

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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:

DOUBLE 4 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.

*Clauses of the Bill*

- 3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the ‘Scheduled Works’ set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.
- 4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.
- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.

- 6 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

*Your Petitioners*

- 7 Your Petitioners are Double 4 Limited who are a limited company whose business predominantly involves the supply of commercial storage space in shipping containers, parking for commercial lorries and other vehicles, tail lift and shutter repairs, vehicle maintenance and servicing, and van racking. Your Petitioners operate a family business that has been trading for over 30 years. Your Petitioners' business employs 20 people.
- 8 Your petitioners have an interest in various parts of the land situated at the Willesden Euroterminal site which is subject to compulsory acquisition or use under the Bill:

LONDON BOROUGH OF EALING

Parcels: 130, 142, 145, 146

Property: Site within the Willesden Euroterminal

Description: Storage area, commercial vehicle parking, car parks, workshop and offices

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

*Your Petitioners' concerns*

- 10 Your Petitioners strongly oppose the Bill as the acquisition of the land at the scale currently proposed would affect the whole of your Petitioners' business operation. Unless adequate and robust relocation measures were to be put into place, the likely consequence of the Bill would be the extinguishment of your Petitioners' business that has been built up over the past 30 years.
- 11 The Environmental Statement (Volume 2 para 2.4.63) states that the whole Willesden Euroterminal site will be cleared, and then used operationally by the Promoter for seven and a half years for the loading and removal of excavated material by rail. The compound will also be used for supplying bulk materials for the tunnelling work throughout London and materials for railway modification in the Euston area. This

proposal encompasses the whole of the land on which your Petitioners' business operates. Such occupation of the land by the Promoter would permanently terminate your Petitioners' use of the land.

- 12 Your Petitioners have occupied the site since 1999 under separate leases of between 5 and 10 years in length granted by DB Schenker who are the freeholder of the site. Your Petitioners have a good relationship with DB Schenker and anticipated remaining at the site under the current leases and thereafter with the benefit of renewed leases long into the future.
- 13 Part of plot 130 is used by your Petitioners to house 120 shipping containers that are leased out to over 60 customers for commercial storage. Your Petitioners lease 20 parking spaces for commercial lorry vehicles. Some of the site is leased to customers who have erected portacabins for business purposes. Your Petitioners also operate a scaffolding yard from this location. These are the most significant parts of your Petitioners' business. The site is of particular strategic importance to your Petitioners as it offers their customers (the majority of whom are local businesses operating within a two mile radius of the site) commercial storage space for vehicles and business goods in central London where such sites are in short supply. In addition, it has the advantage of being restriction free in terms of the conditions imposed by the Vehicle and Operator Services Agency (VOSA). This makes the site highly desirable to your Petitioners' customers who hold VOSA operating licences, as they are not restricted to times of the day when they can use the site for parking their vehicles.
- 14 In addition, your Petitioners have a leasehold interest in plot 141 where your Petitioners' workshop, offices and parking for fifteen vehicles is located. This interest has not been listed in the Book of Reference. Finally part of plot 142 (which is correctly referenced in the book of reference) is also used for the storage of commercial vehicles. The various business activities undertaken on these plots by your Petitioners are all linked with each other, and customers will often take advantage of additional services at the site. For example customers that lease parking spaces will also utilise the maintenance and servicing services provided in the workshop.
- 15 Your Petitioners have built up a successful business over 30 years with a great deal of good will based of repeat business from customers who have remained with your Petitioners for 15 – 20 years. If the Bill were allowed to pass this would risk your Petitioners' livelihood.
- 16 Your Petitioners submit that the Bill should be amended to require the Promoter to provide an alternative proposal that would avoid any compulsory acquisition or use of your Petitioners' land. Alternatively, if disruption and acquisition of the site cannot be avoided, the Promoter should be required to formulate a proposal that would reduce the scale of the acquisition of your Petitioners' land, so as to ensure parts of the business could continue to operate from the site.

- 17 Your Petitioners submit that one such proposal would be that the Promoter would not acquire the land in plot 145 which is currently occupied by shipping containers (used for the storage business) and for the parking of commercial vehicles. Preserving that area for your Petitioners' business would ensure that many of your Petitioners' customers would not be disrupted. It would mean that your Petitioners' operations that rely most on the benefits of the specific location of the site could continue. Your Petitioners submit that a new entrance could be built to access the storage area of the site from Channel Gate Road
- 18 By maintaining the storage area on the site, there would be a significant additional benefit in that the containers would act a shield between the noise that the HS2 operations area will generate and the residential properties on Stephenson Street. Your Petitioners have an excellent relationship with the local residents based on many years of mutually accommodating behaviour and have had not complained about their business operations. Your Petitioners submit that leaving the storage containers in their current positions, where they cause little if any disturbance, would be a much preferable option to local residents than the noise of a construction conveyor.
- 19 If the Promoter was then required to provide alternative land locally for the relocation of your Petitioners' workshop and space for associated parking, then your Petitioners would be in a much better position to maintain their business operations. The workshop and associated parking do not rely on the specific benefits of the Willesden Euroterminal site to the same extent as other parts of the business.
- 20 Your Petitioners do not suggest that this is the only possible proposal that would allow their business operation to continue in part at the site, and submit the Promoter should be required to consider further reconfigurations or proposals that would have a similar effect.
- 21 If the Promoter is unable submit a proposal that would reduce the land acquisition required to a point where your Petitioners were able to continue operations on the site, then the Promoter ought to provide binding commitments that they will make available alternative land for relocation that is no less amenable and suitable for your petitioner's business. This land must be within a two to three mile radius of the current location, as the nature of the storage business means that your Petitioners' customers will not wish to travel further than they currently do to access their stored property..
- 22 The Promoter should also provide a binding commitment to make available the appropriate logistical support to ensure that any relocation of your Petitioners' business assets, and its customers' stored property, takes place seamlessly and overnight. Your Petitioners' customers will not accept interim temporary measures for storage even for a matter of days.
- 23 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, the Bill should not be allowed to pass into law.

24 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 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 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Bircham Dyson Bell LLP

Parliamentary Agents for Double 4 Limited

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PETITION OF  
Double 4 Limited

AGAINST, By Counsel, &c.

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Agents

15 May 2014