

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005–06

CROSSRAIL BILL

P E T I T I O N

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 UNIVERSITY OF THE ARTS, LONDON

SHEWETH as follows:—

- 1 A Bill (hereinafter referred to as “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 The Bill is promoted by the Secretary of State for Transport (hereinafter called “the Promoter”).

Relevant clauses of the Bill

- 3 Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set

out in Schedule 1. Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise.

- 4 Clause 50 of the Bill contains provisions relating to injurious affection.

Your Petitioners and their properties

- 5 Your Petitioners are the University of the Arts, London, formerly known as the London Institute. The University was founded in 1986 and achieved university status in 2004. The University awards undergraduate and postgraduate degrees in art, design, communications, fashion and performance. The University is divided into the Camberwell College of Arts, the Chelsea College of Art and Design, the Central Saint Martin's College of Art and Design, the London College of Fashion and the London College of Communications, and has a Central University Department. However, only the Central Saint Martin's College, London College of Fashion and Central University Department are affected by the Bill.
- 6 Your Petitioners own or have an interest in the following properties which are subject to compulsory acquisition or use under the Bill.

LONDON BOROUGH OF CAMDEN

Parcel Number 147

Property 2-6 Catton Street

Occupier Central Saint Martin's College of Art and Design

Interest Freehold owner

Extent Acquisition for demolition

LONDON BOROUGH OF CAMDEN

Parcel Number 144

Property 17-23 Southampton Row

Occupier Central Saint Martin's College of Art and Design

Interest Freehold owner

Extent Subsoil acquisition

CITY OF WESTMINSTER

Parcel Number 329

Property 65 Davies Street

Occupier London College of Fashion and Central University
Department

Interest Leasehold owner

Extent Acquisition for demolition

7 In addition, your Petitioners have an interest in 107-111 Charing Cross Road and 16-17 Greek Street which, whilst not subject to the compulsory purchase proposals of the Bill, are in the immediate vicinity of the proposed works and liable to be injuriously affected by them.

8 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for the reasons amongst others, here stated.

Your Petitioners' concerns

9 While your Petitioners support the principle of a new railway system connecting Paddington and Liverpool Street stations, their property interests are severely affected by the proposed works. The affected properties are described, followed by each of your Petitioners' concerns in relation to them.

2-6 Catton Street

10 Your Petitioners own the freehold to 2-6 Catton Street in the London Borough of Camden. This property is proposed to be acquired and demolished for the Fisher Street Shaft. Until this property is acquired, it will be occupied and in use. Your Petitioners are therefore concerned about noise, dust, vibration, access, building damage, deterioration of condition and service interruptions from the construction of the works until that time.

17-23 Southampton Row

- 11 Your Petitioners own the freehold to 17-23 Southampton Row in the London Borough of Camden. This property corresponds to parcel 144 on the plans accompanying the Bill, although it is referenced under parcel 139. Neither of the parcels refers to your Petitioners as being owners or occupiers. Your Petitioners do not believe that the London Borough of Camden, listed as owner of parcel 144, are in fact the owners of the subsoil beneath the college, although they may own the subsoil beneath the public highway. The property is Grade II* listed. It is proposed that the main running tunnel passes beneath this property. Your Petitioners are concerned about noise, dust, vibration, access, building damage, deterioration of condition and service interruptions from the construction of the works, and noise and vibration from the operation of the works. Your Petitioners are particularly concerned that there is proposed to be a lorry holding area adjacent to the main teaching block of this property and that the effects of noise, dust and vibration from this site will have a serious impact on them if mitigation measures are not introduced.

65 Davies Street

- 12 Your Petitioners lease 65 Davies Street in the City of Westminster from the Grosvenor Estate. The lease runs until 2008. This property is proposed to be acquired and demolished for the Bond Street Crossrail Station. Until this property is acquired, it will be occupied and in use. Your Petitioners are therefore concerned about noise, dust, vibration, access, building damage, deterioration of condition and service interruptions from the construction of the works until that time.

107-111 Charing Cross Road

- 13 Your Petitioners own the freehold of 107-109 Charing Cross Road, and the leasehold of 111 Charing Cross Road until 2023, in the City of Westminster. No land is proposed to be acquired from this property, but it will be severely affected by the construction of the proposed Tottenham Court Road Crossrail Station nearby. Your Petitioners are concerned about noise, dust, vibration, access, deterioration of condition and service interruptions from the construction of the works.

16-17 Greek Street

- 14 Your Petitioners own a lease of 16-17 Greek Street in the City of Westminster, which expires in 2015. No land is proposed to be acquired from this property, but it will also be severely affected by the construction of the proposed Tottenham Court Road Crossrail Station. Your Petitioners are concerned about noise, dust, vibration, access, deterioration of condition and service interruptions from the construction of the works.

Noise

- 15 Your Petitioners are concerned about noise during construction and operation of the works. Your Petitioners' properties are used for educational purposes, where quiet surroundings are necessary for teaching and study, and are in use from 9 a.m. until 10 p.m., Monday until Friday, and from 9 a.m. until 5 p.m. on Saturday. Your Petitioners would wish to see an effective noise monitoring system in place before commencement and during construction of the works. Your Petitioners request that agreement be reached on a threshold for permitted noise levels during the works for each of their properties. If any of these thresholds is exceeded, the nominated undertaker must be obliged to cease construction until such time as remedial measures are in place which will reduce noise levels below the agreed

threshold. Your Petitioners would wish to be consulted about when louder construction events be permitted to occur.

- 16 For those properties that your Petitioners fear will be affected by noise during the operation of the works, your Petitioners would wish a study to be undertaken to assess the risk from ground-borne operational noise and that suitable mitigation strategies be agreed with the your Petitioners and implemented before the commencement of construction, at the Promoter's expense.

