

22 December 2022

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Your reference

Our reference

Attention: foi@networkrail.co.uk

Dear Sirs,

Request pursuant to Freedom of Information Act 2000 and Environmental Information Regulations 2004

We write on behalf of our client Bellaview Properties Ltd, the freehold owners of 239 Horn Lane, London, W3 9ED (the **Site**). Bellaview Properties Ltd has leased the Site to Saint-Gobain Building Distribution Limited (who trades from the Site as Jewson).

Our client made a request to National Rail (**NR**) under the Freedom of Information Act 2000 (the **Act**) and the Environmental Information Regulations 2004 (the **Regulations**) dated 26 October 2022 (the **First Request**). The First Request related to NR's proposal to compulsorily acquire the Site for a logistics compound for the HS2 project (the **Lineside Logistics Compound**) as set out in various documents including the Public Consultation on the Old Oak Common Lineside Logistics Compound¹ (the **Consultation Document**). They have provided us with the response from NR to the First Request dated 12 December 2022 (the **Response**) and the enclosed documents to the Response, namely: (i) Old Oak Common Lineside Logistics Compound Strategy (the **Strategy Document**); and (ii) Minutes of a meeting between NR and Ealing Borough Council dated 12 October 2022 (the **Minutes**).

The Response highlighted four specific questions in the First Request. We note in the Response that the first question in the First Request was refused because it is 'manifestly unreasonable' as it would be too administratively burdensome and costly time wise to identify all of the information requested and would exceed the 'appropriate limit' for costs under the relevant regulations. NR, therefore, in the Response, recommended that our client narrowed the scope of its request and specified the types of document it is most interested in.

We hereby write further to the First Request to provide a narrower scope, as suggested by NR. NR should consider this letter to be a new request under the Act and the Regulations. We hereby request on behalf of our clients:

¹ See <https://www.networkrail.co.uk/wp-content/uploads/2022/10/OOC-Lineside-Logistics-Compound.pdf>

1. In relation to the “extensive research” described in the Consultation Document, specifically, any optioneering studies, constructability reports, assessments of options produced in the year prior to, and since HS2 published the public consultation document entitled “*Old Oak Common Station Design*” on 5 February 2019², which provide the basis for NR’s conclusion that the Site is “the only suitable area” for the Lineside Logistics Compound.
2. All consultation documents sent or received from the local planning authority since 5 February 2018, which consider the utility of the Site or any of the other alternative sites for the Lineside Logistics Compound considered.
3. Any assessments, reports or studies since 5 February 2018 which provide a response to each of the questions set out at paragraph 2.5 onwards of the First Request, in relation to the following topics:
 - a. Site searches, assessments or reports in relation to the identification of a relocation site;
 - b. A copy of the revised plan referred to at paragraph 2.6 of the First Request;
 - c. Any assessments or reports which contain information on parking and/or vehicular-access needs;
 - d. Information which contains the number of vehicle trips scheduled, which specify the type of vehicle that they would expect during construction phase;
 - e. Copies of plans that show all alternative options considered.

Further to the above we also request under the Act and the Regulations copies of the following documents which are referred to in the Strategy Document:

1. A document titled “NR Western Route Engineering Access Statement”, as referred to on page 6 and quoted in Figure 5;
2. Assessment or reports which include information on Jacobs Ladder, specifically which set out and evidence the stated “historical issues” with storing materials at this site, referred to on page 8;
3. Details of the materials that are proposed to be stored at the Lineside Logistics Compound, including their quantity that allows NR to draw the conclusion at page 8 that “*access at Jacobs Ladder...will allow no storage of materials*”;
4. Information on the number of vehicle trips scheduled, which specify the type of vehicle that NR would expect to be used during construction phase, which assesses the amount of possessions necessary to complete the 6-year programme, referred to at paragraphs 6 and 7, page 8;
5. A document entitled “NR Infrastructure Access Points – Best Practice Design Guide”, referred to on page 9;
6. Any reports, assessments, consultations or communications with depot operators Agility/ Hitachi and / or with the Department for Transport, which show their views on the lineside logistics compound at the North Pole Depot, as set out in the penultimate paragraph on page 10; and
7. Supporting documentation that provides the basis for the assessment of available locations for the lineside logistics compound as shown at figure 8, page 11.

² <https://s3-eu-west-1.amazonaws.com/commonplace-customer-files/hs2inoldoak/HS2+OOC+Leaflet+v12+FINAL-compressed.PDF>

We also request a copy of the following documents referred to in the Minutes:

1. The Network Rail Old Oak Common Lineside Logistics Compound Power Point for Ealing, at pages 1 and 2 of the Minutes; and
2. We note that reference is made on page 1 of the Minutes to the views of local residents to having the Lineside Logistics Compound on the Site. We therefore request copies of all consultation responses received by NR in response to the Consultation Document, from any party, which reference the proposed location of the Lineside Logistics Compound.

To the extent that these requests fall within the Act or the Regulations please treat these requests as falling within this legislation. The information held should be provided by email in electronic form.

If you consider that the cost of complying with this request would exceed the cost limits for compliance (Section 12 of the Act and / or Regulation 12(4)(b)) then you are asked to provide advice and assistance to help reduce the scope of the request and cut down the cost of compliance, or to advise the cost so that I have an opportunity to pay it directly.

If this request is denied in whole or in part you are asked to justify all deletions by reference to specific exemptions within the Act and/or Regulations (as the case may be). You are expected to release all non-exempt material. We reserve the right to appeal your decision to withhold any information or to charge excessive fees.

We would be grateful if you could confirm in writing that you have received this request and provide a response within 20 working days.

Yours faithfully,

A handwritten signature in blue ink that reads "Nata Rose Fulbright LLP". Below the signature is a horizontal line of small, repeating characters.

Norton Rose Fulbright LLP