

Your reference

Our reference ELSEM/SPENA/43283-4013

18 January 2024

BY EMAIL ONLY:

JOANNA.VINCENT@GATELEYHAMER.COM

The Inspector

c/o The Programme Officer

Dear Sir

**The Network Rail (Old Oak Common Great Western Mainline Track Access Order) 202[] (Order)
Application by Bellaview Properties Limited for an order for disclosure**

We refer to Norton Rose Fulbright's letter (**NRF Letter**) to you on behalf of Bellaview Properties Limited (**BPL**) dated 15 January 2024 and respond as follows.

- 1 The NRF letter provides you with a summary of the correspondence between NRF and Network Rail's freedom of information (**FOI**) team. It is not uncommon for objectors to schemes promoted by public authorities to make FOI requests with a view to obtaining copies of documents that they believe the public authority holds.
- 2 There is a well-established process for dealing with FOI requests that usually involves an internal review by the public authority if the person requesting the information is not satisfied with the response and, ultimately, an application to the Information Commissioner. If BPL are unhappy with the responses to their FOI requests, there are processes that they can follow under the FOI legislation.
- 3 Network Rail has provided detailed evidence on its site selection process and the alternative sites it considered particularly in the evidence of Chris Ford (paragraphs 5 and 6 of his Proof of Evidence). The issues were considered in detail during the sitting of the Inquiry in November and Network Rail's evidence was robustly tested during questioning by you and cross-examination by BPL's counsel. Evidence on the alternatives that have been considered must be provided to you and available to the Secretary of State when they make their decision whether to make the Order following receipt of your recommendations. That evidence has been provided.
- 4 Network Rail have told us that they hold a document that has not been disclosed to BPL and which falls within the categories of documents described in the NRF Letter. That is a draft document addressing site selection options that Network Rail began to draft, following an earlier BPL FOI request, but which was not completed. Network Rail considered there was no need to disclose it as it was not complete and because it was superseded by the information provided in its statement of case and proofs of evidence. This is the document referred to at paragraph 7 of Enclosure 1 to the NRF Letter and described in Network Rail's response to NRF dated 28 February 2023. Network Rail's response refers to "an option selection report, within the central folder". Network Rail have agreed that we may disclose it to BPL. The document, and the attachment it refers to, are attached to this letter (which has been copied to NRF). The

10-79522556-1143283-4013

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attachment lists documents which have informed Network Rail's evidence to the Inquiry or which are already before the Inquiry.

- 5 The NRF Letter is written as if Network Rail were a defendant in High Court proceedings and required to disclose all documents relevant to the dispute that are in their possession. However, Network Rail is not on trial here. The Transport and Works Act Order process is a public administrative process and it does not include a disclosure stage as is the case with High Court proceedings. As part of its case, Network Rail must persuade you, and the Secretary of State, that there is a compelling case in the public interest for the compulsory land powers that it seeks and that it has considered alternative sites but there is not, as there is in the High Court, a requirement for Network Rail, as applicant, or indeed BPL as objector, to provide a list of all documents they hold in connection with the matter.
- 6 Network Rail submits that the disclosure application is unnecessary and an attempt to revisit issues that have already been considered. In any event, Network Rail has disclosed the one draft document that it holds which it had not previously disclosed and which is the only document to which BPL's application could relate. The application is, in other respects, a fishing exercise.
- 7 Network Rail asks that BPL's disclosure application is refused.

Yours faithfully

A handwritten signature in black ink that reads "Addleshaw Goddard LLP". The signature is written in a cursive, slightly stylized font.

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Old Oak Common Lineside Logistics Compound Options Report

Document Number: TBC
Version: P01

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1. Purpose

The purpose of this document is to provide the evidence of research undertaken on alternative locations to facilitate the Lineside Logistics Compound and Road Rail Access Point (RRAP) required to complete the Old Oak Common Great Western Mainline (GWML) project. This supports the FOI request from NRF on behalf of Bellaview.

Some of the research undertaken was through site visits and therefore, not formal desktop reports.

It is also noted that some information quoted through email chains may be from historical staff members preceding the current project team resulting in information being superseded by more recent discussions.

