

10 March 2022

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

Network licence Condition 17 (land disposal): Jarrow Branch Line, South Tyneside, Tyne and Wear

Decision

1. On 14 January 2022, Network Rail gave notice of its intention to dispose of the railway line known as the 'Jarrow Branch Line' and associated land located in South Tyneside, Tyne and Wear ("the land"), in accordance with Condition 17 of its network licence. The land is described in more detail in the notice (copy attached).
2. We have considered the information supplied by Network Rail including the responses received from third parties consulted. For the purposes of Condition 17 of Network Rail's network licence, ORR consents to the disposal of the land in accordance with the particulars set out in its notice.

Background

3. The Tyne and Wear Metro is a light rail rapid transit system for Tyne and Wear, owned and operated by the Tyne and Wear Passenger Transport Executive (branded as Nexus). Nexus provides passenger services serving 60 stations.
4. There are three short single-track sections on the Nexus network where trains must use the same line in both directions: between Pelaw and Hebburn (800m), Hebburn and Jarrow (1.4km) and Jarrow and Bede (600m). The sections create traffic bottlenecks and hence capacity problems for Nexus.
5. Nexus proposes to alleviate this issue through the Metro Flow Expansion Project. The project will remove the bottlenecks by dualling the three single-track sections with the adjacent track, a freight line (the Jarrow Branch Line) owned by Network Rail, some 5.95km in length. The proposed divestment of this line to Nexus will facilitate the merging of the lines and the creation of a twin-track alignment. Once completed, freight train operators would share the merged infrastructure with the Metro's passenger trains.

Preparation for transfer

6. The transfer of the Jarrow Branch Line from Network Rail to Nexus requires our consent under Condition 17 of its network licence. However, obtaining our consent alone is not enough for the transfer to take place. Other requirements need to be agreed and finalised, as detailed below.

Network Change

7. The transfer of the Jarrow Branch Line will reduce the size of Network Rail's network, albeit marginally. Part G of the Network Code (incorporated into each track access contract between Network Rail and train operators) requires Network Rail to propose a Network Change in circumstances such as these. The Network Change must either be agreed by the affected train operators, or any dispute must be resolved (whether by agreement or in accordance with the Access Dispute Resolution Rules) before the change can be implemented.

Variation to Network Rail's track access contracts

8. DB Cargo ("DBC") has a track access contract with Network Rail for specific access rights across the Jarrow Branch Line¹. Network Rail and DBC will need to amend the access rights concerned to reflect the transfer.

New track access and connection contracts with Nexus

9. DBC will also need an access contract with Nexus to operate on the newly-aligned and merged track. Nexus therefore needs to negotiate the terms with DBC. This includes agreement on issues such as access charges, an appropriate performance regime and rules that set out how the shared network will operate in practice. Where required under the Railways Act 1993 ("RA1993"), a new access contract will require ORR's approval².

10. Network Rail also has a connection agreement with Prax Petroleum. This agreement will be terminated and a new connection agreement between Nexus and Prax Petroleum developed, which will need ORR approval.

Grant of a network licence to Nexus

11. Section 6 of the RA1993 makes it an offence to act as the operator of a network without holding a Railways Act licence or licence exemption. In the event that the transfer proceeds, ORR is considering the scope of a network licence for Nexus and will consult on this in sufficient time for a licence to be in place by the required operational date.

Safety Authorisation

12. Nexus already has a safety authorisation to cover the Metro network. This authorisation also includes the Jarrow Branch Line network, in accordance with regulations 3 and 10 of *The Railways and Other Guided Transport Systems (Safety) Regulations 2006*.

¹ Currently, DBC runs 1-2 trains a week on the branch line to the Prax Petroleum oil terminal at Jarrow.

² Where access to facilities will not fall under the RA93, but under *The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016*, ORR will have an appeal role rather than a pre-approval role. Note the [General Approval for freight facility access agreements 2018 \(orr.gov.uk\)](https://www.gov.uk/government/consultations/general-approval-for-freight-facility-access-agreements-2018) may also be relevant.

Issues raised in Network Rail's consultation

13. Network Rail consulted relevant stakeholders and most respondents raised no issues regarding the proposed disposal and the future development of the railway. Freight respondents, however, did raise significant comments. DBC, GB Railfreight, Freightliner and the Rail Freight Group had substantial concerns on issues relating to track access.

14. DBC had the main concerns as it would be affected immediately by the transfer. Freightliner, GB Railfreight and the Rail Freight Group raised broadly similar concerns, saying they would not agree to the proposed disposal until all the contractual agreements with Nexus have been finalised.

15. Colas Rail stated that it did not want any engineering possessions to affect freight operations. We note that this particular issue could be addressed in the agreements between Nexus and freight train operators.

16. The objections can be found in Network Rail's stakeholder consultation (attached). In summary, the key reservations covered:

- network change still required completion;
- a new track access contract requires agreement, as Network Rail would be in breach of the existing track access contract as it stands;
- increased bureaucracy, as additional access contracts would be required;
- whether price would be protected in a new connection agreement;
- potential additional cost - Nexus may increase charges in excess of those charges levied by Network Rail;
- where liabilities would lie in new access agreements;
- how the current performance regime would be affected;
- how engineering access would be protected; and
- the transfer could cause the disapplication of Network Rail's Network Code, future timetabling and the delay attribution process.

17. We note the above issues are under discussion between the freight train operators, Nexus and Network Rail. They require resolution before DBC will agree to vary its existing contract with Network Rail, to reflect the transfer and enter into a new access contract with Nexus. In addition, the operators stated that they will not consent to Network Rail's proposed Network Change until the access matters have been resolved. The transfer of land will therefore not progress to completion until resolution has been reached.

18. We acknowledge the concerns raised by freight train operators in their responses to Network Rail's land disposal consultation. We also note that the need to have a separate access contract to operate on the newly-merged line increases to some degree the level of complexity and burden. It introduces a potential that the operator may face additional costs or liabilities above those faced currently with the

Jarrow Branch Line being part of Network Rail's network. This is subject to discussion between DBC and Nexus.

19. The decision we are making now relates specifically to Network Rail's land disposal, in accordance with Condition 17 of its network licence and our decision criteria set out in *Land disposal by Network Rail: The regulatory arrangements, October 2019*³.

20. We have consented to the proposed disposal noting that the new owner of the freehold, Nexus, is the Tyne and Wear Passenger Transport Executive for the Tyneside area – a public agency for creating better transport networks. Nexus is also accountable to the North East Combined Authority and the North of Tyne Combined Authority for its actions in the public interest.

21. The particulars of this case mean our decision is consistent with our objective: to protect against the disposal of land which may be important to the continuing operation and future development of the railways. We note that the Nexus dual-tracking scheme, once implemented, would bring benefits to Metro passengers through increased capacity and reduced journey times.

22. Our consent to the land transfer does not mean that it must now go ahead. Successful completion of the transfer will rely on the issues discussed above being resolved. Agreement will need to be reached with all parties: train operators will need to consent to the Network Change proposal; DBC will need to agree to vary its existing contracts with Network Rail; and Nexus and DBC must enter into a new access agreement for the merged line. Prax Petroleum and Nexus will also need to enter into a connection agreement.

Reasons for decision

23. In making our decision, we have had regard to our decision criteria as set out in *Land disposal by Network Rail: The regulatory arrangements, October 2019*. We have also balanced our section 4 duties given to us under the RA1993, in particular our duties to:

- (i) promote improvements in railway service performance;
- (ii) otherwise to protect the interests of users of railway services;
- (iii) promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that it considers economically practicable;
- (iv) contribute to the development of an integrated system of transport of passengers and goods;

³ Available from https://orr.gov.uk/data/assets/pdf_file/0007/1996/land-disposal-regulatory-arrangements.pdf.

- (v) contribute to the achievement of sustainable development; and
- (vi) enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.

24. 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”. We have also had regard to our duties under section 149 of the Equalities Act 2010.

25. As noted above, our objective in regulating Network Rail’s land disposals is to protect against the disposal of its land which may be important to the continuing operation and future development of the railway. In this case the proposed disposal is to Nexus, who will continue to provide railway services to freight operators while improving the capacity of its network for passenger train services. No overall reduction of the railway in this localised area is proposed.

26. We are satisfied that Network Rail has consulted relevant stakeholders with current information on the proposed land disposal.

27. We have concluded that the proposed disposal of land is not against the interests of users of railway services. In reaching its decision, ORR is satisfied that:

- (i) the proposed disposal will facilitate the double-track enhancement of the Nexus network between Pelaw and Jarrow, increasing its capacity and allowing increased frequency of the Nexus Metro passenger services;
- (ii) freight trains will retain the ability to access the oil terminal at Jarrow after the work to merge the Jarrow Branch Line with the Nexus network is complete; and
- (iii) there is no evidence to indicate that the proposed disposal would conflict with Network Rail’s core duties and/or network management responsibilities under its network licence.

28. Network Rail has recognised the issues raised by freight stakeholders and has suggested that we can address their concerns by attaching conditions to our consent relating to completion of the Network Change procedure (under Part G of the Network Code) and all supporting contractual documentation for the use of the Jarrow Branch Line.

29. However, freight train operators can ensure that the issues they are progressing with Network Rail (summarised in paragraph 16) are addressed before they consent to Network Rail’s Network Change proposal. Network Rail is required to complete the Network Change procedure prior to completing the transfer of the land. Therefore, we consider there is no need for us to attach conditions to ensure these matters are addressed prior to disposal.

30. Based on all the evidence provided and taking into account all the material facts and views relevant to our consideration under Condition 17, we are satisfied that there are no issues for us to address. In light of that and our understanding of the



transaction as set out above, we grant our consent to the proposed disposal of the land.


Les Waters

Duly authorised by the Office of Rail and Road

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 of land and infrastructure including the transfer of all statutory powers related to the construction operation and maintenance of the railway under the Tyneside Metropolitan Rail Act 1973.		
Rationale for disposal	<p>The Jarrow branch was divided into two single bi-directional lines when Nexus acquired the Up/Down line in 1984. One line is owned by Network Rail and is a freight line to the port and Nexus operate their passenger trains on the other. The proposed disposal will optimise the use of existing rail assets by creating a twin track alignment suitable for both light and heavy rail and hence create greater capacity and, frequency of passenger services and increase resilience. The proposed disposal will not prevent continuing Freight use of the branch.</p> <p>Network Rail carried out a previous consultation exercise on this proposed disposal in September 2020. As a result of comments received it has been deemed appropriate to re-consult on the basis that a specific application for consent to disposal will be made to ORR with a recommendation that certain conditions have to be satisfied before the disposal can complete. These largely relate to the need to complete Track Access Agreements for continuing use of the branch by Freight Operating Companies post disposal. The suggested conditions are detailed in Section 11.</p>		
2. Clearance	Type	Reference	Date
Clearance Details	Business Clearance Technical Clearance	CR/45887 CR/45887	18/09/2020 03/11/2020
3. Site			
Description of property for disposal	The land and associated railway infrastructure on the Jarrow Branch Line from JAW1 0 miles 0 chains to JAW1 3 miles 56 chains The transfer includes the land, infrastructure and statutory powers.		

<p>Attached plans and photographs: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)</p>	<p>The attached plan no 7761151-3b is split over 16 pages and shows by blue colour the entirety of the branch line to be transferred with Network Rail's retained land shown shaded green on page 16. Nexus existing land ownership within proximity of the proposed connection point is shown outlined red on pages 15 and 16. The plans also show by red hatching some small areas of encroachments – these are undocumented occupations of the land and the proposed sale is subject to these.</p>
<p>Ordnance survey coordinates</p>	<p>431656 E 563797 N</p>
<p>4. Proposal</p>	
<p>Proposed party taking disposal</p>	<p>Nexus – Tyne and Wear Passenger Transport Executive</p>

<p>Proposed use / scheme</p>	<p>The proposed disposal is a divestment under part of the Metro Flow project. A scheme that will increase the number of passenger services in this area up to 6 per hour.</p> <p>At present there are two independent single-track systems, one operated by Nexus and one by NR. By operating on a single-track model capacity is significantly reduced. The proposed scheme would allow for the unification of the two single track systems including a proposal by Nexus to complete infrastructure works to merge the two single lines into a parallel double track railway. This will include entry and exit connections from Nexus owned infrastructure to the existing Network Rail owned Jarrow Branch Line and the Prax Oil Terminal.</p> <p>At present the Jarrow Branch line is mainly used by freight to access the oil terminal. These rights and service levels will be maintained but in addition the greater intensity of use of the infrastructure will enhance the passenger services for the public.</p> <p>Nexus will as part of the divestment take responsibility for the maintenance and enhancement of the infrastructure to include;</p> <p>Infrastructure modifications will include:</p> <ul style="list-style-type: none"> • Renewals and refurbishments of track, drainage, overhead line equipment, • Installation of new signalling equipment, train detection and control systems • Assessment, Strengthening and repair of underbridges • Track lowering to achieve Electrification clearances to future freight vehicles • Freight and metro Gauge clearance to fixed infrastructure and associated platform modifications. <p>Communication upgrades to ensure a safe communication system functionality between Nexus and Network Rail control rooms</p>
<p>Access arrangements to / from the disposal land</p>	<p>Maintenance agreements are to be finalised for the interface between what will be the new Nexus ownership boundary and Network Rail's retained land. Network Rail will have no requirement to access the land being divested to Nexus as all maintenance and third-party liabilities will be transferred as part of the divestment.</p>
<p>Replacement rail facilities (if appropriate)</p>	<p>No.</p>

Anticipated rail benefits	<p>The Metro Flow project will facilitate;</p> <ul style="list-style-type: none"> • Greater capacity, an estimated 24,000 additional spaces per day across the system • Greater frequency, via a 20% uplift in daytime services network-wide each week, reducing journey times • More resilience, by improving service recovery in the area of the network which is most affected. • A reduction of 517,000 kg of CO2 and 38,000 kg NO2 per annum
Anticipated non-rail benefits	<p>There will be wider socio-economic benefits resulting from the scheme including;</p> <ul style="list-style-type: none"> • An additional 10.9 million passenger kilometres travelled on Metro and a reduction of 3 million car kilometres at the opening of the service in 2023 • An additional 1.7 million passenger journeys on the network by 2030 <p>Economic benefits to the region totalling £450 million</p>
5. Timescales	
Comments on timescales	<p>Divestment is projected to be completed by September 2022 (provided consent to the disposal is granted and the proposed conditions are met) with works completed, and the enhanced infrastructure operational by February 2023.</p>
6. Railway Related Issues	
History of railway related use	<p>The branch line historically operated as a passenger service line but this ceased a number of years ago. Since then, it has been used only by freight trains serving the Prax Oil Terminal.</p> <p>The adjoining line owned by Nexus has been used for Nexus rail services since 1984.</p>

When last used for railway related purposes	The line is currently used by freight trains to connect Prax Oil Terminal to the wider Network. At present 1 – 2 trains per week operate on this line.
Any railway proposals affecting the site since that last relative use	None – save for this proposal.
Impact on current railway related proposals	None – the proposed use of the line will not impact on the ability of freight operators to service the Prax Oil Depot.
Potential for future railway related use	The land and infrastructure shall continue to be utilised for railway related use. Instead of just carrying freight trains, it will also carry passenger trains as well.
Any closure or station change or network change related issues	The branch line is currently going through Network Change under reference NC/G3/2020/EAST/008.
Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future	At present there is a Connection Agreement between the Prax Oil Terminal sidings and the Jarrow Branch Line. This agreement shall be terminated on completion of the divestment and a new agreement will immediately be entered into with Nexus.

