

Giulia Barbone

From: Joel Holland <HollandJ@ealing.gov.uk>
Sent: 13 November 2023 15:46
To: Mark Connell
Cc: Jake Tubb
Subject: RE: Horn Lane

Hi Mark,

I would suggest that our agreement is slightly nuanced. We agree in principle to both the conditions initially suggested and the revisions you have suggested. A lot of this comes down to timeframes for delivery, which is a matter between the relevant parties – of which Council has no comment. Council has recommended a 5 year condition for implementation of the planning permission, to take account of all eventualities of the TWAO.

The conditions will be up to the Planning Inspector to determine.

Joel Holland Turner (he/him)
Principal Planning Officer
hollandj@ealing.gov.uk
020 8825 6600

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From: Mark Connell <mark.connell@sphere25.co.uk>
Sent: Monday, November 13, 2023 10:21 AM
To: Joel Holland <HollandJ@ealing.gov.uk>
Cc: Jake Tubb <jake.tubb@dp9.co.uk>
Subject: RE: Horn Lane

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Thanks Joel

Understand that you are caught in the middle of correspondence for an application that isn't registered to the LPA, so appreciate you taking the time to reply. Thanks.

I just wanted to be correct – that Network Rails assertion that conditions are all agreed with Ealing is a bit more nuanced than is being made out.

Thanks again

Mark

Mark Connell
Managing Director
07989 138456
Mark.Connell@Sphere25.co.uk
www.Sphere25.co.uk



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From: Joel Holland <HollandJ@ealing.gov.uk>
Sent: Friday, November 10, 2023 4:24 PM
To: Mark Connell <mark.connell@sphere25.co.uk>
Cc: Jake Tubb <jake.tubb@dp9.co.uk>
Subject: RE: Horn Lane

Hi Mark,

Yes my comments with relation to the TWAO proposal was primarily in relation to the fact that we aren't the assessing authority for this application – which is why we haven't received any plans.

I will have to put your comments back to the applicant. However it does appear that we are acting as some form of intermediary for this proposal – of which we have little/no involvement in. It is really something that the Planning Inspector should be making the judgement on – particularly in relation to timescales and the like.

Whilst I appreciate the situation, and I have no in principle objection to your comments – this is something that going forward should go back to the Inspector.

Joel Holland Turner (he/him)
Principal Planning Officer
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From: Mark Connell <mark.connell@sphere25.co.uk>

Sent: Friday, November 10, 2023 12:17 PM

To: Joel Holland <HollandJ@ealing.gov.uk>

Cc: Jake Tubb <jake.tubb@dp9.co.uk>

Subject: RE: Horn Lane

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Joel

Thank you for your time and assistance and forwarding on the latest further changes to conditions proposed by Network Rail yesterday.

Having had the time to go through your email below, it would seem that Network Rail's statement that "Ealing have confirmed their approval of proposed conditions" isn't entirely correct as the position is slightly more nuanced, and that significant concerns from officers remain. I appreciate that the Council is not the body who is assessing the application. However, I note in particular your point about Network Rail's application clashing with the Development Plan as well as your concerns in relation to lack of information from the applicant and impacts on residents.

Do let me know if this interpretation is not correct.

Like yourselves we have concerns on the scant amount of information that has been provided to support the deemed application. In these circumstances where the Local Planning Authority are not able to influence the application, we understand that accepting broad and imprecise conditions is your only means of having a say later on.

The practical outcome of this is that the discharge of conditions is likely to be more protracted; attract more objections; and, take longer to discharge (if a negotiated position can be reached at all). This provides little comfort to Bellaview and neighbours, as uncertainty over impacts and timescales will result. We also recognise the additional burden that this will place on the Council.

In terms of our views, attached are our thoughts on the conditions you kindly forwarded on and would welcome any feedback. Yesterdays imposition of "tailgate" clauses to the conditions clearly goes against case law and recent Local Government Association advice on conditions.

Once again, thank you for your help.

