

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

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

PROOF OF EVIDENCE – NEED AND PROJECT DEVELOPMENT

STATEMENT OF ANDREW FLEMING

13 OCTOBER 2023

1. INTRODUCTION

- 1.1 I, Andrew Fleming, am a Project Manager at Colas Rail Limited (Colas Rail). I work within the South Rail Systems Alliance (**SRSA**) which consists of Colas Rail, Network Rail and AECOM. My role in the SRSA as Project Manager began in October 2021 and consists of leading the long-term planning for the construction of the railway infrastructure supporting the new station to be built on the Great Western Main Line (**GWML**) on the existing conventional rail network (as is further explained in paragraph 5.5) at Old Oak Common (**OOC**).
- 1.2 Relevant Experience associated with the Project includes the following:
- a. Civil Engineering (MEng) – First Class with Honours from the University of Bath;
 - b. 2 years of experience as a designer of railway infrastructure projects (2018-2019);
 - c. 4 years of experience as project manager of major railway projects for Colas Rail (from December 2019); and
 - d. Project Management Qualification from Association of Project Management (2022).

2. INVOLVEMENT WITH THE PROJECT AND STRUCTURE OF THIS STATEMENT

- 2.1 Network Rail proposes the construction of both a temporary and a permanent road rail access point (**RRAP**) on to the existing GWML railway, to enable both delivery of the OOC Station (which comprises the OOC HS2 Station and the OOC GWML Station as further described in Paragraphs 5.4 and 5.5), and also future maintenance of the GWML more generally. The works together comprise the scheme which is the subject of this proof of evidence (**Project**).
- 2.2 I have been working on the OOC Station development for the SRSA since December 2019, in relation to the station to be built on the GWML on the existing conventional rail network operated by Network Rail (as is further explained in Paragraph 5.4). This station will be referred to as the OOC GWML Station within this statement.
- 2.3 Since 2022 I have been working on the long-term planning for the construction of the GWML Rail Systems Project (as defined in Network Rail's Statement of Aims submitted with the application for the Order), which covers all the modification and upgrade works to the GWML infrastructure to facilitate the new 8 platform OOC GWML Station on the network and includes:
- a. identifying and agreeing all on-track access requirements for the works; and

- b. producing the logistics strategy for the delivery of the GWML Rail Systems Project.
- 2.4 The need for a permanent RRAP was included in the GWML Rail Systems Project requirements to provide maintenance for the new OOC GWML Station when in operation and the requirement for a temporary RRAP to facilitate construction of the new OOC GWML Station was identified as part of Network Rail's construction development process.
- 2.5 In this Statement I address:
- a. the nature of the Applicant;
 - b. the Project and need for the Project;
 - c. the development of the Project;
 - d. approach to consultation;
 - e. costs and funding; and
 - f. representations and objections received in response to the Order application.

3. **APPLICANT**

Network Rail

- 3.1 Network Rail owns and operates the rail infrastructure of Great Britain (**Network**). Its purpose is to deliver a safe, reliable and efficient railway for Great Britain.
- 3.2 Network Rail is primarily responsible for the maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Train services on the network are operated by Train Operating Companies (**TOC**) and Freight Operating Companies (**FOC**) to which Network Rail, as facility owner, grants rights to use the network in the form of track, station, and depot access contracts approved by the Officer of Rail and Road (**ORR**).

Network Rail's Licence Obligations

- 3.3 The activities of Network Rail as network operator are regulated by the ORR by means of a network licence granted under section 8 of the Railways Act 1993. 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 services relating to railways and funders in respect of the quality and capability of the network.
- 3.4 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**). 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 I am advised continue to have effect in accordance with section 2 of the European Union (Withdrawal) Act 2018.

