

TRANSPORT AND WORKS ACT 1992

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

PROOF OF EVIDENCE

OF

CHRISTOPHER ALAN GENT MEng CEng MCIHT MICE

SUBMITTED ON BEHALF OF BELLAVIEW PROPERTIES LTD

DEPARTMENT FOR TRANSPORT REFERENCES: TWA/21/APP/O1/OBJ/8;

TWA/23/APP/02

DOCUMENT OBJ/8.3

OCTOBER 2023

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1 Introduction

- 1.1 My name is Christopher Alan Gent and for the last 20 years I have practiced as a transport planning specialist. I hold a Master of Engineering (Hons) degree in Civil Engineering with French from the University of Nottingham and I am a Chartered Civil Engineer Member of the Institution of Civil Engineers and a Chartered Engineer Member of the Chartered Institution of Highways and Transportation.
- 1.2 I am an Equity Director at the transport planning, infrastructure design, and waste strategy consultancy, Velocity, where we specialise in development planning. Prior to joining Velocity, I was a Technical Director at the engineering consultancy WSP, where I also specialised in development planning.
- 1.3 Velocity has been appointed by Bellaview Properties Ltd (BPL) since October 2021 to provide transport planning and design advice for its proposed redevelopment of 239 Horn Lane (Planning ref: 22/5069/FUL). I was appointed by BPL in September 2023 to review the access and logistics proposals of Network Rail in relation to their proposed use of 239 Horn Lane.
- 1.4 I am familiar with the transport related effects associated with large construction sites including:
- Bank Station Capacity Upgrade where I represented HB Reavis as their construction logistics expert witness in the lead up to the TWAO Public Inquiry, producing a Proof of Evidence, a rebuttal Proof and helping to secure a negotiated agreement prior to taking the stand;
 - Crossrail (Royal Oak Portal) where I was the lead transport engineer for Capita Symonds on Contract C150, responsible for environmental reporting and compliance with the ES for construction traffic and logistics related criteria, as well as technical design lead for safe access routes, swept path analysis, and highway safety; and
 - Earls Court and West Kensington Opportunity Area (including London Underground's Lillie Bridge depot), where I worked closely with London Underground assessing the reconfiguration of the depot access with swept paths and route design to offer continuous safe access for rail deliveries and maintenance vehicles during the envisaged construction of the Earls Court development.
- 1.5 I have provided advice to Network Rail ("NR") property services in relation to property developments on car parks adjacent to railway lines at Cambridge Station and Brentwood Station; and I led the project development GRIP 1-3 and planning application for the relocation of the existing station at Waterbeach in Cambridgeshire, away from its current location astride a level crossing to a safer more suitable railway environment one mile to the north.
- 1.6 I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions.

2 Evidence

- 2.1 This Proof of Evidence [OBJ/8.3] concerns the traffic implications, construction logistics arrangements and construction compound site layout of the proposed track access, and how this relates to the continued operational use of 239 Horn Lane as a builders' merchants, and its proposed redevelopment as a builders' merchants and residential accommodation.
- 2.2 My evidence relates to assessment of site access arrangements pertinent matters within the Inquiry Statement of Matters [INQ/1], in particular:

Matter 2 - The main alternative options considered by NR and the reasons for choosing the Scheme. This should include alternatives that did not require compulsory acquisition.

Matter 3 - The likely impact of the Scheme on local businesses and residents during construction and operation. Consideration should include but is not limited to:

- 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.

2.3 My evidence reviews and considers:

- (a) A lack of consideration of alternative methods and strategies that may obviate the need for the compulsory purchase of 239 Horn Lane.
- (b) Transport related requirements for:
 - (i) the continuation of the current operation of the builders' merchant at 239 Horn Lane
 - (ii) The proposed redevelopment of 239 Horn Lane (demolition and construction); and
 - (iii) The proposed future operation of 239 Horn Lane for residential and commercial purposes
- (c) Network Rail requirements for access through 239 Horn Lane to the Triangle Site.
- (d) Network Rail requirements for a temporary worksite compound and ancillary facilities at 239 Horn Lane.

2.4 I have reviewed all of the documentation available to me in respect of the necessity for the site at 239 Horn Lane (marked "2", "3", and "4" on the Land Plans **[CD.08]**) to provide a temporary Road-Rail Access Point (RRAP) to enable delivery of the Old Oak Common Station works; and thereafter to provide access (marked "3" on the Land Plans) to a permanent RRAP in the Triangle Site (marked "1" on the Land Plans).

2.5 Some of the documentation I have reviewed is provided to the Inquiry within the Core Documents; other key information has been obtained from Network Rail via Freedom of Information Requests, and some information has been provided to me by NR and their contractor (Colas) during discussions to agree site sharing arrangements to enable progression of BPL's proposed redevelopment of the 239 Horn Lane site, alongside NR's temporary RRAP access. Where information is not available in the Core Document Library I have referenced its source and included it as an Appendix to this Proof of Evidence.

2.6 Mr Nick Gallop will present evidence on behalf of BPL in relation to siting of the RRAP on the railway.

3 Matter 2

3.1 In respect of the need for the site at 239 Horn Lane to provide access to the railway via temporary and permanent RRAPs (land marked "2", "3", & "4" and "1" & "3", respectively, on the Land Plans **[CD.08]**), NR sets out in its Planning Statement **[CD/11.1]** at Paragraph 2.23 that *"Construction access for Network Rail's contractors is required from both the north and south of the GWML."* The paragraph continues to explain that *"Access to the north can be provided from existing RRAPs, but access from the south is very limited."*

3.2 NR's original consultation document issued to BPL **[Appendix A]** of this Proof, as this document appears to be omitted from the Consultation Report **CD/06** states at Page 2 that embankments

and cuttings range from 2m to 30m in height and that “After extensive research in the area, we have identified that the **only** suitable area for the compound and access to the south side of the railway, is the land currently occupied by Jewson Ltd, Horn Lane, Acton.” [My emphasis].

- 3.3 The consultation document identifies at Page 2 that NR “proposes the installation of temporary and permanent road-rail vehicle access points, with associated access”.
- 3.4 I have structured the remainder of my evidence in relation to Matter 2 to address firstly the need for the temporary RRAP and lineside logistics compound and secondly the need for the permanent RRAP.

Temporary RRAP and Lineside Logistics Compound

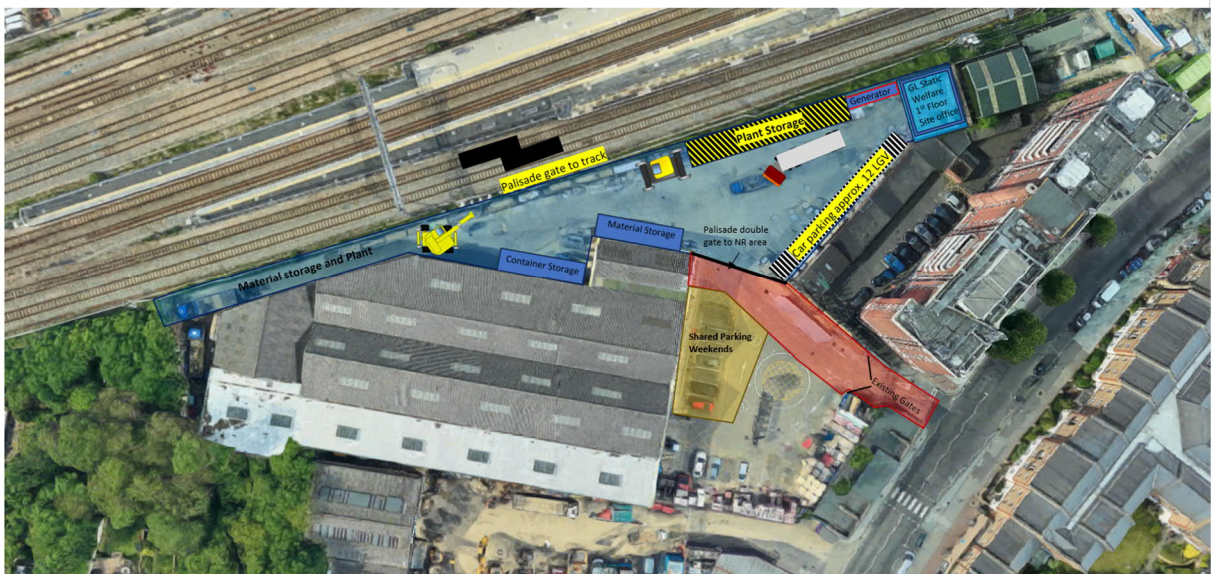
- 3.5 Page 3 of the consultation document [**Appendix A**] states that for the temporary lineside logistics compound

