

**TRANSPORT AND WORKS ACT 1992**

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

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**REBUTTAL PROOF OF EVIDENCE**

**OF**

**CHRISTOPHER ALAN GENT MEng CEng MCIHT MICE**

**SUBMITTED ON BEHALF OF BELLAVIEW PROPERTIES LTD**

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

**TWA/23/APP/02**

**DOCUMENT OBJ/8.3.4**

**NOVEMBER 2023**

## **1 Introduction**

- 1.1 This rebuttal proof of evidence has been produced on behalf of Bellaview Properties Ltd (BPL) to address aspects of the proofs of evidence submitted by Mr Andrew Fleming [W1.1], Mr Chris Ford [W2.1], Mr Colin Field [W3.1], and Mr Jeremy Douch [W4.1].
- 1.2 This rebuttal addresses matters of fact and new evidence presented within the NR Proofs which was not available for me to review and comment on prior to the submission of my Proof of Evidence. In addition, it addresses an error in the Appendices referenced in my Proof of Evidence [Obj8.3.1 and Obj8.3.2].
- 1.3 This rebuttal specifically addresses the following:

### **Amendments to my own Proof of evidence**

- (a) An error in the referencing of Appendices H, I, J, K & L of my Proof.

### **Evidence of Mr Fleming**

- (b) Use of the permanent RRAP compound (Plot 1) for the temporary works.
- (c) Enabling works
- (d) Storage space requirements
- (e) Level access

### **Evidence of Mr Ford**

- (f) Welfare Facilities
- (g) Access to the Hitachi depot
- (h) Access from Acton Mainline Station

### **Evidence of Mr Field**

- (i) Appropriate pre-determination assessments
- (j) Principle of site sharing
- (k) Interference in planning process

### **Evidence of Mr Douch**

- (l) Transport Statement
- (m) Delivery of plant and material
- (n) Midweek possessions access

### **Ongoing site sharing discussions**

- (o) A description of discussions to date and ongoing to accommodate NR's requirements (subject to an appropriate commercial agreement to match technical agreement).

## **2 Amendments to my own Proof of Evidence [Obj8.3.1 and Obj8.3.2]**

### **(a) An error in the referencing of Appendices H, I, J, K & L of my Proof.**

2.2 The following amendments should be noted:

- 1)** P8 Appendix H – Pdf printing error with drawing
- 2)** P14 Appendix J – Drawing not included in Appendices
- 3)** P16 Appendix I – Should be “K” included as J, pdf printing error with drawing
- 4)** P17 Appendix K – Correctly referenced and included but should have been referenced “L”

2.3 The incorrectly printed Appendix H is included as Appendix CG1 of this Rebuttal, the missing Appendix J is included as Appendix CG2 of this Rebuttal, and the incorrectly printed Appendix I/K is included as Appendix CG3 of this Rebuttal.

## **3 Evidence of Mr Fleming [W1.1]**

### **(b) Use of the permanent RRAP compound (Plot 1) for the temporary works**

3.1 Mr Fleming identifies at paragraph 5.27 of his Proof that the permanent RRAP compound (Plot 1) and the associated access route would not be sufficient to accommodate 10 (no.) Road Rail Vehicles (RRVs), turning space and laydown areas within the 500m<sup>2</sup> compound. What Mr Fleming and Mr Ford (at para 8.3(b)) do not consider is whether Plot 1 could accommodate any (rather than all) of these uses, thereby reducing the land take required from BPL. Since Plot 1 is unoccupied it is not clear why this cannot be used in part to accommodate NR’s requirements rather than taking occupied land from BPL.

3.2 I presented in my evidence [Obj8.3.3] that a major challenge with the temporary RRAP location is the ramps required to overcome the level difference between “Jewson’s Yard” and the rails, a situation which rectifies itself within the Plot 1 land, where level access is achievable between Plot 1 and the rails.

3.3 Mr Fleming also identifies at para 5.27 that larger plant delivery would not be possible without modifications to the existing warehouse. No material evidence has been provided to support this claim, and NR now accepts that the warehouse does not need to be removed - their proposed site sharing plans for the temp RRAP (Appendices C & D of my Proof) show it retained with discussions proceeding on the basis that co-occupation is acceptable for the temporary (and permanent) RRAP.

