

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 :

THE COUNCIL OF THE LONDON BOROUGH OF REDBRIDGE

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.
- 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 Petitioner

- 6 Your Petitioner is the Council of the London Borough of Redbridge. The London Government Act 1963 established your Petitioner and conferred on your Petitioner various functions for the local government of your Petitioner's Borough. Later enactments have conferred additional functions on your Petitioner, who is responsible for highways, traffic, planning and development control, built heritage, buildings, environmental health and burials, among other matters, in your Petitioner's Borough, all of which are affected by provisions of the Bill.
- 7 Your Petitioner owns or has an interest in numerous properties that are subject to compulsory acquisition or use under the Bill. The provisions of the Bill would also injuriously affect part of your Petitioner's Borough. Your Petitioner objects to that compulsory acquisition and use and to those provisions for the reasons set out below.

Your Petitioner's concerns

- 8 Your Petitioner fully supports proposals for a railway transport system connecting stations to the east of London, including Ilford, Seven Kings, Goodmayes and Chadwell Heath stations in your Petitioner's Borough ("the Redbridge stations"), to Heathrow Airport and stations to the west of London via Liverpool Street station, the proposed central London tunnel, and Paddington station. However, your Petitioner has concerns about many of the specific proposals contained in the Bill. Some of these concerns are general in nature, some relate to the potential impacts on specific sites in your Petitioner's Borough.
- 9 Your Petitioner remains hopeful that its concerns will be met by agreement with the Promoter, but is concerned that many of the details that are needed to inform such an agreement have not yet been supplied by the Promoter. In particular, your Petitioner is concerned about issues in relation to the Environmental Statement, Crossrail service patterns, the proposed Code of Construction Practice and traffic management measures.

Specific works impacting upon your Petitioner's interests

- 10 Clause 1(1) gives the Promoter's nominated undertaker the power to construct and maintain the works specified in Schedule 1 (referred to in the Bill and this Petition as "the scheduled works"). The following scheduled works are proposed for your Petitioner's Borough or closely adjoining it:
- (a) Work No. 2/10 – railway sidings off the Great Eastern Main Line railway at Aldersbrook;
 - (b) Work No. 2/12 – a freight loop railway line off the Great Eastern Main Line railway to be known as the Chadwell Heath freight loop.
- 11 Clause 2 of and Schedule 2 to the Bill significantly widen the works powers, by giving the nominated undertaker the power to construct ancillary works anywhere within the limits of deviation for the scheduled works and the limits of land to be acquired and used. The Promoter's nominated undertaker proposes to use these powers in your Petitioner's Borough to extend the platforms at the Redbridge

stations and to lay out work sites at Aldersbrook Sidings, Ilford Station, Seven Kings Station, Goodmayes Station, Chadwell Heath Loop and Chadwell Heath Station, among other things. Your Petitioner has the following concerns about those specific works.

- 12 The environmental statement ("the ES") proposes that the Aldersbrook sidings will be used during construction as a tunnelling logistics site serving the fit-out trains for the new central London tunnel. Your Petitioner takes no issue with this proposal, although it will need to be satisfied about the impacts of this before the sidings are constructed. However, the ES also proposes that the Aldersbrook sidings will be used during the operation of Crossrail passenger services as a servicing depot. Your Petitioner is concerned that no details have been given of this permanent use, which would be very unsuitable given its proximity to Ilford Town Centre. Your Petitioner therefore seeks an undertaking from the Promoter that, once the construction is complete, the sidings will not be used for a servicing depot at all.
- 13 According to the ES, the Promoter intends to completely rebuild Ilford station. Your Petitioner is developing its own proposals for the redevelopment of this major transport interchange, and seeks an undertaking from the Promoter that his nominated undertaker will work with your Petitioner to ensure that the Crossrail proposals are compatible with your Petitioner's own plans.
- 14 Although the Promoter intends to ensure that Ilford station will be made fully accessible to the mobility impaired as part of the Crossrail works, your Petitioner is concerned to note that the ES does not propose to make any improvements to the accessibility of any other Redbridge stations. The Crossrail works present an opportunity to ensure that those other stations comply with the requirements of the Disability Discrimination Act 1995. Your Petitioner humbly suggests that the nominated undertaker should ensure compliance with these requirements before Crossrail passenger services are brought into operation.
- 15 Your Petitioner considers that the Promoter should also take the opportunity to extend all the platforms in the Redbridge stations to match the length of the

Crossrail platforms. This would enable Crossrail trains to use other platforms during maintenance periods or in emergency.

- 16 Your Petitioner is concerned that the proposed Seven Kings worksite is located adjacent to the grounds of the Canon Palmer RC Primary school. Although the ES states that the agreement of the school authority will be sought to access arrangements through the school, the Bill contains no such restrictions. As the works are expected to take five months, and so cannot feasibly be completed within the period of the school summer holidays, your Petitioner humbly submits that the Promoter be required to agree the timing of the works with the school's governing body and your Petitioner before being allowed to exercise its powers to use the worksite.

