
UNILATERAL UNDERTAKING BY DEED

given by

WEST MIDLANDS COMBINED AUTHORITY

to

TATA STEEL UK LIMITED

To deal with objection raised by Tata Steel UK Limited (reference OBJ/9) in connection with the proposed Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order which would confer powers of compulsory acquisition on the West Midlands Combined Authority for the works authorised by the 2005 Order being the extension of the Midland Metro from a junction with existing Metro Line 1 in Wednesbury in the Metropolitan Borough of Sandwell to Brierley Hill in the Metropolitan Borough of Dudley.

THE DEED IS A OBLIGATION BY UNILATERAL UNDERTAKING and is made the

4th day of December

2018

and is given by

(1) **WEST MIDLANDS COMBINED AUTHORITY** of 16 Summer Lane Birmingham B19 3SD ("WMCA")

to

(2) **TATA STEEL UK LIMITED** (Company No. 05957565) of 30 Millbank, London SW1P 4WY (the "Objector")

WHEREAS

- (A) On 12 December 2017 WMCA has made an application to the Department for Transport under section 6 of the Transport and Works Act 1992 for the Order in respect of the Metro Scheme.
- (B) The Objector has a leasehold interest in plot number 320 as described in the book of reference to the New Order ("Property").
- (C) The New Order would confer powers on WMCA to exercise powers of permanent acquisition rights over the Property.
- (D) On 26 January 2018, the Objector submitted an Objection to the Secretary of State for Transport in respect of the Transport and Works Act Order application for the New Order and the provisions of this Deed are to deal with the concerns raised by the Objector in their Objection.
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NOW THIS DEED WITNESSES as follows:-

1. **THE DEED**

1.1 On the basis that the New Order is made the provisions of this Deed shall be binding on the WMCA.

2. **INTERPRETATION**

2.1 In this Deed in addition to the terms hereinbefore referred to the following words and expressions shall where the context so requires or admits have the following meanings:-

“2005 Order” means the Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005 No. 927)

“Metro Scheme” means the Wednesbury to Brierley Hill Extension to the Midland Metro from a junction with the existing Metro Line 1 in Wednesbury in the Metropolitan Borough of Sandwell to Brierley Hill in the Metropolitan Borough of Dudley as authorised by the 2005 Order

“New Order” means the proposed Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order

"Objection" means the objection dated 26 January 2018 and attached to this Deed as Appendix 1 (reference OBJ/09)

“Plan” the Plan annexed hereto as Appendix 2

2.2 In this Deed where the context so requires:-

2.2.1 the singular includes the plural and vice versa

2.2.2 references to clauses schedules and paragraphs are references to clauses schedules and paragraphs in this Deed except where otherwise specified

2.2.3 title headings to the clauses schedules and paragraphs are for convenience only and shall not affect the interpretation of this Deed

2.2.4 references to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force

3. **COMMENCEMENT**

The provisions of this Deed shall have immediate effect upon the completion of this Deed

4. **COVENANTS BY THE WMCA**

4.1 WMCA covenants that on the basis that the New Order is made by the Secretary of State for Transport:

4.1.1 The Works will not restrict or prohibit or delay the regular routing of goods trains and steel deliveries into the Round Oak Rail Terminal as communicated by the Objector to WMCA and enjoyed by Objector as at the date of this Deed.

4.1.2 The alignment of the Metro Scheme will not cross the elevated part of the Property as is shown ~~on~~ coloured grey on the Plan.

4.1.3 WMCA will not gain temporary access over the elevated part of the Property as is shown ~~on~~ coloured grey on the Plan.

4.1.4 Prior to the construction of the Metro Scheme that affects the Objector's access which forms part of plot 325 as described in the book of reference to the New Order

WMCA will construct a temporary access route from Waterfront Way through plot 326 (as shown in the book of reference to the New Order).

- 4.1.5 The temporary access as described under clause 4.1.4 will be designed to a specification that will be suitable to accommodate Heavy Good Vehicles that currently access the Property.

5. **MISCELLANEOUS**

- 5.1 Nothing herein contained or implied shall prejudice or affect the rights discretions powers duties and obligations of the WMCA under all statutes by-laws statutory instruments orders and regulations in the exercise of its functions as a combined authority
- 5.2 If the Order is quashed revoked or otherwise withdrawn or if the powers under the Order expires or the Objector no longer has a registered interest in the Property this Deed shall cease to have effect

6. **NOTICES**

- 6.1 Any notice under this Deed shall be in writing and signed on behalf of the party giving it and may be served by delivering it in person or sending it by First Class Royal Mail Signed For to the address set out in this Deed or such other address as the parties agree to in writing in advance of any service of notice.
- 6.2 The notice as served under clause 6.1 will be validly received when provided in person or after 24 hours of the notice being sent by First Class Royal Mail Signed For provided it does not fall on a Saturday or Sunday or a bank holiday in England in which case the valid receipt date will be the next working day.

7. **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

It is hereby agreed and declared that unless specifically agreed the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed

8. **JURISDICTION**

This Deed is governed by and interpreted in accordance with the Law of England

EXECUTED AS A DEED the day and year first written

THE COMMON SEAL of)

WEST MIDLANDS COMBINED AUTHORITY)

was hereunto affixed in the presence of:)



5627

Authorised Signatory

APPENDIX 1

Objection letter

From: Takacs, Lee <lee.takacs@tatasteel.com>
Sent: 29 January 2018 14:59
To: TRANSPORTANDWORKSACT
Subject: Midland Metro Wednesbury to Brierley Hill Order

Dear Sir / Madam,

Notice No: 0010-7764N_303

The above Notice was received at the registered office of Tata Steel UK Limited and relates to a site that is leased by Round Oak Rail Limited (a subsidiary of Tata Steel UK Limited) on land west of Dudley Canal forming part of Round Oak Rail Terminal, Brierley Hill. The consultation period spanned the Christmas break and this is the first opportunity we have had to look at a plan. We notice the consultation period expires tomorrow 30 January 2018 and wished to lodge an objection on behalf of the tenant. We hope to expand upon this objection in due course when clearer documents are made available.

