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IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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 SITA UK 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 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 SITA UK Limited. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in your Petitioners' land, 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. Your Petitioners' land is listed in the Book of Reference that accompanies the Bill as plots 374 and 401 in the City of Birmingham.
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.

Landor Street

Background

9. Your Petitioners operate an Integrated Resource Recovery Centre (IRRC) at premises off Landor Street, immediately to the south of Curzon Street No.2 Viaduct in Birmingham ("the Site"). The Site abuts both Landor Street and Viaduct Street, and the only entrance is from Landor Street. The whole of this Site falls within the land subject to the Safeguarding direction on Map 115 ("the Safeguarding Zone") and part of the Site is liable to be acquired compulsorily during construction of the railway. That part of the Site which may be acquired (the "Construction Zone") is shown on Map Number CT-10-070(CFA26) in the Environmental Statement deposited with the Bill.
10. Birmingham City Council granted planning permission for the IRRC in November 2011. The permission allows the development of the following on the Site: a solid recovered fuel (SRF) production facility (which takes waste which cannot be recycled and converts it into a replacement fossil fuel mainly in the production of cement, lime and other materials), a material recycling facility (MRF), a waste transfer station, vehicle maintenance workshop, regional offices, National Training Centre, depot for commercial vehicles / containers, service areas, gatehouse and parking.

An integrated site

11. The Site can be described as hosting an integrated facility because a number of treatment processes take place there ensuring that waste is processed quicker, more economically and sustainably. Your Petitioners have a policy of developing integrated facilities to reduce the need to move waste from one facility onto a HGV and drive it (creating CO₂ emissions) to another facility for unloading and further processing. Your Petitioners estimate that 25% of the output of the MRF can be transferred, next door, to the SRF for processing. This means that 20,000 tonnes per year of residual waste is spared movement by road between the MRF and an SRF treatment plant by having them both on one site. The Site's location is also important as it is close to the places where the waste is created, further reducing HGV mileage between the point of collection and delivery to the process/treatment facility. If either of the MRF or SRF was closed as a result of the scheme, your Petitioners' operational costs would increase significantly. When the SRF becomes fully operational at the end of 2014 it is expected to process 120,000 tonnes of waste per annum and the MRF is expected to process 80,000 tonnes per annum providing employment for about 85 personnel.

12. Planning permission was granted in December 2013 for a separate vehicular access from Viaduct Street to the National Training Centre. The intention is to separate the users of the National Training Centre from the HGV site traffic, thus creating a safer environment.
13. Not all of the facilities within the IRRC that have the benefit of planning permission have been developed yet. While the following are currently fully operational: the SRF, the National Training Centre, the regional offices and storage areas for processing plant (this is a regional facility serving other SITA processing plants for spare parts in the Midlands), the MRF will become fully operational by December 2014. The separate access to the National Training Centre has not yet been constructed. Your Petitioners do not believe it is commercially sensible to develop the waste transfer station or the vehicle workshop at Landor Street without knowing what the impact of the HS2 development will be on the Site.

The promoters' requirements

14. The plans produced by the Bill's promoters show that land at Landor Street, on the northern part of the Site, including an area known as Parcel Dock, will be required during the construction period. The plans show an intention to demolish the buildings on the most northerly boundary and to acquire land which lies between those buildings and the current SRF building. The proposals will have a detrimental effect on both the Site and on your Petitioners and these summarised below.
15. Your Petitioners met with the promoter on Site in January 2013 but since that date your Petitioners have not been provided with any more specific detail on the promoter's plans for the Site or its vicinity in order to enable your Petitioner to crystallise its plans for future development of the Site. Your Petitioners are keen to understand in better detail the promoter's proposals in terms of –
 - a) the demolition of the Parcel Dock,
 - b) proposed alterations to, and potential closures of, the access roads serving the Site,
 - c) what area of land will be acquired in or around the Site and whether the acquisition of land is intended to be permanent or temporary and, if temporary, for how long, and
 - d) when the land acquisition and demolition works are to take place.

