

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

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 THE WEST LONDON WASTE
AUTHORITY

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. Your Petitioners are the statutory joint waste disposal authority for its constituent six London boroughs (Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond) responsible for, inter alia, managing and disposing of municipal waste arising from 1.6 million residents of west London.
8. The Bill would 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.
9. Your Petitioners allege that they and their property, rights and interests in the area for which they are responsible and the inhabitants thereof would be injuriously and

prejudicially affected by the provisions of the Bill if passed into law in their present form and they accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.

10. On 27th November 2013 your Petitioners completed the procurement of a large scale, 28 year public private partnership contract (the "PPP contract") with a consortium led by SITA UK Limited ("SITA") for the long term management and treatment of waste at an energy from waste facility in South Gloucestershire. Under the terms of the PPP contract, your Petitioners' existing waste transfer station ("the Transfer Station") at Victoria Road, South Ruislip, HA4 0YP will be redeveloped, and the local planning authority, the London Borough of Hillingdon, granted planning permission for that development on 13th February 2014 (Planning permission no` 18124/APP/2013/1723) following submission of a planning application on 21st June 2013. A household reuse and recycling centre ("HRRC") is also located at the Victoria Road site.
11. The Transfer Station receives and transfers from road to rail the residual (non-recyclable) waste arising from four London Boroughs and around 800,000 people. It has fulfilled this function for over 30 years and under the terms of the PPP contract, it must do so for the next 28 years. To this end, your Petitioners cannot accept any risk to site operations at the Transfer Station arising from HS2 or any other proposal that, because of disruption to their delivery point, would result in waste not being collected from households by the waste collection authorities.
12. The land in which your Petitioners are shown in the book of reference as having an interest consists of plots numbered 45 to 50 in the London Borough of Hillingdon. Plots 46 to 49 comprise a private access road called Civic Way and plots 50 and 51 (the latter of which your Petitioners are not shown as having any interest in) comprises land within which the Transfer Station is located. Your Petitioners have full rights to use Civic Way for access. SITA's proposal is partly predicated on the ability to take in third party and commercial waste, so that will mean vehicular access will need to be maintained not only for the local authorities' waste collection vehicles, but private contractors as well. As mentioned, there is also a HRRC on the site that is operated by your Petitioners and to which the public need access in order for your Petitioners to fulfil its statutory duty under the Environmental Protection Act 1990 to arrange the provision to the public of civic amenity sites (HRRCs) in the area.

13. No indication is given in the Bill or the supporting documentation about what Civic Way is to be used for, but Schedule 6 to the Bill says that the adjoining plots 50 to 51 may be used for the provision of access for construction and maintenance of utility diversions. It can be assumed that Civic Way will also be used for those purposes, on a shared basis with other existing users. Some comfort is given to your Petitioners in that section 5(3) of and Schedule 8 to the Bill would restrict the scope of the Secretary of State's power to acquire plots 47 to 49 compulsorily by only enabling him to acquire rights in the land, but that by no means meets your Petitioners' concerns.
14. Your Petitioners have been aware of the HS2 proposals for over two years, and your Petitioners have been careful to ensure that as the proposals have developed, they will not have a prejudicial impact on the operation of the Transfer Station or HRRC site. Your Petitioners have engaged fully with the Promoters from the outset and have always stressed the importance of the Transfer Station and access to it. At the final site meeting with the Promoters on 24th June 2013, your Petitioners were given to understand that the only impact on the Transfer Station would be that a subterranean safeguarded zone would be applied to the part of the site that was above the proposed railway tunnel.
15. The first time that your Petitioners were made aware by the Promoters of their need to use Civic Way and construct the extension of it on plots 50 and 51 was when they received a letter dated 25th November 2013. This unexpected requirement has already caused your Petitioners to incur time and cost in additional negotiations with SITA and the legal advisors to SITA's external lenders for the PPP contract on how this risk and change in property rights should be treated within the PPP contract.
16. Your Petitioners are gravely concerned about the proposals in the Bill which, if left as drafted, could have, inter alia (a) a serious impact on the operation of the Transfer Station by SITA; (b) financial impact on your Petitioners under the terms of the PPP contract and (c) the operation of and access by members of the public to the household reuse and recycling centre. Your Petitioners are particularly concerned to ensure that the use of Civic Way by HS2 vehicles does not interfere with the operation of the Transfer Station or the HRRC and that the Nominated Undertaker will take measures to prevent damage by its vehicles to Civic Way and the Transfer Station site and remedy any damage caused. Your Petitioners are keen to understand what Civic Way will be used for, what sort of vehicles will be using it and at what times, whether

the acquisition of rights is intended to be permanent or temporary, and if temporary for how long, and when the acquisition and construction works are to take place.

17. Despite requests, no information has been provided to your Petitioners by the Promoters about the works that will be undertaken under the Bill's powers, including details about the type, quantity, and timing of vehicles accessing the site. In the environmental statement deposited with the Bill there appears to be no traffic impact assessment taking into account the use of Civic Way by vehicles accessing the Transfer Station, the household reuse and recycling centre or other users of Civic Way or on the impact of additional vehicles utilising the proposed new access track, when evaluating the pressures on Victoria Road and Civic Way.
18. To meet their concerns in relation to Civic Way and the Transfer Station, your Petitioners expect the Promoters to come forward with satisfactory proposals with which your Petitioners can agree, but in case that does not happen, your Petitioners ask your honourable House to amend the Bill or require the Promoters to come forward with proposals that provide protection for your Petitioners in relation to the matters raised above, including (but not limited to) ensuring that there is no disruption at any time to the daily operation of the Transfer Station, covering your Petitioners' costs of reinstatement of the affected area (mainly used for car parking) at the Transfer Station to the standard required by the planning consent mentioned earlier, and reimbursing any costs arising in respect of disturbance to SITA's services.
19. In addition to the impact of the proposals in the Bill on Civic Way and the Transfer Station, your Petitioners are also concerned about the potential impact of ground settlement arising from the tunnelling of the proposed railway so close to the Transfer Station. Again, your Petitioners expect the Promoters to come forward with proper proposals for the protection of your Petitioners' interests, but in case not, your Petitioners ask your honourable House to amend the Bill or make requirements of the promoters to indemnify the Petitioners against any damage to the existing site arising from the Promoters activities and to ensure that proper schedules of condition are carried out before and after the tunnelling takes place, that monitoring of your Petitioners' property is carried out during and afterwards and that any remedial action necessary is carried out promptly and that the costs of all these measures is borne by the Promoters or the Nominated Undertaker.

20. 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 the West London Waste
Authority

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P E T I T I O N

of

THE WEST LONDON WASTE AUTHORITY

AGAINST,

BY COUNSEL, &c.

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