

Rob Plaskitt
Head of Access and Licensing
Telephone 020 7282 2072
E-mail rob.plaskitt@orr.gsi.gov.uk



OFFICE OF RAIL REGULATION

19 May 2014

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

Network licence condition 7 (land disposal): Brierley Hill, Dudley

Decision

1. On 19 March 2014, Network Rail gave notice of its intention to dispose of an area of land at Brierley Hill, Dudley (the land) in accordance with paragraph 7.2 of condition 7 of its network licence. The land is described in more detail in the notice (copy attached).
2. We have considered the information supplied by Network Rail including the responses received from third parties you have consulted. For the purposes of condition 7 of Network Rail's network licence, ORR consents to the disposal of land in accordance with the particulars in its notice.

Reasons for decision

3. We are satisfied that Network Rail has consulted all relevant stakeholders with current information. We note that:
 - there is no evidence that the proposed disposal would affect adversely existing or future railway operations;
 - the proposed disposal area would be used to facilitate a rail-served renewable energy power facility; and
 - Network Rail addressed the concerns raised by DB Schenker and Freightliner regarding open access for freight operators at the proposed new rail-served facility, and will confirm estimated tonnage levels in due course.
4. Following additional communication between Network Rail and GB Railfreight, Network Rail has stated that the land will remain rail connected and that the proposed sidings will remain in an operational condition for the duration of the disposal term.
5. We also note planning permission has previously been refused by the local authority. However, matters relating to town planning are outside our locus and instead are for the local authorities to consider and address.



INVESTOR IN PEOPLE

6. Based on the evidence we have received and taking into account all of the material facts and views relevant to our consideration under condition 7, we are satisfied that there are no issues for us to address. We have had regard to our decision criteria in *Land disposal by Network Rail: the regulatory arrangements, December 2013*,¹ and balanced our section 4 duties given to us under the Railways Act 1993. In doing so we have given particular weight to our duty to exercise our functions in a manner which we consider best calculated to “*protect the interests of users of railway services*”.

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

A handwritten signature in black ink, appearing to read 'Robert M Plaskitt', with a stylized flourish at the end.

Rob Plaskitt

¹ Available from www.rail-reg.gov.uk/server/show/nav.150

Annex A: Notice given by Network Rail to ORR on 19 March 2014

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>The property is known as land at Brierley Hill, Dudley, in the West Midlands.</p> <p>The property shown comprises an area of circa. 6 acres and is located on the southern side of Moor Street. The surrounding area comprises a mix of residential and commercial uses. The area to the South of Moor Street is predominantly formed of heavy industrial use classes. The site is level with a good concrete surface over the majority of the site's useable area. The site is triangular in shape and tapers to the south western end of the site.</p> <p>This area has historically been one of the main employment locations due to its role in important steel production, predominantly through the former Round Oak Steel Works. The site was utilised as a steel terminal for storage and transfer of bulk processed metal via the rail connection and sidings available here.</p> <p>The immediate surrounding area is made up almost entirely of heavy industrial uses. The site is relatively enclosed in nature, as its boundaries are defined by Moor Street, the rail lines to the east, and the Moor Street Industrial Estate/Stourbridge Canal to the west, which separates the residential and the industrial areas.</p> <p>The site is accessed by a dedicated freight branch line from the south (the remainder of the branch line north towards Walsall is out of use but most of the track remains in situ) and is already carrying the standard 8'6" high containers on standard rail wagons and 9'6" high containers on low height wagons.</p> <p>The site has excellent existing rail access, with good road access from the A4036, A4100 and the A4102. It is also near the Stourbridge Canal, giving potential barge access.</p> <p>The site to be disposed of comprises circa.6 acres of a larger 8.6 acre site.</p>
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	<p>Plan No. 55058-2 The disposal area is shown coloured blue and Network Rail's retained land is shown by green colour.</p> <p>Plan named D6.0 which shows the indicative layout of the proposed facility and the proposed freight terminal facility with 3rd party open access potential as coloured yellow.</p>
Clearance Ref:	CR/15495
Project No.	S09190

Ordnance survey coordinates

E - 391184, N - 286912

Photographs (as required)



2. Proposal	
Type of disposal (i.e. lease / freehold sale)	Leasehold disposal, 250 year term
Proposed party taking	Clean Power Properties Limited or another nominated company.
Proposed use / scheme	The property will be used for a rail served non-incineration renewable energy from waste (EfW) power facility, to comprise a 8MW EfW plant based on 6MW ACT/pyrolysis and 2MW AD facilities. Where possible and economically feasible the waste fuel will be brought in both via rail and road, utilising the sidings already on the adjacent site.
Access arrangements to / from the disposal land	The property will be accessed via road using the existing access off Moor Street and by rail off the adjacent railway line, where economically and practically possible.
Replacement rail facilities (if appropriate)	Not applicable as there are no known operational facilities being impacted.
Anticipated Rail benefits	<p>The proposal will utilise the existing freight facility and create a much improved open access rail freight interchange on site comprising nominally 2 x 375 metre length handling sidings, a hard surfaced loading/unloading apron, together with arrival / departure sidings.</p> <p>The introduction of a new rail service, for the delivering of feedstock and the exportation of recyclates and waste products by rail. Subject to the availability of waste and recyclates and, securing any additional consents required, it is anticipated that up to 400,000 tonnes per annum of waste/recyclate could theoretically be managed through the new rail freight interchange</p> <p>Considerable capital consideration and future annual income from the acquisition and development of the property, to be re-invested in the operational railway.</p> <p>Additional commercial opportunities may result for the freight and rail industry if the adjoining railway land and sidings and third party owned land can be utilised for railway related and commercial development and the transport of waste to the site and other indirect uses resulting from the development of the non-incineration EfW Power Facility.</p>
Anticipated Non-rail benefits	<p>Capital consideration and annual income stream. The generation of electricity will benefit the local and national community and the use of waste products will help national Government sustainability targets by utilising green technology.</p> <p>Employment opportunities will be created and the potential to utilise electricity generated locally may be available.</p>
3. Timescales	
Comments on timescales	Disposal within the next 6-12 months, subject to Planning Consent being granted.

