

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 TRUSTEES OF THE BANK OF SCOTLAND 1976 PENSION SCHEME

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.
- 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 Petitioner and its property*

- 6 Your Petitioner owns land and property on the Desoronto Wharf Industrial Estate ("the Estate") on St. Mary's Road in the Borough of Slough. This land partly comprises parcel numbers 192 (embankment and land east of Court Lane), 194 (private road and land) 196 (hardstanding, car park and land), 207 (embankment and land), and 210 (private road and land) on the plans deposited with the Bill. In addition, your Petitioner owns hardstanding, parking, access, land and premises to Unit G on the Estate (parcel no.206), and hardstanding, parking, access, land and premises to Unit F2 on the Estate (parcel no.214).
- 7 Your Petitioner is a pension fund that owns this land and property through a trust company in the name of "Northern Trust". The ownership of this land and property, through this trust company, is held in the name of Nortrust Nominees Limited, which is the company served with notice on 21 February 2005 by the Promoter.

*Your Petitioner's concerns*

- 8 The Promoter seeks to acquire compulsorily part of your Petitioner's land. This could threaten the value of your Petitioner's interest in this land and the continued business of your Petitioner's tenants and other occupiers of your Petitioner's land.
- 9 The Bill also provides for temporary interference with St. Mary's Road. Your Petitioner's tenants and other occupiers of your Petitioner's land are dependent upon this highway for access to and egress from the Estate.
- 10 The Bill provides for a number of works, which are set out in Schedule 1 to the Bill, including the construction and operation of the Reading Railway near to your Petitioner's property, the construction of a temporary bridge to carry St. Mary's Road over the Reading Railway (Work No. 3/7A), the partial reconstruction of the bridge carrying St. Mary's Road over the Reading Railway (Work No. 3/7B) and the reconstruction of Trenches Bridge which carries footpath FP 47a and a cycleway over the Reading Railway to the east of the Estate (Work No. 3/8). All these works are likely to generate significant movements of traffic and disruption to the local highway network.
- 11 Your Petitioner supports the concept of a new east-west London railway but is concerned that the powers proposed in the Bill as affecting its land and property go beyond what is required. Further, no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects your Petitioner's property interests are reasonably safeguarded. Accordingly, your Petitioner objects to the Bill for these reasons and having regard to the more detailed particulars referred to below.

*Compulsory purchase and related matters*

- 12 The temporary use of the land on St. Mary's Road is proposed to be for use as part of a worksite in relation to works to the bridge on this road, which will only be required for the construction of the works and not permanently. Your Petitioner maintains that compulsory acquisition of land on its Estate is therefore not justified, and that its land and property should not be subject to compulsory purchase by virtue of the fact that it

falls within the limits of deviation for the proposed works but, instead, should be included in Schedule 5 to the Bill (temporary possession and use of land).

- 13 Your Petitioner submits that the Promoter should not be permitted by means of the Bill to interfere with private property rights and interests unless, and except to the extent (if any) that, this can be demonstrated to be necessary. Your Petitioner has not been provided with a justification for the proposals in the Bill affecting its properties and it is not satisfied that it is necessary or appropriate for the limits of deviation of Works Nos. 3/7A, 3/7B and 3/8 to be drawn so widely so as to include as much of your Petitioner's property, or that it is necessary or expedient for the other powers of the Bill to apply at all or in the manner or to the extent proposed.
- 14 In short, your Petitioner submits that the 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 Petitioner's properties to the extent (if any) to which they can be strictly justified. In particular, your Petitioner contends that any interest in its properties acquired by the Promoter (in terms of the area over which it is to subsist, the form in which it is to take at law, its duration and any express or implied constraints which may be imposed upon the remainder of your Petitioner's properties) should be limited to that which is strictly necessary for the construction, safe operation and maintenance of the proposed works.

#### *Access*

- 15 Your Petitioner notes that paragraph 5 of Schedule 3 to the Bill would enable the Promoter's nominated undertaker to stop up St Mary's Road at any point within the relevant limits. The limits include the only access point to the Estate, so the nominated undertaker could theoretically prevent any access to the Estate for the duration of the works. This would clearly have a catastrophic effect for the Estate as your Petitioner requires continuous vehicular and pedestrian access to and egress from the Estate at all times. Your Petitioner seeks an undertaking from the Promoter that the nominated undertaker will not stop up the section of St Mary's Road that gives access to the Estate. Your Petitioners further submit that, in the event of access to or egress from the Estate being disrupted, it should be compensated.

