

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

PETITION

Against the Bill – 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

THE TOWER HAMLETS ENVIRONMENT TRUST

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 system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through Central London to Shenfield, in the County of Essex and Abbey Wood, in the London Borough of Greenwich; and for connected purposes."

2. The Bill is presented by Mr. Secretary Darling, supported by the Prime Minister, Mr. Chancellor of the Exchequer, Secretary Margaret Beckett, Mr. Secretary Hain,, Secretary Alan Johnson, Secretary Tessa Jowell and Derek Twigg. (hereinafter called 'the Promoter')

Relevant clauses of the Bill

3. Clause 1 of the Bill (Construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain the works necessary for Crossrail as described in Schedule 1 to the Bill and shown on the plans and sections deposited with the Bill, such powers including the power to deviate from the lines or situations thereof shown on the deposited plans and sections.
4. By Clause 2 of the Bill (Works: further and supplementary provisions) the Promoter seeks power to carry out additional works as specified in Schedule 2 of the Bill.
5. By Clause 5 of the Bill (Temporary possession and use) the Promoter seeks power to effect temporary possession and use of land specified in Schedule 5.
6. By Clause 6 (Acquisition of land within limits shown on deposited plans), Clause 7 (Acquisition of land not subject to the power under section 6(1)) and Clause 8 (Extinguishment of private rights of way) of the Bill the Promoter seeks power to enter upon, take and use such of the lands delineated on the deposited plans and described in the book of reference as it may require for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.
7. Clauses 10 to 20 (inclusive) of the Bill would deem planning permission to be granted for the carrying out of development proposed to be authorised by the Bill; would disapply existing statutory controls in relation to development requiring an environmental impact assessment, listed buildings, buildings in conservation areas, historic buildings and ancient monuments, tree preservation in so far as they are generally applicable to the works powers proposed in the Bill in respect of scheduled works begun within ten years from the enactment of the Bill.

Your petitioners

8. Your Petitioners are the Tower Hamlets Environment Trust (hereinafter referred to as 'the Trust'). The Trust was established in 1979 with the objects (inter alia):-
- (a) to improve or assist in the improvement of the environment particularly in the London Borough of Tower Hamlets and the neighbouring London Boroughs for the benefit of the public
(b) to advance or assist in the advancement of the education of the public and in particular of children and young people, in horticulture, environmental studies, natural history and related subjects'.
9. The Trust is the only Borough-wide environmental organisation in Tower Hamlets. Its activities are community-oriented, and very wide-ranging. These are (inter alia) :-
- it builds 'Green Homes' for local people to rent or buy on shared-equity;
 - it develops and manages small-business space;
 - it works with local schools to make their playgrounds greener and more educative in terms of the natural world;
 - it creates and maintains local green space, and is a founder partner, with Tower Hamlets Council and private sector interests, in the Mile End Park Partnership, which was responsible for the vision and achievement of Mile End Park.
 - it helps to create facilities and organisations which help disadvantaged local groups gain access to start-up finance and local services;
 - it advises and campaigns on biodiversity, energy matters and local development matters.
10. The Trust is a company limited by guarantee with the registered number 1438582 and a registered charity with the registered number 289632R.
11. Under a Deed of Grant dated 5th September 1991 by the Mayor and Burgesses of the London Borough of Tower Hamlets the Trust was granted an easement to lay construct inspect and maintain a pipe for the transmission of water under land at Bradwell Street in the London Borough of Tower Hamlets. By a Lease dated 13th October 1997 between the Trust and Railtrack plc the Trust acquired a lease of land at Bradwell Street in the London Borough of Tower Hamlets for a term of 30 years commencing on 1st May 1989. These landholdings are hereinafter

described as 'Trust Land' and are identified by the numbers 965, 966 967, 968 and 970 on the plans and sections deposited with the Bill as land, subsoil or undersurface in respect of which the Promoter would be authorised to compulsorily acquire or to use for the construction or maintenance of the scheduled works.

12. Your Petitioners are in principle in favour of public transport schemes and recognise the value of a railway line linking the west and east of London in that it would be likely to have the effect of reducing road traffic movements and contributing to the improvement of the environment in Tower Hamlets and neighbouring boroughs. Your petitioners' concerns about the impact of the undertaking of the scheduled works arise predominantly from the proposal to construct the tunnel by launching tunnel boring machines in Spitalfields rather than by its construction by launching tunnel boring machines from the tunnel portals, the method adopted for the Channel Tunnel Rail Link. Your Petitioners believe that the environmental impact of this method of construction is unacceptable and that this aspect of the proposals should be altered before the Bill is allowed to pass into law.
13. It is respectfully submitted that the rights, interests and property of your Petitioners and those who live or work in the area of benefit of the Trust will be injuriously affected if the Bill is passed into law in its present form. Accordingly, your Petitioners object to the Bill for the reasons, amongst others, hereinafter appearing.