4. Railway Related Issues

History of railway related use	<p>Historically the site was probably used in connection with both a former coal mining and glassworks use. These uses had ceased by the early 1900's.</p> <p>The only known relatively recent railway related use of the site was connected to the use of the site as a steel works terminal. This is likely to have been connected to the former Round Oak Steel Works which closed in 1982. At this time the site was connected to the network with a number of sidings.</p> <p>However the principle rail connected terminal use appears to have ceased by 2006, although a lessor occasional use of the site continued up to 2011/12.</p>
When last used for railway related purposes	The principle rail terminal use appeared to have ceased in c.2006, but occasional use of the site continued up to 2011/12.
Any railway proposals affecting the site since that last relative use	Other than the above, no railway proposals are known to have affected the site since the last relative use.
Impact on current railway related proposals	There is no known impact on any current railway related proposals.
Potential for future railway related use	The site has no known specific allocation for railway use and the site has been given internal Network Rail Clearance. The future potential for the site to be used for future railway related use is improved by the proposed disposal because if access can be economically served by rail then the proposed use will utilise rail access for the delivery of waste related fuel. There are no long term planning requirements from a RUS and Network Planning perspective for the disposal site.
Any closure or station change or network change related issues	No
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	No impact on any railway related access needs.

<p>Position as regards safety / operational issues on severance of land from railway</p>	<p>1. The disposal includes arrangements under which the other party will install new boundary fencing along parts of the railway boundary.</p> <p>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.</p>
--	--

5. Planning History and Land Contamination

<p>Planning permissions / Local Plan allocation (if applicable)</p>	<p>The subject property falls within a locality which has been identified for housing growth (for circa 330 new dwellings) and is stated in the adopted Black Country Core Strategy under location policy WM4. However the wider site (the land between the two railway lines and bordered by Moor Street to the north) was briefly discussed with Council Officers (including transport officers) and it was considered that the land should be retained for employment use with the rail head protected for freight purposes and rail related uses safeguarded in accordance with Policy TRAN3.</p>
---	---

<p>Contamination / Environmental Issues (if applicable)</p>	<p>The site may have contamination issues that need addressing due to the former use of the site as a steel works terminal, and former uses which are believed to have included coal mining related uses and as a bottle/glass works. However this will have limited if any impact on the proposed use and disposal.</p>
---	--

6. Consultations

<p>Railway (internal – Network Rail)</p>	<p>The site is fully cleared and no comments/objections were raised in respect of the disposal, other than DB Schenker and Freightliner stating no objection on a conditional basis. The conditions as stated are acceptable.</p>
--	---

Summary of position as regards external consultations	In addition to normal consultees, the additional stakeholders from Freight have been consulted from a commercial freight perspective:		
	Organisation	Contact	Position
	DB Schenker Rail (UK)		
	DB Schenker Rail (UK)		
	DB Schenker Rail (UK)		
	DB Schenker Rail (UK)		
	Freightliner Group Ltd		
	Freightliner Group Ltd		
	Colas Rail		
	Colas Rail		
	DRS		
	GB Railfreight		
	GB Railfreight		
	Rail Freight Group		
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	Not Applicable		
7. Local Authorities			
Names & Email Addresses:			
Local Transport Authorities:			
Other Relevant Local Authorities:	Dudley Metropolitan Borough Council		
8. Internal Approval			
Surveyor Name:			
Approved by Property Development Manager	Name:	Date Approved by PDM: 13.3.14	

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Licence No. 100040692



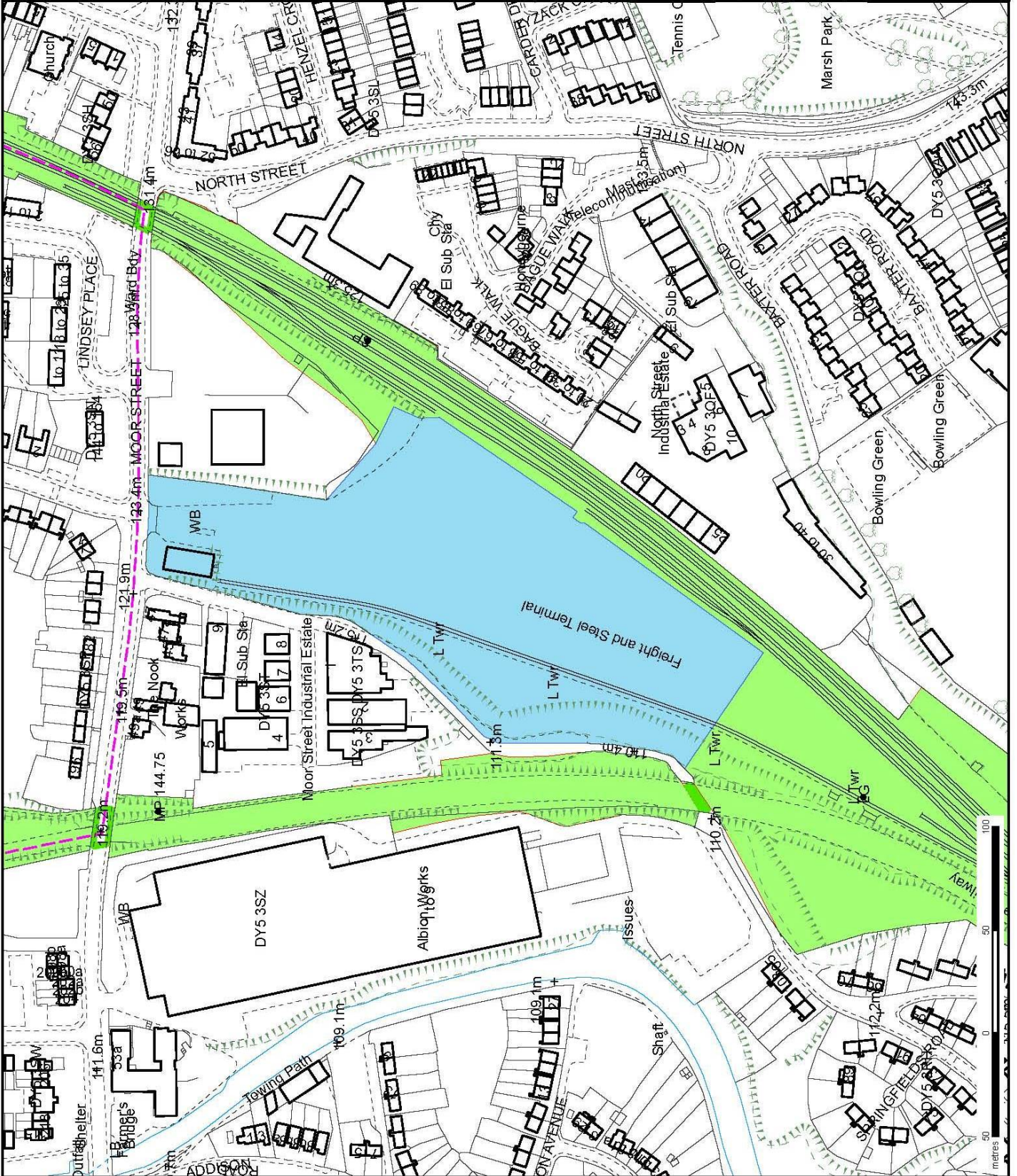
- Disposal Site
- Network Rail retained land

