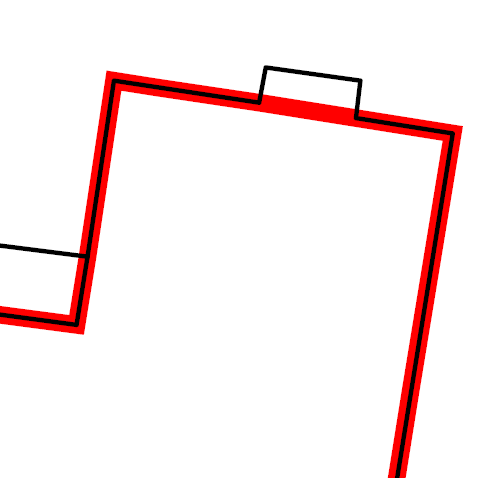
**DESCRIPTION OF DEVELOPMENT AND PROPOSED CONDITIONS**

* **“Use of land as a temporary construction compound including provision of temporary ramp”**

[NRF: the addition of the word “temporary” aligns with Art 3 of the Order viz: "*use the land … as a temporary construction compound, including provision of a temporary ramp*". See also references to the "temporary ramp" in Schedule 2, column 3, and the explanatory note.]

* **Note: - need for a revised planning application plan showing the site (with a red line boundary) as that land which would be the subject of the modified order and, in terms of details, only showing the position of the ramp.**

[NRF: We note that drawing number 0388965/G has now been produced, this is broadly acceptable save that it still overlaps the building line of the warehouse. Since NR have confirmed that they do not need the warehouse it is not clear why the walls of the warehouse and a sliver of the interior remain within the redline, nor is it clear what NR need these walls / interior area for. It would be contrary to their evidence if they now stated that they had a requirement for these walls / interior area.]



NRF: blown up image of part of warehouse showing walls and sliver of interior within the redline

**Conditions:**

1. The use hereby permitted shall commence within one year of the date the Network Rail (Old Oak Common Great Western Mainline Track Access) Order comes into force.

*Reason: to comply with the requirements of the Town and Country Planning Act 1990 and to enable the Great Western Main Line Rail Systems Project railways works related to the use to be completed by 2029.*

1. The use hereby permitted shall be carried out strictly in accordance with drawing no 0388965 Rev […] which identifies the position of the temporary ramp.

*Reason: for the avoidance of doubt.*

1. The ramp hereby permitted shall accord with the construction methodology details which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

[NRF: If the location of the ramp is absolutely fixed by condition 2 (see proposed amends to condition 2) then this condition 3 can be limited to construction methodology, the reference to "General arrangement" is therefore otiose and conflicts with condition 2.]

*Reason: to ensure the safety of the site.*

1. No external lighting, cabin, hoarding, fencing or gates shall be erected or operated in connection with the use hereby permitted unless it accords with details of its siting and design which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

[NRF: In relation to the “gates”, it needs to be clarified if what is being referred to here is a gate to the railway within the northern boundary on the RRAP, and AN Other security gate within BPL's site and if so where? If there is a security gate proposed on a shared use area then this must be agreed with BPL and its location fixed by the LPA. It cannot be located within a "general" area. There is a risk of conflict with BPL's development, or a risk that construction of the proposed development could be prevented if the gates are not appropriately sited, and could be located (and moved) anywhere by NR within a "general" area. The same arguments are made in relation to the other features referred to in this condition.

NRF: design is important for the cabins. These are capable of being an eyesore for residents. LB Ealing's comments on the conditions specifically referenced approving the design. The reason given was neighbouring amenity.

NRF: general arrangement drawings give no certainty to nearby residents. Whilst the structures may be of a "temporary and minor nature", the duration - 6 years - that these will be in place is not. Residents deserve certainty and the LPA needs to able to confirm if a breach has occurred or not. General arrangement drawings do not provide that.]

