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Railway Markets and Economics
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31 January 2017

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

Network licence condition 7 (land disposal): Haywards Heath station, West Sussex

Decision

1. On 9 January 2017, Network Rail gave notice of its intention to dispose of land at Haywards Heath station, West Sussex (the land), in accordance with paragraph 7.2 of condition 7 of its network licence. The land is described in more detail in the notice (copy attached). Network Rail has also provided additional information included at Annex B.
2. We have considered the information supplied by Network Rail including the responses received from third parties you have consulted. For the purposes of condition 7 of Network Rail's network licence, ORR consents to the disposal of the land in accordance with the particulars set out in its notice.

Reasons for decision

3. Network Rail had previously gained ORR consent for the disposal of a similar area in March 2014, by way of a 250-year lease to Solum Regeneration.¹ Network Rail's submission explained its revised proposals to dispose of the land through a freehold sale, which would either be in conjunction with, or in substitution of, a 250-year lease. Network Rail considered that the changes to its original proposals² were material and so was requesting consent afresh.
4. We are satisfied that Network Rail has consulted all relevant stakeholders with current information and no objections were received. Although Gatwick Express had not been consulted individually, Govia Thameslink Railway confirmed that Gatwick Express' interest had been included in its response.
5. In considering the proposed disposal we note that:
 - there is no evidence that existing railway operations would be affected adversely and that Network Rail has reserved an area of land with the potential to accommodate a platform for use by Bluebell Railway;

¹ Solum Regeneration was established by Network Rail in 2008 as a joint venture to regenerate land sites around larger stations.

² http://orr.gov.uk/data/assets/pdf_file/0019/11782/ld-haywards-heath-notice.pdf

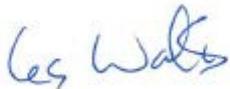


- no other reasonably foreseeable railway use for the land was identified; and
- the disposal will facilitate station improvements including increased car parking, a new bridge link and an enhanced station forecourt to which the Train Operating Companies would have full rights of access.

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

7. We have had regard to our decision criteria in *Land disposal by Network Rail: the regulatory arrangements, December 2013*,³ 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”.

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

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

Les Waters

Duly authorised by the Office of Rail and Road

³ Available from www.rail-reg.gov.uk/server/show/nav.150

Proposed Property Disposal

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

1. Site

Site location and description

Land to the east side of Haywards Heath Station shown coloured blue and coloured and hatched blue on attached drawing "LC7 Plan" 5345214-1RevC.

The land is being developed as a Waitrose supermarket, retail units and associated parking.

The proposed disposal site also includes areas where Network Rail will retain the ownership but over which it is intended to grant rights for access and services for occupiers and owners of the supermarket and retail units. These areas include the station forecourt and also roads to the rear of the scheme. These are the areas shown hatched blue on the LC7 plan.

By way of background the Office of Road and Rail issued a Licence Condition 7 consent to the disposal of the majority of the site on 27 March 2014. A copy of that consent is attached.

At the time when the earlier consent was sought it was intended that land would be initially disposed of to either Solum (a property development joint venture established by Network Rail and Kier Property), or an investor by way of a long lease.

Subsequent to the 2014 consent being obtained Network Rail's focus changed to retaining, rather than disposing of assets, and so revised arrangements were put in place whereby Solum would build out a revised scheme and transfer land which was in Solum's ownership to Network Rail.

However, following the Hendy report, the government requires that Network Rail raises substantially increased capital sums from its property assets.

Therefore, due to the passage of time, the revised scheme and altered proposed disposal arrangements it is necessary to re-consult.

For ease of reference the material change to the proposed disposal is that the proposed disposal area now includes additional areas of land as well as certain other areas being excluded. Please see drawing "Comparison Plan" 5345214-2 Rev C which shows the outline of the previously consented disposal area edged in red.

<p>Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)</p>	<ul style="list-style-type: none"> • “LC7 Plan” 5345214-1RevC – this shows the area which is the subject of this consultation. • Comparison Plan” 5345214-2 Rev C which shows the outline of the previously consented disposal area edged in red overlaid over the area which is the subject of this current application. • “3rd Party Land” 5345214-5 Rev B – this shows land which is not yet owned by Network Rail but which forms part of the overall scheme and will be transferred to Network Rail by Solum and/or Waitrose and which will be disposed of as part of the overall scheme. • Scheme Plan 50011-C-171. This shows the indicative layout of the scheme and the location and configuration of the Waitrose unit, the Waitrose car park and the retail units. • Bluebell Futureproofing 50011 SK08RevCPassive Provision Plan – This shows an additional area of land which is being retained by Network Rail for potential future use by the Bluebell Railway.
<p>Clearance Ref:</p>	<p>Internal clearance is being sought for the revised area, and no disposal will take place without such clearance being obtained.</p>
<p>Project No.</p>	<p>43190</p>
<p>Ordnance survey coordinates</p>	<p>E 533084; N124554</p>
<p>Photographs (as required)</p>	<p>–</p>
<p>2. Proposal</p>	
<p>Type of disposal (i.e. lease / freehold sale)</p>	<p>The disposal arrangements will also change slightly from those previously envisaged and this is set out below.</p> <p>(i) It is still envisaged that a 250 year lease of the entire disposal area will be granted. However it is possible that a freehold disposal will take place either in conjunction with the 250 year lease, or in substitution for it.</p> <p>(ii) It is likely that the 250 year lease will initially be granted to a Network Rail subsidiary company - and if that is the case then there will be a subsequent disposal/assignment of that lease to a third party.</p> <p>Additionally, there will be a 25 year sublease granted to Waitrose and separate subleases granted to the occupiers of the other two retail units. The Waitrose demise and that of the other retail units are shown on the indicative Scheme Plan.</p>