Your Petitioners' concerns

14. The Promoter is proposing to commence tunnelling operations from a site in Hanbury Street in Spitalfields. This will be the area where tunnel boring machines will be launched. The Promoter has failed to present any material showing why this solution has been adopted rather than alternatives. The solution favoured by the Trust is one where tunnel boring machines are launched from the tunnel portals, thus removing the vast majority of the adverse environmental impacts identified by your petitioners. Despite being asked for the relative costings of all alternative solutions by elected representatives and community groups, including the Trust, over several years, the Promoter has not responded. Your petitioners respectfully adopt the submissions on this point made by the Mayor and Burgesses of the London Borough of Tower Hamlets in (inter alia) paragraph 30 of their Petition. In the opinion of your Petitioners, these issues should be examined in detail before any Bill authorising the construction of the Crossrail scheme should be allowed to pass into law.

15. A consequence of the decision to launch tunnel boring machines from Spitalfields is that the Promoter has had to initiate schemes to dispose of spoil. The proposal to move spoil from the Spitalfields worksite to the Mile End area by means of a long conveyor belt on the side of the Great Eastern railway viaduct, 24 hours a day and 7 days a week, risks causing noise nuisance to residents along its length. Residents in Tent Street, Bancroft Road, Bancroft Estate, and Longnor Estate will be at risk; as will people in the Mile End Hospital and Queen Mary College sites. Even if the belt is successfully fully covered so that dust does not escape, it seems very improbable that it can be soundproofed sufficiently to stop noise escaping, either from the belt itself as it travels over drive units and bearings, or from gearing as it is boosted along its journey, or from extractors dealing with the build-up of dust inside, or from individual trucks and/or containers if that is the solution adopted. These are many possible creators of nuisance - none of which has been explained in any detail at all, or assessed for its environmental effects, by the Crossrail team. Nor have they have been able to provide any examples of this kind of conveyor in operation, and certainly not in a densely built-up inner urban residential area. Your Petitioners are extremely sceptical about this aspect of the project, and in particular believe that it is important to consider how likely this sort of solution would be to be proposed if it were to affect, say, the District Line viaduct as it runs through Chiswick in West London, rather than in the East End. Your petitioners are not satisfied that it is being proposed because it is the best technical solution. Rail haul from Spitalfields itself (using disused tracks on the south side of the Great Eastern lines) seems not to have been fully explored (probably because it would involve an expensive resignalling scheme), and the alternative of tunnelling from the tunnel portals has, as has been outlined in paragraph 14 of this Petition, been resisted as well.
16. Your petitioners are developing a small business centre on Trust Land at Bradwell Street, part way along the viaduct between Spitalfields and Mile End. Seven micro-business units are planned, and indeed three are already let and local enterprises trading. The use of the Bradwell Street site for the spoil transfer operation (conveyor to rail wagon) will almost certainly mean that these recently created businesses will have to move, with the risk that nowhere affordable can be found within their localised trading area.
17. Your petitioners have also been planning for some years another of its 'Green Homes' developments on Trust Land at the Bradwell Street site - involving 76 homes for rent and equity-share sale. This has been designed, is broadly acceptable to the planning authority and has local resident support - but it has been blighted for some years by the Crossrail

team's vague intention to use the site, now taking the shape of the conveyor/rail transfer point. Here a genuine and really significant local benefit, in the form of a sizeable mixed-tenure housing scheme for local people, is being frustrated by this untested, unjustified and crude engineering "solution" to the spoil removal issue.

18. The conveyor belt, at its eastern end, will have to engage in manoeuvres worthy of a Disneyland ride. As it approaches Mile End, it will need to cross over the Great Eastern tracks from its position on the south side of the viaduct, to reach the proposed spoil dump and stock-pile on the north side at Mile End Park. To do this, it will need to clear not just the trains, but also the Overhead Line Electrification (hereinafter called 'OHLE') catenaries and support masts. These are already on top of a viaduct – so the resultant height of the conveyor, as it crosses the tracks on a long skew to maintain belt speed, will be of the order, your Petitioners would guess, of 15-18 metres (50-60 feet) above ground level. Not only that, but it then has to come back again from the spoil dump/stock-pile, over the same OHLE wires and masts, to get back to the Bradwell Street transfer site on the south side. Thus there will be two of these improbable structures adorning the sky, in this area of housing, hospital, university, canal and popular public open space.
19. A major intrusion will also result, in the same area but just to the east, from the creation of a very large spoil heap in Mile End Park itself. The Crossrail team estimate that this will be 10 to 12 metres high. It will presumably also require fencing, all-night floodlighting and probably lorry movements to keep it working, as spoil arrives continuously from the Spitalfields end but then departs at a different/interrupted rate back westwards (because of block train movements into and out of the transfer point).
20. The use of a large tract of public park is of course the easy option for a construction project, compared with acquiring and using any other sort of property. But this is the recently created and high profile Mile End Park, in a tightly-built and quite deprived part of London. It is also a park deliberately designed and laid out with specific activities in specific places, to meet specific local needs. This is one of the reasons why it attracted very substantial Millennium Commission funding, and why it is seen as an exemplar of modern park creation by many authorities. The specific part proposed to be used by Crossrail for their spoil heap is a series of football pitches. These are very heavily used. In Summer 2005 a football development programme operated on the site for local people funded by 'Action for Bow', a local funding initiative. This was explicitly designed to relieve play pressure from neighbouring residential estates and squares,

especially the large Lanfranc Estate. They represent a good example of planning ahead to meet such needs in an intelligent way, and it would be widely resented if they are then removed for this poorly-thought-out scheme.