*Reason: to minimise any adverse effects of the use on the living conditions of nearby residents and on the appearance of the area.*

1. The use hereby permitted shall only be carried out in accordance with an Environmental Management Plan which shall have been previously submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include:

* measures to control noise and vibration (having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Noise) and all associated activities audible beyond the site boundary
* measures to control dust including arising from all Non-Road Mobile Machinery (having regard to The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (2014) GLA)
* NRF: NR don’t need the words "where appropriate". It will always be appropriate to control dust. If machinery does not create dust then in respect of that machinery there will be nothing to mitigate.
* measures to control external lighting (having regard to Guidance Note 01/21 for the reduction of obtrusive light (Institution of Lighting Professionals) Measures shall be included to prevent glare and sky glow
* delivery locations
* NRF: “delivery locations” is the wording used in BPL's planning condition. It should be included for consistency. The reference is assumed to be the location within the site where plant / materials will be delivered to.
* arrangements for the public display of contact details (including telephone number) for the site supervisor(s)
* arrangements for engagement about the use with nearby residents and businesses
* details of a quiet delivery/collection strategy
* a clear policy of careful handling, avoiding banging and dropping heavy items;
* quiet reversing methods and vehicle engines off when stationary
* .

[NRF: this is not accepted for 3 reasons:

1. NR’s case appears to be that they cannot “always” reverse quietly which indicates that some of the time they can, in which case on those occasions NR should be reversing quietly;
2. NR have already accepted that they will have banksman control therefore NR are capable of reversing safely without audible alarms.
3. Network Rail is reminded of para 1.24 of Mr Connell’s rebuttal evidence which reads as follows:

“I note that Network Rail’s reply to Bellaview’s consultation response states (in relation to the temporary works). “*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*.” [Full letter provided in Appendix 6R]”

NR now seems to be rowing back from that commitment previously made. Reference to “quiet reversing methods” should be retained]

*Reason: to minimise any adverse effects of the use on the living conditions of nearby residents.*

1. The use hereby permitted shall only be carried out in accordance with a Traffic Management Plan which shall have been previously submitted to, and approved in writing by, the Local Planning Authority. The Traffic Management Plan shall have regard to Construction Logistics Planning Guidance V1.2 (April 2021) by Transport for London and shall include details of:
   * the routing of heavy goods vehicles used in connection with the use hereby permitted from/to the strategic road network and the management of their movement into and out of the site by a qualified and certified banksman
   * arrangements for workers in connection with the use hereby permitted to access the site.

*Reason: to minimise any adverse effects of the use on the operation and safety of the highway network and on the living conditions of residents in the area.*

1. The use hereby permitted shall only be carried out in accordance with site sharing arrangements designed, as far as is practicable, to enable delivery of planning permission 225069FUL (if granted), the details of which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

*Reason: in order that the use hereby permitted does not unnecessarily prevent implementation of another planning permission.*

1. The movement on the site for the duration of this planning permission between the hours of 20:00 and 08:00 of people, materials, machinery or vehicles in connection with the use hereby permitted shall not take place on more than 300 nights when using powered road rail vehicles, and an additional 175 nights when not using powered road rail vehicles. In order to calculate the number of nights for the purposes of this condition, any movement(s) on the site between 20:00 and 08:00 the following day constitutes one night of movements.

Movement on the site between the hours of 20:00 and 08:00 of people, materials, machinery or vehicles shall not take place until an outline schedule of the dates on which such movement is anticipated to take place has been issued to the occupants of nearby properties, the list of such occupants which shall have been previously submitted to, and approved in writing by, the Local Planning Authority. Thereafter an updated schedule of dates on which such movement is anticipated to take place shall be issued to the same occupants at least every 6 months.

A register shall be kept of each night on which such movement has taken place which shall identify whether or not the movement involved the use of powered road rail vehicles. The register shall be made available to the Local Planning Authority at its request.

*Reason: to minimise any adverse effect of the use on the living conditions of nearby residents.*

1. The use hereby permitted shall have ceased no later than 31 December 2029.

*Reason: the use is only justified on a temporary basis whilst the related Great Western Main Line Rail Systems Project railway works are being carried out.*

[NRF: we need a formula so that BPL is not saddled with repairing damage caused by NR vehicles. The extract from the draft BPL s.106 agreement has been sent to NR/AG so you are aware of the obligation on BPL in relation to remedial highway works post completion of BPL’s development. What mechanism does NR suggest so that an equitable position is achieved and BPL is not paying for damage caused by NR?]

1. Prior to their operation, details of all new installed diesel generators demonstrating compliance with Stage IIIa Diesel Generator Emissions Standards must be submitted to and approved in writing by the Local Planning Authority.

*[Reason: To ensure the GLA meets its obligations to deliver air quality objectives for NO2 in accordance with London Local Air Quality Management (LLAQM) and to limit PM2.5 (fine particles) to safeguard public health and well being and external amenity of nearby sensitive receptors]*