

Objection ref: TWA/21/APP/O1/OBJ/8

Document number: TWA/21/APP/O1/OBJ/8/06/06

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

Appendices to Rebuttal Proof of Evidence

239 Horn Lane, Acton

Adam Rhead

On behalf of Bellaview Properties Limited

3 November 2023

ARHE/U0017558

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Appendix ARR1

Schedule of Information requests made to and responses from Network Rail

Date	Description
<p>26.10.22 (Appendix ARR1b)</p>	<p>Email from Gerald Eve (Adam Rhead) to NR's consultation response email address and to Jonathan Sinclair enclosing Bellaview Property Ltd's (BPL's) response to Network Rail (NR's) 10.10.22 consultation. The response included requests made pursuant to the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).</p> <p>As the document is lengthy, and also covers other matters, the FOIA/EIR requests have been highlighted in yellow. Of particular note is the following request:</p> <p><i>"The consultation document refers as follows "after extensive research in this 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". Network Rail (NR) are asked to disclose all of their "extensive research" aforementioned, including but not limited to notes (digital and manuscript), records of meetings, presentations (including PowerPoint presentations), reports, all optioneering studies, all constructability reports, all assessments of options, and formal decisions. This information should include earlier and later drafts where more than one version exists. It should be specifically explained why other options have been discounted and why this is "the only" suitable site, including why the North Pole Depot, which had been one of NR's options, is now not an option and not considered "suitable". This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004."</i></p>
<p>29.11.22 (Appendix ARR1c)</p>	<p>Letter Jonathan Sinclair to Adam Rhead responding the BPL's consultation response. The letter includes the following:</p> <p><u><i>"Extensive Research"</i></u></p> <p><i>2.1 We note your request under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). NR has passed your request to its freedom of information team (FOI team) to follow due process having regard to NR's obligations as a public authority and its commitment to</i></p>

	<p><i>transparency. However, where such information would prejudice the commercial interests of any person; was provided to NR in confidence; is personal information about other individuals or is intended for publication in the future NR may not be in a position to disclose all information requested.”</i></p>
<p>12.12.22 (Appendix ARR1d)</p>	<p>Letter NR to Adam Rhead responding to FOIA/EIR requests. Advises that NR have located 53 documents plus appendices. However it would take beyond “a reasonable timeframe” to review these, determine relevance, remove personal data and confirm if there are commercial, security or other reasons why these documents should be withheld. 150 hours was suggested. BPL were requested to narrow their request for information.</p> <p>However, a document was provided, and the letter states:</p> <p><i>“We have located a document called Old Oak Common Lineside Logistics Compound Strategy. The document sets out why other locations are either too far away to make working time on site productive, are outside of possession limits, or too steep due to being in a cutting. We believe this document satisfies question one and is labelled 152270-NWR-STR-DEL-000001 P01 Issue 20220720”</i></p>
<p>22.12.22 (Appendix ARR1e)</p>	<p>Letter Norton Rose Fulbright (NRF) to NR. The letter narrowed the information request as follows:</p> <p><i>“In relation to the “extensive research” described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled “Old Oak Common Station Design” on 5 February 20192, which provide the basis for NR’s conclusion that the Site is “the only suitable area” for the Lineside Logistics Compound.”</i> [this is referred to as “question 1” in later correspondence]</p> <p>The letter also refers to the Old Oak Common Lineside Logistics Compound Strategy document (Appendix ARR1f) disclosed on 12 December 2022 and requests copies of documents referred to in the Strategy document, as well as raising further questions arising from that document including:</p>

	<p><i>“6. Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and</i></p> <p><i>7. Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.”</i></p>
<p>25.1.23 (Appendix ARR1g)</p>	<p>Letter NR to NRF. Letter again states that the information requested was too “broad” and it would take too long to find the documents requested. Letter ignores the specific requests for copies of documents referred to in the Old Oak Common Lineside Logistics Compound Strategy document.</p>
<p>31.1.23 (Appendix ARR1h)</p>	<p>Call NRF and NR’s FOIA team. NRF followed up by email the same day confirming what NR had agreed to provide:</p> <p><i>“As agreed, the Network Rail FOI team will provide a response to question 1 as set out in our request letter of 22 December 2022. As such the Network Rail FOI team undertakes to review the central folder as referred to in its response letter dated 25 January 2023, which we understand to be an accessible online resource, in order to locate and provide the documentation described in question 1 of our request.”</i></p>
<p>28.2.23 (Appendix ARR1i)</p>	<p>NR provide a response advising that:</p> <p><i>“...we hold reports relevant to your request, including an option selection report, within the central folder referenced in response to FOI2022/01512. However, it is my view that this information is exempt from disclosure under regulation 12(4)(d) of the EIR (material in the course of completion). I will explain this exception and how it applies in the remainder of this response letter.</i></p> <p><i>Regulation 12(4)(d)</i></p> <p><i>Regulation 12(4)(d) of the EIR can be applied when the request relates to material which is still in the course of completion, unfinished documents or incomplete data. The Information Commissioner’s guidance explains that examples of incomplete or unfinished documents can include the following:</i></p> <p><i>‘Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is</i></p>

not complete. Draft documents are unfinished even if the final version has been produced.’ 2

In the case of your request, while this particular document is finished, it has bearing on a larger piece of work still in progress, specifically our application for a Transport and Works Act Order (TWAO).”



Appendix ARR1b

BELLAVIEW PROPERTIES LIMITED

239 HORN LANE

RESPONSE TO NETWORK RAIL CONSULTATION DOCUMENT DATED 10.10.22

“Old Oak Common Lineside Logistics Compound”

1. Introduction

- 1.1. Bellaview Properties Ltd (**Bellaview**) are the freehold owners of a site known 239 Horn Lane (the **Site**). The Site is registered with freehold title number AGL22605. Bellaview have leased the Site to Saint-Gobain Building Distribution Limited (who trade from the Site as Jewson’s and are hereafter referred to as **Jewson’s**). Their leasehold interest is registered with leasehold title number AGL199709. The Jewson’s lease expires on 9 April 2025.

2. Comments and questions

“extensive research”

- 2.1. The consultation document refers as follows “*after extensive research in this 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*”. Network Rail (**NR**) are asked to disclose all of their “extensive research” aforementioned, including but not limited to notes (digital and manuscript), records of meetings, presentations (including PowerPoint presentations), reports, all optioneering studies, all constructability reports, all assessments of options, and formal decisions. This information should include earlier and later drafts where more than one version exists. It should be specifically explained why other options have been discounted and why this is “the only” suitable site, including why the North Pole Depot, which had been one of NR’s options, is now not an option and not considered “suitable”. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.

Jewson’s relocation

- 2.2. It is noted that NR are proposing to relocate Jewson’s. NR are asked to confirm if that relocation will occur before the expiry of Jewson’s lease? We have assumed so, as we note that “entry onto land” is proposed for Summer 2024. Are NR therefore in negotiation with Jewson’s in relation to the surrender of their lease? Bellaview have not been advised by their tenant of any such intention to surrender their lease. We note that the lease does not contain a right for the tenant to unilaterally surrender their lease. Bellaview acting as a reasonable landlord, would expect to receive a lease surrender premium payment to be negotiated and paid by Jewson’s if a lease surrender is to be agreed.

- 2.3. NR are also asked to advise what date Jewson’s are likely to be vacating the Site (if an earlier exit than their lease expiry date is anticipated e.g. Summer 2024).

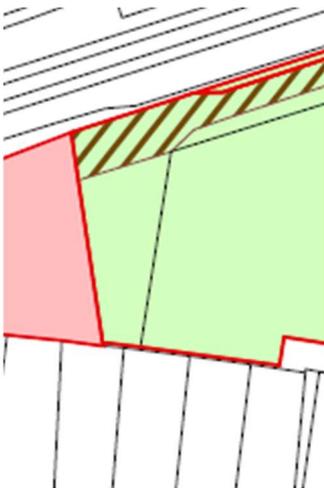
- 2.4. NR are also asked to advise where Jewson’s are to be relocated to, and whether terms have been agreed for a relocation site. If NR have undertaken a site search, assessment or produced and report in relation to the identification of a site to relocate Jewson’s to, then NR are asked to disclose this. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.

“permanently acquire land”

- 2.5. The consultation document refers as follows “we are seeking to permanently acquire land at the rear of Jewson’s for future access needs”. We have reviewed plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 this identifies the following land (approximately outlined in red) as land to be permanently acquired, identified in the key as “permanent road rail access point”:



However, we also note from the plan numbered 0170311/C that the same land is “land to be temporarily acquired”.



We understand from exchanges between NR’s Jonathan Sinclair, and Gerald Eve’s Adam Rhead (acting for Bellaview) that the land is to be temporarily acquired only, and that references to permanent acquisition are in error, and a new plan will be prepared. NR are asked to confirm that this is an error in writing. We request receipt of a copy of the revised plan as soon as it is available.

- 2.6. Given the above, it is not clear to us that NR are “seeking to permanently acquire land at the rear of Jewson’s for future access needs”. We cannot trace from the plans provided that there

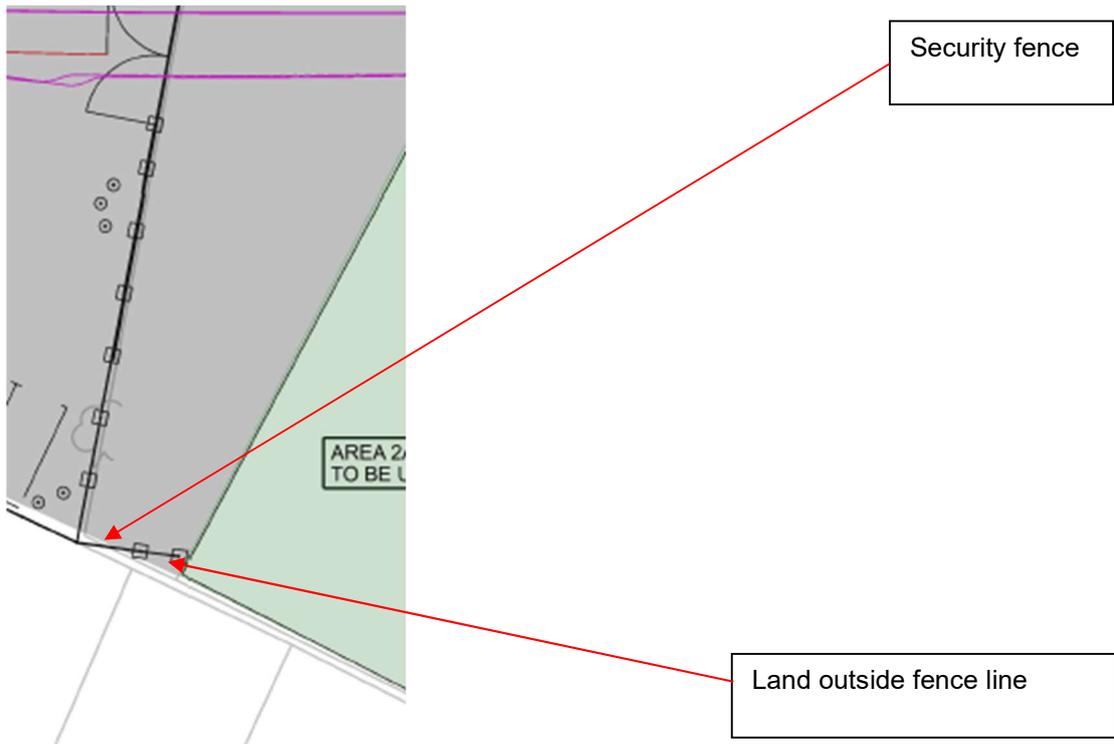
are proposals for any permanent land take, and request NR to provide confirmation that our understanding is correct.

"future access needs"

- 2.7. We note from the plan numbered 0170311/C that NR are proposing a permanent easement from Horn Lane to "Area 1", the permanent RRAP location, through the Site. Bellaview may be prepared to grant NR an easement from Horn Lane across the Site, and along the rear boundary of the Site to allow access to the permanent RRAP, although this would need to be the subject of commercial negotiation.
- 2.8. NR are asked to confirm specifically what their "future access needs" are. In this regard, NR should provide the following information:
 - 2.8.1. Width of the easement strip (or the width at different points on the route)
 - 2.8.2. Length of the easement strip
 - 2.8.3. Surfacing of the easement strip
 - 2.8.4. What weight of vehicle will the easement strip be required to take?
 - 2.8.5. What width and length of vehicles will the easement strip take?
 - 2.8.6. What airspace will be required over the easement strip (e.g. dictated by height of vehicles or plant)?
 - 2.8.7. Does NR require any parking on the easement strip?
 - 2.8.8. Will NR require the easement strip to be lit? If not, would NR object to it being lit?
 - 2.8.9. Will there be any services within the easement strip required by NR? If not, we assume that NR would object to Bellaview placing services within the easement strip?
 - 2.8.10. There are title restrictions at 2.75m and 3m from the rear boundary of the Site, in the location of the easement strip that would be incompatible with NR's proposed use of the easement strip; how does NR propose that these are dealt with?
 - 2.8.11. It is noted that the route of the permanent easement is different from the red or magenta tracking shown on plan 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1, NR are to confirm what vehicles will be used in the post construction stage, and whether these will be able to use the easement strip provided, without straying outside its bounds. Tracking should be provided for the post construction stage.
 - 2.8.12. Post construction of HS2 it is stated that NR will use the "permanent access" for "regular and reactive maintenance", and for "maintenance requirements and domestic infrastructure renewal works". NR to advise how often in practice regular maintenance access will be required? Does NR agree that regular maintenance can be time restricted to ensure that there is no undue disruption to neighbouring residents from routine maintenance trips.
- 2.9. In relation to the easement strip, the following questions also arise, that NR is asked to answer:
 - 2.9.1. The easement strip gets progressively wider towards the western end adjacent to the permanent RRAP, why is that? NR to provide an answer with reasons.
 - 2.9.2. The plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 shows articulated vehicles reversing into the Site from Horn Lane, does the permanent easement also assume vehicles reversing from Horn Lane to the permanent RRAP?
 - 2.9.3. We note that the easement strip is narrower than the route provided for all vehicles accessing the site on the plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1. We therefore assume that no articulated vehicles need to use the easement, and therefore manoeuvre outside of it. NR to confirm.
 - 2.9.4. Please provide the vehicle tracking for the easement strip.

"Temporary lineside logistics compound"

- 2.10. NR have provided a plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1, which shows the temporary lineside logistics compound (coloured grey). NR are asked to provide a key, or to explain what all the features and facilities are that are shown on the plan as being within the compound.
- 2.11. It appears to us that NR may be proposing a fence/boundary feature partially on the Site, where the fence cuts back in at a 90 degree angle, leaving a small part of the Site outside of the land to be controlled by NR:



- 2.12. NR are asked to confirm :
- 2.12.1. if the “cut back” fence is a temporary or permanent feature?
 - 2.12.2. why it is necessary for the fence to cut back in, in the manner proposed, and leave a part of the Site outside the fence?
 - 2.12.3. why NR cannot simply have a fence on the boundary of the Site and the permanent RRAP to separate the landownerships, and why such a fence would be inadequate for NR’s needs?
 - 2.12.4. whether the fence shown is for the construction works phase, or post construction phase, or both? If it only shows one phase, then NR is asked to provide a plan that shows the fence for the other phase.
 - 2.12.5. NR are asked to confirm that in the post construction phase, that any fence between the Site and the permanent RRAP will only be sited on NR’s land.
- 2.13. NR are asked to specifically justify a requirement for all of the “current warehouse building”. It is unclear, for example, why NR cannot lease “office space” in the locality, or provide this on existing NR sites, and why such “office space” must be on the same site as “storage” and “welfare”. NR will also need to justify a requirement for “welfare” on the Site, and again why

this cannot be leased in the locality, or provided on existing NR sites, and why it needs to be in the same building as “storage” and “office space”.

- 2.14. NR are asked to justify a requirement for 12 car parking spaces on the Site.
- 2.15. NR are asked to justify a requirement for 3522 sq m of “outdoor storage and parking”. It is unclear what will be stored and where. There would appear to be limited space available once NR have used the majority of area 2C for vehicular movements.
- 2.16. NR is asked to advise what vehicles they have used for their tracking, and whether this is the largest vehicle they anticipate using, i.e. there are no ALLs.
- 2.17. NR are asked to advise the trip generation that they are anticipating of the vehicles that will need to make reversing manoeuvres within the Site in the construction phase.
- 2.18. The plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 is entitled “General Arrangement Option 1”, and shows pages “1 of 2”. NR is asked to provide copies of plans that show all other options, and all pages. NR is asked to confirm whether “Option 1” is the final option, or if other options are still being considered.
- 2.19. On the plan entitled “Land Requirements Plan”, numbered 0170311/C, NR are asked to advise what the numbers 1, 2, 3 and 4 denote.
- 2.20. NR are asked to advise if they have consulted on plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 with the local planning authority and highway authority for Horn Lane, and if so, NR are asked provide any feedback provided by these authorities. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.
- 2.21. Has NR considered issues with an articulated lorry reversing from Horn Lane (red tracking), including bus delays and safety implications for pedestrians and vehicles? If so, what were NR’s conclusions? The articulated lorry (red tracking) appears to straddle both lanes of the carrieway when making this manoeuvre.
- 2.22. There appears to be sufficient space to turn a vehicle within the temporary areas that NR are showing on plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1, which would therefore suggest that NR should ensure that adequate manoeuvring space is available within the site boundary to remove the need for any reversing manoeuvres on the highway. NR are asked to provide further tracking information to demonstrate why vehicles cannot enter and exit the Site in a forward gear.
- 2.23. Where reversing with the Site, or on the highway is unavoidable, NR are asked to confirm what measures they will put in place to mitigate or reduce risk to other Site users and highway users.
- 2.24. It is noted that a long reverse is proposed within the Site along the northern boundary (magenta tracking) to access the permanent RRAP. What measures will NR put in place to mitigate or reduce risk to other Site users, and damage to buildings?
- 2.25. NR are asked to advise the number of vehicles trips in total, and per vehicle type, that they would expect during the construction phase.
- 2.26. Given the proximity of residential properties, NR are asked to advise what their proposals are for minimising and mitigating noisy working, in particular during night time hours, and in particular the noise of reversing alarms. It is suggested that noisy working (including reversing alarms) are only allowed during the following time periods:
 - Monday - Friday, 8 am – 6 pm

- Saturday, 8 am -1 pm
- No noisy works on Sundays or Bank Holidays

Does NR agree?

- 2.27. NR are asked to confirm their timings for the use of articulated vehicles. If these are to be used only occasionally during a 24 hour period, then it is suggested that such trips are scheduled to arrive and depart at quieter times. Does NR agree?
- 2.28. NR are asked to confirm when they require the “temporary lineside logistics compound” to be operational, and how this dovetails with the relocation of Jewson’s and the projected timing for that relocation? Is this Summer 2024 or a different season?
- 2.29. It is noted that NR require the compound for a period of “approximately 8 years”. However, the timeline within the consultation document identifies “entry onto land” in Summer 2024 and “temporary compound handed back” in 2030. At the most this is 6 years to 6.5 years. NR are therefore asked to explain this discrepancy, and why it is seeking temporary planning permission in the TWAO for 8 years. Any temporary planning permission sought must expire on the re-occupation of the Site by a builders’ merchants, with the Site reverting to its current lawful use on that date.
- 2.30. Reference is made in the consultation document to installing a “road-rail vehicle access point”. On plan 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 it is noted that this is to be created in Bellaview’s rear boundary with the adjoining railway.
- 2.31. NR will be aware that in a 1984 conveyance Bellaview’s predecessor in title released the British Railways Board (now presumably NR) from all obligations “*as to fencing in relation to the property hereby conveyed (including fencing bounding the railway) and undertakes to indemnify the Board from their liability (if any) in respect of such fencing.*” If NR are intending to breach the rear boundary and remove existing boundary treatment in whole or in part temporarily or permanently (which appears to be the case), then Bellaview will expect NR to provide an obligation relating to providing boundary replacement treatment post construction, and to indemnify Bellaview in respect of the same, and the variation of the existing covenant, specifically in respect of Bellaview’s indemnity in relation to any boundary treatment removed and replaced.
- 2.32. The consultation document states that the “*current warehouse building will be retained*”, but there is no reference to any of the other structures / surfacings / utilities on Site, and what the proposals are in relation to any of these. NR is asked to set out its proposals in relation to existing Site infrastructure and services.
- 2.33. NR is asked to show on a plan where the “*material laydown areas*” will be located.
- 2.34. The consultation document states that portable tower lighting will be provided, which it is assumed, will be a temporary and not a permanent erection. NR is asked to confirm this. There is also reference to allowing “*machinery to get on and off the track safely*” which will presumably require some sort of surfacing, as will the “*materials laydown areas*”. NR is asked to confirm, and all other temporary / permanent works proposed.
- 2.35. NR previously provided a copy of a few pages of a report entitled “Site layout-4L016725 (002) construction methodology report extract”. In that document Figure 19 was shown as follows; the words “Jewson’s warehouse” have been highlighted in green:

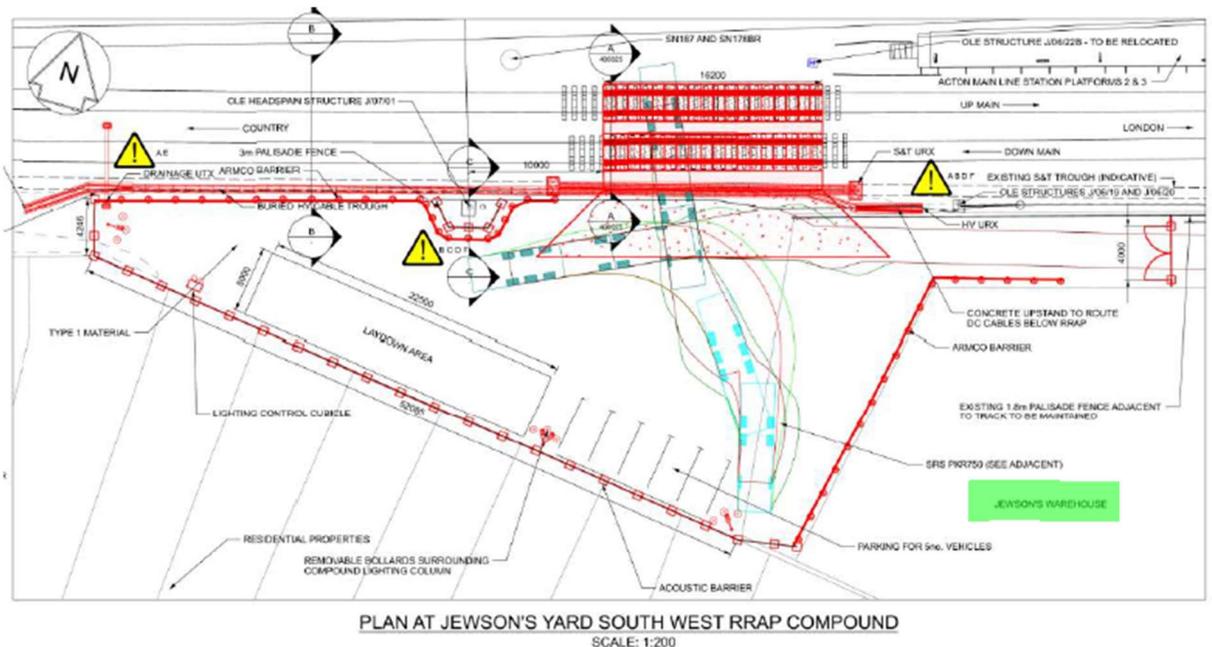


Figure 19: Temporary Stage of Jewson Acton SW RRAP

- 2.36. It is assumed that the “temporary stage of Jewson Acton SW RRAP” is what NR are now terming the “temporary lineside logistics compound” please confirm. Figure 19 does not show that the use of the “current warehouse building” is required, but only the part of the Site to the immediate west of the warehouse. NR is asked to provide justification as to why the compound now proposed differs so significantly from Figure 19 i.e. why the current warehouse building was not previously required, and is now required.
- 2.37. It is also noted that the vehicle tracking on Figure 19 is different to that shown on plan 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1, and NR is asked to explain the change.
- “permanent road rail vehicle access”
- 2.38. The consultation document states that the “*access point and associated access route will be operational 24 hours a day*”. NR are asked to provide a plan that shows the access point and access route, any permanent works or infrastructure proposed (e.g. lighting, and any permanent boundary features proposed).
- 2.39. Figure 20 of the report extract provided by NR and entitled “Site layout-4L016725 (002) construction methodology report extract” shows as follows; the words “Jewson’s warehouse” have been highlighted in green:

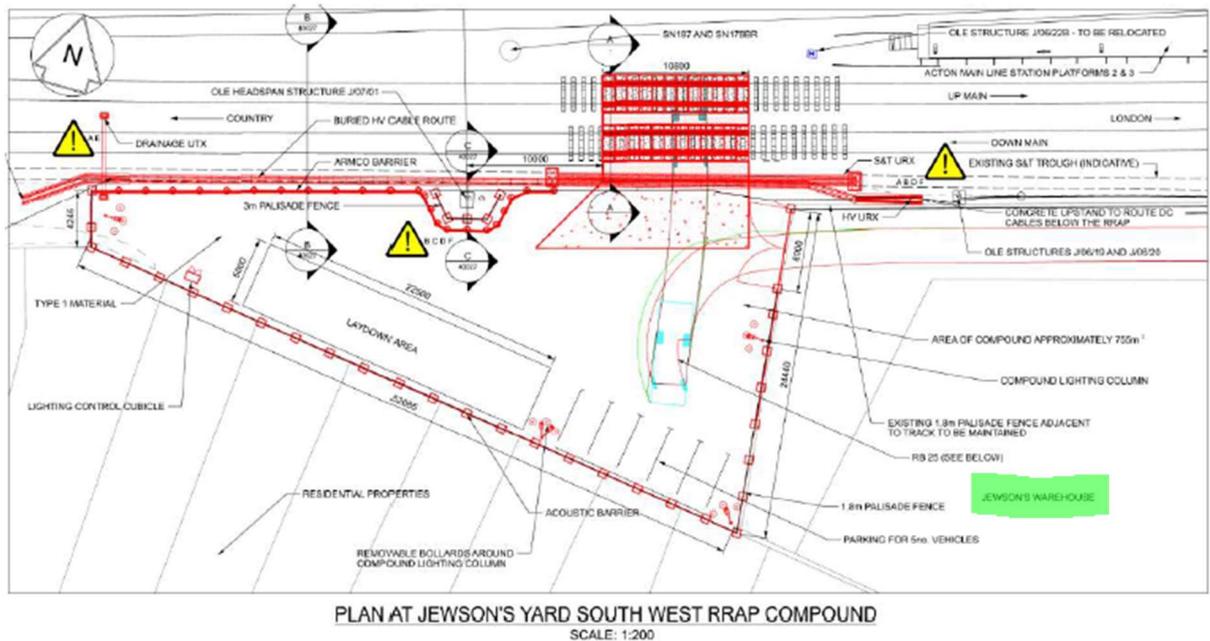


Figure 20: Permanent Stage of Jewson Acton SW RRAP

- 2.40. It is assumed that the “permanent stage of Jewson Acton SW RRAP” is what NR are now terming the “permanent road rail vehicle access” please confirm. Figure 20 does not show that use of any part of the Site is required. It is noted the fence that “cuts back in” is absent from Figure 20. It is also noted that there appears no reason from Figure 20 why the easement strip would need to be wider at the western end. NR are asked to explain these discrepancies.

“Construction”

- 2.41. The consultation document advises that “*vegetation clearance, surveys, lighting and fencing installation*” is required. Details of each of these are required by Bellaview, including the types of surveys, whether intrusive, and the proposed dates. Details of lighting lux levels, heights of light columns and any baffles or shields are required. In relation to fencing, the type, height, location, and materials are required, and an indication as to whether it will be located on NR’s land or land within Bellaview’s title. Details are also required relating to the “*concrete apron*” (size, location) and whether this will be located on land within Bellaview’s title. The location of all such works should be shown clearly marked on a plan.
- 2.42. Details of any security measures are required relating to both the temporary compound and permanent access. This includes e.g. proposals for CCTV, gates and locks, anti-climb fencing, and security personnel.

“Environment”

- 2.43. Bellaview will require an advance copy of the formal screening request before it is submitted to the Secretary of State. The socio-economic impacts of NR’s proposal are unlikely to be clearly understood by NR, and it is important that this is factored into NR’s assessments. Builder Depot, a company affiliated with Bellaview (and owned by members of the same family) are likely to require the Site on a temporary basis, and may require it on a permanent basis. One of Builder Depot’s stores has planning permission for a redevelopment, and Bellaview has identified the Site as the location to temporarily relocate the business to whilst the new store is being constructed. Separately, that same store is under threat of compulsory purchase, and the Site has been identified as the only suitable site to relocate the Builder Depot business to in the event of compulsory acquisition. Without the ability to relocate to the Site, the Builder

Depot store faces closure, the extinguishment of its business, and the redundancy of its staff (unless an alternative relocation site can be found). It is therefore important that this socio-economic impact is taken into account. Bellaview will consider NR responsible for the full extinguishment value of the Builder Depot store in the event that a relocation site cannot be found. Builder Depot have been unable to find an alternative site despite a thorough site search, and retained agents who provide weekly updates on opportunities. NR should therefore factor in the need to find a relocation site for Builder Depot, as well as Jewson's, on a temporary or permanent basis, unless an agreement can be reached with NR to share occupation of the Site to ensure that Builder Depot can continue trading.

"Consent for the Project"

- 2.44. The consultation document indicates that the TWAO submission will be in "Winter 2023". NR are requested to be more specific in terms of time frame. In which month is the submission anticipated, November or December 2022, or January or February 2023? Or some other month?
- 2.45. It is noted that NR will only be seeking the "acquisition of land" in the TWAO, no reference is made to the acquisition of permanent new rights, or the suppression of existing rights, or seeking powers for the temporary use of land. NR is asked to explain its position in relation to each of these four categories as these relate to the Site, and show the same on a plan. The easement sought is presumably a permanent right.
- 2.46. NR is asked to confirm what powers it will seek over the Site in the TWAO, and specifically whether it will seek powers, and if so what, to remove any buildings and vegetation, undertake surveys, construct temporary works (including lighting and fencing), the provision of a means of access and any buildings, construct any permanent works, or undertake any permanent mitigation works.
- 2.47. To the extent that NR will seek the temporary possession of land, and specifically the Site, NR is asked to confirm what notice period it will seek to be included in the TWAO for the entering upon and taking of temporary possession of the Site.
- 2.48. To the extent that NR will seek the temporary possession of land, and specifically the Site, NR is asked to confirm the period of time (to be referred to in the TWAO), after which it may not remain in possession of the Site, e.g. the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken.
- 2.49. To the extent that NR will seek the temporary possession of land, and specifically the Site, NR is asked to confirm that it will refer in the TWAO to the removal of all temporary works and the restoration of the land to the reasonable satisfaction of Bellaview.
- 2.50. NR are asked to confirm that after the expiry of the temporary permission for a "*railway construction and logistics compound*" that it will ensure that the TWAO confirms that the lawful use of the Site will be for a builders' merchants on the terms that currently exist.
- 2.51. NR are asked to confirm what permitted development right(s) they are relying on in relation to the "*smaller, permanent access*" and to disclose any report that confirms how they have come to the conclusion that the works are permitted development. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.
- 2.52. NR is asked to confirm if it is seeking the compulsory acquisition of the Jewson's leasehold interest as part of its TWAO.
- 2.53. The consultation document indicates that "Summer 2024" is the date that "entry onto land and associated changes" are required. NR to confirm whether it is this date or earlier or later that it anticipates relocating Jewson's.

- 2.54. The consultation document indicates that the “temporary compound” is “handed back” in 2030. A documented handback procedure and condition report will be required noting any changes from a condition report commissioned before NR take possession of any part of the Site.
- 2.55. Bellaview suggest that it would be convenient to go through the issues raised in this consultation response in a meeting with NR, as well as a follow up meeting once the consultation closes in case NR’s position on any matter has changed as a consequence of other representations it has received. NR is asked to provide dates within the next 2 weeks when its representatives could attend a meeting.

Norton Rose Fulbright LLP

26 October 2022

Appendix ARR1c



Bellaview Properties Ltd

By email

Our reference: RESPB01

29 November 2022

Dear Adam,

I am writing to you in response to your clients, Bellaview Properties Ltd, response to Network Rail's public consultation 'Old Oak Common Lineside Logistics Compound' dated 26 October 2022. For ease, I will respond to your clients comments in the order in which they were made.

2. Comments and Questions

"Extensive Research"

2.1 We note your request under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). NR has passed your request to its freedom of information team (FOI team) to follow due process having regard to NR's obligations as a public authority and its commitment to transparency. However, where such information would prejudice the commercial interests of any person; was provided to NR in confidence; is personal information about other individuals or is intended for publication in the future NR may not be in a position to disclose all information requested.

"Jewson Relocation"

2.2 Network Rail anticipate that access would be required from September 2024 and confirm that no terms have been agreed with Jewson.

2.3 The date that Jewson will be required to vacate the site will be informed by negotiations between Network Rail and Jewson/Saint Gobain.

2.4 Network Rail has passed your request to its FOI team – see response to 2.1 above. However, as stated above in 2.2, no terms have been agreed with Jewson to date.

"permanently acquire land"

2.5 The understanding is correct. Land is sought to be acquired for a temporary period of time together with a permanent easement for access to the compound to the rear. A copy of the revised plan is attached.

2.6 NR is seeking a permanent easement over Bellaview's land, to allow for future access needs to the land at the rear of Jewson. The revised plan is attached.