<p>Position as regards safety / operational issues on severance of land from railway</p>	<p>The disposal does not include any 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 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>
<p>Safety issues identified</p>	<p>The disposal documentation shall include Network Rail's usual safety provisions appropriate to this disposal site and type of disposal.</p> <p>The disposal includes a requirement to enter into an Asset Protection Agreement in the Network Rail templated form as applicable at the time of the disposal and subject to such reasonable modification as appropriate to the disposal site and its intended use.</p> <p>The operational interface between Network Rail and Nexus assets will be managed by a Connection Agreement governing safe access onto our rail corridor for any work associated with their connection. This is close to completion as an agreed document between Network Rail and Nexus.</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>
<p>7. Planning History and Land Contamination</p>	
<p>Planning permissions / Local Plan allocation (if applicable)</p>	<p>Planning consent is not required as no change of use.</p>

Contamination / Environmental Issues (if applicable)	No investigations have been conducted by Network Rail, Nexus will be acquiring the branch line and all inherent liability.
8. Internal Consultation	
Internal consultation	<p>The Managing Director of Network Rail's Eastern Region was initially consulted by Nexus in relation to the opportunity to acquire the branch line and is fully supportive of the proposals.</p> <p>The North of England Freight Study 2018 references the freight connection to the Prax Oil Terminal in Jarrow. The terminal receives petroleum from Lindsey Oil Refinery. No growth forecast on the route section.</p> <p>Consultation with Network Rail's Strategic Planners has demonstrated they have no objection to the proposed disposal as it facilitates the divestment of the branch line.</p> <p>Business and Technical clearance have been obtained in respect of the site with no material comments.</p>
9. Local Authorities	
Names & Email Addresses:	South Tyneside Council – Gateshead Metropolitan Borough Council –
Local Transport Authorities:	Nexus – Tyne and Wear Passenger Transport Executive
Other Relevant Local Authorities:	North East Combined Authority

10. Internal approval to consult

Recommendation:

By proceeding to consult I am:

- 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.

11. External Consultation	
<p>Summary of position as regards external consultations</p>	<p>Network Rail first consulted on this disposal under General Consent in September 2020.</p> <p>This consultation resulted in a number of unresolved objections from Freight Operating Companies and so it has been deemed necessary to proceed by Specific Consent with the recommendation that disposal only completes once conditions have been satisfied</p> <p>Therefore, the current consultation exercise started in November 2021 on the basis that Network Rail would seek a conditional consent from the ORR. The consultation was done on the basis that suggested conditions to attach to the disposal consent were that disposal should only complete once the Freight Operating Companies are satisfied that they have suitable Track Access Contracts in place with the new owners of the Jarrow branch and the Network Change is complete.</p> <p>19 responses were received of no comment or no objection. 19 responses were received of no comment or no objection. The responses from DB Cargo and GBRF are both conditional on all contractual documentation for their rail freight use on the Jarrow Branch Line being in place before they can support the transfer of Jarrow Branch Line which effectively mirrors the conditional consent sought by this application. Four consultees failed to respond (DFT, Transport for North, Gateshead Council and Grand Central)¹. The DFT are funding the Track Dualling project being undertaken by Nexus and on the basis that they are already heavily involved in the scheme we assume they have no objection.</p> <p>Transport for North, Gateshead Council and Grand Central didn't respond despite numerous chasing emails. Only a very small part of the area being divested is within Gateshead Council's metropolitan boundary and their lack of response is not considered material. Grand Central do not operate services within the vicinity of the land being divested so again their lack of response is not considered material.</p>

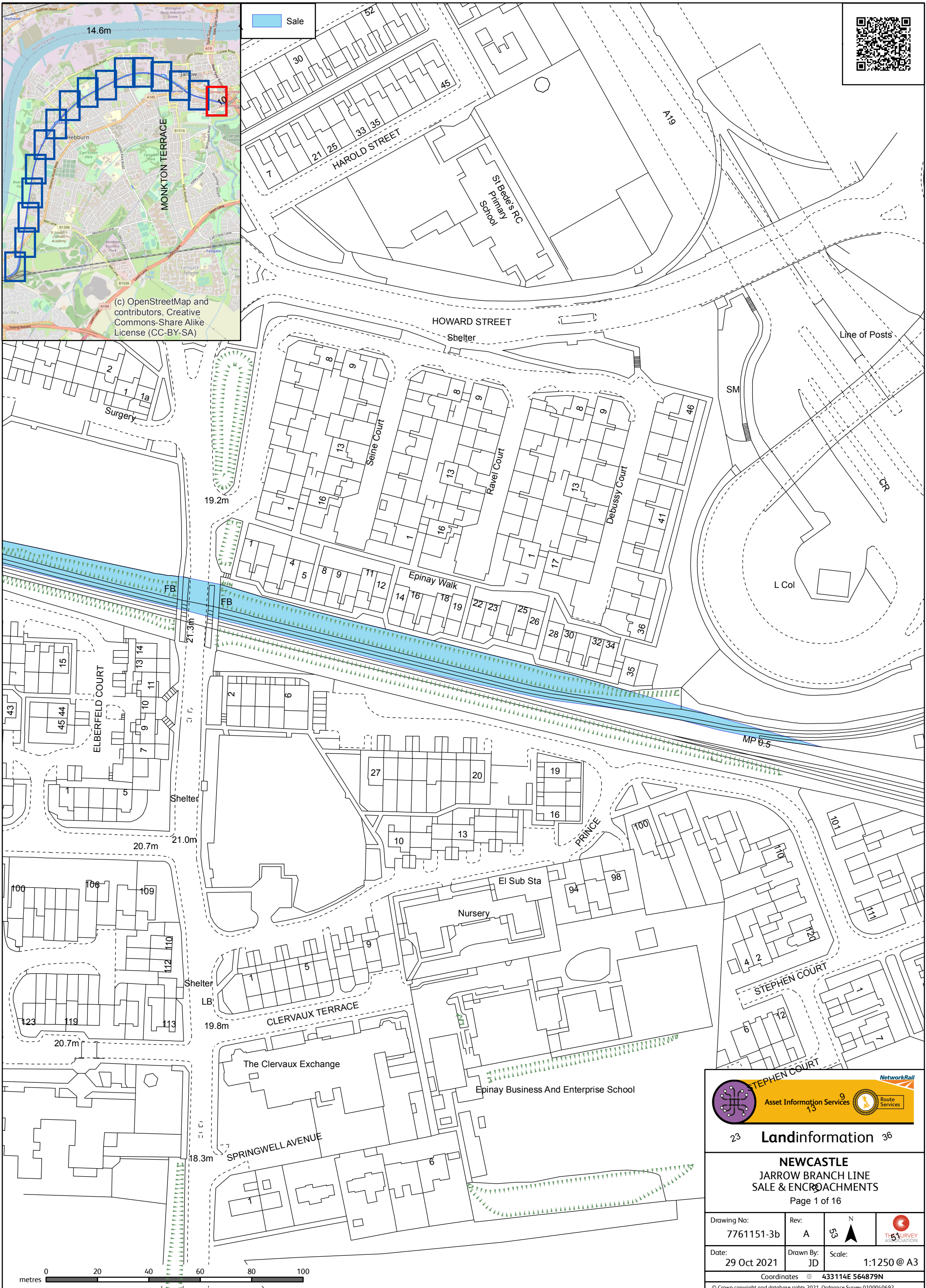
¹ Network Rail subsequently received responses from DfT and Transport for North

<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward</p>	<p>The responses from DB Cargo and GBRF are that they cannot support the proposed disposal until all necessary contractual arrangements for their continuing use of the Jarrow Branch Line are completed.</p> <p>This, in Network Rail's opinion, is the same position as proposed by Network Rail.</p> <p>Therefore, Network Rail's recommended approach is for ORR to grant specific consent for the disposal but for the disposal to only proceed once the 2 conditions below are satisfied:</p> <ol style="list-style-type: none"> 1. the Freight Operating Companies have completed all supporting contractual documentation for use of the Jarrow Branch Line and 2. the Network Change is complete.
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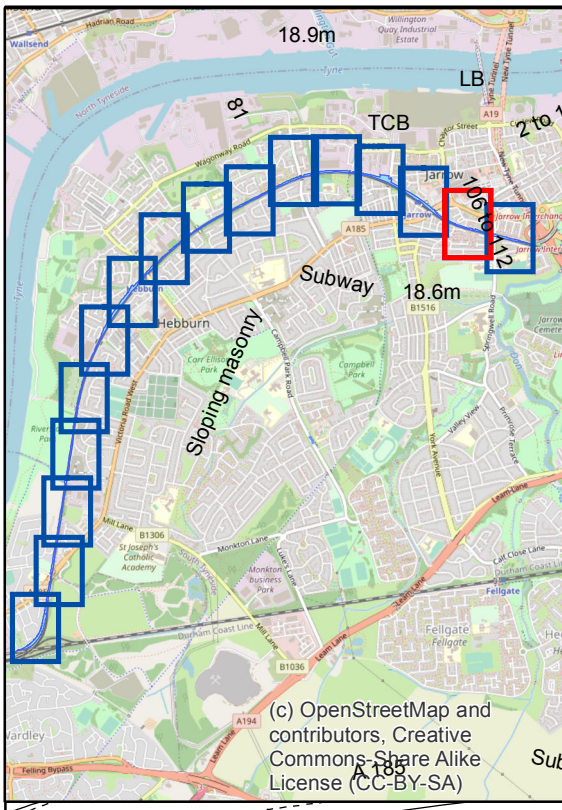
12. Internal approval to dispose	
Recommendation:	Based on the above, I recommend that Network Rail proceeds with the disposal.
Declaration:	I have read and understood Network Rail's code of Business Ethics and Policy on Interests in Transactions
Proposer's name:	Proposer's job title: Development Surveyor
Signed.....	Date.....20/12/21.....
Authorised by (name):	Authoriser's job title: Principal Development Manager (Eastern)
Signed.....	Date.....22/12/21.....



