

# TRANSPORT AND WORKS ACT 1992

## TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

### THE NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAINLINE TRACK ACCESS) ORDER

#### STATEMENT OF CASE

4 AUGUST 2023

## 1 INTRODUCTION

- 1.1 On 17 April 2023 Network Rail Infrastructure Limited (**Network Rail**) submitted an application (**Application**) to the Secretary of State for Transport to make the Network Rail (Old Oak Common Great Western Mainline Track Access) Order (**Order**). The Application was made under sections 1 and 5 of the Transport and Works Act 1992 (**1992 Act**) [**APP15**].
- 1.2 The purpose of the Order is to secure the compulsory acquisition of rights in land, the temporary use of land and rights to undertake minor ancillary works which are required in relation to the proposed development of a temporary and permanent road rail vehicle (**RRV**) access point on to the Great Western Main Line (**GWML**) railway (**Project**) to enable delivery of the Old Oak Common Station, as well as further maintenance of the railway.
- 1.3 The majority of the works required for the Project will be carried out as permitted development under Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (**GPDO**) [**APP16**]. However, there are elements of the Project which could be considered beyond the scope of these rights and permission for these elements is sought under section 90(2A) of the 1990 Act, as part of the Order.
- 1.4 The Application was submitted in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466) (**2006 Rules**) [**APP17**] and has been the subject of publicity and notices in accordance with the 2006 Rules.
- 1.5 The Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018) (**Inquiries Rules**) [**APP18**] require Network Rail to provide a Statement of Case and this document is Network Rail's Statement of Case for the purpose of the Application. It contains full particulars of the case Network Rail intends to make at Inquiry in support of the Application. The statement is to be served under Rule 7 of the Inquiry Rules.

#### Structure of the Statement of Case

- 1.6 The Statement of Case is arranged as follows:
- a) Section 1 describes the Project;
  - b) Section 2 describes the Applicant;
  - c) Section 3 describes the Application documents;
  - d) Section 4 describes the context of the Application;

- e) Section 5 provides an overview of the consent routes to obtain planning permissions to authorise the works and the relevant national, regional and local policies relating to the Project;
  - f) Section 6 describes the strategy for acquisition of land and rights required to deliver the Project;
  - g) Section 7 describes the alternative sites considered and explains why these are not considered to be acceptable for the Project;
  - h) Section 8 describes land adjoining the Order Land, which is owned by the Crown Estate and Network Rail's negotiations with the Crown Estate's solicitors in relation to the proposed acquisition of the Crown Land by Network Rail;
  - i) Section 9 describes the consultation undertaken in relation to the Project;
  - j) Section 10 summarises the funding for the Project;
  - k) Section 11 describes how the Project will be delivered, the key milestones and parties involved;
  - l) Section 12 summarises the objections received in relation to the Order, as well as Network Rail's responses to the points raised.
- 1.7 Appendix A contains a list of the documents which Network Rail intends to refer to or submit in evidence at the Inquiry. Appendix B is the notice required by Rule 7(2)(b) of the Inquiries Rules containing details of the locations and times at which the documents will be available for public inspection prior to the opening of the Inquiry.
- 1.8 In this Statement of Case, reference numbers for the documents that have been included in the list in Appendix A are given in square brackets and in bold.

### **Project overview**

- 1.9 The Project consists of two separate elements, as follows:
- a) temporary RRV access via a Road-Rail Access Point (**RRAP**) onto the GWML to enable the delivery of the GWML Rail Systems Project (as further described below); and
  - b) permanent RRV access onto the GWML railway to enable reliable future maintenance to the southern side of the main railway lines.
- 1.10 The High Speed (London – West Midlands) Act 2017 authorises HS2 Limited to deliver phase 1 of High Speed 2, which will (among other things) include construction of a new station, to be known as the Old Oak Common (**OOC**) Station. On completion, the OOC Station will become the HS2 London terminal until the new Euston Station becomes operational, and it will serve as a major interchange station with the GWML and the Elizabeth Line.
- 1.11 The OOC Station will increase connectivity, resilience and capacity of the railway network nationwide and protect benefits of investment in Crossrail and HS2. In addition, the OOC Station will be a catalyst for the UK's largest regeneration project in the Old Oak and Park Royal area,

with Old Oak and Park Royal Development Corporation leading on plans for renewed urban community with projected 25,500 new homes and 56,000 new jobs.

- 1.12 The OOC Station itself will be delivered by HS2 Limited. However, before the OOC Station enters into operation, Network Rail needs to modify the existing GWML infrastructure to make sure that the OOC Station can be suitably accommodated. Works to be undertaken by Network Rail to enable this are collectively known as the GWML Rail Systems Project, which involves the modification of the existing four-track GWML to an eight-track railway, including related infrastructure upgrades, to accommodate the eight new conventional rail platforms at OOC Station.
- 1.13 Delivery of the GWML Rail Systems Project will require construction access to the GWML from both the north and the south of the GWML. This is required so that the necessary construction works can be undertaken without closing all four railway lines at the same time and with minimum disruption to the existing passenger and freight services (which will continue to operate while works take place).
- 1.14 In addition to the construction access, Network Rail will require a construction compound, which will be level to the railway infrastructure and allow the RRVs to pass between the compound and the track easily. This compound cannot be on a cutting or an embankment as the RRVs are unable to operate at steep gradients.
- 1.15 The primary method of delivering the GWML Rail Systems Project will be by using RRVs. An RRV is a dual mode vehicle which can operate both on rail tracks and roads. RRVs are commonly used within the industry to deliver on-track works.
- 1.16 RRVs access the railway via vehicular RRAPs, which allow access onto the railway from highways and are critical for the safe delivery of the on-track works, as well as track maintenance, renewal or enhancement.

#### **Key objectives and benefits of the Project**

- 1.17 The key objectives and benefits of the Project can be summarised as follows:
  - a) the temporary RRAP proposed to be constructed as part of the Project enables the delivery of HS2 OOC track interface with the OOC Station without significant rail construction delays;
  - b) the permanent RRAP at this location is required to enable regular and reactive maintenance, which will provide resilience to the railway network;
  - c) creation of a permanent RRAP at the South side of the GWML will improve efficiency and productivity of the line and will decrease disruption to passengers and freight users during construction of the OOC Station;
  - d) the permanent RRAP at this location is critical for the safety and reliability of the railway network of the western region, as well as efficient operations for Network Rail and Train Operating Companies (**TOC**) and Freight Operating Companies (**FOC**).
- 1.18 The absence of a permanent south-side RRAP between Acton West Junction and North Pole (where the Project is located) has already resulted in at least three failed asset renewals in the area, as well as suspended plans for any future works until 2025-2026 when the Project is

scheduled to enter into service. Some temporary works have been, and are being, undertaken to provide essential maintenance to the GWML so that assets remain operational with access being gained via existing RRAPs. However, such works cannot continue indefinitely because they require very disruptive possessions and temporary speed restrictions. Temporary speed restrictions reduce the permissible line speed at which a train can travel over a small section of the network. This would have significant operational performance implications over the rest of the route, considering the proximity to Paddington.

## 2 THE APPLICANT

- 2.1 Network Rail owns and operates the rail infrastructure network of Great Britain (**Network**), and its purpose is to deliver a safe, reliable and efficient railway for Great Britain.
- 2.2 Network Rail is primarily responsible for the operation, maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Train services on the Network are operated by TOCs and FOCs to which Network Rail, as facility owner, grants rights to use the Network in the form of track, station and depot access contacts approved by the ORR.
- 2.3 The activities of Network Rail as the Network operator are regulated by the ORR by means of a Network Licence granted under section 8 of the Railways Act 1993 **[APP19]**. The Network Licence requires Network Rail to secure the renewal and replacement of the Network, and the improvement, enhancement and development of the Network, in each case in accordance with best practice, and in a timely, economic and efficient manner so as to satisfy the reasonable requirements of persons providing service relating to railways and funders in respect of the quality and capability of the Network.
- 2.4 As the infrastructure manager, Network Rail is also under a duty as regards the safety of the network, principally under the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (**ROGS**) **[APP20]**. The ROGS implement the EU Railway Safety Directive and require that any Infrastructure Manager or railway operator on the mainline railway must maintain a Safety Management System (**SMS**) and hold a safety certificate or authorisation indicating that the SMS has been accepted by the relevant safety authority, before being allowed to operate. The ROGs are EU-derived domestic legislation which continue to have effect in accordance with section 2 of the European Union (Withdrawal) Act 2018 **[APP21]**.

## 3 THE APPLICATION DOCUMENTS

- 3.1 The Application comprises the formal application and those documents required by 2006 Rules to support it, namely:
  - a) Draft Order **[APP1]**;
  - b) Explanatory Memorandum **[APP2]**;
  - c) Statement of Aims **[APP3]**;
  - d) Funding Statement **[APP4]**;
  - e) Estimate of Costs **[APP5]**;
  - f) Consultation Report **[APP6]**;

- g) Book of Reference **[APP7]**;
- h) Land Plan **[APP8]**;
- i) List of Consents, permissions or licences under other enactments **[APP9]**;
- j) Waiver direction given under rule 18 **[APP10]**;
- k) Planning Statement **[APP11]**;
- l) Request for deemed planning permission and statement of proposed conditions **[APP12]**;
- m) Timetable of proposed works **[APP13]**; and
- n) Declaration as to the status of the Applicant **[APP14]**.

3.2 The provisions of the draft Order **[APP1]** are based on the Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I. 2006 No. 1954) **[APP22]**. Each article in the Order is explained in the Explanatory Memorandum **[APP2]**. This includes explanations of where it has been necessary to depart from the Model Clauses (for example with additional or amended provisions).

