

**Les Waters**  
Senior Manager, Licensing  
Railway Markets and Economics  
Email [les.waters@orr.gov.uk](mailto:les.waters@orr.gov.uk)



22 July 2019

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

## **Network licence Condition 17 (land disposal): Beith Street, Dalry, North Ayrshire**

### **Decision**

1. On 23 May 2019, Network Rail gave notice of its intention to dispose of land at Beith Street, Dalry, North Ayrshire (the land), in accordance with Condition 7<sup>1</sup> 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 with current information and no objections were received.
4. In considering the proposed disposal, we note that:
  - there is no evidence that railway operations would be affected adversely; and
  - no reasonably foreseeable railway use for the land was identified.
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, December 2013*,<sup>2</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".

<sup>1</sup> From 1 April 2019, Condition 7 became Condition 17 in Network Rail's network licence.

<sup>2</sup> Available from [www.rail-reg.gov.uk/server/show/nav.150](http://www.rail-reg.gov.uk/server/show/nav.150). In that publication, references to the Condition 7 licence requirements should be read as if they were references to the equivalent Condition 17 licence requirements.



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, which appears to read 'Les Waters', is positioned above the printed name.

**Les Waters**

**Duly authorised by the Office of Rail and Road**

# Proposed Property Disposal

Application by Network Rail Infrastructure Limited to dispose of land in accordance with the Land Disposal Condition of the Network Licence

1. Site	
Site location and description	<p><b>Land at Beith Street, Dalry, North Ayrshire</b></p> <p>The site (disposal property) is located north of Beith Road on the eastern outskirts of Dalry. The disposal area extends to 0.2 hectares (0.505 acres) and is shaded blue on the attached Sale Plan. Network Rail's retained ownership is shown shaded green.</p> <p>The property is a triangular parcel of rough 'grazing' land. It is bounded by Beith Road to the south, the railway to the northwest, and the River Garnock to the northeast.</p>
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	<p>The following plans are attached:</p> <p>1: Sale Plan (Plan Number 6593668-B) – Disposal shaded blue with reserved right of way in favour of Network Rail shown hatched brown. Network Rail's retained ownership is shown shaded green.</p> <p>2: Title Plan (Plan Number 5624592(4)) – Network Rail ownership shaded green.</p>
Clearance Ref:	<p>Business Clearance CR/36525 dated 19<sup>th</sup> June 2018 (Certificate number: 45087)</p> <p>Technical Clearance CR/36525 dated 17<sup>th</sup> July 2018 (Certificate number: 45363)</p>
Project No.	AD/GKCT
Ordnance survey coordinates	230015 (E) & 649728 (N)
Details of attached photographs (as required)	<p>The following photographs are attached:</p> <p>Photograph 1: This aerial image highlights the disposal area by a red dashed line. The image shows the current position of the gated access into the site.</p>

	<p>Photograph 2: This image shows the boundary of the site with Beith Road, the gated access and the railway line.</p> <p>Photograph 3: The photograph shows early growth of Hogweed, and some isolated areas of Japanese Knotweed. There is evidence of historic treatment to the Japanese Knotweed.</p> <p>Photograph 4: This image shows the under-road access the farmer uses with his livestock. (shown gated)</p>
<b>2. Proposal</b>	
Type of disposal	Freehold sale
Proposed party taking disposal	Neighbouring farmer
Proposed use / scheme	The disposal forms part of an excambium for access over the proposed purchasers land for works nearby. The access agreement with the purchaser includes the site as payment for access. Should the sale of the site not complete by 1 <sup>st</sup> October 2019, a penalty payment will be paid by Network Rail to the proposed purchaser, The proposed purchaser intends to buy the site to improve access for his livestock to/from his adjoining field (via narrow pass under the road bridge.)
Access arrangements to / from the disposal land	The proposed purchaser will access the land directly from Beith Road. No access over Network Rail land will be granted or implied. Network Rail will be granted a right of access to the railway line and to maintain the secure fence, as shown hatched brown on the Sale Plan.
Replacement rail facilities (if appropriate)	Not applicable as no rail facilities will be lost by the proposed disposal.
Anticipated rail benefits	<p>There will be no direct benefits created by the disposal.</p> <p>Network Rail will however, (1) lose the maintenance liability associated with the land. The land is contaminated with Giant Hogweed and Japanese Knotweed and (2) avoid paying a penalty payment should the disposal not complete.</p>

Anticipated non-rail benefits	The purchaser (farmer) will have improved access for his livestock:  1 – Current access is obscured by a stone wall, and 2 – The subject site acts as a holding area so the livestock can safely enter the road.
<b>3. Timescales</b>	
Comments on timescales	It is anticipated the transaction will complete in June 2019, subject to receipt of ORR consent to the disposal.
<b>4. Railway Related Issues</b>	
History of railway related use	The property comprises of a triangular shaped site bound by a road, a river and the railway line. It is effectively landlocked and this may explain how it became owned by Network Rail. There is no known history of the site being used by the railway.
When last used for railway related purposes	Unknown. The land has, over recent years, been used by the neighbouring farmer (the purchaser), who mistakenly thought he owned the site. It is possible the farmer may have a prescriptive right of access over the property.
Any railway proposals affecting the site since that last relative use	Not aware of any such proposals. The disposal property is fenced off from the operational line. A new palisade fence will be replace the existing post and wire fence.
Impact on current railway related proposals	There are no known impacts on current railway proposals. As noted above, the disposal area is separated from the operational railway by a fence. The disposal will not have a negative impact on Network Rail being able to carry out operational maintenance requirements in the future. Network Rail will be granted a right of access over the disposed land to the railway. The new palisade fence that will be erected will also provide gated access to the railway line.

