

Report on title – Land at Cable Street and Royal Mint Street, Stepney

1. INTERPRETATION

The following terms are used in this report:

Benefits: any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest that benefits the Property.

Incumbrances: any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest to which the Property is subject.

Property: The property described in *Paragraph 4* of this report.

Owner: DOCKLANDS LIGHT RAILWAY LIMITED of PO Box 154, Castor Lane, Poplar, London E14 (c/o TfL, Windsor House).

VAT: value added tax chargeable under the Value Added Tax Act 1994.

2. SCOPE OF THE REVIEW AND LIMITATION OF LIABILITY

2.1

This report has been prepared for the sole benefit of you, Docklands Light Railway Limited, in connection with your proposed development and/or disposal of the Property and for no other purpose.

2.2

This report is addressed to the Owner for its exclusive use. It must not be relied on by or made available to any other party without our written consent.

2.3

The report is based on our review of the title documents, search results and replies to pre-contract enquiries you have provided. No investigation of the title to any adjoining land has been carried out.

2.4

We have not inspected the Property and are unable to advise on the physical condition of the Property.

2.5

We have made no enquiries of the actual occupiers of the Property and have not taken any steps to verify independently the information supplied by you in replies to enquiries.

2.6

We express no opinion on the commerciality of the transaction. We are unable to advise on the value of the Property. We recommend that you have the Property professionally valued. You should ensure that the valuer is aware of the matters mentioned in this report, as they may affect the value.

2.7 At the date of this report, the matters listed in *Schedule 3* are outstanding. We will keep you informed as and when these matters are resolved.

3. EXECUTIVE SUMMARY

This is a summary of the major issues that we think should be brought to your attention:

3.1

The 1969 Transfer (as defined in paragraph 6.1 below) from British Railways Board (BRB) requires BRB (Network Rail) consent to any re-development plans. Please refer to paragraph 6.2 below. In our view it is unlikely that defective title insurance would be available in this case since the beneficiary of the covenant is identifiable and likely to be able to enforce it.

3.3

The 1969 Transfer (as defined in paragraph 6.1 below) reserves the benefit of any mines and minerals under the Property in favour of BRB. Please refer to paragraph 6.1 (a) and 6.3 below.

4. THE PROPERTY

4.1

The Property is the freehold land and buildings known as part of the Docklands Light Railway on the north side of Royal Mint Street and Cable Street, Stepney.

4.2

A plan showing the Property edged in red is attached as *Annex A*.

4.3

The Property as shown edged blue and numbered 13 on the plan attached as Annex C forms part only of the land registered at the Land Registry under title number EGL340303. The class of title is absolute freehold title. Absolute title is the best class of title available.

4.4

The registered owner of the Property is the Owner.

5. MATTERS BENEFITING THE PROPERTY

The Property enjoys the following Benefits:

5.1

None.

6. MATTERS BURDENING THE PROPERTY

The Property is subject to the following Incumbrances:

6.1

The Property is subject to the following rights reserved by a transfer dated 8 August 1969 made between (1) BRB and (2)

Greater London Council (the 1969 Transfer)

- a) mines and mineral rights to the extent that these are not already vested in BRB. No other details are available. It is sometimes possible to obtain defective title insurance in respect of this reservation even where the rights are reserved to a known beneficiary, namely, to Network Rail (as the statutory successors to BRB). Such insurance would cover the risk to the landowner arising from the possibility that the mining and mineral rights might be exercised by extraction operations beneath the Property and thus cause damage to it. However, it is unlikely to be possible to obtain insurance in this case since the Property is adjacent to operational railway.
- b) rights of light and support to enable unrestricted building on BRB's adjoining land;
- c) right of access to maintain service media used by BRB at the date of the transfer for the benefit of its adjoining land but subject to a right to relocate these at the cost of the Council or its successors if they decide that the service media will prevent development;
- d) right of access to maintain alter or replace any fences, walls, railways, embankments, retaining walls or bridges on BRB's adjoining land (BRB is to make good any damage caused and also under paragraph c) above).

These rights are stated to be reserved to BRB and no reference is made in the register extracts to any specific area of land retained by BRB which might benefit. No copy of the transfer is available from the Land Registry. However, the Property (as is apparent from the plan at Annex A) is adjacent to the railway along its northern boundary which probably remains within the ownership of Network Rail and accordingly it is likely that this area comprises the benefitting land. Network Rail's land ownerships are generally unregistered so it would not be possible to confirm their ownership without making a direct enquiry of them

6.2

The 1969 Transfer also imposes restrictive covenants prohibiting any building or works on the Property without first obtaining BRB's approval to the plans (approval not to be unreasonably withheld) and subsequently carrying out any approved works to the reasonable satisfaction of BRB. This means Network Rail approval will be required for re-development and a process for that will need to be established.

These covenants are expressed to be for the benefit and protection of such part of the adjoining property of BRB as is capable of benefitting from them. The Property (as is apparent from the plan at Annex A) is adjacent to the railway along its northern boundary and accordingly it is likely that this area comprises the benefitting land.

6.3

Mines and minerals are excluded from the registration of the title as a whole (see comments above under 6.1(a) in relation to the possibility of obtaining insurance). Since this exclusion is not expressed to be for the benefit of BRB it is more likely that defective title insurance might be obtainable in the case of this entry than in the case of the 1969 Transfer where the beneficiary is known. However this cannot be guaranteed and the position would need to be investigated with an insurance broker when a realistic estimate of the value of the Property for the purposes of such insurance can be provided.

