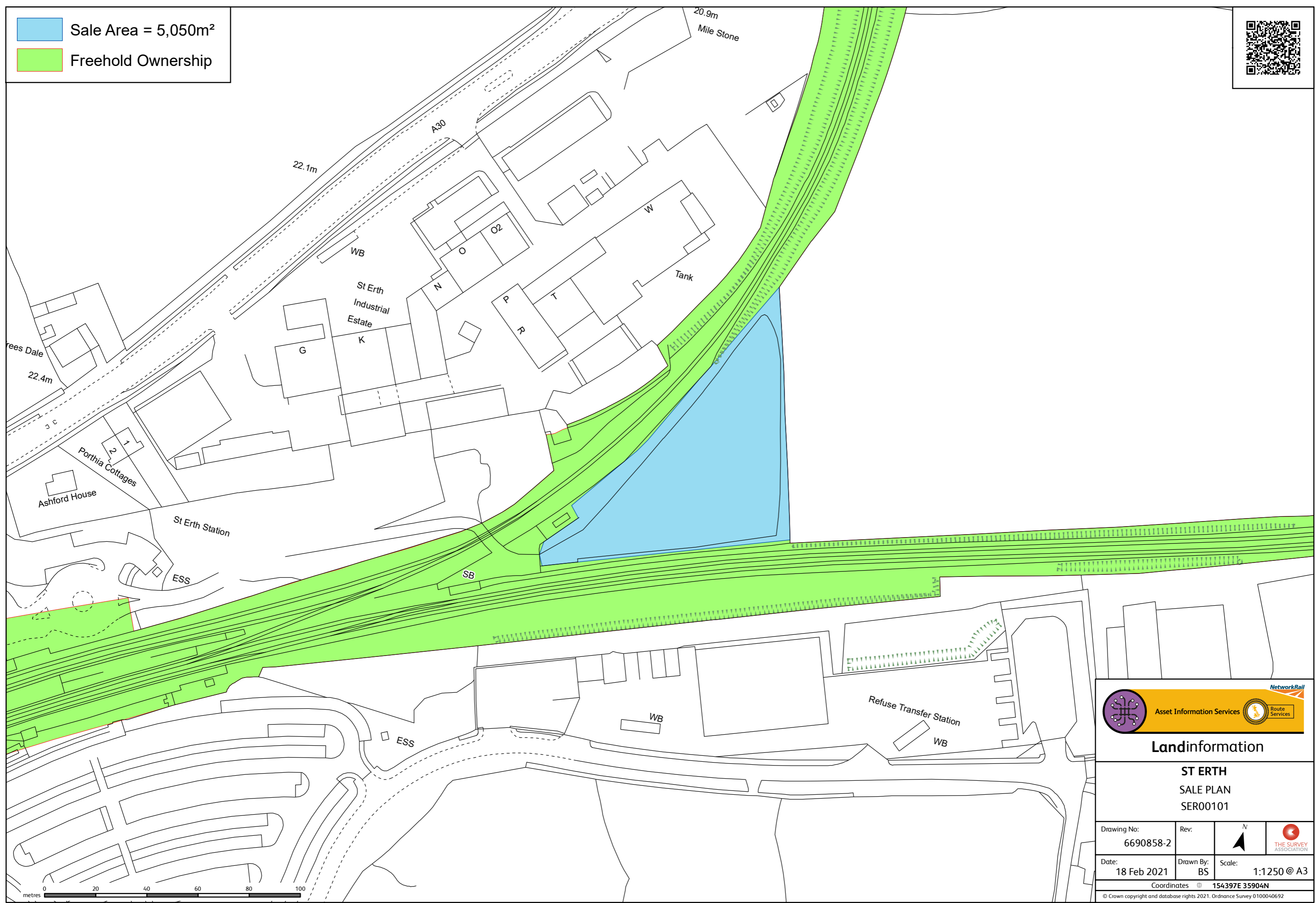
Recommendation:	<p>By proceeding to consult I am:</p> <ul style="list-style-type: none"> • recommending that Network Rail consults on the terms of disposal • confirming that I have read and understood Network Rail's Code of Business Ethics and policy on Interests in Transactions • confirming that I have secured internal written approval to consult in accordance with Network Rail's policy on Authorising Application Forms.
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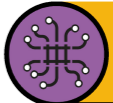


