

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 SOUTH WEST REGIONAL ASSEMBLY

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 interests

- 6 Your Petitioners are an assembly of local authorities and representatives of economic, social and environmental interests in the south-west region of England. The region comprises the geographical area of the former administrative County of Avon, and the counties of Cornwall, Devon, Dorset, Gloucestershire, Somerset, Wiltshire and the Isles of Scilly ("the Region"). According to their Constitution, your Petitioners may comprise representatives of:
- (a) all principal councils (being unitary, county and district councils) in the Region;
 - (b) Social Economic and Environmental Partners ("SEEPs") in the Region;
 - (c) National Park Authorities in the Region; and
 - (d) local councils in the Region.
- 7 Accordingly, your Petitioners currently comprise 117 members: 79 represent the 51 Unitary, County and District Authorities in the Region; 2 represent the National Parks Authorities in the Region; 2 representatives come from the Association of Local Councils; and 34 represent the Region's SEEPs. The SEEPs are drawn from a range of sectors including businesses, the voluntary sector, education and training, environmental bodies, faith communities, trades unions, tourism, health, agriculture, Racial Equality Councils, co-operative agencies and Learning and Skills Councils.
- 8 The membership of your Petitioners is reviewed by local authorities; each local authority identifies one member and political parties are invited to nominate 'top-ups' to ensure that your Petitioners' membership reflects political proportionality across the Region after local elections. The SEEP representatives are nominated by bodies with a regional remit from fields of importance to the Region. These nominations are reviewed at least every four years.

- 9 Your Petitioners' predecessors were designated as the regional chamber under s.8 of the Regional Development Agencies Act 1998 for the Region in July 1999. As a regional chamber, your Petitioners are responsible for monitoring and scrutinising the work of the South West Regional Development Agency ("SWRDA"). Through the scrutiny role, your Petitioners aim to represent the views of the South West on the Region's needs and assess the SWRDA's response to these needs. Your Petitioners carry out this scrutiny role through a series of Regional Strategic Reviews. Each Regional Strategic Review focuses on the implementation of the Regional Economic Strategy ("RES") and seeks: to examine how effectively the RES is meeting the region's economic needs; to assess the consistency between the RES and other regional strategies; to assess the contribution of all agencies in making a reality of the region's strategic objectives; and, through bilateral discussions with the SWRDA, to assess the SWRDA's contribution in ensuring the success of the RES.
- 10 Your Petitioners are also the Regional Planning Body for the Region following a designation under s.2 of the Planning and Compulsory Purchase Act 2004 on 28 September 2004. As such, your Petitioners are required to develop, revise and review the Region's Regional Spatial Strategy. The Regional Spatial Strategy must include a Regional Transport Strategy and provide guidance on economic development. In addition, under s. 3 of the Planning and Compulsory Purchase Act 2004 your Petitioners have an obligation to keep under review matters which may be expected to affect development in the Region or in any part thereof or might affect the planning of that development.
- 11 As recognised by the Office of the Deputy Prime Minister publication, *Realising the Potential of All Our Regions: the story so far* (04RDG02784/L), regional assemblies such as your Petitioners are now firmly established in the regions and they have a role in ensuring that decisions are properly informed and influenced by people in the regions; they promote the interests and concerns of the English regions, working to influence a wide range of decisions and policy developments that influence people in the region.

12 Your Petitioners represent almost 5 million people, equivalent to 8.6% of Great Britain's population. The Region contributes nearly 8% towards the National Gross Value Added ("GVA") and regional GVA growth has consistently outperformed the UK average. However, the Region is marked by its economic diversity. Although the former county of Avon contributes one quarter of the Region's GVA with Bristol alone accounting for almost half of this, growth is slower in the counties of Devon, Dorset and Gloucestershire and Cornwall (which contributes the least at 6.8%). There are specific economic and social problems in the Region, particularly in Cornwall, which has Objective One status under the European Structural Fund Programmes and in parts of Devon, West Somerset and Bristol, which receive funding under Objective Two under the European Structural Fund Programmes.

13 Through the SEEP members in particular, your Petitioners represent almost 240,000 businesses in the Region, with the majority employing less than 10 people. A total of 2.01 million people are employed in the South West, 8% of all those employed in the UK.

14 The rights and interests of your Petitioners and those they represent are injuriously affected by the Bill, to which your Petitioners object for the reasons, amongst others, here stated.

Your Petitioners' concerns

15 Your Petitioners are not opposed in principle to the construction of the new railway transport system for which the Bill provides, but are greatly concerned as to the impact that the works and system may have on rail services and accordingly on the transport and economic interests of the inhabitants of areas within the responsibility of your Petitioners' member councils and on the economic interests of the trade, business and other interests that your Petitioners, in particular, the SEEP members, represent.

