

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 QUARRY PRODUCTS ASSOCIATION LIMITED

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*

6      Your Petitioners are the Quarry Products Association Limited, the trade association for companies engaged in the working of quarries, the dredging of

marine aggregates, the supply of recycled materials and the transport and processing of aggregates and other materials. Their members include Foster Yeoman, Hanson, Aggregate Industries, Brett, Tarmac, Midland Quarry Products, Lafarge, Cemex, and some 140 other companies, together accounting for 90% of aggregates supplied in the UK and over 95% of products manufactured with aggregates such as asphalt and ready-mixed concrete. Your Petitioners therefore properly represent these businesses in the area to which the Bill relates, and in what follows they set out the way in which those businesses will be injuriously affected by the Bill.

- 7 Your Petitioners object to the Bill for the reasons amongst others, here stated.

*Your Petitioners' concerns*

- 8 Your Petitioners' members work quarries that produce materials for the South East market at Torr and Whatley in Somerset, Bardon Hill, Croft, Cliffe Hill and Mountsorrel in Leicestershire, Colchester in Essex, Machen in Wales and other quarries, wharves and depots. Raw materials are predominantly delivered from these quarries and wharves by rail to primary rail depots such as Acton in west London, and from there to secondary depots, also by rail, along the Great Eastern and Western Main Lines, and also in South London, Kent, Surrey and Sussex. They are then processed if necessary, and delivered to their final destinations by road.
- 9 The market for quarry products in London and the South East is a large one – some 43 million tonnes in 2001 – and is predicted to remain at that level, with periodic increases for major projects such as Crossrail itself and the 2012 Olympic Games. Within the South East, the London market of 14 million tonnes is particularly reliant on the supply of rail-delivered aggregates, which amounts to over five million tonnes per year.
- 10 The carriage of freight by rail rather than road is supported by your Petitioners and encouraged by the Government in its minerals planning policy guidance notes 1

and 6 (MPG1 and MPG6) and draft minerals planning policy statement 1 (MPS1). The Promoter made a statement in the House of Commons supporting continued and increasing use of rail for freight as recently as 19 July 2005.

- 11 Clause 6 of the Bill contains powers for the compulsory acquisition of extensive quantities of land, including the entire length of the railway from Maidenhead and Heathrow Airport to Shenfield and Abbey Wood, and many sidings currently in use along those lines.
- 12 Clauses 21 to 44 of the Bill require the ORR to give precedence to Crossrail when awarding access contracts, to report existing access contracts that impede Crossrail, and to award new access contracts that favour Crossrail if requested to do so. Together, these mean that there can be no guarantee that sufficient capacity will remain on the shared parts of the proposed railway for other users including freight users, that no reliance can be placed even upon existing use of the railway, and that the owners of railway facilities can have no confidence that their facilities will not be commandeered for use by Crossrail.
- 13 The compulsory acquisition provisions contained in the Bill would, if fully implemented, involve the loss of up to ten rail sidings used for the transport of freight along the Great Western and Great Eastern Main Lines. The railway provisions of the Bill would remove security of access to and use of the sidings that remained. Together, this would either be very damaging for the construction industry in London and the South East, or the environment, or both.
- 14 If insufficient aggregates and other construction materials were provided to the construction industry in London and the South East then this would delay, increase the cost of, and even discourage building projects in that area. London is the powerhouse of the national economy and depends on having a supply of modern infrastructure and buildings.
- 15 If aggregates traffic were displaced onto the roads, this would have a severe environmental impact, in terms of exhaust emissions, noise, congestion and wear and tear on the roads.

- 16 It would not be possible to transport many more aggregates by river and canal than at present, as there are few navigable rivers and canals in London and the South East, and for those that are in the region, there are insufficient wharves available for a substantial increase in capacity. Most potentially available aggregates wharf capacity along the River Thames and Thames Estuary is already used for the supply of aggregates, particularly marine dredged aggregates. Some aggregates could be transported by sea, but this would be impracticable for most domestic quarries, and would damage the domestic quarrying industry if overseas sources were used. There is also little scope for the further substitution of crushed rock used in London and the South East by recycled materials such as construction and demolition waste. The use of recycled materials in London and the South East is already close to the maximum potential, as reflected in current Government forecasts of supply into aggregates markets used in the mineral planning system.
- 17 Your Petitioners are therefore very concerned at the excessive land acquisition proposals in the Bill, together with the proposals to give priority to Crossrail along portions of the Great Western and Eastern Main Lines, which are likely to have the effects outlined in the previous paragraphs. They therefore request that the extent of land acquisition be reduced so that existing users of rail sidings can co-exist with Crossrail, or that alternative sidings are found or created for displaced existing users, and that the railway provisions in the Bill are removed or modified so as to guarantee current and projected levels of freight traffic on the rail network.
- 18 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.
- 19 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 interests and for which no adequate provision is made to protect your Petitioners.

*Conclusion*

- 20 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.

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005–06

CROSSRAIL BILL

PETITION

of

THE QUARRY PRODUCTS ASSOCIATION  
LIMITED

Against, the Bill – On Merits –

Praying to be heard by Counsel, &c.