

Transport and Works Act 1992

**The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules
2006**

Network Rail (Chart Leacon) Order

Report summarising consultations undertaken

1 Introduction

- 1.1 Network Rail Infrastructure Limited (**'Network Rail'**) is making an application to the Secretary of State for Transport for an order under the Transport and Works Act 1992. The proposed order is termed the Network Rail (Chart Leacon) Order (**'the Order'**).
- 1.2 The frequency of the Thameslink service operated by Govia Thameslink Rail (**'GTR'**) is planned to increase through the addition of 2 trains per hour (tph) between Cambridge and Maidstone East (via London Bridge). The Department for Transport is working to deliver the additional train services between Maidstone East and Cambridge as part of the December 2019 timetable. The addition of these services is a key part of the £7bn Thameslink investment programme. To accommodate the additional trains needed to run this service increase, and thus realise the benefits of the major investment by the UK Government, additional stabling in the Kent area is required for six 8-car GTR trains.
- 1.3 To support GTR in providing the 24tph Thameslink service, a decision was taken by the Department for Transport to make the existing Hitachi Depot at Ashford available to GTR prior to the Maidstone East to Cambridge services commencement date for the purpose of stabling the GTR trains. This depot is currently utilised by South Eastern trains. As a result, trains operated by South Eastern will be displaced from the Hitachi Depot, meaning that stabling is required in the Ashford area to accommodate these displaced South Eastern trains (the **"identified stabling need"**).
- 1.4 The purpose of the Order is to facilitate the redevelopment of the site to provide a facility to accommodate that identified stabling need on a long term basis (**'the Project'**).
- 1.5 The Order would, if made, confer statutory powers for Network Rail to compulsorily acquire the land and rights required to facilitate the construction, maintenance and operation of the Project. It would also authorise the stopping up of part of the highway adjacent to the existing depot facility. For the avoidance of doubt, the Order would not authorise any works, permission for which is being sought from the local planning authority outside of the Transport and Works Act regime (and which is explained in section 4). As a consequence, the parties with whom Network Rail are required to consult under Schedules 5 and 6 of the Transport and Works (Applications and Procedures) (England and Wales) Rules 2006 are fairly limited.
- 1.6 This report summarises the consultation that has been undertaken by Network Rail in relation to the Order. This statement has been prepared in accordance with Rule 10(2)(d) of the Transport and Works (Applications and Procedures) (England and Wales) Rules 2006.

2 Background

- 2.1 The land which is the subject of the Order is part of the former maintenance depot, which was previously owned and operated by Bombardier Transportation UK Limited (**'Bombardier'**).
- 2.2 Although the land which is the subject of the Order has an extant planning permission for use as a rail depot, the existing facilities are not suited to modern operator requirements or safety standards. As detailed in section 4, an application for planning permission for the Project has been submitted to the local planning authority. The intention is to bring the site back into use as a depot facility.
- 2.3 To facilitate the construction, maintenance and operation of the Project Network Rail is seeking powers under the Order to acquire compulsorily the necessary land and rights and to stop up land which may form part of the public highway.

3 Structure of this report

- 3.1 This report summarises the consultations that have been undertaken in relation to the proposed Order, including:
- (a) consultation which has been undertaken in respect of the planning application for the Project (section 4);
 - (b) consultation with statutory consultees (section 5); and
 - (c) consultation with landowners and parties with an interest in the land (section 6).

Each of the respective sections explain who has been consulted, when that consultation was undertaken, the substance of that consultation, how they were consulted and the outcomes of that consultation. The overall outcomes of the consultation exercise are summarised in section 7.

4 Consultation on planning application for the Project

- 4.1 Although planning permission for the Project is being sought via the local planning authority, rather than pursuant to the Order, for completeness this section summarises the consultation which has been undertaken in connection with the planning permission being sought for the Project.
- 4.2 A planning application has been submitted to Ashford Borough Council ('the Council') for:
- "Development of a light maintenance depot including the demolition of existing structures, the provision of a two storey 500sq.m workers accommodation block, 36 parking spaces and associated works for the movement in, and stabling of, railway rolling stock and associated equipment at the former Bombardier Works site, Chart Leacon."*
- 4.3 Prior to the submission of the planning application Network Rail submitted a request for a screening opinion to the Council (ref: 18/00003/EIA/AS) (**'the Screening Opinion'**). A copy of that Screening Opinion is at **Appendix A**. The Screening Opinion concluded that the characteristics and location of the proposed development and types of characteristics of the potential impact of development are not likely to have a significant effect on the environment.

- 4.4 Formal pre-application advice was sought from Ashford Borough Council. Network Rail, together with their planning consultants, met with Ashford Borough Council to discuss the proposals on 13 September 2018. The pre-application advice (issued on 27 September 2018 and annexed at **Appendix B**) noted:
- (a) the draft proposals were acceptable in principle having regard to the emerging Ashford Borough Council Local Plan 2030;
 - (b) that it was unclear if the proposed development would impact on existing trees along the Chart Road boundary, with the consequent need for an arboricultural survey;
 - (c) the need for a flood risk assessment due to the site being over 1 hectare in area;
 - (d) the requirement in the draft policy for a connection to the nearest point of adequate capacity in the sewerage network;
 - (e) that Kent County Council had identified the need for a transport assessment as part of the Screening Opinion; and
 - (f) that Kent County Council Ecological Services had recommended specific surveys, and the submission of a Biodiversity Statement as part of the Screening Opinion.
- 4.5 In light of that response at (d) above, and to inform the design proposals Network Rail have liaised with Southern Water and obtained initial 'in principle' approval to the drainage proposals which are included in the planning application. The detail of those proposals will be assessed by Southern Water pursuant to an application under section 106 Water Industry Act 1991 at the relevant time.
- 4.6 As detailed more fully in section 5, Network Rail have engaged with Kent County Council regarding the principle of the Project. A Transport Statement has been submitted with the planning application.
- 4.7 On 30 November 2018 GVA, Network Rail's planning consultant for the Project, wrote to Bellamile Limited (the equitable owner of Plots 1, 8, 9 and 10, and the potential owner of Plot 5 and the half width of Plot 6), seeking their views on the proposals prior to the submission of the planning application. A meeting was held on 10 December 2018 between GVA, Network Rail and Bellamile's agent to discuss the proposals. Issues discussed at the meeting included:
- (a) the rationale behind the proposed site configuration and siting of the development within the wider site (which Network Rail explained has been designed to ensure maximum efficiency in regard to land take requirements);
 - (b) the condition of the current buildings on the site (which Network Rail explained were not suitable for current operator requirements or compliant with modern safety standards);
 - (c) noise and the proposed mitigation measures, with the mitigation to be secured by condition; and
 - (d) the access arrangements into the southern part of the site which is outside the application redline boundary.

- 4.8 The planning application will be subject to consultation and publicity under The Town and Country Planning (Development Management Procedure) (England) Order 2015 giving interested parties an opportunity to comment on the proposals.

5 Statutory consultees

- 5.1 Rule 10(2)(d) of the Transport and Works (Applications and Procedures) (England and Wales) Rules 2006 requires applicants to confirm that those parties named in column 2 of the tables in Schedules 5 and 6 to the Rules have been consulted. The tables in **Appendices C and D** of this report summarise the consultations undertaken with these bodies. Further detail on the consultations undertaken is also given below.

Statutory undertakers

- 5.2 The Order does not seek authority for the construction of any works and, if confirmed, would not authorise any works which affect land in, on or over which, statutory undertakers have equipment. Network Rail has, however, engaged with those statutory undertakers who have interests in the land which is the subject of Order.
- 5.3 Network Rail's land referencers wrote to statutory undertakers who were thought to have an interest in the land affected by the Order in order to establish land ownership information for inclusion within the Book of Reference and to inform affected parties of the proposals. The table below sets out the engagement undertaken:

Name of statutory undertaker having or possibly having interests in the Order land	Date and nature of engagement
British Telecommunications PLC	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
Cadent Gas Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018. • Network Rail letter dated 10 December notifying them of Network Rail's intention to submit a Transport and Work Act Order application. The letter enclosed a plan showing the land proposed to be included in the order and invited comments on the proposals.
EE Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.

