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24 February 2014

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

**Network licence condition 7 (land disposal):  
Freight yard and car park at Inverurie station, Aberdeenshire**

**Decision**

1. On 9 January 2014, Network Rail gave notice of its intention to dispose of land comprising Inverurie freight yard and Inverurie station car park (the land) in accordance with condition 7.2 of its network licence. The land is described in more detail in the notice (copy attached).
2. We have considered the information supplied by Network Rail including the responses received from third parties you have consulted. For the purposes of condition 7 of Network Rail's network licence, ORR consents to the disposal of the land in accordance with the particulars set out in Network Rail's notice but subject to the condition that prior to the disposal of land, Network Rail notifies ORR that the land has been removed from the list of strategic freight sites either by agreement pursuant to paragraph 4, or by the ruling of an arbitrator pursuant to paragraph 5, of Schedule 7 to the *Supplemental Agreement for leases, site demarcations, connection agreements and BRT easements between British Railways Board and Railtrack PLC made 1 April 1994 pursuant to the Railtrack Transfer Scheme*.

**Reasons for decision**

3. We are satisfied that Network Rail has consulted all relevant stakeholders with current information. We note that:
  - the proposed disposal would not affect adversely existing or future passenger railway operations;
  - the scheme is backed by Aberdeenshire Council and will bring benefits for passengers by creating an enhanced transport interchange with improved vehicular access. It will increase current car parking capacity by some 50%, with the potential for further capacity through additional decking;
  - the scheme will increase accessibility for passengers;

- Network Rail has not yet completed the Station Change procedure but must do so prior to its disposal of the car park since that facility is within First ScotRail's station lease;
- Network Rail has stated that it completed the Network Change procedure to close the Inverurie freight yard;
- the disposal will necessitate the de-listing of Inverurie freight yard from the supplementary strategic freight site list<sup>1</sup>. Network Rail must do this before development can proceed. Should there be disagreement regarding the de-listing an arbitrator can be appointed to resolve the issue.

4. Some concerns on alternative freight sites were raised by Direct Rail Services and DB Schenker in particular, and Network Rail did not close out the latter's uncertainty. For clarity we have attached a condition to our consent which requires Network Rail to ensure that the supplementary strategic freight site is de-listed prior to disposal. This should mean that the concerns over the potential accommodation of freight business are addressed through the mechanism established for these purposes, before the land is sold.

5. 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 under the Railways Act 1993. In doing so, we have given particular weight to our duty to exercise our functions in a manner which we consider best calculated to "protect the interests of users of railway services" (section 4(1)(a), referred to in paragraph 3.5(a)(ii) of the decision criteria).

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

A handwritten signature in black ink, reading 'Robert M Plaskitt', is positioned above the printed name.

**Rob Plaskitt**

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<sup>1</sup> Strategic freight sites are sites that were identified during privatisation as important for future freight use by the rail freight business. They are not currently in use and may or may not have rail connections.

<sup>2</sup> Available from our website [here](#).

## 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>INVERURIE, ABERDEENSHIRE.</b></p> <p><b>Proposed disposal of Inverurie Freight Yard and Inverurie Station Car Park to Aberdeenshire Council for the construction of a new inner relief road and improved transport interchange.</b></p> <p><b>It is proposed that the land required for the inner relief road is sold to the Council. The land required for the transport interchange will be let to the Council on a long lease.</b></p> <p>The town of Inverurie is located some sixteen miles north west of Aberdeen just off the A96 Aberdeen to Inverness trunk road.</p> <p>The station is situated within the town centre adjacent to Inverurie Freight Yard. The yard separates the station from the town centre.</p> <p>The station car park is included within the station lease to First ScotRail. There are currently 104 designated parking spaces within the station car park. Passengers are not charged for their use.</p> <p>The freight yard extends to approximately 4.88 acres (1.97 ha) and is roughly triangular in shape. The yard is served by several sidings and is clear of buildings except for one workshop building that will shortly be demolished due to its unsafe condition.</p> <p>The yard is currently designated a Supplementary Strategic Freight Site.</p>
<p>Plans attached:</p> <p>(all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)</p>	<p>Three plans are attached as follows:</p> <p><b>Plan no. 1 - Ownership and Land Use</b></p> <p>The freight yard recommended for disposal is shown shaded dark green.</p> <p>The station lease area is shaded red.</p> <p><b>Plan no 2 – Disposal Area</b></p> <p>The area proposed for sale is shaded in blue and extends to approximately 5762 sq m.</p> <p>The area proposed for the long lease is edged in blue and extends to approximately 11,735 sq m</p> <p>Total disposal site area (sale and long lease) is approximately 4.32 acres</p> <p><b>Plan no 3 – Inner Relief Road and Transport Interchange</b></p>

	The plan shows the indicative layout subject to agreement on interchange design with Network Rail and First ScotRail.
Clearance Ref:	Network Rail internal Clearance (ref CR/13913) has been granted for the disposal of the site.
Project No.	S01224
Ordnance survey coordinates	377438, 822018
Photographs (as required)	
<b>2.Proposal</b>	
Type of disposal (i.e. lease / freehold sale)	<p>The land required for the inner relief road will be disposed of by freehold sale to Aberdeenshire Council.</p> <p>It is proposed that land required for the transport interchange and public car park will be disposed of on a long lease to Aberdeenshire Council.</p>
Proposed party taking disposal	Aberdeenshire Council.
Proposed use / scheme	Construction of a new inner relief road and enhanced transport interchange (including new passenger car park) at station.
Access arrangements to / from the disposal land	The construction of the road and interchange will necessitate a reconfiguration of the vehicular access to the station. Network Rail will retain rights of access over the areas disposed of both during and after construction to ensure that there is no disruption of access to the train station.
Replacement rail facilities  (if appropriate)	<p>Freight Facilities.</p> <p>Inverurie Freight Yard is designated a Supplementary Strategic Freight Site. It was discussed and agreed at the Network Rail Strategic Freight Sites Meeting on 19<sup>th</sup> March 2013 that existing freight sites at Huntly and Montrose are designated as Supplementary Strategic Freight Sites in replacement for the loss of Inverurie.</p> <p>Additional information for both sites is as follows:</p> <p><u>Huntly</u></p> <p>The town of Huntly is located twenty three miles north of Inverurie. Huntly Freight Yard extends to approximately 4.7 acres and is located on the outskirts of the town with good access to the A96. The site is currently let to on a Freight Terminal lease to DB Schenker who has agreed (subject to conditions) to surrender their leasehold interest.</p> <p><u>Montrose</u></p> <p>Montrose is located fifty four miles from Inverurie and is south of Aberdeen. Montrose yard extends to approximately 4.89 acres and is located adjacent to Montrose train station and the A92 trunk road. The site is currently let on a Let Sidings lease to DB Schenker who has agreed (subject to conditions) to surrender their leasehold interest.</p>