16. Your Petitioners expand on its detailed requirements in paragraphs which follow but in general terms, your Petitioners expect the promoter to come forward with satisfactory proposals with which your Petitioners can agree and which will enable them to continue their operations unhindered. But in case that does not happen, your Petitioners ask your honourable House to amend the Bill or require the promoter to provide protection for your Petitioners in relation to the matters raised in this Petition, including—
- a) ensuring that any disruption to the daily operation of the existing facilities at the Site (including access thereto) is kept to a minimum,
 - b) ensuring that your Petitioners can continue to develop the facilities for the Site as envisaged in its planning permissions (referred to above)
 - c) covering any additional costs incurred by your Petitioners as a result if the scheme including costs of (i) relocating the water tanks serving the SRF and MRF facilities, (ii) relocating the National Training Centre (presently located in the Parcel Dock building due for demolition) and any losses or additional costs arising from interruption or loss of business at the SRF and MRF facilities, (iii) any loss of the use of an integrated facility should that arise and (iv) procuring planning and permitting at a different location for a waste transfer station, should that be needed.
17. In respect of the last point, your Petitioners wish to emphasise how difficult it would be to obtaining planning permission for a waste transfer station at a similar location, close to the centre of Birmingham and to good quality transport infrastructure.

The scheme's effects – water tanks

18. Your Petitioners would stress that, just outside the Construction Zone but within the Safeguarding Zone, there are large water tanks which form part of the dust suppression and fire sprinkler systems which serve the SRF and MRF facilities. Any loss of the water supply provided by the tanks would result in closure of the SRF and MRF facilities, as insurers require these systems to be constantly available due to the fire risk arising from having large volumes of waste on site. Water is also needed for the dust suppression system required under the facility's environmental permit. While it might be possible to relocate the water tanks elsewhere on the Site this would, in all likelihood, result in the loss of parking areas which would cause other problems. If it became necessary to relocate the water tanks, your Petitioners would require the promoter to provide an alternative location for them and to

connect the SRF and MRF facilities to the new water tanks prior to the disconnection and removal of the existing water tanks.

The scheme's effects – demolition of the National Training Centre and storage areas

19. The creation of the Construction Zone would require the demolition of the National Training Centre and storage areas. This would mean that your Petitioners would have to find a new location and obtain planning permission for a new training centre which is similarly located in central England and accessible to its staff travelling from all over the UK.

The scheme's effects – problems for vehicles

20. The Construction Zone will encroach into the area which is currently required to allow vehicles bringing waste to the SRF to manoeuvre safely. The vehicles delivering waste need to be able to turn in the yard area and then reverse into the SRF building to tip the waste. Your Petitioners believe a minimum distance of 30 metres from the external wall of the SRF building is required for the delivering vehicles to reverse, turn, tip and exit the facility. If there was a smaller manoeuvring or turning area, even temporarily, it would result in the closure of the SRF business as it would not be able to accommodate the type of vehicles delivering the waste. Your Petitioners respectfully request that your honourable House require the promoter to confirm that your Petitioner will continue to have the minimum turning area throughout construction and that the SRF will continue to be able to operate to meet commitments set out at paragraph 22 below.

The scheme's effects – frustrating development

21. Due to the proposed scheme it will not be possible to operate all the facilities in accordance with the planning permission granted in November 2011 and as intended by your Petitioners. For instance, the loss of the Parcel Dock building would leave your Petitioners with insufficient space to develop the waste transfer station and vehicle workshop. It would also result in the closure of the SRF and MRF if vehicles were unable to serve these facilities safely. Your Petitioners ask that the Promoters work with them to secure an alternative location to develop the facilities envisaged at the Site and the planning permission.

The scheme's effects – disruption to the SRF

22. The SRF is necessary to meet your Petitioners' contractual obligations with a major cement producer (pursuant to a 25 year agreement signed in 2012) to supply an alternative to fossil

fuels to their cement production facilities. Your Petitioners would incur losses under the agreement if it could not produce minimum annual quantities of fuel. Your Petitioners could only relocate the SRF if it could obtain planning permission and an environmental permit for another site and, even if this were granted, it would cause disruption to production and your Petitioners would be burdened with additional costs. In these circumstances, your Petitioners would expect the promoter to work with your Petitioners to ensure that the production of SRF was not disrupted by the promoter's development.

23. It is also noteworthy that the proposed scheme adversely affects your Petitioners' ability to enter into further similar agreements for fuel supply with other producers.

