



The Network Rail
(Old Oak Common Great Western Mainline Track Access)
Order
Transport and Works Act 1992

Supplementary Consultation Report
December 2023

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1. Introduction

1.1. Background

- 1.1.1 On 17 April 2023 Network Rail Infrastructure Limited (**Network Rail**) submitted an application (**Application**) to the Secretary of State for Transport to make the Network Rail (Old Oak Common Great Western Mainline Track Access) Order (**Order**). The Application was made under sections 1 and 5 of the Transport and Works Act 1992.
- 1.1.2 The purpose of the Order is to secure compulsory acquisition of rights in land, the temporary use of land and rights to undertake minor ancillary works which are required in relation to the proposed development of a temporary and permanent road rail vehicle (**RRV**) access point on to the Great Western Main Line (**GWML**) to enable delivery of the Old Oak Common Station, as well as further maintenance of the railway.
- 1.1.3 The Application was submitted in accordance with the Transport and Works Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466) (**2006 Rules**) and was supported by a Consultation Report. It has also been the subject of publicity and notices in accordance with the 2006 Rules.
- 1.1.4 On 23 June 2023 Network Rail was notified of Department for Transport's decision to hold an inquiry into the Application.
- 1.1.5 On his review of the application documents for the Order, the Inspector appointed to conduct a Public Inquiry into the Order noted the annotated Schedule 5 and 6 of the Application rules set out in the Consultation Report submitted with the Application and requested that brief details be given to explain "not applicable" annotation given for:
 - 1.1.5.1 Schedule 5 – nos 24, 27 and 28; and
 - 1.1.5.2 Schedule 6 – nos 6(ii) and 11.
- 1.1.6 This information was provided by Network Rail in Mr Fleming's Proof of Evidence which was submitted to the Inspector on 16 October 2023.
- 1.1.7 Further correspondence was received from the Inspector on 18 October 2023 in relation to Network Rail's obligation to consult the Mayor of London, the relevant Fire and Rescue Service and the Local Highway Authority on the Order. An Emergency Pre-Inquiry Meeting was subsequently held on 27 October 2023, in which it was agreed that, subject to the Secretary of State advising otherwise, Network Rail would consult:
 - 1.1.7.1 Transport for London, in their capacity as local authority for the purposes of the 2006 Rules;

1.1.7.2 His Majesty's Railways Inspectorate;

1.1.7.3 the Mayor of London;

1.1.7.4 the relevant Fire and Rescue Service; and

1.1.7.5 the Local Highway Authority.

1.1.8 On 1 November 2023 Network Rail issued consultation/notification letters to the above parties, as well as the Metropolitan Police, in their capacity as the relevant police authority. All letters asked for responses to be provided by 14 December 2023; a period of at least 42 days from the date of the notice.

1.1.9 This Report provides a summary of responses received in response to the consultation/notification letters referred to above.

2. Summary of Consultation

2.1 Consultation Overview

2.1.1 Consultation was undertaken from 1st November 2023 – 14th December 2023, to allow for the Statutory 42-day period to provide a response.

2.1.2 Each consultee, identified above, was sent a letter via email, which provided an introduction and overview of the Order scheme, including the benefits of the proposals, why they were being consulted and how to respond. An example of these letters can be found in Appendix 1.

2.1.3 The letter provided details of the dedicated Network Rail email OOCRailCompound@networkrail.co.uk to allow them to respond.

2.1.4 The letter also set out how the consultees were able to submit an Objection to the Order application in writing to the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Department for Transport, Great Minster house, 33 Horseferry Road, London SW1P 4DR or via email transportandinfrastructure@dft.gov.uk

2.2 Consultation Responses

2.1.5 Mayor of London

At the time of writing this report, a response has not been received from the Mayor of London.

2.1.6 Transport for London

At the time of writing this report, a response has not been received from the Transport for London.

