

15th October 2023

## Statement of objections

I am objecting to the Scheme based on impacts to residents, of which I am one. Having been in constant and consistent contact with Network Rail and other personnel relevant to the Scheme regarding construction and operation since their initial contact in early 2023, I have set my objections accordingly, based on their responses (or lack of), and my objections remain unchanged.

To contextualise my situation, I have been a resident at my family home for almost 19 years, it is where we have raised our children who have attended the nearby Primary School and where I work locally, serving my community in the field of education.

The predominant agenda of Network Rail in their contact with me by letter in 2023, was regarding the acquisition of land adjoining 239 Horn Lane, Acton W3 9ED in order to carry out their proposals to use the land as a railway maintenance compound allowing access to the railway whereby the compound would include parking for maintenance colleagues. I did put forward my dismay of Burges Salmon LLP who asked Network Rail to begin a consultation process to the acquisition of the land. This, I felt, clearly demonstrated a conflict of interest as I would have assumed a third party would lead the consultation process for the benefit of impartiality. Nevertheless, I trusted a transparent consultation would occur, which represented the views of local affected people with honesty, care and consideration. This entire process offered only contradictory consideration, which I will later refer to as an important thread, based entirely on responses I have received by Network Rail and my experience of them to date.

1. When inquiring about the purchase of Plot 1 by myself and neighbours opposed to the acquisition and to keep it under local private control to minimise negative impact, it was stated by Network Rail that:

No decision has been made for plot 1, but we are confident that it will be secured if the TWA0 (plots 2,3 and 4) is granted.

This has undertones which imply that we will not be successful in any attempt to purchase Plot 1. This conclusion leaves no autonomy for local residents to take steps to legitimately take responsibility for areas which will cause significant impacts to them.

The same was implied by Burges Salmon LLP, who stated that the purchase of Plot 1 will be:

...guided by the decision made by a relevant authority.

At this point I would like to clarify that I had no intention previously of acquiring Plot 1 in any measure before the realisation of the impacts of proposed work by Network Rail would entail. It holds no value to me and has never interested me in any capacity. However, I felt

that it may present an avenue to stop the proposal from impacting negatively on our family lives and would be worthy of enquiry in order to halt or postpone any subsequent plans for the land. In any case, Burges Salmon LLP have not offered any guidance to local affected residents regarding purchase processes. This leaves local residents at a disadvantage against large operations such as Network Rail who have access to resources which the residents do not. This, therefore, challenges the fairness of the Scheme and fails in encouraging a culture of equality of opportunity for local Actonians. It also places financial burdens on residents who would like to inquire about the market value of the Plot 1 against a current climate of cost of living pressures who would be forced to do so as an avenue to control the affects of negative decisions made on their behalf.

2. The option of part purchase of Plot 1 in order to minimise costs for local residents, was one which was also dismissed by Network Rail in their reply to me. They stated that:

The site being purchased is constrictive for our operations and there would be no availability to share the land.

I deem this rather presumptuous, as it is not the decision of Network Rail to relay this as fact, when it is the Crown Estate who would ultimately make this judgement. When further challenging Network Rail for clarity, their response was:

Network Rail will pass on your query as to an interest in part purchase once the consultation period has closed.

To date, no response has been received from the Crown Estate solicitors acknowledging our interest in the land. I trusted Network Rail that this would occur.

3. When enquiring about the intentions for the purchase of the land, it was clear from Network Rail's response that:

...this land is to be used for vital, future access resilience. The area will simply be fenced with a hardstanding and a Road Rail Vehicle access point to the railway. At present, Network Rail have very limited points to access the south side of the railway to undertake maintenance in the area. This means that works here require longer and more frequent possessions (the time the railway is closed) to carry out tasks safely.

I would like to note that although Network Rail have very limited points of access, this does not mean that they currently have no access at all. For the benefit of the well being of affected residents, despite claims of longer and more frequent possession to carry out tasks safely, I deem this an acceptable solution (to use present access points) and one which should not be overlooked. What is questionable is the value that the Network Rail Scheme will bring to this area of Acton; balancing objections and the case against this proposal. In addition, although expected future resilience may be required, where is the report commissioned to support this in the Statement of Case?

