

HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION of the Council of the Royal  
Borough of Windsor and Maidenhead

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 transport 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. Clauses 1 to 20 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.

3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").
4. Your petitioners are the Council of the Royal Borough of Windsor and Maidenhead. The Bill would authorise the temporary possession and use of land belonging to your petitioners, to which they object. Furthermore, part of the area for which your petitioners are the local authority will be injuriously affected by the provisions of the Bill, and your petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing
5. Numerous enactments have conferred important powers and duties upon your petitioners. Amongst other functions of your petitioners is that of the highway authority for most existing or proposed public highways in their area and your petitioners are the traffic authority for most roads in their area. They are also the local planning authority, and are thus responsible for general planning and the preparation of development plans and local development schemes.
6. Your petitioners support the proposed Bill and welcome the decision to construct Crossrail. There are, however, matters which cause concern to your petitioners, arising from the proposals in the Bill. Your petitioners are hopeful that their concerns can be met by agreement with the promoter.

## **GENERAL ISSUES**

### **Work Sites – General**

7. Your petitioners note that there will be site preparation and construction activities in two main areas within your petitioners' Borough. The matters with which your petitioners are particularly concerned are the problems of noise, vibration, dust and dirt, hours of working, visual impact and disruption to the safety of road traffic and pedestrians. Your petitioners submit that the nominated undertaker should be made subject to suitable standards in respect of each of these matters and that there should be a provision for a noise

insulation policy and for compensation to be paid where these standards and policy are breached or other suitable mitigation or remedy put in place.

8. Your petitioners respectfully suggest that they should be able to specify, in respect of any development authorised by the Bill, the hours and days of the week in which work may be carried out. Those hours should be a matter falling within the ambit of arrangements which are to be approved by your petitioners under clause 10 of and Schedule 7 to the Bill. The table set out in Paragraph 7 of Schedule 7 to the Bill should, in your petitioners' respectful submission, be amended to include inappropriate proposed hours of working as a ground on which your petitioners may refuse to approve those arrangements. Hours of working are a crucial matter which your petitioners, as local planning authority need to be able to modify in order to preserve the local environment and local amenity.
9. Your petitioners note that the Bill and the supporting documents adopt similar regimes to those which were established for the construction of the Channel Tunnel Rail Link. Your petitioners are pleased to note that this regime will include the agreement of codes of construction practice consisting of general conditions relevant to all worksites, and site-specific conditions for each individual site. Your petitioners will wish to ensure that the codes of construction practice are complied with properly, and in that respect, your petitioners will incur a great deal of expenditure. Your petitioners wish to ensure that all of their reasonable expenses in monitoring construction sites are met by the nominated undertaker, together with expenditure incurred by your petitioners in planning and programming activities related to the codes of construction practice.
10. Your petitioners would hope and expect that through agreements relating to codes of construction practice, uniform hours of operation for the different worksites will be agreed with the promoter. Your petitioners will be seeking to ensure that the promoter agrees to such requirements. If not, your petitioners submit that the promoters should be required to agree uniform hours.
11. Your petitioners are also concerned to ensure that the nominated undertaker is required to adopt the very highest standards in respect of mitigation of the effects of noise, dust and vibration caused during the construction period and in particular that the code of construction practice replicates your petitioners' best

practice requirements imposed on other major construction project in their borough. There should also be a guarantee that any future changes to industry standards will also be complied with.

12. Your petitioners are concerned about the potential effects on road traffic, pedestrians and property owners near to worksites. Your petitioners are keen to ensure that all of the residents, businesses and property owners in their borough are properly compensated for damage caused by the construction and use of Crossrail and most importantly that they are consulted fully as regards the construction programme at worksites.
13. Your petitioners submit that the nominated undertaker should be required to provide detailed plans, method statements, work programmes, and schedules of deliveries (particularly abnormal deliveries) in relation to each working site, well in advance of the commencement of operations. Your petitioners should be notified well in advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.
14. Your petitioners are concerned about potential tree loss due to construction activity and in particular the removal of vegetation which is of high amenity and nature conservation value. Your petitioners are also concerned about associated harmful effects upon wildlife. Any potential tree loss should be kept to a minimum and a detailed mitigation strategy as regards tree loss should be provided by the nominated undertaker.
15. Your petitioners seek undertakings and assurances from the promoter as regards the management of construction worksites so as to prevent loss of amenity to residents in your petitioners' Borough, particularly as regards loss of open space during the construction period. The physical area of each proposed worksite should be kept to a minimum with the safety of the public, whether pedestrians or other road users, being of paramount importance.