Proposed party taking disposal	<p>The party taking a 250 year lease and/or freehold disposal of the area cannot be definitely identified at this stage, but the probability is that the 250 year lease will be initially granted to a Network Rail subsidiary company and then assigned to an external third party investor.</p> <p>If the 250 year lease is not granted to a Network Rail subsidiary then in all likelihood it will be granted direct to a third party investor.</p> <p>If a subsequent freehold disposal takes place that will again be to a third party.</p>
Proposed use / scheme	<p>Commercially led development which broadly comprises the following:</p> <ul style="list-style-type: none"> (i) New Waitrose food store with ancillary parking and retail units; (ii) New multi-storey station car park (which does not form part of the disposal area) (iii) Improved station forecourt, drop off areas and public spaces.
Access arrangements to / from the disposal land	<p>Access to the disposal area is from:</p> <ul style="list-style-type: none"> (i) a public highway; and (ii) across land retained by Network Rail and forming part of the station lease area.
Replacement rail facilities (if appropriate)	<p>The new station multi-storey car park replaced previous station parking from 670 spaces to over 1000 spaces.</p>
Anticipated Rail benefits	<p>The following have already been provided as part of the scheme:</p> <ul style="list-style-type: none"> (i) Improved station environment; (ii) Improved station forecourt area and drop off points; (iii) A new station multi-storey car park of 1050 spaces; (iv) A new link bridge from the car park to platforms; (v) Provision of new cycle spaces and Cycle Hub <p>In addition to those benefits, the proposed disposal will enable Network Rail to receive a capital receipt from the sale of the investment.</p>
Anticipated Non-rail benefits	<p>Regeneration of a major town centre site.</p>

3. Timescales

Comments on timescales

Practical completion of the supermarket and retail unit leases is currently scheduled for early January 2017. Network Rail would like to dispose of the site as soon after this date as reasonably practical in order to raise capital receipts from the asset in line with government requirements.

4. Railway Related Issues

History of railway related use

The main station building was relocated to its present location in 1918, and its position is not changed as a result of the scheme.

The Network Rail land on which the scheme has been built, and for which Licence Condition disposal consent was obtained in 2014, was formerly part of the station parking area.

Station Change under Part C of the National Stations Access Conditions has been agreed for the matters referred to in the section headed "Anticipated Rail benefits" - and these have been delivered and are already in operational use. Following final completion of the development Network Rail will submit a Part B Conditions Change Proposal to reflect the as built development and formalise the station lease boundary changes.

The land which will be transferred by Solum/Waitrose to Network Rail (shown on the 3rd Party Plan - and then subsequently disposed of by way of a 250 year lease and/or freehold- formerly comprised

- (i) a disused bus garage which subsequently operated as a private car park. It now comprises part of the overall retail development; and
- (ii) the other area was also used previously as a private car park, but again now forms part of the scheme

NB. The car parking spaces previously provided on the third party land were not owned or controlled by Network Rail, nor included within the station lease. However, for the purposes of establishing the capacity of the new station multi-storey car park these spaces were regarded as being part of the existing station parking provision.

When last used for railway related purposes

The majority of the Network Rail land was used for station car parking up until 2014 when construction of the commercial scheme and the new station parking arrangements commenced

	<p>That part of the disposal area over which rights will be granted (shown hatched on the LC7 Plan) will remain in Network Rail ownership, and form part of the new station lease area, and will continue to be used for railway access purposes.</p>
<p>Any railway proposals affecting the site since that last relative use</p>	<p>An area has been excluded from the disposal site which could be used to build into a platform and access way should the Bluebell Railway be extended to Haywards Heath at some point in the future. This area is shown on the Bluebell Futureproofing plan.</p>
<p>Impact on current railway related proposals</p>	<p>There are no anticipated impacts on current railway proposals</p>
<p>Potential for future railway related use</p>	<p>Provision has been made to exclude an area from the disposal site which could be built into a platform should the Bluebell Railway be extended to Haywards Heath in the future.</p>
<p>Any closure or station change or network change related issues</p>	<p>Station change has been agreed for the new station multi-storey car park, an improved forecourt area, a new platform link bridge and improved cycling facilities which were undertaken as part of the overall wider project at Haywards Heath. These facilities have already been delivered and are in operational use – and ownership of them is being retained by Network Rail.</p> <p>As part of the revised proposal, access rights will be granted over the areas shown crosshatched on the LC7 for the benefit of the development, and where not captured by the Station Change provisions will be dealt with under the provisions of G6 of the Station Access Conditions. A disposal would not take place until either G6 or Station Change has been obtained for those rights.</p>
<p>Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future</p>	<p>The disposal does not negatively impact on railway access needs. Access for maintenance purposes to the track, battery room to the rear of the site, and to the station and station parking will be retained via the new improved access areas</p>
<p>Position as regards safety / operational issues on severance of land from railway</p>	<p>The disposal does not include a requirement for new fencing of the railway boundary, as sufficient fencing already exists.</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</p>

	<p>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>
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5. Planning History and Land Contamination

<p>Planning permissions / Local Plan allocation (if applicable)</p>	<p>Planning permission for the scheme was first obtained in 2013.</p>
<p>Contamination / Environmental Issues (if applicable)</p>	<p>No unusual contamination/environmental issues have been encountered.</p>

6. Consultations

<p>Railway (internal – Network Rail)</p>	<p>Clearance is being sought. The revised disposal area will not be disposed of unless and until clearance has been obtained.</p>
<p>Summary of position as regards external consultations</p>	<p>Industry stakeholder was undertaken and closed earlier this month. Of the parties who responded there were either no objections or such objections as there were have been withdrawn following the provision of further information/clarifications.</p>
<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward</p>	<p>There are no unresolved objections, although it should be highlighted that despite following the agreed procedure for using reasonable endeavours to obtain consultation responses, responses were not received on behalf of three consultees (detailed below).</p> <p>No response was received from Mid-Sussex District Council nor West Sussex County Council. However they have respectively granted planning consent for the scheme and entered into an highways agreement for road improvements arising from it. In such circumstances it is considered</p>

	<p>reasonable to assume there is nothing of material concern to them concerning the proposed disposal.</p> <p>Likewise no response was received from Grand Central Trains but as it does not operate in this area of the country it is again considered reasonable to assume in this instance that as they are not affected they do not have any objections to the proposed disposal.</p>	
7. Local Authorities		
Names & Email Addresses:	Mid Sussex District Council - @midsussex.gov.uk	
Local Transport Authorities:	West Sussex County Council – @westsussex.gov.uk	
Other Relevant Local Authorities:		
8. Internal Approval		
Recommendation:	Based on the above, I recommend / authorise that Network Rail proceeds with the disposal.	
Declaration:	I have read and understood Network Rail's Code of Business Ethics and Policy on Interests in Transactions.	
Surveyor Name:	21 December 2016	
Approved by Property Development Manager	Name:	Date Approved by PDM: 21 December 2016



