



Department for Transport

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Our Ref: TWA/23/APP/02
Your Ref:

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By email.

Dear Tatiana,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (OLD OAK COMMON GREAT WESTERN MAINLINE TRACK ACCESS) ORDER

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to:
 - the Report of the Inspector Mr Malcolm Rivett BA (Hons) MSc MRTPI, who held an Inquiry between 14 November 2023 and 08 March 2024, into the application made by your client Network Rail (“the Applicant”), for the proposed Network Rail (Old Oak Common Great Western Mainline Track Access) Order (“the Order”) under sections 1 and 5 of the Transport and Works Act 1992 (“the Act”) and for a deemed planning permission, subject to conditions, under section 90(2A) of the Town and Country Planning Act 1990 for the works that are the subject of the Order;
 - the responses to the further consultation undertaken by the Secretary of State in letters seeking comments, clarification and information from parties, dated 12 July, 16 August and 25 September 2024;
 - an additional objection received in response to the consultation on the revised Order; and
 - representations submitted following the ‘minded to approve’ letter issued on 9 January 2025.
2. The Inspector’s Report was made publicly available alongside the ‘minded to approve’ letter on 9 January 2025. All “IR” references in this letter are to the specified paragraph in the Inspector’s Report. This letter should be read alongside the

Inspector's Report and the Secretary of State's 9 January 2025 'minded to approve' letter which are published on the [GOV.UK website](https://www.gov.uk).

3. This decision has been allocated to, and made by, the Parliamentary Under Secretary of State (Minister for Local Transport), Lilian Greenwood. While this decision has not been taken by the Secretary of State in person, by law, it must be issued in the name of the Secretary of State. All references to the Secretary of State are therefore to the Parliamentary Under Secretary of State acting on behalf of the Secretary of State.
4. The Order provides powers for the Applicant to compulsorily acquire rights in land, to use land temporarily and to undertake works required to provide (1) a temporary Road Rail Access Point ("RRAP") onto the Great Western Main Line ("GWML") railway and construction compound to support delivery of the Old Oak Common Station. A direction for deemed planning permission is also sought, to be able to use the land as a temporary construction compound including provision of a temporary ramp and (2) a permanent RRAP onto the GWML to enable future maintenance of the railway and the Old Oak Common Station. These matters are collectively referred to as "the Scheme" within this letter.
5. Due to the scale of the Scheme, it is not one for which an Environmental Statement would be required (IR 1.13).
6. As set out at paragraph 6 of the 'minded to approve' letter, the Scheme was revised during the course of the application and Inquiry proceedings, most notably to reduce the extent of the temporary possession of land required but to also slightly realign the footprint of the permanent access rights. The Secretary of State was satisfied that none of the changes, either individually or cumulatively, resulted in a significant change to the proposed Scheme to the degree that a new application would be required.

Summary of the Inspector's Recommendations

7. The Inspector recommended that the Order should not be made, and that deemed planning permission should not be granted.
8. The Inspector, however, also recommended that should the Secretary of State be minded to make the Order, they should satisfy themselves on the appropriateness of the approach of 'site-sharing' of the land between the Applicant and Bellaview Properties Ltd ("BPL"). Furthermore, that if the application for deemed planning permission is to be approved, it should be subject to the suggested conditions set out in Appendix 1 of the Inspector's Report (IR 4.75 – 5.1).

The 'Minded to Approve' Letter

9. A letter was issued on 9 January 2025 ("the 9 January 2025 letter") indicating that the Secretary of State was not yet in a position to decide whether to accept the Inspector's recommendation but was currently minded to approve the application on the condition that the Applicant provide further information or evidence to demonstrate how the following issues could be satisfactorily addressed:
 - In relation to the Triangle land ("Plot 1") comprising Crown Land, the Applicant must provide further reassurances, within 6 months of the date of the letter (no later than 9 July 2025), that the land in question is not an impediment to the making of the Order and that agreement has been or will be secured for transfer of this land to the Applicant.
 - Should the Applicant state, that agreement will be secured, this must be accompanied by supporting documentation.

- Both the Applicant and BPL were invited to provide the Secretary of State with an update on the Applicant's Unilateral Undertaking setting out shared site use between it and BPL.
10. Following the 9 January 2025 letter the following correspondence was received:
 - Further information from the Applicant regarding the Crown Land and an update on the Unilateral Undertaking with BPL received on 7 May 2025.
 - Comments from BPL and Ms A Kuszta received on 6 June 2025.
 - A letter from the Applicant requesting modifications to the Order should it be made received on 13 June 2025.
 - The Applicant's response to BPL's comments received on 18 June 2025.
 - The Applicant's direct response to Ms Kuszta of 1 July 2025.
 - Comments from BPL in response to the Applicant's letters of 13 and 18 June 2025 received on 4 July 2025.
 - A letter from the Applicant received on 10 July 2025 with subsequent updates on the Crown Land position only being received on 21 August and 4 September 2025.
 11. A letter was received from the Applicant on 11 September 2025, in which additional modifications to the Order were requested should it be made. Further consultation was undertaken by the Secretary of State with a number of responses being requested and received from BPL and the Applicant. This round of consultation was closed with the receipt of final comments from BPL on 19 February 2026 which were shared with the Applicant for information only.
 12. The Secretary of State has had regard to the contents of the correspondence and is satisfied that she now has the information necessary to determine the application without requesting further responses from interested parties.

Secretary of State's Consideration

13. Careful consideration has been given to all the arguments put forward by, or on behalf of, all parties. The Secretary of State's consideration of these, the Inspector's Report, the information received from the Applicant in response to the 9 January 2025 letter, representations received from BPL and Ms A Kuszta and all other material considerations are set out in the following paragraphs. This letter should be read with the 9 January 2025 letter and where not specifically stated, the Secretary of State can be taken to agree with the findings, recommendations and conclusions put forward by the Inspector.
14. The Secretary of State has complied with the Public Sector Equality Duty and has had due regard to the matters set out in section 149(1) of the Equality Act 2010 in accordance with section 149(3) to (5) concerning the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic or persons who do not.

