

HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF Industrial Development Partnership II (Nominee  
Company) Limited

SHEWETH as follows :-

1. A Bill (hereinafter called "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. Clauses 1 to 20 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.

3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").
4. Your petitioners are Industrial Development Partnership II (Nominee Company) Limited, a company formed under the Companies Act 1985 to develop multi-occupation industrial estates in the UK. Your petitioners are the leasehold owners of certain land and the occupiers of certain land which lies within the limits of deviation and of land which may be acquired under the Bill. The land is in the London Borough of Greenwich. The plots of land of which your petitioners are the leasehold owners are the plots numbered 38, 39, 43, 44 and 45 in the London Borough of Greenwich, as described in the book of reference deposited with the bill, and the plots of land of which your petitioners are occupiers are those numbered 38, 43, 44 and 45. Land which is in the ownership of your petitioners is liable to compulsory acquisition under the bill, to which they object. Furthermore, your petitioners object to the proposals in the Bill insofar as they affect your petitioners' interests, for the reasons, amongst others, hereinafter appearing.
5. The plots described in paragraph 4 above form part of a commercial development known as the Gunnery Terrace and the io Centre. The development consists of an area of 3.8 hectares and includes a number of buildings housing a variety of businesses. Gunnery Terrace was a former munitions factory which was refurbished and split into 15 units and the centre was developed by your petitioners to provide 10 warehouse and industrial units. All of the available floor space is let and occupied. The plots so described comprise a forecourt area and car parking space to the front of Units 1-3 of the io Centre and Unit 16, Gunnery Terrace together with the entire length of Cornwallis Road, which is a private road. Your petitioners own all of the private roads servicing the development.
6. Your petitioners' property will be severely affected by the proposals in the Bill as it stands. Your petitioners have grave concerns that the large

investment which they have made in their property will, as a result of those proposals, be prejudiced.

7. The industrial estate consists of units of varying sizes let out by your petitioners to tenants on leases of differing lengths, for use as industrial and office premises. Unit 16 is let on a virtual freehold, whilst Units 1-3 are let on flexible modern leases for terms of 10-15 years.
8. The occupiers of the units all engage in businesses which require the need for goods to be transported to and from the site by heavy goods vehicles (HGVs), including long articulated lorries. Parking is also required for employees, visitors, customers and clients.
9. To this end, each unit is serviced by one bay to the front of the building which is large enough to allow HGVs to enter the car parking area and to reverse up against the loading doors of the units. Car parking spaces are arranged in such a way as to allow enough room for turning circles for the HGVs in front of each unit. The turning areas for HGVs were provided as part of the development and are required by the local planning authority.
10. Of particular concern to your petitioners is the fact that the whole of the car parking area in front of the units is liable to compulsory acquisition under clause 6 of the Bill, right up to the very edge of the units. The environmental statement explains that the parking area will be used as a construction site for the Arsenal Way shaft for a period of at least three and a half years and goes on to say that "the loss of parking and effect on servicing will be a significant impact".
11. It is unacceptable to your petitioners that the Secretary of State should be empowered to acquire the whole of the parking area at any one time. As a minimum requirement, your petitioners seek an amendment to the Bill or an undertaking which will ensure that pedestrian and vehicular access, including adequate access for HGVs and parking, is available to their property at all times, and most importantly to the HGV bays at the front of the units. Your petitioners would also seek assurances that replacement car parking provision is made, through the re-allocation of an adequate number of parking spaces in an area close to the site without such amendments, undertaking or assurances, your petitioners' tenants will be

faced with the prospect that they will not be able to access their units by vehicle and that there will be insufficient car parking. In turn, this would mean that they would be unable to carry on their businesses from the units and they would therefore need to relocate for the period of the works. It is a further concern of your petitioners that the current occupiers of one of the units relies on vehicles being able to park directly outside their unit. In that particular case, replacement parking would not necessarily provide a solution.

