

Network Rail Infrastructure Limited
40 Melton Street
London
NW1 2EE

28 November 2003

For the attention of Iain Brown, Company Secretary and Solicitor

NETWORK LICENCE CONDITION 26: CONSENT OF THE RAIL REGULATOR

1. Network Rail Infrastructure Limited (Network Rail) has, by a letter dated 6 November 2003, given notice of its intention to dispose of land via the grant of 65 station leases to Merseyrail Electrics 2002 Limited, in accordance with paragraph 2 of Condition 26 of its network licence.
2. The proposed disposal is more particularly described in its submission of 6 November 2003, a copy of which is attached, (the submission). The Regulator has considered the submission and further information supplied by Network Rail.
3. For the purposes of Condition 26 of Network Rail's network licence the Regulator consents to the disposal of the land in accordance with the particulars set out in section 2 of the submission, subject to the condition that:

Network Rail ensures that each lease incorporates the National Station Access Conditions 1996 (England and Wales) (as amended from time to time), including the relevant annexes applying to the station to which the lease relates.

TIM MARTIN
Duly Authorised by the Rail Regulator

TIM MARTIN

Doc # 160258.03

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PROPOSED PROPERTY DISPOSALS

APPLICATION BY NETWORK RAIL INFRASTRUCTURE LIMITED FOR REGULATORY CONSENT UNDER CONDITION 26 OF NETWORK LICENCE

I. PROPERTY	
Description	The following stations, the extent of each of which is defined by the station plan incorporated in the relevant station access conditions as approved by the Regulator (the related ORR station reference being given below)

Full Name of Station	ORR Reference number for Annexes
Aigburth	SSA/12/07/96/01
Ainsdale	SSA/12/08/96/01
Aughton Park	SSA/12/10/96/01
Bache	SSA/12/11/96/01
Bank Hall	SSA/12/12/96/01
Bebington	SSA/12/13/96/01
Bidston	SSA/12/01/96/01
Birkdale	SSA/12/14/96/01
Birkenhead Central	SSA/12/15/96/01
Green Lane	SSA/12/31/96/01
Birkenhead Hamilton Square	SSA/12/33/96/01
Birkenhead North	SSA/12/16/96/01
Birkenhead Park	SSA/12/17/96/01
Blundellsands & Crosby	SSA/12/18/96/01
Bootle New Strand	SSA/12/19/96/01
Bootle Oriel Road	SSA/12/20/96/01
Bromborough Rake	SSA/12/22/96/01
Bromborough	SSA/12/21/96/01
Brunswick	SSA/12/66/01/01
Capenhurst	SSA/12/23/96/01
Eastham Rake	SSA/12/26/96/01
Ellesmere Port	SSA/12/02/96/01
Formby	SSA/12/28/96/01

Freshfield	SSA/12/29/96/01
Garston (Merseyside)	SSA/12/30/96/01
Hall Road	SSA/12/32/96/01
Hightown	SSA/12/34/96/01
Hillside (Southport)	SSA/12/35/96/01
Hooton	SSA/12/36/96/01
Hoylake	SSA/12/37/96/01
Hunts Cross	SSA/12/03/96/01
Kirkby	SSA/12/04/96/01
Leasowe	SSA/12/41/96/01
Little Sutton	SSA/12/43/96/01
Aintree	SSA/12/09/96/01
Liverpool Central	SSA/12/24/96/01
Cressington	SSA/12/25/96/01
Fazakerley	SSA/12/27/96/01
Liverpool James St.	SSA/12/39/96/01
Kirkdale	SSA/12/40/96/01
Liverpool Lime Street (low level)	SSA/12/42/96/01
Moorfields	SSA/12/47/96/01
Orrell Park	SSA/12/51/96/01
Sandhills	SSA/12/56/96/01
St Michaels	SSA/12/59/96/01
Walton (Merseyside)	SSA/12/63/96/01
Maghull	SSA/12/44/96/01
Manor Road	SSA/12/45/96/01
Meols	SSA/12/46/96/01
Moreton	SSA/12/48/96/01
New Brighton	SSA/12/49/96/01
Old Roan	SSA/12/50/96/01
Ormskirk	SSA/12/05/96/01
Overpool	SSA/12/52/96/01
Port Sunlight	SSA/12/53/96/01
Rice Lane	SSA/12/54/96/01
Rock Ferry	SSA/12/55/96/01
Seaforth & Litherland	SSA/12/57/96/01
Southport	SSA/12/06/96/01