The scheme's effects – electricity supply

24. The Site has the benefit of a 3.5MVA HV electricity supply required for the operation of the SRF and MRF and there is a substation on the Site in connection with this supply. The cables providing this supply pass under the Construction Zone before connecting to the onsite substation. It is not clear from the plans supplied by the promoters, or from discussions with them, whether or not the substation lies within the Construction Zone. Any interruption to the supply would have a significant impact on the operation of the Site and your Petitioners' income. It is considered that the demolition of the substation would result in closure of the operations unless it could be relocated elsewhere on Site. There is, however, no space on the Site for this relocation without the loss of one of the facilities or parking space. Relocation, therefore, would lead to significant problems elsewhere.

The scheme's effects – road closures

25. Road closures in the vicinity of the Site would have significant impacts upon HGV, waste vehicles and third party deliveries to the Site, including time delays and actual access to the on-site weighbridge. Excessive delays in accessing the Site and tipping times would deter third parties from tipping at the site and this would seriously affect revenue.
26. Your Petitioners note that highway works will be carried out to the A4540 Lawley Middleway. Any closures to Lawley Middleway would affect HGV and other waste vehicles (of SITA and its customers) tipping the waste into the MRF and SRF facilities and making deliveries to the logistic facilities at the Site. Your Petitioners would submit that, in these circumstances, a new junction would be needed to allow for turning. Alternatively, your Petitioners would request that, before any road closures are implemented, a new

weighbridge be installed to allow vehicles to access from a different route. Any road works should also allow for a temporary roundabout at the western end of Curzon Street to ensure that vehicles can still access the Site while roadworks associated with the development are carried out. It should be noted that as deliveries are on a 24/7 basis, then your Petitioners would also be adversely affected by any night closures of the surrounding roads.

The scheme's effects – miscellaneous concerns

27. Your Petitioners are obviously only able to summarise those impacts of which they are aware. In addition to the concerns outlined above, your Petitioners understand that the promoter proposes to locate a large crane on or in the vicinity of the Site but your Petitioners do not have much detail to go on at the moment and are concerned that the crane may over sail your Petitioners' facilities. Moreover, since the River Rea is culverted at the Site, the Nominated Undertaker would need to take suitable precautions to ensure that any development (including the location of the crane) did not damage the culvert.
28. In summary, your Petitioners expect greater clarity from the promoters in respect of how the proposed scheme will impact the Site, for example: the likely duration of development, the intended land take, what (if any) services can be preserved and which of your Petitioner's intended facilities can be developed during their construction phase. Your Petitioners will also wish to agree a package of compensation for any interruption to its business (including any costs of relocation) or failing to meet its contractual obligations occasioned by the promoter's development. Your Petitioners would also seek to explore any assistance which the Promoters can provide with regard to any relocation of its facilities to other locations near to the Site so an integrated set of facilities can be maintained.

Packington

Background

29. Your Petitioners also own and operate Packington landfill site on land off Packington Lane, Little Packington, Warwickshire ("the Landfill Site"). This is a waste management facility which has been in operation for over 40 years and extends to circa 380 acres of land. The landfill site is one of the largest in the UK and also includes a range of recycling and recovery facilities. These facilities include a waste wood recycling facility, a green waste composting facility, landfill gas generation and a leachate treatment facility. In addition, the Landfill Site has planning permission for the conversion of 50,000 tonnes of organic waste per annum

into compost through its Anaerobic Digestion (AD) facility. The landfill site has the benefit of an Environmental Permit and it contains a large number of monitoring points scattered within and outside its boundary.