Environment Agency	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
Hutchison 3G UK Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
National Grid Electricity Transmission PLC	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
SP Power Systems Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
Southern Gas Networks PLC	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
Southern Water Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. A follow up letter was issued on 4 December 2018. • Letter from Dentons UK and Middle East LLP dated 27 November 2018 regarding proposed form of protective provisions • Network Rail letter dated 30 November notifying them of Network Rail's intention to submit a Transport and Work Act Order application and invited comments on the proposals
South East Water Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
UK Power Networks (Operations) Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests

	<p>in the site.</p> <ul style="list-style-type: none"> • A follow up letter was issued on 4 December 2018. • Letter from Dentons UK and Middle East LLP dated 23 November 2018 regarding proposed form of protective provisions • Network Rail letter dated 30 November notifying them of Network Rail's intention to submit a Transport and Work Act Order application and invited comments on the proposals.
Virgin Media Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.
Vodafone UK Limited	<ul style="list-style-type: none"> • Letter from LRS, land referencers dated 8 November 2018 regarding nature of interests in the site. • A follow up letter was issued on 4 December 2018.

5.4 Other than a request for plans from UK Power Networks Holdings Limited, at the date of the submission of the Order application no response has been received to any of the above correspondence.

5.5 As noted in the table above, Network Rail's legal advisers wrote to UK Power Networks Legal Department and Southern Water regarding the proposed form of protective provisions to be included in the Order. Those parties were contacted as it is understood that they have interests in land affected by the Order. Both Cadent Gas Limited and Centurylink Communications UK Limited are noted in the Book of Reference as having interests pursuant to historic agreements (in respect of gas mains in a 1966 deed and telecommunication equipment in a 1995 deed respectively). There is some uncertainty whether there is actually any such mains or telecommunications equipment belonging to these parties on the site. The draft Order includes draft protective provisions but the specific drafting requirements of these parties, or any other statutory undertakers, has not been discussed at this stage.

5.6 As detailed in the table, Network Rail also sent a letter to UK Power Networks Limited and Southern Water on 30 November describing the proposals. A copy of that letter is available at **Appendix E**. At the date of the submission of the Order application no response had been received. .

Kent County Council

5.7 The Order includes proposals to stop up that land within Plots 6 and 7, in respect of which Kent County Council is the highway authority. Network Rail has engaged with Kent County Council regarding:

- (a) the stopping up proposals; and
 - (b) the proposals more generally, in particular to understand the relationship between Network Rail's proposals and Kent County Council's scheme to widen the adjacent A28 (Chart Road).
- 5.8 Those discussions first commenced in September 2017.
- 5.9 The land affected by the Order includes land which is subject to the Kent County Council (A28 Chart Road Improvement (Compulsory Purchase) Order 2017 ('the CPO'). The CPO was confirmed for the purpose of facilitating improvement works to the A28, including the construction of a new railway bridge to the west of the Order land. Network Rail first engaged with Kent County Council regarding its road widening proposals in September 2017, and met with the Council on 10 October 2017 regarding those proposals. At that meeting Network Rail explained its aspirations to bring forward the Project, and first discussed with Kent County Council how their respective developments relate.
- 5.10 The boundaries of the land subject to the Order have been informed by the extent of the land subject to the CPO:
- (a) the Order land does not seek compulsorily acquisition powers in respect of any land that Kent County Council require permanently; and
 - (b) the northern extent of the land to be stopped up reflects the boundary of Kent County Council's highway widening works.
- 5.11 The land included within the Order includes land required by Kent County Council on a temporary basis (for the purpose of a worksite) and other land over which rights for the purposes of construction are required. Kent County Council do not raise any issues in respect of the proposed acquisition of this land by Network Rail, provided that Kent County Council are granted rights of access and temporary possession when required for the purpose of facilitating their own development. Network Rail has confirmed that it is willing to grant such rights and is in discussions with Kent County Council regarding the terms of that grant.
- 5.12 In light of the proposed timings of the respective developments Network Rail and Kent County Council are confident that arrangements can be agreed to ensure that the projects can be constructed without overlapping and without any impediment to the delivery of either scheme.
- 5.13 Network Rail has also been in discussions with Kent County Council regarding the status of the land in Plots 6 and 7, which together form the land proposed to be stopped up under the Order. This engagement has been mainly informal (through emails and telephone conversations). A meeting was held between Network Rail, their consultants and Kent County Council on 12 November 2018 at which the status of this land was formally discussed.
- 5.14 It is understood that this section of Beaver Lane was historically stopped up; it is not shown on the definitive map as adopted highway and nor is it treated as highway maintainable at the public expense by Kent County Council. However, due to the absence of information to confirm the date of the stopping up, and out of an abundance of caution, Network Rail seeks authority under the proposed Order to stop up this land. While Kent County Council do not consider it necessary to stop up this land, they do not raise any objection to these powers being sought by Network Rail.

Statutory consultees regarding stopping-up proposals

- 5.15 The following statutory consultees were sent a letter on 30 November describing the stopping up proposals, with a plan showing the location of the proposed land to be stopped up:
- (a) the Auto-Cycle Union;
 - (b) the British Horse Society;
 - (c) the Byways and Bridleways Trust;
 - (d) the Open Spaces Society;
 - (e) the Ramblers' Association;
 - (f) the British Driving Society; and
 - (g) the Cyclists' Touring Club.

A copy of the letter sent is provided at **Appendix F**. The letter was also issued by Network Rail's solicitors to each of the above consultees by email on 30 November 2018.

- 5.16 Other than responses relating to the correct contact point for future engagement, at the date of the submission of the Order application no response has been received to any of the above correspondence.
- 5.17 Given that Network Rail are acting out of caution in stopping up the land within Plots 6 and 7 it has not been considered necessary to undertake any consultation with the public regarding these proposals.

6 Landowners and parties with an interest in the land

- 6.1 Rule 10 (4)(d) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules requires promoters to submit a Book of Reference. The Book of Reference identifies all the owners, lessees and persons with an interest in the land affected by the scheme.
- 6.2 Network Rail's land referencers wrote to those parties who were thought to have an interest in the land affected by the Order to establish land ownership information for inclusion within the Book of Reference and to inform affected parties of the proposals. Each letter was tailored to the party to whom the letter was being sent. An example letter is provided at **Appendix G**. The detail of the engagement with each of these parties is set out below¹.
- 6.3 Those letters also included a point of contact at Network Rail to whom queries regarding the scheme could be sent.

Bellamile Limited ('Bellamile')

- 6.4 Bellamile are the equitable owner of land within Plots 1,8, 9, 10 and 11. Bellamile are also potentially the equitable owner of Plot 5 and the equitable owner of the half width of Plot 6 (if applying the ad medium filum rule).

¹ Engagement with statutory undertakers is detailed in the table at paragraph 5.3

- 6.5 Bellamile also own the remainder of the land within Title Number K752625 which is outside the Order limits. Bellamile acquired their interests in the Order land from Bombardier in 2016. Despite the transfer being completed in December 2016, legal title has not been registered at the Land Registry. As a consequence, Bombardier remains the legal owner of these plots and Bellamile have an equitable interest.
- 6.6 A meeting was held between Network Rail and Bellamile's agent, Richard Gee, on 15 September 2017 at which Network Rail's interest in acquiring Bellamile's interest was first discussed. Network Rail has engaged extensively with Bellamile, via their agent, Mr Richard Gee, since September 2017. A schedule of that engagement is at **Appendix H**.
- 6.7 By virtue of much of that engagement being undertaken on a without prejudice basis, the schedule of engagement at **Appendix H** does not include specific details regarding the substance of that engagement. In broad terms, however, that engagement relates to:
- (a) the respective parties intentions for the site;
 - (b) the coordination and terms of access to the site for the purpose of carrying out ecology, topography, utilities, contamination, building and visual surveys (with surveys undertaken in December 2017);
 - (c) information sharing regarding electricity connections and services on site; and
 - (d) administrative matters, such as meeting arrangements.
- 6.8 Network Rail subsequently made offers to acquire the site. Those offers have all been rejected.
- 6.9 An indicative plan showing the land to be included within any prospective Order was provided to Bellamile's agent on 27 September 2018. Mr Gee was provided with an updated plan on 30 November 2018. Despite engagement over a period of 14 months, it has not been possible to reach an arrangement with this landowner. As a result, it has been necessary for Network Rail to progress the Order to acquire this, and other land, compulsorily.
- 6.10 Network Rail remains committed to continuing negotiations. Network Rail wrote a letter to Mr Gee on 3 December 2018 providing him with an updated plan showing the land proposed to be included in the Order. That letter advised him of Network Rail's intentions to make the Order, and noted that Network Rail remains committed to negotiations to acquire the site.

Bombardier Transportation UK Limited ('Bombardier')

- 6.11 As noted in paragraph 6.5, Bombardier are the registered legal owner of those plots in which Bellamile hold an equitable interest (namely, Plots 1,8, 9, 10 and 11 and potentially Plot 5 and the half width of Plot 6). They are also identified in the Book of Reference as having an interest in Plot 4.
- 6.12 Network Rail's land referencers wrote to Bombardier on 29 November 2018 to understand the nature of the interest, but no response was received.
- 6.13 Network Rail wrote to Bombardier on 30 November 2018 notifying them of Network Rail's intention to submit a Transport and Work Act Order application and invited comments on the proposals. No comments on the Order proposals have been received.

