

0419

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

Against the Bill – 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 TOWER TRANSIT OPERATIONS
LIMITED

SHEWETH as follows:

1. A Bill (hereinafter called “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, 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 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works proposed to be authorised by the Bill ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.
7. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners, to which they object, and in accordance with the standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers.
8. Your Petitioners allege that their rights, interests and property will be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form, and your Petitioners accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.

9. Your Petitioners are Tower Transit Operations Limited. Your Petitioners operate public bus services in London under arrangements made with Transport for London. They also operate Rail replacement services and carry on private hire work.
10. The land in which your Petitioners have an interest is off Atlas Road in the London Borough of Ealing and includes the plots numbered 120, 148, 151, 153, 154, 157 and 161 shown on the deposited plans. All that land is liable to permanent compulsory acquisition under the Bill. Your Petitioners occupy the land and use it as a depot ("the Depot") for their bus operations. The Depot is an essential part of your Petitioners' operation, supporting their bus operations in the surrounding areas and throughout London by providing parking spaces for up to 150 buses, office and other facilities. Up to 500 people are employed at the Depot. The site also represents a significant investment in training and development for up to an additional 75 unskilled workers to be trained as bus drivers.
11. Access to the Depot is gained by an unnamed private road, shared with other neighbouring occupiers, which in turn runs off Atlas Road, another private road. Both roads are liable to permanent compulsory acquisition under the Bill. Atlas Road itself is listed in Schedule 4 to the Bill as being a highway which is liable to being stopped up partially.
12. The environmental statement deposited with the Bill ("the ES") seeks to explain how the Depot will be affected by the works authorised by the Bill ("the Authorised Works"). In this regard, the ES is contradictory and confusing. On the one hand, it says that provision has been made to ensure that the Depot can remain operational throughout the works (Volume 2, CFA4, paragraph 10.4.1, bullet 3 and paragraph 12.4.28) but on the other, it says that Depot buildings will be required to be demolished (paragraph 2.4.59) and that Atlas Road will be temporarily closed to public traffic within the Atlas Road satellite compound boundary for the duration of the works (paragraph 12.4.11, bullet 4). The maps produced with the ES show the whole Depot site, together with Atlas Road as being required as a satellite construction compound during the construction period, and after construction as land "returned to suitable development use".
13. The Bill provides wide ranging powers for the nominated undertaker to interfere temporarily with any highway for the purposes of the works authorised by the Bill and

there are likely to be a great number of utility diversions in the Old Oak Common area, required as a consequence of the works authorised by the Bill. Road closures in the Old Oak Common area could have serious impacts on your Petitioners' bus operations including rail replacement and private hire work, causing lengthy diversions and additional fuel and other contract costs, which should not be borne by your Petitioners. Such road closures should be avoided except where essential, and in those cases, your Petitioners must be properly consulted and any additional costs must be borne by the Nominated Undertaker.

14. Your Petitioners are very concerned about the uncertain and unsatisfactory state of affairs as regards the Depot. The loss of even a part of the Depot would have serious consequences on your Petitioners' business. The Depot provides a strategic base for your Petitioners, not only for the bulk of their bus parking facilities, but also, as mentioned above, their main staff basis and training centre for their whole operation. Your Petitioners' bus service operation depends entirely upon them having depot facilities that are in a suitable location to meet the requirements of the routes which they serve. There is also the potential for business expansion at the Depot. Not only is the Depot site a strategic base, but it also benefits from a protected lease. It would, in your Petitioners' submission, be extremely difficult, if not impossible to find an alternative site which meets your Petitioners requirements in terms of its location, size, facilities, security of tenure and planning consent.
15. Your Petitioners therefore wish to remain at the Depot, subject to satisfactory arrangements being agreed with the Promoters of the Bill that ensure the Depot will remain capable of being safely and efficiently operated to its current capacity. On the basis of such arrangements being agreed, your Petitioners would request your honourable House to amend the Bill so as to remove the Depot and Atlas Road from the limits of land to be acquired and used and to make such further modifications to the Bill as necessary to ensure that your Petitioners' buses are able to gain access between the Depot and the highway network.
16. If such arrangements cannot be agreed and the Depot continue in operation, then your Petitioners expect the Secretary of State to provide, in advance of the commencement of construction of works that affect the Depot and at no cost to your Petitioners, an alternative Depot site which meets your Petitioners' requirements. In those circumstances, should an agreement not be reached to the satisfaction of your

Petitioners, they would ask your honourable House to amend the Bill or require the Secretary of State to come forward with satisfactory arrangements.

17. There are a number of other detailed issues relating to the Depot in respect of which they seek protection, including the environmental effects of the construction and operation of the proposed railway works on the Depot. Your Petitioners seek protection from the promoters in respect of noise, dust, access, hours of working and other matters.
18. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

SHARPE PRITCHARD LLP

Agents for Tower Transit
Operations Limited

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

of

TOWER TRANSIT OPERATIONS LIMITED

AGAINST,

BY COUNSEL, &c.

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