

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) GENERAL VESTING DECLARATION No. 917

This GENERAL VESTING DECLARATION is executed on the 8th February 2022
by the Secretary of State for Transport ("the Acquiring Authority")

WHEREAS:

1. On 23 February 2017 the High Speed Rail (London – West Midlands) Act 2017 ("the High Speed Rail Act") received Royal Assent authorising the Acquiring Authority to acquire the Electric Line Rights and impose the Electric Line Restrictive Covenants specified in columns 4 and 5 of Part 2 of the Schedule hereto, over the land respectively specified and described in columns 1 and 2 of Part 2 of the Schedule.
2. Section 4(1) of the High Speed Rail Act authorises the Acquiring Authority to acquire compulsorily so much of the land within the limits of the High Speed Rail Act as may be required for Phase One Purposes¹.
3. Section 5(1) of the High Speed Rail Act confirms that the power in section 4(1) includes power to acquire such easements or other rights over land as may be required for Phase One Purposes by creating new easements or other rights. Section 5(2) of the High Speed Rail Act confirms that the terms of such easement may include terms imposing a restrictive covenant for the purpose of making the easement effective.
4. Section 5(2) of the High Speed Rail Act provides that the terms of an easement created under section 5(1)(a) may include terms imposing a restrictive covenant over the land for the purpose of making the easement effective.
5. Section 5(4A) of the High Speed Rail Act² provides that the power in section 4(1) includes power to acquire rights or impose restrictive covenants for the benefit of a person other than the Acquiring Authority.
6. Section 4(4) of the High Speed Rail Act provides that the Compulsory Purchase (Vesting Declarations) Act 1981 ("the 1981 Act") applies as if the High Speed Rail Act were a compulsory purchase order and paragraph 3³ of Schedule 6 to the High Speed Rail Act provides that the 1981 Act shall have effect subject to the modifications specified in that paragraph.
7. Section 4(4) of the High Speed Rail Act provides that the Compulsory Purchase (Vesting Declarations) Act 1981 ("the 1981 Act") applies as if the High Speed Rail Act were a compulsory purchase order and paragraph 3 of Schedule 6 to the High Speed Rail Act provides that the 1981 Act shall have effect subject to the modifications specified in that paragraph.

¹ Phase One Purposes has the meaning given by section 67 of the High Speed Rail Act.

² Section 5 of the High Speed Rail Act as amended by section 5(7) of the High Speed Rail (West Midlands – Crewe) Act 2021

³ Paragraph 3 as substituted by section 11 of, and paragraph 6 of Schedule 14 to that Act.

8. Notice pursuant to section 3A⁴ of the 1981 Act was first published on 21 January 2022. That notice included the particulars specified in section 3A(3) of the 1981 Act.

NOW THIS DEED WITNESSETH that, in exercise of the powers conferred on it by section 4 of the 1981 Act, the Acquiring Authority hereby declares:

1. Save insofar as they comprise or affect interests of Excluded Persons the Electric Line Rights and Electric Line Restrictive Covenants specified in columns 4 and 5 of Part 2 of the Schedule hereto (being rights and restrictive covenants authorised to be acquired and imposed over the land by sections 4(1), 5(1), 5(2), and 5(4A) of the High Speed Rail Act) together with the right to exercise such Electric Line Rights and enforce such Electric Line Restrictive Covenants shall, in relation to the plot[s] of land specified in column 1, described in column 2, and more particularly shaded brown and yellow on the Plan, vest in the Company and for the benefit of the Undertaking as from the end of the period of three (3) months from the date on which the service of notices required by section 6⁵ of the 1981 Act is completed.
2. Each Vested Right and Vested Restrictive Covenant shall so vest in and be exercisable or enforceable (as appropriate) by the Company and its successors in title and assigns of the whole or any part of such property whether it is comprised in the business undertaking of the Company or the business undertaking of any successor in title or assign for the purpose of the construction, installation, operation, maintenance and decommissioning thereof.
3. For the purposes of Section 2(2) of the 1981 Act, the specified period in relation to the land comprised in this declaration is one year and one day.
4. In this Declaration, whenever the context permits:
 - 4.1 the headings are for convenience only and do not affect the interpretation of this Declaration;
 - 4.2 the capitalised terms appearing in this Declaration (including the Schedule) have the respective meanings assigned to them by Part 1 of the Schedule;
 - 4.3 reference to any statute or section of any statute includes a reference to any statutory amendments, modification or re-enactment thereof for the time being in force and to every instrument, order, direction, regulation, bye-law, commission, licence, consent, condition, scheme or other such matter made under or pursuant to statute;
 - 4.4 words importing the singular include the plural and vice versa and wording importing gender includes any other gender;
 - 4.5 references to persons includes persons, firms and companies;
 - 4.6 the word 'including' means including but without limitation;

⁴ Section 3A of the 1981 Act as inserted by paragraph 3(a) of Schedule 6 to the High Speed Rail Act as substituted by section 11 of, and paragraphs 6 and 7 of Schedule 14 to that Act.