11. External Consultation

	<p>This section will be completed post stakeholder consultation as a summary of comments or objections received and submitted to the ORR for final approval.</p>
Summary of position as regards external consultations	<p>A total of 28 external parties were engaged in consultation in connection with the disposal at St Erth. 26 of which were industry related stakeholders, TOCs or FOCs. Cornwall Council as the governing County Body and St Erth Parish Council as the lead authority for the Neighbourhood Development Plan of the area were also consulted.</p> <p>The majority of responses to the planned disposal were either positive or neutral – the latter driven by little to no impact on the party consulted.</p> <p>Positive responses were received by Cornwall Council and St Erth Parish Council recognising the benefit of the crossing closure and potential improvement in rail performance with the lifting of speed restrictions. The latter authority recognised and requested that some pressure should be placed on the acquiring party to clean up the site post sale. Negotiations will include a requirement to undertake site clean up after sale within a specified time period.</p> <p>GWR raised the only objection on 26th May 2020. GWR wanted time to consider whether the site might be suitable for the relocation of existing facilities that would be displaced as a result of an additional 5 car passenger platform, given potential expansion of services on the St Ives line.</p> <p>Further information was requested of GWR in terms of budgets, stage gates, and land suitability – Subsequent progression of disposal plans were paused to allow GWR to review and put forward a case for site retention for operational purposes.</p> <p>No earlier indication of this potential requirement had been identified in communication with the System Operator.</p>

<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward</p>	<p>Follow up emails with GWR occurred over the summer and autumn months to understand what progress had been made in assessing the site suitability. Following email exchanges with earlier this month GWR finally confirmed on 16th November 2020 the site was not suitable and lifted their objection to the sale/transfer of the site. (email in attached Consultation Report GWR (no.7)</p> <p>With the lifting of the objection, contact was made with all consultees that had not responded to the original communications in April and May. A further email was circulated on 11th May in anticipation of the objection being lifted as well as chasing phone calls to those on the consultation list where those were present. 4 of the remain 8 consultees responded with no objections.</p> <p>There are no other known industry objections to the disposal of this site. Consultation was paused to allow the TOC to review and consider the suitability of the site for ongoing rail use, however potentially that might have resulted in the continued operation of the existing crossing and continued speed restrictions in the area that might prejudice the ability to improve services.</p> <p>It is therefore the recommendation Network Rail pursues the disposal of this land and closes the crossing to assist improve performance on the St Ives branch line.</p>
12. Internal approval to dispose	
<p>Recommendation:</p>	<p>Based on the above, I recommend that Network Rail proceeds with the disposal.</p>
<p>Declaration:</p>	<p>I have read and understood Network Rail's code of Business Ethics and Policy on Interests in Transactions</p>
<p>Proposer's name:</p>	<p>Proposer's job title: CE Portfolio Manager (Wales & Western)</p>
<p>Signed</p>	<p>Date: 19th November 2020</p>
<p>Authorised by (name):</p>	<p>Authoriser's job title: Property Services Manager – Wales and Western</p>
<p>Signed</p>	<p>Date.....23rd November 2020</p>



 Sale Area = 5,050m²
 Freehold Ownership



Landinformation

**ST EARTH
SALE PLAN
SER00101**

Drawing No: 6690858-2	Rev:	 
Date: 18 Feb 2021	Drawn By: BS	
Coordinates: 154397E 35904N		Scale: 1:1250 @ A3

© Crown copyright and database rights 2021. Ordnance Survey 0100040692

In conclusion, it was determined that:

- The site is secure and privately owned with no public access.
- Monitoring has shown no ongoing environmental impact.
- There are no available notices to serve.

Photographs to show the extent of the fire.



