

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 FRENCH HUGUENOT CHURCH OF LONDON CHARITABLE TRUST
(ACTING VIA ITS TRUSTEES) AND THE FRENCH PROTESTANT CHURCH OF
LONDON (ACTING VIA ITS CONSISTORY)

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 the French Huguenot Church of London Charitable Trust (“the Trust”) acting via its trustees (“the Trustees”) and The French Protestant Church of London (“the Consistory”) acting via its Consistory.
- 7 Your Petitioners own or have interests in a church at 8-9 Soho Square (the “Church”) and the Trust owns another building at 14-18 Noel Street. In both cases the subsoil is subject to compulsory acquisition or use under the Bill.

- 8 The Church is a Grade II listed building that was completed in 1893. At its upper levels it provides residential accommodation for the use of persons connected with the Church. This accommodation is at present occupied by the Pastor of the Church and the Pastor's family. There are also various basement rooms that are used for meetings and other activities connected with the Church. The Church is shown on the deposited plans (sheet 10) as plot 611 in the City of Westminster.
- 9 The property at 14-18 Noel Street and is leased to National Provident Life Limited. It is used for office accommodation and as a youth hostel. It is shown on the deposited plans (sheet 10) as plot 511 in the City of Westminster.
- 10 Your Petitioners 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

- 11 The Bill provides for a number of works which are set out in Schedule 1 to the Bill, including the construction and operation of an underground railway beneath your Petitioners' properties (Works Nos. 1/3A and 1/3B). In particular, parts of the proposed Crossrail station at Tottenham Court Road are intended to be located directly beneath the Church and there is proposed to be a tunnel beneath 14-18 Noel Street.
- 12 Your Petitioners are not opposed in principle to the intended new railway. However, they are concerned that no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects their property interests are reasonably safeguarded. Accordingly, they object to the Bill for these reasons and having regard to the more detailed particulars referred to below.

Settlement

- 13 Your Petitioners are particularly concerned about settlement effects and ground movement to their properties in view of the proximity of the proposed works to them.

- 14 Whilst your Petitioners appreciate that the design of the new station at Tottenham Court Road has not been finalised, it is currently proposed that a station platform and other works including an escalator shaft will be located directly beneath the Church and that the new western ticket hall will be constructed in close proximity to the Church.
- 15 According to a technical report entitled "Assessment of settlement impacts on the built heritage" produced by Alan Baxter & Associates on behalf of the Promoter, the potential impact of the works upon the Church is expected to be significant and that some moderate damage to the Church can be anticipated. It is understood, however, that this is an initial assessment and not one made following a detailed inspection of the Church or having been inside the building.
- 16 On account of its concerns about the effects of the works upon the Church, the Trustees have engaged expert advisers with particular expertise in the structure of historic buildings. Their opinion is that the Church is vulnerable to damage from settlement on account of the works, not least on account of the basement below the church and uncertainty as to how the church has been constructed and the nature and depth of its foundations. The extensive use of terracotta both internally and externally in the construction of the Church causes your Petitioners great concern because terracotta is brittle and therefore particularly susceptible to damage. There have been a number of meetings held between the Trustees and their representatives and those representing the Promoter to discuss these issues, including a meeting in the Church so to allow the Promoter's representatives and expert advisers to see the inside of the building. No formal arrangements have yet been reached, however, between your Petitioners and the Promoter in relation to these matters.
- 17 Your Petitioners submit that the Promoter should be constrained to construct the works proposed at the greatest practicable depth beneath the Church so as to minimise the effects of settlement and ground movement upon it. Further, in view of the vertical distance between the basement of the church and the new underground station, bearing in mind particularly the uncertainty as to the nature of the Church's foundations, the upper vertical limit of deviation in the vicinity of the Church should not be three metres upwards as proposed in the Bill at clause

1(3)(b)(i) but a lesser distance commensurate with the best available engineering techniques and the structural implications for the Church.

18 Your Petitioners humbly submit that with regard to settlement impacts upon the Church the Promoter and/or the undertaker nominated to carry out the works should be required, inter alia:-

- (a) to take all practical measures to prevent damage and injurious effects in accordance with the best available techniques;
- (b) to conduct and/or meet the full expense of a full survey or surveys of the condition of the Church both before and after the construction and commencement of operation of the works;
- (c) to submit plans and detailed proposals (including of anticipated ground and building movements, as well as notification of proposed construction methods) for works under or affecting the Church for your Petitioners' reasonable approval and to give your Petitioners proper notice of the commencement of and full consultation upon all works which will or might affect the Church;
- (d) to agree a threshold with your Petitioners for ground and building movement within the vicinity of the Church, to the effect that if that threshold is exceeded then the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will minimise settlement affecting the Church;
- (e) to agree necessary safeguarding or remedial measures with your Petitioners, to be carried out at the expense of the Promoter, including appropriate measures in respect of long term effects, years after the railway has been constructed and has become operational; and
- (f) to carry out a subsoil investigation and survey prior to any works in the vicinity of the Church being commenced.