*“The current warehouse building will be retained and used as a storage facility for **vital** equipment and **key** materials, office space and welfare for our team. We will install a road-rail vehicle access point, which will allow machinery to get on and off track safely and efficiently and facilities for material laydown areas. Additional portable tower lighting will be needed for use at night, however, will be directed away from residents where possible to minimise any disturbance.*

It is anticipated that this compound will be in use for approximately 8 years and will be operational 24 hours a day.” [My emphasis].

- 3.6 I met with NR and their contractor Colas on site on Monday 9th October 2023. I was joined by Mr Michael Aaronson of BPL, Mr Edward Aaronson of BPL and Mr Richard Abbott, a Director at BPL’s Project Manager and Construction Advisor, Stace. A summary note of this meeting was prepared by NR and is provided at **Appendix B**. Based on the conversations on site, I understand that NR’s requirements are now considerably reduced, with no requirement for the warehouse, and a much smaller self-contained compound to the rear of the site for operational use once a fortnight.
- 3.7 I understand that NR/Colas had previously proposed a segregated compound to the rear of the existing Jewson Yard, with storage shown adjacent to the rear elevations of Jewson, reproduced below and provided at **Appendix C**.

Jewson Access Point Dn/Up Main



- 3.8 I understand Stace had explained in a previous discussion that any operator of the existing builders’ merchant would require delivery access to the rear of their building, and that the

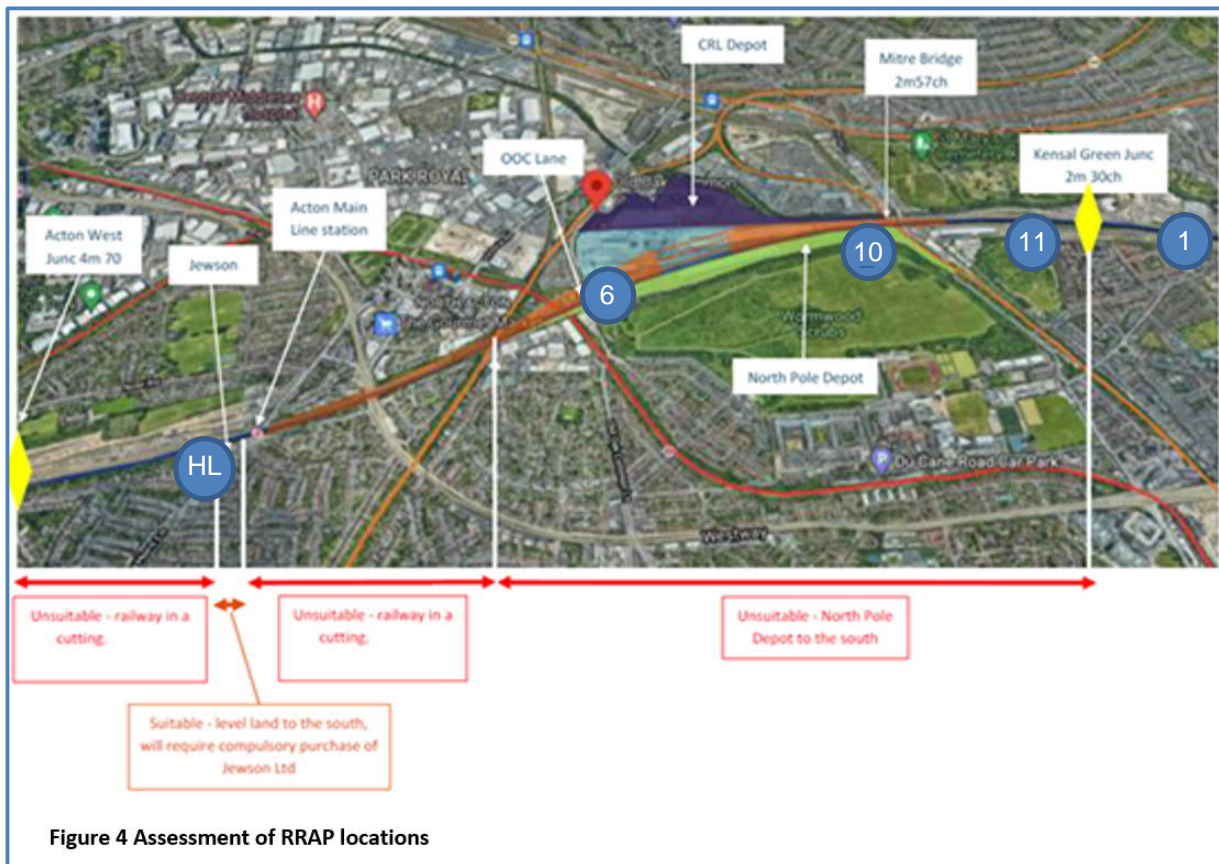
proposed redevelopment building footprint would extend closer to the railway. NR had taken account of these constraints and produced a revised compound drawing (issued to me and the BPL team on site), removing the two storage areas conflicting with the existing Jewson's access and the proposed redevelopment building line, and annotating the plan to confirm Jewson's shared access within the NR compound area. This revised layout plan is reproduced below and provided at **Appendix D**



- 3.9 The first important point to note is that the “vital” and “key” requirements (identified to be provided by the current warehouse building and used, at least in part, to justify the original site selection) no longer form part of the requirements currently being advised to BPL and its consultants.
- 3.10 The second important point to note is that the original consultation description in my view infers continuous use of the site “will be operational 24 hours a day”, whereas NR’s current requirement as explained to me on site is broadly “overnight, once a fortnight”, which even at 24 hours once a fortnight means the site would not be in use by NR 13/14 or 93% of the time.
- 3.11 Returning to Page 2 of the Consultation Document **[Appendix A]**, where NR identify that the land currently occupied by Jewson Ltd, Horn Lane, Acton is the “**only**” suitable area for the compound and access south of the railway, takes me to the evidence provided by NR in relation to its search for a suitable logistics compounds and RRAP.
- 3.12 NR’s Statement of Case **[SoC/01]** sets out in Section 7 its assessment of alternatives. It identifies that the temporary RRAP will only be used every other week and that the key requirements for the temporary RRAP now consist of:
 - a) RRV access;
 - b) Minimum of 6m vehicle access gate and fenced compound;
 - c) Dedicated access for parking (cars/vans);
 - d) Temporary accommodation;
 - e) Material storage; and
 - f) Turning area for HGVs and RRVs.