Crown Land

15. The site of the permanent RRAP, comprising Plot 1 is not itself the subject of the Order application but links to the elements, which seek the compulsory acquisition of permanent rights of access over land at Horn Lane to enable access to the permanent RRAP. The Applicant proposes to use Plot 1 as a permanent maintenance access point on to the GWML (IR 1.3) but as set out at paragraph 41 of the 9 January 2025 letter, this is not included in the Order as Plot 1 is held by the Crown Estate *bona vacantia* and the Crown's interest cannot be acquired compulsorily. It must be

acquired via agreement with the appropriate Crown department and as set out in 9 January 2025 letter this had not been agreed.

16. The Secretary of State noted the objection made by BPL (paragraph 42 of the 9 January 2025 letter) in respect of the Crown Land, that if the land cannot be acquired then there is an impediment to the Scheme and the granting of the Order. The Secretary of State also noted that the Applicant had confirmed that whilst it had approached the Crown Estate, the Crown Estate were not willing to enter into an agreement for the transfer or sale of the land until such time as the Order is granted. The Applicant did not consider this to be an impediment to the Scheme, asserting a strong indication, with past precedent, that should the Order be granted the acquisition would go ahead (paragraph 43 of the 9 January 2025 letter).
17. The Inspector appeared to agree that it was only a potential impediment and could be mitigated by including a clause within the Order preventing permanent access and operation rights over BPL's land from coming into effect, should the Crown Land not be acquired (paragraph 44 of the 9 January 2025 letter).
18. The Secretary of State was not persuaded that including a 'Grampian' style clause as suggested by the Inspector (i.e. a planning condition attached to a decision notice that prevents the start of a development until a specified action has been taken) within the Order would be appropriate in this instance. Whilst it would appear to ensure that the acquisition of BPL's land could not proceed until the outcome of the acquisition of Crown Land was known, the Secretary of State was mindful that without further stipulations or time limits being imposed, this could leave the land at risk of being unusable by either party for an unspecified period.
19. The Applicant had confirmed that there is no other alternative for the permanent RRAP and as the Crown Estate had not been able to provide a positive response, the Secretary of State considered at that time that it was a potential impediment to the Scheme. The Secretary of State noted that BPL registering an interest in the land had also generated further uncertainty on the issue. The Applicant was, therefore, given six months to provide the Secretary of State with additional assurances that the Crown Land was not an impediment to the rights being sought and the Scheme as a whole and that agreement has been, or will be, secured for transfer of this land to the Applicant.

Applicant's Response

20. In its response of 7 May 2025, the Applicant advised that the Crown Estate, via its solicitors, had confirmed in an e-mail dated 2 May 2025 that the Crown Estate was willing to sell Plot 1 to the Applicant. A draft transfer was sent to the Applicant under cover of a letter dated 2 May 2025 and the Applicant stated it would now work to ensure that Plot 1 was acquired by it as soon as possible. The Applicant provided supporting documentation in the form of the Crown Estate's e-mail and letter of 2 May 2025 and a copy of the draft transfer agreement.

BPL's Response

21. On 6 June 2025, BPL submitted comments in response to the Applicant's letter. On the matter of Crown Land they advised that, on 17 January 2025, the Crown Estate invited further representations from those who had previously expressed an interest in acquiring the land. On 30 January 2025, BPL submitted a representation to the Crown Estate with a financial offer to purchase the site. BPL state that on 2 May 2025 they were advised by the Crown Estate's solicitors that they had been 'instructed to work towards a disposal of the Property to Network Rail Infrastructure Ltd'.

22. BPL raise concerns about the decision-making process of the Crown Estate and whether it has complied with its statutory duty under section 3 of the Crown Estate Act 1961. BPL are also concerned about the fairness and transparency of the Crown Estate's process and that the Crown Estate deviated from its stated process for the disposal of the land by not awaiting the outcome of the application before inviting further representations from interested parties. Furthermore, BPL believe that works of tree, shrub and vegetation clearance which have taken place on the site could suggest that the Crown Estate was corresponding with one bidder to the exclusion of the other.
23. BPL stated that, based on the information currently available, there was no evidence that an agreement between the Applicant and the Crown Estate had been or would be secured or substantively progressed prior to 9 July 2025. They were therefore of the view that the information provided on behalf of the Crown Estate did not meet the Secretary of State's requirement as set out in paragraph 9 of the 9 January 2025 letter.
24. In their letter of 4 July 2025, BPL reiterated their concerns over whether the Crown Estate had followed its statutory processes and their view that on the evidence available the position was that discussions between the Crown Estate and the Applicant were on-going and thus that the Applicant would become the owner of, or take a sufficient interest in, the site was neither certain nor reasonably assured. BPL, therefore, considered that the Crown Land remained an impediment to the Scheme.

Applicant's Response to BPL's Comments

25. The Applicant did not consider the Crown Land to be an impediment to the making of the Order. It disagreed with the comments made by BPL and maintained that the Crown Estate and their instructed solicitors had followed the prescribed procedures. On 21 August 2025, the Applicant advised the Secretary of State that the transfer of Plot 1 had been agreed.

A Kuszta's Response

26. Ms A Kuszta also responded to the Secretary of State's invitation for comments on the issue of Crown Land. Ms Kuszta remains opposed to the sale of Plot 1 on the basis that the intended plans for the plot after purchase will create noise nuisance on her property, impacting negatively on her privacy and on the vegetation on the site. Ms Kuszta is concerned that it will also impact negatively on the wildlife, which will be disturbed and frightened by the activity.
27. Ms Kuszta's email dated 6 June 2025 raises concerns about the boundary line and the trees at the border of her property with the Crown Estate site. She puts forward a number of questions around provisions for the vegetation, the movement of the wildlife, tree protection, provisions to maintain communication with the Applicant, maintenance and repair of the boundary fence, guarantees that the boundary fence would not be altered or removed without prior consultation with her property, the effect of boundaries, access rights and potential restrictions on her property, due diligence to identify issues that may arise with the land, other potential issues and what would happen if the Applicant were to cease works.

Applicant's Response to Ms Kuszta's Comments

28. The Applicant responded directly to Ms Kuszta to address her concerns and reply to her questions. The response dated 1 July 2025 was copied to the Secretary of State for information.