- 19 The Trust's property at 14-18 Noel Street lies directly above a tunnel proposed to be constructed as part of the Crossrail scheme. Accordingly the Trustees are concerned about the settlement effects of the works upon this property and wish to see an effective and agreed monitoring system in place before the commencement and during construction of the works to measure the exact effects of any settlement and ground movement upon the property. There must in the Trustees' submission be a threshold agreed between the Trustees and the Promoter for ground movement in the vicinity of the property and distortions to its structure. 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 avoid distress to the building.
- 20 The Trustees further requests that they are given at least 21 days' notice of the intended passage of the tunnel boring machines beneath 14- 18 Noel Street.
- 21 The Trustees are concerned that the condition of 14 -18 Noel Street will deteriorate as a result of the proposed works, that the works may affect the extent and nature of any future redevelopment of the site and that the Trust should be compensated accordingly. Should the works be authorised, the Trustees intend to commission a condition survey of the property shortly before the commencement of the works, shortly after their completion and thereafter as appropriate to ensure that any longer term effects of the works are identified. The Trustees request that all of the costs associated with carrying out such surveys, and of rectifying any deterioration in the condition of either property, including their interior, found to be due to the works, be reimbursed by the Promoter.
- 22 In addition, your Petitioners require continuous monitoring of their properties to be undertaken during construction of the works and for arrangements to be made for the carrying out of remedial works at the Promoter's expense. All of these matters should be agreed with your Petitioners before any works commence that may affect their respective properties.

Noise, vibration and dust

- 23 Your Petitioners are concerned about noise during the construction of the proposed works and once the railway is operational, in terms of volume, pitch and frequency. Your Petitioners wish to see an effective noise mitigation and monitoring system in place before commencement and during construction of the works in the vicinity of the Church. There must, in your Petitioners' submission, be a threshold agreed between them 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. The Promoter should use the best available techniques to minimise noise from the operation of the new railway and noise monitoring should be continued for an appropriate period of years following the opening of the railway.
- 24 Your Petitioners are concerned about vibration both during construction and on operation of the proposed works. This concern relates to both of their properties but is more acute in relation to the Church, particularly on account of the extensive use of terracotta in its construction. 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 noise or vibrations caused by the works could cause disturbance or present a danger to the health and safety of those living in the Church or visiting it. Your Petitioners therefore request that provision is made to ensure the absence of impact-induced vibration by the use of absorptive track beds or other means, and also to mitigate against damage to any part of your Petitioners' properties and avoid any disturbance or damage to the health and safety of occupiers and visitors as aforesaid. The Promoter should use the best available techniques to minimise vibration from the operation of the new railway and monitoring should be carried out on the same basis as requested for noise including for an appropriate period of years following the opening of the railway.
- 25 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 dirt, and to carry out additional mitigation if dust or dirt

continues to be a nuisance at either of their properties, but in particular the Church. 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 exterior of the Church.

Temporary re-housing

26 Your Petitioners request that provision be made for the Promoter to pay the costs of suitable alternative accommodation if the residential accommodation within the Church cannot reasonably be occupied on account of the works taking place within its vicinity and that the Promoter should be required to take such other steps as may be appropriate to alleviate any disturbance caused to those living above the Church whilst the works are in progress.

27 Your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to the Church or to 14-18 Noel Street (as the case may be) on account of the works, but particularly the Church, in view of its proximity to the works and that there is understood to be an electricity sub-station beneath the road in front of the Church. In your Petitioners' submission a co-ordinated programme of works affecting statutory services to the Church ought to be established by the Promoter and details provided to your Petitioners in order to avoid a succession of statutory undertakers' works affecting statutory services thereto.

Hours of working

28 Your Petitioners are concerned that church services, which currently take place on Sunday mornings, and other activities that take place at the Church, should not be disrupted by the Crossrail works and that adequate arrangements are made between the Promoter and/or the nominated undertaker and your Petitioners to ensure that such disruption does not occur.

29 Your Petitioners further humbly submit that such provisions with regard to compensation are inadequate to compensate your Petitioners for any loss, damage or inconvenience which they might suffer as a result of the construction and subsequent use of the proposed works.

30 Your Petitioner, the Trust, respectfully submits that the proposals contained in the Bill are causing and have caused blight upon 14-18 Noel Street. The Trustees fear that existing and prospective lessees will take the view that the proposals would so blight the property that they would not be interested in acquiring any part of the property or that, in the case of existing lessees, they will demand a considerably reduced rent, due to the prospect of the works. The Bill does not contain adequate provisions for compensating such blight and the Trustees respectfully suggest that it do so. Further provisions should, they submit, be included in the Bill including provisions respecting the making and assessment of claims for compensation, loss of any future development value and indemnifying them for any loss they might suffer as the result of unfavourable rent reviews on account of the proposals or for any loss (so attributable) which they might suffer in the event of the Trustees not being able to re-let 14-18 Noel Street or in the event of them only being able to do so at a reduced premium or rent.

Indemnity

31 Your Petitioners 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, the nominated undertaker, their contractors or agents in carrying out the works under the Bill.

Costs

32 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 it may instruct or have instructed) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

33 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 Petitioner.

Conclusion

34 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, their 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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