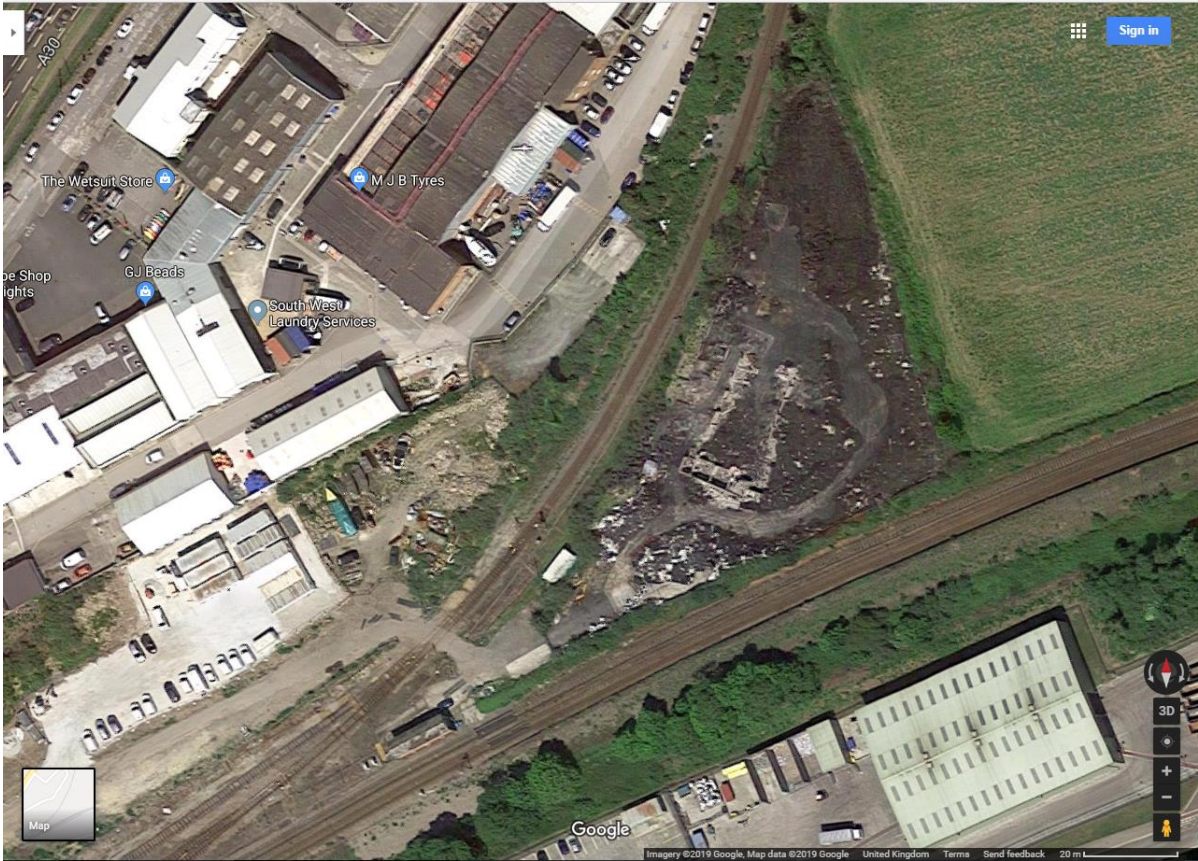
There are also a number of useful aerial views of the site:



Aerial View of site 21/05/2001



Aerial View of site 31/05/2016



Aerial view of site post fire (date unknown but likely 2018)

Survey Report

Job Number: 6413163

Location: *St Erth*

Works Date: 13/11/2018

Survey Completed by:

Name: [REDACTED]

Date: 23/11/2018

Signature: 

Geospatial Surveyor

Approved by:

Name: [REDACTED]

Date: 23/11/2018

Signature: 

Senior Geospatial Surveyor

Landinformation

Onsite | Office | Online

1 Contents

1 Contents

2 Works Completed

2.1 Description of Works Completed

2.2 Issues Faced

2.3 Further action required by requestor.

2.4 Accuracy of Survey

3 Photographs

Landinformation

Onsite | Office | Online

2 Works Completed

2.1 Description of Works Completed on Site

A topographical survey was completed of the outer fence line boundary and any electrical features that were visible. Due to the condition of the site it was difficult to pick up all the features, so it was surveyed to the best of our ability.

2.2 Issues Faced

- Asbestos is present in numerous places throughout the site. As are many other hazardous materials.

-Japanese knotweed is present at the eastern boundary, however it seems to have been treated.

- The area towards the North of the plan was unable to be accessed due to a large amount of burnt out tyres. This was loose under foot thus making it unsafe to access.

Due to the factors mentioned above it may be worthwhile to utilise the existing boundary (as per the CE lease) for the area of the sale plan. this would also be the case for the eastern boundary as the Heras fence doesn't demarcate NR's true boundary as the moment.

2.3 Further actions required (by requestor).

- Define on the survey plan where the new lease/sale area should go for the creation of a new sale plan.

2.4 Accuracy

This survey was completed using the Leica GNSS GS14 and CS15

Land information

Onsite | Office | Online

3 Photographs



Heras fencing demarcating the current eastern boundary. It seems the true NR boundary is further rear than this, as visible in the survey plans. This would be suggestive that the Japanese knotweed is on NR freehold.

Landinformation

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Area unable to be surveyed due to the dangerous nature of the loose tyres.

