

TRANSPORT AND WORKS ACT 1992

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

The Network Rail (Old Oak Common Great Western Mainline Track Access) Order

Town Planning Statement incorporating Design and Access Statement *(Required by Rule 10(6)(b))*

Document Reference	
Author	Network Rail
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**The Network Rail (Old Oak Common Great Western Mainline Track Access) Order
Town Planning Statement**

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1. INTRODUCTION

1.1 Transport and Works Act Order

1.2 Network Rail Infrastructure Limited ('**Network Rail**') is making an application to the Secretary of State for Transport for an Order under the Transport and Works Act 1992. The Order is proposed to be termed **the Network Rail (Old Oak Common Great Western Mainline Track Access) Order ('the Order')**.

1.3 The purpose of the Order is to secure compulsory acquisition of rights in land, temporary use of land and rights to undertake the Proposed Development consisting of minor ancillary works (as explained in detail below) required to provide:

1.3.1 temporary Road Rail Vehicle ('**RRV**') access onto the Great Western Main Line (**GWML**) railway (also known as Road-Rail Access Point ('**RRAP**')) to enable delivery of the Old Oak Common ('**OOC**') Station; and

1.3.2 permanent RRV access onto the GWML railway to enable future maintenance of the railway and the OOC Station

(together the '**Project**').

1.4 The Order would also provide statutory powers for Network Rail to:

1.4.1 temporarily use the land marked as Plots 2, 3 and 4 (shown coloured green, and pink in respect of Plot 3, on the Land Plan) for the construction of the temporary RRAP, RRV parking and material lay down areas; and

1.4.2 secure a permanent right of access to the permanent RRAP located at Plot 1 (shown coloured yellow on the Land Plan) and through Plot 3 (shown coloured pink on the Land Plan).

1.5 The Project is required for the construction of the Network Rail infrastructure supporting the new OOC Station, which will be the site of a new High Speed 2 ('**HS2**') and GWML interchange station, as well as its subsequent maintenance, and will provide an interchange between 6 sub-surface HS2 platforms and 8 conventional GWML platforms.

1.6 While the majority of the works required for the Project will be delivered pursuant to Network Rail's permitted development rights and/or rights granted under the High Speed Rail (London – West Midlands) Act 2017, there are elements of the Project which could

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be considered beyond the scope of these rights and the Order is required to authorise these elements, which are outlined below:

- 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
- provision of temporary haul routes

(together the '**Proposed Development**').

1.7 The Application Site is in two separate ownerships and planning uses, albeit all of it was part of the railway estate with the sites being in railway ownership until 1996 and 1984 respectively. For the purposes of this statement, we have described the Application Site as Plot 1 (sold in 1996) and Plots 2, 3 and 4 (sold in 1984). The detail and location of these two parcels of land will be described later in this statement.

1.8 The application process for the Order is governed by the Transport and Works Act 1992 ('the 1992 Act') and the Transport and Works (Applications and Objections) (England and Wales) Rules 2006 ('the Application Rules'), as amended.

1.9 The application under the 1992 Act will be determined by the Secretary of State for Transport. As elements of the Proposed Development could be considered beyond the scope of Network Rail's permitted development rights, pursuant to Rule 10(6) of the Application Rules, the Order is accompanied by a request for a Planning Direction from the Secretary of State for Transport under section 90(2A) of the Town and Country Planning Act 1990 (1990 Act) which, if given, would deem the grant of temporary planning permission for the Proposed Development.

1.10 At the time of submission, the following documents make up the Order application for the proposed Development:

- Draft Order;
- Explanatory Memorandum explaining the purpose and effect of each article in the draft Order;
- Statement of Aims;
- Consultation Report;
- Funding Statement;
- Declaration as to the status of the applicant;

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- Land Plans (Plans of the land to be acquired or used for the proposed Development);
- List of all consents, permissions or licences required under other enactments;
- Waiver Direction given under rule 18 of the Application Rules;
- Estimate of cost of carrying out proposed works;
- Book of Reference; and
- Request for Deemed Planning Permission (temporary) which includes the proposed planning conditions.

1.11 In addition to the above, the following documents have also been included in support of the Order application:

- this Planning Statement incorporating a Design and Access Statement; and
- Deemed Planning Drawing 176215-SRS-P2R-MLN1-DRG-ECV-601001 rev P01.6 ;

1.12 Request for Deemed Planning Permission (Temporary)

1.13 Further to paragraph 1.6, the request for a Deemed Planning Permission from the Secretary of State for Transport under section 90(2A) of the 1990 Act, seeks planning permission for the Proposed Development.

1.14 Certain details of the Proposed Development, such as a full technical specification for temporary lighting, temporary boundary treatments, a temporary security hut at the site entrance, hours of use and details of the re-instatement of the site, are "reserved" for subsequent approval by the local planning authority (**LPA**) through planning conditions set out within the Request for Deemed Planning Permission.

1.15 The request for Deemed Planning Permission includes the following components.

1.16 Deemed Planning Drawing

1.17 As the majority of the works required for the Proposed Development are temporary in nature, and the existing warehouse building and hard standing will remain in situ, the deemed planning drawing submitted shows limited detail. There will be no change to the existing vehicular access into the site from Horn Lane so there are no proposed highway alteration drawings. The drawing does, however, show illustrative designs for the two

locations where access onto the adjacent GWML will be required; namely from the temporary RRAP and the permanent RRAP.

1.18 The Deemed Planning Drawing also shows the design and layout of the smaller compound in Plot 1 which will be constructed by Network Rail under Permitted Development rights and will continue to be used after the temporary requirement has finished so the GWML can continue to be maintained. Further details are provided later in this statement. The actual construction works to facilitate the on-network works (such as the track alterations, signalling and alterations to overhead electrification) are to the east of the logistics compound towards London.

1.19 The deemed planning drawing reference 176215-SRS-P2R-MLN1-DRG-ECV601001 rev P01.6 is titled “OOC Early Works Package A Scheme 6 Asset 1 Jewsons RRAP General Arrangement Option 1”

1.20 In terms of ‘scale’, the height, width and length of the existing buildings will remain as they are.

1.21 In terms of appearance, the building which was originally constructed as a warehouse for a metal store for the railway (albeit adapted since to become a builder's merchant) will remain as it is.

