

Les Waters
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Railway Markets and Economics
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8 March 2019

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

Network licence condition 7 (land disposal): Hecks Wood, Eskdaleside, North Yorkshire and Wilton International, Middlesbrough, Tees Valley

Decision

1. On 9 January 2019, Network Rail gave notice of its intention to dispose of land at two locations: Hecks Wood, Eskdaleside, North Yorkshire and Wilton International, Middlesbrough, Tees Valley (together “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 consulted.
3. We note that the disposals are at two locations, as part of the same mineral extraction scheme:
 - a) south of Hecks Wood, Eskdaleside – a subsurface lease, shown edged blue on plan 5994378-B; and at
 - b) Wilton International’s Bran Sands site for:
 - i) an easement for access under bridge 60a marked hatched blue on plan 5994408; and
 - ii) one of two siting options for an easement marked hatched blue on plans 5994389-B and 5994401.
4. For the purposes of condition 7 of Network Rail’s network licence, ORR consents to the disposal of the land in accordance with the particulars set out in its notice.

Reasons for decision

5. We are satisfied that Network Rail has consulted relevant stakeholders and that no objections were raised.
6. In considering the proposed disposal, we note that:
 - there were no concerns that future railway operations would be affected adversely;

- in particular, Network Rail has confirmed that the potential for two-tracking at the Wilton International, Brans Sand site will not be precluded by the construction of a conveyor system, whichever of the two siting options is selected; and
- Network Rail will have the rights to raise the height of the conveyor, should there be an operational requirement.

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

8. 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”.

9. We have concluded that the proposed disposal is not against the interests of users of railway services. 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.

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

Les Waters

Duly authorised by the Office of Rail and Road

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

Proposed Property Disposal

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

1. Site	
<p>Site location and description</p>	<ol style="list-style-type: none"> 1. Land South of Hecks Wood, Eskdaleside Road, near Eskdaleside at ELR MBW3 25.1712, under which subterranean rights between 100 and 278 metres are sought. Within this, a tunnel will be bored at an estimated depth of 157 metres, to a width of 7 metres and length of 40 metres. A Mineral Transportation System will be constructed inside 2. Enclosed overbridge conveyor to be constructed at Wilton International, Bran Sands, Redcar & Cleveland within a working area of 65m x 40m or 110m x 18m at either ELR DSN2 20.0385 or DSN2 20.0991. The structural supports to the conveyor will be located outside of Network Rail owned land. The conveyor will have a maximum width of 10 metres, maximum length of 40 metres, and maximum height of 6 metres. The height difference between trains and the enclosed overbridge conveyor will be approximately 9 metres. The installation will form part of a 36.5km Mineral Transportation System crossing land owned by multiple owners 3. Land under under bridge 60A, at Wilton International, Bran Sands, Redcar & Cleveland at ELR DSN2 20.0289 for which vehicular access is required
<p>Plans attached: (all site plans should be in JPEG format, numbered and should clearly show the sites location approximate to the railway)</p>	<ol style="list-style-type: none"> 1. See Appendix 1. The subterranean area is shown edged blue in Plan 5994378-B Rev B, and the retained land of Network Rail shaded green. The Bell Ingram plan titled 'MTS101 S (Rev.3)' highlights the working box and estimated location of the tunnel and mineral transportation system. The final plan titled 'Category A – Tunnel Structures Narrow Constraint' highlights the width of the tunnel and supporting structure above 2. See Appendix 2. The two options under consideration for the siting of the enclosed overbridge conveyor are hatched blue in Plans 5994389-B Rev B and 5994401. The retained land of Network Rail is shaded green. Drawings 40-RHE-HB-4000-IF-18-00022 and 40-RHE-HB-4000-IF-18-00023 (A) provide an insight into the general arrangement of the enclosed overbridge conveyor including the position of bridge supports and elevations 3. See Appendix 3. The vehicular access is hatched blue in Plan 5994408, and the retained land of Network Rail shaded green

Clearance Ref:	<ol style="list-style-type: none"> 1. CR/35549 - Business Clearance obtained 20th March 2018 and Technical Clearance 2nd May 2018 CR/36538 - Business Clearance obtained 5th June and Technical Clearance 6th June 2. CR/35504 - Business Clearance obtained 27th February 2018 and Technical Clearance 17th April 2018 CR/35509 - Business Clearance obtained 27th February 2018 and Technical Clearance 17th April 2018 3. CR/36362 - Business Clearance obtained 14th May 2018 and Technical Clearance 16th May 2018 <p>Copies of the certificates are contained in Appendix 4</p>
Project No.	Not applicable
Ordnance survey coordinates	<ol style="list-style-type: none"> 1. (E484574, N506604) 2. (E456778, N523779) or (E457110, N523930) 3. (E456719, N523710)
Details of attached photographs (as required)	Images showing the intended location of the tunnel, overbridge conveyor and road access are shown in Appendix 5
2. Proposal	
Type of disposal	<ol style="list-style-type: none"> 1. A 130 year lease of a subterranean working box excluded from Sections 24-28 of The Landlord & Tenant Act 1954 is proposed. A Deed of Surrender (Part) will be entered into on completion of the tunnel boring works to record the exact location of the tunnel and narrow the rights granted. A fixed location is essential to the successful transportation of Polyhalite. Consequently, Network Rail will not be able to seek relocation of the tunnel or terminate the agreement 2. A 130 year Deed of Grant for an enclosed overbridge conveyor. Horizontal movement of the conveyor would require realignment of the whole 36.5km material transportation system. As such, the lift and shift rights of Network Rail will be limited to raising the height only, and subject to 6 months prior written notice. The cost is to be borne by York Potash Processing and Ports Limited. The Deed of Grant may be bought to an end if there is a material breach relating to safety of the railway 3. A 130 year Deed of Grant. Network Rail shall have the right to relocate the vehicular access for operational reasons but not to terminate. The cost of relocation is to be borne by York Potash Processing and Ports Limited

<p>Proposed party taking disposal</p>	<ol style="list-style-type: none"> 1. The lease and Deed of Surrender (Part) for the subterranean area will be entered into by York Potash Limited 2. The Deed of Grant for the enclosed overbridge conveyor will be taken by York Potash Processing and Ports Limited 3. The Deed of Grant for vehicular access will be taken by York Potash Processing and Ports Limited <p>Sirius Minerals Plc will stand as Guarantor for all of the Property agreements</p>
<p>Proposed use / scheme</p>	<p>York Potash Limited and York Potash Processing and Ports Limited are subsidiary companies of Sirius Minerals Plc, a publicly listed company on the London Stock Exchange. Sirius aim to become the World's leading producer of multi nutrient fertilizer and in 2010 commenced The North Yorkshire Polyhalite Project. The £2.3bn scheme will see the large scale extraction and granulation of Polyhalite, a naturally occurring mineral essential for plant growth and increasing world food production</p> <p>A new mine will be situated at Doves Head Farm, Sneatonthorpe, approximately 3.5km south of Whitby, from where the Polyhalite ore will be extracted and transported along a 36.5km mineral transportation system to Teeside for processing and export. The full geographical extent of the Project is shown in Appendix 6. 55 option agreements have been secured with other affected landowners, 47 of which have now been converted into leases, meaning consents are now in place for 85% of the mineral transportation system</p> <p>Production will commence at the end of 2021, with between 10-13 million tonnes of Polyhalite per annum predicted by the middle of 2024. Productivity will peak at 20 tonnes per annum by 2026, equivalent to 4% of the world potassium based fertilizer market. This represents £1.2bn of exports each year, reducing the UK's trade deficit by 4%. Supply agreements have already been signed for 3.6m tonnes over the first 5-10 years of production, and commitments from international buyers in place for a further 8.1m tonnes per annum. The Project will make a long and lasting contribution to the local, regional and national economies. Initial estimates suggest the mine and processing plant will create 1,000 direct jobs with many more being created via the supply chain</p> <p>An application made under The Mines (Working Facilities and Support) Act 1966 to compulsory acquire rights for the tunnel was submitted by York Potash Limited to the Secretary of State for Business, Energy and Industrial Strategy on 14th November 2017. External legal advice received from Denton's LLP, concluded that the 1966 Act did apply, and that if referred to the High Court rights would be imposed on Network Rail given the national significance of the Project. York Potash Processing and Ports Limited have meanwhile secured rights to construct the enclosed overbridge conveyor by virtue of the York Potash Harbour Facilities Order 2016</p>

<p>Access arrangements to / from the disposal land</p>	<p>The subterranean tunnel will be accessed by York Potash Limited via the main mine head at Doves Head Farm</p> <p>A right at any time, from time to time and in the case of emergencies to enter upon the enclosed overbridge conveyor and easement area (a three dimensional area with a width of 10 metres either side of the conveyor) from Network Rail land will be granted. The rights of access will be subject to consents/approvals required to ensure the continued safe operation of the railway</p> <p>The land under Bridge 60A is served by an internal road system at Wilton International. This is owned and operated by Semcorp</p>
<p>Replacement rail facilities (if appropriate)</p>	<p>Not applicable</p>
<p>Anticipated rail benefits</p>	<p>The proceeds generated from the grant of the rights will be used to reinvest in the railway</p>
<p>Anticipated non-rail benefits</p>	<p>The project is expected to operate at full capacity for approximately 100 years, and will make a long and lasting contribution to the local, regional and national economies</p>
<p>3. Timescales</p>	
<p>Comments on timescales</p>	<p>York Potash Limited and York Potash Processing and Ports Limited are looking to acquire the various rights by 1st January 2019</p>
<p>4. Railway Related Issues</p>	
<p>History of railway related use</p>	<p>The rights required are all under and over part of the Esk Valley and Middlesbrough-Saltburn lines, operated by Northern Trains. This extends to 35 miles (56km) from Middlesbrough to Whitby in North Yorkshire</p>
<p>When last used for railway related purposes</p>	<p>Not applicable. The line is currently in use</p>