3.4 A Doosan Crane is referenced in para 5.27 and I understand from my colleague Mr Gallop that Doosan Cranes come in a variety of sizes; this notwithstanding, I understand from the evidence of Mr Douch and Paragraph 4.5 of the Transport Statement included as Appendix JD1 of his Proof, that “...the largest anticipated vehicle is able to manoeuvre in and out of the access as well as within the Site”. The vehicle tracking provided at Appendix B of the Transport Statement, appears to be an earlier version of deemed planning drawing **CD11.2** (both of) which clearly show(s) said largest vehicle accessing both the temporary and permanent RRAPs. Both drawings are dated 2022, thus I am unsure why the October 2023 Transport Statement is referring to an earlier version of the drawing.

3.5 The vehicle identified as the largest vehicle needing to access the site is a FTA Design Articulated Vehicle (1998) 16.48m long by 2.55m wide (FTADAV1998). It is unknown what type of Doosan Crane is proposed to be used, but it is assumed that this is not greater than these dimensions. I understand a PKR 750 crane [**Ford W2.1 para 5.1**] is marginally longer at 16.5m long (and 2.51m wide), as shown in Mr Gallop’s rebuttal Appendix U.

3.6 I note that the articulation point for the crane is set further back along the vehicle than for the FTADAV1998, which will alter the profile of the swept paths, and should therefore be tested separately and a swept path drawing for the crane provided with the proposed application to assist

with its determination. I provide an image below of this vehicle accessing the railway, to assist with visualisation of its operation.



## 75 TONNE METRE CRANE

The largest crane in the armoury is a Palfinger PR 750 railway crane mounted on a unique 44 tonne articulated vehicle.

Features are:

- A reverse knuckle joint between the lower and telescopic upper booms which allow the upper boom to extend vertically upwards outside the centre line of the track.
- A telescopic counter weight increasing performance in restricted areas.
- A winch and hammer head

The crane can mount the track at a level crossing in 7 minutes.

A COMMERCIAL TRUCK ON THE ROAD

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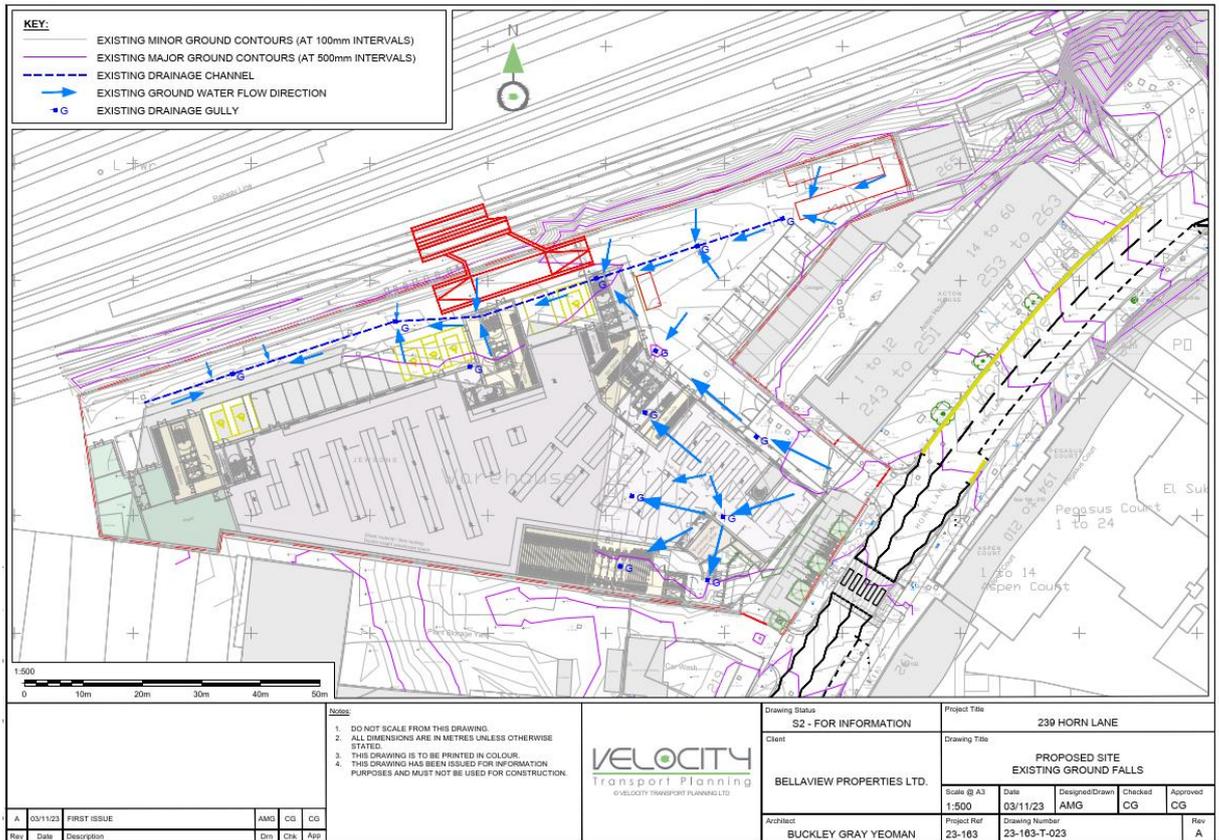
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Source: <http://www.srsrailuk.co.uk/load-carrying-flat-bed-trucks-and-cranes/75-tonne-metre-crane>

