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21<sup>st</sup> June 2023

Ref: OBJ 06

Dear Mr Farr,

Thank you for your email dated 02<sup>nd</sup> June 2023 attaching your client's objection to 'The Network Rail (Old Oak Common Great Western Mainline Track Access) Order' (**Order**) sent to the Transport Infrastructure Planning Unit (**Objection**).

In response to your objection relating to the Order, I note your 22 separate points but have grouped the themes in the response below.

Network Rail has worked in parallel with this Order to negotiate the land required to deliver our scheme as noted within the Consultation Report NR07. However, as negotiations have to date not resulted in Network Rail being able to acquire the land and interests by agreement, the only option for Network Rail is to progress with the Order (Ref 5.7)..

In preparing its application for the Order, Network Rail has considered Article 1 and Article 8 in the European Convention of Human Rights (**Convention**) and considers that there is compelling case in the public interest for compulsory acquisition powers to be granted as part of the Order. The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of affected landowners and the public interests in securing the benefits of the scheme. Therefore, the interference with Convention rights is justified.

Alternative Sites for the scheme (paragraphs 5.3, 5.5, 5.10, 5.12 and 5.14 of the Objection) – Network Rail have explored alternative sites for a Road Rail Access Point (RRAP) in a fair & reasonable way. Please take time to explore submitted document NR04 Statement of Aims regarding Alternative sites. To provide further context;

- Access to the railway is split into 'mains' and 'reliefs' access blocks, generally alternating each weekend.
- This is to allow 2 of the 4 lines to remain operational each weekend to maintain a train service for Heathrow Express, Crossrail and Great Western Railway (the Train Operating Companies – TOCs)

- The two tracks to the south/west are the 'mains' and as such any access point to the north/east of the tracks cannot be used as these would be on the live railway
- The HS2 project requires extended 'mains' blocks to deliver their works, running from Saturday night through to Monday morning
- The extended blocks are required primarily for two reasons
  - o Deliver works that exceed noise thresholds in daytime hours to minimise disruption to lineside neighbours
  - o Works that require extended duration to ensure the railway can be safely handed back upon completion (for instance drainage works that require deep excavations adjacent to track, require these to be filled back in to allow trains to safely operate on the railway again, this cannot be done in the standard 5hrs working time we have on weekend possessions)
- Access is needed throughout the block from a Road Rail Access Point (RRAP) to allow on-track plant to undertake heavy construction work. Access needs to be maintained throughout the possession for safety and efficiency
- The location of the access is limited as the TOCs cannot operate a viable service level for passengers if the two-track railway extends out beyond Acton Main Line Station
- The location of the access is limited as trains need to be able to enter and exit the North Pole Depot to maintain service levels. This prevents use of the existing North Pole RRAP as it cannot be within the possession
- There are no viable alternative locations between these two locations due to residential properties, the live North Pole Depot and steep embankments from track level to road level. All other options have been investigated. (Ref 5.13)

Network Rail have adequate funding to deliver this scheme via the Implementation Partnership Agreement with HS2 Ltd dated June 2023, as confirmed in the Funding Statement submitted with the application for the Order (NR05). The Implementation Partnership Agreement was worked up prior to submission of the Order application on the 17<sup>th</sup> April 2023 and was signed off as stated in NR05 Funding Statement on 15<sup>th</sup> June 2023 due to governance panels Network Rail had to go through (Ref; 5.17 & 5.18).

Network Rail are aware changes to travel patterns as a result of the pandemic. The position continues to evolve. There were provisionally 1.4 billion journeys made in the latest year (1 April 2022 and 31 March 2023). This is 83% of the 1.7 billion journeys made three years ago (1 April 2019 to 31 March 2020) further information can be found on the Office for Road and Rail website (<https://dataportal.orr.gov.uk/media/2207/passenger-rail-usage-jan-mar-2023.pdf>). The DfT also published its post-Covid national rail passenger figures on Wednesday 10 May 2023, showing a record post Covid high daily average of 98.3% for the month of April. Of the 30 days in April, 14 days registered 101% to 106%, and only four days saw less than 90% (88%) on the first four days of the month ([https://www.riagb.org.uk/RIA/Newsroom/Press\\_Releases/Rail\\_passenger\\_numbers\\_on\\_a\\_record\\_post\\_Covid\\_high\\_averaging\\_over\\_98\\_daily\\_in\\_April.aspx](https://www.riagb.org.uk/RIA/Newsroom/Press_Releases/Rail_passenger_numbers_on_a_record_post_Covid_high_averaging_over_98_daily_in_April.aspx)). Network Rail has seen unprecedented strike action following the pandemic and expects rail usage to increase (paragraph 5.4). In any event, any change in travel patterns does not affect the need for the Order scheme.

Network Rail is unable to exercise compulsory powers over the Crown Land. Therefore, powers in the order do not extend to that land. However, Network Rail are currently looking to acquire the Crown Land (Plot 1) and are engaging with Crown Estate Solicitors. The land has been unused since 2010 (paragraph 5.8). The proposed temporary acquisition is in any

event not dependent on securing a permanent interest in Plot 1, as the other plots are required for the temporary RRAP.

Network Rail does not expect that there would be an increase on daily vehicle movements as compared to today. If anything a reduction in traffic movement is anticipated, as this is a satellite compound focused on weekend possession delivery. Works will be planned to minimise noise and light pollution to local residents and be subject to Section 61 (Controlled Pollution Act 1974) application which will be agreed with the Environmental Health Officer at the Local Authority and/or by appropriate planning conditions. More detail can be found on the List of consents, permissions or licences required NR10 submitted with Network Rail's application for the order and available on the application website; <https://www.networkrail.co.uk/running-the-railway/our-routes/western/oak-common-lineside-logistics-compound/> (paragraph 5.11).

Network Rail first made contact with Saint Gobain Distribution Limited on the 10<sup>th</sup> July 2020 via email ( [property0089@sgbd.co.uk](mailto:property0089@sgbd.co.uk) at 15:21) there was correspondence with different members of the property team which ultimately found its way to the Head of Property – Ross Jones. All correspondence captured within NR07 Consultation Report can be circulated if you wish to re-receive them (paragraph 5.19).

Network Rail have been in discussion with Sanderson Wetherall and Stark Building Materials, but are yet to receive any figures which represent what they consider to be market value. Network Rail have instructed external agents to advise us of the figures provided in the NR06 Estimates of Costs including but not limited to the Valuation for compensation for loss of occupation.

Network Rail have assumed that the freeholder would resist your client's application for lease renewal and in making this assumption Network Rail are promoting a cap on compensation limited to the statutory formula contained in the Landlord and Tenant Act 1954. Network Rail has engaged with both STARK and agents (SW) and are trying to understand the timeline for lease renewal and redevelopment if Network Rail does not proceed with occupation of the site. Discussions around compensation are ongoing and Network Rail awaits a figure from Sanderson Wetherall and/or Stark Building Materials (Ref; 5.6, 5.9, 5.15, 5.16, 5.20, 5.21 & 5.22).

I hope this resolves your objection to The Network Rail (Old Oak Common Great Western Mainline Track Access) Order, if so, we would be grateful if you would please withdraw your objection by writing to; Transport Infrastructure Planning Unit, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR or by email at [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk) . Please include "Old Oak Common Great Western Mainline Track Access)" in the title of any correspondence.

If further information is required, please do not hesitate to contact me.

Yours sincerely

*Rory Mckeever*

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For and on behalf of Network Rail Limited