### **Highways**

16. Your petitioners are anxious about the consequences of surface road working and temporary and permanent stopping up and alteration of highways. Your

petitioners' anxieties relate to the impact on pedestrian and vehicular traffic flows, safety aspects, damage to the highway and loss of parking. Your petitioners are particularly concerned for the mobility impaired. Your petitioners submit that the nominated undertaker should be required to carry out such reasonable measures as your petitioners may specify, to allay their anxieties.

17. In particular, your petitioners as highway and traffic authority require that they must be fully consulted on all proposals to make temporary or permanent road closures and traffic diversions and changes to traffic flow and about any physical alterations to the highway.
18. The powers under the Bill to close highways temporarily are very wide. The nominated undertaker would be able to close any street in your petitioners' area for the purpose of the works. The closure of most highways would require the consent of the highway authority, but for a number of highways only consultation with the highway authority is required. Your petitioners wish to secure that consultation is carried out properly, with a minimum period agreed between your petitioners and the nominated undertaker for notification of intended closures (with exceptions for emergencies).
19. Similar arrangements should be put in place for proposed diversions, changes to traffic flow and physical alterations to highways. Overall, procedures should be put in place to ensure proper highway management in the Borough. All such measures should take proper account of the safety of the public and ensuring adequate access and egress to and from premises.
20. Your petitioners submit that the nominated undertaker should be required to carry out and fund all necessary remedial and repair works to the highway to a standard specified by your petitioners in respect of all highways for which they and others in the Borough are the responsible authority. Your petitioners submit that the nominated undertaker should be required to carry out and fund detailed condition surveys before and after the construction period on land in their ownership which is to be and is affected by the proposals, and also on highways which are to be used as worksites or which will be used by construction traffic.

### **Temporary use of Council Land**

21. Land in the ownership of your petitioners is liable to temporary possession and use under clause 5 of the Bill. The limits of deviation and of land to be acquired and used are drawn very widely in certain cases and your petitioners are unsure in every case as to why that is. Your petitioners may seek undertakings from the promoters that the area of temporary possession should be limited in extent geographically. Your petitioners also wish to ensure that they are properly compensated as respects the temporary possession and use of their land.

### **Noise**

22. There are a number of buildings in your petitioners' area which are likely to be sensitive to noise and vibration during the construction period. Your petitioners respectfully submit that the nominated undertaker should be required to ensure that noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced technology and machinery and that these and other provisions for protection against noise, vibration, grit and dust are embodied in a legally binding agreement compliance with which is incumbent on the nominated undertaker. In your petitioners' submission, the Bill should also provide that the nominated undertaker should put in place a comprehensive consultation and noise monitoring scheme and be subjected to a compensation code where agreed noise and vibration standards are breached.

### **Authorisation procedures**

23. In line with the Channel Tunnel Rail Link Act, the Bill contains provisions which provide outline planning permission for the development authorised by the Bill and disapply a number of other statutory regulation regimes which would normally apply in relation to the construction of works, including the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Control of Pollution Act 1974. Your petitioners wish to ensure that if those controls are to be removed or

suspended then in their place there is a robust alternative approval mechanism in each case, in which your petitioners play a full part. Your petitioners will, in conjunction with other local authorities affected by the Bill, be seeking to ensure that such arrangements are put in place, but if that is not achieved then your petitioners would respectfully request that the promoters be required to accept satisfactory arrangements including realistic timescales for the consideration of applications.

24. As part of the alternative consent regimes mentioned above, your petitioners must be able to recover from the promoters or the nominated undertaker their full costs of processing applications. Your petitioners note that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local planning authority in respect of requests for detailed planning consent. Your petitioners are pleased to note this, but seek assurances from the promoters about the level of those fees and the ability of the promoters to cover their costs. Your petitioners are not just concerned about costs which they will incur with regard to planning but also in respect of other functions which they will need to exercise specifically as a result of the proposals in the Bill, including functions related to highways.