Landinformation

Onsite | Office | Online



Large tire pile, in the top corner of the plan (this area was unable to be surveyed)

Landinformation

Onsite | Office | Online



Entrance gate into the site (view from within the site)

Landinformation

Onsite | Office | Online



Surveying the outer fence, showing the electrical unit.

Landinformation

Onsite | Office | Online



Corner point of the fence, (view looking toward the rear of the site with the St Ives route to the left)

Landinformation

Onsite | Office | Online



Troughing route. I'm unsure if this continues under the fence as it was overgrown.

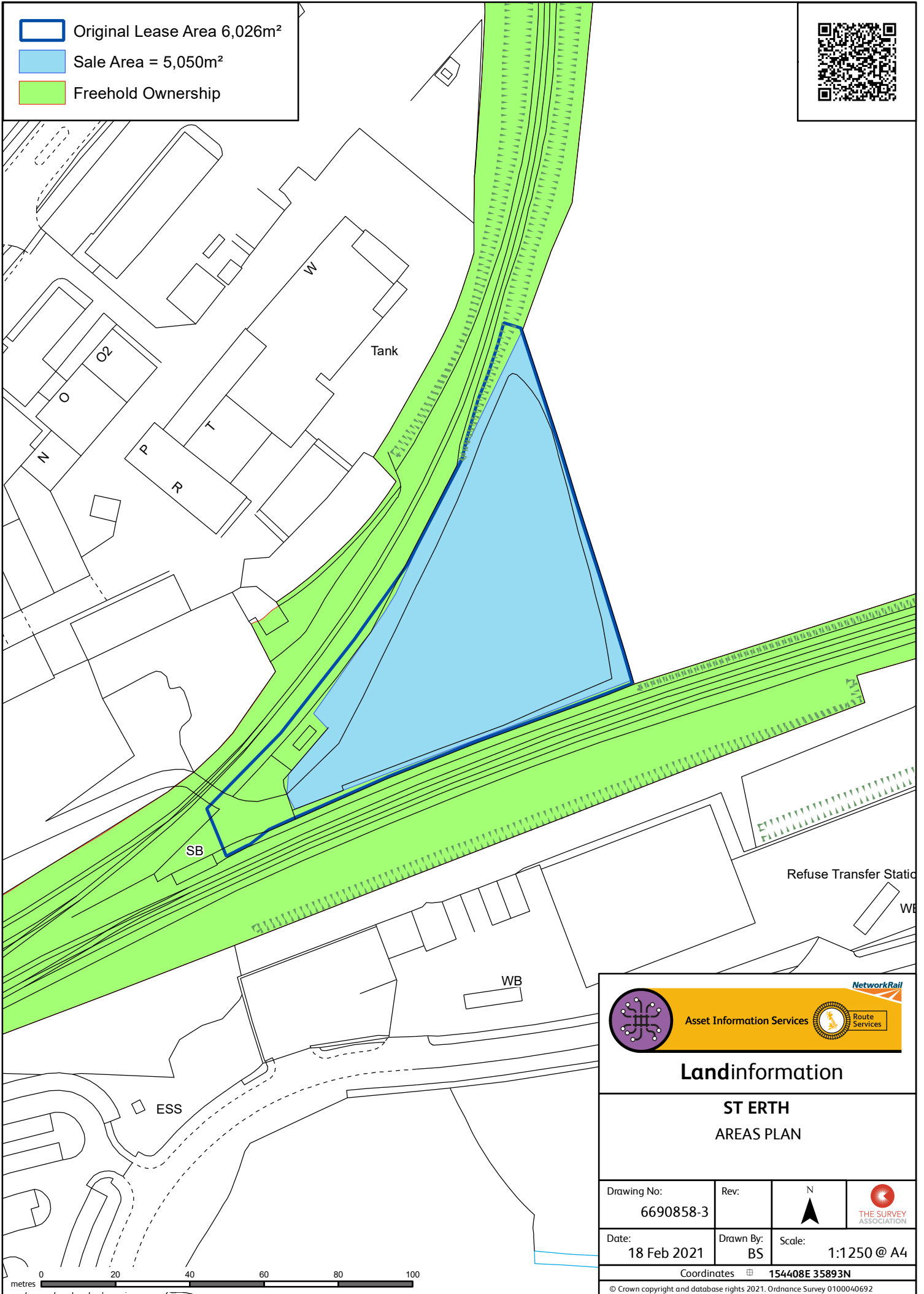
Landinformation

Onsite | Office | Online



Telegraph pole? Located in the centre of the site.