STOURBRIDGE JUNCTION BRIERLEY HILL

Coordinates #	391184, 286912
Scale @ A4	1:2500
Sheet No.	1 of 1
Date	02 Jul 2012
Prepared By	C. C. Hilton
Plan No.	55058-2



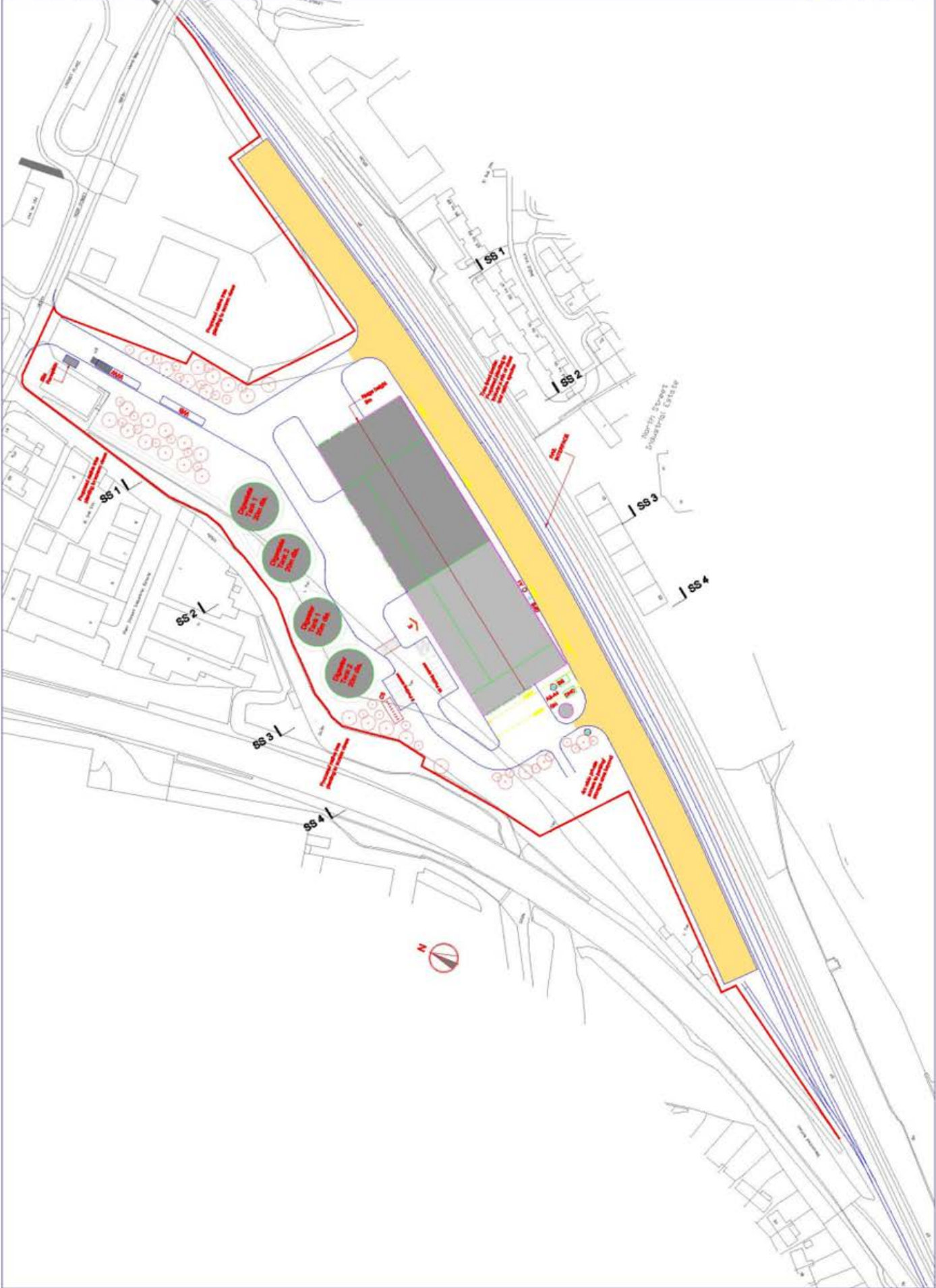
Mapping & Surveying Services
 Property
 1st Floor, Square One
 4 Travis Street
 MANCHESTER M1 2NY
 mapping@surveysyn@networkrail.co.uk



This drawing, like all other drawings in this set, is the property of the client and is to be used only for the purposes stated. All rights, titles, interests and obligations are subject to contract documents.

