

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:

LONDON INTERNATIONAL EXHIBITION CENTRE PLC

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 [(including your Petitioners)] and as respects arbitration.

*Your Petitioners and their properties*

6 Your Petitioners are London International Exhibition Centre plc owners and operators of the London International Exhibition Centre (ExCeL). ExCeL is the UK's premier international exhibition, conference and event centre and is located on a 100 acre site on the northern side of Royal Victoria Dock between Canary Wharf and London City Airport in London's Docklands.

7 Your Petitioners have been served with notice that the following properties which they own or have an interest in are subject to compulsory acquisition or use under the Bill:

IN THE LONDON BOROUGH OF NEWHAM:

Parcel No.34 Public footways and land (Tidal Basin Road);

Parcel No.36 Subsoil beneath grassed area and land (north of Tidal Basin Road);

Parcel No.42 Private Road, roundabout, footways and gardens (Western Gateway);

Parcel No.52 Land under development (west of Seagull Lane);

Parcel No.53 Private Road, roundabout, footways and gardens (Seagull Lane);

Parcel No.58 Private Road, footways and gardens (Seagull Lane);

Parcel No.59 Car Park, electricity pylon, gardens, land and premises (Exhibition Centre, Seagull Lane);

Parcel No.60 Private Road, footway and land (Exhibition Centre, Seagull Lane);

Parcel No.61 Electricity substation (north of Seagull Lane);

Parcel No.62 Access Road, electricity pylon, gardens and land (Exhibition Centre, Seagull Lane);

Parcel No.63 Car Park, hardstanding and premises (north off Seagull Lane);

Parcel No.64 Paved area, parking and premises (K Warehouse, Seagull Lane);

Parcel No.65 Private Road, hardstanding and land, beneath footbridge (Exhibition Centre, Seagull Lane);

Parcel No.67 Access road, gardens and land (Exhibition Centre, north of Seagull Lane);

Parcel No.73 Access ramp, footways and land, beneath footbridge (Exhibition Centre, Seagull Lane);

Parcel No.74 Car park, private road and footways (Exhibition Centre, Sandstone Lane);

Parcel No.83 Electricity pylon, gardens and land (Exhibition Centre, Sandstone Lane);

Parcel No.93 Private road of footways (Exhibition Centre, Sandstone Lane);

Parcel No.95 Viaduct carrying railway station (Prince Regent Station), platforms, canopy, lifts, footbridges, works, land and premises (Victoria Dock Road);

Parcel No.97 Electricity pylon, gardens and land (Exhibition Centre, Sandstone Lane);

Parcel No.98 Footway, gardens and land (Prince Regent Station, Sandstone Lane);

Parcel No.101 Gardens and Land (Exhibition Centre, Sandstone Lane);

Parcel No.106 Car Park and Land (Exhibition Centre, north of Sandstone Lane);

Parcel No.110 Land adjacent To Prince Regent Station, Sandstone Lane;

Parcel No.111 Car Park and land (Exhibition Centre, north of Sandstone Lane);

Parcel No.113 Private road (Sandstone Lane), beneath viaduct carrying railway (Docklands Light Railway) and works;

Parcel No.116 Private road and footways (Exhibition Centre, Sandstone Lane);

Parcel No.123 Private road, footway and gardens (Festoon Way);

Parcel No.124 Car park, access road, gardens and premises (1 Festoon Way);

Parcel No.125 Tunnel carrying railway (Silvertown Railway Tunnel, North London Line) and works, beneath car park, gardens and premises (1 Festoon Way);

Parcel No.126 Hotel, car park, access road, gardens and premises (1 Festoon Way);

Parcel No.127 Car park, gardens and premises (1 Festoon Way), beneath viaduct carrying railway (Docklands Light Railway) and works;

Parcel No.128 Tunnel carrying railway (Silvertown Railway Tunnel, North London Line) and works, beneath access road, car park, gardens and premises (1 Festoon Way), and beneath viaduct carrying railway (Docklands Light Railway) and works;

Parcel No.129 Private road, footway and gardens (Festoon Way);