30. Map CT 05 106 (Construction Phase) in the ES shows that part of the Landfill Site is potentially required during construction of the railway and Map CT06 106 (Proposed scheme) shows that, within the Landfill Site, there are areas for construction and earthworks that fall within the Safeguarding Direction. Together, these areas include 8 Gas Monitoring Points, 4 Groundwater Monitoring Points, 1 Surface Water Monitoring Point and 1-2 Perched Groundwater & Gas Monitoring Points. These points are regularly monitored for data by your Petitioners' in order to comply with the Environmental Permit issued by the Environment Agency. Any interference in accessing these monitoring points could put your Petitioners in breach of their monitoring obligations under the permit, compliance with which must be strictly observed as non-compliance could lead to criminal sanction. Any alteration to the monitoring and/or management processes at the landfill would require the approval of the Environment Agency.
31. Your Petitioners have identified that the Safeguarding Direction for the HS2 works affects –
 - a) land which is part of an asbestos mono-cell specifically engineered to contain asbestos. This area is now full and capped and is no longer open for tipping. The capping works involved surrounding the cells with clay and the works must not be disturbed;
 - b) the access road to the south/south west of the Landfill Site which is required for the maintenance of the landfill infrastructure and environmental monitoring of the site; and
 - c) the surface water attenuation pond and associated ditches.
32. The surface water attenuation pond is an important part of the surface water management for the whole of the Landfill Site and is essential for compliance with the environmental permit's requirements in relation to water flows. Any relocation of the pond would, if it were possible, be difficult and expensive due to the lie of the land. In addition, south of the landfill site, your Petitioners currently monitor surface water flowing onto their site and this also falls within the safeguarding area.

33. The safeguarded area in this location is extensive and your Petitioners would suggest that the Promoters consider whether they would want to venture onto an area of landfill which is subject to an environmental permit and which is still subject to settlement. Your Petitioners are not clear how, in those circumstances, they could continue to comply with their obligations under the environmental permit or how those obligations could be passed to a third party. Your Petitioners would welcome discussions with the Promoter in respect of these points.
34. Interfering with the Landfill Site could raise the following problems:
- a) Interfering with the slurry wall, which prevents the migration of leachate / gas. Works to the landfill site would require the wall to be replaced, although it is not clear to your Petitioners how this could be achieved while complying with the environmental permit.
 - b) Interfering with deposited asbestos which would have to be removed and relocated, although it is not clear if the Environment Agency would allow this. Any consent of the Environment Agency would require the production of additional information which would be time consuming, and any consent would be expensive to obtain and implement.
 - c) Significant volumes of waste would have to be removed from the non-hazardous cells of the landfill to create enough peripheral room for surface water management (ditches, lagoon etc) at the base of the re-engineered cells. This waste would need to be replaced with top soil in order to maintain the contours required under the planning permission for the landfill. Such significant re-engineering, waste removal and replacement would be extremely expensive to undertake.
 - d) The Environment Agency may treat any waste to be removed as hazardous waste depending on the depth of its location within the landfill. This would also add to the expense as hazardous waste must be disposed of in a hazardous landfill with higher gate fees. .
 - e) A variation of the environmental permit might be required, including a technical reassessment of the landfill's stability, the re-drilling of wells and replacement monitoring points

- f) Any removal of decomposing waste would lead to a loss of revenue which your Petitioners receive from a "landfill gas to electricity" scheme. The removal of such waste would also create methane.
- g) The huge cost and risk associated with obtaining the environmental controls that would be required to allow any work to be undertaken
- h) Any construction within 250 metres of the landfill perimeter will also require a gas membrane to counter any effects of gas migration from the landfill.

Highway concerns

- 35. The surface water from the A46 highway goes into a soakaway next to the Landfill Site. This is currently a source of ground water pollution which is monitored by your Petitioners. If any works take place in the vicinity of the Landfill Site they might compromise your Petitioners' ability to continue monitoring the pollution and this is a cause of concern.
- 36. Your Petitioners do not understand how monitoring would be managed during the construction phase or afterwards and neither do they understand how this phase will impact the Landfill Site. Due to the environmental complexities and large expense that any development might cause, your Petitioners consider that the promoter should take all steps necessary to avoid any interference with the Landfill Site unless it is absolutely necessary to do so. Where interference is necessary, the promoter must ensure that there is no breach of your Petitioners' environmental permit (or of environmental legislation generally) and it is anticipated that this will require working closely with your Petitioners and the Environment Agency.

Victoria Street South Ruislip

- 37. Your Petitioners would respectfully draw to your honourable House's attention to the fact that they have an interest in the waste transfer site at Victoria Road, South Ruislip, HA4 0YP, which is proposed to be redeveloped and which is the subject of a separate petition submitted by the West London Waste Authority. Your Petitioners wish to endorse the contents of that petition.
- 38. 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 SITA UK Limited

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P E T I T I O N

of

SITA UK Limited

AGAINST,

BY COUNSEL, &c.

SHARPE PRITCHARD LLP
Elizabeth House
Fulwood Place
London WC1V 6HG
Parliamentary Agents