Regional Impact Assessment

- 16 Your Petitioners submit that there is uncertainty about the effects that the works authorised by the Bill and the operation of the resulting system may have on both freight and passenger rail services to the Region, both during the construction of the works and their subsequent operation. In particular, your Petitioners are concerned that, after construction of the works, the capacity for freight and passenger rail services running west out of Paddington to the Region may be reduced from the current four lines to two and that these two lines will have to carry long-distance and suburban services thereby reducing frequency and speed of services connecting the Region.
- 17 Your Petitioners object to the Bill on the grounds that there has been no or inadequate assessment of the impact the works and system will have upon rail services to the Region and accordingly no proper assessment of the consequential impact of the economic and transport interests of those whom your Petitioners represent. Your Petitioners submit that given the extreme importance of rail links between the Region and London and the south-east, as your Petitioners set out below, such an assessment is vital to determine whether there would be an adverse effect on rail services, already running at capacity and, if so, to enable your Petitioners to react properly to that effect. Your Petitioners seek a commitment from the Promoters of the Bill that they will carry out an assessment of the impact of the Bill on the Region and respectfully submit that your Honourable House should not pass the Bill without such an assessment.
- 18 Accordingly, by having made no assessment of the impact on rail services to the Region, your Petitioners submit that the Bill cannot afford sufficient safeguards for trade with, travel and supplies to; and environmental protection, of the Region.

Importance of Rail Links with the Region

- 19 Your Petitioners submit that rail transport into and out of the Region, in particular to the south-east and to London, with their transport connections, including access

to major international airport hubs, is vital to the transport and economic interests of those your Petitioners represent.

- 20 The *Great Western Main Line Economic Assessment* carried out by the Halcrow Group Limited for the SWRDA in June 2005 concluded that the rail network was essential to the economic well-being and future of the Region. If the Region's economy is to prosper and contribute to national economic growth, as a minimum, it is important to maintain resilience and robustness in the current journey time to London and absorb the current growth rate of 9.5% on that line. This study also emphasised the need to preserve the current two hour journey time to London from most urban areas of the Region east of Exeter and highlighted the benefits of improving journey times and journey reliability to Plymouth.
- 21 A study, *Meeting the Productivity Challenge*, carried out by the University of the West of England and the University of Bath on behalf of the SWRDA in April 2005 identified that for every extra 100 minutes in journey time from London, productivity decreased by approximately 6%. Your Petitioners submit that it is significant that it is time not distance that appears important and are concerned that the lasting effect of the works might be to increase journey time to the Region with the resulting damaging effect on productivity.
- 22 Your Petitioners submit that journey time and reliability contribute directly to achieving the Office of the Deputy Prime Minister's second Public Service Agreement (PSA 2) target for reducing the disparity in growth rates between the English Regions and the South East / London.
- 23 Certain areas of the Region, namely the westerly counties of Cornwall and Devon and the Isles of Scilly, are amongst the most remote parts of the UK. Your Petitioners submit that such remoteness has significant impacts on the economic interests of those they represent from an external viewpoint. For example, despite having a relatively skilled workforce (education attainment levels are among the highest in the country with more than a quarter of the population educated up to

NVQ Level 4), the Region attracts a low share of inward investment into the UK; just 7% of the UK's inward investment projects and the value of these projects is lower than average.

24 Your Petitioners submit that the vital industries of the Region will be specially affected by the Bill if it causes a reduction in rail services or greater delays or other difficulties in using rail services. In 2000, the Region hosted a fifth of all tourism trips in England, being surpassed only by London as a tourism destination. Visitor spending contributed over £5 billion to the regional economy, with tourism supporting around 225,000 jobs. The nature and distribution of tourism has changed so that virtually all communities in the Region are now touched in some way by tourism. More than 10,000 businesses are involved in the provision of accommodation and attractions in the region. Many others in the retail, catering and transport sectors rely on tourism spending. Your Petitioners submit that frequent, speedy and reliable transport links in to and out of London are of vital importance to the Region's tourist economy.

25 Your Petitioners submit that maintaining or enhancing existing rail service levels is vital to the economic performance of the Region, and thereby of vital importance to the economic interests of those your Petitioners represent, and provides an essential part of the infrastructure that will underpin the Regional Spatial Strategy that your Petitioners are required to develop, revise and review.

Network Specific Concerns

26 For the reasons mentioned above your Petitioners consider it imperative that the powers proposed to be conferred by the Bill should only be exercised so that there is no interruption or interference to the operation of rail passenger and freight services to the Region. If, however, interruption or interference is inevitable during the construction of the works, your Petitioners consider that any such interruption or interference should be kept to an absolute minimum and once the works authorised by the Bill are completed, rail passenger and freight services to the Region should be returned to the same level of frequency, speed, resilience

and robustness as they are currently and their ability to grow appropriately to meet anticipated levels of growth in the Region should not be prejudiced. Furthermore, your Petitioners submit that future improvements to levels of frequency, speed and reliability of rail passenger and freight services to the region should not be prejudiced by the works and the operation of the system.