⁵ Section 6 as modified by paragraph 3(c) of Schedule 6 to the High Speed Rail Act, as substituted by section 11 of, and paragraph 6 of Schedule 14 to that Act.

- 4.7 the words 'in particular' means in particular but without prejudice to the generality of the preceding wording;
- 4.8 a reference to the land includes reference to any part thereof unless the context otherwise requires.

SCHEDULE

The Definitions in Part 1 of the Schedule define the new rights and restrictive covenants to be acquired for the benefit of the Company and the Undertaking over the Plots described in Columns 1 and 2 of the Table in Part 2 of the Schedule.

The particular rights and restrictive covenants to be acquired are set out in Columns 4 and 5 of the Table in Part 2 of the Schedule.

PART 1

Definitions

“Company”

National Grid Electricity Transmission PLC (Company Reg. No.02366977) whose registered office is at 1-3 Strand, London, WC2N 5EH

“Electric Line Restrictive Covenants”

Covenants:

- (a) Not to do or suffer to be done anything upon the Plot which may in any way interfere with, damage or cause injury to the Overhead Electric Lines or interfere with or obstruct the Company’s access thereto or use thereof;
- (b) Not to erect any building or structure (whether temporary or permanent) or plant or allow to grow any plant or tree within 5.3 metres of the conductors when they are at a maximum temperature and/or maximum swing;
- (c) not to erect any building or structure (whether temporary or permanent) or plant or allow any plant or tree within the land shown shaded yellow on the Plan without the written consent of the Company (such consent not to be unreasonably withheld or delayed and which consent may be granted subject to reasonable conditions);
- (d) Not to store or place on the land shown shaded yellow on the Plan any goods materials whatsoever without the written consent of the Company (such consent not to be unreasonably withheld or delayed and which consent may be granted subject to reasonable conditions);
- (e) Not to raise the level of the surface of the Plot so as to make the distance between the level of the

ground and the lowest conductor at any point of the span less than 7.6 metres;

- (f) Not to carry out any works or excavations on the Plot which may endanger the stability, safety, and integrity of the Overhead Electric Lines.

“Electric Line Rights”

Rights:

- (a) with or without vehicles plant and equipment to enter the Plot to retain, inspect, maintain, repair, alter, renew, replace, and remove the Overhead Electric Lines;
- (b) with or without vehicles, plant, and equipment to fell, trim, or lop all trees and bushes on the Plot which obstruct or interfere with the exercise of the rights set out at paragraph (a) above;
- (c) to enter the Plot to access any adjoining land in connection with the Company's Undertaking;
- (d) to use the Overhead Electric Lines;
- (e) of access to and egress from the Plot at all times to exercise the rights set out in paragraphs (a)-(d) (inclusive) referred to above, with or without vehicles, plant and equipment over and across any access route on the Plot from time to time.

“Excluded Persons”

in relation to the relevant plot, those persons listed in column 6 of Part 2 of the Schedule.

“Owner”

an owner and/or lessee of an interest in a Plot other than an Excluded Person.

“Plot”

a plot of land with the number specified in column 1 of Part 2 of the Schedule and described in column 2 of Part 2 of the Schedule.

“Plan”

means the plan attached to this Declaration with reference C111_191_01.

“Overhead Electric Lines”

up to 12 conductors (shown in the positions approximately indicated by the red lines on the Plan) (“the Conductors”) for transmitting electricity at such pressure as the Company may from time to time require for the purposes of its operations together with an earth wire(s), fibre optic cables (in connection with the use of the Company's Undertaking only) and (where applicable) such ancillary equipment and

apparatus as required by the Company (but excluding the right to install fibre optic cables for the use of any third party or commercial operator).

“Undertaking”

means the Company’s undertaking for the transmission of electricity including without limitation such land and hereditaments forming part of that undertaking as are accommodated by the Electric Line Rights.

“Vested Restrictive Covenants”

the Electric Line Restrictive Covenants vested in the Company by virtue of this Declaration.

