

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:

SECONDSITE PROPERTY HOLDINGS 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 SecondSite Property Holdings Limited, a wholly owned subsidiary of National Grid plc (NG) which holds NG’s property interests.

7 Your Petitioners own sites at Uxbridge Road, Slough (Plot 169 in Borough of Slough in the County of Berkshire), Bow Common Lane (Plot 1192 in the London Borough of Tower Hamlets) and Romford (Plots 30-33, 37-38 and 47 in the

London Borough of Havering) which are subject to compulsory acquisition or use under the Bill.

- 8 In addition, your Petitioners own sites at Beaconsfield Road, Southall (in the London Borough of Ealing) and Ladbrooke Grove, Kensal Green (in the Royal Borough of Kensington & Chelsea) 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.
- 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 Whilst your Petitioners support the principle of the Bill they object to parts of Bill because some of the proposals contained therein will have a significant adverse impact upon their land and business, particularly in respect of their sites at Slough, Bow Common Lane and Romford.

Uxbridge Road, Slough

- 11 The Bill makes provision for the acquisition of rights over hardstanding, access road and land at Slough which is in the ownership of your Petitioners. It is understood by your Petitioners that these rights are required for the purpose of accessing adjoining land which will be used as a worksite for the carrying out of works to the Uxbridge Road bridge.
- 12 The use of the adjoining land will be required for the construction of works and not permanently. Your Petitioners therefore maintain that the acquisition of permanent rights over the land is not justified and that plot number 169 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).
- 13 Whilst your Petitioners have no objection to the use of their land as a temporary access, your Petitioners would wish to receive an undertaking from the Promoter

that this access way will not be used for more than the number of trips by lorry identified in the Environmental Statement and that this use will not cause disruption to the occupiers of the site, or prevent any access by your Petitioners to their land. Access to this worksite across your Petitioners' land will be from Uxbridge Road. Your Petitioners seek assurance that the use of Uxbridge Road during the period of the works will not adversely impact upon their use of this site. Your Petitioners seek further assurance that access to this worksite will be properly controlled and that their property will be kept secure.

- 14 In addition, your Petitioners are concerned that the condition of their access way and adjoining land will deteriorate as a result of the proposed use of the land. Accordingly, should the works be authorised, your Petitioners intend to commission a survey of the land 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 property found to be due to the works be reimbursed by the Promoter.
- 15 Your Petitioners request that they should be compensated for the use of their property and for any other losses that may arise from the Promoter's temporary use and occupation thereof.

Bow Common Lane, Bow Common

- 16 The Bill makes provision for the acquisition of subsoil along the northern edge of your Petitioners' land at Bow Common Lane in the London Borough of Tower Hamlets. Proposed works in the area are the construction of the Mile End Park and Eleanor Street shafts and twin-bore tunnels. Your Petitioners are currently considering proposals for the redevelopment of their land at Bow Common Lane. Your Petitioners are therefore concerned that the existence of the proposed works will curtail the development potential of the site due to the proximity of the works and restrictions on construction above tunnels and vertical loading. Your Petitioners seek a declaration from the Promoter as to what nature of building will be permissible upon the site once the tunnels have been constructed and submit that any loss of development value be paid as compensation by the Promoter to your Petitioners.

- 17 Commercial buildings are presently located on your Petitioners' land. Due to the construction of shafts and tunnels, your Petitioners are concerned about settlement effects on their site. 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 effects of any settlement on the site. There must in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter for ground movement within the vicinity of the buildings on the site and distortions of their structure. If that threshold is exceeded then it is imperative that the nominated undertaker 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 are given at least 21 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 and to be paid for by the Promoter.
- 18 In respect of the office accommodation on site, your Petitioners are concerned about vibration both during construction and on completion of the proposed works. Your Petitioners fear that vibration 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 request that provision is made to ensure the absence of impact-induced vibration by the use of absorptive track beds or other means.
- 19 Further, your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to the commercial premises and operational land as a result of the construction of the proposed works. In your Petitioners' submission, a co-ordinated programme of works to services leading into the site needs to be established by the Promoter and the details provided to your Petitioners to prevent a succession of statutory undertakers' works to and reinstatement of Bow Common Lane.