Legend

-  Proposed Rights Area
-  Disposal Area
-  Network Rail retained land



Landinformation 

Haywards Heath
LC7 Plan

Coordinates # 533091E 124578N

Date:
11 Nov 2016

Drawn By:
Dan Faulkner



Drawing No:
5345214-2

Rev:
C

Scale:
1:1250 @ A4

Legend

- Original LC7
- Proposed Rights Area
- Disposal Area
- Network Rail retained land



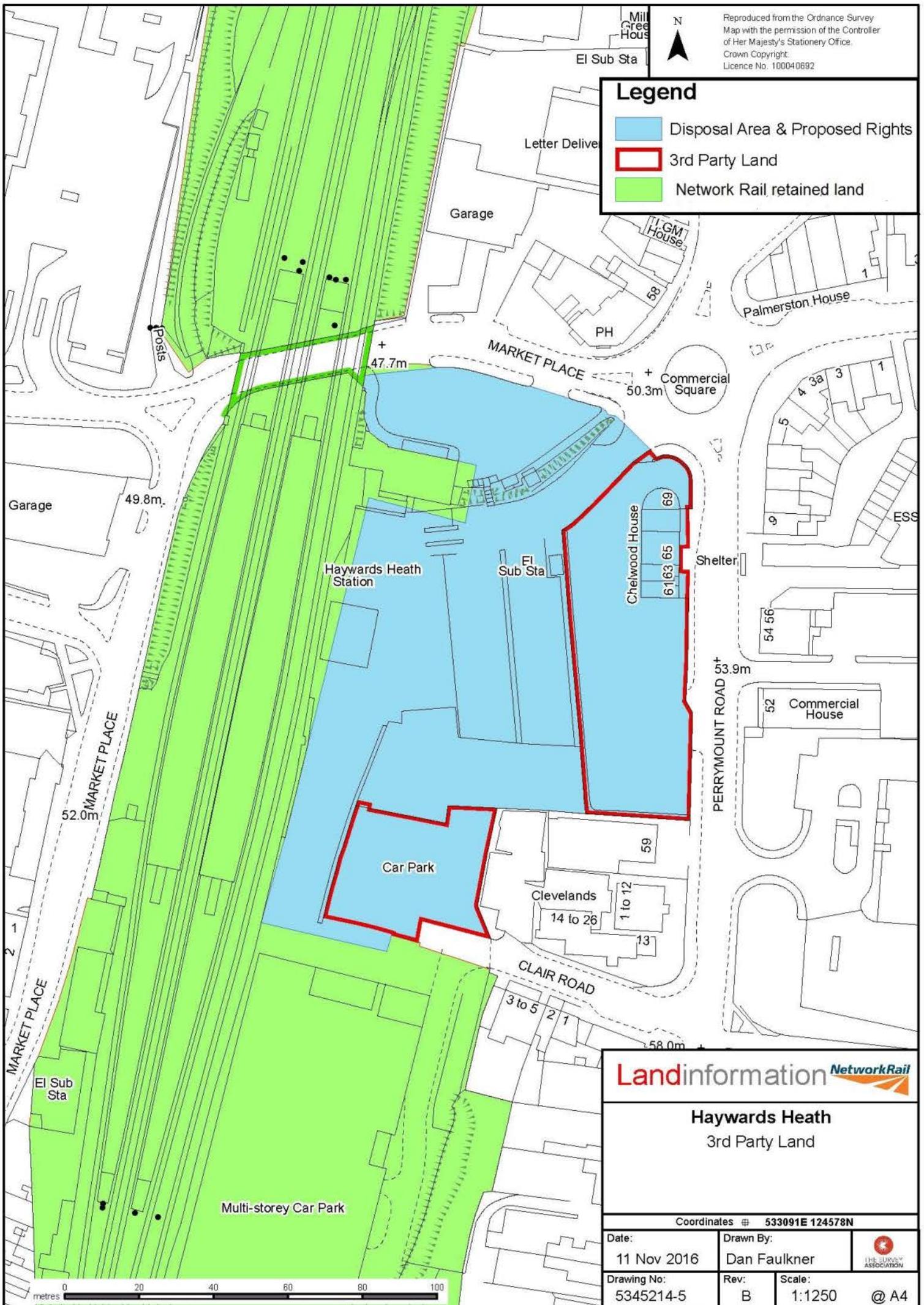
Landinformation NetworkRail

Haywards Heath Comparison Plan

Coordinates # 533091E 124578N		
Date:	Drawn By:	
11 Nov 2016	Dan Faulkner	
Drawing No:	Rev:	Scale:
5345214-2	C	1:1250 @ A4