## **4 CONTEXT OF THE APPLICATION**

4.1 Part 1 of the 1992 Act provides that orders may be made by the Secretary of State relating to, or to matters ancillary to, the construction or operation of railways and other guided transport systems. Orders made under the 1992 Act may authorise a range of matters including the compulsory acquisition and temporary use of land, and the creation or extinguishment of rights over land.

4.2 The proposed Network Rail (Old Oak Common Great Western Mainline Track Access) Order forms one part of the consents strategy for the delivery of the Project.

4.3 The majority of works required for the Project can be constructed using permitted development rights under the GPDO, because of their nature and location within the existing route of the railway. This permitted development covers works which are typically undertaken by Network Rail when upgrading or maintaining the railway including changes to the existing track, laying new track, upgrading signals and replacing or upgrading existing equipment.

4.4 The purpose of the Order is to provide a range of supplementary powers to facilitate delivery of the Project. In summary, the Order will:

- a) provide powers for the compulsory acquisition of rights required for further maintenance of the permanent element of the Project;
- b) provide powers to use land temporarily for the purposes of constructing the works permitted under permitted development rights; and
- c) authorise ancillary works including the construction of temporary worksites and haul roads required during construction of the Project.

- 4.5 The Application includes a request for a direction that planning permission be deemed to be granted for the development proposed to be authorised by the Order pursuant to section 90(2A) of the Town and Country Planning Act 1990. The request applies to the limited works included in the Order as described above.
- 4.6 It is envisaged that the deemed planning permission will be subject to conditions. Proposed planning conditions are set out in the request for deemed planning permission in accordance with rule 10(6)(b) of the 2006 Rules.
- 4.7 The Application was the subject of publicity and notices as required by the 2006 Rules under which objections to, and representations about, the proposed Order were invited to be made to the Secretary of State until 5 June 2023.
- 4.8 The Secretary of State for Transport received eight objections.
- 4.9 As a consequence, and in accordance with the Inquiries rules, the Secretary of State for Transport announced on 23 June 2023 his intention to hold a public local inquiry into the Application.

Table 1: Summary of consenting regimes for the Project

Consent	Works/Matters Authorised
The Order	<ul style="list-style-type: none"> <li>• Acquisition of rights over land and to use temporarily in connection with the works required to construct and operate the Project.</li> <li>• Deemed planning permission for:               <ul style="list-style-type: none"> <li>○ erection and construction of temporary worksites, including lay down and storage areas and other buildings, yards, slab, cranes, plant and machinery, apparatus, fencing and other works and conveniences; and</li> <li>○ provision of temporary haul routes.</li> </ul> </li> </ul>
Permitted Development	Construction of the permanent and temporary RRAPs, as well as any associated on-track works.

**5 PLANNING AND POLICY CONTEXT**

5.1 While the Order only authorises land issues and minor ancillary works, the intention of this section is to provide details of the relevant planning policy regime and confirm that the Project accords with the National Planning Policy Framework, as well as local plan and development framework policies. Detailed consideration of the extent to which the proposed Order is

consistent with policy aims is also contained in the Planning Statement submitted with the Application [APP11].

### **Network Rail Permitted Development rights**

- 5.2 As mentioned above, the majority of works comprised in the Project can be delivered using rights enjoyed by Network Rail as a statutory undertaker pursuant to the GPDO as set out below.

#### *Class A of part 18 of the GPDO*

- 5.3 Part 18 of the GPDO permits "development authorised by a local or private Act of Parliament" and allows Network Rail to rely on the statutory powers set out in relevant Railway Acts that authorised the original construction of the railway.

- 5.4 Each Railway Act is accompanied by a set of parliamentary plans showing the "limits of deviation" (LoD) within which works can be carried out. Part 18 provides that certain types of development, which consist of or include:

- a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam;
- b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic

do not benefit from deemed planning permission under part 18 "unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained".

- 5.5 Class A of part 18 can also be relied on in circumstances where elements of works are located outside of Network Rail's operational boundary, provided the proposed works are consistent with the nature of works set out in the relevant Railway Act and within the LoD.

- 5.6 The main line at this location was constructed under the authority of the Great Western Railway Extension Act 1837 [APP23]. This Act is an extension of the Great Western Railway Act 1835 with the LoD detailed in Section 78 of the 1835 Act which, in this location, are 100 yards due to the rural nature of the land at the relevant time. Further works to the south of the original lines, which were authorised on the Order land, were authorised under the Great Western Railway (Further Powers) Act 1866, which incorporates the provisions of the Railway Clauses Consolidation Act 1845 (RCCA 1845) [APP24]. All the acts are relevant to the construction of the railway and yards and structures at this location with section 16 of the RCCA 1845 providing as follows:

*"Subject to the Provisions and Restrictions in this [Act] it shall be lawful for the Company [...] to execute any of the following works; [...] They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as they think proper; They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway."*

- 5.7 Section 16 of the RCCA 1845 bestows the railway company and its successors the power to undertake developments necessary to the running and management of the railway, including the construction of yards, and other works and conveniences as they think proper.
- 5.8 Network Rail has written to Ealing London Borough Council (**Council**), the local planning authority, to explain why the proposed works to build a permanent RRAP on adjoining land constitute permitted development and do not require planning permission **[APP35]** and has received no objections from the Council. For the avoidance of doubt, the works to build the permanent RRAP do not form part of the Order. The Order only includes a permanent right of access to the permanent RRAP through the Order land.

### **National Policy Context**

#### *National Planning Policy Framework (NPPF) 2021*

- 5.9 At a national level the NPPF (latest version published in July 2021) **[APP26]** sets out the Government's overarching planning policies and how these are expected to be applied.
- 5.10 At the heart of the NPPF 2021 is a presumption in favour of sustainable development. The presumption highlights that proposals which accord with an up to date development plan should be approved without delay unless material considerations indicate otherwise.
- 5.11 The objective of sustainable development can be summarised as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs' (Paragraph 7).
- 5.12 For decision-taking (Paragraph 11) this means:
- "(c) approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 5.13 The following sections of the NPPF 2021 are of specific relevance to the Project, including ancillary works, which are proposed to be authorised by the Order:
- a) Section 2: Achieving sustainable development;
  - b) Section 4: Decision making;
  - c) Section 6: Building a strong competitive economy;
  - d) Section 8: Promoting healthy and safe communities;
  - e) Section 9: Promoting sustainable transport.

- 5.14 The Project is considered to accord with the above sections and paragraphs of the NPPF 2021 as it will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips and enhancing access to economic opportunities.

### **Relevant National Transport Policy**

- 5.15 Britain's railway plays an essential role in supporting and creating economic growth by enabling safe, fast, efficient movement of passengers and goods into and between major economic centres and international gateways.
- 5.16 Consistent with Government strategy, the railway industry's ambition is to increase rail's already significant contribution to the country's economic, social and economic welfare linking people and communities in an environmentally sustainable way.
- 5.17 In 2011, following consultation, the Government published *High Speed Rail: Investing in Britain's Future – decisions and next steps* [APP37] which provided national policy support for HS2 in advance of the promotion of their hybrid Bill for a new railway line. The consultation set out the Government's proposed strategy for a national high speed rail network for Britain and the route of an initial line between London and the West Midlands, the environmental appraisal of the line and options for supporting property owners affected by the proposals.
- 5.18 The purpose of *High Speed Rail: Investing in Britain's Future – decisions and next steps* [APP37] was to set out the decisions reached by the Government in the light of the consultation on these issues and clarified the aim of the HS2 project, which is to deliver hugely enhanced rail capacity and connectivity between Britain's major conurbations. OOC is identified in the document as an interchange station for Crossrail (Elizabeth Line) and Heathrow Airport before terminating at Euston. The document also identified the large regeneration benefits to the OOC area as a result of the construction of HS2 and a new interchange station.
- 5.19 The Government's intention was to introduce a hybrid Bill by the end of 2013 to provide the necessary powers to construct and operate the first phase of the railway from London to Birmingham. This was eventually passed as the High Speed (London – West Midlands) Act 2017.
- 5.20 In 2011 the Government recognised that there was a need for radical change in transport policy. The Government White Paper (*Creating growth, cutting carbon: Making Sustainable Transport happen*) (2011) [APP27] was published in January 2011. Paragraph 1.3 of the White Paper, explained that the government's vision is for "*a transport system that is an engine for economic growth but one that is also greener and safer and improves quality of life in our communities.*" 5.4.4 Paragraph 2.2 of the paper highlighted the crucial role that sustainable transport can play in terms of enabling growth while also reducing carbon emissions and addressing climate change. It stated that "*sustainable transport modes can enable growth, for instance by improving access to work, to shops and other services, at the same time as cutting carbon emissions and tackling climate change. Certain interventions can also make a significant contribution to public health and quality of life.*"

### **National Policy Statement for National Networks**

- 5.21 The National Policy Statement for National Networks (NPS) [APP28] was published in December 2014 and sets out the need for, and Government policies to deliver, development of

nationally significant infrastructure projects (**NSIP**) on the national road and rail networks in England.

5.22 A draft revised national networks national policy statement [**APP29**] was published on 14 March 2023 and consultation ran until 6 June 2023.

5.23 Whilst the Project falls under the threshold detailed in the Planning Act 2008 (as amended), section 1.4 of the NPS states that:

*In England, this NPS may also be a material consideration in decision making any applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis."*

5.24 It is therefore the case that while the NPS exists primarily to guide and inform NSIP applications, it does carry some degree of material weight in relation to the Project as the rationale for the Project is to support improvements to parts of the national rail network. It also aids an understanding of the context of the Government's policy on rail infrastructure given the limited detail within the NPPF.