The Secretary of State's Conclusion

29. The Secretary of State notes that, on 2 May 2025, the Crown Estate confirmed by e-mail to the Applicant that their instructions were to work towards a disposal to the Applicant. A draft transfer was sent on the same date. The Secretary of State has had sight of the e-mail of 2 May 2025 along with the draft transfer and covering letter and was, on 21 August 2025, advised by the Applicant that the transfer of the land has now been agreed. She is content that this is sufficient to provide reassurance that the land is not an impediment to the making of the Order.
30. The Secretary of State notes the points raised by BPL with regard to the decision-making process followed by the Crown Estate and its fairness and transparency. The Secretary of State, however, considers that this is not a matter that weighs on the determination of this application.
31. The Secretary of State also notes the concerns raised and questions posed by Ms Kuszta about the environmental effects of the Scheme and its effect on her property, particularly with regard to noise, privacy and the boundary fence. She has also had sight of the Applicant's response to those queries. The Secretary of State is satisfied that there is nothing in the correspondence received from Ms Kuszta after the close of the Inquiry which causes her to alter her conclusions at paragraphs 38 to 40 of the 9 January 2025 letter.
32. With reference to paragraphs 53 to 59 of the 9 January 2025 letter, the Secretary of State is now satisfied that the Crown Land is not an impediment to the making of the Order and that there is a reasonable prospect of the Scheme being implemented. As set out at paragraphs 46 to 55 below, she is content that there is a compelling case in the public interest to justify conferring on the Applicant powers to compulsorily acquire and use land for the purposes set out in the Order and, having regard to the Human Rights Act 1998, that the purposes for which the powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected.

Unilateral Undertaking

33. With reference to paragraphs 66 to 79 of the 9 January 2025 letter regarding the specific impacts on BPL, including site sharing, the Secretary of State encouraged the Applicant and BPL to reach agreement on the matters currently contained within the Unilateral Undertaking. Both the Applicant and BPL were invited to provide the Secretary of State with an update.

Applicant's Response

34. An update was provided by the Applicant in its letter of 7 May 2025 which detailed the timeline of correspondence with BPL following the 9 January 2025 letter. The correspondence and a copy of the draft agreement were also submitted.

BPL's Response

35. Following receipt of the Applicant's letter of 7 May 2025, BPL also provided an update on the Unilateral Undertaking. BPL still had significant concerns in relation to the agreement and considered that no meaningful attempt had been made to address their concerns and that this did not represent the level of engagement which the Ministry of Housing, Communities & Local Government ("MHCLG") '*Guidance on the Compulsory Purchase Process*' requires and is expected by the Secretary of State as

stated in paragraph 9 of the 9 January 2025 letter. A revised draft of the agreement was also submitted which was re-drafted to address BPL's concerns.

Applicant's Response to BPL's Comments

36. In its letter of 18 June 2025, the Applicant states that its efforts to negotiate site sharing arrangements with BPL have been met with a lack of meaningful engagement. The Applicant added that, following the 9 January 2025 letter, it made considerable efforts to negotiate and rejected the suggestion that it did not attempt to address BPL's concerns. The Applicant considered that there is no realistic prospect of an agreement being reached.

BPL's Further Response

37. In their letter of 4 July 2025, BPL reiterate their view that the Applicant had made no attempt to address their concerns and refuted the Applicant's statement that BPL have no interest in reaching an agreement. They considered that they had engaged in good faith but that the Applicant appeared unwilling to address their concerns. BPL maintained that the Applicant has not meaningfully, properly and in good faith sought to engage and avoid compulsory acquisition against them and that this represents a serious departure from the MHCLG '*Guidance on the Compulsory Purchase Process*'.

The Secretary of State's Conclusion

38. The Secretary of State notes the comments made by both the Applicant and BPL with regard to the Unilateral Undertaking and that limited progress has been made since her letter of 9 January 2025. She notes that, although a site visit did take place on 14 January 2026, BPL consider that the Applicant has also failed to engage with them regarding a matter related to racking (paragraphs 69-73 below). The Secretary of State, however, remains satisfied that reasonable efforts have been made by the Applicant to acquire the land by agreement. Having considered the responses received there is nothing which alters the Secretary of State's conclusions (paragraph 55 of the 9 January 2025 letter) that, on the whole, meaningful attempts were made by the Applicant to acquire the land by voluntary agreement prior to application and she remains satisfied that the attempts made are consistent with the expectations of the MHCLG '*Guidance on the Compulsory Purchase Process*'¹.
39. The Secretary of State acknowledges that there is little prospect of any imminent agreement being reached on matters currently addressed by the Unilateral Undertaking and that it will, therefore, not be possible to include an agreement as part of the Order as requested by BPL. The Secretary of State is, satisfied that the approach of site-sharing of the Order land between the Applicant and BPL can be dealt with via a Unilateral Undertaking and whilst noting this is not agreed is content that the details and content of this agreement is a private matter for the Applicant and BPL and not a matter for the Secretary of State. For that reason, the Secretary of State is satisfied that the Unilateral Undertaking not being agreed does not prevent the Order being made and also does not prevent an agreement being put in place at a later date. The Secretary of State therefore encourages both the Applicant and BPL to continue meaningful engagement on this.
40. Overall, whilst noting the lack of agreement on site sharing weighs against the granting of consent, the Secretary of State considers that the benefits of the scheme outweigh the impact of this matter. For the reasons given in paragraphs 76 to 78 of

¹ <https://www.gov.uk/government/publications/compulsory-purchase-process-guidance/guidance-on-the-compulsory-purchase-process>

the 9 January 2025 letter, the Secretary of State remains content that there is a compelling case in the public interest to support the Scheme and the wide range of benefits it will bring to a wide range of people.

Other Matters

41. In their letters of 6 June and 4 July 2025, BPL raise concerns regarding the progress of the Applicant's GWML Rail Systems Project works and in their letter of 9 January 2026 about the effect of the delays to the HS2 Programme on the need for the Scheme. Further concerns regarding the Secretary of State as decision-maker were also raised.