Legend

- Disposal Area & Proposed Rights
- 3rd Party Land
- Network Rail retained land



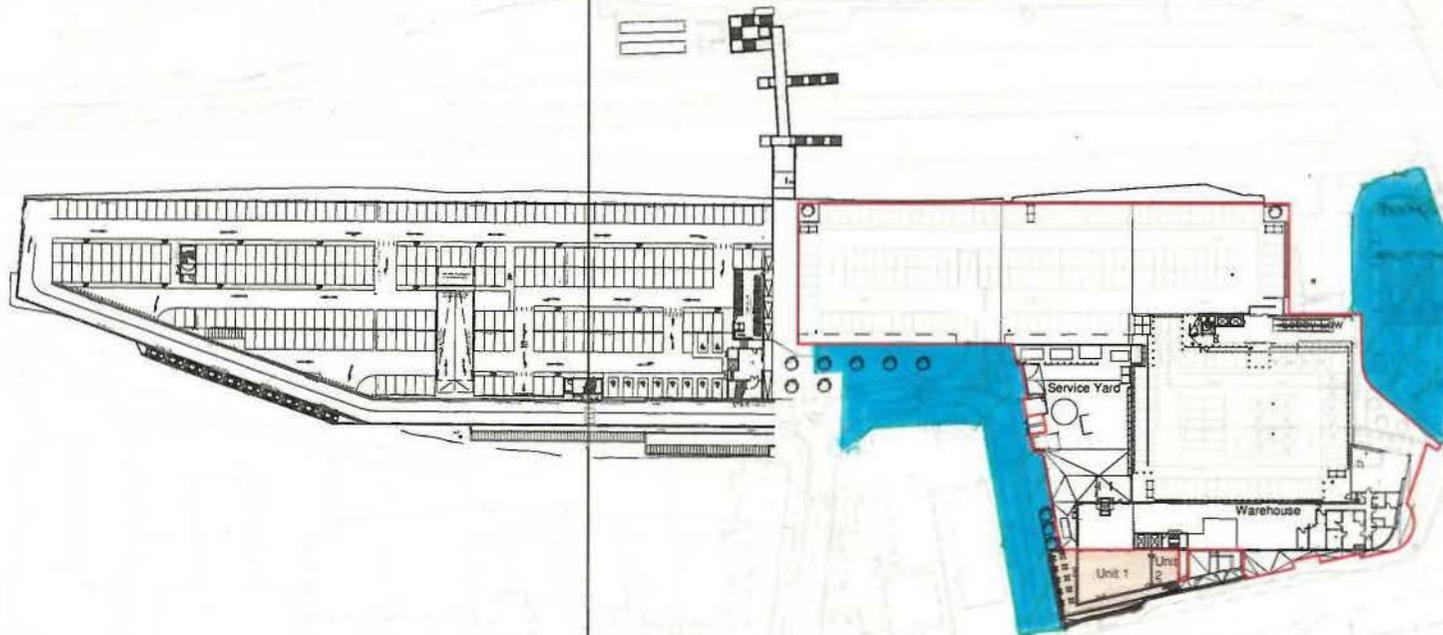
Landinformation **NetworkRail**

Haywards Heath 3rd Party Land

Coordinates # 533091E 124578N

Date:	11 Nov 2016	Drawn By:	Dan Faulkner	
Drawing No:	5345214-5	Rev:	B	
		Scale:	1:1250	@ A4

"INDICATIVE SCHEME PLAN"



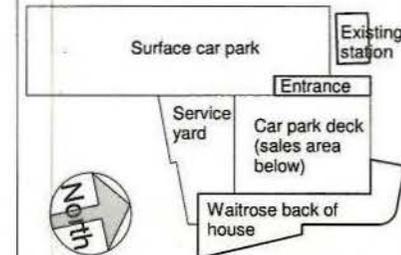
- Waitrose Demise
- Rights Of Way
- RETAIL UNITS

Notes

The Contractor is to check all dimensions and conditions on site before commencing. Do not scale from this drawing.

This drawing remains the copyright of POZZONI LLP.

Scale Bars		TO BE USED ONLY AS GUIDANCE	
1:100	mm	1000	5000
1:200	mm	5000	6000
1:500	M	5	25
1:1250	M	10	70



B	Model & building elements updated to reflect current scheme	MT	20/06/16
A	Paving hatch omitted	DS	23/06/14

Rev	Description	By	Date

Client: **BAM Construction**

Job: **HAYWARDS HEATH**

Drawing: **SCHEME PLAN**

BSRef: **POZZI Ref 50011_C_171** Rev: **B**

Date: **18/06/14** Scale: **1 : 1250** @ **A3**

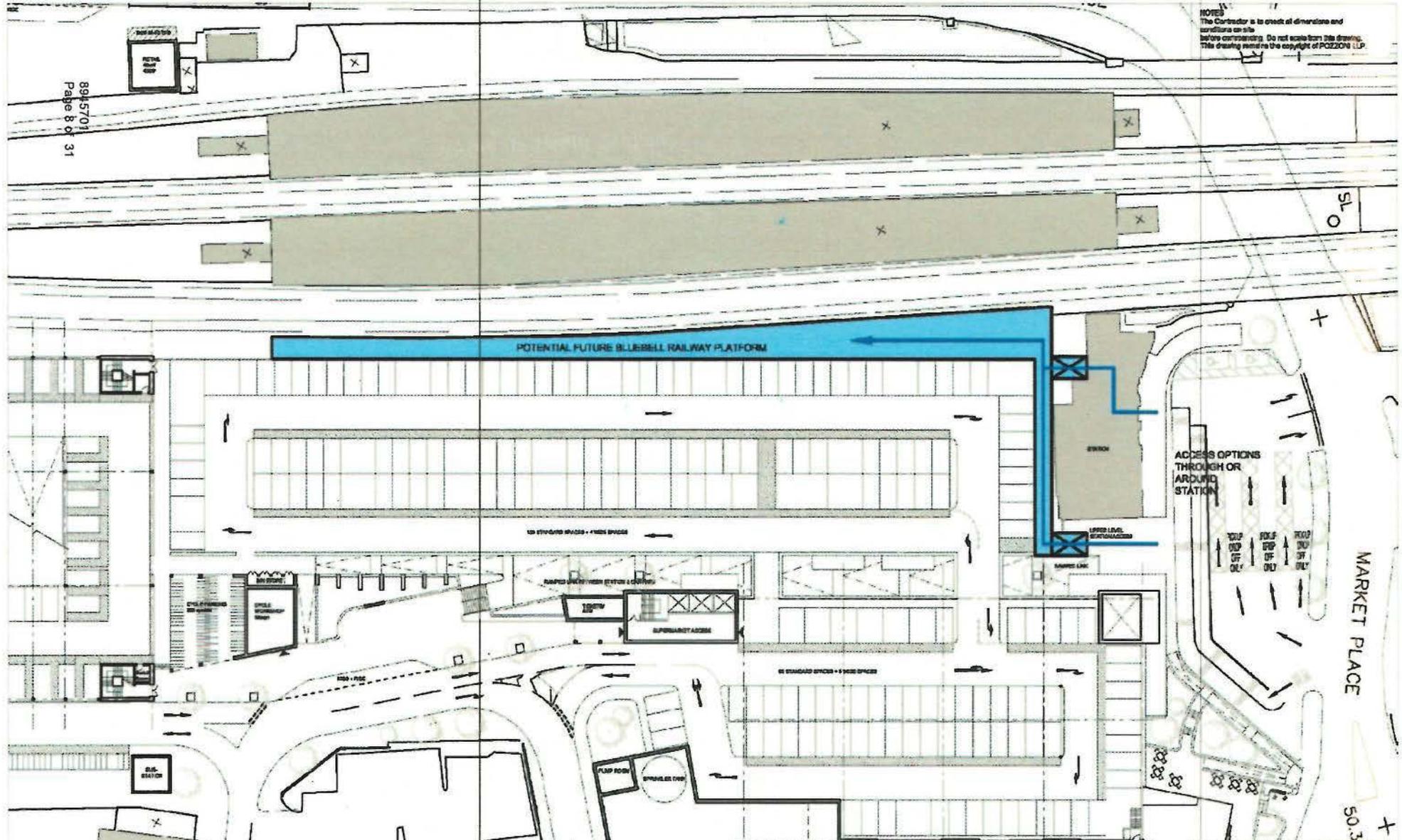
MT	DS	CS
Feasibility	Tender	Construction
Design	Contract	As Built