1.22 In terms of landscaping, due to the very limited ability to provide any planting in Plots 2, 3 and 4 due to the already concreted surfaces and existing building, no landscaping is proposed as part of the Proposed Development.

1.23 Design & Access Statement (DAS)

1.24 Rather than producing a separate DAS due to the limited changes to the existing site layout, warehouse building and vehicular access in and out of the site, issues relating to Design and Access have been included within this overall Planning, Design and Access Statement. In reality, only limited information can be provided in terms of the design of, and access to, the Proposed Development given its limited and temporary nature and the fact that the existing access will remain as it currently is.

1.25 Permitted Development

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- 1.26 As described within this Statement the land referred to as Plot 1 will be developed as a permanent fenced yard to access the railway (in addition to it being used temporarily for the construction of the on network works for the new Old Oak Common station). Detail of the exact works proposed here are included later in this statement which, in very simple terms, involve some new fencing/gates and a hard surface with no buildings or structures proposed. In this case the construction of these works in Plot 1 are Permitted Development under Part 18 Class A to Schedule 2 of the General Permitted Development Order 2015 ('GPDO').
- 1.27 Part 18 of the GPDO is applicable to developments which were initially authorised by an Act of Parliament.
- 1.28 Plot 1 had historically been in railway ownership and use until being sold in 1996. It previously was lineside land to the main line and had a railway track spur passing through it to link a warehouse to the south of the GWML used as a metal store and prior to the spur linking the warehouse it serviced a coal yard.
- 1.29 The main line (MLN1) at this location was constructed under the authority of the Great Western Railways Extension Act 1837. This Act is an extension of the Great Western Railways Act 1835 with the Limits of Deviation 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 land we have described as Plot 1 and Plots 2, 3 and 4, were authorised under the GWR (Further Powers) Act 1866, which contains the provisions of the Railway Clauses Consolidation Act of 1845 (**RCCA 1845**). All the Acts are relevant to the construction of the railway and yards/ structures at this location, and the 1866 Act include the provisions set out in the RCCA 1845. Section 16 of the 1845 RCCA states:

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:

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- 1.29.1 Section 16 of the RCCA 1845 bestows the railway company and its successors the power to make developments necessary to the running and management of the railway; including the construction of yards, and other works and conveniences, as they think proper.
- 1.29.2 In normal circumstances of a Network Rail project, the use of Plots 2, 3 and 4 would also be permitted development under Part 18 of the GPDO for the same reasons as Plot 1. However as the reason for this temporary logistics compound is to construct the on network works in association with the OOC Station (which was authorised under the High Speed Rail (London – West Midlands) Act 2017), as a precautionary measure we are applying for a direction that temporary deemed planning permission is granted.
- 1.29.3 Network Rail has written separately to Ealing Council as the LPA to explain why the permanent development contained in Plot 1 does not need planning permission and will be developed as permitted development.

1.30 Planning Statement

- 1.30.1 This Planning Statement has been prepared to support the request for Deemed Planning Permission for the Proposed Development and is set out as follows:
- **Section 2** of the statement sets out the background of the Proposed Development and provides a summary of its objectives and benefits.
 - **Section 3** describes the location of the site, surrounding context and historical railway uses of the Application Site.
 - **Section 4** provides a description of the Proposed Development.
 - **Section 5** provides a summary of the relevant planning context, detailing the pertinent national and local planning policy documents and policies which relate to the Proposed Development.
 - **Section 6** contains an assessment of the Proposed Development against relevant planning policies.
 - **Section 7** sets out the proposed planning conditions pertinent to the Request for Deemed Planning Permission.
 - **Section 8** concludes that the Proposed Development, which will provide considerable benefits and comply with the relevant planning policies, should be approved.

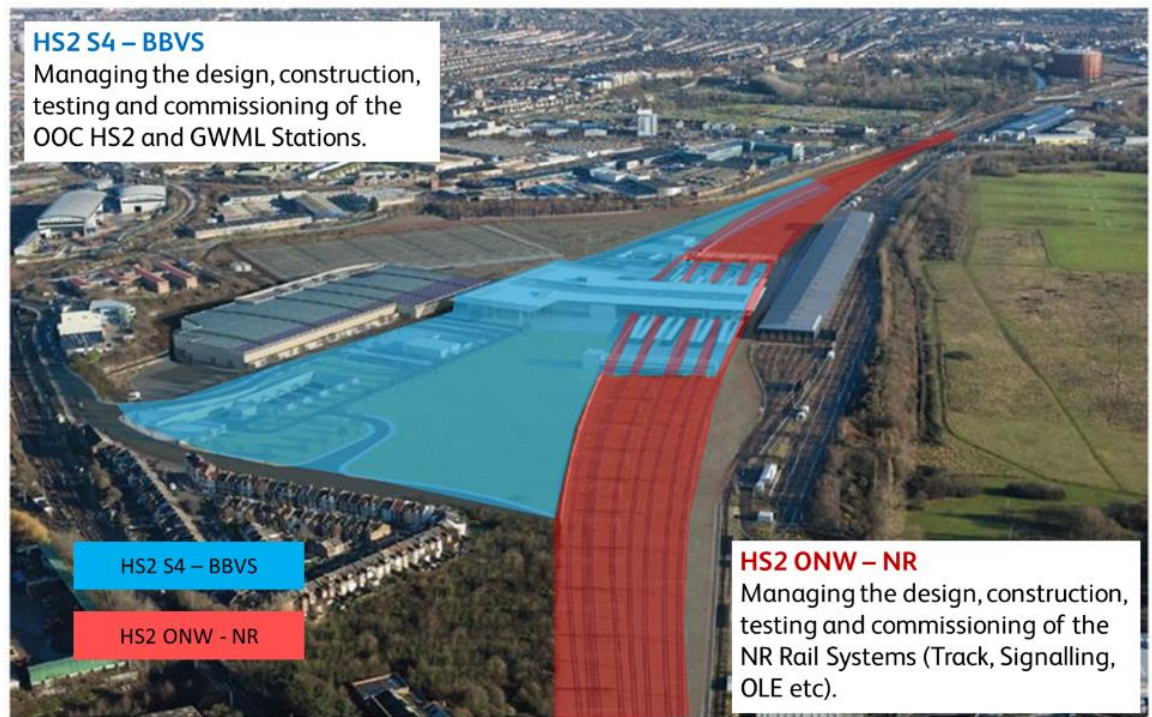
2. Background to the proposed development

- 2.1 This section of the statement provides details in relation to the background of the Project and the Proposed Development and summarises its objectives and benefits.