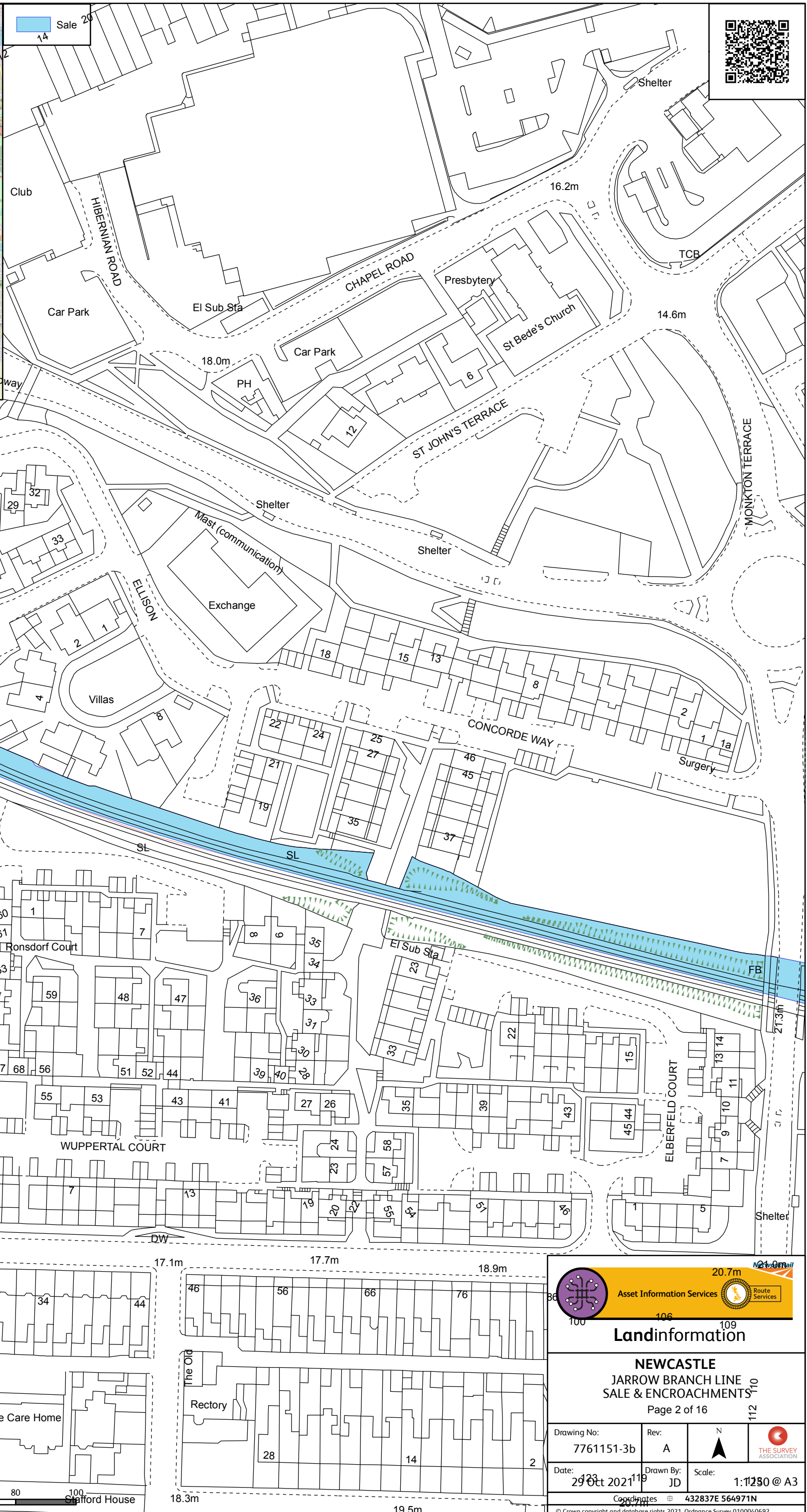
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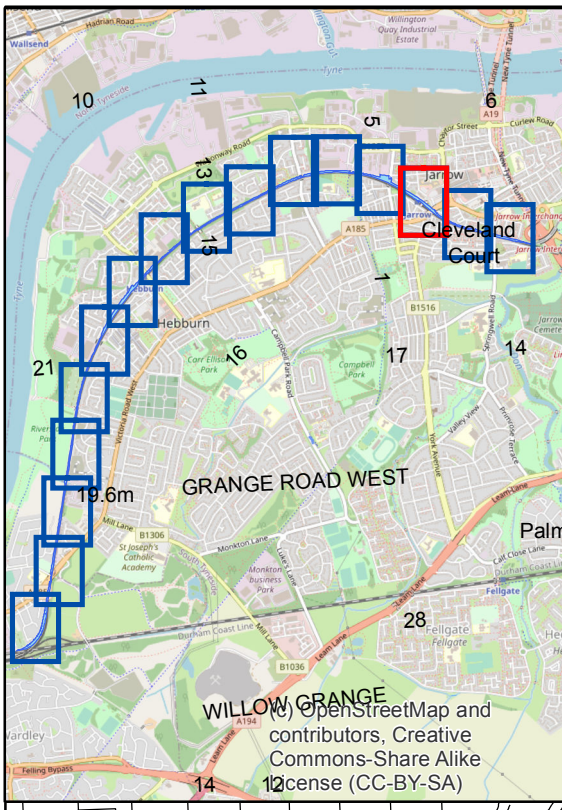
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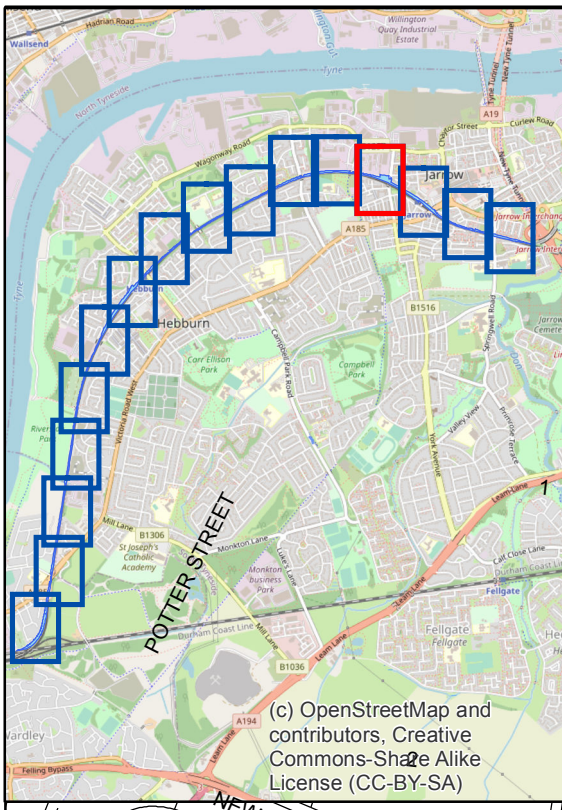


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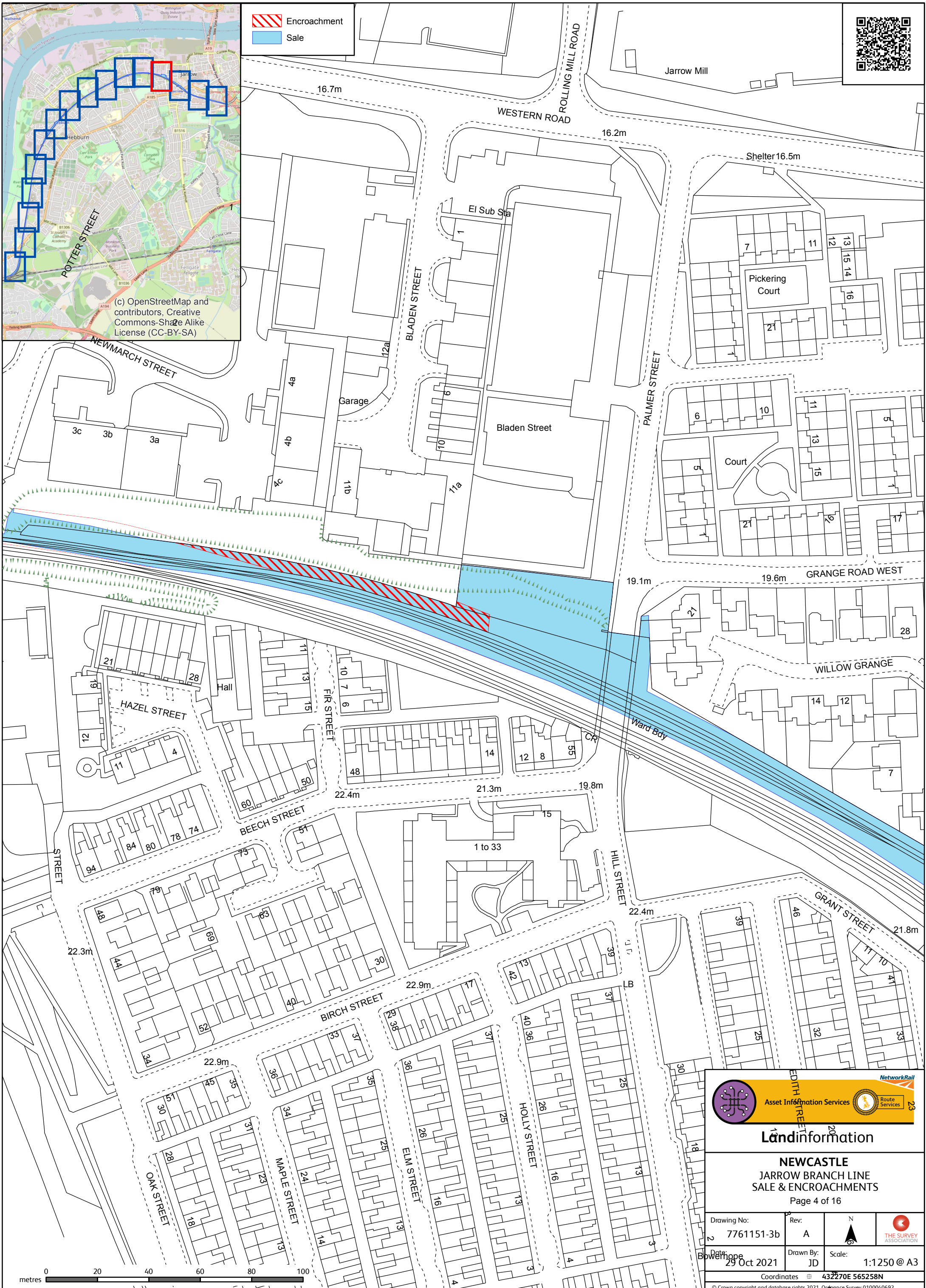
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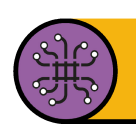






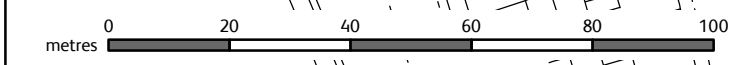


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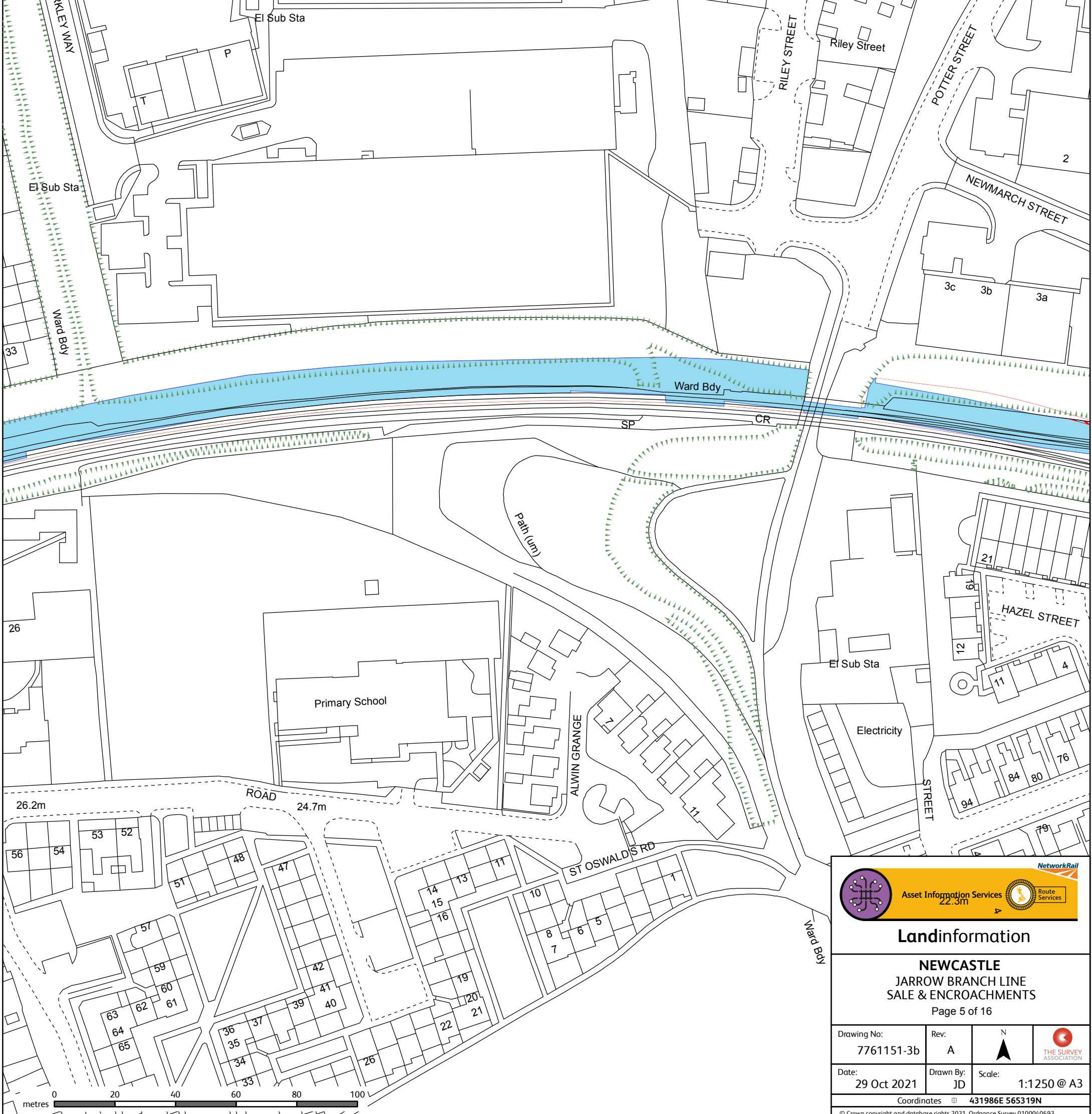
			
