

**From:** [Elsenaar, Marnix](#)  
**To:** [Joanna Vincent](#)  
**Cc:** [Giulia Barbone](#); [Sarah Fitzpatrick \(Head of Planning\)](#); [Pearson, Victoria](#); [david.wilson@networkrail.co.uk](mailto:david.wilson@networkrail.co.uk)  
**Subject:** Horn Lane, Old Oak Common - Network Rail [ADDGDD-LIVE.FID3983009]  
**Date:** 31 January 2024 18:47:30  
**Attachments:** [image001.png](#)  
[Land Plans.zip](#)  
[Unilateral Deed of Undertaking signed by NRIL \(not dated\) \(CERTIFIED COPY\).PDF](#)  
[Horn Lane, Deed of Unilateral Undertaking Summary.DOCX](#)

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**CAUTION:** This message contains one or more attachments of a type that can be associated with malicious content such as viruses. Please take care when opening these types of attachment.

Dear Joanna, I would be very grateful if you would pass this email to the Inspector.  
Kind regards  
Marnix

FAO The Inspector

Dear Sir

We understand your decision that you only propose to hear submissions in relation to Bellaview's application for disclosure and any submissions that Ms Thompson wishes to make at tomorrow's roundtable (we note that she does not intend to appear).

### **Undertaking**

However, we promised to let you have a deed of undertaking before tomorrow's roundtable and we attach an executed unilateral deed of undertaking and a summary of the document. We appreciate you may not have an opportunity to review it before tomorrow. We had hoped to reach an agreement with Bellaview on the site sharing arrangements but that has not been possible so far. There have, however, been a number of "turns" of the document between the parties and we have taken on board many of Bellaview's amendments. You will note that the undertaking has been executed but not dated. Clause 3.2 of the undertaking states that it can only be amended by way of an agreement with Bellaview; Network Rail cannot amend it unilaterally once it has come into effect. Accordingly, it has not been dated and, therefore, is not yet effective so that if you do have any comments on the document, they can be taken on board and an executed and completed version provided to you before the closure of the inquiry. Should you not have any comments, the attached document can be dated to bring it into effect.

### **Plans**

There are updated plans attached to the undertaking and we note that Bellaview, in their Additional Objection submitted to you yesterday evening, make a number of comments on the plans. We have attached all the plans to this email and summarise the position in relation to each below.

1. Order Plan. The Order Plan has not changed from the version that we sent you before

Christmas and which has been consulted on.

2. The redline plan. This has changed very slightly because Bellaview wrote to us expressing their concern that the ramp encroaches very slightly on the footprint of the worksite for their residential development. Accordingly, in accordance with their request, the line of the ramp hatched green on the plan has been adjusted very slightly to bring it closer to the railway. The change is so small that the change is less than the thickness of the line.

3. Site Sharing Scenario Plan 1 – In response to comments from Bellaview, this has been amended:

- to remove Plot 1
- to adjust the boundary of the warehouse so that a small rectangle on the north-eastern corner of the warehouse that was included in the green land is now not in the green land
- to hatch a tiny section of the green land which appeared hatched on an A3 version of the plan but when enlarged appeared unhatched
- the Warehouse has been shaded blue
- the pink area has been adjusted very slightly so it is consistent with the Order Plan.
- a black line has been added to show the proposed approximate location gate referred to in the undertaking

4. Site Sharing Scenario Plan 2 – In response to comments from Bellaview, this has been amended:

- to remove Plot 1
- the legend now refers to an '**Easement of 5m Height clearance required**'
- the hatched area within the green area shows as Plot 2 has been amended to provide a turning area for vehicles and it is based on a swept path analysis provided by Bellaview
- Bellaview's development site, referred to in the undertaking, is shown shaded brown
- a black line has been added to show the approximate location of the gate referred to in the undertaking.

5. Site Sharing Scenario Plan 3 – This plan is attached to the deed of undertaking and shows an area of land shaded grey which land which Bellaview may make available to Network Rail for the parking of vehicles.

6. The Network Rail team prepared a plan before Christmas at Bellaview's request that showed only plot 3 – the route of the permanent easement. Plot 3 is also shown on the Order Plan and the easement plan is not attached to the undertaking. Therefore, we do not consider that there is a need for this plan but we attach it to this email for completeness.

We look forward to seeing you tomorrow.

Yours faithfully

Addleshaw Goddard LLP

**Marnix Elsenaar**

Partner

## **Addleshaw Goddard LLP**

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