Parcel No.130 Tunnel carrying railway (Silvertown Tunnel, North London Line) and works, beneath private road and footways (Festoon Way);

Parcel No.131 Hotel, access road, public footpath (FP 108), car park, gardens and premises (2 Festoon Way);

Parcel No.132 Car park, gardens and land (1 Festoon Way), beneath viaduct carrying railway (Docklands Light Railway) and works;

Parcel No.133 Tunnel carrying railway (Silvertown Railway Tunnel, North London Line) and works, beneath access road, car park, garden and premises (2 Festoon Way);

Parcel No.134 Private road and footways (Festoon Way);

Parcel No.135 Private road and footways (Festoon Way);

Parcel No.136 Tunnel carrying railway (Silvertown Railway Tunnel, North London Line) and works, beneath access road, car park, footways, public footpath (FP 108), gardens, grassed area, land and premises (2 Festoon Way);

Parcel No.137 Private road (Festoon Way);

Parcel No.138 Car park, access road, public footpath (FP 108), garden and premises (2 Festoon Way);

Parcel No.140 Car park, public footpath (FP 108), garden and premises (1 Festoon Way);

Parcel No.141 Car park, electricity substation, gardens and premises (1 Festoon Way);

Parcel No.142 Private Road and footway (Dockside Road);

Parcel No.143 Grassed area (south of Dockside Road);

Parcel No.144 Private road and footway (Dockside Road);

Parcel No.146 Grassed area (south of Dockside Road);

Parcel No.159 Car park, electricity substation, gardens and premises (1 Festoon Way).

8 In principle, your Petitioners support the proposed project, particularly for the strategic benefits to be gained from it, both as an improvement to the existing transport network and the economic benefits it will bring to East London.

9 There are, however, many matters which cause great concern to your Petitioners and it is respectfully submitted that their rights, interests and property will be injuriously affected by the Bill if it is passed into law in its present form. Accordingly, your Petitioners object to the Bill for the reasons, amongst others, hereinafter appearing. For ease of presentation, those reasons are divided into specific issues.

*Your Petitioners' concerns*

10 Your Petitioners are concerned that the powers to be conferred on the Promoters in respect of the works to be carried out at the Victoria Dock Portal and Custom House Station worksites respectively, will have a significant and detrimental impact upon the business operations of your Petitioners.

11 Your Petitioners would respectfully record their disappointment at the inadequacy of the Promoter's efforts to consult with your Petitioners before the Bill was deposited in Parliament and a failure to consider alternative options that would limit the impact of the works on your Petitioners and moreover a failure to optimise land already at the disposal of the Promoter. Accordingly, your Petitioners have the following points of concern.

### *Utility Diversions*

- 12 Under the Bill proposals, the Promoter will have powers to carry out Work 1/31 and divert the Thames Water Royal Docks Surface Water Sewer southwards between Royal Victoria DLR Station and the east end of Custom House Station. This sewer is proposed to be diverted via a new deep bored tunnel around the portal site to run eastwards from Royal Victoria DLR Station between the railway corridor and beyond Custom House, north of the exhibition centre. It is proposed that an easement will be taken over the sewer itself for ongoing maintenance access.
- 13 Your Petitioners are concerned that these works will result in the loss of key operational space on their site. In particular, it is anticipated that there will be considerable disruption to the use of private access roads (Seagull Lane and Sandstone Lane) throughout the duration of the works and once the works have been completed there will continue to be a need for Thames Water to access parts of the road to gain access to the chambers and manhole covers. These roads provide constant and heavily utilised HGV, coach and passenger vehicle 24 hour access to and from the venue and the HGV/car parking areas. These roads also provide the only complete east west route through the ExCeL site and thus have an important strategic function. Accordingly your Petitioners seek assurances and an undertaking from the Promoters that there will be no disruption to these roads and that a minimum of two way HGV access will be maintained at all times.
- 14 Your Petitioners are also concerned that the diversion of the sewer may impact upon the provision of drainage facilities to the ExCeL site and venue. Your Petitioners require clarification and confirmation as to the exact implications these works will have existing drainage facilities upon facilities and an undertaking that there will be no disruption which would result in a loss of amenity to those living, visiting and working at ExCeL.
- 15 As a part of the sewer works there is also a proposal to sink a shaft in the vicinity of the existing Seagull Lane roundabout, resulting in the temporary loss of the roundabout, with no provision for vehicles to turn around. This roundabout is used as a means of exiting the venue and multi-storey car park and returning in an

