

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:

THE FREIGHT TRANSPORT ASSOCIATION

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 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.
- 7 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*

- 8 Your Petitioners are the Freight Transport Association, a trade association that represents the transport interests of companies moving goods by rail, road, sea and air. Your Petitioners' members consign over 90 per cent of the freight moved by rail and over 70 per cent of sea and air freight. They also operate over 220,000 goods vehicles on road amounting to almost half the UK fleet. The main rail freight operating companies are members of your Petitioners' trade association, as are the major global logistics service providers operating in the European and UK market.

- 9 Your Petitioners' Rail Freight Council includes all parties to the rail freight supply chain, including rail freight operating companies, Network Rail, wagon builders, logistics service providers and bulk, intermodal and retail shipper customers.
- 10 Almost all of your Petitioners' members are specifically and directly affected by the Bill as there will be a serious impact on the freight capacity caused by trains joining and leaving the railway it authorises at its northern end and also an inadequate share of the benefits of the construction of the railway on your Petitioners' members' interests. In addition, the construction of the new railway will severely disrupt your Petitioners' members' who move freight by road and rail, and this will affect your Petitioners' members who rely on such freight deliveries.
- 11 Your Petitioners' members' rights, interests and property are injuriously affected by the Bill, and as they have largely common concerns, it is appropriate that your Petitioners rather than their members individually object to the Bill for the reasons amongst others, hereinafter appearing.

#### *Your Petitioners' concerns*

- 12 Your Petitioners are not opposed in principle to the construction of the new railway transport system for which the Bill provides, but are greatly concerned about the inadequate provision for rail freight safeguarding and growth that is made in the Bill. The Bill is an opportunity to ensure that rail freight growth and the subsequent benefits that can be delivered to your Petitioners' members' businesses, the UK economy and environment can be realised. Your Petitioners object to the Bill as it currently stands as it does not provide appropriate measures to secure the future benefits of rail freight.
- 13 Your Petitioners are also concerned as to the impact that the works and system will have on their members' ability to operate their businesses. Your Petitioners object to the Bill on the grounds that it does not afford sufficient safeguards to the continued and continuous operation of road and rail facilities used in the daily operation of your Petitioners' members' and their customers' businesses in the areas concerned.

#### *Reservation of Released Capacity for Rail Freight*

- 14 The Environmental Statement suggested that HS2 could release capacity on the classic network that could be used to increase the number of freight services on the West Coast Main Line. However, your Petitioners are concerned that the Bill makes no provision for the capacity released to be allocated to freight services in this way,

and are concerned that without any requirement for released capacity to be shared by freight and passenger services, it will all be taken up by passenger services. The West Coast Main Line is a critical artery for rail freight and the released capacity which Phase 1 delivers is essential to allow freight to be delivered to the major conurbations in the West Midlands and the North West. Substantial investments have been made to gauge clear this route, which is used by 95% of all intermodal trains at some part of their journey. Network Rail's 2013 Freight Market Study forecasts rail freight volumes could double in size by 2043 driven by growth in the intermodal sector. The Network Rail forecasts show that additional capacity along the West Coast Main Line will be crucial to support this growth, with an extra three paths per hour in both directions between London and Crewe being required by 2033. By releasing capacity on the classic network HS2 provides the opportunity to accommodate this growth.

- 15 Your Petitioners aver that there is a compelling economic case for supporting growth in rail freight volumes. The value to the UK economy of delivering freight by rail is clear with productivity, environmental and congestion benefits currently worth £1.5bn a year to the UK economy. As rail freight volumes grow over the next three decades, estimates suggest that these benefits could be worth over £4bn per annum.
  
- 16 Your Petitioners submit that reserving the released capacity on the West Coast Main Line following the completion of Phase 1 of HS2 will be crucial to ensure the predicted and desired growth of rail freight and to increase the economic benefits to the UK. Your Petitioners therefore respectfully submit that the Bill should not be allowed to pass into law without ensuring that sufficient network capacity released by Phase 1 is reserved for rail freight growth. This requires a minimum binding commitment that three additional paths per hour off-peak on the West Coast Main Line between London and Crewe will be reserved for rail freight.