Any railway proposals affecting the site since that last relative use	Not applicable. The site is currently in use
Impact on current railway related proposals	The System Operator has advised that there are no immediate railway related proposals for those areas of the Esk Valley and Middlesbrough-Saltburn lines affected by this proposal
Potential for future railway related use	The System Operator advised 25 th May 2018 that Northern Trains has plans to increase services to and from Whitby by up to 8 trains per day. The depth of tunnel under the Esk Valley Line is such depth that it will not pose a risk to these plans. The enclosed overbridge conveyor meanwhile passes over the Middlesbrough to Saltburn line, near British Steel Redcar station. There are no future railway schemes planned at this location, and the height of the conveyor is unlikely to interfere
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	None
Position as regards safety / operational issues on severance of land from railway	<p>The project has been reviewed by The Chief Engineer (Mining Team) within Safety, Technical and Engineering and local Asset Protection Team. The former has concluded that the depth of the proposed tunnel is unlikely to affect the operation of the railway above.</p> <p>York Potash Limited and York Potash Processing and Ports Limited will be required enter into Outside Party Asset Protection Agreements for the tunnel and enclosed overbridge conveyor, under which Network Rail will review and approve design, and confirm that the works have been undertaken to the specifications outlined</p> <p>A Compensation Fund will be maintained by York Potash Limited for the term of the tunnel lease and beyond in order to meet any claims bought by Network Rail relating to its undertaking (including damage to persons or property and subsidence). The level of contributions to be determined and reviewed by an approved Insurance Assessor</p> <p>York Potash and York Potash Processing and Ports Limited will also indemnify Network Rail against any losses suffered as a result of it not being able to operate the railway</p> <p>The nature of the disposal is such that the boundary demarcation is</p>

	<p>not required and severance not an issue.</p> <p>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>
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5. Planning History and Land Contamination

<p>Planning permissions / Local Plan allocation (if applicable)</p>	<p>A list of the various planning permissions secured is contained within Appendix 6. These include;</p> <ul style="list-style-type: none"> • NYM/2017/05/MEIA – Full Planning Permission granted 6th February 2018 by North York Moors National Park Authority for a minehead and mineral transportation system • R2014/0627/FFM - Full Planning Permission granted 19th August 2014 by Redcar & Cleveland Borough Council for a minehead and mineral transportation system • R2017/0906/OOM – Outline Planning Permission granted 30th April 2018 by Redcar & Cleveland Borough Council for an Overbridge Conveyor and Storage Facilities • TR030002 – The York Potash Harbour Facilities Development Consent Order granted 20th July 2016 by The Planning Inspectorate for the Overbridge Conveyor and Harbour processing facilities
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<p>Contamination / Environmental Issues (if applicable)</p>	<p>Environmental Statements were produced and submitted as part of the Planning and Development Consent Order submissions. These were reviewed by the local authorities affected and Planning Inspectorate in the context of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. All have concluded that following mitigation, the residual significance of contamination and impact on the environment of the construction and operational phases of the mine is considered to be neutral across the entire site. Various conditions relating to Contamination, Remediation and Environmental Protection have been attached to the planning approvals, and need to be satisfied before development may commence</p> <p>The terms of Tunnel Lease, and Deed of Grants will all place an obligation on York Potash Limited and York Potash Processing and Ports Limited to adhere to Environmental laws and standards, and to fully indemnify Network Rail against any claims or actions required</p>
<p>6. Local Authorities</p>	
<p>Names & Email Addresses:</p>	<p>North York Moors National Park Authority – @northyorkmoors.org.uk Redcar & Cleveland Borough Council – @redcar-cleveland.gov.uk</p>
<p>Local Transport Authorities:</p>	<p>A list of consultees can be seen within Appendix 6. It included;</p> <ul style="list-style-type: none"> • North York Moors National Park Authority – Highways • Redcar & Cleveland Borough Council – Highways • Highways England
<p>Other Relevant Local Authorities:</p>	<p>A full list of the Local Authorities consulted on each of the Planning Permissions is contained in Appendix 6. It included local Parish and Town Councils, Ward Members, Cleveland Police, Northumbrian Water and others</p>

7. 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
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8. Consultations

<p>Internal consultation</p>	<p>York Potash Limited and York Potash Processing and Ports Limited are working closely with the Safety, Technical & Engineering and Asset Protection Teams at Network Rail to ensure the tunnel and enclosed overbridge conveyor are constructed in line with Outside Party Asset Protection Agreements. The general and site specific conditions attached to the Clearances CR/35549, CR/36538, CR/35504, CR/35509 and CR/36362 have been addressed in the drafting of the various legal agreements that will need to be entered into</p>
<p>Summary of position as regards external consultations</p>	<p>30 external stakeholders were consulted, and responses received from 26. Those that failed to respond included, Transport for the North, Alliance Rail Holdings, The Freight Transport Association and West Coast Railway Company. No objections were received, but a query was raised by Northern Rail 30th October 2018 concerning the grant of the enclosed overbridge conveyor and ability to introduce two track formations in the future. A response was provided on the same day, to advise that the conveyor supports will be placed outside of Network Rail land ownership and that Network Rail will have rights to raise the height of the conveyor if required for reasons of its operational undertaking.</p>
<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards a way forward</p>	<p>Not applicable at this stage. To be populated once external consultations have been completed, and commentary provided if there are</p> <ul style="list-style-type: none"> • any unresolved objections; • steps undertaken towards seeking a resolution; • reasons why it is appropriate for application to be presented to ORR for decision while objections remain unresolved

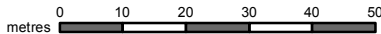
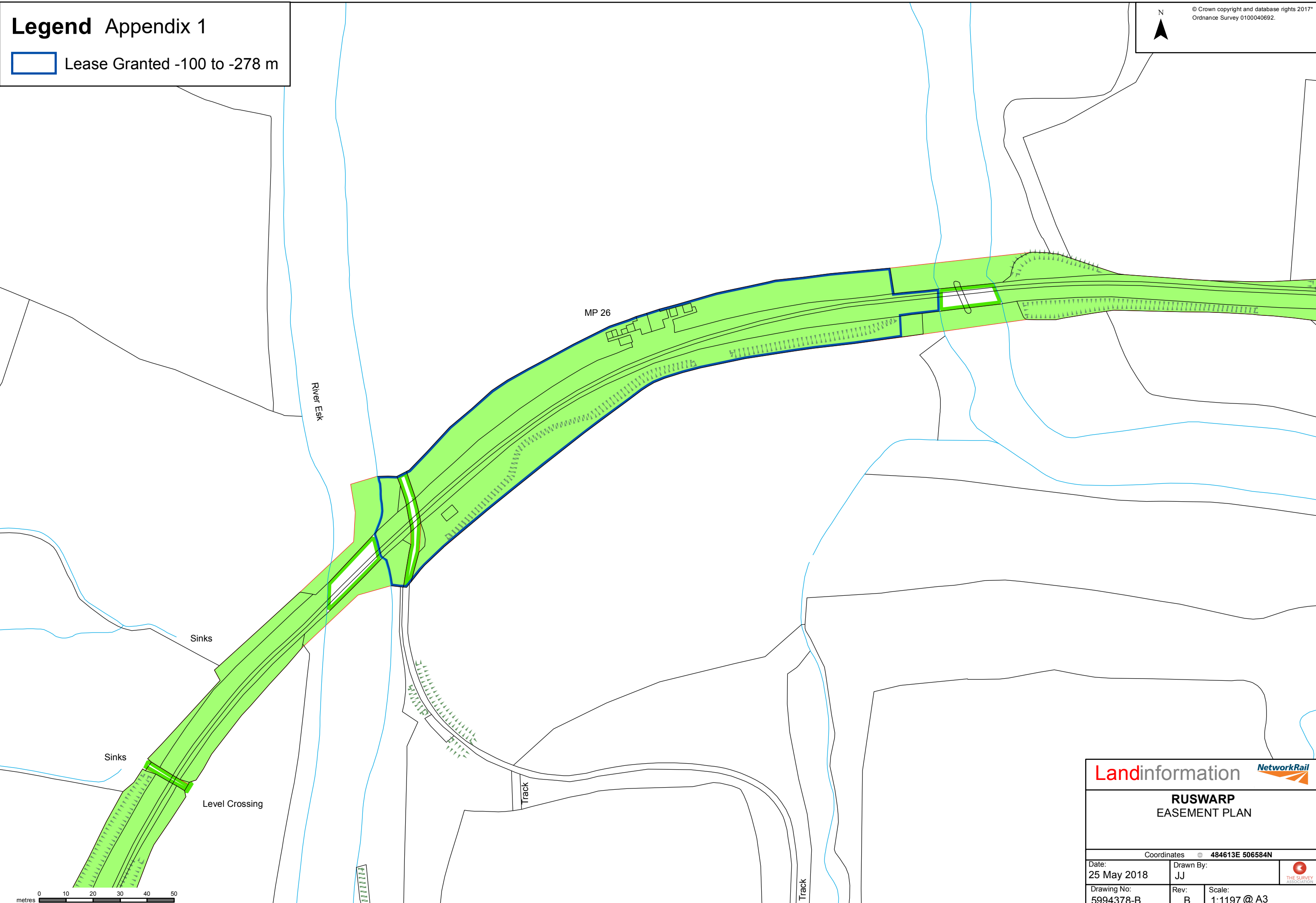
9. Internal approval to dispose

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: Property Services Manager
Signed.....		Date.....
Authorised by (name): Stephen Irvin		Authoriser's job title: Director – Property Services
Signed.....		Date.....

Legend Appendix 1

 Lease Granted -100 to -278 m

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Ordnance Survey 0100040692



Landinformation 

RUSWARP EASEMENT PLAN

Coordinates \square 484613E 506584N

Date: 25 May 2018
Drawn By: JJ

Drawing No: 5994378-B
Rev: B
Scale: 1:1197 @ A3

YP Minerals Transport System

Side Profile between points A and B

- Surface level
- Working box
- Estimated MTS location

Owner(s) Name:

Network Rail

	Vertical distance in relation to surface at point C (metres)	Vertical distance in relation to Datum (metres)
Top of working box	-100	-82
Bottom of working box	-278	-259

YP Ref: MTS101 – S (Rev . 3)