- 3.7 Mr Fleming also does not appear to consider the possibility of RRVs and material being unloaded in Jewson's yard and then transferred to Plot 1 under their own power and via a smaller telehandler or forklift, respectively. The second page of **CD11.2** shows a small telehandler which can be assumed to be proposed for moving materials within the BPL site.

### (c) Enabling works

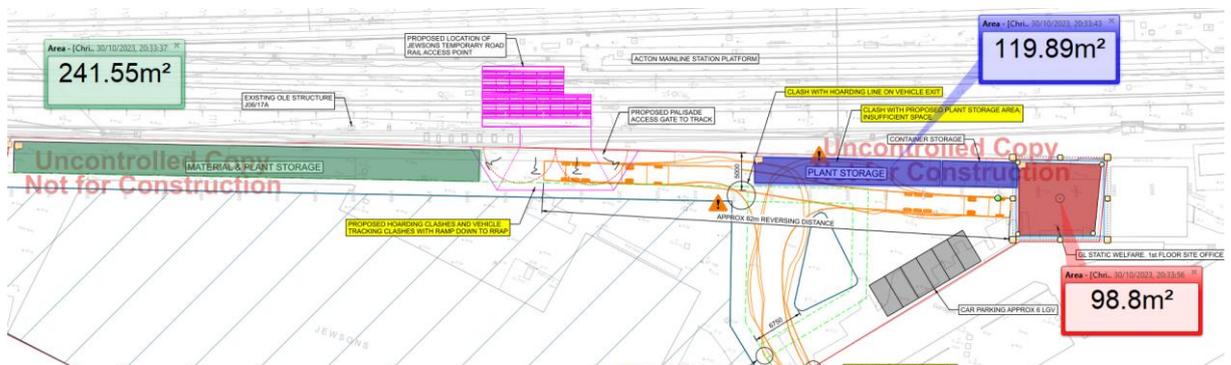
- 3.8 In paragraph 5.28 Mr Fleming identifies that the permanent RRAP would require a programme of enabling works before it can be used as a RRAP, although the requirements of this programme and its duration are not set out, it is stated that this would prevent the location being operational prior to January 2025.
- 3.9 What is not stated is what enabling would be required for Plot 1 to be used for some of the uses that NR propose on the BPL site. It is understood that Plot 1 is vegetated and includes self-seeded trees [**Field W3.1 para 4.13**]. I do not consider that significant enabling works would be required beyond vegetation clearance, levelling and metalling of the surface via an aggregate, macadam, or concrete finish, for Plot 1 to be used for e.g. parking, a laydown area, or placement of site cabins. It is difficult to understand why such works could not be undertaken before January 2025.
- 3.10 As set out in my Proof [Obj8.3.1 para 4.15] and Mr Gallop's proof [Obj8.4.1 para 4.12], there are some significant enabling works required to facilitate the temporary RRAP, and in my experience it will be more time consuming to agree and construct the temporary ramp down to the track than it will be to level and metal Plot 1.
- 3.11 I have prepared a plan illustrating the current surface drainage flows and gully locations (Appendix CG4, reproduced below), which would need to be substantially reconfigured to accommodate the NR ramp. The extent of surface reprofiling and below ground diversion, should not be underestimated in terms of NR's requirement to start on site by January 2025 [**Fleming para 5.28**].



