

Our reference ELSEM/43283-4013

19 October 2023

FAO The Inspector, c/o The Programme Officer
By email: joanna.vincent@gateleyhamer.com

Dear Sir

**TRANSPORT AND WORKS ACT 1992
NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAIN LINE TRACK ACCESS) ORDER
LOCAL PUBLIC INQUIRY**

- 1 Thank you for your letter dated 18 October 2023 to which we respond as follows.
- 2 We recognise that the Planning Statement and draft Order are unhelpful insofar as they go beyond the scope of the activities actually envisaged to be undertaken by Network Rail on the Order Land because all the "works" which are proposed to be undertaken are in fact Permitted Development and will be undertaken under Network Rail's permitted development rights.
- 3 The requirement for the deemed planning permission arises only in respect of the need to use Plots 2, 3 and 4 for the purposes of a temporary worksite (including the laying down and storage of materials, yard, slabs, cranes, machinery, apparatus and, potentially, the stationing of temporary cabins which would not constitute development requiring planning permission). Mr Fleming is right to say in his evidence that no built development is proposed. In these circumstances, we do not consider that consultation with the Mayor of London, the relevant Fire and Rescue Authority, the London Borough of Ealing in its capacity as local highway authority or His Majesty's Railway Inspectorate is required.
- 4 In relation to the local highway authority, Network Rail has confirmed that they did consult the London Borough of Ealing in its capacity as local highway authority and we attach a notes of a meeting held with Council officers, that included the Assistant Director of Highways. We are advised that the London Borough of Ealing did not respond to the consultation in any capacity.
- 5 We recognise that it may be appropriate, in the circumstances, to modify the Order and the Request for Deemed Planning Permission, so as to better reflect the powers that Network Rail actually requires, and seeks, for its project. Specifically, we would propose to amend article 3 of the draft Order and the Request for Deemed Planning Permission so that powers are sought to:
 - (a) use the land within the Order limits as a temporary worksite, including the laying down and storage of materials, yards, slabs, cranes, machinery, apparatus and the stationing of temporary cabins; and
 - (b) provide temporary haul routes.

In our view, this would remove any suggestion that the draft Order and application for Deemed Planning Permission seek powers for the carrying out of works which has never been Network Rail's intention.

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- 6 We are very keen to hear from the Inspector as soon as possible since, if he is not content, Network Rail would need to pursue a consultation at least on the basis that it is without prejudice to its contention that it is not required.

Yours faithfully

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