4. When I noted my concerns regarding the noise, pollution and intrusion that I would be experiencing during construction and operation of Network Rails Scheme, they claimed that:

We will commit to look at further mitigation here, such as screening, but due to occupation not being until approximately 2030, we can not commit to a solution at the moment. This is due to the everchanging environment as well as technology.

The equipment our teams have access to are always being reviewed and improved all the times as we want to work in a smarter and much more safer way, such as white noise reverse alarms on machinery. This is much less intrusive than standard reverse alarms.

I then asked why this was not offered currently and why residents continued to be disturbed by noise and pollution. It was stated that:

We will use this area for routine maintenance and emergency access to the south side of the railway. At present, it can take an additional 1.5 hours each way to reach this site from the other locations. Lights will only be used when needed and our teams are briefed on working within the local community.

We will aim to keep disruption to a minimum, although some disturbance may be unavoidable due to the equipment we need to use. As noted in previous responses, mitigation measures will be explored as 2030 comes closer.

Due to occupation of land being some time away, we are not able to confirm the exact design specifications for mitigation. However, once our programme progresses, we will be able to provide more detailed information.

On the issue of privacy, it was stated by Network Rail that:

The impact on privacy is subjective and therefore we are unable to comment. However, as stated in previous responses, We will be looking to include screening, but unable to confirm what that solution may be at present.

The above intrusions on privacy, noise and light is vague and unclear. As a resident, I would like to understand that these areas of concern have been thoroughly investigated and concrete considerations made in order to feel confident that I am being carefully regarded within these proposals. This forms the basis of my complaints regarding a lack of care and consideration which I believe requires scrutiny.

**5.** Point 5. raises very real concerns which I have experienced historically through Network Rail's operations. There have been consistent and considerate lack of disclosures of their previous operations regarding warning residents of impending noise and light pollution in the past. I include a sample of reference numbers regarding complaints made due to noise and light impact, lack of notification regarding proceeding work and concerns for vegetation and safety:

220103-000042, 220103-000042, 200914-000541, 191027-000191/  
191027-000190, 171126-000204, 171105-000249 and 171105-000251. I did not attempt to complain on Christmas day 2022 as I was exhausted from the idea of having to log this on the day of my important Christian celebration, although in hindsight, I now regret this. However, I do have photographic evidence to confirm this.

In addition, I would like to draw your attention to an investigation regarding the demise of the road surface on Horn Lane Bridge (at Acton Mainline Station) which caused an accident I myself witnessed in 2022. It was only after considerable effort made (by myself) to try to address the faulty road surface that Network Rail came to acknowledge this was

indeed their responsibility (and not Ealing Council) and action was taken to rectify the safety for local residents. Network Rail's demonstrable apathy has eroded any trust that I may have in ensuring that Network Rail operates and conducts its responsibility on safety, health and pollution in a meaningful approach. If the process for complaints and concerns are made, how can residents be confident that Network Rail will respond in a timely and appropriate manner when issues are experienced in the near future?

6. I would like clarity to the financial impacts which I will likely incur due to Network Rail's proposal. I too am entitled to enjoy peace in my property, just like those of Acton House, as guided by Network Rail's report. When I asserted the suggested financial depreciation of the value of my home during and after the Scheme, it was stated that:

*We would be unable to comment on the value of your property. We are unable to comment on property valuations as Plot 1 isn't planned to be operational until 2030. Although work to make the site ready would start earlier than this date. You are of course welcome to arrange for a valuation of your property but we would be unable to contribute to this.*

I would like clarity as to who is offered compensatory provisions? It is unclear. I would also like to highlight that even the proposal of Network Rail's Scheme, will likely result in a devaluation of my property. This has not been acknowledged by Network Rail, nor my concern adequately addressed. This flagrant disregard is even more worrying as my family home is my largest financial asset in addition to our emotional ties. Where has this concern been thoroughly accounted for? What I am pursuing is peace of mind and financial security that Network's Rail's Scheme will not impact on the value of my home, and if it does, then I am seeking to be appropriately and accordingly recompensed by their actions. This is especially so, if I am to endure 24/7 noise and light pollution and will not benefit from the economic objectives of the Scheme (point 5.43a.).

7. I would also like to understand why residents of Lynton Terrace are not offered the same compensatory considerations as residents of Acton House?