- 3.13 The Statement of Case (Paragraph 7.6) explains that several alternative locations had been explored, with none being suitable as further outlined in the Statement of Aims **[CD/03]**, and summarised in Table 2 of the SoC.
- 3.14 Eight (no.) options are identified in Table 2 of the SoC, namely:
- 1) North Pole Depot existing RRAP (also known as Barlby Road);
 - 2) Jacob's Ladder existing RRAP;
 - 3) Southall existing RRAP;
 - 4) Acton Main Line Station RRAP;
 - 5) Westcott Park Community Garden;
 - 6) Old Oak Common Lane (existing Hitachi Depot); and
 - 7) Westway Estate.
- 3.15 The SoA additionally identifies Noel Road RRAP and Bloomsbury Close, but does not mention Westcott Park Community Garden, Old Oak Common Lane (existing Hitachi Depot) or Westway Estate, thus it is difficult to understand how these are summarised in the SoC. I have added the two additional options to the list below:
- 8) Noel Road RRAP;
 - 9) Bloomsbury Close.
- 3.16 In addition, BPL has obtained via Freedom of Information requests the following documents produced by NR:
- Access Points at Old Oak Common Station **[Appendix E]**;
 - GRIP 4 Construction Methodology Report (152270-ARC-REP-EMF-000005) **[Appendix F]**;
 - Unidentified redacted version of the Construction Methodology Report (152270-ARC-REP-EMF-000005-P05) **[Appendix G]**. This appears to contain more technical detail in relation to the RRAP layouts and has a "P05" revision number, and therefore I surmise it is possibly from a GRIP 5 version of the report.
- 3.17 Access Points at Old Oak Common Station **[Appendix E]** considers permanent access points, noting that interim access points will need to be provided during construction stages. Notwithstanding this caveat, I consider it incontrovertible that any potential permanent RRAP should at least be considered as a temporary RRAP. Section 4 of the document considers access to the Main Lines (access from the south) and identifies two additional RRAP options, added to the list below:
- 10) West of Mitre Bridge; and
 - 11) West of the Engine and Carriage Line Bridge.
- 3.18 Figure 4 in the SoA **[CD/03]** shows the geographical locations between Acton West Junction and Kensal Green Junction (where access to the railway is required). I have reproduced Figure 4 of the SoA, below, and annotated it with the relevant references to six of the potential access points.
- 3.19 I have excluded 2, 3, and 7 (as referred to above) as I understand they are too remote from the area of access; I have excluded 4, because it no longer exists (and has not existed since it was

removed to enable the Elizabeth Line station works in 2019); I have excluded 5 as it is plainly not a realistic option due to the 6m level difference; and I have excluded 8 as it provides access to the relief lines not the main lines. Bloomsbury Close “9”, is located just off the plan to the west and is shown deliberately in the margin of the page. 239 Horn Lane is referred to as “HL”.



3.20 I set out below my understanding of the evidence in relation to each alternative in turn from east to west.

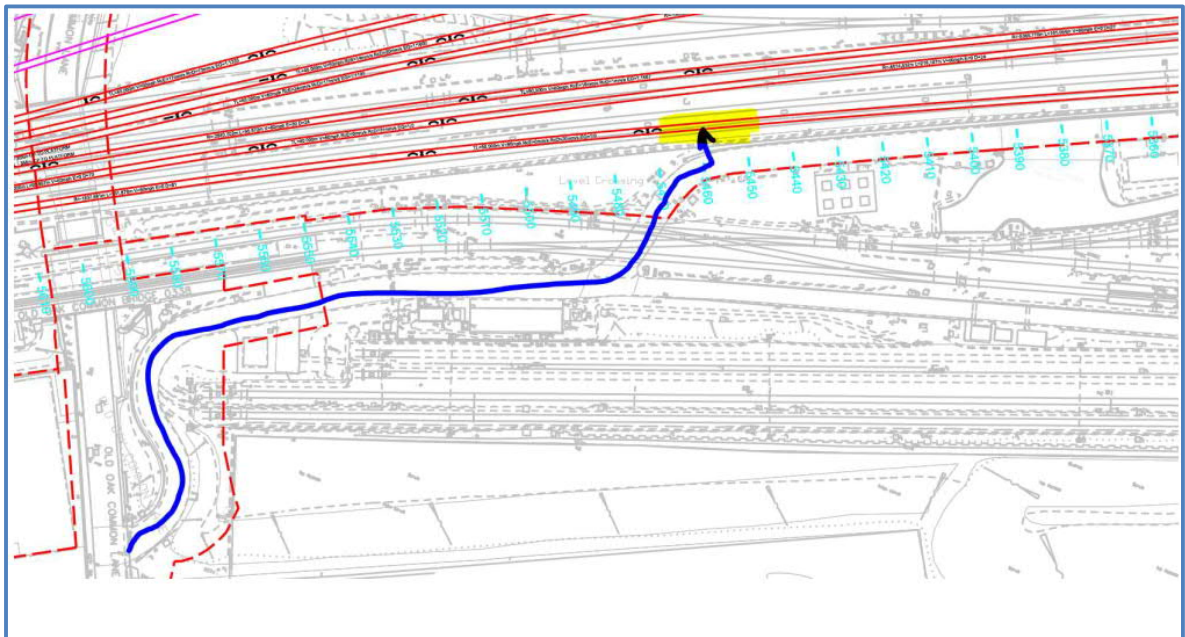
9 – Bloomsbury Close

3.21 The SoA [CD/03] states in Paragraph 5.7 that Bloomsbury Close has been considered as it lies within the boundaries of the project, however the option would require the demolition of residential garages, which in turn would result in significant disruption to residents, and it would be difficult to control access to the area by residents, which could result in blocked access.

3.22 I have personally been involved in six projects in the past 12-months where local authorities have gained vacant possession of little used garages on Council Land, in order to redevelop that land for additional housing. I can see no evidence that NR identified the freeholder and or leaseholder of the land, nor attempted to determine whether there would be any prospect of making use of the identified site.

6 - Old Oak Common Lane (existing Hitachi Depot)

3.23 The document “Access Points at Old Oak Common Station” [Appendix E], identifies that an access point could be installed in this location with access from Old Oak Common Lane, as illustrated in the image from Section 4.2.2, reproduced below:



