

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

Against – on Merits – Praying to be heard by Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of NORDDEUTSCHER RUNDFUNK

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your honourable House intituled "A bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the County of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes."
2. The Bill is presented by Mr Secretary Darling, supported by The Prime Minister, Mr Chancellor of the Exchequer, Secretary Margaret Beckett, Mr Secretary Hain, Secretary Alan Johnson, Secretary Tessa Jowell, and Derek Twigg.
3. Your Petitioner's objections relate, in the main, to the following clauses of the Bill:
  - a. Clause 3 and Schedule 3 (power to stop up the highway)
  - b. Clause 6 and Schedule 6 (power to acquire land compulsorily)
4. Your Petitioner is the freehold owner of property known as Diadem House, 10-12 Great Chapel Street, London, W1.
  - a. The ground floor of the premises is in use for the following purposes, namely; reception area, television studio, editing and control room and a monitoring room covering material to and from other channels.
  - b. The first floor of the premises is in use as offices for television producers, managers, correspondents, and other staff.

- c. On the second floor are the radio studio, the radio control room and the offices for the radio correspondent and his colleagues. In addition, two rooms are occupied by the radio broadcaster RBB (Rundfunk Berlin Brandenburg).
  - d. The third floor is in use as an editing and control room, a voice over room, and technical support room.
  - e. The basement accommodates much vital technology, including the central telecommunications and computer equipment such as network components and servers. It also houses the central technical equipment for the editing and control suites on the ground and third floors. Other vital equipment housed here includes the feed points and associated technology for the direct feeds of material to and from the BBC and BT. Additionally, the area houses the racking system holding the substantial video archive and some general storage.
  - f. The garage is used to accommodate the studio car.
5. Your Petitioners and its rights, interests and property are specially, directly and injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
  6. Your Petitioners object to the Bill on the following grounds:
    - a. Your Petitioner is a public service broadcasting organisation. It is a non-profit-making institution created under public law for the purposes of broadcasting programme services in the northern part of Germany, the transmission area covering the states (Länder) of the Free and Hanseatic City of Hamburg, Mecklenburg Western Pomerania, Lower Saxony and Schleswig-Holstein
    - b. Over that your Petitioner is a part of the ARD, the "Association of Public Broadcasting Corporations in the Federal Republic of Germany". ARD consists of nine independent broadcasting corporations which exist under state law. Your Petitioner is one member of this corporation. Their joint task, by law, is to provide radio and television to the public in the Federal Republic of Germany.
    - c. ARD is the main German public service broadcasting network. The content is provided by the constituent regional broadcasting organisations including your Petitioner and RBB. Each regional broadcasting organisation is required to provide content for national broadcast in Germany and elsewhere. Your Petitioner is the ARD member which is obliged to provide, the content relating to the UK

and Republic of Ireland. Such content includes news, current affairs and cultural issues.

- d. Your Petitioner relies upon the studio at Diadem House to provide all content relating to events in the UK and Republic of Ireland. The studio must be available at all times in order to respond to events and to ensure that ARD and the viewers and listeners of Germany are provided with such content. In the event that the studio was not available ARD would not be provided with content relating to events in the UK and Republic of Ireland. The coverage for the UK and the Republic of Ireland would come to a standstill.
- e. Your Petitioner has invested considerable sums of money in creating and enhancing the broadcasting facilities available at Diadem House. New technical equipment has been installed in the ground floor studio, editing and control room and monitoring room during 2003. The room layouts were modernised and high quality sound doors were installed at the same time as the new equipment was installed. The technical equipment in the second floor radio studio has been replaced this year. Your Petitioner also intended to reconfigure the first floor accommodation by making the working area "open plan"; that project has been suspended pending the progress of the Bill.
- f. As a television and radio studio, Diadem House has cabling links in all areas including the studios, editing suites, technical support areas, and correspondents' offices. There is a heavy demand for electricity to provide power to the television and radio equipment and the air conditioning system. Specific recording areas require extensive sound proofing.
- g. Material produced for broadcast on television in the studios is relayed by fibre optic link and satellite to Germany from where it is transmitted. Material for radio is relayed by ISDN.
- h. A central London location is essential to allow your Petitioner to provide a high standard of service. A location close to the media community in Soho is of particular benefit as it is often necessary to rent equipment, hire facilities, or obtain technical assistance at very short notice.
- i. If your Petitioner was required to move its studio to alternative premises it would be essential that it maintained continuity of service. Alternative premises would have to be obtained and fitted out as studios and associated facilities before your Petitioner was required to move from Diadem House, so as to allow for a seamless transfer of operations.