Drawn by: CJD

Date Prepared: 23/05/18

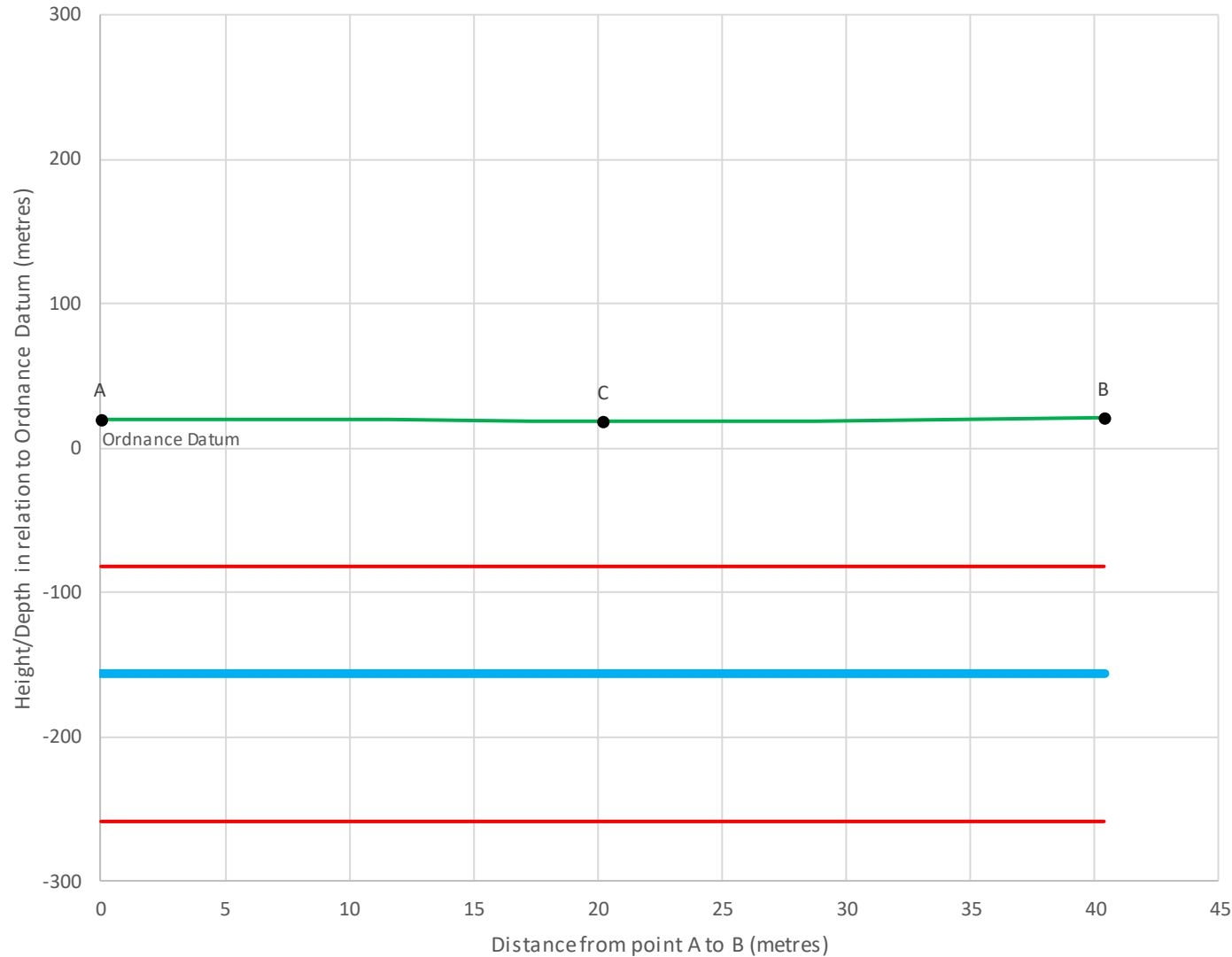


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Prepared by:



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 www.bellingram.co.uk
 enquiries@bellingram.co.uk



YP Minerals Transport System

Cross Section at Point C

- Surface level
- Working box
- Estimated MTS location

Owner(s) Name:

Network Rail

	Vertical distance in relation to surface at point C (metres)	Vertical distance in relation to Datum (metres)
Top of working box	-100	-82
Bottom of working box	-278	-259

YP Ref: MTS101 – S (Rev . 3)