Green Box Recycling Kent Limited ('Green Box')

- 6.14 It is understood that Green Box may have storage rights and associated access rights in respect of Plots 1 and 8. Network Rail's land referencers wrote to Green Box on 8 November 2018 to understand the nature of the interest, but no response was received. A follow up letter was sent on 4 December 2018, but again no response was received.
- 6.15 Network Rail wrote to Green Box on 30 November 2018 notifying them of Network Rail's intention to submit a Transport and Work Act Order application and invited comments on the proposals. No response has been received.

Kent Police

- 6.16 It is understood that Kent Police may have an unregistered lease or a licence to use a building within Plot 1. Network Rail's land referencers wrote to Kent Police on 29 November 2018 to understand the nature of the interest, but no response was received. Network Rail subsequently wrote to Kent Police on 30 November 2018 notifying them of Network Rail's intention to submit a Transport and Work Act Order application and invited comments on the proposals. No response has been received.

Ashford Borough Council

- 6.17 Ashford Borough Council may have rights within Plot 1 in relation to the construction and maintenance of a sewer. Those rights are contained in an agreement dated 24 August 1960. Network Rail's land referencers wrote to Ashford Borough Council on 29 November 2018 to understand the nature of the interest, but no response was received.
- 6.18 Network Rail wrote to Ashford Borough Council on 30 November 2018 notifying them of Network Rail's intention to submit a Transport and Work Act Order application and invited comments on the proposals. Other than a request for plans, there has been no substantive response.

Centurylink Communications UK Limited (Centurylink)

- 6.19 Network Rail wrote to Centurylink on 10 December 2018 notifying them of Network Rail's intention to submit a Transport and Work Act Order application. The letter enclosed a plan showing the land proposed to be included in the Order and invited comments on the proposals. No response has been received.

Imperial Investments Limited and Imperial Tobacco Pension Trustees Limited

- 6.20 As explained in paragraph 5.14, whether or not the land in Plots 6 and 7 is highway is uncertain hence, acting out of caution, stopping up powers are sought in respect of this land. Network Rail also seeks the compulsory acquisition of this land, for the purposes of ensuring that the site can be properly secured.
- 6.21 As referred to in paragraph 5.14, Kent County Council has advised that this land was historically stopped but no application to register the subsoil appears to have been made since that stopping up. Imperial Investments Limited and Imperial Tobacco Pension Trustees Limited (together '**Imperial Tobacco**') together own the freehold interest in Plot 7, which, from a visual inspection, comprises highway verge. Applying the ad medium filum rule, Imperial Tobacco are assumed to own the half width of Plot 6 on the western side (adjacent to Plot 7). It is for this reason that Bombardier and Bellamile are assumed to be own the half width of Plot 6 on the eastern side.

- 6.22 Network Rail wrote to Imperial Tobacco on 26 November 2018 explaining that:
- (a) Network Rail are seeking to acquire Plots 6 and 7 to enable a secure boundary to the depot facility to be erected and maintained;
 - (b) Network Rail's acquisition of this land would remove any responsibility on Imperial Tobacco to maintain this area; and
 - (c) following the construction of Kent County Council's A28 widening scheme there would be no through access to the A28 in any event due to the construction of a retaining wall.
- 6.23 Initial discussions between Network Rail and Imperial Tobacco's agent indicate that they do not object to the proposals, though this has yet to be confirmed in writing.

7 Outcomes

- 7.1 Network Rail has engaged extensively with Kent County Council on both its planning application proposals and its Order proposals. Based on that engagement, Network Rail are confident that arrangements can be agreed to ensure that their projects can be constructed without overlapping and without any impediment to the delivery of either scheme. Similarly, while Kent County Council does not consider it necessary to stop up the land within Plots 6 and 7 it does not object to those proposals.
- 7.2 There has been very limited feedback from other affected parties on the substance of the Order proposals:
- (a) no response has been received from any statutory consultees;
 - (b) no response has been received from the statutory consultees in respect of the stopping up proposals (other than Kent County Council); and
 - (c) other than Imperial Tobacco and Bellamile, no response has been received from other parties with an interest in the Order land.
- 7.3 Network Rail has engaged extensively with Bellamile and, in its letter of 30 November (referred to in paragraph 6.10) confirmed its commitment to continue negotiations.
- 7.4 As a consequence, no issues have been raised which give Network Rail reason to believe the Order should not be pursued and that planning permission will not be forthcoming.

8 Conclusions and Next Steps

- 8.1 Network Rail has engaged with the main landowner, Bellamile, for a period of over 14 months. As detailed in **Appendix H** that engagement has been very extensive. Unfortunately it has not been possible to reach an agreement with this landowner, and so, having made efforts to acquire the land by negotiation, it has been necessary for Network Rail to progress the Order to acquire this, and other land, compulsorily.
- 8.2 Network Rail consulted bodies as required under Rule 10(2)(d) of the Transport and Works (Applications and Procedures) (England and Wales) Rules 2006. This consultation has included informal discussions, email correspondence, letters and meetings. Aside from Kent County Council, there has been very limited feedback from those bodies on the proposals.

The feedback received from Kent County Council has been reflected in the boundaries of the land subject to the Order.

- 8.3 The affected parties and members of the public will have the opportunity to comment on the planning application and Order as part of the statutory consultation process. In addition, Network Rail continues to be open to engage with the affected parties following submission of the Order.

APPENDIX A

Screening Opinion (ref: 18/00003/EIA/AS) – see following page

NOTIFICATION OF SCREENING OPINION OF THE LOCAL PLANNING AUTHORITY

Date of Decision 23 August 2018



ASHFORD
BOROUGH COUNCIL

ECUS Ltd
Brook Holt
3 Blackburn Road
Sheffield
S61 2DW

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

APPLICATION NO: 18/00003/EIA/AS

PROPOSAL: Proposed reinstatement of a railway siding facility for the movement in, and stabling of, rail cars and associated equipment

LOCATION: Chart Leacon Depot, Leacon Road, Ashford, Kent, TN23 5NX

APPLICANT: Network Rail

DECISION: The Local Planning Authority is of the opinion that an Environmental Impact Assessment is not required for the development described above.

The site is approximately 2.3 hectares in area located within Ashford and is bounded by the Ashford-Tonbridge mainline railway to the north, the A28 Chart Road to the west, and the existing Chart Leacon depot to the south. To the north-east the Cobbs Wood and Chart Industrial estates and to the north-west beyond Chart Road the residential areas of Godinton. Further to the south is the River Great Stour and Site of Nature Conservation Interest. The site was formerly the Bombardier sidings and is currently disused. It comprises of railway track buildings and associated equipment of the former depot. The site has been disused for many years and is currently overgrown.

The proposal is for the reinstatement of a railway siding facility for the movement in, and stabling of, rail cars and associated equipment. This involves the following:

- A facility to stable 5 x 12 train cars (formed of 3 x four car electric multiple units) with an additional 12 train car road/track for movement into the new depot and stabling for an additional 12 train car, and associated infrastructure.
- Demolition and clearance works will involve the demolition of on-site buildings (as required), the removal of existing tracks and vegetation clearance. All equipment relating to the existing Bombardier sidings will be removed, and new equipment will be installed to current railway standards.

- Construction will involve; construction-phase vehicular access off Beaver Lane (via the existing Depot entrance), an on-site construction compound with associated parking, the laying of new roads/tracks, installation of new fence-lines, potential new carriage wash, new operational vehicular access off Suffolk Drive for the potential carriage wash.

The proposal comprises of an infrastructure project falling within category 10d of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeds the threshold in column 2 of the table in the Schedule as the area of development exceeds 1 hectare.

The potential significant effects of the development should therefore be considered in relation to criteria as set out in schedule 3. These are:

(i) Characteristics of the development

(ii) Location of the development

(iii) Types and Characteristics of the potential impact

National Planning Practice Guidance on Environmental Impact Assessment indicative criteria and threshold on construction of railways refers to development over 2 km on length. Key issues to consider are estimated emissions, traffic, noise and vibration, the degree of visual intrusion and the impact on the surrounding ecology.

In terms of the size and design of the development, the Site location is low-lying between the mainline rail corridor and the Great Stour river corridor. Visibility of the site is limited by existing screening including buildings to the south west, the A28 Chart Road corridor to the west and Cobbs Wood Industrial Estate buildings to the north.

