

Property Disposal – Specific Consent

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

1. Disposal			
Type of disposal	Freehold Sale via Option Agreement		
Rationale for disposal	<p>Proposed freehold disposal of c. 9.7 acres for use as Data Centre, subject to grant of planning permission. The land forms the northern section of Langley Oil Depot with the entire Langley Oil Depot currently held by DB Cargo (DBC) by way of long leasehold granted 1994 and expiring 2119. DBC seek to surrender their long leasehold interest of the subject land, subject to planning being granted for a Data Centre. DBC have agreed terms with a Data Centre developer and will split the proceeds with NR, subject to simultaneous regrants of long leasehold to the area DBC use and wish to continue to occupy. The land is c. 40% floodplain and lays 3 metres below the level of the railway, rendering it unsuitable for railway use even with significant investment. Part of the DB share of disposal proceeds will fund enhancements to the existing freight facility. The NR proceeds will be spent improving the freight portfolio to maximise freight services.</p>		
2. Clearance	Type	Reference	Date
Clearance Details	Freehold Disposal		
	Business Clearance	CR/60132	28/02/2024
	Technical Clearance	CR/60132	03/04/2024
	Access Easement		
Business Clearance	CR/60135	28/02/2024	
Technical Clearance	CR/60135	25/03/2024	
3. Site			
Description of property for disposal	<p>Rectangular parcel of land measuring 39,588 square metres (9.782 acres) located immediately northeast of Langley Railway Station. The disposal property comprises unused, cleared, bare land prone to flooding. The disposal land is currently listed as a Strategic Freight Site however in-principle approval to de-list the part of the former Oil Depot forming the disposal land was granted at the Freight Site Review Meeting on 15th May 2024, subject to the reinvestment as described above.</p>		
Attached plans and	<p>Attached plans and photographs: Plans- Plan 1 0501083-2 shows the freehold disposal land shaded</p>		

photographs:	blue, the right of way to be granted shaded brown and Network Rail retained land shown shaded green. Plan 2 0501083-3 shows the revised long leasehold area post freehold disposal edged blue. Plan 3 shows DB Cargo's current lease area shaded dark green with the station lease area shaded red. Appendix 1 – Photographs and aerial images of the subject land.
Ordnance survey coordinates	MLN1 16M 0066yds E:501647; N:179928

4. Proposal

Proposed party taking disposal	Foundation Property & Capital, c/o CBRE Limited, Henrietta House, Henrietta Place, London, W1G 0NB
Proposed use / scheme	Data Centre, subject to planning permission.
Access arrangements to / from the disposal land	Access and egress to the disposal land will be by way of grant of permanent easement over Network Rail retained land currently in use as an access road from Station Road to Langley Oil Depot. Access to Langley Railway Station and associated Car Park will not be altered or affected by the proposed grant of permanent easement, with the vehicular entrance Station being in close proximity to the public highway of Station Road with traffic for the former Oil Depot having historic shared use of the same access road to reach the Depot located at the far end of the unadopted NR access road.
Replacement rail facilities (if appropriate)	Not applicable as the disposal would not affect the operational railway. The disposal land is not rail served.
Anticipated rail benefits	Proceeds from the sale will be reinvested into the rail freight. DB to improve existing rail access rights for maintenance as part of its obligation under the sale.
Anticipated non-rail benefits	Network Rail would be no longer responsible for the property management costs encountered when managing a larger long leasehold interest in its land. Disposing of the land reduces the risk of further fly tipping and trespass. NR would be encouraging inward investment, providing land for critical infrastructure, as Data Centres are now classified, in addition to creating many new construction and permanent jobs within the completed Data Centre.

5. Timescales

Comments on timescales	Sale to be progressed once all regulatory consents obtained. Completion of option agreement subject to planning for Data Centre anticipated March 2025. The proposed option agreement would be granted for a 3 year period from early 2025 with the buyer using best endeavours to submit a planning application within 4 months of exchange of contracts. The trigger for completion of the conditional contract is suitable grant of planning for a Data Centre.
6. Railway Related Issues	
History of railway related use	The disposal land has not been in operational use since the Langley Oil Depot was closed during 2000. DBC have sublet the subject land for open storage use since 2002 however the land is now vacant.
When last used for railway related purposes	The subject land was last used for railway purposes as part oil depot during 2000 with demolition of the oil facility complete by 2002.
Any railway proposals affecting the site since that last relative use	The site was considered for the Western Rail Link to Heathrow (WRLtH) however, upon review by NR's Strategic Planning Team, it was determined the disposal of the subject land would not prevent the remainder being used for WRLtH as detailed further in section 8 below.
Impact on current railway related proposals	None.
Potential for future railway related use	No potential for future railway use was identified by the Western Route Strategic Planning Group meeting #241 on 18 th June 2024, subject to material comments being satisfied as detailed in section 8 below.
Any closure or station change or network change related issues	None.
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	This disposal does not affect railway related access needs.
Position as regards safety / operational issues on	The disposal includes arrangements under which the other party will install new boundary fencing along the new boundary with Network