5.25 Section 2 of the NPS sets out the need for development of the national networks and details the Government's vision and strategic objectives:

*"The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*

- *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
- *Networks which support and improve journey, reliability, and safety.*
- *Networks which support the delivery of environmental goals and the move to a low carbon economy.*
- *Networks which join up our communities and link effectively to each other."*

5.26 Paragraph 2.2 explains that: *"There is critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks on quality of life and environmental factors."*

5.27 Paragraph 2.4 goes on to mention the pressures the national networks are under, including a projected increase of 50% of journeys undertaken by rail and rail freight having the capacity to double by 2030.

5.28 Paragraph 2.6 states that improved transport links help to rebalance the economy.

5.29 Within paragraph 2.10 the NPS sets out an overarching statement that the Government concludes at a strategic level that there is a compelling need for the development of national networks.

- 5.30 The need for development of the national rail network is set out from paragraphs 2.28 – 2.41. These paragraphs identify the importance of the rail network as a vital part of the national transport infrastructure and for the growing demand for rail travel and future projected growth which together support the compelling need for developing the country's rail network.
- 5.31 Paragraph 2.9 presents the Government's vision for the transport system in which railways must: *"offer a safe and reliable route to work"*.
- 5.32 Paragraph 3.12 further provides that *"It is the Government's policy, supported by legislation, to ensure that the risks of passenger and workforce accidents are reduced so far as reasonably practicable. Rail schemes should take account of this and seek to further improve safety where the opportunity exists and where there is value for money in doing so by focussing domestic efforts on the achievement of the European Common Safety Targets."*
- 5.33 The Project supports and contributes to the delivery of the Government's policy for rail, as set out in the NPS.

### **Local Policy Context**

- 5.34 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the statutory development plan unless 'material considerations' indicate otherwise.
- 5.35 Therefore, the starting point from a planning policy perspective in considering the acceptability or otherwise of the proposals is the development plan. The development plan in respect of the Project includes:
- a) London Plan 2021 **[APP30]**;
  - b) Development (or Core Strategy) DPD, April 2012 **[APP31]**; and
  - c) Development Sites DPD, December 2013 **[APP32]**.

### Bellaview's Planning Application

- 5.36 In the adopted Development Sites DPD, the Order land is essentially allocated for a residential-led development, as part of a wider allocation. The policy anticipates that the development will come forward by 2021 but that has not been achieved. However, Bellaview Properties Limited (**Bellaview**), the registered freehold proprietor of the Order land, submitted a planning application to the London Borough of Ealing under reference 225069FUL on 28 November for *"Construction of a building ranging in height from 6 to 15 storeys, to provide builders merchants (Use Class Sui Generis) at ground and first floor level, and 185 self-contained residential units (Use Class C3) and associated amenity space above; hard and soft landscaping works; provision of car and cycle parking; works to provide means of access for both pedestrians and vehicles from Horn Lane and all other works incidental to the development. (Following demolition of existing builders merchants)" (Planning Application)*. A resolution to grant planning permission pursuant to the Planning Application, and subject to a legal agreement being signed, **[APP36]** was passed on 19 July 2023. The resolution also recommends that the final decision is delegated to the Head of Development Management, following consultation with the Chair of Planning Committee, to ensure that any land use planning considerations identified by the Health and Safety Executive have been adequately addressed.

- 5.37 Network Rail submitted representations to the local planning authority in respect of the Planning Application and the authority has suggested the following planning condition to ensure that the proposed development by Bellaview does not constitute an impediment to delivery of the Project:

*"The developer shall not commence construction of the development (which excludes demolition, site clearance, site investigation, site remediation, and ground works) unless either:*

*(a) the developer has submitted to the Council for approval a phasing plan which demonstrates the phases of the development, and how the phases can be constructed to ensure that Network Rail's Old Oak Common Station works are not impeded; For the avoidance of doubt, works phased on footprint of the existing warehouse building will be assumed to provide no impediment on Network Rail's works. The phasing plan will demonstrate, in particular, how Network Rail's access to the site and turning of vehicles, storage requirements, parking requirements for RRVs and track plant, and access to the temporary RRAP will be accommodated and not impeded. Construction management measures may be included in the phasing plan to demonstrate lack of impediment to Network Rail's works. The phasing plan may include an early works phase, that may include setting out, and substructure of works; or*

*(b) the Secretary of State has refused to confirm the proposed Network Rail (Old Oak Common Great Western Mainline Track Access Order promoted by Network Rail, in which case the requirement in (a) shall no longer apply.*

*If a phasing plan is submitted to the Council for approval pursuant to (a) above, the developer will observe the phasing plan throughout the construction of the development. A phasing plan submitted pursuant to (a) above need not cover all phases of the development, and more than one phasing plan can be submitted for approval. Any phases that are planned to follow the completion of Network Rail's Old Oak Common Station works need not be the subject of a phasing plan."*

- 5.38 As a result of the above condition, as well as the proposed 5 years' implementation period (instead of the usual 3 years' implementation period), the proposed residential development of the Order land is likely to be delayed, but not fully prevented, meaning that it can proceed following completion of the Project and Network Rail having vacated the Order land.

#### Local Policy

- 5.39 Policy T1 (Strategic approach to transport) in the London Plan is considered relevant to the Project.
- 5.40 This policy supports any development proposals which facilitate:
- a) the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041;
  - b) the proposed transport schemes (set out in Table 10.1), which include "HS2 and associated National Rail changes, including mitigation of impacts at street level".
- 5.41 The Project is considered to be in accordance with this policy as it will make a valuable contribution to achieving its objectives by facilitating the GWML construction activities required to deliver the HS2 OOC railway station. The Project will deliver the support infrastructure to

enable a highly sustainable development of a new interchange railway station providing a link between the existing railway services on the GWML and Elizabeth Line and the new HS2 services. The permanent RRAP, which is proposed to be constructed as part of the Project, will also facilitate the maintenance regime for the GWML in general, improving reliability and associated benefits. This will provide economic, social and environmental benefits to the local area and to the country as a whole.

- 5.42 Further consideration of the Local Plan policies, as well as relevant policy allocations, is set out in the Planning Statement submitted with the Application [APP11].

## **Conclusion**

- 5.43 Paragraph 7 of the NPPF 2021 states that to achieve sustainable development the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the rights places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving of a low carbon economy.

- 5.44 In terms of economic benefits, the Project will enhance the public transportation Network across all of the above administrative areas providing enhanced and safer public transport provision. It will provide the opportunity for a more sustainable, reliable, and rapid alternative form of travel versus private vehicular trips.

- 5.45 In terms of social benefits, the project will support the promotion of healthy communities by providing an improved rail and pedestrian network encouraging a modal shift change from private vehicular trips. The social benefits are also considered to be strongly supported in planning terms and represent a strong material planning consideration in favour of the Project.

- 5.46 The environmental benefits of the Project are a key issue in planning terms. The support for sustainable transport schemes as set out in the NPPF 2021, needs to be weighed against other policy factors within the NPPF 2021 and the environmental impact of the Project.

- 5.47 Environmental impact is a broad term and one of the benefits of the Project is that an enhanced Network will provide clear benefits in terms of reducing CO2 and emissions associated with private vehicular trips.

- 5.48 Furthermore, it is crucial to note that the OOC Station cannot open without the prior opening of the OOC conventional rail station, which will allow those leaving HS2 services to connect to onward services. This will be achieved via the Elizabeth Line across London and surrounding areas, via the GWML across South Wales and Southwest England and via the Heathrow Express to Heathrow Airport. This is critical for the business case for HS2 and achieving the levelling up benefits of HS2 for the country.
- 5.49 The Project is, therefore, considered to be in accordance with the policies of the local plan and the regional transport strategies/plans as it will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.

## **6 USE OF LAND**

### **Introduction**

- 6.1 The Order, if made, will confer on Network Rail the power to acquire permanent rights over land and to temporarily occupy and use land for the purposes of constructing the Project. The Order does not include any powers of permanent acquisition of land.

### **Temporary rights over land**

- 6.2 A large proportion of the works required for the Project will be undertaken on land that is currently in the freehold ownership of Network Rail (within the existing rail corridor) and, as such, no powers over that land are required to be included within the Order. However, three plots of land identified in the Book of Reference [APP7] currently within private ownership are required for the Project on a temporary basis.
- 6.3 The temporary powers sought in the draft Order in relation to land fall into the following categories:
- a) temporary use of land in connection with the development; and
  - b) temporary extinguishment of rights over the land used temporarily.
- 6.4 All land over which powers are sought in the draft Order is shown on the Land Plan [APP8] and listed in the Book of Reference [APP7] that accompanied the Application. All references to plots in this document are to be read in conjunction with those plans. The plots are colour-coded to denote the nature of the powers sought over them.
- 6.5 All areas of land subject to powers in the draft Order are necessary for the Project and no land will be used unless essential to facilitate the Project. In respect of all land proposed to be subject to Order powers, Network Rail is seeking to secure the relevant land by negotiation. As such, the powers in the Order would only be exercised where it is not possible or practicable to reach agreement.

### **Permanent acquisition of rights over land**

- 6.6 Powers to permanently acquire rights over land included in the draft Order are very limited and are sought where land does not need to be acquired outright, but rights over that land are required for access on an ongoing basis.