2.1.7 London Borough of Ealing in their capacity as Highway Authority

At the time of writing this report, a response has not been received from the London Borough of Ealing in their capacity as Highway Authority. Network Rail previously had meetings with the Head of Transport, Planning Services and the Highway team, at which concerns were not expressed.

2.1.8 Metropolitan Police

On the 1st November 2023, Aimi Blackmore, Consents Manager, called the Metropolitan Police to obtain details of an appropriate contact to whom to address the consultation letter, as the online form that had previously been provided did not allow the full consultation document to be sent. The representative provided appropriate contact details to whom the consultation letter should be sent, and the letter was sent to that person. The person to whom Ms Blackmore spoke, advised her that, in their view, the subject of the consultation is not a Metropolitan Police matter. At the time of writing this report, no response has been received to the consultation letter.

2.1.9 London Fire Brigade

On 3rd November 2023, the London Fire Brigade responded as follows:

"The London Fire Brigade (LFB) at present do not have any comments to make with regards to the Old Oak Common Mainline Track Access. The LFB would like to be consulted prior to works being undertaken to ensure that fire service access and fire fighting provisions are provided to the site."

Network Rail will share plans with LFB once they have been finalised and, in any event, prior to works being undertaken.

2.1.10 His Majesty's Railway Inspectorate

On 8th December 2023, the Office for Rail and Road responded as follows:

"Further to Alex's email below I can confirm that ORR has no comment in response to this consultation."

3. Conclusion

At the time of writing this report, no concerns have been raised by the additional consultees. However, should anything arise from these parties at a later date, now that the consultation



period has closed, Network Rail will address them promptly. Plans will be shared with London Fire Brigade, once available.

Network Rail remains committed to engaging with Bellaview Properties Limited and STARK with a view to securing a mutually beneficial agreement to secure the Order land.

Engagement is ongoing with Ms Kuszta, who raised concerns about the impact of the operations to her and her neighbours at Inquiry. Network Rail has arranged a meeting with Ms Kuszta on the 20th December 2023 at her property to further address her concerns and run through the proposals again. We are hopeful that this meeting will help to alleviate her concerns.

Appendix 1 – Example Letter

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Sadiq Khan
Mayor of London
By Email: Mayor@london.gov.uk

Community Relations
Western House
1 Holbrook Way
Swindon
SN1 1BD

Our reference: MLN1 4.0668

01 November 2023

Dear Sadiq Khan,

The Network Rail (Old Oak Common Great Western Main Line Track Access) Order Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 Rule 10, Rule 13 and Rule 14

Background

On 17 April 2023 Network Rail Infrastructure Limited (Network Rail) submitted an application (Application) to the Secretary of State for Transport for the Network Rail (Old Oak Common Great Western Mainline Track Access) Order (Order). The Application was made under sections 1 and 5 of the Transport and Works Act 1992 and was not subject to an Environmental Impact Assessment.

You are able to view the Order documents on Network Rail's project webpage - www.networkrail.co.uk/OOCRailCompound. A copy of the Application, and all plans and other documents submitted with it, may also be inspected free of charge at Acton Town Hall Library, Everyone Active Acton Centre, High Street, Acton W3 6NE, as follows:

| Day | Time |
|-----------|----------|
| Monday | 10am-5pm |
| Tuesday | 10am-7pm |
| Wednesday | 10am-7pm |
| Thursday | 10am-7pm |
| Friday | 10am-5pm |
| Saturday | 10am-5pm |

The Order and the requirement to notify/consult

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

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The purpose of the Order is to secure the compulsory acquisition of rights in land, the temporary use of land and rights to undertake minor ancillary development which are required in relation to the proposed development of a temporary and permanent road rail vehicle (RRV) access point on to the Great Western Main Line (GWML) railway to enable delivery of the Old Oak Common (OOC) Station, as well as further maintenance of the railway.

The Application was submitted in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (2006 Rules) and has been the subject of publicity and notices in accordance with the 2006 Rules.