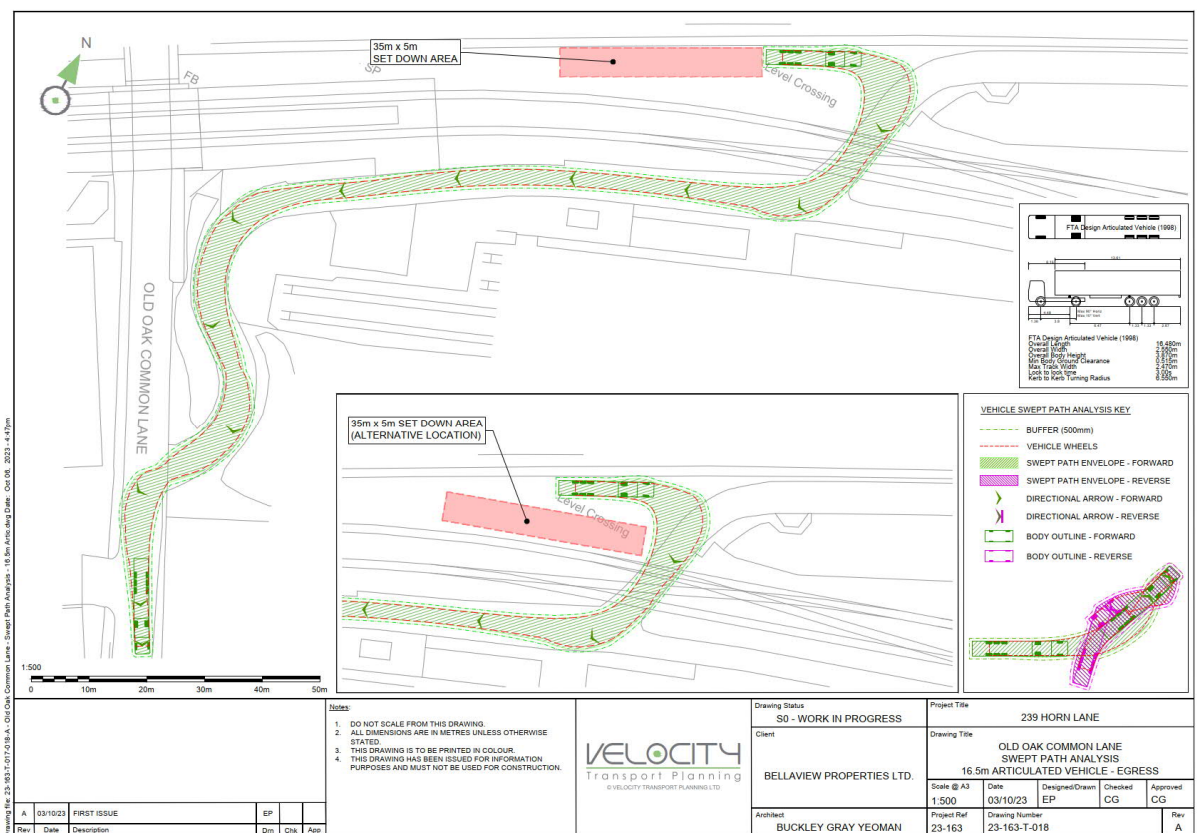
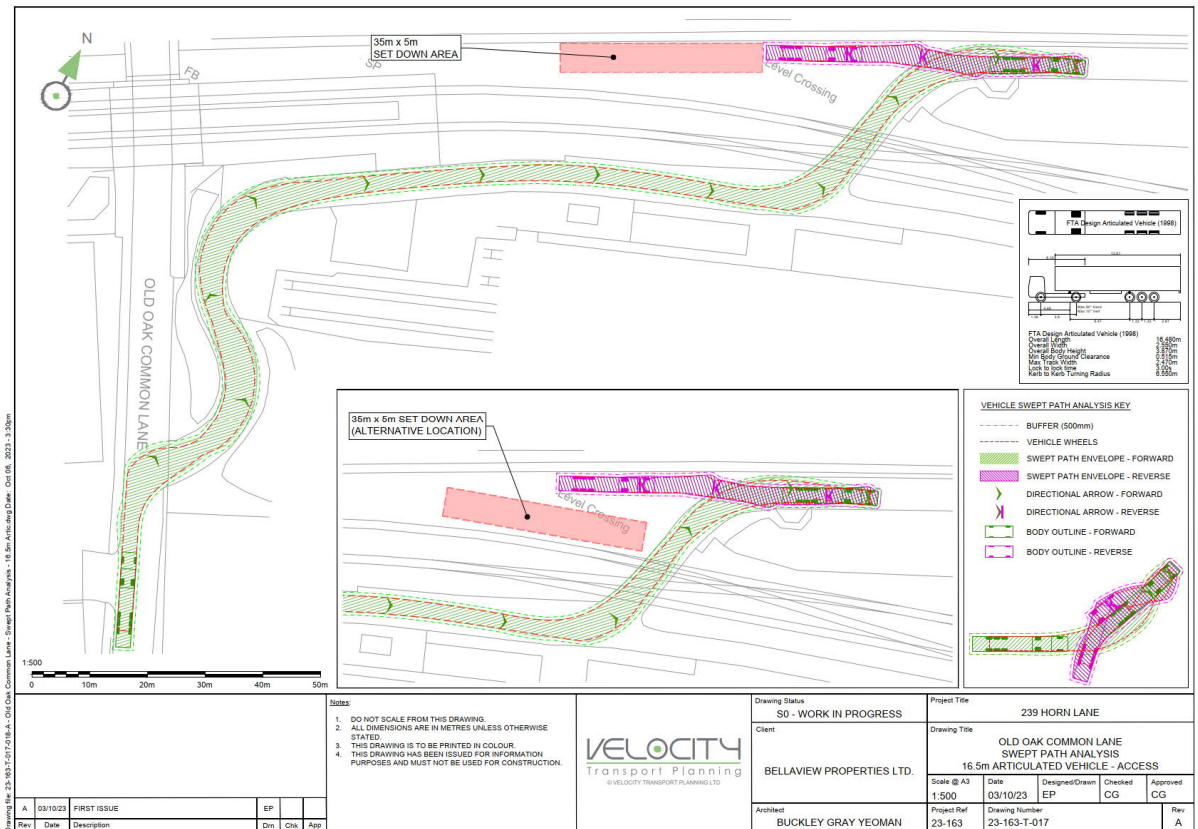
3.24 The document continued, identifying the following risks:

- Hitachi interface
- Limited space for logistics area
- Curve approach road may limit long wheel base deliveries
- Can the depot roads be blocked to allow traversing across the depot level crossing?

3.25 The GRIP 4 Construction Methodology Report (152270-ARC-REP-EMF-000005) **[Appendix F]** identifies at Paragraphs 4.1.3.9 – 4.1.3.11 that this location **is proposed** [my emphasis] as the South West RRAP. It identifies an access route via Mitre Way and indicates that vehicle tracking (swept path analysis) has been undertaken (although this is not shown). The proposed route (Figure 9) is reproduced below:



- 3.26 Figure 30 of the GRIP 4 report identifies that there is a 4.25m vehicular height restriction via Mitre Way, a 3.8m restriction via Old Oak Common Lane (north) and a 4.8m restriction via Old Oak Common Lane (south). Both the route via Mitre Way and Old Oak Common Lane (south) would be accessible to typical vehicles expected to access the site (up to 4m high, as identified in paragraph 5.3.6.2 of the GRIP 4 report). The height restriction on the route to the north along Old Oak Common Lane would prevent taller vehicles using this route, although a) access is more likely to be from the south (the A406 North Circular Road) and b) paragraph 5.3.6.4 of the GRIP4 report notes that the road will be lowered and the bridges replaced as part of the major civils works on the project, providing the “opportunity for larger vehicles to utilise this route as the programme develops”.
- 3.27 The NR SoC **[SoC/01]** identifies interaction with Hitachi and other HS2 stakeholders as a constraint. It identifies that plant and materials cannot be delivered to the RRAP directly from Old Oak Common Lane and that the project would require a road closure on Old Oak Common Lane or delivery via Mitre Way (creating conflict within the maintenance depot), and lastly that there is insufficient space to support compound requirements.
- 3.28 I will leave the assessment of operational trackside rail access and Hitachi Interface to the evidence of Mr Nick Gallop, and I will focus on vehicular access arrangements.
- 3.29 I have assessed the potential access arrangements from Old Oak Common Lane using industry standard swept path analysis software to determine whether there is a restriction on access from Old Oak Common Lane. I have tested the access route using the FTA Design Articulated Vehicle (1998), Width 2550, Length 16480, W/W Rad 7314, as used by NR in its own swept path analyses of access to 239 Horn Lane (as shown on the Deemed Planning Drawing **[CD/11.2]**). This demonstrates that the vehicle can access and egress a set down area 5m wide by 35m long as shown in my drawings 23-163-T017 and 23-163-T018 **[Appendix H]** reproduced below.