**(d) Storage space requirements**

3.12 At paragraph 5.3.1 Mr Fleming sets out a number of spatial requirements for the worksite, which are far greater than the space currently identified by NR in their site sharing proposals as follows:

- a. 650m2 open space vs. 360m2 (identified in green and blue in the marked up version of NR’s plan, below, drawing included in full as **Appendix CG5**)
- b. 500m2 for machines vs. 0m2
- c. Minimum 10 car parking spaces vs.6 (identified in grey, below)
- d. 150m2 office / welfare vs. 100m2 (identified in red, below)



3.13 I also note that these spatial requirements exceed those NR previously identified in their Construction Methodology Report (152270-ARC-REP-EMF-000005-P05) (see Appendix G of my Proof, Fig 19, also reproduced at para 4.16 of my Proof) which just shows use of Plot 1, and a small part of the BPL site to the side of the existing warehouse (c.800m<sup>2</sup> in total).

**(e) Level access**

- 3.14 Mr Fleming states at Paragraph 5.29 that the compound “must be level with the railway infrastructure...”) and at Paragraph 5.33 (and Ford at 7.1(c), and Douch at para 3.6) that the site provides level access to the railway. This is incorrect. Plot 1 provides level access to the railway, the order land is 0.6m higher than the rail level, requiring a ramp.

**4 Evidence of Mr Ford**

**(f) Welfare facilities**

- 4.1 Mr Ford identifies at paragraph 4.7 of his Proof that welfare facilities are required for workers, and that permanent facilities are required for the temporary RRAP (use of warehouse or site cabins) and temporary facilities are required for the permanent RRAP (a welfare van).
- 4.2 It is unclear why temporary welfare vans could not be brought to site for each possession, given that these are generally one day a fortnight. This would reduce the amount of land required within BPL’s site.
- 4.3 It is also not clear why any site cabins, if needed to be retained between works, could not be co-located with BPL’s site cabins (stacked for space efficiency), or even for there to be shared facilities should a site sharing arrangement be agreed. This is something that BPL’s project manager has offered to Colas Rail, as I expand upon in item (o) at the end of this rebuttal. Again, this would reduce the amount of land take to make more efficient use of land.

**(g) Access to the Hitachi Depot**

- 4.4 Mr Ford identifies in the Table below paragraph 6.1 of his Proof, in the third bullet point of the row for Old Oak Common Lane (Hitachi Depot), that access cannot be delivered directly from Old Oak Common Lane. Mr Ford references a road closure on Old Oak Common Lane, which as set out in my Proof of Evidence **[Obj8.3.3]** would not be required.
- 4.5 Mr Ford also dismisses the potential for access from Mitre Way, although as set out in the evidence of Mr Gallop, Network Rail regularly agrees access arrangements on TOC land, has already done so in respect of Hitachi Depot for HS2, and there do not appear to be any fundamental reasons why access from Mitre Way would be difficult.

**(h) Access from Acton Mainline station**

- 4.6 In the same table, in the section entitled Acton Mainline Station, Mr Ford identifies that Acton Mainline Station RRAP was removed by Crossrail (I believe in 2019), and in order to reinstall a RRAP in this location the station entrance would need to be reconfigured. This option is not deemed [by NR] to be reasonably practicable due to cost programme and disruption. However, I see no reason why this option could not be explored further for a permanent RRAP which appears to have served NR’s needs in the past in this location.
- 4.7 Notwithstanding the fact that the old Acton Station entrances are still in-situ and could simply be re-opened for the duration of any accommodation work, the most curious part of this statement is that Network Rail approved the closure of this RRAP in 2019. This fully in the knowledge of the HS2 proposals, which have been in the public domain since 2010. I would have expected that if an RRAP in this location was so essential to the delivery of HS2, this crucial piece of infrastructure would have been safeguarded.