Drawn by: CJD

Date Prepared: 23/05/18

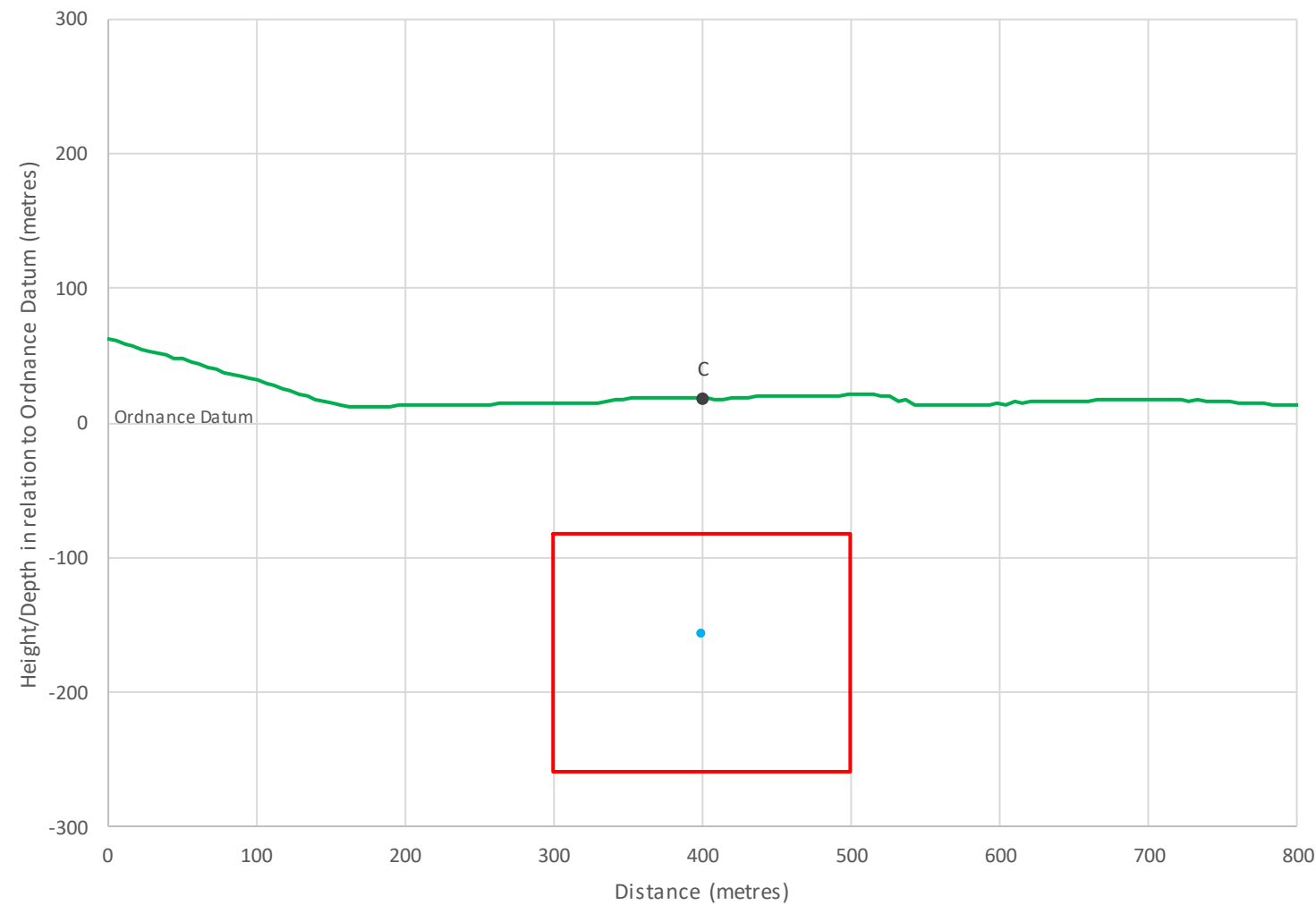


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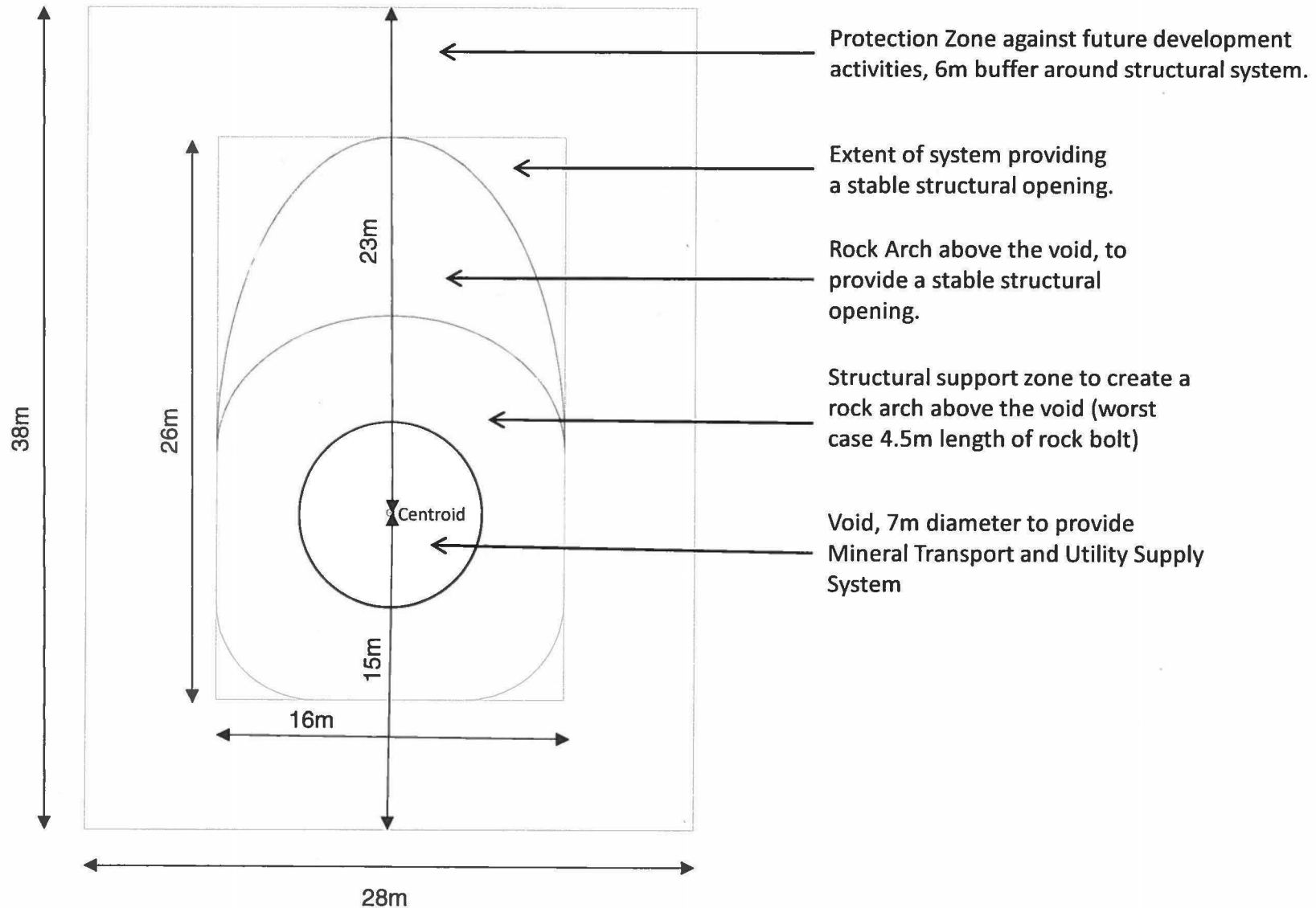
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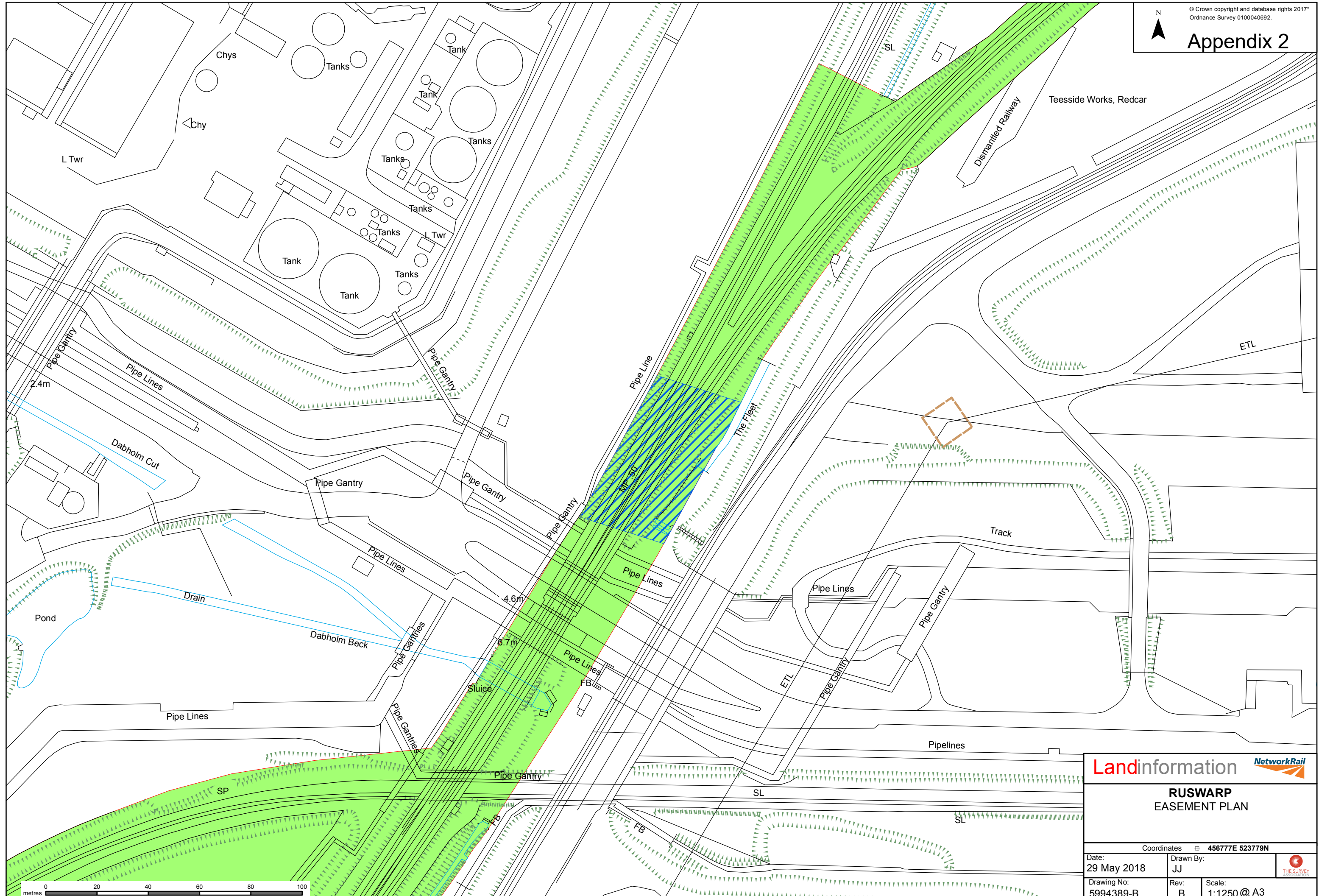


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enquiries@bellingram.co.uk




Category A - Tunnel Structures 'Narrow Constraint'





Landinformation 

**RUSWARP
 EASEMENT PLAN**

Coordinates \square 456777E 523779N		
Date: 29 May 2018	Drawn By: JJ	
Drawing No: 5994389-B	Rev: B	Scale: 1:1250 @ A3

Teesside
Works
Redcar

Track

Path



British Steel Redcar
(Halt)

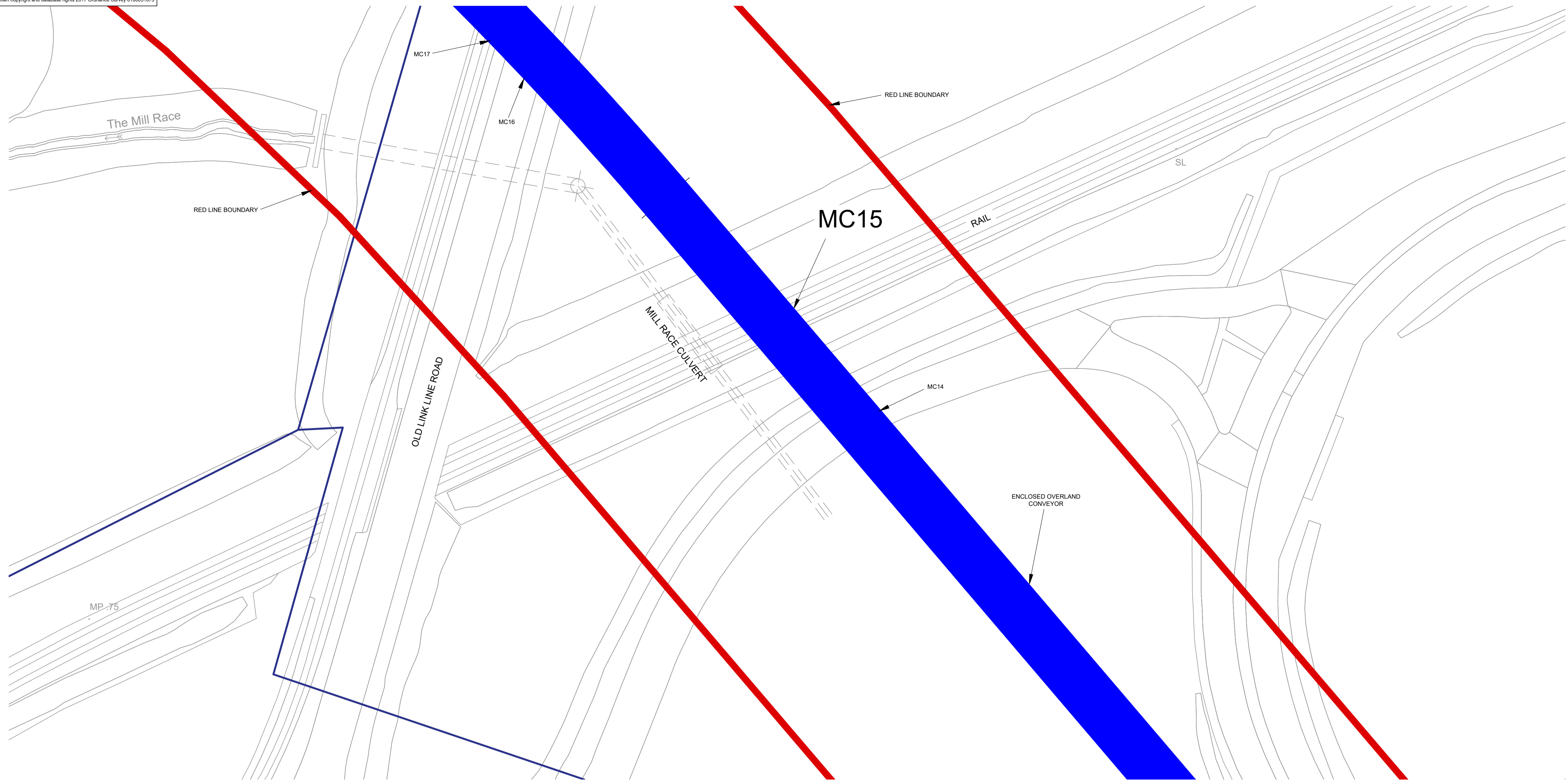


Teesside Works Redcar

Teesside Works
Redcar

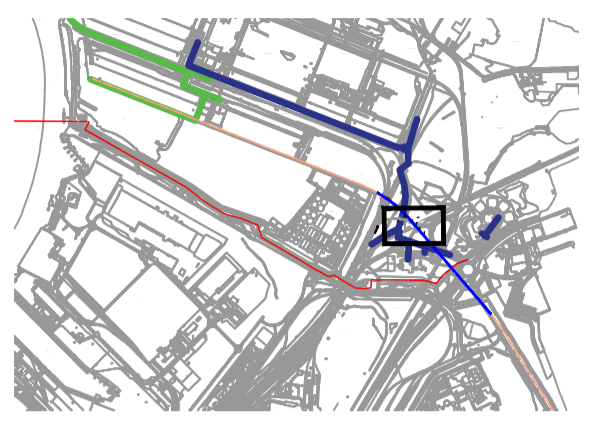
WB

Landinformation 		
RUSWARP EASEMENT PLAN		
Coordinates \square 457196E 524097N		
Date: 11 Dec 2017	Drawn By: JJ	
Drawing No: 5994401	Rev: 1:1250 @ A3	