If you have any questions, there are several ways to contact us, by calling our dedicated 24-hour National Helpline on 03457 11 41 41, visiting www.networkrail.co.uk/contactus



“future access needs”

- 2.7 NR notes at the meeting on 2 November 2022 the indication that Bellaview are prepared to negotiate the grant of an easement. We are content to supply a draft of NR’s standard form of easement if that would be helpful.
- 2.8 “NR are asked to confirm specifically what their *“future access needs”* are”. We advise as follows:
- 2.8.1 Width of the easement strip required is approximately 5 metres
 - 2.8.2 Length of the easement strip required is approximately 160 metres
 - 2.8.3 NR will be using the existing surfacing of tarmac/concrete
 - 2.8.4 The easement strip will be required to take a weight up to a Maximum of 50 Tonnes, which includes low loader & Road Rail Vehicle on the back.
 - 2.8.5 The easement strip will need to allow for vehicles 17 metres in length and 4 metres wide
 - 2.8.6 NR anticipate maximum airspace of 4 metres, which includes low loader & RRV on the back will be required over the easement
 - 2.8.7 No parking is required within or over the easement as the parking provision for the permanent compound to the rear of Jewson will be within the compound. Notwithstanding, vehicles may need to park on the easement in an emergency. During temporary occupation of the site, parking provision will be needed towards the front of the warehouse.
 - 2.8.8 NR does not require the easement strip to be lit. Subject to agreement of the details and subject always to safeguarding the ability of NR to comply with its overriding duty to keep safe the public and the railway, NR has no objection in principle to the easement strip being lit.
 - 2.8.9 NR do not anticipate any services within the easement at present. Subject to agreement of the details and subject always to safeguarding the ability of NR to comply with its overriding duty to keep safe the public and the railway and preserving access at all times NR has no objection in principle, provided the placing of services did not present any restrictions on vehicle loads and weights.
 - 2.8.10 The title restrictions are a standard requirement when railway land is sold to protect future access and maintenance, any new development will require planning consultation with NR as part of this title restriction. The proposed temporary occupation and required easement for this site will not contradict these restrictions as there are no plans for construction at site.
 - 2.8.11 NR confirm vehicles to be used in the post construction stage include ‘low loaders’ with road rail vehicles on the back, which are a maximum weight of 50t, maximum length of 70m and max width of 4m. In addition, vehicles such as cars, vans and pick-up trucks will use the access. These should not breach a 5m wide easement strip.
 - 2.8.12 Post construction of HS2, NR projects would assume that Jewson would be an interim access between high and low mileage of existing access points and therefore would be used for patrolling and low key maintenance 2 weeks out of 4 with required access of lands and personnel. Access to this site may increase where necessary infrastructure enhancements and renewals may take place. NR requires unrestricted access at all times.



2.9 "In relation to the easement strip, the following questions also arise, that NR is asked to answer:"

- 2.9.1 NR anticipates that a consistent width of 5m will be sufficient
- 2.9.2 At present, reversing in, or reversing out of the site is assumed
- 2.9.3 NR are content with a consistent easement strip of a 5m width, which will allow for sufficient vehicle space
- 2.9.4 The vehicle tracking for the easement strip is included in updated drawing 176215-SRS-P2R-MLN1-DRG-ECV-601001 P01.6 attached.

"Temporary lineside logistics compound"

2.10 "NR have provided a plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1, which shows the temporary lineside logistics compound (coloured grey). NR are asked to provide a key, or to explain what all the features and facilities are that are shown on the plan as being within the compound." Updated drawing 176215-SRS-P2R-MLN1-DRG-ECV-601001 P01.6 is attached.

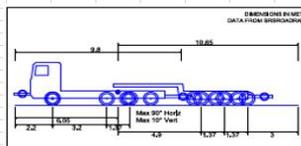
2.11 – 2.12 In the previous plan 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1, it depicted a boundary fence cutting back at a 90 degree angle. Attached is NR's updated drawing, 176215-SRS-P2R-MLN1-DRG-ECV-601001 P01.6 which should clear up this matter.

2.13 NR is proposing the existing Jewson Warehouse will be used as a stores and fabrication area, where material will be delivered and built ready for being used on site at the installation location. An office is key for a stores manager, managing goods in & out and designs for fabrication. NR will seek to use existing utilities and welfare facilities within the building to reduce the requirement for mobile welfare units required to be delivered, powered by generators, water deliveries & effluent collections which increase road use of vehicles, which helps to mitigate additional disturbance to our neighbours.

2.14 12 parking spaces are proposed to include the provision for 8 staff and operations individuals, security, stores manager, forklift operator and site supervisor. Where requirements staff increase, shuttlebus will be provided.

2.15 Parking is proposed to the front of the warehouse, as is customer parking today. Likewise, material storage will be away from the parking area, utilising racking, shelving and locations away from vehicle movements. A banks person will be on site to manage vehicle movements.

2.16 Commercial vehicles have been used for tracking, which are maximum width 2.75 metres, maximum height 4 metres, maximum length 17 metres, maximum weight 50 tonnes. For examples see pictures below:

Plant	RRV	Telehandler																
																		
<p>Low loader</p> <p>Machines deliveries to be done on days by default, some deliveries will need to be at night-time but will be kept to a minimum.</p> <p>SPSA to meet-and-greet all deliveries and ensure drivers are briefed on site working requirements</p> <p>Banksmen / Traffic Marshall to be deployed and set up to maintain an 'Exclusion Zone' during off/on loading, delivery activities of all DTP movements</p> <p>Low audible reversing sounds, which are turned off for night working</p> <p>Trailers have reversing cameras for safe movement about the yard</p> <p>Engines are switched off where possible to minimise noise</p>		<p>Telehandler</p> <p>Used for loading/unloading and moving materials around compound</p> <p>We have previously also used electric telehandlers and would explore this possibility again where viable for undertaking scope of works</p>																
 <table border="1" data-bbox="193 918 494 1023"> <thead> <tr> <th colspan="2">SRS PKR750 Corrected</th> </tr> </thead> <tbody> <tr> <td>Overall Length</td> <td>16.690m</td> </tr> <tr> <td>Overall Width</td> <td>2.550m</td> </tr> <tr> <td>Overall Body Height</td> <td>2.970m</td> </tr> <tr> <td>Min Body Ground Clearance</td> <td>0.427m</td> </tr> <tr> <td>Max Track Width</td> <td>2.550m</td> </tr> <tr> <td>Lock to lock time</td> <td>4.00s</td> </tr> <tr> <td>Wall to Wall Turning Radius</td> <td>10.850m</td> </tr> </tbody> </table>	SRS PKR750 Corrected		Overall Length	16.690m	Overall Width	2.550m	Overall Body Height	2.970m	Min Body Ground Clearance	0.427m	Max Track Width	2.550m	Lock to lock time	4.00s	Wall to Wall Turning Radius	10.850m		
SRS PKR750 Corrected																		
Overall Length	16.690m																	
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Min Body Ground Clearance	0.427m																	
Max Track Width	2.550m																	
Lock to lock time	4.00s																	
Wall to Wall Turning Radius	10.850m																	

2.17 NR are undertaking a traffic assessment, which will accompany the Order application.

2.18 The plan you received numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 is entitled "General Arrangement Option 1", and shows pages "1 of 2". Attached is the full updated plan (176215-SRS-P2R-MLN1-DRG-ECV-601001 P01.6.) including 'Option 2', which was put in place to demonstrate that NR are flexible on the specific routing of the permanent easement, so long as it is suitable.

2.19 On the plan entitled "Land Requirements Plan", numbered 0170311/C, the numbers refer to the following on the key in the top left hand corner: 1) Land to be permanently acquired, 2) Land to be temporarily acquired, 3) Permanent easement, and 4) indicated the limit of the land (in red).

2.20 NR have consulted with the London Borough of Ealing on plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1. See 2.1 above regarding Freedom of Information request.

2.21 NR is undertaking a traffic assessment, which will be submitted with the Order. This will provide NR with more information on the implications of reversing out of or into Horn Lane.

2.22 There is sufficient turning circle for use during the temporary access period. After occupation, reverse in/out needed. NR are happy to work to a mutually beneficial solution with Bellaview, which negates this requirement.

2.23 Where reversing onto and off of Horn Lane, NR commonly deploys banksperson to direct vehicle movement on or around site to reduce the risks of any potential accidents and incidents.

If you have any questions, there are several ways to contact us, by calling our dedicated 24-hour National Helpline on 03457 11 41 41, visiting www.networkrail.co.uk/contactus



- 2.24 NR require unrestricted access, including for HGV's and deliveries.
- 2.25 Full detail on vehicle trips will be included within the traffic assessment, which will accompany the Order application. There will be approximately 10-12 commercial vehicles utilising the site at each shift, plus the need for articulated vehicles for deliveries.
- 2.26 NR cannot agree to working time restrictions set out in your letter and require unrestricted access and working hours due to the nature of the works. NR must undertake work when it is safe to do so, which often means weekends and overnight when less trains are running. NR understands it's impact within the community, being a considerate contractor and mitigation measures will be in place; such as using white noise reversing alarms on machines where possible, no idling of vehicles and daily briefings for site staff.
- 2.27 Timing of articulated vehicles is covered as above in 2.26.
- 2.28 See 2.3, 2.4 above. NR would anticipate that the temporary compound will operational autumn/winter 2024 subject to the consenting process and terms being agreed.
- 2.29 The Order allows NR to stay in possession for the period of works and maximum one year following completion of the works. This is in accordance with model clauses. To be absolutely clear, NR intend to occupy the site September 2024 through March 2030, which include the period of works and mobilisation. The decommissioning period of 12 months finishes March 2031. Therefore, a period of 6 years and 6 months in total is anticipated.
- 2.30 Reference is made in the consultation document to installing a "road-rail vehicle access point". The temporary Road Rail Vehicle Access Point will be between Bellaview land and the railway. This will be removed at the end of the temporary acquisition.
- 2.31 NR will be aware that in a 1984 conveyance Bellaview's predecessor in title released the British Railways Board (now presumably NR) from all obligations "as to fencing in relation to the property hereby conveyed (including fencing bounding the railway) and undertakes to indemnify the Board from their liability (if any) in respect of such fencing." If NR are intending to breach the rear boundary and remove existing boundary treatment in whole or in part temporarily or permanently (which appears to be the case), then Bellaview will expect NR to provide an obligation relating to providing boundary replacement treatment post construction, and to indemnify Bellaview in respect of the same, and the variation of the existing covenant, specifically in respect of Bellaview's indemnity in relation to any boundary treatment removed and replaced. Response to follow.
- 2.32 NR's response in section 2.13 above, sets out the intentions at the site.
- 2.33 NR has attached a plan, titled "Material Laydown Areas" which show the material laydown areas.
- 2.34 Mobile Tower Lights will be used and be either Solar, Gas or Battery Charged, with a consideration to light pollution. In the temporary location, the existing ground is adequate for NR's requirements. Ground levels from existing to the railway are different - some excavation & concrete ramp installation will be required. Temporary fencing will be used to



segregate materials along with plant areas & pedestrian walking routes. It is expected that similar requirements will be required within the permanent area.

2.35 – 2.37 The plan within “Site layout-4L016725 (002) construction methodology report extract”, figure 19 has been superseded. A new plan is attached to this response.

“permanent road rail vehicle access”

2.36 See response to 2.6 above, regarding access point plan and infrastructure.

2.37 – 2.40 The plan has been superseded and is attached.

“Construction”

2.39 & 2.42 NR are required to undertake site surveys at Bellaview land in order to inform design proposals. NR would like to come to an access agreement with Bellaview to undertake surveys on the land and will be able to provide survey details. Once surveys are done, NR will be able to undertake an assessment and the results of the survey will help inform design. NR are happy to share the designs, once available, which will include more detail on fencing, concrete apron, gates and security etc. Please inform Jonathan Sinclair on what Bellaview require for a survey access agreement.

“Environment”

2.41 *“Bellaview will require an advance copy of the formal screening request before it is submitted to the Secretary of State. The socio-economic impacts of NR’s proposal are unlikely to be clearly understood by NR” Please explain what is meant by this and set out the socio-economic impacts you consider NR is unlikely to understand. “And it is important that this is factored into NR’s assessments. Builder Depot, a company affiliated with Bellaview (and owned by members of the same family) are likely to require the Site on a temporary basis, and may require it on a permanent basis. One of Builder Depot’s stores has planning permission for a redevelopment, and Bellaview has identified the Site as the location to temporarily relocate the business to whilst the new store is being constructed. Separately, that same store is under threat of compulsory purchase, and the Site has been identified as the only suitable site to relocate the Builder Depot business to in the event of compulsory acquisition. Without the ability to relocate to the Site, the Builder Depot store faces closure, the extinguishment of its business, and the redundancy of its staff (unless an alternative relocation site can be found). It is therefore important that this socio-economic impact is taken into account. Bellaview will consider NR responsible for the full extinguishment value of the Builder Depot store in the event that a relocation site cannot be found. Builder Depot have been unable to find an alternative site despite a thorough site search, and retained agents who provide weekly updates on opportunities. NR should therefore factor in the need to find a relocation site for Builder Depot, as well as Jewson’s, on a temporary or permanent basis, unless an agreement can be reached with NR to share occupation of the Site to ensure that Builder Depot can continue trading.” Please supply full details including details of the planning permission, relocation site, site selection report and CPO referred to above.*

“Consent for the Project”



- 2.42 NR aim to submit the TWAO application in March 2023 according to the current programme.
- 2.43 NR's position should now be clear; Temporary powers for use of the land; planning permission for change of use and permanent easement over the land.
- 2.44 The powers sought should now be clear given previous responses.
- 2.45 The notice period that NR is to include within the TWAO is no less than 28 days to Owner and Occupier.
- 2.46 NR expect at least a 12-month period for demobilisation once associated works are complete.
- 2.47 NR confirms that it will refer in the TWAO to the removal of all temporary works and the restoration of the land to the reasonable satisfaction of Bellaview.
- 2.48 It would be NR's intention to revert the Site back to its current use, however, NR is not in a position to confirm the lawful use of the Site or the terms under which it currently exists. Please confirm the existing lawful use, supply the planning and other consents pursuant to which it is operated and provide confirmation that it has been operated in accordance with all relevant consents.
- 2.49 See response to 2.1
- 2.50 NR confirm it is seeking the compulsory acquisition of the Jewson's leasehold interest as part of its TWAO.
- 2.51 NR has set out its intention on site access dates within this response.
- 2.52 A documented handback procedure and condition report will be required noting any changes from a condition report commissioned before NR take possession of any part of the Site
- 2.53 A joint meeting was held on 2 November 2022 and a further meeting is scheduled for 7 December 2022.

I hope that this response helps to answer your queries and we look forward to continuing to engage with Bellaview on this matter.

I look forward to hearing from you further.

Kind regards

Jonathan Sinclair

Senior Surveyor

OFFICIAL



If you have any questions, there are several ways to contact us, by calling our dedicated 24-hour National Helpline on 03457 11 41 41, visiting www.networkrail.co.uk/contactus

Appendix ARRd



Adam Rhead
By email: arhead@geraldev.com

Network Rail
Freedom of Information
The Quadrant
Elder Gate
Milton Keynes
MK9 1EN

E FOI@networkrail.co.uk

12 December 2022

Dear Adam

Information request
Reference number: FOI2022/01332

Thank you for your letter of 26 October 2022, in which you requested the following information:

- 1. The consultation document refers as follows “after extensive research in this 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”. Network Rail (NR) are asked to disclose all of their “extensive research” aforementioned, including but not limited to notes (digital and manuscript), records of meetings, presentations (including PowerPoint presentations), reports, all optioneering studies, all constructability reports, all assessments of options, and formal decisions. This information should include earlier and later drafts where more than one version exists. It should be specifically explained why other options have been discounted and why this is “the only” suitable site, including why the North Pole Depot, which had been one of NR’s options, is now not an option and not considered “suitable”. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.*
- 2. NR are also asked to advise where Jewson’s are to be relocated to, and whether terms have been agreed for a relocation site. If NR have undertaken a site search, assessment or produced and report in relation to the identification of a site to relocate Jewson’s to, then NR are asked to disclose this. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.*
- 3. NR are asked to advise if they have consulted on plan numbered 176215-SRS-P2R-MLN1-DRG-ECV-601001 Rev P01.1 with the local planning authority and highway authority for Horn Lane, and if so, NR are asked provide any feedback provided by*

these authorities. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.

4. *NR are asked to confirm what permitted development right(s) they are relying on in relation to the “smaller, permanent access” and to disclose any report that confirms how they have come to the conclusion that the works are permitted development. This request should be taken as a request for information pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004.*

I have processed your request under the terms of the Environmental Information Regulations 2004 (EIR).¹

In the course of working on your request it has become clear that for question one, locating, retrieving and reviewing all the information we hold would create a disproportionate burden on our resources. This means that we need to refuse this request under regulation 12(4)(b) of the EIR, which applies to requests which would take too much time for us to reasonably deal with under the Regulations.

I will explain the legislation and my reasons for reaching this conclusion below. I will also provide some advice and assistance for you as to how you could look to make your request more manageable (see ‘Next steps – refining your request’).

Regulation 12(4)(b) of the EIR

A request can be refused as ‘manifestly unreasonable’ under the EIR due to the burden it places on a public authority’s resources in terms of either time or money. When working out what constitutes an unreasonable or disproportionate burden, we draw guidance from Section 12 of the Freedom of Information Act 2000, which allows a public authority to refuse a request if the cost of providing the information exceeds the ‘appropriate limit’.²

In the case of your request, you have asked us to disclose all of the information we hold which demonstrates why the area Jewson’s Ltd is currently located on is the only suitable area for the logistics compound. It is a very broad request as it asks for *any* written documentation related to determining the location of the compound.

¹ Section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA and requires us to consider it under the EIR. Information about the construction of a lineside logistics compound meets the definition of environmental information at Reg.2(1)(c) of the EIR because it is a plan that will affect elements of the environment such as the landscape.

² The appropriate limit is defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as £600 for government departments and £450 for all other public authorities. This equates to eighteen hours of staff time at a flat rate of £25 per hour. Further information can be found here: <http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

There is a minimum of eight people who are working or have worked on the team. Each of these individuals would need to carry out comprehensive searches of their emails, hard drives, portable media (flash drives, etc.), notebooks, phones and anywhere else where they might conceivably have stored information over the last two years. This would take a minimum of three hours per individual. It should be noted that this is a conservative estimate since there has been a turnover of team members and it is likely to take people longer to locate information when they are no longer working on the project.

Additionally, there are two people who no longer work at Network Rail and we think it would take five hours to locate any records that they might have created since we would also need to “rebuild” their mailboxes and this takes approximately two hours per individual.

This means that just the process of locating information alone would take at an absolute minimum 34 hours.

Even once this was done, we would need to read through and extract only the information that was relevant to your request. Even from our preliminary searches we’ve located 53 individual documents of up to 243 pages in length – many of these documents contain a series of appendices. There is no way we could review these to determine their relevance, remove any personal data and check with our subject matter experts to confirm whether there are commercial, security or other reasons why the information should be withheld within a reasonable timeframe. It is difficult to be precise but even at a conservative estimate of 90 minutes per document, this review process would still take well over 150 hours.

Bearing this in mind I am content that there is no means of meeting your request without placing a disproportionate burden on our resources.

The public interest test

Regulation 12(4)(b) can only be applied subject to a public interest test. I have considered the public interest factors for and against disclosure and have set out my findings below.

There is a general presumption in favour of public authorities providing information under the FOIA and EIR to promote transparency and accountability. I appreciate that there is a significant public interest in any development associated with Old Oak Common; however, we have just completed a public consultation for the development of this logistics compound and I would say this satisfies the public interest.

We also have to consider how complying with your request would place significant demands on our resources. It is important to remember that Network Rail is funded by the taxpayer and that this creates an obligation for us to use our staff time efficiently. The

strain that would be placed on resources to comply with this request would get in the way of us being able to deliver other services and answering other requests.

Having considered the arguments above, it is my decision that the reasons for maintaining the exception outweigh the public interest in complying with the request on this occasion and I am therefore refusing your request under regulation 12(4)(b).

Advice and assistance

To help you with your enquiries, we would like to offer the following information in response to your request.

1. We have located a document called Old Oak Common Lineside Logistics Compound Strategy. The document sets out why other locations are either too far away to make working time on site productive, are outside of possession limits, or too steep due to being in a cutting. We believe this document satisfies question one and is labelled *152270-NWR-STR-DEL-000001 P01 Issue 20220720*.
2. No terms have been agreed with Jewson and as such no site identification has taken place. This matter will be dealt with directly between Network Rail and Jewson.
3. I can confirm that we have consulted this project with the local planning authority and highway authority. Please see the attached minutes *12.10.22 Ealing Meeting Minutes_Redacted*.
4. I can advise that we have not produced or procured a report on permitted development. The project is being advised by the Wales and Western Regional Town Planning and Heritage Manager.

Next steps – refining your request

For question one, if the document we have provided does not meet what you were looking for, I would recommend narrowing your request by specifying the types of documents you are most interested in. It may also help us if you provided a timeframe upon which to base our searches.

As with any request though, I cannot guarantee disclosure of any information prior to hearing back from you as one of more of the EIR exemptions may apply.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Anisha Pandya
Information Rights Specialist

You are encouraged to use and re-use the information made available in this response freely and flexibly, with only a few conditions. These are set out in the [Open Government Licence](#) for public sector information. For further information please visit our [website](#).

Appeal rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Compliance and Appeals team at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at ComplianceandAppealsFOI@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".

Appendix ARR1e

Minutes: Network Rail Old Oak Common Lineside Logistics Compound – Ealing BC							
Date	12/10/2022	Time	16:00	Location		Teams	
Attendees	Ext: ██████████ Ealing Ext: ██████████ HS2 Ealing Ext: ██████████ Ealing Ext: ██████████ Highways Transport Ealing ██████████ Consultation Manager ██████████ Scheme Project Manager ██████████ Project Manager ██████████ Town Planning Manager ██████████ Senior Surveyor						
Agenda	Introduce Network Rail's OOC Lineside Logistics Compound project and intentions to consult Ealing. Opportunity to for open dialogue and ongoing engagement.						
Topic 1 Project Information	██████ presented the Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing. This gave background information and intentions moving forward. There was an opportunity for Q&A. <ul style="list-style-type: none"> • ██████ & ██████ asked for clarification on the site location. Confirmed Horn Lane and already in use as builders merchant. As this is away from Old Oak Lane, residents may be less weary in this area. • ██████ explained that a traffic statement would be circulated ahead of the Order application 						
Topic 2 Horn Lane Development	Horn Lane Development at Jewson site <ul style="list-style-type: none"> • ██████ had not found this future allocation area within Ealing's local plan using online GIS tool (as had not turned on the correct GIS layer) • ██████ confirmed the long railway history of the site with the Jewson yard and building only being sold by BR in 1984 when there was still a railway track and large warehouse building used as a metal store on the site. Earlier railway uses of the site had included a coal store. The triangular parcel of land in the top corner was sold by Railtrack in 1996 but it has not been subject to development or planning permission since that time so the last planning use was railway land. • ██████ (Ealing) clarified that this is area of land is allocated within the existing local plan • ██████ to send relevant local plan information to ██████ • ██████ explained that the permanent storage yard and rail access point at the top corner of the site could be constructed as permitted development and the use of the Jewson warehouse and yard would be subject to a temporary planning permission for a change of use submitted as part of the Order. On the termination of the temporary Jewson site for construction compound we would need to retain a permanent vehicular access route through the site to facilitate the continued maintenance of the railway line. 						



	<ul style="list-style-type: none"> • ■ also made NR aware that the promotor has been in pre application discussions with the Council for some time and a planning application is expected in November • ■ made ■ & ■ aware that the promoters agent had stated that they were unaware of the development plans and discussions with the land owners agent had been ongoing for 18 months, although not fruitful. • ■ & ■ to share agent information to confirm that both parties are speaking with the same contact and set up a joint meeting to discuss further • ■ & ■ made Ealing aware that NR are willing to work with the developer and where reasonably practicable, allow them onto site to carry out some elements of work. Deconfliction would be required and more detail needed. With careful planning and phasing both use of the site were compatible (its going to take at least a couple years to get planning approved and site ready for development) and indeed with the Horn Lane developments consultation material on line the developer does show a maintenance access to the railway land at the rear of their site. 										
<p>Topic 3 AOB</p>	<ul style="list-style-type: none"> • ■ asked if NR are following the Ealing preapp process for planning elements. ■ confirmed <i>no</i> as any temporary planning application will be submitted in the Order. • ■ suggested ongoing engagement and open dialogue on these matters. • Confirm 2 elements to this – 1 is permanent access rights and access to the railway – land does not form Horn Lane Development. 2 - is temporary compound for the delivery of NR on network infrastructure changes to facilitate the Old Oak Common Station integration. 										
<table border="1"> <thead> <tr> <th data-bbox="193 1317 1206 1355">Actions</th> <th data-bbox="1206 1317 1398 1355">Owner</th> </tr> </thead> <tbody> <tr> <td data-bbox="193 1355 1206 1393">Send meeting minutes & slides to ■ & ■</td> <td data-bbox="1206 1355 1398 1393">■</td> </tr> <tr> <td data-bbox="193 1393 1206 1431">Local plan information to be sent to ■</td> <td data-bbox="1206 1393 1398 1431">■■■■</td> </tr> <tr> <td data-bbox="193 1431 1206 1469">Joint meeting to be set up with Jewson landowner</td> <td data-bbox="1206 1431 1398 1469">■</td> </tr> <tr> <td data-bbox="193 1469 1206 1505">Agent details to be shared with ■</td> <td data-bbox="1206 1469 1398 1505">■</td> </tr> </tbody> </table>		Actions	Owner	Send meeting minutes & slides to ■ & ■	■	Local plan information to be sent to ■	■■■■	Joint meeting to be set up with Jewson landowner	■	Agent details to be shared with ■	■
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Local plan information to be sent to ■	■■■■										
Joint meeting to be set up with Jewson landowner	■										
Agent details to be shared with ■	■										

Appendix ARR1f

22 December 2022

Norton Rose Fulbright LLP
3 More London Riverside
London SE1 2AQ
United Kingdom

Tel +44 20 7283 6000
Fax +44 20 7283 6500
DX 85 London
nortonrosefulbright.com

Direct line
+44 20 7444 3678

Email
Sarah.Fitzpatrick@nortonrosefulbright.com

Your reference **Our reference**

Attention: foi@networkrail.co.uk

Dear Sirs,

Request pursuant to Freedom of Information Act 2000 and Environmental Information Regulations 2004

We write on behalf of our client Bellaview Properties Ltd, the freehold owners of 239 Horn Lane, London, W3 9ED (the **Site**). Bellaview Properties Ltd has leased the Site to Saint-Gobain Building Distribution Limited (who trades from the Site as Jewson).

Our client made a request to National Rail (**NR**) under the Freedom of Information Act 2000 (the **Act**) and the Environmental Information Regulations 2004 (the **Regulations**) dated 26 October 2022 (the **First Request**). The First Request related to NR's proposal to compulsorily acquire the Site for a logistics compound for the HS2 project (the **Lineside Logistics Compound**) as set out in various documents including the Public Consultation on the Old Oak Common Lineside Logistics Compound¹ (the **Consultation Document**). They have provided us with the response from NR to the First Request dated 12 December 2022 (the **Response**) and the enclosed documents to the Response, namely: (i) Old Oak Common Lineside Logistics Compound Strategy (the **Strategy Document**); and (ii) Minutes of a meeting between NR and Ealing Borough Council dated 12 October 2022 (the **Minutes**).

The Response highlighted four specific questions in the First Request. We note in the Response that the first question in the First Request was refused because it is 'manifestly unreasonable' as it would be too administratively burdensome and costly time wise to identify all of the information requested and would exceed the 'appropriate limit' for costs under the relevant regulations. NR, therefore, in the Response, recommended that our client narrowed the scope of its request and specified the types of document it is most interested in.

We hereby write further to the First Request to provide a narrower scope, as suggested by NR. NR should consider this letter to be a new request under the Act and the Regulations. We hereby request on behalf of our clients:

¹ See <https://www.networkrail.co.uk/wp-content/uploads/2022/10/OOC-Lineside-Logistics-Compound.pdf>

1. In relation to the “extensive research” described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled “*Old Oak Common Station Design*” on 5 February 2019², which provide the basis for NR’s conclusion that the Site is “the only suitable area” for the Lineside Logistics Compound.
2. All consultation documents sent or received from the local planning authority since 5 February 2018, which consider the utility of the Site or any of the other alternative sites for the Lineside Logistics Compound considered.
3. Any assessments, reports or studies since 5 February 2018 which provide a response to each of the questions set out at paragraph 2.5 onwards of the First Request, in relation to the following topics:
 - a. Site searches, assessments or reports in relation to the identification of a relocation site;
 - b. A copy of the revised plan referred to at paragraph 2.6 of the First Request;
 - c. Any assessments or reports which contain information on parking and/or vehicular-access needs;
 - d. Information which contains the number of vehicle trips scheduled, which specify the type of vehicle that they would expect during construction phase;
 - e. Copies of plans that show all alternative options considered.

Further to the above we also request under the Act and the Regulations copies of the following documents which are referred to in the Strategy Document:

1. A document titled “NR Western Route Engineering Access Statement”, as referred to on page 6 and quoted in Figure 5;
2. Assessment or reports which include information on Jacobs Ladder, specifically which set out and evidence the stated “historical issues” with storing materials at this site, referred to on page 8;
3. Details of the materials that are proposed to be stored at the Lineside Logistics Compound, including their quantity that allows NR to draw the conclusion at page 8 that “*access at Jacobs Ladder...will allow no storage of materials*”;
4. Information on the number of vehicle trips scheduled, which specify the type of vehicle that NR would expect to be used during construction phase, which assesses the amount of possessions necessary to complete the 6-year programme, referred to at paragraphs 6 and 7, page 8;
5. A document entitled “NR Infrastructure Access Points – Best Practice Design Guide”, referred to on page 9;
6. Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and
7. Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.

² <https://s3-eu-west-1.amazonaws.com/commonplace-customer-files/hs2inoldoak/HS2+OOC+Leaflet+v12+FINAL-compressed.PDF>

22 December 2022

We also request a copy of the following documents referred to in the Minutes:

1. The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and
2. We note that reference is made on page 1 of the Minutes to the views of local residents to having the Lineside Logistics Compound on the Site. We therefore request copies of all consultation responses received by NR in response to the Consultation Document, from any party, which reference the proposed location of the Lineside Logistics Compound.

To the extent that these requests fall within the Act or the Regulations please treat these requests as falling within this legislation. The information held should be provided by email in electronic form.

If you consider that the cost of complying with this request would exceed the cost limits for compliance (Section 12 of the Act and / or Regulation 12(4)(b)) then you are asked to provide advice and assistance to help reduce the scope of the request and cut down the cost of compliance, or to advise the cost so that I have an opportunity to pay it directly.

If this request is denied in whole or in part you are asked to justify all deletions by reference to specific exemptions within the Act and/or Regulations (as the case may be). You are expected to release all non-exempt material. We reserve the right to appeal your decision to withhold any information or to charge excessive fees.

We would be grateful if you could confirm in writing that you have received this request and provide a response within 20 working days.

Yours faithfully,

A handwritten signature in blue ink that reads "Nata Rose Fulbright LLP." The signature is written in a cursive style and is positioned above a horizontal dotted line.

Norton Rose Fulbright LLP



Appendix ARR1g



Peter Cole
By email: peter.cole@nortonrosefulbright.com

Network Rail
Freedom of Information
The Quadrant
Elder Gate
Milton Keynes
MK9 1EN

E FOI@networkrail.co.uk

25 January 2023

Dear Peter

Information request
Reference number: FOI2022/01512

Thank you for your email of 22 December 2022, in which you requested information about our plans to build a lineside logistics compound on the site currently occupied by Jewson. In the interests of brevity, I have included the full wording of your request in Annex A at the end of this letter.

I have processed your request under the terms of the Environmental Information Regulations 2004 (EIR).¹

I am afraid that as with your previous request (FOI2022/01332), it is not possible to comply with this new request without creating a disproportionate burden on our resources. In consequence, this response represents a refusal of your request under Regulation 12(4)(b) of the EIR.

Regulation 12(4)(b) of the EIR

This regulation allows a public authority to refuse a request if the time taken to locate, retrieve, collate and review the requested information would place a 'disproportionate burden' on the organisation. When working out what constitutes an unreasonable or disproportionate burden, we draw guidance from Section 12 of the Freedom of Information Act 2000, which allows a public authority to refuse a request if the cost of providing the information exceeds the 'appropriate limit'.²

¹ Section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA and requires us to consider it under the EIR. Information about the construction of a lineside logistics compound meets the definition of environmental information at Reg.2(1)(c) of the EIR because it is a plan that will affect elements of the environment such as the landscape.

² The appropriate limit is defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as £600 for government departments and £450 for all other public authorities.

We refused your previous request because of the time it would have taken us to locate all the information requested on why the Jewson site has been deemed 'the only suitable site'. In the case of this new request, we face exactly the same difficulties in locating the information for questions 1 and 3.

Like before, this new request is very broad as it is looking for a large number of different reports and studies which cover a time period of four to five years. As explained before, this information is not all held in a central folder, some of it is held on individual's local files. There is a minimum of eight people who are working or have worked on the team. Each of these individuals would need to carry out comprehensive searches of their emails, hard drives and anywhere else where they might conceivably have stored information over the last four to five years. We estimate that this would take a minimum of three hours per individual. For those no longer working at Network Rail, we would need to "rebuild" their profiles to locate any records they may have held locally. This process adds an additional two hours onto the time required to search the systems.

Taking this into account, the process of locating the information alone would take at an absolute minimum 24 hours.

Once we had located all the information relevant to your request, we would need to read and review each document to remove any personal, commercial or security data and consult with relevant stakeholders before issuing any disclosure. This would be a timely process dependent on the length and sensitivity of each document.

Considering the above, I am content that there is no means of meeting your request without placing a disproportionate burden on our resources.

The public interest test

Regulation 12(4)(b) can only be applied subject to a public interest test. I have considered the public interest factors for and against disclosure and have set out my findings below.

There is a general presumption in favour of public authorities providing information under the EIR to promote transparency and accountability, and I appreciate that there is a public interest in any development associated with Old Oak Common. However, complying with your request would place significant demands on our resources and would hinder us from being able to deliver other services and answering other requests.