*As to any impacts on the value of the Property, the Order contains compensation provisions as described in this Statement. (OBJ07) .*

The report is unclear as to who this statement is referring to? Although the impacts have been acknowledged clearly by Network Rail in their Statement of Case, is reference of compensation provisions for residents of Acton House only? If this is the result of Network Rail's Scheme, then it is recognised that their proposal will indeed devalue properties surrounding the local area. Therefore, I return to the lack of clarity, care and consideration for all local residents affected by this proposal. What is required is additional deliberation and potential compensation for all homes affected by the proposal, not just those of Acton House.

8. When raising concerns to Network Rail regarding the local environmental and ecological impacts of the Scheme, the following reply did not offer any clarity. In fact, I would suggest that omission of this information suggests that relevant decision making cannot be comprehensive without it.

*Network Rail has undertaken an environmental survey of the area and is awaiting the final report.*

The environmental surveys are not yet complete. Any requests for documents can be made under the Freedom of Information Act (FOI) by emailing [FOI@Networkrail.co.uk](mailto:FOI@Networkrail.co.uk) As the surveys may inform further work is needed, these may not be available straight away after completion.

We take the importance of the environment very seriously and follows all legislation that is in place as well as guidance from ecologists.

The draft report hasn't identified deer using this area as habitation. However, we will follow the correct legislation when occupying areas with wildlife.

I have failed to see any reference to the environmental survey in Network Rail's Statement of Case. Therefore, this demonstrates Network Rail's lack of care and consideration to the changes of local biodiversity that the Scheme will inflict.

**9.** Furthermore, I would like to question how robust was the consultation process for all members of our community, particularly my neighbours on Lynton Terrace? Although Network Rail have acted out their duty to consult residents (although I am not qualified to evaluate this), as you are aware, Acton demographics celebrate diversity and a wealth of cultures, ages and backgrounds. This is the truth with my own neighbours. I would like to put forward and ask what steps Network Rail has taken to engage with my neighbours whose first language is not English? Those who are disabled? Those who lack understanding in complex legal phrasing/jargon? Those who are of an older generation? Was appropriate consideration taken for residents who are disadvantaged or have particular needs or who are under-represented, when Network Rail was collecting evidence during the report process? After all, these characteristics are protected by law. Currently, I have not experienced a consideration for this demographic. This leads me to conclude that the validity of the consultation process is questionable.

**10.** The Statement of Case states that Network Rail have received eight objections (4.9). I would like to challenge this as it did not clearly note the objections from the residents of Lynton Terrace in its Statement of Case. This was despite Network Rail informing me that:

...we will be able to share the comments from yourself. This includes the letter we sent to you, your letter of objection and interest to purchase in response and the email correspondence between yourself and my colleagues. This is what is required by the Crown Estate solicitor.

I cannot see any of the objections which I have made as a resident of Lynton Terrace. What I did read were some incomplete objections made under the heading "Grounds of Objections" (table 3 summary of objections). However, where are my objections regarding the purchase of Plot 1, 2 and 3 which were made via a consultation process instigated by Burges Salmon LLP? Why have these not been included in the Statement of Case? This is where I refer to the lack of honesty, care and consideration which I cite in my opening paragraph. This offers an unclear picture; vital if an informed decision is to be made based on all factual evidence provided.

**11.** Additionally, the Statement of Case (table 3 summary of objections) clearly describes me as a resident of Acton House. I am not a resident of Acton House, I am a resident of Lynton Terrace. When I challenged representatives from Addleshaw Goddard and many



others representing Network Rail that I was concerned that I was not being presented accurately and fairly, I was informed that:

Unfortunately, this cannot be changed.

I refer again to the lack of honesty, care, consideration and transparency. I also consider this a failure to respond appropriately to my concerns.

**12.** Finally, I note to you the plethora of personnel I have been corresponding with who are working for the benefit of Network Rail's Scheme:

Jack Giddings  
Aimi Blackmore  
Tamison Painter  
Shenaz Choudhary  
Rory McKeever  
Carloine O'Neill  
Heledd Iolo  
Marnix Elsenaar  
Tatiana Volodina

This does not make for a fair, transparent and careful consultation process when there are more than one communicators. This, in fact, makes for a chaotic and unclear consultation process where navigating appropriate responses to my concerns is difficult, frustrating and challenging. I would also like to add that Network Rail have continued to respond to my concerns and would like re-assurance that what has been communicated to me to date, is accurately acknowledged during the Inquiry.