easterly direction toward the North Circular, A13 and ultimately the motorway network. It is also used by Docklands Light Rail passengers as a drop off to Royal Victoria Station. If this proposal is to go ahead it is essential that these operational requirements are maintained. Accordingly, your Petitioners would respectfully suggest that the Promoter consult with your Petitioners and explore alternative options to cater for this need so as to prevent any inconvenience to those visiting ExCeL.

- 16 The Bill and deposited plans provide for the acquisition of an access road (identified as plots 42, 53 and 58 on the deposited plans) to the lorry park site for the passage of personnel or vehicles involved in the construction and maintenance of the proposed works. Planning approval (which included statutory public notification of the proposal) for the closure and relocation of a specific section of this access road and construction of two residential apartment developments has been granted, and your Petitioners are concerned that the Promoters and Cross London Rail Links Limited (CLRL) failed to take account of this. The relocation of this specific section of Seagull Lane is complete and the first residential development (known as site WE1) is now being constructed over the former road.
- 17 Your Petitioners are further concerned that CLRL have submitted an objection to a further planning application for adjustments to the residential apartment development on site WE2 through the local authority planning process. In discussions with CLRL your Petitioners were informed that the objection would be withdrawn, and the development allowed to continue, if your Petitioners agreed to the proposed sewer diversion works being conducted in the manner CLRL desired. It is respectfully submitted that this should be viewed as a misuse of the planning process and that the objection (if still current) should be withdrawn immediately and losses incurred as a result of the objection should be compensated.

#### *Lorry Park*

- 18 Under the Bill proposals, the Promoter will have powers to acquire compulsorily land both on a temporary and a permanent basis, for the purpose of the proposed

works in respect of the worksites at the Custom House Station and Victoria Docks portal, respectively. This land is currently used by your Petitioners for Heavy Goods Vehicle parking and marshalling. The exhibition centre holds many major exhibitions throughout the year attracting large numbers of both lorries, delivering to the venue and cars transporting visitors to and from the exhibitions. This land is intrinsic not only to issues of general access but also to the smooth operation of the venue itself which will be severely prejudiced if the works proceed in the manner outlined in the Promoter's Environmental Statement. Specifically, your Petitioners would lose an extremely important area for HGV parking for use as a construction compound. The loss of this space would bring serious operational consequences to your Petitioners. Further, the traffic flow in the vicinity will be substantially disrupted, resulting in an increase in congestion and considerably restricting the ability of your Petitioners to set up large scale and multiple events during the construction works and thereafter.

19 Under the Bill, it is proposed that a strip of the venue's lorry parking area be acquired on a permanent basis. Your Petitioners are extremely concerned that this permanent loss of operational land will have a significant impact upon future commercial operations and, furthermore, that once the work has been completed there will be insufficient space in which to operate. At present, this land is used as a holding/parking area for lorries involved in the setting up and breaking down of exhibitions and is therefore of paramount importance to the business and workings of the venue.

20 Moreover, it has now been confirmed that not only will London be hosting the 2012 Olympic Games but also that your Petitioners will be holding the boxing, judo, table tennis, wrestling, taekwondo and weightlifting events at their exhibition centre. Accordingly, if your Petitioners are to be in a position to stage such a prestigious event, it is imperative that they have space in which to do so. The proposal to acquire part of the lorry park will clearly impede their ability to do so.

21 Your Petitioners are also concerned that the Promoter has failed to optimise the use of alternative land already at his disposal and would respectfully submit that the Promoter should conduct a study to determine whether there are alternative

options available to his which would obviate the need to acquire the lorry park at all.