12. Your petitioners are gravely concerned about the impact of the proposed working site at the front of their building for such a long period. Your petitioners fear that the units will be surrounded by intolerable construction activity for many months. Your petitioners anticipate that the units will be seriously affected by noise (both ground and airborne), vibration and dust and that there will be visual impacts for the occupants of the units. All of this will affect the ability of your petitioners to let property on the industrial estate and to relet property to existing tenants, some of whose leases fall in during or the construction period.
13. Preliminary discussions with the tenants of the affected units have highlighted a general concern that their businesses will be significantly and detrimentally affected by noise, vibration and dust caused by the works. This together with the fear that the units will become inaccessible for delivery lorries and car parking has led some tenants to consider that the best option may be to surrender their leases. This is likely to have severe financial implications for your petitioners, for which they should be compensated, and they respectfully ask your honourable House to amend the Bill in this regard. Your petitioners are also concerned about the blighting effect of the Bill, and its effect on their ability to let vacant units. Again, they ask your honourable House to amend the Bill so that your petitioners may claim compensation for this blight.
14. Your petitioners are also concerned about the effects that construction traffic will have on the private roads servicing the industrial estate, particularly those which are owned by your petitioners. Your petitioners seek assurances that any damage to their roads caused by construction traffic will be rectified at the promoter's expense. Your petitioners require that the nominated undertaker should cover the cost of producing a

detailed condition survey of each road before and after acquisition or use for construction traffic and consequently to cover the cost of any repair work necessitated by the effects of construction traffic. Your petitioners further seek assurances that the *nominated undertaker* will carry out any repair work which becomes necessary during the construction period timeously and to an appropriate standard, at the nominated undertaker's expense.

15. If, during the course of the construction of the works your Petitioners notice damage occurring to their property which requires attention, the *nominated undertaker* should be obliged, on request, to carry out the works of repair and suitable protective works, to your Petitioners' satisfaction, without waiting until the conclusion of the construction of the works.
16. The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to services to and from your Petitioners' premises including power, drainage and telecommunications services. The nominated undertaker should be required to ensure that these services will be suitably protected and secured, that supplies and services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works.
17. Your Petitioners are concerned about the exercise by the nominated undertaker, in relation to your Petitioners' premises, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your Petitioners would wish to have control over such works, have the works overseen by independent engineers, be satisfied as to the quality of such works and be assured of proper and adequate access to your Petitioners' premises being maintained at all times. Your Petitioners seek assurances accordingly.
18. Your Petitioners are concerned about the possible duration and programming of the proposed works. Your Petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated

undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to your Petitioners' premises;

19. As regards the nominated undertaker's powers of entry under the Bill, your Petitioners submit that these should be restricted such that they cannot be exercised during normal working hours at your Petitioners' premises. Furthermore, the time of day when major structural works may be carried out should be restricted to outside normal working hours.
20. Your Petitioners are concerned about exercise by the nominated undertaker of the powers of paragraph 9 of Schedule 2 to the Bill with regard to preparatory works, and in particular the making of trial holes, and that the nominated undertaker could seek to do this at your Petitioners' premises. This power should only be exercisable with the consent of your Petitioners.
21. Your petitioners are particularly concerned about the proposed above-ground positioning of the Arsenal Way shaft. As shown on the promoter's drawing no. D0300-E2V41-A00-P-10001 rev A, the ventilation terminal and EIP, maintenance and escape structures are positioned perpendicular to the front of the units. This orientation means that there will not be enough room in front of the units for HGVs to access the units, as described above, without blocking access for other HGVs and vehicles using the remainder of the forecourt areas. The situation is worsened by the fact that there is a level differential between the forecourt area outside units 1 to 3 and the approach road, making access more difficult. Your petitioners would propose that either the shaft is built somewhere other than on this car parking area, or that the orientation is reconsidered so as to enable HGVs and other vehicles to be able to gain access to the units at all times, as they can currently.
22. Further, the proposed parking spaces in front of unit 16 do give neither enough room for HGVs to access the unit nor to turn, so some of these spaces will have to be removed to allow adequate HGV access. Additionally, the siting of the Arsenal Way shaft and associated emergency assembly area in this space will lead to the permanent loss of approximately 40 car parking spaces. Adequate parking provision is vital to the tenants of the units and your petitioners would ask that either the

shaft is located or if there is no alternative, that permanent replacement parking is provided to compensate for the loss of these spaces. In the first instance your petitioners would argue that the open space immediately to the east of the shaft, in front of units 1 to 3 is redeveloped to provide further parking spaces. Your petitioners would consider other possible sites for parking within a reasonable distance of the units.

