

THE OFFICE OF RAIL REGULATION'S DECISION UNDER CONDITION 26 OF NETWORK RAIL'S NETWORK LICENCE FOR THE PROPOSED DISPOSAL OF LAND

READING GREEN PARK STATION, BERKSHIRE

The decision

1. The Office of Rail Regulation has concluded that its consent should be given to Network Rail Infrastructure Limited (Network Rail) for the disposal of land south of Southcote Junction on the railway line between Basingstoke and Reading at Reading, Berkshire (the land) under condition 26 of Network Rail's network licence. ORR's consent was notified to Network Rail in a letter dated 19 March 2009. This document sets out the reasons for our decision.
2. In granting consent to the disposal for the purpose described in section 2 of Network Rail's submission dated 13 January 2009 (the submission), attached at Annex A, we have had regard to the past and current uses of the land and given due consideration to consultees' responses and the issues raised.
3. In summary, the main issues arising in this case related to:
 - (a) whether the proposed station platforms could be increased in future to accommodate increases in train carriage lengths.
 - (b) ensuring that the proposed station construction and stopping patterns of local train services would not have an adverse affect on passing freight train services.

Background

4. Network Rail proposed to lease the land to John Laing Infrastructure Limited (JLIL) to facilitate the construction of a new station to be known as Reading Green Park. This would service a new commercial and residential development in the Reading Green Park and Kennet Valley area.
5. The existing railway line had only been railway track and adjoining lineside and this would continue when the new facilities had been constructed.
6. Network Rail's submission stated that the station would be funded by the Prudential Assurance Company (PAC) but procured through JLIL, who proposed to lease Network Rail's land to assist the construction the station. JLIL would lease the station to First Great Western, the proposed station operator and provider of passenger train services, who would act as landlord of the facility. The proposal also involved the construction of a transport interchange and passenger car park which would both be provided on PAC land and either leased to First Great Western or operated by JLIL as part of the station. These station facilities would be protected through legal obligations in the disposal documentation to ensure continued use of the facilities as long as they are required.
7. Network Rail did not consider that Network Change was required because it believed that the construction of the new station and associated

facilities did not invoke the procedure. Network Rail considered that no further track alterations were required and signal alterations had already been completed as part of the Basingstoke area re-signalling project.

8. Network Rail subsequently confirmed to us that the land was situated 1716 metres south of Southcote Junction on the railway line between Basingstoke and Reading at Reading, Berkshire

9. Network Rail made its submission to us on 13 January 2009 and included the details of its stakeholder consultation as we required¹. A list of stakeholders consulted by Network Rail is attached at Annex B. Network Rail's full submission can be found on our website.

Consideration of Network Rail's submission

Responses to Network Rail's consultation

10. First Great Western, the proposed station facility owner, fully supported the disposal and welcomed the wider benefits that it would bring to it as the prospective franchisee and to those in the wider community.

11. Passenger Focus asked whether the proposed station platforms could accommodate five-car trains and could cater for future growth or enhancements to rolling stock.

12. Network Rail said that Reading Green Park station could accommodate an increase of 67% of train carriage lengths from those used at present. It also confirmed that land had been reserved at the location to accommodate 6-car units in future. Network Rail stated that other stations along the route such as Mortimer and Bramley could only accommodate 3-car platforms, meaning that a whole route upgrade would be required to accommodate any further increases in train carriage lengths at stations along the route. Platform extensions elsewhere on the route. Network Rail provided evidence to ORR that Passenger Focus was satisfied with Network Rail's response.

13. British Transport Police (BTP) suggested that they be contacted when detailed station plans of the station and proposed car park were known, so that it could consider options to reduce crime and provide guidance on counter-terrorist measures. Network Rail provided BTP with the key design and construction milestones involved with the construction of the station, so it had the opportunity to provide comments. Network Rail provided evidence to ORR that BTP was satisfied with the response.