Due to the consistency between the former and proposed uses for the Site, the potential for the proposed development to affect the existing character of the locality is considered to be limited. Taking this into account, as well as the distance to, and the lack of visibility from, potential visual receptors; the development is not considered likely to result in significant effects on townscape, landscape or visual receptors.

In terms of the cumulation with other existing development and/or approved development including those under construction. The Site is adjacent to the planned Kent County Council (KCC) A28 Chart Road Improvement Scheme. The A28 works, which incorporate road widening (including construction of a new railway bridge alongside the Site) and working space.

The applicant has undertaken consultation with KCC in relation to the proposed development, including discussion relating to the sharing of a site access for construction works. The aim is to ensure that the proposed works associated with the Improvement Scheme do not overlap with the construction of the proposed development

Taking into account the limited extent of impacts for the proposed development the temporary nature of construction impacts which have the potential to overlap, and the coordination with the KCC scheme already underway, it is not considered likely that the proposed development would lead to likely significant cumulative effects. The Chilimington Green Urban extension has outline planning permission for over 5,000 homes and associated development and will be developed through a series of reserved matters schemes over the next few years. This is located approximately over 1.7km from the site of the proposed development. The

site can be developed independently of these and any other sites including the development plan site allocations for residential use immediately to south (Policy U7 Urban Sites and Infrastructure DPD and emerging policy S11 Ashford Local plan 2030). Kent Highways and Transport advise that the development does not require EIA in highways and transportation terms due to the localised traffic impacts of the proposed development. The proposals are not likely to result in any significant environmental effects through the cumulation with other existing development and/or approved development.

In terms of use of natural resources, in particular land, soil, water and biodiversity. Natural resources and energy will be used for construction. Potentially non-renewable energy could be consumed during operation of the development. Construction and use of materials will be in accordance with Network Rails policies to incorporate reasonable measures for sustainable construction methods and reuse of materials. As improvements to rail network, the proposed development will contribute to sustainable transport infrastructure.

The Great Stour River and Site of Nature Conservation Interest is located approximately 200 m from the site at the nearest point. The Upper Great Stour water body has an overall classification under Cycle two of the Water Framework Directive as Poor. Works will be undertaken in accordance with relevant Pollution Prevention Guidance. To be managed through a Demolition and Construction Environmental Management Plan (CEMP).

Detailed design of Operational drainage will include appropriate consideration of pollution prevention and run-off. The Remediation Strategy to be implemented will address risk of pollution pathways to controlled waters.

On site habitat are considered of negligible ecological value. Buildings to be demolished provide low bat roost potential. There are areas of suitable habitat for nesting birds and common reptile species. The Great Stour river is off-site, and connected to the site via existing drainage network is known to support white-clawed crayfish.

Preliminary Ecological Appraisal undertaken; advice on reasonable avoidance and safeguarding measures for general nesting birds, badger and hedgehog incorporated. Follow-on surveys for black redstart, roosting bats and reptiles are to be undertaken, reporting will be included in the planning application, and will inform appropriate mitigation to be incorporated into the proposed development. A suitably experienced ecologist is to advise on the drainage design, in order to avoid risk of impact to white-clawed crayfish.

The proposal are not likely to result in significant effects requiring EIA in terms of use of natural resources, in particular land, soil, water and biodiversity.

In terms of the production of waste. Demolition and construction phases

will produce waste. An Asbestos Refurbishment Survey undertaken shows the site to be contaminated through asbestos containing materials (in site buildings structures and soil samples tested). Small quantities of operational waste may be produced. There is currently no plan for decommissioning of the Proposed Development.

Construction waste will be managed through the Site Waste Management Plan (SWMP) or CEMP. The Asbestos Refurbishment Survey undertaken recommended asbestos containing materials should be removed under licence before demolition and construction works commence. The appropriate measures are to be implemented in full.

Operational waste generated by the stabling, cleaning and light maintenance activities within the proposed development is considered to be limited, and will be controlled *via* standard or existing Environmental Management Systems in place for the network and future site operators

The proposals are not likely to result in significant environmental effects requiring EIA in terms of the production of waste.

In terms of pollution and nuisances, there is potential for dust generation and emission of hazardous substances (including asbestos) during demolition and construction. Stabling and light maintenance activities for the operational development are not likely to release hazardous, toxic or noxious substances to air.

There is the Potential for construction noise, vibration and light spill. Potential for noise from operational development. Potential for light spill from operational development.

Dust and emissions from demolition and construction phases will be managed under the CEMP. The Asbestos Refurbishment Survey undertaken recommended asbestos containing materials should be removed under licence before demolition and construction works commence. Appropriate Measures are to be implemented in full

Noise, vibration and lighting during the demolition and construction phases will be managed under the CEMP.

An assessment of operational noise will be undertaken for the proposed development, in order to identify suitable noise management and mitigation measures to be incorporated. Subject to suitable mitigation that may be identified through the assessment the proposed development is not considered to generate likely significant effects from operational noise.

With regards to the risks of contamination a Phase I Desk Study and Walkover, and Phase II Contamination Report (including intrusive investigation), and Asbestos Refurbishment Survey undertaken the site is shown to be contaminated through asbestos containing materials (in site buildings, structures and soil samples tested) and levels of contaminative substances are over their representative guideline values in Groundwater Chemical Analysis.

Demolition and construction works may offer risk of pollution through disturbing of existing contamination within the site.

Storage cleaning and light maintenance activities for the operational development may offer risks of release of substances such as fuel and cleaning materials associated with these activities.

Further testing, appropriate measures on removal of asbestos and a remediation strategy are to be informed by investigations and testing. Following implementation, the risks to relevant receptors and conditions on site will be appropriately controlled in relation to pollution and contaminative materials.

Proposed operational activities do not include those that offer a particularly high risk of pollution, such as diesel engine refuelling. Activities will be covered by the standard environmental management systems for Network Rail and are not anticipated to generate likely significant effects.

The proposed development is unlikely to give rise to risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change in accordance with scientific knowledge.

In terms of risk to human health (for example, due to water contamination or air pollution). Risks of accidents in relation to Asbestos Containing Materials during demolition and construction will be controlled through measures informed by the Phase I Desk Study and Walkover, and Phase II Contamination Report (including intrusive investigation), and Asbestos Refurbishment Survey undertaken. The scale and nature of demolition and construction phases will not offer risk of major works

The operation phases of the development will be in line with routine rail network and rolling stock operation and maintenance and will not offer a particular risk of major accidents.

The risk of unexploded ordnance /bombs will be mitigated through adherence to Defence Infrastructure Organisation Guidance for Unexploded Ordnance in infrastructure as well as other relevant guidance.

Potential contamination identified on site to affect receptors through pathways in the demolition and construction periods and then for contamination to controlled waters during operation of the proposed development will be dealt with through remediation strategy and the detailed design will include consideration of pollution prevention to ensure appropriate management. The proposals are not likely to required EIA on grounds risk of accidents and to human health of risk to human health. Ashford Borough Council's Environmental Protection Unit advise that the proposals does not required an EIA in terms of noise or contaminated land.

Location of development

The environmental sensitivity of geographical areas likely to be affected

must be considered. The site is not located in a sensitive area, as defined in the EIA regulations. The Ashford Green corridor and Great Stour River and Site of Nature Conservation Interest lies approximately 200m to the south.

Environment flood mapping indicates that the site is located within Flood zone 1 which is assessed as low probability of flooding. A Flood Risk Assessment will be carried out in general accordance with the requirements of the National Planning Policy Framework. The proposed development is not envisaged to decrease the permeability of the site, and may increase it through demolition of existing buildings. Overall, the proposed development is considered unlikely to cause significant effects on the environment through flooding.

In terms of nature reserves/ ecology the Ashford Green Corridor Local Nature Reserve and River Great Stour Local Wildlife Site are located approximately 200 m south of the Site, on the river and its corridor. A Preliminary Ecological Appraisal has been completed for the site. On-site habitats are considered to be of negligible ecological value.

Buildings to be demolished were assessed as providing 'low' bat roost potential. There are areas of suitable habitat for nesting birds and common reptile species. The Great Stour River is off-site and is known to support white-clawed crayfish. However, it is connected to the site via the existing drainage network, and therefore the proposed development offers the potential for downstream effects on the River Great Stour and species it supports.

Demolition and construction works will be controlled by a Demolition and Construction Environmental Management Plan, and undertaken in accordance Pollution Prevention Guidance. Drainage design for the Proposed Development will incorporate appropriate measures on pollution prevention and sustainable drainage. A suitably experienced ecologist is to advise on the drainage design.