This equates to eighteen hours of staff time at a flat rate of £25 per hour. Further information can be found here: <http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

In view of the arguments above, it is my decision that the reasons for maintaining the exception outweigh the public interest in complying with the request on this occasion and I am therefore refusing your request under Regulation 12(4)(b).

Next steps – refining your request

I note you have asked us to provide the cost of complying with your request so you have an opportunity to pay it directly. However, in line with the Regulations it is up to the public authority to choose whether to pursue charges for dealing with a request. In this instance, the difficulty we face in locating and reviewing all the information you have requested is the burden it would place on our resources as it would take people away from their day jobs and other tasks. As a publicly funded organisation, and in the current economic climate, we have an obligation to use our staff time efficiently so we cannot comply with this request.

Going forward, we believe we could provide the information for all of the questions apart from 1 and 3. I would therefore recommend removing questions 1 and 3 entirely from your request.

If you did still want to progress with questions 1 and 3, I would consider the Information Commissioner's guidance on how to make a clear request:³

Where possible, ask for specific information or ask clear questions. Avoid vague or general statements.

Try to include details such as dates and names, if you can.

You may want to include the reason why you are asking for the information. This may help you get what you need.

Don't submit catch-all requests such as "send me everything about x". Public bodies can refuse requests that they think are too broad or burdensome.

As your request currently stands, you are requesting a large number of documents over a lengthy period of time. If you could provide us with some guidance on what you are trying to establish from the documents you are requesting, we may be able to advise which documents we have readily available which could address your queries. We are happy to discuss on the telephone if easier.

On a final note, in our last response to you, we provided you with the Old Oak Common Lineside Logistics Compound Strategy document which explains the rationale and basis for why the Jewson site has been identified as the 'only suitable site'. Ultimately, the

³ <https://ico.org.uk/for-the-public/official-information/how-to-write-an-effective-request-for-information/>

reason why other sites are unsuitable is because they are either too far away from the site or they are too steep due to being in a rail cutting.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Anisha Pandya
Information Rights Specialist

You are encouraged to use and re-use the information made available in this response freely and flexibly, with only a few conditions. These are set out in the [Open Government Licence](#) for public sector information. For further information please visit our [website](#).

Appeal rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Compliance and Appeals team at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at ComplianceandAppealsFOI@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".

Annex A

We write on behalf of our client Bellaview Properties Ltd, the freehold owners of 239 Horn Lane, London, W3 9ED (the Site). Bellaview Properties Ltd has leased the Site to Saint-Gobain Building Distribution Limited (who trades from the Site as Jewson).

We hereby request on behalf of our clients:

- 1. In relation to the “extensive research” described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled “Old Oak Common Station Design” on 5 February 2019, which provide the basis for NR’s conclusion that the Site is “the only suitable area” for the Lineside Logistics Compound.*
- 2. All consultation documents sent or received from the local planning authority since 5 February 2018, which consider the utility of the Site or any of the other alternative sites for the Lineside Logistics Compound considered.*
- 3. Any assessments, reports or studies since 5 February 2018 which provide a response to each of the questions set out at paragraph 2.5 onwards of the First Request, in relation to the following topics:*
 - a) Site searches, assessments or reports in relation to the identification of a relocation site;*
 - b) A copy of the revised plan referred to at paragraph 2.6 of the First Request;*
 - c) Any assessments or reports which contain information on parking and/or vehicular-access needs;*
 - d) Information which contains the number of vehicle trips scheduled, which specify the type of vehicle that they would expect during construction phase;*
 - e) Copies of plans that show all alternative options considered.*

Further to the above we also request under the Act and the Regulations copies of the following documents which are referred to in the Strategy Document:

- 4. A document titled “NR Western Route Engineering Access Statement”, as referred to on page 6 and quoted in Figure 5;*
- 5. Assessment or reports which include information on Jacobs Ladder, specifically which set out and evidence the stated “historical issues” with storing materials at this site, referred to on page 8;*

6. *Details of the materials that are proposed to be stored at the Lineside Logistics Compound, including their quantity that allows NR to draw the conclusion at page 8 that “access at Jacobs Ladder...will allow no storage of materials”;*
7. *Information on the number of vehicle trips scheduled, which specify the type of vehicle that NR would expect to be used during construction phase, which assesses the amount of possessions necessary to complete the 6-year programme, referred to at paragraphs 6 and 7, page 8;*
8. *A document entitled “NR Infrastructure Access Points – Best Practice Design Guide”, referred to on page 9;*
9. *Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and*
10. *Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.*

We also request a copy of the following documents referred to in the Minutes:

11. *The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and*
12. *We note that reference is made on page 1 of the Minutes to the views of local residents to having the Lineside Logistics Compound on the Site. We therefore request copies of all consultation responses received by NR in response to the Consultation Document, from any party, which reference the proposed location of the Lineside Logistics Compound.*

Appendix ARR1h

Adam Rhead

From: Sophie Jacobs
Sent: 31 January 2023 11:06
To: FOI; Anisha.Pandya@networkrail.co.uk; Aimi Blackmore; Peter Thomas
Cc: Sarah Fitzpatrick (Head of Planning); Peter Cole
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]
Attachments: FOI202201512 Response.pdf; FOIA Letter to NR 22.12.2022.pdf

Dear Anisha, Aimi and Peter

Thank you for your time and the helpful discussions this morning.

As agreed, the Network Rail FOI team will provide a response to question 1 as set out in our request letter of 22 December 2022. As such the Network Rail FOI team undertakes to review the central folder as referred to in its response letter dated 25 January 2023, which we understand to be an accessible online resource, in order to locate and provide the documentation described in question 1 of our request.

Please let us know if you have any questions. We look forward to receiving a response within 20 working days.

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 207 444 2379 | Fax +44 20 7283 6500
sophie.jacobs@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
[nortonrosefulbright.com](https://www.nortonrosefulbright.com)

From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 26 January 2023 16:01
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Hi Sophie

We can meeting Tuesday 31 at 10:30. Aimi, the consultation manager for this project, will also be able to join us. I will send a teams invite now.

Kind regards

Anisha

From: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>

Sent: 26 January 2023 10:04

To: FOI <FOI@networkrail.co.uk>; Anisha Pandya <Anisha.Pandya@networkrail.co.uk>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

Dear Anisha

We have duly the FOI response from Network Rail. We would be grateful if we could set up a call to discuss the response and how to proceed with the request.

Would you be available in any of the time slots below:

- This afternoon, Thursday 26 January from 14.00
- Tuesday 31 January at 10:30am
- Wednesday 01 February at 10:30 am

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 207 444 2379 | Fax +44 20 7283 6500
sophie.jacobs@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI

Sent: 25 January 2023 19:06

To: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Cc: 'Adam Rhead' <ARhead@geraldev.com>; Sarah Fitzpatrick (Head of Planning)

<Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512

OFFICIAL

Reference Number: FOI2022/01512

Dear Peter

Please find attached a letter from Network Rail in response to your recent request for information.

Kind regards



Anisha Pandya

Information Rights Specialist | Freedom of Information

[Network Rail](#), 1st Floor Willen Building, The Quadrant: MK, Elder Gate, Milton Keynes, MK9 1EN

Website: [Freedom of information \(FOI\) - Network Rail](#)

From: Emma Meadows **On Behalf Of** FOI

Sent: 23 December 2022 10:14

To: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Cc: Adam Rhead <ARhead@geraldeve.com>; Sarah Fitzpatrick (Head of Planning)

<Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512

Reference number: FOI2022/01512

Dear Peter Cole

Information request

Your correspondence was received by Network Rail on 22 December 2022. I can confirm that your request is being processed under the terms of the Freedom of Information Act (FOIA) / Environmental Information Regulations (EIR). I will endeavour to respond to you as soon as possible and in any event by 25 January 2023.

I have understood your request to be for the following information:

We write on behalf of our client Bellaview Properties Ltd, the freehold owners of 239 Horn Lane, London, W3 9ED (the Site). Bellaview Properties Ltd has leased the Site to Saint-Gobain Building Distribution Limited (who trades from the Site as Jewson).

We hereby request on behalf of our clients:

- 1. In relation to the "extensive research" described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled "Old Oak Common Station Design" on 5 February 2019, which provide the basis for NR's conclusion that the Site is "the only suitable area" for the Lineside Logistics Compound.*
- 2. All consultation documents sent or received from the local planning authority since 5 February 2018, which consider the utility of the Site or any of the other alternative sites for the Lineside Logistics Compound considered.*
- 3. Any assessments, reports or studies since 5 February 2018 which provide a response to each of the questions set out at paragraph 2.5 onwards of the First Request, in relation to the following topics:*
 - a. Site searches, assessments or reports in relation to the identification of a relocation site;*
 - b. A copy of the revised plan referred to at paragraph 2.6 of the First Request;*
 - c. Any assessments or reports which contain information on parking and/or vehicular-access needs;*
 - d. Information which contains the number of vehicle trips scheduled, which specify the type of vehicle that they would expect during construction phase;*
 - e. Copies of plans that show all alternative options considered.*

Further to the above we also request under the Act and the Regulations copies of the following documents which are referred to in the Strategy Document:

1. A document titled “NR Western Route Engineering Access Statement”, as referred to on page 6 and quoted in Figure 5;
2. Assessment or reports which include information on Jacobs Ladder, specifically which set out and evidence the stated “historical issues” with storing materials at this site, referred to on page 8;
3. Details of the materials that are proposed to be stored at the Lineside Logistics Compound, including their quantity that allows NR to draw the conclusion at page 8 that “access at Jacobs Ladder...will allow no storage of materials”;
4. Information on the number of vehicle trips scheduled, which specify the type of vehicle that NR would expect to be used during construction phase, which assesses the amount of possessions necessary to complete the 6-year programme, referred to at paragraphs 6 and 7, page 8;
5. A document entitled “NR Infrastructure Access Points – Best Practice Design Guide”, referred to on page 9;
6. Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and
7. Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.

We also request a copy of the following documents referred to in the Minutes:

1. The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and
2. We note that reference is made on page 1 of the Minutes to the views of local residents to having the Lineside Logistics Compound on the Site. We therefore request copies of all consultation responses received by NR in response to the Consultation Document, from any party, which reference the proposed location of the Lineside Logistics Compound.

If I have misunderstood or misinterpreted your request in any way, please let me know as soon as possible.

On occasion we may need to consult with third parties about requests, in line with the recommendations in the Code of Practice issued by the Cabinet Office.

If you are looking for information about yourself or on behalf of someone else (for example CCTV footage of yourself, details of a complaint you’ve made, information about a job application you’ve made, etc.) it is very unlikely that we would be able to provide that information to you under the FOIA/EIR. You may however be able to obtain it through a Subject Access Request (SAR) under the Data Protection Act 2018 - details of our SAR process, the form we ask you to complete and your right to access information about yourself can be found at: <https://www.networkrail.co.uk/wp-content/uploads/2021/09/NR-Subject-Access-Request-Form.pdf>

If you have any queries please contact me.

Please remember to quote your reference number in all future communications.

Yours sincerely

Emma Meadows
Information Rights Specialist

Freedom of Information

Network Rail | The Quadrant: MK
Elder Gate | Milton Keynes | MK9 1EN

Email: FOI@networkrail.co.uk

Web: <https://www.networkrail.co.uk/who-we-are/transparency-and-ethics/freedom-of-information-foi/>

From: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Sent: 22 December 2022 11:09

To: FOI <FOI@networkrail.co.uk>

Cc: Adam Rhead <ARhead@geraldeve.com>; Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: FOIA request - Old Oak Common Lineside Logistics Compound

Dear Network Rail,

Please see attached for a request pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004, along with certain documents referred to in that request for ease of reference.

We would be grateful if you could acknowledge safe receipt.

Kind regards

Peter Cole | Senior Associate
Solicitor, qualified in England & Wales
Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 20 7444 2472 | Mob +44 75103 74471 | Fax +44 20 7283 6500
peter.cole@nortonrosefulbright.com

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Appendix ARR1i

Old Oak Common Lineside Logistics Compound Strategy

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Executive summary

A new lineside logistics compound is required on the south side of the Great Western mainline (GWML) between Acton West Junction and Kensal Green Junction. This is required for the construction of the Network Rail infrastructure supporting the OOC station. It will be needed from September 2023. Following the completion of the OOC station work, the road-rail vehicle access point element of the lineside logistics compound will be retained. This will remain as a permanent Network Rail road-rail vehicle access point for maintenance requirements and domestic infrastructure works.

The GWML in the area was constructed either within cuttings or in embankments and these vary between 2m to 30m in height. After a review of the area, the only suitable area for this lineside logistics compound is the land currently occupied by Jewson Ltd, 239 Horn Lane, W3 9ED. To use this area requires a new lease with the landowner, and the current tenants Jewson Ltd to be relocated. It's recommended to progress this lease and relocate Jewson Ltd.

If this location cannot be made available to Network Rail, either:

- the GWML must be shut down for long periods of time, preventing the TOCs and FOCs from operating a normal service, or,
- the NR elements of the OOC station project will not be completed in time to allow HS2 to enter operational service in Summer 2030.

Additionally, without this location retained as a permanent Network Rail access point for maintenance requirements and domestic infrastructure works, the GWML will require extended periods of closure for maintenance and renewal works. This poses a significant challenge to running a passenger focused railway.



What is happening at Old Oak Common

Old Oak Common (OOC) will be the site of a new High Speed 2 (HS2) and GWML interchange station. This station will be one of the best connected sites in Europe, with links to Central London, Heathrow Airport, West of England and Wales, the West Midlands, the North of England. There are also future opportunities to accommodate further connections including direct links to the West Coast mainline, London Overground 'orbital railway', Bakerloo and Central Lines.

Construction of the station is underway, and it will enter into operational service in Summer 2030. It will be the HS2 London terminal until Euston is operational in December 2034. HS2 is supported by all three major political parties. Figures 1 and 2 provide an OOC site overview and station detail.



Figure 1 - OOC site overview

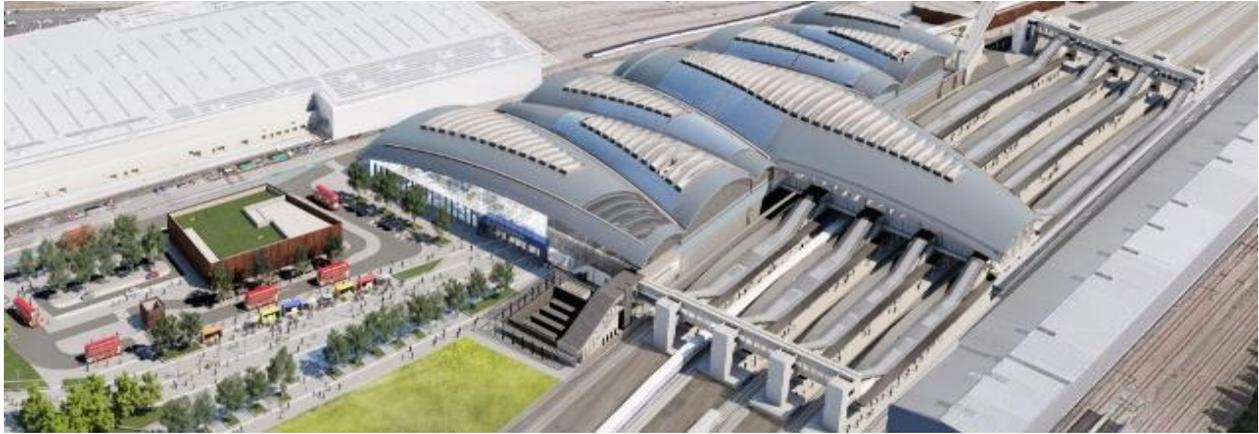


Figure 2 - OOC station detail

The station is being built by HS2 Ltd. To enable the new station, the existing GWML must be modified. These works are being undertaken by Network Rail (NR), this is the GWML railway systems project. The split of work is shown in Figure 3. HS2 work is shown in blue, NR work is shown in red.

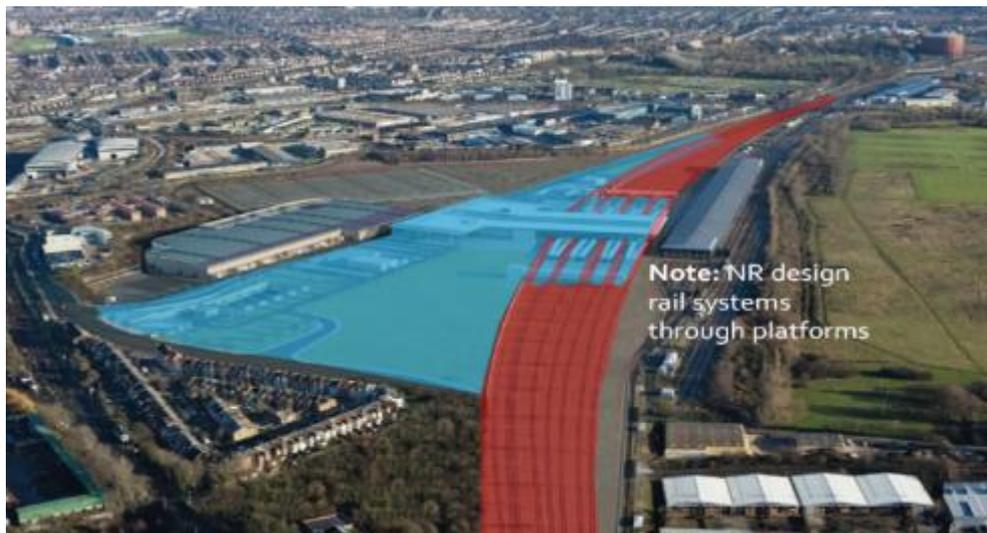


Figure 3 - HS2 and Network Rail split of work



Why and where are railway access points needed

The GWML in the OOC area is a four-track railway. The relief (slow) lines are to the north, the fast (main) lines are to the south, see Figure 4 below.

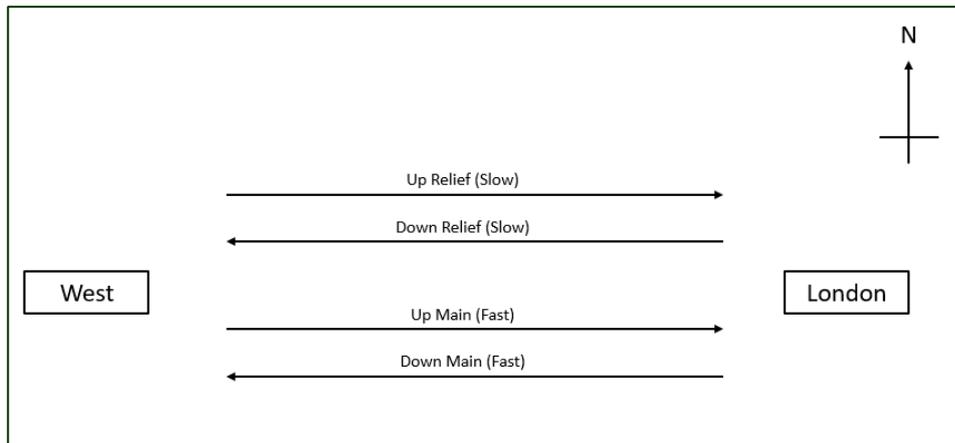


Figure 4 – Typical section of the GWML in the OOC area

To allow the OOC station to open in June 2030, construction of the HS2 station and the NR GWML railway systems project must be concurrent. The GWML must be available during this time, to allow the TOCs and FOCs to operate a normal service to a London terminus. Regularly shutting the GWML down for long periods of time has been deemed unviable.

Network Rail will need to use the regularly available engineering access as far as reasonably practicable – as defined in the NR Western Route Engineering Access Statement, see Figure 5:

Ladbroke Grove To Southall East 103.3	WEEK END	0001 Sun to 0800 Sun Down and Up Mains BLOCKED -or- Down and Up Reliefs BLOCKED 2 Track Timetabling in operation ● and- 0115 Sun to 0445 Sun All BLOCKED	All Line Isolations to hand back at 0430 Sun to permit 0445 Sun start of service.
	SUN/ MON	2300 Sun to 0500 Mon Down and Up Mains BLOCKED -or- Down and Up Reliefs BLOCKED 2 Track Timetabling in operation ●	Acton West Jcn must always be available to provide a route between Acton Yard and the GWML.
	MID WEEK	0001 Tue-Sat to 0500 Tue-Sat Down and Up Mains BLOCKED -or- Down and Up Reliefs BLOCKED 2 Track Timetabling in operation	Acton West Jcn must always be available to provide a route between Acton Yard and the GWML.

Figure 5 – Extract of the NR Western Route Engineering Access Statement for the OOC area

As the above NR Western Route Engineering Access Statement:

- 8 hours is available on alternating halves of the GWML every Sunday, midnight to 8am,

- 6 hours is available on alternating halves of the GWML every Sunday evening/Monday morning, 11pm to 5am,
- 5 hours is available on alternating halves of the GWML every Tues-Sat, midnight to 5am.

Extended access can be agreed with TOCs and FOCs but this introduces a significant cost, and is detrimental to passengers experience and customer revenue.

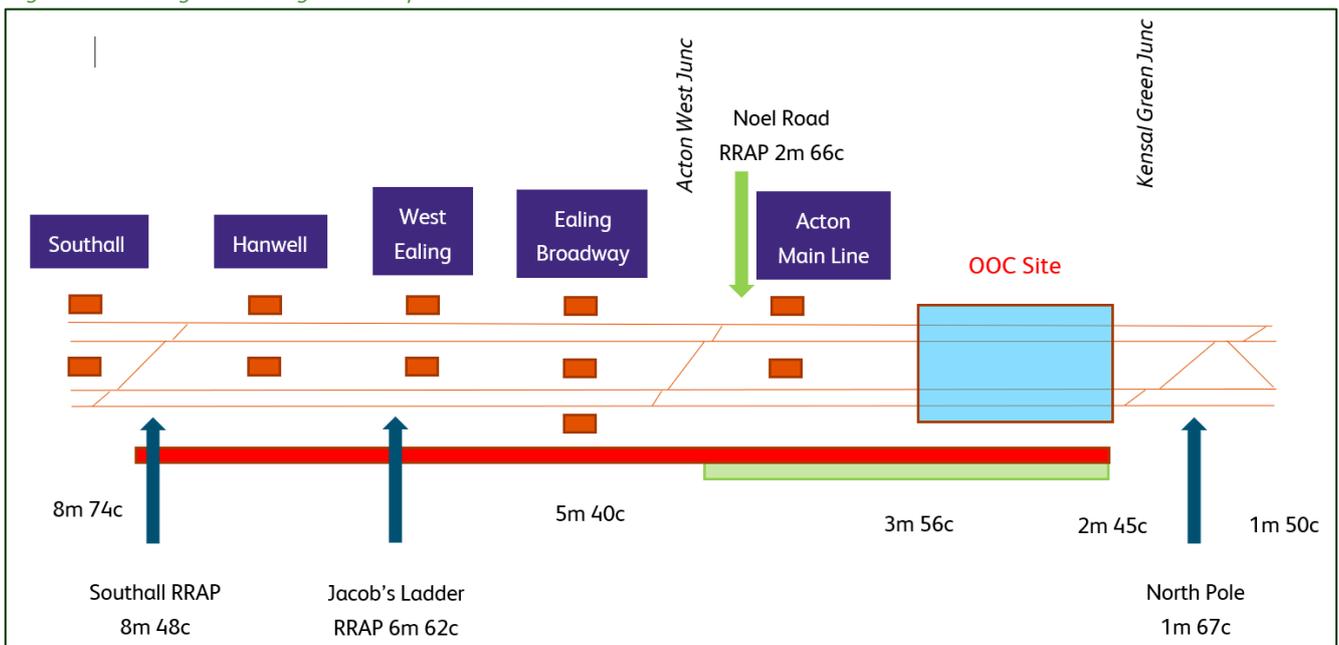
As the regularly available engineering access is on alternate halves of the GWML (relief/north lines or main/south lines) – a lineside logistics compound will be required on both sides of the GWML (north and south).

Important access time is quickly absorbed by non-productive tasks:

- Obtaining possession and isolation (take access of the railway) – 1.5 hours,
- Load the road rail vehicle (RRV) onto the track – 0.5 hours,
- RRV travel time to from access point to worksite (RRV limited to 5mph),
- Brief – 15 mins,
- **Productive working time,**
- RRV travel time to from access point to worksite (RRV limited to 5mph),
- Unload the road rail vehicle onto the track – 0.5 hours,
- Hand back possession of the railway – 1.5 hours.

For this reason – Network Rail requires two lineside logistics compounds, one north and one south of the railway, as near to OOC as possible to improve efficiency.

Figure 6 – Existing lineside logistics compound locations



The nearby existing road-rail access point at Noel Road (Acton Yard) is suitable for the north side lineside logistics compound. There is no suitable lineside logistics compound for the south side lineside logistics compound. This has already resulted in deferred Network Rail renewals and enhancement activities, increased disruption to passengers and increased costs to Network Rail and the industry.

There is also a requirement to minimise the geographical footprint of any disruptive possession to minimise the effect on passengers and freight users. See Figure 6 below. The green bar is the main minimum possession extent, if a lineside logistics compound in that area was available (on the south side of the railway). If a lineside logistics compound wasn't available in that area – the red bar is the possession access required for access Southall RRAP.

It has been confirmed by the TOCs that it's unacceptable to extend possessions from the green bar to the red bar just to provide access. Their ability to provide a sufficient level of service will be reduced. This will impact passengers and freight users, not just in the London area but the whole of the Western region. These concerns would lead to the TOCs not accepting the access arrangements to build the OOC station.

The access at Jacobs Ladder (via Waitrose car park at West Ealing) will allow no storage of materials and there are historical issues using this access. It is not viable for Network Rail to use this access.

If Network Rail were to use Southall access – this will increase the distance to travel by the rail plant. Southall to OOC site will be 6 miles at 5mph, this will take 1h 15mins there and back. Using the previous time assumptions – only 45 mins of working time on site will be available in an 8-hour possession. This is unproductive and unacceptably inefficient.

Access at North Pole is subject to a maximum 6-hour possession due to the need for GWR stock to access and egress the Hitachi IEP depot, therefore this site is unviable for Network Rail as Network Rail needs some large possessions, around 40 No 29-hour possessions are planned during the 6-year programme.

During the major possessions at Christmas 2026, 2027, 2028 – the only access that will allow any trains to terminate at Ealing Broadway will be an access in the green bar. Trains terminating at Ealing Broadway is an important mitigation for passengers to continue to London on the central line, when Paddington can not be reached due to engineering works at OOC.

For the above reasons of productivity, efficiency, possession length acceptability from TOCs and FOCs, possession suitability – a new lineside logistics compound is required on the south side of the GWML between Acton West Junction and Kensal Green Junction.

The lineside logistics compound will need to be available from the mobilisation date of the NR GWML railway systems project contractor. This is September 2023.

Lineside logistics compound requirements

The lineside logistics compound will include a road-rail vehicle railway access point (RRAP) and a construction compound.

RRAP requirements

The RRAP is to be class 3 as detailed in the NR Infrastructure Access Points – Best Practice Design Guide (CS075481). The RRAP will therefore consist of:

- Road rail vehicle (RRV) access
- lockable 6m vehicle access gate
- located in the boundary fence

The security will be level 2 as defined in the above document. This is an enhanced level of security with permanent switchable lighting of the compound areas. A typical class 3 access point is shown below in Figure 7.

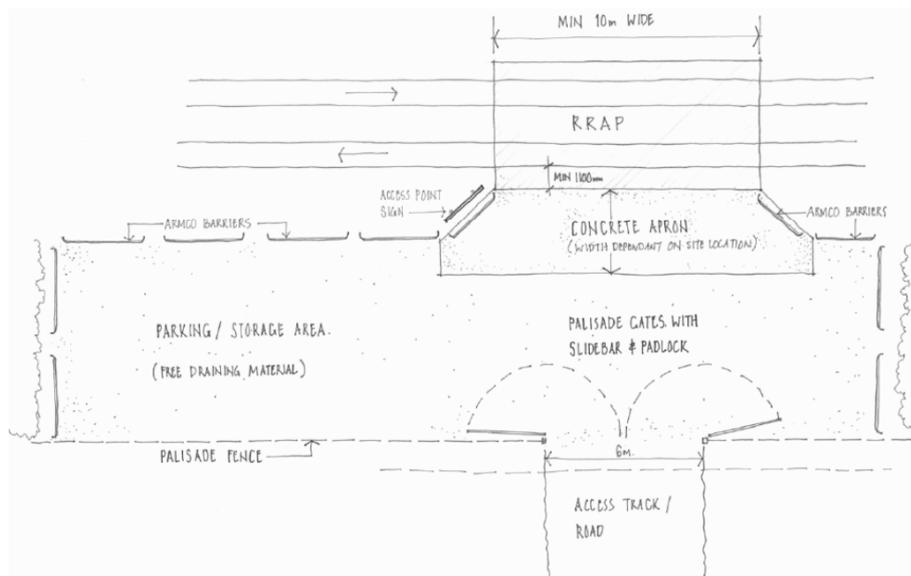


Figure 7 – Typical class 3 access point

Compound requirements

A construction compound will need to be adjacent to the RRAP as any distance between this and the RRAP will affect productivity. The construction compound will also:

- be secure
- provide level access, for 5m, on approach of the railway

- provide a 5m x 35m laydown area (to enable a 30m switch to be delivered, stored, lifted onto track)
- provide suitable lighting at high level.

Maintenance

The lineside logistics compound will be maintained:

- the road profile between the railway boundary and the RRAP will be maintained so that the underside of the vehicles using it will not touch the ground.
- drainage will be kept clear of debris to allow the water to be free flowing.
- permanent lighting will be maintained as NR standards.
- all signs and labels will be clean and legible. Any missing signs will be replaced.

Future use

Following the completion of the OOC station work, the road-rail vehicle access point will be retained as a permanent Network Rail access point for maintenance requirements and domestic infrastructure works. The logistics compound will no longer be required.

What locations are available

A new lineside logistics compound is required on the south side of the GWML between Acton West Junction and Kensal Green Junction.

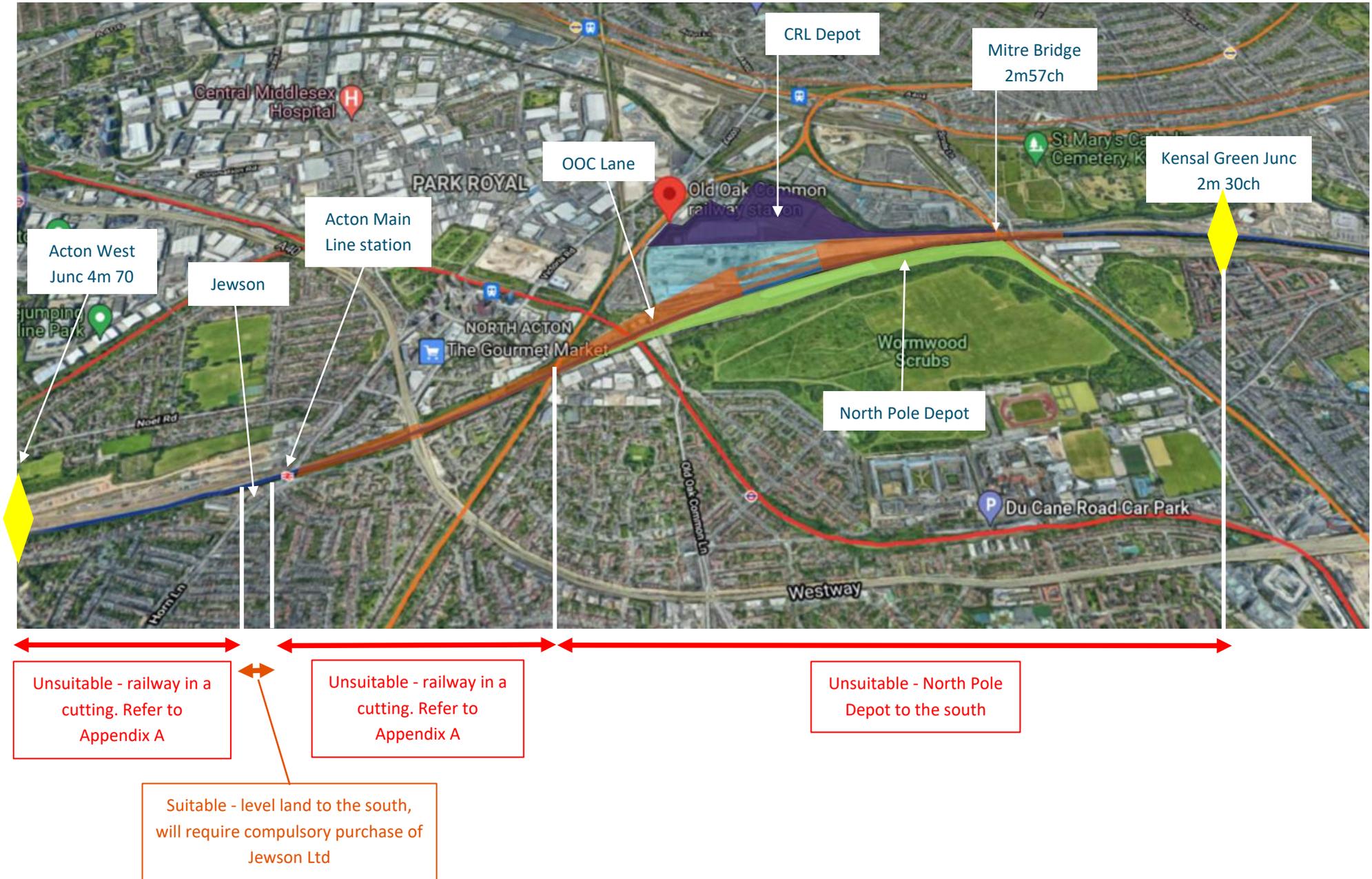
An assessment of this area is shown below. Both areas between Acton West Junction and Jewson Ltd, and between Acton Main line station and North London Line overbridge are unsuitable as the railway is in a cutting. Refer to Appendix A. The area between North London Line overbridge and Kensal Green Junction is unsuitable as North Pole Depot is to the south.