The Applicant's GWML Rail Systems Project works and the HS2 Reset

42. BPL's letters dated 6 June and 4 July 2025 raised a number of concerns relating to the need for the Scheme given that the Applicant's GWML Rail Systems Project commenced in December 2023 and that current access to the southern side of the GWML railway includes the North Pole Depot Sidings access point (clarified by the Applicant as the North Pole Depot East RRAP at the existing location of Barlby Gardens) and Jacobs Ladder access point, West Ealing. BPL's concerns were around the need for a temporary RRAP given that the Project has commenced and is ongoing with the Applicant accessing the GWML main lines without reliance on a temporary RRAP at BPL's site. They consider this contrary to, and inconsistent with, the case made by the Applicant as to why temporary possession of BPL's land is required and why, therefore, BPL consider the Order should not be made in the terms sought. They also raised concerns about the timings in relation to the January 2025 date, which the Applicant stated was the date by which works must commence on the temporary RRAP in order for Old Oak Common Station (and thus HS2) to be delivered by mid-2030 (IR 3.20, 3.22 and 3.107). BPL concluded that the justification for the compulsory acquisition of 239 Horn Lane had fallen away and the site is no longer required. They considered that the basis of the Applicant's case has changed, is untested and is inconsistent with what has occurred and that the Order should either be refused or the Inquiry re-opened.
43. In their letter of 9 January 2026, BPL stated that the temporary possession powers may not be required at all given that the HS2 programme remains uncertain. BPL argue that the Applicant's evidence to the Inquiry in terms of its programme of works and need to synchronise with the opening of the HS2 Old Oak Common Station was based on the original version of the HS2 programme and that whilst the new programme and opening dates are not known, it is known that the opening schedule of 2029/2033 cannot be achieved. They state that, if the Applicant is able to undertake all of their works without the temporary possession powers sought but it would simply take them longer and if this has no impact on the revised delivery programme for HS2 then it is difficult to see how there can be a compelling case in the public interest for the powers, given that the Applicant's justification for seeking them was because to do otherwise would add a year to HS2's programme. They consider that the temporary possession powers are not a necessity given that the Applicant has undertaken and continues to undertake their GWML Rail Systems Project without those powers and furthermore that whilst the powers may make it easier, ease or convenience does not equate to a compelling case in the public interest.

Applicant's Response

44. In its response of 18 June 2025, the Applicant confirmed that the need for the temporary Horn Lane RRAP and the permanent RRAP on Plot 1 has not changed.

The GWML Rail Systems Project encompasses works on the Main (fast) lines of the GWML but also off-track works and works on the Relief (slow) lines. The Applicant states that there is, therefore, no direct correlation between commencement (and continuation) of the GWML Rail Systems Project and the Main access points. The Applicant has commenced works on the Main lines using the Jacobs Ladder and North Pole (Barlby Gardens) RRAPs but these RRAPs do not allow for the volume of work required to deliver the entire project; the temporary RRAP is required to complete the necessary works.

45. In its response of 4 February 2026, the Applicant stated that BPL's position is that an extension of the temporary possession powers cannot be included in the Order as the HS2 programme remains uncertain. The Applicant notes that the HS2 reset process and the commercially sensitive information associated with it across the national HS2 supply chain means that it is not able to provide further detail at this stage on timing for the delivery of HS2.

The Secretary of State's Conclusion

46. The Secretary of State notes the various concerns raised by BPL regarding progress on the GWML Rail Systems Project, access to the GWML Main lines and their resultant concerns over the need for the Scheme and their request for the re-opening of the Inquiry. She has reviewed the parts of the Inspector's Report considering alternatives and the Proofs of Evidence of Mr Fleming² and Mr Ford³, as referred to in BPL's letter dated 4 July 2025, plus the Proofs of Evidence of Mr Gallop⁴ and Mr Gent⁵ and each of their rebuttal evidence. The Secretary of State has also considered the Applicant's response to these concerns and is satisfied that the need for the temporary and permanent RRAPs at these locations remains unaltered; the temporary RRAP being required for access to the GWML to complete the necessary railway works in connection with the provision of a new station at Old Oak Common and the permanent RRAP to provide ongoing maintenance support for the GWML once the Old Oak Common Station is operational.
47. As detailed in the 9 January 2025 letter the Secretary of State was, at that time, minded to approve the application subject only to the provision of further information to reassure her that the Crown Land was not an impediment to the making of the Order and to updates from both the Applicant and BPL on the Unilateral Undertaking. The Secretary of State was content on all other matters. She was content that a case had been put forward to justify the aims, objectives and need for the Scheme and agreed with the Inspector that there was no substantial evidence indicating the Scheme was not necessary (IR 4.12).
48. The Secretary of State did consider that delays to the HS2 scheme would be caused should the Order not be granted (paragraph 20 of the 9 January 2025 letter) and that this was a significant consideration. There was, at that time, no indication or evidence before her of any identified or known delays and the Secretary of State was not content to factor potential or hypothetical delay into considerations on the matter (paragraph 18 of the 9 January 2025 letter). The Secretary of State recognises that

² <https://gateleyhamer-pi.com/filer/sharing/1697478487/17999/> and <https://gateleyhamer-pi.com/filer/sharing/1699265469/18443/>.

³ <https://gateleyhamer-pi.com/filer/sharing/1697478488/18001/> and <https://gateleyhamer-pi.com/filer/sharing/1699265538/18444/>.

⁴ <https://gateleyhamer-pi.com/filer/sharing/1697634186/18017/> / and <https://gateleyhamer-pi.com/filer/sharing/1699265794/18448/>.

⁵ <https://gateleyhamer-pi.com/filer/sharing/1697634036/18015/> and <https://gateleyhamer-pi.com/filer/sharing/1699266463/18454/>.

this position has changed and that there is now a known delay to the HS2 programme and she acknowledges BPL's concerns regarding the need for temporary possession powers given that a delay of one year to the opening of Old Oak Common Station on the GWML would now not affect the HS2 programme.