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NOTES
 The Contractor is to check all dimensions and conditions on site before contracting. Do not scale from this drawing. This drawing remains the copyright of POZZONI LLP.



<input type="checkbox"/> Feasibility	Scale	1:500	@ A3
<input type="checkbox"/> Design	Sheet	DS	
<input type="checkbox"/> Tender	Checked	CS	
<input type="checkbox"/> Contract	Issue Date	09/03/12	Rev
<input type="checkbox"/> Construction	Org. No.	50011 SK08	C
<input type="checkbox"/> As Built			

Client	Network Rail
Job	Haywards Heath
Drawing	Bluebell Railway Futureproofing

Rev	Description	By	Date
POZZONI			
T 020 7078 0079 16 Bowling Green Lane London			
E architects@pozzoni.co.uk EC1R 0BD			

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: Land at Haywards Heath Station

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

Summary of position regarding responses: Twenty-six stakeholders were consulted. Twenty-three of the respondents had no objections or comments to the proposed disposal. Where issues were raised it was possible to resolve these as outlined below. Responses were not received from Grand Central Trains, Mid-Sussex District Council or West Sussex County Council despite chasers. Grand Central Trains does not operate in this area of the country so it is considered reasonable to assume in this instance that as they are not affected they do not have any objections to the proposed disposal. Mid-Sussex District Council and West Sussex County Council have respectively granted planning consent for the scheme and entered into an highways agreement for road improvements arising from it. In such circumstances it is considered reasonable to assume there is nothing of material concern to them concerning the proposed disposal.

The full list of external consultees is set out below:

Land disposal consultation report

V 1.1

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	National Express		Y	11/11/2016	On behalf of National Express Group and NXET Trains Ltd, I confirm that we have no objection to the proposed disposal.	
2	ACoRP		Y	12/11/2016	Provided the reserved land for the Bluebell Railway is retained as shown, ACoRP will continue to support this disposal.	
3	Rail Freight Group		Y	13/11/2016	Ok with RFG	
4	Merseyrail		Y	14/11/2016	I can confirm Merseyrail have no comments.	
5	Chiltern Railways		Y	14/11/2016	There are no comments from Chiltern.	
6	Northern Railway		Y	14/11/2016	Northern has no objection to the land disposal at Haywards	

Land disposal consultation report

V 1.1

					Heath, West Sussex	
7	Freightliner		Y	14/11/2016	Freightliner has no comment to make on this proposal	
8	Eurostar International Ltd		Y	14/11/2016	No comment from EIL	
9	Great Western Railway		Y	14/11/2016	We have no objection thank you.	
10	Cross Country Trains		Y	14/11/2016	XC Trains Ltd has no comment on this proposed disposal.	
11	DB Cargo UK		Y	Initial response 14/11/2016 Final response 22/11/2016	DB Cargo sought certain assurances about the effect of the disposal. NR responded with further information/clarification and following this DB Cargo confirmed there was no objection to the proposed land disposal.	
12	GB Railfreight		Y	15/11/2016	No issues from GBRf.	
13	British Transport Police		Y	16/11/2016	I see no reason that the disposal should not go ahead. I have no objections to raise.	

Land disposal consultation report

V 1.1

14	COLAS Rail		Y	18/11/16	No comment on proposed disposal	
15	Direct Rail Services		Y	25/11/16	DRS have no comments.	
16	W H Malcolm Ltd		Y	28/11/16	No objections	
17	South Eastern Trains		Y	Initial response 17/11/2016 Final response 28/11/2016	South Eastern wanted to ensure full access rights for rail were maintained across the forecourt and access roads and that the operating TOC was consulted on such matters. Following further information from NR, South Eastern confirmed that it had no further comment on the proposal.	
18	West Coast Railway Company		Y	1/12/2016	no comments	
19	DoT (Network Services Briefing)		Y	1/12/2016	The Department has no comments on this proposal.	

Land disposal consultation report

V 1.1

20	Freight Transport Association		Y	2/12/2016	We have no comment	
21	Govia Thamselink Railway		Y	Initial response 9/12/2016	<p>The initial response advised there was no objection to disposal of the majority of site but concerns were expressed about the areas over which rights were to be granted. NR provided further information by e-mail on 9, 11 and 15 December and in conversations on 9 and 15 December. In the last of those conversations GTR agreed, on the basis of the information provided, it no longer objected to the disposal. Due to the limited time available to GTR due to other matters that it was dealing with it was agreed that NR would confirm that there were no longer objections from GTR to the proposed disposal by way of e-mail. A copy of that e-mail dated 15 December is attached is attached.</p> <p>NB: xxxx also confirmed on 3 January 2016 that he</p>	

Land disposal consultation report

V 1.1

					responded on behalf of Southern as well as Govia Thameslink. E-mail exchange of that date attached.	
22	Transport Focus		Y	1/12/2016	Transport Focus has no objection to the proposed disposal.	
23	Grand Central Trains		N	-		E-mails sent on 16 November and 1 December
24	Mid Sussex District Council		N	-		E-mails sent on 16 November and 1 December
25	West Sussex County Council.		N	-		E-mails sent on 16 November and 1 December

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 – Stakeholder Responses

1. National Express

From: EXTL:

Sent: 11 November 2016 17:04

To: @networkrail.co.uk

Subject: Re: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

On behalf of National Express Group and NXET Trains Ltd, I confirm that we have no objection to the proposed disposal.