REVISIONS

intermodality transport strategy & delivery	
Project	CPIC - Shirley Hill
Drawing title	Plant & Open-Access Road Terminal
Project Number	DL3
Drawing Number	MT_0107
Date	20/11/22
Scale	As to notes



PROPOSED PROPERTY 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:

Site location and description: Land at Brierley Hill - Dudley

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

Summary of position regarding responses:

No outstanding objections in respect of the consultation, however, there are a few conditional agreements to the disposal – namely from DBS & Freightliner – these comments will be actioned at the appropriate time and it is acknowledged a disposal cannot take place until these have been confirmed.

There are a number of consultees who have not responded – and it is demonstrated on the consultation report that every effort has been made to elicit a response from them – without satisfaction. These consultees are:

- GB Railfreight
- Direct Rail Services
- British Transport Police on reconsultation

The Local Planning Authority has made reference to planning being refused. The refusal of planning consent is a planning matter and does not seem to relate to any potential alternative railway use of the land.

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	Department for Transport	y	31.5.13 & 21.1.14	no objection – reconsulted and comments still apply	Responded
2	Centro	y	24.9.13	ok	Responded
3	Cross Country Trains	y	4.6.13 & 4.2.14	no objection – reconsulted and comments still apply	Responded
4	C2c Rail	y	1.6.13 & 20.1.14	no objection – reconsulted and comments still apply	Responded

5	Chiltern Railways	y	5.6.13 & 23.1.14	no comments – reconsulted and comments still apply	Responded
6	East Midlands Trains	y	31.5.13 & 18.2.14	no objection – reconsulted and comments still apply	Responded
7	Eurostar International	y	7.6.13 & 20.1.14	no issues – reconsulted and comments still apply	Responded
8	First Great Western	y	3.6.13 & 24.1.14	no comments – reconsulted and comments still apply	Responded
9	Grand Central	y	3.2.14	No comments	Responded
10	London Midland	y	3.6.13 & 5.2.14	no objection – reconsulted and comments still apply	Responded
11	SE Railways	y	30.5.13 & 24.1.14	no comments – reconsulted and comments still apply	Responded
12	Mersey Rail	y	31.5.13 & 21.1.14	no comments – reconsulted and comments still apply	Responded
13	Northern Rail	Y	31.5.13 & 20.1.14	no objection – reconsulted and comments still apply	Responded
14	First Group (Trans Pennine)	y	7.6.13 & 20.1.14	no comments – reconsulted and comments still apply	Responded
15	Virgin Trains	y	12.9.13	no objection	Responded
16	Alliance Rail	y	31.5.13 & 21.1.14	no comments – reconsulted and comments still apply	Responded
17	Colas Rail	y	18.2.14	No comments	Responded
18	Direct Rail Services	N			Chased numerous times as shown in Annex 1
19	DB Schenker	Y	19.9.13	no objection in principle, subject to further discussions	Responded
20	Captrain	y	3.2.14	No comments	Responded
21	Freight Transport Association	y	20.9.13	No comments	Responded

22	Freightliner	Y	19.9.13	no objection in principle, subject to further discussions	Responded
23	GB Railfreight	N			Chased numerous times as shown in Annex 1
24	Rail Freight Group	Y	30.5.13 & 20.1.14	ok – reconsulted and comments still apply	Responded
25	West Coast Railway Co.	Y	11.9.13	no comment	Responded
26	WH Malcolm	y	14.1.14	ok	Responded
27	Association of Community Rail Partnerships	y	14.6.13 & 20.1.14	no objection – reconsulted and comments still apply	Responded
28	BTP	y	7.6.13	no objection	Chased with regards to re-consultation
29	DP World	Y	3.6.13	no comment	Does not want to be part of future lc7 consultations
30	HS2	y	18.2.14	No issues	Responded
31	Passenger Focus	Y	31.5.13 & 3.2.14	no objection – reconsulted and comments still apply	Responded
32	Dudley Metropolitan Borough Council	Y	15.7.13 & 4.2.14	Declined to comment due to on going planning process Updated comments re planning	Responded

Copies of responses are given in the Annexe 1 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. Department for Transport

From: @dft.gsi.gov.uk]
Sent: 21 January 2014 14:14
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Thanks for confirming on this. As nothing has changed DfT has no further comments on the scheme and our view still stands as no objections to raise.

Thanks,

From: @dft.gsi.gov.uk]
Sent: 31 May 2013 14:57
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I have no objections to this proposed disposal.

2. Centro

From: @networkrail.co.uk
Sent: 21 February 2014 14:18
To:
Cc:
Subject: RE: Centro Response to ORR LC7 Consultation - Land at Brierley Hill - Dudley

I can confirm that the rail head will be funded and delivered at no cost to the rail industry and will be delivered and procured upon opening of the new energy facility at CPPs cost

Regards

From: @centro.org.uk]
Sent: 24 September 2013 16:43
To:
Cc:
Subject: Centro Response to ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear

Thank you for providing Centro with the opportunity to comment on proposal LC7 – Land at Brierley Hill, Dudley. Upon inspection of the proposals outlined, Centro supports the development proposed reflecting the opportunity to capture additional rail freight traffic. However Centro does request that Network Rail ensure that the proposed rail head is built and funded as a condition of the sale rather than an approved but unfunded future aspiration so that it can be used immediately upon the opening of the new energy facility.

Please feel free to contact me if Centro can provide further assistance.