	<p><u>Station Car Park.</u></p> <p>The existing station car park has 104 designated parking spaces. There is no charge for the car parking and no control to prohibit its use by non rail passengers.</p> <p>Aberdeenshire Council proposes to construct a new transport interchange that will include an improved vehicular access and additional car parking facilities. The number of new spaces has yet to be determined although it is anticipated to be at least a 50% increase on current numbers. The design of the car park is to be such that a multi storey car park could be constructed upon it at some future date if required and funding is available.</p>
Anticipated Rail benefits	<p>Aberdeenshire Council proposes to construct a new inner relief road that will necessitate reconfiguration of the road network within the town centre including access to the train station.</p> <p>This will greatly improve station accessibility.</p> <p>The Council also proposes to construct a new transport interchange. This will include increased car parking by at least 50%.</p> <p>The transport interchange will be managed by Aberdeenshire Council. This will relieve The TOC (currently First ScotRail) of a maintenance liability.</p> <p>Redevelopment of the freight site will relieve Network Rail of a safety and maintenance liability within the town centre.</p>
Anticipated Non-rail benefits	<p>The inner relief road will substantially improve traffic management within Inverurie town centre.</p> <p>The freight site is a derelict brownfield site and its redevelopment will improve the general amenity of the town centre.</p>
<b>3. Timescales</b>	
Comments on timescales	It is anticipated that the disposal will complete by March 2015.
<b>4. Railway Related Issues</b>	
History of railway related use	<p><b>Freight Yard</b></p> <p>The freight yard has had no regular freight traffic since 2004. Previous freight traffic from the yard was as follows:</p> <ul style="list-style-type: none"> <li>▪ 1984 to 1990 – seed potatoes (seasonal) dispatched to English destinations, predominantly East Anglia although some export with TRANSFESA wagons to Iberian destinations via train ferry. Agricultural lime inbound from England (seasonal). Timber dispatched to England. Steel plates and sections inbound for North Sea Oil fabricators. Steel pipes inbound for North Sea Oil fabricators.</li> <li>▪ 1990 to 1999 – Agricultural lime inbound (seasonal) and occasional timber loads outbound.</li> <li>▪ 1999 to 2004 - Agricultural lime inbound (seasonal) and daily timber loads outbound to Irvine (Caledonian Paper) and KRONOSPAN (Chirk and Shotton).</li> <li>▪ 2004 to date – no regular revenue freight traffic.</li> </ul> <p>The operator from 1994 to 1995 / 96 was TRANSRAIL freight,</p>

	<p>from 1996 to 2007 was EWS and subsequently DB Schenker.</p> <p><b>Station Car Park</b></p> <p>The station car park has been used as such for a considerable period of time.</p>
When last used for railway related purposes.	<p>The station car park remains in use.</p> <p>The freight yard has seen no regular freight traffic since timber traffic ceased in 2004.</p>
Any railway proposals affecting the site since that last relative use	None.
Impact on current railway related proposals	None.
Potential for future railway related use	<p><b>Freight Yard</b></p> <ul style="list-style-type: none"> <li>• There has been no regular freight traffic from Inverurie since 2004.</li> <li>• Network Rail has discussed the proposed disposal of Inverurie with several Freight Operating Companies (DB Schenker, GB Railfreight, Freightliner and DRS) and none has so far indicated any potential freight traffic that specifically requires Inverurie and cannot be accommodated at freight yards elsewhere in North East Scotland.</li> <li>• The Strategic Transport Projects Review (2009) states the following:  “With the exception of Elgin and the soon to be completed Raiths Farm terminal in Dyce, there are no other rail freight facilities currently in regular use on this corridor, although facilities do exist at Inverurie, Huntly and Keith. However, improvements have been completed on the Mossend to Elgin freight route, which will increase rail use for this section”.</li> <li>• Nestrans (the Regional Transport Partnership for the North East of Scotland) is responsible for the delivery of a long term regional transport strategy for North East Scotland. Nestrans supports the proposal for the new transport interchange and is aware that this can only be achieved if the freight yard is relinquished.</li> <li>• North East Freight Forum. The North East Freight Forum consists of a number of local hauliers and businesses and is supported by officers from both local authorities and Nestrans. The Forum, in conjunction with Transport Scotland, recently ran a seminar on rail freight in the North East. There were no adverse comments from the freight industry regarding plans for Inverurie.</li> </ul> <p><b>Station Car Park</b></p> <p>There will continue to be a requirement for public car parking available to rail users. The proposed disposal of the station car park on a long lease will not diminish the availability of car parking for rail users but will increase the amenity of the car parking available in terms of number of allocated spaces and improved accessibility.</p>

Any closure or station change or network change related issues.	<p><b>Freight Yard</b></p> <p>Network Change consultation for the permanent closure of Inverurie Freight Yard was completed without any objection, comment or query on 15th March 2011. It was specified within this change proposal that the shunter's panel controlling Raiths Farm Freight Yard (ten miles south of Inverurie) would be relocated to Dyce signal Box.</p> <p>The potential cost of this work has been investigated and it is now considered to be unaffordable within the scope of the proposed scheme. Therefore it is no longer proposed and as a consequence Network Rail undertook a further Network Change advising that the shunters panel at Raiths Farm would remain. This Network Change completed without objection on 3rd June 2013.</p> <p><b>Station Car Park</b></p> <p>The station car park is currently within the station lease and Station Change and minor modification will have to be concluded to amend the lease boundary and reflect the amended station access arrangements.</p>
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	The construction of the road and interchange will necessitate a reconfiguration of the vehicular access to the station. Network Rail will retain rights of access over the areas disposed of both during and after construction to ensure that there is no disruption of access to the train station.
Position as regards safety / operational issues on severance of land from railway.	<ol style="list-style-type: none"> <li>1. The disposal includes arrangements under which Aberdeenshire Council will install new boundary fencing along the railway boundary.</li> <li>2. The disposal is on a basis under which Network Rail has had due regard (where applicable) to impact of the disposal on lineside works, including railway troughing, signalling and their maintenance. The disposal is without prejudice to Network Rail's safety obligations, with which Network Rail will continue to comply. Network Rail's network licence requires compliance with Railway Group Standards. These set out requirements for – amongst other things – fencing, access and signal sighting. In addition, the Railways and Other Guided Transport Systems (Safety) Regulations 2006 require Network Rail to have a safety management system and safety authorisation in respect of its mainline railway system and its railway infrastructure. These, in turn, require Network Rail to comply with Railway Group Standards as well as its own internal standards; and also continually to monitor changes to the risks arising from its operations and to introduce new control measures as appropriate.</li> </ol>
<b>5. Planning History and Land Contamination</b>	
Planning permissions / Local Plan allocation (if applicable)	<p><b>Planning Permission</b></p> <p>The disposal to Aberdeenshire Council will be subject to the grant of suitable planning permission. The Council will be responsible for obtaining all consents necessary.</p> <p><b>Local Plan Allocation</b></p>



