

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:

HAMMERSON UK PROPERTIES 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 Clause 50 deals with compensation for injurious affection.

Your Petitioners and their properties

5 Your Petitioners are Hammerson UK Properties plc, a company carrying on business in the ownership and development of property and they hold important and extensive interests in properties situated in the City of Westminster, the City of London, the London Borough of Tower Hamlets and elsewhere. Your Petitioners operate also as a holding company and have several wholly-owned subsidiaries carrying on the same business.

6 Your Petitioners or their wholly-owned subsidiaries own or have an interest in the following properties that are subject to compulsory acquisition or use under the Bill:

CITY OF WESTMINSTER

Parcel Numbers	88, 89 and 90
Property	Bishop's Bridge Road, private path to Paddington Central and construction site
Companies	Hammerson (Paddington) Limited
Interest	Owner
Effect	Acquisition

CITY OF WESTMINSTER

Parcel Numbers	436, 437, 438 and 439
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Property 18-19 Hanover Square, 1a Tenterden Street, Dering Yard

Companies 18/19 Hanover Square (No. 1) Limited and 18/19 Hanover Square (No. 2) Limited

Interest Freehold owner of 19 Hanover Square, and leasehold owner of 18 Hanover Square

Effect Acquisition

CITY OF LONDON

Parcel 82

Number

Property Moor House, 120 London Wall

Companies Moor House Nominees No. 1 Jersey Limited, Moor House Nominees No. 2 Jersey Limited and Moor House Nominees No. 3 Jersey Limited

Interest Lessees and occupiers

Effect Partial acquisition

LONDON BOROUGH OF TOWER HAMLETS

Parcel 44, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62,
Numbers 63, 64 and 65

Property 1 & 10 Bishop's Square, Brushfield Street, 49-73 Brushfield Street and 103-107 Commercial Street

Company Spitalfields Developments Limited

Interest Lessee and occupier

Effect Acquisition of subsoil

LONDON BOROUGH OF TOWER HAMLETS

Parcel Numbers	45 and 47
Property	Fruit and Wool Exchange, Brushfield Street
Company	Spitalfields Developments Limited
Interest	Development manager and prospective owner
Effect	Acquisition of subsoil

- 7 In addition, your Petitioners or their wholly-owned subsidiaries have an interest in the following properties 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:

CITY OF WESTMINSTER

Property	100 Park Lane
Company	Hammerson Group Management Limited
Interest	Owner and occupier

CITY OF WESTMINSTER

Property	10 Grosvenor Street
Company	Hammerson Group Management Limited
Interest	Prospective owner and occupier

CITY OF LONDON

Property	99 Bishopsgate
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Company Bishopsgate (No. 1) Limited, 99 Bishopsgate (No. 1) Limited and
 99 Bishopsgate Limited

Interest Lessee and owner

LONDON BOROUGHS OF HACKNEY AND TOWER HAMLETS

Property Part of Bishopsgate Goods Yard

Company Bishopsgate Goods Yard Regeneration Limited]

Interest Right to purchase under a contract with Railtrack PLC and
 Railtrack (Spacia) Limited

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

Your Petitioners' concerns

- 9 Your Petitioners, Hammerson UK Properties plc, whose registered office is situated at 100 Park Lane, London W1K 7AR, are a company limited by shares incorporated in England in 1940 and re-registered as a plc in 1982. Your Petitioners' principal business is that of an international property company, investing in and developing shopping centres, retail parks and prime offices. Their portfolio was valued at £4.6 billion in April 2005.
- 10 Four properties belonging to your Petitioners or their subsidiaries, or in which your Petitioners have an interest through shareholding in a limited partnership, and two properties that your Petitioners are seeking to acquire, are listed in the Book of Reference for the Crossrail Bill as being subject to partial or total compulsory acquisition, and a further three properties will be affected by the construction or operation of the works to be authorised by the Bill. The effect on each property and your Petitioners' concerns are set out in turn.