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- 2.2 Network Rail are developing plans to deliver the Old Oak Common Great Western Mainline Rail Systems Programme of works. These are the 'on-network' works to facilitate the OOC Station, where it integrates with the existing Great Western Mainline (GWML).
- 2.3 OOC Station is currently under construction by HS2 Ltd (as authorised by the High Speed Rail (London – West Midlands) Act 2017) and is expected to enter operational service in summer 2030. On completion, the OOC Station will become the HS2 London terminal until Euston is operational in December 2034.
- 2.4 Before the OOC Station can enter into operation, Network Rail need to modify the existing GWML, which is known as the GWML Rail Systems Project (**GWML Project**). To modify the existing infrastructure, construction access to the railway is required from both the north and the south of the GWML. Construction access is required from both sides of the railway line independently so all four railway lines do not need to be closed to passing rail traffic as existing passenger and freight services will need to continue to operate whilst works take place as Network Rail simply could not fully close the mainline railway every night for the duration of the Project.
- 2.5 To gain construction access to the mainline railway, the logistics compound needs to be level to the railway infrastructure to allow the RRVs to pass between the compound and the track. The compound therefore cannot be adjacent to a cutting or an embankment as the RRVs are unable to move across these features.
- 2.6 HS2 Ltd will be constructing the OOC Station itself and Network Rail will be constructing the "on network works" where those works affect the GWML.

Figure 1: Image showing the extent of on network works shaded red and the HS2 works blue



2.7 Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, Network Rail has been granted a network licence from the Department for Transport ('DfT') and Transport Scotland and is regulated by the Office of Rail and Road ('ORR') to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

2.8 The Proposed Development

2.9 In order to carry out the Project, Network Rail requires the temporary acquisition of third-party land for a 'Lineside Logistics Compound', which will enable construction of the temporary RRAP and the permanent acquisition of rights on third party land to enable future access to the new permanent RRAP.

2.10 To secure the necessary rights, Network Rail will make an application for the Order to the Secretary of State for Transport, which, amongst other things, will include a request for a deemed planning permission authorising the Proposed Development.

2.11 The Proposed Development comprises these main components:

- the 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

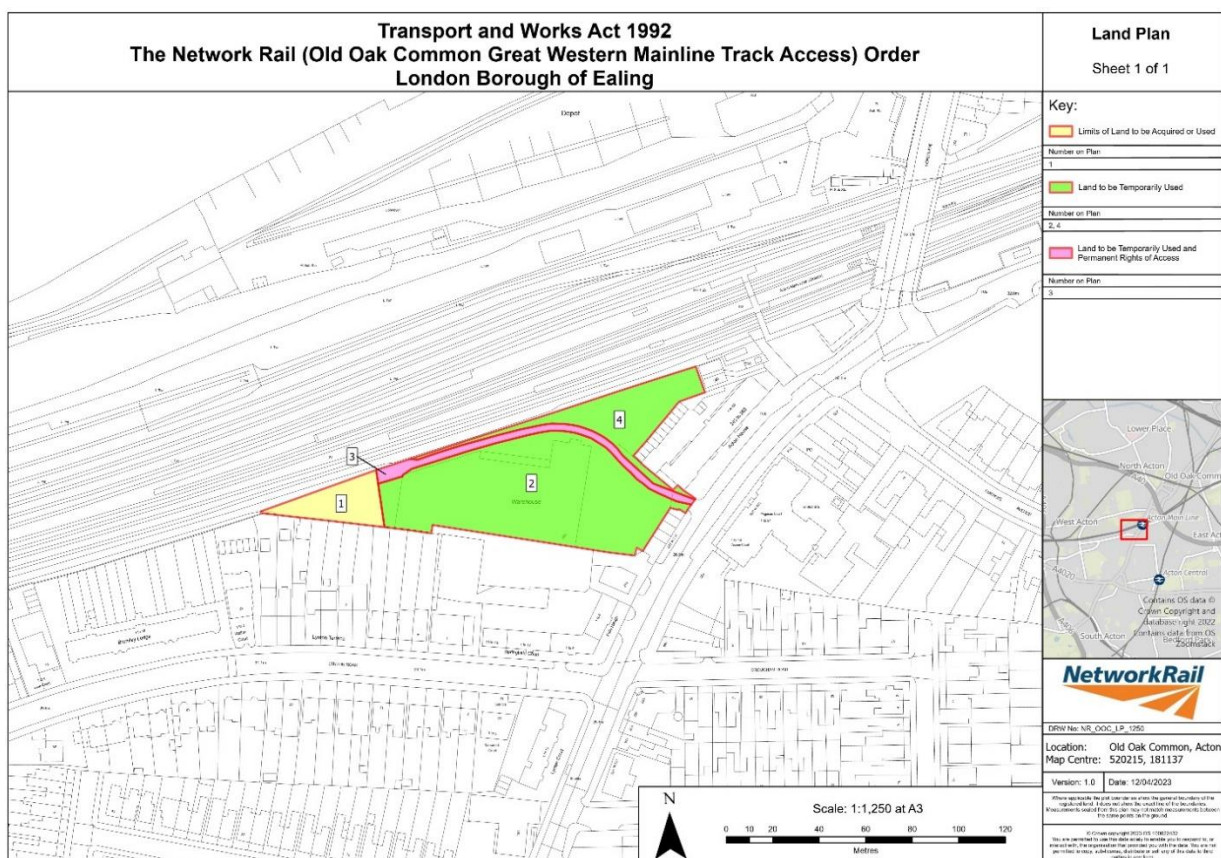
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- provision of temporary haul routes.

2.12 The works which are proposed to be undertaken as part of the Project, but do not form part of the Proposed Development (and will be authorised by Network Rail permitted development rights) also include:

- To the northern boundary of the site two new RRV access points onto the GWML; one being to the west of the northern boundary which is to be retained permanently on completion;
- Associated temporary lighting and hoardings appropriate for a construction logistics compound;
- The existing vehicular access point from the Jewsons builders merchant onto Horn Lane is to remain as it is but it is proposed to also include a temporary security cabin adjacent to the access onto the public highway.