2. Compound and RRAP requirements

The compound and RRAP requirements are outlined in '152270-NWR-STR-DEL-000001 P01 issue 20220720' (Old Oak Common Lineside Logistics Compound Strategy) and '152270-ARC-REP-ECV-000026' and follow guidance found within the 'NR Infrastructure Access Points – Best Practice Design Guide (CS075481)'.

2.1 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:

- a) Road rail vehicle (RRV) access (as per 3.4.1)
- b) lockable 6m vehicle access gate (as per 3.4.1)
- c) located within the boundary fence (as per 3.4.1)
- d) For new access roads, where possible, the maximum longitudinal gradient should be 1 in 12 (As per 5.8.10)

The security will be level 2 as defined in NR Infrastructure Access Points – Best Practice Design Guide (CS075481). This is an enhanced level of security including permanent switchable lighting of the compound areas. A typical class 3 access point is detailed within '152270-NWR-STR-DEL-000001 P01 issue 20220720' (Old Oak Common Lineside Logistics Compound Strategy) and can be found on page 9, Figure 7.

2.2 Compound requirements

It has been specified within 152270-ARC-REP-ECV-000026 and the 'NR Infrastructure Access Points – Best Practice Design Guide (CS075481), that the compound area will require the following:

- a) A secure compound
- b) Level access, for 5m, on the approach to the railway
- c) Allow a sept envelope of "HG Rigid Vehicle" from the 1983 Standard British Design Library to access the railway
- d) Room for 8 No. Transit vans
- e) A Laydown area which is 5m wide by 35m. The laydown area should enable a 30m switch to be delivered and then lifted and transported to Track
- f) Suitable lighting at a high level, e.g. typical streetlight
- g) Should ideally be located adjacent to the RRAP as any distance between this and RRAP would interfere with productivity and have a possible impact upon rostering.

Commented [CF1]: Update to include palisade fence requirement from Best practice design guide.

3. Location Options

Several locations in the area were explored by the project team to facilitate the compound and RRAP location. (Further information relating to the below can be found within the email chain 'FW: SW Access point - North Pole Depot requirements, alternative options, timeline of engagement' sent 05/02/21) and 'RE: Jewsons alternatives [decision re FOI report]' sent 03/02/23 16:38

The feasibility and requirements of each location are detailed below:

3.1 Option 1: Barlby Road existing RRAP

- Barlby Road (1m 71ch) has limited use as it is used by maintenance currently and is severely restricted by North Pole depot operations. This location would not be feasible to support the programme.

3.2 Option 2: North Pole Depot Existing RRAP

- Currently being used by a third party meaning there would be high levels of programme and safety risk and integration requirements leading to;
- Insufficient space to support RRAP/compound requirements outlined above
- A developer has submitted a planning application for a housing development and therefore is likely that the land will be sold. The RRAP is to be removed and a footbridge installed to connect the north and south sides of the rail
- Figure 2 below shows the route to be taken if the existing RRAP was to be used. This would increase transit time by up to an hour each way (to site and back) due to the location of the RRAP. Refer to e-mail from Peter Thomas Project Manager [RE: Jewson's Statement of Aim's Q&A] dated 08/02/2023 07:56