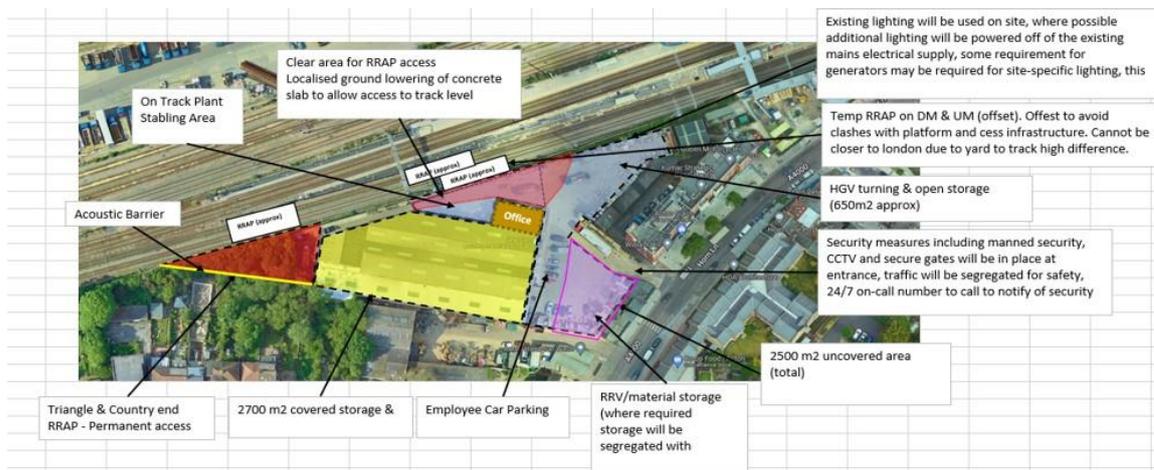
**5 Evidence of Mr Field**

- 5.1 Mr Field states at para 3.3 of his Proof that the works in respect of which deemed planning permission is sought includes “provision of temporary haul routes”. I have not been able to find anywhere in NR’s evidence or the TWAO application reference to NR making “provision” of a haul route, let alone “haul routes” in the plural. If this is a reference to the existing access to the BPL

site from Horn Lane, and the existing route from that access that leads to the rear of the site and along the rear boundary then it is difficult to understand what “provision” is being made – it is already an established surfaced route used by vehicular traffic, including HGVs. I understand that no works are required to it for NR’s access to the permanent RRAP, which is level with the railway; although as I have identified in my Proof and earlier in this rebuttal, substantial enabling and reinstatement works will be required to install the ramps for the temporary RRAP location, which is not level with the railway. In any event, this is a singular route, and there does not appear to be need for more than one haul route for NR to reach its proposed temporary RRAP.

**(i) Appropriate pre-determination assessments**

- 5.2 Mr Field has identified at paragraph 6.3 of his Proof that a Construction Environmental Management Plan (CEMP) should be provided by condition to deal with concerns about the amenity and disturbance to neighbouring properties.
- 5.3 It is notable that the Transport Statement does not address the likely impacts of late night arrivals and departures by multiple vehicles and workers during night time shift changeovers.
- 5.4 It is also notable that none of the evidence presented by NR’s witnesses refers to the likelihood of night-time disturbance by either noise or light pollution, despite these being very obvious concerns that I would expect to see addressed within the Transport Statement or another suitable planning document. NR identified in their early consultation material (see image below) that an acoustic barrier would be required at the rear of the permanent RRAP, however that consideration appears to have been dropped from the order application, and not considered at all for the temporary RRAP, despite temporary works affecting residents of Acton House for at least six years.



- 5.5 Mr Field identifies in paragraph 6.5 of his Proof, that Condition 5 should require reinstatement of the site. Pre-commencement and post completion condition surveys will be required and should be specified in the condition. In addition the Condition should include provisions for the site access and public highway.
- 5.6 In Paragraph 6.6 of his Proof Mr Field refers to a reference CTMP from work at Oxford Railway Station. I would expect NR would be able to reference a London based CTMP that has been prepared in accordance with TfL’s Construction Logistics Planning Guidance [Appendix CG6].

**(j) Principle of site sharing**

- 5.7 It is evident from the correspondence in CF3 that NR confirms the principle of site sharing is acceptable, and therefore the premise of requiring all the land identified within the draft order is not tenable.

**(k) Interference in planning process**

5.8 NR is also attempting to unilaterally alter planning conditions for a scheme with a resolution to grant planning permission (Field para 7.5), apparently relating to a requirement for a cumulative assessment of the BPL scheme and the NR works. Given that the works associated with BPL’s application must take place during standard approved construction hours, and that there is very little overlap with NR traffic, or NR’s general construction hours, the only substantial cumulative impact will be the lack of respite that residents of Acton House will receive from construction activity when NR’s activity takes place at times that are often specifically prohibited in CLP proforma (overnight and at weekends – RBKC and Camden proformas for example).

**6 Evidence of Mr Douch**

**(l) Transport Statement**

6.1 I welcome the provision of the Transport Statement to accompany the application, and I agree with its conclusions that there will be no material impacts on the operation of the highway, either as a standalone project or in cumulative assessments.