*Commitment to expedite Phase 2 to Crewe*

- 17 Your Petitioners welcome the statement from Sir David Higgins that Phase 2 should be built to Crewe at the earliest opportunity. This is critical, as a significant bottleneck would occur where HS2 trains rejoin the West Coast Main Line at the Handsacre Junction prior to the completion of Phase 2. The West Coast Main Line is a key artery for freight traffic with an average of over three freight trains per hour operating along this part of the line in both directions, and it is crucial that this traffic is protected. Forecasts indicate significant growth over this section, with an additional three paths per hour off-peak required to satisfy demand by 2033. Therefore your Petitioners submit that the Bill should not be allowed to pass into law without a binding commitment from the Promoter that Phase 2 to Crewe will be expedited and completed at the earliest possible opportunity to facilitate freight growth, and that the period during which trains join and leave the West Coast Main Line at Handsacre is at best eliminated or at least minimised.

### *Protection of Freight Capacity Following Completion of Phase 1*

- 18 Your Petitioners recognise that if the Handsacre junction becomes operational, there will be an intervening period between the completion of Phase 1 and the completion of Phase 2 to Crewe, where HS2 trains will rejoin the West Coast Main Line and create a bottleneck. Although your Petitioners have not seen any timetable analysis they understand that without the extension to Crewe at the Handsacre Junction, seven HS2 trains will rejoin the classic network per hour, compared with the estimated three inter-city services which will have been removed. These additional services will need to fit onto the existing network through bottlenecks at Colwich Junction and other locations. Your Petitioners' understanding is that these additional services on the classic line could not be accommodated alongside rail freight growth. Your Petitioners respectfully submit that the Bill should not be allowed to pass into law without a binding commitment from the Promoter that makes provision for ameliorating measures that will accommodate freight growth until Phase 2 to Crewe is complete. Such measures could include reservation of additional paths for freight or an acceptable diversion.

### *Strategic Road Network Closures*

- 19 Your Petitioners accept that there will be disruption to the strategic road network during the construction phase of the railway. The route of the new railway will pass over or under key arterial roads such as the M42 and the M6 where freight is carried by HGVs and other goods vehicles. Many of your Petitioners' UK retailer and distribution customers are reliant on logistics depots that are based along these key road networks. In particular a considerable number of logistics depots are based in or near to Birmingham, due to its central location in the UK. Severe disruption to the road network in these areas will have huge implications for the ability of your Petitioners' members to operate their businesses from these locations effectively.
- 20 Your Petitioners note that the mitigation measures described in the Environmental Statement include the implementation of night time and weekend road closures to reduce impacts of construction on the road network. Your Petitioners submit that night time closures on key roads would have a severe impact on the ability of retail freight traffic to operate. The retail business relies to a great extent on 'night trunking', where freight vehicles are filled up and travel to cross-country destinations overnight. Night time closures on road networks would have the worst and most disruptive impact on the road freight industry of all possible measures that could be put into place. Your Petitioners strongly submit this should be avoided.

- 21 In addition road diversions could significantly impact on the ability of freight to be transported by road. Even a diversion that would add a small increase in the length of time to a driver's route could mean that certain routes were not viable. A small increase in time could take a driver over the working time limits imposed by EU law and as such significant reworking of routes with additional drivers and changeovers would result. Any diversion to road networks to accommodate HS2 construction work would need to be carefully considered in this light.
- 22 Your Petitioners therefore submit that any disruption to the strategic road network should be kept to an absolute minimum. Where disruption is unavoidable your Petitioners submit that the Bill should not be allowed to pass into law without a binding commitment from the Promoter that they will participate in a consultation process with your Petitioners. The consultation process should be conducted well in advance of any proposed road closure so that any diversionary routes or practices can be discussed and approved by your Petitioners, to ensure they will cause minimum disruption to your Petitioners' members.