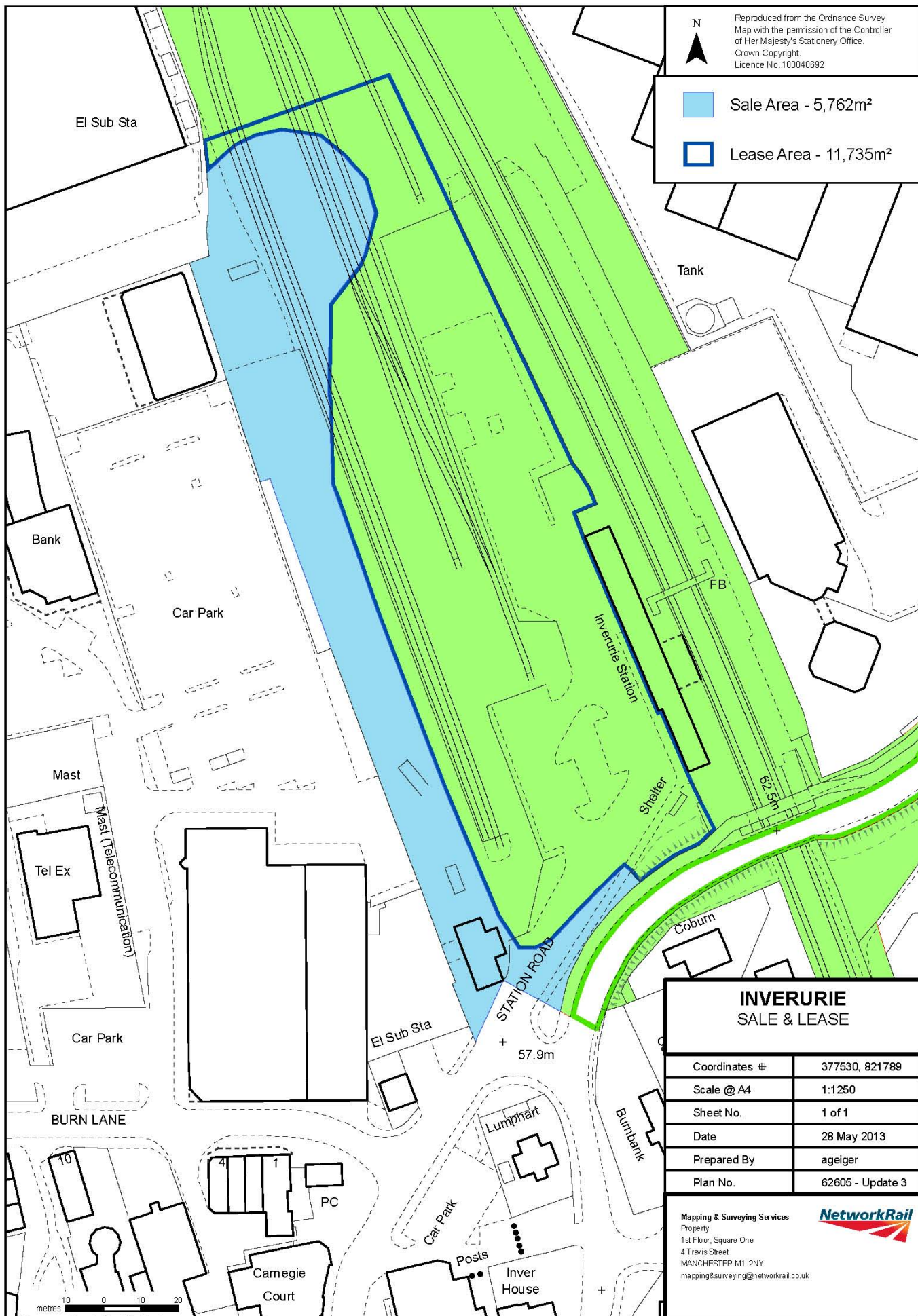
	<p>Within the new Aberdeenshire Local Development Plan the freight yard falls within the identified Inverurie Town Centre.</p> <p>The site also falls within a wider area zoned Site M2 allocated for mixed use where development will include: up to 150 houses, employment (0.5ha), community facilities and a variety of retail including a potential edge of town centre retail facility.</p> <p>This area includes protected land requirements for an inner relief road and transport interchange.</p>
Contamination / Environmental Issues (if applicable)	No site specific contamination survey or investigation has yet been undertaken. It is however assumed that the yard is contaminated due to its history of rail use.
<b>6. Consultations</b>	
Railway (internal – Network Rail)	Network Rail internal Clearance (ref CR/13913) has been granted for the disposal of the site.
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	<p>There are no unresolved objections to the disposal.</p> <p>DB Schenker has commented: “DB Schenker regards this proposal as part of a package which has to be considered as a whole, so we cannot yet give a final view on this element of it until all other aspects are concluded”.</p> <p>This relates to the proposed surrender of DB Schenker leasehold interests in Huntly and Montrose so that they can be designated supplementary strategic freight sites. It does not relate to whether there is any rail freight potential at Inverurie, DB Schenker having surrendered their long leasehold interest in Inverurie in December 2010.</p> <p>DB Schenker have agreed to surrender their leasehold interests in both Huntly and Montrose but on two conditions:</p> <p>Firstly that Network Rail surrenders its long leasehold interest in part of the DB Schenker owned Muirton Yard in Perth. The whole yard extends to 14.814 ha (36.6 acres) or thereby. The site is rail connected albeit only a single siding remains. The NR leased area extends to 1.63 ha (4.046 acres) or thereby. DB Schenker proposes to sell this site for residential development. NR has commenced but not yet concluded industry consultation on the proposed surrender of the NR long leasehold interest.</p> <p>Secondly that Network Rail sells to DB Schenker a strip of land adjoining the DB Schenker former TMD site in Ayr. DB Schenker proposes to sell their site for residential development. Network Rail has concluded industry consultation on this disposal and will shortly be making application to the ORR for disposal consent.</p> <p>The conditions have been stated outside this disposal consultation and Network Rail does not consider that this is an objection based upon a need to retain Inverurie for a rail related purpose.</p>
Names & Email Addresses:	<p>Aberdeenshire Council is the promoter of the scheme that necessitated the proposed land disposal.</p> <p>Contact:</p> <p><a href="mailto:@aberdeenshire.gov.uk">@aberdeenshire.gov.uk</a></p>