14. Freightliner Limited (Freightliner) considered that any revised timetable pattern should not have a detrimental effect on the timings of its services and the station construction should cater for W10 gauge rail traffic.

¹ As from 1 April 2008, we have required Network Rail to lead the industry consultation process for its proposed land disposals. The details of the regulatory arrangements for Network Rail's land disposals can be found at: <http://www.rail-reg.gov.uk/upload/pdf/361.pdf>

15. Network Rail stated that it had undertaken professional studies which concluded that the inclusion of a Reading Green Park stop in all local services between Reading and Basingstoke would not adversely affect the operation of other train services. It also confirmed that the station, including platforms, footbridge and canopies, would be designed to allow for W12 traffic during the detailed design process.

16. Freightliner confirmed that its outstanding concerns could be addressed under the Network Change process. These included the operation of its freight services to and from its terminal at Southampton, which included timings, length capability, future capacity and reliability. Freightliner asked for copies of the studies that have been taken place in respect to performance and sought confirmation that they took into account existing freight services. Network Rail did this and confirmed to us that Freightliner was satisfied with the response it received.

17. English Welsh & Scottish Railway (DB Schenker Rail UK, as of 1 January 2009), considered that a Network Change proposal was required for the construction of the station. DB Schenker considered that the provision of a new station created additional lineside structures which should be assessed for signal sighting and gauge clearances and long term aspirations for their improvement.

18. In light of DB Schenker's concerns, Network Rail issued a Network Change for Reading Green Park station on 20 February 2009.

19. The following consultees responded to Network Rail with no objection to or comment on the proposed disposal: Arriva Cross Country Trains Limited, c2c Rail Limited, the Department for Transport, Direct Rail Services Limited, East Midlands Trains Limited, Eurostar UK Limited, the Freight Transport Association, GB Railfreight, Heathrow Connect Limited, Heathrow Express Limited, Laing Rail Limited, London Eastern Railways Limited, London Midland Limited, London & South Eastern Railway Limited, National Express East Coast Limited, National Express Group, Northern Rail Limited, ORR Safety Inspectorate, Rail Freight Group, Reading Borough Council, South West Trains Limited, and Virgin West Coast Trains Limited.

Reasons for decision

20. We note that Network Rail had consulted all relevant stakeholders and that all views received were current (that is, less than six months old). No objections were received and no alternative use for the land was identified.

21. There was one substantive issue relating to how the proposed new station would affect rail freight operators. However, we note that Network Rail has now commenced the Network Change process which will deal with this issue. We had no further issues to raise with Network Rail.

22. In the absence of any other issues, we consider that the proposed disposal is not against the interests of users of railway services and that our consent should be granted.

23. In consenting to this disposal, we have had regard to our statutory duties under section 4 of the Railways Act 1993 (as amended) and in

particular to section 4(1)(a) and 4(1)(b), referred to in paragraph 3.5(a)(ii) and 3.5(a)(iii) of the decision criteria in “*Land disposal by Network Rail: The regulatory arrangements*”²; which sets out that it is our duty to exercise our functions in a manner which we consider best calculated to:

“protect the interests of users of railway services”; and

“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”.

24. Therefore, for the purposes of condition 26 of Network Rail’s network licence, we conclude that Network Rail may proceed with the proposed disposal.

² Published in March 2008 and available at <http://www.rail-reg.gov.uk/upload/pdf/361.pdf>

PROPOSED PROPERTY DISPOSAL

APPLICATION BY NETWORK RAIL INFRASTRUCTURE LIMITED FOR
REGULATORY CONSENT UNDER LAND DISPOSAL CONDITION OF
NETWORK LICENCE**1. PROPERTY**

Description The proposed disposal relates to land which is part of the prospective site of Reading Green Park Station shown edged dark blue coloured light blue, and edged dark blue coloured light blue hatched red on plan 11321/1030/13C attached (but in relation to that part of the land which is shown as crossing the railway, applies to the footbridge and not the underlying railway. Part of the land is outside of the ownership boundary however this land is to be transferred to Network Rail so that it will comprise part of the Station.