Timing of works

- 17 Although the railway authorised by the Bill will not be operational until 2013, and so Crossrail passenger services will not be in place in time for the London Olympic Games in 2012, the ES implies that the works to the Great Eastern Main Line, and other ancillary works in the Borough, could be complete comfortably before the Games. The ES was published before London was awarded the Games and states that, in the event of a London Olympics, a Supplementary ES would be produced dealing with the ramifications of the award. In order that the Borough, and those resident in and visiting it, may fully benefit from the London Olympic Games, your Petitioner humbly submits that the Supplementary ES should set out a timetable for the works in the Borough that ensures that those works are completed in good time before the Games begin in July 2012. In particular, your Petitioner seeks the Promoter's assurance that visitors to the Olympic Games will be able to use the Redbridge stations, especially Ilford, free from construction works, and benefit from the improvements to the Great Eastern Main Line. This will help to deliver the Government's stated aim of spreading the benefits of the Olympics throughout east London communities, such as those served by your Petitioner.

Highways powers

- 18 Under clause 3 of and Schedule 3 to the Bill, the nominated undertaker may stop up and otherwise interfere with various highways in connection with the authorised works.
- 19 Although your Petitioner notes that, as highway authority, it has a limited power to consent to the temporary stopping up of a highway, and traffic measures imposed by the Promoter's nominated undertaker, it is concerned that the lack of detail provided to date on the likely use of these powers makes it impossible to judge the appropriateness of this power. Your Petitioner seeks the Promoter's undertaking that not only will your Petitioner be fully consulted about any proposals for road closures or traffic diversions, but a traffic management plan for your Petitioner's Borough will be agreed before the nominated undertaker seeks to exercise any power under clause 3 or Schedule 3 in relation to the Borough.
- 20 Your Petitioner is also concerned to note that no green travel plans have been agreed or are proposed for any of the Redbridge stations. Your Petitioner is keen to ensure that such plans are agreed and seeks the assurance of the Promoter that, in consultation with the London Transport Users' Committee, it will agree such plans before bringing the Crossrail passenger services into operation. As a matter of good practice, the Promoter should agree these plans for all Crossrail stations, not just those in Redbridge.
- 21 Your Petitioner notes that a number of parking places, for which your Petitioner is responsible, will be lost temporarily during the construction period. The nominated undertaker should be required to compensate your Petitioner for lost revenue.

Land acquisition

- 22 Clause 6(1) entitles the Promoter to acquire compulsorily the land shown on the deposited plans and listed in the books of reference. This includes several plots of land owned or occupied by your Petitioner, predominately in the highway. Your Petitioner is not convinced of the need for the proposed powers and seek clarification from the Promoter of the extent to which this power will be

exercised. Following this clarification, your Petitioner may seek undertakings from the Promoter that acquisition is limited in geographical or temporal scope.

- 23 Your Petitioner is also concerned to ensure that it is compensated adequately for any acquisition or use of its land.

Planning, heritage and trees

- 24 Clauses 10 to 14 of and Schedule 7 to the Bill put in place an alternative regime for planning permission, disapplying most of the controls ordinarily operated by your Petitioner as local planning authority. Clauses 15 and 16, and Schedules 8 and 9 similarly modify the ordinary heritage controls. The general scheme of these provisions follows that of the Channel Tunnel Rail Link Act 1996. Your Petitioner is concerned generally that these controls should be replaced by an equally or more robust alternative approval mechanism and is working with other affected local planning authorities to ensure that such a mechanism is put in place.

- 25 Specifically, your Petitioner is concerned to ensure that—

- (a) local planning authorities are given sufficient time to consider applications for what may be major elements of development;
- (b) it is fully involved in the approval of and able to impose appropriate conditions on proposals for the protection or removal of flora or fauna of special interest, regardless of whether the proposals relate to operations, works or matters set out in the Tables in Schedule 7 to the Bill (which restrict the local planning authorities ability to impose conditions);
- (c) it is fully involved, alongside English Heritage, in the approval of and able to impose appropriate conditions on the methods that the nominated undertaker will use to investigate and record archaeological remains in respect of each construction and work site;
- (d) the normal hours of working should be agreed at the same time as applications for works are made to your Petitioner under Clause 10 and Schedule 7. The hours and days of the week during which work is undertaken on the development on land within the relevant limits should

be included as a condition in the table of Paragraph 7 of Schedule 7. This is a crucial power that the local planning authority needs to be able to modify the arrangements to preserve the local environment or local amenity;