Mark

Mark Connell

Managing Director

07989 138456

Mark.Connell@Sphere25.co.uk

www.Sphere25.co.uk



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From: Joel Holland <HollandJ@ealing.gov.uk>
Sent: Thursday, November 9, 2023 12:17 PM
To: Mark Connell <mark.connell@sphere25.co.uk>
Cc: Jake Tubb <jake.tubb@dp9.co.uk>
Subject: RE: Horn Lane

Hi Mark –

I have taken the following out of the document that you have sent:

- Need for an additional “development to take place in accordance with the approved plans” condition?
- In respect of many of the proposed conditions a need for clauses to ensure that the development takes place in accordance with the approved details?
- Need for an additional condition setting an expiry date of the permission given that it is for a temporary development?
- Is it appropriate to devolve hours of working to subsequent approval by the LPA or should they be fixed as part of any deemed permission? If so what might these be given that overnight working is proposed? Might this, for example, be a limit on the number of working nights per month?

I guess the comment I would make on this is that Council has had very limited discussion on the program of works that are being proposed by Network Rail. Accordingly, an “approved plans” condition would be difficult for us to provide comment on – as we haven’t really been provided with any formal plans. In addition, an expiry date for the permission is difficult for us to recommend, particularly as we don’t know with any certainty the delivery of their works. Hours of works is also a difficult one to comment on as they are proposing (from memory) 24 hour works at some points, which would inevitably have an impact on the residents of Acton House.

Accordingly, if Council were to be the assessing authority for this application, we may have found it difficult to approve. It is not in accordance with our Development Plan and the duration of works and hours proposed would inevitably have had an impact on existing residents. I believe Network Rail know this – and that is why they have applied for a TWAO rather than seeking temporary planning permission from the Council. We would have of course needed to balance these impacts against the benefits of national infrastructure.

Our agreement to their proposed conditions does not preclude the Inspector from adding additional conditions on the permission, as they would be responsible for granting deemed consent. If Council were privy to more information we would have likely recommended additional conditions relating to the proposal – however we are not a party to the TWAO process. So the agreed conditions are acceptable, based off the information we have available – this should not stop the Inspector from adding additional conditions based off the information they have at hand.

Joel Holland Turner (he/him)

Principal Planning Officer

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From: Mark Connell <mark.connell@sphere25.co.uk>

Sent: Wednesday, November 8, 2023 9:43 PM

To: Joel Holland <HollandJ@ealing.gov.uk>

Cc: Jake Tubb <jake.tubb@dp9.co.uk>

Subject: RE: Horn Lane

Importance: High

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Hi Joel

Sorry to pester with a further email and using the red exclamation mark on the email. However, conscious of the public inquiry taking place where the role of conditions is critical.

Network Rail are stating that they have agreed conditions for Bellaview's land with you in respect of the application for the temporary Road Rail Access Point (RRAP).

There is a core document titled **CD 38 Agreed Network Rail agreed conditions with London Borough of Ealing 1st November 2023** – see [here](#).

There are a number of concerns with the conditions. Indeed, both Bellaview and the inspector has queried why a temporary permission does not have a condition with an expiry date of the works (attached is the note from the Inspector). There are also a few other conditions we have concerns with, such as the standard three year period before they begin works.

Are you able to advise on whether the conditions have been agreed with Ealing as purported?

Many Thanks

Mark

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Managing Director
07989 138456
Mark.Connell@Sphere25.co.uk
www.Sphere25.co.uk



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From: Mark Connell
Sent: Wednesday, November 8, 2023 12:24 PM
To: Joel Holland <HollandJ@ealing.gov.uk>
Subject: Horn Lane

Hi Joel

Apologies for the email out the blue.

I am assisting Bellaview at the inquiry in response to Network Rails Order to take possession of the Horn Lane site.

One of the issues the Inspector has asked to look at is the range of planning conditions needed for the railway works.

I understand that you have given approval to a list of possible conditions in an email to Colin Field of Network Rail on the 26 October.

Would you be free for a short call or would you be able to share the email in question.

Hope all is well

Mark

Mark Connell
Managing Director
07989 138456



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