

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:

LAFARGE AGGREGATES LIMITED and
BLUE CIRCLE INDUSTRIES PLC trading as LAFARGE CEMENT UK

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 Clauses 21 to 44 of the Bill together with Schedule 10 make provision for the application with modifications and the disapplication in part of the existing railways regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of Rail Regulation (“ORR”), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impacts on key system assets. Provision is also included to enable agreements to be required as between the nominated undertaker and controllers of railway assets, to govern the basis for arbitration and to provide for the transfer of statutory powers in relation to railway assets.

5 Clauses 45 to 59 of the Bill together with Schedules 11 to 14 contain miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail, for the particular protection of certain specified interests and as respects arbitration.

Your Petitioners and their properties

6 Your Petitioners are members of the Lafarge group of companies. Lafarge Aggregates Ltd, of The Old Rectory, Misterton, Leicestershire, LE17 4JP, are one of the UK's largest producers of construction materials with an annual turnover of nearly £500 million. They provide essential raw materials such as concrete, asphalt, rock, sand and gravel to build houses, hospitals, schools and offices as

well as transport networks (roads, railways, harbours and airports) and the infrastructure of power and water systems. They operate 60 quarries, 105 ready mix concrete plants, 24 asphalt plants, 17 railheads and have interests in 11 wharves throughout the United Kingdom. Their total production is approximately 20 million tonnes per annum and they supply approximately 10% of the UK's requirements for construction aggregates.

7 Lafarge Cement UK, of Manor Court, Chilton, Oxfordshire OX11 0RN, is the trading name of Blue Circle Industries plc, and is part of the world's largest producer of cement. In the UK they have seven cement works, including sites at Westbury in Wiltshire, Hope in Derbyshire and Northfleet in Kent. The first two of these are rail linked. They produce nearly six million tonnes of cement per annum, of which four million tonnes is destined for the south east market. They also have 13 depots, some of which are rail linked, including Theale in Berkshire and Colnbrook for Heathrow Terminal 5. Most cement is supplied from the midlands and demanded by the south east. The company is establishing seaborne cement import facilities at West Thurrock in Essex and Northfleet in Kent.

8 Your Petitioners have a leasehold interest in sidings at West Drayton, which is subject to a power of compulsory acquisition by the Promoter.

9 In addition, your Petitioners have a leasehold interest in a recently constructed rail-linked depot at Theale and at Colnbrook in Berkshire. At Northfleet in Kent your Petitioners own a cement works and several hundred acres of adjoining land. All of these, whilst not subject to the compulsory purchase proposals of the Bill, are potentially injuriously affected by the works and the railway provisions of the Bill.

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

Your Petitioners' concerns

11 The proportion of supply met from locally-won aggregates in the south east of England is reducing. Your Petitioners' sand and gravel production capacity in the Thames Valley and west London will approximately halve from over 600,000

tonnes per annum to less than 300,000 tonnes per annum over the next few years as old quarries close and planning permission for replacement sites becomes increasingly difficult to secure. This means that in order to support the construction industry in the region, it will be increasingly necessary to bring raw materials in from further afield. The most suitable methods of transport are either rail or water (or both), to avoid emissions, congestion and other environmental impacts of heavy vehicles on the road. The closer that railheads and wharves can be found to centres of demand and construction activity, then the less the materials will need to travel by road to their final destinations. The Government's Minerals Policy Guidance Notes 1 and 6, and draft Minerals Policy Statement 1 support this by seeking to promote and enable the bulk movement of material by rail or sea whenever possible.

West Drayton

- 12 To this end, your Petitioners acquired a 20-year lease of the West Drayton sidings from English Welsh & Scottish Railway Ltd in April 2004, in order to bring in materials by rail to support the construction industry in the west London area. The site was intended to be developed and expanded over the next few years as a strategic rail hub, as the need for rail-borne materials increased.
- 13 The current leasehold interest of 1.66 hectares corresponds approximately to parcels shown on the plans accompanying the Bill as numbers 22 and 23 in the London Borough of Hillingdon and is about 20% of the area of the whole site. The current use of the site is for aggregate storage, and one 1000 tonne delivery of sand (from the marine wharf at Thurrock) and one 1470 tonne delivery of stone (currently from Leicestershire) is taken each week, making an annual throughput of approximately 116,000 tonnes.
- 14 Your Petitioners have exercised an option to lease a further 1.37 hectare section of parcel 25 (a further 14% of the whole area) and in the absence of the scheme would, subject to planning permission, have implemented their plans to expand their operations by the construction of a ready-mix concrete batching plant. This would have accepted aggregates from the railhead thus minimising transportation requirements.