			
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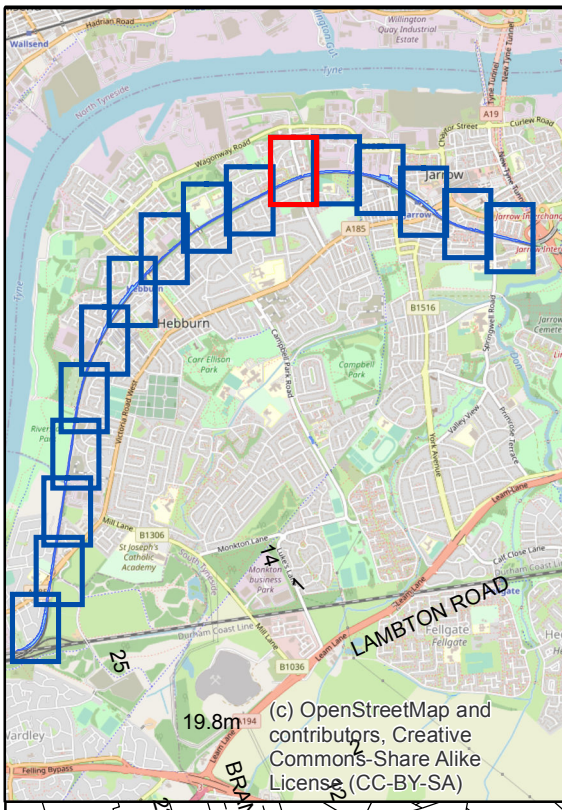




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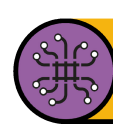




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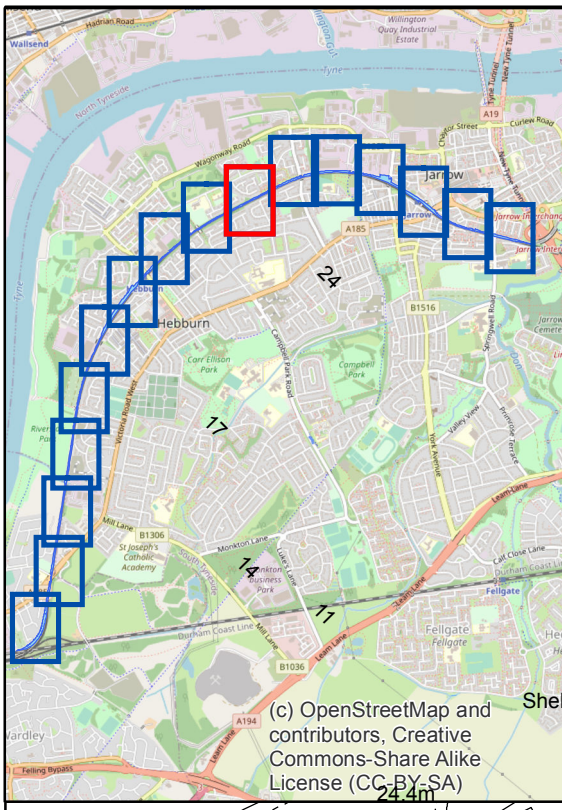




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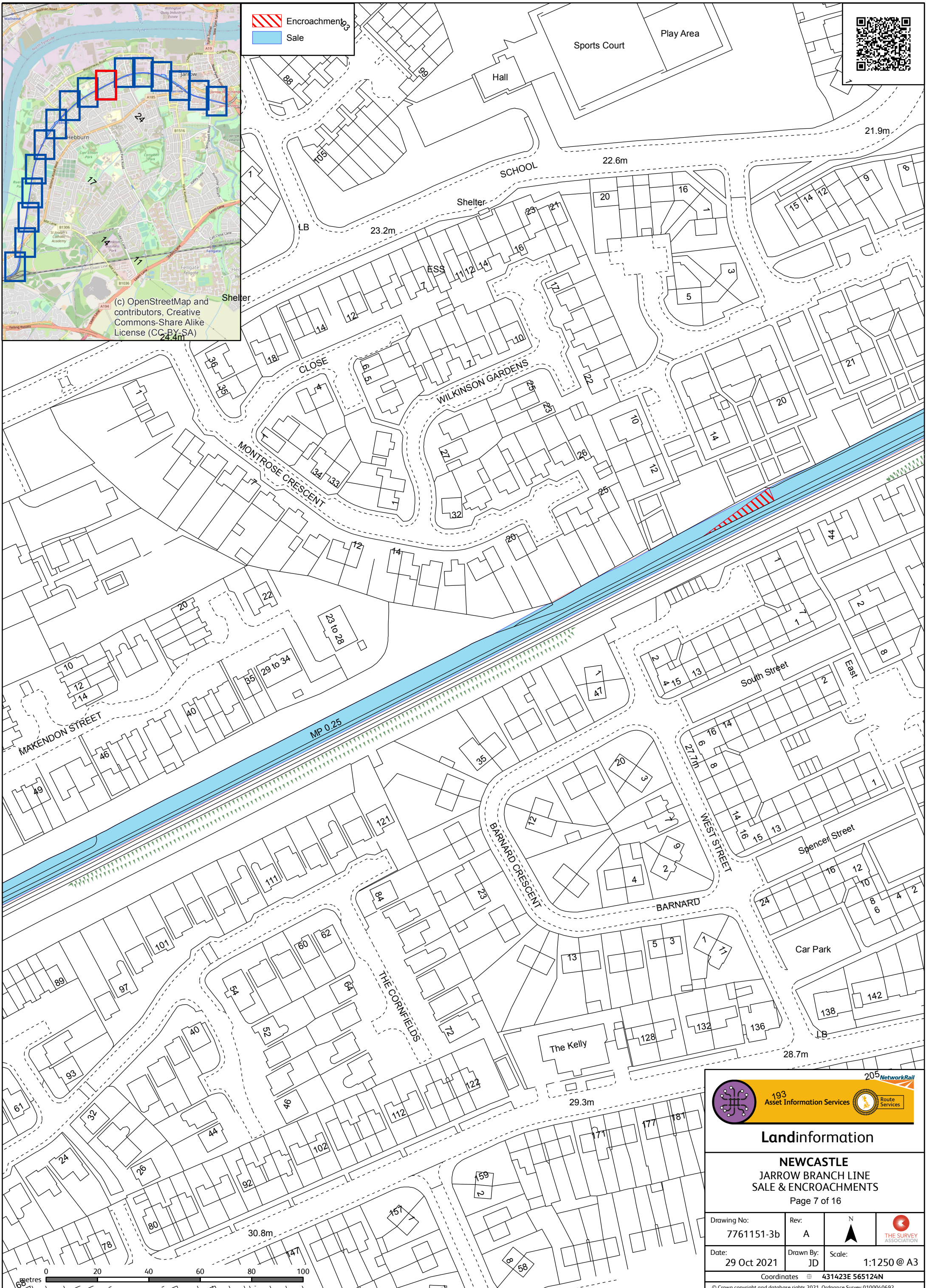
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 Page 8 of 16

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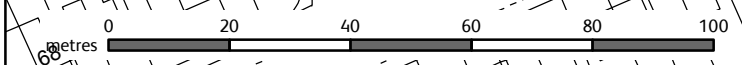


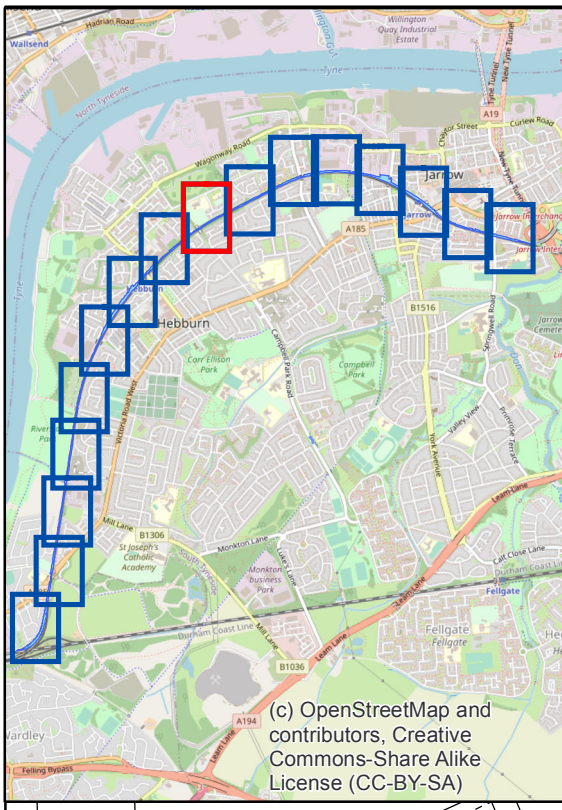

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SALE & ENCROACHMENTS
 Page 7 of 16

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Coordinates \square 431423E 565124N			

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Sale

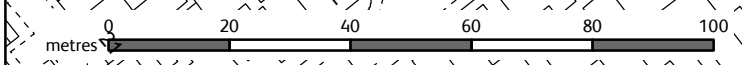


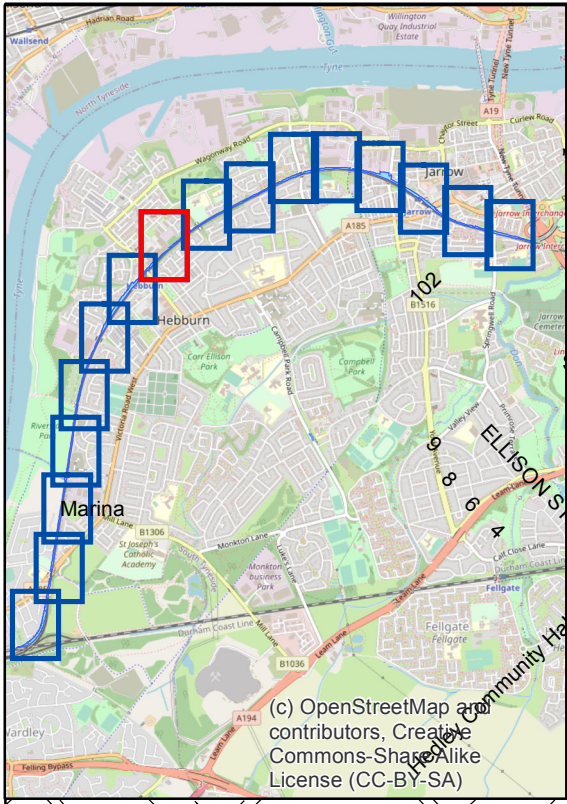
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NEWCASTLE
JARROW BRANCH LINE
SALE & ENCROACHMENTS
 Page 8 of 16

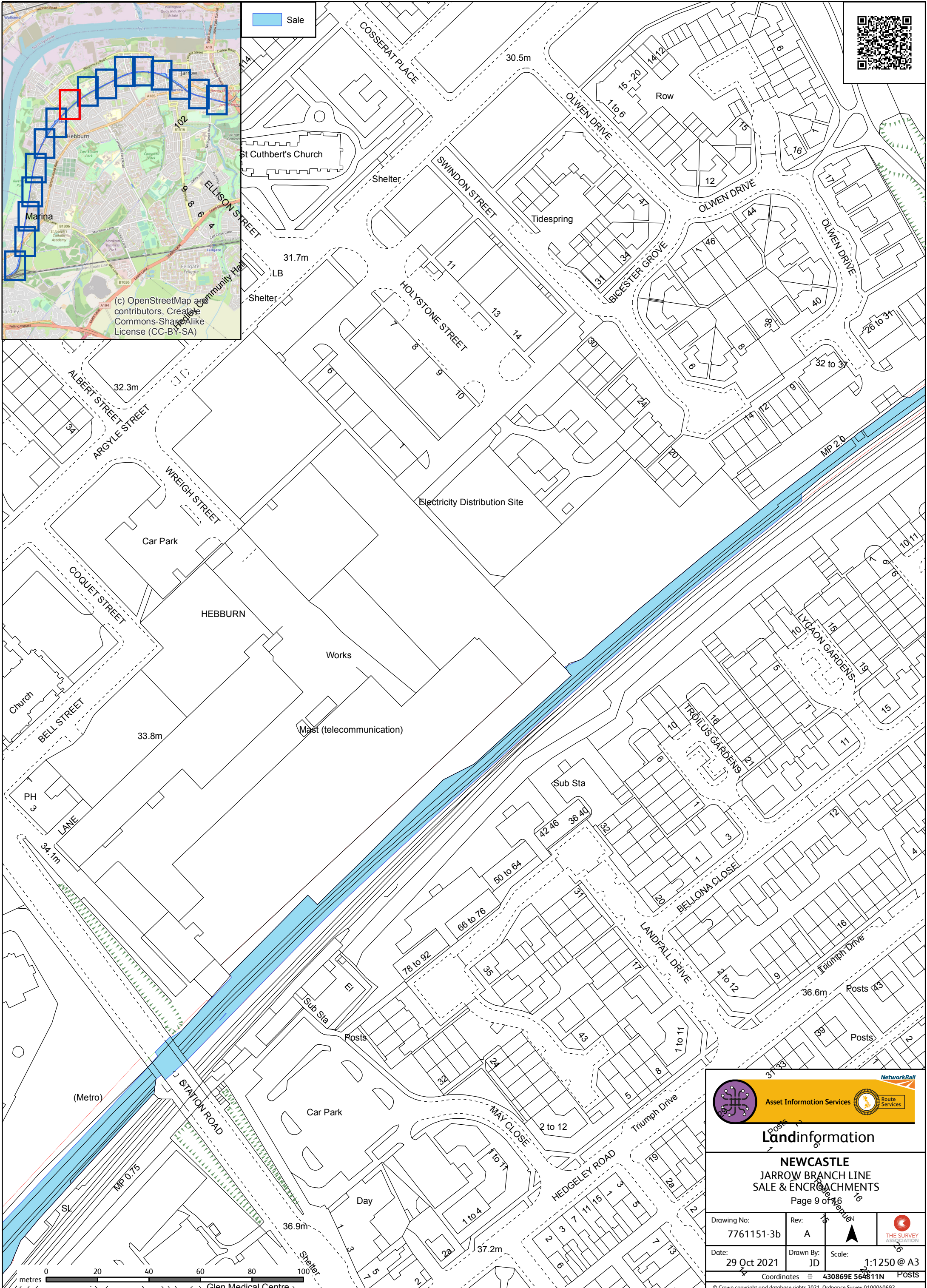
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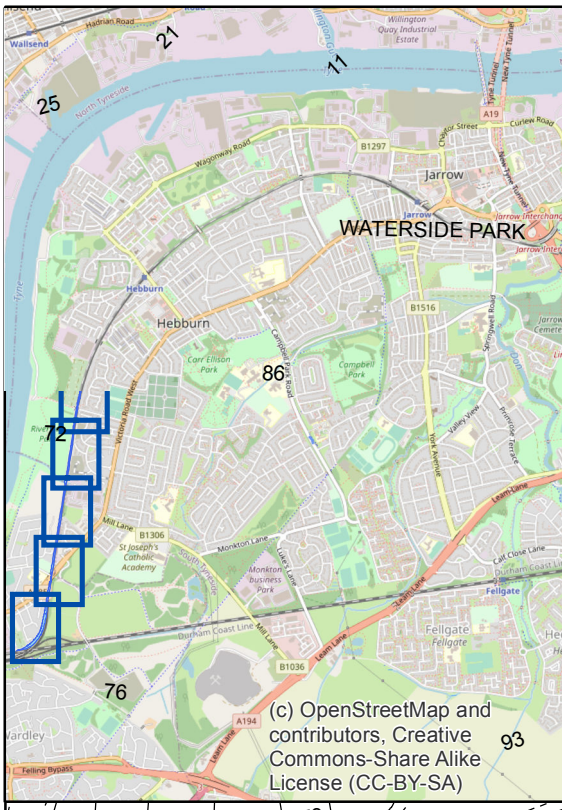