Rgds

2. Association of Community Rail Partnerships

From: [mailto:@btconnect.com]

Sent: 12 November 2016 11:43

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hello

Provided the reserved land for the Bluebell Railway is retained as shown, ACoRP will continue to support this disposal.

Regards

ACoRP

T:

M:

3. Rail Freight Group

From: RFG [mailto:@rfg.org.uk]

Sent: 13 November 2016 18:23

To:

Subject: Re: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Ok with RFG

Rail Freight Group

maggie@rfg.org.uk

4. Merseyrail

From: [mailto:@merseyrail.org]

Sent: 14 November 2016 07:51

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

I can confirm Merseyrail have no comments.

Thanks

Merseyrail

Tel	
Mob	
Email	@merseyrail.org
Web	www.merseyrail.org

5. Chiltern Railways

From: EXTL:

Sent: 14 November 2016 07:58

To: @networkrail.co.uk

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hi

There are no comments from Chiltern.

All the best,

6. Northern Rail

From: [mailto:@northernrailway.co.uk]

Sent: 14 November 2016 08:12

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hello

Northern has no objection to the land disposal at Haywards Heath, West Sussex

Kind regards

Telephone:

Mobile:

Northern House, 9 Rougier Street
York, YO1 6HZ

@northernrailway.co.uk
northernrailway.co.uk

7. Freightliner

From: [mailto:@Freightliner.co.uk]

Sent: 14 November 2016 09:22

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hi

Freightliner has no comment to make on this proposal

Regards

8. Eurostar International

From: [mailto:@eurostar.com]

Sent: 14 November 2016 09:33

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

No comment from EIL,

Thanks

Eurostar International Limited

Times House | Bravingtons Walk | London N1 9AW

T +44 (0)20

M +44 (0)

eurostar.com



9. Great Western Railway

From: [mailto:@gwr.com]
Sent: 14 November 2016 10:27
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Good morning

We have no objection thank you.

Great Western Railway
1 Milford Street | Swindon | SN1 1HL
[@GWR.com](http://GWR.com) |

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

10. Cross Country Trains

From: [mailto:@crosscountrytrains.co.uk]
Sent: 14 November 2016 15:00
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

XC Trains Ltd has no comment on this proposed disposal.

Regards

CrossCountry

Phone: 0121 Mobile: Fax: 0121

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

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



11. DB Cargo

From: [mailto:@deutschebahn.com]

Sent: 22 November 2016 11:35

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD
Haywards Heath

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

Yours

DB Cargo (UK) Limited
310 Goswell Road
London EC1V 7LW
Tel.

From: <@networkrail.co.uk>

To: @deutschebahn.com

Date: 18/11/2016 16:33

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE
PERIOD Haywards Heath

Hi

Thank you for your response.

Dealing with your queries in turn, the retained land will not automatically transfer to Bluebell railway as a result of the consultation which I am undertaking. The future use of the retained land by the Bluebell Railway would depend on the circumstances at the time and a further consultation would take place should it appear likely that they were in a position to progress their plans and require the land – and at which time DB Cargo would be given another opportunity to comment.

I can therefore confirm that the proposed disposal will not automatically entitle the Bluebell Railway to priority in (rail) track access to the loop, by virtue of its potential acquisition of land access rights.

Regarding your second query about whether the extent of the proposed land disposal at Haywards Heath leaves space for a safe walking route adjacent to the loop for current freight operations I attach a copy of the comparison plan attached with the current consultation. You will note that the area it is now proposed to dispose alongside the railside boundary is either the same as that in the 2014 consultation or for much of its length further away from the rail-side boundary. As the earlier, larger area was acceptable to DBS (now DB Cargo) I hope this assuages you on this point also.

If you need any further information please do not hesitate to contact me but I hope based on the above information you may be able to confirm you have no objections to the disposal?

Kind regards.

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel: 020

Email: @networkrail.co.uk
Web: www.networkrail.co.uk

From: [<mailto:@deutschebahn.com>]
Sent: 14 November 2016 10:00
To:
Subject: Re: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD
Haywards Heath

Whilst DB Cargo (then DB Schenker) did not object to the earlier version of this disposal when previously consulted, apart from declaring an interest in the use of the track alongside which a portion of land was being reserved for a potential Bluebell Railway terminus, DB Cargo must once again repeat its concerns regarding the freight access issue. The loop concerned is used for run-rounds of freight trains to and from the Ardingly terminal, and before accepting the principle of reservation of part of the site for the Bluebell Railway project, DB Cargo requires assurances that the disposal will not automatically entitle the Bluebell Railway to priority in (rail) track access to the loop, by virtue of its potential acquisition of land access rights through this transaction. DB Cargo is not opposed in principle to the potential Bluebell Railway extension and is aware of the need to reconfigure the site at Ardingly before any through passenger operations can be developed, but has an immediate need to establish whether the extent of the proposed land disposal at Haywards Heath leaves space for a safe walking route adjacent to the loop for current freight operations and what precautions Network Rail is taking to prevent the reference to and reservation for future Bluebell passenger station operations from giving that company rights (real or presumed) which conflict with continuing freight operations.

Yours,

DB Cargo (UK) Limited
310 Goswell Road
London EC1V 7LW
Tel.

12. GB Railfreight

From: EXTL:

Sent: 16 November 2016 11:25

To: @networkrail.co.uk

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

No issues from GBRf.

Regards,

GB Railfreight Ltd.,
3rd Floor,
55 Old Broad Street,
London, EC2M 1RX.
Tel: 020 .
Mobile: .
E-mail: @gbrailfreight.com.