Potential for future railway related use	The Route Utilisation Strategy had been reviewed and this is identified any specific plans for the land.
Any closure or station change or network change related issues	No. The property is 0.565km from Dalry station and 3.74km from Glengarnock station. There are no physical track connections or any operational infrastructure on the land.
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	The disposal will not affect any train operator access needs as the disposed land is remote from Dalry and Glengarnock railway stations and there are no physical railway connections. Network Rail will retain land ownership as highlighted green on the Sale Plan.
Position as regards safety / operational issues on severance of land from railway	<p>The disposal includes arrangements under which Network Rail will install new boundary fencing along the railway boundary, replacing the existing inferior one.</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>

## 5. Planning History and Land Contamination

Planning permissions / Local Plan allocation (if applicable)	<p>There are no planning permissions submitted or granted over the property.</p> <p>The property is allocated as 'Countryside' in Adopted Local Development Plan 2014 and in the Proposed Local Development Plan 2019, approved 17<sup>th</sup> April 2018.</p>
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Contamination / Environmental Issues (if applicable)	The property is contaminated with Giant Hogweed and Japanese Knotweed. There is evidence of historic treatment which is understood to have been undertaken by the purchaser/ farmer.
<b>6. Local Authorities</b>	
Names & Email Addresses:	North Ayrshire Council
Local Transport Authorities:	Strathclyde Passenger Transport
Other Relevant Local Authorities:	
<b>7. Internal approval to consult</b>	
Recommendation:	<p>By proceeding to consult I am:</p> <ul style="list-style-type: none"> <li>• recommending that Network Rail consults on the terms of disposal</li> <li>• confirming that I have read and understood Network Rail's Code of Business Ethics and policy on Interests in Transactions</li> <li>• confirming that I have secured internal written approval to consult in accordance with Network Rail's policy on Authorising Application Forms.</li> </ul>
<b>8. Consultations</b>	
Internal consultation	Internal Network Rail Clearance (Business and Technical) has been obtained as referred to in section 1 of this form. No objections were received. Copies are attached as part of the email application submission.
Summary of position as regards external consultations	Network Rail consulted with 30 industry stakeholders in relation to the proposed disposal. Responses were received from all 30 stakeholders. 28 responses received either "no comment" or "no objections". A general observation was received from the British Transport Police (BTP) who noted that the boundary fence with the railway required upgrading. Network Rail will be installing a new palisade fence along the boundary with the railway prior to the sale. BTP have no objection to the disposal of the land. North Ayrshire Council, whilst having no objection, made comment about controlling evasive species. The disposal will include Network Rail's standard title conditions which will ensure that 'no vegetation encroaches onto Network Rail's retained land.'

Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	Not applicable
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**9. Internal approval to dispose**