The DfT and depot operators Agility/Hitachi will not entertain a lineside logistics compound at North Pole Depot as they consider this will be disruptive to depot operations and performance KPIs under the Agility/Hitachi contract.

The only suitable area for this lineside logistics compound is the land currently occupied by Jewson Ltd, 239 Horn Lane, W3 9ED. To use this area requires a new lease with the landowner, and the current tenants Jewson Ltd to be relocated.



Figure 8 – Assessment of available locations for the lineside logistics compound



Recommendation

A new lineside logistics compound is required on the south side of the GWML between Acton West Junction and Kensal Green Junction. It will be needed from September 2023.

The only suitable area for this lineside logistics compound is the land currently occupied by Jewson Ltd, 239 Horn Lane, W3 9ED. To use this area requires a new lease with the landowner, and the current tenants Jewson Ltd to be relocated. It's recommended to progress this lease and relocate Jewson Ltd.

Appendix A

Physical analysis between Acton West Junction and North London Line overbridge



The maximum gradient for RRAP is 1:12 (8.33 %). The swept path at trackside also needs to be considered (approx. 10m wide) which is determined by swept path analysis.

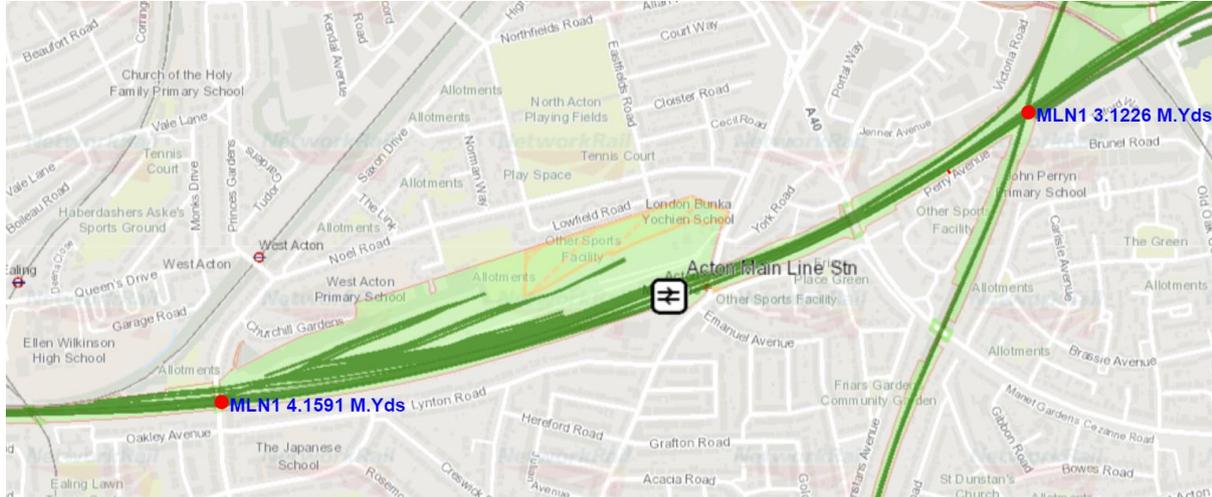


Fig 1: All of the examined section. Green marks NR owned land.

The section analysed is between Acton West Junction (Noel Road overbridge) and North London Line overbridge. Start Point Milage MLN1 4.1591 M/yds to End Point Milage MLN1 3.1226 M/yds (Fig.1).

DTM Profile Tool measurements every 20.0 meters +/-5 meters.

From start point to Jewson's Yard (4.0668 M/yds), the Network Rail owned land borders with a residential area (Fig.2) and there are no areas that meet the 1:12 requirement (please view N1 to N39).



Fig 2. From start point to west boundary of Jewson's yard. Green marks NR owned land.

The area in Jewson's land was re-checked with DTM tool and it does meet 1:12 criteria, as well as allowing significant width for swept path (please view N40 to N43). At Jewson's site the frequency of DTM screenshots was reduced, as area has already been confirmed to be suitable for RRAP. Further evidence highlighted in green in Table 1.

From MLN1 4.0457 M/yds to end-point at MLN1 3.1226 M/yds, the Network Rail owned land borders with a Friary Road and residential buildings (Fig.3) , and there are no areas that meet the 1:12 requirement (please view N44 to N61).

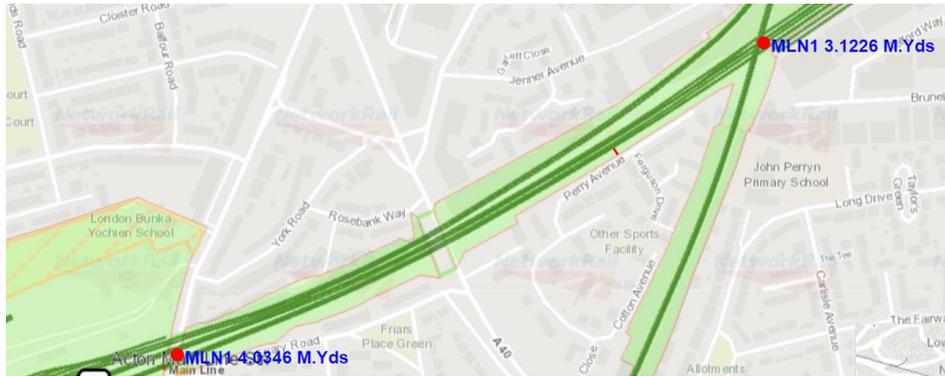


Fig 3. MLN1 4.0346 (boundary of Acton Main Line station) to the end point at MLN1 3.1226. Green marks NR owned land.

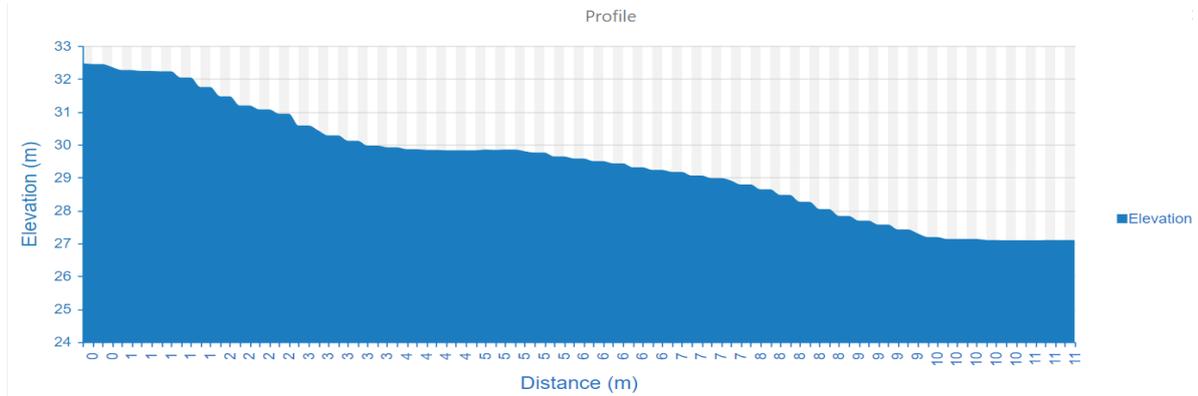
Table 1: The cells highlighted in green meet the gradient requirement for the RRAP.

Cross-Section Number	Milage	Start Point (NR Land Boundary) elevation in meters	End Point (Lineside) elevation in meters	Distance EP-SP in meters	Gradient as 1:X	Gradient as X%
1	MLN1 4.1591	32.42	27.1	10.1	1.898496241	52.67326733
2	MLN1 4.1564	31.19	26.92	10	2.341920375	42.7
3	MLN1 4.1541	31.28	27.09	10	2.386634845	41.9
4	MLN1 4.1515	30.83	27.03	10.1	2.657894737	37.62376238
5	MLN1 4.1487	30.86	27.14	10	2.688172043	37.2
6	MLN1 4.1462	30.44	26.89	8	2.253521127	44.375
7	MLN1 4.1436	30.54	26.96	9	2.51396648	39.77777778
8	MLN1 4.1416	30.47	27.11	9	2.678571429	37.33333333
9	MLN1 4.1390	30.82	26.96	9	2.331606218	42.88888889
10	MLN1 4.1365	31.25	27.03	9.8	2.322274882	43.06122449
11	MLN1 4.1341	31.35	26.88	10	2.237136465	44.7
12	MLN1 4.1316	31.49	27.05	11.03	2.484234234	40.25385313
13	MLN1 4.1291	31.67	26.95	12	2.542372881	39.33333333
14	MLN1 4.1270	31.64	27.09	12	2.637362637	37.91666667
15	MLN1 4.1249	31.39	26.99	12	2.727272727	36.66666667
16	MLN1 4.1227	31.12	26.99	12.12	2.934624697	34.07590759
17	MLN1 4.1204	30.77	27.08	12	3.25203252	30.75

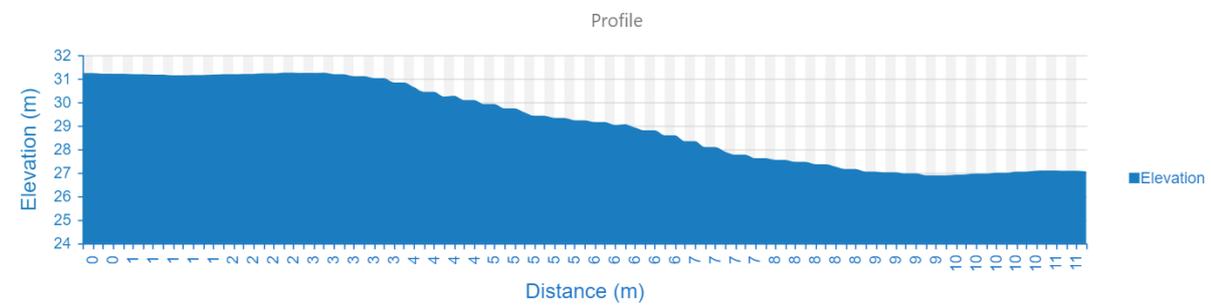
18	MLN1 4.1179	31.12	26.84	12	2.803738318	35.66666667
19	MLN1 4.1155	31.66	26.89	13.13	2.752620545	36.32901752
20	MLN1 4.1130	31.62	26.96	13	2.789699571	35.84615385
21	MLN1 4.1114	32.1	26.99	12.87	2.518590998	39.7047397
22	MLN1 4.1105	31.64	26.98	12.87	2.761802575	36.20823621
23	MLN1 4.1081	31.48	26.98	12.87	2.86	34.96503497
24	MLN1 4.1053	31.08	26.95	13	3.147699758	31.76923077
25	MLN1 4.1026	31	27	13	3.25	30.76923077
26	MLN1 4.1005	30.48	27	12.12	3.482758621	28.71287129
27	MLN1 4.0981	29.91	26.81	11	3.548387097	28.18181818
28	MLN1 4.0960	30.03	26.79	11	3.395061728	29.45454545
29	MLN1 4.0935	29.19	26.69	10	4	25
30	MLN1 4.0913	29.29	26.59	8	2.962962963	33.75
31	MLN1 4.0887	29.22	26.76	9	3.658536585	27.33333333
32	MLN1 4.0858	28.47	26.89	9	5.696202532	17.55555556
33	MLN1 4.0831	29.03	26.61	8.08	3.338842975	29.95049505
34	MLN1 4.0809	29.02	26.7	6.06	2.612068966	38.28382838
35	MLN1 4.0783	28.18	26.51	6	3.592814371	27.83333333
36	MLN1 4.0760	28.29	26.57	7	4.069767442	24.57142857
37	MLN1 4.0735	28.05	26.52	6.06	3.960784314	25.24752475
38	MLN1 4.0713	27.83	26.55	6	4.6875	21.33333333
39	MLN1 4.0688	27.39	26.4	5.05	5.101010101	19.6039604
40	MLN1 4.0668	26.76	26.44	10.44	32.625	3.0651341
41	MLN1 4.0648	26.85	26.52	11	33.33333333	3
42	MLN1 4.0618	26.74	26.29	11	24.44444444	4.090909091
43	MLN1 4.0532	26.85	26.08	11.1	14.41558442	6.936936937
44	MLN1 4.0457	27.12	26.16	5	5.208333333	19.2
45	MLN1 4.0434	29.34	25.85	19.19	5.498567335	18.1865555
46	MLN1 4.0346	30.94	25.95	10.1	2.024048096	49.40594059
47	MLN1 4.0318	31.41	26.08	12.61	2.365853659	42.26804124
48	MLN1 4.0292	31.9	26.38	13.13	2.378623188	42.04112719
49	MLN1 4.0267	32.45	27.78	13.13	2.811563169	35.56740289
50	MLN1 4.0241	32.49	28.29	14	3.333333333	30
51	MLN1 4.0216	33.03	28.28	16	3.368421053	29.6875
52	MLN1 4.0194	30.65	27.24	7	2.052785924	48.71428571
53	MLN1 4.0170	30.46	28.79	6.06	3.628742515	27.55775578
54	MLN1 4.0149	33.25	28.81	13.13	2.957207207	33.81568926
55	MLN1 4.0128	32.91	28.22	14.14	3.014925373	33.16831683
56	MLN1 4.0105	34.1	28.61	16	2.9143898	34.3125
57	MLN1 4.0082	33.89	27.4	15.15	2.334360555	42.83828383

58	MLN1 4.0059	34.17	27.5	15.15	2.271364318	44.02640264
59	MLN1 4.0037	34.03	27.37	15	2.252252252	44.4
60	MLN1 4.0014	32.11	27.3	11.11	2.30977131	43.29432943
61	MLN1 3.1748	34.31	27.33	17.24	2.46991404	40.48723898
62	MLN1 3.1702	32.73	27.28	17.17	3.150458716	31.74140944
63	MLN1 3.1688	34.37	27.18	17.17	2.388038943	41.87536401
64	MLN1 3.1668	34.3	27.09	16	2.219140083	45.0625
65	MLN1 3.1648	33.87	27.08	17	2.503681885	39.94117647
66	MLN1 3.1628	30.1	27.18	8.08	2.767123288	36.13861386
67	MLN1 3.1608	30.17	27.03	8.08	2.573248408	38.86138614
68	MLN1 3.1588	30.2	27.58	8.08	3.083969466	32.42574257
69	MLN1 3.1568	30.18	27.4	8.08	2.90647482	34.40594059
70	MLN1 3.1548	30.16	26.93	9	2.786377709	35.88888889
71	MLN1 3.1528	30.15	26.87	8.08	2.463414634	40.59405941
72	MLN1 3.1508	30.25	26.88	9	2.670623145	37.44444444
73	MLN1 3.1483	30.11	26.71	8	2.352941176	42.5
74	MLN1 3.1468	30.04	26.74	9.09	2.754545455	36.30363036
75	MLN1 3.1448	30.06	27.23	8.08	2.855123675	35.02475248
76	MLN1 3.1428	29.73	26.58	8	2.53968254	39.375
77	MLN1 3.1408	29.75	27.79	7.07	3.607142857	27.72277228
78	MLN1 3.1388	29.84	27.74	7.07	3.366666667	29.7029703
79	MLN1 3.1368	29.7	26.3	8.08	2.376470588	42.07920792
80	MLN1 3.1348	29.84	27.89	6.06	3.107692308	32.17821782
81	MLN1 3.1328	29.75	26.61	7	2.229299363	44.85714286
82	MLN1 3.1308	30.08	26.06	8	1.990049751	50.25
83	MLN1 3.1288	30.52	25.99	11	2.428256071	41.18181818
84	MLN1 3.1268	31	25.97	10	1.988071571	50.3
85	MLN1 3.1226	29.47	25.94	11.11	3.147308782	31.77317732

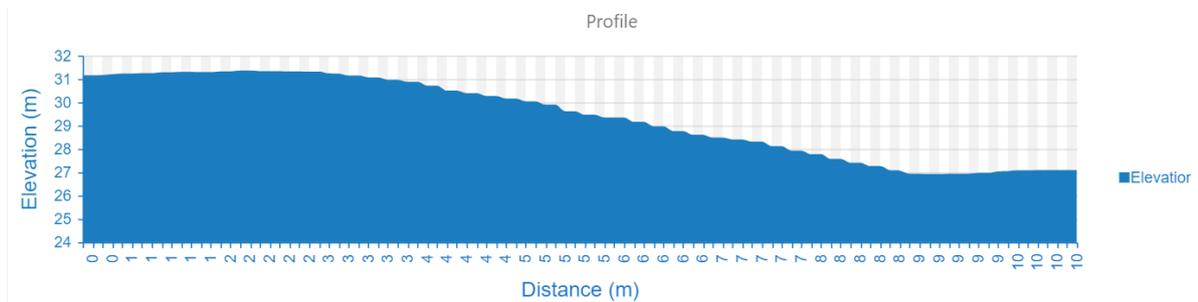
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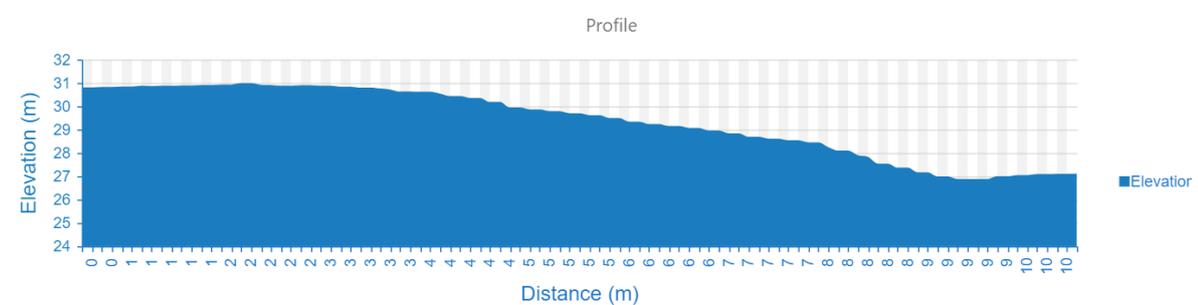
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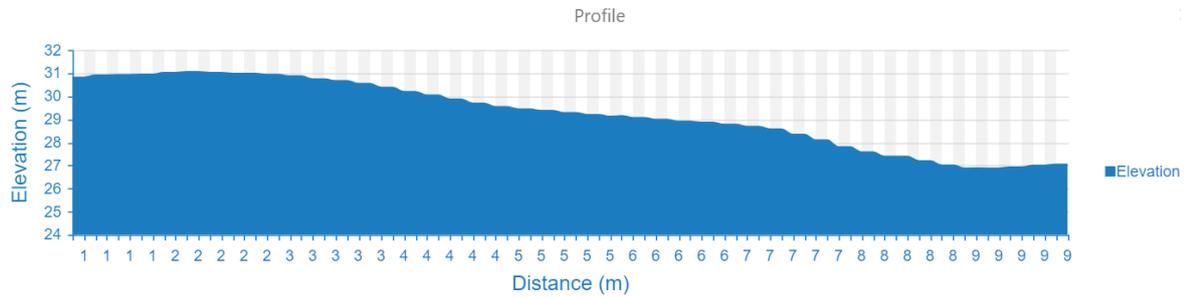
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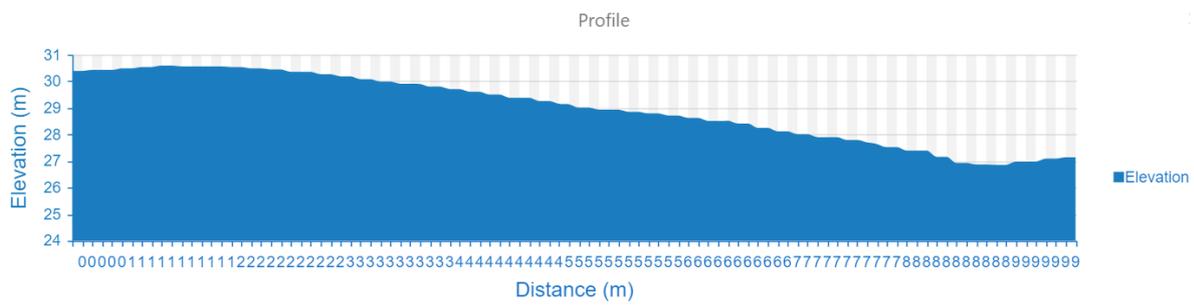
4. MLN1 4.1515



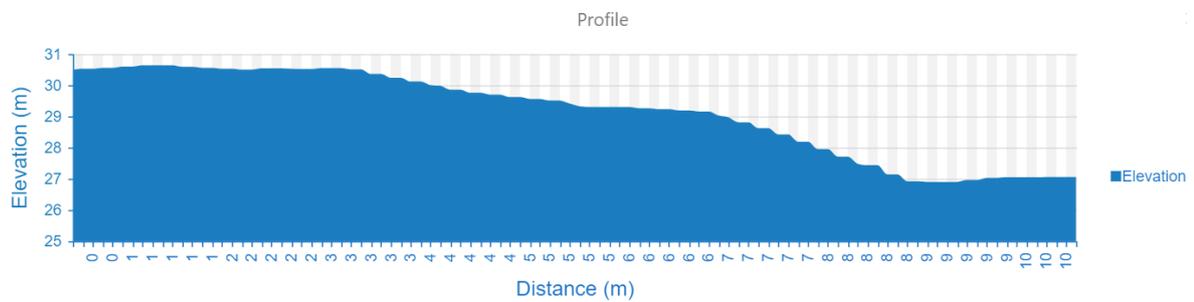
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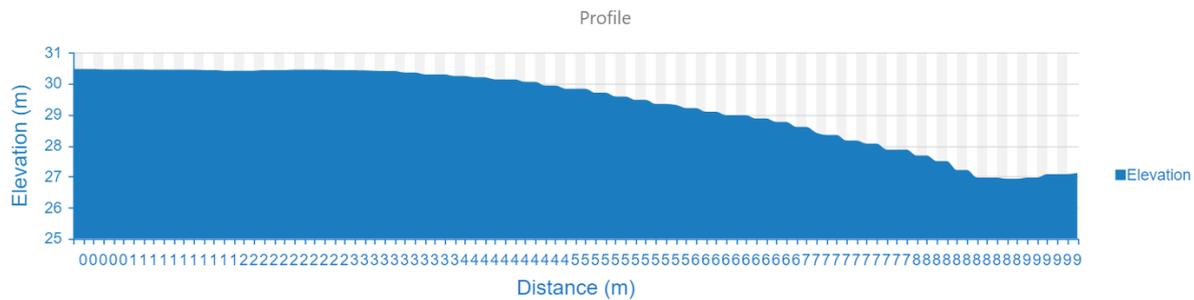
6. MLN1 4.1462