22 Under the Bill it is proposed that part of your Petitioners' lorry park will be used on a temporary basis as a worksite for a period of three years. As stated in paragraph 18, your Petitioners are concerned that this will have a significant impact upon their operations throughout the duration of the proposed works. However, whilst your Petitioners have considered the Environmental Statement at length they do not accept that the impact has been addressed and they remain uncertain as to the precise nature and extent of this impact. In particular, what is meant by 'significant impacts on lorry management'? Owing to a lack of information, your Petitioners have been unable to conduct a comprehensive assessment of, or draw proper conclusions on, the impact of the works due to a lack of information.

23 Your Petitioners have sought and are currently awaiting clarification from the Promoter as to what is meant by 'significant impacts on lorry management' and in the meantime would request the right to raise this issue again, once the requisite clarification has been made available.

24 If the Promoter has no alternative but to use this section of the lorry park for the proposed works then your Petitioners contend that the Promoter should identify, fund and establish appropriate temporary alternative facilities agreed by your Petitioners during the construction period, to accommodate the movements of these lorries and then arrange for the lorry park to be reinstated to your Petitioners' satisfaction and revert to them, once the relevant works are at an end. Your Petitioners will of course continue to work with the Promoter to achieve this objective and are currently involved in negotiations to find a solution to this problem. However, should there be a failure to agree on this issue then your Petitioners respectfully submit that the Bill must be changed in such manner that would allow your Petitioners to operate in the normal course of their business.

25 Directly related to this issue, your Petitioners submit that the land currently used for car parking cannot accommodate such a lorry park. It is a requirement of the planning consent that the exhibition centre provides a specific number of parking

spaces. To reduce this number would force your Petitioners into operating in contravention of their obligations under the planning consent.

- 26 Your Petitioners contend that as a general point of concern the Promoters have failed adequately to comply with their duties under the Environmental Impact Assessment process which requires proper consultation with those affected and, in particular, consideration of alternative sites for the carrying out of the proposed works. Your Petitioners are of the view that the Promoter has failed to conduct detailed surveys and analyses of the land he requires to carry out these works. For example, under the proposals in the Bill, the Promoter wishes to acquire an access road which will no longer exist by the time works are due to commence. Accordingly, your Petitioner's seek further information of the Promoters' intentions in relation to this land and furthermore, assurances from the Promoter that a comprehensive survey was or will be carried out to assess the precise needs of the Promoter in respect of this Bill.

#### *Custom House Station*

- 27 Under the Bill proposals, the Promoter has powers to construct a new station at Custom House to serve the Royal Docks area. In order to accommodate this, the existing station at Custom House will be demolished along with sections of the bridge structures currently linking the North London Line station, the DLR station and your Petitioners' exhibition centre. The Promoter anticipates that these works will take approximately three years and four months to complete. During this time it is proposed that access will be provided via a temporary footbridge and, upon completion, via a walkway which will extend from your Petitioners' exhibition centre across Victoria Dock Road onto the north side of the station. Access to the walkway will be provided by stairs, escalators and a lift.
- 28 Your Petitioners are concerned that the Promoter has not yet fully justified the reasoning for the Crossrail route and Custom House Station not being constructed as an underground station and would request that further information be provided on this matter so as to satisfy your Petitioners that all options have been given due consideration.