23. The cumulative impact of all of the proposals under the Bill is such that your petitioners believe that there is a strong possibility that their tenants will be unable to continue operating their businesses according to their needs, that their ability to let and relet the units will be seriously impaired and that the health and safety of persons on the estate will be put at risk.
24. Your Petitioners have general concerns about the effect of the works proposed under the terms of the Bill on their land. In your Petitioners' submission, the Bill is deficient in various respects, in relation to land, as detailed below. They submit that the Bill should be amended to provide them proper protection in these respects. The matters in relating to which protection is requested are –
  - a. The construction of the works could cause damage to your Petitioners' premises. Your Petitioners would wish the promoters to agree that in respect of their property, and any other land later identified as being affected by the works, a schedule of condition should be prepared, in accordance with a specification to be agreed with your Petitioners, at the expense of the Promoters, before the works commence. The effect of the works on the premises should be regularly monitored at the expense of the Promoters, in accordance with arrangements to be agreed with your Petitioners so as to minimise interference with business at your Petitioners' premises and at the conclusion of the works a further schedule of condition should be prepared at the nominated undertaker's expense, to ascertain what matters require to be remedied;
  - b. If, during the course of the construction of the works, your Petitioners notice damage occurring to their property which requires attention, the nominated undertaker should be obliged, on request, to carry out the works of repair and suitable protective works, to your Petitioners'

satisfaction, without waiting until the conclusion of the construction of the works;

- c. Your Petitioners are concerned about impact of the proposed works on the foundations of your Petitioners' premises and about prejudice to future development of the premises. The nominated undertaker should be required to construct the underground works at such depth or in such a way that the foundations of and subsoil under your Petitioners' premises are unaffected and so that the load bearing capacity of the foundations and subsoil stratum underneath is not reduced;
- d. The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to services to and from your Petitioners' premises including power, drainage and telecommunications services. The nominated undertaker should be required to ensure that these services will be suitably protected and secured, that supplies and services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works;
- e. Your Petitioners are concerned about the exercise by the nominated undertaker, in relation to your Petitioners' premises, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your Petitioners would wish to have control over such works, have the works overseen by independent engineers, be satisfied as to the quality of such works and be assured of proper and adequate access to your Petitioners' premises being maintained at all times. Your Petitioners seek assurances accordingly;
- f. As regards the nominated undertaker's powers of entry under the Bill, your Petitioners submit that these should be restricted such that they cannot be exercised during normal working hours at your Petitioners' premises. Furthermore, the time of day when major structural works may be carried out should be restricted to outside normal working hours;

- g. Your Petitioners are concerned about adverse effects of the nominated undertaker's proposed powers, on occupiers of your Petitioners' premises and their businesses and on the impact on your Petitioners' interests in relation to rental levels on rent reviews and rental income generally;
- h. If the nominated undertaker were to construct the works without taking proper account of the day-to-day requirements of your Petitioners and their tenants, there could be a serious adverse effect on trade at your Petitioners' premises. In particular, your Petitioners are concerned about the effects of noise, dust and vibration. Creation of noise, dust and vibration which may affect your Petitioners' premises should be avoided during the hours of trading of the premises and during normal office hours.
- i. Your Petitioners are concerned that exercise by the nominated undertaker of the powers of the Bill in relation to street and pavement closures or openings in streets or pavements could result in vehicular access to your Petitioners' property being denied or pedestrian access being impeded. Your Petitioners are particularly concerned about the adverse impact of possible access difficulties on your Petitioners' tenants. Your Petitioners require to be notified sufficiently in advance of any temporary road closures or obstructions in the vicinity of their properties;
- j. Your Petitioners are concerned about the possible duration and programming of the proposed works. Your Petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to your Petitioners' premises;
- k. For compensation purposes, your Petitioners submit that the nominated undertaker should be obliged to treat separately a claim for injurious affection from any claim which may be made in respect of land taken compulsorily under the Bill. The nominated undertaker should be obliged to indemnify your Petitioners fully against costs or

loss to your Petitioners by reason of material damage to your Petitioners' premises or otherwise occasioned as a result of the Bill and its proposals.

25. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE  
HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they 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 of your petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray,  
&c.

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PETITION

of

Industrial Development Partnership II (Nominee  
Company) Limited

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AGAINST,

BY COUNSEL, &c.