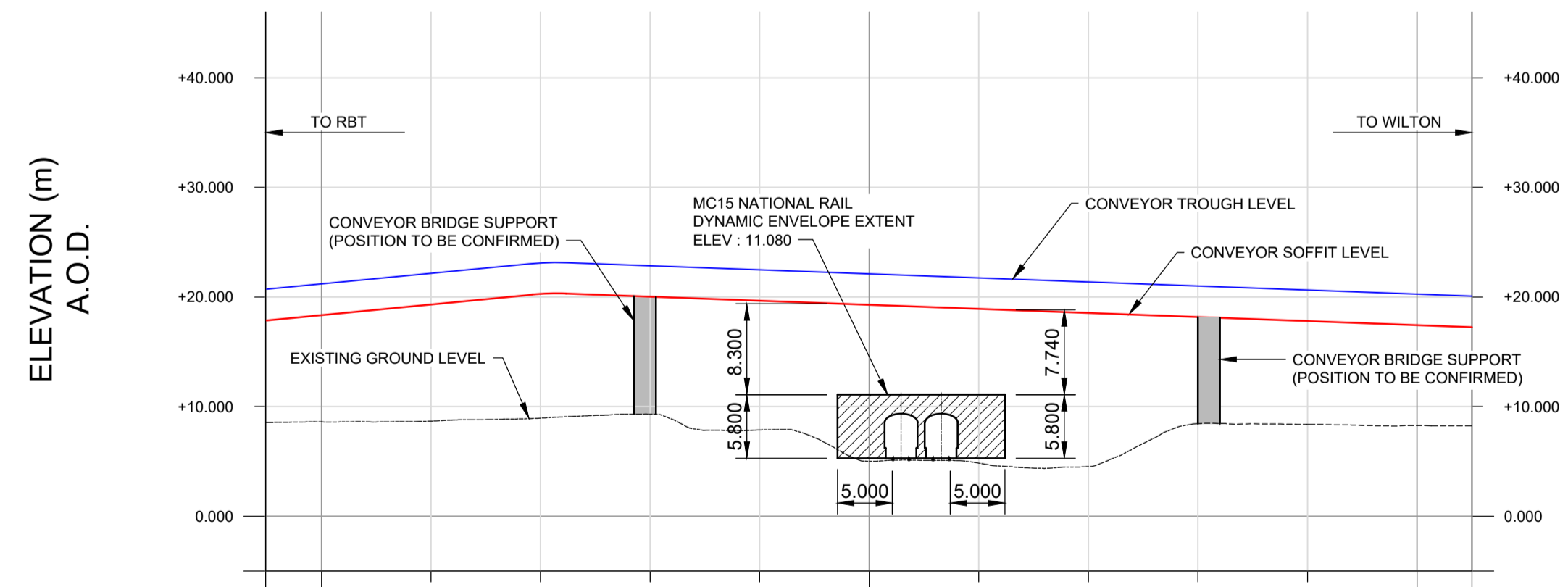


NOTES:

1. Appendix 2



LEGEND :
— SERVICES



CHAINAGE (m)	+2080m	+2070m	+2060m	+2050m	+2040m	+2030m	+2020m	+2010m	+2000m	+1990m	+1980m
EXISTING GROUND LEVEL (m)	8.60	8.67	8.95	9.31	7.87	5.02	4.85	4.53	6.44	6.38	6.26
CONVEYOR SOFFIT LEVEL (m)	18.350	19.319	20.274	20.021	19.651	19.282	18.812	18.542	18.172	17.803	17.433

ELEVATION ON NETWORK RAIL CROSSING MC15

DOCUMENT CERTIFICATION

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Revision Description	A	27/02/2018	PAW	CDJ	CDJ
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FOR INFORMATION

REV	DATE	BY	CHKD	APPD
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Job Title: NORTH YORKSHIRE POLYHALITE PROJECT CONVEYOR CROSSING AT MC15 GENERAL ARRANGEMENT

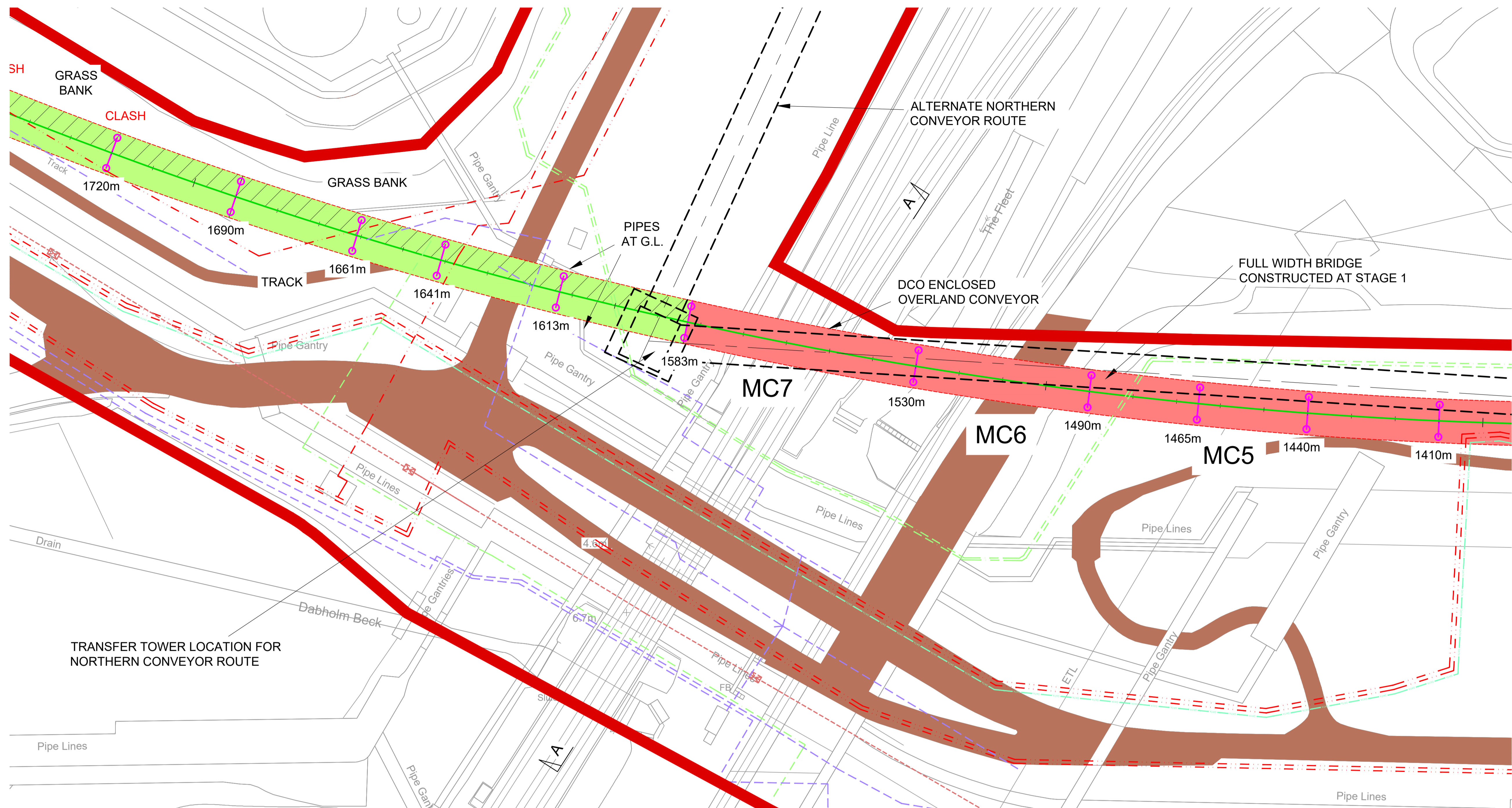
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CONT No: PB7022