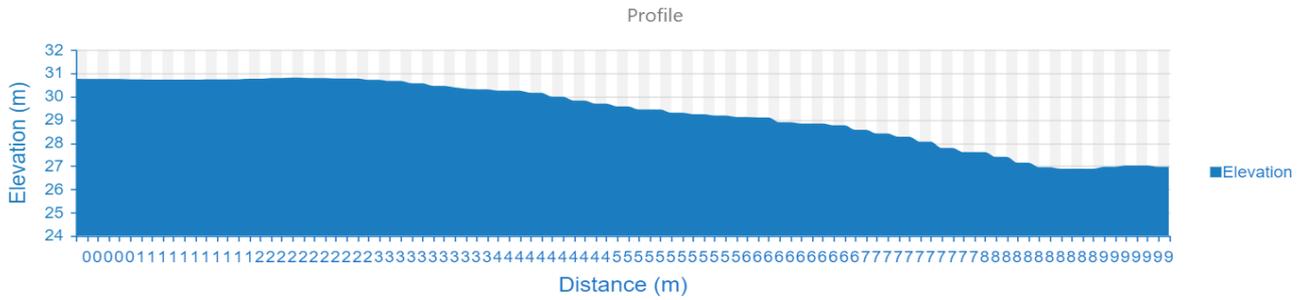
7. MLN1 4.1436



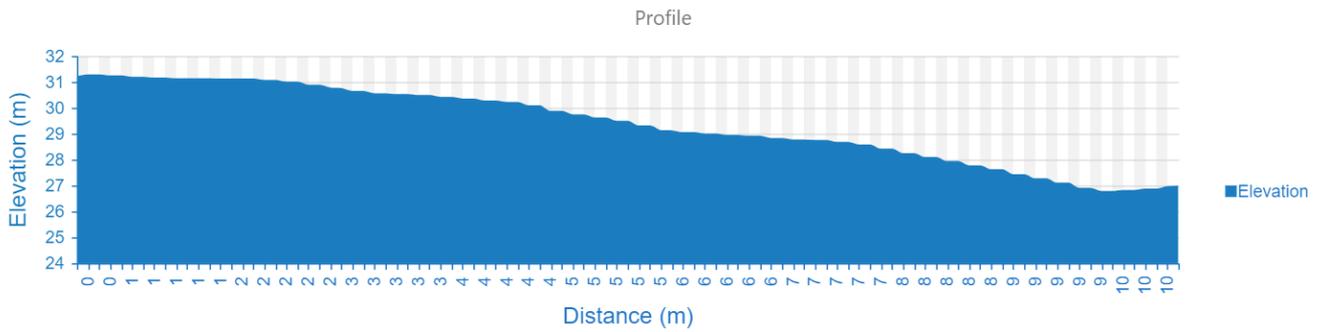
8. MLN1 4.1416



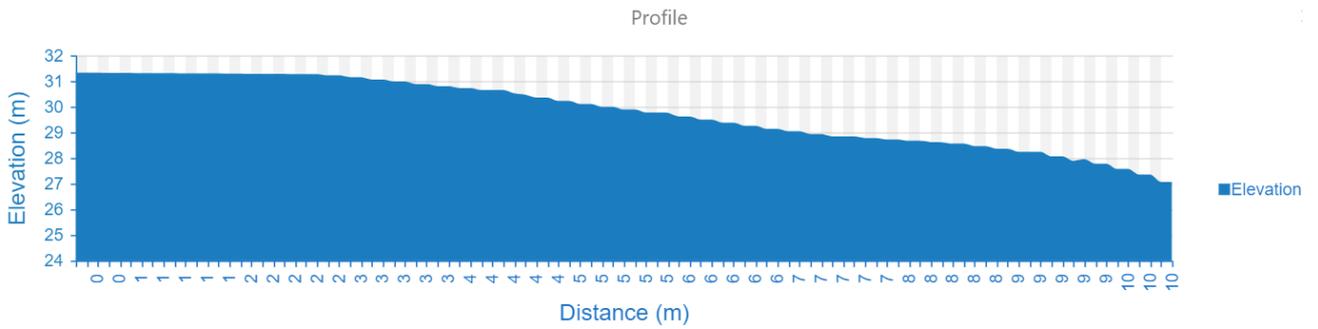
9. MLN1 4.1390



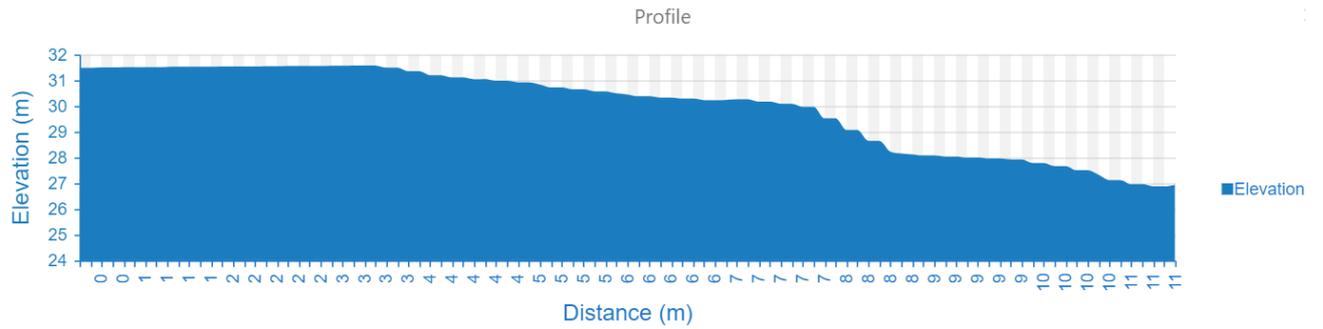
10. MLN1 4.1365



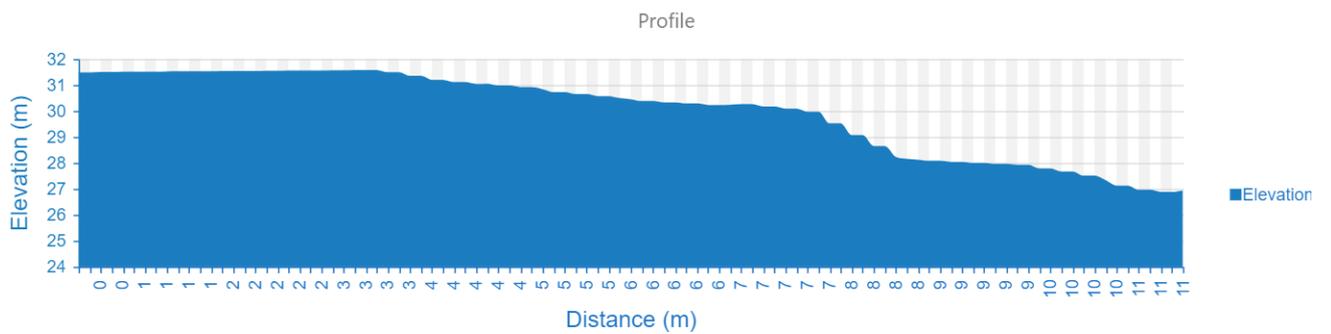
11. MLN1 4.1341



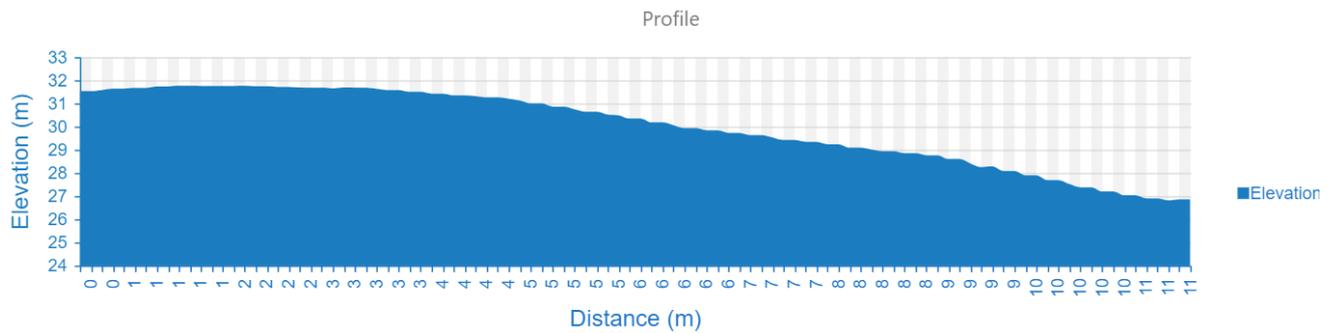
12. MLN1 4.1316



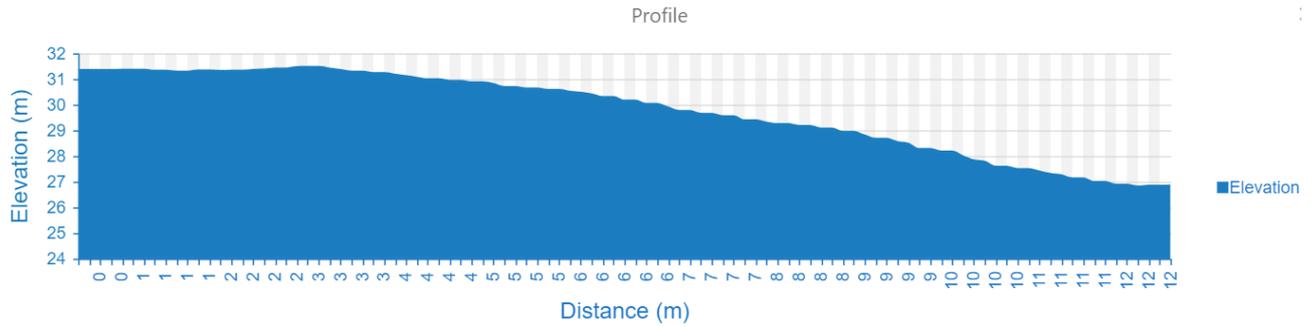
13. MLN1 4.1291



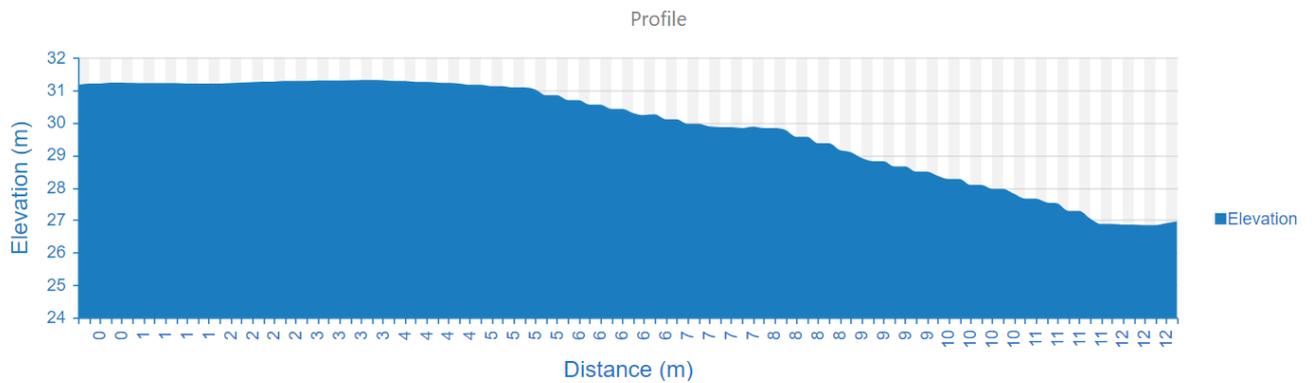
14. MLN1 4.1270



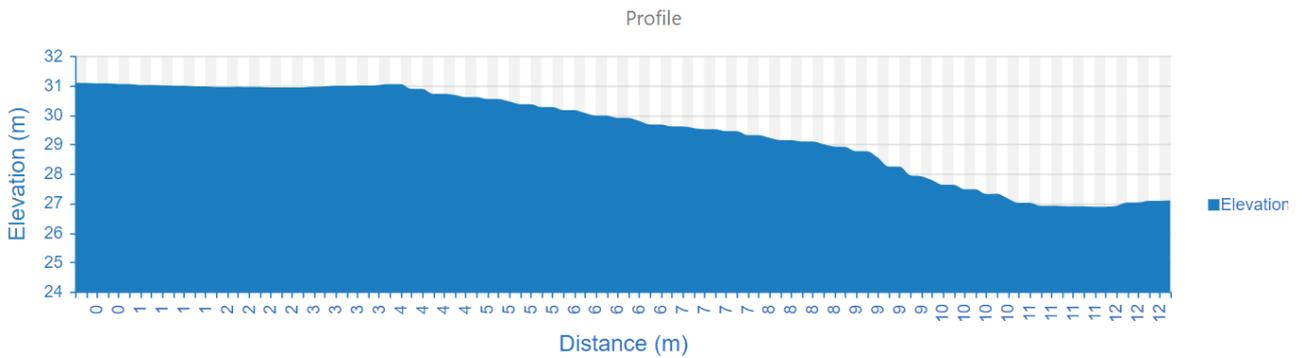
15. MLN1 4.1249



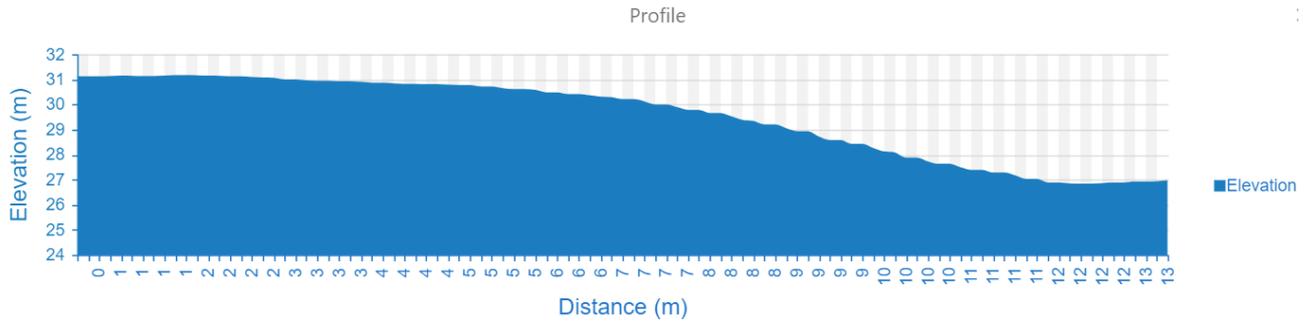
16. MLN1 4.1227



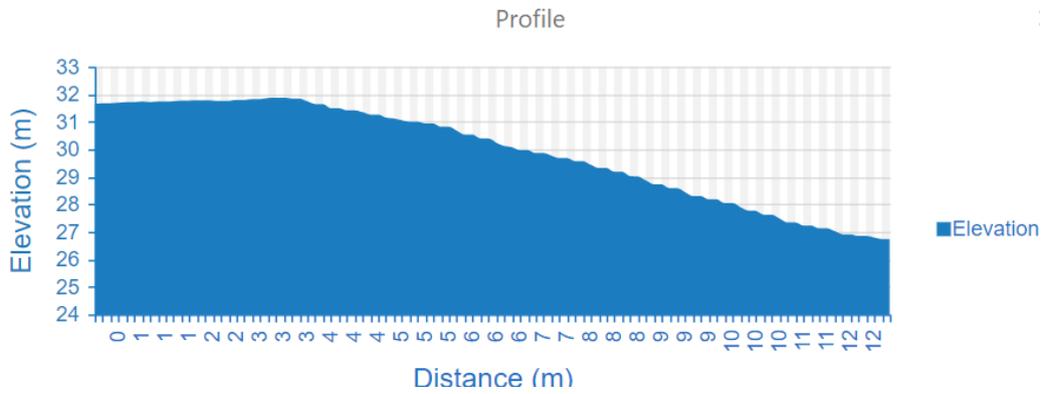
17. MLN1 4.1204



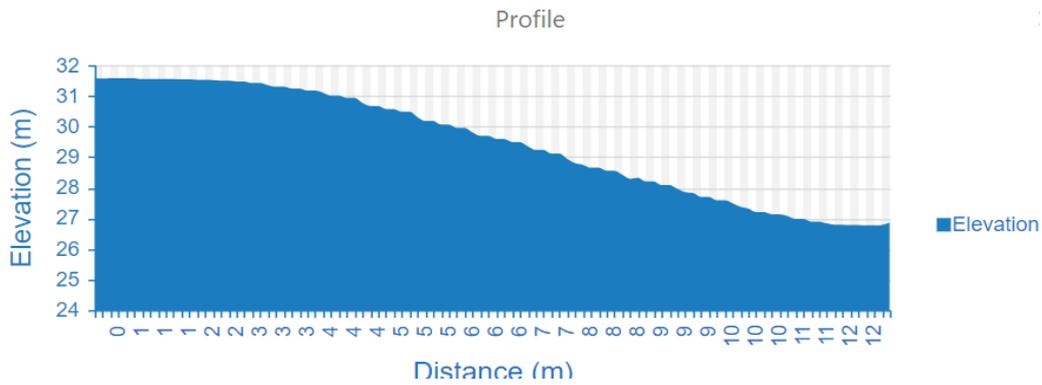
18. MLN1 4.1179



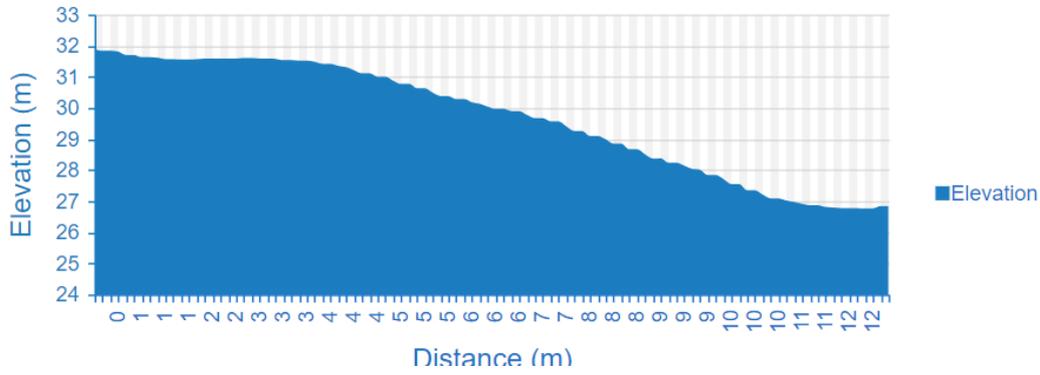
19. MLN1 4.1155



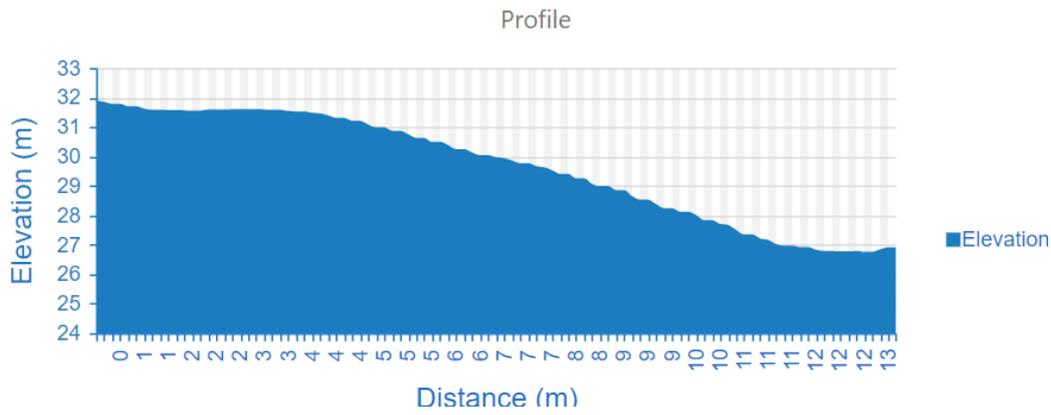
20. MLN1 4.1130



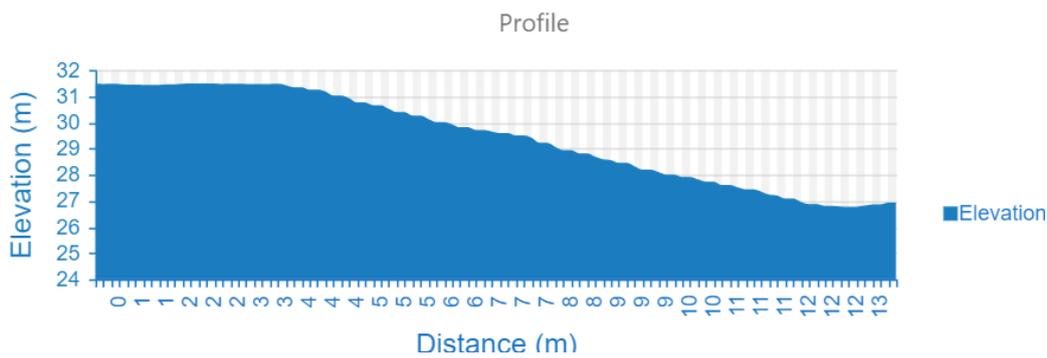
21. MLN1 4.1114



22. MLN1 4.1105

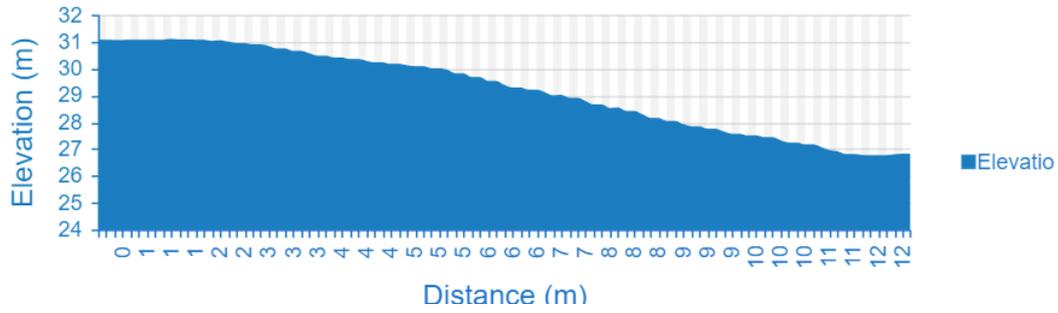


23. MLN1 4.1081

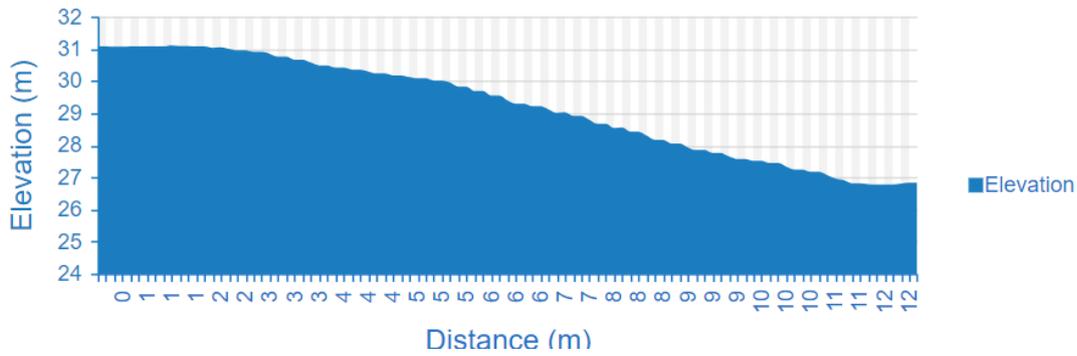


24. MLN1 4.1053

Profile

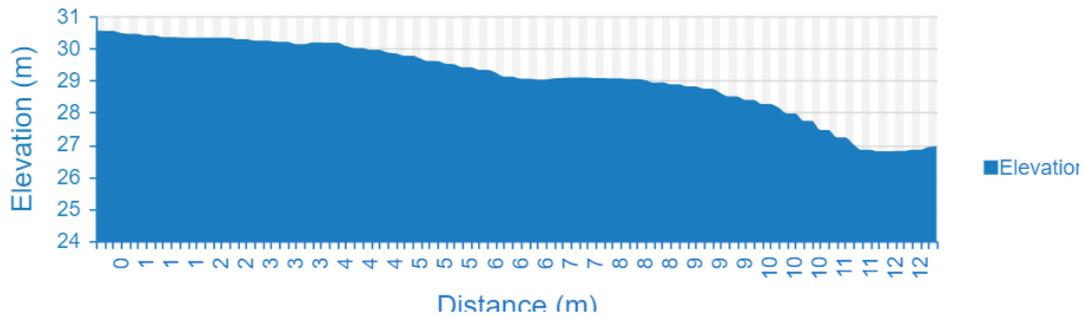


25. MLN1 4.1026

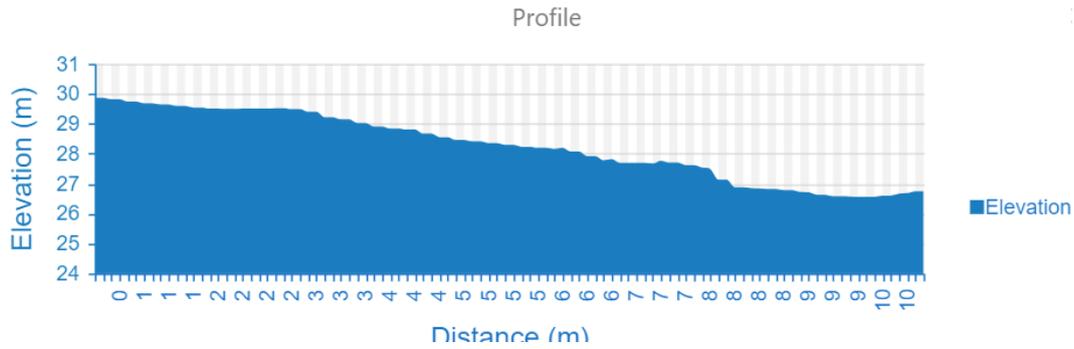


26. MLN1 4.1005

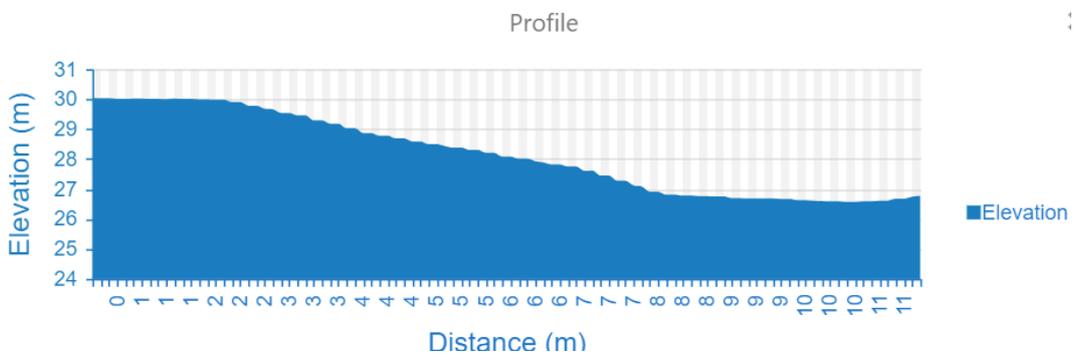
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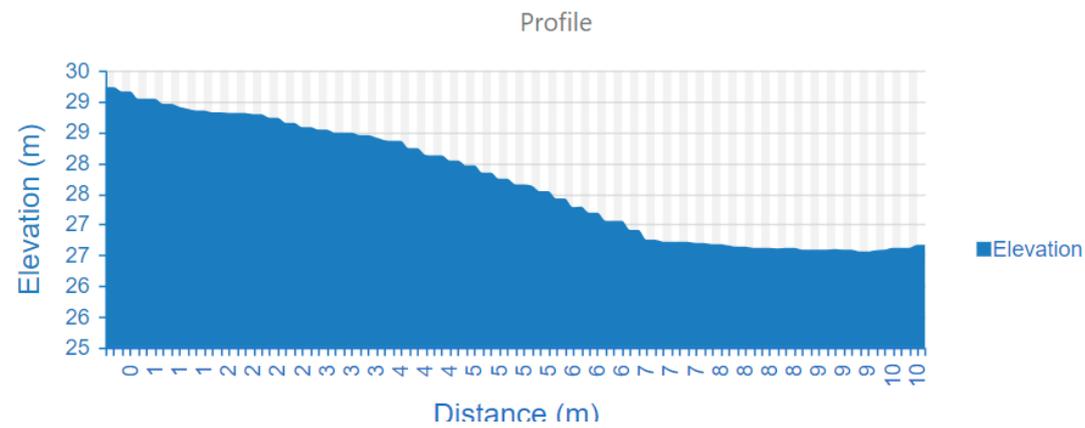
27. MLN1 4.0981



28. MLN1 4.0960

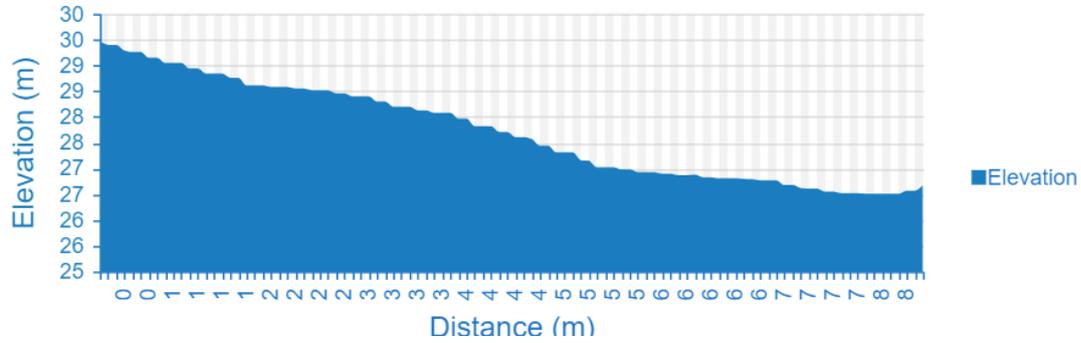


29. MLN1 4.0935

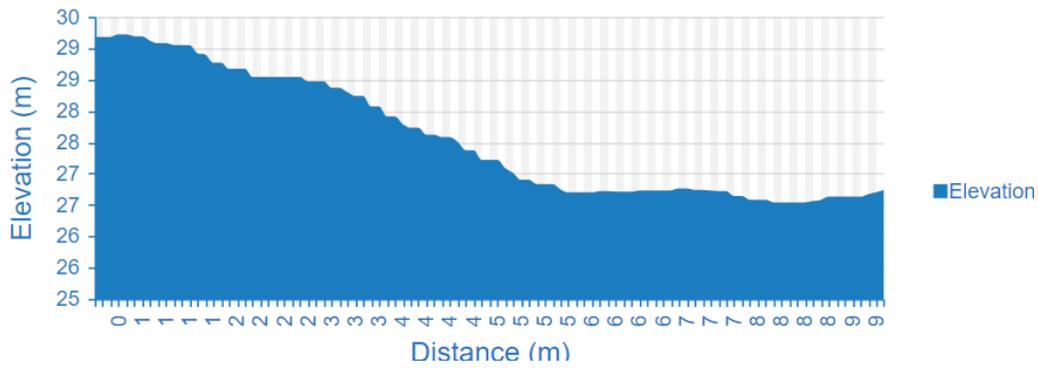


30. MLN1 4.0913

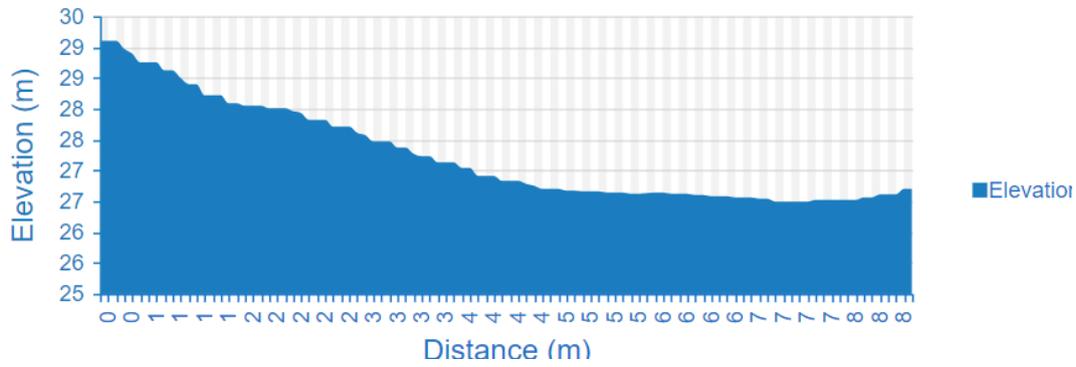
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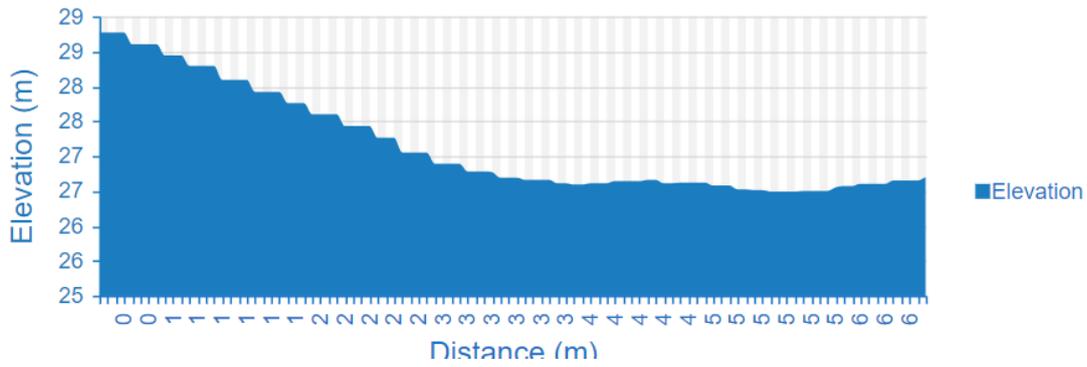
31. MLN1 4.0887



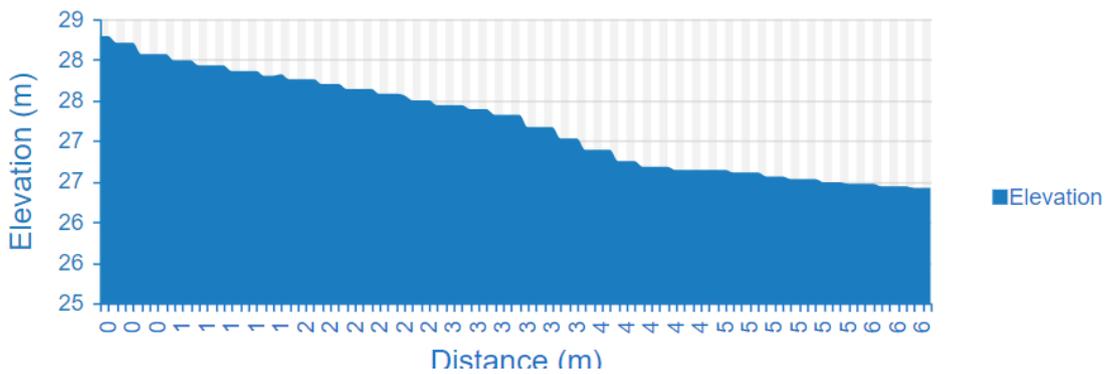
33. MLN1 4.0831



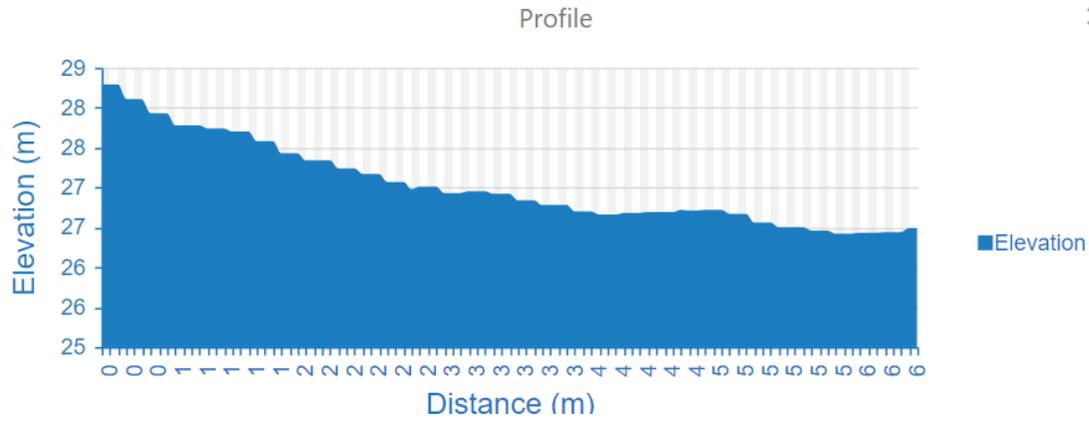
34. MLN1 4.0809



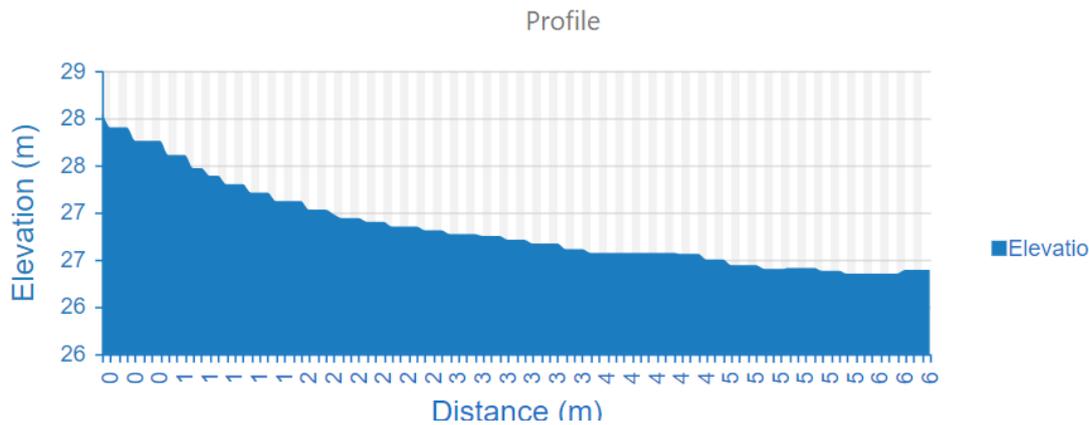
35. MLN1 4.0783



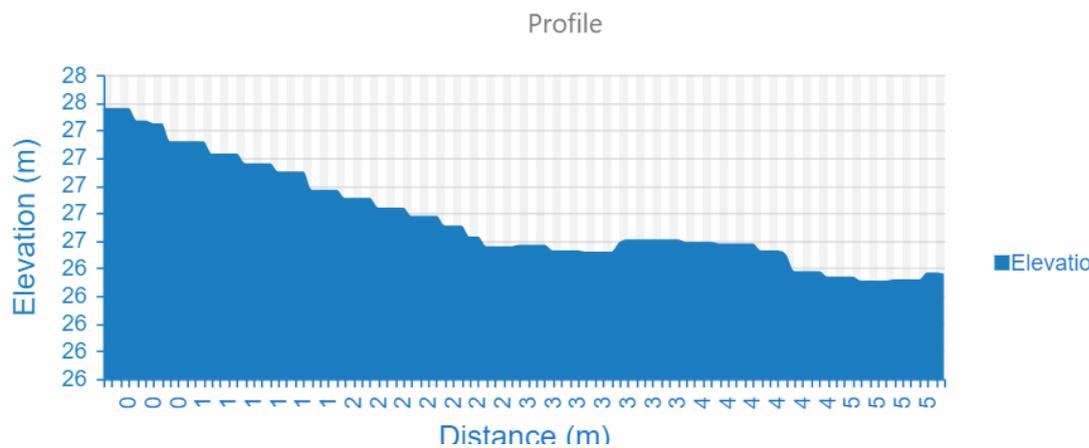
36. MLN1 4.0760



37. MLN1 4.0735

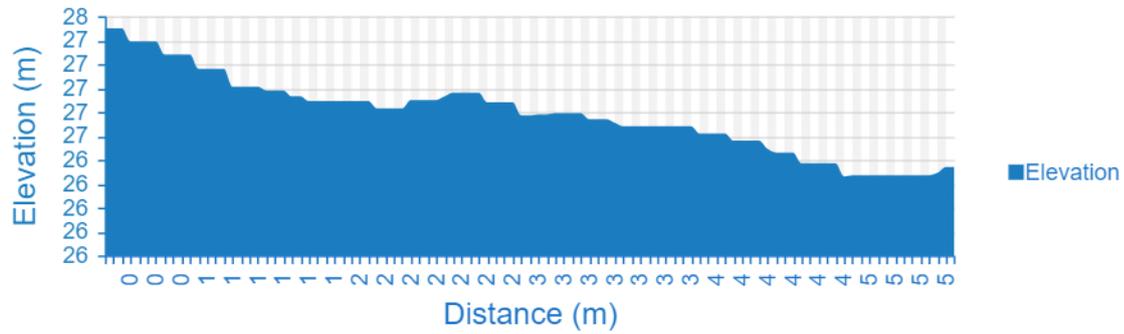


38. MLN1 4.0713

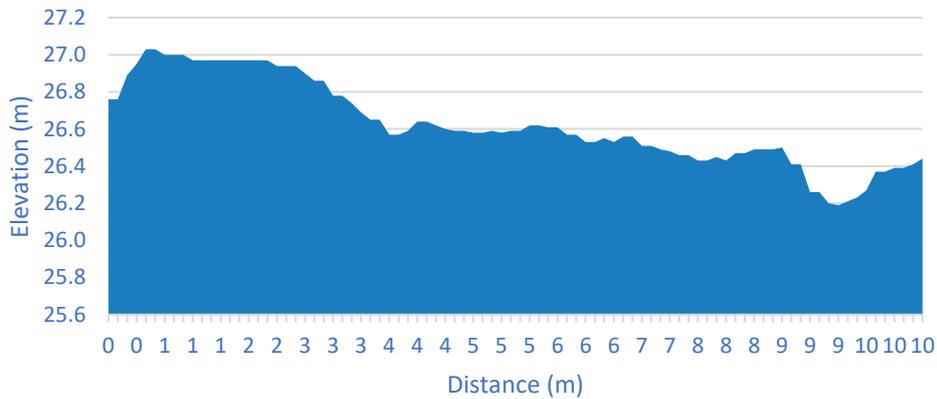


39. MLN1 4.0688

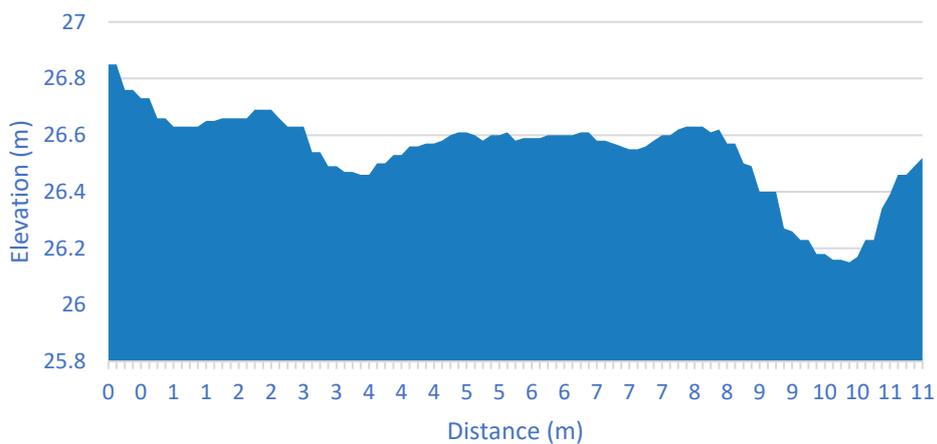
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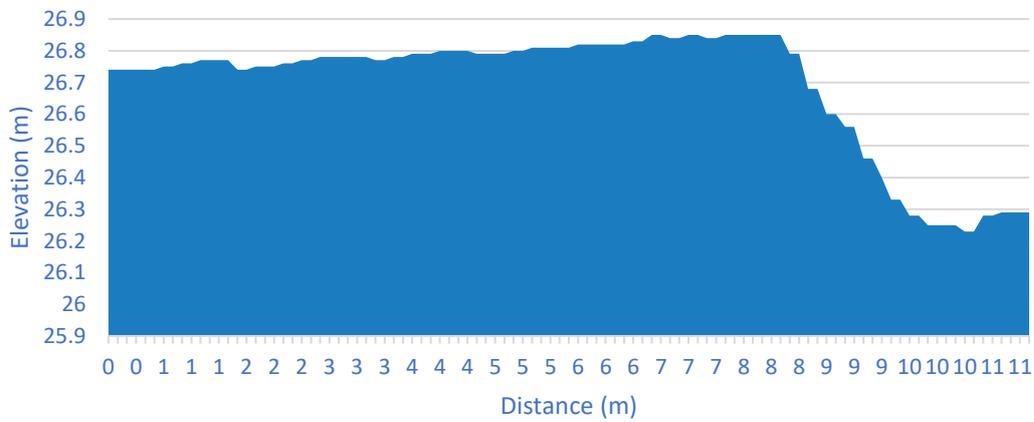
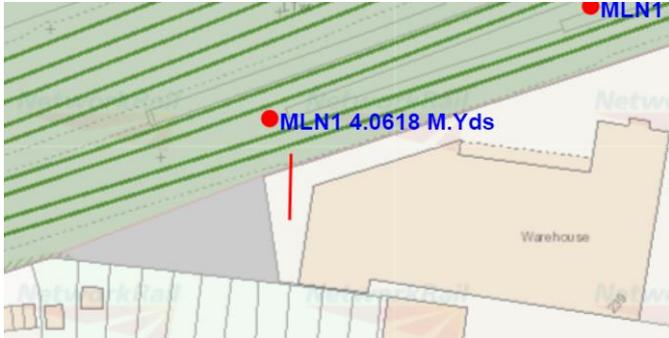
40. JEWSON MLN1 4.0668