3.30 The drawings show that access and egress is achievable within the envelope of the available carriageway.

- 3.31 The route appears to be in use currently as an emergency egress only, and is not wide enough to allow two vehicles to pass in opposite directions. Consequently, alternate way working and access and egress to Old Oak Common Lane would need to be managed under the control of qualified traffic marshals (i.e. stopping traffic in both directions on Old Oak Common Lane for a short period to allow a vehicle to enter or exit, and managing the arrivals and departures of vehicles so that they do not overlap). This approach is no different to the accepted control measures at many construction sites in London.
- 3.32 Importantly, I can foresee no reason why:
- 1) The current road layout would prevent direct access from Old Oak Common Lane to a RRAP in this location.
 - 2) Old Oak Common Lane would need to be closed (other than for temporary stopping of traffic movements under traffic marshal control – typically 1-2 minutes 16 times per fortnightly possession). The route from Mitre Way is also an option, as identified in the GRIP 4 report, although I will leave it to the evidence of Mr Nick Gallop to discuss any protocols for managing joint access with the depot operator.
 - 3) A set down area of 35m x 5m appears to be readily achievable adjacent to the RRAP.
- 3.33 I also note in relation to matters that would be typically be considered in more detail by virtue of a planning condition, that a construction management plan would identify that this site benefits from having no immediate residential neighbours who would be disrupted by noise and light associated with the overnight weekend working patterns. In my view this location would be significantly more suitable in terms of neighbour disruption than the preferred NR site (239 Horn Lane) immediately adjacent to residential neighbours in Acton House.

10 - West of Mitre Bridge; and 11 -West of the Engine and Carriage Line Bridge

- 3.34 Access Points at Old Oak Common Station **[Appendix B]** identifies that access would be significantly improved with an additional access from the east from within the North Pole Depot, either to the west of Mitre Bridge or the west of the E&C line bridge.



- 3.35 These options do not appear to be referenced again in any of the other documentation I have reviewed.
- 3.36 The vehicular access routes to both sites appear to be straightforward and I can see no obvious reason from a highways access perspective why they would have been dismissed by NR. I will leave it to the evidence of Mr Nick Gallop to discuss rail access and any protocols for managing joint access with the depot operator.

1 - North Pole Depot existing RRAP (also known as Barlby Road)

- 3.37 The document “Access Points at Old Oak Common Station” **[Appendix E]**, identifies the existing RRAP as being close enough to reach the assets and with a large logistics area associated with it.

- 3.38 The GRIP 4 Construction Methodology Report (152270-ARC-REP-EMF-000005) [**Appendix F**] identifies at Paragraphs 4.1.3.12 – 4.1.3.15 that this location **is proposed** [my emphasis] as the South East RRAP.
- 3.39 The SoA [**CD/03**] states that this RRAP is outside of the area within which access is required, making delivery of the project more challenging. It also identifies that the RRAP is used for general maintenance, which would conflict with its use for the project, and there is a lack of storage space, conflict with an operational depot, conflict with OLE equipment and an unsuitable access road.
- 3.40 The NR SoC [**SoC/01**] expands and adds to the points set out in the SoA in its summary of the SoA points. Most of these points relate to railway operational matters, which are addressed in the evidence of Mr Nick Gallop.
- 3.41 From a transport and logistics perspective, it is clear that the existing RRAP is in use for operational railway purposes, is currently being accessed by all of the requisite delivery vehicles, is identified in the document Access Points at Old Oak Common Station [**Appendix E**] as having a large logistics area, and is proposed within the GRIP4 report [**Appendix F**] as a project RRAP location. I can only conclude, therefore, that many of the constraints and concerns raised in the SoA and SoC are inaccurate.
- 3.42 It is difficult to understand how a site which was most definitely proposed as an access point up until GRIP4, suddenly becomes so unsuitable that on the basis of the assertions in the SoA and SoC I would have expected it to be dismissed out of hand earlier in the GRIP process.

Temporary RRAP alternative options summary

- 3.43 Based on my review of the evidence available, I conclude that there are four access points, which are viable alternatives to the temporary RRAP access point from 239 Horn Lane from a vehicular access perspective, and a fifth, which may be viable but no appropriate assessment has been undertaken by NR. These locations are:
- 1) Barlby Road existing RRAP
 - 2) North Pole Depot west of Mitre Bridge
 - 3) North Pole Depot west of the E&C line bridge;
 - 4) Old Oak Common Lane (existing Hitachi Depot);
 - 5) Bloomsbury Close

Permanent RRAP

- 3.44 The consultation document [**Appendix A**] identifies at Page 4 that “*Without **this location** retained as a permanent Network Rail access point for maintenance requirements and domestic infrastructure works, the Great Western Mainline will require extended periods of closure for maintenance and renewal works, having considerable cost and impact on the operational train service for multiple Train operators*”. [My emphasis].
- 3.45 Firstly, as I have identified in relation to the temporary RRAP, there are at least three other locations (four if Bloomsbury Close is counted) situated between the current upstream and downstream Main Line RRAPs – Locations 6, 10, and 11, which do not appear to have been seriously and properly considered by NR within their SoC and SoA as alternatives to the Triangle Site.
- 3.46 Secondly, the text implies that the works could take place without the use of 239 Horn Lane, but that this would be more inconvenient and expensive for Network Rail but without providing any quantification or specificity as to the asserted added cost and impact.

4 Matter 3

- 4.1 Firstly I set out my understanding of BPL's proposed occupation and its tenants' operations at 239 Horn Lane during the OOC Station Works.

Continuation of the current operation of the builders' merchant at 239 Horn Lane

- 4.2 It is proposed that the existing builders' merchants will remain operational until the end of the Jewson lease, or earlier if suitable termination terms can be agreed with BPL.

The proposed redevelopment of 239 Horn Lane (demolition and construction)

- 4.3 After termination of the lease it is proposed that demolition of the existing structures and construction of BPL's proposed development would begin. BPL's consultant Stace has developed the following high level construction programme (Plans provided in **Appendix I**):

2023/2024	Site remains as is. Detailed design and tender. Strip out and mobilisation
Q1.2025	Piling and temporary protection around working zone. All works can take place while maintaining NR access.
Q2.2025	Concrete and Steel Frame. Works sequenced from north to south to maximise separation with NR activity. All works can take place while maintaining NR access.
Q3.2025	Fit out of Builder Depot. Residential concrete and steel frame continues above. All works can take place while maintaining NR access.
Q4.2025	Store opens. Residential concrete and steel frame continues above. All works can take place while maintaining NR access.

- 4.4 BPL commits to maintaining a minimum 5m wide right of way that is trafficable by a 16.48m long articulated vehicle between the public highway on Horn Lane and the Triangle Site.

The proposed future operation of 239 Horn Lane for residential and commercial purposes

- 4.5 As set out in the Statutory Declaration of Mr Michael Aaronson, BPL intends to redevelop the site at 239 Horn Lane and lease the replacement builders' merchant to Builder Depot Ltd (BDL).
- 4.6 BPL has committed to maintaining a minimum 5m wide right of way between the public highway on Horn Lane and the Triangle Site for the life of the development.