4. THE SECRETARY OF STATE'S STATEMENT OF MATTERS

- 4.1 The Statement of Matters issued by the Secretary of State for Transport and dated 15 September 2023 (**Statement of Matters**) sets out for the purposes of rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of Network Rail's application for The Network Rail (Old Oak Common Great Western Mainline Track Access) Order (**Order**).
- 4.2 With respect to the matters raised, these have been covered in Network Rail's evidence and Order application documents as set out in the table below:

Issues Raised in Statement of Matters

No.	Matter	Covered within
1	The aims and objectives of, and the need for, the project to provide a temporary and permanent road rail vehicle access point on to the Great Western Main Line railway ("the Scheme") ¹ .	Section 5 of this Proof of Evidence
2	The main alternative options considered by Network Rail and the reasons for choosing the Scheme. This should include alternatives that did not require compulsory acquisition.	Proof of Evidence of Chris Ford
3	<p>The likely impact of the Scheme on local businesses and residents during construction and operation. Consideration should include but is not limited to:</p> <ul style="list-style-type: none"> the impact on access; arrangements including access to parking at the rear of Acton House; impact on local amenities and the surrounding environment; impact on noise, light and air quality; impact resulting from an increase in HGV movements including on the local highway network. 	The Proof of Evidence of Colin Field and the Proof of Evidence of Jeremy Douch
4	Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the Department for Levelling Up, Housing and Communities Guidance on the	This Proof of Evidence, the Proof of Evidence of Christopher Ford and the

¹ Revised wording, as suggested by the Inspector on 9 October 2023.

	<p>"Compulsory purchase process and the Crichel Down Rules" published July 2019:</p> <p>a) whether all the land and rights over land which Network Rail has applied for is necessary to implement the Scheme;</p> <p>b) whether there are likely to be any impediments to Network Rail implementing the Scheme, particularly including the availability of funding;</p> <p>c) whether there is a compelling case in the public interest to justify conferring on Network Rail the powers to compulsorily acquire and use land for the purposes set out in the Order</p> <p>d) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having due regard to Human Rights Act).</p>	<p>Proof of Evidence of Jonathan Sinclair</p> <p>b) Section 8 of this Proof of Evidence.</p> <p>c) Proof of Evidence of Jonathan Sinclair.</p> <p>d) Proof of Evidence of Jonathan Sinclair</p>
5	An update on the current position in relation to Crown Land	Proof of Evidence of Jonathan Sinclair
6	The conditions proposed to be attached to the deemed planning permission and their suitability.	Proof of Evidence of Colin Field
7	Whether all statutory procedural requirements have been complied with.	Note of Compliance prepared by Addleshaw Goddard LLP

5. PROJECT AND NEED FOR THE PROJECT

5.1 This section of my evidence addresses points raised as Item 1 in the Statement of Matters, namely the aims and objectives of, and the need for, the Project.

5.2 The Project which is the subject of this Order consists of two separate elements, as follows:

- a. temporary Road-Rail Vehicle (**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.

- 5.3 The High Speed Rail (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 OOC HS2 Station.
- 5.4 The OOC HS2 Station will link London to Birmingham and beyond, initially acting as the London terminus for the line when it opens in 2030.
- 5.5 In addition to the OOC HS2 Station, Network Rail will be also delivering an interconnecting station on the GWML on the existing conventional rail network managed by Network Rail (**OOO GWML Station**), which will be linked to the OOC HS2 station. This station will have 8 platforms and will allow passengers on Great Western Railway, Crossrail and Heathrow Express services to transfer to the OOC HS2 Station (and vice/versa).
- 5.6 The OOC HS2 Station and the interconnecting OOC GWML 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 (comprising both the HS2 and GWML elements) 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 projects 25,500 new homes and 56,000 new jobs.
- 5.7 The OOC HS2 Station itself will be delivered by HS2 Limited. HS2 Limited will also construct the new platforms for the OOC GWML Station. However, before the OOC GWML Station enters into operation, Network Rail needs to modify the existing track infrastructure to accommodate the new platforms. 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 (meaning that there are four tracks which passenger and freight trains can travel along) to an eight-track railway to serve all of the platforms at the OOC GWML station.
- 5.8 The GWML Rail Systems Project covers not just work on the tracks but all other related infrastructure updates (for instance signalling & electrical systems). The eight platforms on the OOC GWML Station are required to facilitate a peak service of 66 trains per hour serving the station.
- 5.9 The contract for the GWML Rail Systems Project was awarded in July 2023, with works commencing on surveys shortly after. The main works commence from Christmas 2023 and are estimated to be completed in January 2030 with two major closures of the railway being required in order to commission the new infrastructure. These are at Christmas 2026 for 11 days and Christmas 2028 for 18 days.
- 5.10 The first of these closures is required to move the tracks into a new, temporary position, directly to the north of the existing tracks at OOC. This will allow works to take place where the existing track currently is positioned without closing the railway. The track is then moved into its final position in the closure at Christmas 2028.
- 5.11 These closures (also known as blockades) cause major disruption to passenger services operating on the GWML, as such they are only allowed to occur at Christmas time when passenger numbers are at their lowest. Missing these closures will result in a minimum 1-year delay to the GWML Rail Systems Project until the next time the railway can be closed for the length of time required (only if agreed by all stakeholders).
- 5.12 The temporary RRAP has been identified by the construction delivery team as being necessary to deliver the enabling works in the programme leading up to the two critical