#### *Possessions Regime – Rail Freight*

- 23 Your Petitioners accept that the Promoter will require engineering access to the classic network in order to undertake necessary work to facilitate the construction of HS2. However, there needs to be a balance between access for works and business as usual.
- 24 Rail freight companies operate in the private sector and the five largest operators compete with each other and with other modes of transportation. Restricting access to the classic network during construction of HS2 would create uncertainty and instability for all rail freight companies and risks undermining the £2bn of rail freight operator investments made since privatisation. Disruption on the classic network could mean rail freight companies are unable to fulfil customer contracts or meet customer expectations which risks damaging confidence in the sector. In addition, rail freight companies will not be able to utilise their capital assets which will undermine their business operations. Your Petitioners submit that disruption to network access should be kept to an absolute minimum and where access is required the Bill be amended to require the promoter to agree access via Network Rail, using normal industry processes. In particular, nothing in the Bill should disapply Network Rail's Network Change policy or override the policy and current practices on agreeing possessions.

### *Combined effect of road closures and rail possessions on freight transport*

- 25 Your Petitioners submit that the combined effect of road closures and rail possessions and diversions could cause significant disruption to freight distribution around the UK. If the two main modes of freight transportation are disrupted at the same time, retail and logistics service providers will have significant problems operating their businesses. The subsequent financial implications could be hugely adverse on your Petitioners' members. Your Petitioners submit that the Bill should not pass into law without a binding commitment from the Promoter that they will put measures in place to ensure that any disruption to the road and rail network is kept to a minimum. This should include a commitment that any disruption on either mode is considered in tandem with the other, to ensure effects are not compounded.

### *Construction works affecting waterways*

- 26 Your Petitioners are concerned that the construction works for HS2 will disrupt and affect the navigable waterways used by your Petitioners' members to transport freight. Any disruption to these waterways would cause significant problems to your Petitioners' members' ability to fulfil commitments and operate their businesses. Your Petitioners submit the Bill should not be allowed to pass into law without a binding commitment from the Promoter that any interference to navigable freight waterways caused by the construction of HS2 will be minimised and measures will be put into place to ameliorate disruption.

### *Anglo-Scottish Freight*

- 27 Your Petitioners are concerned about the impact of the increased demand for passenger services that will result north of Preston once both phases of the HS2 railway have been completed. Your Petitioners submit that no consideration has been given to how already busy freight routes where demand for capacity is increasing will be accommodated alongside this increased passenger demand.
- 28 The West Coast Main Line north of Preston is already a very busy route, with only a two line railway in operation. There are key rail freight transportation routes that currently operate between the Daventry International Rail Freight Terminal in Northamptonshire and central Scotland. All indications are that demand for freight to travel on these routes will increase in the future.

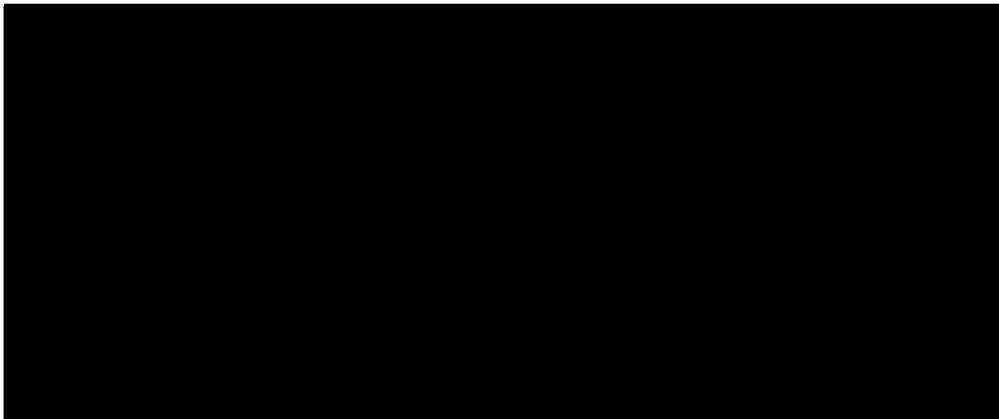
29 Your Petitioners submit that the Bill should not be allowed to pass into law without a binding commitment from the Promoter that they will conduct a study of the implications for future Anglo-Scottish rail capacity and Anglo-Scottish freight capacity growth subsequent to the completion of HS2 and act on this to safeguard such capacity.