Network Rail requirements for a temporary worksite compound and ancillary facilities at 239 Horn Lane

- 4.7 Secondly, I set out my understanding of NR's stated requirements for a temporary RRAP and compound at 239 Horn Lane.
- 4.8 As identified in Paragraph 3.6 of this Proof, I understand that NR's requirements for the temporary RRAP and compound are now considerably reduced, with no requirement for the warehouse, and a much smaller self-contained compound to the rear of the site for operational use once a fortnight.
- 4.9 It has been explained to me (on site by Colas) that typically a small number of deliveries (around 8 per fortnight) would be made to the compound from the Wednesday before a Saturday night possession, with the Saturday night possessions taking place from 10pm Saturday until 10am Sunday on alternate Saturday nights (with the relief line work taking place on the alternate Saturdays, also on a fortnightly basis).

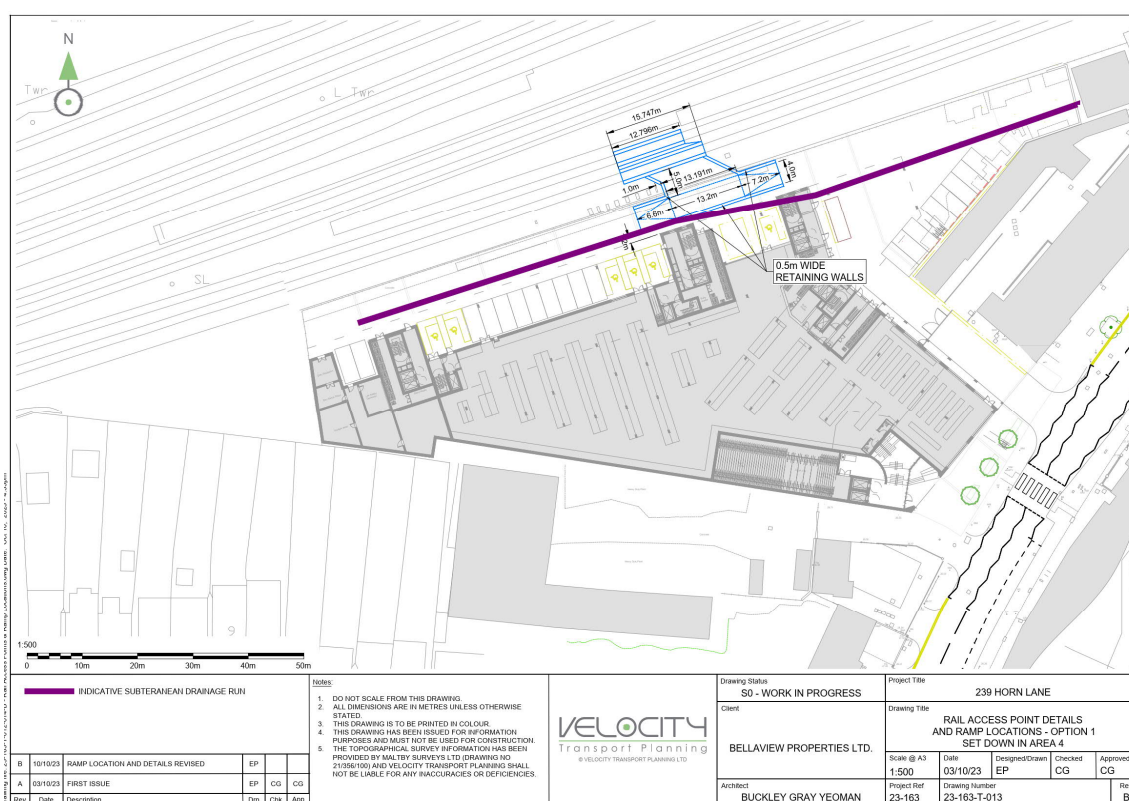
- 4.10 NR has also advised they would be operational occasionally Friday night through Sunday night as a live compound delivering works; and that they would be operational at Christmas times for up to three weeks into January including Monday to Friday (as set out in NR's Jewson Site Visit 09/10/2023 Notes **[Appendix B]**).
- 4.11 Colas advised at the site visit that it should be possible to consolidate the deliveries so that these arrive on a "just in time" basis on a Saturday afternoon before the evening possession takes place. Based on my experience of other logistics operations I see no reason why this should be problematic, indeed it should be relatively easy to store material and plant at other nearby worksites and compounds such as Acton Goods Yard until they are needed at 239 Horn Lane.
- 4.12 While meeting on site on 09/10/2023 BPL's Michael Aaronson advised NR and Colas that Builder Depot Ltd (BDL) would be the future tenant of the site, and the following key parameters could be agreed:
- I. Builder Depot serves the building trade not retail customers, and therefore its stores close at midday on a Saturday and would be closed throughout the typical period of NR operation.
 - II. Although it would be preferable for NR deliveries to be made just in time on a Saturday afternoon, an additional 8 deliveries could easily be accommodated within the yard in the days before NR possession.
 - III. Saturday is their stores' quietest day and if NR require occasional exclusive access on a Saturday, the Horn Lane store could be closed on Friday evening and customers advised to use Builder Depot's Blackburn Road Store instead.
 - IV. Similarly early January is Builder Depot's quietest time of year, and the store could be closed with customers redirected to their Blackburn Road store during this time.
- 4.13 The latest layout plan that NR/Colas has provided me with is reproduced below and provided as **[Appendix D]**.



- 4.14 I note that operative parking is still required by NR. In my experience this conflicts with the typical requirements for construction sites in London to require their operatives to travel by public transport. I understand that proposed operative arrival and departure times would coincide with standard public transport operating hours for rail and bus services, and there is no obvious reason

why operatives could not use public transport instead of driving. In any event, any operative parking that is agreed by the local highway authority could be provided either on site or another convenient off-site location (Such as the adjacent car wash, Acton Goods Yard, or on-street as local parking restrictions are not in place at weekends).

- 4.15 The NR/Colas plan shows a nominal area for providing level access down to the rail level, although I note, in reality, the Best Practice Design Guide for NR Infrastructure Access Points **[CD/34]** requires the 0.6m level difference to be addressed with at least a 7.2m long ramp. The ramp will need to be orientated parallel to the railway tracks allowing access down to the lower level, with a ramp back up to the west to allow access to the severed portion of the site and onwards access to the Triangle Site. There is site surface water drainage run beneath the hardstanding which will need to be diverted or replaced so that surface water continues to drain away from the railway. I have produced a sketch to illustrate this arrangement, as reproduced below and contained in **[Appendix J]**. This engineering requirement does not appear to have been given sufficient attention at this stage, and may make it challenging if not impossible to install a RRAP in this location.



- 4.16 I note that the proposed temporary and permanent designs shown respectively in Figures 19 and 20 of the Construction Methodology Report (152270-ARC-REP-EMF-000005-P05) **[Appendix D]**, reproduced below, showed the temporary RRAP location in broadly the same location as the permanent RRAP.