Recommendation:	Based on the above, I recommend that Network Rail proceeds with the disposal
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Declaration:	I have read and understood Network Rail's code of Business Ethics and Policy on Interests in Transactions
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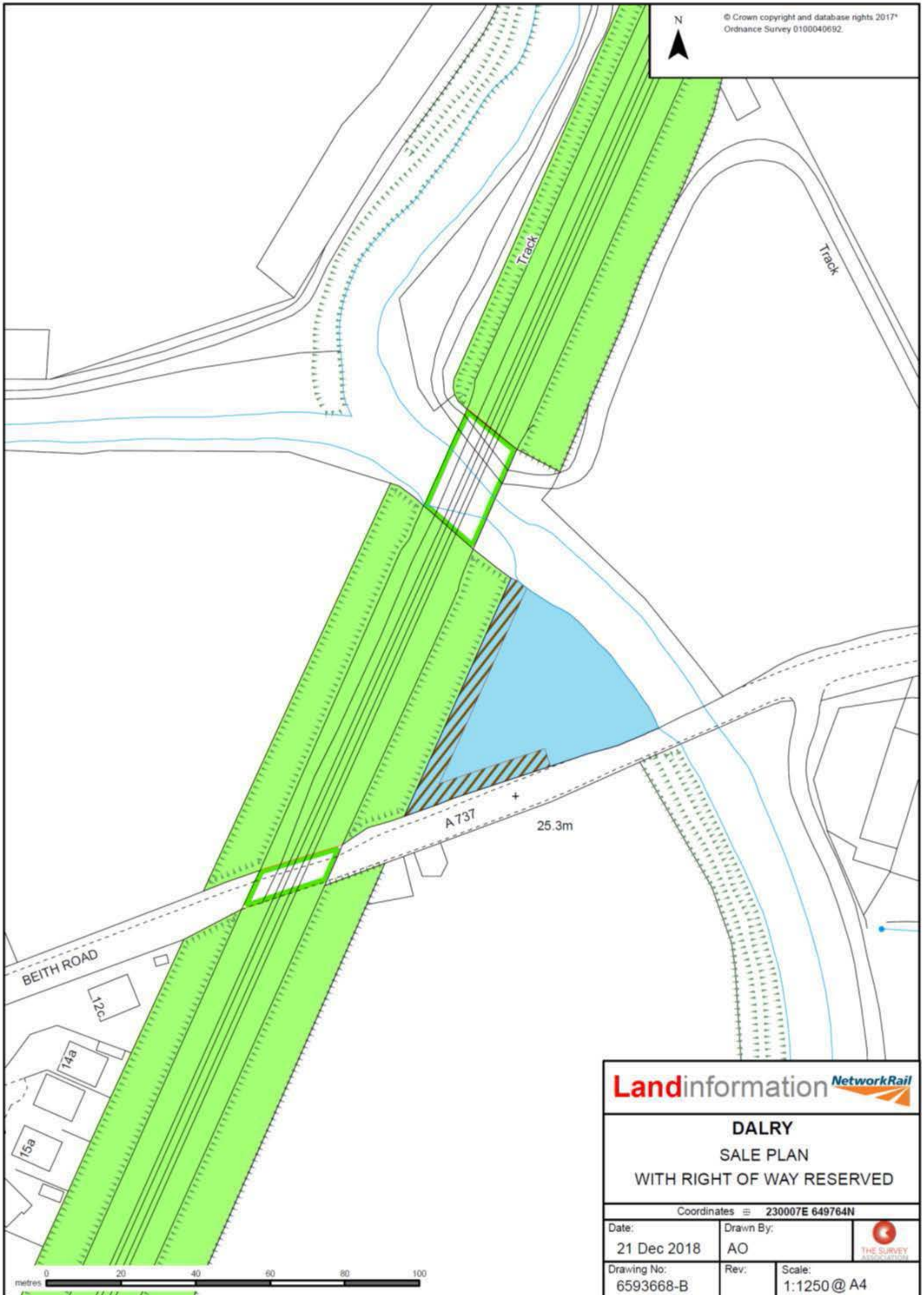
Proposer's name:	Proposer's job title:  SURVEYOR
------------------	---------------------------------------

Signed.....	Date.....
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Authorised by (name):	Authoriser's job title:  PROPERTY SERVICES MANAGER
-----------------------	--

Signed.....	Date.....
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**Landinformation** 

**DALRY**  
**SALE PLAN**  
**WITH RIGHT OF WAY RESERVED**

Coordinates = 230007E 649764N

Date:  
21 Dec 2018

Drawn By:  
AO



Drawing No:  
6593668-B

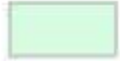
Rev:

Scale:  
1:1250 @ A4



# Legend

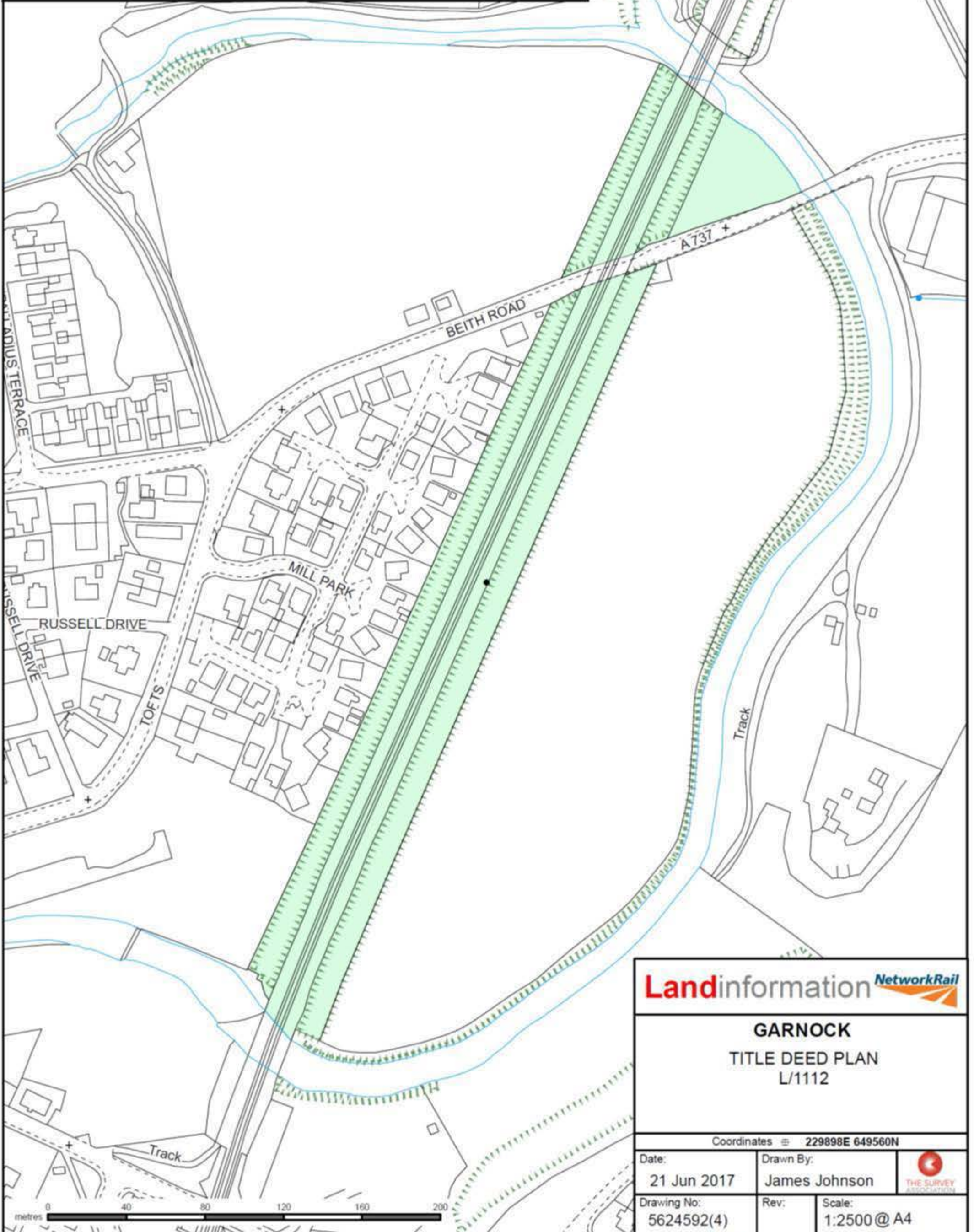
## DEED\_NO, PARTY, RECORDED

 LB 111-35-12, The Right Honorable Earl of Glasgow, 10/03/1841




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# L/1112

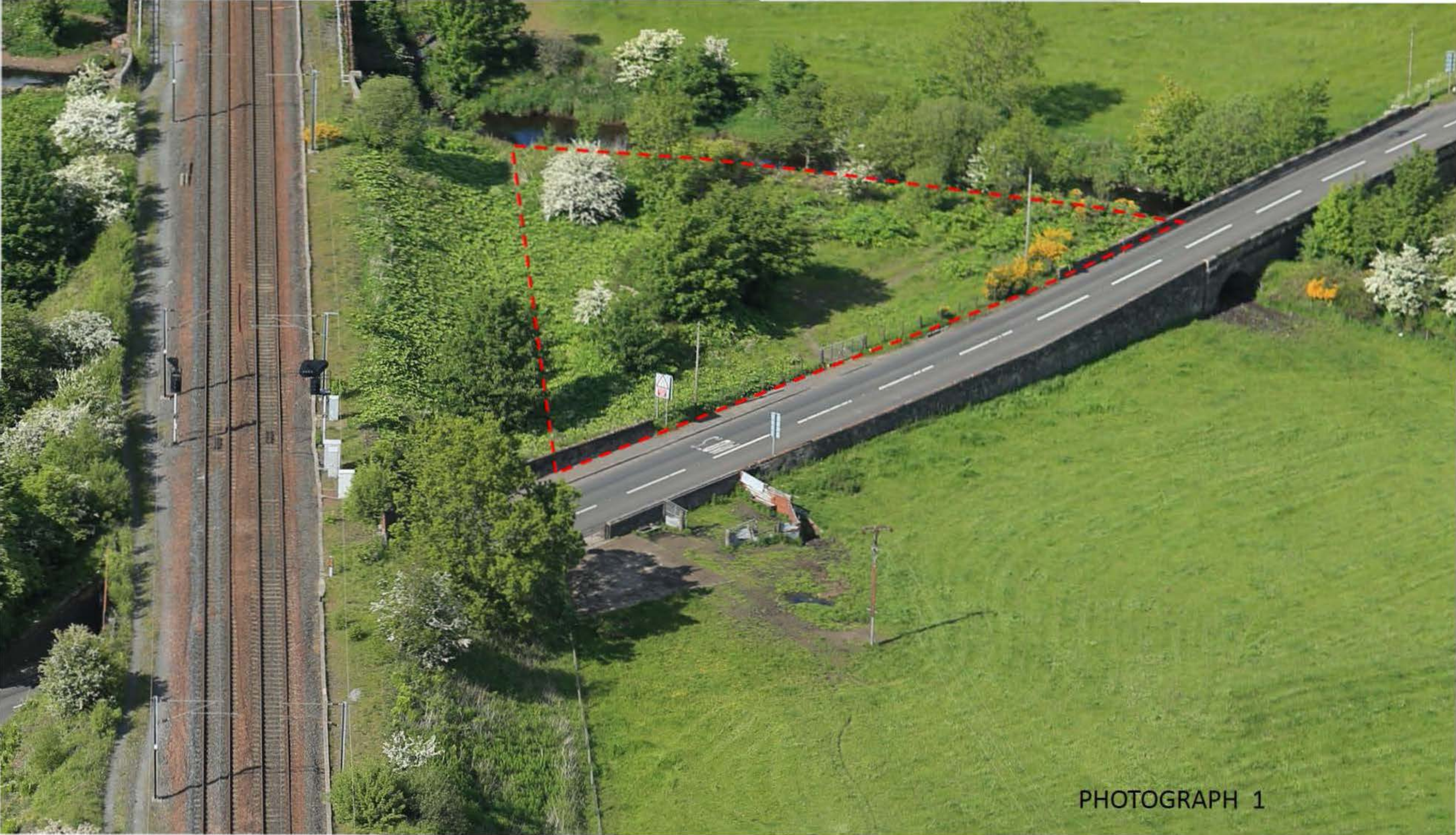


**Landinformation** 

**GARNOCK**  
TITLE DEED PLAN  
L/1112

Coordinates = 229898E 649560N		
Date: 21 Jun 2017	Drawn By: James Johnson	
Drawing No: 5624592(4)	Rev:	Scale: 1:2500 @ A4





PHOTOGRAPH 1





PHOTOGRAPH 2





PHOTOGRAPH 3





PHOTOGRAPH 4



# CONSULTATION REPORT

relating to

## PROPOSED LAND DISPOSAL

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

Site location and description:

### **DALRY - Land at Beith Road, Dalry, North Ayrshire**

The site (disposal property) is located north of Beith Road on the eastern outskirts of Dalry. The disposal area extends to 0.2 hectares (0.505 acres) and is shaded blue on the attached Sale Plan. Network Rail's retained ownership is shown shaded green.

The property is a triangular parcel of rough 'grazing' land. It is bounded by Beith Road to the south, the railway to the northwest, and the River Garnock to the northeast.

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

Summary of position regarding responses:

Network Rail consulted with 29 industry stakeholders in relation to the proposed disposal.

Responses were received from all 29 stakeholders. 28 responses received either “no comment” or “no objections”. A general observation was received from the British Transport Police who noted that the boundary fence with the railway required upgrading. Network Rail will be installing a new palisade fence along the boundary with the railway prior to the sale. Apart from this, British Transport Police have no objection to the disposal of the land.

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	Transport Scotland		Y	25/2/19	TS has no comment to make  See Annex 1	



## Land disposal consultation report

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2	Transport Scotland		N			XX has responded on behalf of Transport Scotland
3	Strathclyde Partnership for Transport		Y	6/3/19	We have no comments re. the disposal  See Annex 1	
4	Arriva Trains Cross Country		Y	25/2/19	XC Trains Ltd has no comment on this proposed disposal  See Annex 1	
5	Caledonian Sleeper		Y	25/3/19	SCS would not have any objections to this  See Annex 1	
6	c2c Rail Limited		Y	25/2/19	No objection from c2c on this proposal  See Annex 1	