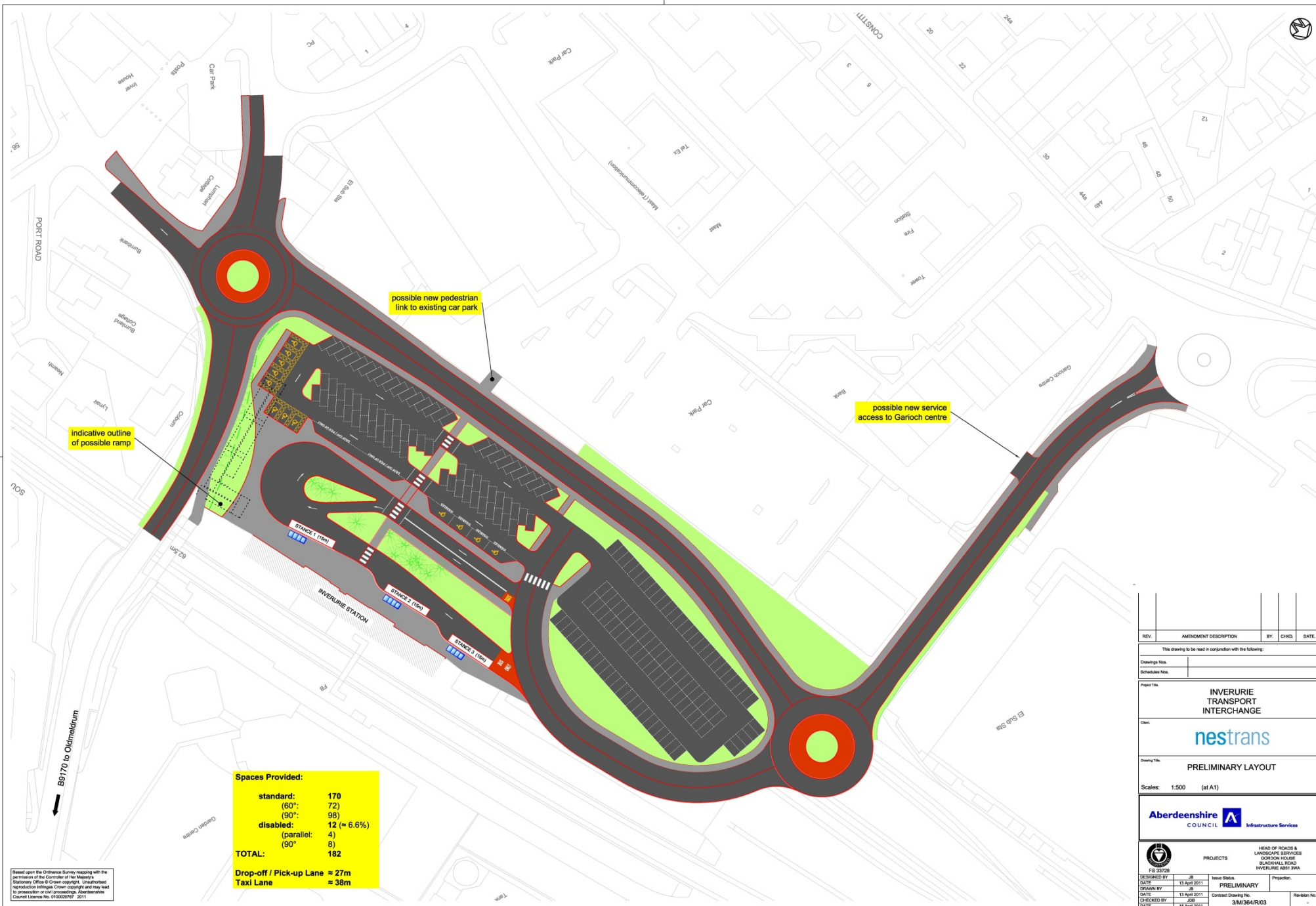


Local Transport Authorities:	<p>North East of Scotland Transport Partnership (Nestrans) is the Regional Transport Partnership for the North East of Scotland.</p> <p>Nestrans support the proposal for the disposal of Inverurie Freight Yard and Aberdeenshire Council's proposals for a new inner relief road and transport interchange.</p> <p>Contact:</p> <p><a href="mailto:@nestrans.org.uk">@nestrans.org.uk</a></p>	
Other Relevant Authorities:	None	
<b>8. Declaration</b>		
<b>Declaration of Surveyor:</b>	I have read and understood Network Rail's Code of Business Ethics and Policy on Interests in Transactions.	
<b>Declaration of Property Development Manager:</b>	I have read and understood Network Rail's Code of Business Ethics and Policy on Interests in Transactions.	
<b>9. Internal Approval</b>		
Surveyor Name:		
Approved by Principal Development Manager		Date Approved by PDM: 5 November 2013









REV.	AMENDMENT DESCRIPTION	BY	CHKD.	DATE
This drawing to be read in conjunction with the following:				
Drawings Nos.				
Schedules Nos.				
Project Title:				
INVERURIE TRANSPORT INTERCHANGE				
Client:				
nestrans				
Drawing Title:				
PRELIMINARY LAYOUT				
Scales: 1:500 (at A1)				
Aberdeenshire COUNCIL Infrastructure Services				
PROJECTS				
HEAD OF ROADS & LANDSCAPE SERVICES ROADSIDE HOUSE BLACKHILL ROAD INVERURIE AB91 3WA				
DESIGNED BY: 08 Issue Status:				
DATE: 13 April 2011				
DRAWN BY: 08 PRELIMINARY				
DATE: 13 April 2011				
CHECKED BY: 204				
DATE: 18 April 2011				
Contract Drawing No. 3/M/264/R/03				
Revision No.				



## PROPOSED LAND DISPOSAL CONSULTATION REPORT

relating to

### APPLICATION BY NETWORK RAIL INFRASTRUCTURE LIMITED FOR REGULATORY CONSENT UNDER THE LAND DISPOSAL CONDITION OF ITS NETWORK LICENCE

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

Property: **INVERURIE, ABERDEENSHIRE**

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

#### Summary of position regarding responses:

Consultation commenced on 14<sup>th</sup> May and consultees were asked to respond by 11<sup>th</sup> June. Twenty seven organizations were consulted. Twenty five responses were received. Copies of responses received are included within the Consultation Report. No response was received from either Grand Central Railway Company or Northern Rail. Several reminders were sent to both of them on 28<sup>th</sup> February May, 10<sup>th</sup> June, 19<sup>th</sup> June and 12<sup>th</sup> August.

There were no objections to the disposal. Comments were however made on two issues, the design and management of the transport interchange and the designation of an alternative Supplementary Strategic Freight Site. Particular responses on these issues are set out below:

#### Interchange Design

Transport Scotland stated: "We would ask that Network Rail engage with all relevant stakeholders on the design, funding opportunities and on-going management of the car park to ensure that potential benefits for rail users are secured."

