



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.

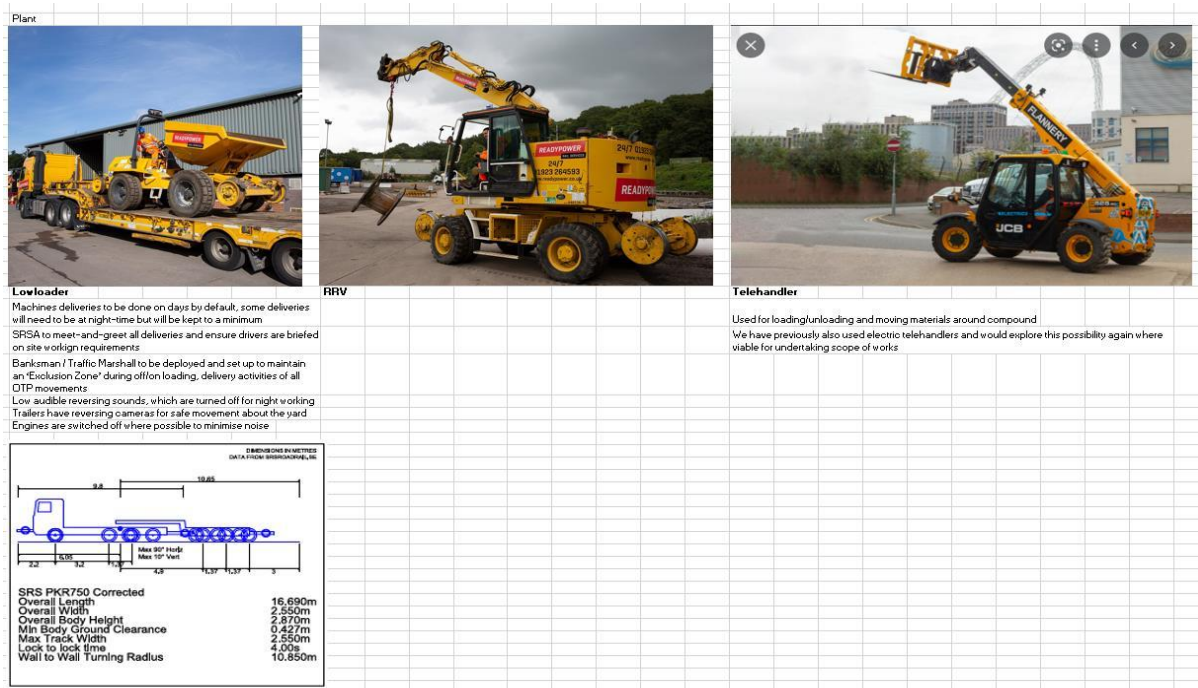


2.9 “In relation to the easement strip, the following questions also arise, that NR is asked to answer:”

- 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:



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.

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- 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



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