41. JEWSON MLN1 4.0648

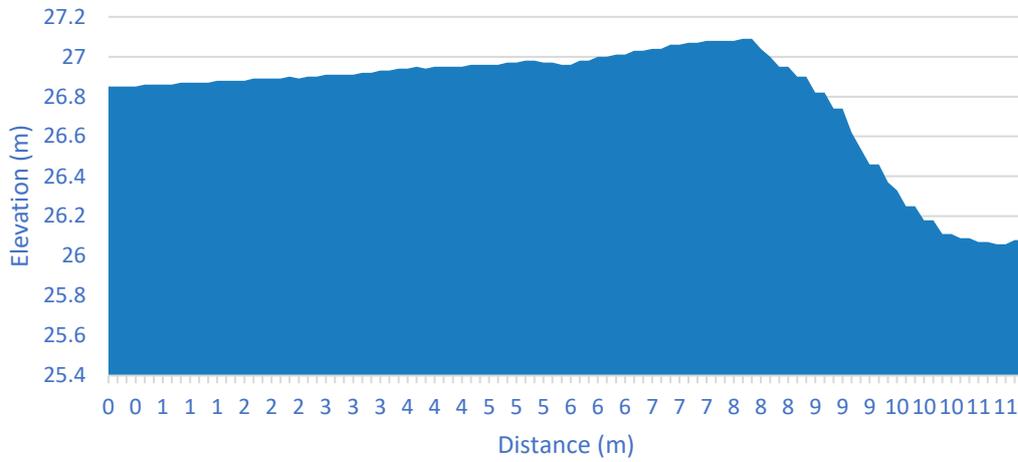


42. JEWSON MLN1 4.0618



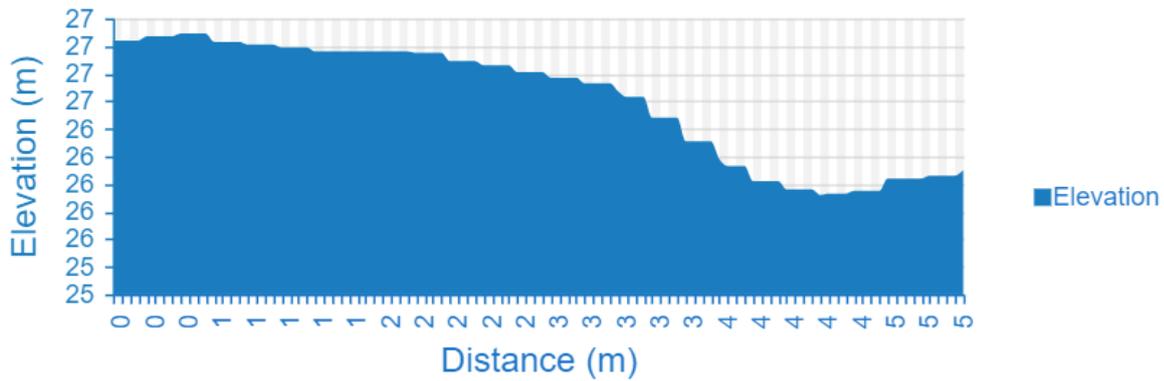
43. JEWSONS MLN1 4.0532





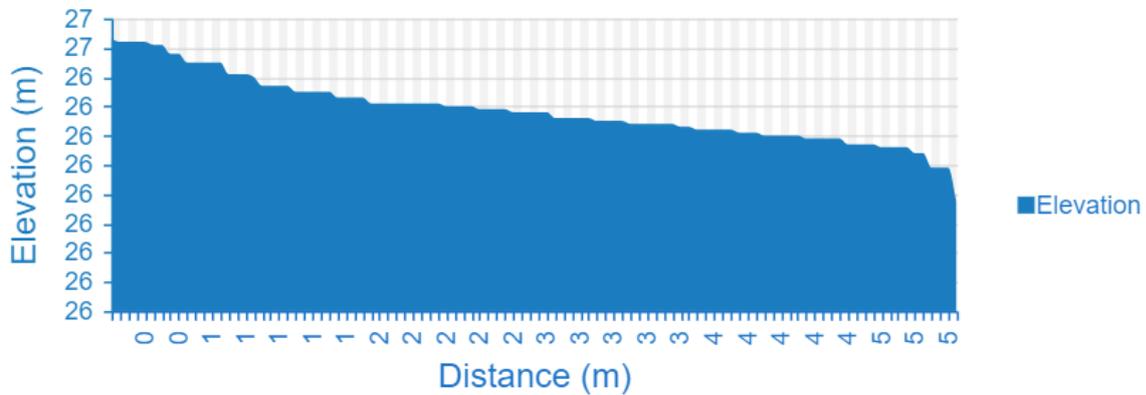
44. MLN1 4.0457

Profile

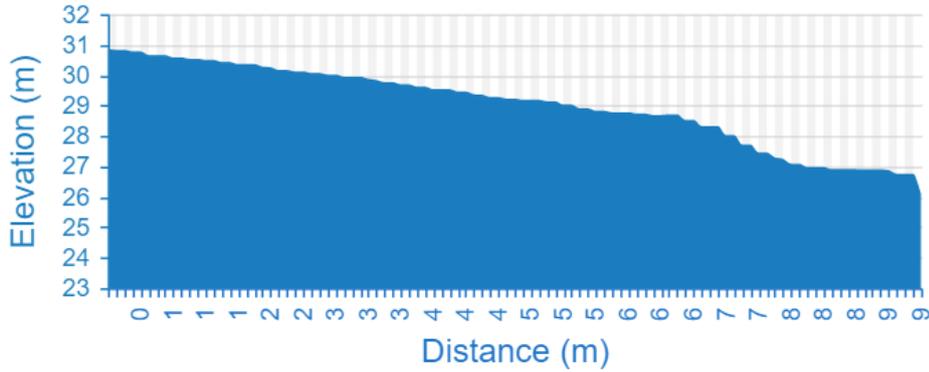


45. MLN1 4.0434

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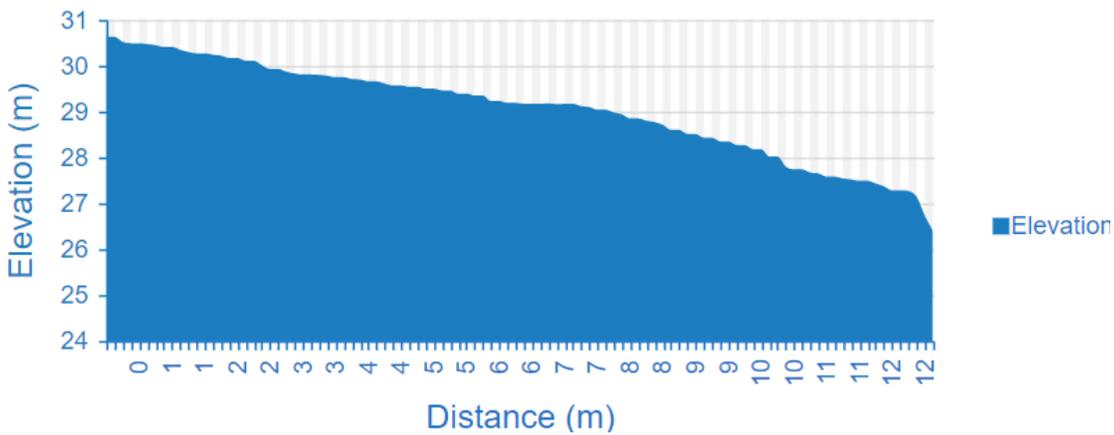


46. MLN1 4.0346



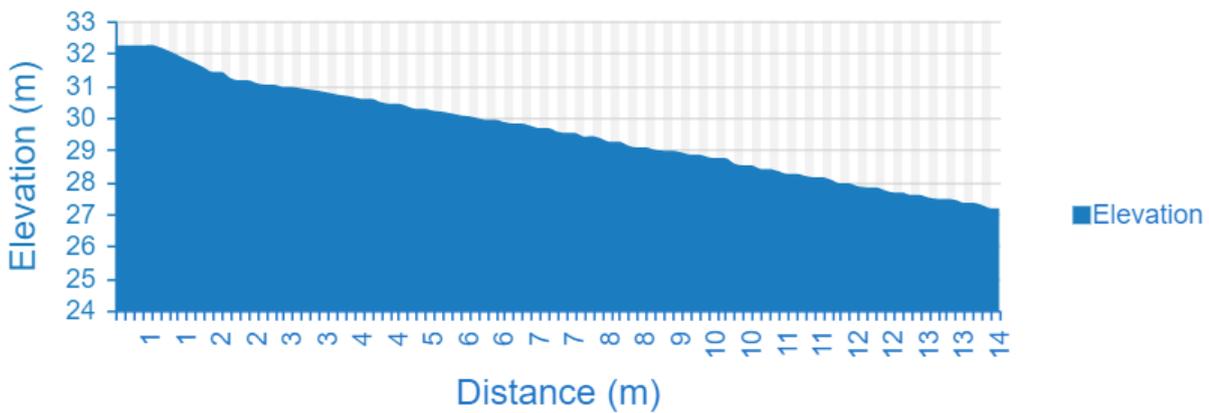
47. MLN1 4.0318

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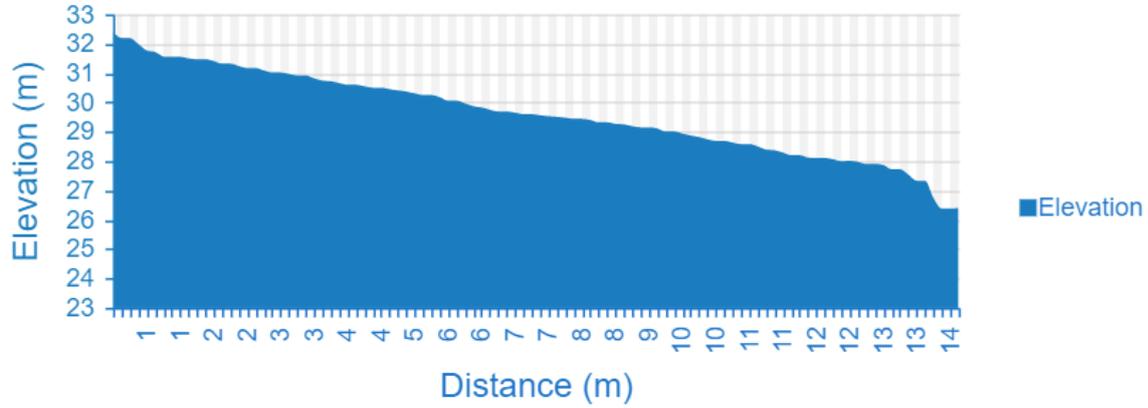


48. MLN1 4.0292

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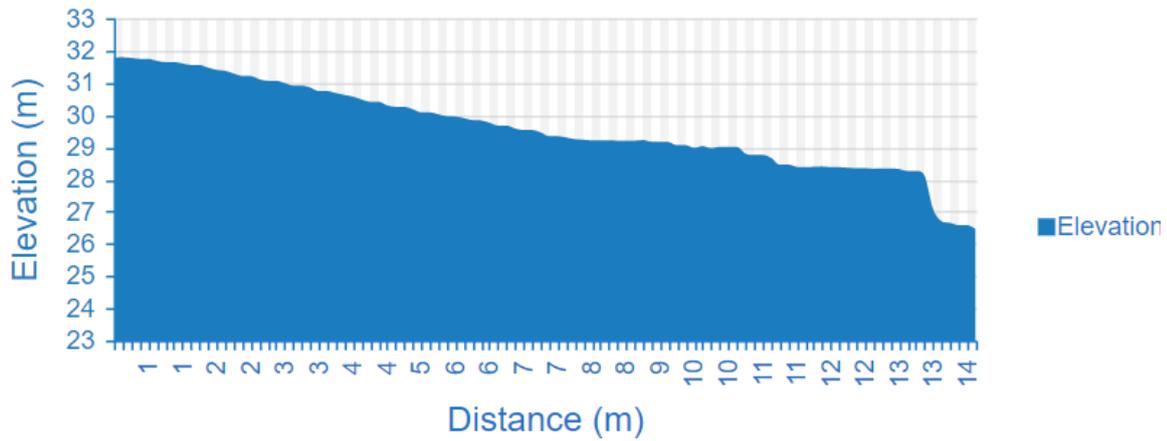


49. MLN1 4.0267

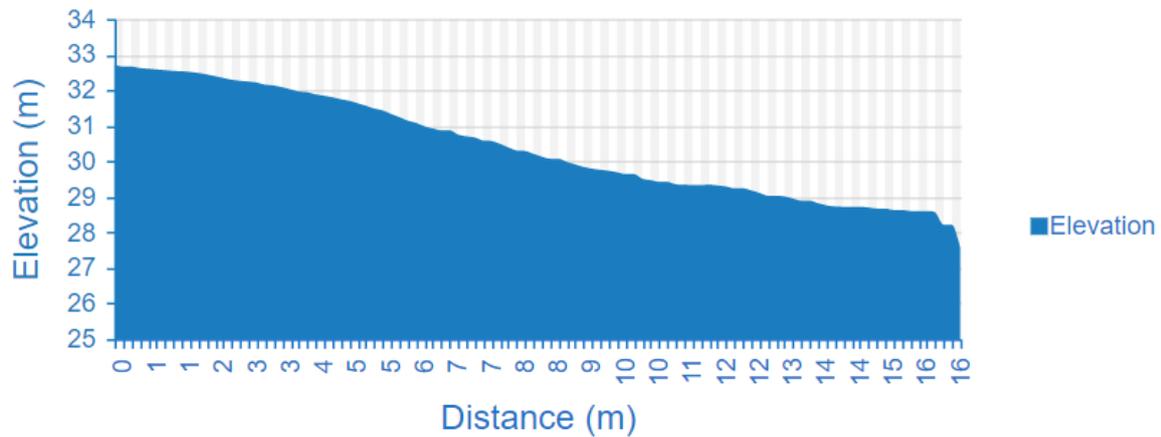


50. MLN1 4.0241

Profile

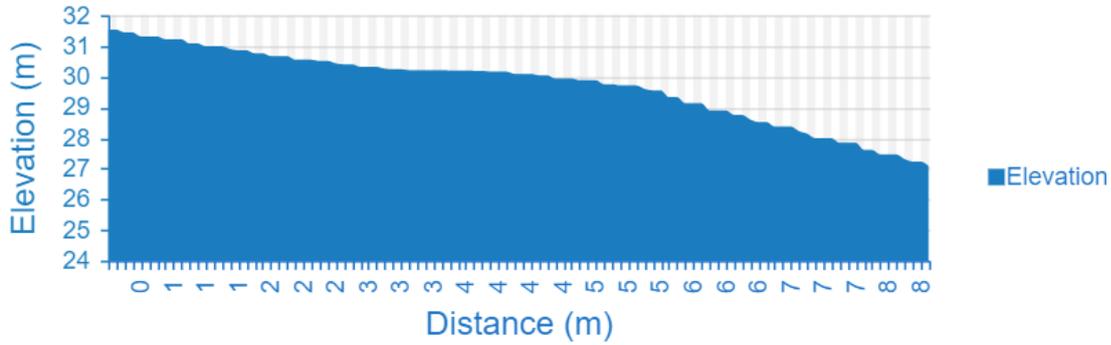


51. MLN1 4.0216



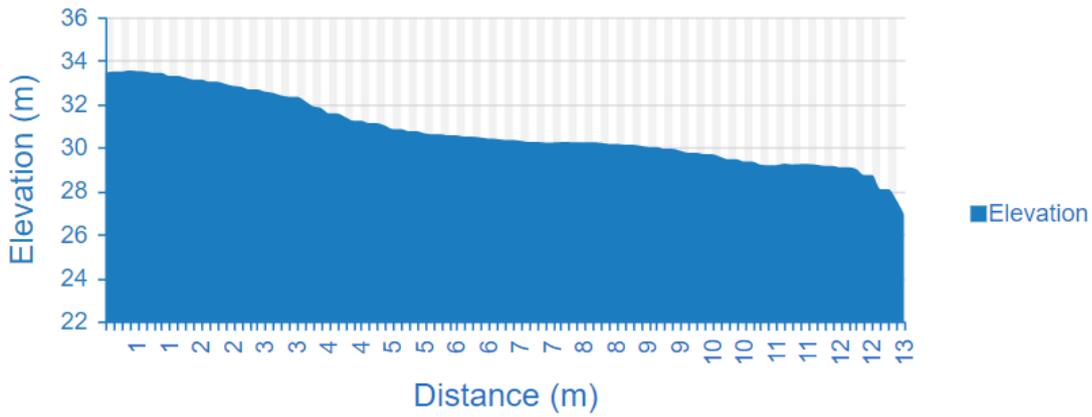
52. MLN1 4.0194

Profile

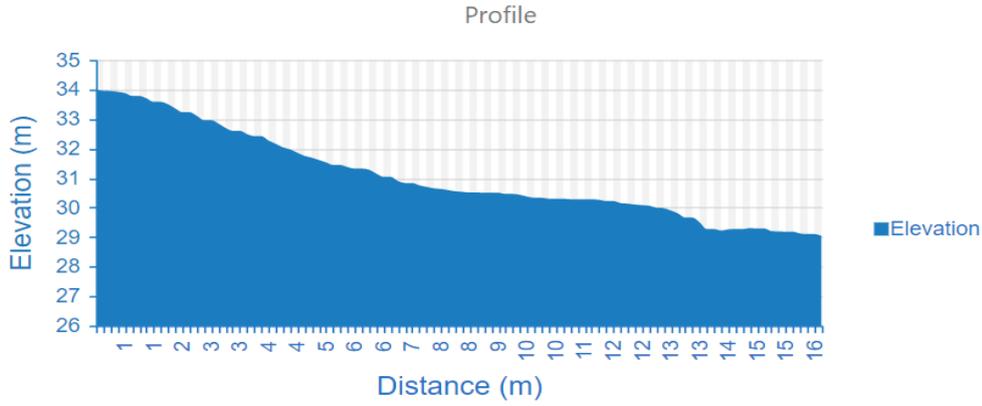


53. MLN1 4.0170

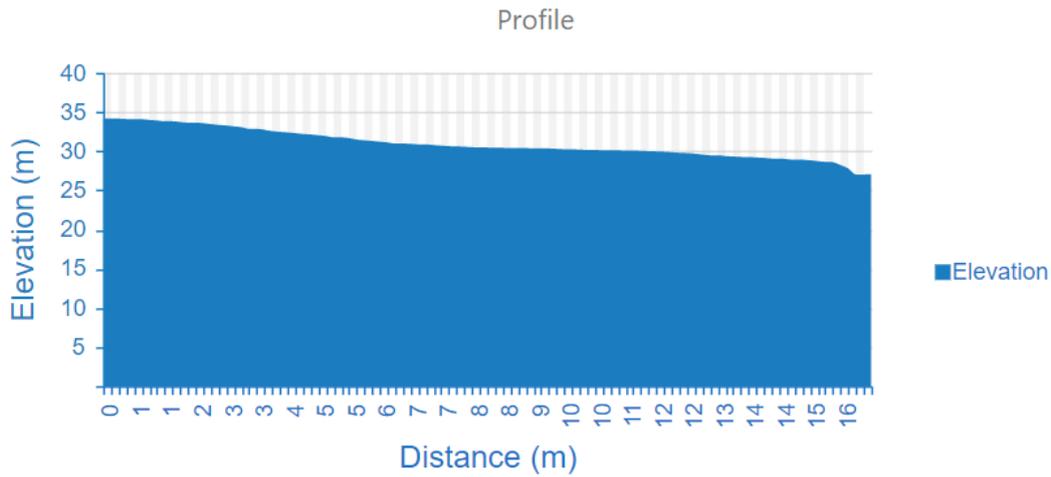
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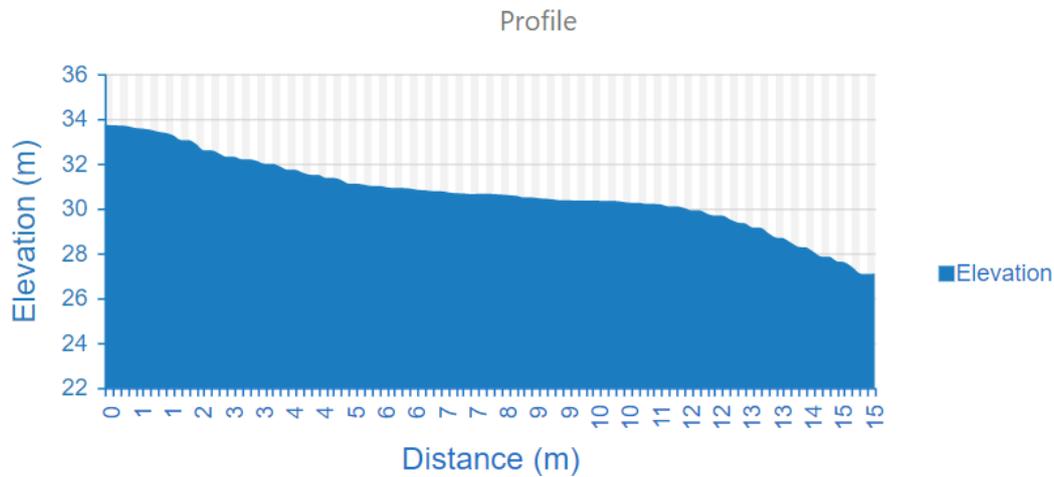
55. MLN1 4.0128



