

0228

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill – 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 ROXANE UK LTD

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into and is now pending in your honourable House intituled “A Bill to Make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes”.
2. The Bill is presented by Mr Secretary McLoughlin, supported by the Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith,

Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.

3. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a Nominated Undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works proposed to be authorised by the Bill ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.
7. Your Petitioner is the freeholder and occupier of the Roxane bottling Plant, Wood End Lane, Fradley, Lichfield WS13 8EL in the county of Staffordshire.
8. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner and in accordance with the

standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers. The construction of HS2 will acquire the access to your Petitioner's land and involve the construction of a rerouted access along Wood End Lane. There are a number of points which require serious consideration and to which your Petitioner would like to draw your attention. The design of the buildings on this site belies what goes on within.

9. The site is a multi million pound bottling plant with spring fed water brought in via a pipe line from nearby boreholes. The boreholes provide both mineral water and spring water and the site represents a c£30m investment by Roxane UK Ltd. It produces water under the Cystalline brand and also own label brands for supermarkets. The plant is capable of producing 50,000 bottles per hour and is currently running 24/7 with the capacity to produce 600,000,000 litres per annum.
10. There is a new access proposed to your Petitioner's site. The site represents the home for a highly profitable and highly technical business. At the point where the proposed new access is planned there is a ground water attenuation tank located on site. This is in effect an underground balancing pond which has been designed to cope with any surcharges of water following wet weather. Historically, the site has flooded but not for many years and this tank works well. If it is disturbed there could be grave consequences for the site
11. There are questions over the future ownership of the access road proposed to the site. At present your Petitioner enjoys access directly off a public highway along a private road. They would like some clarification that the proposed access will be built to adoptable standards and adopted by Local Authority with no future restrictions upon vehicle movements and the suchlike. This is an issue which your Petitioner would very much like to discuss with the promoter.
12. Where the access road enters the site your Petitioner has grave concerns that the route passes directly over the attenuation tank/underground balancing

- pond which they have built as an insurance measure. Serious thought needs to be given to this and the access needs to be relocated or alternatively a new attenuation tank constructed elsewhere if indeed that is possible.
13. Two high capacity stainless steel water pipes run from the Seedy Mill borehole to your Petitioner's site to supply the required amount of water for bottling. The route of the railway line will effectively sever these pipes and your Petitioner requires confirmation please from the promoter that suitable alternative pipes will be put in place prior to construction to ensure continuity of supply. If these measures are not put in place then the plant will cease to operate resulting in loss of contracts and profitability.
 14. Your Petitioner wishes to also point out that the route of the pipeline is very tightly defined in that there are limits upon the length of the pipe after which the water coming from it cannot be classed as "spring water". The length of the pipe which would be put in to replace the existing one is therefore critical.
 15. There is also an effluent/overflow pipe that comes from the site which flows down the access drive and into Wood End Lane. Similarly, this needs careful consideration and your Petitioner has requested early discussion with the promoter.
 16. Your Petitioner has also requested that should it wish to upgrade the pipeline in the future they will not be held to ransom by the owners and occupiers of the railway be that HS2 or a future organisation. Your Petitioners request therefore that it is given conduit rights underneath the railway line to install pipes as necessary.
 17. Your Petitioner and its rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

18. Land in the ownership of your Petitioner is liable to compulsory acquisition under clauses 4 to 8 of the Bill. The limits of deviation and of land to be acquired and used are drawn very widely and your Petitioner is unsure why that is. Your Petitioner may seek to enter into an agreement with the promoter of the Bill that the extent of compulsory purchase should be limited geographically and so that acquisition and use of your Petitioner's land is on a temporary basis only where possible.
19. Your Petitioner also wishes to ensure that it is properly compensated as regards the acquisition and use of its land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

Maintenance of bunds and made-up ground

20. It is clear from the draft Environmental Statement that there will be significant lengths of bund, made-up ground, "sustainable placement" and ground reprofiling alongside the proposed railway. Your Petitioner is gravely concerned about water run-off from these bunds particularly on the eastern side of the railway line insofar as it affects its factory premises. Your Petitioner requests from the promoter further details as to how water run-off will be dealt with in this location given the significant bunds in this area.
21. In your Petitioner's submission, the Bill should be amended so as to include a provision requiring the Nominated Undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered in that way and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

Accommodation works

22. Your Petitioner requests address please to the issues mentioned above particularly the access road, the attenuation tank, permanent landtake versus temporary landtake and drainage and water run-off issues.
23. Well-designed accommodation works which meet your Petitioner's needs are likely to reduce substantially a claim for compensation. HS2 Ltd or the Nominated Undertaker should, at a very early stage, seek to agree a specification for accommodation works with your Petitioner. That would help to mitigate the impact of the scheme.
24. For example, your Petitioner has grave concerns about the amount of dust created during the works. The manufactory has very sophisticated dust filtration systems in place which will ensure water is kept to the best possible quality. Any dust within the factory could result in product being written off at huge expense.
25. Your Petitioner proposes to your honourable House that HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with your Petitioner a suitable specification for accommodation works where they are required as a result of the construction of the Authorised Works, and that the specification, once agreed, will be binding on the Nominated Undertaker.

Compensation, generally

26. The compensation regime set out in the Bill is inadequate and must be improved. In any event, any payment of compensation that is due to your Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

General

27. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your

Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY

PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, their counsel, agents and witnesses in support of the allegations of this petition, against so much of the Bill as affects the property, rights, and interests of your petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

C R Bedson BSc MRICS FAAV

Agent for Roxane UK Ltd

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PETITION

of

ROXANE UK LTD

AGAINST,

BY COUNSEL, &c.

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