

**IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14**

**Transport For London Bill [HL]**

Against – on merits – 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 **JOCELYN MARY BELL 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 confer further powers upon Transport for London; and for related purposes.”

2. The Bill is promoted by Transport for London.

The Preamble to the Bill recites inter alia that whereas

(1) It is expedient that the powers of Transport for London should be extended and amended as provided in this Act:

(3) It is expedient that Transport for London should have powers as regards forming, promoting and assisting and investing in limited partnerships:

*Relevant Clauses of The Bill*

3.

**Jocelyn Mary Bell objects to the inclusion of Clause 5 “Power for TfL to form and invest in limited partnerships” and wishes it to be removed in its entirety from the Bill.**

*Your petitioner*

4. Your Petitioner is resident at and the freehold owner of a house, 22, Sandrock Rd, London SE13 7TR which being on land within the environs of Greater London, wherein TfL own a significant amount of lands and assets, likewise that of her family members who she has occasion to visit and for patients for whom your petitioner advocates who also live within the environs of Greater London or who she may have need to visit or support in medical appointments for the same reason and who may if the plans go through require more of her time and assistance in the context of medical appointments and other areas of support is a cause of concern if this Bill is passed as written.

5. Your petitioner was also previously resident in SW5, which falls within the environs of the Earls Court Masterplan site – wherein your petitioner has regular occasion to visit and which includes the freehold land owned by Transport For London.

The petitioner notes in particular The Earls Court Masterplan. Both TfL and LBHF have sought to enter in to agreements through limited partnerships, without the usual tendering process, with Capital and Counties ( henceforth herein referred to as Capco).

The first phase of building work on the Earls Court scheme, is the two year demolition programme to demolish the Earls Court 1 (EC1) and Earls Court 2 (EC2) Exhibition Centres, the freehold of both EC1 and EC2 being owned by TfL, with a small part of the freehold being owned by Network Rail.

The planned period for the delivery of said overall plans is some 20 years.

#### 6. *Your petitioners concerns*

(i) The petitioner is an expert patient and health advocate in a condition which includes lung and immune system damage and respiratory failures when exposed to poor air quality

(ii) The petitioner has to remain indoors for protracted periods when the London air quality is poor and has on occasion needed to seek urgent medical attention even when remaining indoors during these public health alert periods. The petitioner also has to offer support to others in the same situation during these times, which is challenging to the petitioner in said circumstances. The worsening of air quality will result in greater restriction to the petitioner.

(iii) The petitioner is cognisant with the facts of air pollution levels across the capital and the urgent need for the mayor to take measures to ensure that the said air quality of the capital falls within the EU regulatory standards – made evident by the ongoing penalties commensurate with that failure.

(iv) The petitioner notes that the said mayor of London (whomsoever may occupy that position ) is also named as the Chair of the self same TfL.

(v) The petitioner notes that a total of 662 land properties and operational assets are currently admitted as being held by TfL – other data being extended to include all assets not as yet being available to the petitioner.

#### 7.

The petitioner notes that air pollution causes 29,000 early deaths a year in the UK and the World Health Organisation has confirmed that air pollution causes cancer. Poor air quality also causes heart attacks and children living near busy roads in the UK have been shown to grow up with underdeveloped lungs. London has the highest levels of NO<sub>2</sub> of any European capital city and the UK has the highest proportion of zones breaching legal limits. In 2011 the WHO stated that public health experts agree that environmental risks constitute 25% of the burden of disease.

The petitioner notes that current proposals for the Earls Court area are to take place in what is already specifically one of the most polluted areas of London – and thus in Europe, by dint of traffic congestion extant and other particulates, which along with increases in said congestion from construction traffic – indeed of up to 77 – 93 feet in length seeking access and egress through narrow residential streets, along with demolition particulates which also include asbestos, will serve only to increase the levels of PM<sub>10</sub>s, nitrogen dioxide etc ( which in SW5/6 is already 100x WHO acceptable levels ) in that immediate area and beyond to increasingly dangerous levels which will put the health of the petitioner and those for whom she advocates at significant risk. Wherein this may also then be replicated elsewhere within the capital as a result of further such contracts entered into by said TfL, the petitioner notes that around 9,000 individuals lost their lives prematurely in the Greater London area, directly due to poor quality air in the 12 months 2010 – 2011. This does not include figures for cancers which given the WHO evidence, will have resulted additionally.

The petitioner notes that the current arrangement between TfL and the named developer with the Earl's Court area contract Capco gives a significant part of the power within this arrangement to said developer, specifically on a balance of 63/37 to Capco. The petitioner thus notes that said private developer Capco has the majority voice within circumstances which are set to have a negative impact on the health of West Londoners over a period of 20 years or more.

Furthermore the petitioner notes that wherein TfL seeks to be granted powers to enter into countless and as yet invisible arrangements of potentially similar impact across the capital, that this will in all likelihood impact negatively on her capacity remain in London just as it will an additionally large number of people and impact dangerously on a significant number of people in the same way.

