

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 NATIONAL GRID PROPERTY HOLDINGS LIMITED and
NATIONAL GRID TWENTY SEVEN LIMITED**

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "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 (referred to in this Petition as "the Promoter"), 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 23 of the Bill together with Schedules 1 to 16 make provision for the construction and maintenance of the proposed works including the works specified in in Schedule 1 to the Bill ("the Scheduled Works") being works for the construction of Phase One of High Speed 2 ("HS2") and works consequential on or incidental to such works. Provision is included to confer powers for various building and engineering operations, for

compulsory acquisition and the temporary use of and entry upon land, for the extinction and exclusion of certain rights over land, and for the grant of planning permission and other consents.

4. Clauses 24 to 36 of the Bill together with Schedules 17 to 26 to the Bill make provision for the disapplication or modification of certain controls such as those relating to heritage, trees, commons and open spaces, street works and noise.
5. Clauses 37 to 42 of the Bill together with Schedules 27 to 28 to the Bill make provision for railway matters such as the application (with modifications) and disapplication in part of the existing railways regulatory regime. In particular, they provide for the inclusion of the proposals in the objectives of the Office of Rail Regulation, the disapplication of certain licensing requirements, the disapplication of railway closure requirements, as well as the application (or disapplication) of other railway legislation. Provision is also included to enable agreements between the nominated undertaker and controllers of railway assets and to provide for the transfer of statutory powers in relation to railway assets.
6. Clauses 43 to 65 of the Bill together with Schedules 29 to 31 to the Bill contain general and miscellaneous provisions. Particularly, these provide for the designation of nominated undertakers, the making of transfer schemes, the power to carry out regeneration and reinstatement works, the application of certain powers in the Bill to future high speed rail works, the treatment of Crown Land, the effect of the Environmental Impact Assessment Regulations and the application of arbitration.

Your Petitioners

7. Your Petitioners are National Grid Property Holdings Limited ("NGPH") and National Grid Twenty Seven Limited ("NG27"). NGP manage and deal with National Grid plc's surplus land across the UK and manage and deal with the surplus land of its subsidiary companies established to hold land on behalf National Grid. NG27 is a subsidiary of NGPH. NGPH is authorised to act on behalf of other companies within the National Grid plc group who hold land in relation to their land interests.
8. NGPH has a diverse property portfolio of around six hundred former industrial sites (mainly non-operational former gasworks) and its aim is to bring former industrial or brownfield land back to beneficial use in order to maximise value from its assets and to make a continued contribution to the regeneration of United Kingdom towns and cities.
9. NGPH manages a Site ("the Property") which is accessible via Watson Road running south from the roundabout linking the A47 Heartlands Parkway with the B3137 Cuckoo Road. To the south of the Property are the existing Stetchford and Aston and Birmingham and Derby

railway lines, alongside the latter of which the proposed HS2 railway line will run. To the south-east of the Property will be the proposed Washwood Heath Rolling Stock Maintenance Depot, which will form part of the proposed HS2 Scheme.