Thanks

Direct Dial:
Mobile:
Website: www.centro.org.uk

3. Cross Country Trains

From: @crosscountrytrains.co.uk]
Sent: 04 February 2014 10:26
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Apologies, I thought I had responded – XC has no objection.

Regards
CrossCountry

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

Buy train tickets online at crosscountrytrains.co.uk |

From: @crosscountrytrains.co.uk]
Sent: 04 June 2013 15:43
To:
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

XC Trains has no objection to this proposal.

Regards

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

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

4. c2c Rail

From: @nationalexpress.com]
Sent: 20 January 2014 12:58
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

On behalf of c2c Rail Limited, I confirm that the statement made by xxxx on 1st June 2013 remains valid and we have no objection to this proposed disposal.

Regards,
c2c Rail Ltd

2nd Floor
Cutlers Court
London EC3A 7BR
T:
M:

From: @nationalexpress.com]
Sent: 01 June 2013 15:00
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill – Dudley

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

5. Chiltern Railways

From: @chilternrailways.co.uk)
Sent: 23 January 2014 16:04
To:
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hi

As per my previous email, our response of no comment still stands.

Regards,

From: EXTL: @chilternrailways.co.uk)
Sent: 05 June 2013 12:46
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

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

Regards

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

6. East Midlands Trains

From: @swtrains.co.uk]
Sent: 18 February 2014 08:16
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

With reference to the above land consultation, on behalf of East Midlands Trains Ltd and Stagecoach South Western Trains Ltd 'No Comment'

Stagecoach South Western Trains / East Midlands Trains
Tel -
Mob -

Head Office:
SSWT, Friars Bridge Court, 41-45 Blackfriars Road, London SE1 8NZ
EMT, Prospect House, 1 Prospect Place, Millennium Way, Pride Park, Derby DE24 8HG. Tel:
Stagecoach Rail: 10 Dunkeld Road, Perth PH1 5TW

From: EXTL: @swtrains.co.uk
Sent: 31 May 2013 13:14
To:
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

In respect of the above Land Disposal proposal I can confirm on behalf of East Midlands Trains Ltd & Stagecoach South Western Trains Ltd, 'No Comment'

Stagecoach South Western Trains / East Midlands Trains
Tel - Mob -
Head Office:
SSWT, Friars Bridge Court, 41-45 Blackfriars Road, London SE1 8NZ
EMT, Prospect House, 1 Prospect Place, Millennium Way, Pride Park, Derby DE24 8HG. Tel:
Stagecoach Rail: 10 Dunkeld Road, Perth PH1 5TW

7. Eurostar International

From: @eurostar.com]
Sent: 20 January 2014 12:51
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Thanks, confirm still no issue for EIL

Kind regards

From: @eurostar.com]
Sent: 07 June 2013 11:39

To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear

No Issue for EIL.

Eurostar International Limited

Times House | Bravingtons Walk | London N1 9AW
T +44 (0)
M +44 (0)
eurostar.com

8. First Great Western

From: @firstgroup.com]
Sent: 24 January 2014 11:42
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

No change thank you

First Great Western
3rd Floor | Milford House | 1 Milford St | Swindon SN1 1HL
e: @firstgroup.com | m:

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

From: @firstgroup.com]
Sent: 03 June 2013 17:00
To:
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hello again

No comment thank you.

First Great Western
3rd Floor | Milford House | 1 Milford St | Swindon SN1 1HL

e: @firstgroup.com | m:

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

9. Grand Central Railways

From: EXTL: (@grandcentralrail.com)

Sent: 03 February 2014 15:19

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear

Thank you for your email.
GC has no comment to make on this proposal.

Regards

Grand Central Railway Company Ltd

T: F:

10. London Midland Trains

From: @networkrail.co.uk

Sent: 05 February 2014 16:30

To: '@londonmidland.com'

Cc: '@centro.org.uk'

Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Thanks for the note - I have emailed xxxx from Centro as part of the consultation process.

Regards,

From: @londonmidland.com]

Sent: 05 February 2014 16:28

To:

Cc:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I think that land is probably too far from the station to be used as a Station Car Park but that said Centro may be interested in the site and may wish to protect it from sale .

Kind Regards

London Midland

From: @londonmidland.com]

Sent: 03 June 2013 13:01

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

London Midland do not wish to make any objection to this proposal

Kind Regards

London Midland

11. London & South Eastern Railways

From: @southeasternrailway.co.uk]

Sent: 24 January 2014 15:34

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I can confirm our comment remains as previous

Regards

From: @southeasternrailway.co.uk]

Sent: 30 May 2013 20:10

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Southeastern have no comments on this proposal

Regards

12. Mersey Rail

From: @merseyrail.org]

Sent: 21 January 2014 08:49

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I can confirm that Merseyrail no further comments.

Regards

From: @merseyrail.org]

Sent: 31 May 2013 09:28

To:

Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Merseyrail have no comments on the above proposal.

Regards

13. Northern Rail

From: @northernrail.org]

Sent: 20 January 2014 14:03

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Sir

With reference to your email below dated 20th January. Northern Rail Ltd have no objections to the proposal contained in your email dated 30th May 2013.

Yours faithfully

From: @northernrail.org]

Sent: 31 May 2013 09:36

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Sir

With reference to your email dated 30th May. Northern Rail Ltd have no objections to the proposed disposal of land at Brierley Hill, Dudley.

Yours faithfully

14. Transpennine Express

From: @firstgroup.com]

Sent: 20 January 2014 12:35

To:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hi

I confirm our comments still stand

Kind regards

First TransPennine Express
8th Floor Bridgewater House
Manchester M1 6LT

[|@firstgroup.com](mailto:@firstgroup.com)

From: @firstgroup.com]

Sent: 07 June 2013 13:55

To:

Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hi

I confirm TransPennine Express have no comments to make on this proposed disposal.