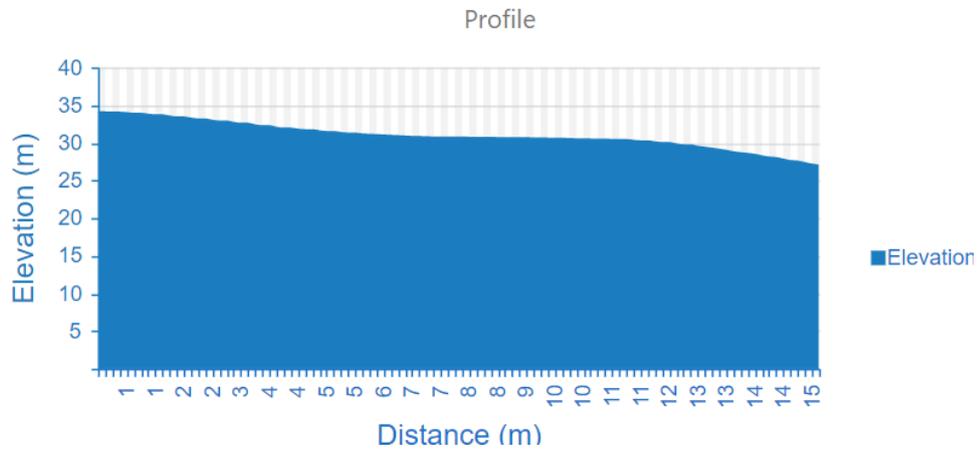
56. MLN1 4.0105



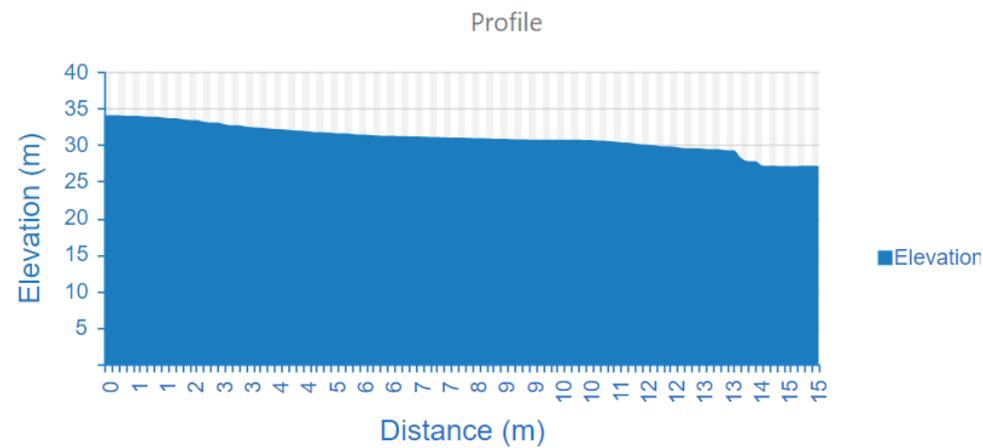
57. MLN1 4.0082



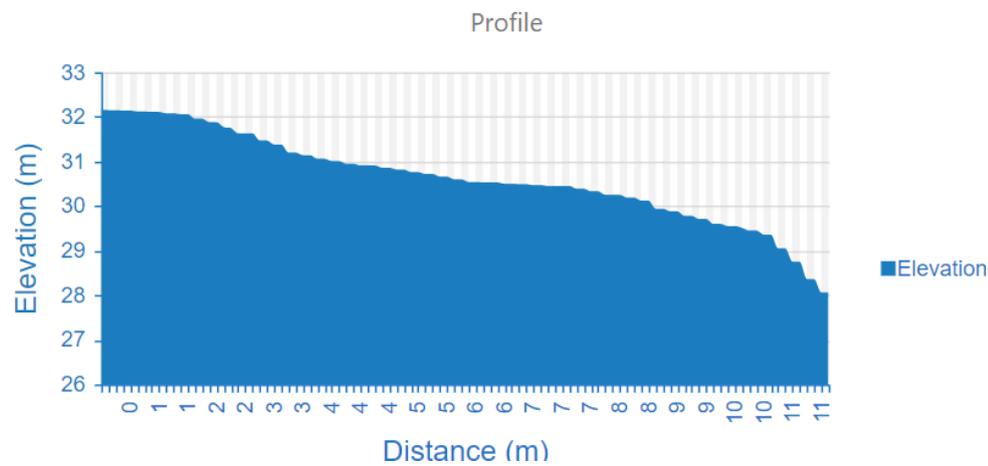
58. MLN1 4.0059



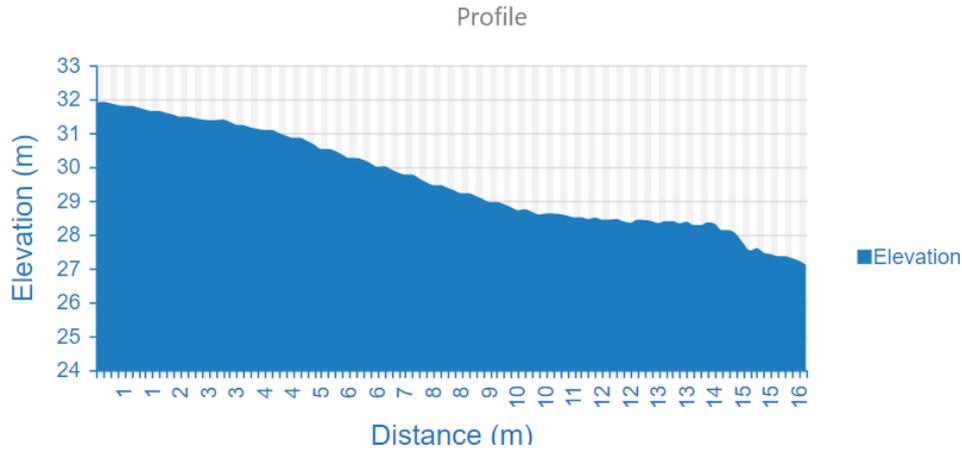
59. MLN1 4.0037



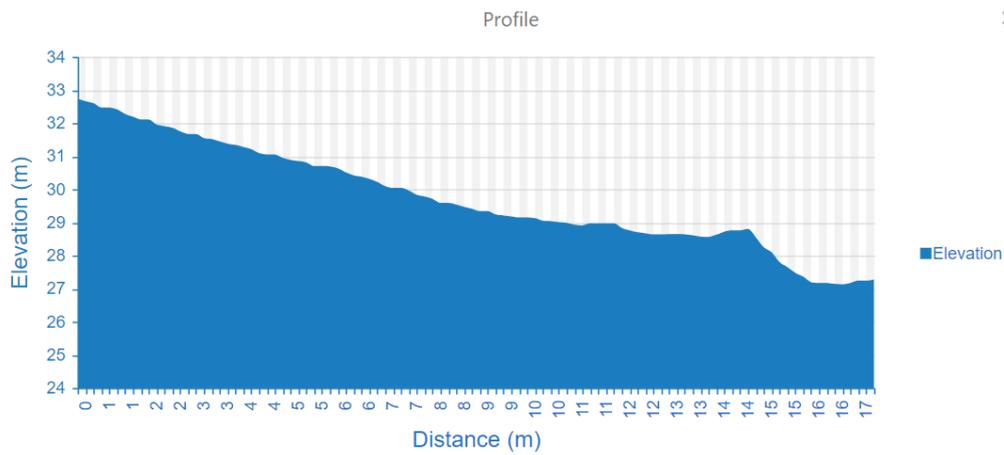
60. MLN1 4.0014



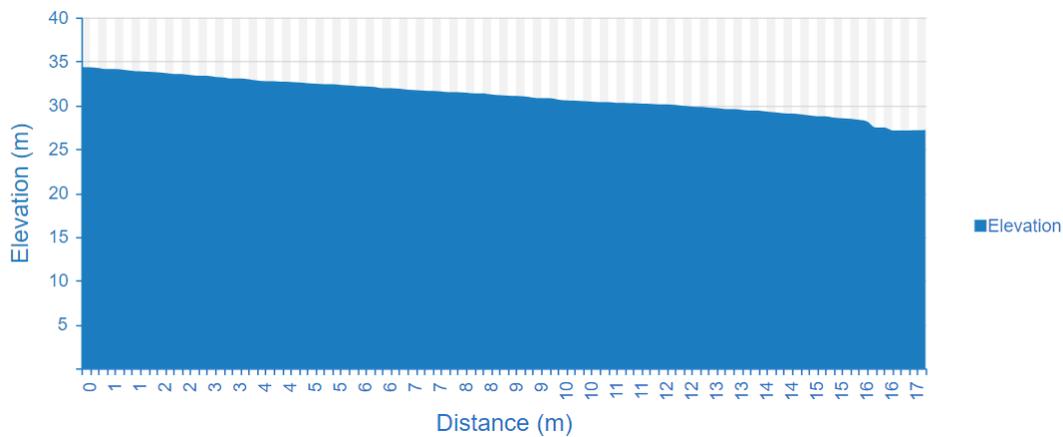
61. MLN1 3.1748



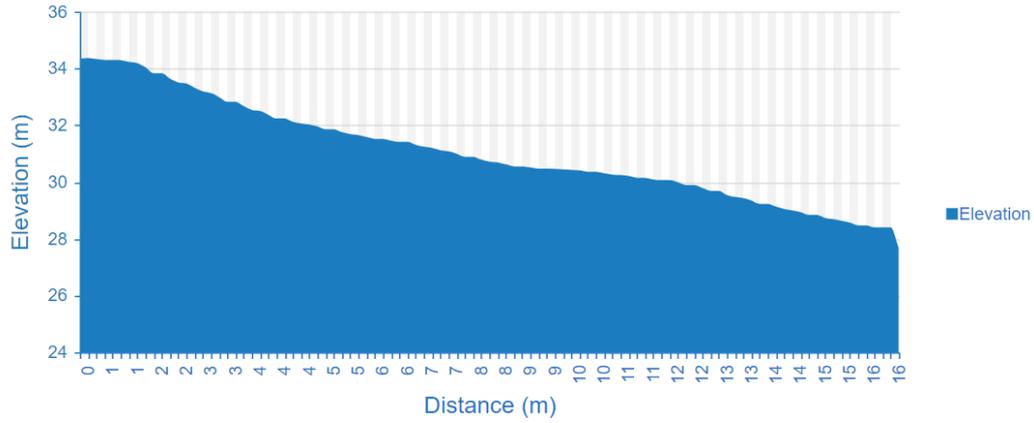
62 MLN1 3.1702



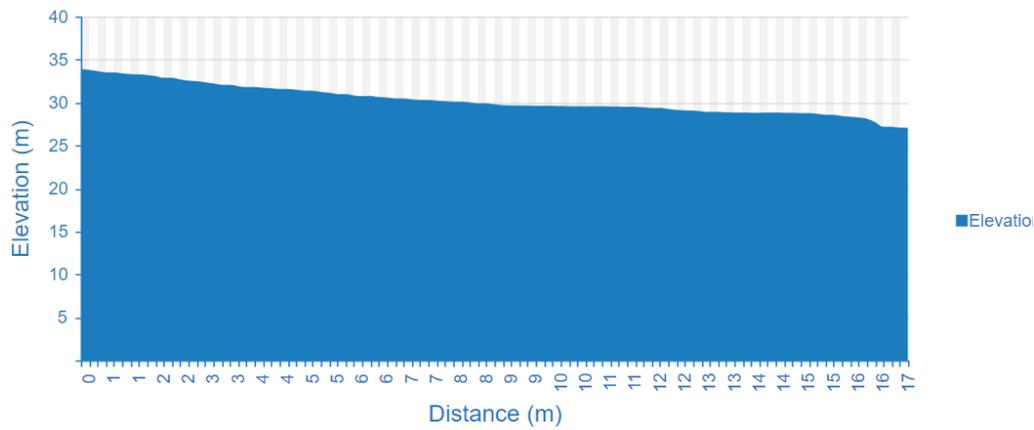
63 MLN1 3.1688



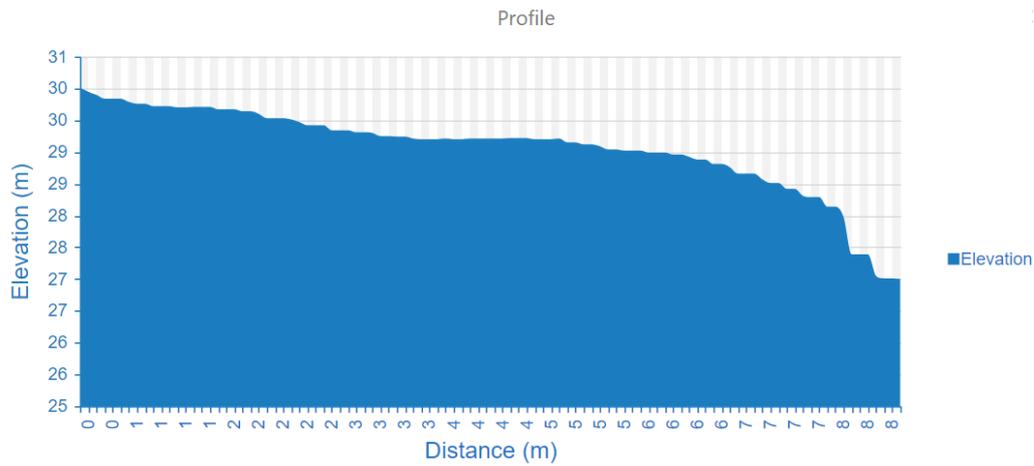
64 MLN1 3.1668



65 MLN1 3.1648

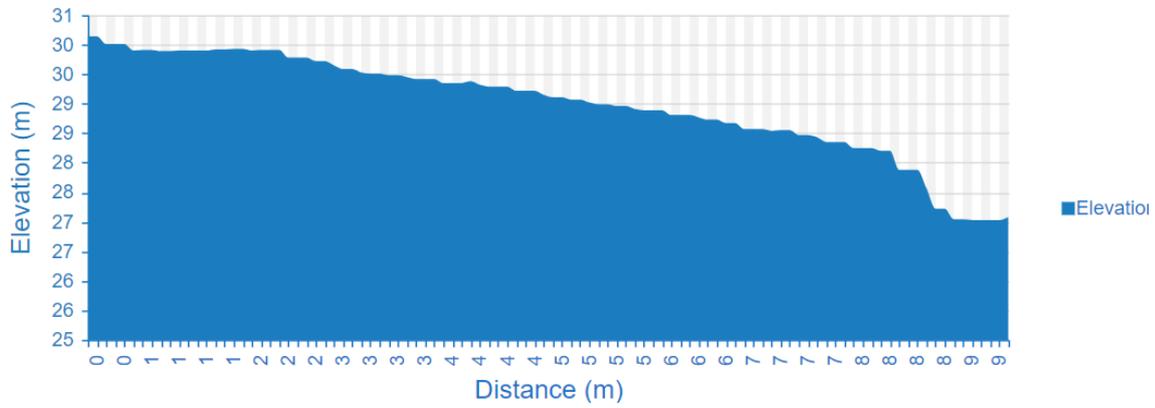


66 MLN1 3.1628

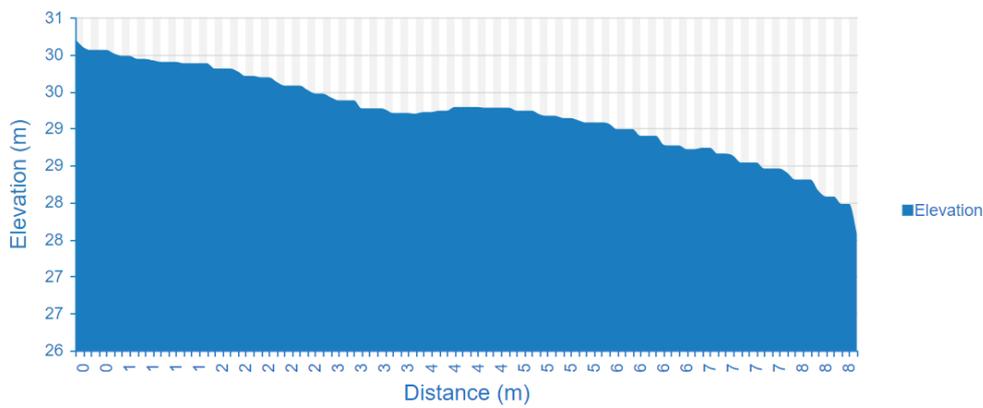


67 MLN1 3.1608

Profile

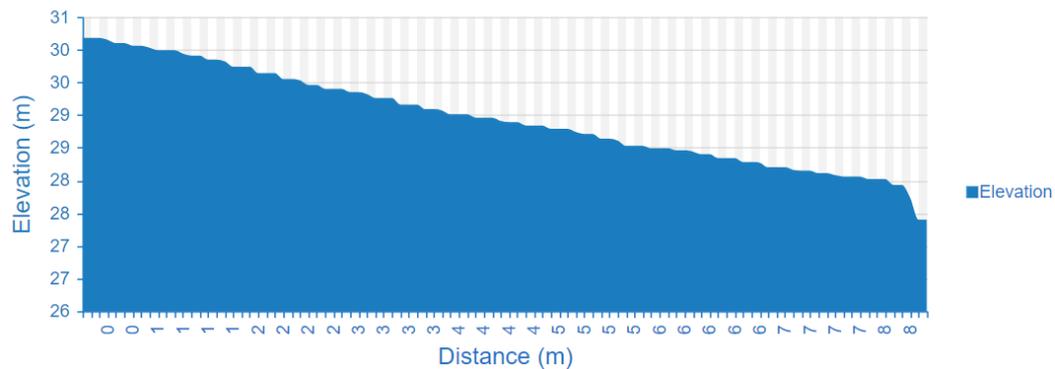


68 MLN1 3.1588



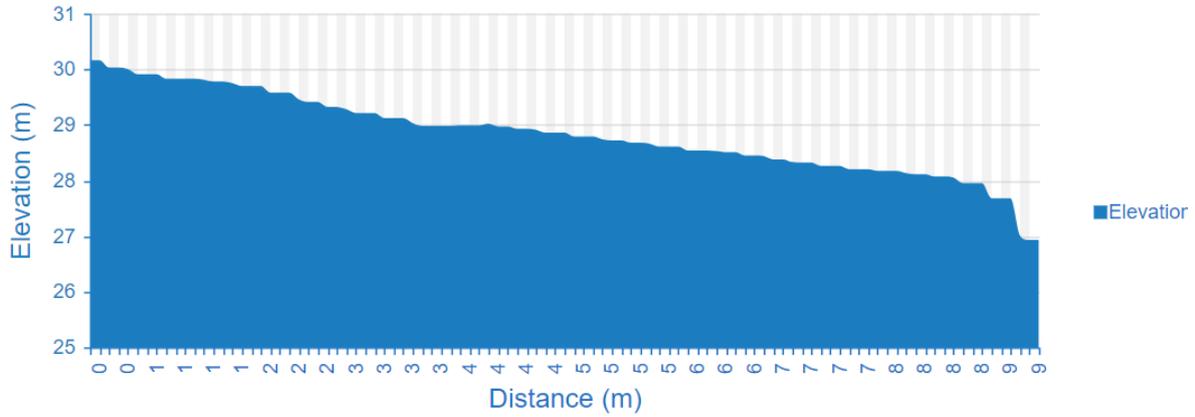
69 MLN1 3.1568

Profile

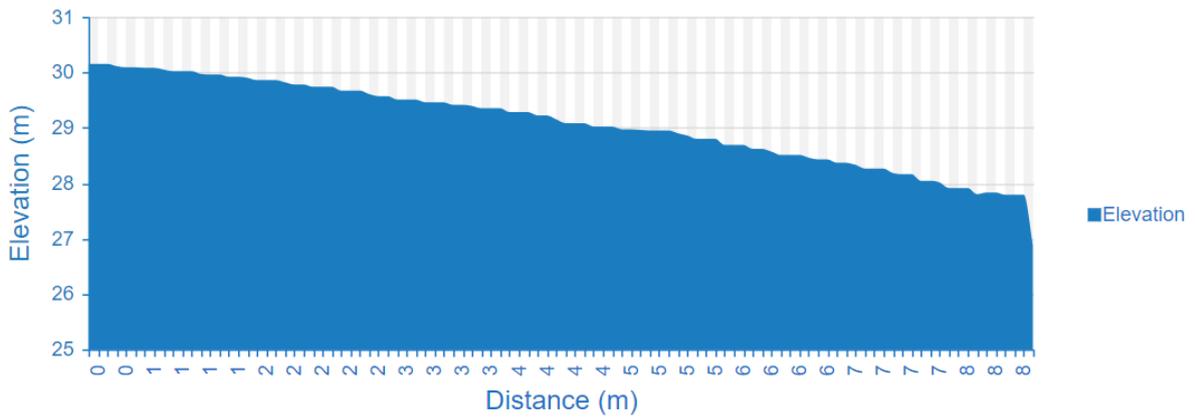


70 MLN1 3.1548

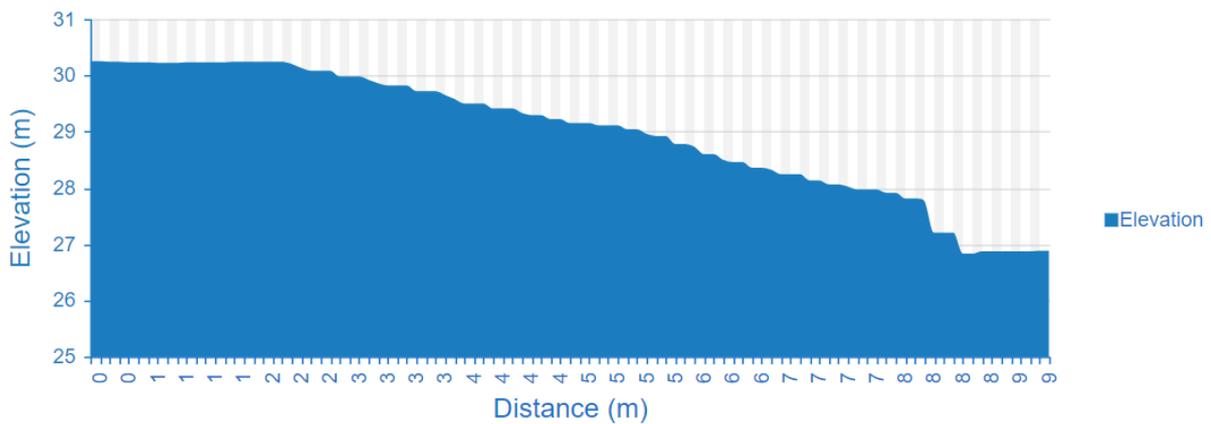
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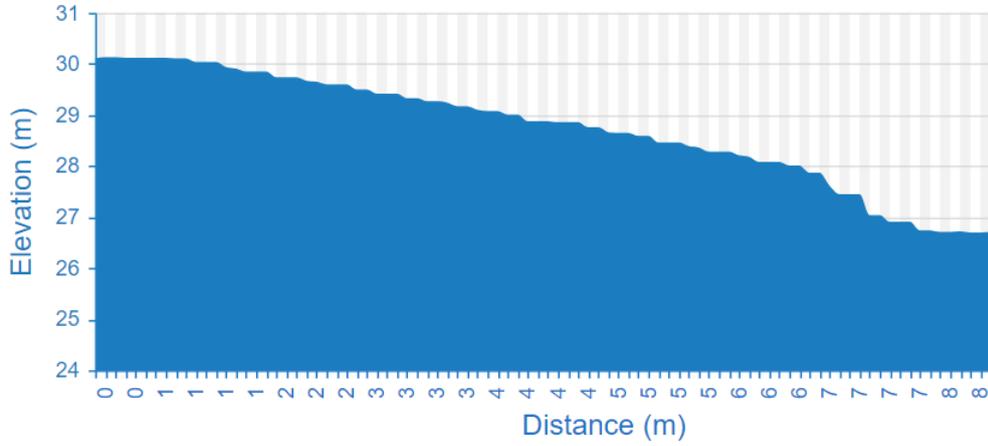
71 MLN1 3.1528



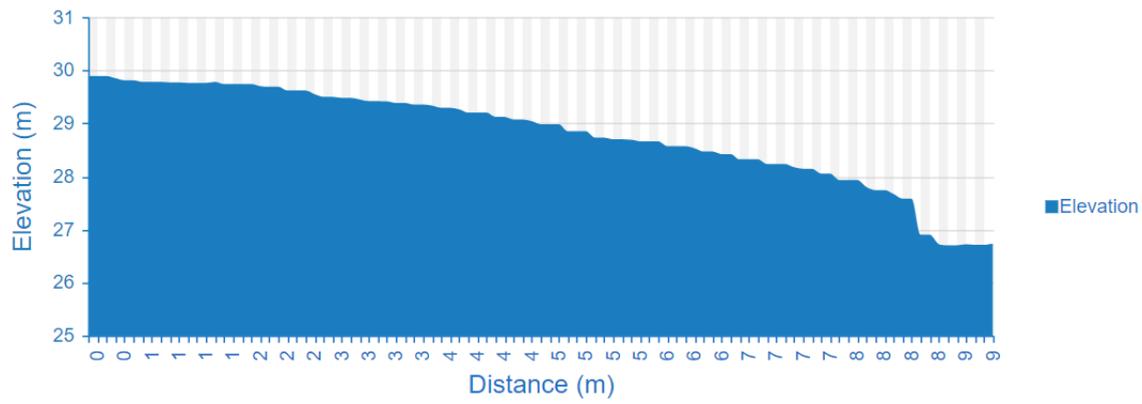
72 MLN1 3.1508



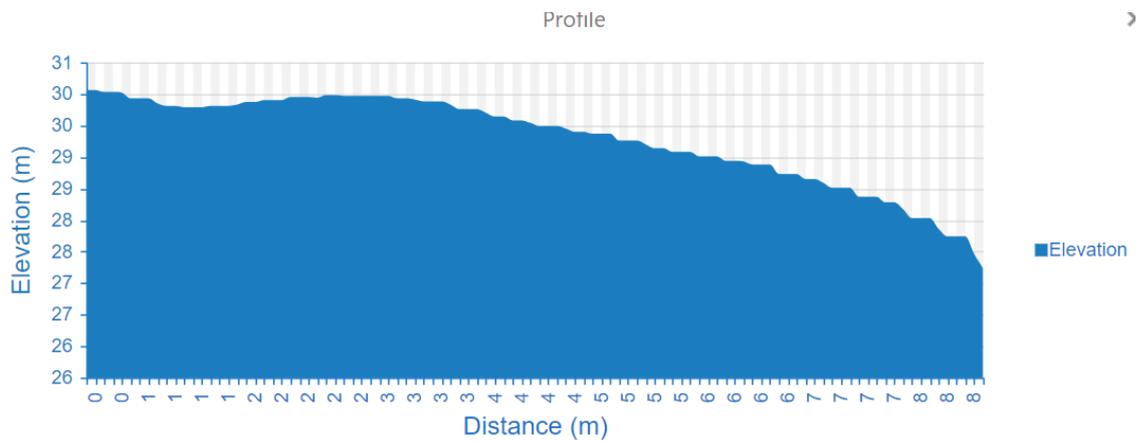
73 MLN1 3.1488



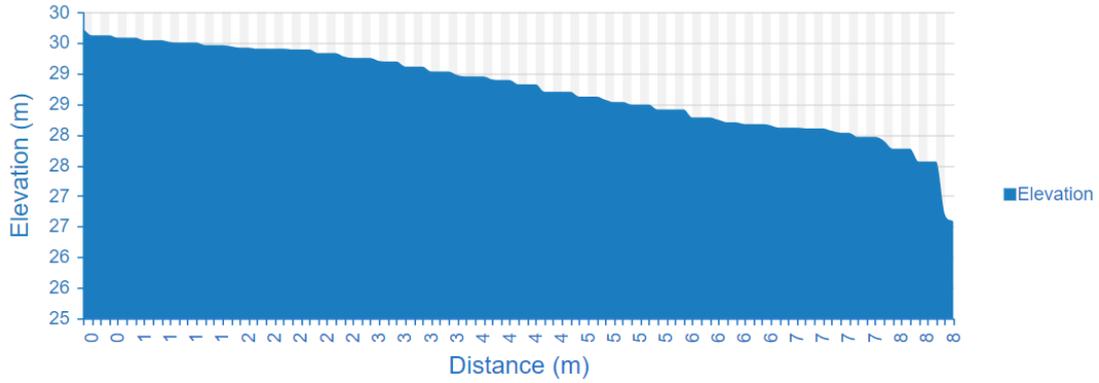
74 MLN1 3.1468



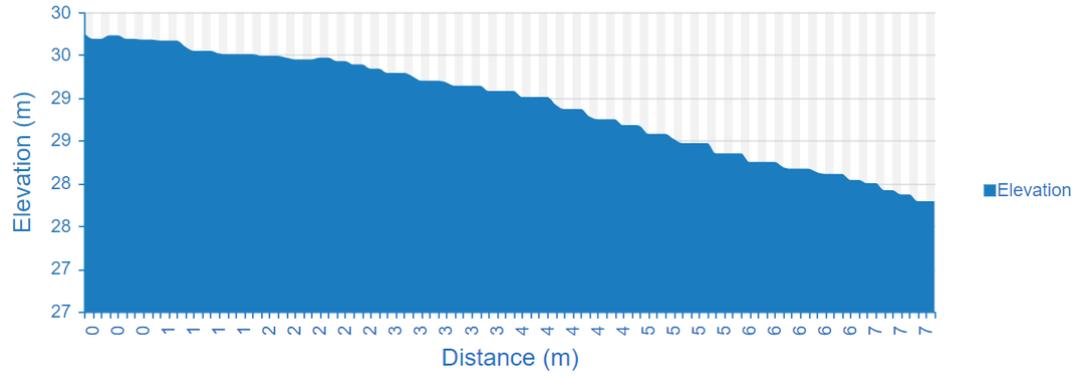
75 MLN1 3.1448



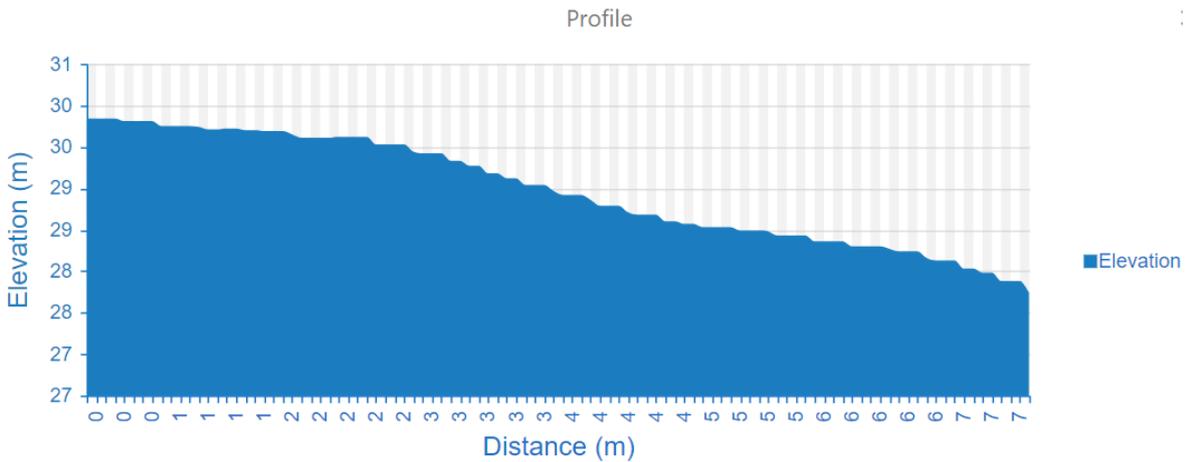
76 MLN1 3.1428



77 MLN1 3.1408

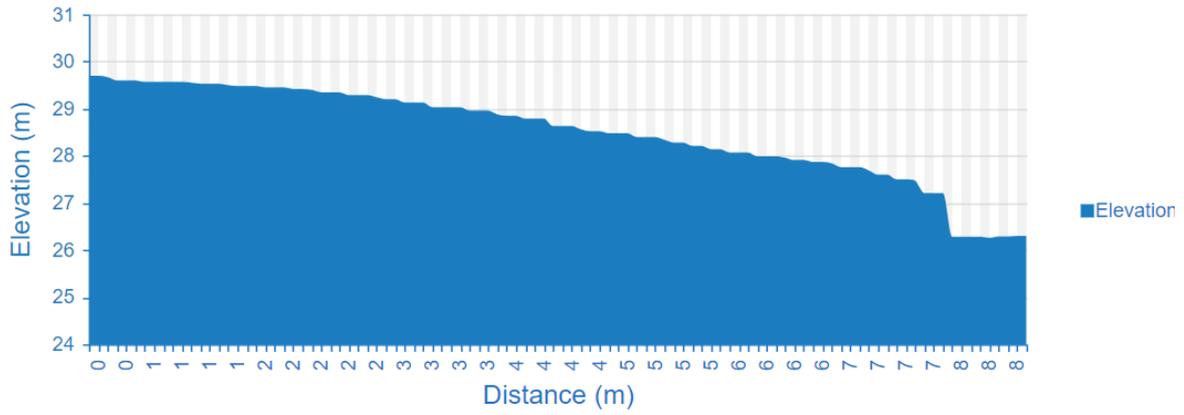


78 MLN1 3.1388



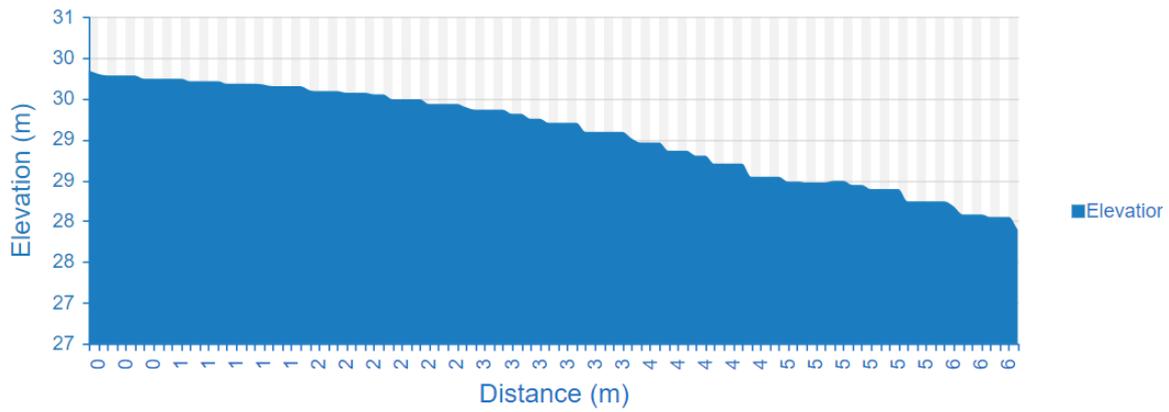
79 MLN1 3.1368

Profile



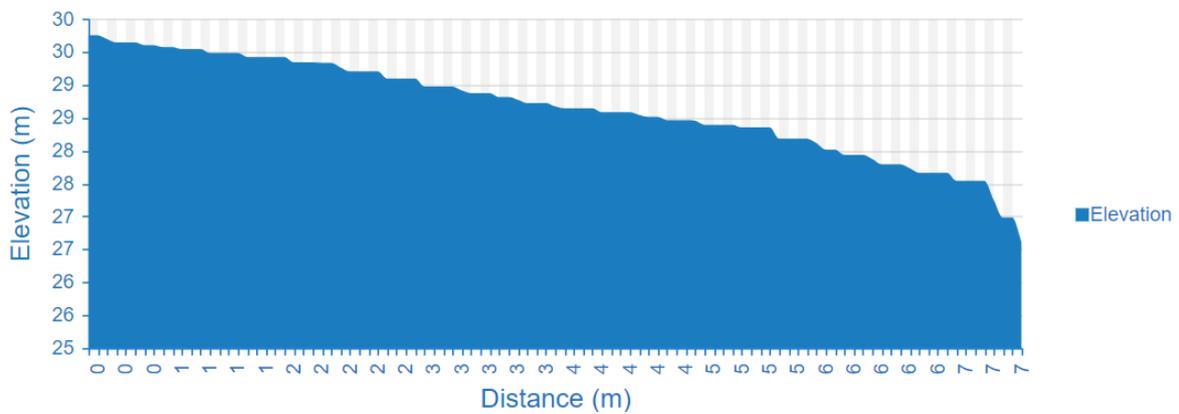
80 MLN1 3.1348

Profile

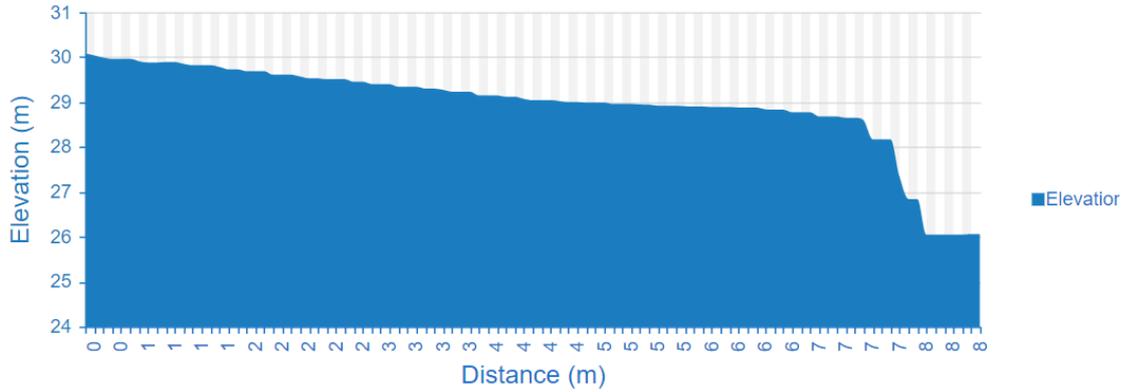


81 MLN1 3.1328

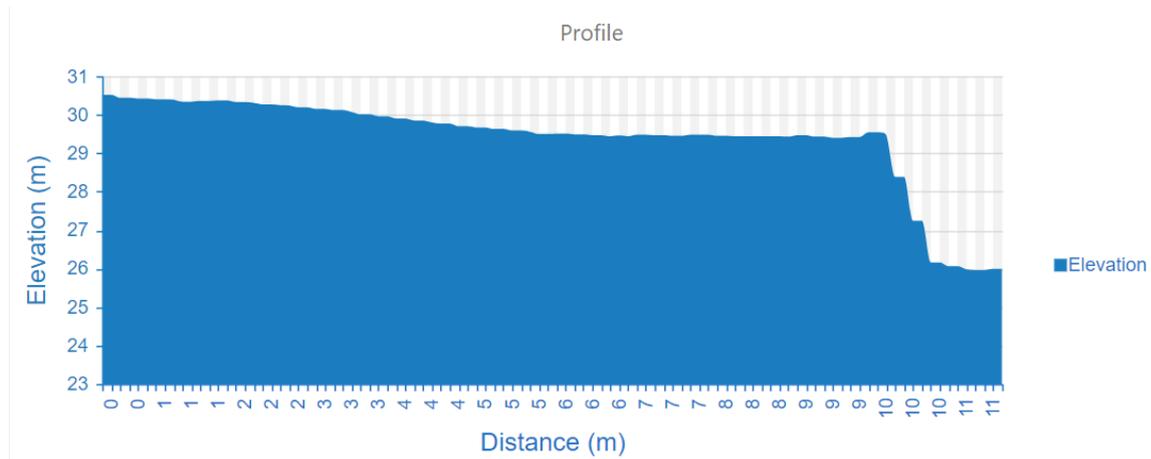
Profile



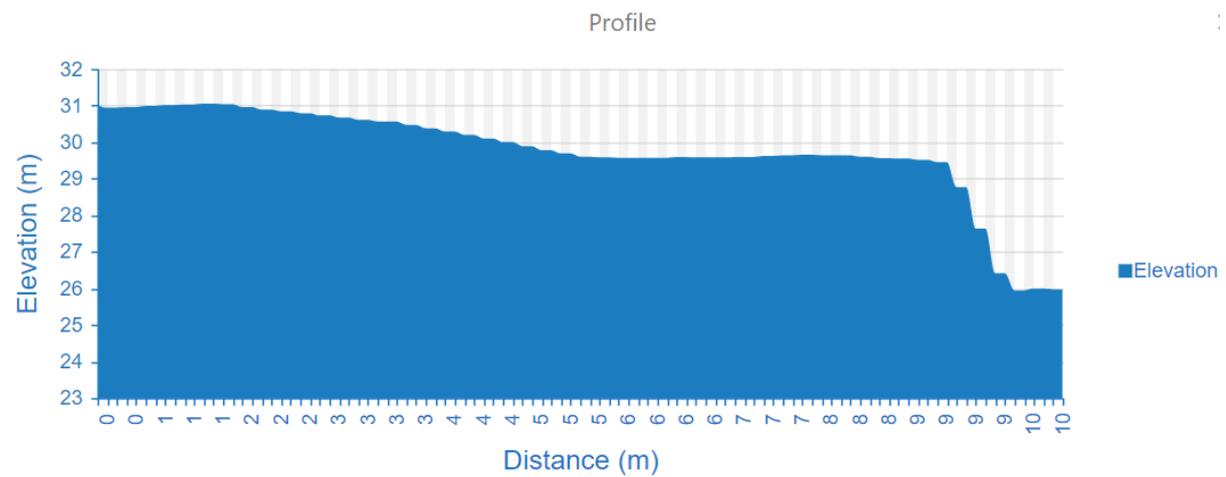
82 MLN1 3.1308



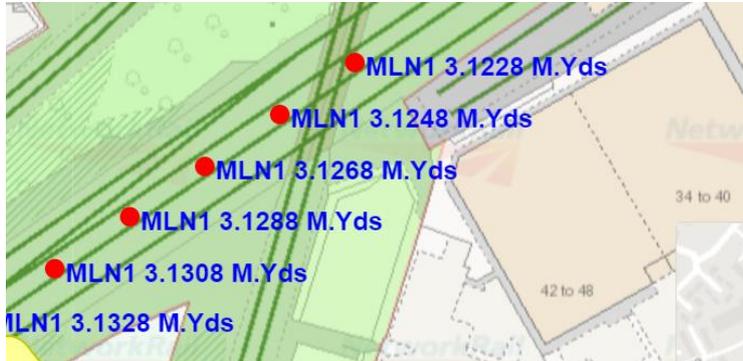
83 MLN1 3.1288



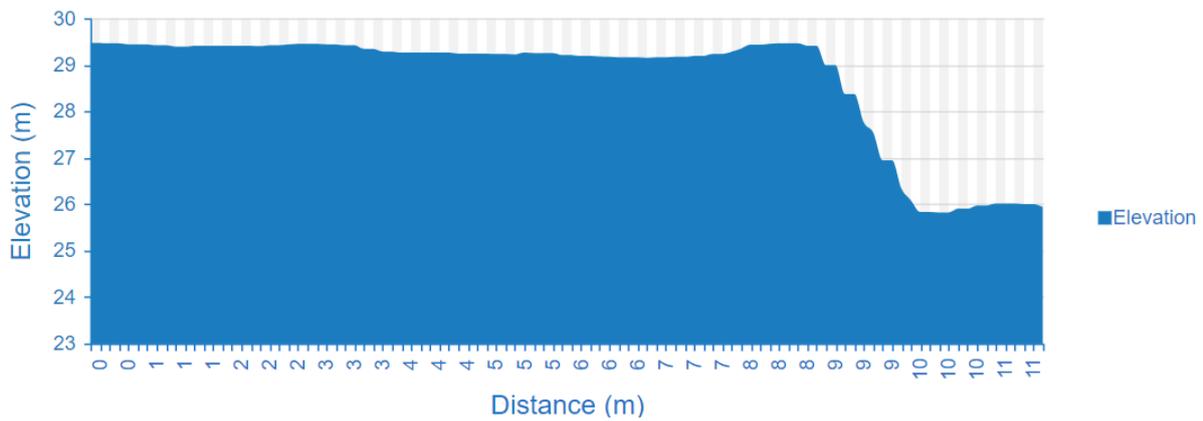
84 MLN1 3.1268



MLN1 3.1248 was omitted because of area being fully lineside



85 MLN1 3.1226



Appendix ARR1j



Sophie Jacobs
By email: sophie.jacobs@nortonrosefulbright.com

Network Rail
Freedom of Information
The Quadrant
Elder Gate
Milton Keynes
MK9 1EN

E FOI@networkrail.co.uk

28 February 2023

Dear Sophie

Reference number: FOI2023/00138

Following a Teams meeting on 31 January 2023 regarding your previous requests that were refused on the grounds of cost, you narrowed your request to ask for the following information:

As agreed, the Network Rail FOI team will provide a response to question 1 as set out in our request letter of 22 December 2022. As such the Network Rail FOI team undertakes to review the central folder as referred to in its response letter dated 25 January 2023, which we understand to be an accessible online resource, in order to locate and provide the documentation described in question 1 of our request.

1. In relation to the “extensive research” described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled “Old Oak Common Station Design” on 5 February 2019, which provide the basis for NR’s conclusion that the Site is “the only suitable area” for the Lineside Logistics Compound.

I have processed your request under the terms of the Environmental Information Regulations 2004 (EIR).¹

I can confirm that we hold reports relevant to your request, including an option selection report, within the central folder referenced in response to FOI2022/01512. However, it is my view that this information is exempt from disclosure under regulation 12(4)(d) of the

¹ Section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA and requires us to consider it under the EIR. Information about the construction of a lineside logistics compound meets the definition of environmental information at Reg.2(1)(c) of the EIR because it is a plan that will affect elements of the environment such as the landscape.