The petitioner notes that within his presentation to the GLA, on March 12<sup>th</sup> 2014, the current Commissioner of TfL made it clear that a lack of transparency within these arrangements is in line with the usual Ltd company and private sector confidential dealings. However the petitioner notes that this invisible profit driven arrangement is in itself fraught with risk to the wider community – including herself, wherein there are no safeguards, nor public scrutiny.

The petitioner holds that a tendering process with local consultation along with an area impact assessment would be a standard approach for ensuring best value to the public purse and at least minimal public accountability on other related matters.

The petitioner holds that the example of the Earl's Court area dealings demonstrates that powers that would be vested in TfL to enter into private Ltd arrangements and less than transparent arrangements with private contractors, TfL then being given the powers to replicate this across the capital is self evidently a risk to the health of those residents such as the petitioner who have a respiratory and/or other relevant health conditions, but also to young children, pregnant mothers and other groups who are also resident, which includes her family members and friends and patients for whom the petitioner advocates, the impact on whom would cause inconvenience and stress to said petitioner.

The petitioner also notes that hard working members of her family are unable to afford to purchase a property within Greater London and that it is unlikely that she herself will be able to remain in the capital if the property situation continues to become inflated by arrangements such as those entered into between TfL and Capco, who offer a minimal level of social or affordable housing ( 10% + 11%), instead setting up a locality where expensive market value properties will sit empty as they already do in other areas of the capital and increasingly so, decimating well established communities. The petitioner holds that this model is likely to be replicated where TfL were to enter into similar arrangements with Capco or other contractors in other areas of the capital wherein they seek to temporarily hand over majority control of land usage to a third party for whom population health is not a priority or even of any significant value.

The petitioner holds that this is will be a blight on the capital's health and thus increasingly her own – wherein the majority of the workforce will be forced to live in either cramped and substandard and yet expensive accommodation with very poor air quality, or to leave the capital, impacting on it's productivity, its culture, its local communities as well as on the health and wellbeing of individual households such as that of the petitioner due to the stresses and difficulties occasioned in seeking suitable and affordable housing. The resulting physical and mental health impacts will in turn impact on the cost of health provision, squeezing services in the capital, which will disadvantage the petitioner who has need of effective free at the point of need health provision for the ongoing management of her condition.

Many Earl's Court area residents report stress symptoms at the prospect of their homes and their neighbourhood being taken apart. The same will apply if such developments were to occur unexpectedly in an area of Greater London either currently inhabited by the petitioner or one where she may be located in the future. The petitioner also notes that the capital is replete with buildings of cultural interest and many with national heritage and world heritage status. The petitioner notes that recent property developments have put these acknowledged heritage status buildings at risk of losing said status – which will impact adversely on the capital's lucrative tourist trade. A socio economic downturn in the capital will also adversely affect the petitioner.

That is not to say that carefully managed and environmentally friendly construction is unwelcome, including sufficient social and affordable housing in suitable settings, rather it is the allowing of a public body, namely TfL to engage in un-scrutinised and unaccountable Ltd activities which are damaging to public health and wellbeing, resulting in an increased demand on health services and the NHS budget which will adversely affect the petitioner.

The petitioner prays that your Honourable House will acknowledge that if the TfL Bill passes as presented that as a direct result of hidden negotiations with parties for whom public health is of no concern in their prioritisation of large scale construction works which will increase polluting particulates, through large scale works in residential neighbourhoods and other areas, that there will be both a significant public health risk in excess of that extant which will put the health and wellbeing of the petitioner at risk and in the future and also to the wider economic and cultural wellbeing of the capital which will additionally burden the petitioner.

The Petitioner is therefore at much increased risk of a health condition extant exacerbation, if a limited partnership with TfL, controlled by a non public body partner, has executive control of limited company developments including the EC1 and EC2 demolition, enabled by the inclusion of Clause 5 in the bill, along with other as yet publicly unknown plans for future developments this not being a hypothetical possibility but more than likely if this petition is not successful in removing Clause 5 from the bill.

This is not just a geographically narrow view with respect to the Earl's Court locality, but a necessarily wide view with respect to Greater London – but in health terms primarily and pertinently in terms of the petitioner's wellbeing, either by dint of the immediate impact on her own health or by dint of the impact on her wellbeing due to the negative ramifications for those whose medical needs she supports, her movements being likely to be curtailed by further downturns in air quality.

8.

Jocelyn Mary Bell specifically objects to Clause 5 of the Bill. She objects to this provision because, were it to be enacted the TfL Board will be enabled to agree less than transparent commercial terms for entry into joint ventures and limited partnerships with Capco and other as yet unnamed developers

The Petitioner notes that TfL has announced it wishes to enter more joint ventures on the Earls Court model for many of its other freehold land holdings and, Clause 5, if it were enacted, would become a precedent for allowing Limited Partnerships for similar agreements to that anticipated with Capco, causing lack of transparency due to the existence of secret partnership agreements and lack of financial accountability.

**YOUR PETITIONER** 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

JOCELYN MARY BELL

14 March 2014