10. NG27 Limited owns the freehold interest in the Property.
11. The Property measuring approximately 4.16 hectares (10.27 acres), currently houses two, now redundant, gasholders situated at the south of the Property and a secure compound to the north of the Property which houses above ground plant and machinery that remains operational and forms part of the national gas network ("the Secure Compound"). The Property is surrounded by subterranean high pressure gas mains that remain fundamental to your Petitioners' Parent Company's operational division, National Grid Gas plc, and to the energy supply of Birmingham. National Grid Gas plc is also petitioning against the Bill.
12. The plots of land listed in *Volume 4 of the Book of Reference* as plot numbers ("Plots") that affect the Property are 225, 239 and 240 in the City of Birmingham. Plot number 224 in the City of Birmingham covers a section of land that your Petitioners are currently seeking to acquire under adverse possession. Plot number 241 in the City of Birmingham covers land immediately adjacent to the Property, part of which is occupied by public highway used partially by your Petitioners to access the Property.
13. All of the above Plots are subject to the general power of compulsory acquisition under *clause 4* of the Bill and are required for the purposes of phase one of HS2.
14. A number of the Scheduled Works contained in the Bill affect the above listed plots. These include:
 - (i) Scheduled Work Number 3/211 - A diversion of a sewer commencing in Common Lane beneath a point 85 metres south of the northern limit of Common Lane and terminating beneath a point 170 metres south-west of the junction of Chartist Road with Arley Road.
 - (ii) Scheduled Work Number 3/217A - A diversion of a gas main commencing at a point 155 metres north-east of the Aston Church Road/Heartlands Parkway roundabout and terminating at a point 300 metres south-west of that roundabout.
 - (iii) Scheduled Work Number 3/217 - A diversion of the River Rea Overflow Channel commencing at a point 35 metres north of the junction of Watson Road East with Heartlands Parkway and terminating at a point 240 metres south-west of the roundabout junction of Heartlands Parkway with Aston Church Road.

15. Your Petitioners and their rights, interests and property, are injuriously affected by the Bill to which your Petitioners object for the reasons amongst others hereinafter appearing.
16. To the extent that up to the date of the deposit of this Petition satisfactory levels of information have not been provided by the Promoter for areas which are of concern to your Petitioners and that no agreements satisfactory to your Petitioners have been reached with the Promoter or resolution of your Petitioners' concerns as set out in this Petition your Petitioners seek the following amendments to the Bill or appropriate undertakings from the Promoter.

Your Petitioners' Concerns

17. Your Petitioners' support the principle of the Bill, but are concerned that the Bill in its current form will result in the Scheme impacting on your Petitioners' current operations and preventing or delaying future development by your Petitioners of the Property.
18. Your Petitioners submit that without relevant amendments to the Bill at this location your Petitioners' proposed future development could be impacted either temporarily or permanently that will result in a loss of investment in the Property, with a consequential loss of business rates, local employment and future opportunities for economic growth in the local community.
19. Your Petitioners are concerned at the lack of undertaking within the Bill to commit the Promoter to seek to agree a construction programme with your Petitioners that could enable an efficient method of approach to dealing with the Scheduled Works and the demolition of the gasholders.
20. Your Petitioners are concerned that by not undertaking the Scheduled Works early in the construction programme, rather than later the Property will remain undeveloped for a longer period of time denying your Petitioners their opportunity to make a profit and importantly for the area – delaying or preventing the delivery of valuable employment land.
21. Your Petitioners are therefore unable to support the Bill in its current form and seek amendments to the Bill for the reasons, among others, stated in this petition.
22. These concerns are explained more fully below.

Core Employment Area

23. In Birmingham there exists a clear and significant shortage of employment land on a city wide basis and particularly in the best quality category. Acute socio-economic deprivation exists in the locality of Washwood Heath.

24. With reference to Policy TP19 – Protection of Employment Land in the emerging Birmingham Development Plan - the constrained nature of Birmingham City's employment land supply means that it is important to ensure that land with continued potential for employment use is not lost to other forms of development.
25. The Property falls within a Core Employment Area in the emerging Birmingham Development Plan. The draft Plan identifies the need to retain and recycle Core Employment Land in order to meet its needs and targets as drawn upon from the Employment Land Targets Study by PA Consulting and Warwick Economic and Development which was commissioned by Birmingham City Council in 2013.

The Importance of future development of the Property

26. With reference to the regenerative requirements of Washwood Heath as outlined above your Petitioners submit that any net loss of employment land will be of a serious economic detriment to the area and that the Promoter should seriously consider such impacts prior to taking any land within Washwood Heath. It is vital that brownfield sites such as the Property are used efficiently and brought forward for development as soon as possible in order to meet the aspirations of Birmingham City Council's adopted UDP 2005 and emerging Development Plan are realised.

