

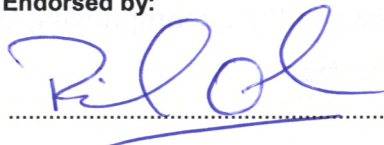
Ref:	NR/L2/PRO/001
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Date:	5 December 2009
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Level 2

Property Clearance Process

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Issue record

Issue	Date	Comments
1	5 December 2009	First issue

Compliance

This Network Rail standard is mandatory and shall be complied with by Network Rail and its contractors if applicable from 6 March 2010.

When this standard is implemented, it is permissible for all projects that have formally completed GRIP Stage 4 to continue to comply with the Issue of any relevant Network Rail Standards current when GRIP Stage 4 was reached and not to comply with requirements contained herein, unless the designated Standard Owner has stipulated otherwise in the accompanying Briefing Note.

Reference documentation

NR/L1/AMG/1010 - Buried Services Standards Technical Briefing

NR/L2/TEL/30066 - Signalling & Telecommunications Telecoms Clearance for Fixed Transmitters

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Stage 1 Clearance – Business
Stage 2 Clearance - Technical

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1 Purpose

The purpose of this standard is to specify the Clearance process which:

- a) defines and sets responsibilities for the process which shall operate to secure company approval to any proposal for acquisition of 3rd party property or disposal, grant of an interest in, or change of use of Network Rail property.
- b) provides consultation which is thorough and appropriate for the application;
- c) provides Stakeholders with an opportunity to comment on proposals;
- d) provides responses that are clear, unambiguous and given in a timely and consistent manner,
- e) provides process controls;
- f) specifies how issues are resolved;
- g) provides the agreement to the use of the footprint of land as defined on the application, inclusive of all commercial, operational and technical conditions.

2 Scope

2.1 General

This Network Rail standard specifies the application process to be followed for Stage 1 (Business) Clearance and Stage 2 (Technical) Clearance.

2.2 Land Clearance Portal (LCP)

This standard specifies the use of the Land Clearance Portal (LCP).

2.3 Proposals covered by the process

Property proposals that are subject to the process include all new:

- a) sales or potential sales;
- b) transfer of occupation and responsibility of land between Functions;
- c) leases/sub-leases and tenancies, including where a tenancy is converted to a long lease;
- d) change in tenancy/proposed use requiring local authority planning consent;
- e) easements/wayleaves/grant of servitude;
- f) licences;
- g) commercial advertising (as part of a national agreement);
- h) developments/rafting/air rights;
- i) arch improvements/investment schemes;
- j) new stations and extensions to station/depot leases. (If a proposal is located within a Station, the Station Change process and, where necessary, the Landlord's Consent process, is applicable);

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- k) compulsory purchase orders;
- l) service bridges/pipe bridge/private party bridge building and reconstruction/footbridges;
- m) cycle routes (Sustrans);
- n) Local Authority cycle routes and new public footpaths/bridleways;
- o) radio/telecom masts;
- p) any other physical change of use above (including surface laid cables) or below ground;
- q) any acquisition of land whether for commercial or operational purposes, excluding acquisitions listed in **2.5**;
- r) release of restrictive covenants/rights.

NOTE This is not to be confused with a requirement in a document for Network Rail approval for outside party works which can import risk. This will be dealt with by the appropriate Route Asset Protection Engineer.

2.4 Schemes covered by the process

This standard applies to:

- a) all Commercial Property schemes;
- b) all other Commercial schemes;
- c) all Operational schemes greater than five metres from the running line;
- d) major schemes outside route structure (Network development schemes);
- e) any proposal that relates to any part of the business other than Commercial Property (Operational and Commercial), where it is five metres or more from the running line (Five-metre Rule) and for a duration of greater than six months.

2.5 Exemptions from the process

The following proposals are exempt from the Clearance process and are not within the scope of this standard:

- a) Operational (non-Commercial Property) purposes (whether signalling, maintenance, renewal, projects etc) entirely within five metres of the nearest operational rail;
- b) upgrading or enhancement of existing Railway access points by the maintenance function;
- c) Incidents, Accidents and Emergency operational work;
- d) acquisitions associated with embankments, drainage, level crossings and structures;
- e) property being acquired under Blight Notices, Transport and Works Orders, Hybrid or Scottish Bills;

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- f) TOC/FOC schemes entirely within an existing Light Maintenance Depot (LMD), freight or station demise, provided that the proposed duration does not exceed the existing lease termination date and does not affect Maintenance access;

NOTE 1 In these cases, the Station Change and Landlord's consent processes are applicable.

- g) re-lettings, assignments, sub-lettings and lease renewals with a maximum six-month break clause; or renewal through the action of the courts unless a significant change in Planning Consent is required by the new tenant because of change of use and/or the operational railway site boundary does not comply with current Network Rail standards;
- h) new first time grant of short-term licence, wayleave or easement, up to six months maximum.

NOTE 2 The grant of leases of up to 125 years of Strategic Freight Sites do not formally require Clearance as there is an obligation upon Network Rail to grant a lease in the event of a successful bid by a Freight Operating Company. The Strategic Freight Site rules must be complied with to fall within this exception to the Clearance process. However, if a new site is being offered in substitution for an existing site, the full Clearance process is applicable.

NOTE 3 If a scheme or proposal is exempt from this standard, consultation with and agreement from affected Functions is still needed.

3 Roles and responsibilities

Commercial Property Clearance Team

Responsible for checking and circulating Stage 1 (Business) and Stage 2 (Technical) Clearance applications for Stakeholder consultation, collating the responses, issuing the Stage 1 Clearance Certificates and facilitating the Clearance process; offering training courses to staff expected to use this standard if the user feels that the on-line help facilities, specification and LCP do not provide enough guidance successfully to process the application.

GI Portal Data Maintenance Team

Responsible for maintaining the Clearance layer in GI Portal.

Promoter

Commercial Property Surveyor or officer from any other Function who is responsible for promoting the Clearance Application.

Stakeholder

Reviewer or consultee of any proposals submitted.