7	Chiltern Railway Company Limited		Y	25/2/19	Chiltern have no Comments  See Annex 1	
8	Eurostar International Limited		Y	25/2/19	No comment from EIL  See Annex 1	
9	Great Western Railway		Y	11/3/19	We have no objection  See Annex 1	

## Land disposal consultation report

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10	First Scotrail Limited		Y	14/3/19	I can confirm that no concerns have been raised  See Annex 1	
11	Grand Central Railway Company Limited		Y	25/3/19	GC has no comment  See Annex 1	
12	London & South Eastern Railway Limited (Southeastern)		Y	25/2/19	Southeastern have no comments on this proposal  See Annex 1	
13	Merseyrail Electrics 2002 Limited		Y	26/2/19	We have no objections  See Annex 1	
14	Northern Rail Limited		Y	26/2/19	Northern have no objection to the below proposal  See Annex 1	
15	COLAS Rail Limited		Y	19/3/19	No comment  See Annex 1	
16	Direct Rail Services Limited		Y	8/3/19	DRS have no comments  See Annex 1	
17	DB Cargo UK Ltd.  (Formerly DB Schenker)		Y	25/3/19	DB Cargo (UK) Limited has no objection to the proposed land disposal as described  See Annex 1	
18	Freight Transport		Y	2/3/19	FTA does not have a	

## Land disposal consultation report

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	Association				comment on his proposal See Annex 1	
19	Freight Transport Association		Y	5/3/19	FTA does not have a comment to make on this proposal See Annex 1	
20	Freightliner Limited		Y	19/3/19	No comment See Annex 1	
21	GB Railfreight Limited		Y	25/2/19	No issues from GB Railfreight See Annex 1	
22	Rail Freight Group		Y	25/2/19	OK with RFG See Annex 1	
23	West Coast Railway Company		Y	25/3/19	No comments See Annex 1	
24	W. H. Malcolm		Y	25/2/19	No objections See Annex 1	
25	Associated British Ports		Y	25/3/19	No comments See Annex 1	
26	Association of Community Rail Partnerships		Y	26/2/19	No comment See Annex 1	

## Land disposal consultation report

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27	British Transport Police		Y	27/3/19	Comment received regarding upgrading the boundary fence to the railway line.	
28	Transport Focus (formerly Passenger Focus)		Y	28/2/19	Transport Focus has no objection to the disposal.  See Annex 1	
29	Scottish Council for Development and Industry		Y	25/2/19	No Comment from us  See Annex 1	
30	North Ayrshire Council		Y	12/7/19	No objection. Made comment regarding control of invasive species	

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 [2].

