

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

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 British Overseas Bank Nominees Limited and W.G.T.C. Nominees 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, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Edward Davey, and Mr Robert Goodwill.
3. Clauses 1 to 23 set out the Bill's objectives in relation to the construction and operation of the railway transport system set out in paragraph 1 above. They include compulsory acquisition and planning. Clauses 24 to 42 establish a regulatory regime for the railway transport system and clauses 43 to 65 deal with miscellaneous and general provisions. The works affecting Your Petitioners are contained in Schedule 1 Scheduled Works number: 1/1 and 1/15.
4. Your Petitioners are British Overseas Bank Nominees Limited and W.G.T.C. Nominees Limited.
5. Your Petitioners are the registered proprietors of the freehold interest in land north of Rockware Avenue and south of Greenway Park in the London Borough of Ealing. This includes Parcels 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 797 and 798 on Sheet numbered 1-24 which are subject to compulsory acquisition or use under the Bill. The land also includes a grade II listed warehouse building which, although not subject to compulsory acquisition or use, will be injuriously affected by the proposals of the Bill.
6. Your Petitioners are also the registered proprietors of the freehold interest in land north of Coronation Road in the London Borough of Brent. This includes Parcels 388 on Sheet

numbered 1-19 and part of parcel 371 which is subject to compulsory acquisition or use under the Bill. It also includes a 15 unit industrial estate, which, although not subject to compulsory acquisition or use, will be injuriously affected by the proposals of the Bill.

6. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

7. Your Petitioners object to the Bill for the reasons following:

Unit 1 and adjacent land, Rockware Avenue

- a. Your Petitioners' estate occupies an area of 4.48 ha. It comprises the Tetris Building, which is grade II listed and which benefits from 250,000 sq ft of warehousing floorspace, extensive car parking and a dedicated lorry yard, together with an area of undeveloped land which has the benefit of planning permission for new industrial/warehouse buildings.
- b. The Promoters propose to construct and operate the new railway line (Scheduled Works numbered 1/1 and 1/15) and to realign an existing railway (Scheduled Works numbered 1/54) to the south of your Petitioners' estate. As part of this, the Promoters propose to acquire or use a large part of the Petitioners' estate including Parcels 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 797 and 798 on Sheet numbered 1-24. The Environmental Statement accompanying the Bill indicates that your Petitioners' estate will be permanently required for the siting of a new vent shaft, and will also be used permanently to accommodate a fenced compound, a headhouse building, an express feeder auto-transformer station and an area of hardstanding for maintenance and emergency access. Temporarily, a construction compound and material stockpile will be located on approximately half the area of your Petitioners' estate from which construction of the Northolt section of the new railway line will be managed; this area includes the car parking and lorry park/yard required in connection with the use of the Tetris building as a warehousing facility. In addition, a strip of land around the entire perimeter of the remaining half of your Petitioners' estate will be potentially required during construction.
- c. Your Petitioners object to the works proposed on your Petitioners' estate and given the alternatives available to the Promoters, your Petitioners consider that such works are unnecessary, that the impacts of such works on your Petitioners' estate are disproportionate and that the provisions in the Bill which authorise the acquisition and use of your Petitioners estate for these purposes are not justified.
- d. Your Petitioners are greatly concerned that the works proposed on your Petitioners' estate will compromise entirely any use of your Petitioners' estate during the lengthy construction period. Furthermore, due to the proposed permanent landtake and the effects of the works during their operation, your Petitioners are also concerned that the provisions of the Bill will seriously compromise the beneficial use and future occupation of the Tetris Building and the development potential of your Petitioners' estate to the detriment of the regeneration of the local area and the heritage value of the listed Tetris Building.
- e. In this regard, the Promoters have failed adequately to assess in the accompanying Environmental Statement the predicted harm to your Petitioners' estate during both the construction and the operational phases of the railway as a result of the use and

acquisition of land, traffic impacts, noise, vibration, air quality and dust and also electro-magnetic interference from the proposed express feeder auto-transformer station. Such matters are not adequately mitigated or addressed through provisions in the Bill and your Petitioners request that provision be made to ensure that the Promoter takes full responsibility for such matters and that significant adverse effects arising from such matters are avoided or adequately mitigated.