Spital	SSA/12/58/96/01
Town Green	SSA/12/60/96/01
Wallasey Grove Road	SSA/12/61/96/01
Wallasey Village	SSA/12/62/96/01
Waterloo	SSA/12/64/96/01
West Kirkby	SSA/12/65/96/01

Plan(s) No(s).	N/A
Ordnance survey co-ordinates	Not stated
Photographs (if attached)	N/A
2. PROPOSAL	
Type of disposals	The grant of renewed leases for a term not exceeding twenty-five years and six months
Person taking disposals	Merseyrail Electrics 2002 Limited
Proposed use/scheme	Continued use for station purposes in accordance with the relevant station access conditions
Access arrangements	As provided by the relevant station access conditions
Replacement rail facilities (if appropriate)	N/A
Rail benefits	Continuation of station letting arrangements
Non-rail benefits	N/A

3. TIMESCALES

Comments on timescales

Consent is sought with a view to completing the station leases as soon as practicable, and in any event before 1 December 2003.

In common with the position of many other train operating companies, the station leases currently held by Merseyrail Electrics 2002 Limited are due to expire shortly, and Merseyrail Electrics 2002 Limited has requested their renewal, as indicated above.

In normal circumstances, the renewal of station leases will enjoy the benefit of paragraph 1(a) of the Regulator's general consent under licence condition 26 dated November 2001, and hence an application for specific approval by the Regulator would not be required. Paragraph 1(a), however, is drafted by reference to a letting for the purpose of providing railway services under a franchise agreement with the Strategic Rail Authority. The Merseyrail services are exempt under the Merseyrail Electrics Network Order 2002 from designation as franchised services under section 23(1) Railways Act 2001, and the arrangements for provision of services are with the Merseyrail Passenger Transport Executive.

In consequence, this application for specific approval by the Regulator is being made.

4. RAILWAY SITE ISSUES

History of railway use

The lettings are for continued use for station purposes in accordance with the relevant station access conditions, and the previous history is not relevant

When last used for railway purposes

N/A: currently used

Any railway proposals affecting the site since that last use

N/A

Impact on current railway proposals

N/A

Potential for future railway use

Continued use for station purposes is envisaged

Any closure or network change issues

None associated with the lease renewals

Whether land required to meet any TOC access needs

The lease renewals will replicate the current position

<p>Position as regards safety/operational issues on severance of land from railway</p>	<ol style="list-style-type: none"> 1. The disposals do not include any new requirement for new fencing of the railway boundary, as they represent renewals of existing station leases. 2. The disposals are on a basis under which Network Rail has had due regard (where applicable) to impact of the disposals on lineside works, including railway troughing, signalling and their maintenance. The disposals are without prejudice to Network Rail's safety obligations, with which Network Rail will continue to comply. Condition 6 of 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 (Safety Case) Regulations 2000 require Network Rail to have a "safety case" which, in turn, requires Network Rail to comply with Railway Group Standards as well as its own internal standards. This safety case also requires Network Rail continually to monitor changes to the risks arising from its operations and to introduce new control measures as appropriate.
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5. PLANNING & CONTAMINATION

<p>Planning permissions / Local Plan allocation</p>	<p>Not relevant to disposals</p>
<p>Contamination / Environmental Issues (if any)</p>	<p>Not relevant to disposals</p>

6. CONSULTATIONS

	<p>Regulatory</p>	<p>Informal consultation undertaken, with ORR</p>
	<p>Railway</p>	<p>The industry-wide context of station lease renewals has been briefed to train operating companies through a pan-industry working group (including SRA) chaired by ORR</p>
	<p>Other</p>	<p>-</p>

7.	INTERESTED PARTIES	NAME & E-MAIL ADDRESSES -WITH NAME AND TELEPHONE NUMBERS FOR ANY PERSONAL CONTACT AT MAIN CONSULTEE(S)	
	TOCs/FOCs	Merseyrail Electrics 2002 Limited Central Trains Limited North Western Trains Limited (FNW) Arriva Trains Northern Cardiff Railway Company Limited	
	LOCAL TRANSPORT AUTHORITIES	Merseyrail Passenger Transport Executive	
	OTHER RELEVANT LOCAL AUTHORITIES	Chester City Council Ellesmere Port & Neston Borough Council Halton M.B.C. Knowsley M.B.C. Liverpool City Council St Helens Council Sefton M.B.C. West Lancashire District Council Wirral Borough Council	
	ORR	Executive, Network Rail Regulation Policy Manager, Network Rail Regulation Policy	