closures referred to above in 2026 and 2028. The permanent RRAP is an end requirement of the GWML Rail Systems Project and is needed to provide ongoing maintenance support for the GWML once the OOC GWML Station is open. A new permanent RRAP is required due to the increase in infrastructure maintenance associated with the new OOC GWML Station and the fact that currently there is an existing 7.8km length of the railway without an access point from the south.

RRVs and RRAP

- 5.13 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.
- 5.14 RRAPs provide a means of access and egress for RRVs and plant onto the Network Rail infrastructure. The deployment of RRAPs at key locations is key in ensuring the overall safety of the railway by providing the primary means of safe and easy access for RRVs to allow maintenance and upgrade works to be undertaken on the railway.
- 5.15 RRAPs provide vehicular access between road and rail, as such, the two need to be level with each other to allow vehicles to drive onto the track from the roadside, and vice-versa. Once on track, the RRV will switch from road wheels to track wheels which allow it to travel along the track just like a train.
- 5.16 The only time an RRV can access the railway via a RRAP is when the tracks are closed to passenger and freight trains and formally handed over to the work deliverers (within the rail industry referred to as "taking possession of the track"). An isolation of the railway is also required, which involves the overhead electrical equipment being turned off so that works can be undertaken without the risk of electrocution.
- 5.17 The GWML between the stations at Paddington to Reading (including at OOC) operates as a four-track railway, meaning there are four separate lines that passenger and freight lines can travel on. Each line has a name and at OOC these are (geographically from North to South): Up Relief, Down Relief, Up Main and Down Main. Normally a possession is taken on only two of the four lines, either the two Relief lines or the two Main lines. This is to ensure that at least one side remains operational and train services continue operating; to minimise any disruption to the TOCs and FOCs and, by extension, the passengers and companies that use their services.
- 5.18 The GWML Rail Systems Project has multiple pieces of infrastructure that need to be installed that can only be undertaken with access to the Up and Down Main lines. Furthermore, ongoing maintenance activities will be required to be undertaken on the Up and Down Mains whilst under possession. Some of the works undertaken for the GWML Rail Systems Project also require extended possessions of the railway, typically of 29 hours. These extended closures are required due to the complexity of the work and the requirement to return the railway in a safe state that allows trains to run on them. This includes the installation of drainage that runs adjacent to and between the tracks which require deep excavations to be dug and reinstated. Some works also require extended closures as they can only be undertaken at daytime due to the level of noise they produce and the requirement to minimise disruption to lineside neighbours such as the hammering of pile foundations for electrical equipment structures.
- 5.19 None of the works described in the paragraph above can be completed in a possession that only includes the Relief lines as the infrastructure sits next to the Main lines and requires their closure to install safely. Within a Mains possession, all the RRAPs on the Reliefs side

sit within a live railway environment where operational passenger trains are still passing through. Any attempt to use these RRAPs would require an 'All Line Block (**ALB**) possession' (a possession that closes both the mains and reliefs). Extended ALB possessions (as would be required for the aforementioned drainage and foundation work) are not acceptable to the TOCs as they would prevent passenger services on Saturday night and all of Sunday.