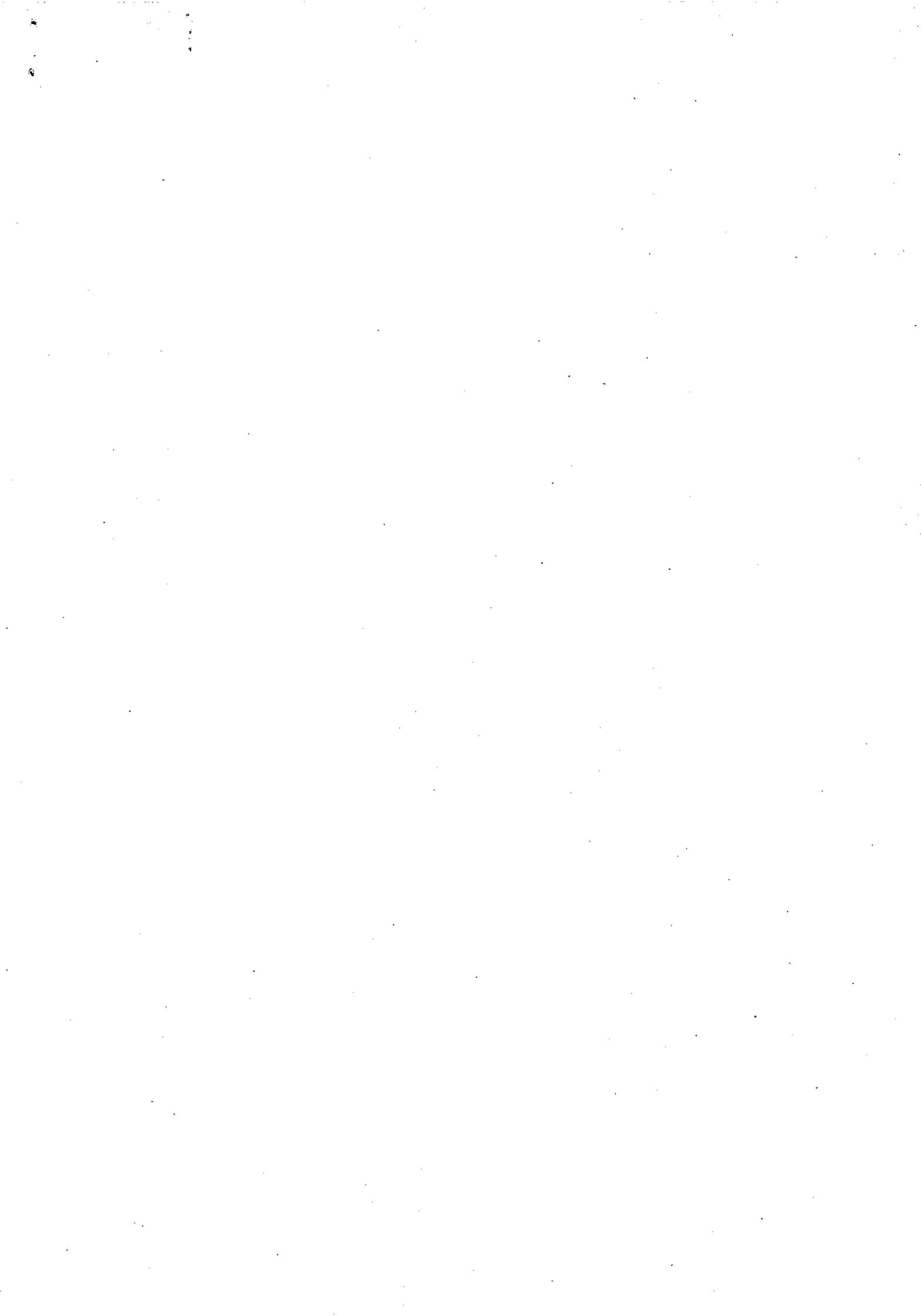
30 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, the Bill should not be allowed to pass into law.

31 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners' members' rights, interests and property and for which no adequate provision is made to protect your Petitioners' members.

YOUR PETITIONERS therefore humbly pray 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.





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AGAINST, By Counsel, &c.

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Solicitors and Parliamentary Agents  
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