Kind regards

First TransPennine Express
8th Floor Bridgewater House
Manchester M1 6LT

@firstgroup.com

15. Virgin Trains

From: EXTL:
Sent: 12 September 2013 15:49
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

No objections from Virgin Trains to these proposals

Kind regards

16. Alliance Rail

From: @alliancerail.co.uk]
Sent: 21 January 2014 13:14
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

No further comments.

Regards

From: @alliancerail.co.uk]
Sent: 31 May 2013 12:21
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley
Nick

No comment from Alliance

regards

Alliance Rail Holdings
88 The Mount
York
YO24 1AR

@alliancerail.co.uk



17. Colas Rail

From: @colasrail.co.uk]
Sent: 18 February 2014 14:27
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Apologies. No comment.

Many thanks
Regards

18. Direct Rail Services

No response, see email chasers below

From: @networkrail.co.uk
Sent: 17 February 2014 11:32
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear consultee

I would be grateful for comments on the consultation
Regards

1 Eversholt Street
London
NW1 2DN
T +44 (0)
M +44 (0)

E @networkrail.co.uk

From: @networkrail.co.uk
Sent: 07 February 2014 11:17
To:
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee

I would be grateful for your comments in respect of the consultation below and whether your original comments still stand, we will be compiling responses on Monday with a view to submitting to the ORR shortly

Regards,

1 Eversholt Street
London
NW1 2DN
T +44 (0)
M +44 (0)

E @networkrail.co.uk

www.networkrail.co.uk/property

From: @networkrail.co.uk
Sent: 11 September 2013 12:45
To: @drsl.co.uk';
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear All

With reference to the site and emails below, I would be grateful for your response on this matter originally emailed to you on 30 May 2013

1 Eversholt Street
London
NW1 2DN
T +44 (0)
M +44
E @networkrail.co.uk

19. DB Schenker

From: EXTL: @dbschenker.com
Sent: Monday, February 24, 2014 01:15 PM
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I think that on that basis we can maintain our support for the LC7 consultation on the basis that a layout will be sought to maximise the opportunities for rail-served freight on the site while developing the energy-from-waste project.

From: @networkrail.co.uk]
Sent: 24 February 2014 12:53
To:
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

NR and CPPL can confirm that we are happy to look at the opportunity to share particularly as mentioned in your email, there may be similarities of use.

I would be therefore be grateful if you could confirm by return that DB Shenker has no objection to the LC7 and the uses on the site are of no concern
Regards,

From: @dbschenker.com]
Sent: Monday, February 24, 2014 09:41 AM
To: @dbschenker.com]
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

SSI and Enablelink Limited (a metal recycling company based at Bilston) have expressed a very keen interest in Brierley Hill for rail traffic (2-3 trains per week).
Both uses are very similar, so a site share is a distinct possibility.

From: @dbschenker.com]
Sent: 21 February 2014 15:17
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

This is SSI for rail-served metals storage and transport. Xxxx is dealing. I don't think they need all the site though. xxxx: any update?

From: @dbschenker.com
Sent: 21 February 2014 15:15
To: '
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

At the time of writing we had active interest from a customer (unrelated to the LC7 proposal) in using the site for rail traffic, but I will need to clarify whether that still arises or the customer has been diverted elsewhere, as I have no current visibility of the issue, so will need to confirm one way or the other on Monday.

From: @networkrail.co.uk]
Sent: 21 February 2014 14:14
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley
Importance: High

Further to the email of 19 sept 2013, can you clarify you point in respect of "issues relating to current use of the site may require to be worked out in more detail" what issues were you referring to

Many thanks

From: EXTL: @dbschenker.com
Sent: 19 September 2013 15:55
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I can confirm that DB Schenker has no objection in principle to the progressing of this proposal, but considers that several issues relating to current use of the site may require to be worked out in more detail. I would also point out that no detailed negotiations on terms under which this scheme could come to fruition have yet taken place with DB Schenker.

DB Schenker Rail (UK) Ltd.
2nd Floor, 310 Goswell Road
London EC1V 7LW
Tel:
Fax:
Mobile:

20. Captrain UK

From: @captrain.co.uk]
Sent: 03 February 2014 10:08
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Please accept my apologies for the oversight in the lack of response to you.
We would have had no comments then and this situation would not have changed.

Regards.
Captrain UK Ltd
2nd Floor, Asra House
1 Long Lane
LONDON SE1 4PG

Tel: + 44 (0)
Mobile: + 44 (0)
Email: @captrain.co.uk
Web: www.captrain.co.uk

21. Freight Transport Association

From: @fta.co.uk]
Sent: 20 September 2013 19:19
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Apologies we have no comment.

Freight Transport Association

Direct Line:

Mobile:

Fax:

www.fta.co.uk

22. Freightliner

From: @Freightliner.co.uk]

Sent: Monday, February 24, 2014 03:20 PM

To:

Subject: RE: ORR LC7 Consultation - Land at Willesden Junction - London

I'll agree to you progressing all of the LC7s whilst tonnages are being firmed up.

Just to be clear, there needs to be a guaranteed tonnage for each site, not just an 'aggregate' rail tonnage rolled up across all of the proposed CPP sites.

Thanks

From: @networkrail.co.uk]

Sent: 24 February 2014 15:17

To:

Subject: Re: ORR LC7 Consultation - Land at Willesden Junction - London

Can you confirm that you agree to the progression of all the LC7s in the system whilst tonnages are being firmed up

Regards,

From: @Freightliner.co.uk]

Sent: Monday, February 24, 2014 03:06 PM

To:

Subject: RE: ORR LC7 Consultation - Land at Willesden Junction - London

I can confirm that we will agree to the LC7 progressing whilst tonnages are being firmed - up.

Regards

From: [@networkrail.co.uk]

Sent: 21 February 2014 15:07

To:

Subject: RE: ORR LC7 Consultation - Land at Willesden Junction - London

It was remise of me not to answer one of the comments below in respect of tonnage.

we accept that clarity on tonnage needs to be understood, but this will evolve once more site specific detail becomes available via 3rd part operators and rail freight partners.