- Original Lease Area 6,026m²
- Sale Area = 5,050m²
- Freehold Ownership



Landinformation	
ST ERTH AREAS PLAN	
Drawing No: 6690858-3	Rev:
Date: 18 Feb 2021	Drawn By: BS
Coordinates 154408E 35893N	
Scale: 1:1250 @ A4	
© Crown copyright and database rights 2021. Ordnance Survey 0100040692	

CONSULTATION REPORT

relating to

Freehold Disposal of Land at St Erth, Cornwall TR27 6JW

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

Site location and description: This is a triangular or wedged shaped parcel of land extending to approximately 5051 sq m (1½ acres) located to the north east of St Erth Station at the separation point of the branch line from St Erth to St Ives and the mainline route from Penzance to London. See [SER00101 – plan 6690858-2](#)

The land is comparatively flat rising to the north along the St Ives branch line. The site was the subject of a serious fire around 2014 and is subsequently contaminated with asbestos and car tyre waste. Current site condition report is contained in [SER00101 – NR Land Information Report 6413163](#).

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

Summary of position regarding responses: 28 external stakeholders including Local Authority and Parish Council were consulted in the period April to November 2020 with 23 responses received in the period up to the end of May 2020. 5 non-responders were contacted individually by email in November and phoned where contact details by phone were available. Only GWR raised an objection to the disposal on the basis the site might provide an opportunity for displacement of other facilities in the event a new 5 car platform may be created at St Erth Station. Progression of the disposal was paused to allow GWR to review that potential. Subsequent withdrawal of that objection means there are no outstanding objections or issues raised with consultees regarding this disposal. Positive endorsements of the disposal were

Land disposal consultation report

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forthcoming from the Local Authorities and Passenger Focus Group.

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	Department for Transport		Yes	11/11/2020	No Comment	Sweep up email to close out consultation.
2	Transport for North		Yes	11/05/2020	No comment	2 nd email sent May 20
3	Arriva Trains Cross Country		Yes	01/05/2020	No comment	Response to 1 st notification
4	C2c Rail Limited		Yes	25/04/2020	No comment	Response to 1 st notification
5	Chiltern Railway Co Ltd		Yes	11/05/2020	No comment	Response to 2 nd email chaser
6	Eurostar International Ltd		Yes	28/05/2020	No comment	Response to 1 st notification

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7	Great Western Railway		Yes	26/05/2020 16/11/2020	Objection raised Objection lifted	Response to 2 nd notification Response to chaser 11/11/2020
8	Grand Central Railway Co Ltd		No	3 emails;	No reply/response	Phoned mobile 16 th November 2020 – left message requesting response.
9	London & South Eastern Railway Ltd (Southeastern)		yes	28/04/2020	No comment	Response to 1 st notification
10	Merseyrail Electrics 2002 Ltd		no	3 emails	No reply/response	Phoned and left a message to call back 17/11/20
11	Northern Rail Ltd		no	3 emails	No reply/out of office automated to 2 nd email 11/05/2020	No other contact details provided in Consultation list
12	Avantie Trains		no	3 emails	No reply	No other contact details provided in Consultation list
13	Colas Rail Ltd		Yes	17/11/2020	No comments	Sweep up email and phone to call back 17/11/2020
14	Direct Rail Services Limited		yes	07/05/2020	No comment	Response to 1 st Notification
15	DB Cargo UK Ltd		Yes	17/11/2020	No comment	Response to sweep up email.
16	Freight Transport Association		no	3 emails	No reply	No other contact information provided

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			no			in Consultation list
17	Freightliner Limited		yes	28/04/2020	No comment	Response to 1 st notification
18	GB Railfreight Ltd		yes	27/04/2020	No Comment	Response to 1 st notification
19	Rail Freight Group		yes	28/04/2020	No comment	Response to 1 st notification
20	West Coast		yes	12/11/2020	No Comment	Sweep up email of 11/11/2020
21	W H Malcolm		yes	11/05/2020	No comment	Response to 2 nd email notification
22	Association of Community Partnerships of Rail		yes	29/04/2020	No comment	Response to 1 st notification
23	British Transport Police		yes	30/04/2020	No comment	Response to 1 st notification
24 24	Transport Focus		yes	12/11/2020	Approved	Sent email 10 th Nov
25	Cornwall Council		Yes	28/04/2020	Approved – full details in email attached	Response to 1 st notification
26	St Erth Parish Council		Yes	26/05/2020	Approved – details in attached email – noted reservation regarding site clean up	Email sent 1 st May 2020 following recommendation by Cornwall Council
27	MTR Elizabeth Line		Yes	28/04/2020	No comment	Response to 1 st

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						notification
28	Transport For London Engineering		Yes	28/04/2020	No Interest in the site /disposal	Response to 1 st notification
29						
30						

Copies of responses are given in Annex 1 of this report, as indicated above

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

Land disposal consultation report

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Annex 1

1. Department For Transport

From:

Sent: 11 November 2015:57

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hi

I have checked this one with colleagues and we've got no comment to make on the disposal.