### *Utilities*

- 16 Your Petitioner wishes to be satisfied that there will be no disruption to statutory services provided to the Estate as a result of the construction of the proposed works. In your Petitioner's submission, a co-ordinated programme of the works affecting the services leading into the Estate needs to be established by the Promoter and the details provided to your Petitioner, in order to prevent a succession of statutory undertakers' works to and to achieve satisfactory reinstatement afterwards.

### *Other disturbance*

- 17 The proposed works to St. Mary's Road are expected to last for approximately 7 months and the works to the Trenches footbridge for approximately 6 months. It is not clear whether these works are to be undertaken simultaneously or consecutively. The Environmental Statement that accompanies the Bill indicates that there would be in the region of 15 lorries per day in the course of works to the Trenches Bridge and the St. Mary's Road Bridge. The Environmental Statement does not clearly indicate whether any utilities have to be diverted in the course of the works but if such works are required, then this would compound the prospect of disturbance that would be experienced on the Estate.
- 18 Your Petitioner submits that the Promoter should be required to take all reasonable steps to mitigate such disturbance as cannot be avoided. In particular, your Petitioner submits that the Promoter should be required to agree a construction code of practice with it and should be compelled to comply with that code.

### *Compensation and loss*

- 19 The provisions contained within the Bill for compensation for the compulsory purchase of property or of subsoil or other new rights will not enable your Petitioner or other landowners to recover the full loss and expenses which they will incur in consequence of the exercise of such powers. Your Petitioner therefore submits that the Bill should be amended to rectify this.

- 20 Your Petitioner also objects that the compensation provisions of the Bill are inadequate to compensate your Petitioner in circumstances where no land (or interests in land) is acquired by the Promoter under the Bill, but where the value of such land and the properties erected on it is reduced or where such land and the properties erected on it is otherwise adversely or injuriously affected. Your Petitioner therefore submits that the Bill should be amended to provide for claims for adequate compensation in respect of damage arising to its property by the execution of the works, or for injurious affection thereof by the execution or operation of these works, separately from any claim for compensation in respect of the acquisition of any land (or interest therein) from your Petitioner under the powers of acquisition.
- 21 Your Petitioner is concerned that lessees and prospective lessees will take the view that that the proposals may be of such adverse effect that they will be put off from renewing or taking a lease of your Petitioner's property or that existing or prospective lessees will demand a reduced rent or other concessions, due to the prospect of the works. Compensation should be available for any loss which your Petitioner might suffer in the event of it not being able to re-let its properties (in whole or in part) to existing or new tenants or in the event of it only being able to do so at a reduced premium or rent.
- 22 Your Petitioner has a fundamental concern that despite its adoption as a Government-led project, Crossrail lacks appropriate levels of funding to carry out the scheme satisfactorily and compensate affected third parties properly.

*General concerns*

- 23 Your Petitioner submits that the Promoter should be required to indemnify it 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.

*Costs, charges and expenses*

- 24 As a general matter, your Petitioner submits that provision should be made for the Promoter to repay to your Petitioner all proper costs, charges and expenses (including the proper fees of such professional advisers as it may instruct) reasonably incurred in consequence of the Bill or of any provision made or agreement entered into as a result of this Petition.

*Conclusion*

- 25 Your Petitioner submits that the Bill fails adequately to safeguard and protect the interests of your Petitioner and should not be allowed to pass into law without these issues being addressed.

YOUR PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by itself, its Counsel or Agents and with witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, of your Petitioner and in support of other such clauses and provisions as may be necessary or expedient for its protection or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONER WILL EVER PRAY, &c.

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005–06

CROSSRAIL BILL

P E T I T I O N

of

THE TRUSTEES OF THE BANK OF SCOTLAND  
1976 PENSION SCHEME

Against the Bill – On Merits –

Praying to be heard by Counsel, &c.