Figure 2: Plan detailing the land and rights of acquisition.



2.13 Geographical context

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- 2.14 The Proposed Development would be undertaken within the area of the London Borough of Ealing who are both the Local Planning Authority and the Highway Authority for the area.
- 2.15 The Application Site is located on Horn Lane to the south of the GWML which has a four track railway from London Paddington to the West of England and South Wales.
- 2.16 Acton Mainline Railway Station directly abuts the Application Site to the north and north-east. To the north and north-west of the site is the existing Acton Yard which is a large rail freight site primarily used for the transport of aggregate used for construction in and around London.
- 2.17 The Application Site is approximately 1.2km from the new Old Oak Common Station which is located to the east.

Figure 3: Application Site.



2.18 Background to the Proposed Development

- 2.19 A station for HS2 is proposed at Old Oak Common which needs to be constructed and to be opened in 2030. For the first 4 years of HS2's operation it will be the main London terminus for the new high speed railway until the main London terminus at Euston is opened.

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- 2.20 The Proposed Development will facilitate the construction of the temporary RRAP, the permanent RRAP for future maintenance of the railway, as well as the on-network works for the new OOC Station. However, the actual construction activities on the GWML will actually be located some distance to the east of the Horn Lane lineside logistics compound.
- 2.21 The need for the Proposed Development
- 2.22 As outlined earlier, Network Rail will be constructing the on network works to facilitate the opening of a new railway station on the GWML which will be the interchange between HS2 and the existing rail services on the GWML.
- 2.23 Construction access for Network Rail's contractors is required from both the north and south of the GWML. Access to the north can be provided from existing RRAPs, but access from the south is very limited. The lineside logistics compound and RRAP needs to be on a similar level as the railway track on the GWML as the RRV will need to move between the compound onto the track.
- 2.24 The Network Rail project team explored potential locations for a logistics compound to service the main on network works between Kensal Green Junction at railway mileage MLN1 2m 30ch and Acton West Junction MLN1 4m 70ch as shown in Figure 3 below. The only potential level access land to the south of the railway is the Application Site, the rest of the area adjoining the railway is either within a cutting or the access to the GWML is blocked by the North Pole Train depot used by Hitachi Trains.

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Figure 4: Image to show the extent of site search for logistics compound and RRAP



2.25 Consultation and engagement in relation to the proposed Development

2.26 Due to the temporary nature of the Proposed Development and the relatively straightforward proposals, the consultation has not been extensive when compared to some of Network Rail's larger projects. The full detail of consultation completed is included within the submitted consultation report.

2.27 A high-level summary has been included below.

2.28 Ealing Council

2.29 Engagement has been undertaken with Ealing Council in their role as both the Highway and the Local Planning Authority. Meetings have taken place with the Council's officers who have raised pre-application discussions with the current owner of the Application Site including in relation to the current owner's pre-application discussions for a residential led scheme on the Application Site.

2.30 In their meetings with the Council Network Rail have explained the Order and rights to be authorised by the Order (if granted). Network Rail have also explained that the Order includes an application for a deemed planning permission for the temporary use of the Application Site.

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- 2.31 Network Rail further explained that the proposed use of the Application Site, and the planning permission for the Proposed Development, will be dealt with together, as part of the same Order application as both approvals are required at the same time for the Project to be delivered. However, responsibility for the discharging of any planning conditions would remain with the Council, as the local planning authority for the area.
- 2.32 The above was followed by formal correspondence issued to the Council which was sent to explain permanent works, which will be carried out by Network Rail under its permitted development rights.
- 2.33 Public Consultation
- 2.34 Local residents were written to as well and invited to one of two public drop-in events at a local community hall where the Network Rail project team attended to answer questions and discuss the Project in more detail.
- 2.35 Site owners – Plots 2, 3 and 4
- 2.36 Network Rail's property team had unsuccessfully been trying to engage with the owners of the Application Site during a period of over 12 months since the very limited opportunities for suitable sites had been identified.
- 2.37 Following the commencement of the formal Order consultation, Network Rail have been able to meet the freehold owner of the Application Site supported by their legal and design team and it appears that Network Rail may be able to work with the freehold owner in bringing the Project forward whilst potentially facilitating a phased approach to the residential development of the Application Site proposed by the freehold owner.
- 2.38 Network Rail is continuing to negotiate with the freehold owner and have shared draft heads of terms for a temporary acquisition of the Application Site with the Application Site being returned to the freehold owner for delivery of the proposed residential development with Network Rail retaining a permanent route of access through their completed development site and sharing the owner's proposed access road for refuse collection and other servicing of the rear of their site. At the stage of the submission of this Order, heads of terms have not been agreed due to the very short break clause being proposed by the site owner.

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2.39 Since Network Rail began negotiations with the owner of the site, they have applied for planning permission (in December 2022) to redevelop their land. The planning application seeks planning permission for the construction of a building ranging in height from 6 to 15 storeys, including a builders merchants (Use Class sui generis) at ground floor level, 185 self-contained residential units (Use Class C3) and associated amenity space at first floor level and above, hard and soft landscaping works, the 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. The application has been given the council reference number 225069/FUL and the site address is given as 239 Horn Lane, Acton, London, W3 9ED.

2.40 Site owners – Plot 1

2.41 Engagement has been attempted with the owner of Plot 1 for the permanent acquisition of the land however it is believed this land has returned to the Crown Estate following the company, which originally purchased the land from Railtrack in 1996, going into administration. Network Rail has been liaising with the Crown's solicitors in relation to the Project works proposed to be undertaken on Plot 1. At the date of this statement the discussions are still ongoing.

3. Site and Surrounding Context

3.1 This section of the statement describes the Application Site and the surrounding area of the Proposed Development.

3.2 The Application Site (Plots 2, 3 and 4) boundary covers an area of approximately 0.68ha and lies adjacent to the existing railway corridor. It was in railway use until the mid 1980s when it was sold by British Rail (in 1984) with the existing metal store warehouse in situ. Since the land disposal by British Rail, the warehouse has been adapted and the building and the Application Site have been used as a builders merchant, currently leased and operated by Jewson.