7. SEARCH RESULTS

7.1

Index map search

An index map search confirms whether a property is registered at the Land Registry (and, if so, the title number(s) under which it is registered). If a property is not registered, an index map search will show whether a property is subject to any pending applications for registration or any cautions against first registration.

The result of our index map search confirmed that the Property is registered under the title number stated in *Paragraph 4.3* of this report.

7.2

Local land charges search

A search of the local land charges register shows matters such as compulsory purchase orders, tree preservation orders, planning enforcement notices and financial charges registered against a property. You should note that the search result provides a snapshot of the register on the date of the search. Local land charges registered after the date of the search will still bind a property.

The local land charges search was provided by London Borough of Tower Hamlets on 15 May 2017. The result of the search revealed the following registrations against the Property:

Advertisement consent for the temporary installation of 35 lamppost banners was granted on 22 June 2012.

7.3

Local authority search (including any optional and additional enquiries)

A local authority search reveals important information about a property, such as planning permissions and building regulation consents, proposals for road schemes, environmental and pollution notices and whether any part of the property is registered as common land or as a town or village green. A local authority search only reveals matters that affect the property being searched against. It will not disclose matters that affect neighbouring properties.

The local authority search was provided by London Borough of Tower Hamlets on 15 May 2017. The result of the search did not show any entries that adversely affect the Property and revealed the following information:

Cable Street is a highway maintainable at public expense.

No part of the Property is registered as common land or as a town or village green. Even if land is not registered as common land or a town or village green at the date of the search, it is possible for common land or new town or village greens to be registered in some circumstances.

The Property is stated to be in an Archaeological Priority Area.

Proposals for one way driving, prohibition of driving, traffic calming works and cycle tracks within 200 metres of the Property are disclosed.

7.4

Drainage and water enquiries

The replies to drainage and water enquiries show whether a property is connected to the mains water supply and mains drainage. The replies may also show the location of public sewers within the boundary of a property and other such matters that may restrict development.

Replies to the drainage and water enquiries were provided by Thames Water on 4 May 2017. The replies did not show any entries that adversely affect the Property and revealed the following information:

Foul and surface water from the Property are not stated to drain to a public sewer and the Property is believed to be a plot

of land.

The Property is stated to be believed to be a plot of land and not connected to the mains water supply but the water mains plan appears to show a connection within the Property – see plan at *Annex B*.

No drains or sewers are shown within the Property.

7.5 Chancel repair search

A chancel repair search shows whether the owner of a property may be liable to contribute towards the cost of repairs to the chancel of a parish church. We would advise you not to contact any parish churches directly in relation to chancel repair liability, as this may limit the availability of indemnity insurance.

The chancel repair search was provided by Chancel Check on 8 May 2017. The result of the search showed that the Property is not within the historical boundary of a parish which continues to have a potential chancel repair liability.

7.6 Utility Search Gas

The gas search was provided by National Grid Gas on 4 May 2017. Nothing was disclosed within the Property.

7.6 Utility Search BT Infrastructure

The BT Infrastructure search was provided by BT on 3 May 2017. Nothing was disclosed within the Property albeit BT plant and cabling are disclosed in the adjoining roads.

7.6 Utility Search NG Electric

The NG Electric search was provided by National Grid on 4 May 2017. Nothing was disclosed within the Property.

7.7 Utility Search Regional Electric

The Regional Electric search was provided by UKPN on 5 May 2017. Nothing is disclosed within the Property although cables and plant appear to be located in Cable Street. The relevant plan is attached as *Annex D*.

7.8 Highway Search

The Highway search was provided by the Highways Department at London Borough of Tower Hamlets (LBTH) on 9 May 2017. It confirms that the Property immediately abuts the public highway in Cable Street and that LBTH is not aware of any intervening land. It also confirms that no public footpaths cross the Property.

9. REPLIES TO PRE-CONTRACT ENQUIRIES

You should note the following information provided by the Owner in their replies to our pre-contract enquiries:

9.1

In the response to enquiry 1.3 (a) the Owner has indicated that they are responsible for maintaining the fences at the Property.

9.2

In the responses to enquiry 1.6 and 12.6 the Owner has confirmed that land adjacent to the Property is being retained for operational use. The land to be retained is shown cross hatched on the plan attached as *Annex A*. The Owner has confirmed that rights of way to access the Property will be granted across the retained land during construction.

9.3

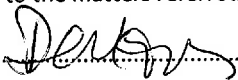
The reply to enquiry 12.6 confirms that the Property has been used as a crane lifting point and as a site compound for works to the Docklands Light Railway.

9.4

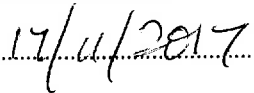
The response to enquiry 6.1 confirms that Network Rail have occasionally requested access in order to carry out works to their adjoining land. This has been agreed.

10. CONCLUSION

Subject to the matters referred to in this report, we are of the opinion that the Property has a good and marketable title.

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Signed Dentons UKMEA LLP

Dated.....

**SCHEDULE 1
TERMS OF THE LEASE**

Not applicable

**SCHEDULE 2
OUTSTANDING MATTERS**

None

ANNEXES

ANNEX A: PLAN OF THE PROPERTY

ANNEX B : DRAINAGE SEARCH PLAN

ANNEX C : EGL340303 TITLE PLAN

ANNEX D : REGIONAL ELECTRIC PLAN