Reasonable avoidance and safeguarding measures for general nesting birds, badger and hedgehog are to be incorporated into the construction methodology. Follow-on surveys for black redstart, roosting bats and reptiles are recommended by the Preliminary Ecological Appraisal, and are to be undertaken. Reporting will be included in the planning application, and will inform appropriate mitigation to be incorporated into the proposed development. The proposed development will be designed with ecology in mind from the offset to minimise impacts to ecology. With appropriate ecological measures incorporated, the construction phase is not anticipated to generate likely significant effects. KCC ecological advice service advise that due to the nature of the proposed development (reinstatement of a railway siding facility) and the implementation of the proposed pollution prevention measures, suds measures, habitat and

protected/notable species precautionary mitigation measures, during the construction and operational phases, we are satisfied that it is unlikely that the proposed development will have a significant effect on the environment.

With regards to densely populated areas the nearest existing residential is the residential area of Godinton located to the north-west beyond Chart Road. There is a further adopted residential development plan site allocation (100 dwellings) immediately to the south under policy U7 of the Urban Sites and Infrastructure DPD and carried forward in the emerging Ashford Local Plan 2030 policy S11.

The Cobbs Wood and Chart Industrial estates lies to the north and Leacon Road to the south east .A number mitigation measures will be introduced to deal with Issues such as noise, vibration and lighting. During construction through a Construction Environmental Management Plan CEMP. An Assessment of operational noise to identify suitable noise management and mitigation to be incorporated however in consideration of the distance to sensitive receptors, the screening provided by existing landform and buildings, and the existing noise environment, including surrounding industrial development, the A28 and the mainline railway; the proposed development is not considered to generate likely significant effects from operational noise.

The potential for light spill will be considered during the Detailed Design. A remediation strategy for the removal of asbestos will be introduced. Proposed operational activities do not include those that offer a particularly high risk of pollution, such as diesel engine refuelling Activities will be covered by the standard environmental management systems for Network Rail, as well as those of other site operators, and are therefore not anticipated to generate likely significant effect. The proposals are not considered to have significant effects on densely populated areas.

The site does not lie with any designated landscapes or areas of archaeological significance. The Grade II listed Leacon Cottages are located approximately 150 m west of the Site. However the A28 Chart Road corridor, which is elevated relative to the Site and Leacon Cottages, provides a visual screen between the cottages and the Site. The proposals are not likely have significant effects of landscape and site of historical, cultural or archaeological significance.

In the light of the above it is considered that the characteristics and location of development and types of characteristics of the potential impact of development outlined in schedule 3 of the EIA regulations are not likely to have significant effects on the environmental by virtue of factors such as size, nature and location. The proposed development is therefore not environmental impact assessment development and therefore an environmental impact assessment is not required.

This decision is issued in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

10/5 Karvell.

Head of Development Management and Strategic Sites

APPENDIX B

Pre-application advice from Ashford Borough Council – see following page

Planning and Development

Ask for: Mark Davies
Email: mark.davies@ashford.gov.uk
Direct Line: (01233) 330252
Fax No: (01233) 330682



Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111

www.ashford.gov.uk



@ashfordcouncil



AshfordBoroughCouncil

Mr David Lee
GVA
65 Gresham Street
London
EC2V 7NQ

Our Ref: 18/00329/INF
Date: 27 September 2018

Dear Mr David Lee

Location Bombardier Transportation Ltd, Beaver Lane, Ashford, TN23 4TX
Proposal Proposed reinstatement of a railway siding facility

I refer to your request for pre-application advice that was received on 13 September 2018 and your meeting with Mark Davies on 26 September 2018. Your proposals have been considered and I have the following advice.

At present there is no adopted site specific policy for this site within the Core Strategy and Urban Sites Infrastructure DPD. The site is identified under policy S11a of the Ashford Local Plan 2030 submission version. Following its examination, the Main Modifications to the plan have been published and is now subject to consultation that will run until 26 October 2018. All representations are sent to the Inspector to consider, following which the final report into the soundness of the Plan will be published. The plan will then be reported to the full Council for final adoption which at present is anticipated to be around February 2019. Although not an adopted plan its policies can be given significant weight in the determination of any planning application.

The S11a policy allocates the site for railway operational use and commercial (B1 – B8 uses). The policy identifies the site as a potentially highly important piece of infrastructure to be maintained for rail-operating purposes. The Main Modification proposes that all of the site (not just north) is safeguarded for operational railway use with a vehicular access route to the west for a maximum period of 2 years after adoption of the plan. The proposals in general I consider fall within the terms of the S11a policy and are acceptable in principle.

A planning application will need to be accompanied by a noise impact assessment to consider any impacts on the surrounding area. This includes the U7 Urban Sites and Infrastructure DPD site allocation to the south for 100 dwellings. This site policy is effectively continued under policy S11 Ashford Local Plan 2030 submission version.

In term of physical development it is not clear if the development will impact on existing

trees along the Chart Road Boundary. This should be covered in the application through an arboricultural survey to show the impacts. It would clearly be desirable to seek to retain existing boundary trees/landscaping. I understand you consider the offices as permitted development. I would advise this is subject to an application for a certificate of lawful development to allow the council to come to a view on this.

The site lies within Flood Zone1. The proposals will require a flood risk assessment as the application site is over 1 hectare in area. The Core Strategy policy CS20 and Ashford Borough Council's adopted Sustainable Drainage SPD requires that all development should look to incorporate sustainable drainage systems for the disposal of surface water.

The S11a policy also requires a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider. I advise you contact Southern Water on this matter who will be consulted on any planning application.

I am unable to provide direct advice from the Highway Authority as Kent Highways and Transportation have their own separate pre-application procedure. They commented on the EIA screening opinion ref 18/0003/EIA that a transport assessment will be required as part of any planning application, the scope of which should be agreed with them as part of any pre-application discussions. Parking provision should follow the standards outlined under policy TRA3 (a) Ashford Local Plan 2030 submission version. These are now minimum rather than maximum standards.

The site lies in close proximity to designated Sites of Nature Conservation Interest. KCC Ecological Advice Service commented on the EIA screening opinion and recommend the specific species surveys mentioned and any mitigation are submitted with the planning application. A Biodiversity Statement, including all the proposed ecological mitigation strategies within the specific species surveys to be undertaken, should be incorporated within the Construction Management Plan to ensure all contractors are aware of it and that the construction does not negatively impact the Wildlife Site habitat and species present on site.

Contamination investigation and reports will be required as part of any planning application to identify contamination and where necessary mitigation. If applicable Policy ENV11 of the Ashford Local Plan 2030 submission version requires that all major non-residential development will achieve BREEAM 'Very good' standard with at least 40 % improvement in water consumption.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. S. Kavelk". The signature is written in a cursive, somewhat stylized font.

Head of Development Management and Strategic Design

APPENDIX C

Schedule 5: Those to be served with a copy of the application documents

	Authority sought for	Those to be served	Proposed recipients	Consultation
1.	Works affecting the foreshore below mean high water spring tides, tidal waters, or the bed of, or the subsoil beneath tidal waters.	Not applicable	None. No works are proposed.	Not applicable
2.	Works affecting the banks or the bed of, or the subsoil beneath a river.	Not applicable	None. No works are proposed.	Not applicable
3.	Works affecting the banks or the bed of, or the subsoil beneath an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the undertaking.	Not applicable	None. No works are proposed.	Not applicable
4.	Works affecting the banks or the bed or, or the subsoil beneath, an inland waterway not comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts drains and other works comprised in or serving such canal or inland navigation.	Not applicable	None. No works are proposed.	Not applicable
5.	Works causing or likely to cause an obstruction to the passage of fish in a river.	Not applicable	None. No works are proposed.	Not applicable
6.	Works involving tunnelling or excavation deeper than 3 metres below the surface of the land, other than for piling or making soil tests.	Not applicable	None. No works are proposed.	Not applicable
7.	Works affecting an area under the control of a harbour authority as defined in section 57(1) of	Not applicable	None. No works are proposed.	Not applicable

	Authority sought for	Those to be served	Proposed recipients	Consultation
	the Harbours Act 1964.			
8.	Works affecting a site protected under the Protection of Wrecks Act 1973.	Not applicable	None. No works are proposed.	Not applicable
9.	Works affecting, or involving the stopping up or diversion of a street, or affecting a proposed highway.	The relevant highway authority	None. No works are proposed.	Not applicable.
10.	The stopping-up or diversion of a footpath, a bridleway or a cycle track.	Every affected Parish or Community Council, the Auto-Cycle Union, the British Horse Society, the Byways and Bridleways Trust, the Open Spaces Society, the Ramblers' Association, the British Driving Society and the Cyclists' Touring Club, Kent County Council.	The Auto-Cycle Union; the British Horse Society; the Byways and Bridleways Trust; the Open Spaces Society; the Ramblers' Association; the British Driving Society and the Cyclists' Touring Club; and Kent County Council. There is no Community Council and the area in question is unparished.	There has been engagement with Kent County Council on matters relating to Network Rail's proposals since September 2017. There has been informal engagement through phone calls and emails with Kent County Council and a meeting on 12 November 2018. A copy of the letter describing the proposals was sent to all other statutory consultees on 30 November 2018.
11.	The construction of a transport system involving the placing of equipment in or over a street	Not applicable	None. No works are proposed.	Not applicable
12.	Works affecting land in, on or over which is installed the apparatus, equipment or street furniture of a statutory undertaker.	Not applicable	No works are proposed but a total of 13 statutory undertakers have been contacted regarding the proposals.	Letters which have been sent are detailed in the table at para. 5.3.