The purpose of the proposed land disposal is to facilitate the construction of new station facilities. The proposed new station will be situated between Reading and Basingstoke (BKE 38m 58ch approx) and constructed to service the proposed commercial and residential development in the Reading Green Park and Kennet Valley area. The site is adjacent to the Reading Green Park development and landfill site.

The existing arrangement comprises the twin track Reading to Basingstoke line. The track alignment consists of straight track at an average gradient of 1:300 across the site.

The station is to be funded by Prudential Assurance Company Limited (PACL) but procured through John Laing Infrastructure Limited (JLIL) who it is proposed would lease the Network Rail land required to build the station along with other land over which Prudential has a controlling interest. JLIL would lease the station to First Great Western, the train operator, and would act as the immediate Landlord. As part of the proposal a transport interchange and car park would be provided on PACL controlled land and either leased to the TOC or operated by JLIL as part of the station. The future of the station facilities is proposed to be protected through legal obligations in the documentation to ensure continued use of the facility for station use so long as is appropriate.

Plan(s) No(s). (attached)	11321/1030/13 C
Ordnance survey co-ordinates	E 469585 N170180
Photographs (if attached)	Not attached.

2. PROPOSAL

Type of disposal	<p>Leasehold disposal of land to form part of a new station for a term of twenty years. The land to be disposed of is shown edged dark blue coloured light blue, and edged dark blue coloured light blue hatched red on plan 11321/1030/13C attached.</p> <p>Although there is a regulatory general consent for the grant of a lease of all or part of a station, it is apprehended that this is not available in relation to the proposed disposal, as the consent relates to a lease to a passenger train operator, and the proposal is for a lease to JLIL, who is not such an operator.</p>
Person taking disposal	John Laing Infrastructure Limited
Proposed use/scheme	<p>Station Use. The station design includes a two platform station with sufficient platform length to accommodate five car train sets, connected by a footbridge with disabled access lifts. The station is to be connected to a park and ride facility to the east.</p> <p>The proposed works comprise four main areas: platforms, footbridge, canopies and concourse.</p>
Access arrangements to/from the disposal land	Access to the station will be over PACL controlled land and will be secured within the legal documentation.
Replacement rail facilities (if appropriate)	There is currently no station in the immediate area and this therefore represents a completely new facility. The only railway use is that of the track for running of trains which will continue, and is affected only by the stopping of trains at the new station and associated infrastructure changes that may be required.
Rail benefits	A new station and transport interchange will be provided

Non-rail benefits	Reading Borough Council transport plan for the area is greatly assisted and the protection and servicing of existing employment uses secured. The station also enhances the prospect of a substantial adjoining sustainable residential urban extension project to be promoted comprising up to approximately 7500 new homes and ancillary commercial activities. This is likely to create significant new job opportunities.
3. TIMESCALES	
Comments on timescales	The station is programmed to start on site by the end of March 2009.
4. RAILWAY SITE ISSUES	
History of railway use	The site has historically only been railway track and adjoining lineside land to the best of our knowledge.
When last used for railway purposes	It is currently used for railway lines which use will continue and be enhanced by the provision of this additional facility.
Any railway proposals affecting the site since that last use	Only the proposal for this station.
Impact on current railway proposals	None
Potential for future railway use	The future potential is for enlarged station facilities which will only be possible if this scheme proceeds.
Any closure or station change or network change issues	Network Change is not required because the infrastructure of a new station (i.e. station buildings, platforms, footbridge etc) and the stopping of trains at a new station do not constitute Network Change. No track changes are required and the signals have been already incorporated in the Basingstoke Area re-signalling Project and are completed.
Whether disposal affects any railway (including train operator) access needs, and how these are to be addressed	Only in relation to this new station proposal.