6.2 Where I find the assessment lacking, is in its failure to address the obvious key concerns of a project such as this – overnight disturbance of residential neighbours. When I have submitted Transport Assessments for bus depots for example, I have had to consider methods of silent working (reversing / closing of doors / engine noise) and light emissions restrictions (sidelights only on entry and exit). While my transport assessments have focussed on the practicalities of mitigation necessary to enable late night and early morning working, the applications have also been accompanied by detailed noise and lighting assessments to ensure that the proposed mitigation is capable of making the proposed development acceptable. I have seen no such assessments accompanying this application.

6.3 Mr Douch refers at para 8.9 of his proof to there being no requirement to prepare travel plan, parking management plan, or delivery and servicing plan, with these only required for permanent development. In my experience the substantive content of each of these items would be required as part of the Construction Logistics Plan, in accordance with TfL’s guidance, included as **Appendix CG6**, extract below:

Planned measures - higher impact site

Planned measures checklist	Committed	Proposed	Considered
<b>Measures influencing construction vehicles and deliveries</b>			
Safety and environmental standards and programmes	X		
Adherence to designated routes	X		
Delivery scheduling	X		
Re-timing for out-of-peak deliveries		X	
Re-timing for out-of-hours deliveries		X	
Use of holding areas and vehicle call off areas		X	
Use of logistics and consolidation centres		X	
Vehicle choice			X
<b>Measures to encourage sustainable freight</b>			
Freight by Water*		X	
Freight by Rail		X	
<b>Material procurement measures</b>			
DfMA and off-site manufacture		X	
Re-use of material on site		X	
Smart procurement		X	
<b>Other measures</b>			
Collaboration with other sites in the area	X		
Implement a staff travel plan	X		

\* If site, consolidation centre or holding areas are within 100m of foreshore of navigable water-way or rail freight siding.

### **(m) Delivery of plant and Material**

- 6.4 Mr Douch identifies at paragraph 4.1 of his Proof that five no. low loaders would deliver 10 no. RRVs on a Friday or Saturday prior to a possession, and then collect the RRVs on a Monday morning. Materials would be brought in on two no. vehicles, anticipated to arrive and depart during the weekend daytime.
- 6.5 It is clear from the evidence presented that there is no intention to permanently store plant or material at the compound, reinforcing the point made in my Proof [para 3.10] that for the vast majority of the time NR do not require access to the BPL land, and at the times when access is required, BPL's tenants are either closed for business (leaving the site available for NR), or willing to accommodate NR deliveries of plant, materials and their storage during the brief temporal overlap of activities.

### **(n) Midweek possessions access**

- 6.6 Mr Douch identifies at paragraph 4.4 of his Proof that the Order land may be occasionally used for midweek night-time track access, albeit access will only be required for vans and minibuses, with no plant or material being delivered to access the RRAP.
- 6.7 Given that the access appears to relate only to pedestrian access by workers, it would seem this could be undertaken at any suitable location, not least directly from the Acton mainline platforms, or from the pedestrian access point on Friary Road, some 90m to the east of the eastern end of the Acton Mainline platforms.
- 6.8 Mr Douch also identifies at paragraph 4.6 that the site may also be used for midweek daytime use with "general compound activities taking place". Given that all plant and materials are delivered on a Friday and Saturday, and that the plant is taken away again on a Monday, presumably with the materials having been used in the weekend possession, it is unclear what compound activities would need to take place in a compound that has no plant, no materials, and no staff.

## **7 Ongoing site sharing discussions**

### **(p) Summary of discussions to date**

- 7.1 I include a summary of discussions held to date in **Appendix CG7**.
- 7.2 The key points are:
- 1) Site sharing appears achievable.
  - 2) BPL willing to phase activities to ensure NR has sufficient working space (phased piling and column striking sequences so that demise lines can be maximised for NR during possessions).
  - 3) BPL willing to investigate structural alterations to ease NR manoeuvring (chamfering the NE corner of the building and relocating columns to provide better crane access).
  - 4) NR to consider low loader delivery to site entrance only and RRVs to manoeuvre under their own power within the site (note: similar arrangements appear to have been considered previously as identified in NR letter to BPL dated 29 November 2022 and Included within Appendix CG7).

Installation of the ramp to (in particular to accommodate access by the PKR750 crane) will require more complicated construction methodology (groundworks phased out of sequence, bespoke formwork arrangements, interrupted construction arrangements).