Dust and air quality

- 17 Your Petitioners are concerned about dust and dirt produced during construction. Your Petitioners would wish to see the nominated undertaker undertake to you to adhere to the measures to reduce dust set out in the Construction Code, and to carry out additional mitigation if dust continues to be a nuisance to your Petitioners' properties. Your Petitioners request that an air quality monitoring system be put in place to ensure that the air quality in the location of affected properties is not significantly diminished. Your Petitioners request that they be awarded compensation for additional expenses caused by dust and dirt such as more frequent cleaning of the property and more frequent replacement of air conditioning filters.

Vibration

- 18 Your Petitioners are concerned about vibration both during construction and on completion of the works. Your Petitioners fear that damage will result from vibration if piles in the vicinity are driven rather than bored or hand-dug. Your Petitioners fear that vibrations caused by tunnelling as the tunnel heading passes beneath their properties for each of the two tunnel drives will cause disturbance to the occupiers of their properties. Your Petitioners also fear that other constructions methods yet to be planned may also cause vibration. Your

Petitioners request that agreement be reached on vibration limits, to be monitored by a vibration monitoring system, and on times of day when higher vibration activities be permitted. Should those limits be exceeded then construction should cease until appropriate mitigation measures are in place.

- 19 Your Petitioners fear that train operation in the tunnels will cause periodic vibration that will affect the use of their buildings along the route. Your Petitioners request that agreement be reached with the Promoter to ensure, by the use of suitable mitigation measures, the absence of train-induced vibration. Your Petitioners request that agreement be reached on limits on vibration that may emanate from the operational railway, to be monitored and verified by a vibration monitoring system.

Access

- 20 Your Petitioners note the obligation under paragraph 5(2) of Schedule 3 to the Bill to provide reasonable access for pedestrians going to or from premises abutting a highway that has been temporarily stopped up. Your Petitioners request that clear and unimpeded pedestrian access be maintained in all other cases as well, such as in the event of the erection of hoardings and scaffolding, use of the footway next to the property, the placing of equipment and apparatus there, and the parking, loading and unloading of vehicles, either by means of amendment of the Bill or agreement with your Petitioners. Your Petitioners further request that vehicular access to their properties be maintained at all times and that compensation be awarded for any costs incurred through inability to service or park at their properties due to the works.
- 21 Your Petitioners request that the Promoter ensures that adequate and clearly signposted diversions are put in place for pedestrians, taxis, buses and general traffic, and that the occupants of buildings affected by these diversions be notified prior to the commencement of the works and be given advance notice of any changes to access arrangements.

Building damage

22 Your Petitioners are concerned about settlement effects on their properties. Your Petitioners would wish to see effective measures in place to prevent building damage before the commencement of any works. Your Petitioners would wish to see pre-construction surveys carried out prior to the commencement of works, and an effective and agreed monitoring system in place before commencement and during construction of the works, to measure the exact effect of any settlement on these properties. There must in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter for ground movement within the vicinity of the properties or distortions of the structure of the properties. If that threshold is exceeded then it is imperative that the undertaker nominated to carry out the works is obliged to cease construction until such time as remedial measures are in place which will minimise settlement and consequently avoid distress to the buildings. Your Petitioners request that they and the occupiers of their properties be given at least 28 days' notice of the intended passage of the tunnel boring machines beneath the property. Any necessary safeguarding or remedial measures are to be agreed between your Petitioners and the nominated undertaker. Your Petitioners request that their consultants be given timely access to relevant data on settlement and other engineering information.

23 Your Petitioners are concerned that Schedule 2 to the Bill does not have sufficient scope to include all possible methods of protecting structural integrity, such as the carrying out of compensation grouting. Your Petitioners would wish to see the said Schedule extended to cover all possible mitigation methods that might be employed, while retaining flexibility for future redevelopment.

Deterioration of condition

24 Your Petitioners are concerned that the condition of their properties will deteriorate as a result of the works. Your Petitioners intend to commission a condition survey of the property shortly before the commencement of the works

and shortly after their completion, with interim surveys to assess the progress of any deterioration and to keep a log of contemporaneous construction activities nearby. Your Petitioners request that the costs of carrying out such surveys, and of preventing or rectifying any deterioration in the condition of the property found to be due to the works, be reimbursed by the Promoter.

Service interruptions

- 25 Your Petitioners would wish their properties to enjoy uninterrupted access to services such as electricity, telephone, gas, water and sewerage. For any properties that may be particularly vulnerable to unexpected service interruptions, your Petitioners request that they and the occupiers of their properties are given advance warning of critical operations when interruptions are most likely, in order that allowance can be made for such periods, and that should any interruptions occur, their durations are minimised.

Construction code

- 26 Your Petitioners request that the Promoter's proposed Construction Code meet or exceed the requirements of other applicable codes, so that the standard of construction is no worse than is currently permitted. Your Petitioners request that the Construction Code impose requirements on those constructing Crossrail rather than merely setting out intentions.

Compulsory acquisition of land

- 27 Two of your Petitioners' properties are proposed to be acquired for demolition. Your Petitioners use these properties for educational purposes and will need considerably longer to plan alternative arrangements than the standard 28 day notice period for entry by the Promoter. Your Petitioners request that they are given at least six months' notice to leave their properties.

28 Your Petitioners request that for any land where they hold a freehold interest, if it is compulsorily acquired under the Bill and is subsequently not required for the purposes of the works, then your Petitioners are able to re-purchase their freehold interest should they wish to do so.

General matters

29 As a general matter, your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners all proper costs, charges and expenses (including the proper fees of such professional advisers as they may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

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

Conclusion

31 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

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 themselves, Counsel or Agents and with 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 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.

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