49. Mr Ford and Mr Fleming detail how the use of existing RRAPs would result in All Line Block possessions (possessions that close both the main and relief lines) lasting for a significant period of time and that this would not be acceptable to the Train Operating Companies due to the level of disruption it would cause to passenger services. Existing RRAPs are also impractical due to the increased risk of adverse impacts on residential amenity, issues with plant access, increased cost of plant hire, potential possession overruns, the increase in Road-Rail Vehicle transit time, insufficient storage space, considerations about the use of the necessary cranes, and reductions in the efficiency of the works. It is stated by Mr Ford in respect of the RRAPs at North Pole Depot, Jacob's Ladder and Southall that multi-part possessions used to mitigate disruption to train services are known to cause confusion for construction staff and increase the risk of safety incidents, although the need for multi-part possessions for North Pole Depot is disputed by Mr Gallop.
50. As concluded by the Applicant and detailed by Mr Fleming and Mr Ford, alternative locations considered are also impractical due to cost, level differences, residential settings, unsuitable access for large vehicles, interactions with the Hitachi Depot and concerns about the demolition of individual homes. The Order land, however, is identified as providing adequate access to the Mains side of the track, not being affected by limitations imposed by the Train Operating Companies, having level access, adequate storage space for plant and materials, space for welfare facilities and off-street parking and the location meaning that the temporary construction compound can be located in close proximity to the temporary RRAP. The land also benefits from direct access from the public adopted highway.
51. Mr Gent and Mr Gallop point to the impact on residents of Acton House and its vicinity and consider that the Applicant overstates plant access issues in respect of other RRAPs. Mr Gallop also states that there is sufficient space at North Pole Depot to mobilise the volume of plant required by the Old Oak Common project, that the Applicant possesses purpose-built high output trains that could be relied upon rather than hiring road rail vehicles, that storage could take place elsewhere, that the Applicant understates the frequency of All Line Blocks and that the impact on passengers is overstated due to the availability of alternative routes and depots.
52. The Secretary of State considered alternative RRAP locations at paragraphs 23-29 of the 9 January 2025 letter, concluding at paragraph 54 that none were suitable alternatives and that the Horn Lane site is the only viable option. She remains of that view and notes the Inspector's comments on storage at other locations (IR 3.38-3.39). She agrees with Mr Ford that the alternative transport options proposed by Mr Gallop will still cause significant disruption to passengers and would not allow a longer blockade in order to utilise other RRAPs. She also agrees that the heavy maintenance activities involved are not feasible using high output trains.
53. Given the impracticality and inefficiency of the use of other sites and the significant impact their use would have on passenger services, the Secretary of State considers that the negative impacts of the use of alternative sites as detailed in the above mentioned Proofs of Evidence of Mr Ford and Mr Fleming make the use of those other sites unreasonable. She remains content that the need for the Scheme is justified and there is a compelling case in the public interest.

54. The Secretary of State has taken the matters raised by BPL in their responses into account and has had regard to rule 20(5) and (7) of the Transport and Works (Inquiries Procedure) Rules 2004 and Article 6 of, and Article 1 of the 1st Protocol to, the European Convention on Human Rights. She does not consider the Applicant's letter of 18 June 2025 to be new evidence or new matter of fact as it raises nothing that was not already considered by the Inquiry, which serves to ensure that the Article 6 rights of interested parties are respected. The Applicant's case was not that the delivery of Old Oak Common Station on the HS2 line could only be delivered exclusively through using the temporary RRAP and that alternative RRAPs could not be used for any elements; merely that other RRAPs generated significant obstacles, in some cases insurmountable, to the delivery of that entire development using only alternative RRAPs. In the absence of any new evidence or new matter of fact, the Secretary of State does not consider it necessary to re-open the Inquiry to revisit evidence that has already been considered in detail by the Inspector.
55. The Secretary of State remains satisfied that the Applicant did undertake sufficient exploration of alternatives to compulsory purchase and that the alternatives proposed are not suitable alternatives, making the Horn Lane site the only viable option, and that there has been adequate exploration and consideration of the alternatives to compulsory purchase. She has had regard to Article 1 of the 1st Protocol and is content that the purposes for which land and rights would be acquired and the benefits of the Scheme justify interfering with the human rights of those with an interest in the land affected.

Secretary of State for Transport as Decision-Maker

56. The Secretary of State notes that BPL maintain their concerns about the Secretary of State as decision-maker for this case and remain concerned about the propriety and lawfulness of the process. The Secretary of State notes BPL's comments regarding this in their letter of 6 June 2025. She is, however, content that the matter was dealt with fully in her letter of 9 January 2025 and remains satisfied that propriety has been maintained. The Secretary of State has not been involved in taking this decision. As set out in paragraph 3 above, the decision has been made by the Parliamentary Under Secretary of State (Minister for Local Transport), Lilian Greenwood but, by law, it must be issued in the name of the Secretary of State. The decision on this application has been made based on the planning issues only and has been approached with an independent and open mind.

First request for modifications

57. On 13 June 2025, the Applicant submitted a request for two modifications to the Order should it be made. These are:
- i. The following definition to be inserted into article 2(1) of the Order:
"unilateral undertaking" means the deed of unilateral undertaking dated 8 March 2024 made by Network Rail Infrastructure Limited in favour of Bellaview Properties Limited relating to the Network Rail (Old Oak Common Great Western Mainline Track Access) Order 202[];
 - ii. New article 7(2A) – (2B) to be inserted:
(2A) The unilateral undertaking applies to the temporary use of land in connection with the development with the following modifications.
(2B) In clause 3.1(d) of the unilateral undertaking substitute "6 months" for "6 weeks".

- iii. Article 7(3) of the Order to be modified to extend the date to which Network Rail may remain in possession from 31 January 2030 to 31 January 2031.
58. The Unilateral Undertaking includes a requirement for the Applicant to notify BPL's Liaison Officer in writing with details of any Possession Period no less than six months before that Possession Period is due to commence and a provision for notice of any changes to a Possession Period previously notified. Under article 7 of the draft Order the Applicant must provide not less than fourteen days' notice of its intention to enter and take temporary possession of land.
59. The Applicant states that the modification to reduce the notification period to six weeks is requested due to the passage of time since the application for the Order was made which has resulted in delays to the Applicant's programme of works. The Applicant had booked possessions for the end of November 2025, early December 2025 and January 2026. It stated that if the Order was made in time it was hoped that works could be undertaken utilising the Horn Lane RRAP but that if it could not make use of the Horn Lane RRAP during those possessions the extent of works that could be carried out would be restricted, resulting in delays to its programme and requiring additional possessions to be booked which would result in additional costs and delays to passengers.
60. With regard to the request for an extension to the period of possession, the draft Order provides that the Applicant may not, without the agreement of the owners of the land, remain in possession of any land under the article after 31 January 2030. The Applicant states that this date was accepted on the basis that it would be able to use the Order land from January 2025. The extension is requested as the start date has been pushed back due to the passage of time since the application was made and securing additional possessions requires a long period of notice to be given to train operators and it is not possible to re-book existing possessions. The Applicant states that an extension to January 2031 will allow the necessary possessions to be secured, the works to be completed efficiently and the Order land to safely and effectively be de-mobilised before being vacated.
61. The Applicant does not consider either of the proposed modifications to constitute a substantial change to the Order.