- 5.20 There are existing RRAPs on the Mains already, the two closest either side of the proposed temporary RRAP are (towards Paddington) North Pole Depot RRAP, approximately 1.25 miles from the site of the GWML Rail Systems Project works and Jacob's Ladder RRAP (towards Reading), approximately 3.5 miles from the site of the GWML Rail Systems Project works. However, RRVs are only allowed to travel on track at a maximum speed of 5mph, meaning there is a significant loss of time within a possession travelling to/from work from these existing RRAPs. Regardless of this, neither RRAP is available for the majority of a 29hr Mains possession.
- 5.21 Access to a RRAP is required for the whole possession for the following reasons:
 - a. to allow machines that break down to be recovered and replaced with working alternatives to complete works, otherwise there remains a high risk that the possession will not be able to be finished on time which will prevent passenger services from commencing; and
 - b. to allow machines to leave track after they have completed work – some RRVs are only required for a part of the shift, leaving all plant on track for the entirety of a possession, which increases costs and reduces efficiency as it will need to remain on track for the whole possession and shift around the other plant movements, resulting in additional access being required.
- 5.22 North Pole Depot RRAP is accessed across the entrance for North Pole Depot which services Great Western Railway trains. This cannot be blocked from early Sunday morning to early Monday morning due to the requirement to run trains in and out of the depot to maintain the passenger trains in service.
- 5.23 To use the RRAP at Jacob's Ladder, a 2-track possession of the railway would need to be taken up to Southall station, almost 9 miles out from Paddington, this also would include taking out Acton West Junction, a piece of infrastructure that allows trains to cross between Main and Relief lines. Operating a service with these restrictions does not allow the volume of Crossrail, GWR and Heathrow Express trains required to operate a minimum level of service.
- 5.24 Furthermore, the Jacob's Ladder compound is not sufficient to mobilise the volume of plant required for the GWML Rail Systems Project due to its small size. While the North Pole Depot compound does have sufficient space, it is not included in every Mains possession due to the impact blocking the depot has on the GWR services. As such utilisation of either of these RRAPs is not possible for the majority of the possession. In addition, both these RRAPs can be used by other work deliverers which can cause delays to GWML Rail Systems Project due to volumes of machines trying to get on track.
- 5.25 There are also logistical constraints that prevent the use of the proposed Jewson's Yard permanent RRAP for the delivery of the GWML Rail Systems Project.
- 5.26 The location of the permanent RRAP is on the 'wrong' side (i.e. to the west) of the isolation limit for works on the GWML OOC Station. Isolations of the overhead line can only be taken from specific locations where the correct equipment is installed on the overhead line. This

limit is currently situated to the east of the proposed permanent RRAP. This means that to use the RRAP to travel to OOC, the isolation would need to be taken toward Ealing Broadway station which would not be accepted by the TOCs. This is because Ealing Broadway is proposed to act as a terminus station when Paddington Station is closed as part of the GWML Rail Systems Project. Trains arriving in London would stop at Ealing Broadway and undertake a track move to head back out of London on different tracks. This couldn't be carried out as the section of track that is required would be closed to trains as it would be needed to access the permanent RRAP. While new equipment can be installed to rectify this, this is a complex operation which would require over 100 hours of on-track work and could not be completed by the start of 2025, the latest that a RRAP for the GWML Rail Systems project is required. It is for this reason that a temporary RRAP, located to the east of the isolation limit, is required.