- 6.7 The only plot where such power has been included in the draft Order is Plot 3, which is required for the construction and maintenance access to the permanent RRAP, which is proposed to be constructed as part of the Project.
- 6.8 As is clear from the Land Plan **[APP8]**, Plot 1 (where the permanent RRAP is proposed to be constructed) is not accessible from a public highway. As such, access through Plots 2 and 4 (via Plot 3) is required, as illustrated on the Land Plan.
- 6.9 Both Plots 2 and 4 benefit from a direct access from the adopted public highway and, as such, will enable safe delivery of materials, plant and staff to the railway with minimum disruption to third parties and/or residential areas.
- 6.10 Plot 3 is currently used for access and, as such, minimum works will be required to facilitate further permanent access to Plot 1 by Network Rail.

#### **Temporary use of land for construction purposes**

- 6.11 Powers to use land temporarily for the purposes of construction are included in the draft Order.
- 6.12 Land is required for a temporary worksite to facilitate the works, which will include construction of the temporary RRAP.
- 6.13 Plots required on a temporary basis are described as Plots 2 and 4 on the Land Plan. However, in practice, they constitute one parcel of land, which is owned by Bellaview and occupied by STARK Building Materials Limited, trading as Jewson (**STARK**).
- 6.14 Plots 2 and 4 are also subject to various rights enjoyed by residents of the adjoining residential property, known as Acton House. However, while the full extent of Plots 2 and 4 will be required for the Project (on a temporary basis), Network Rail is confident that access rights and/or any associated rights enjoyed by Acton House residents will not be affected and can continue to be enjoyed while Network Rail is present on the Order land for the purposes of the Project. Safety of any such access sharing is proposed to be managed via a construction traffic management plan, the provision of which can be secured by way of a condition to be attached to the deemed planning permission sought under the Order. No such condition has been proposed by Network Rail at the Application stage. However, Network Rail is content for such a condition to be included on the deemed permission.
- 6.15 Plots 2 and 4 were historically a railway yard and, as a result, satisfy a number of requirements, which are further described in the Statement of Aims **[APP3]** submitted with the Application:
- a) distance: they will provide an adequate access to the track, as required for the delivery of the Project;
  - b) the access will not be affected by any limitations imposed by the requirements of the Train Operating Companies (as is the case with alternative sites considered by Network Rail in relation to the Project); and
  - c) they provide a level access to the railway, which complies with Network Rail's standards for the approach to a RRAP.

- 6.16 Plots 2 and 4 provide enough storage space for plant and materials, welfare facilities and off-street staff parking and enable the temporary construction compound to be located in close proximity to the temporary RRAP.

#### **Current status of negotiations with landowners**

- 6.17 Network Rail's aim is to minimise the need to exercise the compulsory acquisition powers being sought in the Order. To achieve that aim it has engaged with Bellaview and STARK to negotiate by agreement the right to acquire the necessary rights. On the date of this Statement, negotiations with both Bellaview and STARK remain ongoing.

#### **Compensation matters**

- 6.18 Landowners who have an interest in land over which rights are acquired, or which is acquired or used temporarily, will be entitled to compensation and landowners whose property is affected by the works authorised by the Order may also be entitled to compensation in certain circumstances.
- 6.19 The draft Order, at articles 4 and 5, applies Part 1 of the Compulsory Purchase Act 1965 [APP25] and the 1981 Act which, through their application, have the effect of requiring Network Rail to pay compensation to parties that qualify under what is termed the 'Compensation Code'. The Code is a combination of statutory provisions and case law which provides rules for the assessment of compensation. Article 8 provides for certain interests and improvements in the value of land retained by an affected landowner to be disregarded.
- 6.20 In addition, the draft Order expressly provides for the payment of compensation to any person who suffers loss through the exercise of the powers in article 7 (temporary use of land in connection with the development).

#### **European Convention on Human Rights**

- 6.21 The powers over land sought in the draft Order are necessary to facilitate the construction, operation and maintenance of the Project. The land requirements have been carefully considered and limited as far as possible, to ensure that they are proportionate.
- 6.22 The approach to be taken when considering the compulsory acquisition of land and rights is summarised in paragraph 12 of the Department for Levelling Up, Housing and Communities (DLUHC) July 2019 *Guidance on Compulsory Purchase Process and the Crichton Down Rules* [APP33], which states that compulsory purchase powers should only be given where there is a "*compelling case in the public interest*".
- 6.23 The Guidance makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the person seeking to acquire the land should have regard, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.
- 6.24 Article 1 of the First Protocol to the European Convention on Human Rights states that:

*"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.*

*The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."*

- 6.25 Article 1 is a qualified right in that no one shall be deprived of his possessions *"except in the public interest and subject to the conditions provided for by law"*.
- 6.26 While occupiers and owners of land will be deprived of their property if the Order is made, this will be done in accordance with the law. By enacting the 1992 Act, the Government has determined that, subject to procedural safeguards, it can be in the public interest for individuals to be deprived of their land for railway purposes. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Project, which would be facilitated in part by the Order, are set out earlier in this Statement. Network Rail considers that the Order will strike a fair balance between the public interest in the implementation of the Project and those private rights which will be affected by the Order.
- 6.27 In addition, as set out above, where land, or rights over land, are authorised to be compulsorily purchased by the making of the Order, compensation will be payable. Where disputes as to the amount of compensation arise, these may be referred for determination to the Upper Tribunal.
- 6.28 Network Rail considers that there is a compelling case in the public interest for compulsory acquisition powers to be granted as part of the Order. The Order, including the requirements to pay compensation, strikes a fair and proportionate balance between the private interests of affected landowners and the public interest in securing the benefits of the Project. Therefore, the interference with Convention rights is justified.

## **7 ALTERNATIVES**

### **Road Rail Access Point**

- 7.1 RRAPs provide a means of access and egress for RRVs and plant onto the Network Rail infrastructure. The deployment of RRAPs at critical locations play their part in overall safety of the railway by providing a vital means of safe and easy access for RRVs and allow for maintenance and fault rectification of the railway.
- 7.2 Access to the railway is granted for construction works in 'possessions'. These typically only provide access to either the north or south of the railway. The access typically alternates week by week, so that access is to the north one weeks and south the next (although there are exceptions).
- 7.3 The temporary RRAP proposed to be constructed as part of the Project will only be used when the possessions align with access to the southern side of the GWML. This means that the temporary RRAP will only be used every other week.
- 7.4 'Best Practice' for the design of RRAPs is set out in the Best Practice Design Guide for Network Rail Infrastructure Access Points (CS075481) (**Design Guide**) [APP34].

7.5 The proposed temporary RRAP is a Class 4 (medium) RRAP, which consists of:

- a) RRV access;
- b) minimum 6m vehicle access gate and fenced compound;
- c) dedicated access for parking (cars/vans);
- d) temporary accommodation;
- e) material storage; and
- f) turning area for HGVs and RRVs.

**Options considered**

7.6 Several locations in the area have been explored by Network Rail with a view to utilising them for the Project. However, these were not considered to be suitable for the Project, as further outlined in the Statement of Aims [APP3] and summarised in the table below.

*Table 2: Options considered for the Project*

Location	Comments
North Pole Depot existing RRAP	<ul style="list-style-type: none"> <li>• The railway track, which the North Pole Depot RRAP is located on, is required for train stabling and maintenance and its closure for use by the Project would cause disruption to the train services operating in the region.</li> <li>• Due to the location of the North Pole Depot, the use of this RRAP would require multi-part possessions in order to mitigate some of the disruption. This would involve several changes to which railway tracks are under possession and which tracks have trains running on them during a work activity. This includes changes to overhead line isolation limits. These scenarios are known to cause confusion for construction staff and increase the risk of safety incidents.</li> <li>• Possession times for this RRAP have been shortened to comply with the TOC's requirements. As such, during a 29 hours' Sunday mains possession, this access is only available for the first 8 hours and last 5 hours. This is one of the impacts of the multi-part possession, which significantly impacts the ability to undertake work in the required 29 hours' possessions, resulting in delays to programme. No plant access is available during the remaining 16 hours of the possession, which in turn has the following impacts:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Increased risk of lost work and possession overruns – if a machine breaks down during a shift, there is no opportunity to remove it from the track and replace it with a functioning machine; this could result in lost work and delays to the programme. Additionally, it could risk overruns if works required to be completed within a possession to safely hand the track back cannot be completed, resulting in disruption to passenger services.</li> <li>○ Reduction in efficiency of works – all plant needs to be on-track at the start of the possession and cannot leave until the very end of the possession. The order of plant on the tracks is therefore fixed throughout the whole shift. This will prevent machines from being able to move freely during the possession, which increases the time it takes to complete works and, potentially, a requirement of additional possessions in later weeks.</li> <li>○ Increased cost of plant hire – as all machines need to remain on track throughout the possession regardless of the time they are actually required for.</li> <li>● The RRAP is already used for maintenance by Network Rail and its use for the Project would result in multiple parties/RRVs accessing the track and/or being present at the track. This reduces the volume of works which can be undertaken during possession access, therefore requiring more disruption to passengers.</li> <li>● Given its location, use of this RRAP would increase RRVs transit time by roughly half an hour each way, resulting in insufficient time to carry out works and potentially increased disruption to train services and passengers.</li> </ul>
Jacob's Ladder existing RRAP	<ul style="list-style-type: none"> <li>● The Jacob's Ladder RRAP is located 3 miles from the proposed location of the Project, which equates to roughly 30 minutes of additional transit time, resulting in insufficient time to carry out works and potentially increasing disruption to train services and passengers.</li> <li>● This RRAP is located west of Acton West Junction, a critical junction for train operations. RRVs travelling</li> </ul>

