

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill – 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 VEOLIA ES BIRMINGHAM LIMITED

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 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, and 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 and 45 to 58 of the Bill set out the powers sought for the construction and operation of the railway referred to in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 37 to 46 of the Bill establish the regulatory regime for the railway and clauses 59 to 65 deal with miscellaneous and general provisions.
- 4 The works proposed to be authorised by the Bill are described in Schedule 1

of the Bill.

Your Petitioners and their property

- 5 Your Petitioner is Veolia ES Birmingham Limited (hereinafter referred to as "Your Petitioner"). Your Petitioner is the leasehold owner of a property at Castle Bromwich Household Recycling Centre, Tameside Drive, B35 7AG with title number WM597022 ("the property"). The property is a specialist waste handling facility, forming part of a network serving the function of Your Petitioner's business in providing waste treatment and recycling facilities for the West Midlands area.
- 6 The Bill seeks to authorise the compulsory acquisition of land for the purposes for constructing the proposed railway scheme. The Bill also seeks to authorise the compulsory acquisition of the Property. As a result, Your Petitioner is directly and specifically affected by the Bill's provisions.
- 7 In consequence, the impacts upon Your Petitioner's property interests are at present significant and will require the timely relocation of Your Petitioner's activities by the Promoters to safeguard Your Petitioner's interests and to allow for the continued activities of Your Petitioners in the vicinity of the property.
- 8 For this reason, and having regard to the more detailed particulars referred to later in this petition, Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which Your Petitioner objects for reasons amongst others, hereinafter appearing.

Compulsory acquisition of the Property

- 9 Your Petitioner's principal concern centres around the lack of certainty caused by whether or when the Property is to be acquired for the purposes of the scheme or the timing of the acquisition.
- 10 Your Petitioner's interests are listed as being subject to a potential Compulsory Purchase within the Book of Reference (plan number 3-103 of Volume 3.1 Balsall Common – Curdworth and Curdworth – Curzon Street, pages 41, Property Numbered on Plan. 62) deposited in Parliament alongside the Bill.
- 11 Your Petitioner has occupied the property since 1994. It consists of an Incinerator Bottom Ash (IBA) processing plant and a separate waste recycling centre, the latter being open to the public. The waste recycling centre is one of only five such facilities serving the City of Birmingham. The processing plant receives up to 80,000 tonnes per annum of IBA from

the Tyseley Energy Recovery Facility. The IBA is processed into a secondary aggregate commonly used and applied in road construction and as a substitute for virgin aggregates.

- 12 The facilities at the property are vital for the sorting and recycling of waste in the city of Birmingham.
- 13 Should the acquisition of Your Petitioner's property progress, Your Petitioner does not believe the acquisition should be permitted until there has first been a relocation of the facility to a new location, secured by the Promoters of the Bill, and made available to Your Petitioner. Such a requirement will best serve the public interest, due to the cost and time required for relocating the facilities at the property, in a way that does not disrupt the services to the public provided by Your Petitioner. It is essential for the proper function of waste treatment in the City of Birmingham area that Your Petitioner's business is not disrupted. Your Petitioner estimates that relocation could take around 2-3 years.

Undertakings sought

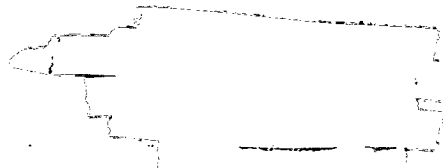
- 20 Your Petitioner would seek undertakings from the Promoters on the following:-
- Considering the highly specialised nature of Your Petitioner's occupation, Your Petitioner will need to make plans for securing and making ready a relocation property as a matter of urgency, given the nature of its activities at the property. The costs of doing so should be borne by The Promoters.
 - The Promoters should not be allowed to take possession of Your Petitioner's property until Your Petitioner has been provided with a suitable and comparable, fully functioning, alternative facility to replace that proposed to be taken by the Promoters.
 - There should be no gap in time between the replacement facility being available to Your Petitioner and fully operational (including all necessary consents having been secured) and the taking of possession by The Promoters of Your Petitioner's property.
 - Access to and egress from the property by all vehicles should not be interrupted, and all services required by Your Petitioners, including water, gas, electricity, sewerage and telecommunications, should be maintained, until Your Petitioner has successfully relocated its operations.

Conclusions

- 21 For the foregoing and connected reasons Your Petitioner respectfully submits that, unless the Bill is amended as proposed above, clauses 4 to 10, 15 and those seeking to authorise compulsory acquisition together with the deposited plans so far affecting Your Petitioner, should not be allowed to pass into law.
- 22 The Promoters should not be permitted by means of the Bill to interfere with private property rights and interests unless, and except to the extent (if any) that this can be demonstrated both to be necessary for the purposes of the Bill and to be in the public interest. Your Petitioner have not been provided with full details or justification for the proposals in the Bill affecting the Property and Your Petitioner submit that the Promoters should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Bill as affecting the property.
- 23 Your Petitioners submit that the Bill fails to safeguard and protect the interests of Your Petitioner nor its customers and ignores the vital public function that Your Petitioner provides at the property.
- 24 Your Petitioner submits that the Bill fails to safeguard and protect the interests of Your Petitioner and should not be allowed to pass into law without these issues mentioned above being addressed.

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their 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.



Signed by Richard Guyatt as agent for Your Petitioner

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AGAINST, agreed by your Petitioners
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On Merits –

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Agent for your Petitioners:

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