### **Social, Economic and Community Impact**

25. Your petitioners have been concerned that the consultation so far carried out by the promoter of the Bill with local residents and businesses has not met the standards which your petitioners would expect. They respectfully submit that the promoter should be required to ensure that the nominated undertaker will put in place a comprehensive public relations strategy ensuring that information about the construction and operation of Crossrail is disseminated to those residents and businesses who will be most affected. This should include the setting up of local information centres during the construction period to be staffed at reasonable and accessible hours.
26. The impact of the electrification works on residential areas in Maidenhead in close proximity to the railway by way of electrical interference and adverse effects on television reception is of concern to your petitioners. Some assurance by the promoter that measures will be taken in association with the

construction phase to overcome potential detrimental impacts upon residents is sought.

27. Your petitioners are also concerned at the predicted degradation in rail service to London Paddington. The promoter has produced information sheets which show four peak-period Crossrail trains per hour from Maidenhead to London Paddington (journey time 41 minutes) plus two trains per hour from other operators (journey time unknown). By contrast, in the summer of 2005 there were nine trains between 7am and 8am from Maidenhead to Paddington with journey times between 18 minutes and 47 minutes (average 34 minutes). Your petitioners wish to ensure that the average journey time from Maidenhead to Paddington does not increase above the current timings. Your petitioners also seek to ensure that the commencement of Crossrail services leaves sufficient capacity on the Great Western Main Line to permit the present number of non-stop and semi-fast services to operate between Maidenhead and London in the morning and evening peak periods.
28. Clause 23 of the Bill allows the promoter to specify minimum operating levels for Crossrail passenger services, and clauses 26 and 27 provide for the promoter and the Office of Rail Regulation to modify existing access contracts to allow Crossrail passenger services to operate. Your petitioners are concerned that the promoter could specify minimum operating levels for Crossrail such that it takes over paths on the Great Western Main Line that are necessary to maintain the present level of service between Maidenhead and London Paddington station. Your petitioners are also concerned that modification of existing access contracts could result in the loss of paths on the Great Western Main Line that are necessary to maintain the present level of service between Maidenhead and London.

## **SITE SPECIFIC ISSUES**

### **Guards' Club Park, Footbridge and Island**

29. Plots numbered 62 and 72 in your petitioners' area as shown on the deposited plans comprise, respectively, part of a park (the Guards' Club Park) and an island, both of which are public open spaces owned by your petitioners. These spaces are tranquil and picturesque recreational areas in constant use by the

public. The areas are also home to many mature trees and contain flora and fauna that could be severely damaged by the use proposed. Despite the fact that the Environmental Statement recognises the Guards' Club Park and Island as a protected open space and a conservation area, your petitioners are surprised to note that no assessment appears to have been carried out in terms of the effect on the community, or the loss of the space, albeit on a temporary basis, as a recreational and riverside amenity of wider public benefit. Schedule 5 to the Bill states that these plots will be used for "the provision of a working site and access for construction". Your petitioners have grave concerns over the loss of public amenity space during the construction works and the long-term effects on the park. Your petitioners submit that such works should not be allowed to take place on this land and respectfully submit that the worksite be located on land that is not so environmentally sensitive or which is not so valuable in terms of public amenity. The park is also located in an area of flood risk and any structures or storage of materials would have potential implications for control of development in such areas. Your petitioners note that access to the area is by way of a residential road, which your petitioners believe is wholly unsuitable for use by vehicles carrying construction equipment. It is not clear how much of the park would be required for the worksite, but the extent shown on the safeguarding plans would have a significant impact on the recreational value of the area and would prevent those travelling to the park to use the car park and also obstruct essential maintenance of the area. Your petitioners submit that alternative means of access for the delivery of materials to the construction site at the Brunel rail bridge should be used rather than through public parkland. Access by river barge, for example, would be preferable and would have least potential impact on public amenity and the local environment. Your petitioners use this method for road bridges over the Thames where possible. If the Park and island have to be used, then your petitioners seek guarantees that they will be restored to their pre-existing condition.