18-19 Hanover Square

- 11 The first affected property is 18-19 Hanover Square in the City of Westminster, which it is proposed to demolish for the purpose of building the eastern entrance to the proposed Bond Street Crossrail station. Your Petitioners' subsidiaries 18-19 Hanover Square (No. 1) Limited and 18-19 Hanover Square (No. 2) Limited are lessees of 1a Tenterden Street and 18 Hanover Square and freehold owners of 19 Hanover Square. 18 Hanover Square is leased from the trustees of the Oriental Club. The Bill seeks powers to acquire all of these compulsorily.
- 12 While your Petitioners accept the principle of building the station there, they do not accept that the Promoter, who needs only part of the ground floor and below, is justified in seeking to acquire the freehold above and below the proposed station. The property has the benefit of conservation area consent and planning permission for demolition and construction of a seven-storey building which accommodates the proposed Crossrail station and includes a station entrance on the ground floor, both dated 22 February 2005, subject to an agreement under section 106 of the Town and Country Planning Act 1990 entered into with Westminster City Council. The redevelopment of the site for Crossrail is therefore compatible with the existing plans for the site and your Petitioners should continue to be entitled to redevelop the property above the station, in accordance with the 22 February 2005 planning permission and associated section 106 agreement. Your Petitioners will comply with any reasonable loading or access requirements.
- 13 In any event your Petitioners do not agree with the proposed Land Disposals Policy, as the Promoter should not be entitled to benefit from the development potential for land it acquires for the works. Your Petitioners have the greatest interest in the site and would be willing, as well as the most able in terms of finance and expertise, to undertake its redevelopment.

Moor House, London Wall

- 14 The second affected site is Moor House, 120 London Wall. Your Petitioners are the majority shareholder in the limited partnership that owns this property, and this petition is made on behalf of both your Petitioners and the limited partnership.

Although the main building is not intended to be acquired, adjacent land in the same ownership is, and the site is entirely surrounded by land to be acquired or used. The building is at the western end of the proposed Liverpool Street Crossrail station, and contains a vent shaft to be adopted by Crossrail. The expected disruption during construction and the risk to the stability of the building is one of the most significant on the entire Crossrail route, and is not adequately addressed by the safeguards in the Bill or the accompanying Environmental Statement. Tunnelling of the station platform tunnels is to be carried out using the Sprayed Concrete Lining (SCL) method, which has been attributed to a number of tunnel collapses in the recent past. Your Petitioners seek assurance that this technique is to be carried out safely and correctly, and seek to ensure that appropriate independent review of the methodology is carried out prior to the caverns being constructed, and that sufficient independent controls are in place during construction.

- 15 Your Petitioners entered into an agreement with London Underground Limited in September 2001, which they are obliged to assign to the Promoter, that was to ensure that the construction of Moor House would be compatible with Crossrail and would allow the vent shaft to be acquired by the Promoter in due course. Your Petitioners expect this agreement to be honoured, but they are concerned that the acquisition of parcel 82 in the City of London delineated on sheet 15 of the plans accompanying the Bill may be beyond the terms of the agreement. Your Petitioners are anxious that the Promoter does not acquire land additional to that specified in the agreement, or that the building is further disadvantaged .

Land near Paddington

- 16 The third affected site is a triangle of land to the north west of Paddington Station, which forms part of Network Rail's 'Span 4' development and offers in part access to the new development at Paddington Central to the west. Your Petitioners' subsidiary Hammerson (Paddington) Limited own and occupy three parcels providing access between Bishop's Bridge Road, Paddington Station and Paddington Central.

- 17 The Promoter plans to construct a temporary set-down area for taxis on the northern side of Paddington Station. To gain access to this, the Promoter will require access across the ownerships of Hammerson (Paddington) Limited. However, Network Rail and other interested parties have already agreed to pursue a permanent redevelopment (including planning permission) that would include a set-down area for taxis as part of these proposals. If the relevant part of the permanent development were brought forward and constructed, it would allow the construction of Crossrail in the same way that the proposed temporary deck would have done. This would avoid the cost of the temporary deck and would mean that the construction of Crossrail did not delay the planned redevelopment which features a number of infrastructure improvements required for Paddington Station.
- 18 Your Petitioners are willing to undertake to carry out the relevant part of the proposed permanent development themselves, which would further save costs for the Promoter, in exchange for an undertaking that their land interest would not be acquired.