EIR (material in the course of completion). I will explain this exception and how it applies in the remainder of this response letter.

Regulation 12(4)(d)

Regulation 12(4)(d) of the EIR can be applied when the request relates to material which is still in the course of completion, unfinished documents or incomplete data. The Information Commissioner's guidance explains that examples of incomplete or unfinished documents can include the following:

‘Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not complete. Draft documents are unfinished even if the final version has been produced.’²

In the case of your request, while this particular document is finished, it has bearing on a larger piece of work still in progress, specifically our application for a Transport and Works Act Order (TWAO).

As the EU made clear when drafting the Directive which led to the EIR it must be:

‘...acknowledged that public authorities should have the necessary space to think in private. To this end, public authorities will be entitled to refuse access if the request concerns material in the course of completion.’³

As final decisions have not yet been made and there are intentions to publish information on option development in the future, we believe it would not inform public debate (and may potentially damage such debate) to disclose the documents we have produced and hold at this time. It is primarily the need for a safe space for Network Rail to reach decisions on the basis of evidence and expertise that has led us to consider that the information we hold constitutes material that is in the course of completion, and therefore regulation 12(4)(d) applies.

The public interest test

While I believe I have demonstrated that the exception is engaged, in order to withhold it I must also demonstrate that the public interest favours doing so. I have considered the issue and set out my findings below.

² More information on this exception can be accessed at the following link: https://ico.org.uk/media/for-organisations/documents/1637/eir_material_in_the_course_of_completion.pdf

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52000PC0402&from=EN>

Factors in favour of disclosure

- There is a general presumption in favour of disclosure under the EIR regime as it promotes openness, transparency and accountability.
- This information is likely to be significant those who live in the local area. There is public benefit in promoting access to this type of information.
- Providing this information would give the public greater insight into the development of schemes. This would allow for an increased public understanding of public policy which could cause changes to the economy and the environment of the country.

Factors against disclosure

- The disclosure of documents that form part of a wider evidence base, that have not previously been made publicly available, would be likely to have a negative impact on the 'safe space' required by our experts and for the third parties, such as HS2, who need to make the decisions on the points raised in your request, to consider the initial data or findings as held by Network Rail and review the information fairly, to make appropriate and measured decisions. As the ICO guidance states,

'In such cases the public authority may argue that it needs a 'safe space' in which to do this away from public scrutiny, and that disclosing this material would harm that safe space.'⁴
- The discussions and considerations for projects such as the development of a lineside logistics compound rely on significant amounts of technical expertise and experience as well as a detailed and far-reaching evidence base; this includes the work that we have carried out previously which is withheld from disclosure in this response. Explaining the rationale behind any considerations at this early stage is not feasible, within the constraints of the EIR and this response. In effect, this means that any information we put into the public domain at this time would provide only a partial picture, which is unlikely to further public debate or permit greater engagement with decisions about the environment.
- TWAO documentation will be made publicly available as part of the application process. Given that there is this intention to publish more details around the subject, I am of the view that it is appropriate to allow these details to be published through formal communications, within the wider context and at the appropriate time, rather than by disclosing any information that is being

⁴ https://ico.org.uk/media/for-organisations/documents/1637/eir_material_in_the_course_of_completion.pdf

considered at this stage. Disclosure of the information we hold at this time, prior to wider publication of our optioneering research would only serve to undermine the public communications strategy which is integral to the decisions that will eventually be made on this project. The Information Commissioner's Office (ICO) suggests that the closer the date of publication, the weaker the public interest arguments are in favour of disclosure, and that:

...information can be withheld on condition that "...it would be sensible to do so, fair to those concerned and in line with accepted practices."

In conclusion, we recognise the strength of the factors above which favour disclosure; however, this must be balanced against the strong public interest in protecting an ongoing process in which we anticipate that the material (or at least the most important parts of it) will be published at which point there will be an opportunity for the public to challenge our actions and decisions should it be appropriate to do so.

I am sorry that I am not able to provide information in response to your request on this occasion but I hope that the explanations provided in this letter are useful.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Anisha Pandya
Information Rights Specialist

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Appeal rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Compliance and Appeals team at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at ComplianceandAppealsFOI@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".



Appendix ARR1k

Adam Rhead

From: Sarah Fitzpatrick (Head of Planning)
Sent: 03 November 2023 12:39
To: FOI
Cc: Aimi Blackmore; Peter Thomas; Carina Wentzel; Giulia Barbone; Rebecca Bell
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117] [NRF_EMEA-UK.FID1533930]
Attachments: FOI202300138 response.pdf

Importance: High

Tracking:	Recipient	Read
	FOI	
	Aimi Blackmore	
	Peter Thomas	
	Carina Wentzel	
	Giulia Barbone	
	Rebecca Bell	Read: 03/11/2023 12:40
	1001174320 _ 239 Horn Ln_ Acton _ compulsory purchase advice Emails _1001174320_	

Dear Anisha

I refer to the attached FOIA response provided on 28.2.23. In that response you declined to provide the information requested despite having found the document requested, the reason you gave was as follows:

"...we hold reports relevant to your request, including an option selection report, within the central folder referenced in response to FOI2022/01512. However, it is my view that this information is exempt from disclosure under regulation 12(4)(d) of the EIR (material in the course of completion). I will explain this exception and how it applies in the remainder of this response letter.

Regulation 12(4)(d)

Regulation 12(4)(d) of the EIR can be applied when the request relates to material which is still in the course of completion, unfinished documents or incomplete data. The Information Commissioner's guidance explains that examples of incomplete or unfinished documents can include the following:

'Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not complete. Draft documents are unfinished even if the final version has been produced.' 2

In the case of your request, while this particular document is finished, it has bearing on a larger piece of work still in progress, specifically our application for a Transport and Works Act Order (TWAO)."

NR has of course now applied for the TWAO, application having been made on 17 April 2023, and the inquiry commences on 14 November 2023. As you should know, the adequacy of NR's optioneering exercise and the appraisal of alternative sites is a major issue at the inquiry. It is clear that you hold and have not disclosed information material to the proper examination of the issues before the inspector at the inquiry. This of course now raises issues of natural justice. We trust that the document identified can now be disclosed and look forward to hearing from you asap. We have put your solicitors Addleshaw Goddard on notice that we may ask for an order for disclosure from the inspector in the event that our repeated requests for information from NR are ignored or rebuffed.

We look forward to hearing from you accordingly as soon as possible.

Kind Regards

Sarah Fitzpatrick | Head of Planning, Partner
Barrister, qualified in England & Wales
Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 20 7444 3678 | Mob + 44 7767 755180 | Fax +44 20 7283 6500
sarah.fitzpatrick@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 28 February 2023 17:36
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Reference Number: FOI2023/00138

Dear Sophie

Please find attached a letter from Network Rail in response to your recent request for information.

Kind regards



Anisha Pandya
Information Rights Specialist | Freedom of Information
Network Rail, 1st Floor Willen Building, The Quadrant: MK, Elder Gate, Milton Keynes, MK9 1EN
Website: [Freedom of information \(FOI\) - Network Rail](http://Freedom of information (FOI) - Network Rail)

From: Sophie Jacobs <[Sophie.Jacobs@nortonrosefulbright.com](mailto: Sophie.Jacobs@nortonrosefulbright.com)>
Sent: 28 February 2023 15:14
To: FOI <[FOI@networkrail.co.uk](mailto: FOI@networkrail.co.uk)>; Aimi Blackmore <[Aimi.Blackmore@networkrail.co.uk](mailto: Aimi.Blackmore@networkrail.co.uk)>; Peter Thomas <[Peter.Thomas2@networkrail.co.uk](mailto: Peter.Thomas2@networkrail.co.uk)>
Cc: Sarah Fitzpatrick (Head of Planning) <[Sarah.Fitzpatrick@nortonrosefulbright.com](mailto: Sarah.Fitzpatrick@nortonrosefulbright.com)>; Peter Cole <[Peter.Cole@nortonrosefulbright.com](mailto: Peter.Cole@nortonrosefulbright.com)>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

You don't often get email from sophie.jacobs@nortonrosefulbright.com. [Learn why this is important](#)

Hi Anisha

I hope this email finds you well.

Please let us know Network Rail's response to our Freedom of Information Request under reference number FOI2023/00138 by the legal deadline today, 28 February 2023.

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 207 444 2379 | Fax +44 20 7283 6500
sophie.jacobs@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 31 January 2023 16:35
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Hi Sophie

I have logged this as a new request under reference number FOI2023/00138. Our legal deadline to respond to you is 28 February 2023 but I hope to issue a response sooner than this.

Kind regards

Anisha

From: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Sent: 31 January 2023 11:06
To: FOI <FOI@networkrail.co.uk>; Anisha Pandya <Anisha.Pandya@networkrail.co.uk>; Aimi Blackmore <Aimi.Blackmore@networkrail.co.uk>; Peter Thomas <Peter.Thomas2@networkrail.co.uk>
Cc: Sarah Fitzpatrick (Head of Planning) <Sarah.Fitzpatrick@nortonrosefulbright.com>; Peter Cole <Peter.Cole@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

You don't often get email from sophie.jacobs@nortonrosefulbright.com. [Learn why this is important](#)

Dear Anisha, Aimi and Peter

Thank you for your time and the helpful discussions this morning.

As agreed, the Network Rail FOI team will provide a response to question 1 as set out in our request letter of 22 December 2022. As such the Network Rail FOI team undertakes to review the central folder as referred to in its response letter dated 25 January 2023, which we understand to be an accessible online resource, in order to locate and provide the documentation described in question 1 of our request.

Please let us know if you have any questions. We look forward to receiving a response within 20 working days.

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 207 444 2379 | Fax +44 20 7283 6500
sophie.jacobs@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI
Sent: 26 January 2023 16:01
To: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

OFFICIAL

Hi Sophie

We can meeting Tuesday 31 at 10:30. Aimi, the consultation manager for this project, will also be able to join us. I will send a teams invite now.

Kind regards

Anisha

From: Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>
Sent: 26 January 2023 10:04
To: FOI <FOI@networkrail.co.uk>; Anisha Pandya <Anisha.Pandya@networkrail.co.uk>
Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512 [NRF-UK.FID385136117]

Dear Anisha

We have duly the FOI response from Network Rail. We would be grateful if we could set up a call to discuss the response and how to proceed with the request.

Would you be available in any of the time slots below:

- This afternoon, Thursday 26 January from 14.00
- Tuesday 31 January at 10:30am
- Wednesday 01 February at 10:30 am

Kind regards
Sophie

Sophie Jacobs | Trainee Solicitor

Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 207 444 2379 | Fax +44 20 7283 6500
sophie.jacobs@nortonrosefulbright.com

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From: Anisha Pandya <Anisha.Pandya@networkrail.co.uk> **On Behalf Of** FOI

Sent: 25 January 2023 19:06

To: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Cc: 'Adam Rhead' <ARhead@geraldeve.com>; Sarah Fitzpatrick (Head of Planning)

<Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512

OFFICIAL

Reference Number: FOI2022/01512

Dear Peter

Please find attached a letter from Network Rail in response to your recent request for information.

Kind regards



Anisha Pandya

Information Rights Specialist | Freedom of Information

[Network Rail](http://NetworkRail), 1st Floor Willen Building, The Quadrant: MK, Elder Gate, Milton Keynes, MK9 1EN

Website: [Freedom of information \(FOI\) - Network Rail](http://Freedom of information (FOI) - Network Rail)

From: Emma Meadows **On Behalf Of** FOI

Sent: 23 December 2022 10:14

To: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Cc: Adam Rhead <ARhead@geraldeve.com>; Sarah Fitzpatrick (Head of Planning)

<Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: RE: FOIA request - Old Oak Common Lineside Logistics Compound - reference number FOI2022/01512

Reference number: FOI2022/01512

Dear Peter Cole

Information request

Your correspondence was received by Network Rail on 22 December 2022. I can confirm that your request is being processed under the terms of the Freedom of Information Act (FOIA) / Environmental Information Regulations (EIR). I will endeavour to respond to you as soon as possible and in any event by 25 January 2023.

I have understood your request to be for the following information:

We write on behalf of our client Bellaview Properties Ltd, the freehold owners of 239 Horn Lane, London, W3 9ED (the Site). Bellaview Properties Ltd has leased the Site to Saint-Gobain Building Distribution Limited (who trades from the Site as Jewson).

We hereby request on behalf of our clients:

- 1. In relation to the "extensive research" described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled "Old Oak Common Station Design" on 5 February 2019², which provide the basis for NR's conclusion that the Site is "the only suitable area" for the Lineside Logistics Compound.*
- 2. All consultation documents sent or received from the local planning authority since 5 February 2018, which consider the utility of the Site or any of the other alternative sites for the Lineside Logistics Compound considered.*
- 3. Any assessments, reports or studies since 5 February 2018 which provide a response to each of the questions set out at paragraph 2.5 onwards of the First Request, in relation to the following topics:*
 - a. Site searches, assessments or reports in relation to the identification of a relocation site;*
 - b. A copy of the revised plan referred to at paragraph 2.6 of the First Request;*
 - c. Any assessments or reports which contain information on parking and/or vehicular-access needs;*
 - d. Information which contains the number of vehicle trips scheduled, which specify the type of vehicle that they would expect during construction phase;*
 - e. Copies of plans that show all alternative options considered.*

Further to the above we also request under the Act and the Regulations copies of the following documents which are referred to in the Strategy Document:

- 1. A document titled "NR Western Route Engineering Access Statement", as referred to on page 6 and quoted in Figure 5;*
- 2. Assessment or reports which include information on Jacobs Ladder, specifically which set out and evidence the stated "historical issues" with storing materials at this site, referred to on page 8;*
- 3. Details of the materials that are proposed to be stored at the Lineside Logistics Compound, including their quantity that allows NR to draw the conclusion at page 8 that "access at Jacobs Ladder...will allow no storage of materials";*
- 4. Information on the number of vehicle trips scheduled, which specify the type of vehicle that NR would expect to be used during construction phase, which assesses the amount of possessions necessary to complete the 6-year programme, referred to at paragraphs 6 and 7, page 8;*
- 5. A document entitled "NR Infrastructure Access Points – Best Practice Design Guide", referred to on page 9;*

6. *Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and*
7. *Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.*

We also request a copy of the following documents referred to in the Minutes:

1. *The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and*
2. *We note that reference is made on page 1 of the Minutes to the views of local residents to having the Lineside Logistics Compound on the Site. We therefore request copies of all consultation responses received by NR in response to the Consultation Document, from any party, which reference the proposed location of the Lineside Logistics Compound.*

If I have misunderstood or misinterpreted your request in any way, please let me know as soon as possible.

On occasion we may need to consult with third parties about requests, in line with the recommendations in the Code of Practice issued by the Cabinet Office.

If you are looking for information about yourself or on behalf of someone else (for example CCTV footage of yourself, details of a complaint you've made, information about a job application you've made, etc.) it is very unlikely that we would be able to provide that information to you under the FOIA/EIR. You may however be able to obtain it through a Subject Access Request (SAR) under the Data Protection Act 2018 - details of our SAR process, the form we ask you to complete and your right to access information about yourself can be found at: <https://www.networkrail.co.uk/wp-content/uploads/2021/09/NR-Subject-Access-Request-Form.pdf>

If you have any queries please contact me.

Please remember to quote your reference number in all future communications.

Yours sincerely

Emma Meadows
Information Rights Specialist
Freedom of Information

Network Rail | The Quadrant: MK
Elder Gate | Milton Keynes | MK9 1EN
Email: FOI@networkrail.co.uk

Web: <https://www.networkrail.co.uk/who-we-are/transparency-and-ethics/freedom-of-information-foi/>

From: Peter Cole <Peter.Cole@nortonrosefulbright.com>

Sent: 22 December 2022 11:09

To: FOI <FOI@networkrail.co.uk>

Cc: Adam Rhead <ARhead@geraldev.com>; Sarah Fitzpatrick (Head of Planning)

<Sarah.Fitzpatrick@nortonrosefulbright.com>; Sophie Jacobs <Sophie.Jacobs@nortonrosefulbright.com>; David

Sinclair <David.Sinclair@nortonrosefulbright.com>

Subject: FOIA request - Old Oak Common Lineside Logistics Compound

Dear Network Rail,

Please see attached for a request pursuant to the Freedom of Information Act 2000 and the Environmental Regulations 2004, along with certain documents referred to in that request for ease of reference.

We would be grateful if you could acknowledge safe receipt.

Kind regards

Peter Cole | Senior Associate
Solicitor, qualified in England & Wales
Norton Rose Fulbright LLP
3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 20 7444 2472 | Mob +44 75103 74471 | Fax +44 20 7283 6500
peter.cole@nortonrosefulbright.com

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN.

Appendix ARR2

5 October 2023

Addleshaw Goddard
60 Chiswell St
London EC1Y 4AG

By email only:

tatiana.Volodina@addleshawgoddard.com;
marnix.elsenaar@addleshawgoddard.com

Norton Rose Fulbright LLP
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United Kingdom

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Direct line
+44 20 7444 3678

Email
Sarah.Fitzpatrick@nortonrosefulbright.com

Your reference **Our reference**
SFIT/1001174320

Attention: Tatiana Volodina, Marnix Elsenaar

Dear Sirs,

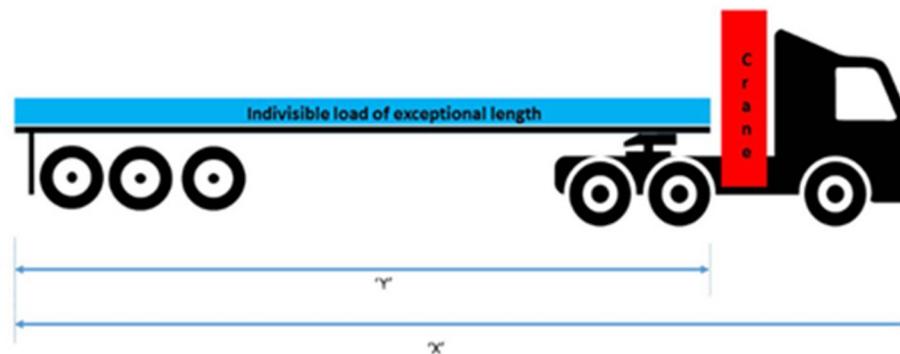
THE NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAINLINE TRACK ACCESS) ORDER 202[] (the draft Order)

As you are aware, we act for Bellaview Properties Limited (**BPL**) who is the freehold owner of land known as 239 Horn Lane, London W3 9ED (the **Property**). The Property is the subject of the proposed exercise of compulsory purchase powers pursuant to the draft Order. BPL is therefore a statutory objector within the scope of section 11(4) of the Transport and Works Act 1992.

We ask that Network Rail (**NR**) please confirm the accuracy of the following, or if inaccurate, provide the accurate position:

1. Acton Goods Yard RRAP is to be used by NR for their Old Oak Common (**OOC**) Station works to the relief lines. If no, please confirm which RRAP or RRAPs (if more than one) will be used for the OOC Station works to the relief lines.
2. There will be a construction compound at Acton Goods Yard used in connection with the OOC Station works to the relief lines. If yes, please confirm the size of the compound area and proposed facilities within the compound, e.g. office, welfare, storage (indoor/outdoor), vehicle parking (plant and staff). If no, please confirm where the compound will be located, its area and facilities.
3. NR will have 8 delivery vehicles per week to a 239 Horn Lane (**239HL**) compound, they will arrive, drop their loads and leave. Therefore, 16 deliveries per fortnight. Materials will only be moved within the compound / onto RRVs once a fortnight. If no, please describe accurate position.
4. NR will have 2 permanent vehicles on site, these will be the RRV and a small site vehicle to be stored on site when not in use. This is the only plant storage required. These 2 vehicles will only be used once a fortnight. If no, please describe accurate position.
5. NR will need a max. of 20 parking spaces every fortnight from 22.00 on a Saturday to 10.00 on a Sunday. This will comprise minibus parking (for workers, 4 minibuses per shift), as well as car parking, as the shifts roll on and roll off the max. will be 20 spaces needed at shift change over. Assume it is one 12-hour shift. Are any spaces required for emergency vehicles? If yes, assume a single space. If no, please describe accurate position.

6. Daytime parking requirements are only likely when there are longer possessions at Easter and Christmas and over other Bank Holidays. If no, please describe accurate position.
7. Single external storage container needed of standard 12'. If no, please describe accurate position.
8. Proposed timetable of longer possessions (Easter / Christmas / Bank Holidays / Other). Confirm whether full or partial possessions and durations in each case and how many of these involve all-line blockades.
9. Are NR only proposing to use the PKR 750 RRV or are any other RRVs proposed?
10. What is the maximum number of RRVs that NR will have on site during the construction works?
11. Will any materials be delivered by rail to the works site using the Main Lines during the construction works?
12. Do NR anticipate anything longer than a 16.5m articulated lorry will need to access 239HL, e.g. an extendable low loader capable of delivering a 73' / 22m switch extendable to 27.4m plus cab and crane, e.g. see below:



13. What area of office floorspace is required?
14. What area of welfare floorspace is required?
15. What area of indoor and outdoor storage is required?
16. Please provide a copy of the Implementation Partnership Agreement dated June 2023, redacted as necessary in relation to commercially confidential information. It is assumed that this agreement is being prayed in aid by NR to demonstrate that funding for the project is not an impediment. If no, please describe accurate position.
17. Please confirm what improvements NR is making to the "pedestrian network" that requires 239HL (NR Statement of Case (**NR SoC**), para 5.45).
18. Please confirm what rights are being extinguished over land used temporarily (apart from the current freeholders and leaseholders' rights) (NR SoC para 6.3).
19. What will the proposed CTMP cover (NR SoC para 6.14)? Is a framework CTMP available?
20. Does NR have anywhere on its network construction compounds remote from RRAPs, e.g. offsite storage / logistics hubs?

21. As per para 7.3 of NR SoC, apart from plant and materials storage, will NR need to use 239HL for anything else when it is not using the RRAP “every other week”? If yes, please describe other uses/operations.
22. What class of RRAP will the permanent RRAP fall into (NR SoC para 7.5)?
23. Please detail what maintenance NR carries out from the North Pole Depot (NR SoC para 7.6, Table 2), and whether that includes works to the GWML Main Lines. If yes, what is the frequency of NR’s use? Is there are contract in place for such use by NR? If yes, please provide a copy redacted as necessary and/or relevant extracts from the latest Engineering Access Statement between Paddington and Ealing Broadway.
24. Please explain how NR needs to modify the Order land (NR SoC para 11.2(b)).
25. Please provide details of all discussions with the Local Planning Authority (LB Ealing) to date in relation to limiting noise and pollution (temporary works or permanent use). Or confirm no such discussions have been held to date.
26. What are the proposed hours of operation (if any) for the temporary and permanent RRAP or confirm 24/7/365.
27. What plant and materials do NR anticipate needing to bring to site?
28. Please confirm that GWR cannot move IET train sets to and from North Pole Depot when the Mains are blocked for engineering access between OOC and Westbourne Park.
29. Please confirm what contingency arrangements NR has in place in the event that the TWAO is unsuccessful, for temporary and permanent engineering access.
30. Please confirm:
 - a. Required geographic (shown in plan) and temporal (described in writing) limits of possession (residual live running rails and OLE blackout limits) based on access from:
 - i. Acton Goods Yards (Full blockade)
 - ii. Existing North Pole Depot (Main Line only)
 - iii. Hitachi Maintenance Depot
 - iv. Jewson’s Yard
 - b. Location of any rail welds, rail joints, treadles or hot axle bearing detectors along the frontage of Jewson’s Yard and the triangle site (marked on a plan in, preferably in .dwg format on topographic survey base or at least OS 1:1250 mapping).
 - c. Distance from the nearest rail for location of the 5m x 35m set down area.
 - d. A schedule of the possessions (start date, start time and duration in hours) taken for RRAP access from Ladbrook Grove and Southall since 2017.
 - e. A schedule of the possessions (start date, start time and duration in hours) taken for RRAP access from Ladbrook Grove, Southall, and Acton Main Line 2012-2017.
 - f. A schedule of any full blockades (start date, start time and duration in hours) of the main and relief lines in the past ten years.
 - g. A schedule of any rail replacement bus services (start date, start time and duration in hours) serving Acton Main Line and Ealing Broadway stations in the past ten years.

- h. Timetabled first train out and last train into Hitachi North Pole Depot and Hitachi North Pole Maintenance Depot.
31. Please provide a scaled plan, long section and cross section of the proposed permanent and temporary RRAP accesses.
32. Please provide a copy of any legal agreements with any TOC / FOC in relation to:
- a. NR access to the Hitachi North Pole Maintenance Depot and / or the existing North Pole Depot RRAP;
 - b. Reductions in possession times at the existing North Pole Depot RRAP "to comply with TOC requirements" as set out in NR SoC at Table 2.
33. The NR SoC states material storage is required but area and/or volume is not defined. The document obtained under a Freedom of Information request titled "Access Points at Old Oak Common" states there should be a laydown area 5m wide by 35m. The **enclosed** layout (is this the latest NR layout?) does not show this area. Instead showing two smaller areas of material storage and container storage. Please confirm whether two or more smaller areas are acceptable (totalling a minimum of 175sqm), or if the 5m x 35m requirement is met elsewhere?
34. Confirm whether the land acquisition value estimates include an allowance for the triangle site.

Please provide responses by **5pm on 12 October 2023**.

We reserve our right to ask the Inspector for an order for disclosure in the event of NR's failure to respond or provide the information requested.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sarah Fitzpatrick".

Sarah Fitzpatrick

Appendix ARR3

Your reference SFIT/1001174320
Our reference ELSEM/43283-4013

6 October 2023

BY EMAIL
FOR THE ATTENTION OF SARAH FITZPATRICK

Norton Rose Fulbright LLP
3 More London Riverside
London SE1 2AQ
United Kingdom

Dear Sirs

**The Network Rail (Old Oak Common Great Western Mainline Track Access) Order 202[]
Bellaview Limited**

1 We refer to your letters dated 5 October and 6 October and respond to each in turn.

Letter dated 5 October 2023

2 We note that your letter raises 34 additional queries in relation to Network Rail's proposed use of the site. We also note that Network Rail is engaging, proactively in discussions with your client about site sharing arrangements that would enable your client to implement the planning permission for its site, which it anticipates will be granted soon, while allowing Network Rail to implement its scheme.

3 The engagement between our clients included a site visit on 26 September at which we understand good progress was made and there have been subsequent email exchanges that aim to resolve the outstanding issues. A further meeting at the site is proposed for the week commencing 9 October and we understand that your client has proposed that the meeting takes place on Friday 13 October. Our clients are available to meet on Monday 9 October and they will suggest to your client's consultant, Richard Abbott of Stace Project Management, who has been leading the discussions with Network Rail on your client's behalf, that the meeting takes place on that date as they are conscious of the urgent need to agree the site sharing arrangements.

You raised a number of the questions in your letter during the call that took place between our clients on 22 September and Network Rail endeavoured to answer the questions as far as they were able to. However, as was noted during the call, some of the precise details of how the rights Network Rail seeks in relation to the Order Land are to be exercised, are not known at this stage or may change. This is not a case of Network Rail being secretive but reflects the reality of how the procurement process evolves as the date of commencement of activities approaches.

4 Network Rail's approach is consistent with your client's approach set out in the Transport Assessment submitted to the local planning authority in support of their planning application and we note that it does not provide detailed information in terms of the amount and/or type of traffic anticipated during construction of the proposed development. The Construction Logistics Plan prepared by your client further provides that *"the exact details of the construction programme*

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and extent of vehicle requirements are not yet known". As such, provision of information on estimated vehicle movements is proposed to be secured by condition. Network Rail proposes to deal with any traffic movements in a similar way and in its negotiations with the local planning authority has suggested that a condition to cover this is attached to the deemed planning permission sought alongside the TWAO.

- 5 We note that Heads of Terms between our clients have been largely agreed (and note that Stephenson Harwood are instructed by your clients in relation to that document and the property documents that will flow from them) but that they cannot be finalised until the site sharing arrangements have been agreed and the financial compensation agreed. Our property colleagues responded to David Sinclair at Stephenson Harwood with Network Rail's comments on the principles for the agreement of financial compensation yesterday (5 October). Assuming those principles are agreed, your client has agreed to provide their assessment of the appropriate level of compensation under each principle.
- 6 We understand from Network Rail that your client's proposals for how they wish to use the shared part of the site have changed since the site meeting on 26 September and Network Rail is now considering how and whether your client's revised proposals can be accommodated. We have asked Network Rail to let us have:
- (a) Details of how your client's site sharing proposals have changed;
 - (b) A list of the issues that remain to be resolved; and
 - (c) A list of the questions they have asked your client and in respect of which they are awaiting a response.

Once we have the information, we will share it with you so you have visibility of the issues that remain outstanding.

- 7 As your 6 October letter reminds us, proofs of evidence are due on 16 October and the inquiry is due start on 14 November. We want our respective clients to focus on progressing discussions about the site sharing arrangements and the preparation of their evidence. Accordingly, Network Rail will not spend time collating answers to your 34 questions and, indeed, we would be surprised if you wanted Network Rail to divert resources to answering the questions when the priority is to focus on the discussions about the site sharing arrangements.
- 8 If your client has questions about Network Rail's evidence, it has the opportunity to submit rebuttal proofs and to test the evidence at the inquiry.

Letter dated 6 October 2023

- 9 As we note above, Network Rail is continuing to negotiate proactively with your client with a view to agreeing site sharing arrangements and to finalise the Heads of Terms and the agreements that will flow from the agreed Heads and that will enable our clients to implement their respective schemes.

Yours faithfully

Addleshaw Goddard

Addleshaw Goddard LLP

Direct line +44 (0)20 7160 3246
Email marnix.elsenaar@addleshawgoddard.com

Appendix ARR4

12 October 2023

Addleshaw Goddard
60 Chiswell St
London EC1Y 4AG

By email only:

tatiana.Volodina@addleshawgoddard.com;
marnix.elsenaar@addleshawgoddard.com

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Email
Sarah.Fitzpatrick@nortonrosefulbright.com

Your reference	Our reference
ELSEM/43283-4013	SFIT/1001174320

Attention: Tatiana Volodina, Marnix Elsenaar

Dear Sirs,

THE NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAINLINE TRACK ACCESS) ORDER 202[] (the draft Order)

We refer to our letters dated 5 and 6 October 2023 and your letter dated 6 October 2023.

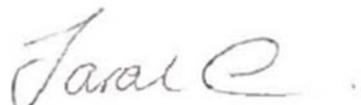
We note that in your letter you explain that your client, Network Rail (**NR**), will not spend time collating answers to the questions we submitted on 5 October 2023 as you want our respective clients to focus on progressing the negotiations. We acknowledge the ongoing negotiations to reach an agreement between the parties and we restate our client's belief that a deal can be reached between the parties.

However, it is very disappointing and unsatisfactory that NR have chosen not to provide any substantive responses to the questions we submitted in advance of the upcoming deadline to submit proofs of evidence to the Inspector on 16 October 2023, despite the fact that we allowed 7 days to provide responses. The fact that you responded on 6 October (i.e., a day after our letter) shows that no real effort was made to obtain any information to respond to at least some of our questions. The questions we submitted arise from the gaps in information, assessment and evidence that we have identified in NR's materials submitted as part of its application for the draft Order. This information is necessary for our client to understand NR's position, provide its evidence, and properly address NR's case as part of the upcoming deadline. You will note that we have written to the Programme Inquiry Manager today seeking a direction in relation to rebuttal proofs precisely because of NR's failure to provide the information sought.

In relation to your point at paragraph 4 of your letter, we reject that a comparison can be properly made between our client's planning application and NR's application for the draft Order, which seeks compulsorily powers over our client's land and is, therefore, of a completely different nature.

As stated previously, we reserve our right to ask the Inspector for an order for disclosure in the event of NR's failure to respond or provide the information requested.

Yours sincerely



Sarah Fitzpatrick



Appendix ARR5

26 October 2023

Addleshaw Goddard
60 Chiswell St
London EC1Y 4AG

By email only:

tatiana.Volodina@addleshawgoddard.com;
marnix.elsenaar@addleshawgoddard.com

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Your reference	Our reference
ELSEM/43283-4013	SFIT/1001174320

Attention: Tatiana Volodina, Marnix Elsenaar

Dear Sirs,

THE NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAINLINE TRACK ACCESS) ORDER 202[] (the draft Order)

We refer to our letters of 5 and 12 October 2023 and your letter of 6 October 2023.

In our letter of 5 October 2023, we asked (amongst other items) that your client provides a copy of the Implementation Partnership Agreement dated June 2023 (redacted as necessary in relation to commercially confidential information). We asked your client to provide a response within a week (i.e., by 12 October 2023) in order to allow your client sufficient time to respond to our questions and requests detailed in our letter.

In your letter of 6 October 2023, you explained that Network Rail would “*not spend time collating answers*” to our questions as you wanted our respective clients to focus on progressing the negotiations. You also wrote that our client would have the opportunity to ask questions about Network Rail’s evidence through the submission of rebuttal proofs and to test the evidence at the Inquiry. In our letter dated 12 October 2023, we responded that it was very disappointing and unsatisfactory that your client had chosen not to provide any substantive responses to our questions.

We now urgently request that you provide a copy of the Implementation Partnership Agreement as soon as possible. The Implementation Partnership Agreement is not only referred to in Network Rail’s Statement of Case (see paragraph 10), but it is now also referred to in the proof of evidence of Mr Andrew Fleming (see paragraph 8.2) and in the letter appended to Mr Fleming’s proof at Appendix AF1. Network Rail relies on the Implementation Partnership Agreement in its argument that the scheme is appropriately funded. It is therefore crucial for our client to have sight of this agreement.

We reserve our right to ask the Inspector for an order for disclosure in event of Network Rail's failure to provide a copy of this agreement. We also reserve this right in respect of the other information Network Rail has failed to provide to date.

Yours sincerely



Sarah Fitzpatrick