**Annex 1**

1 & 2 Transport Scotland

**From: Sent:** 25 February 2019 13:59

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

TS has no comment to make.

Head of Technical & Operations

Rail Directorate

Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF



Transport Scotland, the national transport agency

*Còmh dhail Alba, buidheann nàiseanta na còmhdhail*

Please see our [privacy policy](#) to find out why we collect personal information and how we use it

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3 Strathclyde Partnership for Transport

**From:**

**Sent:** 06 March 2019 15:26

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Dear

I have liaised with my colleagues in Planning and confirm we have no comments re. the disposal.

Kind regards

---

4 Arriva Trains Cross Country

**From:**

**Sent:** 25 February 2019 13:24

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

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

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



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5 Caledonian Sleeper

**From:**  
**Sent:** 25 March 2019 16:58  
**To:**  
**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Hi

In principle, SCS would not have any objections to this

*Performance Manager*

*Serco Caledonian Sleepers*



6 c2c Rail Limited

**From:**

**Sent:** 25 February 2019 16:17

**To:**

**Subject:** Re: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Good afternoon

No objection from c2c on this proposal.

**Regards**

**Reactive Works Manager**

2nd Floor, Cutlers Court, 115 Houndsditch, London EC3A 7BR



W: [www.c2c-online.co.uk](http://www.c2c-online.co.uk)





7 Chiltern Railway Company Limited

**From:**

**Sent:** 25 February 2019 11:10

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Hello,

Chiltern have no comments.

Regulatory Contracts Manager

Chiltern Railways

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

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



**Please consider the environment before printing this email**

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8 Eurostar International Limited

**From:**

**Sent:** 25 February 2019 11:10

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

No comment from EIL,

Thanks

**PA to Chairman and to Company Secretary**

**Eurostar International Limited**

Times House | Bravingtons Walk | London N1 9AW

**eurostar.com**



9 Great Western Railway

**From:**

**Sent:** 11 March 2019 14:25

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Good afternoon

We have no objection thank you.

**Network Access Manager | Great Western Railway**

1 Milford Street | Swindon | SN1 1HL

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

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

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10 First Scotrail Limited

**From:**

**Sent:** 14 March 2019 12:21

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Afternoon

Having circulated the proposal for discussion within ASR I can confirm that no concerns have been raised in relation to this disposal.

Kind Regards,

Classified as INTERNAL

**Station Development Manager**

[Atrium Court, 50 Waterloo St, Glasgow, G2 6HQ.](#)





Abellio ScotRail Limited. Registered in Scotland Number SC450732. Registered office: 5th Floor, Culzean Building  
36 Renfield Street Glasgow G2 1LU

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11 Grand Central Railway Company Limited

**From:**

**Sent:** 25 March 2019 11:37

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Dear

Thank you for your email.

GC has no comment.

Regards

Chief Operating Officer | **Grand Central Rail**

---

Grand Central Railway Company Limited, Ground Floor, Wakefield Railway Station, Monk Street, Wakefield, WF1 4EL

W: [grandcentralrail.com](http://grandcentralrail.com) | Twitter: [@gc\\_rail](https://twitter.com/gc_rail) | Facebook: [facebook.com/grandcentralrail](https://facebook.com/grandcentralrail)

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12 London & South Eastern Railway Limited (Southeastern)

**From:**

**Sent:** 25 February 2019 13:23

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Good afternoon

Thank you for the opportunity to review the below.

Southeastern has no comments on this proposal.

Kind regards,

Commercial Manager

[southeasternrailway.co.uk](http://southeasternrailway.co.uk)

**Land disposal consultation report  
southeastern**

V 1.1

Friars Bridge Court

41-45 Blackfriars Road

London, SE1 8NZ

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13 Merseyrail Electrics 2002 Limited

**From:**

**Sent:** 26 February 2019 09:21

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

We have no objections

thanks

**Legal & Contract Assistant**

**Merseyrail**

---

14 Northern Rail Limited

**From:**

**Sent:** 26 February 2019 09:44

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Northern have no objection to the below proposal. Thanks,

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**Land disposal consultation report**

15 COLAS Rail Limited

V 1.1

From:

Sent: 19 March 2019 16:03

To:

Subject: Re: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

no comment.

Many thanks,

Sent from my iPhone

---

16 Direct Rail Services Limited

**From:**

**Sent:** 08 March 2019 12:41

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Good afternoon

DRS have no comments.

Best Regards,

**Procurement Apprentice**

**Direct Rail Services Ltd**

Regents Court

Baron Way

Carlisle

CA6 4SJ



## Land disposal consultation report

Protect our environment - print only when you need to.