DRG No: 40-RHE-HB-4000-IF-18-00022

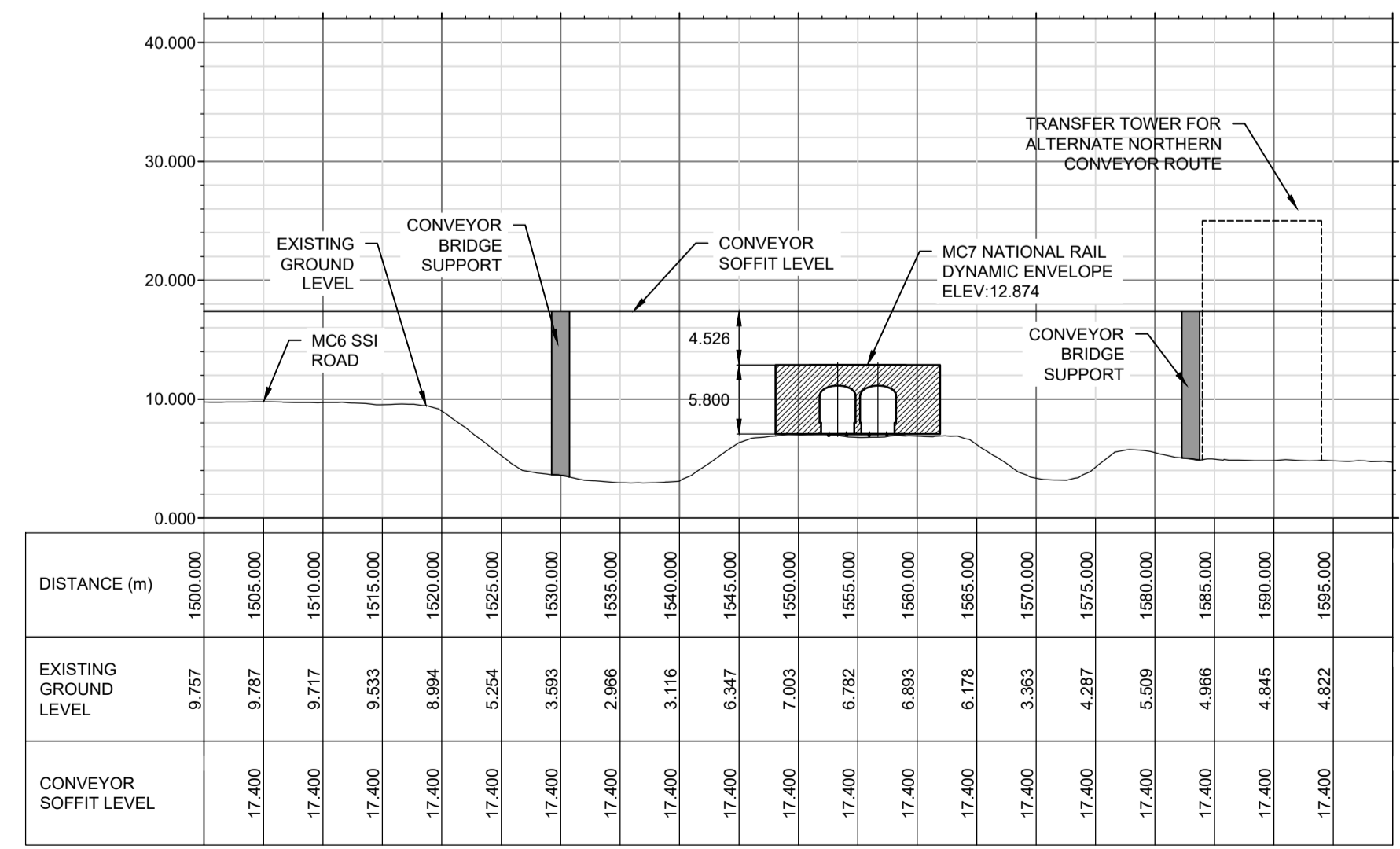
REV A



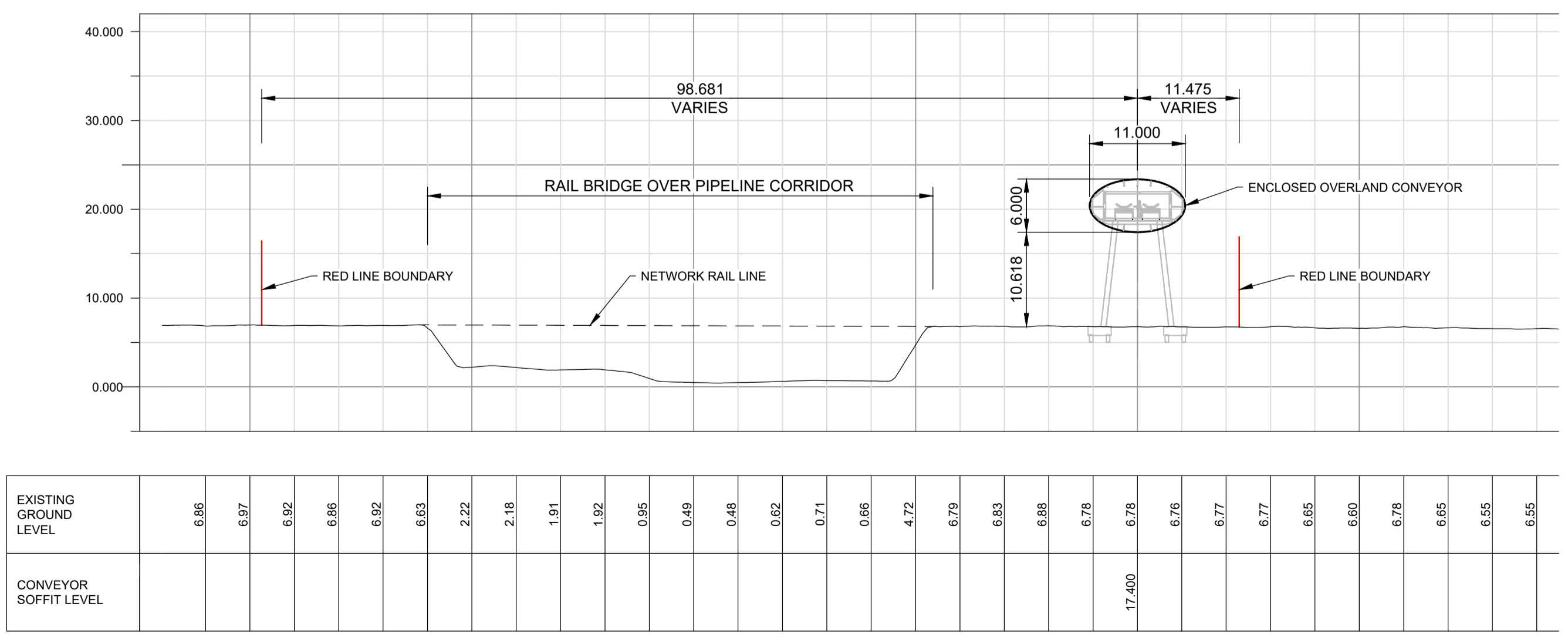
NOTES:
1. THIS DRAWING HAS BEEN PRODUCED TO INFORM DISCUSSIONS WITH NETWORK RAIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

- KEY
- GAS
 - WATER
 - FOUL WATER
 - MISCELLANEOUS
 - DATA FIBRE OPTIC CABLE
 - TYPE 1 - ENCLOSED CONVEYOR - 3 LEGS
 - TYPE 2 - ENCLOSED CONVEYOR - 2 LEGS
 - TYPE 3 - OPEN CONVEYOR - 2 LEGS
 - INDICATIVE SUPPORT FRAME & FOUNDATION LOCATION
 - HATCHING DENOTES STAGE 2 CONSTRUCTION
 - SHADING COLOUR WILL VARY
 - STAGE 1 CONSTRUCTION

FOR INFORMATION



ELEVATION ON NETWORK RAIL CROSSING MC7



SECTION A-A - ALONG NETWORK RAIL LINE

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Revision Description				
A	16/03/2018	PAW	CDJ	CDJ

FOR INFORMATION

REV	DATE	BY	CHKD	APPD
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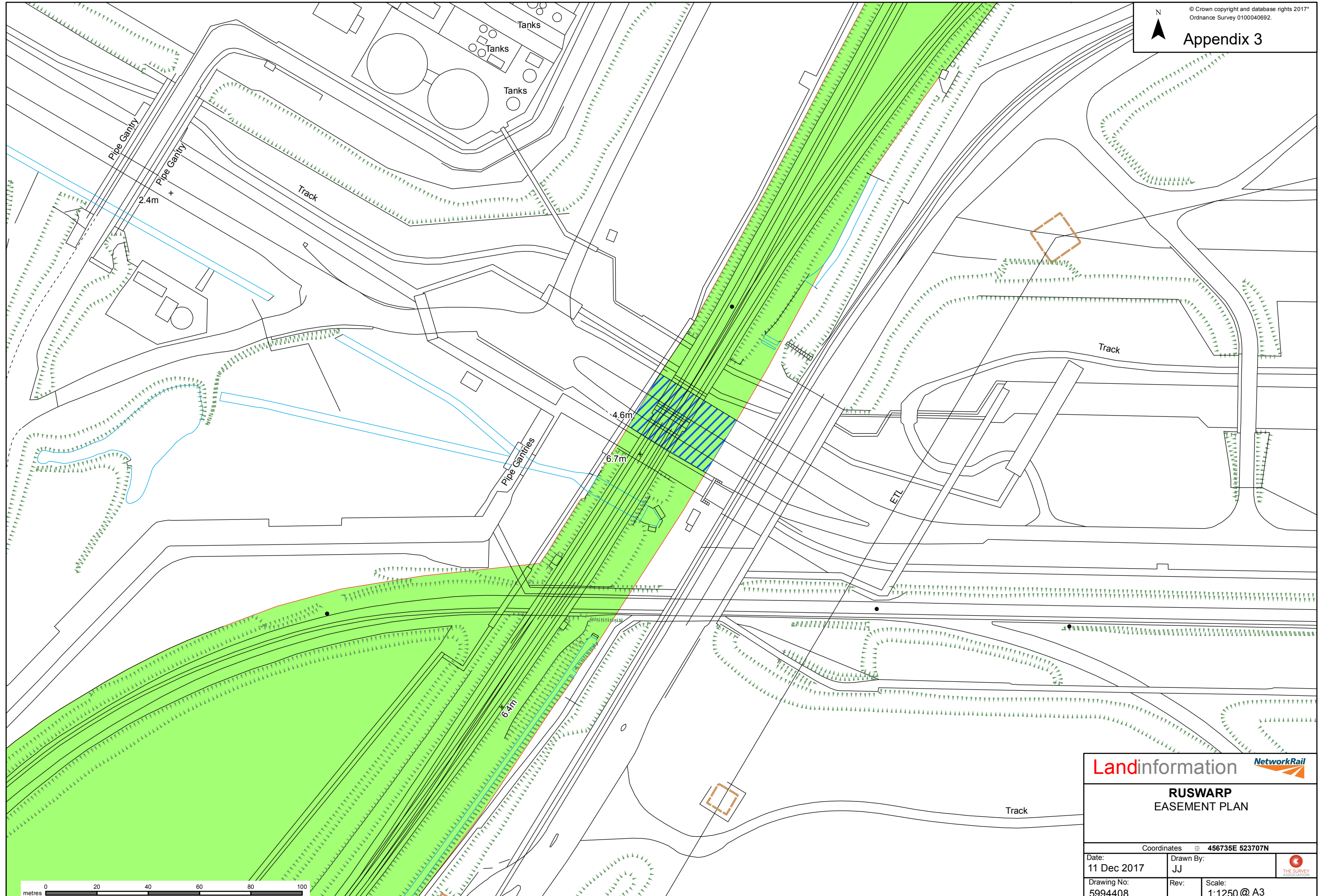



Job Title: NORTH YORKSHIRE POLYHALITE PROJECT
DCO CONVEYOR CROSSING AT MC7
GENERAL ARRANGEMENT
SCALE: A1 @ 1:500

CONT No: PB7022

DRG No: 40-RHE-HB-4000-IF-18-00023
REV A

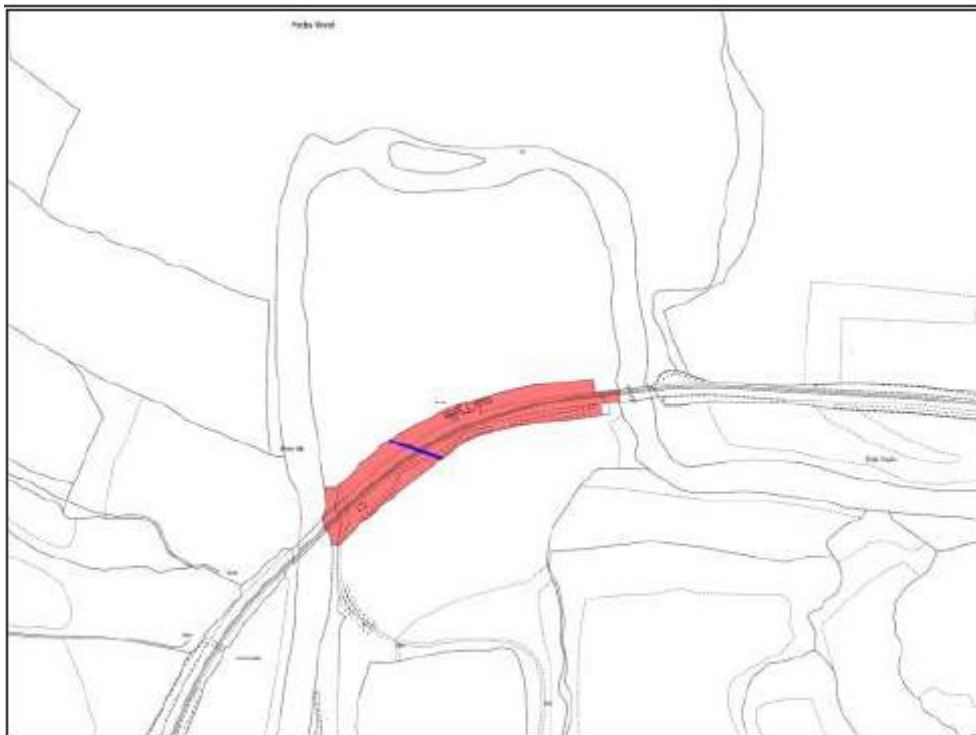




Landinformation 	
RUSWARP EASEMENT PLAN	
Coordinates \square 456735E 523707N	
Date: 11 Dec 2017	Drawn By: JJ
Drawing No: 5994408	Rev: Scale: 1:1250 @ A3

Appendix 5 – Plans & Photo's

Tunnel Images



Mineral Transport System (MTS) Lease Plan

Overbridge Conveyor Images



Road access under Bridge 60A images



CONSULTATION REPORT

relating to

The North Yorkshire Polyhalite Project

This report is provided as a supplement to our forms for the proposed disposal of the following rights:

- 1. Lease of Subterranean area South of Hecks Wood, Eskdaleside Road, near Eskdaleside**
- 2. Option and Deed of Easement for an Overbridge Conveyor at Wilton International, Bran Sands**
- 3. Deed of Easement for access under Bridge 60a, Wilton International, Bran Sands**

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

Summary of position regarding responses: Of the 30 stakeholders consulted, responses were received from 26. Those that failed to respond included, Transport for the North, Alliance Rail Holdings. The Freight Transport Association and West Coast Railway Company. No objections were received, but a query was received from Northern Rail 30th October 2018 concerning the placement of conveyor and whether this would prevent two track formations in the future. The conveyor supports will be placed outside of Network Rail ownership and will not inhibit two track formations. Furthermore, Network Rail will have rights to raise the height of the conveyor if required

Land disposal consultation report

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	12/10/2018	No comment See Annex 1	
2	Tees Valley Combined Authority		Y	22/10/2018	No comment See Annex 1	
3	Transport for North		N			Stage 1 chasing email issued 10/10. Stage 2 chasing email issued 22/10. Stage 3 chasing email sent 23/10 to updated email

Land disposal consultation report

						Stage 4 notification email sent 31/10 advising that the consultation period has now closed and an application to ORR regarding this proposal will now be made
4	Arriva Trains Cross Country		Y	20/09/2018	No comment See Annex 1	
5	C2C Rail Limited		Y	20/09/2018	No comment See Annex 1	
6	Hull Trains Limited firstgroup		Y	20/09/2018	No comment See Annex 1	
7	Chiltern Railway Company Limited		Y	22/10/2018	No comment See Annex 1	
8	Eurostar International Limited		Y	20/09/2018	No comment See Annex 1	

Land disposal consultation report

9	Great Western Railway		Y	21/09/2018	No comment See Annex 1	
10	Grand Central Railway Company Limited		Y	25/10/2018	No comment See Annex 1	
11	London & South Eastern Railway Limited		Y	20/09/2018	No comment See Annex 1	
12	Merseyrail Electrics 2002 Limited		Y	26/09/2018	No comment See Annex 1	
13	Northern Rail Limited		Y	30/10/2018	Comment received See Annex 1	

Land disposal consultation report

14	Transpennine Express		Y	30/10/2018	No comment See Annex 1	Stage 1 chasing email issued 10/10. Stage 2 chasing email issued 22/10. Stage 3 further email and chasing letter sent 24/10
15	Virgin Trains East Coast LNER		Y	20/09/2018	No comment See Annex 1	
16	Alliance Rail Holdings		N			Stage 1 chasing email issued 10/10. Stage 2 chasing email issued 22/10. Stage 3 phone call made 16.53 and advised that the number listed is a personal number and Richard no longer works for Alliance. Alternative contact detail sought from Strategy Clearance Team 24/10 Stage 4 notification email sent 31/10 advising that the consultation period has now closed and an application to ORR regarding this proposal will now be made
17	Colas Rail Limited		Y	11/10/2018	No comment See Annex 1	

Land disposal consultation report

18	Direct Rail Services		Y	05/10/2018	No comment See Annex 1	
19	DB Cargo UK Limited		Y	24/10/2018	No comment See Annex 1	
20	Freight Transport Association		N			<p>Stage 1 chasing email issued 10/10. Stage 2 chasing email issued 22/10.</p> <p>Stage 3 phone call made 16.54 and message left. Further email and chasing letter sent 24/10</p> <p>Stage 4 notification email sent 31/10 advising that the consultation period has now closed and an application to ORR regarding this proposal will now be made</p>
21	Freightliner Limited		Y	25/10/2018	No comment See Annex 1	

Land disposal consultation report

22	GB Railfreight Limited		Y	24/10/2018	No comment See Annex 1	
23	Rail Freight Group		Y	20/09/2018	No comment See Annex 1	
24	West Coast Railway Company		N			<p>Stage 1 chasing email issued 10/10. Stage 2 chasing email issued 22/10.</p> <p>Stage 3 phone call made 16.59 and message left. Further email and chasing letter sent 24/10</p> <p>Stage 4 notification email sent 31/10 advising that the consultation period has now closed and an application to ORR regarding this proposal will now be made</p>
25	W H Malcom Group		Y	20/09/2018	No comment See Annex 1	
26	ABP Ports Limited		Y	28/09/2018	No comment See Annex 1	

Land disposal consultation report

27	Association of Community Rail Partnerships		Y	12/10/2018	No comment See Annex 1	
28	British Transport Police		Y	02/10/2018	No comment See Annex 1	
29	East West Railway Company Ltd		Y	20/09/2018	No comment See Annex 1	
30	Network Rail Media Relations		Y	10/10/18	No comment See Annex 1	

Copies of responses referred to in the above report are given in the annexes to this report.

Copies of consultation requests (before customisation for any individuals at Stage 3) are given in the annexes to this report.

Land disposal consultation report

Annex 1 – consultation responses

1 DfT

From: @dft.gov.uk

Date: 12 October 2018 at 10:59:03 BST

To: @networkrail.co.uk

Cc: @dft.gov.uk

Subject: RE: York Potash - Stage 1 Consultation Reminder

Dear

DfT have no comment on the proposal.

Kind regards,

Planning and Investment Manager, Network Services North - Rail Group, Department for Transport
3/23 GMH

2 Tees Valley Combined Authority

From: @teesvalley-ca.gov.uk

Sent: 22 October 2018 14:06

To: @networkrail.co.uk

Cc: @teesvalley-ca.gov.uk; @teesvalley-ca.gov.uk; @redcar-cleveland.gov.uk; @southteesdc.com; @southteesdc.com

Subject: RE: York Potash - Stage 1 Consultation Reminder

Good afternoon,

Thank you for getting in touch re the above.

This is to confirm that Tees Valley Combined Authority has reviewed the information supplied and have consulted with colleagues at Redcar & Cleveland Borough Council and South Tees Development Corporation. This is to confirm that we do not believe that the proposal presents any issues regarding other strategic concerns in that area. This is with the proviso that the proposed design is not subsequently altered to the detriment of local aspirations for electrification and the potential expansion of W12 intermodal movements.

Land disposal consultation report

Best regards,

Strategic Freight Advisor

[Tees Valley Combined Authority](#)

Office:

Mobile:

3 Tranport for the North – No response

4 Arriva Trains Cross Country

From: @crosscountrytrains.co.uk

Sent: 20 September 2018 15:16

To: @networkrail.co.uk

Subject: RE: York Potash

XC Trains Ltd has no comment on this proposed disposal.

Regards

Station Contracts Manager CrossCountry

Phone: Mobile: Fax:

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

Land disposal consultation report

5 C2C Rail Limited

From: @c2craill.net
Sent: 20 September 2018 15:41
To: @networkrail.co.uk
Subject: Re: FW: York Potash

Hi

No objection from c2c.

Regards

Reactive Works Manager

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



D:
M:
W: www.c2c-online.co.uk

6 Hull Trains Limited/First Group

From: @firstgroup.com
Sent: 20 September 2018 15:16
To: @networkrail.co.uk
Subject: Re: York Potash

Hi

No comments from us.

Land disposal consultation report

Regards

Head of Safety and Environment

@firstgroup.com

7 Chiltern Railway Company Limited

From: @chilternrailways.co.uk
Sent: 22 October 2018 15:03
To: @networkrail.co.uk
Subject: RE: York Potash - Stage 2 Consultation Reminder

Hello,

Chiltern have no comments.

Regulatory Contracts Manager
Chiltern Railways, Great Central House, Marylebone Station, Melcombe Place, London, NW1 6JJ
@chilternrailways.co.uk
www.chilternrailways.co.uk

8 Eurostar International Limited

From: @eurostar.com
Sent: 21 September 2018 10:08
To: @networkrail.co.uk
Subject: RE: York Potash

No comment from EIL,

Thanks

Land disposal consultation report
PA to Chairman and to Company Secretary

Eurostar International Limited

Times House | Bravingtons Walk | London N1 9AW

T

M

eurostar.com

9 Great Western Railway

From: @gwr.com

Sent: 21 September 2018 16:30

To: @networkrail.co.uk

Subject: RE: York Potash

Hello

We have no objection thank you.

Network Access Manager | Great Western Railway

1 Milford Street | Swindon | SN1 1HL

@GWR.com

First Greater Western Limited | Registered in England and Wales number 05113733

Registered office: Milford House, 1 Milford Street, Swindon SN1 1HL.

10 Grand Central Railway Company Limited

From: @grandcentralrail.com

Sent: 25 October 2018 08:23

To: @networkrail.co.uk

Subject: RE: LC7 STAGE 3 CONSULTATION REMINDER – PROPOSED DISPOSAL OF LAND RIGHTS TO YORK POTASH LIMITED

Land disposal consultation report

Dear

Apologies for the delay in getting back to you and I wrongly assumed that a member of the team had responded.

GC has no comment to make on the proposed land disposal at York.

Regards

Chief Operating Officer | **Grand Central Rail**

M: | E: @grandcentralrail.com

Grand Central Railway Company Limited, Ground Floor, Wakefield Railway Station, Monk Street, Wakefield, WF1 4EL

W: grandcentralrail.com | Twitter: [@gc_rail](https://twitter.com/@gc_rail) | Facebook: facebook.com/grandcentralrail

11 London & South Eastern Railway Limited

From: @southeasternrailway.co.uk

Sent: 20 September 2018 15:42

To: @networkrail.co.uk

Subject: FW: York Potash

Good morning,

Thank you for the opportunity to review the below.

Southeastern has no comment on this proposal.

Could you please add me to your mailing list for future proposals?

Land disposal consultation report

Thanks in advance,

Kind regards,

Commercial Coordinator
southeasternrailway.co.uk
southeastern
Friars Bridge Court
41-45 Blackfriars Road
London, SE1 8NZ

12 Merseyrail Electrics 2002 Limited

From: @merseyrail.org
Sent: 26 September 2018 10:13
To: @networkrail.co.uk
Subject: RE: York Potash

We have no objections, thanks

Land disposal consultation report

13 Northern Rail Limited

From: @northernrailway.co.uk

Sent: 30 October 2018 17:20

To: @networkrail.co.uk

Cc: @northernrailway.co.uk

Subject: RE: LC7 STAGE 3 CONSULTATION REMINDER – PROPOSED DISPOSAL OF LAND RIGHTS TO YORK POTASH LIMITED

Northern's comment is that all future work would need to ensure any new overbridges provide passive provision for any future two track formations.