Thanks,

Briefing and Correspondence Manager,

Great Western and Wessex Rail Infrastructure South,

Department for Transport 4/27

2. Transport for North

From:

Sent: 11 May 2017:03

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Apologies for the delay in responding Andy, TfN has no objections to this disposal.

Land disposal consultation report

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Regards

Strategic Transport Planner

Transport for the North

Ground Floor, West Gate, Grace St, Leeds, LS1 2RP

www.transportforthenorth.com

3. Arriva Trains Cross Country

From:

Sent: 01 May 2020 14:31

To:

Subject: RE: LC17 Consultation on proposed land disposal Mark Swinden <Mark.Swinden@crosscountrytrains.co.uk> - Commercial Estate site SER00101 - St Erth, Cornwall

XC Trains Ltd has no comment on this proposed disposal.

Regards

Station Contracts Manager, CrossCountry

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



**Land disposal consultation report
4.CTC**

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From:

Sent:28April202010:29

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Good morning

No objection from c2c on this proposal.

Regards

MIWFM

ReactiveWorksManager

2ndFloor,CutlersCourt,115Houndsditch,LondonEC3A7BR



W:www.c2c-online.co.uk

Land disposal consultation report
5.Chiltern Railway Co Ltd

V 1.1

From:

Sent:11May202016:44

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hi

No comment.

Kind Regards,

Regulatory Contracts Manager

Chiltern Railways

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

www.chilternrailways.co.uk



Please consider the environment before printing this email

Land disposal consultation report
6.Eurostar

V 1.1

From:

Sent: 28 April 2020 07:58

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

No comment from EIL,
Thanks

PA to Chairman and to Company Secretary

Eurostar International Limited

Times House | Bravingtons Walk | London N1 9AW

eurostar.com



7. Great Western Railway

From:

Sent: 26 May 2020 18:42

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hello

Thank you for this,

Land disposal consultation report

V 1.1

One potential issue with the sale is that GWR has been asked to consider additional capacity on the St Ives branch (as it is already full after the opening of the Multi modal hub). It is possible that to provide a 5 car platform we have to carry out further changes that might mean the removal or relocation of the stub of the old milk dock siding. We ought to consider as an industry where this might go in this event before the land is released.

I should be very grateful if you would arrange for this to be considered please.

Many thanks,

NetworkAccessManagerGreatWesternRailway
1MilfordStreetSwindonSN11HL

From:

Sent:28May202015:40

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Afternoon

Further to the below, can you advise where you are with design, stage gate, budget and consultation with NR regarding this requirement ? In my consultation to date this is the first occasion this requirement has arisen. Furthermore the benefit of the unmanned 3rd party crossing is considered a significant benefit to additional capacity on the St Ives route – so an about turn now after so many years of negotiation – whilst not impossible – will set back some more immediate advantages of disposal.

The land is held on a long lease interest which still has until 2063 to run – so potentially in addition NR would need to review buying back the interest plus cleaning up the site which could add a significant cost to the land acquisition.

Regards

Property Surveyor
Network Rail

1st Floor, Temple Point
Redcliffe Way
Bristol BS1 6NL

Mobile:

Land disposal consultation report

V 1.1

From:

Sent: 16 November 2020 16:22

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hello GWR withdraws its objection to this thank you.

NetworkAccessManager@GreatWesternRailway

1 Milford Street | Swindon | SN1 1HL

8. Grand Central

no reply from after 3 emails 27th April 2020, 11th May 2020 and phone call message left 16th November on mobile number provided above.

9. London & Southeastern Railway Ltd

From:

Sent: 28 April 2020 12:16

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Good afternoon

Thank you for the opportunity to review the below.

Southeastern has no comments on this proposal.

Kind regards,

Land disposal consultation report

Franchise Compliance Manager

southeasternrailway.co.uk

V 1.1

southeastern

Floor 2

Four More London Riverside

London, SE1 2AU

10. MerseyRail Electrics 2002

no reply from to 3 emails dated 27th April 2020, 11th May 2020 nor 11th November 2020. Final call made on land line number above on 17th November 2020 – went unanswered.