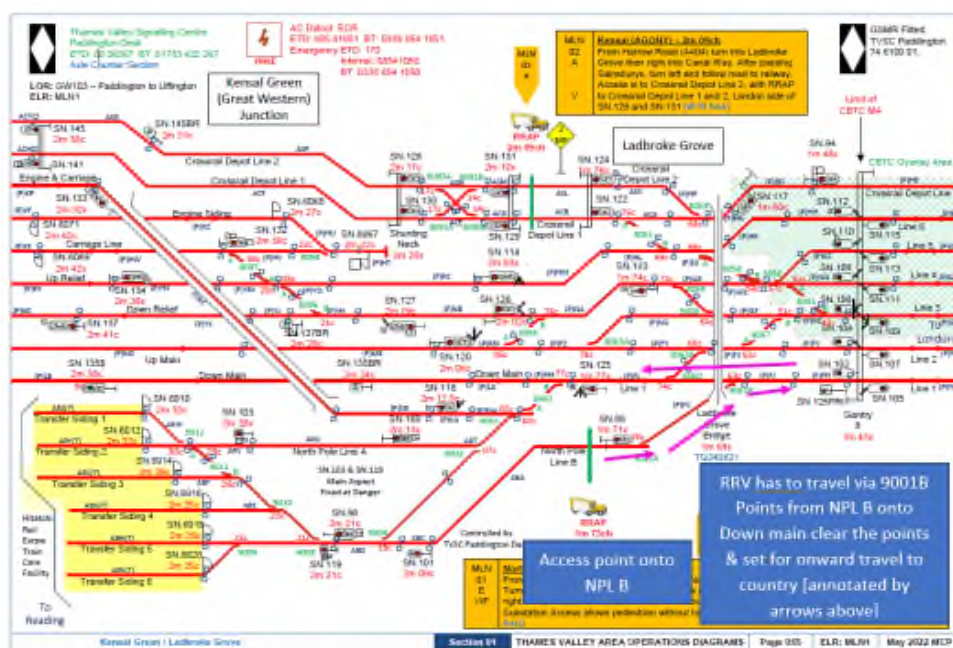


Figure 2: RRV Route to access Down Main towards GWML Station

3.3 Option 3: Jacobs Ladder existing RRAP

- Jacobs Ladder (6m 63ch) is 3 miles away from site which would equate to roughly 45 minutes of transit time
- This access point is not practical and the relationship via Waitrose carpark is already strained due to misuse
- Use of this access point would require a larger possession area (as outlined in '152270-NWR-STR-DEL-000001 P01 issue 20220720' (Old Oak Common Lineside Logistics Compound Strategy)) resulting in increased disruption to passengers i.e., delays, higher congestion on train services posing possible safety issues, timetable corrections (cancelled services/missed stops)
- Insufficient space to support compound requirements outlined above
- Extended isolation limits would be required to use this RRAP which is not a viable option (see figure 5 within 'Statement of Aims')
- Refer to email from Stuart Witts Senior Construction Manager [2TT Sunday Limits] Sent 06/02/23 14:37
- This location would not be feasible to support the programme.

Commented [CF2]: Can the SoA be linked via the table of contents?

3.4 Option 4: Acton Main Line Station RRAP

- This RRAP was removed by Crossrail with no alternative provided. This location would not be feasible to support the programme.
- Previous RRAP was located on the Relief line (North side of the track). Even if there was a provision for installing another RRAP at this location, logistically getting from Reliefs to the Mains via multiple Points moves and waiting for NBS (no booked service), working time would be degraded.

3.5 Option 5: Purchasing private land from homeowners

- There are a few different locations where this may be possible however each brings substantial negative press and reputation with them. This proposal would also be subject to planning permission and would cause disruption to residents for the construction of the access point as well as future disruption during main works and future maintenance activities.

Commented [AB3]: I can't see this particular part in the email chain. If it isn't in there, I would leave it out? If it is, do we have specific locations i.e. Lynton Road etc.

Commented [CF4R3]: This section is "option 6" in the email chain from Stanley "SW Access point - North Pole Depot requirements, alternative options, timeline of engagement". I've referenced this email chain above. Do the direct quotes from the email chain need to be clearly marked? i.e., in italics?

Commented [AB5R3]: Perfect! Yes, they would need to be clearly marked using quotation marks

3.6 Option 6: Westcott Park Community garden

- Not feasible due to level difference, roughly 6m above the track. This does not meet the RRAP requirements outlined above and referenced within Appendix A of 152270-NWR-STR-DEL-000001 P01 issue 20220720' (Old Oak Common Lineside Logistics Compound Strategy)

3.7 Option 7: Jewsons Yard

- Existing OLE mast to be relocated moving the designated earthing point at least 10m away from the RRAP to meet RRAP requirements and ensure the RRAP sits within the required isolation
- Existing troughs adjacent to the track will need to be moved into a URX under the access to the RRAP
- Initially it was discussed that shared use of the site may be a viable option however this wouldn't meet the compound requirements outlined above
- The area between Acton West Junction and Kensal Green Junction was analysed using computer software (insert software name). This analysis is illustrated within Appendix A of

Commented [CF6]: @Nata Khatishvili to confirm

'152270-NWR-STR-DEL-000001 P01 issue 20220720' (Old Oak Common Lineside Logistics Compound Strategy) and shows this is the one viable location to meet the requirement of a 1 in 12 gradient for the approach to a RRAP location. (see figure 3 below)