V 1.1

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17 DB Cargo UK Ltd. (Formerly DB Schenker)

**From:**

**Sent:** 25 March 2019 16:14

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

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

Yours,

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

London EC1V 7LW

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**Land disposal consultation report**

18 Freight Transport Association

V 1.1

**From:**

**Sent:** 02 March 2019 07:38

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Dear

FTA does not have a comment on this proposal

With regards

**Director of UK Policy**

**Freight Transport Association**

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

---

19 Freight Transport Association

**From:**

**Sent:** 05 March 2019 12:49

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

I can confirm FTA does not have a comment on this proposal.

Also, my role has reverted back to Northern Ireland work only so please remove my email address from future consultations and updates.

**Policy Manager – Northern Ireland**

**Freight Transport Association**

Twitter : [@freight\\_ni](https://twitter.com/freight_ni)  
[www.fta.co.uk](http://www.fta.co.uk)

---

20 Freightliner Limited

**From:**  
**Sent:** 19 March 2019 16:49  
**To:**  
**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

No comment

---

21 GB Railfreight Limited

**From:**  
**Sent:** 25 February 2019 15:19  
**To:**  
**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

No issues from GB Railfreight.

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Regards,  
Head of Capacity Planning,  
GB Railfreight Ltd.,  
3<sup>rd</sup> Floor,  
55 Old Broad Street,  
London, EC2M 1RX.

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

---

22 Rail Freight Group

**From:**

**Sent:** 25 February 2019 13:07

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

OK with RFG

Director General



## Land disposal consultation report

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*Rail Freight Group*

*7 Bury Place*

*London*

*WC1A 2LA*

[www.rfg.org.uk](http://www.rfg.org.uk)

*Twitter @railfreightUK*

*Rail Freight (Users and Suppliers) Group*

*Registered No. 332 4439*

---

23 West Coast Railway Company

**From:**

**Sent:** 25 March 2019 10:13

**To:**

**Subject:** Re: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

no comments

WCR

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**Land disposal consultation report**

24 W. H. Malcolm

V 1.1

**From:**

**Sent:** 25 February 2019 11:25

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

No objections

Regards

**Business & Estate Manager | W H Malcolm Ltd**

Malcolm Group, Brookfield House, 2 Burnbrae Drive, Linwood, Renfrewshire PA3 3BU

**Web:** [www.malcolmgroup.co.uk](http://www.malcolmgroup.co.uk) | [Malcolm Group on LinkedIn](#)

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25 Associated British Ports

**From:**

**Sent:** 25 March 2019 11:12

**To:**

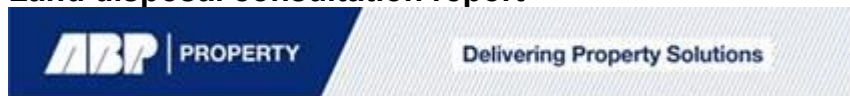
**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Thank you for the e-mail. No comments. Kind regards

**Group Head of Property | Associated British Ports**

**Queen Alexandra House | Cargo Road | Cardiff | CF10 4LY**

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



New website now launched [property.abports.co.uk](http://property.abports.co.uk)

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26 Association of Community Rail Partnerships

**From:**

**Sent:** 26 February 2019 08:40

**To:**

**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

No comment

Senior Operations Manager



**Web:** [acorp.uk.com](http://acorp.uk.com)

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



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27 British Transport Police

**From:**

**Sent:** 25 March 2019 14:22

**To: Cc:**

**Subject:** Land Disposal Beith Road, Dalry

With regards to the subject I have to report as follows:-

Site Location. **Beith Road, Dalry, Ki winning.**

British Transport Police: **Reference Number CRU-2019-0458**

With regards to your Reference:- **CR/36525**

In receipt of your intimation regarding this location I attended to view the site.

About 1130hrs on Monday 25<sup>th</sup> March 2019 I visited the site location of:- **Beith Road, Dalry, Kilwinning.** This section of land is subject to a Network Rail, Certificate of Approval for Land Disposal (Stage1). This would change the land from Railway to Commercial ownership.

I noted on my site visit that the land for disposal consist of a triangular section of land which has a boundary with the **A737 Dalry to Beith road.** This boundary is formed by a stone built wall which leads off from the railway overbridge structure **AYR3/059** before then continuing as post and wire. There is also a boundary with the railway which presently consists of a post wire fence which is a poor state of repair presently. **(Image 20)** The fence extends from the bridge parapet of **OB059** and carries on towards the River Garnock which passes below the railway.

This section of fence line as stated is presently post and wire, due to the change of land and a further concern identified is access onto the railway where there are structures such as; **Location Cabinets, Signals and Overhead Electrification** in place.



**Recommendation**

- With regards to this land disposal I would recommend that the boundary fence line is upgraded to 1.4mt high post and wire augmented by 100mm Apollo fencing, or alternatively 1.4mt high class 3 Weld Mesh Fencing and cuts back to form a boundary with overbridge structure, (I did note that there is a pathway under this bridge which I suspect could be used by persons going fishing) At this point there is railway access steps leading to the structure above. **(Image19)** refers.

With regards to the above I can confirm that British Transport Police have no objection to the disposal of this land.