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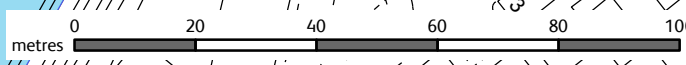
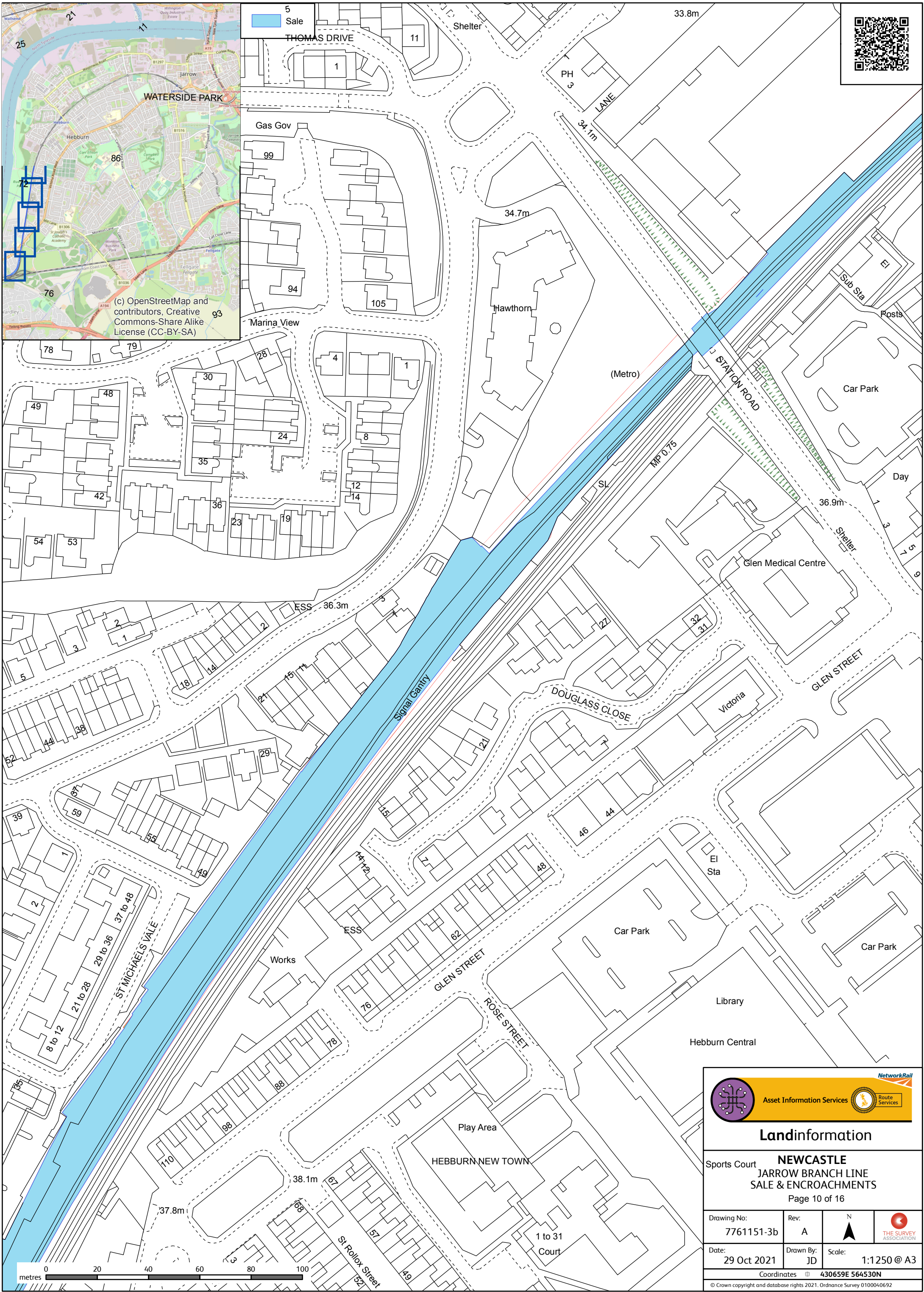


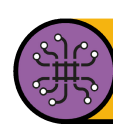




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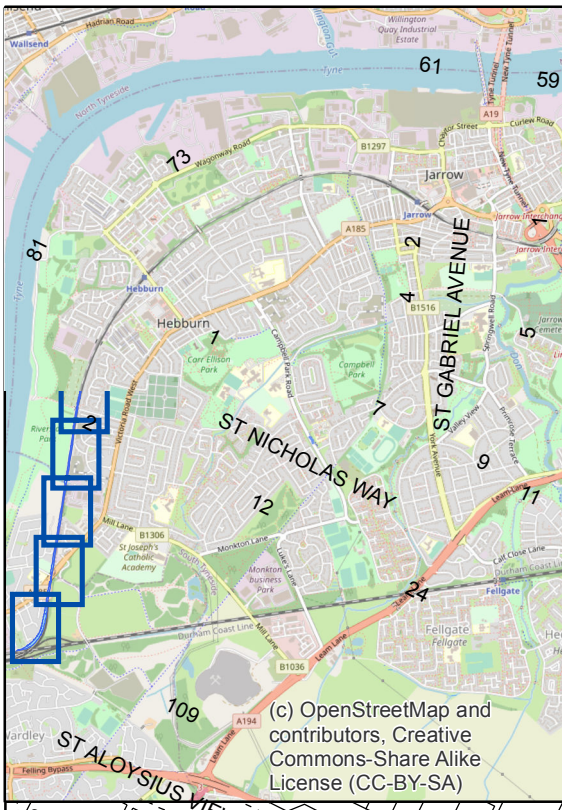
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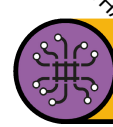






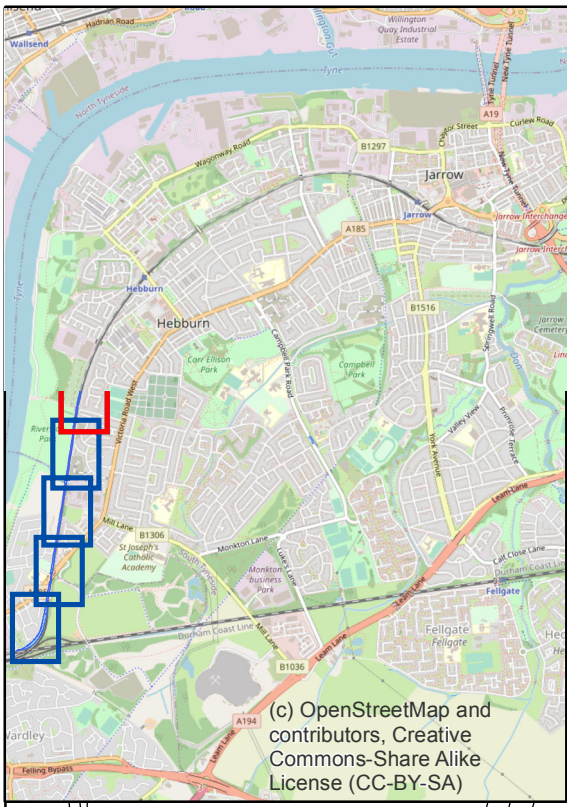
  			
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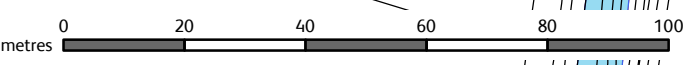
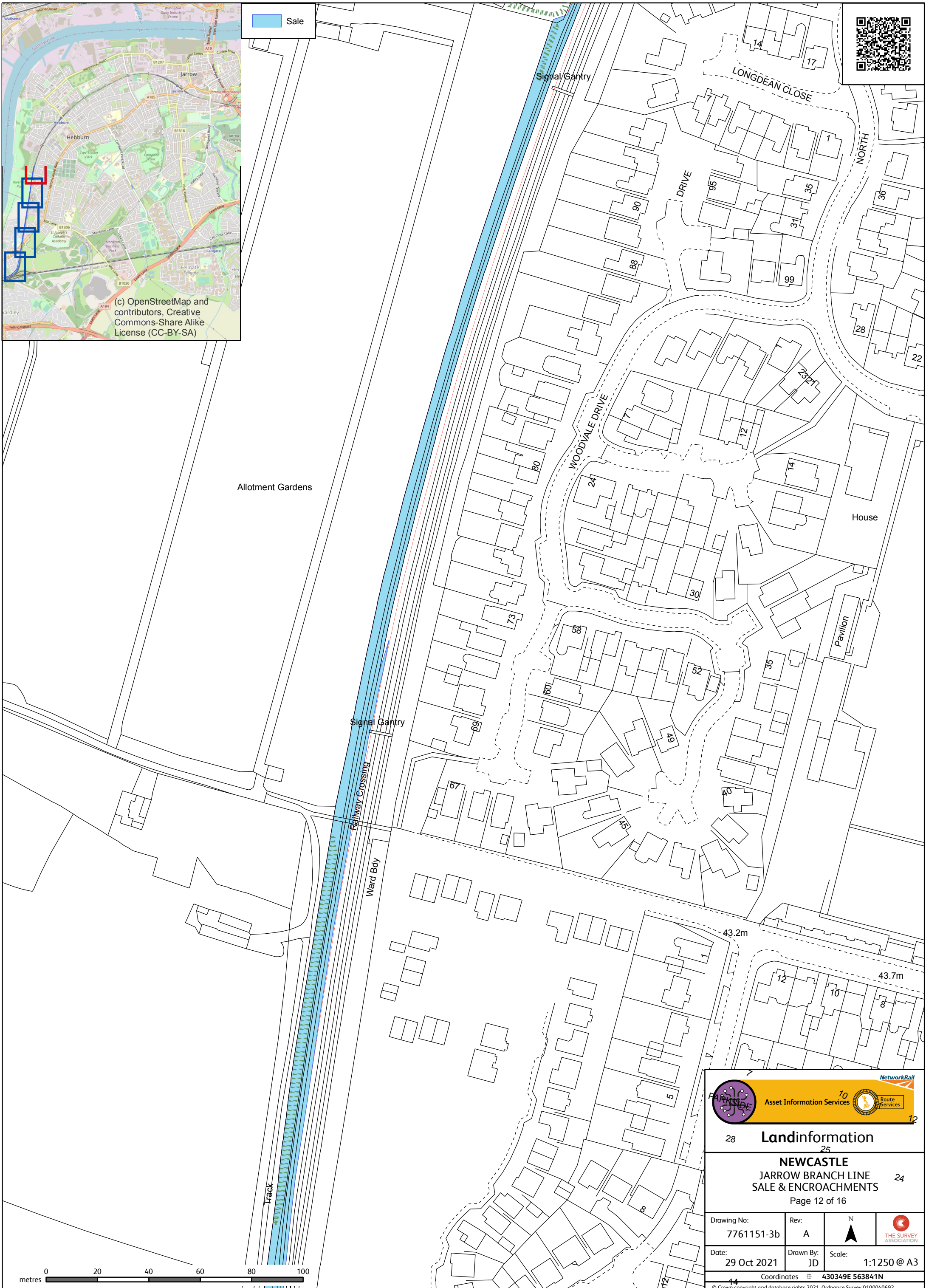