- 5.27 Further, the size of the permanent RRAP compound (Plot 1) and the associated access route would not be sufficient to serve the works necessary to deliver the GWML Rail Systems Project. The volume of vehicles required for the GWML Rail Systems Project significantly exceeds the volume of vehicles used in the permanent maintenance case (which is the purpose to which the permanent RRAP compound will be put). Up to 10 RRVs per shift may be accessing during the GWML Rail Systems Project works, and there is insufficient space in the 500m² compound to accommodate all these vehicles, including turning space and laydown areas for materials. Additionally, the access route along the back of the Jewson's warehouse building is not sufficient for the larger plant required to deliver the work (for instance Doosan crane) without requiring modifications to the Jewson's Yard and the warehouse that would impact on its operations.
- 5.28 Regardless of the size of the compound, the proposed location of the permanent RRAP would require a programme of enabling works before it can be used as a RRAP. This means that this land cannot be viably utilised for construction of the GWML Rail Systems Project, which needs the RRAP to be operational by January 2025 at the very latest, in order to enable construction of the OOC HS2 Station by HS2.

Construction/Access Compound

- 5.29 In addition to the temporary RRAP, which is required to deliver the GWML Rail Systems Project (as described above) Network Rail will require an access compound, which must be level with the railway infrastructure and allow the RRVs to pass between the compound and track. This compound cannot be on a cutting or an embankment as the RRVs are unable to operate at steep gradients.
- 5.30 As per the "Network Rail Infrastructure Access Points Best Practice Design Guide" (a copy of which is appended to Mr Ford's Proof of Evidence), RRAPs should consider the following logistical issues:
- a. Accessing through the boundary gate from public highways;
 - b. Access routes through minor roads;
 - c. Height, width and weight restrictions on public highways;
 - d. Overhead services (e.g. power lines, pipes and telephone wires);
 - e. Overhead Cables (excluding OLE) shall be demarked with "goal posts" to warn of height restrictions;
 - f. Seasonal or periodic road availability;
 - g. Access rights and suitability of private roads;
 - h. Delivery vehicle size and manoeuvrability;
 - i. Condition of existing highway surface and verges; and

j. Access through residential areas.

5.31 In addition, the requirements of the GWML Rail Systems Project for delivery of the works are for 1800m² of space which includes:

- a. 650m² of open space for material & plant deliveries of up to 10x machines with sufficient space to turn Heavy Goods Vehicles making the deliveries;
- b. 500m² of space to store machines;
- c. Minimum of 10 car parking spaces for individuals' vehicles & minibuses;
- d. 150m² of office/welfare space for the management of core works and for use as canteen, toilets and drying rooms for on-site workers; and
- e. Clear space for segregated pedestrian & vehicle routes to RRAP.

Alternatives considered

5.32 A number of alternative sites have been explored and considered for the delivery of the Project, as further described in Christopher Ford's Proof of Evidence. However, Network Rail considers that they are not suitable for a number of reasons (as described in the Statement of Aims, as well as Christopher Ford's Proof of Evidence) and the Order Land (which consists of Plots 2, 3 and 4, as shown on the Land Plan submitted with the Order), as well as Plot 1 (as shown on the Land Plan submitted with the Order, have been identified by Network Rail as the most viable location for the Project (and indeed the only practicable option).

5.33 The Order Land was historically a railway yard and, as a result, satisfies a number of requirements:

- a. Distance: the Order Land is immediately proximate to the track, as required for the delivery of the GWML Rail Systems Project;
- b. Absence of Conflict: neither the temporary nor the permanent RRAP will be affected by any limitations imposed by the requirements of the TOCs (as is the case with alternative sites considered by Network Rail in relation to the Project, as further described in Mr Ford's Proof of Evidence); and
- c. Level: the Order Land provides a level access to the railway, which complies with Network Rail's standards for the approach to an RRAP.

5.34 Further, the Order Land provides enough storage space for plant and materials, provides enough room to accommodate welfare facilities and off-street parking. The Order Land will also enable the temporary construction compound to be located in close proximity to the temporary RRAP required for the delivery of the OOC GWML Station.