	<p>through Acton West Junction would result in increased disruption to passengers and train services.</p> <ul style="list-style-type: none"> <li>• Due to the location of Aston West Junction, the use of this RRAP would require multi-part possessions in order to mitigate some of the disruption. This is where there are several changes to which railway tracks are under possession and which tracks have trains running on them during a work activity. This includes changes to overhead line isolation limits. These scenarios are known to cause confusion for construction staff and increase the risk of safety incidents.</li> <li>• Possession times for this RRAP have been shortened to comply with the TOC's requirements. As such, during a 29 hours mains possession, this access is only available for the first 8 hours and last 5 hours. This is one of the impacts of the multi-part possession, which significantly impacts the ability to undertake work in the required 29 hours' possessions, resulting in delays to programme. No plant access is available during the remaining 16 hours of the possession, which in turn has the following impacts: <ul style="list-style-type: none"> <li>○ Increased risk of lost work and possession overruns – if a machine breaks down during a shift, there is no opportunity to remove it from the track and replace it with a functioning machine; this could result in lost work and delays to the programme. Additionally, it could risk overruns if works required to be completed within a possession to safely hand the track back, cannot be completed, resulting in disruption to passenger services.</li> <li>○ Reduction in efficiency of works – all plant needs to be on-track at the start of the possession and cannot leave until the very end of the possession. The order of plant on the tracks is therefore fixed throughout the whole shift. This will prevent machines from being able to move freely during the possession, which increases the time it takes to complete works and potentially a requirement of additional possessions in later weeks.</li> <li>○ Increased cost of plant hire – as all machines need to remain on track throughout the possession regardless of the time they are actually required for.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• There is insufficient space for the storage of plant and/or material in order to carry out the Project.</li> <li>• The layout of Jacob's Ladder RRAP and compound does not allow the use of PKR 750 RRV cranes. Allowing use of PKR 750 cranes is part of the RRAP compound requirements as they are required for delivery of the overhead line equipment works required to support the GWML Rail Systems Project.</li> </ul>
Southall existing RRAP	<ul style="list-style-type: none"> <li>• This RRAP is located approximately 4.5 miles away from the Project which equates to roughly 45 minutes of transit time. This would result in insufficient time to carry out works, resulting in increased disruption to passengers and train services.</li> <li>• Due to the distance of Southall RRAP from the site of works, a larger section of the railway would need to be closed for the entire possession. This would not be accepted by the TOCs as the proposed closure would prevent them from operating an acceptable level of passenger service.</li> <li>• This RRAP is located west of Acton West Junction, a critical junction for train operations. RRVs travelling through Acton West Junction would result in increased disruption to passengers and train services.</li> <li>• Due to the location of Aston West Junction the use of this RRAP would require multi-part possession in order to mitigate some of the disruption. This is where there are several changes to which railway tracks are under possession and which tracks have trains running on them during a work activity. This includes changes to overhead line isolation limits. These scenarios are known to cause confusion for construction staff and increase the risk of safety incidents.</li> <li>• Possession times for this RRAP have been shortened to comply with the TOC's requirements. As such, during a 29 hours' Sunday mains possession, this access is only available for the first 8 hours and last 5 hours. This is one of the impacts of the multi-part possession, which significantly impacts the ability to undertake work in the required 29 hours' possessions, resulting in delays to programme. No plant access is available during the remaining 16 hours of the possession, which in turn has the following impacts:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Increased risk of lost work and possession overruns – if a machine breaks down during a shift, there is no opportunity to remove it from the track and replace it with a functioning machine; this could result in lost work and delays to the programme. Additionally, it could risk overruns if works required to be completed within a possession to safely hand the track back cannot be completed, resulting in disruption to passenger services.</li> <li>○ Reduction in efficiency of works – all plant needs to be on-track at the start of the possession and cannot leave until the very end of the possession. The order of plant on the tracks is therefore fixed throughout the whole shift. This will prevent machines from being able to move freely during the possession, which increases the time it takes to complete works and potentially a requirement of additional possessions in later weeks.</li> <li>○ Increased cost of plant hire – as all machines need to remain on track throughout the possession regardless of the time they are actually required for.</li> </ul>
Acton Main Line Station RRAP	<ul style="list-style-type: none"> <li>• This RRAP was removed by Crossrail and no alternative has been provided.</li> <li>• North side (relief) RRAP is located on the north side of the track, whereas the Project requires access to the south (mains) side of the track. Access across to the south side from the North would result in an unacceptable disruption to train services and passengers.</li> </ul>
Westcott Park Community Garden	<ul style="list-style-type: none"> <li>• Level difference (roughly 6m above the track) would not allow a RRAP to be installed here in accordance with the RRAP requirements. Any RRAP installed in this location would require significant alteration and/or demolition of Perry Avenue, Fergusen Road and associated properties. The requirement to provide a compound may also necessitate further demolition of properties on Perry Avenue.</li> <li>• Deliveries of plant and material (via HGV) would be through narrow residential roads resulting in long term disruption to residents in an otherwise purely residential area.</li> </ul>

<p>Old Oak Common Lane (existing Hitachi Depot)</p>	<ul style="list-style-type: none"> <li>• Currently in use by a third-party stakeholder (Hitachi) as an operational depot which would need to be crossed to allow access to the GWML. As such, any use of an RRAP here would require interaction between OOC Station delivery/Network Rail maintenance and Hitachi train maintenance. This would result in: increased safety risk for both organisations from moving plant, vehicles and trains from different organisations, restricted storage as train maintenance facilities and operations would prevent large storage or advanced delivery of plant and increased disruption to Network Rail's activities as all deliveries and RRVs will need to cross rail tracks within the depots which may be prohibited due to train movements within the depot. Historically, Network Rail's maintenance access through the depot has been prohibited due to these challenges impacting train maintenance operations;</li> <li>• Other HS2 contractors are currently occupying the surrounding land undertaking critical disruptive works, which directly conflicts with the space required for the access point. As such, it would not be made available in time to support delivery of the OOC Station;</li> <li>• With the current access road layout, plant and materials cannot be delivered to the RRAP directly from Old Oak Common Lane. The Project would either require a road closure on Old Oak Common Lane or delivery via Mitre Way creating a significant operational conflict with the train maintenance depot impeding both Network Rail's and the train maintainer's ability to maintain an adequate train service for the passengers;</li> <li>• There is insufficient space to support compound requirements.</li> </ul>
<p>Westway Estate</p>	<ul style="list-style-type: none"> <li>• This location would require relocation/shortening of the two headshunts (track provided to release locomotives at terminal platforms, or to allow shunting to take place clear of main lines) which form part of North Pole Depot. Consultation with depot operators has identified that these cannot be sufficiently shortened without enhancement of a train maintenance facility elsewhere on the route. The programme to deliver these works would not allow a RRAP to be delivered into operational service in time to support the programme to deliver HS2;</li> </ul>

	<ul style="list-style-type: none"> <li>• Would require significant alteration to depot operations and infrastructure and possibly construction/expansion of other depots elsewhere;</li> <li>• Cannot accommodate HGVs due to the layout of the road;</li> <li>• The final track layout has 'switches and crossings' where the proposed RRAP would be. These cannot be co-located and the proposed 'switches and crossing' would have to be relocated to a less safe/reliable location. The relocation would also create a performance impact to future train services.</li> </ul>
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7.7 Based on the above, it was concluded that the Order land would be the most viable location for the Project.

## 8 CROWN LAND

8.1 Plot 1 (required for the permanent RRAP element of the Project) is currently held by the Crown Estate *bona vacantia*, following the administration of the company, which originally purchased the land from Railtrack in 1996.

8.2 Network Rail is not seeking any powers over Plot 1 in the Order as it is not possible to obtain compulsory land powers in respect of the Crown Land. Instead, Network Rail has been liaising with Burges Salmon, who act on behalf of the Crown Estate, in relation to the proposed acquisition of Plot 1 by Network Rail.

8.3 In accordance with the standard procedure, Network Rail has made contact with the adjoining landowners and three of them (including Bellaview) expressed an interest in acquiring the Crown Land.

8.4 As at the date of this Statement, no decision has been made in relation to the proposed acquisition of Plot 1 by Network Rail. Network Rail is advised that no decision will be made unless and until Network Rail's Application for the Order has been decided. Nevertheless, Network Rail is confident that this will not constitute an impediment to the Project and land required for the permanent RRAP will be secured once the Order has been granted.

## 9 CONSULTATION ON THE PROJECT

### Public consultation

9.1 An Approach to Community Consultation document was sent to the Council on 7 October 2022, setting out how Network Rail will consult the community. No comments were received from the Council in response.

9.2 One round of public consultation was then undertaken for a period of six weeks, between 10 October 2022 and 20 November 2022. Due to the nature of the Project and the Order, the public consultation was targeted at the community who are affected, or likely to be affected, by the Project.

- 9.3 The public consultation and correspondence described the project as the Old Oak Common Lineside Logistics Compound, as this is more descriptive of the requirements for the wider community, and consulted on the Project as a whole, rather than on an isolated 'per feature' or 'per consenting route' basis.
- 9.4 A letter inviting the community to respond to the Public Consultation was also sent to 183 addresses, which detailed the Project's background, benefits, land requirements and timeline. The letter also provided detail of the community engagement drop in events being held locally for the community to speak with the project team and how to contact the project team.
- 9.5 The public were able to contact the project team and respond to the consultation at a dedicated email address: [OOCRailCompound@networkrail.co.uk](mailto:OOCRailCompound@networkrail.co.uk). Information has also been uploaded, and remains available, on the dedicated Project webpage: <http://www.networkrail.co.uk/OOCRailcompound>.
- 9.6 Two drop-in engagement events were held within the public consultation period, to allow those affected by the Project to speak directly with the project team. These were held on 20 October and 3 November 2022 at Friary Park Community Centre. In total, these were attended by 9 individuals.
- 9.7 Network Rail remains committed to ongoing consultation and engagement with interested parties. This will continue as the Order progresses and beyond to completion of the Project.