Regards

Designing Out Crime Officer,

Designing Out Crime Unit

British Transport Police, D-Division,90 Cowcaddens Road, Glasgow. G4 0LU

[www.btp.police.uk](http://www.btp.police.uk)

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Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of British Transport Police.

28 Transport Focus (formerly Passenger Focus)

**From:**

**Sent:** 28 February 2019 14:18

**To:**

**Subject:** LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire revised TF reply 2502a19

Thank you for sending Transport Focus details of the proposed land disposal in Dalry, and for the additional information you provided. They note that:

it is 0.505 acres of land immediately east of the railway on the north side of the A737, Beith Road;

it is rough grazing, with some Giant Hogweed and Japanese Knotweed contamination;

it is to be transferred, freehold, to a farmer, who has been using the land for some years unaware it was owned by Network Rail;

he will continue to use it for holding livestock as it is moved from a nearby field;

work to remedy scouring at a nearby bridge had been delayed since 2017, because the farmer had denied access;

to obtain the access needed for that work NR agreed to transfer the land;

that work is now complete and so the transfer will now proceed;

completion of the disposal is expected in June, 2019;

NR will retain access rights over the land to the railway for maintenance.

Transport Focus has no objection to the proposed disposal.

Regards,

---

29 Scottish Council for Development and Industry

**From:**  
**Sent:** 25 February 2019 12:48  
**To:**  
**Subject:** RE: LAND DISPOSAL - DALRY - Land at Beith Road, Dalry, North Ayrshire

Dear

No comment from us.

Thanks.

---

30 North Ayrshire Council

**From:**  
**Sent:** 12 July 2019 14:59  
**To:**  
**Cc:**  
**Subject:** FW: DALRY - Land at Beith Road, Dalry, North Ayrshire

Dear

Planning Services of North Ayrshire Council has been asked to respond to this consultation.

As such, we can advise that the land is outwith the settlement boundary of Dalry. It is within a flood risk area due to its proximity to the River Garnock and is presently contaminated with numerous invasive plant species. The land appears to consist of made ground from waste tipping, and is likely to be underlain with clay, gravels and sediments consistent with its location beside the River Garnock. In addition, there are a number of self-sown trees on the site which are contributing positively to the amenity of the area.

The land therefore has limited or no potential for any form of built development, although may have some very limited value for agricultural purposes.

Based on the submitted commentary by, it appears the a farmer has already used the land for some agriculture related purpose over a number of years, albeit without realising that it is not within his ownership.

Planning Services, on behalf of the Council, has no objection to the sale proceeding on the basis set out in your consultation. We would, however, request that a more robust effort is made to control the spread of invasive species at this site, as plants of this type are having a detrimental effect on the riverside ecology further downstream. Additional tree planting on the land would also help to enhance its amenity as a 'gateway' point into the settlement of Dalry, as well as helping to control/deter invasive plant species.

I trust this information is helpful. If you require clarification of any point, please do not hesitate to contact me.

Regards

Senior Development Management Officer

Planning Services

North Ayrshire Council, Cunninghame House, Irvine KA12 8EE

w: [www.eplanning.north-ayrshire.gov.uk](http://www.eplanning.north-ayrshire.gov.uk)

WORKDAYS: Mondays, Wednesdays, Thursdays, Fridays

IF YOU REQUIRE AN URGENT REPLY TO YOUR ENQUIRY ON A TUESDAY, PLEASE TELEPHONE FOR ASSISTANCE.

**Annex 2**

Dear consultee,

**Property: LAND DISPOSAL- DALRY - Land at Beith Road, Dalry, North Ayrshire**

We seek to consult you as regards your views, please, on our proposed disposal by way of freehold sale.

We attach a draft application form to the Office of Rail and Road which, with the related plan(s), explains the proposal in detail. Subject to the outcome of our consultation, we may make a formal application to ORR for consent to the disposal, as required under the terms of our network licence land disposal condition. We would expect to make an application based on this form, updated in the light of consultation responses. It is therefore important that we have your views, so that these may be considered in ORR's decision.

Alternatively, if in the light of the consultation responses, the proposed disposal would qualify to be made under ORR's general consent, we may complete it accordingly.

We request your comments, please, by **Monday 25<sup>th</sup> March 2019** (including any "no comment" response). It would be helpful if your response is provided by email. Should no response be received by **Monday 25<sup>th</sup> March 2019**, and having made reasonable endeavours to obtain a response, we will proceed with our application to ORR or General Consent form on the basis that there is no objection.

We will make reasonable endeavours to resolve any objections raised within two months of the consultation closing date. Should resolution not be achieved within this period, or should a response to our request for supporting justification or a meeting not be received within one month of the request, we will proceed with the application to ORR seeking consent should we still believe that it is appropriate to pursue the land disposal. In seeking that consent, we will describe what we have done to seek to resolve any concerns and why we believe that the land disposal should proceed. We will inform you when we proceed with the application to ORR.

If you have any queries as regards this proposal, please direct them to. If future consultations of this nature should be directed differently to your organisation, please advise us of the appropriate contact details, so we may amend our records.

Yours faithfully,