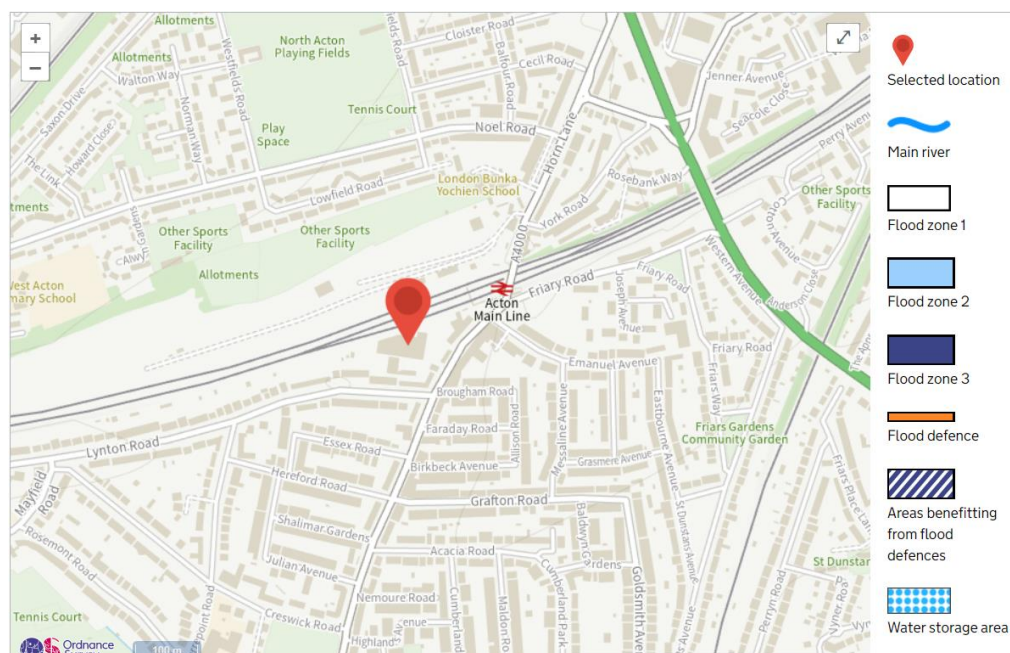
3.3 The Application Site is located within the administrative area of Ealing Borough Council.

3.4 The Application Site is generally flat and abuts the existing railway line.

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- 3.5 As detailed within the Environment Agency's (EA) flood zone online mapping system, the Application Site is located in Flood Zone 1.
- 3.6 Directly to the west of the Application Site is the triangular parcel (Plot 1) measuring 0.062 ha which is an unutilised parcel of ex-railway land with no current use, which is overgrown with self-seeded vegetation. Whilst the land has not been used for railway purposes since the mid 1990s, there does not appear to have been any other lawful use of the land since that time and the land currently appears as poorly managed trackside land.

Figure 5: Extract from Environment Agency Web site to show "Flood Zones"



- 3.7 The surrounding area to the south of the railway line contains a combination of residential and commercial premises. Horn Lane itself has a number of commercial premises and retail units on the high street with the surrounding streets and premises above the shops in residential use.
- 3.8 Directly to the north of the Development site is the GWML and the Acton Mainline Railway Station which has been significantly upgraded and operates as part of the Elizabeth Line.
- 3.9 To the north and north west of the station is a large parcel of land in railway ownership which is used for a combination of railway activities including aggregate activities linked to the railway sidings. Beyond the Network Rail owned land to the north are a school, sports fields and allotments.

4. Description of proposed development

4.1 This section of the statement provides a summary of the Proposed Development.

4.2 Summary of the proposed Development

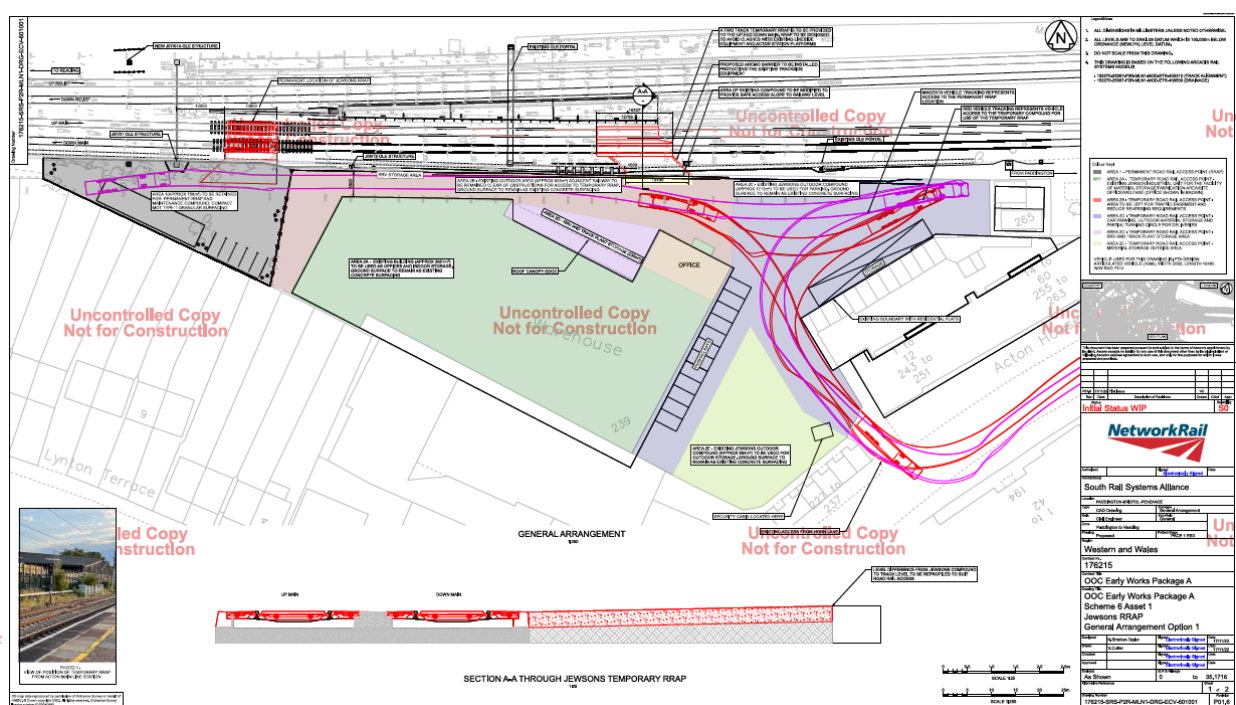
4.3 As mentioned above, the Proposed Development comprises these main components:

- 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
- provision of temporary haul routes.