### **Statutory consultation**

- 9.8 At the same time as the public consultation, statutory consultation in line with Schedules 5 and 6 to the 2006 Rules was also undertaken with:
- a) any landowners (or tenants or those with rights over the Order land) potentially affected by the Project – undertaken by Network Rail's agent (Bruton Knowles);
  - b) any statutory undertakers who are believed to have an interest in the land affected by the Order – undertaken by Network Rail's agent (Bruton Knowles);
  - c) key stakeholders such as the local planning authority – undertaken by Network Rail; and
  - d) strategic stakeholders such as MPs and local councillors undertaken by Network Rail.

## **10 FUNDING**

As stated in the Funding Statement **[APP4]** the Project (including compensation and any acquisition of blighted land) will be funded by HS2 Ltd under the Implementation Partnership Agreement dated June 2023, a cost-reimbursable contract between HS2 Ltd and Network Rail.

## **11 PROJECT DELIVERY**

- 11.1 A £406,311,386 target cost contract to undertake development of the detailed design, delivery and commissioning of the GWML Rail Systems Project was awarded to the South Rail Systems Alliance under Network Rail's NR 21 Programme Alliance Agreement on 28 July 2023. The Alliance parties are Colas Rail, Aecom and Network Rail.

11.2 A high level construction programme is provided below:

- a) January 2024 – March 2024: weekend trackside works to install a temporary RRAP and protect existing assets (to be undertaken within Network Rail's land and no land acquisition required);
- b) Immediately upon vacation of land by its current occupier: 1 week to remove fence and facilitate RRAP access and 8 weeks of midweek day works to modify the Order land to act as a construction compound and storage area;
- c) January 2026 – December 2026: Works to construct the permanent RRAP and compound;
- d) November 2029 – December 2029: Demobilisation of construction compound and temporary RRAP.

## **12 OBJECTIONS**

12.1 The Application was submitted to the Secretary of State on 17 April 2023.

12.2 Any objections to, or other representations about, the proposals in the Application were to be sent to the Secretary of State for Transport by 5 June 2023.

12.3 By the close of the objection period 8 letters of objection were received by the Secretary of State, all of which were from 'statutory objectors' for the purposes of section 11(4) of the 1992 Act.

12.4 The objections are summarised below together with Network Rail's comments.

Table 3: Summary of objections

Objection	Grounds of Objection	Network Rail's Position	
OBJ01	<p><b>Mark Aston</b></p>	<p>Objection on the basis of potential reduction of value of the objector's property sale or rental value. Specifically, the increase in noise, light and pollution 24/7 over 6.5 years, caused by the increase in HGV movements to and from the proposed site to the rear of the Acton House.</p> <p>Horn Lane is already a busy road subject to frequent traffic congestion and queuing traffic will make matters worse. The PM 2.5 pollution levels already often exceed the safe recommendations, and there are not considerable more residential units planned for Friary Road opposite the site which will now also be affected.</p> <p>Ealing council's long term plans for the proposed site were for residential properties, which will now be delayed or cancelled. Network Rail already has the possibility of much closer access to the Old Oak HS2 work site at North Pole Depot which is not adjacent to residential properties, this proposed site would appear unnecessary.</p>	<p>In terms of the potential reduction in value of the objector's property - the Order includes compensation provisions, as described in this Statement.</p> <p>In terms of traffic - traffic generated by the Project will be less extensive than that generated by the Builder's merchant currently in occupation of the Order land and, in any event, will be only temporary (during construction of the Project).</p> <p>Network Rail will be working closely with the Local Planning Authority with a view to limiting any noise and pollution resulting from the Project and/or the associated works.</p>
OBJ02	<p><b>Shaukat Khan and Brett Coventry</b></p>	<p>Objects on the basis of the partial loss of access to the rear of Acton House, as proposed access crosses the objectors' car park entrance.</p> <p>Objection against the high volume of HGV movements 24/7 for 6.5 years.</p>	<p>The Project has been designed in such way, so that it does not interfere with any access to the garages/parking to the rear of Acton House.</p> <p>In terms of traffic - traffic generated by the Project will be less extensive than that generated by the Builder's merchant currently in occupation of the Order land and, in any case, will be only temporary (during construction of the Project).</p>
OBJ03	<p><b>Leena Madhan on behalf of Mr Gurmeet Singh Hakimzada</b></p>	<p>Mr Hakimzada objects to the work as he believes it will cause high level of inconvenience to his business and customers. He is concerned that it will cause a lot of disruption and might prevent customers from coming [to his business] thereby affecting his business and profit.</p>	<p>Network Rail does not agree that there will be any disruption to the objector's business and/or any loss of profits as a result. In any event, the Order includes compensation provisions, as described in this Statement.</p>

<p><b>OBJ04</b></p>	<p><b>Anna Kuzsta</b></p>	<p>Objection against the proposal to acquire rights and temporary possession of land to operate the compound.</p> <p>As a resident of Acton, who will be directly affected, I vehemently believe that the proposal will negatively impact Actonians in all areas of working and home life.</p>	<p>Grounds of the objection are not clear. Need and benefits of the Project are detailed in this Statement of Case. The Project has been designed in such way, so that it does not affect any rights which are currently enjoyed by Acton House residents.</p> <p>The Project will result in reduced HGV traffic on site and Network Rail will be working closely with the Local Planning Authority with a view to limiting any noise and pollution resulting from the Project and/or the associated works.</p>
<p><b>OBJ05</b></p>	<p><b>Myron Kuszta</b></p>	<p>Objection to the proposal to acquire rights and temporary possession of land to operate the compound.</p> <p>As a resident of Acton, who will be directly affected, I vehemently believe that the proposal will negatively impact Actonians in all areas of working and home life.</p>	<p>Grounds of the objection are not clear. Need and benefits of the Project are detailed in this Statement of Case. The Project has been designed in such way, so that it does not affect any rights, which are currently enjoyed by Acton House residents.</p> <p>The Project will result in reduced HGV traffic on site and Network Rail will be working closely with the Local Planning Authority with a view to limiting any noise and pollution resulting from the Project and/or the associated works.</p>
<p><b>OBJ06</b></p>	<p><b>STARK Building Materials UK Ltd (formerly Saint Gobain Building Distribution Ltd) (trading as Jewson)</b></p>	<p>Proposals for the construction of this section of HS2 are rooted in The High-Speed Rail (London – West Midlands) Act 2017 and Network Rail's raising of the order is to rectify a perceived design omission despite the fact that the design has not been finalised or frozen and the wider delivery of HS2 is fundamentally reviewed at regularly intervals.</p> <p>Mixed use of the site for track replacement and construction of OOC Station represents two separate projects which will not be delivered simultaneously in a single phase in the current economic climate.</p> <p>Network Rail provide little or inadequate detail in support of their contention that there is no viable alternative point of access from road to the rail corridor. There are a number of alternative options which, if Network Rail were not trying to promote two separate projects (track renewal and construction of OOC Station), would satisfy their needs without</p>	<p>Network Rail has worked to negotiate the voluntary acquisition of the rights in land required to deliver the Project as noted within the Consultation Report. However, as negotiations have to date not resulted in Network Rail being able to acquire the land and interests by agreement, the only option for Network Rail is to progress with the Order.</p> <p>In preparing its application for the Order, Network Rail has considered Articles 1 and Article 8 of the European Convention on Human Rights and, as further described in this Statement, considers that there is a compelling case in the public interest for compulsory</p>

