

THE PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) 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 GRANT THORNTON UK LLP AND GRANT THORNTON INTERNATIONAL 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.

Relevant clauses of the Bill

3. Clauses 1 to 36 of the Bill together with Schedules 1 to 26 make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise, amongst other matters.
4. Clauses 47 and 48 make provision for the compulsory acquisition of land for specific purposes and to carry out reinstatement works.

5. The remaining provisions and Schedules relate to matters with which your Petitioners are not concerned.

Your Petitioners

6. Your Petitioners are Grant Thornton UK LLP and Grant Thornton International Limited. Grant Thornton UK LLP is a member firm of Grant Thornton International Limited.
7. Each entity holds a leasehold interest in Grant Thornton House (the Property) in the London Borough of Camden, which is directly and specially affected by the Bill.
8. Grant Thornton UK LLP has a long leasehold in the basement, ground and first to ninth floors of the Property. There are 62 years remaining on the term of the lease (granted by the head leaseholder) and an option exists to renew the lease for a further 35 years. Grant Thornton International Limited has a leasehold interest in the first floor of the Property granted by Grant Thornton UK LLP from its demise. There are just under six years remaining on the lease term.
9. For the purposes of this petition, your Petitioners' interests will be represented by Grant Thornton UK LLP, who is known in this petition as the Petitioner.
10. Your Petitioner is the fifth largest accounting firm in the UK. It has more than 4,500 employees in the UK, working out of at least 31 offices. In London, around 850 employees are based at the Property with a further 850 working from offices based at Finsbury Square. The Property is equipped as the UK headquarters of your Petitioner, and as such is specially adapted to the requirements of a large, professional services firm. It has specialist information technology, client accommodation and staff accommodation. These items are expected by clients and employees of an organisation such as your Petitioner, and may be considered business-critical.
11. 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.

Your Petitioner's concerns

12. The Property is located physically close to and so affected by:
 - 12.1 the west bound railway (Work No. 1/1) which is proposed to run to the south-west of the Property;

- 12.2 diversionary sewer works and water main works (Work Nos. 1/6 and 1/18 respectively) which run broadly parallel to Work No. 1/1; and
- 12.3 an access road to be created as Work No. 1/5, which passes to the south-east of the Property.

The Property is therefore likely to be substantially and adversely affected by the surface works and operations proposed in the locality.

- 13. The Property is included within parcel 29 in the London Borough of Camden.
- 14. The Property is located within the Act limits. It is therefore liable to compulsory acquisition for the Phase One purposes pursuant to clause 4(1) of the Bill.
- 15. Specific reference to the Property is not included in any of:
 - 15.1 clause 4(2) of and Schedule 5 to the Bill (particular purposes for which land may be acquired or used);
 - 15.2 clause 5(2) of and Schedule 7 to the Bill (power to impose restrictive covenants);
 - 15.3 clause 5(3) of and Schedule 8 to the Bill (power to acquire new rights); or
 - 15.4 clause 14 of and Schedule 15 to the Bill (temporary possession).
- 16. The undertaker cannot, therefore, exercise those powers in respect of the Property. However, the Property's acquisition is subject to several other clauses including, in particular:
 - 16.1 clause 2(4) of and Schedule 2 to the Bill (further and supplementary provisions about works);
 - 16.2 clause 11 of and Schedule 14 to the Bill (extinction of rights over land); and
 - 16.3 clauses 47 and 48 of the Bill (compulsory acquisition of land for regeneration or relocation; and carrying out reinstatement works respectively).
- 17. Your Petitioner is concerned about the consequences of the exercise of the undertaker's compulsory acquisition of the Property and, in particular, the need for special care in respect of the way in which the undertaker is permitted to manage that process.
- 18. Your Petitioner has no certainty about how, why or when the Property may be subject to powers of compulsory acquisition conferred by clause 4(1) of the Bill. That uncertainty has a

- material detrimental effect upon the ability of your Petitioner to plan its estate and its business. In particular your Petitioner cannot plan to move its office from the Property, cannot invest in its current offices at the Property and is not funded to decant its business to another, more secure location.
19. It seems likely (but is not certain) that the undertaker would exercise that power to enable it to carry out the works specified at paragraph 12 of this petition. The undertaker may in any event exercise its powers to acquire the land for other reasons or purposes, including those specified at paragraph 16.3 of this petition.
20. It also seems likely (but is not certain) that the undertaker could require your Petitioner's employees to vacate the Property for a prolonged period of time, or permanently. This would have a material adverse effect upon the operation of your Petitioner's business and its ability to serve its clients, which include many of the UK's largest businesses.
21. In exercising its powers, the undertaker is in some cases required to give your Petitioner differing periods of notice (and other information) depending on the nature of the power exercised, prior to exercising that power.
22. In respect of clause 2(4) of and Schedule 2 to the Bill these periods are:
- 22.1.1 7 days prior to entering land (including the Property) for the purposes of carrying out survey and investigation works (paragraph 1(6) of Part 1 of Schedule 2);
- 22.1.2 8 weeks of the undertaker's intention to enter the Property and carry out support or strengthening works (paragraph 2(1)(b) of Part 1 of Schedule 2).
23. Your Petitioner's position *vis a vis* exercise by the undertaker of its powers under clause 4(1) of the Bill and the other clauses referred to in paragraph 16 is not governed by any specific notice period. The notice periods that apply are those associated with the compulsory acquisition of the Property by the undertaker.
24. Once the undertaker has acquired the Property it may:
- 24.1 in respect of clause 11 of and Schedule 14 to the Bill, extinguish any rights over it; and
- 24.2 in respect of clauses 47 and 48 of the Bill, regenerate or develop it (provided that the Secretary of State considers that the construction or operation of Phase One of High Speed 2 gives rise to such an opportunity).

25. The notice required to be given to your Petitioner in relation to the acquisition of land under clauses 4(1), 47 or 48 of the Bill will depend on the procedure that the undertaker uses to acquire that land. The general vesting declaration procedure requires publication of a notice of intention to vest land in the undertaker. However, after two months has elapsed, the general vesting declaration will vest the land in the undertaker - and give the undertaker a right to enter the land - as few as 28 days later. Use of the notice to treat procedure would permit the undertaker to take entry to the Property 14 days after notice of entry has been given (assuming notice to treat was served at the same time).
26. In respect of the undertaker's exercise of each of the powers specified in paragraph 16, the periods of notice and time are plainly inadequate to protect your Petitioner's interests, taking into account your Petitioner's business operations and the number of employees based at the Property. Such a period would not be sufficient to identify, acquire/develop, fit out and occupy appropriate alternative premises.
27. Your Petitioner has been seeking to address its concerns in negotiation with the undertaker. However, no agreement between your Petitioner and the undertaker has yet been reached.
28. Your Petitioner therefore seeks an assurance from the undertaker:
- 28.1 about the nature and reason for the undertaker's acquisition of the Property; and
- 28.2 that its powers of compulsory acquisition will be exercised so as to enable your Petitioner to manage its business operations, giving sufficient notice and time to enable your Petitioner to vacate the Property and move to alternative premises.
29. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, clauses 2(4), 4(1), 11, 47 and 48, so far as affecting your Petitioner, should not be allowed to pass into law.

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 they may be heard by its 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.

DLA PIPER UK LLP

Parliamentary Agents for

Grant Thornton UK LLP and Grant Thornton International Limited

15 May 2014

BACKSHEET:

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF GRANT THORNTON UK LLP AND GRANT THORNTON INTERNATIONAL
LIMITED

Against the Bill - On Merits - By Counsel

Agent for the Petitioner