BPL's comments

62. BPL's views on the proposed modifications were sought and a response received on 4 July 2025. BPL oppose both modifications. They state that paragraph 5 of Schedule 1 to the Act, which permits an order to include provision which modifies "agreements relating to land", would not apply to the Unilateral Undertaking as, rather than being a planning obligation binding land, it is a personal contractual undertaking given by the Applicant to BPL and executed as a deed.
63. BPL further state that they have advanced their investment in the 239 Horn Lane site based on the obligations given in the Unilateral Undertaking, including the six-month notification period of possession. The existing builders' merchant's unit on the site has been vacated by former tenants Stark and vacant possession provided to BPL. It was intended that their tenant, Builder Depot Limited ("BDL") (a related family company to BPL), would trade as a builders' merchants from the unit with an anticipated opening date of August 2025. BPL consider that it is not possible to run a business, dependent on external space for storage, parking and servicing, in circumstances where it is deprived of external space with only six weeks' notice. BPL and BDL expected they would have six months to manage their business around

periods of temporary possession and mitigate for the adverse effects and have made investment decisions on that basis. BPL also state that there appears to be no justification for shortening the notification period where the planned possessions are more than six months from the date of any confirmation of the Order. BPL also consider the proposed modification to be unreasonable and outwith the powers of the Secretary of State.

64. BPL oppose the requested extension to the period of possession on the basis that it would have a substantial adverse impact on them and others resulting in disruption and a loss of full control of their site for a further year. In circumstances in which BPL proceed to construct the residential scheme at the site it would cause further delays to its completion and the delivery of homes, including affordable homes. BPL may be obliged to undertake a technical implementation of the planning permission and will be required to comply with any obligations of the extant section 106 agreement and settle any CIL payable with no certainty of completion date. BPL state that the Applicant has provided no new programme of works or evidence of the impact should there be no extension of a year and, therefore, no evidence that an extension by twelve months is justified. BPL also consider that a significant extension would likely have several other adverse effects including environmental impacts and impacts on the amenity of existing residents.

Further comments

65. BPL's letters dated 27 November 2025 and 9 January 2026 maintain their opposition to extending the period of possession to 31 January 2031 or any other date, reiterating that this significantly extends the powers originally sought without any evidential justification and causes a longer and unassessed impact on their business and stating that introducing such an extended possession longstop date in these circumstances is manifestly unfair. BPL consider both proposed modifications to be substantial modifications. Furthermore, they consider that an extension to the temporary possession powers cannot be included in the Order whilst the HS2 programme remains uncertain.
66. In letters dated 10 December 2025 and 4 February 2026, the Applicant confirmed that, whilst their position remains unchanged, they are willing to proceed on the basis of the 31 January 2030 date to avoid further delay. The Applicant does, however, clarify that this does not mean that the timeframe is adequate and does not negate the practical implications for the delivery of the project.

The Secretary of State's Conclusion

67. The Secretary of State has considered the Applicant's request and BPL's responses. She appreciates the reasons for which the Applicant has requested a modification to the Order to reduce the notice of a Possession Period to BPL in the Unilateral Undertaking from six months to six weeks. However, whilst the Secretary of State disagrees with BPL on the applicability of paragraph 5 of Schedule 1 to the Act to the Unilateral Undertaking, she agrees that given the nature of their tenant's business and thus their need for external space, this would not give their tenant, BDL, sufficient notice to enable them to effectively operate their business. Furthermore, the Secretary of State does not consider there to be adequate justification for a reduction to six weeks other than perhaps in relation to any possessions that have already been booked. The Secretary of State, therefore, does not consider this to be a reasonable modification and has decided not to make this requested modification to the Order.

68. Turning to the Applicant's request for an extension to the period of possession, the Secretary of State has considered both the reasons given by the Applicant for the request and BPL's comments on the request. The Secretary of State notes the critical date of January 2025 for the use of the Order land and that commencement has been delayed as a result of the process following the 9 January 2025 letter. Nevertheless, the Secretary of State notes and accepts that the Applicant is willing to proceed on the basis of the 31 January 2030 possession end date. The Secretary of State has therefore decided to also not make this requested modification to the Order.

Second request for modifications

69. On 11 September 2025, the Applicant requested further modifications to the Order should it be made. The Applicant states that it has come to their attention that BPL has erected new structures in the form of large, bulky racking on the land in respect of which powers are sought and that the racking is permanently fixed to the land. The Applicant considers that the racking constitutes a 'building' as defined in the draft Order; namely a 'structure or erection or any part of a building, structure or erection'. The Applicant is concerned that the racking could frustrate the exercise of power under the Order if granted and therefore requests modifications to article 7 of the Order which relates to temporary possession. The Applicant states that the application version of the Order included a provision for removal of 'any buildings and vegetation from that land' but that the draft of the Order which accompanied the 9 January 2025 letter did not include 'any buildings', this having been deleted on a previous copy amended by BPL. The requested modifications are:
- in article 7(1)(b), after "remove" add "*any buildings and*"; and
 - in article 7(4), at the end of the paragraph, after "owners of the land" add "*but Network Rail is not required to replace a building removed under this article*".
70. BPL's letter dated 6 October 2025 strongly refuted that the racking would frustrate the exercise of powers under the Order during the works and states that only one section of racking may need to be moved for the Applicant to exercise its powers over Plot 3 following completion of the works. The letter also included Appendices prepared by BPL's transport consultants supporting this assertion. BPL considered that the modifications go beyond what is reasonably necessary and that the wording should be more specific with specific reference to 'racking' rather than 'buildings' with the Applicant only having powers to remove racking that will frustrate the exercise of powers under the Order and proposed alternative modifications to the drafting.
71. Letters from the Applicant on 17 October 2025 and BPL on 11 November 2025 and 19 February 2026 proposed further modifications to the drafting. The 19 February letter makes reference to a site visit by the Applicant on 13 January, details of which it had provided to the Secretary of State on 19 January. It states that the Applicant's attendee confirmed that the current configuration of the racking on site (i.e. as seen and recorded on the site visit) will not interfere with their exercise of temporary possession powers. Accordingly, BPL revised its proposed drafting as follows so that the removal power only applies to items not in situ on 13 January 2026:
- In article 2 (interpretation)—
 - (a) at the end of the definition of "building", insert "*which for the purposes of this definition does not include racking*"; and
 - (b) insert "*“racking” means racking designed for the storage of materials and includes any plinth or other structure to which it is attached;*".
 - After article 6(3) (power to acquire a new right), insert—