- f. Further or alternatively, the Bill should be amended to exclude the Petitioners' estate from the limits of land to be acquired or used and in place of this make provision for the new railway to run either at grade without the need for tunnelling or in tunnel, with the proposed vent shaft, headhouse and express feeder autotransformer station at an alternative site which has fewer and less severe adverse consequences or on the Petitioners' estate but with the proposed infrastructure relocated so that the use of the Tetris Building, including its car parking, lorry yard and access, is unaffected and so that the undeveloped land which has the benefit of planning permission is protected. In all cases the Bill should also be amended to make provision for the proposed construction compound to be located at an alternative site.
- g. Furthermore, the uncertainty caused by the Promoters' proposals and the significance of the potential effects are already having a blighting effect on your Petitioners' estate including land which is not within the limits of deviation of land to be acquired or used. The redevelopment, sale and letting of your Petitioners' estate has already been severely prejudiced by the proposed works and this incidence of blight will continue; your Petitioners experience is that prospective purchasers and tenants are being deterred from acquiring or occupying the site on a long term basis and will only consider making investments in the site on a short term or conditional basis. This is despite the fact that your Petitioners' estate benefits from extant planning permissions and listed building consents for the refurbishment of the Tetris building and for the construction of new buildings for industrial purposes on the undeveloped land which forms part of the same estate. Your Petitioners submit that further provision should be included in the Bill to address and provide a full indemnity in respect of the blighting effect of the proposed works on commercial properties such as your Petitioners' estate.
- h. If the works as presently proposed by the Bill are allowed to proceed, your Petitioners are greatly concerned about the extent of tunnelling and excavation occurring in such close proximity to the listed Tetris Building and the remainder of your Petitioners' property. Ground movement and settlement and ground-borne vibration arising from the works may cause your Petitioners significant loss and damage. Your Petitioners submit that there is insufficient provision in the Bill for mitigating the risk of actual damage to your Petitioners' property. Your Petitioners seek provision within the Bill or alternatively binding assurance from the Promoter to ensure that the impact of the works on the structure and stability of their property is properly mitigated and to ensure that Your Petitioners are fully and sufficiently indemnified in respect of any loss, damage, costs and claims associated with such impact.

#### Matrix Park

- i. Your Petitioners' estate is part of an industrial estate known as Matrix Park which comprises circa 300,000 sq ft of employment floorspace which is currently fully let.
- j. The Promoters propose to construct and operate the new railway line (Scheduled Works numbered 1/1 and 1/15) to the south of the Petitioners' estate. As part of this the

Promoters propose to acquire or use an access road (Parcel 388 on Sheet numbered 1-19 which shall hereinafter be referred to as the "Access Road") which serves as the only access to one of the units and which runs to the north of four further units on the Petitioners' estate.

- k. Your Petitioners submit that it is not justified to use the Access Road to construct the new railway line as proposed. The Access Road is a private internal road which solely serves the units forming part of the Petitioners' estate. Acquisition of the Access Road will leave the unit it serves which is currently fully occupied and comprises 30,000 sq ft of floorspace with no access, significantly impacting on the existing occupier and blighting any future dealings with the unit. The Promoters have also failed adequately to address in the accompanying Environmental Statement the expected disruption to this unit caused by use or acquisition of the Access Road in terms of traffic impacts, noise, vibration, and dust. Such matters are not adequately mitigated or addressed through provisions in the Bill and your Petitioners request that provision be made to ensure that the Promoter takes full responsibility for such matters and that significant adverse effects arising from such matters are avoided or adequately mitigated.
  - l. Further or alternatively, given the alternatives available to the Promoters there is insufficient justification for the use of the Access Road during construction and the adverse impacts your Petitioners' estate and the Bill should be amended to exclude the Petitioners' Access Road from the limits of land to be acquired or used. Furthermore your Petitioners seek assurances that construction traffic along Coronation Road will be managed in a way to ensure the access to the estate can be maintained at all times.
  - m. The remainder of your Petitioners' estate is not within the limits of land to be acquired or used but is in the immediate vicinity of the proposed new railway line and will be injuriously affected by the construction or operation of the works to be authorised by the Bill. It will be severely affected by the proposed works, in terms of noise, vibration, dust, and access to the estate which is from Coronation Road is also expected to be significantly limited during the construction period. The threat of High Speed Two and its impacts on your Petitioner's estate is also creating uncertainty with respect to the ability to let, sale or develop the estate. Your Petitioners seek assurances that the construction and operation of the proposed railway line will not affect their interests in the estate. Further or alternatively, your Petitioners submit that further provision should be made in the Bill to address and provide a full indemnity in respect of the blighting effect of the proposed works on commercial properties such as your Petitioners' estate
8. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, and unless the assurances requested above are given, the Bill should not be allowed to pass into law.
9. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

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 Petitioners 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 Petitioners will ever pray, &c.



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