Can you confirm agreement to this proposal in order that we can progress the LC7

Regards

From: @Freightliner.co.uk]
Sent: 12 September 2013 17:03
To:
Subject: RE: ORR LC7 Consultation - Land at Willesden Junction - London
Importance: High

Hi

I hope you don't mind me preparing one 'cover – all' response to the various CPP proposals, but this seems the most straightforward approach.

Based on the ongoing discussions we are having with R-Land/CPP, **Freightliner is prepared to AGREE in principle to the proposed disposals at Brierley Hill, Castleford, Willesden, and Washwood Heath**

This is strictly subject to obligations being placed on the developer by Network Rail - Network Rail to impose a covenant in the lease between NR/CPP, requiring CPP to hit a benchmark rail tonnage, based on available waste streams to serve the site.
You state that CPP should use 'reasonable endeavours' to hit these tonnages – but we feel the obligation needs to be a bit more robust than this i.e. there must be no room for CPP to wriggle out of using rail in the future simply because they feel it is uneconomic to move it by rail.

The exact benchmark tonnages will need to be established following ongoing discussions between CPP and the rail industry stakeholders (including Freightliner).
I am not able to finalise our views on the benchmark Waste tonnages at the present time, as this requires further work with CPP and identification of firm contractual Waste Flows to and from each of the sites so that we can work out the sites' potential contributions to Railfreight activity.
We need to weigh this up against the potential of the sites for alternative Railfreight uses – albeit that these might not necessarily have come to fruition within the same timescales as the CPP proposals. I had hoped to have at least some steer on the level of tonnages for you by today, but unfortunately will have to provide later as my colleagues are on leave this week.

As regards Castleford – as the site is an SFS there needs to be provision for an intermediate (peppercorn) lease between Network Rail and whichever Freight Operator is successful in securing the rail traffic for the site.

Willesden – we would need further work to be done to ensure that the remainder of the site is still useable for other railfreight activities, as discussed previously.

Again, I had hoped to have feedback from colleagues regarding the sites listed by Nick Gallop below – but this has not been forthcoming as yet.
I think it is fair to say that we remain sceptical about the prospects of open access use of any of the CPP terminals, hence why we feel there should be a commitment imposed upon CPP themselves to use rail.

Regards

23. GB Railfreight

No response, see email chasers below

From: @networkrail.co.uk
Sent: 11 September 2013 12:45
To: EXTL: (GB RailFreight
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear All

With reference to the site and emails below, I would be grateful for your response on this matter originally emailed to you on 30 May 2013

1 Eversholt Street
London
NW1 2DN
T +44 (0)
M +44 (0)
E @networkrail.co.uk

www.networkrail.co.uk/property

From: @networkrail.co.uk
Sent: 03 February 2014 10:04
To: EXTL: (GB RailFreight); '
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee

With regards to the email below, I don't seem to have had a response from you on this

I would be grateful for your comment

Regards,

1 Eversholt Street
London
NW1 2DN
T +44 (0)
M +44 (0)
E @networkrail.co.uk

From:
Sent: 07 February 2014 11:19
To: EXTL: (GB RailFreight);
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee

I would be grateful for your comments in respect of the consultation below and whether your original comments still stand, we will be compiling responses on Monday with a view to submitting to the ORR shortly

Regards,

From: @networkrail.co.uk
Sent: 17 February 2014 11:32
To: EXTL: (GB RailFreight);
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear consultee

I would be grateful for comments on the consultation

Regards

24. Rail Freight Group

From: @rfg.org.uk]
Sent: 20 January 2014 14:27
To:
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

No change,

Rail Freight Group
@rfg.org.uk

From: @rfg.org.uk]
Sent: 30 May 2013 20:20
To:
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Ok with RFG

Thanks

Sent from my iPad

25. West Coast Railway Company

From: @aol.com]
Sent: 11 September 2013 12:49
To: Carvell Nick
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

No comment

WCR

T
M

26. W.H. Malcolm

From: @whm.co.uk]
Sent: 14 January 2014 13:59
To:
Cc:
Subject: LICENCE CONDITION 7: LAND AT WILLESDEN, BRIERLEY HILL, WASHWOOD HEATH AND ALLERTON BYWATER

As discussed I confirm WH Malcolm has no objections to your proposals in respect of the above locations.

Regards.

27. Association of Community Rail Partnerships

From: @btconnect.com]
Sent: 20 January 2014 18:07
To:
Subject: Re: ORR LC7 Consultation - Land at Brierley Hill - Dudley

If nothing substantial has changed ACoRP's comment still stands.

ACoRP

Sent from my iPhone

From: @btconnect.com]
Sent: 14 June 2013 15:09
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hello

ACoRP have no objection to this disposal.

Regards

Association of Community Rail Partnerships
T:
M:
E: @acorp.uk.com
W: www.acorp.uk.com

'New Life For Local Lines'

28. British Transport Police

From: @networkrail.co.uk
Sent: 17 February 2014 11:32
To: EXTL: @btp.pnn.police.uk'
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear consultee

I would be grateful for comments on the consultation

Regards

1 Eversholt Street
London
NW1 2DN
T +44 (0)

M +44 (0)
E @networkrail.co.uk

www.networkrail.co.uk/property

From: @networkrail.co.uk
Sent: 07 February 2014 11:19
To: EXTL: @btp.pnn.police.uk'
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee

I would be grateful for your comments in respect of the consultation below and whether your original comments still stand, we will be compiling responses on Monday with a view to submitting to the ORR shortly
Regards,

From: @networkrail.co.uk
Sent: 20 January 2014 12:27
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee,

With regards to the consultation document sent out to yourselves, I would be grateful if you could confirm that your comments still stand, I can confirm nothing has changed in respect of the body of the original consultation document sent out.

