

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:

REED PERSONNEL SERVICES PLC and REED EMPLOYMENT 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 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

- 5 Your first named Petitioners are Reed Personnel Services PLC, a public limited company carrying on business as a recruitment consultancy and holding interests in properties in Central London. Your second named Petitioners are Reed Employment PLC, a public limited company also carrying on business as a recruitment consultancy and holding interest in properties in Central London.
- 6 Reed Personnel Services PLC has a leasehold interest in the building at 87 Moorgate (a listed building) in the City of London (numbered 95 on the deposited plans) which it occupies in its entirety for office use. As well as the employees of Reed Personnel Services PLC, this property is in constant use by recruitment candidates who access the property via the shop front. There is also a training suite within the property use almost on a daily basis by visiting consultants. This property is subject to the compulsory acquisition of the subsoil beneath the building including beneath the adjoining public highway, Moorgate.

7 Reed Employment PLC has leasehold interests in the buildings at 17 and 54 South Molton Street in the City of Westminster (numbered 358 and 376 respectively on the deposited plans). There are two sub-tenants at 17 South Molton Street, New York Nail Company Limited in the basement and ground floors (who hold a lease due to expire in 2013), and Timothy Heath on the third floor (who holds a tenancy at will). The remaining floors are occupied by Reed Personnel Services PLC (on a group sharing basis) as office space. Neither of your Petitioners are in occupation at 54 South Molton Street. There are two sub-tenants at this property, Face Stockholm Limited and Alexiou Fisher Phillips, both sub-leases expiring in June 2007, immediately before the expiry of Reed Employment PLC's head lease. Both of these properties are subject to the compulsory acquisition of the subsoil beneath the building including the subsoil beneath the adjoining public highways, South Molton Street, South Molton Lane and Globe Yard.

8 Your Petitioners properties and 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 Generally

9 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 (Work Nos. 1/3A and 1/3B). In addition, the Bill provides for the redevelopment of Moorgate and Bond Street Underground Stations, both of which would include the construction of new Eastern and Western Ticket Halls. A substantial number of related surface works and operations are also proposed in the surrounding areas.

10 Your Petitioners approve of the concept and desirability of an East-West rail link, and of the improvement of the provision of public transport in London and the surrounding areas. They are therefore supportive of the Bill in principle.

- 11 Your Petitioners do however have some substantial concerns respecting the provisions of the Bill as affecting their properties and their interests in them. Your Petitioners 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.

Compulsory purchase and subsoil acquisition generally

- 12 Your Petitioners object to the provisions of clauses 6 and 7 of the Bill in their application to your Petitioners' properties. Under these provisions, the Promoter would be able to acquire compulsorily so much of the subsoil and undersurface thereof or such new rights therein, under or over your Petitioners' properties set out in paragraphs 6 and 7 as they may require for the purposes of the construction and use of the proposed works. Your Petitioners appreciate the need for the Promoter to obtain appropriate subsoil interests for tunnelling purposes but are concerned that the application of the powers as proposed in relation to their properties is excessive and that their application could lead to damage to these properties and a serious detraction from your Petitioners' and their sub-tenants' quiet enjoyment of them.
- 13 Your Petitioners are especially concerned that the proposed limits of lateral and vertical deviation in clause 1 of the Bill would permit the route for Works Nos 1/3A and 1/3B to be varied so as to bring the works closer to (either vertically or horizontally) some of your Petitioners' properties. The provisions of clause 1 of the Bill could therefore well result, your Petitioners believe, in an inadequate vertical distance between the soffit of the tunnels forming part of Works Nos. 1/3A and 1/3B and the bottommost part of the basements of some of your Petitioners' properties. The resulting noise, vibration and, possibly, damage could therefore cause your Petitioners great inconvenience and loss. Your Petitioners therefore submit that such deviation could and should be more closely restricted wherever possible. Your Petitioners are also concerned that

no provision has been made to take into account the fact that all predictions of settlement effects on building would require revision as a result of vertical or lateral deviation from the assumed position and therefore submit that such provision should be made.

- 14 Accordingly your Petitioners submit that the Promoter should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Bill, as affecting your Petitioners' properties and that the limits of deviation of Works Nos. 1/3A and 1/3B, the resulting powers for the compulsory acquisition of land or of interests in land, the power to construct works and the exercise of works and ancillary powers within the limits of deviation should be restricted in relation to your Petitioners' properties to the extent (if any) to which they can be strictly justified and so as to minimise or prevent interference with those properties. In particular, your Petitioners contend that any interest in its properties acquired by the Promoter (in terms of the area over which it is to subsist and the form in which it is to take at law) should be strictly limited only to that which is absolutely necessary for the construction, safe operation and maintenance of the proposed works.

Diversion of services during preparatory works

- 15 Your Petitioners note from Schedule 1 of the Bill and the supplementary documents to the Bill that there will be various service diversions around Moorgate Station. Your Petitioners have not been provided with adequate information regarding these diversions and are concerned that the diversionary works may cause settlement and subsidence, which has not been assessed. Your Petitioners request greater specificity regarding these works, and submit that the same safeguards that are to be applied to the main construction works should be applied to the works undertaken during the preparatory phase. More particularly, your Petitioners would wish to be satisfied that there will be no disruption to statutory services provided to 87 Moorgate as a result of the construction of the proposed works. In your Petitioners' submission a co-

ordinated programme of works to services leading to this property would need to be established by the Promoter and the details provided to your Petitioners.