Also, I understand the attached letter was sent to Serco address. Please send all correspondence to the below address in my signature.

Thanks

14 Transpennine Express

(Received by letter)

30th October 2018

Ref:

Dear Sirs,

RE: Land Disposal Consultation – York Potash Stage 2 Consultation

With reference to the above Property disposal application, please accept this letter as confirmation that TransPennine Express has no objection to this proposal.

Yours Faithfully,

Head of Property
Transpennine Express

Land disposal consultation report

15 Virgin Trains East Coast LNER

From: @lner.co.uk
Sent: 21 September 2018 07:39
To: @networkrail.co.uk
Subject: RE: York Potash

LNER has no objection to this proposed land disposal.

 Major Projects Director
LNER East Coast House, 25 Skeldergate, York, YO1 6DH
t: m: e: @lner.co.uk

16 Alliance Rail Holdings – No response

17 Colas Rail Limited

From: @colasrail.com
Sent: 11 October 2018 12:29
To: @networkrail.co.uk
Subject: RE: York Potash - Stage 1 Consultation Reminder

No comment.

KR,

Property Manager
Tel. Mob.
@colasrail.com

Land disposal consultation report

COLAS RAIL LTD

Dacre House - Floor 4, 19 Dacre Street, London, SW1H 0DJ, United Kingdom

www.colasrail.co.uk

18 Direct Rail Services

From: @drsl.co.uk

Sent: 05 October 2018 11:07

To: @networkrail.co.uk

Cc: @drsl.co.uk; @drsl.co.uk

Subject: RE: York Potash

Hi

DRS have no comments.

Best Regards,

Procurement Apprentice

Direct Rail Services Ltd

Regents

Baron Way

Carlisle

CA6 4SJ

T:

E: @drsl.co.uk

Court

Land disposal consultation report

19 DB Cargo UK Limited

From: @deutschebahn.com
Sent: 24 October 2018 14:53
To: @networkrail.co.uk
Subject: Re: York Potash - Stage 2 Consultation Reminder

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

Yours,

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

20 Freight Transport Association – No response

21 Freightliner Limited

From: @freightliner.co.uk
Sent: 25 October 2018 14:11
To: @networkrail.co.uk
Subject: RE: York Potash disposal

Thanks

Very well thank you.

Land disposal consultation report

Freightliner has no comment in respect of the proposed York Potash Proposal.

Kind regards

22 GB Railfreight Limited

From: @gbrailfreight.com

Sent: 24 October 2018 19:24

To: @networkrail.co.uk

Subject: Re: LC7 STAGE 3 CONSULTATION REMINDER – PROPOSED DISPOSAL OF LAND RIGHTS TO YORK POTASH LIMITED

No issues from GBRf.

Regards,

Head of Capacity Planning,

GB Railfreight Ltd.,

3rd Floor,

55 Old Broad Street,

London, EC2M 1RX.

Tel:

Mobile:

GB Railfreight Ltd. Registered in England & Wales No. 03707889.

Registered Office: 3rd Floor, 55 Old Broad Street, London, EC2M 1RX.

Land disposal consultation report

23 Rail Freight Group

From: @rfg.org.uk

Sent: 20 September 2018 19:18

To: @networkrail.co.uk

Subject: Re: York Potash

Ok with RFG

Sent from my iPad

24 West Coast Railway Company – No response

25 WH Malcolm Group

From: @whm.co.uk

Sent: 20 September 2018 15:19

To: @networkrail.co.uk

Subject: RE: York Potash

No objections.

Regards

Business & Estate Manager | W H Malcolm Ltd

Malcolm Group, Brookfield House, 2 Burnbrae Drive, Linwood, Renfrewshire PA3 3BU

DD: | Mobile:

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

Land disposal consultation report

26 ABP Ports Limited

From: @abports.co.uk
Sent: 28 September 2018 11:00
To: @networkrail.co.uk
Subject: York Potash

Dear

I refer to your e-mail dated the 20 September regarding:

SUBJECT: Consultation on proposed land disposals:

- 1) Lease of Subterranean area South of Hecks Wood, Eskdaleside Road, near Eskdaleside**
- 2) Option and Deed of Easement for an Overbridge Conveyor at Wilton International, Bran Sands**
- 3) Deed of Easement for access under Bridge 60a, Wilton International, Bran Sands**

I confirm that there are no comments from ABP to the proposals.

Kind regards

Group Head of Property | Associated British Ports
Queen Alexandra House | Cargo Road | Cardiff | CF10 4LY
Tel: | Mob: | www.abports.co.uk

27 Association of Community Rail Partnerships

From: @acorp.uk.com
Sent: 12 October 2018 10:25
To: @networkrail.co.uk
Subject: RE: York Potash - Stage 1 Consultation Reminder

Hi

I have spoken to the CRP on the Whitby Line, they have no objection in principle. Their only concern which I suspect NWR share is that the tunnel under the line is of sufficient depth not to cause further speed restrictions on what is quite a slow line already.

Land disposal consultation report

Thanks

Senior Operations Manager



Mobile

Web: acorp.uk.com

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

From:

Sent: 12 October 2018 10:48

To: @acorp.uk.com

Subject: RE: York Potash - Stage 1 Consultation Reminder

Hi

Thanks for your comments. The proposal has been reviewed by Senior Mining Engineers within NR's ST&E - Technical Services. They are satisfied that the depth of tunnel at -157m will not adversely affect the line above.

Kind Regards

Property Services Manager | National Portfolio

Network Rail

The Quadrant | Elder Gate | Milton Keynes | MK9 1EN

M:

E: @networkrail.co.uk

www.networkrail.co.uk/property

Land disposal consultation report

28 British Transport Police

From: @btp.pnn.police.uk

Sent: 02 October 2018 14:07

To:

Cc:

Subject: Proposed land disposal. York Potash.

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 consultation process for the proposed land disposal at Eskdaleside Road, Eskdale to support a future development by York Potash.

The Network Rail Certificate of Approval for Stage 1 (Business) Clearance reference is CR/36362 (Cert 44870) and dated 31.05.2018.

Having reviewed the attached documents, I have no observations or comments to offer and support the proposal.

My reference is CRU-2018-1757.

Regards

Designing Out Crime Officer.

Designing Out Crime Unit.

British Transport Police,
C Division. Pennines Sector.
1st Floor, West Gate House,
Grace St, Leeds, LS1 2RP
T.

Mobile

Email @btp.pnn.police.uk

www.btp.police.uk

Land disposal consultation report

29 East West Railway Company Limited

From: @eastwest-railway.co.uk
Sent: 20 September 2018 16:58
To: @networkrail.co.uk
Subject: Re: York Potash

Dear

East West Railway Company has no objection to the proposed disposal as it lies outside of our geographic area of interest.

Regards,

Engineering Director, East West Railway Company Ltd

30 Network Rail Media Relations

From:
Sent: 10 October 2018 13:39
To: @networkrail.co.uk
Subject: RE: York Potash - Stage 1 Consultation Reminder

No comment



Senior Media Relations Manager

1 Eversholt Street, London, NW1 2DN

Mobile: Press office:

Land disposal consultation report

www.networkrail.co.uk

Follow us on Twitter: @NetworkRail



Land disposal consultation report

Annex 2 - Consultation requests (before customisation for any individuals at Stage 2)

From:

Sent: 20 September 2018 15:02

To: @teesvalley-ca.gov.uk

Subject: FW: York Potash

SUBJECT: Consultation on proposed land disposals:

- 1) Lease of Subterranean area South of Hecks Wood, Eskdaleside Road, near Eskdaleside**
- 2) Option and Deed of Easement for an Overbridge Conveyor at Wilton International, Bran Sands**
- 3) Deed of Easement for access under Bridge 60a, Wilton International, Bran Sands**

Dear Consultee

We are seeking views from relevant parties on our proposed land disposals at the above locations.

We attach a Property Disposal form together with related plans, explaining the proposal in detail. Please note this consultation is being undertaken under a Specific Consent, as Network Rail could be compelled to grant item 1 under The Mines (Working Facilities and Support) Act 1966 and is required to grant item 2 by virtue of The York Potash Harbour Facilities Development Consent Order 2016.

Following this consultation and having considered any comments that are received a decision will be made whether to submit a formal application to ORR for consent to dispose under the terms of our network licence.

Any application made will be based on our draft application form and updated in light of consultation responses. It is therefore important that we have your views on the proposed disposal.

Land disposal consultation report

Please could any comments be provided to at xxx by **30th October 2018**. _____

If a formal application to ORR is made we will, in accordance with ORR's regulatory arrangements for land disposal, send you a notification of our application in due course.

If you have any queries regarding our proposal do not hesitate to contact me. If future consultations of the nature should be directed elsewhere within your organisation please advise us of the appropriate contacts details so that we may amend our records.

Kind Regards

Business Support - Property Services

National Portfolios/Property Services

Network Rail Property

The Quadrant MK, Elder Gate MK9 1EN

E: @networkrail.co.uk

W: www.networkrail.co.uk/property

From:

Sent: 10 October 2018 13:27

To: @dft.gsi.gov.uk; @teesvalley-ca.gov.uk; @railnorth.org; @chilternrailways.co.uk; @grandcentralrail.com; @firstgroup.com; @northernrailway.co.uk; @firstgroup.com; @grandcentralrail.com; @colasrail.com; @deutschebahn.com; @fta.co.uk; @freightliner.co.uk; @gbrailfreight.com; aol.com; @acorp.uk.com; @networkrail.co.uk; @networkrail.co.uk

Subject: York Potash - Stage 1 Consultation Reminder

I write further to the attached email of 20th September 2018 and note we have yet to receive your comments.

Could these please be provided no later than 30th October 2018 by emailing me at _____

Kind Regards

Land disposal consultation report

Property Services Manager | National Portfolio

Network Rail

The Quadrant | Elder Gate | Milton Keynes | MK9 1EN

M:

E: @networkrail.co.uk

www.networkrail.co.uk/property

From:

Sent: 22 October 2018 14:59

To: @dft.gsi.gov.uk; @teesvalley-ca.gov.uk; @railnorth.org; @chilternrailways.co.uk; @grandcentralrail.com; @northernrailway.co.uk; @firstgroup.com; @grandcentralrail.com; @deutschebahn.com; @fta.co.uk; @freightliner.co.uk; @gbrailfreight.com; @aol.com

Subject: York Potash - Stage 2 Consultation Reminder

I write further to the attached emails of 20th September 2018 and 10th October and note we have yet to receive your comments.

Could these please be provided no later than 30th October 2018 by emailing me at _____

Kind Regards

Property Services Manager | National Portfolio

Network Rail

The Quadrant | Elder Gate | Milton Keynes | MK9 1EN

M:

E: _____

www.networkrail.co.uk/property