(4) Any racking, building or other fixed object located on land specified in column (2) of Schedule 1 (land in which only a new right may be acquired) that did not exist on 13 January 2026 that in Network Rail’s reasonable opinion prevents a right of access over that land for the purpose specified in relation to that land in column (3) may be removed by Network Rail (unless removed by the owners of the land at Network Rail’s request).

- For article 7(1) (temporary use of land in connection with the development), substitute—

7(1) Network Rail may in connection with the development-

(a) enter upon and take temporary possession of the land specified in column (2) of Schedule 2 (land of which temporary possession may be taken) for the purposes described in column 3 of that Schedule;

(b) remove vegetation from that land;

(c) remove racking from that land that did not exist on 13 January 2026 where Network Rail are of the reasonable opinion that the racking will prevent any of the purposes described in column (3) of Schedule 2 (unless removed by the owners of the land at Network Rail’s request); and

(d) remove moveable objects of whatsoever nature from that land where Network Rail are of the reasonable opinion that such moveable objects will prevent any of the purposes described in column (3) of Schedule 2 (unless removed by the owners of the land at Network Rail’s request).

- For article 7(4), substitute—

(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land within Order limits, as well as restoring the boundary fence for the northern boundary of plot 3, and restoring any racking, building or other fixed object removed that did not exist on 13 January 2026 (unless restored by the owners of the land at their request) to the reasonable satisfaction of the owners of the land.

72. The Applicant’s 4 February letter, responding to BPL’s 9 January letter and 19 January e-mail, states that the purpose of the site visit was solely to enable it to undertake essential site surveys and the presence or location of racking at any particular point in time is not the issue; it seeks the inclusion of powers in the Order that would enable it to remove items, the presence of which would frustrate the purposes for which the Order would be granted.
73. BPL’s 11 November 2025 and 9 January 2026 letters consider that compensation under the Compensation Code in relation to the racking would be difficult to assess and time consuming due to the complexity of the losses. In contrast, the Applicant’s 17 October and 10 December 2025 letters maintain that the Code is the appropriate and established mechanism for addressing any compensation arrangements.

The Secretary of State’s Conclusion

74. The Secretary of State has considered and taken into account the content of the responses from both the Applicant and BPL between the request made on 11 September 2025 and the final response from BPL on 19 February 2026. She notes

the concerns of the Applicant and BPL and has considered the various Order modifications proposed by both. She also notes that BPL's e-mail of 19 January 2026 and the attached notes of the site visit were shared with the Applicant who stated that the location of racking at a certain point in time was not the issue, but did not dispute their accuracy with regard to the existing racking. The Secretary of State is satisfied from the information provided by BPL that the existing racking will not interfere with the exercise of the temporary possession powers under the Order and, therefore, agrees with BPL that powers in relation to the existing racking are not required. The Secretary of State notes that BPL are in agreement that, should any future racking layout legitimately interfere with the Applicant's powers then the Applicant ought to have the power in the Order to adjust that layout. Having considered carefully the detail of the proposed modifications, the Secretary of State has decided that, subject to minor changes, articles 2, 6 and 7 of the Order should be modified in accordance with the proposals detailed in BPL's response of 19 February 2026. The minor changes are that:

- *"any building or other fixed object"* be added to article 7(1)(c) whilst retaining the reference to 13 January 2026;
- *"that did not exist on 13 January 2026"* in articles 6(4) and 7(1)(c) be replaced with the more precise *"that was not located on it on 13 January 2026"*.
- article 7(4) should not require the restoration of racking, building or other fixed object that has been placed on the land since 13 January 2026, which aligns in part with BPL's acceptance in its 11 November letter that the restoration or replacement of racking removed under that article should not be the Applicant's responsibility.

The Secretary of State's Overall Conclusion and Decision

75. The Secretary of State has had regard to all matters set out above and in her letter of 9 January 2025 and, for the reasons given, has determined in accordance with section 13(1) of the Act to make the Order under sections 1 and 5 of the Act, subject to a number of minor drafting amendments which do not make any substantial change in the proposal such as would require notification to the affected persons under section 13(4) of the Act.
76. She is satisfied that there is a compelling case in the public interest to justify conferring on the Applicant powers to compulsorily acquire and use land for the purposes set out in the Order and that reasonable efforts have been made by the Applicant to acquire the land by voluntary agreement, is content that there are no likely impediments to implementation of the Scheme and is satisfied that, where appropriate, alternatives have been considered and that all the land and rights sought are necessary to implement the Scheme. Having regard to the Human Rights Act 1998, the Secretary of State is content that the purposes for which the powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (see paragraphs 53-59 of the 9 January 2025 letter and paragraphs 32, 38-40 and 46-55 above).
77. For similar reasons, the Secretary of State has also decided that deemed planning permission should be granted for the development that would be authorised by the Order, subject to the conditions set out in Annex A to this Decision Letter. As set out at paragraph 82 of the 9 January 2025 letter, the Secretary of State agrees with the conditions proposed by the Inspector to be attached to the deemed planning permission and included at Appendix 1 of the Inspector's Report (IR 4.76) and is

satisfied that they meet the tests set out in paragraph 57 of the NPPF and are necessary, relevant, precise, enforceable and reasonable. The Secretary of State has, however, modified Condition 1 (duration of use permitted) to read “*completed by 31 December 2029*” rather than “*completed by 2029*”, to mirror that date set out by the Inspector at IR 4.26 and as the latter text is considered insufficiently precise. Condition 5 (Environmental Management Plan) has also been modified to clarify that no development may commence until the Plan has been approved and that it is required that the final version of the Plan is not materially different to the version submitted to the Secretary of State on 26 July 2024. The Secretary of State also includes the requirement to produce a disability parking plan and the provision to nearby residents and businesses of information on escalation routes and means of redress available.