The exact design of the Transport Interchange layout has yet to be agreed and no disposal will take place until First ScotRail have confirmed their agreement to the layout and management regime for the car parks use. The funding opportunity referred to relates to the Scottish Stations Fund that is available through Transport Scotland. Network Rail is co-ordinating liaison between Transport Scotland and Aberdeenshire Council to explore whether any additional funding is available to enhance the scope of the interchange proposal for the benefit if rail passengers.

#### Supplementary Strategic Freight Site

There were no objections received from any of the Freight Operating Companies (FOC's) or any indication that Inverurie Freight Yard had any foreseeable rail freight potential. Responses from the FOC's related to the status of Inverurie as a Supplementary Strategic Freight Site and the requirement for alternative freight yards at Huntly and Montrose to be designated as Supplementary Strategic Freight Sites in substitution. DB Schenker has agreed to surrender the long leasehold interests it has in both Huntly and Montrose.

Copies of responses from the FOC's on this matter are set out in the Consultation Report.

#### Additional Consultation

On 24<sup>th</sup> July 2013 all consultees were advised on the following additional information relating to Huntly and Montrose and asked to confirm that the additional information did not change their response:

- 1) NR proposes to undertake Short Term Network Change to temporarily close both Huntly and Montrose once DB Schenker have surrendered their leasehold interest. This is proposed on safety grounds as the yards are currently not fit for immediate use.

- 2) It will be necessary for any freight operating company wishing to bring either site back into use to fund any work required to reinstate the mainline connection and bring the track and/or rail infrastructure within the yard into working order.

This resulted in both Freightliner and Direct Rail Services withdrawing their earlier consent to the disposal. Subsequently Network Rail was able to confirm that the main line connections into both Huntly and Montrose were regularly maintained by Network Rail. On the basis of this re-assurance both Freightliner and DRS withdrew their objection. No other objections were received.

Although there were no unresolved objections to the disposal, DB Schenker has commented: "DB Schenker regards this proposal as part of a package which has to be considered as a whole, so we cannot yet give a final view on this element of it until all other aspects are concluded".

This relates to the proposed surrender of DB Schenker leasehold interests in Huntly and Montrose so that they can be designated Supplementary Strategic Freight Sites. It does not relate to whether there is any rail freight potential at Inverurie, DB Schenker having surrendered their long leasehold interest in Inverurie in December 2010.

DB Schenker have agreed to surrender their leasehold interests in both Huntly and Montrose but on two conditions:

Firstly that Network Rail surrenders its long leasehold interest in part of the DB Schenker owned Muirton Yard in Perth. The whole yard extends to 14.814 ha (36.6 acres) or thereby. The site is rail connected albeit only a single siding remains. The NR leased area extends to 1.63 ha (4.046 acres) or thereby. DB Schenker proposes to sell this site for residential development. NR has commenced but not yet concluded industry consultation on the proposed surrender of the NR long leasehold interest.

Secondly that Network Rail sells to DB Schenker a strip of land adjoining the DB Schenker former TMD site in Ayr. DB Schenker proposes to sell their site for residential development. Network Rail has concluded industry consultation on this disposal and will shortly be making application to the ORR for disposal consent.

The conditions have been stated outside this disposal consultation and Network Rail does not consider that this is an objection based upon a need to retain Inverurie for a rail related purpose.

The full list of external consultees is set out below:

No.	External party (name)	Whether response received (y/n)	Date of response	Details of response(e.g. "no comment"), with reference to any accompanying copy representation in annexes to this report	Comments(e.g. as regards endeavours to obtain response where none given)
1	<b>Transport Scotland</b>	Initial consultation: Y Additional consultation: Y	20/6/2013  18/9/2013	"Transport Scotland is content with the land disposal by Network Rail ..."  "no objection"	
2	<b>Strathclyde Partnership for Transport</b>	Initial consultation: Y Additional consultation: Y	15/5/2013  1/10/13	"no comment".  "no comment"	
3	<b>Arriva</b>	Initial	20/5/2013	"no objection"	

No.	External party (name)	Whether response received (y/n)	Date of response	Details of response(e.g. “no comment”), with reference to any accompanying copy representation in annexes to this report	Comments(e.g. as regards endeavours to obtain response where none given)
	<b>Trains Cross Country</b>	consultation: Y Additional consultation: Y	24/7/2013	“no change to XC Trains response”	
4	<b>C2c Rail Ltd</b>	Initial consultation: Y Additional consultation: Y	18/5/2013 24/7/2013	“no objection “  “this additional information does not change our response”	
5	<b>Chiltern Railway Company Ltd</b>	Initial consultation: Y Additional consultation: Y	14/5/2013 24/7/2013	“ no comment”  “no comment”	
6	<b>Eurostar International Ltd</b>	Initial consultation: Y Additional consultation: Y	10/6/2013 9/8/2013	“No issue for EIL”.  “No issue for EIL”.	
7	<b>First Great Western Ltd</b>	Initial consultation: Y Additional consultation: Y	14/5/2013 24/7/2013	“no comment”  “no comment”	
8	<b>First ScotRail Ltd</b>	Initial consultation: Y Additional consultation: N	10/6/2013	“no concerns or objections”	
9	<b>Grand Central Railway Company Ltd</b>	Initial consultation: N Additional consultation: N			Reminders were sent on 28 <sup>th</sup> May, 10 <sup>th</sup> June, 19 <sup>th</sup> June and 12 <sup>th</sup> August.
10	<b>London &amp; South Eastern Railway Ltd</b>	Initial consultation: Y Additional consultation: Y	23/5/2013 24/7/2013	“ no comment “  “this does not affect our earlier response”	
11	<b>Northern Rail Ltd</b>	Initial consultation: No Additional consultation: N			Reminders were sent on 28 <sup>th</sup> May, 10 <sup>th</sup> June, 19 <sup>th</sup> June and 12 <sup>th</sup> August.
12	<b>COLAS</b>	Initial	28/5/2013	“No objection”	