- 29 Your Petitioners seek assurances from the Promoter that throughout the duration of the works, adequate access will be continuously maintained to and from the transport services (including Custom House for the ExCeL DLR Station) and your Petitioners' exhibition centre. Your Petitioners also seek assurances that the works to Custom House Station will be completed prior to the 2012 Olympics.
- 30 Your Petitioners are concerned that the proposed single stair access walkway will be insufficient to cope with the large volumes of people expected to attend the larger exhibitions. Accordingly, your Petitioners seek assurances from the Promoter that they will conduct further analysis on this issue and consult with the Petitioners so as to ensure that this need will be appropriately met.
- 31 Under the Bill proposals, the Promoter will have powers permanently to realign the DLR lines to the south, in order to accommodate the construction of the Victoria Dock portal. The Promoter anticipates that these works will take approximately two years and ten months to complete, during which time it will be necessary, for certain periods, to halt the operation of DLR services.
- 32 Your Petitioners are particularly concerned given that the DLR service is the primary public transport link to the exhibition centre. Any closures could have a significant impact on access to your Petitioner's exhibition centre. Therefore, your Petitioners seek assurances from the Promoters that the DLR rail link will remain operational throughout the duration of the construction period and that as far as practicable any necessary closures will be arranged for periods when your Petitioners are not holding any events.
- 33 Your Petitioners are also concerned that the Silverlink train services will be halted during the construction of the works and accordingly your Petitioners seek further assurances from the Promoter that as far as practicable any closures will be arranged for periods when your Petitioners are not holding any events.
- 34 Your Petitioners are concerned that the design of the new Custom House Station will not consider the needs of the ExCeL centre if your Petitioners are not provided with the opportunity to input into the design process. This could result in the construction of a transport facility that is not matched to the area which it

serves. It is respectfully submitted that the Bill should not be allowed to pass into law without making provision for your Petitioners to have input into the design of the new station.

- 35 It is noted that the Promoter intends to access and carryout works to the Connaught Tunnel at the eastern end of the ExCeL site. An undertaking is sought from the Promoter that the works to the tunnel will have no impact on your Petitioners' business.

*General*

- 36 There is no provision for specific compensation provided for in the Bill which would cover the losses that your Petitioners would be likely to suffer as a result of the Promoter proposed scheme. It is also noted that the Promoter seeks to modify the operation of existing compensation provisions, which are in themselves inadequate, to lessen their impact on the Promoter when applying them to the Crossrail scheme. It is respectfully submitted that the Bill not be allowed to pass into law without making provision for the Promoter to provide full and adequate compensation for any loss suffered as a result of the scheme.
- 37 Your Petitioners are concerned about noise during the construction of the proposed works. Your Petitioners wish to see an effective noise mitigation and monitoring system in place before commencement and during construction of the works. There must in your Petitioners' submission be a threshold agreed between your Petitioners and the promoter of the Bill. If that threshold is exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce noise levels below the agreed threshold.
- 38 Your Petitioners operate computer equipment at ExCeL and are concerned about the potential effects on such equipment of the construction and operation of the proposed works and the operation of high voltage cables and other electrical equipment. Your Petitioners submit that a full appraisal should be made and

disclosed by the Promoter of the potential impacts and will wish to be satisfied that appropriate protective measures will be taken.

- 39 Your Petitioners are concerned about dust and dirt produced during the construction of the proposed works. Your Petitioners would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust, and to carry out additional mitigation if dust continues to be a nuisance at ExCeL. Your Petitioners request that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioners for additional expense caused by dust and dirt such as more frequent cleaning of the property and more frequent replacement of air conditioning filters.
- 40 Your Petitioners are concerned about vibration both during construction and on completion of the proposed 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 also fear that vibrations caused by tunnelling, as the tunnel heading passes beneath or adjacent to their properties for each of the two tunnel drives, will cause disturbance to the occupiers of their property. Your Petitioners request that provision be made to ensure the absence of impact-induced vibration by the use of absorptive track beds or other means.
- 41 Your Petitioners are concerned that its business operations at the exhibition centre should not be disturbed or impacted by the Promoter's, the nominated undertakers' or their agents' works construction traffic and parking activities. It is submitted that provision should be made to prevent any disruption or interference caused by works traffic and parking in and around your Petitioners' property.
- 42 It is noted that the works to be authorised under clause 1 of the Bill would result in the creation of large amounts of spoil through the tunnelling process and that it is proposed that a tunnel portal be located adjacent to your Petitioners' property. It is submitted that provision should be made to prevent any tunnel spoil removal impacting on your Petitioners' business or property. Preferably a provision should be made specifically prohibiting the use of your Petitioners property for any spoil removal activities.

43 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.

44 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*

45 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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