<p>Position as regards safety/operational issues on severance of land from railway</p>	<ol style="list-style-type: none"> 1. The disposal includes arrangements under which the other party will install new boundary fencing along parts of the railway boundary and sufficient fencing already exists for the rest. 2. The disposal is on a basis under which Network Rail has had due regard (where applicable) to impact of the disposal on lineside works, including railway troughing, signalling and their maintenance. The disposal is without prejudice to Network Rail's safety obligations, with which Network Rail will continue to comply. Network Rail's network licence requires compliance with Railway Group Standards. These set out requirements for – amongst other things – fencing, access and signal sighting. In addition, the Railways and Other Guided Transport Systems (Safety) Regulations 2006 require Network Rail to have a safety management system and safety authorisation in respect of its mainline railway system and its railway infrastructure. These, in turn, require Network Rail to comply with Railway Group Standards as well as its own internal standards; and also continually to monitor changes to the risks arising from its operations and to introduce new control measures as appropriate. 3. JLIL is required to complete an Asset Protection Agreement before commencing the new station works.
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5. PLANNING & CONTAMINATION

<p>Planning permissions/Local Plan allocation</p>	<p>Planning consent will be required for the station and transport interchange. The station is a key part of the local transport plan for the area and Reading as a whole.</p>
<p>Contamination/ Environmental Issues (if any)</p>	<p>No significant unusual contamination issues are known to exist and the land has no historic use of which we are aware other than for railway lines and the usual contamination associated with this would be expected.</p>

6. CONSULTATIONS

<p>Railway (internal – Network Rail)</p>	<p>Territory Clearance has been obtained. The certificate of approval is dated 1 August 2008, Ref: CR/7096.</p>
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	<p>Summary of position as regards external consultations</p>	<p>From the thirty six individuals that were consulted regarding the proposed land disposal twenty four responded with no comments or no objections.</p> <p>Six individuals responded with no comments or objections but with further comments relating to the proposal. The further comments will be brought to the attention of the person taking the disposal, John Laing Infrastructure Ltd.</p> <p>One party confirmed no interest in the proposal, see 3, and one further party confirmed no agreement or objection but welcomed the proposals, see 7.</p> <p>There were no responses from the following individuals and although two of the consultees are from First Group Robert Holder of First group has responded, see 19:</p> <p>2, DfT</p> <p>9, First Great Western</p> <p>10, First Group</p> <p>Therefore, no objections were made to the proposal.</p>
	<p>Analysis of any unresolved objections together with recommendation by Network Rail as regards way forward</p>	<p>This is not applicable as there are no objections following the consultation process.</p>
<p>7.</p>	<p>RELEVANT LOCAL AUTHORITIES</p>	<p>NAME & E-MAIL ADDRESSES -with name and telephone numbers for any personal contact at authorities</p>
	<p>LOCAL TRANSPORT AUTHORITIES</p>	<p>West Berkshire Council</p>
	<p>OTHER RELEVANT LOCAL AUTHORITIES</p>	<p>Reading Borough Council</p>