1 & 10 Bishop's Square, Spitalfields

- 19 The fourth directly affected site is 1 & 10 Bishop's Square, Spitalfields and neighbouring properties on Brushfield Street, which are leased from the Corporation of London by your Petitioners' subsidiary Spitalfields Developments Ltd. Although it is proposed that Crossrail only passes these properties below ground, your Petitioners are concerned that the powers within the Bill to take land (albeit restricted to lower than 9 metres below ground) could interfere with or involve the acquisition of part of the foundations of the properties concerned, at least one of which has two basement levels. Planning permission was granted by the London Borough of Tower Hamlets for the now completed development of Bishop's Square with the consent of those then involved with the Crossrail project. Your Petitioners seek further information as to what is proposed at this location and would strongly resist the acquisition of any land that included part of, or threatened the structural integrity of, the buildings at this location.

Fruit and Wool Exchange, Brushfield Street

- 20 A directly affected site in respect of which your Petitioners are seeking to acquire a leasehold interest, and where they are currently development managers, is the Fruit and Wool Exchange on Brushfield Street, for which the freehold is held by the Corporation of London. Although it is proposed that Crossrail only passes this property below ground, your Petitioners are concerned that the powers within the Bill to take land (albeit restricted to lower than 9 metres below ground) could interfere with the foundations of the properties concerned, and would, if fully exercised, severely restrict the potential for redeveloping the site at some time in the future as, for example, piled foundations could not be used. The plans show that the crown of the tunnel would be some 37 metres below ground at this point and so an acquisition of 28 metres above the tunnel would appear to be unnecessary. Your Petitioners seek to lower the vertical limit of land acquisition so as not to interfere with the buildings in existence and any that may replace them in the future.

100 Park Lane and 10 Grosvenor Street

- 21 Two of the four indirectly affected properties are your Petitioners' current headquarters building at 100 Park Lane and their prospective headquarters building at 10 Grosvenor Street. While not within the limits of land to be acquired or used, 100 Park Lane is adjacent to the proposed Park Lane shaft and worksite. The building is Grade II* listed and would be severely affected by the construction works, in terms of noise, vibration, dust and deterioration in condition. The threat of Crossrail is also creating uncertainty with respect to the implementation of planning permissions and listed building consents that have been secured for the conversion of the property into a single dwelling or 17 dwellings. Your Petitioners are similarly concerned that 10 Grosvenor Street will be affected by the nearby construction works, in terms of noise, vibration, dust, deterioration in condition and limitations on pedestrian and vehicular access.
- 22 Your Petitioners seek reassurance that the construction of Crossrail and its subsequent operation will not affect their interests in these important buildings.

99 Bishopsgate

- 23 The next indirectly affected property is 99 Bishopsgate, which is owned by your Petitioners' subsidiaries Bishopsgate (No. 1) Limited, 99 Bishopsgate Limited and 99 Bishopsgate (No. 1) Limited. This property is not within the limits of land to be acquired or used but is very close to them and the surrounding streets are subject to powers of temporary closure.
- 24 The effect on the property would be severe, in terms of noise, vibration, dust, loss of access, deterioration of condition and the blighting of future sale, letting or development.

Bishopsgate Goods Yard

- 25 Finally, your Petitioners have interests in Bishopsgate Goods Yard, being the company with the benefit of a contract to acquire the property from the existing freeholders, Network Rail. While this is not currently proposed to be used in the construction of Crossrail, Cross London Rail Links Ltd have stated that they have not ruled out the use of Bishopsgate Goods Yard for the removal of spoil from the Hanbury Street shaft instead of using the proposed conveyor to Mile End Park. Your Petitioners oppose any change from the proposals contained in the Crossrail Bill and its accompanying documents as these will have a serious effect on your Petitioners' interests in Bishopsgate Goods Yard, without the proposals having been subject to consultation or environmental impact assessment.
- 26 Your Petitioners are also concerned that all of their properties in the vicinity of Bishopsgate might be inadequately served by the eastern entrance to the proposed Liverpool Street Crossrail Station. No new ticket hall is planned at the eastern end of the station and reliance is placed instead upon the existing London Underground facilities. Your Petitioners are advised that this would be inadequate to serve the number of passengers forecast to be entering and leaving the station once the works were completed, which would have a consequential effect of discouraging developments in the east of the City of London. Your Petitioners would therefore support an increase in the capacity of the eastern end of the proposed station.