“Vested Rights”

the Electric Line Rights vested in the Company by virtue of this Declaration.

SCHEDULE

Part 2

1	2	3	4	5	6
Plot No.¹	Description of Plot	Owners Title	Rights vested	Restrictive Covenants vested	Excluded persons
LAP71211	365.2 square metres, or thereabouts, of cement works and premises (Skip Lane) and shown tinted brown on the Plan, electricity lines shown in red. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number AGL245372	Electric Line Rights	Electric Line Restrictive Covenants	any private rights held by Network Rail Infrastructure Limited
LAP71212	1833.2 square metres or thereabouts of access road, verge, hardstanding and footways (Skip Lane) and shown tinted brown on the Plan. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number AGL141821	Electric Line Rights	-	any private rights held by Network Rail Infrastructure Limited

LAP71214	437.4 square metres, or thereabouts, of public road (Denham Court Drive) and shown tinted brown on the Plan.	Freehold ownership under Title Number BM91995	Electric Line Rights	-	
LAP71215	2480.2 square metres, or thereabouts, of public road, public footpaths (DEN/48/1 and DEN/49/1) and public bridleways (DEN/53/2 and DEN/53/3) (Denham Court Drive) and shown tinted brown on the Plan.	Freehold ownership under Title Number BM4441	Electric Line Rights	-	
LAP71218	1329.7 square metres or thereabouts of public road, verges and public footpaths (DEN/20/2, DEN/48/3, DEN/48/2 and DEN/20/1) (Denham Court Drive) and shown tinted brown on the Plan.	Freehold ownership under Title Number BM353118, Leasehold ownership under Title Number BM149786	Electric Line Rights	-	
LAP71221	4824.9 square metres, or thereabouts, of cement works, premises, hardstanding and access track (Skip Lane) and shown tinted brown and yellow on the Plan, electricity lines shown in red. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number NGL555455	Electric Line Rights	Electric Line Restrictive Covenants	any private rights held by Network Rail Infrastructure Limited

LAP71236	31.2 square metres, or thereabouts, of access road (Skip Lane) and shown tinted brown on the Plan. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number AGL46936	Electric Line Rights	-	any private rights held by Network Rail Infrastructure Limited
LAP71414	22.5 square metres, or thereabouts of access road and verges (Skip Lane) and shown tinted brown on the Plan. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number NGL532243	Electric Line Rights	-	any private rights held by Network Rail Infrastructure Limited

LAP71725	1545.4 square metres, or thereabouts, of access road, verge, cement works and premise (Skip Lane) and shown tinted brown on the Plan, electricity lines shown in red. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number AGL245372	Electric Line Rights	Electric Line Restrictive Covenants	any private rights held by Network Rail Infrastructure Limited
LAP71726	280.5 square metres or thereabouts of public bridleway (DEN/53/3 & DEN/53/4), public footpath (DEN/48/2), public road and verges (Denham Court Drive) and show tinted brown on the Plan.	Freehold ownership under Title Number BM353118, Leasehold ownership under Title Number BM149786	Electric Line Rights	-	
LAP71727	1.6 square metres or thereabouts of verge (Denham Court Drive) and shown tinted brown on the Plan.	Freehold ownership under Title Number BM353118, Leasehold ownership under Title Number BM149786	Electric Line Rights	-	

LAP71728	172.5 square metres or thereabouts of access road and verge (Skip Lane) and shown tinted brown on the Plan. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number AGL141821	Electric Line Rights	-	any private rights held by Network Rail Infrastructure Limited
LAP71732	0.1 square metres, or thereabouts, of verge (Skip Lane) and shown tinted brown on the Plan. To the extent that Schedule 15 Paragraph 2 of the High Speed Rail (London-West Midlands) Act 2017 would otherwise apply, the Secretary of State directs under Paragraph 3 of Schedule 15 that Schedule 15 Paragraph 2 does not apply to any private rights held by Network Rail Infrastructure Limited.	Freehold ownership under Title Number AGL141821	Electric Line Rights	-	any private rights held by Network Rail Infrastructure Limited

IN WITNESS WHEREOF the Secretary of State for Transport has thereunto set its corporate seal on the day in the year first written above.