No.	External party (name)	Whether response received (y/n)	Date of response	Details of response(e.g. "no comment"), with reference to any accompanying copy representation in annexes to this report	Comments(e.g. as regards endeavours to obtain response where none given)
	<b>Freight</b>	consultation: Y Additional consultation: N			
<b>13</b>	<b>Direct Rail Services Ltd</b>	Initial consultation: Y Additional consultation: Y	4/6/2013  15/8/2013	"no objections"  "no objections"  On the basis of the additional consultation DRS initially objected but have since withdrawn this objection. The full correspondence is included in Annex 1.	
<b>14</b>	<b>DB Schenker</b>	Initial consultation: Y   Additional consultation:Y	11/6/2013   21/8/2013	" no objection....subject to NR completing other linked processes including identifying and seeking rail freight industry approval for replacement Strategic Freight Site facilities"  ".... DB Schenker regards this proposal as part of a package ... we cannot yet give a final view ...until all other aspects are concluded".  A copy of the full DBS response is contained in Annex 1.	
<b>15</b>	<b>Captrain UK</b>	Initial consultation: Y Additional consultation: N	10/6/2013	" no comments"	
<b>16</b>	<b>Freight Transport Association</b>	Initial consultation: Y Additional consultation: N	29/5/2013	" no comment"	
<b>17</b>	<b>Freightliner Ltd</b>	Initial consultation: Y  Additional consultation: Y	15/5/2013  23/8/2013	" no objections to this proposal, in view of the agreed replacement sites at Montrose and Huntly".  "no objection"	
<b>18</b>	<b>GB Railfreight Ltd</b>	Initial consultation: Y	17/5/2013	"no objection to the proposed land disposal at Inverurie as detailed in your email and attachments of 14/05/13, SUBJECT to any agreement or	

No.	External party (name)	Whether response received (y/n)	Date of response	Details of response(e.g. “no comment”), with reference to any accompanying copy representation in annexes to this report	Comments(e.g. as regards endeavours to obtain response where none given)
		Additional consultation: N		conditions imposed by the NRIL / Industry Group (10% club) that deals with the disposal or alteration of Strategic Freight Sites”.  See Annex 1 for copy of NR response.	
19	<b>Rail Freight Group</b>	Initial consultation: Y  Additional consultation: Y	14/5/2013  28/7/2013	“on the basis of the replacement Supplementary strategic freight sites being established we do not have any objection”  “fine with us”  See Annex 1 for full correspondence.	
20	<b>West Coast Railway Company</b>	Initial consultation: Y  Additional consultation: N	20/6/2013	“no comments”	
21	<b>W.H.Malcolm</b>	Initial consultation: Y  Additional consultation: Y	15/5/2013  25/7/2013	“ no objection”  “no objection”	
22	<b>Association of Community Rail Partnerships</b>	Initial consultation: Y  Additional consultation: Y	10/6/2013  8/8/2013	“no objection”  “no objection”	
23	<b>British Transport Police</b>	Initial consultation: Y  Additional consultation:Y	31/5/2013  2/8/2013	“No issue for us”.  “..no immediate concerns..”  Please see Annex 1 for full response.	
24	<b>DP World</b>	Initial consultation: Y  Additional consultation: Y	14/5/2013  24/7/2013	“No Comment”.  “still no comment”	
25	<b>Passenger Focus</b>	Initial consultation: Y	24/5/2013	“Passengers will expect that the sale particulars require that the works cause the least possible disruption to station users.	

No.	External party (name)	Whether response received (y/n)	Date of response	Details of response(e.g. "no comment"), with reference to any accompanying copy representation in annexes to this report	Comments(e.g. as regards endeavours to obtain response where none given)
		Additional consultation: Y	30/8/2013	When complete the proposed works will greatly improve accessibility for passengers; Passenger Focus therefore does not object to the proposal".  A copy of the full Passenger Focus response is included within Annex 1.  still "no objection".	
26	Aberdeenshire Council	Initial consultation: Y Additional consultation: Y	10/6/2013 24/7/2013	" no concerns or objection "  "this does not change Aberdeenshire Council's response".	
27	NESTRANS	Initial consultation: Y  Additional consultation: Y	4/6/2013 24/7/2013	"In conclusion, Nestrans would therefore support the disposal of the former freight yard and support the development as proposed".  A copy of the full NESTRANS response is included within Annex 1.  "We are still content with our previous response".	

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 - Consultee Responses

### 1) Transport Scotland

Response date: 20/6/2013

With apologies for the delay, please see Transport Scotland response to the original consultation below–

*Transport Scotland is content with the land disposal by Network Rail at Inverurie to Aberdeenshire Council. We would ask that Network Rail engage with all relevant stakeholders on the design, funding opportunities and on-going management of the car park to ensure that potential benefits for rail users are secured.*

Rail Strategy Team | Transport Scotland | For agency and travel information visit our [website](#)  
Transport Scotland, the national transport agency

Network Rail subsequently arranged a meeting on 20<sup>th</sup> August 2013 attended by Aberdeenshire Council, First ScotRail and Transport Scotland. The purpose of the meeting was to consider the design layout of the car park and whether any opportunities existed to improve the car park facilities proposed perhaps by securing additional scheme funding from the Scottish Station Fund.

Response to Additional Consultation. Date: 18/9/2013

I can confirm on behalf of Transport Scotland that we have no objection to the proposed disposal of Inverurie Yard in light of the new information. I also understand that options are being taken forward with Network Rail, Transport Scotland and other stakeholders in relation to the car parking issue.

Regards

---

### 2) Strathclyde Partnership for Transport

Response date: 15/5/2013

As this is outside the SPT area, I have no comment.

Regards

Response to Additional Consultation. Date: 1/10/2013

No comment.

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### 3) Arriva Trains Cross Country

Response date: 20/5/2013

XC Trains has no objection to this proposal.

Regards

Response to Additional Consultation. Date: 24/7/2013

There is no change to XC Trains response.

Regards

CrossCountry

---

### 4) C2c Rail Ltd

Response date: 18/5/2013

On behalf of c2c Rail Limited, I confirm that we have no objection to this proposed disposal.

Response to Additional Consultation. Date: 24/7/2013

I confirm that this additional information does not change our response to this consultation.

c2c Rail Limited

---

### 5) Chiltern Railway Company Ltd

Response date: 14/5/2013

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

Regards

CONFIDENTIAL

Response to Additional Consultation. Date: 24/7/2013

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

Regards

---

**6) Eurostar International Ltd**

Response date: 10/6/2013

Dear

No issue for EIL.

Regards,

**Eurostar International Limited**

Response to Additional Consultation. Date: 9/8/2013

Dear

No issue for EIL.

Regards,

**Eurostar International Limited**

---

**7) First Great Western Ltd**

Response date: 14/5/2013

Hello

We have no comment thank you.

First Great Western

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

e: @firstgroup.com | m:

Response to Additional Consultation. Date: 24/7/2013

Good morning

We have no comment thank you.

---

**8) First ScotRail Ltd**

Response date: 10/6/2013

Just to confirm that on behalf of ScotRail we have no concerns or objections to this proposal.

regards

Response to Additional Consultation. Date:

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**9) Grand Central Railway Company**

No response received.