- 27 The Promoters are to be provided with the power under Clause 6 of the Bill to compulsorily acquire Network Rail owned facilities and network throughout the proposed Crossrail route, your Petitioners believe that the entire rail network should remain in the hands of a single party with obligations to consider service integration, efficient timetabling and coordinated maintenance scheduling on a national level, not merely on a London / South East based level. Your Petitioners respectfully submit that Clause 6 of the Bill should be amended to ensure the rail network remains in the ownership of Network Rail.

Great Western Main Line

- 28 The Great Western Main Line ("GWML") is the primary rail link to the Region and the only direct link to London from the most westerly parts of the Region. The GWML is a mixed traffic railway, providing a strategic route for local, regional and inter-regional passenger and freight traffic. Your Petitioners submit that this mix of fast and slow, express and stopping trains constrains the use of the infrastructure and has the effect of limiting the number of trains the route can take at any one time. Your Petitioners submit that the route has several pinch points constraining capacity, in particular the approaches to Paddington. Your Petitioners apprehend that this situation will be exacerbated by the reduction in passenger and freight capacity caused by the reduction in available running lines west out of Paddington. Your Petitioners respectfully request that the Bill be amended to require the Promoter not to diminish the capacity of services other than the Promoter's from accessing Paddington Station and further, not to prejudice the provision of increased numbers of services from accessing Paddington Station to meet anticipated growth in the Region.

29 The Network Rail Business Plan for 2005 recognises that route capacity on the GWML could be unlocked with a significant increase in terminal capacity at Paddington Station. Your Petitioners respectfully request that the Bill not be permitted to undermine this potential. Your Petitioners also note that Network Rail's Business Plan suggests that such an unlocking of potential could be actually achieved by means of the implementation of the works in the Bill if they comprised the creation of new underground platforms at Paddington Station for inner suburban services in order to free up surface-level platforms for outer suburban and long distance operations.

30 According to Network Rail's Public Performance Measure figures for the period 26 June 2005 to 23 July 2005, only 67.8% of Great Western services are currently classified as 'on-time'. This is worse than any other franchise in the country. Your Petitioner submit that services on the GWML are accordingly already extremely sensitive to any works which could further undermine the resilience of the services.

31 Your Petitioners are concerned that there is a genuine risk the Promoter's proposed services along the GWML could severely impinge upon line capacity and prevent, or significantly reduce, rail services to the Region and their capacity to accommodate anticipated growth in the Region. Your Petitioners respectfully request that the Bill be amended to require the Promoter to provide a minimum number of long distance service paths an hour in each direction on the GWML lines which are not less than those currently available.

London Waterloo to Exeter

32 The Waterloo to Exeter route provides an adjunct to the GWML but serves different markets and has its own specific constraints which could inhibit future growth. Your Petitioners submit that the fast lines into Waterloo already operate at capacity, as does Waterloo station itself and the at-grade junctions at Waterloo and Basingstoke also constrain operations. In relation to freight, this route is generally unattractive due to the steep gradient from Exeter St Davids to Exeter

Central and the restricted loading gauge. In addition, the existing single track constraints result in a very limited number of paths which are almost entirely required by passenger services to maintain the existing timetable. Accordingly, your Petitioners submit that the London Waterloo to Exeter line cannot viably expand to cope with any extra demand arising from reduced services on the GWML.

Heathrow Airport

- 33 Your Petitioners submit that it is regrettable that the Bill makes no provision for connecting Heathrow Airport with Reading or otherwise enabling inhabitants and business of the Region to have direct access to Heathrow Airport, which will remain the country's main international 'hub' for air travel, more easily than at present. Your Petitioners humbly request that the Bill be amended to ensure that the works authorised by the Bill and their subsequent operation do not prevent any future rail connection westwards from Heathrow.

Environment

- 34 A reduction in frequency, speed, robustness and resilience of rail passenger and freight service to the Region will, your Petitioners submit, mean that passengers and freight will be displaced from rail to road based transport equating to a significant increase in car and lorry journeys which will have a detrimental effect on carbon dioxide and other emissions, noise levels and traffic congestion within the Region which the Promoters have failed to take in to account in assessing the impacts of the proposed works and associated acquisition powers.
- 35 On-going poorer levels of service could undermine efforts to increase the use of public service in the Region and by default could lead to a growing trend for car use on journeys from the Region to London and to the transport links around London. This will be in the context of already very high congestion on the M4 motorway.

36 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.

37 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

38 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and of those they represent in the Region 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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