THE CORPORATE SEAL of the SECRETARY OF STATE FOR TRANSPORT

hereunto affixed to this deed is authenticated by

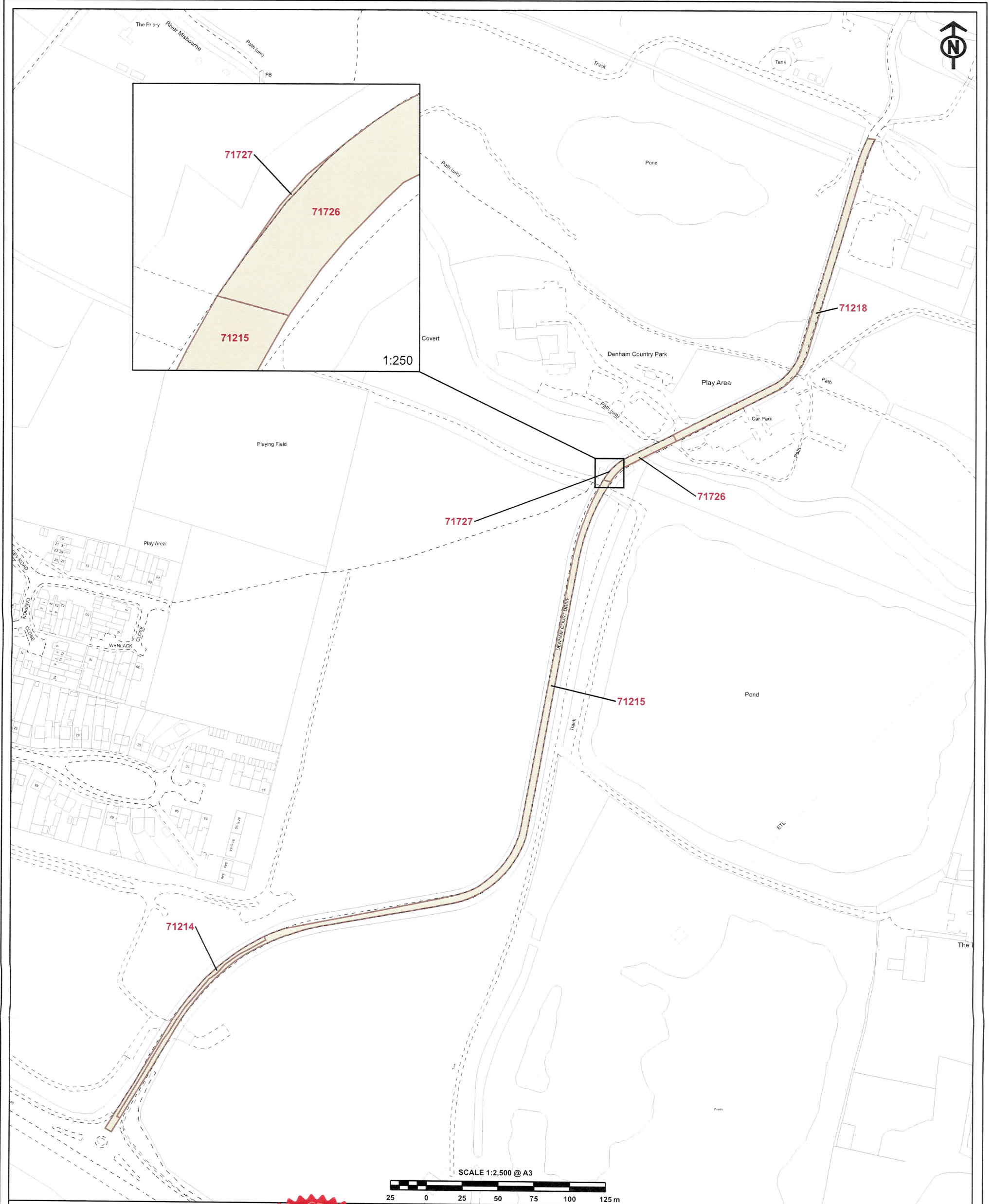

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Authorised Signatory

Dated: 8th February 2022



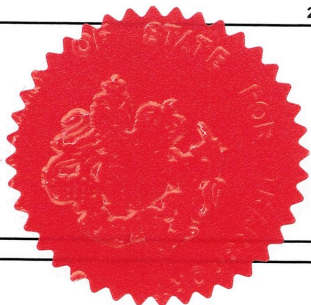
SEAL REF
DfT GP / 1157



The CORPORATE SEAL of the
SECRETARY OF STATE
hereunto affixed to this deed
is authenticated by