Response to Additional Consultation. Date:

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**10) London & South Eastern Railway Ltd – Shona Nettlingham**

Response date: 23/5/2013

Southeastern have no comment on this proposal

Regards

Response to Additional Consultation. Date: 24/7/2013

I can confirm this does not affect our earlier response

Regards

---

**11) Northern Rail Ltd**

No response received

Response to Additional Consltation. Date:

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**12) COLAS Freight**

Response date: 28/5/2013

No objection

Kind regards

Response to Additional Consltation. Date:

### **13) Direct Rail Services Ltd**

Response date: 4/6/2013

Direct Rail Services have no objections to the proposed land disposal at Inverurie, Aberdeenshire however, we would be interested to know in the name of transparency if there was any financial incentive or otherwise for DB Schenker to surrender their leasehold interests at said locations of Huntly and Montrose and if this is the case or could be in future proposals, be identified through the disposal process?

Regards

#### **Response to Additional Consultation. Date: 26/7/2013**

Unfortunately this latest piece of information does change the DRS view on the Inverurie proposal in that we would now rescind our 'no objection' to a stance of objection on the following grounds; It would appear that there has been in this particular instance and in the strategic freight sites overall, a complete lack of transparency.

With respect to Montrose and Huntly and in general, my understanding is that there is no legal obligation on a lessee to maintain yard infrastructure or part thereof on the cessation of operational use but as part of the lease contract there would be a connection agreement/charge in order to maintain the mainline connection.

I am not aware that there is any leeway similar to yard infrastructure for a lessee or NWR to allow a mainline connection to fall into a state of disrepair whilst still under lease, with NWR as the default until network change is consulted.

You mention the mainline connections being reinstated, does this mean that the connections are currently out of use and or network change has been consulted regarding disconnection at these locations (I do not have this information)?

If my understanding of the aforesaid is correct then I believe that NWR/DBS must be responsible for ensuring that the mainline connections are fit for operational use notwithstanding previous network change which I am not aware of.

On a wider perspective you may be aware that I have been banging the drum for a complete and practical review of the SSF and SSFS lists with a view to a win win situation for NWR and the operators and whilst I appreciate that some have their eye on the financial gains to be had, which is fine however, I find that I am at odds with the term 'strategic freight sites' which on my understanding seems to imply more impetus on the financial gains as opposed to the operational gains to the freight industry going forward.

I do not believe that it would be that difficult to split out.

Not aiming this at you xxxx but as said I have asked for a review a couple of times and others have supported this with no response from NWR and with this particular scenario in mind I now feel that it is time to crank it up a few notches.

Regards

NR response date: 26/7/2013

Thanks for the reply and I can appreciate the reasons for DRS changing their response.

Please be assured that there is no deliberate 'lack of transparency' and what we are seeking to achieve through the release of Inverurie is not driven by financial gains. We are genuinely trying to support Aberdeenshire Council in their aspiration to construct an inner relief road and enhanced transport interchange at Inverurie Station.

I have since been advised that it is not the mainline connection but the condition of the track within the yard itself that is potentially a concern. As a precautionary measure we would propose the Short Term Network Change to temporarily close the yards. Once I became aware of this I thought it fair that advised consultees of this.

I will forward your response to Steve Irvin and Guy Bates who will be able to respond on your request for a complete review of the SFS and SSFS lists.

Regards

DRS response date: 26/7/2013

Appreciate your response, could you please confirm that the connections at Montrose and Huntly are being maintained and that if short term network change temporarily closes the yards that the connections will not be removed under network optimisation?

Regards

NR response date: 14/8/2013

I have received confirmation from our track maintenance engineers that the mainline connections into both Huntly and Montrose are regularly maintained by Network Rail.

I can also confirm that the connection will not be removed as a result of the proposed short term network change.

I would be grateful if you would confirm that subject to the above DRS would have no objection to the proposed disposal of Inverurie.

Regards

DRS response date: 15/8/2013

Nice to talk, I can confirm subject to the aforementioned that Direct Rail Services have no objections to the proposed land disposal at Inverurie.

Regards

---

**14) DB Schenker – Pawel Nowak**

Response date: 11/6/2013

In principle, DB Schenker has no objection to the disposal at Inverurie as described, subject to NR completing other linked processes including identifying and seeking rail freight industry approval for replacement Strategic Freight Site facilities.

Yours,

Response to Additional Consultation. Date: 21/8/2013

I am advised that DB Schenker regards this proposal as part of a package which has to be considered as a whole, so we cannot yet give a final view on this element of it until all other aspects are concluded.

---

**15) Captrain UK**

Response date: 10/6/2013

Please accept my apologies for the delay – we have no comments.

Regards.

Captrain UK Ltd

Response to Additional Consultation. Date:

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**16) Freight Transport Association**

Response date:

We have no comment.

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**Freight Transport Association**

Response to Additional Consultation. Date: 18/9/2013

Apologies we have no comment.

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**17) Freightliner Ltd**

Response date: 15/5/2013

Dear

Freightliner has no objections to this proposal, in view of the agreed replacement sites at Montrose and Huntly.

Regards

Response to Additional Consultation. Date: 25/7/2013

Dear

My comments are as follows -



1. There was no previous mention made of the poor track condition when the SSFS replacement was discussed at the last SFS meeting - I understand that this has only come to light since that meeting.  
For this reason we have to Object to the proposals if the FOCs would have to bear excessive rail infrastructure costs to bring the sites at Montrose and Huntly back into use. By way of comparison, I believe that Inverurie was in fair useable condition before it was taken out of use (for disposal).
2. We object to this - NR can propose Short Term NC if it likes, but we will not pay reconnection costs as the rail infrastructure become Network once DBS surrenders the lease (and NR should have been maintaining the connections anyway, presuming these sites were of course both active Nominated Locations when DBS surrendered the leases ?).

How about a suggested alternative SSFS - Elgin (assuming DBS are no longer interested in using it).  
What condition is it in ?

Regards

NR response date: 14/8/2013

I have received confirmation from our track maintenance engineers that the mainline connections into both Huntly and Montrose are regularly maintained by Network Rail.

I can also confirm that the connection will not be removed as a result of the proposed short term network change.

I would be grateful if you would confirm that subject to the above DRS would have no objection to the proposed disposal of Inverurie.

Regards

Freightliner response date: 23/8/2013

Dear

I can confirm that Freightliner now has no objection to disposal of Inverurie, on the basis that the connections into Montrose and Huntly are (and will continue to be ) maintained by Network Rail.

Regards

NR response date: 23/8/2013

Thanks

I can confirm that Network Rail will continue to maintain the main line connections into both Huntly and Montrose yards.

Regards

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## **18) GB Railfreight Ltd**

**Response date: 17/5/2013**

I can confirm that GB Railfreight Ltd has no objection to the proposed land disposal at Inverurie as detailed in your email and attachments of 14/05/13, **SUBJECT to any agreement or conditions** imposed by the NRIL / Industry Group (10% club) that deals with the disposal or alteration of Strategic Freight Sites.

Regards

GBRf

**NR Response date: 17/5/2013**

Thank you very much for your response.