5.35 As to the permanent RRAP (required for future maintenance of the railway and the associated infrastructure), the Order Land benefits 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.

Key objectives and benefits of the Project

5.36 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 OOC GWML Station conventional rail works without significant rail construction delays;
 - b. The completion of the OOC GWML Station is directly linked to the commencement of service from the OOC HS2 Station and, by extension, the start of service on the whole HS2 network, a scheme of national importance;
 - c. the permanent RRAP at this location is required to enable regular and reactive maintenance, which will provide resilience to the railway network;
 - d. 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 GWML Station;
 - e. 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, TOCs and FOCs.
- 5.37 The absence of a permanent south-side RRAP between Acton West Junction and North Pole has already resulted in at least three failed maintenance projects in the area. 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.
- 5.38 In terms of economic benefits, the GWML Rail Systems Project will enhance the public transportation network 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.
- 5.39 In terms of social benefits, the GWML Rail Systems 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.
- 5.40 Another benefit of the GWML Rail Systems Project is that an enhanced network will provide clear benefits in terms of reducing CO2 and emissions associated with private vehicular trips.
- 5.41 Furthermore, it is crucial to note that the OOC HS2 Station cannot open without the prior opening of the OOC GWML Station, which will allow those leaving HS2 services to connect to onward services (and vice versa). 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. Without the opening of the conventional station, passengers alighting HS2 in London would do so at OOC with no onward travel options except via road. This would be wholly unsatisfactory for passengers and would also likely overwhelm the local road network. Thus provision of the OOC Station (both the HS2 and GWML elements) is vital for the business case for HS2 and achieving the levelling up benefits of HS2 for the country. As such the OOC HS2 station cannot open until the OOC

GWML Station does, putting those works directly on the critical path for HS2 services to commence operation on the whole line.

- 5.42 The Project is, therefore, considered to be in accordance with the policies of the Local Plan (regarding which see the evidence of Mr Colin Field) and 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. DEVELOPMENT OF THE PROJECT

- 6.1 The Project has been developed through a robust option selection process, which is described in detail in Christopher Ford's Proof of Evidence.
- 6.2 The preferred option represents an approach that is considered to meet Network Rail's requirements, is cost effective and results in the least disruptive access required to deliver the Project.

7. CONSULTATION

- 7.1 This section summarises the consultation undertaken by Network Rail detailed further in the Consultation Report submitted with the Order application.

Public consultation

- 7.2 An Approach to Community consultation document was sent to Ealing London Borough Council (**Council**) on 7 October 2022, setting out how Network Rail will consult the community. No comments were received from the Council in response.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 The public were able to contact the Project team and respond to the consultation at a dedicated email address: OOCRailCompound@networkrail.co.uk. Information has also been uploaded, and remains available, on the dedicated Project webpage: www.networkrail.co.uk/OOCrailcompound.
- 7.7 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.

- 7.8 Network Rail remains committed to ongoing consultation and engagement with interested parties. This will continue as the Order progresses through the procedure process and beyond to completion of the Project.

Statutory consultation

- 7.9 At the same time as the public consultation, statutory consultation in line with Schedule 5 and 6 of the 2006 Rules was also undertaken with:
- a. any landowners (or tenants or those with rights in same) potentially affected by the Project;
 - b. any statutory undertakers who are believed to have an interest in the land affected by the Order;
 - c. key stakeholders such as the local planning authority; and
 - d. strategic stakeholders as such MPs and Local Councillors.

Further comments raised by the Inspector

- 7.10 I am advised that, on its review of Network Rail's application documents, the Inspector noted the annotated Schedules 5 and 6 of the Transport and Works (Applications and Objections Procedure) Rules set out in the Consultation Report and requested that brief details be given to explain "not applicable" annotation which is given for the following:

- a. Schedule 5 – nos 24, 27 and 28
- b. Schedule 6 – no.s 6(ii) and 11.