severance of land from railway	<p>Rail retained and sufficient fencing already exists for the rest.</p> <p>The disposal is on a basis under which Network Rail has had due regard (where applicable) to impact of the disposal on lineside works, including railway troughing, signalling and their maintenance. The disposal is without prejudice to Network Rail's safety obligations, with which Network Rail will continue to comply. Network Rail's network licence requires compliance with Railway Group Standards. These set out requirements for – amongst other things – fencing, access and signal sighting. In addition, the Railways and Other Guided Transport Systems (Safety) Regulations 2006 require Network Rail to have a safety management system and safety authorisation in respect of its mainline railway system and its railway infrastructure. These, in turn, require Network Rail to comply with Railway Group Standards as well as its own internal standards; and also continually to monitor changes to the risks arising from its operations and to introduce new control measures as appropriate.</p>
Safety issues identified and how they have been addressed	<p>The disposal documentation shall include Network Rail's usual safety provisions appropriate to this disposal site and type of disposal.</p> <p>(N.B. The safety conditions described above are a requirement of the Technical Clearance Certificate and are relevant at the disposal stage of the transaction. These requirements are subject to change e.g. by development of subsequent detailed designs that may necessitate amended safety requirements subject to consultation and agreement by the railway engineer).</p>
7. Planning History and Land Contamination	
Planning permissions / Local Plan allocation	<p>There are no planning permissions in relation to the land, other than the permitted development rights Network Rail benefits from. There is an allocation for the site to be used for residential housing however this is felt incompatible with the adjoining use of Freight Yard.</p>
Contamination / Environmental Issues	<p>Examination of Network Rail records has not identified any mining or dissolution issues at this site. There are recorded landfill sites within 250 metres, but it is not known whether landfill gas is being produced.</p>
8. Internal Consultation	
Internal consultation	<p>As part of the clearance process, Wales & Western Region has been consulted on this proposal at Western Route Strategic Planning Group (RSPG) meeting #241 on 18th June 2024 and:</p> <p>b) Approved the proposal, subject to the following material comments being satisfied: -</p>

	<p><u>Confirmation of the impact on any potential resumption of Western Rail Link to Heathrow (WRLtH)</u></p> <p>Following internal discussions, RSPG concluded <i>‘the specific costs associated with any temporary land requirement in the Langley area is unlikely to be a major driver as to whether WRLtH goes ahead. However, Strategic Planning has reviewed the proposed disposal and confirm that it does not clash directly with the future WRLtH alignment although it might make future construction marginally more constrained. We do not object to the sale as it does not prevent WRLtH from occurring in the future and we consider the constraint to be minor, closing the issue for RSPG purposes’.</i></p> <p><u>Agreement on the lack of utility of the disposal site for future rail freight</u></p> <p>NR’s Freight team confirmed the status of the site as a Freight Terminal means that if all or part of the site is surrendered by the existing operator it would automatically become a Supplementary Strategic Freight Site. This means that the FOCs need to agree to any disposal. An initial meeting with them secured agreement in principle, provided proceeds are reinvested into freight property. RSPG stated <i>‘thank you for confirming that the FOCs and NR freight teams have agreed in principle – issue closed for RSPG purposes’.</i></p> <p><u>Confidence that the resulting development would not increase railway flooding risk unacceptably</u></p> <p>The Development Manager confirmed any development will have obligations that drainage plans be approved by the NR Drainage Engineer prior to application. Network Rail have commissioned a Flood Plain report to establish developable area and learn of mitigations the developer will be required to satisfy as part of planning process. RSPG responded <i>‘Thank you for confirmation that the sale requires the NR drainage engineer’s approval to the works – issue closed for RSPG purposes’.</i></p> <p>And subject to the formal clearance process and associated consultation having being undertaken</p>
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9. Local Authorities

Names & Email Addresses:	Slough Borough Council – contact Highways Development Control
Local Transport Authorities:	As above.
Other Relevant Local Authorities:	

10. Internal approval to consult

<p>Recommendation:</p>	<p>By proceeding to consult I am:</p> <ul style="list-style-type: none"> recommending that Network Rail consults on the terms of disposal confirming that I have read and understood Network Rail’s Code of Business Ethics and policy on Interests in Transactions confirming that I have secured internal written approval to consult in accordance with Network Rail’s policy on Authorising Application Forms.
<p>11. External Consultation</p>	
<p>Summary of position as regards external consultations</p>	<p>25 external stakeholders were consulted, and 22 responses were received, as per the list below. There were no objections. Responses were not received from 3 stakeholders, none of which were deemed key consultees. No response was received from Freightliner although they are aware of NR proposals to dispose by way of the Freight Site Review Meeting on 15th May 2024</p>
<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward</p>	<p>Whilst there were no objections to resolve, GWR did note the internal consultations around the possible resumption of the Western Rail Link to Heathrow (WRLtH) and enquired whether the Western Route Director was aware of the intention to dispose of the subject land which, whilst not precluding the WRLtH should it be resumed, may make it more difficult and costly to implement. NR confirmed that the Route Director was in attendance at the Western Route Strategic Planning Group (RSPG) meeting #241 on 18th June 2024 where the proposal was endorsed, subject to the comments on WRLtH and others (see 8 Internal Consultation) being satisfied.</p>
<p>12. Internal approval to dispose</p>	
<p>Recommendation:</p>	<p>Based on the above, I recommend that Network Rail proceeds with the disposal under the ground(s) of the general consent selected below.</p>
<p>Declaration:</p>	<p>I have read and understood Network Rail’s code of Business Ethics and Policy on Interests in Transactions.</p>
<p>Proposer’s name:</p>	<p>Proposer’s job title: Surveyor</p>
<p>Signed</p>	<p>Date 31/10/2024</p>
<p>Authorised by (name):</p>	<p>Authoriser’s job title: Development Manager</p>

OFFICIAL

Signed	Date 04/11/2024
Authorised by (name):	Authoriser's job title: Property Director – W&W
Signed	Date 7/11/24