11. Northern Rail

no reply from to initial email dated 27th April 2020. Out of office automated response to email of 11th May 2020. No reply again to email of 11th November 2020. No contact number supplied for follow up.

12. Avantie Trains

no reply from to initial email dated 27th April 2020. No reply to follow up email of 11th May 2020 nor the final chaser email of 11th November 2020. No contact telephone number for follow up.

Land disposal consultation report

V 1.1

13. Colas Rail

From:

Sent: 17 November 2020 16:10

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

– no comments.

KR,



PropertyManager

COLASRAILLTD

3rdFloor,25VictoriaStreet,London,SW1H0EXUnitedKingdom

14. Direct Rail Service

From:

Sent: 07 May 2020 14:41

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Good afternoon,

DRS have no comments.

Land disposal consultation report

Many thanks,

Procurement Assistant



Direct Rail Services, Regents Court,
Baron Way, Carlisle CA6 4SJ

V 1.1

15. DB Cargo

From:

Sent: 17 November 2020 08:56

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Dear

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

I enclose DB Cargo's acceptance response.

Yours,

RailNetworkManagerDBCargo(UK)Limited
310 Goswell Road

London EC1V 7LW

Land disposal consultation report
16. Freight Transport Association

V 1.1

17. Freightliner Ltd

From:

Sent: 28 April 2020 09:45

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

No comments from FL.

Thanks.

18. GB Rail Freight

From:

Sent: 27 April 2020 21:39

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Dear

No issues from GBRf.

Regards,

HeadofStrategicAccessPlanning,

GB Railfreight Ltd.,

3rd Floor,

Land disposal consultation report

V 1.1

55 Old Broad Street,

London, EC2M 1RX.

Tel:

Mobile:

E-mail:

GBRailfreightLtd.RegisteredinEngland&WalesNo.03707889.

Registered Office: 3rd Floor, 55 Old Broad Street, London, EC2M 1RX.

19. Rail Freight Group

From:

Sent:28April202007:53

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Ok with RFG

Director General

Mobile

RFG Members LinkedIn Group for COVID 19 <https://www.linkedin.com/groups/13842821/>

This email and any files transmitted with it are confidential and may be protected by legal privilege. If you are not the intended recipient, please do not disclose, copy or use any part of this email/attachment - instead please notify the sender and delete this email from your system. Rail Freight Group (RFG) cannot accept any liability for the integrity of this message or its attachments.

Rail Freight Group

7 Bury Place

London

WC1A 2LA

www.rfg.org.uk

Land disposal consultation report

Twitter @railfreightUK

V 1.1

Rail Freight (Users and Suppliers) Group

Registered No. 332 4439

20 West Coast Railway

From:

Sent: 12 November 2020 14:14

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

No comments

Best

WCR

21. W H Malcolm

From:

Sent: 11 May 2020 13:39

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

No objections.

Regards

22. Community Rail

Land disposal consultation report

From:

Sent:29April202008:58

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hi

No comment from Community Rail Network previously known as ACoRP

Cheers

Head of support & development, and deputy chief executive



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

Website communityrail.org.uk/

Twitter: [@CommunityRail](https://twitter.com/CommunityRail)

23.British Transport Police

From:

Sent:30April202011:15

To:

Subject: FW: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hi

See below.

KR,

Land disposal consultation report

Designing out Crime Coordinator

V 1.1

Designing out Crime Unit

British Transport Police

25 Camden Road

NW1 9LN

Internal Phone:

External Phone:

DX151960 CAMDEN 4

Email:

23. British Transport Police continued

From:

Sent: 30 April 2020 11:14

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Good Morning

No response further required from ourselves. The land has not been part of operational use and no reported incidents at this location.

Regards

Land disposal consultation report
24.Transport Focus Group

V 1.1

From:

Sent: 12 November 2020 10:05

To:

Subject: Re: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall 1211a21

Thank you for sending Transport Focus details of the proposed land disposal in St. Erth. They note that:

an area of 6,026 square metres between the St. Ives branch and the main line has been leased to others by the railway since 1964;
in 2016 a fire destroyed a tyre company operating on a sub-lease, forcing it to cease trading, and leaving a large amount of dangerous waste;
the potential cost to Network Rail for the clear-up is over £460,000;
litigation to ensure the lease holder performs the clear-up would also be expensive;
it is therefore proposed to sell 5,050 square metres of the land to, who is the current lease holder.