Rule 10(2)(d) of the 2006 Rules requires the applicant to submit with the application a report summarising the consultations that have been undertaken, including confirmation that the applicant has consulted all those named in column (2) of the tables in Schedules 5 and 6 to the 2006 Rules where authority is sought for works or other matters described in column (1) of those tables, or if a person listed has not been consulted, an explanation of why not. This letter is Network Rail's formal notice requesting the Mayor of London's response to our proposals.

Rule 13(3) of the 2006 Rules provides that, in the case of an application for an order authorising the works or other matters specified in any of the categories in column (1) of the table in Schedule 5 to the 2006 Rules, the applicant shall serve upon those named against such category in column (2) of that table a copy of the application and copies of the relevant documents. This letter constitutes Network Rail's formal service of the application and relevant application documents on the Mayor of London. We have not attached a copy of the application and relevant application documents to this letter, but they can be viewed on our project webpage details of which are provided on page 1 of this letter. Please let us know if you require a hard copy of the documents.

The table in schedule 5 includes reference to *"Works to be carried out in Greater London"*; and provides for the Mayor of London to be notified where an order seeks authority for such works.

Order

The Order, as drafted, seeks powers to:

- erect and construct temporary worksites, including lay down and storage areas and other buildings, yards, slab, cranes, plant and machinery, apparatus, fencing and other works and conveniences; and
- provide temporary haul routes.

However, all the 'works' which are proposed to be undertaken are in fact Permitted Development and will be undertaken under Network Rail's Permitted Development Rights. The requirement for the deemed planning permission arises only in respect of the

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need to use the land within the Order limits for the purposes of a temporary worksite (including the laying down and storage of materials, yard, slabs, cranes, machinery, apparatus and, potentially, the stationing of temporary cabins which would not constitute development requiring planning permission).

This letter is our formal request for a consultation response and our formal notification under Rule 13(3) of the 2006 Rules. The public inquiry into our application for the Order is due to commence on 14 November 2023 and the Inspector has proposed that the Inquiry remains open to enable your responses to this letter to be taken into account. We are required to allow at least 42 days for responses to be provided and, accordingly, please provide your response by 14 December 2023. Details of who to provide your response to are set out at the end of this letter in the section headed "Have Your Say".

About the proposed scheme

The scheme consists of two separate elements, as follows:

- a) temporary RRV access via a Road-Rail Access Point (RRAP) onto the GWML to enable the delivery of the GWML Rail Systems Project (as further described below); and
- b) permanent RRV access onto the GWML railway to enable reliable future maintenance to the southern side of the main railway lines.

The High Speed (London – West Midlands) Act 2017 authorises HS2 Limited to deliver phase 1 of High Speed 2, which will (among other things) include construction of a new station, to be known as the OOC HS2 Station. The OOC HS2 Station will link London to Birmingham and beyond, initially acting as the London terminus for the line when it opens in 2030.

Before the OOC HS2 Station enters into operation, Network Rail needs to modify the existing GWML infrastructure to make sure that the OOC HS2 Station can be suitably accommodated. Works to be undertaken by Network Rail to enable this are collectively known as the GWML Rail Systems Project and delivery of the GWML Rail Systems Project will require construction access to the GWML from both the north and the south of the GWML. This is required so that the necessary construction works can be undertaken without closing all four railway lines at the same time and with minimum disruption to the existing passenger and freight services (which will continue to operate while works take place).

In addition to the construction access, Network Rail will require a construction compound which will be level to the railway infrastructure and allow RRVs to pass between the compound and the track easily. This compound cannot be in a cutting or an embankment as the RRVs are unable to operate at steep gradients.