4.4 The works which are proposed to be undertaken as part of the Project, but do not form part of the Proposed Development (and will be consented by Network Rail's permitted development rights) also include:

- To the north boundary of the site two new RRV access points onto the GWML one of which to be retained permanently on completion;
- Associated temporary lighting and hoardings appropriate for a construction logistics compound;
- The existing vehicular access point from the builders merchant onto Horn Lane to remain as existing, but will now include a temporary security cabin adjacent to the access onto the public highway.

Figure 6: Proposed permanent and temporary site showing tracking for HGV vehicles making deliveries to the permanent site.



4.5 Construction Activity

4.6 The limited construction works required to prepare the Application Site for the proposed temporary use are expected to start in autumn 2024 and will only take a couple months to make the Application Site ready for its temporary use as a logistics compound.

4.7 With the exception of the loading of railway plant equipment, storage of materials and other support requirements in the delivery of the on network works all of the actual construction activities to the railway itself will be completed approximately 1km to the east of this proposal site and beyond. As a result, the actual disturbance to local residents and businesses next to the Development site during the duration of works to the GWML ,will be limited to when plant equipment accesses onto and off the railway.

5. Planning Context

5.1 Planning Policy Context

5.2 This section of the statement reviews the planning policy framework against which the Proposed Development is to be considered. This includes planning policy and guidance at a national level, as well as adopted and emerging policy documents at a local level. Furthermore, the relevant transport policy is also set out within this section.

5.3 National Planning Policy Framework, DCLG (2019)

5.4 The National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government on 27 March 2012. The NPPF provides the Government's planning policies for England and sets out how these are expected to be applied. It has been progressively updated with the last iteration being in July 2021. It is currently out for further consultation dated December 2022

5.5 Chapter 2, of the NPPF explains that, at the heart of the Framework, is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. At paragraph 11 for decision-taking this means:

5.6 'c) approving development proposals that accord with the development plan without delay;

5.7 Chapter 2, paragraph 8 sets out the three key objectives of the planning system - economic, social and environmental objectives all interdependent but necessary to achieve the sustainable agenda and underpin both plan-making and decision-taking. They are specifically:

- 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 right 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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

5.8 National Planning Practice Guidance (NPPG)

5.9 In March 2014, the DCLG launched a web-based resource containing National Planning Practice Guidance (NPPG) (Ref 1.6). The NPPG provides guidance on a range of categories, including; Climate Change, Green Belt and Use of Planning Conditions. Since the NPPG was first launched in 2014, the guidance documents have been updated a number of times. The following NPPG categories are relevant in terms of the Proposed Development.

5.10 Due to the temporary nature of these proposals the guidance contained within the NPPG has limited relevance.

5.11 Relevant National Transport Policy

5.12 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.

5.13 Consistent with Government transport strategy, the railway industry's ambition is to increase rail's already significant contribution to the country's economic, social and

environmental welfare linking people and communities in an environmentally sustainable way.

5.14 In 2011 the Government recognised that there is a need for radical change in transport policy. The Government White Paper (Creating growth, cutting carbon: Making Sustainable Transport happen) (2011) (Ref 1.7) was published in January 2011. Paragraph 1.3 of the White Paper, explains 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.'

5.15 Paragraph 2.2 of the paper highlights the crucial role that sustainable transport can play in terms of enabling growth whilst also reducing carbon emissions and addressing climate change. It states 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.'

5.16 National Policy Statement for National Networks

5.17 The National Policy Statement for National Networks (NPS) was published in December 2014 and sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England (Ref 1.8). Whilst the Proposed Development falls under the threshold detailed in the Planning Act 2008, as amended by the Highway and Railway (Nationally Significant Infrastructure Project) Order 2013, that is the construction or alteration of a railway in England will only be a NSIP if it is to include a continuous stretch of track of more than 2km not on operational land, section 1.4 of the NPS states that:

5.18 'In England, this NPS may also be a material consideration in decision making on 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.'

5.19 It is therefore the case that whilst the NPS is primarily to guide and inform NSIP applications, it does have some degree of material weight in relation to the Proposed Development as the rationale supporting the proposed works is for improvements to be delivered to parts of the national rail network, and should therefore be appraised

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accordingly. It is also important to understand the context of the Government's policy stance on rail infrastructure given the limited detail within the NPPF.

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

5.21 '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 quality, 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.'

5.22 Paragraph 2.4 goes on to mention the pressures the national networks are under, including a projected increase of 40% of journeys undertaken by rail and rail freight having the capacity to double by 2030.

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

5.24 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.

5.25 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.

5.26 Paragraph 2.29 presents the Government's vision for the Transport system in which railways must:

- 'offer a safe and reliable route to work;
- facilitate increases in both business and leisure travel.

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- support regional and local public transport to connect communities with public services, with workplaces and with each other; and
- provide for the transport of freight across the country, and to and from ports, in order to help meet environmental goals and improve quality of life.'

5.27 Paragraph 2.37 highlights the need to improve the network:

5.28 'In the short to medium term the Government's policy is to improve the capacity, capability, reliability and resilience of the rail network at key locations for both passenger and freight movements to reflect growth in demand, reduce overcrowding, improve journey times maintain or improve operational performance and facilitate modal shift from road to rail. The rail network is predominantly a mixed traffic network and the provision of capacity for both freight and passenger services is core to the network.'

5.29 The environmental benefits of rail improvements are discussed within paragraph 2.40, which states that:

5.30 'Modal shift from road and aviation to rail can help reduce transport's carbon emissions, as well as providing wider transport and economic benefits. For these reasons, the Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.'

5.31 The government published a consultation draft revised National Networks NPS in March 2023. The Secretary of State has confirmed that, until a new NPS is adopted, decisions will be based on the extant NPS.