Concerns relating to all properties

27 The following concerns relate to all of your Petitioners' properties.

Noise

28 Your Petitioners are concerned about noise during construction and on completion of the 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. 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.

Dust

29 Your Petitioners are concerned about dust and dirt produced during construction. 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 to your Petitioners' properties. 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.

Vibration

30 Your Petitioners are concerned about vibration during construction 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.

31 Your Petitioners are concerned about vibration during the operation of the works. Your Petitioners fear that once the works are operational, vibration from trains will cause disturbance. Your Petitioners request that agreement be reached with the Promoter to ensure the absence of impact-induced vibration.

Access

- 32 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 good and open 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 where practicable and that your Petitioners are reimbursed for any losses incurred through inability to service or park at their properties due to the works.

Settlement

- 33 Your Petitioners are concerned about settlement effects on their properties. Your Petitioners have engaged expert advisers, who envisage damage to Moor House, 1 & 10 Bishop's Square, Spitalfields and the Fruit and Wool Exchange could be caused as a result of the works. 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 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 be given at least 14 days' notice of the intended passage of the tunnel boring machines beneath the property. Any necessary safeguarding or remedial measures must be agreed between your Petitioners and the Promoter. Your Petitioners would wish to see the scope of paragraph 5 of Schedule 2 to the Bill to be extended to include all potential remedial measures that could be used, such as compensation grouting.

Deterioration of condition

- 34 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. 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.

Compensation

- 35 The provisions contained within the Bill for compensation for the compulsory purchase of property or of subsoil or new other rights will not enable your Petitioners or other landowners to recover the full loss and expenses which they will incur in consequence of the exercise of such powers. Your Petitioners therefore submit that the Bill should be amended to rectify this.

- 36 Your Petitioners also object that the compensation provisions of the Bill are inadequate to compensate your Petitioners or others in circumstances where no land (or interests in land) is acquired by the Promoter under the Bill, but where the value of such land and the properties erected on it is reduced or where such land and the properties erected on it is otherwise adversely or injuriously affected by the construction or use of the proposed works. Your Petitioners therefore submit that the Bill should be amended to provide for claims for adequate compensation in respect of damage arising to their property by the execution of the works, or for injurious affection thereof by the execution or working of these works, separately from any claim for compensation in the respect of acquisition of any land (or interest therein) from your Petitioners under the powers of acquisition.

Blight

- 37 Your Petitioners submit that the compensation provisions proposed in the Bill are inadequate to compensate your Petitioners for the loss, damage and inconvenience, attributable to blight to their properties, which they have already suffered or may now suffer as a result of the prospective construction and subsequent use of the proposed works. The redevelopment, sale or re-letting of a

number of your Petitioners' properties has already been severely prejudiced by the Crossrail proposals. The incidence of blight will also continue. Your Petitioners fear, for example, that prospective lessees of properties will feel that that the proposals may so blight some properties 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. Further provisions should, they submit, be included in the Bill including provisions respecting the making and assessment of claims for compensation, and indemnifying your Petitioners for any loss they might suffer as the result of unfavourable rent reviews respecting the leases currently affecting some of their properties insofar as the reduced rent payable (as it may differ from open market rent) is attributable to the proposed works and their effect on your Petitioners' properties or for any loss (so attributable) which your Petitioners might suffer in the event of them not being able to re-let their properties (in whole or in part) to existing or new tenants or in the event of them only being able to do so at a reduced premium or rent.

Indemnity

- 38 Your Petitioners further submit that the Promoter should be required to indemnify them from all claims and demands which may be made in consequence of the construction, use or maintenance of the works under the Bill, or their failure or want of repair, or in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the works under the Bill.

General matters

- 39 As a general matter, your Petitioners submit that provision should be made for the Company 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.
- 40 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far as affecting your Petitioners, the Bill should not be allowed to pass into law.

- 41 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

- 42 Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioners and of their subsidiaries.

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, their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests 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 Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

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