78. In addition to the modifications detailed at paragraph 71 (subject to the changes outlined in paragraph 74) above, the Secretary of State has made a number of minor textual amendments to the Order in the interests of clarity, consistency and precision as well as the following modifications, which it is considered do not materially alter the effect of the Order to the point where a new application would be required.
79. The modifications proposed in paragraphs 83 and 84 of the 9 January 2025 letter and adopted in this letter are:
- In the Preamble, the paragraphs of Schedule 1 to the Act cited have been modified to address the full scope of the Order.
 - In article 2(1) (interpretation), the definition of “the associated development” has been modified, noting the Inspector’s comments at IR 2.77 about some also being located outside of the Order limits.
 - Article 6(2) (power to acquire a new right) has been omitted given the Secretary of State’s comments in respect of a “Grampian” style condition.
 - Ex-article 7(1)(c) (temporary use of land in connection with the development) has been omitted, noting BPL’s comments and the Applicant’s clarification outlined at IR 2.79.
80. Additional modifications made since the 9 January 2025 letter are:
- In the Preamble, the paragraph concerning publication of the Secretary of State’s notice of determination has been modified in line with amendments made to the process by the Planning and Infrastructure Act 2025.
 - In article 2(1), in the definition of “the land plan”, the date of the land plan included at IR Appendix 3 has been inserted to provide clarity on the correct version of that document given that it was amended a number of times during the Inquiry.

Notice of Determination

81. This letter constitutes the Secretary of State’s notice of her determination to make the Order, with modifications, for the purposes of section 14(1)(a) and section 14(2) of the Act. Your client is required to publish a notice of the Secretary of State’s determination in accordance with section 14(4) of the Act.

Challenges to the Decision

82. The circumstances in which the Secretary of State’s decision may be challenged are set out in the note at Annex B to this letter.

Distribution

83. Copies of this letter are being sent to those who appeared at the Inquiry and to all statutory objectors whose objections were referred to the Inquiry under section 11(3) of the Act, but who did not appear.

Yours sincerely,

Natasha Kopala

Planning Conditions

1. The use hereby permitted shall commence within one year of the date the Network Rail (Old Oak Common Great Western Mainline Track Access) Order comes into force.

Reason: to comply with the requirements of the Town and Country Planning Act 1990 and to enable the Great Western Main Line Rail Systems Project railways works related to the use to be completed by 31 December 2029.

2. The use hereby permitted shall be carried out in accordance with DRW No. 0388965 Version 1.0 (Date 18/12/2023).

Reason: for the avoidance of doubt.

3. The ramp hereby permitted, the siting of which shall accord with that shown on DRW No. 0388965 Version 1.0 (Date 18/12/2023), shall accord with construction methodology details which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

Reason: to ensure the safety of the site.

4. No external lighting, cabin, hoarding, fencing or gate shall be erected or operated in connection with the use hereby permitted unless it accords with details of its siting and design which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

Reason: to minimise the adverse effects of the use on the living conditions of nearby residents and on the appearance of the area.

5. No development may commence until an Environmental Management Plan which is not materially different to the version submitted to the Secretary of State (and seen by all interested parties) on 26 July 2024 and has been submitted to, and approved in writing by, the Local Planning Authority. The development and its use shall be carried out in accordance with the approved Environmental Management Plan. The Environmental Management Plan shall include:

- measures to control noise and vibration (having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise)
- measures to control dust (having regard to The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (2014) GLA)
- measures to control external lighting (having regard to Guidance Note 01/21 for the reduction of obtrusive light (Institution of Lighting Professionals))

- arrangements for the public display of contact details (including telephone number) for the site supervisor(s)
- arrangements for engagement about the use with nearby residents and businesses
- a disability parking plan outlining arrangements for ensuring that adequate parking facilities, and access to them, are maintained for people with disabilities throughout the development
- provision of information on escalation routes and means of redress available to nearby residents and businesses.

Reason: to minimise the adverse effects of the use on the living conditions of nearby residents.

6. No development may commence until a Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved Traffic Management Plan. The Traffic Management Plan shall have regard to Construction Logistics Planning Guidance V1.2 (April 2021) by Transport for London and shall include details of:
 - the routing of heavy goods vehicles used in connection with the use hereby permitted from/to the strategic road network and the management of their movement into and out of the site by a qualified and certified banksman
 - arrangements for workers in connection with the use hereby permitted to access the site.

Reason: to minimise the adverse effects of the use on the operation and safety of the highway network and on the living conditions of residents in the area.

7. The movement on the site between the hours of 20:00 and 08:00 of people, materials, machinery or vehicles in connection with the use hereby permitted shall not take place on more than 300 nights when using powered road rail vehicles, and an additional 175 nights when not using powered road rail vehicles. For the avoidance of doubt such movement on the site between 01:00 and 23:00 the same day would constitute two nights of movement, whilst such movement between 23:00 and 05:00 (the following day) would constitute one night of movement.

Movement on the site between the hours of 20:00 and 08:00 of people, materials, machinery or vehicles shall not take place until an outline schedule of the dates on which such movement is anticipated to take place has been issued to the occupants of nearby properties, the list of such occupants which shall have been previously submitted to, and approved in writing by, the Local Planning Authority. Thereafter an updated schedule of dates on which such movement is anticipated to take place shall be issued to the same occupants at least every 6 months.

A register shall be kept of each night on which such movement has taken place which shall identify whether or not the movement involved the use of powered road rail vehicles. The register shall be made available to the Local Planning Authority at its request.

Reason: to minimise the adverse effect of the use on the living conditions of nearby residents.

8. The use hereby permitted shall have ceased no later than 31 December 2029.

Reason: the use is only justified on a temporary basis whilst the related Great Western Main Line Rail Systems Project railway works are being carried out.

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TRANSPORT AND WORKS ACT 1992 (“the Act”)

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, because—

- it is not within the powers of the Act; or
- any requirement imposed by or under the Act has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 6 weeks beginning with the day after the day on which notice of this determination is published online as required by section 14(1)(b) of the Act.

A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking action.