Transport Focus also notes that:

current access to the land is over a level crossing on the St. Ives branch;
a 5 mph speed restriction applies to the railway across the crossing;
future access to the site will be over land already owned by the lease holder;
such access will mean that the crossing will be restricted to use by NR, which will reduce risk, and make possible an increase in line speed over the crossing.

Transport Focus welcomes the fact that the level crossing will be closed for public use, and believes the proposal should be approved.

Regards,

Land disposal consultation report
25. Cornwall Council

V 1.1

From:

Sent: 28 April 2020 16:45

To:

Cc:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Information Classification: CONTROLLED

Dear

Thank you for consulting Cornwall Council on the proposed disposal of the site SER00101 at St Erth, Cornwall. Cornwall Council has no strategic transport proposals for this site and given the constraints relating to the contamination and access do not see a future strategic transport use for this site.

The opportunity to consider improving the line speed of the branch line as a result of selling this land is warmly welcomed and we would encourage Network Rail to seek this improvement as a priority to improve the resilience of the service on the St Ives branch line.

We note that you have not included St Erth parish council, who are the lead authority for the Neighbourhood Development Plan for the area and we would encourage you to also seek their views by contacting the Parish Clerk on

If you have any further questions regarding this matter, do not hesitate to contact me or my colleague.

Kind Regards

Principal Transport Officer

Cornwall Council | Transport and Infrastructure

‘Onen hag oll’

Floor 4B, Pydar House, Pydar Street, Truro, TR1 1XU

Land disposal consultation report
26. St Erth, Parish Council

V 1.1

From:
Sent:26May202008:38
To:
Subject: Re: LC17 Consultation on proposed Land Disposal - NR Commercial Estate site SER00101

Dear

Further to your email regarding the above land disposal, St Erth Parish Council has discussed whether there is merit in the crossing not being closed for future access from the village to the station, but acknowledges that there are other options available and no current rights of way to achieve this. It therefore agrees that the disposal of this site would not be inappropriate from a railway or other public transport use and can see the merits of improving safety at the old unmanned crossing site.

The Parish Council does, however, have serious concerns regarding the clean up of the contaminated land and is looking for reassurance that whoever owns it will take the responsibility for ensuring that this does not get left in its current state.

Kind regards

27. MTR Elizabeth Line

From:
Sent:28April202014:09
To: Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Hi

We have no objections

Thanks

Head of Contract Management

MTR Elizabeth line

Land disposal consultation report
63 St Mary Axe, London, EC3A 8NH

V 1.1



28. Transport for London Engineering

From:

Sent: 28 April 2020 07:45

To:

Subject: RE: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Thank you for including TfL in this consultation.

I think it is fairly safe to say that TfL have no interest in this site!

BSc CEng MICE Professional Head of Infrastructure Protection

Transport for London Engineering - **7th Floor Zone B5, 5 Endeavour Square, Stratford, E20 1JN**

Find out more about Infrastructure Protection - <https://youtu.be/0hGoJMTBOEg>



Mitigating risk - while helping London develop.

Annex 2

From:

Sent: 27 April 2020 19:44

To:

Cc:

Subject: LC17 Consultation on proposed land disposal - Commercial Estate site SER00101 - St Erth, Cornwall

Dear Consultee

We are currently seeking views of relevant parties on our proposed land disposal of Commercial Estate premises at St Erth, Cornwall by way of Freehold Sale/Transfer to the current leaseholder.

We attach a draft application form which together with the related plans and background information explains the proposed land disposal in detail. Following this consultation and having considered any comments that are received, a decision will be made whether to submit a formal application to ORR for consent to dispose under the terms of our network licence.

It is therefore important that we have your views as to whether you believe that the proposed disposal site has any foreseeable railway, or other public transport, use which may lead us to consider that it is inappropriate to dispose of that site. Please be aware that any comments relating to Station Change, Network Change or Planning processes will be dealt with separately as part of their respective consultations.

Any application made will be based on this draft Property Disposal form and updated in light of consultation responses. It is therefore important that we have your views on the proposed disposal. Please could any comments be provided to me via email by 26th May 2020

If a formal application to ORR is made we will, in accordance with ORR's regulatory arrangements for land disposal, send you notification of our application in due course.

If you have any queries regarding our proposal do not hesitate to contact me. If future consultations of the nature should be directed elsewhere within your organisation please advise us of the appropriate contacts details so that we may amend our records.

Yours sincerely



Property Surveyor, Network Rail

1st Floor, Temple Point

Redcliffe Way

Bristol, BS1 6NL
