

██████████
Scottish Water Legal Team
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Network Rail Infrastructure Limited
151 St Vincent Street
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Date: 2 October 2017

Dear ██████████,

**Closure of Bogton Level Crossing
Temporary access over Bogton Nursery Level Crossing**

I refer to the above and to your email to ██████████ on 21 September 2017, therein requesting written confirmation that Scottish Water is now a temporary authorised user of Bogton Nursery Level Crossing.

As you know, Scottish Water have agreed to discharge their rights at Bogton Level Crossing in terms of the Discharge Agreement proposed to be executed before 6 October 2017, and as a result Bogton Level Crossing will be permanently closed on 7 October 2017. On and with effect from this date, Scottish Water has advised us it will be using an alternative temporary route of access which it has negotiated with Christie Elite, which would include the use of Bogton Nursery Level Crossing pending construction of it's alternative permanent access.

To facilitate the alternative access across Nursery, Network Rail hereby confirms that, subject to receipt of a validly executed discharge in respect of Bogton Level Crossing, Scottish Water is granted a temporary authorised access over the Bogton Nursery Level Crossing. Said access will be granted to Scottish Water as of 7 October 2017 and will endure for a maximum of five years. The temporary access will therefore cease on 6 October 2022, or upon completion of the alternative permanent access route (whichever is earlier).

As you are aware from our previous discussions, if use of Bogton Nursery Level Crossing is required beyond 6 October 2022, discussions will require to be undertaken between Network Rail and Scottish Water with regards to upgrading the crossing. If, as a result of such discussions, Network Rail was prepared to consider access, then among other things and without limitation, Scottish Water would be liable

for all internal and external costs incurred by Network Rail and any modifications or changes required to Bogton Nursery crossing to take account of the proposed use would need to be funded in full by Scottish Water.

Yours faithfully



Legal Counsel (Route Business Scotland)
Network Rail