I would be grateful for your response by return
Regards

From: @btp.pnn.police.uk]
Sent: 07 June 2013 10:35
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hi

Please see comments below.

Many Thanks

From: @btp.pnn.police.uk]
Sent: 06 June 2013 09:09
To:
Cc:
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

I can see no reason to object to the proposal.

Thank you.

29. DP World

From: @dpworld.com]
Sent: 03 June 2013 10:39
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

No Comment.

DP World - London Gateway

Tel:
Mobile:
email address - @dpworld.com

30. HS2

From: @hs2.org.uk]
Sent: 18 February 2014 17:35
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Hello

This land is not described in the Hybrid Bill. We are not aware of this site forming part of our "on network" works. Therefore we cannot foresee any HS2 future use for this site at Brierley Hill.

It has taken a bit of work to get to this point but I hope this answer is sufficient.

Regards
HS2 Ltd

From: @networkrail.co.uk
Sent: 17 February 2014 11:32
To: EXTL: @hs2.org.uk'; '
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear consultee

I would be grateful for comments on the consultation
Regards

31. Passenger Focus

From: @passengerfocus.org.uk]
Sent: 03 February 2014 11:05
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley 3105f14

This is to confirm that the response, ref. 3105f14 on 31/5/13, is still valid.

Regards,

From: @passengerfocus.org.uk]
Sent: 31 May 2013 14:58
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley 3105f14

Thank you for sending Passenger Focus details of the proposed lease of land at Brierley Hill. They note that:

the disposal will be by means of a 250 year lease;
approximately six acres will be leased as the site of a power station generating energy from waste;
an open access freight terminal is also proposed;

disposal could be within 6 – 12 months;
no known proposal for its use for passenger facilities has been identified.

Passenger Focus has no objection to the disposal.

Regards,

32. Dudley Metropolitan Borough Council

From: @dudley.gov.uk]
Sent: 04 February 2014 16:32
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear

The planning application P12/1287 for energy from waste and anaerobic digestion plant was refused in August last year by the Council.
This decision of the Council has now been appealed and a public inquiry is expected during the summer.

I trust this is of assistance.

From: @dudley.gov.uk]
Sent: 11 September 2013 15:17
To:
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Good Afternoon

Please see the email response below sent on 15th July 2013.

Kind Regards

***Development Control
Dudley MBC
Tel -
@dudley.gov.uk***

From: @dudley.gov.uk
Sent: 15 July 2013 11:10
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear

Apologies for the delay in responding to you.

The Council has a current planning application at the above site, and therefore it would be inappropriate for the Council to comments on the above land disposal.

Regards

Annex 2 - Network Rail's Consultation emails

From: @networkrail.co.uk
Sent: 20 January 2014 12:27
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee,

With regards to the consultation document sent out to yourselves, I would be grateful if you could confirm that your comments still stand, I can confirm nothing has changed in respect of the body of the original consultation document sent out.

I would be grateful for your response by return

Regards

From: @networkrail.co.uk
Sent: 30 May 2013 17:27
To:
Subject: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Dear Consultee,

Property: - Land at Brierley Hill - Dudley

We seek to consult you as regards your views, please, on our proposed disposal by way of long-leasehold or Freehold

We attach a draft application form to the Office of Rail Regulation which, with its related plan(s), explains the proposal in detail. Subject to the outcome of our consultation, we may make a formal application to ORR for consent to 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 **28 June 2013**, being 4 weeks from issue of email (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 on xxxx 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,

1 Eversholt Street
London
NW1 2DN

T +44 (0)
M +44 (0)

E @networkrail.co.uk

www.networkrail.co.uk/property

Annex B: Additional consultation responses sent from Network Rail

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

Sent: 16 May 2014 10:05

To:

Cc:

Subject: RE: Clean Power Properties: LC7 application for Brierley Hill, Micheldever, Allerton Bywater

Guys

Firstly I must apologise for the delay regarding these sites, trust me in that it has been a bit of a saga and to compound matters my home base is in Carlisle but I am practically in London nearly every week.

I would like to confirm that Direct Rail Services have no objections to the proposed land disposals at Brierley Hill, Micheldever and Allerton Bywater.

Do not recall seeing anything on Livingston?

Regards

Tel: Mobile: E-mail:

Direct Rail Services Limited

Kingmoor TMD

Etterby Road

Carlisle

CA3 9NZ

From: @networkrail.co.uk

Sent: 19 May 2014 12:13

To:

Cc:

Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Many thanks for your email and confirmation.

I can confirm that the conditions below and confirmed and will be adhered to

Regards

1 Eversholt Street

London

NW1 2DN

T

M

E

9701417

Page 34 of 35

www.networkrail.co.uk/property

From: @gbrailfreight.com
Sent: 19 May 2014 11:23
To:
Cc:
Subject: FW: ORR LC7 Consultation - Land at Brierley Hill - Dudley

Further to my original reply of 29 April 2014 and following further discussions between my commercial colleagues and the potential tenant, GB Railfreight Ltd are now prepared to support the proposed long term lease provided it incorporates requirements for the site to remain rail connected and for the proposed sidings to be installed and maintained in an operational condition for the duration of the lease term.

Regards
GBRf

From: @gbrailfreight
Sent: 29 April 2014 13:09
To:
Cc:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

xxxx

GB Railfreight Ltd do not consider that the proposed long term lease will generate any viable flows of rail traffic, but will result in the effective loss of a reasonably sized railfreight terminal site and its replacement by a much smaller facility capable of handling only a limited variety of traffic. For these reasons GB Railfreight Ltd do not support the proposed lease.

Regards
GBRf

From: [@networkrail.co.uk]
Sent: Thursday, April 24, 2014 1:14 PM
To:
Subject: RE: ORR LC7 Consultation - Land at Brierley Hill - Dudley

With regards to the consultation below, are you able to respond – I have emailed a number of times, ORR have requested a response from DRSL

Regards