- j. Your Petitioner's property at Diadem House is shown on the deposited plans as parcel number 581.
- k. By virtue of Clause 6(1) of the Bill the Secretary of State would be authorised to acquire compulsorily your Petitioner's property at Diadem House.
- l. Clause 6(3) and Part 2 of Schedule 6 to the Bill, if passed into law, would have the effect of amending the period of notice to be given to a person whose land is to be acquired compulsorily when the acquiring authority have served a notice to treat. In the case of acquisitions made under the Bill the period to be specified is to be extended. In cases other than those relating only to the acquisition of subsoil or under-surface of the land or an easement or right over land, the period is extended from 14 days (the period specified in S.11 of the Compulsory Purchase Act 1965) to three months.
- m. Your Petitioner uses the building at Diadem House as television and radio studios. Your Petitioner would need at least 30 months in order to identify, acquire, fit out, equip and relocate to alternative premises. It is essential that alternative premises, fully-fitted and operational as a studio, be available before your Petitioner has to vacate Diadem House if it is to be able to provide a continuous broadcasting service in order to fulfil its public service broadcasting obligations. This timescale is put forward with the benefit of experience of another studio relocation and after careful consideration of the impact on timescale of issues such as the specialised logistical, technical and property requirements involved.
- n. Your Petitioner requests that, in order to mitigate the adverse impact that will be suffered by it, the provisions of paragraph 3(3)(b) of Schedule 6 to the Bill be amended so as to provide that in relation to any compulsory acquisition of Diadem House the period of "thirty months" be substituted, so as to provide that in the event that your Petitioner's land is acquired compulsorily thirty months notice of entry is given.
- o. Your Petitioner requests that Schedule 6 is further amended so as to provide that it is given at least 30 months notice in the event that its land at Diadem House is acquired compulsorily in reliance upon the procedure contained in the Compulsory Purchase (Vesting Declarations) Act 1981. In particular, your Petitioner requests that paragraph 5(5) of Schedule 6 to the Bill is amended so as to provide, that in the case of any compulsory acquisition of Diadem House, a declaration under S.4 of the Compulsory Purchase (Vesting Declarations) Act 1981 shall not be executed before the

end of the period of thirty months beginning with the date of first publication of the notice complying with S.3 of the 1981 Act.

- p. Unless the said amendments are made to Schedule 6 your Petitioner will not be given adequate time to enable it to find alternative premises in which to locate its studios. As a result, unless such amendments are made your Petitioner will be unable to provide continuing public service broadcasting in Germany of events occurring in the United Kingdom and the Republic of Ireland.
- q. If the Bill were to pass into law in its current form your Petitioner's said property would be land authorised by special enactment to be compulsorily acquired, or land falling within the limits of deviation within which the powers of compulsory acquisition conferred by special enactment are exercisable. As a result your Petitioner's said property would suffer blight.
- r. Although your Petitioner's said property would be blighted land it would be unable to serve a blight notice as the annual value of the hereditament exceeds the sum prescribed for the purposes of S.149(3)(a) of the Town and Country Planning Act 1990. As a result your Petitioner would be severely disadvantaged if the Bill were to pass into law. The uncertainty created by the proposals set out in the Bill would prevent your Petitioner from investing in new equipment to ensure that its studios operated to the highest technical specifications. It is unlikely that your Petitioner would be able to move to alternative premises as it would not be able to serve a blight notice requiring the Secretary of State to acquire its said property in the event that it was unable to sell the property at a reasonable price. As a result the level and standard of public service broadcasting in Germany of events taking place in UK and Republic of Ireland may decline.
- s. Your Petitioner requests that the adverse impact that it will suffer be mitigated by an amendment to Part 2 of Schedule 6 to the Bill so as to provide that in relation to land, save in cases where subsoil or under-surface alone is proposed to be acquired, which the Secretary of State is authorised to acquire compulsorily by virtue of clause 6 of the Bill, the provisions of Chapter II of Part VI of the Town and Country Planning Act 1990 shall have effect with the following modification, namely that the words "... the annual value of the hereditament does not exceed such amount as may be prescribed for the purposes of this paragraph by an order made by the Secretary of State, and.." are deleted.
- t. The intended effect of the proposed amendment would be to allow property owners such as your Petitioner to serve blight notices if all

relevant conditions were met, and not to be prevented from doing so because the annual value of their hereditament exceeds the limit prescribed by the Secretary of State.

- u. Additionally or alternative your Petitioners request that the Bill be amended so as to provide that those persons owning property which the Secretary of State is authorised by Clause 6 to acquire compulsorily shall, on the Bill passing into law, be granted a transferable option to sell their property to the Secretary of State at market value. Your Petitioner will refer to the 'Property Protection Scheme' operated by Central Railway as an example of the approach which it will urge should be adopted in the Bill.
- v. Clause 3 and paragraph 5 of Schedule 3 to the Bill would empower the nominated undertaker to temporarily stop up or alter or divert the whole or part of the highway known as Great Chapel Street.
- w. By virtue of the provisions of paragraph 5(2) of Schedule 3, in the event that the nominated undertaker temporarily stopped up Great Chapel Street the nominated undertaker would be obliged to provide reasonable access for pedestrians going to or from the premises abutting on the highways affected by such temporary stopping up if there would otherwise be no such access. However there would be no obligation to provide vehicular access. As a result, in the event that Great Chapel Street was temporarily stopped up, your Petitioner would be unable to use its garage and the car associated with use of the studio.
- x. The studio car is absolutely vital and needs to be available at all times for immediate use. It is necessary for broadcast coverage outside the studio, in order to transport the bulky apparatus involved, such as cameras, batteries, tripods, lighting and sound equipment, cables and all the other broadcasting paraphernalia. This simply cannot be carried without transport for any distance and without the use of the studio car; external coverage would be severely limited.
- y. Your Petitioner requests that paragraph 5 of Schedule 3 to the Bill be amended so as to provide that the nominated undertaker shall provide reasonable access at all times for vehicles going to or from premises abutting on a highway affected by the exercise of the powers conferred by sub-paragraph (1) (of paragraph 5) if there would otherwise be no such access.

7. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, clauses 3 and 6, and Schedules 3 and 6, so far as they affect your Petitioner, should not be allowed to pass into law.
8. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.
9. The Preamble to the Bill, in so far as it relates to the matters aforesaid, is untrue and incapable of proof.

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its Counsel, Agents and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affects the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

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AGAINST, By Counsel, &c.