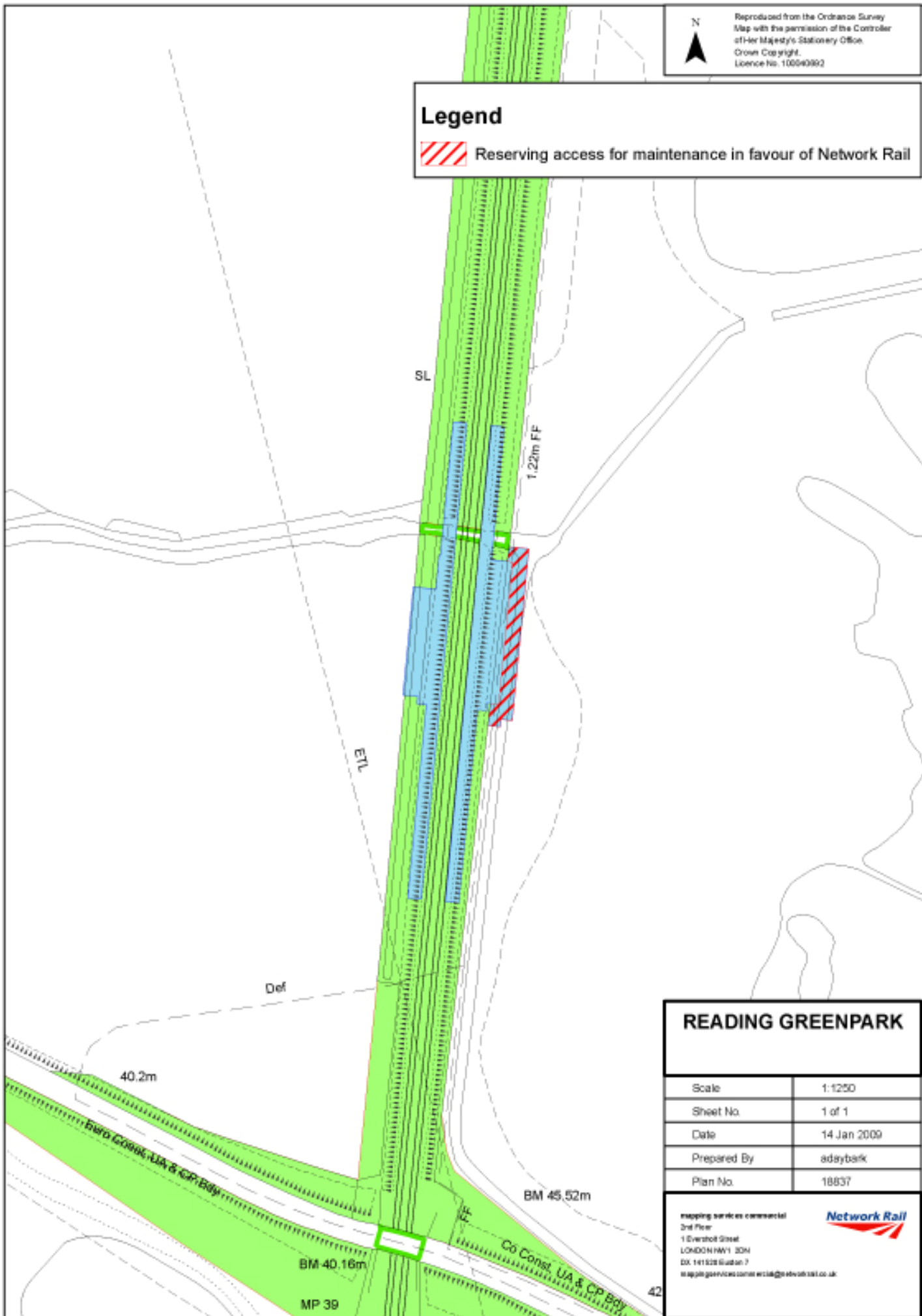


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Legend



Reserving access for maintenance in favour of Network Rail



READING GREENPARK

Scale	1:1250
Sheet No.	1 of 1
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STAKEHOLDERS CONSULTED BY NETWORK RAIL

Arriva Trains Cross Country Limited	Merseyrail Electrics 2002 Limited
Arriva Trains Wales	National Express East Coast Trains Limited
British Transport Police	National Express Group PLC
c2c Rail Limited	Northern Rail Limited
Chiltern Railway Company Limited	ORR Safety Inspectorate
Department for Transport	Passenger Focus
Direct Rail Services Limited	Rail Freight Group
East Midlands Trains Limited	Reading Borough Council
Eurostar (UK) Limited	South West Trains
English Welsh & Scottish Railway Limited	Virgin West Coast Trains Limited
First Great Western Limited	West Berkshire Council
First Capital Connect Limited	
Freightliner Limited	
Freight Transport Association	
GB Railfreight Limited	
Heathrow Connect Limited	
Heathrow Express Limited	
Hull Trains Limited	
Laing Rail Limited	
London Eastern Railway Limited	
London Midland	
London & South Eastern Railway Limited	