We wish to object on the basis that the proposed works in the Notice:

1. Impacts upon the regular use of a storage and circulation yard forming part of the demise;
2. May restrict or otherwise prohibit or delay the regular routing of goods trains and steel deliveries into the Round Oak Rail terminal;
3. There are different ground levels in the area to be acquired which may necessitate significant retaining works, thus more land may be required to facilitate these works;
4. Regular operations will be disrupted during the works by vehicles and other access that may be required through our site;
5. The boundary fence to the north to the site could be compromised during works and may hinder perimeter security exposing the site to vandalism and thefts;
6. Vibration during construction works may impinge upon the crucial tolerances that need to be maintained for the overhead cranes adjacent to the proposed works

This objection is being made on behalf of Round Oak Rail Ltd by Tata Steel UK Limited. The address for correspondence is:

Tata Steel UK Limited
Property Department
PO Box 101
Weldon Road
Corby
Northamptonshire
NN17 5UA

Kind regards,

Lee Takacs
Property Department

Tata Steel
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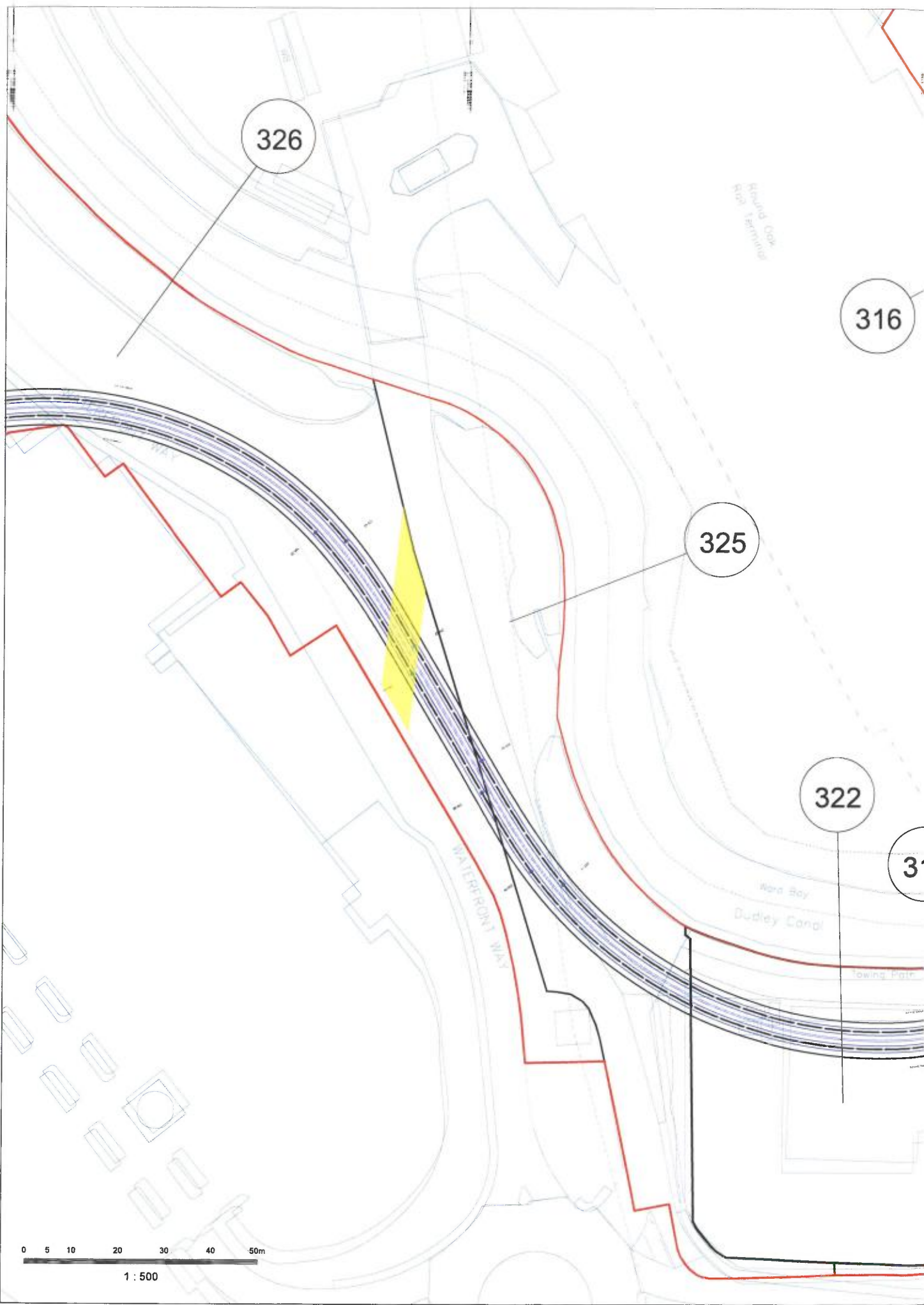
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326

316

325

322

317

WATERFRONT WAY

Ward Bay
Dudley Canal

Towing Path

0 5 10 20 30 40 50m

1 : 500

10/10/2023

10