		<p>necessitating the existing extinguishment of an established business providing a local amenity and employment.</p> <p>There is no study prepared in the post pandemic world to demonstrate that there is demand from rail users which justifies the preservation of track availability/capacity to the extent asserted in Network Rail's evidence. Journey numbers on Mondays and Fridays have not returned to pre pandemic levels reducing demand for rail capacity and increasing the opportunity for track maintenance.</p> <p>Network Rail has not demonstrated that there is an essential need for the facility which they seek to create as a consequence of the use of powers of compulsory purchase or that the works may not be phased removing the necessity for the extinguishment of the Objector's business and use of powers of compulsory purchase.</p> <p>It is unclear what adverse impact the compulsory acquisition of the interests will have in terms of loss of employment.</p> <p>Plots 2, 3 and 4 are used for business and as amenity to residential use. There is no evidence that Network Rail has properly considered the occupiers rights in terms of a home and right to peaceful enjoyment of possession, including businesses.</p> <p>Network Rail advise that they have been unable to secure acquisition of area 1 and that the land title has reverted to the Crown. The powers in the Order do not extend to land owned by the Crown and there is no certainty that the scheme could be delivered as Network Rail will not have powers to assemble all land and rights necessary to deliver the scheme.</p> <p>The temporary acquisition of Area 2 for a period of 6 years and 6 months will give rise to the extinguishment of the Objector's business due to suitable relocation opportunities resulting in loss of amenity and employment in the area.</p> <p>The Willesden Logistics Hub lies on the east side less than 1km from the OOC station construction site. This raises the question why does Network Rail require a further logistics hub on the Objector's land which lies to the west side of the OOC site some 1.9km by rail?</p>	<p>acquisition powers to be granted by the Order. The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of affected landowners and the public interest in securing the benefits of the Project. Therefore, the interference with Convention rights is justified.</p> <p>Alternatives considered by Network Rail, as well as reasons as to why these are not a suitable alternative to the Project, are described in this Statement. This information was also included in Network Rail's Statement of Aims submitted with the Application.</p> <p>Network Rail has adequate funding to deliver the Project via the Implementation Partnership Agreement with HS2 Ltd dated June 2023, as confirmed in the Funding Statement. The Implementation Partnership Agreement was worked up prior to submission of the Application and was signed off on 15 June 2023.</p> <p>Network Rail are aware of changes to travel patterns as a result of the pandemic. The position continues to evolve. There were provisionally 1.4 billion journeys made in the latest year (1 April 2022 to 31 March 2023). This is 83% of the 1.7 billion journeys made three years ago (1 April 2019 to 31 March 2020). Further information can be found on the Office for Road and Rail website. The DfT also published its post-Covid national rail passenger figures on 1- May 2023, showing a record post Covid high daily average of 98.3% for the month of April. Of the 30 days in April 14 days registered 101% to 106%, and only four days</p>
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		<p>The Objector's site lies to the west side of Acton Main Station, thus the use of the Objector's land as supply point will result in material and plant passing through the Acton Main Station platform area increasing congestion and heightening safety risk.</p> <p>The rejection by Network Rail of the potential RRAPs is not accepted as being a fair or reasonable appraisal. It is asserted that if the assumption that the RRAP must be capable of satisfying the needs of track replacement/track alteration and the construction of OOC Station simultaneously is dropped and the assumption is made that the work may be undertaken in phases, particular that of track replacement, then a RRAP could be established on one of the alternative sites without extinguishing a business.</p> <p>The following points of access should be investigated further in the context of phased working and better use of the Willesden Junction logistics hub:</p> <ul style="list-style-type: none"> <li>• land to the east of the North Pole storage depot where there is a private access into North Pole depot from Mitre Way and the A129;</li> <li>• access at the north end of the Big Yellow Storage Box;</li> <li>• access off Old Oak Common Lane at the west end of the freight siding;</li> <li>• land to the west of Dean Court, 1 Friary Road;</li> <li>• access through the car wash builders' yard to the west of 239 Horn Lane.</li> </ul> <p>At NR04 paragraph 5.2 there is an unproven assumption by Network Rail that "any RRAP must be located to the west of the existing North Pole depot". There appears to be no evidence in support of the assumption that an engineered solution to any disruption of the North Pole depot could not be achieved if the RRAP was introduced in or east of the North Pole depot.</p> <p>The land acquisition costs based on market value estimate is assessed on the wrong basis and inadequate amount. The compensation due to the</p>	<p>saw less than 90% (88%) on the first four days of the month. Network Rail has seen unprecedented strike action following the pandemic and expects rail usage to increase. In any event, any change in travel patterns does not affect the need for the Order scheme.</p> <p>Network Rail is unable to exercise compulsory powers over the Crown Land. Therefore, powers in the Order do not extend to that land. However, Network Rail are looking to acquire the Crown Land and are engaging with the Crown Estate's solicitors, as explained in this Statement. The proposed temporary acquisition is in any event not dependent on securing a permanent interest in Plot 1, as the other plots are required for the temporary RRAP.</p> <p>Network Rail does not expect that there would be an increase in daily vehicle movements as compared to today. If anything a reduction in traffic movement is anticipated, as the proposed compound is a satellite compound focused on weekend possession delivery. Works will be planned to minimise noise and light pollution to local residents and be subject to a section 61 Control of Pollution Act 1974 application which will be agreed with the Environmental Health Officer at the Council and/or by appropriate planning conditions.</p> <p>Network Rail first made contact with Saint Gobain Distribution Limited on the 10 July 2020. All correspondence is described in the Consultation Report.</p> <p>Network Rail have been in discussion with Sanderson Wetherall and Stark Building</p>
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		<p>Objector is by reference to the Land Compensation Act 1961 Section 5(6) Business Losses, not Section 5(2) Market Value.</p> <p>The Objector questions whether the scheme has adequate funding and therefore whether the scheme is capable of delivery. Network Rail are asked to clarify reference to Implementation Partnership Agreement dated 2023, given that the Order was published prior to the aforementioned agreement.</p> <p>In the Consultation Report Network Rail state that they have been in contact with the Objector's agent Sanderson Weatherall since July 2020. This is incorrect. First communication was received in July 2021 and there have been 35 separate communications between the parties since July 2021 to date.</p> <p>The Objector asserts that they have security of tenure under the provisions of the Landlord and Tenant Act 1954 and have a legal right to renew their lease in April 2025.</p> <p>Network Rail have since July 2021 maintained a periodic contact with the Objector's Agents but have not made an offer of compensation or sought to acquire the Objector's interests by agreement.</p> <p>Network Rail has assumed that the Objector's landlord would resist the Objector's application for lease renewal on the grounds of a hypothetical residential development scheme for which planning permission has not been granted and in making this assumption Network Rail are promoting a cap on compensation limited to the statutory formula contained in the Landlord and Tenant Act 1954.</p>	<p>Materials, but are yet to receive their proposals as to what they consider to be market value.</p> <p>Network Rail have assumed that the freeholder would resist the objector's application for lease renewal and in making this assumption Network Rail are promoting a cap on compensation to the statutory formula contained in the Landlord and Tenant Act 1954. At the date of this Statement, discussions in relation to compensation are ongoing.</p>
<p><b>OBJ07</b></p>	<p><b>Sunita Mehta</b></p>	<p>The application will affect access to the car park at the back.</p> <p>There will be additional noise. There is already a lot of noise all day long, including Sundays.</p> <p>It may negatively impact the value of the Property.</p>	<p>In terms of the impacts on access to the car park – the Project has been designed in such way so that it does not interfere with any access to the garages/parking to the rear of Acton House.</p>

			<p>In terms of noise, Network Rail will be working closely with the Local Planning Authority with a view to limiting any noise and pollution resulting from the Project and/or the associated works.</p> <p>As to any impacts on the value of the Property, the Order contains compensation provisions as described in this Statement.</p>
<b>OBJ08</b>	<b>Bellaview Properties Limited</b>	<p><b>Ground 1 – Absence of a compelling case in the public interest</b></p> <p>There are reasonable alternative means by which Network Rail could secure access to the GWML and land for a temporary construction compound in connection with the Project, which would either remove the need for temporary rights over the Property entirely; or, as a minimum, reduce the extent of the rights sought by the draft Order.</p> <p>Network Rail has not provided any material evidence that no other land adjacent to or within the vicinity of the GWML railway is suitable, including by way of private rent, for the purposes of the Project. In particular – Acton Goods Yard and the Triangle Site (crown land).</p> <p>The scope of the rights to be secured by the Order go far beyond what is reasonably required by Network Rail:</p> <ul style="list-style-type: none"> <li>• If Network Rail is able to show that access to the operational GWML railway is required via the Property for the purposes of the temporary aspects of the Project, any associated floorspace required for office or welfare purposes can still be secured elsewhere and without the need to acquire or to take possession of the whole of the Property for such purposes. Network Rail has not demonstrated that it is essential that all these facilities need to be re-located.</li> <li>• Taking temporary possession of land to provide car parking spaces cannot be readily justified when the Property, as well as alternative sites within the locality, benefit from good transportation links with</li> </ul>	<p><b>Ground 1 – Absence of a compelling case in the public interest</b></p> <p>Alternatives considered by Network Rail, as well as reasons as to why these are not suitable for the Project, are described in this Statement. This information was also included in Network Rail's Statement of Aims submitted with the Application.</p> <p>As to the Crown Land – at the date of this Statement, this is not available to Network Rail and, as described in this Statement, the Crown will not make any decision on disposition of the Crown Land to Network Rail unless and until the Order has been granted. Accordingly, it is not considered to be an acceptable alternative to the Order land. Furthermore, the Crown Land is not big enough to accommodate the compound and vehicles required for delivery of the Project.</p> <p>Requirements for the RRAP, as well as the associated compound, are described in this Statement. Parking is required for RRVs.</p> <p>During the period of use of the temporary RRAP, the land is required for the other</p>

