

0325

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, etc.

**TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.**

THE HUMBLE PETITION of ESSO PETROLEUM COMPANY, 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 Patrick McLoughlin.
3. By Clause 43 of the Bill it is proposed that the Secretary of State ("the Promoter") may by Order (inter alia) provide that a person specified in the Order shall be the nominated undertaker ("the nominated undertaker") for such purposes of such provisions of the Bill as may be so specified and by Clause 1 of the Bill it is proposed that the nominated undertaker should be authorised to construct and maintain the scheduled works specified in Schedule 1 of the Bill ("the scheduled works") and clause 2 contains additional provisions with regard to such works and provides that Schedule 2 which contains further and supplementary provisions about works should have effect.
4. Clauses 3 - 18 deal with acquisition of land, supplementary rights and matters relating to highways, extinction of rights, temporary possession of land and use of roads etc. Clauses 19 - 23 deal with the establishment of deemed planning permission for the Scheme authorised by the Bill ("the scheme") and its ancillary provisions and clauses 24 - 36 deal with deregulation of existing Statutory Provisions and their replacement with specific provisions contained in the Schedules to the Bill. Clause 46 of the Bill contains reference for the inclusion of provisions within Schedule 31 of the Bill, for the protection of certain interested parties affected by

the Bill. Your Petitioner does not fall within the category of interested parties protected under the provisions of Schedule 31 of the Bill.

5. The Bill applies certain provisions of the Compulsory Purchase Act 1965. It also incorporates certain provisions modifying that Act and the provisions of various statutory measures relating to the compulsory acquisition of land and the basis of compensation therefor.

6. Your Petitioner is a private limited company registered at Companies House with company registration number 26538 whose registered office is at Exxonmobil House Ermyn Way Leatherhead Surrey KT22 8UX.

i) Your Petitioner owns and operates a 250 kilometre multi-fuel pipeline network of national importance, delivering fuel products daily from its refinery in Fawley, Southampton to Birmingham International Airport and its terminal in Bromford, West Midlands. Continuity and security of fuel supply are critical.

ii) Your Petitioner has the benefit of legal easements to use the pipeline, and has been notified, in accordance with notices, C274/00246, C273/300024 and C274/020014, that the pipeline is intersected by the proposed works of construction and maintenance of Phase One High Speed 2 (as defined in the Bill). Your Petitioner's property interests includes access rights over the surface land to inspect and maintain the pipeline and related apparatus.

- iii) The operation of your Petitioner's pipeline is regulated by the Pipelines Act 1962 and the Pipeline Safety Regulations 1996, which include obligations as to the conduct of modification or maintenance works to the pipeline, prevention of damage to the pipeline and ensuring safe accessibility for future examination and maintenance of the pipeline and related apparatus.
7. The Bill contains no protective provisions for private pipeline operators, in contrast to the protection afforded to statutory undertakers. Your Petitioner is therefore concerned that the Bill will have a serious and detrimental impact upon its property, rights and its ability to comply with its statutory obligations concerning the pipeline.
8. Your Petitioner does not object to the principle of the scheme promoted by the Bill, but does object to any compulsory acquisition or powers that:
- i) create a risk to the physical or operational integrity of your Petitioner's pipeline, during or after construction of the proposed scheme;
 - ii) inhibit your Petitioner's ability (physically or legally) to protect and gain access to the pipeline for inspection, maintenance and repair, during or after construction of the proposed scheme;
 - iii) prevent or diminish your Petitioner's ability to comply with its statutory obligations as a pipeline operator;
 - iv) prevent or diminish your Petitioner's ability to enforce its legal rights in respect of current and future protection of the pipeline from surface or underground activity.

9. Your Petitioner seeks provisions in the Bill to ensure appropriate protections in respect of the issues highlighted within this Petition.

10. There are divers other clauses and provisions in the Bill prejudicially affecting the rights, interests and property of your Petitioner and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not pass into law as it now stands and that it may be heard by itself, 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 its 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.

VEALE WASBROUGH VIZARDS LLP

Agents for Esso Petroleum Company, Limited

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MIDLANDS) BILL

PETITION

- of -

ESSO PETROLEUM COMPANY, LIMITED

AGAINST,

BY COUNSEL, &c.

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