

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:

NATIONAL CAR PARKS LIMITED

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 National Car Parks Limited, a company which leases, owns and operates car parks throughout the United Kingdom.

7 Your Petitioners have a leasehold interest in three properties which are subject to compulsory acquisition or use under the Bill:

Snowhill Underground Car Park, West Smithfield, London EC1A 9NB (Plots 23 and 26 in the London Borough of Islington, and Plots 5 and 6 in the City of London)

Caxton House Underground Car Park, Cowcross Street, London EC1M 6DW  
(Plots 21 and 22 in the London Borough of Islington)

Cardinal House Underground Car Park, 12 Farringdon Road, London EC1M 6DR  
(Plots 19 in the London Borough of Islington)

- 8 In addition, your Petitioners have a leasehold interest in Drury Lane Underground Car Park, Parker Street, London WC2B 5NT which, whilst not subject to compulsory acquisition under the Bill, is in the immediate vicinity of proposed works.
- 9 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*

- 10 The Bill proposes the acquisition of some of your Petitioners' property for the purposes of constructing a new Crossrail station at Farringdon and two twinbore tunnels. The Bill provides that the Snowhill, Caxton House, and Cardinal House underground car parks ("the Properties") will be needed for worksites, though your Petitioners are unclear whether this would be on a permanent or temporary basis, as there is some discrepancy between the provisions of the Bill and the impacts identified by the Environmental Statement. Volume 2 of the Environmental Statement indicates at page 189 that only temporary possession of the Snowhill and Caxton House underground car parks is required. In any event, occupation of the Properties will have a severe impact on your Petitioners' business as a car park operator during the construction period if temporary possession is required and, in the event of permanent acquisition, would result in a substantial loss to your Petitioners' business. Your Petitioners request that the Promoter compensate them for any losses sustained as a result of the adverse effects of the Bill on their business.
- 11 The Properties are proposed to be used as construction worksites, which will only be required during construction of the works and not permanently. Your Petitioners maintain that compulsory acquisition of the Properties is therefore not

justified, and that plots 19, 21, 22, 23 and 26 in the London Borough of Islington and plots 5 and 6 in the City of London should be moved from Schedule 6 to the Bill (acquisition of land shown within limits on deposited plans) to Schedule 5 to the Bill (temporary possession and use of land).

- 12 There is concern that the construction of the twinbore tunnels in this location directly underneath these underground car parks may well result in settlement to the Properties. Accordingly your Petitioners would wish to see 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 the Properties. Your Petitioners request that the Promoter take all necessary measures to prevent and remediate any damage to the Properties. Any necessary safeguarding or remedial measures are to be agreed between your Petitioners and the nominated undertaker.
- 13 Generally, your Petitioners are concerned that the use of the Properties as a construction worksite will result in a deterioration in the condition of the Properties resulting from the movement of heavy construction traffic and from the carrying out of construction works generally. Should the works be authorised, your Petitioners intend to commission a condition survey of the Properties shortly before the commencement of the works and shortly after their completion. Your Petitioners request that the costs of carrying out such surveys, and of rectifying any deterioration in the condition of the Properties found to be due to the works be rectified by the Promoter.
- 14 The Bill proposes the demolition of Cardinal House which is located above your Petitioners' Cardinal House underground car park. Your Petitioners believe that demolition of these buildings is likely to result in the loss of your Petitioners' current public access to this car park. No provision is made for the reinstatement of this access and your Petitioners wish to ensure that at the end of the temporary possession period a new access of an equivalent standard and convenience be provided at the Promoter's cost.
- 15 It is also of concern to your Petitioners that there is no provision for the restoration of the existing access to the Caxton House Underground Car Park on

completion of the relevant construction works. As this is presently the only means of access it is essential that access is restored to enable its use to continue after completion of the works and your Petitioners seek reassurance from the Promoter in this regard.

- 16 Further with regard to access, there are proposals under the Bill to pedestrianise parts of Cowcross Street between Farringdon Street and Turnmill Street which may prevent your Petitioner and its customers from obtaining vehicular access to the Properties. Your Petitioners therefore request that the Promoters provide alternative and equally convenient access to the Properties. Your Petitioners also have concerns that the pedestrianisation of this area will result in a lower vehicular traffic flows in the vicinity of the Properties and therefore have adverse impacts on your Petitioners' business. Your Petitioners request that vehicular access to the Properties be maintained where practicable and that compensation be awarded for any costs incurred through inability to service or park at the Properties due to the works, and once the construction works have been completed. Your Petitioners also request that they be compensated for losses incurred through loss of business at the Properties.
- 17 Your Petitioners have an agreement with the City of London for the provision of a salt store (for the purposes of road gritting) accessed through the Snowhill Underground Car Park. No provision is made in the Bill for the alternative location of this salt store, the loss of which will also result in a loss of rental income for your Petitioners. Your Petitioners request that this salt store be allowed to remain on site at Snowhill Underground Car Park and that access to it be allowed during the period of temporary possession of the site.
- 18 Your Petitioners have a conditional contract in place with Thornfield Properties (London) Limited for the option to acquire the Snowhill and Caxton House Underground Car Parks for redevelopment purposes. This contract is subject to planning permission being granted for proposed redevelopment, which is currently the subject of a planning application. Your Petitioners are concerned that the existence of the proposals under the Bill will hinder the development potential of these properties due to the proximity of the works and the proposed acquisition (whether temporary or permanent) of your Petitioners' property. Your Petitioners

seek a declaration from the Promoter that any loss of development value be paid as compensation by the Promoter.

- 19 More generally, your Petitioners respectfully submit that the proposals contained in the Bill are causing a blight on the Properties. Your Petitioners fear that the proposals would so blight the Properties that the option currently in place would not be exercised as the beneficiary of this option would no longer be interested in acquiring any part of the Properties. Moreover, the Bill does not contain adequate provisions for compensating such blight and your Petitioners respectfully suggest that it do so.
- 20 Your Petitioners also have concerns in respect of settlement effects on their car park at Drury Lane which is located below ground, adjacent to a new Crossrail tunnel to be constructed at a depth of approximately 24 metres below street level. Your Petitioners require the same monitoring system and measures in place as requested for the Properties in the Farringdon area.
- 21 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.
- 22 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*

- 23 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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