At the Strategic Freight Site Meeting held on 19<sup>th</sup> March 2013 it was designate Huntly and Montrose as SSFS in substitution for Inverurie. A copy of the meeting minutes is attached.

I can confirm that Inverurie will not be disposed of until this swap and the designation of Huntly and Montrose has taken place.

Please confirm that this would satisfy your concern.

Regards

**GB Railfreight Response date: 17/5/2013**

Yes, provided the alternative sites are designated then GB Railfreight has no objection.

Regards

Response to Additional Consultation. Date:

---

## **19) Rail Freight Group**

Response date: 14/5/2013

xxxx thanks for this. I have checked with xxxx, our Scottish representative, and on the basis of the replacement Supplementary strategic freight sites being established we do not have any objection to this disposal,

Thanks and regards

Rail Freight Group

Response to Additional Consultation. Date: 24/7/2013

I presume these terms are in common with those for other supplementary sites? I should know this but can't just recall,

NR Response date: 25/7/2013

Network Rail puts locations not used for several years and with no imminent prospect of traffic through the STNC process irrespective of whether they are a Network Rail yard, a Strategic Freight Site or a Supplementary SFS.

Huntly and Montrose were not taken through the STNC process previously as since they were managed by DBS.

Regards

RFG Response date: 28/7/2013

Thanks. If it's in line with standard procedure then fine with us.

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#### **20) West Coast Railway Company**

Response date: 20/6/2013

no comments

WCR

Response to Additional Consltation. Date:

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#### **21) WH Malcolm**

Response date: 15/5/2013

I confirm WH Malcolm has no objection to the proposal.

W H Malcolm

Response to Additional Consultation. Date: 25/7/2013

I confirm WH Malcolm has no objection to the proposal.

---

#### **22) Association of Community Rail Partnerships**

Response date: 30/5/2013

ACoRP have no objection to this proposal.

Regards

Association of Community Rail Partnerships

Response to Additional Consultation. Date: 8/8/2013

ACoRP have no objection to this disposal.

Regards

Association of Community Rail Partnerships

---

#### **22) British Transport Police**

Response date: 31/5/2013

No issue for us.

Response to Additional Consltation. Date: 8/8/2013

Afternoon

No immediate concerns as long as the both yards are left without any valuable to entice theft and are secure.

Regards

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#### **23) DP World**

Response date: 14/5/2013

No Comment.

DP World - London Gateway

Response to Additional Consltation. Date: 24/7/2013

I confirm, still no comment.

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#### **24) Passenger Focus**

Response date: 24/5/2013

Thank you for sending Passenger Focus details of the proposal to dispose of land at Inverurie station.

They note that:

the land is a freight terminal that has been unused since 2004;

it is to be used for a road, and station interchange and car park;

170 car park spaces, an increase of 66, plus 12 disabled spaces, will be provided;

taxi and bus stands will be provided;

Network Rail and ScotRail have to agree the design of the interchange;

the land for the road will be sold, that for the interchange and car park leased, so that the railway can control its use as a facility for rail passengers;

disposal is expected to be complete by March 2014.

Passengers will expect that the sale particulars require that the works cause the least possible disruption to station users. When complete the proposed works will greatly improve accessibility for passengers; Passenger Focus therefore does not object to the proposal.

Regards,

Response to Additional Consultation. Date: 30/8/2013

Thank you for the additional information regarding the freight yards at Huntly and Montrose that are proposed as replacement Supplementary Strategic Freight Sites for Inverurie. They note that the scheme at Inverurie is not directly affected by the proposals regarding the two yards; consequently their reply dated 24/5/13 is unchanged, still "no objection".

Regards,

---

#### **25) Aberdeenshire Council**

Response date; 10/6/2013

Dear

I can confirm that Aberdeenshire Council has no concerns or objection to the land interests proposed for disposal.

The Council supports the redevelopment of this land as a transport interchange and associated access roads at Inverurie Railway Station.

Regards

Response to Additional Consultation. Date: 24/7/2013

Thank you for this further information.

I can confirm that this does not change Aberdeenshire Council's response.

Regards

---

#### **26) NESTRANS**

Response date: 4/6/2013 Please see attached response regarding Inverurie freight yard. This will be reported to Nestrans Board on 12<sup>th</sup> June for ratification – I will let you know if the members ask for any amendments or additional comments.

If you require any further information, please do not hesitate to contact me

Regards

Nestrans

Response to Additional Consultation. Date: 24/7/2013

We are still content with our previous response.

---

## Annex 2 – Network Rail’s Consultation emails

**From:**

**Sent:** 24 July 2013 10:47

**To:**

**Cc:**

**Subject:** RE: Inverurie, Aberdeenshire - Consultation on proposed land disposal

Dear consultee,

I refer to the consultation on the proposed disposal at Inverurie dated 14<sup>th</sup> May 2013.

Please note the following additional information relating to the two freight yards at Huntly and Montrose that are proposed as replacement Supplementary Strategic Freight Sites:

- 1) NR proposes to undertake Short Term Network Change to temporarily close both Huntly and Montrose once DBS have surrendered their leasehold interest. This is proposed on safety grounds as the yards are currently not fit for immediate use.
- 2) It will be necessary for any freight operating company wishing to bring either site back into use to fund any work required to reinstate the mainline connection and bring the track and/or rail infrastructure within the yard into working order.

I would be grateful if you could confirm that this additional information does not change your response to this consultation.

Regards

Property

Buchanan House

58 Port Dundas Road

Glasgow, G4 0LQ

T

M

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

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

**From:**

**Sent:** 14 May 2013 15:03

**To:**

**Cc:**

**Subject:** Inverurie, Aberdeenshire - Consultation on proposed land disposal

Dear consultee,

### **Property: Inverurie, Aberdeenshire**

We seek to consult you as regards your views, please, on our proposed disposal by way of freehold sale and grant of a long lease to Aberdeenshire Council.

We attach a draft application form to the Office of Rail Regulation which, with its related plans, explains the proposal in detail. Subject to the outcome of our consultation, we may make a formal application to ORR for consent to make the disposal under the terms of our network licence land disposal condition. We would expect to make an application based on this form, updated in the light of consultation responses.

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

ORR reviewed our land disposal arrangements so that from 1 April 2008, ORR will no longer launch any separate consultations when we apply for consent to dispose of land. The arrangements are that we will consult and report the results to ORR in conjunction with our application. It is therefore important that we have your views, so that these may be considered in ORR’s decision.

We request your comments, please, by **11<sup>th</sup> June 2013** (including any “no comment” response). It would be helpful if your response is provided by email.

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

Yours faithfully,

Property  
Buchanan House  
58 Port Dundas Road  
Glasgow, G4 0LQ  
T  
M  
E [@networkrail.co.uk](mailto:@networkrail.co.uk)  
**[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)**