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

13. BT Police

From: [mailto:@btp.pnn.police.uk]

Sent: 17 November 2016 09:25

To:

Cc:

Subject: FW: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Importance: High

Good morning,

Please note that BTP have no further comments to make as per the email below.

Thank you

British Transport Police

25 Camden Road

Camden

London NW1 9LN

Tel: 0207

Mobile :

From: mailto:@btp.pnn.police.uk

Sent: 16 November 2016 17:38

To: mailto:@btp.pnn.police.uk

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Good Afternoon,

With regards to the Network Rail proposed disposal of land at Haywards Heath, West Sussex, based on the information received in the documentation I see no reason that the disposal should not go ahead. I have no objections to raise.

Kind regards,

British Transport Police, Force Headquarters,
25 Camden Road, London, NW1 9LN
Office: 020
Mobile:
E-mail: @btp.pnn.police.uk
www.btp.police.uk

Official

From:
On Behalf Of <mailto:@btp.pnn.police.uk>
Sent: 15 November 2016 17:29
To: <mailto:@btp.pnn.police.uk>
Cc:
Subject: FW: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD
Importance: High

Hi

Please see below; CRR no is CRU-2016-0868

Kindest regards,

From: <mailto:@btp.pnn.police.uk> **On Behalf Of**
Sent: 15 November 2016 13:18
To: <mailto:@btp.pnn.police.uk>
Cc:
Subject: FW: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD
Importance: High

Good afternoon,

Attached is a request to dispose of land at Hayward's Heath, a response is required by the 9 December.

Regards

British Transport Police
25 Camden Road
Camden
London NW1 9LN
Tel: 0207
Mobile :

14. COLAS Rail

From: [mailto:@colasrail.co.uk]

Sent: 18 November 2016 16:36

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

No comment on proposed disposal



Tel. - Mob.
@colasrail.co.uk

COLAS RAIL LTD
, West Goods Yard, Dundonald Road, Wimbledon, London, SW19 3QJ, United Kingdom
www.colasrail.co.uk



15. Direct Rail Services

From: [mailto:@drsl.co.uk]

Sent: 25 November 2016 09:11

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Good Morning

DRS have no comments.

Kind Regards,



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

Tel: **Protect our environment – Print only if you need to.**

16. W.H. Malcolm

From: [mailto:@whm.co.uk]

Sent: 28 November 2016 12:00

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

No objections.

Regards.

W H Malcolm Ltd

Malcolm Logistics, Block 20, Edinburgh Road, Newhouse Industrial Estate, Newhouse, ML1 5RY

DD: | Tel: | Mobile:

Email: @whm.co.uk | **Web:** www.malcolmgroup.co.uk | [Malcolm Group on LinkedIn](#)

 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary**

17. South Eastern Railway

From: [mailto:@southeasternrailway.co.uk]

Sent: 28 November 2016 12:59

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Good Afternoon

Thank you for your response.

I can confirm that Southeastern has no further comment on this proposal.

Kind Regards

southeasternrailway.co.uk

southeastern

Friars Bridge Court
41-45 Blackfriars Road
London, SE1 8NZ

From: [<mailto:@networkrail.co.uk>]

Sent: 25 November 2016 16:01

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hi

Thanks for your note and I do appreciate why you would wish to ensure the matters you mention are, or have been covered off.

I can confirm the operating TOC will continue to enjoy full rights of access over the forecourt area and will also have full rights of access over the new access road.

Although I was not involved in the process I believe these areas/matters were shown on the plans attached to the recent Part C and Part B Station Changes. Further I understand a G6 letter dealing specifically with these areas has been issued and that no objections have been received.

On the above basis might you be able to confirm no objection to the disposal please?

Kind regards.

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel:

Email: @networkrail.co.uk

Web: www.networkrail.co.uk

From: [<mailto:@southeasternrailway.co.uk>]

Sent: 17 November 2016 12:14

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Good Morning

Thank you for the opportunity to review this proposal.

Southeastern would like to see that the significant rights for rail purposes within the areas hatched in blue are retained.

We consider it vital to consult with the operating TOC on the access and services that are agreed for the proposed supermarket and any other retail unit as there will need to be a distinct level of flexibility when rail access is required.

Kind Regards

southeasternrailway.co.uk

southeastern

Friars Bridge Court

41-45 Blackfriars Road

London, SE1 8NZ



18. West Coast Railway

From: [mailto:@aol.com]
Sent: 01 December 2016 15:51
To:
Subject: Re: FW: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

no comments

WCR

T
M
E @aol.com

19. Department of Transport

From: [mailto:@dft.gsi.gov.uk]
Sent: 01 December 2016 16:43
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

The Department has no comments on this proposal.

Kind regards

Rail Network Services Directorate, Department for Transport
2/21 | 020

20. Freight Transport Association

From: [mailto:@fta.co.uk]
Sent: 02 December 2016 15:51
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Apologies we have no comment.

Freight Transport Association

Mobile :

www.fta.co.uk

21. Govia Thameslink

From: @networkrail.co.uk
Sent: 15 December 2016 15:06
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hi

I refer to our telephone conversation of a couple of minutes ago.

As agreed I write to confirm that you have agreed that on the basis of:

1. what I set out in my note below and my earlier note of the previous Friday;
2. and NR ensuring the actions outlined in the notes are undertaken

that Govia Thameslink Railway (GTR) now has no objection to the proposed disposal (including the grant of rights) taking place.

As before, thank you for your time and the constructive way you have dealt with this matter – and on a personal level I hope your heavy workload eases off in the near future.

Kind regards.

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel: 020
Email: @networkrail.co.uk
Web: www.networkrail.co.uk

From: @networkrail.co.uk
Sent: 11 December 2016 21:34
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD
Importance: High

Hi

Further to my note on Friday I have checked the various documentation, etc. to see if it addresses your remaining concerns about the forecourt area.

I am pleased to confirm that having checked this in more detail the agreement in lease that is in place for the smaller of the two retail units gives no rights for the tenant over the station forecourt area.

The other retail unit is not yet subject to any agreement and so it can be ensured that no rights are granted over the forecourt for that tenant either.

