

# 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>BURNTISLAND- Land off Lammerlaws Road, Burntisland, KY3 9BS</p> <p>The site (disposal property) is located off Lammerlaws Road, Burntisland close to the harbour. The disposal area of approximately 8,302m<sup>2</sup> is shaded blue on the attached disposal plan. Network Rail's retained freehold interest is shown in green.</p> <p>The land forms the footprint of the former Strategic Freight Site that was delisted in February 2018 with agreement from the Freight Operating Companies. The entire infrastructure was removed from the site in 2000 and the operational railway is securely fenced off.</p>
Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)	<p>The following plan is attached at Appendix 1.</p> <p>1. Site Plan (Plan Number 6275053-1-B)</p> <p>Network Rail's retained freehold interest is shown coloured green on the plan.</p>
Clearance Ref:	<p>Business Clearance <b>CR/35488</b> dated 15 March 2018 (Certificate number : 43854)</p> <p>Technical Clearance <b>CR/35488</b> dated 17 July 2018 (Certificate number : 45371)</p>
Project No.	GB/Burntisland
Ordnance survey coordinates	<p>E: 323,516 N: 685,723</p> <p>Postcode: KY3 9BS</p>
Details of attached photographs (as required)	<p>The following photographs are attached in Appendix 2</p> <ul style="list-style-type: none"> <li>WP_20161129_11_51_05_Pro- This image highlights the view from the southern boundary of the site looking north.</li> <li>Burntisland Aerial Image- This image highlights the operational railway to the West, the proposed purchaser to the north and the former strategic freight site to the west.</li> </ul>

## 2. Proposal

Type of disposal	Freehold sale of the land extending to approximately 8,302m <sup>2</sup> at Lammerlaws Road, Burntisland.
Proposed party taking disposal	Calypso Marine Limited
Proposed use / scheme	Calypso Marine Limited wish to acquire the site to expand their neighbouring boatyard. This will allow the proposed purchaser to offer additional marine services at Burntisland.
Access arrangements to / from the disposal land	Calypso Marine Limited proposes to access the land directly from the neighbouring boatyard. It is also their intention to securely fence the land. No access over Network rail retained infrastructure will be granted or implied.
Replacement rail facilities (if appropriate)	Not applicable as no rail facilities will be lost by the proposed disposal.
Anticipated rail benefits	<p>There will be no direct rail benefits created by the disposal.</p> <p>Network Rail will however lose the maintenance responsibility associated with the land. The disposal area is completely unfenced and is susceptible to fly-tipping. The cost of securing the Network Rail boundary would be significant for land that has no operational purpose. Network Rail's term maintenance contractor CPMS, has advised an indicative cost of £100/ linear metre to install 1.8 metre high palisade fencing. The site boundary is approximately 750 metres therefore an indicative cost of £75,000 plus VAT would be payable in order to secure the boundary.</p>
Anticipated non-rail benefits	The purchase of the land will allow Calypso Marine to expand their operations and potentially bring about benefits to the local economy.

## 3. Timescales

Comments on timescales	It is anticipated that the land purchase will complete in May 2019 subject to receipt of ORR consent to the disposal.
<b>4. Railway Related Issues</b>	
History of railway related use	The land has been redundant for a considerable amount of time and is not operational. All railway related infrastructure has been removed from the site. The site was previously designated as a Strategic Freight Site. Rules governing the management of Strategic Freight Sites (SFS's) were defined at the time of privatisation. The SFS arrangements were established by the Agreement for Leases, Site Demarcations made on 1 <sup>st</sup> April 1993 between British Railways Board and Railtrack PLC. Under the rules, Network Rail holds the freeholds of the sites and manages them pending a requirement for freight use.
When last used for railway related purposes	<p>The infrastructure into Burntisland had not been used prior to 1994, when it was designated as a strategic freight site. The infrastructure was removed following a coal train derailment (on the main line) in 2000.</p> <p>It was agreed by the Freight Operating companies in February 2018 to formally remove the site from the Strategic Freight Site list as it was agreed that Burntisland had no future prospects for rail freight arising from this site.</p>
Any railway proposals affecting the site since that last relative use	Not aware of any such proposals. The disposal property is remote from the operational railway and is fenced off at the southern boundary with palisade fencing.
Impact on current railway related proposals	There are no known impacts on current railway proposals. As noted above the disposal area is separated from the operational railway. The disposal will not have a negative impact on Network Rail being able to carry out operational maintenance requirements in the future.

<p>Potential for future railway related use</p>	<p>The RUS has been reviewed and this has not revealed any specific strategic plans that require the use of the disposal land. The land is remote from Burntisland Station and would not be a viable station car park. Network Rail has no independent access into the proposed disposal area.</p>
<p>Any closure or station change or network change related issues</p>	<p>No. The property is remote from Burntisland Station and there are no physical track connections or any operational infrastructure on the land.</p>
<p>Whether disposal affects any railway (including train operator) related access needs, and how these are to be addressed in future</p>	<p>The disposal will not affect any train operator access needs as the disposed land is remote from Burntisland railway station and there are no physical rail connections. Network rail will retain land ownership of the land highlighted in green on the attached plan.</p>
<p>Position as regards safety / operational issues on severance of land from railway</p>	<p>The disposal does not include and requirement for new fencing of the railway boundary, as sufficient fencing already exists. There is not a risk of trespass on to the operational railway. The proposed purchaser will install additional fencing along the new boundary.</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>

5. Planning History and Land Contamination	
Planning permissions / Local Plan allocation (if applicable)	The proposed purchaser will be required to obtain any necessary planning consent if required. The land disposal area is identified within the Fife Local Plan under BUR010 with the land designated for employment use under classes 4 (business), 5 (general industrial) and 6 (storage and distribution).
Contamination / Environmental Issues (if applicable)	No specific issues are known relating to this purchase. The purchaser will be advised to satisfy their own environmental survey.
6. Local Authorities	
Names & Email Addresses:	Fife Council
Local Transport Authorities:	Fife Council
Other Relevant Local Authorities:	None
7. Internal approval to consult	
Recommendation:	<p>By proceeding to consult I am:</p> <ul style="list-style-type: none"> <li>• recommending that Network Rail consults on the terms of disposal</li> <li>• confirming that I have read and understood Network Rail's Code of Business Ethics and policy on Interests in Transactions</li> <li>• confirming that I have secured internal written approval to consult in accordance with Network Rail's policy on Authorising Application Forms.</li> </ul>
8. Consultations	
Internal consultation	<p>Internal Network Clearance (Business and Technical) has been obtained as referred to in section 1 of this form. Copies are attached as part of the email application submission.</p> <p>It was agreed by the Freight Operating companies in February 2018 to formally remove the site from the Strategic Freight Site list as it was agreed that Burntisland had no future prospects for rail freight arising from this site.</p>

Summary of position as regards external consultations	<p>Network Rail consulted with 27 industry stakeholders in relation to the proposed disposal. We received 25 responses with no objection.</p> <p>Transport for the North and Grand Central Railway Company did not respond to our requests for comments. As Transport for the North do not have a remit in Scotland and Grand Central Railway Company do not operate near Burntisland we considered them to be non-key stakeholders and interpreted their lack of response as them having no objections to this disposal.</p>
Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward	There were no objections to the proposal.
<b>9. Internal approval to dispose</b>	
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:  SURVEYOR
Signed.....	Date.....
Authorised by (name):	Authoriser's job title:  PROPERTY SERVICES MANAGER
Signed.....	Date.....