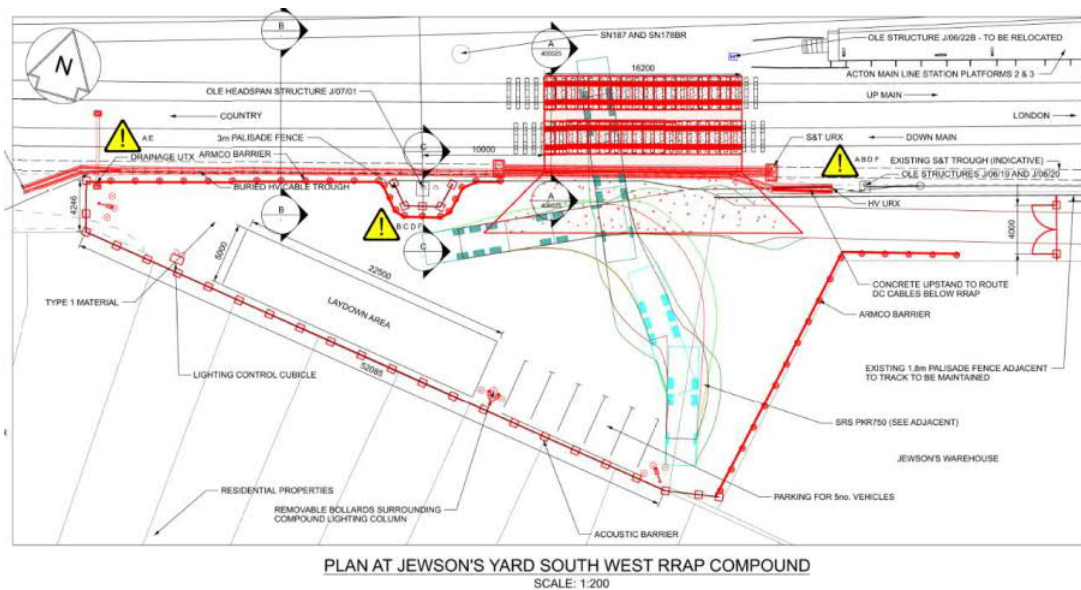


Figure 19: Temporary Stage of Jewson Acton SW RRAP

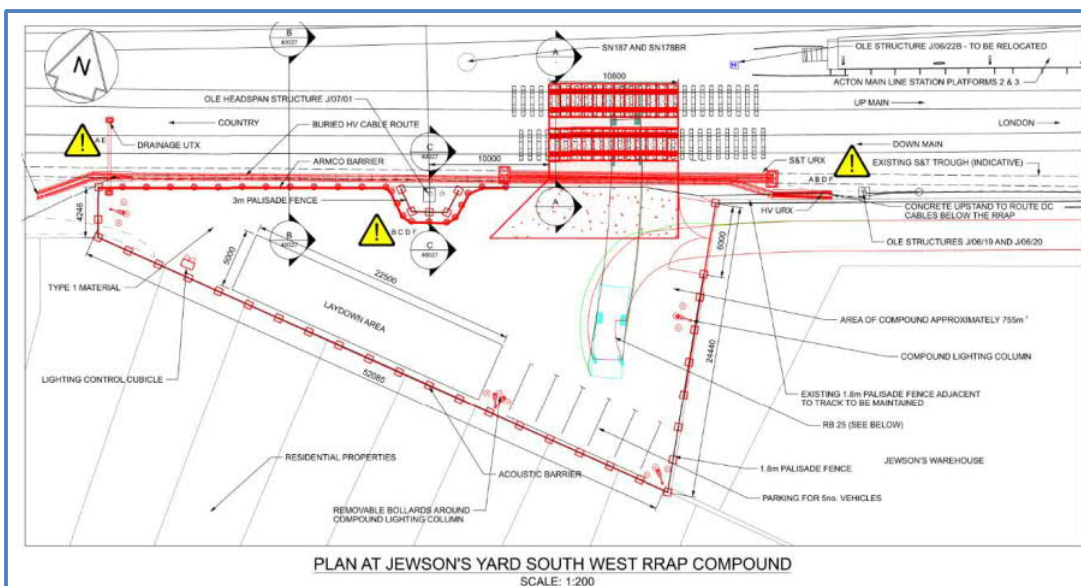
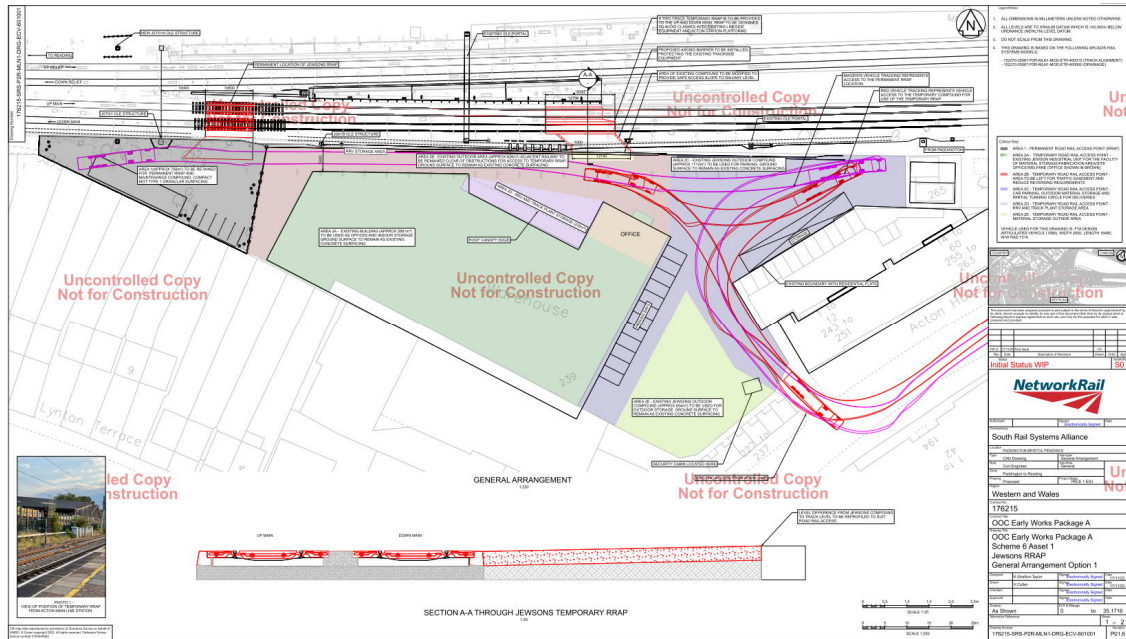


Figure 20: Permanent Stage of Jewson Acton SW RRAP

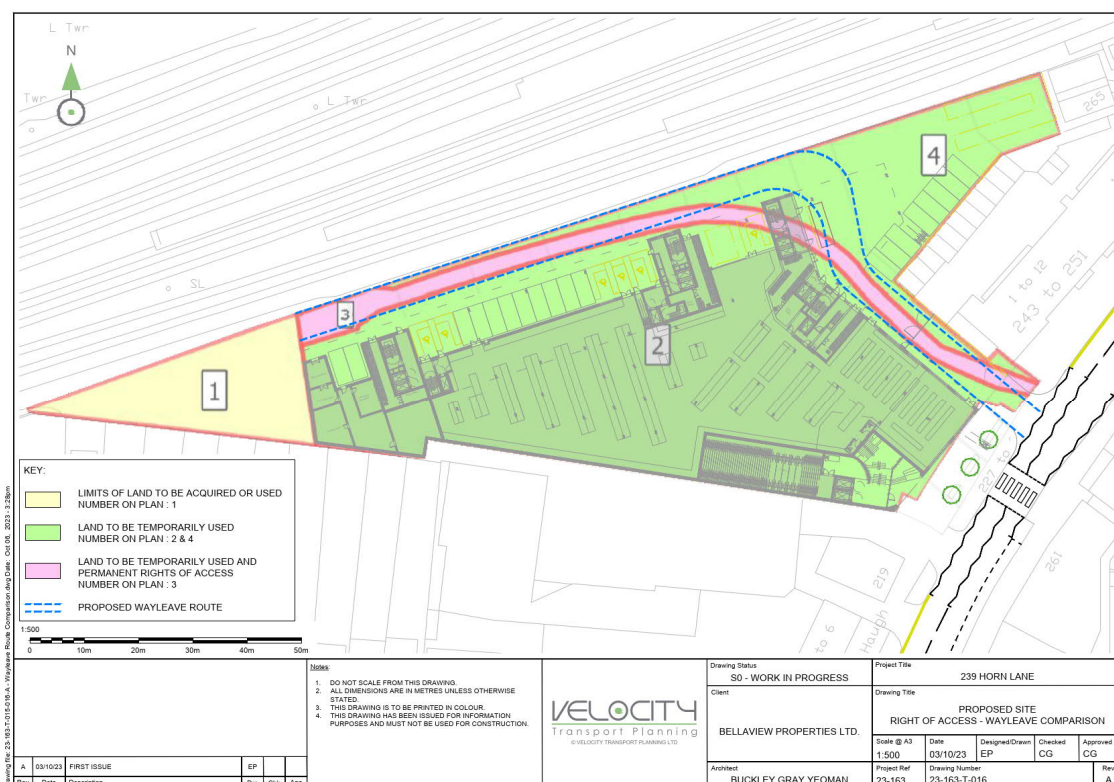
- 4.17 I also note that based on the topographical survey information I have seen, and my own on site observations, there is little to no difference in height between the Triangle Site and the top of rails, with perhaps the Triangle Site needing to be raised up a little.
- 4.18 Given the apparent technical challenges with levels, drainage and access associated with the proposed temporary RRAP in the centre of the 239 Horn Lane railway frontage (and notwithstanding my earlier observations in relation to Matter 2 that there are other sites on operational railway land that should be considered more thoroughly before any compulsory purchase of 239 Horn Lane should be permitted), it would seem sensible to revisit the possibility of locating both the temporary and permanent RRAP locations within the Triangle Site.
- 4.19 As far as I have seen within the documentation, NR has not provided an explanation as to why this option was discontinued from consideration and the decision was made to pursue the temporary RRAP from within the 239 Horn Lane site.