- 7.11 This is provided in the table below:

Authority sought for -	Documents to be deposited with -	Applicable to this Order	Further comments
24. Works to construct, alter or demolish a transport system or to carry out works ancillary to its operation or works consequential upon its abandonment or demolition	Her Majesty's Railway Inspectorate	Not applicable	The Order is not seeking authorisation to make changes to the railway and/or works ancillary to its operation. The proposed use of the Order Land as a construction compound will enable construction of the HS2 OOC Station, as described in the Statement of Aims/Statement of Case.
27. Works affecting land in which there is a Crown interest	The appropriate authority for the land, within the meaning of section 25(3).	Not applicable	The proposed use of the Order Land as a construction compound will not affect the Crown Land and the Order is not seeking any powers in relation to the Crown Land. All operations to be undertaken at the Crown Land will be authorised by Network Rail's

			Permitted Development Rights. In any case, Burgess Salmon (acting on behalf of the Crown) have been notified of Network Rail's proposals and the Order.
28. Works to be carried out in Greater London	The Mayor of London.	Not applicable	No actual built development will be carried out under the Order. The Order simply authorises use of the Order Land as a temporary construction compound. The actual creation of the RRAP and any on-track works will be undertaken pursuant to Network Rail's Permitted Development rights, as further described in Mr Field's Proof of Evidence.
6. Works likely to affect the volume or character of traffic entering or leaving – (ii) any other classified road	(ii) The relevant highway authority.	Not applicable	Network Rail do not believe that the proposals will have an adverse impact on traffic volume on the surrounding roads, or entering/egressing the site onto Horn Lane. However, Ealing Council were still consulted on Network Rail's proposals.
11. Works in Greater London or a metropolitan county.	The relevant Fire and Rescue Authority within the meaning of the Fire and Rescue Services Act 2004 and the relevant Police Authority within the meaning of Part 1 of the Police Act 1996.	Not applicable	No actual built development will be carried out under the Order. The Order simply authorises use of the Order Land as a temporary construction compound. The actual creation of the RRAP and any on-track works will be undertaken pursuant to Network Rail's Permitted Development rights, as further described in Mr Field's Proof of Evidence.

8. COSTS AND FUNDING

- 8.1 This paragraph addresses the matters raised at 4b) of the Statement of Matters: *"whether there are likely to be any impediments to Network Rail exercising the powers contained within the Order, including the availability of funding"*.
- 8.2 As stated in the Funding Statement and reiterated in the Statement of Case, the Project is fully funded by HS2 Limited under the Implementation Partnership Agreement dated June 2023, a cost-reimbursable contract between HS2 Limited and Network Rail. This is confirmed in the letter issued by HS2 Limited, which is appended to this Proof of Evidence [AF1]. The letter also confirms that HS2 Limited will reimburse Network Rail for the actual costs, even if they exceed the estimated costs of £10,980,270.

9. OBJECTIONS

- 9.1 The objection period for the Order closed on 5 June 2023 and a total of eight objections were received. Two objections have subsequently been withdrawn (as explained in Mr Sinclair's Proof of Evidence) and at the date of this statement six objections to the Order remain outstanding.
- 9.2 All objections received in relation to the Order are from statutory objectors, whose land or rights in land will be affected by the Order, save for the two objections received from Mr and Ms Kuszta. Whilst they are residents of the local area, Network Rail understands that Mr and Ms Kuszta do not hold any right or property interest that might potentially be affected by the Order. All objections (including those of Mr and Ms Kuszta) are summarised in the Statement of Case submitted on behalf of Network Rail.
- 9.3 The majority of objections were received from residents of Acton House and express concerns in relation to the works required for the Project and, in particular:
- a. impacts on traffic;
 - b. noise and light pollution; and
 - c. loss of access to the rear of Acton House.
- 9.4 Network Rail's position on these points is described in Mr Field's and Mr Sinclair's Proof of Evidence.
- 9.5 Two objections also comment on the alternatives considered by Network Rail in relation to the Project and submit that not enough evidence has been provided in this regard. This point is covered in detail in Christopher Ford's Proof of Evidence
- 9.6 Letters have been sent to all who responded answering queries raised and providing responses where required.
- 9.7 My evidence addresses two matters raised in objections, being the question of funding, and also issues of need.