		<p>easy access to rail services at Acton Station as well as bus links. Further, car parking spaces are available for commercial rent within the locality, thereby avoiding the need for compulsory powers of acquisition. Network Rail's supporting material makes no reference to sustainable transport and encouraging those who might otherwise use the private car to make sustainable travel choices.</p> <ul style="list-style-type: none"> <li>• In terms of any rights of temporary access to facilitate the construction of the two RRAPs, these may be secured (a) without the need for the more extensive powers of temporary possession proposed by the draft Order; and (b) without excluding BPL or its tenant from occupation of the Warehouse building and associated space. Network Rail's evidence in support of its application demonstrates as much.</li> <li>• With regard to the proposed permanent RRAP, alternative means of permanent access have not been shown to be unavailable to Network Rail. If it transpires that access to the permanent RRAP can only be achieved via part of the Property, then only limited rights over the Property are required. Network Rail has not justified the range of temporary powers of possession sought.</li> </ul> <p>The extent of acquisition proposed by the draft order has not been shown to be necessary or, as such, it has not been shown that there is a compelling case in the public interest for the extent of acquisition proposed in terms of permanent and/or temporary possession and rights.</p> <p><b>Ground 2 – Implications for BPL</b></p> <p>The proposed acquisition of rights will have a particularly onerous consequence in that the current retail operation from the Property will cease for the period of Network Rail's occupation.</p> <p>BPL is confronted with a potential need to relocate BDL, a related company, from a site in West Hampstead. The Property has been identified as a relocation option given that it is owned by a family company, has a</p>	<p>purposes described including storing materials and providing associated construction facilities. The temporary acquisition is appropriate in the circumstances.</p> <p>The only access to the Crown Land, where the permanent RRAP is proposed to be located, is through Bellavue's property, which benefits from direct access from the public adopted highway. This is clear from the Land Plans submitted with the Application.</p> <p>Accordingly, Network Rail believes that there is a compelling case in the public interest for the extent of acquisition proposed in the Order, as further described in this Statement.</p> <p><b>Ground 2 – Implications for BPL</b></p> <p>At the date of this Statement, Network Rail does not fully understand Bellavue's proposed timetable for the use of the site in terms of development aspirations and the relocation of the existing and proposed builder's merchant occupier. It has been identified, however, that the use of the permanent RRAP is consistent with Bellavue's redevelopment aspirations.</p> <p><b>Ground 3 – Inadequate Assessment</b></p> <p>As described in the planning statement, the actual construction works linked to the use of the site are very limited. The existing warehouse will remain as it is and the existing vehicular access will remain as it is albeit with a new security hut at the entrance.</p> <p>Network Rail may need to install some temporary lighting and temporary hoardings,</p>
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		<p>lawful use as a builders' merchants, and the Saint-Gobain lease will expire reasonably soon.</p> <p>The proposed relocation would be to the existing warehouse building at the Property, which Network Rail seeks to take temporary possession of through the Order. As such, the powers sought by Network Rail will give rise to a particularly onerous and disproportionate effect on BPL.</p> <p><b>Ground 3 – Inadequate Assessment</b></p> <p>Network Rail has failed to assess the planning and wider environmental effects of the use of the Property, as proposed via the draft Order and the section 90(2A) Direction.</p> <p>Network Rail failed to assess:</p> <ul style="list-style-type: none"> <li>• the effect on the operation and safety of users of, and the use of the local highway network as a result of the use as proposed of the Property;</li> <li>• the wider amenity impact of the works on and facilitated by Network Rail's proposed use of the Property. The works include installation of plant and machinery, apparatus and other works and conveniences. None of these have been the subject of any assessment in terms of amenity and other impacts. In the absence of this information, the application for deemed permission cannot be reasonably or sensibly allowed.</li> </ul> <p>The works proposed on BPL's land and inconsistent with the site allocation which concerns this land within the Ealing Site Allocations DPD. BPL is in a position to deliver development of its land, including residential development, in a form consistent with development plan policy aspirations. The effect of the draft Order, if made and implemented, would jeopardise and delay the carrying out of this development and thereby the significant public benefits that policy compliant development would deliver.</p> <p><b>Ground 4 – Inadequate funding</b></p>	<p>the details for which are still to be provided, but it is proposed that these are secured by a planning condition.</p> <p>Network Rail has outlined clearly in the planning statement that their construction activities at the site are very limited to facilitate the temporary use of the site as a lineside construction compound which will include alterations to the fence line between the existing builder's merchant and the railway to allow RRVs to access the railway from the adjoining land.</p> <p>There will be deliveries of railway materials during daytime hours by HGV, but all materials leaving the site will be along the railway to the construction site and not via the road network. The deliveries of rail associated materials will be significantly less than the amount of construction materials currently being delivered by HGV and then collected by customers in a combination of vans, cars and HGVs associated with a retail/trade builders merchant.</p> <p>The actual construction activities on the railway itself are approximately 1km to the east so the main construction activities associated with altering the mainline railway will not disturb adjoining properties. The site will purely be used to store materials within the existing warehouse, provide parking for RRVs, parking for cars, a small amount of support offices within the existing building and the loading of materials onto RRVs to then travel down the railway to the east where the main construction activities will take place.</p>
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		<p>Network Rail has identified the land acquisition costs to be £7,413,206, which is considered to be wholly inadequate and insufficient, not least since BPL's surveyors estimate the value of the property, based solely on its existing use, to be approximately £12,7 million.</p> <p>Absent a realistic assessment of acquisition costs and confirmation that those costs are available to Network Rail, it has not been shown that there is no impediment to the delivery of that which is sought by and through the proposed draft Order.</p>	<p>The allocation in Ealing DPD envisaged the redevelopment of the site between 2016 – 2021 which clearly has not been achieved within the timeframe identified. The temporary use of the site does not mean that the site can never be redeveloped but any redevelopment of the whole site would need to be delayed. Network Rail have previously suggested that there could be potential for both uses to come forward at the same time with a carefully planned phased development and negotiations are ongoing in this regard.</p> <p>Network Rail believes that the application for deemed planning permission under section 90(2A) of the 1990 Act is appropriate and robust.</p> <p><b>Ground 4 – Inadequate Funding</b></p> <p>Network Rail has sought external advice in relation to this but would welcome the sharing of information so that the difference in value can be clarified.</p> <p>Network Rail has an assessment of acquisition costs from external consultants and these costs are available to Network Rail as confirmed in the Funding Statement submitted with the Application.</p>
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## LIST OF TABLES

Table 1: Summary of consenting regimes for the Project

Table 2: Options considered for the Project

Table 3: Summary of objections

## GLOSSARY OF TERMS

<b>Term/Acronym</b>	<b>Meaning</b>
<b>1990 Act</b>	Town and Country Planning Act 1990
<b>1992 Act</b>	The Transport and Works Act 1992
<b>2006 Rules</b>	The Transport and Works (Applications and Objections) Procedure (England and Wales) Rules 2006
<b>Application</b>	The application for the Order
<b>Council</b>	Ealing London Borough Council
<b>EIA</b>	Environmental Impact Assessment
<b>FOC</b>	Freight operating company
<b>GPDO</b>	Town and Country Planning (General Permitted Development) (England) Order 2015
<b>GWML</b>	Great Western Main Line
<b>Inquiries Rules</b>	The Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018)
<b>LoD</b>	Limits of deviation
<b>Network</b>	Rail infrastructure network of Great Britain
<b>NPPF</b>	National Planning Policy Framework (NPPF) 2021
<b>NPS</b>	National Policy Statement for National Networks
<b>Network Rail</b>	Network Rail Infrastructure Limited
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>OOC</b>	Old Oak Common
<b>Order</b>	The Network Rail (Old Oak Common Great Western Mainline Track Access) Order
<b>ORR</b>	Office of Rail and Road

<b>Project</b>	The proposed construction of the temporary and permanent RRV access onto the GWML railway
<b>ROGS</b>	Railways and Other Guided Transport Systems (Safety) Regulations 2006
<b>RRAP</b>	Road-Rail Access Point
<b>RRV</b>	Road Rail Vehicle
<b>SMS</b>	Safety Management System
<b>TOC</b>	Train operating company

## APPENDIX A

### APPLICANT'S LIST OF DOCUMENTS

The following is a list of documents which Network Rail presently intends to refer to or put in evidence at the public inquiry. NR reserves the right to refer to further documents if and insofar as they may become relevant or necessary.

Ref.	APPLICATION DOCUMENTS
APP1	Draft Order
APP2	Explanatory Memorandum
APP3	Statement of Aims
APP4	Funding Statement
APP5	Estimate of Costs
APP6	Consultation Report
APP7	Book of Reference
APP8	Land Plan
APP9	List of Consents, permissions or licences under other enactments
APP10	Waiver direction given under rule 18
APP11	Planning Statement
APP12	Request for deemed planning permission and statement of proposed conditions
APP13	Timetable of proposed works
APP14	Declaration as to the status of the Applicant
<b>LEGISLATION AND GUIDANCE (RELEVANT EXTRACTS)</b>	
APP15	Transport and Works Act 1992 (Part 1 and Schedule 1)
APP16	The Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 18 of Schedule 2)
APP17	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466)
APP18	Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018)
APP19	Railways Act 1993 (Section 8)
APP20	The Railways and Other Guided Transport Systems (Safety) Regulations 2006
APP21	The European Union (Withdrawal) Act 2018 (Section 2)
APP22	Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I. 2006 No. 1466)
APP23	Great Western Railway Extension Act 1837
APP24	Railway Clauses Consolidation Act 1845
APP25	Part 1 of the Compulsory Purchase Act 1965
<b>NATIONAL AND LOCAL PLANNING AND TRANSPORT POLICIES AND STRATEGIES AND GUIDANCE</b>	
APP26	National Planning Policy Framework
APP27	The Government White Paper (Creating growth, cutting carbon: Making Sustainable Transport happen) (2011)
APP28	National Policy Statement for National Networks
APP29	Draft revised National Policy Statement for National Networks
APP30	London Plan 2021 (Policy T1)
APP31	Development (or Core Strategy) DPD, April 2012
APP32	Development Sites DPD, December 2013
<b>OTHER</b>	
APP33	Department for Levelling Up, Housing and Communities July 2019 Guidance on Compulsory Purchase Process and the Crichel Down Rules

APP34	Best Practice Design Guide for NR Infrastructure Access Points (CS0754881)
APP35	Email from Colin Field (Network Rail) to Ealing Borough Council dated 11 January 2023
APP36	Report for the Planning Committee on 19 July 2023
APP37	High Speed Rail: Investing in Britain's Future – decisions and next steps (January 2012)

## APPENDIX B

### LOCATIONS WHERE DOCUMENTS MAY BE INSPECTED

As required by Rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004 the documents which the Applicant intends to refer to or put in evidence at the forthcoming inquiry (as listed in Appendix A) will be available for inspection and (where practicable and subject to the payable of a reasonable charge) may be copied at the locations listed below.

These documents will be available from Acton Town Hall Library until the date of commencement of the inquiry.

A copy of every Statement of Case served by any other party and every document served with them will also be made available at these locations once received and copied by Network Rail.

<b>Location</b>	<b>Opening Times</b>
Acton Town Hall Library, Everyone Active Acton Centre, high Street, Acton W3 6NE	Monday: 10am – 5pm Tuesday: 10am – 7pm Wednesday: 10am – 7pm Thursday: 10am – 7pm Friday: 10am – 5pm Saturday: 10am – 5pm