**Transport and Works Act 1992**

**Network Rail (Old Oak Common Great Western Mainline Track Access) Order 202[X]**

**Deed of Unilateral Undertaking provided by Network Rail, Summary, 31 January 2024**

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| **Clause/Paragraph** | **Summary** |
| General | The undertaking is given by Network Rail to Bellaview Properties Limited (**BPL**) and it limits the exercise of temporary powers by Network Rail pursuant to the Order to enable site sharing to occur between BPL and Network Rail in two scenarios:  Scenario One – where BPL wish to carry on using their existing warehouse for the purposes of a warehouse; and  Scenario Two – where BPL wish to implement and build out the planning permission that has been granted in respect of the Property and where their new warehouse is operational. |
| 2. Legal Effect | The undertaking is conditional on the Order being made by the Secretary of State and the powers implemented by Network Rail. |
| 3. Covenants | Network Rail undertakes to exercise powers of temporary possession under the Order in accordance with the terms of the undertaking set out at Schedule 1 to the undertaking. |
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| **Schedule 1** | |
| **Scenario One** | |
| 1 and 2 | These paragraphs apply to Scenario One; namely where BPL wish to carry on the builders' merchants business. BPL can serve a notice on Network Rail stating that Scenario One applies. |
| 1(a) | This paragraph relates to the land coloured pink and hatched on the Scenario One Plan and provides:  - for Network Rail to have a right of way to pass over the land with or without vehicles  - A right for Network Rail to install a gate, at a location shown on the Scenario One Plan, through which BPL may not have access during railway possessions, but they may have access while the warehouse is open for business when there is no railway possession.  - In respect of the land coloured pink and hatched and to the north of the gate, a right to carry out works for a period of four weeks relating to the construction of the ramp and the new road rail vehicle access having first given BPL 10 working days' notice.  - a right to park vehicles and store materials. |
| 1(b) | This paragraph relates to the land coloured green and hatched on the Scenario One Plan and provides:  - a right to pass over the land with or without vehicles  - a right to park vehicles and store materials  - a right to install a gate (in the same way as in relation to the pink hatched land). |
| 1(c) | This paragraph relates to BPL's ability to gain access to the Warehouse and states that:  - when the Warehouse is open for business and there is no railway possession, Network Rail will not prevent access to the northern entrance; and  - at any time during a railway possession, Network Rail will not prevent access to the southern entrance (the entrance nearest Horn Lane) |
| 2 | Provides for Network Rail to be able to prevent use of the warehouse for reasons of railway safety and rail operational reasons and requires Network Rail to give as much notice as reasonably practicable (apart from in an emergency or a possession overrunning when the prevention from opening can be immediate) of the required closure and Network Rail will endeavour to mitigate the impact on BPL as far as is reasonably practicable. |
| **Scenario Two** | |
| 3-6 | These paragraphs relate to Scenario Two namely where BPL wish to build out their planning permission and, in due course, operate their new warehouse. |
| 3(a) | This paragraph relates to the land coloured pink and hatched on the Scenario Two Plan and provides:  - for Network Rail to have a right of way to pass over the land with or without vehicles  - A right for Network Rail to install a gate, at a location shown on the Scenario Two Plan, through which BPL may not have access during railway possessions but they may have access during Construction Hours when there is no railway possession.  - In respect of the land coloured pink and hatched and to the north of the gate, a right to carry out works for a period of four weeks relating to the construction of the ramp and the new road rail vehicle access having first given BPL 10 working days' notice.  - a right to park vehicles and store materials |
| 3(b) | This paragraph relates to the land coloured green and hatched on the Scenario Two Plan and provides:  - a right to pass over the land with or without vehicles  - a right to park vehicles and store materials  - a right to install a gate (in the same way as in relation to the pink hatched land). |
| 3(c) | If BPL's new warehouse is operational, Network Rail agree:  - when the warehouse is open for business and there is no railway possession, Network Rail will not prevent access to the northern entrance; and  - at any time during a railway possession, Network Rail will not prevent access to the southern entrance (the entrance nearest Horn Lane) |
| 4 and 5 | These paragraphs enable BPL to provide Network Rail with access to the grey land shown on the Scenario Three Plan or other land which is acceptable to Network Rail for Network Rail to use for the purpose of parking vehicles instead of using the green hatched land labelled as plot 4.  Paragraph 5 enables BPL to switch the land on which Network Rail may park between the grey land (or an alternative) and plot 4. |
| 6 | Provides for Network Rail to be able to prevent use of the warehouse for reasons of railway safety and rail operational reasons and requires Network Rail to give as much notice as reasonably practicable (apart from in an emergency or a possession overrunning when the prevention from opening can be immediate) of the required closure and Network Rail will endeavour to mitigate the impact on BPL as far as is reasonably practicable. |