	Authority sought for	Those to be served	Proposed recipients	Consultation
13.	Works in an area of coal working notified to the local planning authority by the British Coal Corporation or the Coal Authority	Not applicable	None. No works are proposed.	Not applicable
14.	Works affecting: <ul style="list-style-type: none"> i) A building listed under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990; ii) An ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979; or iii) Any archaeological site. 	This Historic Buildings and Monuments Commission for England	None. No works are proposed.	Not applicable
15.	Works affecting: <ul style="list-style-type: none"> i) A conservation area designed under Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990; or ii) An area of archaeological importance designated under section 33 of the Ancient Monuments and Archaeological Areas Act 1979; 	Not applicable	None. No works are proposed.	Not applicable
16.	Works affecting a garden or other land of historic interest registered pursuant to section 8C of the Historic Buildings and Ancient Monuments Act 1953	Not applicable	None. No works are proposed.	Not applicable

	Authority sought for	Those to be served	Proposed recipients	Consultation
17.	<p>Works affecting:</p> <ul style="list-style-type: none"> i) A site of special scientific interest of which notification has been given or has effect as if given under section 28(1) of the Wildlife and Countryside Act 1981; ii) An area within 2 kilometres or such a site of special scientific interest and of which notification has been given to the local planning authority; or iii) Land declared to be a national nature reserve under section 35 of the Wildlife and Countryside Act 1981; or a marine nature reserve designated under that Act. 	Natural England (formerly known as English Nature)	None. No works are proposed.	Not applicable
18.	Works affecting a National Park or an Area of Outstanding Natural Beauty (AONB)	Natural England	None. No works are proposed.	Not applicable
19.	<p>Works which are either:</p> <ul style="list-style-type: none"> i) Within 3 kilometres of Windsor Castle, Windsor Great Park or Windsor Home Park; or ii) Within 800 metres of any royal park and which are likely to affect the amenity or security of that palace or park. 	Not applicable	None. No works are proposed	Not applicable

	Authority sought for	Those to be served	Proposed recipients	Consultation
20.	<p>Works which are within 250 metres of land which:</p> <ul style="list-style-type: none"> i) is, or has been within 30 years immediately prior to the date of the application, used for the deposit of refuse or waste; or ii) has been notified to the local planning authority by the waste regulation or disposal authority for the relevant area. 	Not applicable	None. No works are proposed.	Not applicable
21.	The carrying out of an operation requiring hazardous substance consent under the Planning (Hazardous Substances) Act 1990.	Not applicable	None. No operations requiring hazardous substance consent under the Planning (Hazardous Substances) Act 1990 are proposed.	Not applicable
22.	<p>Works not in accordance with the development plan and which either:</p> <ul style="list-style-type: none"> i) involves the loss of not less than 20 hectares of agricultural land of or grades 1, 2 and 3a (in aggregate); or ii) Taken with the other associated works cumulatively involve the loss of not less than 20 hectares of such land 	Department of Environment, Food and Rural Affairs (DEFRA)	None. No works are proposed.	Not applicable
23.	<ul style="list-style-type: none"> i) Works which would affect the operation of any existing railway passenger or tramway services provided under statutory powers; or 	Transport Focus (formerly known as the Rail Passengers' Council)	None. No works are proposed	Not applicable

	Authority sought for	Those to be served	Proposed recipients	Consultation
	ii) The construction of a new railway for the provision of public transport, or of a new railway.			
24.	Works to construct, alter or demolish a transport system or to carry out works ancillary to its operation or works consequential upon its abandonment or demolition.	The Office of Rail and Road (ORR) (formerly known as Her Majesty's Railway Inspectorate	None. No works are proposed.	Not applicable
25.	Works to construct new railways to which any regulatory provisions in the Railways Act 1993 would apply or provisions to amend existing powers in relation to railways subject to such regulation.	The Office of Rail Regulation	None. No works are proposed.	Not applicable
26.	The right for a person providing transport services to use a transport system belonging to another.	The operator of the relevant transport system	None. No works are proposed.	Not applicable
27.	Works affecting land in which there is a Crown interest	The appropriate authority	None. No works are proposed.	Not applicable
28.	Works to be carried out in Greater London	The Mayor of London	None . No works are proposed.	Not applicable

APPENDIX D

Schedule 6 – Those to be served with notice of application

	Authority sought for	Those to be served	Proposed recipients	Consultation
1.	Works affecting the foreshore below mean high water spring tides, tidal waters, or the bed of, or the subsoil beneath tidal waters (except where the land affected by the works falls within category 17 of Schedule 5 to the Rules)	Not applicable	None. No works are proposed.	Not applicable
2.	Works affecting the banks or the bed of, or the subsoil beneath a river.	Not applicable	None. No works are proposed.	Not applicable
3.	Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway, a canal or inland navigation, or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving that inland waterway, canal or inland navigation	Not applicable	None. No works are proposed.	Not applicable
4.	Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964.	Not applicable	None. No works are proposed.	Not applicable
5.	Works which would, or would apart from the making or an order, require a consent to the discharge of matter into waters or onto land under Chapter 2 of Part 3 of the Water Resources Act 1991.	Not applicable	None. No works are proposed.	Not applicable
6.	Works likely to affect the volume or character of traffic entering or leaving – i) A special road or trunk road ii) Any other	Secretary of State for Transport	None. No works are proposed.	Not applicable

	Authority sought for	Those to be served	Proposed recipients	Consultation
	classified road			
7.	The construction of a transport system involving the placing of equipment in or over a street (except a level crossing)	Owners and occupiers with a frontage on, or private means of access which meets the highway in question	None. No construction is proposed	Not applicable
8	Works affecting any land on which there is a theatre as defined in section 5 of the Theatres Trust Act 1976(c)	The Theatres Trust	None. No works are proposed.	Not applicable
9	The modification, exclusion, amendment, repeal or revocation of a provision of an Act of Parliament or statutory instrument conferring protection or benefit upon any person (whether in his capacity as the owner of designated land or otherwise) specifically named therein.	The person with such benefit or protection	None. The proposed order does not seek the modification, exclusion, amendment, repeal or revocation of a provision of an Act of Parliament or statutory instrument	Not applicable
10	The compulsory purchase of ecclesiastical property (as defined in section 12(3) of the Acquisition of	The Church Commissioners	None. The works do not involve the compulsory purchase of ecclesiastical property	Not applicable
11	Works in Greater London or a metropolitan county	Not applicable	None. No works are proposed.	Not applicable
12	The right to monitor, survey or investigate land (including any right to make trial holes in land)	Every owner and occupier of the land, other than an owner or occupier named in the Book of Reference as having an interest or right in or over that land.	Every owner or occupier is named in the Book of Reference.	Not applicable
13	Works or traffic management measures that would affect services provided by a universal service provider in connection with the	Every universal service provider affected	None. No works or traffic management measures are proposed.	Not applicable

	Authority sought for	Those to be served	Proposed recipients	Consultation
	provision of a universal postal service and relating to the delivery or collection of letters.			
14	Works in an area of coal working notified to the local planning authority by the British Coal Corporation or the Coal Authority	Licence holder under the Coal Industry Nationalisation Act 1946 or under Part 2 of the Coal Industry Act 1994	None. No works are proposed.	Not applicable
15	Works for which an environmental impact assessment is required	None in England	None. No works are proposed. In any event an EIA is not required for those works which are subject of the separate planning application (see Appendix A).	Not applicable
16	The compulsory acquisition of land, or the right to use land, or the carrying out of protective works to buildings.	Any person, other than a person who is named in the Book of Reference described in Rule 12(8), whom the applicant thinks is likely to be entitled to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 if the order is made and the powers in question are exercised, so far as he is known to the applicant after making diligent enquiry.	All persons likely to be entitled to compensation are listed in the Book of Reference.	Not applicable.