Network Rail requirements for access through 239 Horn Lane to the Triangle Site permanent RRAP

- 4.20 Thirdly I review the implications of the proposed access to the permanent RRAP on the Triangle Site to the west of 239 Horn Lane.
- 4.21 NR's deemed planning drawing **[CD/11.2]** shows a swept path of an FTA Design Articulated Vehicle (1998), Width 2550, Length 16480, W/W Rad 7314. The drawing is reproduced below:



- 4.22 The drawing is based on the existing site layout of Jewson's Yard and does not consider the footprint of BPL's proposed development.
- 4.23 The swept paths show vehicles are able to manoeuvre within the site, although I note there are clashes with the OLE protective barrier at the western end within the Triangle Site, and it appears as though the vehicle crosses the fence line bordering the railway at the western end (although the line appears to have been deleted from the drawing in this location so it is difficult to be certain).
- 4.24 The principle of a vehicular route through to the Triangle Site is not in dispute. BPL is able to offer a minimum 5m wide easement adjacent to the Network Rail boundary and contiguously between the public highway and the Network Rail Boundary to ensure that Network Rail could retain access to the Triangle Site before, during and after construction of its proposed development at Horn Lane.
- 4.25 BPL's proposed easement route is shown outlined with a dashed blue line in Velocity Drawing 23-163-T-016, reproduced below **[Appendix I]**. The plan also shows NR's Land Plan identifying areas of land to be acquired under the proposed TWA Order. As can be seen the proposed right of access conflicts with BPL's proposed building line and would prevent delivery of BPL's proposed development.



Other matters

Transport assessment

- 4.26 A document obtained via a Freedom of Information request "Ealing Meeting Minutes Redacted" **[Appendix K]** provides information in relation to a consultation meeting between Network Rail and Ealing Council. Within this document Network Rail state that "a traffic statement would be circulated ahead of the Order application". I have not been able to find a traffic statement within the application documentation and can only conclude that one was not produced, as would typically be required for a planning application, and which I would expect to see as part of the deemed application, it is otherwise difficult for the decision maker to understand the highways and transportation impacts of the project, and identify what conditions or other measures might be appropriate to mitigate such impacts.

Construction management

- 4.27 The Request for deemed planning permission and statement of proposed conditions **[CD/12]** does not include a condition relating to construction management plans. The draft conditions include proposed provisions for details of, inter-alia, Temporary Lighting and Hours of Working, however there are a number of other details that would typically be required by the local authority within its pre-commencement conditions for construction management. The wording of the condition to be imposed on BPL's planning permission in respect of 239 Horn Lane is as follows:

PRE-COMMENCEMENT CONDITIONS

10. Demolition Method Statement and Construction Management Plan

Prior to commencement of the development, a demolition method statement/ construction management plan shall be submitted to the Council for approval in writing. **Details** shall include control measures for:-

- noise and vibration (according to Approved CoP BS 5228-1 and - 2:2009+A1:2014),
- dust (according to Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition),
- lighting ('Guidance Note 01/20 For The Reduction Of Obtrusive Light' by the Institution of Lighting Professionals),
- delivery locations,
- hours of work and all associated activities audible beyond the site boundary restricted to 0800-1800hrs Mondays to Fridays and 0800 -1300 Saturdays (except no work on public holidays),
- neighbour liaison, notifications to interested parties and
- public display of contact details including accessible phone numbers for persons responsible for the site works for the duration of the works.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the site, in accordance with Policies 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

In my opinion further conditions ought to be imposed on the deemed planning permission relating to highway and transportation matters, such as might reasonably be expected on any construction project in the Borough, these include:

- Site waste management plan (demolition waste from the ramp excavation);
- Ground contamination investigation and remediation strategy (ramp excavation related)
- Construction management / construction logistics;
- Worker Travel Plan; and
- Silent working strategy during night time hours.

These suggestions are without prejudice to my comment above, that since the traffic and transportation impacts of the project are unknown, it is difficult to identify what conditions might be appropriate. Bespoke conditions relating to the proposed development may be required.

5 Summary and Conclusions

- 5.1 I have reviewed all of the documentation available to me in respect of the necessity for the site at 239 Horn to provide a temporary Road-Rail Access Point (RRAP) to enable delivery of the Old Oak Common Station works; and thereafter to provide access to a permanent RRAP in the Triangle Site west of 239 Horn Lane.
- 5.2 Some of the documentation I have reviewed is provided to the Inquiry within the Core Documents; other key information has been obtained from Network Rail via Freedom of Information Requests, and some information has been provided to me by NR and their contractor (Colas) during discussions to agree site sharing arrangements to enable progression of BPL's proposed redevelopment of the 239 Horn Lane site, alongside NRs temporary RRAP access.

- 5.3 I have identified a number of inconsistencies in NR's evidence, particularly between the case stated in the Statement of Case and Statement of Aims and the conclusions reached by NR earlier in the project process, as evidenced by their documentation obtained through Freedom of Information requests.
- 5.4 In particular, I find that some of the highway access and logistics reasons for dismissal of alternative sites do not bear scrutiny, and there are at least four sites that should in my view have been subject to a more detailed assessment (or publication of that assessment if it has been undertaken), prior to commencing a compulsory purchase process.
- 5.5 Secondly, notwithstanding the point that suitable alternative locations may be available, the temporary provision of an access point midway along the Jewson's frontage with the railway is technically challenging in terms of levels and drainage, compromising access to the rear of the Jewson's Yard (for the duration of any temporal overlap between construction & occupation of the proposed development, and the temporary provision of the RRAP).
- 5.6 NR had previously considered locating the temporary RRAP in broadly the same location as the permanent RRAP, accessed via the Triangle Site (where there are broadly no level differences), and it is unclear from the evidence presented a) why this approach was discontinued, and b) why it would not be a better less intrusive solution than the temporary RRAP within the 239 Horn Lane site.