Key objectives and benefits of the scheme

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The key objectives and benefits of the scheme can be summarised as follows:

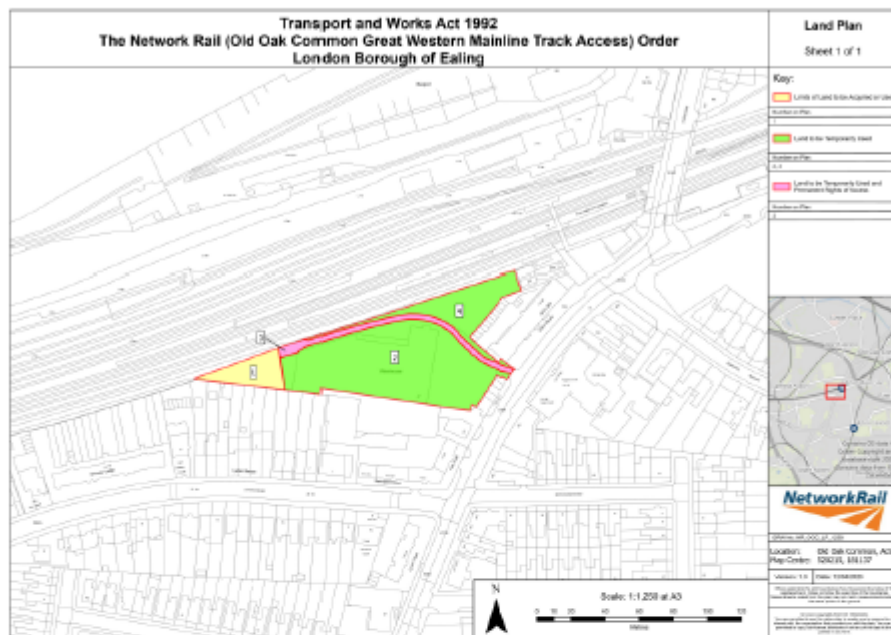
- a) the temporary RRAP proposed to be constructed as part of the Project enables the delivery of HS2 OOC track interface with the OOC HS2 Station without significant rail construction delays;
- b) the permanent RRAP at this location is required to enable regular and reactive maintenance, which will provide resilience to the railway network;
- c) creation of a permanent RRAP at the south side of the GWML will improve efficiency and productivity of the line and will decrease disruption to passengers and freight users during construction of the HS2 OOC Station; and
- d) the permanent RRAP at this location is critical for the safety and reliability of the railway network of the western region, as well as efficient operations for Network Rail and Train Operating Companies and Freight Operating Companies.

Where is the compound going to be located?

Having considered a number of locations, including utilising existing RRAPs and evaluating other potential locations for new RRAPs, Network Rail has concluded that the Order Land (which consists of Plots 2, 3 and 4 as shown below on the Land Plan, which was submitted with Network Rail's Application) is the only real and obvious location for the Project.

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A number of factors have been taken into account to reach this conclusion (as further described in the Statement of Aims and Statement of Case submitted on behalf of Network Rail) and these include (but are not limited to):

- the issue of topography;
- the concern of the demolition of individual homes;
- the use of non-suitable roads to access large plant and articulated vehicles and with the risk of these coming into contact with playing children;
- the objections from the Train Operating Companies to more extensive possessions (circa around 5 miles) that would be required in the absence of the scheme;
- plant delivery; and
- cost.

The delivery of the proposed RRAP is critical for the efficient delivery of High Speed 2 and the ongoing safety and performance of the railway.

Statement under Rule 13(8)(j) of the 2006 Rules

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**Have your say**

You are served with this letter in your capacity as the Mayor of London.

We would be grateful if you could let us have your feedback on the proposals pursuant to Rule 13(3) of the 2006 Rules as soon as possible, but in any case before 14 December 2023. Your views can be submitted by email to QOCrailcompound@networkrail.co.uk.

Any objections to the proposal in the Application should also be sent in writing to the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Department for Transport, Great Minster house, 33 Horseferry Road, London SW1P 4DR (e-mail: transportinfrastructure@dft.gov.uk) before 14 December 2023, stating the grounds of the objection or other representation. Please note that the Secretary of State may make copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the order.

If you have any further questions or would like to arrange a meeting to find out more, please do contact me on the email address above.

Your faithfully,

Aimi Blackmore

Consents Manager

Wales & Western

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