6. Local Planning Policy

6.1 The Proposed Development is situated within the administrative boundary of the London Borough of Ealing.

6.2 The Local planning policy documents of relevance to the Proposed Development are set out below:

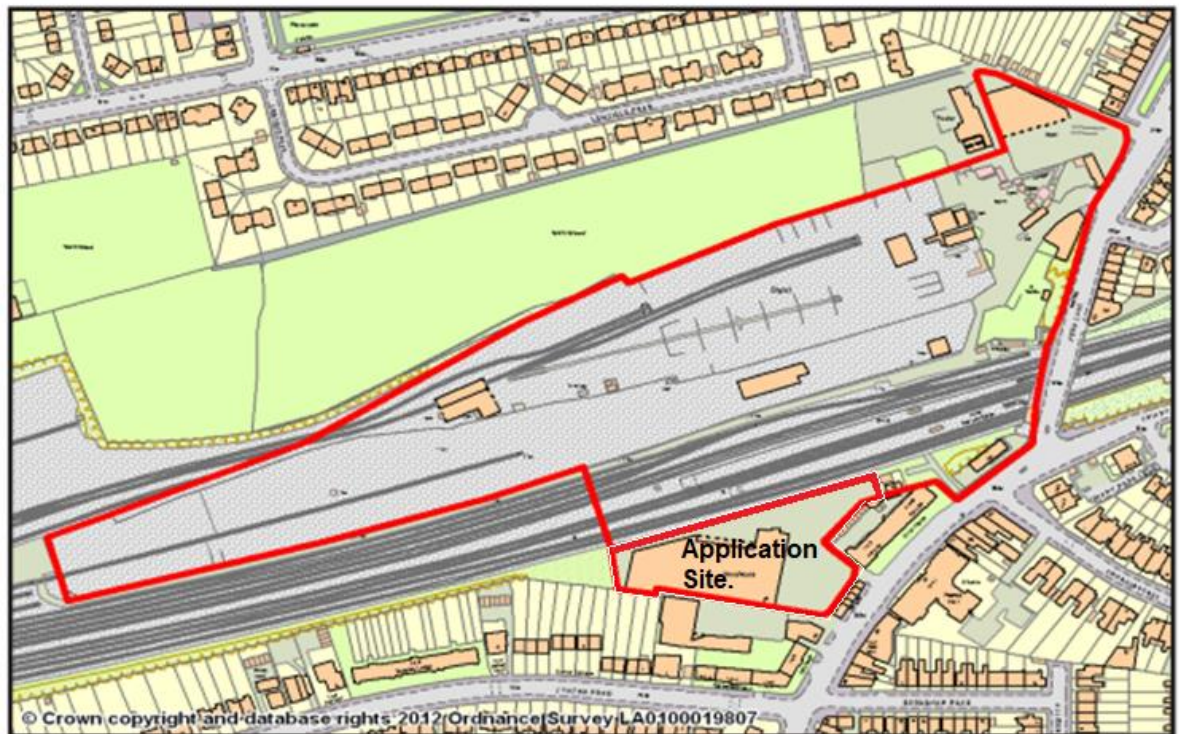
- London Plan (2021)
- Ealing Development (or Core Strategy) DPD (2012)
- Development Sites DPD (2013)

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- 6.3 It is important to note that Ealing is creating a new Local Plan “Shaping Ealing” albeit is at a relatively early stage in its evolution with early public engagement already carried out in early 2022.
- 6.4 Relevant Policy Allocations
- 6.5 Part of the application site falls within a specific wider allocation within Ealing Development Sites DPD (2013) and therefore this local policy section focuses primarily on this site allocation.
- 6.6 This adopted allocation ACT6 includes Acton Crossrail Station and 239 / 265 / 267 / 305 /307 Horn Lane. The allocation includes the consolidation of industrial, aggregates and waste facilities to the north of railway, safeguarding of the rail sidings, and introduction of commercial and residential (potential for student accommodation) uses south of the railway, compatible with the functioning of the station.
- 6.7 The overall allocation has a site area of 6.84ha and is primarily owned by Network Rail and the rest in private ownership.
- 6.8 North of the railway will continue to be safeguarded for essential aggregates/waste functions and related B1(c), B2, and B8 industrial uses, including the consolidation and maximisation of existing freight operations at the railway sidings. Reorganisation of the site is encouraged to allow the accommodation of additional complementary uses on the site, including the relocation of the builders yard from south of the railway. Proposals should contribute to improved site operation and reduction of the environmental impact of these industrial activities on the surrounding residential areas.
- 6.9 South of the railway, proposals will be expected to contribute to an improved sense of place around the redeveloped station through delivery of a high density, high quality mixed use development, including commercial and residential uses, that optimises the development potential of the site. This is considered a suitable location for student accommodation, with Crossrail providing quick access west to the University of West London campus and east to central London campuses.
- 6.10 Due to the proximity of the railway line and industrial uses to the north of the railway, a convincing case would need to be presented that proposals for residential accommodation would have a satisfactory level of amenity. Designs must include

measures to mitigate the impact of railway noise and be based around a layout that ensures sufficient privacy and adequate outlook for residents of both the new development and existing residential properties.

Figure 7: Extract from the Ealing Development Sites DPD (2013) –



6.11 London Plan (2021)

6.12 Chapter 10 of the London Plan focuses on Transport.

6.13 Policy T1 Strategic approach to transport is most relevant to our proposals

A Development Plans should support, and development proposals should facilitate:

- 1) 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
- 2) the proposed transport schemes set out in Table 10.1.

6.14 The relevant named scheme in Table 10.1 includes HS2 and associated National Rail changes, including mitigation of impacts at street level with a timescale 2020- 2041.