Funding

- 9.8 Objections submitted on behalf of Bellaview and STARK have raised comments in relation to the funding availability for the Project. My comments on this are provided in the statement above and I confirm that, in my opinion, the Project is sufficiently funded and funding does not constitute an impediment to the Project.

Need for the Project

- 9.9 STARK's objection provides as follows:

"It is asserted that the mixed use of the site for track replacement and construction of Old Oak Common Station (OOCs) represents two separate projects which will not be delivered simultaneously in a single phase in the current economic climate."

- 9.10 Construction of the OOC HS2 Station is a separate project, which is authorised by the High Speed Rail (London – West Midlands) Act 2017. However, as provided in the Statement of Aims, Statement of Case and this Proof of Evidence, construction of the OOC HS2 Station cannot proceed without the GWML Rail Systems Project, which consists of the on-track

works and will enable the subsequent delivery of the OOC HS2 Station by HS2 Limited. The proposed temporary RRAP is required to be installed to complete the GWML Rail Systems Project, as explained in detail in this Proof of Evidence.

9.11 STARK's objection also provides that:

"There is no study prepared in a 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 NR's evidence. [...] It is fact that 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".

9.12 Network Rail are aware of changes to travel patterns as a result of the pandemic. The position continues to evolve and there were provisionally 1.4 billion journeys made in the latest year (1 April 2022 and 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 (<https://dataportal.orr.gov.uk/media/2207/passenger-rail-usage-jan-mar-2023.pdf>). The DfT also published its post-Covid national rail passenger figures on Wednesday 10 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 saw less than 90% (88%) on the first four days of the month (https://www.riagb.org.uk/RIA/Newsroom/Press_Releases/Rail_passenger_numbers_on_a_record_post_Covid_high_averaging_over_98_daily_in_April.aspx). 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 Project.

9.13 Finally, STARK's objection submits as follows in relation to the need for the Project:

"NR have 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 power of compulsory purchase."

9.14 NR have demonstrated that a significant volume of Mains (south-side) only access is required to deliver the GWML Rail Systems Project, and to enable future maintenance of the GWML Main lines more generally. NR have demonstrated that there is no other feasible access on the Mains that can be used for the GWML Rail Systems Project. With regards to the phasing of works, currently works have been prioritised to be delivered outside of possessions where possible and by minimising the number of major commissioning stages which require extended closures of the whole railway, including in full-track closures that don't require access via the Order Land. Staging the works would result in additional mains lead possession access which would in turn increase the requirements to use the Order Land.

10. CONCLUSION

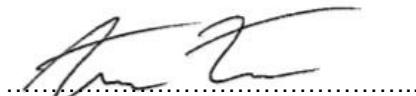
10.1 As the Project Manager I conclude that the Project is necessary to ensure the successful completion of the GWML Rail Systems Project which enables the opening of the conventional rail station at OOC (the OOC GWML Station) and, by extension, the commencement of services on the whole HS2 network. The Project is also necessary in order to provide resilience to the GWML network, by providing a permanent RRAP facility that will allow appropriate track maintenance to be undertaken on an ongoing basis.

10.2 The Order will enable these important works to take place in time and cost-effective manner.

- 10.3 The Project is fully funded and I do not consider there are any impediments to Network Rail exercising the powers contained within the Order.
- 10.4 I urge the inspector to consider this evidence, in conjunction with that of my colleagues, and I respectfully request the inspector to recommend that the Order be made, and that the relevant powers required by Network Rail to complete the Project are granted.

11. WITNESS DECLARATION

- 11.1 This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- 11.2 I believe that facts I have stated in this proof of evidence are true and that the opinions expressed are correct.
- 11.3 I understand my duty to the Inquiry to help with the matters within my expertise and I have complied with that duty.



ANDREW FLEMING

Dated: 13 October 2023