APPENDIX E

Letter to statutory undertakers

Property



Jonathan Boulton
Senior Surveyor
Network Rail, Property Services
1-2 Paris Gardens
London, SE1 8ND

jonathan.boulton@networkrail.co.uk

Date: 30 November 2018

The Company Secretary
UK Power Networks
Newington House
237 Southwark Bridge Road
London, SE1 6NP

Dear Sir or Madam,

**Transport and Works Act 1992
Proposed Network Rail (Chart Leacon) Land Acquisition Order**

This letter is to let you know that Network Rail has been in discussions to acquire land at the Former Bombardier Site at Chart Leacon, Ashford, Kent (**the Site**). The Site is a former rail depot that was previously owned and operated by Bombardier. Alongside its discussions to acquire the Site, Network Rail is also progressing a planning application for permission to bring this former depot back into operational rail use as a light maintenance facility.

Although negotiations are continuing, it is looking increasingly unlikely that Network Rail will be able to acquire the Site by agreement. As a result, we are progressing a Transport and Works Act Order application to acquire the required part of the Site compulsorily. The extent of the land to be acquired is shown edged red on the plan enclosed. The proposed Transport and Works Act Order would be solely for the purpose of land acquisition and for the stopping up of suspected highway land, with planning permission for the development works sought separately via the local planning authority.

As a statutory consultee under the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules, I am writing to inform you of Network Rail's intention to submit an application for the proposed order and to provide you with the opportunity to comment on the proposals.

As mentioned above, the proposed order relates to:

- the compulsory acquisition of the land shown edged red on the enclosed plan; and
- the stopping of land which is suspected to be highway within plots 6 and 7.

Network Rail has been in discussions with Kent County Council regarding the status of the section of land within plots 6 and 7. We understand that this section of Beaver Lane was historically stopped up; it is not shown on the definitive map as adopted highway and nor is it treated as highway maintainable at the public expense by Kent County Council. However, due to the absence of information to confirm the date of the stopping up, and to be cautious, Network Rail proposes to seek authority under the proposed Order to stop up this land.

Our solicitors, Dentons UK and Middle East LLP, have been in touch separately regarding the drafting of the protective provisions. We would be grateful for your comments on those.

Should you wish to discuss Network Rail's proposals further please do let me know – my mobile number is 07710 939865. You can also send any comments you may have to me by email to: jonathan.boulton@networkrail.co.uk

Yours sincerely

Digitally signed by Jonathan Boulton
DN: cn=Jonathan Boulton,
o=Network Rail, ou=Property,
email=Jonathan.Boulton@nr,
work@ccuk, c=GB
Date: 2016.12.20 15:11:42
Jonathan Boulton
Senior Surveyor

APPENDIX F

Letter to statutory consultees regarding stopping up proposals

Property



Jonathan Boulton
Senior Surveyor
Network Rail, Property Services
1-2 Paris Gardens
London, SE1 8ND

jonathan.boulton@networkrail.co.uk

Date: 30 November 2018

Dear Sir or Madam,

**Transport and Works Act 1992
Proposed Network Rail (Chart Leacon) Land Acquisition Order**

Network Rail has been in discussions to acquire land at the Former Bombardier Site at Chart Leacon, Ashford, Kent (**the Site**). The Site is a former rail depot that was previously owned and operated by Bombardier. Alongside its discussions to acquire the Site, Network Rail is also progressing a planning application for permission to bring this former depot back into operational rail use as a light maintenance facility.

Although negotiations are continuing, it is looking increasingly unlikely that Network Rail will be able to acquire the Site by agreement. As a result, we are progressing a Transport and Works Act Order application to acquire the required part of the Site compulsorily. The extent of the land to be acquired is shown edged red on the plan enclosed.

As a statutory consultee under the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules, I am writing to inform you of Network Rail's intention to submit an application for the proposed order, which will include stopping up provisions, and to provide you with the opportunity to comment on the proposals.

The proposed Transport and Works Act Order would include the stopping up of the land within plots 6 and 7 (as shown on the attached plan), located at the western end of Beaver Lane. Network Rail has been in discussions with Kent County Council regarding the status of this section of land. We understand that this section of Beaver Lane was historically stopped up; it is not shown on the definitive map as adopted highway and nor is it treated as highway maintainable at the public expense by Kent County Council. However, due to the absence of information to confirm the date of the stopping up, and to be cautious, Network Rail proposes to seek authority under the proposed Order to stop up this land.

As you may be aware, there is no vehicular connection from Beaver to Chart Lane. Those connections which do exist are not official and will be severed, in any event, following the construction of the A28 widening works.

Should you wish to discuss Network Rail's proposals further please do let me know – my mobile number is 07710 939865. You can also send any comments you may have to me by email to: jonathan.boulton@networkrail.co.uk

Yours sincerely

Jonathan Boulton
Senior Surveyor

APPENDIX G

An example of a letter sent by LRS, Network Rail's land referencers, to parties thought to have interests in the land subject to the Order



The Secretary
British Telecommunications
Public Limited Company,
81 Newgate Street
London
EC1A 7AJ

Land Referencing Services LLP
Telford Innovation Centre, SB219
Shifnal Road
Priorslee
Telford
TF2 9NT
Tel: 01952 288 346
08/11/2018
Our Ref: LRS/NRCL/RFI/007

Dear Sir or Madam,

**RE: PROPOSED CHART LEACON DEPOT DEVELOPMENT
LAND REFERENCING RESEARCH**

Network Rail Infrastructure Limited ("NRIL") has been in discussions to acquire the land at the Former Bombardier Site at Chart Leacon, Ashford, Kent ("the Site"). Alongside this, NRIL have been progressing proposals for the development of a light maintenance facility at the Site. The discussions to acquire the Site are on-going, but if the Site cannot be acquired by agreement, which remains NRIL's preference, NRIL will consider seeking compulsory purchase powers under a Transport and Works Act Order to acquire the required part of the Site compulsorily.

As part of the process of identifying what property interests and rights may be affected by the proposals, NRIL have appointed us Land Referencing Services LLP ("LRS") as a specialist land referencing agent to carry out land and property ownership research. As part of this work, NRIL requires details of all relevant interests (ownership and/or rights) in the land edged red on the attached map, and LRS will be undertaking enquiries on behalf of NRIL which may including calling at your property, written communication or other means.

The enclosed Request for Information Questionnaire ("RFIQ") and map shows the land in which we understand you have an interest coloured pink. If you believe this is incorrect, this is your opportunity to advise us of your actual extent and nature of interest(s). This information is required by NRIL to inform their proposals and ensure that all persons with a relevant interest that may be affected by the proposed development are served with the appropriate notices should a Transport and Works Act Order application be made.

Enclosed Map:

Shaded Pink Area:	The extent of property we believe you have an interest in.
Land Edged Red:	Land subject to our research for this scheme.

www.land-referencing.co.uk
enquiries@land-referencing.co.uk

Telford Head Office
Telford Innovation Centre, SB219,
Shifnal Road, Priorslee, Telford,
Shropshire, TF2 9NT
T: +44 (0) 1952 288 346

Stirling
Spion House, Stirling
Innovation Business Park,
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T: +44 (0) 800 848 8134

London
16 Upper Woburn Place,
London,
WC1H 0BS
T: +44 (0) 203 741 8147

Follow us on:  



I should be obliged if you would complete, sign and return the RFIQ and one copy of the enclosed map in the prepaid envelope provided. If you disagree with the boundary of the land shaded pink, please identify the area of disagreement on the map you return to LRS. You should retain one copy of the map for your records. We ask that you complete the enclosed RFIQ, even if you do not have any interests in land within the red line and area shaded pink, in order that NRIL can conclude these specific land enquiries with you.

We would appreciate a response to this request within 14 days of receipt. If you require an email copy please contact LRS on the contact details below.

Please complete and return the RFIQ and map in the supplied prepaid envelope: Freepost RRZT-CRGC-CAJB, Land Referencing Services LLP, e-Innovation Centre, SE003, Shifnal Road, Priorslee, Telford, TF2 9FT.

Please do not send the RFIQ and map to Network Rail.

Should you have any queries relating to this letter or need any assistance in completing the RFIQ please contact LRS on 0800 8488 134, 01952 288 346 or e-mail: NRChartLeacon@Land-Referencing.co.uk

Should you have any queries about this project or how this impacts your property, please contact Jonathan Boulton (NRIL Senior Surveyor) jonathan.boulton@networkrail.co.uk.