					
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Page 11 of 16					
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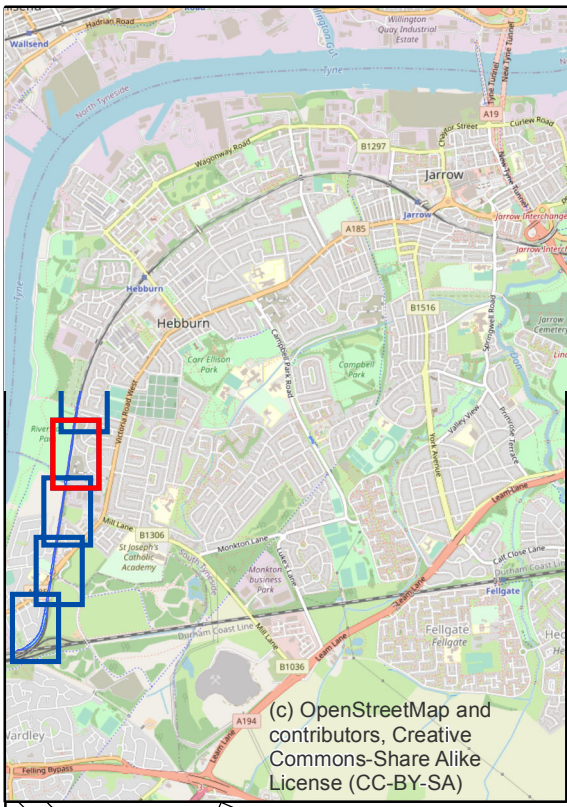


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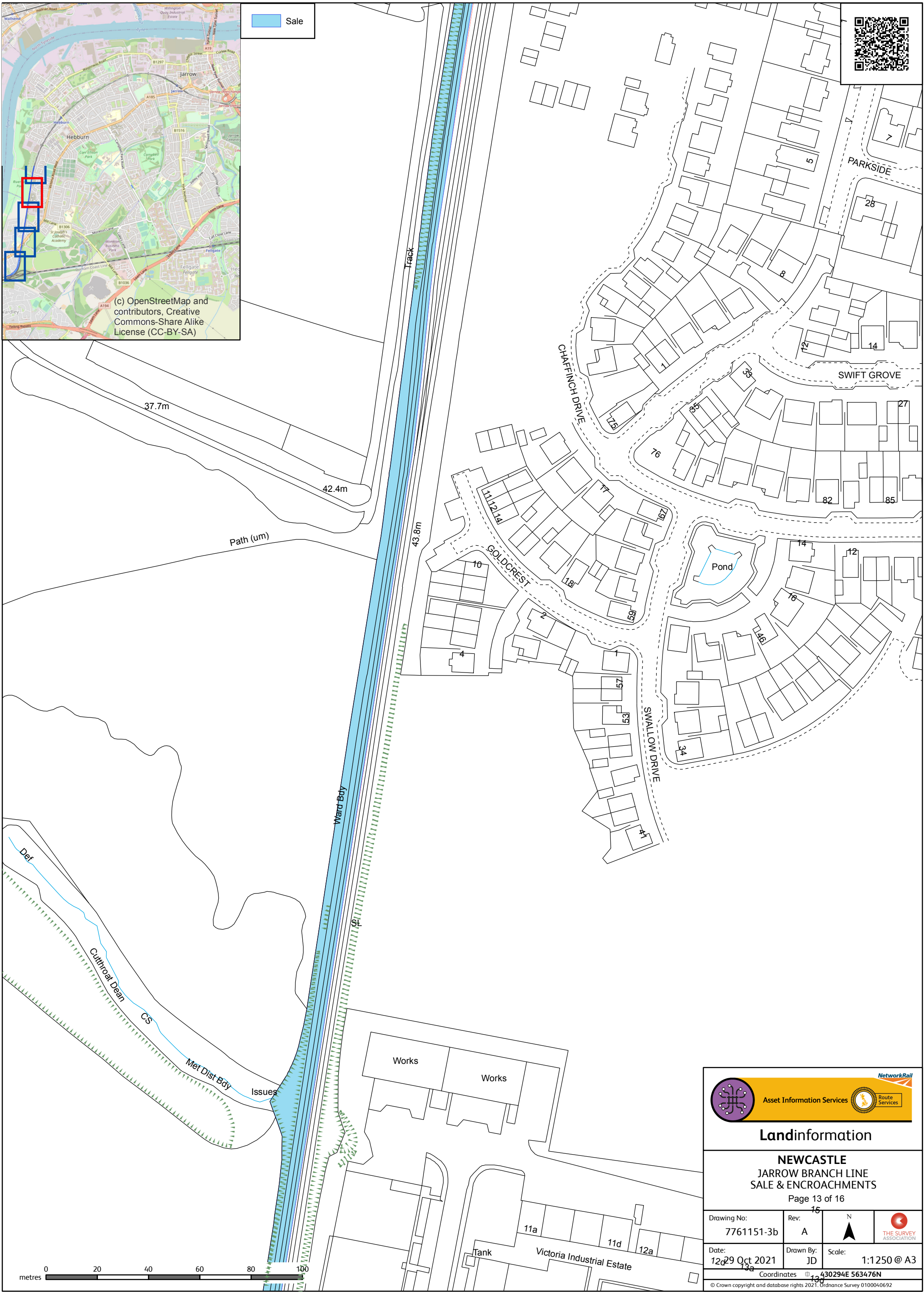
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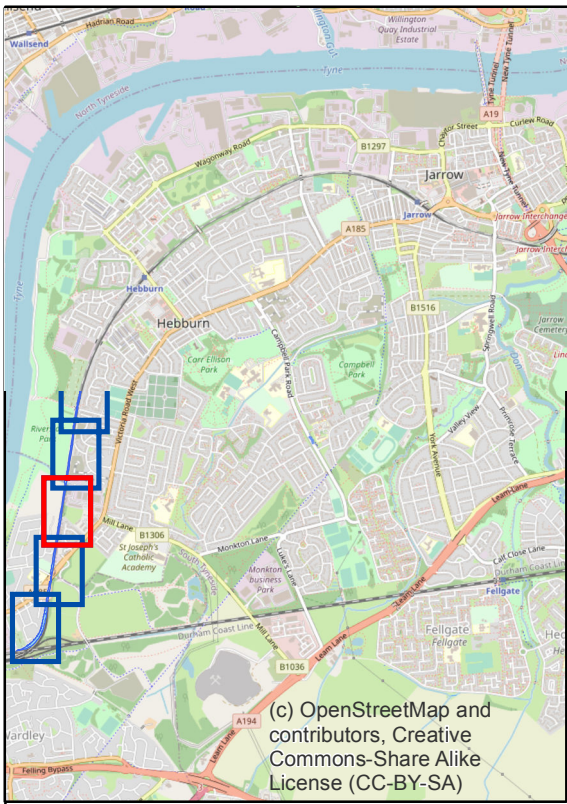
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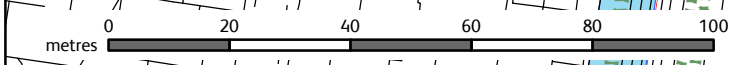
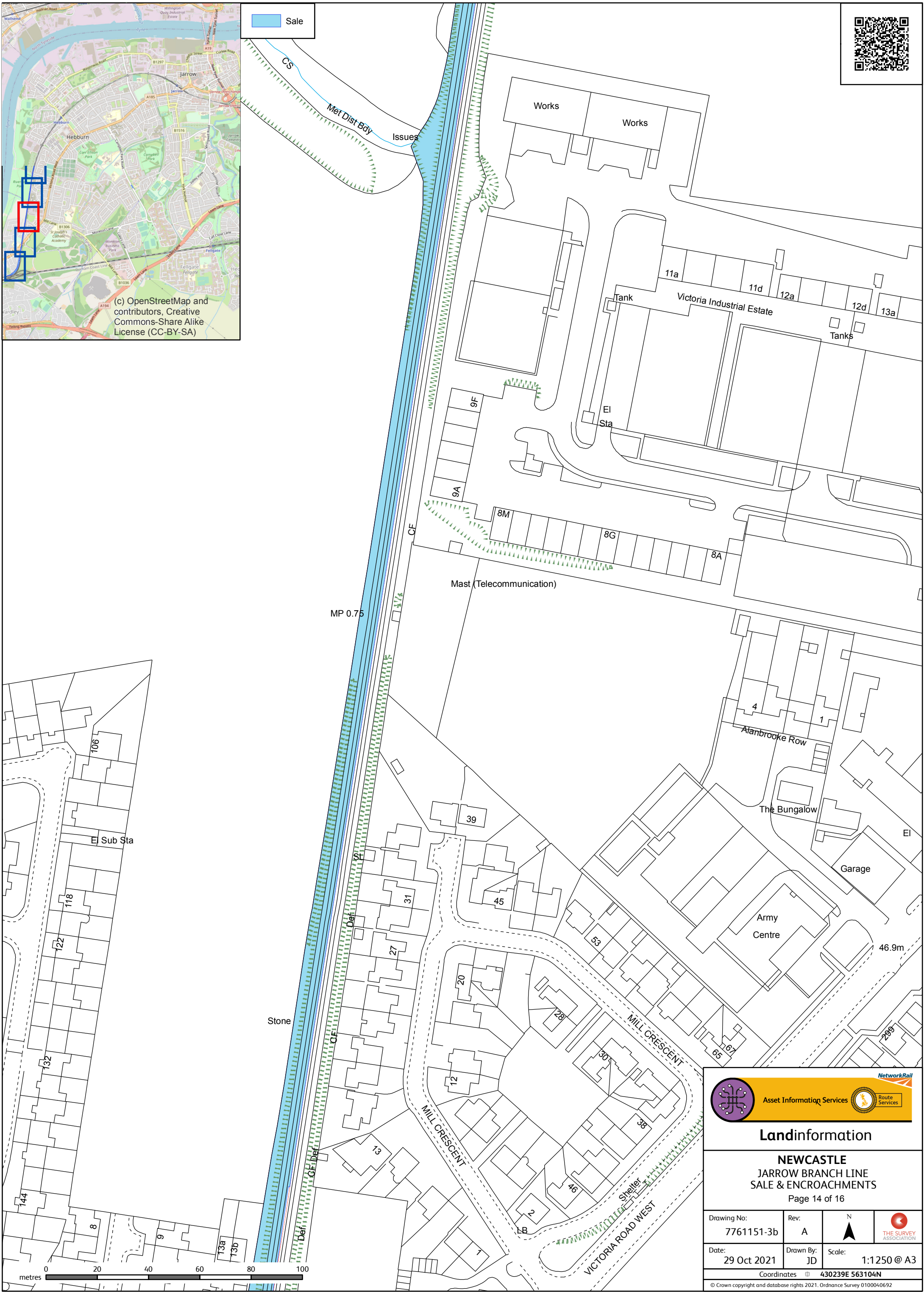


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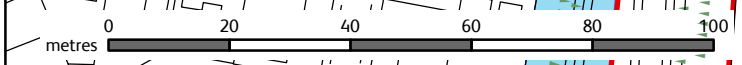
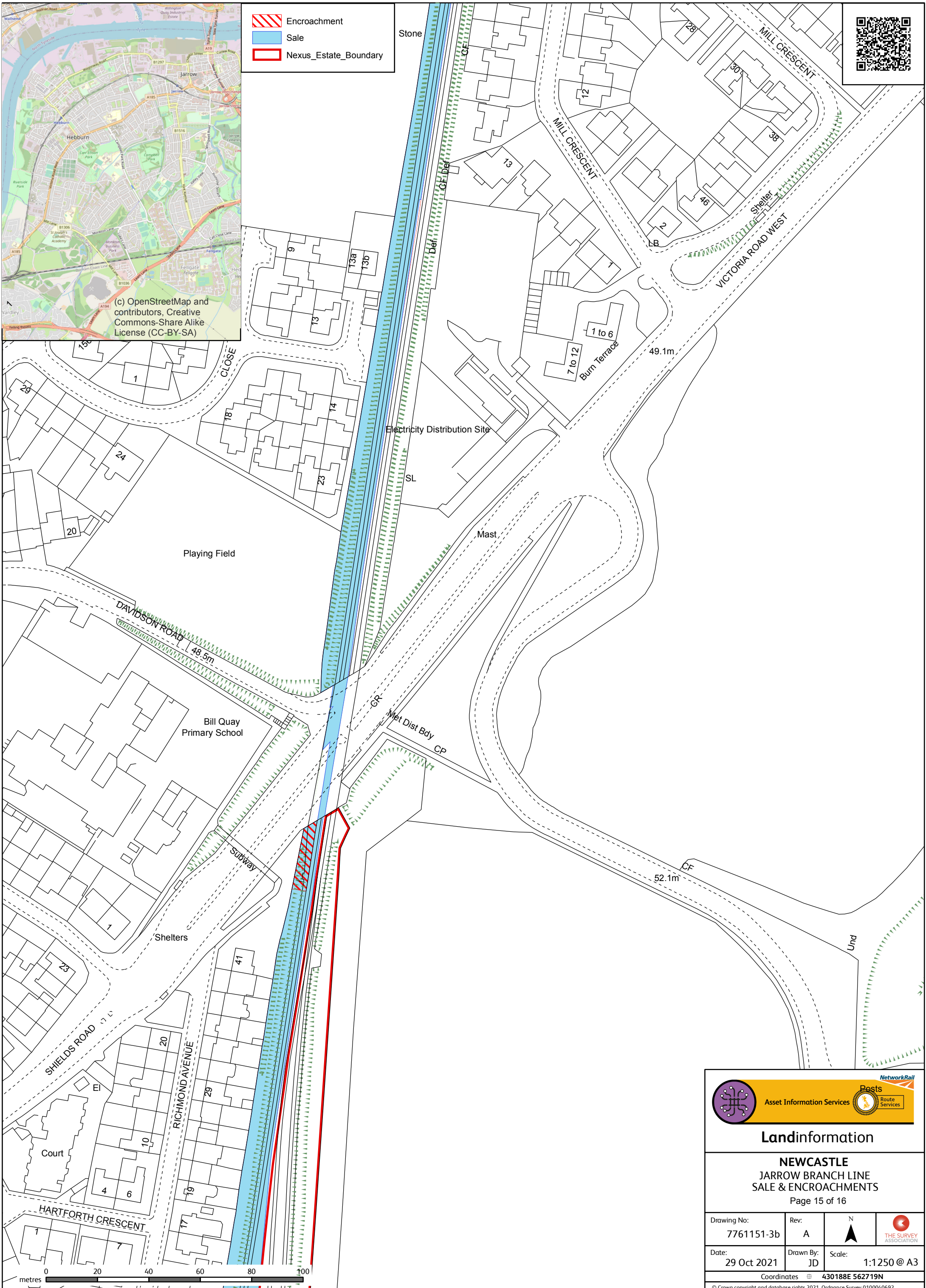