- 15 By 2008, your Petitioners, subject to planning permission, would have also added a bagging operation and further handling and discharge facilities, and were projecting to handle approximately 350,000 tonnes of aggregates per annum through the site. If your Petitioners were unable to use these sidings, materials would be transported by road amounting to more than one million lorry miles every year.
- 16 The Promoter intends to acquire the whole of the West Drayton sidings for the stabling and maintenance of Crossrail trains, which will mean the extinguishment of your Petitioners' existing and planned operations there. Loss of this strategic rail hub and its planned increased activities will be a direct financial loss to your Petitioners which will be difficult to replace, jeopardising your Petitioners' existing market and financial position. Not only will this damage your Petitioners' business interests, but it threatens a considerable displacement of aggregate traffic from rail onto already congested roads. The construction sites in the area will continue to require raw materials, which will no longer be able to be transported by rail by the limited number of rail-served sites in the area. This environmental cost has not been assessed in the Environmental Statement that accompanied the Bill. Indeed, your Petitioners were not consulted about Crossrail at all by the Promoter or its agent Cross London Rail Links Ltd, nor was their existence on this important site even known to the Promoter.
- 17 Your Petitioners understand that stabling could be shared with one or more other sites, already within the limits of land to be acquired or used, which would allow the West Drayton site to continue to operate. It would be better for more rail freight sites to be allowed to continue to operate, even in a limited way, than to extinguish these vital transport hubs.
- 18 The West Drayton site is large, and the Promoter has not yet justified to your Petitioners' satisfaction that all or any of their interest in it is required. Even if the compulsory acquisition can be justified, your Petitioners believe that with careful design it is possible for them to co-exist on this site with the construction and operation of the proposed works.

19 If it transpired not to be possible to accommodate both the works and your Petitioners' operations on the site, then your Petitioners would wish the Promoter to have regard to its own rail freight policy and assist your Petitioners in finding a suitable alternative location.

20 If the site is not acquired by the Promoter, or until it is, your Petitioners would wish to be allowed continued access to their site whenever possible, and for line closures in the area to be kept to a minimum. They would wish to be given at least 48 hours' notice of the timing and duration of line closures that affected them.

Railway provisions

21 Your Petitioners are concerned that the railway provisions of the Bill to review existing track access contracts and alter them so that they do not impede Crossrail, and only to grant new access contracts that do not impede Crossrail, threaten the ability of your Petitioners' landlord EWS to continue to serve the site with trains. Your Petitioners would wish to have an undertaking from the Promoter that the existing and projected level of service of the site will be maintained, including both frequency and timing of trains.

22 Taken together, the railway provisions and the land acquisition provisions contained in the Bill could, if fully implemented, have a very serious effect on your Petitioners in particular, and the aggregates, rail freight and construction industries in the area in general. Your Petitioners ask that serious consideration be given to amending the offending portions of the Bill so as to eliminate the effects of Crossrail on themselves and these industries.

Theale, Colnbrook and Northfleet

23 Your Petitioners' cement operations that are likely to be affected by the Bill are at Theale and Colnbrook in Berkshire.

24 Your Petitioners fear that line closures during the construction of the works will prevent rail access to the two sites, and that the reconfiguration of the Great

Western Main Line together with the priority to be given to Crossrail trains will impede access to the sites during the operation of the works.

- 25 During the construction of the works, your Petitioners would wish line closures affecting them to be kept to a minimum and that they be given at least 48 hours' notice of their timing and duration. Your Petitioners would wish the Promoter to undertake not to impede access to their sites during the operation of the works, whether for reasons of lack of capacity of the lines concerned, or the reconfiguration of the Great Western Main Line.
- 26 Approximately 375,000 tonnes of cement are carried by rail from Hope in Derbyshire to Theale via the Midland and Great Western main lines using your Petitioners' own rolling stock. This is equivalent to some 750,000 lorry miles. It is vital to the successful supply of the west London and Berkshire cement market and the relief of the congested roads in and to the west of London that supply by rail should continue. By giving priority to Crossrail trains by virtue of the provisions of clauses 21 to 44, by adding trains to an already congested part of the rail network, and by seeking to compulsorily acquire rail sites, the Bill will have grave environmental and economic effects if it is fully implemented.
- 27 At Northfleet in Kent, your Petitioners hold freehold and leasehold interests in land that is affected by the provisions to safeguard a western extension of Crossrail to Ebbsfleet. Planning and design work is under way to reconnect the rail link to the Northfleet works after the construction of the Channel Tunnel Rail Link domestic station there, its North Kent Main Line connections, and a stabling facility at Church Path Pit. Your Petitioners' need assurances that any Crossrail station designs at Northfleet or Ebbsfleet will respect their long-held aspirations for reconnection to the main line.
- 28 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.

29 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

30 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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