- (e) in order to ensure that the planning and heritage control regimes envisaged by the Bill are adequately resourced and processed, the Regulations under clause 12(1) should provide for fees to be paid in connection with each application for approval, as if they were applications for planning permission being submitted in the ordinary way. At the very least, your Petitioner humbly submits that the Promoter should be required to publish draft regulations under clause 12(1) before the Bill is passed to the House of Lords, so that your Petitioner and other local planning authorities will be able to make representations on the reasonableness of the proposals. At the moment, there is too little information;
- (f) Paragraph 6(2) of Schedule 7 should provide that local planning authorities do not have to approve a plan or specification that contains insufficient detail, but may reject it for that reason;
- (g) The restriction contained in paragraph 7(3) of Schedule 7 is amended so that local planning authorities may approve arrangements for transport to a working or storage site if more than 10 large goods vehicle movements take place per day, instead of the 24 movements per day threshold presently provided by that sub-paragraph. 24 movements per day is too high a threshold for the imposition of conditions that may be necessary to protect amenity;
- (h) Before construction begins at any worksite in the Borough, the nominated undertaker should be required to submit to your Petitioner detailed plans, method statements, works programmes and schedules of deliveries and haul routes;
- (i) A Code of Construction Practice should be agreed between the Promoter and your Petitioner and the other affected local planning authorities before any works are commenced. This Code should commit the nominated

undertaker to agreed hours of working and noise levels, as well as the highest standards in respect of site operation, and the mitigation of the effects of noise, dust and vibration caused during the construction period, and in particular should replicate the best practice requirements imposed on major construction projects in London.

(j) The Promoter should also agree measures with your Petitioner to provide suitable mitigation in respect of further environmental matters. Your Petitioner is presently discussing these matters with the Promoter and is hopeful of a satisfactory resolution. However, if the Promoter does not agree satisfactory mitigation, your Petitioner would wish to propose alternative measures to the Select Committee. The matters concerned include, but are not limited to-

- Working hours;
- Deliveries;
- Vehicle reversing alarms;
- Noise insulation and temporary rehousing trigger levels;
- Contaminated land;
- Static noise sources;
- Groundborne noise; and
- Airborne noise.

Noise

26 Clauses 19 and 20 modify the ordinary statutory provisions controlling noise from construction sites and other noise nuisances. Your Petitioner is concerned to ensure that-

(a) the nominated undertaker should be subject to suitable standards in respect of the control of noise,

- (b) there should be a provision for a noise insulation policy; and
- (c) compensation should be paid, or other suitable mitigation or remedy put in place, where these standards and policy are breached.

27 In particular, your Petitioner seeks an undertaking from the Promoter that he will agree mitigation measures for the proposed Chadwell Heath freight loop, including measures for remediation or compensation if nearby properties are affected by the operation of the freight loop. These measures should be agreed before the freight loop is brought into use.

28 Further your Petitioner seeks the ability to impose additional controls over noise levels where 24-hour working is exceptionally permitted.

Railway matters

29 Clauses 21 to 44 establish the place of "Crossrail passenger services" at an advantageous position compared with all other railway services. Your Petitioner wishes to understand more fully the way in which these services will interrelate with the services provide by the train operating companies serving your Petitioner's Borough.

30 In particular, your Petitioner wishes to be consulted fully by the Promoter on the effects of construction on existing services, and the levels of proposed Crossrail passenger services from the Redbridge stations. Your Petitioner requests that the Promoter undertakes that Crossrail passenger services will include direct services between the Redbridge stations and Heathrow airport.

31 Your Petitioner notes that the Promoter expects the introduction of Crossrail services to release capacity on the Great Eastern Main Line approaches to Liverpool Street Station. In your Petitioner's view, this capacity could usefully be employed to improve rail connections between Redbridge stations and Stansted Airport. Your Petitioner accordingly seeks the Promoter's assurances that the construction and operation of Crossrail services will facilitate and will not inhibit any future services linking the Redbridge stations with Stansted airport.

Further matters

32 Clause 46 gives the Promoter the power to provide by order for a person to exercise the functions conferred by the Bill on the “nominated undertaker”. Your Petitioner is concerned that this provision should not be used to enable the Promoter to avoid any obligations relating to your Petitioner’s concerns that he is or becomes contractually bound to perform. Your Petitioner therefore humbly submits that clause 46 be amended so that any order made under clause 46(1) must provide for–

- (a) contractual commitments entered into by the Promoter in respect of functions to be carried out by the nominated undertaker to bind the nominated undertaker; and
- (b) the Promoter to guarantee the performance of the nominated undertaker.

33 As a general matter, your Petitioner submits that provision should be made for the Promoter to repay to your Petitioner’s 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.

34 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioner and its powers, duties, rights, interests and property or adversely affect your Petitioner’s Borough, and for which no adequate provision is made to protect your Petitioner or its Borough.

Conclusion

35 Your Petitioner submits that the Bill fails adequately to safeguard and protect the interests of your Petitioner and its Borough and should not be allowed to pass into law without these issues being addressed.

YOUR PETITIONER THEREFORE HUMBL Y PRAYS 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 Petitioner 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 PETITIONER WILL EVER PRAY, &c.

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