Figure 3: Assessment of available locations

3.8 Option 8: Old Oak Common Lane (existing Hitachi Depot)

- Currently being used by a third-party Stakeholder (Hitachi) as an operational depot, meaning there would be high levels of programme and safety risk and integration requirements. This location also has other HS2 contractors (BBVS Balfour Beatty, Systra Vici Joint Venture) occupying the surrounding land undertaking critical disruptive works such as Undertrack Crossing UTX's, deep and heavy excavating of nearby access roads.
- It was requested that BBVS accelerate their programme of works to align the programmed timelines. This would have enabled the GWML project to access the site to complete their works. This proposal was accepted but ultimately deemed unsuitable due to conflicting timelines, workloads, and unworkable integration.
- Other alternatives would be to use part of the maintenance shed which would affect the whole business and operation use of the depot. Overuse of this access outside of the agreed time slots would also mean having to travel plant and personnel under Live Over Head Line Equipment importing a great deal of unnecessary risk.
- Would be a conflict of DfT/Hitachi/Agility contract
- Insufficient space to support compound requirements outlined above
- Refer to e-mail from Peter Thomas Project Manager [RE: Jewson's Statement of Aim's Q&A] dated 08/02/2023 07:56

3.9 Option 9: Westway Estate

- Principle that it would require relocation / shortening of the two headshunts which form part of North Pole Depot. This would require significant alteration to depot operations and infrastructure, or possibly construction / expansion of other depots elsewhere.
- Layout of road and congestion of buses mean it is not conducive to HGV moves (no swept path done but subjective assessment)
- Final rail systems layout has S&C adjacent to this on the Down Main, as such a RRAP would not be possible at this location. S&C could be moved further to the West in the design but this has an impact on performance of OOC as a turnback (not assessed) and increased Renewals extent and cost.
- Significant drop in land means that the unit(S) would probably need to be demolished and works done to create a ramped access (doable but costly)
- Refer to email sent 03/02/23 [RE: Jewsons alternatives [decision re FOI report]]

4. Closing Statement

Closing statement to be drafted with Aimi

5. Table of Contents

Please see table of contents via [this](#) link

Jewsons Lineside Logistics Compound FOI Request

This document outlines and references the various correspondence and NR standards that lead to the conclusion of Jewsons being the least disruptive and only viable option for the location of the Lineside Logistics compound to accommodate the South West Road to Rail Access Point (SW RRAP) and should be used for reference as a central point

Document ref	Document Title	Point referenced within document	Comments
152270-ARC-REP-ECV-000026	Options Report	2.1	References NR Standards RRAP requirements regarding acceptable location of RRAPs. This combined with "Old Oak Common Lineside Logistics Compound Strategy" (Appendix A - Gradient Survey) and further ariel shot of the area demonstrates why Jewsons is the most practical location for the compound
152270-ARC-REP-ECV-000026	Options Report	2.3	Defines Network Rail Compound requirements
152270-NWR-STR-DEL-000001 P01 Issue 20220720.pdf	Old Oak Common Lineside Logistics Compound Strategy	Appendix A (Page 13)	Illustrates the overall area analysed to show what locations meet the maximum RRAP gradient requirement of 1:12
Access Points RRAP Best Practice	Access Points RRAP Best Practice	3.4.1 5.8.10	Defines RRAP, compound and security requirements
FW SW Access point - North Pole Depot requirements alternative options timeline of engagement.msg	Email chain: 05 February 2021		Explores alternative options to North Pole Depot
152270-ARC-REP-ECV-000025 A01 North Pole RRAP	OLD OAK COMMON Lineside Road Rail Access Point (RRAP) South West Access – North Pole Depot Feasibility Report		This document is referenced within 152270-ARC-REP-ECV-000026
RE Jewson's Statement of Aim's Q&A .msg	Email chain: 08/02/2023 07:56		Referenced within OOC Lineside Logistics Compound Option Report. 3.2 & 3.8
Statement of Aims	TWAO Document	Figure 5	Referenced within OOC Lineside Logistics Compound Option Report. 3.3
FW 2TT Sunday Limits.msg	Email chain: 06/02/23 14:37		Referenced within OOC Lineside Logistics Compound Option Report 3.3
RE Jewsons alternatives decision re FOI report .msg	Email chain: 03/02/23		Referenced within OOC Lineside Logistics Compound Option Report 3.9