Impacts of the scheme HS2 (issues)

27. As referred to above, the plots which the Promoter would be authorised to acquire or take possession of under the powers of the Bill compromise the future development of the Property.
28. Your Petitioners submit that without prior agreements or undertakings from the Promoter the disruption which would be caused by the construction of the Scheduled Works identified above will present uncertainty to the Property and as a consequence your Petitioners will be unable to implement future plans or proposals for the Property.

Plot Numbers 224, 225, 239, 240 and 241 in the City of Birmingham

29. The above Plot Numbers in the Book of Reference deposited with the Bill are authorised to be acquired under general powers of compulsory acquisition for the purposes of undertaking the Scheduled works outlined above. However it is not stated whether the Plots are intended to be acquired temporarily or permanently. On the Construction Phase Plan – CT-05-140 in the HS2 Environmental Statement the land is highlighted as "Land potentially required during construction".
30. Your Petitioners are gravely concerned at how temporary or permanent acquisition of these

plots will impact on their future development of the Property. If the use of the Plots for the purposes of HS2 is proposed to be temporary those Plot numbers should have been included in Part 4 of Schedule 15 to the Bill. As those Plot numbers are not referred to in Schedule 15 your Petitioners have to assume that the Plots will be subject to permanent acquisition. The Promoter should provide more certainty as to their proposed use and allow your Petitioners to assess the impact on future uses and how the works will impact on their current operations.

31. The Scheduled Works that are identified for these plots are – 3/211, 3/217A and 3/217 as fully outlined above involve works that require a diversion of a sewer, a diversion of a gas main and a diversion of the River Rea Overflow channel.
32. The Scheduled Works in the current programme create uncertainty for your Petitioners in relation to the future of the Property until at least mid 2022 (according to the Figure 11, Page 54 - Environmental Statement Volume 2: CFA26 Washwood Heath to Curzon Street) that will prevent or delay future development that would provide vital employment space. As a consequence the Property's value will be significantly reduced.
33. Your Petitioners have identified several proposed Construction Traffic Routes that pass through the Property, which are marked with green dashed lines on the Construction Phase Plan – CT-05-140 in the HS2 Environmental Statement. Your Petitioners submit that where the Promoter proposes to use these routes shown within the Environmental Statement, they will not have authority to do so where they are not within the Bill's powers and the Bill should be amended to clarify what is proposed.
34. The Construction Phase Plan – CT-05-140 in the HS2 Environmental Statement shows the proposed routes as entering the Property at the north entrance passing through the Property to the west of the gas holders and passing through the Secure Compound to the north of the Property.
35. The Secure Compound houses gas control valves and pumping equipment that controls the supply of natural gas to parts of Birmingham. The Promoter's proposals in the Environmental Statement may breach Health and Safety Executive guidelines in respect of gas control equipment and may therefore present a hazard in this respect.
36. The proposed access to the Property would also impact on your Petitioners' proposals for commercial development on adjacent land with the Property, which has been earmarked for early commercial development.

Amendments to the Bill

37. Your Petitioners have already engaged with HS2 at a meeting held on 22nd April 2014 to seek

further clarity and undertakings on the HS2 Scheme in relation to the land to be taken but such undertakings have not been provided.

38. Your Petitioners and HS2 Ltd on behalf of the Promoter considered ways in which the demolition of the gas holders and Scheme could be amended to allow both projects to proceed simultaneously. After careful consideration HS2 Limited on behalf of the Promoter, along with its engineers, proposed a number of changes to the timing of the Scheme in order to allow this to proceed.
39. Your Petitioners respectfully submit that there are a number of amendments that could be made to the HS2 proposals in order to minimise the impacts of the Bill to the fullest extent possible. These could be implemented either through amendments to the Bill or by private agreement between your Petitioners and the Promoter.
40. Your Petitioners appreciate that the amendments described below may be subject to further amendment once the Promoter enters into meaningful discussions with your Petitioners. Your Petitioners' sole aim is to ensure that your Petitioners' future development remains at its optimum density, remains viable, lettable and able to be constructed and operated effectively both during construction of the high speed rail line, and during its operation.
41. The amendments to the Bill proposed by your Petitioners are as follows:

Plot Numbers 225, 239 and 240 in the City of Birmingham
42. Your Petitioners submit that it is not necessary to include the above Plots within the Limits of Deviation and that the Scheduled Works can be undertaken within an agreed temporary duration.
43. Your Petitioners therefore humbly submit that an amendment be made to the Bill to remove the above Plots from the Limits of Deviation and that they be placed under Part 4 of Schedule 15 – Temporary Possession and Use of Land for Construction to give your Petitioners greater certainty in regard to its future development capabilities.
44. In the event that the land is only required for temporary purposes during the construction period of the Scheduled Works and given the nature of your Petitioners' operations and future intentions it is essential that your Petitioners have a clear understanding and undertaking as to the Promoter's intentions with regard to this land and in particular:-
 - (i) Your Petitioners requests that the Promoter gives thorough clarification and detail of the Scheduled Works and that consents and undertakings be sought prior to undertaking the Scheduled Works to prevent impact on existing operations including

the high pressure gas mains.

- (ii) Your Petitioners request that an undertaking be made that the Scheduled Works mentioned above be brought forward to commence at the beginning of the Indicative Construction Programme – currently the beginning of 2017.
 - (iii) Your Petitioners request that the Promoter seeks to agree with your Petitioners where possible that the Scheduled Works be undertaken in conjunction with the demolition of the redundant gasholders.
 - (iv) Your Petitioners request that the Promoter should be obliged to indicate the likely duration of the temporary possession period required by the Promoter by the means of either a maximum period or long-stop date or some independent means of verifying the date at which the purpose for which temporary possession has been taken has been completed.
45. Your Petitioners humbly request that the Promoter should give assurances in respect of the proposed Construction Traffic Routes that do not currently have authority within the Bill. Your Petitioners also request that the Promoter undertakes to agree alternative Construction Traffic Routes with your Petitioners that will not impact on the ongoing operations within the Secure Compound and those alternative routes will eliminate impact on access to any proposed future commercial development.
46. Your Petitioner humbly requests that agreed Construction Traffic Routes are limited to the Scheduled Works as outlined above, subject to an agreed construction programme being reached.

Additional Assurances

47. Your Petitioners require that the Promoter provides assurances that it will not oppose any future planning application for the development of the Property made by or on behalf of your Petitioners insofar that it is not unreasonably detrimental to the HS2 Scheme. One of the purposes of this Petition is to reach a practical solution to the matter of accommodating both the future development of the Property and the HS2 Scheme within and around the boundaries of this constrained area of land. Assurance from the Promoter on this issue is vital to ensuring both future ability to develop and viability of future development.

Conclusion

48. For the foregoing and connected reasons your Petitioners respectfully submit that the Bill fails to safeguard and protect and so injuriously affects the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

49.

There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and its 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 pass into law as it now stands and that your Petitioners may 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 provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS will ever pray, &c.

BERWIN LEIGHTON PAISNER LLP

Agents for NATIONAL GRID PROPERTY HOLDINGS LIMITED

AND NATIONAL GRID TWENTY SEVEN LIMITED

**IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013 -14**

**HIGH SPEED RAIL (LONDON-WEST
MIDLANDS) BILL**

PETITION

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**NATIONAL GRID PROPERTY HOLDINGS
LIMITED**

-and-

NATIONAL GRID TWENTY SEVEN LIMITED

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

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www.nationalgrid.com

Date 15 May 2014

Our ref:

Dear Sir

High Speed Rail (London – West Midlands) Bill

I Mohammed Zain Ajaz hereby authorise Berwin Leighton Paisner LLP to act as Agent on behalf of National Grid Twenty Seven Limited a company within the National Grid group of companies in all matters relating to the High Speed Rail (London – West Midlands) Bill.

Yours faithfully

Mohammed Zain Ajaz
General Counsel and Head of Professional Services
Director of National Grid Twenty Seven Limited