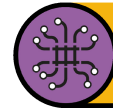




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Page 14 of 16			
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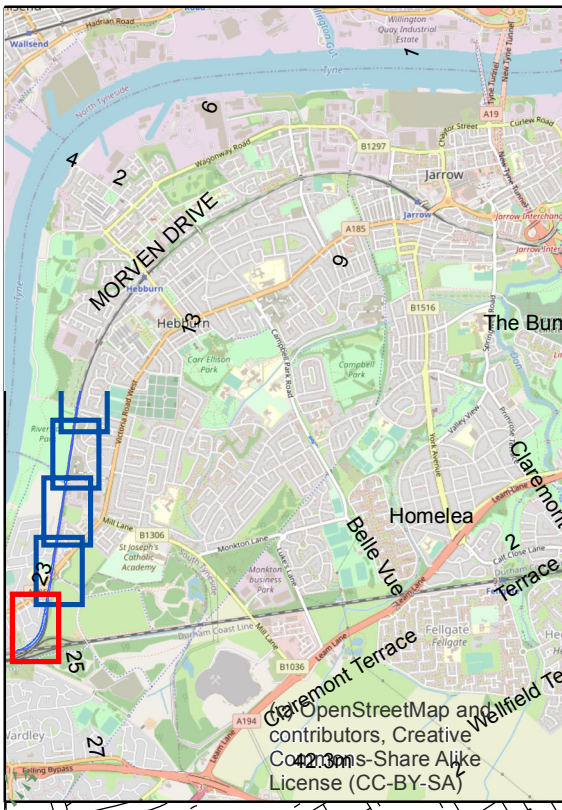


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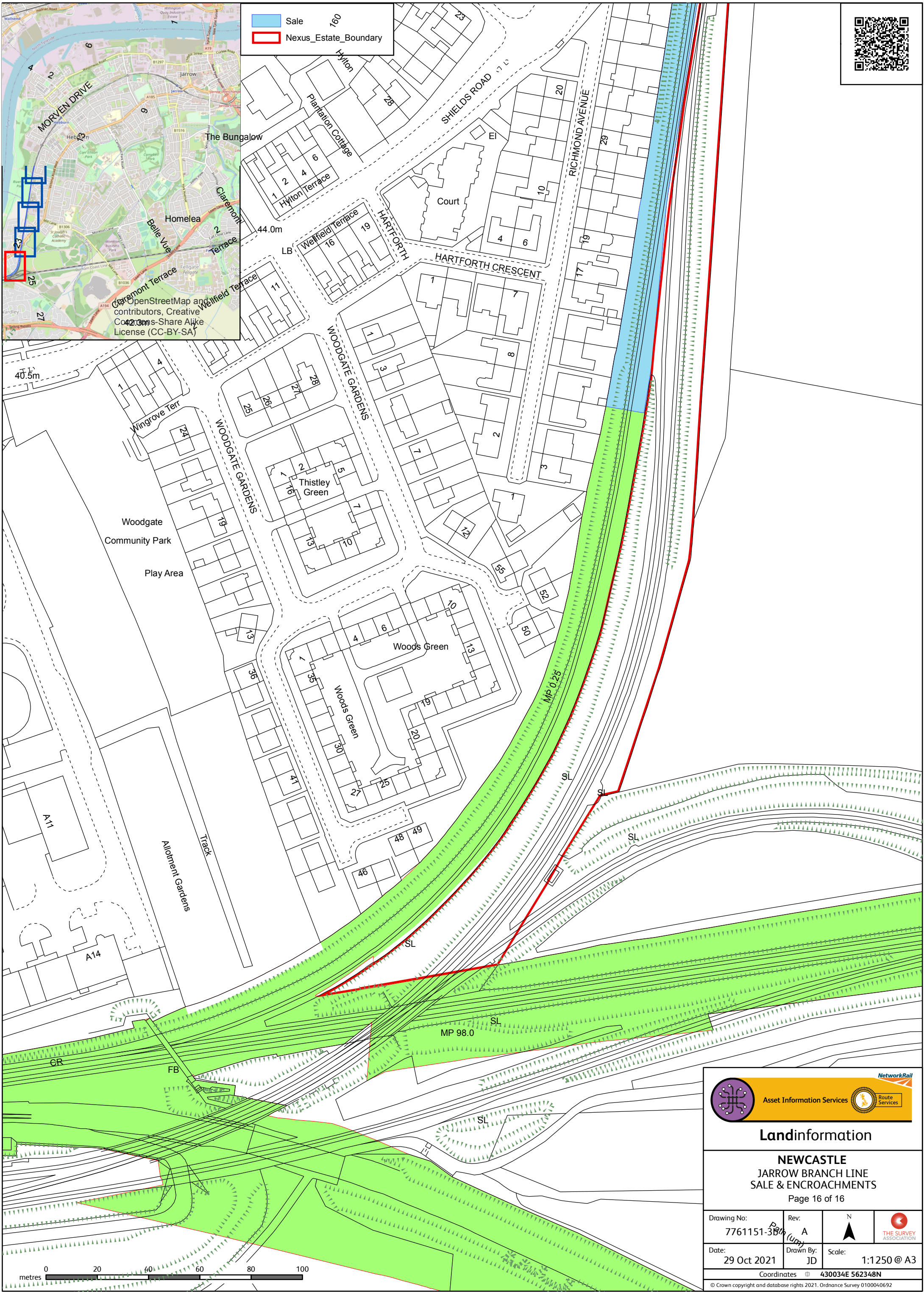
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-  Nexus_Estate_Boundary



 			
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 Nexus_Estate_Boundary



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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: Consultation on proposed Land Disposal – Land and associated railway infrastructure on the Jarrow branch.

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

Summary of position regarding responses: 22 responses were received of no comment or no objection. The responses from DB Cargo and GBRF are both conditional on all contractual documentation for their rail freight use on the Jarrow Branch Line being in place before they can support the transfer of Jarrow Branch Line which effectively mirrors the conditional consent sought by this application. Two consultees failed to respond (Gateshead Council and Grand Central).

Gateshead Council and Grand Central didn't respond despite numerous chasing emails. Only a very small part of the area being divested is within Gateshead Council's metropolitan boundary and their lack of response is not considered material. Grand Central do not operate services within the vicinity of the land being divested so again their lack of response is not considered material.

The full list of external consultees is set out below:

No.	External party (name)	Contact name, email address and telephone	Whether response received (y/n)	Date of response	Details of response (e.g. "no comment"), with reference to any accompanying copy representation in annexes to this report	Comments (e.g. as regards endeavours to obtain response where none given)
1	Department for Transport		Y	11/02/2022	No objection	Emails: 04/11/2021 11/11/2021 18/11/2021 23/11/2021 30/11/2021 24/01/2022 27/01/2022

2	Transport For North		Y	14/02/2022	No objection	Emails: 04/11/2021 11/11/2021 18/11/2021 23/11/2021 30/11/2021 02/02/2022 11/02/2022 + Voicemail 11/02 14:00
3	Arriva Trains Cross Country		Y	04/11/2012	No objection	
4	C2C Rail Limited		Y	05/11/2021	No objection.	
5	Chiltern Railway Company Limited		Y	04/11/2021	No objection	
6	Eurostar		Y	04/11/2021	No comment	
7	GWRR		Y	15/11/2021	No Comment	
8	Grand Central		N			Emails: 04/11/2021 11/11/2021 18/11/2021 23/11/2021 30/11/2021 Phone calls: 01/12/2021

						11:18 AM. Left VM
9	London & Southeastern Railway Limited		Y	11/11/2021	No comments.	
10	Mersey Rail Electrics		Y	04/11/2021	No objections	
11	Northern Rail Ltd		Y	16/11/2021	No objections.	
12	Avantie Trains		Y	04/11/2021	No objections	
13	Colas		Y	07/12/2021	No objection. Comment from freight.	
14	NTS		Y	16/11/2021	No Comment	
15	DB Cargo		Y	18/11/2021	Cannot signify acceptance until all necessary contractual arrangements in place for their freight use on the disposal site.	
16	Logistics UK		Y	28/11/2021	No objection.	
17	Freightliner		Y	17/11/2021	No objection based on satisfaction of the proposed conditions.	
18	GBRF		Y		Not yet able to support divestmetn until all necessary contractual arrangements in	

					place for their freight use on the disposal site	
19	West Coast Railway Company		Y	01/12/2021	No Comment.	
20	Rail Freight FGroup		Y	08/11/2021	Satisfied can proceed subject to the conditions.	
21	W. H. Malcolm		Y	19/11/2021	No comments.	
22	Assoc of Community Rail Partnerships		Y	05/11/2021	No comment	
23	BTP		Y	05/11/2021	No Comment.	
24	Gateshead Council		N		No response.	Emails: 04/11/2021 11/11/2021 18/11/2021 23/11/2021 30/11/2021
25	South Tyneside Council		Y	01/12/2021	Comments about maintaining public rights and structures only.	Emails: 04/11/2021 11/11/2021 18/11/2021 23/11/2021 30/11/2021
26	Transport Focus		Y	28/01/2022	No Objection	24/01/2022

Copies of responses are given in the annexes to this report, as indicated above.

A copy of the consultation request (before customisation for any individuals) is given in Annex 2.

Annex 1

1 Department for Transport

From:

Sent: 11 February 2022 13:32

To:

Cc:

Subject: RE: Divestment of the Jarrow Branch

You don't often get email from

Apologies again for the delay in responding.... Yes happy to confirm that it's a 'nil return/no objection' from Rail Infrastructure North (on behalf of DfT). As you say, we are fully supportive of Metroflow and this divestment's is consistent with the project's aims and objectives etc.

Kind Regards



Department for Transport

Rail Project Client Manager, Rail Infrastructure North
Two Snow Hill,
Snow Hill Queensway, Birmingham, B4 6GA
Tel:

2 Transport for North

From:

Sent: 14 February 2022 17:34

To:

Subject: RE: JBL/PB/1 Consultation on Proposed divestment of Jarrow Branch Line

Thanks for the reminder about these documents and the proposal.
I can confirm that TfN has no objection to this land and infrastructure disposal.

Regards,

Head of Rail Specification & Delivery

E
T



Ground Floor, West Gate, 6 Grace Street, Leeds, LS1 2RP
www.transportfornorth.com

3 Arriva Trains Cross Country

From:

Sent: 04 November 2021 15:27

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

XC Trains Ltd has no comment on this proposed divestment.

Kind regards

Stations Contract Manager, CrossCountry

Mobile:

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



4 C2C Rail Limited

From:

Sent: 05 November 2021 15:26

To: Sub

ject: Re: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Good afternoon

No objection from c2c for this proposal.

Regards

Facilities Management Manager

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

W: www.c2c-online.co.uk

5 Chiltern Railway Company Limited

From:

Sent: 04 November 2021 19:35

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Dear

Chiltern has no objection to this proposal.

Kind regards

6 Eurostar International Limited

From:

Sent: 04 November 2021 14:47

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

No comment from EIL,

Thanks

PA to Chairman, Strategy Director & People Director

Eurostar International Limited

6th Floor, Kings Place, 90 York Way, London N1 9AG

eurostar.com



7 GWR

From:

Sent: 15 November 2021 10:39

To:

Subject: Re: JBL/PB/1 RESPOSE REQUIRED BY 25/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

No objection thank you

Network Access Manager | Great Western Railway
1 Milford Street | Swindon | SN1 1HL

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

8 Grand Central

No Response

9 London and South Eastern Railway Limited

From:

Sent: 11 November 2021 09:24

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Hi

Thanks for sending this through - no comments from Southeastern.

Kind regards,

[Major Contracts Commercial Manager](#)

southeasternrailway.co.uk

southeastern

[4 More London Riverside](#)

London
SE1 2AU

10 Mersey Rail Electrics

From:

Sent: 04 November 2021 16:32

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Hi

We have no objections

thanks

11 Northern Rail Limited

From:

Sent: 16 November 2021 12:33

To: Su

bject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Good afternoon,

I can confirm Northern has no objections to the proposal.

Kind regards,

12 Avantie Trains

From:

Sent: 04 November 2021 14:55

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Good afternoon

We have no objections to this proposed land divestment as this is off route. This response represents the views of both First Trenitalia West Coast Rail Limited and West Coast Partnership Development.

Many thanks,

AVANTI
WEST COAST



Fleet Supplier Manager | Avanti West Coast
Victoria Square House, Victoria Square, Birmingham, B2 4DN

13 Colas

From:

Sent: 07 December 2021 12:54

To:

Subject: FW: JBL/PB/1 RESPOSE REQUIRED BY 3/12/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Hi – I have had the below comment back from our Freight Director:-

Yes fine, so long as the works do not affect the freight operations with any possession line blocks.