Crow Lane, Romford

- 20 Your Petitioners' land at Crow Lane, Romford will be seriously adversely affected by the proposals under the Bill. The Bill provides for the permanent compulsory acquisition of the northern part of your Petitioners' land in this area for the purpose of constructing a new depot and stabling sidings, and associated car parking (Plots 31, 33 and 37). In addition, parts of this land will be acquired for use of a worksite and related access (Plots 30, 32, 38 and 47).
- 21 The plots identified in the Bill for the construction of the sidings and depot are earmarked by your Petitioners for development in the short term. The London Borough of Havering have indicated, your Petitioners believe, that planning permission is likely to be granted for the commercial development of this land, and accordingly the site is of substantial commercial value. Accordingly, your Petitioners require that proposed depot and sidings be moved to an alternative site and that, if this is not feasible, the loss of development value be paid as compensation by the Promoter.
- 22 With regards to the sites identified for the purpose of worksites, plot 30 is also identified by your Petitioners for development purposes and there is considerable third party interest in the acquisition of this land. Your Petitioners require that the Promoter identify alternative land for use as a worksite in order that your Petitioners may realise the redevelopment value of the land which, before the proposals under the Bill, was valued in the region of £4,500,000. The site has however been blighted by the proposals contained in the Bill.
- 23 In the event that there is no relocation of the worksite, your Petitioners submit that the land will only be required for the construction of the works and not permanently. Your Petitioners therefore maintain that compulsory acquisition of the land is not justified, and that plot number 30 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). In the event that temporary possession of the land is acquired, your Petitioners require that the Promoter compensate them for any losses resulting from the inability of your Petitioners to realise now the development value of the land and any future loss in development

value as a result of the permanent impact of the authorised works. Further, your Petitioners require that, if the Promoter permanently acquires plot 31, it provide an alternative access to plot 30.

24 Plot 32 is intended, in the proposals under the Bill, to be used for access purposes only and schedule 6 to the Bill makes provision for the acquisition of rights only. Your Petitioners maintain that permanent acquisition of rights is not justified and that therefore plot 32 should be moved from schedule 6 to the Bill to schedule 5.

25 With regards to plots 38 and 47, your Petitioners also maintain that compulsory acquisition of the land is not justified and that plot 38 should be moved from schedule 6 to the Bill to schedule 5 to the Bill relating to temporary possession and use.

Southall and Kensal Green

26 With regards to your Petitioners' land at Beaconsfield Road in Southall (in the London Borough of Ealing) and Ladbrooke Grove, Kensal Green (in the Royal Borough of Kensington & Chelsea), whilst this land falls outside the limits of deviation, your Petitioners are concerned that the proposed works will have an adverse impact on this land.

27 Your Petitioners' land at Kensal Green is a medium-term development site and your Petitioners have concerns regarding the impact of the proposed track expansion and modification works on its ability to redevelop this site. Your Petitioners seek a declaration from the Promoter that no restrictions on the nature of building on this site will be imposed to prevent interference with the proposed works and that the works will not impact upon your Petitioners' ability to carry out future development of the site.

28 Your Petitioners' land at Southall is a former gasworks site. This land forms part of a 75 acre site which has been identified for development purposes. Your Petitioners propose to enter into a joint venture agreement with Castlemore Securities Limited in order to develop this site and the land is subject to an application for planning permission. Whilst this site falls outside the limits of deviation, your Petitioners are concerned that the existence of the proposal to

replace and renew Southall Station will curtail the development potential of this site due to the proximity of the works and the effect of the proposals under the Bill will have upon your Petitioners' access to their development site. Your Petitioners seek agreement with the Promoter to facilitate the development of your Petitioners' land in conjunction with the proposals under the Bill. Failing such agreement, your Petitioners require that any loss of development value be paid as compensation by the Promoter to your Petitioners.

- 29 In respect of all their affected sites, your Petitioners respectfully submit that the proposals contained in the Bill are causing a blight on your Petitioners' property. Your Petitioners fear that prospective purchasers and developers will state that the proposals would so blight the property that they would not be interested in acquiring any part of the property, or that prospective or existing lessees will demand a considerably reduced rent, due to the prospect of the works. Moreover, the Bill does not contain adequate provisions for compensating such blight and your Petitioners respectfully suggest that it do so.
- 30 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.
- 31 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

32 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and those of their tenants 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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