Yours faithfully,

Kevin Wood
Project Manager
Land Referencing Services LLP
For and on behalf of NRIL

APPENDIX H

Engagement with Bellarmile

	Date	Nature of engagement
1.	15 September 2017	Meeting between Jonathan Boulton (Network Rail), Neel Dilip, Sarah Lavery (DfT) and Richard Gee (Bellarmile's agent)
2.	15 September 2017	Email from Richard Gee to Jonathan Boulton
3.	15 September 2017	Email from Jonathan Boulton to Richard Gee
4.	8 October 2017	Email from Richard Gee to Jonathan Boulton
5.	25 October 2017	Email from Jonathan Boulton to Richard Gee (cc: Lorna Turner, Network Rail)
6.	2 November 2017	Email from Jonathan Boulton to Richard Gee (cc: Lorna Turner, Network Rail)
7.	7 November 2017	Email from Jonathan Boulton to Richard Gee
8.	7 November 2017	Email from Richard Gee to Jonathan Boulton
9.	7 November 2017	Email from Jonathan Boulton to Richard Gee
10.	10 November 2017	Email from Jonathan Boulton to Richard Gee
11.	10 November 2017	Email from Richard Gee to Jonathan Boulton
12.	10 November 2017	Email from Jonathan Boulton to Richard Gee
13.	13 November 2017	Email from Jonathan Boulton to Richard Gee
14.	14 November 2017	Email from Jonathan Boulton to Richard Gee
15.	14 November 2017	Email from Richard Gee to Jonathan Boulton
16.	15 November 2017	Email from Jonathan Boulton to Richard Gee
17.	16 November 2017	Email from Jonathan Boulton to Richard Gee
18.	17 November 2017	Email from Jonathan Boulton to Richard Gee
19.	17 November 2017	Email from Richard Gee to Jonathan Boulton
20.	17 November 2017	Email from Jonathan Boulton to Richard Gee
21.	20 November 2017	Email from Jonathan Boulton to Richard Gee
22.	20 November 2017	Email from Richard Gee to Jonathan Boulton
23.	20 November 2017	Email from Jonathan Boulton to Richard Gee
24.	21 November 2017	Email from Jonathan Boulton to Richard Gee

25.	11 December 2017	Email from Richard Gee to Jonathan Boulton and Lenford Williams (Network Rail) (cc: Michael James)
26.	11 December 2017	Email from Jonathan Boulton to Richard Gee
27.	11 December 2017	Email from Lenford Williams to Jonathan Bolton, Martin Allcock, John Burrows (cc. to Richard Gee, Michael James and Lenford Williams)
28.	11 December 2017	Email from Martin Allcock to Jonathan Boulton and John Burrows (copying Richard Gee)
29.	11 December 2017	Email from Richard Gee to Martin Allcock, Jonathan Boulton and John Burrows (cc: Michael James and Lenford Williams)
30.	11 December 2017	Email from Martin Allock to Richard Gee, Jonathan Boulton and John Burrows (cc: Michael James and Lenford Williams)
31.	11 December 2017	Email from Richard Gee to Martin Allocock, Jonathan Boulton and John Burrows (cc: Michael James and Lenford Williams)
32.	24 November 2017	Email from Jonathan Boulton to Michael James and Richard Gee
33.	27 November 2017	Email from Richard Gee to Jonathan Boulton and Michael James
34.	27 November 2017	Email from Jonathan Boulton to Michael James and Richard Gee
35.	27 November 2017	Email from Richard Gee to Jonathan Boulton
36.	27 November 2017	Email from Jonathan Boulton to Michael James and Richard Gee
37.	1 December 2017	Email from Richard Gee to Jonathan Boulton and Michael James
38.	4 December 2017	Email from Jonathan Boulton to Richard Gee and Michael James
39.	4 December 2017	Email from Michael James to Jonathan Boulton and Richard Gee
40.	7 December 2017	Email from Michael James to Jonathan Boulton and Richard Gee
41.	8 December 2017	Email from Jonathan Boulton to Michael James and Richard Gee
42.	8 December 2017	Email from Richard Gee to Jonathan Boulton and Michael James
43.	8 December 2017	Email from Jonathan Boulton to Richard Gee and Michael James
44.	8 December 2017	Email from Richard Gee to Jonathan Boulton and Michael James
45.	8 December 2017	Email from Jonathan Boulton to Richard Gee and Michael James
46.	8 December 2017	Email from Jonathan Boulton to Richard Gee and Michael James
47.	12 December 2017	Email from Jonathan Boulton to Richard Gee and Michael James
48.	12 December 2017	Email from Richard Gee to Jonathan Boulton and Michael James
49.	12 December 2017	Email from Jonathan Boulton to Richard Gee and Michael James
50.	19 December 2017	Email from Jonathan Boulton to Richard Gee

51.	8 January 2018	Email from Jonathan Boulton to Richard Gee
52.	8 January 2018	Email from Richard Gee to Jonathan Boulton
53.	8 January 2018	Email from Jonathan Boulton to Richard Gee
54.	8 January 2018	Email from Richard Gee to Jonathan Boulton
55.	8 January 2018	Email from Jonathan Boulton to Richard Gee
56.	9 January 2018	Meeting between Richard Gee, Jonathan Boulton, Tim Earl (Montagu Evans), Tom Butler-Manuel (Montagu Evans), Lorna Turner (Network Rail) and Dolapo Omoyele (Network Rail)
57.	9 January 2018	Email from Tim Earl (Montagu Evans) to Richard Gee (cc: Jonathan Boulton and Tom Butler-Manuel)
58.	9 January 2018	Email from Richard Gee to Tim Earl (cc: Jonathan Boulton and Tom Butler-Manuel)
59.	15 January 2018	Email from Richard Gee to Tim Earle (cc: Jonathan Boulton and Tom Butler-Manuel)
60.	15 January 2018	Email from Richard Gee to Jonathan Boulton
61.	7 February 2018	Email from Jonathan Boulton to Richard Gee
62.	7 February 2018	Email from Richard Gee to Jonathan Boulton
63.	13 February 2018	Email from Richard Gee to Jonathan Boulton
64.	13 February 2018	Email from Jonathan Boulton to Richard Gee
65.	14 February 2018	Email from Richard Gee to Jonathan Boulton
66.	27 February 2018	Email from Richard Gee to Jonathan Boulton
67.	28 February 2018	Email from Jonathan Boulton to Richard Gee
68.	28 February 2018	Email from Richard Gee to Jonathan Boulton
69.	6 March 2018	Meeting between Jonathan Boulton, Lorna Turner (NR), Dolapo Omogele (NR) and Tim Earl (Montagu Evans) and Richard Gee
70.	9 March 2018	Email from Richard Gee to Jonathan Boulton (cc: Tim Earl)
71.	16 March 2018	Email from Richard Gee to Jonathan Boulton (cc: Tim Earl)
72.	16 April 2018	Email from Richard Gee to Jonathan Boulton
73.	20 April 2018	Email from Jonathan Boulton to Richard Gee
74.	20 April 2018	Email from Richard Gee to Jonathan Boulton
75.	15 May 2018	Email from Jonathan Boulton to Richard Gee
76.	21 May 2018	Email from Richard Gee to Jonathan Boulton

77.	3 July 2018	Email from Jonathan Boulton to Richard Gee
78.	9 July 2018	Email from Richard Gee to Jonathan Boulton
79.	9 July 2018	Email from Jonathan Boulton to Richard Gee
80.	26 July 2018	Email from Richard Gee to Jonathan Boulton
81.	26 July 2018	Email from Jonathan Boulton to Richard Gee
82.	26 July 2018	Email from Richard Gee to Jonathan Boulton
83.	3 August 2018	Email from Jonathan Boulton to Richard Gee
84.	14 August 2018	Email from Richard Gee to Jonathan Boulton
85.	15 August 2018	Email from Jonathan Boulton to Richard Gee
86.	15 August 2018	Letter from Jonathan Boulton to Richard Gee
87.	17 August 2018	Email from Richard Gee to Jonathan Boulton
88.	20 September 2018	Email from Richard Gee to Stuart Kelly (Network Rail Group General Counsel)
89.	24 September 2018	Email from Stuart Kelly (Network Rail Group General Counsel) to Richard Gee
90.	24 September 2018	Email from Richard Gee to Stuart Kelly
91.	29 November 2018	Letter from LRS, land referencers, to The Company Secretary regarding nature of interests in the site
92.	30 November 2018	Email from Leonie Oliva (Network Rail's planning consultant) to Richard Gee
93.	3 December 2018	Email from Richard Gee to Leonie Oliva
94.	3 December 2018	Email from Leonie Oliva to Richard Gee
95.	3 December 2018	Letter from Jonathan Boulton to Richard Gee
96.	4 December 2018	Email from Richard Gee to Jonathan Boulton
97.	10 December	Meeting between Richard Gee, Jonathan Boulton, Michelle Nolan (Network Rail) and David Lee (GVA)