Can you please confirm by return?

Many thanks,



Property Manager

COLAS RAIL LTD

3rd Floor, 25 Victoria Street, London, SW1H 0EX United Kingdom

www.colasrail.co.uk

14 NTS

From:

Sent: 16 November 2021 09:48

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Hi

DRS have no comments.

Best Regards,



Procurement Assistant
Nuclear Transport Solutions
www.directrailservices.com



15 DB Cargo

From:

Sent: 18 November 2021 16:44

To:

Cc:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 25/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Dear,

Thank you for your various e-mails on this matter, please find attached representations from DB Cargo (UK) Limited.

Regards,

**Regulatory Specialist
Legal & Regulatory Affairs**

DB Cargo (UK) Limited
Hither Green Depot
Manor Lane
London
SE12 0UA

(w): www.uk.dbcargo.com





2/3

Therefore, if this proposal is implemented, Network Rail would no longer be able to honour the contract in its entirety as the contract will no longer provide DB Cargo with permission to use the JBL. This would prevent DB Cargo's services accessing the JBL and, in particular, the Prax Oil Terminal.

Consequently, DB Cargo is seriously concerned that this proposal would:

- (a) breach the contract;
- (b) disapply the Network Code (including Access Dispute Resolution Rules);
- (c) disapply other common industry rules and procedures that apply to Network Rail's Network (e.g. the Timetable Planning Rules and Delay Attribution Principles and Rules);
- (d) impact on the Performance, Possessions and liability regimes that would increase DB Cargo's exposure to cost risk;
- (e). increase bureaucracy (i.e. DB Cargo would need two access contracts rather than one); and
- (f) result in additional cost (i.e. there could be charges from Nexus for using the JBL which could be set at a magnitude far in excess of the charges currently levied by Network Rail).

DB Cargo currently enjoys a high degree of certainty under the contract so that it can continue to operate its current services and secure future access to the JBL. It also understands the level of charges that is levied for that access. However, if the proposal is implemented, that high degree of certainty is lost, its current services would be at risk and instead any access required would be subject to the successful negotiation of a separate contract with Nexus which may contain different adverse terms, conditions and charges.

DB Cargo is pleased to note in the consultation document that Network Rail has recognised its concerns and has now made the proposal subject to the successful agreement and establishment of the necessary track access arrangements between Freight Operators and Nexus. In this regard, DB Cargo can confirm that over the past year positive discussions have continued to take place between Nexus, DB Cargo, Network Rail and other Freight Operators on these matters and substantial progress has been made such that key contractual arrangements addressing the concerns summarised above are largely drafted (e.g. JBL track access contract, Network Code and ADRR) and accordingly only a few key issues remain outstanding (e.g. confidence on how timetabling work will be undertaken).

Once all of these necessary contractual arrangements (including the required Supplemental Track Access Agreement between DB Cargo & Network Rail covering the effects of the transfer of the JBL together with the receipt of any necessary approvals from the Office of Rail and Road) have finally been negotiated, agreed and adequate replacement documentation is in place on no worse terms than DB Cargo currently

NETWORK RAIL LICENCE CONDITION 17 CONSULTATION – JARROW BRANCH LINE DIVESTMENT JBL/PB/1

Thank you for your e-mails dated 5, 11 & 18 November 2021 on the above matter. This letter contains the representations of DB Cargo (UK) Limited ("DB Cargo") in respect of Network Rail's proposal to divest the Jarrow Branch Line ("JBL") to Tyne & Wear Passenger Transport Executive ("Nexus") pursuant to the procedures set out in Network Rail's Network Licence Condition 17. DB Cargo notes that this consultation supersedes an earlier consultation on the proposed divestment issued by Network Rail during September 2020 to which DB Cargo submitted its representations (my letter to Tom Brown at Network Rail dated 6 October 2020 refers).

Since that earlier response mentioned above, DB Cargo has continued its proactive discussions with Nexus on the proposal for the divestment of the JBL from Network Rail, not only in respect of the operational and safety aspects of the scheme which will permit heavy freight services to operate alongside light rail Metro services but also in respect of the commercial arrangements all of which will need to be fully agreed and established before DB Cargo can signify its acceptance of the proposal.

These commercial concerns, which were also set out in its response to the original consultation, can be summarised as follows:

DB Cargo holds a Track Access Contract (Freight Services) dated 11 December 2016 with Network Rail that expires in 2026 ("the contract"). Under the contract, DB Cargo has permission to use the entire network subject to the terms and conditions set out therein. This permission to use includes the JBL upon which DB Cargo operates regular services to and from the Prax Oil Terminal which is connected to the JBL.

DB Cargo understands that the proposal is intended to permit the transfer of ownership of the JBL from Network Rail to Nexus who will become the service provider of the JBL.



3/3

enjoys with Network Rail, DB Cargo would fully expect and intend to give its consent to the proposal. However, until that time has arrived, which hopefully will be in the very near future after the few remaining key issues are resolved, DB Cargo remains in the position of not being able to signify its acceptance of the proposal.

If you wish to discuss the above representations or require any further information, please let me know.

Yours sincerely,

16 Logistics UK

From:

Sent: 28 November 2021 22:12

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 25/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Hi

No objection from us. Thank you for extending the deadline.

**Deputy Director- Public Policy
Logistics UK**

www.logistics.org.uk

LOGISTICS UK

17 Freightliner

From:

Sent: 17 November 2021 16:59

To:

Cc:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 25/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Hi

Freightliner has no objection to this proposal other than those related to access rights which are being discussed directly with your colleagues.

We remove our objection on the condition that completion will not take place until the network change is complete and all concerns with regards to track access are resolved.

Kind regards

Group Property Manager
Freightliner Group Limited

Web: www.gwrr.co.uk

Freightliner® is a registered trademark

Please consider the environment before printing this email

18 GBRF

From:

Sent: 23 November 2021 15:02

To:

Subject: Re: GBRf response to Jarrow Branch Line Divestment Consultation

Dear

Please find attached GB Railfreight's response to the Jarrow Branch Line Divestment Consultation.

Regards,

.
Head of Strategic Access Planning,
GB Railfreight Ltd.,
3rd Floor,
55 Old Broad Street,
London, EC2M 1RX.

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

GB Railfreight

Network Rail Licence Condition 17 Consultation – Jarrow Branch Line Divestment

Thank you for your correspondence of 5th November 2021 on the divestment of the branch line from Pelaw Junction to Jarrow.

As you will be aware, GB Railfreight (GBRF) is an open-access freight operating company with a Track Access Contract for operating freight services, on a Right to Roam basis, up to Principal Change Date (December) 2026. As such, GBRF is permitted to run freight services even at very short notice along the Jarrow branch line today and GBRF obviously requires that contractual position to be no worse off were there to be a new infrastructure owner.

Since detailed discussions began on this particular property divestment early in 2020, there has been much discussion on the necessary contractual document changes associated with this divestment (e.g. new Nexus Track Access Contract, new Nexus Network Statement, new Nexus Network Change process, amendment of current Network Rail Infrastructure Limited Track Access Contract etc.) and GBRF believes good progress is being made with these and other relevant items.

However, they are not yet concluded and GB Railfreight is, therefore, not yet able to support any divestment of the Jarrow Branch Line from Network Rail Infrastructure Limited. All supporting contractual discussions, decisions and documentation must be completed before GBRF will support this.

As mentioned, discussions are continuing in a positive manner but are not yet complete.

**GB Railfreight**

Pioneering the Digital Rail Freight Revolution

Yours sincerely,

19 West Coast Rail Co**From:****Sent:** 01 December 2021 15:59**To:****Subject:** Re: JBL/PB/1 RESPOSE REQUIRED BY 3/12/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

no comments

WCR

20 RFG

From:

Sent: 08 November 2021 12:49

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

Thanks

We agree that the disposal can proceed once all the outstanding matters relating to freight track access and network change are satisfactorily resolved.

Thanks

Director General

Please note I do not work on Fridays.



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21 W. H. Malcom

From:

Sent: 19 November 2021 12:46

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 25/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

No comments.

Regards

Business & Estate Manager | W H Malcolm Ltd

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

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

22 Association of Community Rail Partnerships

From:

Sent: 05 November 2021 08:50

To:

Subject: RE: JBL/PB/1 RESPOSE REQUIRED BY 18/11/21 - CONSULTATION ON PROPOSED DIVESTMENT OF JARROW BRANCH LINE

No comment

Head of support & development, and deputy chief executive



Web: communityrail.org.uk

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

23 British Transport Police

From:

Sent: 05 November 2021 14:35

To:

Subject: Jarrow, Freehold land sale. JBC/PB/1

I write to you in line with my role as a British Transport Police (BTP) Designing out Crime Officer (DOCO) and in connection with the divestment of land forming the Jarrow Branch Line. Sale of the land will afford use of the two running lines for dual use as a light / heavy rail route.

Having reviewed your documentation under reference: CR/45887 dated 18.09.20 and JBC/PB/1, I support this proposal and have no further comments to add.

Regards

DOCO 7448
British Transport Police.
C Div. Pennine Sector.
1st Floor. West Gate House.
Grace Street.
Leeds

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24 Gateshead Council

No response

25 South Tyneside Council

From:
Sent: 01 December 2021 15:16
To:

Subject: Consultation Response - Land Disposal (Jarrow Branch Railway Line)

Our Ref: ST\2021\ENQ\00403

Hello – Obviously depending upon the proposed land use and any future development on this land, planning permission for the change in the use of the land and for any engineering works or operational development may be required (i.e. new boundary fencing, ground works, structures etc) – and established trees which enhance the amenity of the public realm should be retained – indeed the council has powers to TPO trees where it would be in the public amenity interest to do so.

I note that you seek to dispose of the land, but useful alternatives could include allotments, a wildlife / wooded area (with help from The Woodlands Trust or Natural England) or with advice from the Architectural Liaison Officer from Northumbria Police perhaps a cycle / public footpath link (with help from Sustrans)

I have consulted my colleagues regarding your proposal, including the council's 'Legal', 'Asset Management' and 'Local Plans' teams, and the only comment that I received back was from our Rights of Way Officer and which read as follows:

The majority of the Jarrow Branch Line doesn't have PROW, but this does not preclude the possible existence of such rights.

The effect a proposed development may have on a public right of way is a material consideration in the planning process, and the existence of a public right of way must be advertised within associated public notices.

A public right of way is considered to affect a proposed development if it runs anywhere within, or immediately adjacent to, the red line area of the site.

The enquirer should make reasonable inquiries to satisfy himself over the existence or otherwise of any public rights of way. Checking the List of Streets Maintainable at Public Expense and the Definitive Map, will not be sufficient to ascertain this. The enquirer is advised to seek independent specialist advice.

If enquiries suggest that a public right of way is reasonably alleged to subsist, the enquirer is advised to deal with any issues arising in the same manner as if the route(s) were registered on the Definitive Map. (i.e. if development is taking place, seeking any necessary diversion or an extinguishment orders before it commences).

Where no evidence of the existence of a public right of way is discovered, this still does not preclude their existence. In the event of any works being undertaken, which affect a possible public right of way, which result in complaints to the Council, the complainant will be advised to submit an application for a Definitive Map Modification Order, and provide supporting evidence.

This process does not create any new rights, it simply seeks to record those that already exist. As a result issues such as suitability, desirability, the viability of a development, and even public safety etc are not lawful considerations in the decision making process.

If such an application is approved, this means that public rights will have been demonstrated to exist and the onus will be on any person responsible for works affecting the way to rectify any problems, and ensure that the public right of way is fully open and available. Failure to do so may constitute a criminal offence.

There is a PROW H10 at the end of South Drive, Hebburn and it will be required to keep it open and available to the public at all times. There maybe a number of footbridges across the Branch Line that maybe need to be considered too.

Kind Regards

Operations Manager for Development Management (Planning)

South Tyneside Council, Development Management, Planning Group,
Development Services
South Shields Town Hall, Westoe Road, South Shields, Tyne and Wear, NE33 2RL
Website: www.southtyneside.gov.uk

Unless otherwise stated, opinions, conclusions and other information expressed in this message are personal, and not those of South Tyneside Council.

26 Transport Focus

From:

Sent: 28 January 2022 10:38

To:

Subject: Re: JBL/PB/1 Consultation on Proposed divestment of Jarrow Branch Line

Thanks for this information about the proposed divestment of Jarrow Branch Line to Nexus as part of the Metro Flow project. Interesting situation this with one track owned by Network Rail and the other by Nexus, so the proposal to create a double-track section for Metro, which can also still be used by

freight, makes sense, notwithstanding the operational challenges of bringing together the two systems. I'm happy to support this proposal, which is good news for Tyne & Wear Metro passengers.

Best regards

Rail technical advisor
Transport Focus

ANNEX 2

Dear Consultee,

RE: Consultation on Proposed Divestment of Jarrow Branch Line

We wrote to you in September 2020 to seek your comments in relation to a proposed disposal of Jarrow Branch Line. A number of objections were received from within the freight community and we have since been working with Nexus, to address the objections.

We now attach a draft application form to the Office of Rail and Road for Specific Consent to the divestment on the condition that completion will not take place until the network change is complete and all concerns with regards to track access are resolved. The decision to reconsult on this basis has been made following advice from the ORR to Nexus.

We request your comments, please, by 5pm on Thursday 18th November (including any “no comment” response). It would be helpful if your response is provided by email. Should no response be received by Thursday 18th November, and having made reasonable endeavours to obtain a response, we will proceed with our application to ORR for Specific Consent on the basis that there is no objection.

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

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

Yours faithfully,