21. Associated with the loss of football pitches is the impact on the Climbing Wall against the viaduct. Although the internal Wall can be retained, the centre will lose its outdoor facility and thus about half its provision, threatening its ability to continue.
22. Mile End Park is designated as Metropolitan Open Land where, as with Metropolitan Green Belt, there is presumption against any development at all. The Crossrail team have nonetheless taken this, the 'easy option' referred to in paragraph 20 above; and they have not attempted to offer any Exchange Land as is sometimes the case with transport schemes. It may be argued that this is merely a temporary loss. That may technically be true. But this part of the Park will be out of use for the best part of a decade – the site preparation, the actual use as a dump, and then the inevitably slow withdrawal of activity (as we have seen on Jubilee Line Extension sites to the south and east). That is the whole of the childhood of many local children, and part of it for almost all the others. The concept 'temporary' means something entirely different to a child than to an engineer.
23. Mile End Park is a long, linear park which is recognised as a Site of Nature Conservation importance in the adopted local Development Plan documents. It interconnects the River Lea Valley, Victoria Park, Mile End Park, Tower Hamlets Cemetery, (through the Ackroyd Drive Greenlink) and the Limehouse Basin/ River Thames. Use of a large central chunk of the Park for the spoil dump will impose a severe break on the ability of various species to use it as part of a chain of routes between all these important local green spaces and water bodies. This would be a worry if it were only activity of limited scale, duration or daily operation. Seven to ten years, with 100% occupation and twenty-four hour activity, seven days a week, is a very serious break indeed.
24. As a recently developed park, Mile End Park (where the Ecology Park is in the part to the north of the proposed dump site) is particularly reliant on the biodiversity resources in Tower Hamlets Cemetery, to the southeast, for the short to medium term, especially for the establishment of insect and butterfly populations. Breaking the link to the hay meadows and the Ecology Park and Pavilion will be a severe loss to what was, again, one of the specifically targeted functions and places which attracted the support of the Millennium Commission. The intended use of the site will thus have

a significant impact on the biodiversity of the Park itself; and not only that, but also on that of a much wider area, because of the interconnections outlined above. The conveyor belt system of spoil disposal will also impact on Trust Land at Bradwell Street Nature Garden, managed by your Petitioners, and numbered 967 on the deposited plans.

25. The bank of the Regent's Canal opposite the Climbing Centre is one of the very few sections of soft canalside in Tower Hamlets. It was originally developed by the London Ecology Unit, now the Biodiversity Policy Unit in the Greater London Authority. This stretch of the Canal is therefore used as a breeding site by wildfowl, and is likely to be affected by the dump and conveyor belts. There are, too, a number of feeding pipistrelle bats (a species with special protection) in Mile End Park, known to be feeding here very shortly after dusk, which means that they must be roosting nearby.
26. Crossrail has released inadequate environmental impact assessment data and do not appear to have assessed the health impact of their plans despite being requested to do so by local healthcare providers and despite there being clear and robust methodologies for such studies. Your petitioners have particular concern, as suggested above, for the impact on Mile End Park and on the health impact of the scheme in an area with high rates of respiratory diseases.
27. As suggested in paragraph 14 of this petition, consultation and the supply of information about the proposals in the Bill by the Promoter has been wholly inadequate and your petitioners respectfully adopt all of the comments on this point made by the Mayor and Burgesses of the London Borough of Tower Hamlets in paragraph 17 of their Petition. Many local residents learned of the possible impact of the Crossrail scheme by chance or when they received letters from Crossrail's parliamentary agents in May 2005. This was because the consultation rounds carried out by Crossrail were inadequate. The first round of consultation, which included information on the alignment of the tunnels, comprised exhibition boards erected predominantly at rail stations (e.g. Liverpool Street, Moorgate). These were targeted at commuters and not local residents. Subsequent information centres were sited in venues inaccessible to significant parts of the local population (e.g. the information centre at the Old Truman Brewery in Brick Lane which many Muslims felt unable to attend because of its association with alcohol). Thus local residents had little or no say on the alignment of the tunnels. None of the information centres were sited in or near Mile End and Crossrail representatives were unable to answer questions on the environmental impact of the construction of the railway

on Mile End Park. The last point is important because once the line is constructed there will be a permanent ventilation shaft in the park.

Conclusion

28. Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioners and those living and working within its area of benefit.

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 its officials, 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 and in support of other such 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.

The Common Seal of the Tower Hamlets Environment Trust was hereunto affixed in the presence of:-

Date 15th September 2005

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15th September 2005