Documentation which affects the Waitrose store allows the landlord (which will initially be NR) to make estate regulations which the tenant undertakes to abide by. Therefore it is possible for NR to make a regulation that the operator of the in-store coffee shop may not deliver from the station forecourt area, and NR can structure any disposal of its interest in a way that means the eventual owner must retain that regulation.

I therefore believe the above hopefully satisfactorily addresses your remaining concerns. On the basis of the above information would you be able to confirm that you can waive your remaining objection to the disposal of rights please?

I am not working on Monday but am back in the business on Tuesday although at meetings in the morning and so should be contactable from circa 1pm if you want to discuss further.

Kind regards.

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel: 020
Email: @networkrail.co.uk
Web: www.networkrail.co.uk

From: @networkrail.co.uk
Sent: 09 December 2016 17:24
To:
Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Hi

Thank you for your note, and our earlier conversations.

I am grateful for your confirmation that there is no objection to the disposal of the land and buildings marked as 'Disposal Area' on LC7 Plan.

I note your concerns about the areas over which it is proposed to grant access rights and as discussed would confirm that Waitrose will be under an obligation to use "all reasonable endeavours" to cause as little nuisance, damage, annoyance and inconvenience as reasonably possible to the tenants or occupiers of any adjoining premises". "All reasonable endeavours" is recognised by lawyers as being a very strong legal obligation and it's inclusion in legal documentation is often strongly resisted because of that.

From our discussion I understand you are satisfied that that is OK so far as the access road but still have reservations regarding the possible use of the forecourt by delivery vans and vehicles by the occupants of the small retail units and the coffee operator within the Waitrose store.

I will look further into that matter and will try and revert to you early next week regarding that. Thanks for taking the time to talk through the issues with me. Have a good weekend.

Regards.

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel: 020
Email: @networkrail.co.uk
Web: www.networkrail.co.uk

From: [mailto:@gtrailway.com]

Sent: 09 December 2016 15:39

To:

Subject: RE: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Good afternoon

Having reviewed the consultation proposals Govia Thameslink Railway (GTR) have the following comments:

1. No comment or objection to Proposed Property Disposal (marked 'Disposal Area' on LC7 Plan).

2. Granting of Rights of Access:

(a). The proposed access rights area on Market Place is currently used as the station forecourt, providing for commuter drop of / pick up, Waiting bays, Taxi pick up/ drop off and Bus Replacement arrangements. It will be used for the same purpose following the improvement works.

GTR would like to see tho area retained for Rail Use only and be excluded from right of access proposal.

(b). GTR would like to see the retention of significant rights for rail access purposes within the area hatched in blue on LC7 Plan (Clair Road). Rail access will require a distinct priority over any access/ service requirements from the retail units.

Operating TOC to be consulted on any access / services that are agreed with proposed retail operations.

Kind Regards

Govia Thameslink Railway

Email: @gtrailway.com

Mobile:

22. Transport Focus

From: [mailto:@transportfocus.org.uk]

Sent: 01 December 2016 19:49

To:

Subject: Re: CONSULTATION ON PROPOSED LAND DISPOSAL Haywards Heath 0212e17

Thank you for sending Transport Focus details of the proposed disposal at Haywards Heath. They note that:

it is a revision to the redevelopment area to the east of the station, first advised to the then Passenger Focus in June 2012, o/r 1506c13, and again in December 2013, o/r 1012a14; a Waitrose supermarket, other retail units and car parking are being built on the site; the ORR gave their consent to the proposed disposal in March 2014; the area under development has changed, with land added to the original area to the north and east, and removed to the south; an area to the west, adjacent to the operational railway, has also been excluded, to provide room for a possible platform for the Bluebell Railway; Network Rail will retain ownership of some of the disposal area, but will grant rights of access and for services over it; changes in Network Rail's financial status have led to a decision to alter the way that the disposal is made; the 250 year lease proposed could be replaced by a freehold disposal, or combined with one; completion of building works is due in December 2016; marketing of the disposal area is expected to start soon after that.

Transport Focus has been consulted on the various Changes for the station required to cover the new facilities provided as part of the redevelopment scheme.

Transport Focus has no objection to the proposed disposal.

Regards,

.

Tel.

23. Southern Railway

From: [mailto:@gtrailway.com]
Sent: 03 January 2017 16:58
To:
Cc:
Subject: RE: URGENT - LC7 STAKEHOLDER CONSULTATION - HAYWARDS HEATH -

Hi

Always a pleasure.

Regards

Govia Thameslink Railway
Email: @gtrailway.com
Mobile:

Sent from my Windows Phone

From: @networkrail.co.uk
Sent: 03/01/2017 15:50
To:
Cc:
Subject: RE: URGENT - LC7 STAKEHOLDER CONSULTATION - HAYWARDS HEATH -

I refer to our conversation of a few minutes ago, when you kindly advised that that you were able to confirm that your previous responses were also provided on behalf of xxxx and that the e-mails that I sent to you meant that your agreement to the disposal was on behalf of both Thameslink Govia and Southern (and xxxx).

I am really very grateful for your help and confirmation regarding this, and wish you all the very best for the new year.

Kind regards.

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel: 020
Email: @networkrail.co.uk
Web: www.networkrail.co.uk

24. Grand Central Trains

No response

25. Mid Sussex District Council

No response

26. West Sussex District Council

No response

Annex 2 – Network Rail’s Consultation email

From: @networkrail.co.uk

Sent: Friday, November 11, 2016 04:43 PM

To:

Subject: CONSULTATION ON PROPOSED LAND DISPOSAL - TIME LIMITED RESPONSE PERIOD

Dear consultee,

Property: Land at Haywards Heath, West Sussex

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

We attach a draft application form to the Office of Rail and Road which, with the 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 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 **9 December 2016** - or earlier if that is possible please - (including any “no comment” response). It would be helpful if your response is provided by email. Should no response be received by **9 December 2016** 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.

If you have any queries as regards this proposal, please direct them to xxxx (tel: 0207 ; email: @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.

We look forward to hearing from you.

Yours faithfully,

Network Rail
1 Eversholt Street
London
NW1 2DN

Tel: 020

Email: @networkrail.co.uk

Web: www.networkrail.co.uk

Annex B: Additional information supplied by Network Rail