7. Planning Considerations

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- 7.1 In this section, the relevant planning considerations for the Proposed Development are examined and considered against the relevant planning and transport policies set out in Section 5.
- 7.2 Principle of the Proposed Development
- 7.3 The principle of the Proposed Development is considered to be supported at national and local level. The Proposed Development will make a valuable contribution to achieving objectives and visions set out within national and local planning policies in the facilitation of the GWML construction activities required to deliver the HS2 OOC railway station. The Proposed Development 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. This will provide economic, social and environmental benefits to the local area and to the country as a whole.
- 7.4 The need for the Proposed Development and the benefits it will provide are summarised within Section 2 of this statement, with further details contained within other documents which form part of the TWAO application, including the Statement of Aims document.
- 7.5 The NPPF, NPS and national transport policy recognise the importance of sustainable development and transport.
- 7.6 Chapter 2 (Achieving sustainable development) of the NPPF advises that the ‘purpose of the planning system is to contribute to the achievement of sustainable development.’ Paragraph 10 reinforces this and explains that ‘at the heart of the Framework is a presumption in favour of sustainable development’.
- 7.7 The principle of the Proposed Development is also supported within the London Plan as HS2 is a named infrastructure project.
- 7.8 Whilst the provision of a temporary logistics compound is not specifically referenced within the Ealing Local Plan we believe our temporary use is compatible with the permanent longer term aspiration in the Ealing Development Sites DPD (notwithstanding that the policy does suggest the development should come forward by 2021) and the site owner's aspirations for the site. The owner's planning application is currently being

considered, under application reference 225069/FUL, by the local planning authority and it will take some time for the owner to secure permission.

7.9 In addition, whilst the local plan allocation supports the redevelopment of this site for residential development, the allocation document policy does require that the applicant demonstrates that the impact of railway noise is fully mitigated, and in the absence of adequate mitigation, the approval of planning permission for residential development would not be forthcoming. Accordingly, Network Rail, and our occupiers to the north and west who occupy the safeguarded rail freight site (DB Cargo, Aggregate Industries and Quatro), have questioned the applicant's submitted noise assessment reports.

7.10 We believe that we can work with the owner of the site to ensure they are able to commence their development, if planning permission is granted, potentially on a phased basis, within 5 years of the approval whilst we continue to use the site. Over the next couple of months, negotiations will continue to ensure that both projects are compatible with each other insofar as possible to ensure that the important rail infrastructure is delivered and new housing, including affordable housing, provided.

7.11 Design

7.12 As the Proposed Development does not really propose any changes to the existing building or hardstanding the usual importance of good quality design is less important as no significant changes are proposed. The only real change that will be visible to the public or at the boundaries of the site will be the requirement for temporary security hoardings and fencing recognised throughout the time the site will be used temporarily. The exact detail of this is yet to be designed but will be controlled through a planning condition to be discharged by the local planning authority.

7.13 Water Resources and Flood Risk

7.14 As shown by the extract from the Environment Agency's web site included at Figure 4 of this statement, the Development site is within Flood Zone 1 and therefore there is no risk of flooding nor is there a requirement to produce a Flood Risk Assessment (FRA) to support this application.

7.15 Environmental Impact Assessment

- 7.16 The Application Site (including the temporary and permanent uses) has an overall size 0.68ha and is not within an environmentally sensitive location and therefore as a railway project there is no need to screen the works under the EIA Regulations. Therefore, no Environmental Statement has been prepared to support this project.

8. Planning Conditions

- 8.1 This section of the statement sets out the proposed planning conditions to which the direction of deemed planning permission will be subject.

- 8.2 A full list of proposed planning conditions is set out in Schedule 1 to the Request for deemed planning permission submitted in accordance with Rule 10(6)(b) of the Application Rules as part of the TWAO application.

- 8.3 A summary of the proposed planning conditions is provided below:

- **Condition 1:** The Development shall commence before the expiration of 3 years from the date that the Order comes into force.
- Reason: To comply with the requirements of the Town and Country Planning Act 1990 and ensure that the Development is commenced within a reasonable period of time.
- **Condition 2:** No part of the Development shall commence until the detail of any temporary lighting has been submitted to and approved in writing by the local planning authority.
- Reason: To ensure details of temporary lighting have been designed to minimise disturbance to the adjoining residents.
- **Condition 3:** No part of the Development shall commence until the detail of any temporary hoardings has been submitted to and approved in writing by the local planning authority.
- Reason: To ensure the design of the temporary fencing is appropriate in its siting and appearance .
- **Condition 4:** No part of the Development shall commence until the detail of hours of working within the temporary compound has been submitted to and approved in writing by the local planning authority.
- Reason: To mitigate potential disturbance to local residents.
- **Condition 5:** No part of the Development shall commence until the details of the reinstatement of the site have been submitted to and approved in writing by the local planning authority.

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Reason: To allow return of part of the application site to the owner to commence residential development of the site.

9. Conclusion

- 9.1 The Proposed Development has been considered against the relevant national and local, planning and transport policy. The Proposed Development is required to deliver the wider benefits of a brand new interchange railway station at Old Oak Common for HS2. The station will provide the essential link between HS2, GWML services and the Elizabeth Line and between 2030 and 2034 will act as the main London terminus for HS2.
- 9.2 The Proposed Development is essential to facilitate the delivery of the on network works on the GWML as to construct it Network Rail require a logistics compound to the south of the railway line so contractors can access RRV's from a level compound onto the railway. This statement explains the limitations and of the locations that could be used and the conclusion that this is the only suitable parcel of land to use for the purposes of this project.
- 9.3 The land subject to the Order has been in railway ownership and control for over 100 years before being sold by British Rail in 1984 and the adjoining land by Railtrack in 1996. It has previously been used as a yard and metal store warehouse with a railway spur serving the site.
- 9.4 In addition to a temporary use and access of the railway Network Rail will retain a permanent RRAP onto the railway to ensure that the GWML is maintained and serviced as required to keep the railway running with minimal disruption. The work required to construct a permanent fenced hardstanding and RRAP onto the GWML does not require planning permission and will be permitted development under Part 18 of the GPDO.
- 9.5 This statement has demonstrated that the Proposed Development is compatible as an interim use for approximately six and a half years whilst the permanent aspirations to deliver a residential led mixed use scheme comes to fruition as allocated in the local plan.
- 9.6 The Proposed Development does not propose any significant design changes to the existing warehouse building or changes to the existing yard and therefore will have negligible change to the urban context of the site.
- 9.7 The Proposed Development will not generate any additional transport movements compared to the existing uses and movements associated with a builders merchants.

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- 9.8 Temporary changes to the boundaries of the Application Site and temporary lighting can be controlled and mitigated by the LPA through the discharge of planning conditions.
- 9.9 Taking all of the above factors into consideration, on balance, it is considered that the Proposed Development is in accordance with national and local policy, and therefore the approval of this deemed planning consent request for a temporary timeframe is justified.