30. Plot number 68 in your petitioners' area as shown on the deposited plan is a recently restored Victorian footbridge over the River Thames between the Guards' Club Park and the island in the centre of the river, mentioned in paragraph 26 above. This bridge is owned by your petitioners and is a Grade II listed structure. Your petitioners respectfully submit that the footbridge should not be subject to use in connection with the worksite. Your petitioners note that plot number 68 is not listed in Schedule 5 to the Bill, unlike plots 62 and 72 and

it is, therefore, not clear what uses the footbridge may be put to by the nominated undertaker. The footbridge is of limited width and construction suitable only for light pedestrian use, and is wholly unsuitable for the transport of construction equipment to the railway bridge. However, should temporary possession of the land be approved your petitioners would seek assurances that the bridge would only be used in certain agreed circumstances.

### **Maidenhead Bridge**

31. Your petitioners, jointly with South Buckinghamshire District Council, are concerned about the potential impact of the proposed electrification works to the Grade II\* listed Maidenhead railway bridge over the River Thames designed by Brunel. The location of the masts used to carry the overhead power lines will have a significant landscape impact. They will affect the appearance of the listed railway bridge and the setting of the nearby Grade I listed road bridge.
32. Your petitioners are responsible for a number of important functions and are under certain duties as respects listed buildings, and therefore the bridge, under the Planning (Listed Buildings and Conservation Areas) Act 1990. Your petitioners are concerned generally to ensure that the impact on listed buildings is minimised. Proper safeguarding measures should be carried out to the listed bridge, having particular regard to its special attributes. Your petitioners are particularly concerned about the impact of construction works and, as mentioned above, permanent new structures on the setting of the bridge.
33. Your petitioners respectfully submit that the greatest care should be taken to ensure that the design of the supporting structures compliments the bridge as well as possible and that your petitioners should be fully involved in the design process.

### **Maidenhead Station**

34. Your petitioners object to the significant temporary and permanent loss of parking in the vicinity of Maidenhead station. The environmental statement deposited with the Bill estimates that 200 car parking spaces will be lost during

the works. Whilst it is noted that works will be phased to minimise the number of parking spaces lost at any one point in time, what this means in practice is not clear. Your petitioners submit that there should be a contingency plan to re-provide spaces lost in the short term. The proposals also envisage that some 114 spaces will be lost permanently at the station car parks. This is also unacceptable to your petitioners and there should be provisions made to replace these as a minimum and proposals made to enhance parking facilities. There will also, for the duration of the works, be a loss of set-down and pick-up spaces and there will be disruption to taxi ranks and parking facilities for the mobility impaired, motorcyclists and cyclists. Pedestrian access to the station will also be adversely affected by the proposed works. Your petitioners would argue that this level of disruption will not only be inconvenient to rail users and local residents but will also be dangerous, especially for pedestrians. Access to the station is via an extremely congested road system, which has to be negotiated by pedestrians and those accessing the station by bus, as there is no access for buses directly outside the station. No assessment appears to have been done to identify the impact on the existing infrastructure including the town centre highway network, and to deal with any inadequacies resulting from, or exacerbated by, the Crossrail project. Maidenhead station will become a key hub for transport journeys within the east/west rail corridor and your petitioners are concerned that a more integrated approach towards transport infrastructure is required within the scheme proposals in order to provide a comprehensive solution to access difficulties in and around the station. This particular issue and the improvement of transport interchange facilities will be a key component in the authority's Local Transport Plan and it is important that the Crossrail scheme addresses the wider impacts of the scheme and helps to deliver a comprehensive approach to the station. At present your petitioners have limited information to assess the overall impacts of the scheme on the station and the wider network and without sufficient detail may be put to the expense of undertaking abortive and unnecessary work.

35. Your petitioners are also concerned about the impact of the construction of the railway on existing rail services at Maidenhead station and the operation of the station itself. Your petitioners seek assurances and undertakings from the promoters about the effect of construction operations on Maidenhead station, and in particular wish to ensure that service patterns are guaranteed.

## GENERAL

36. 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.

Agents for the Council of the  
Royal Borough of Windsor and  
Maidenhead

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CROSSRAIL

PETITION

of

the Council of the Royal Borough of  
Windsor and Maidenhead

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AGAINST,

BY COUNSEL, &c.