Noise, vibration and disruption and disturbance during the construction period

- 16 The noise and vibration arising from the construction of the railway and its associated works and structures (such as ventilation shafts) is a matter of significant concern to your Petitioners. Your Petitioners submit that the Promoter should be compelled to use best available techniques in the construction of the railway and its associated works and structures to ensure that these adverse effects are minimised. Your Petitioners submit that strict standards should be set beyond those currently envisaged by the Promoter and to which the Promoter must be made liable to comply.
- 17 Your Petitioners therefore submit that provision should be made that noise and vibration are minimised by reference to such prescribed thresholds. If those thresholds are exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce noise and vibration levels below the agreed threshold.
- 18 The surface works, particularly the use of working sites and the removal of spoil, will particularly impact upon your Petitioners' properties. Major increases in lorry movements during the construction period are to be expected, more particularly on Moorgate, the disruptive effect of which will be compounded by the permanent and temporary stopping up of nearby roads and the use of one way routing.
- 19 Yours Petitioners are also concerned to ensure that disruption to access to the property at 87 Moorgate, both vehicular and pedestrian, caused by the construction of Crossrail is kept to an absolute minimum during the construction period. 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 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.

- 20 Your Petitioners are also concerned about dust and dirt produced during construction. Your Petitioners wish to see the nominated undertaker undertake to adhere to strict measures to reduce dust and to carry out additional mitigation measures if dust continues to be a nuisance to your Petitioners' properties. Provision should be made for additional cleansing of properties and replacement of air conditioning filters, or for compensation to be paid in respect of the additional expenses which will be incurred in undertaking such operations.

Subsidence, settlement and associated damage to properties during and after construction

- 21 Your Petitioners are concerned about settlement effects on their properties. In order to reduce settlement damage to a minimum, your Petitioners contend that the running tunnels should be constructed at the greatest practical depth and that the freedom under the Bill to deviate upwards should be strictly limited.
- 22 Your Petitioners would wish to see an effective and agreed monitoring system in place before commencement and during construction of the works, to determine reliably the effect of any settlement on all properties subject to significant settlement. There must in your Petitioners' submission be a set of criteria agreed between your Petitioners and the Promoter for ground movement within the vicinity of the properties. If that such criteria are 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 building. Your Petitioners request that they be given notice of the intended passage of the tunnel boring machines beneath their properties. Any necessary

safeguarding or remedial measures are to be agreed between your Petitioners and the nominated undertaker.

Noise and vibration from the running of the trains after completion

- 23 The operation of the railway (including the use of ventilation shafts and other ancillary uses) must also be expected to give rise to air and ground borne noise and vibration in respect of which the Promoter is subject to no limitations in the Bill or the Environmental Statement. Your Petitioners submit that the Promoter should be compelled to use best available techniques in the construction and operation for the railway to ensure silent running of the railway and to ensure that these adverse effects are minimised. Your Petitioners submit that strict standards should be set to which the Promoter must be made liable to comply.

Deterioration of condition

- 24 Your Petitioners are concerned that the condition of their properties will deteriorate as a result of the works. Your Petitioners submit that provision should be made to their reasonable satisfaction for a condition survey of their properties shortly before the commencement of the works and shortly after their completion. The costs of rectifying any deterioration in the condition of their properties found to be due to the works should also be reimbursed by the Promoter.

Disturbance to business

- 25 Your Petitioners have severe reservations about the effect upon their businesses of the construction works and the general disturbance and loss of amenity to the areas surrounding their properties. In particular, your Petitioners are concerned with the following matters:

- (a) the possibility of there being several work sites in close proximity to your second named Petitioners, Reed Personnel Services PLC's, premises in Moorgate, the most significant of which is anticipated to be the Moorgate Worksite;
- (b) the proposed temporary closures of Moorgate, Moorfields, Fore Street, Davies Street;
- (c) the proposed diversions of a bus route necessary due to sewer diversion works at the junction of Moorgate and Finsbury Circus which may impact on your Petitioners' employees, as well as visiting candidates and consultant; and
- (d) the generation of unacceptable levels of construction traffic and of construction noise, vibration and dust (described in more detail above).

Your Petitioners are concerned about the effect of these matters on their properties and businesses and having regard to the scale of disruption and disturbance envisaged your Petitioners therefore seek protection in relation thereto.

Loss and Compensation

- 26 The provisions contained within the Bill for compensation for the compulsory purchase 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.
- 27 Your Petitioners further 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.

28 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. In particular, the re-letting of your Petitioners' properties at South Molton Street could be severely prejudiced by the Crossrail proposals, particularly in the light of the short term nature of your Petitioners' usual tenancies. Your Petitioners fear, for example, that prospective lessees of the properties will feel that that the proposals may so blight some properties so 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' property. Furthermore, compensation should be available for any loss (so attributable) which your Petitioners might suffer in the event of them not being able to re-let their property (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.

29 As a general matter, your Petitioner 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.

30 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

- 31 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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