

# TRANSPORT AND WORKS ACT

## TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

### THE NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAINLINE TRACK ACCESS) ORDER

#### NOTE ADDRESSING POINTS RAISED BY THE OBJECTORS IN RELATION TO THE WEIGHT/TIME RESTRICTIONS ON FRIARY ROAD

## 1 INTRODUCTION

- 1.1 On 17 April 2023 Network Rail Infrastructure Limited (**NR**) submitted an application (**Application**) to the Secretary of State for Transport to make the Network Rail (Old Oak Common Great Western Mainline Track Access) Order (**Order**).
- 1.2 The Order relates to the land known as 239 Horn Lane, Acton W3 9ED (**Order Land**) and its purpose is to secure the compulsory acquisition of rights in the Order Land, the temporary use of the Order Land and rights to use the Order Land as a temporary construction compound, including provision of a temporary ramp, all in relation to the proposed development of a temporary road rail vehicle (**RRV**) access point, and also a permanent RRV access point, on to the Great Western Main Line railway (**Project**) to enable delivery of the Old Oak Common Station, as well as further maintenance of the railway.
- 1.3 On 23 June 2023 Network Rail was notified of Department for Transport's decision to hold an inquiry into the Application.
- 1.4 The inquiry commenced on the 14th November 2023 and was attended by Bellaview Properties Limited (**BPL**), objecting to the Order, as well as Network Rail.

## 2 CONCERNS RAISED

- 2.1 During the inquiry, a number of concerns have been raised by BPL, one being in relation to the weight and time restrictions on the road known as Friary Road, which is proposed to be used for transport of materials and RRVs to the Order Land for the purposes of the Project.
- 2.2 As shown on the Google Maps Street view below, use of Friary Road is subject to a maximum weight limit of 18 tonnes. Furthermore, any such use is restricted to the following hours:
- a. Mon – Fri:
    - i. Midnight – 7am
    - ii. 9pm – Midnight
  - b. Saturday
    - i. Midnight – 7am
    - ii. 1pm – Midnight
  - c. Sunday

i. At any time



2.3 It was suggested by BPL that Friary Road could not be utilised for the Project, which issue might constitute an impediment to the Project.

2.4 At the close of the Inquiry session in 2023, BPL indicated that it would be submitting a 'Note' regarding this issue to the Inspector. In this context, NR indicated that it too would submit a Note on this point. At the date of this Note, as far as NR is aware, no such document has been provided by BPL. However, NR nevertheless provides its own Note in order to clarify this issue.

### 3 NETWORK RAIL'S RESPONSE

3.1 The restrictions described above have been introduced as part of the London Lorry Control Scheme (**LLCS**). The LLCS controls the use of Heavy Goods Vehicles (**HGV**) over 18 tonne maximum gross weight on certain roads in London to help minimise noise and pollution. The restrictions operate at night and weekends within specific time frames. If hauliers need to gain access via a restricted road, each vehicle will require a permission to carry out deliveries/collections within the hours of control.

3.2 According to the information available publicly on the London Councils' portal, permissions will only be granted to hauliers who need to make the use of the restricted road.

3.3 The LLCS is managed by London Councils on behalf of 31 London boroughs, including the London Borough of Ealing, where the Project and the Order Land are located.

3.4 As Network Rail's suppliers may need to access routes covered by the LLCS (including, but not limited to Friary Road mentioned above) for the purposes of the Project outside of the permitted

hours, and with HGVs which are above the 18 tonnes limit, all suppliers will need to be registered with London Councils and hold the necessary permit.

- 3.5 Having checked with its suppliers, Network Rail is advised that a number of them already have the necessary permits for Friary Road and Horn Lane. All suppliers which are not already registered to the LLCS, will register with, and provide the necessary information to, London Councils. All permits are free.
- 3.6 As part of the registration process, Network Rail and its contractors will confirm to London Councils that the network not covered by the LLCS will be used as much as possible for the purposes of the Project, with roads covered by the LLCS to be utilised only where their use cannot be avoided.
- 3.7 Network Rail will also use vehicles under 18 tonnes gross weight for the purposes of the Project, which will need to access the Order Land via Friary Road. However, there are no restrictions to the use of such vehicles. As such, they are free to use Friary Road and/or any road which is subject to the LLCS outside of the LLCS hours.

#### **4 CONCLUSION**

- 4.1 Based on the above, it is Network Rail's position that Friary Road, as well as any road subject to the LLCS, can be utilised for the Project where necessary and restrictions described above and referred to by BPL during the inquiry do not constitute an impediment to the carrying out of the Project.

**Addleshaw Goddard LLP**

**5 January 2024**