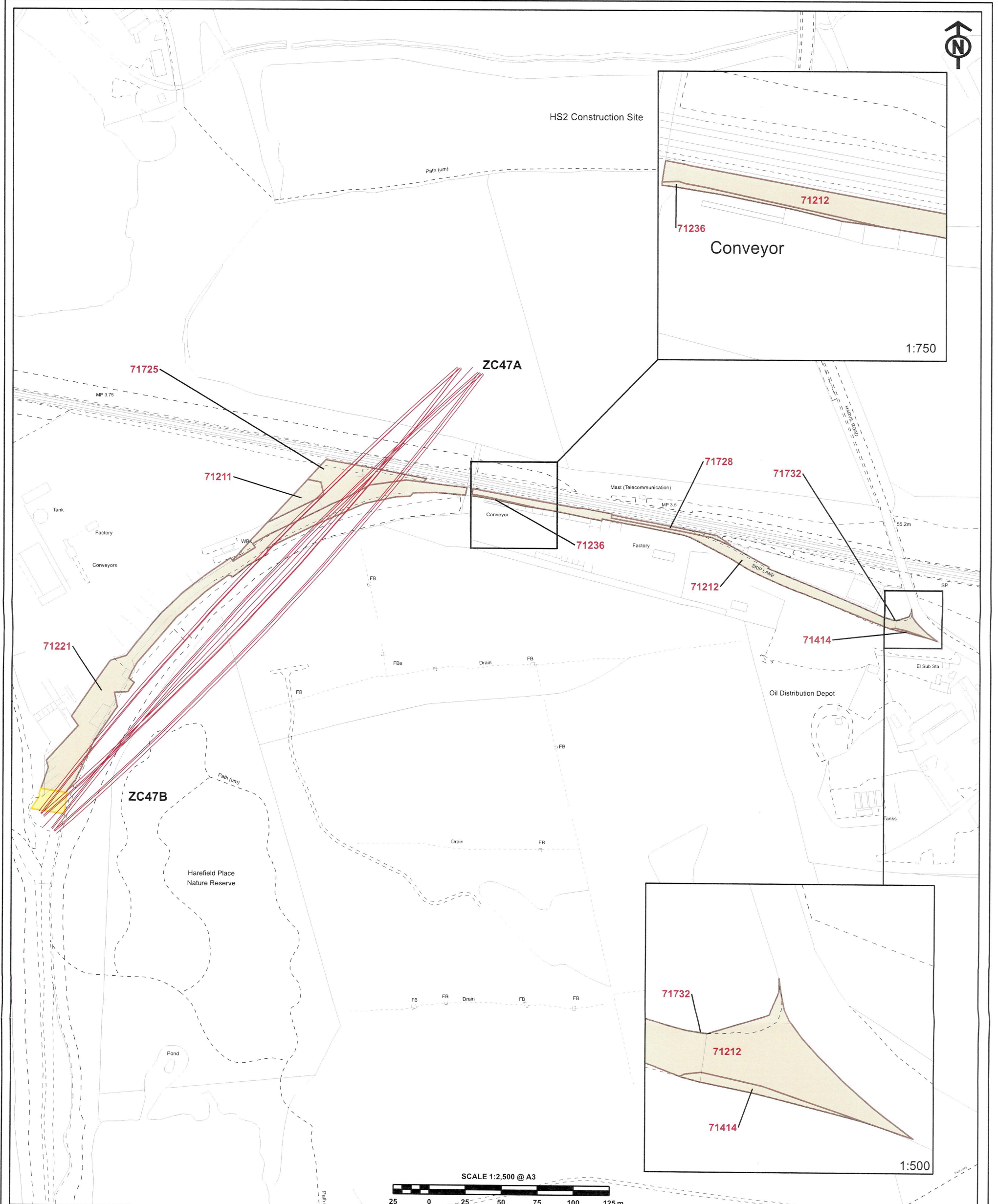
N. J. Hunt
Authorised by the Secretary of State for Transport

Dated 8th February 2022

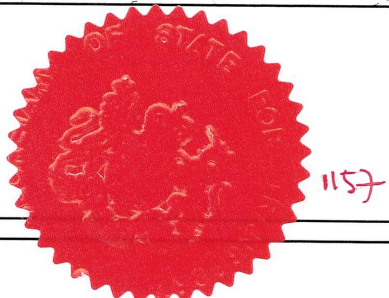


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CENTRE POINT: 504,714, 186,259



The CORPORATE SEAL of the
SECRETARY OF STATE
hereunto affixed to this deed
is authenticated by
N. St. J. [Signature]
Authorised by the Secretary of State for Transport
Dated 8th February 2022



CENTRE POINT: 505,870, 187,428

