

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005–06

CROSSRAIL

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:

PADDINGTON CENTRAL I (GP) LIMITED and
PADDINGTON CENTRAL II (GP) LIMITED

SHEWETH as follows:—

The Bill

- 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”).
- 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 Petitioners

- 6 Between them, your Petitioners own the former Paddington Goods Yard lying to the north of Westbourne Terrace and the railway tracks running into Paddington Station and to the south of Westway (A40) and the Harrow Road. Part of the land has been developed and includes extensive commercial and residential development. Development has commenced on part of the remaining land.
- 7 The respective legal interests of each of your Petitioners in this site are different but your Petitioners (and their tenants) are both entitled to use a pedestrian way between the site and Paddington Station ("the access way").
- 8 The access way comprises, or traverses, the land shown as plot numbers 88, 89, 90, 91, 93 and 94 in the City of Westminster on the plans deposited with the Bill. The access way is also capable of being altered or upgraded at the option of your first

named Petitioner and a permanent access way, approved by your first named Petitioner, is to be provided at the cost of the owner of the said land on a redevelopment of the said land. The access way therefore constitutes a significant enhancement to the value of your Petitioners' land and is a valuable amenity for themselves and their tenants.

- 9 When your Petitioners were acquiring their respective interests in their site, part of the site was already subject to certain restrictions on development contained in an agreement with London Underground dated 20th October 1999. In addition, the Crossrail scheme was the subject of a 'safeguarding direction' made under the provisions of the Town and Country Planning General Development Order 1988. It was therefore anticipated that your Petitioners' plans to develop that part of the site would have to accommodate the works for Crossrail that were also being planned.
- 10 Your Petitioners therefore entered into an agreement with London Underground Limited and Cross London Rail Links Limited ("CLRL") on 4th October 2004 ("the 2004 Agreement"), the latter being by then responsible for taking forward the Crossrail scheme, which established a modus operandi for your Petitioners to pursue their plans for their site without obstructing Crossrail.
- 11 If the Crossrail Bill is enacted in its present form, the exercise of the powers conferred by it would have the effect of disregarding and overriding the terms of the 2004 Agreement and thereby substantially negating its purpose. The Promoter has therefore undertaken, subject to certain terms, that the obligations of CLRL under the 2004 Agreement shall be honoured by him and by all other persons who may become capable of exercising the powers of compulsory purchase under the Bill.
- 12 The 2004 Agreement anticipated many issues that might arise between your Petitioners and Crossrail but it did not contemplate the compulsory purchase or use of the land comprising the access way. In his undertaking, the Promoter has therefore acknowledged the right of your Petitioners to petition against the Bill in order to protect their interests in relation to the access way.

Your Petitioners' concerns

- 13 Your Petitioners do not object to the principle of the proposed Crossrail scheme, but they are apprehensive that the exercise of the powers to be granted by the Bill in relation to the access way may be detrimental to their interests – and unnecessarily so. For this reason, and having regard to the more detailed particulars referred to below, your Petitioners object to the Bill and they allege, and are prepared to prove, that their property, rights and interests are injuriously and prejudicially affected by the Bill for the reasons given here.
- 14 The Bill provides for a number of works which are set out in Schedule 1 to the Bill, including the development of a twin-bored underground railway (Work Nos. 1/3A and 1/3B) and the construction of a road nearby and leading to the eastbound railway approach to Paddington Station (Work No. 1/11B).
- 15 Among the powers being sought to enable such works to be carried out, the Bill authorises the compulsory purchase or temporary use of (inter alia) the land comprising the access way.
- 16 During the negotiations resulting in the 2004 Agreement, your Petitioners were not warned at any stage of the possibility or of the intention that CLRL (or the Promoter) might seek powers to purchase or use compulsorily the land comprising the access way. Moreover, since CLRL or the Promoter identified their alleged need to take this land, neither CLRL nor the Promoter has consulted your Petitioners about the possible impact on you Petitioners and their interests; nor has either CLRL or the Promoter taken any steps to mitigate the effect of interfering with your Petitioners' property interests in this way, for example by providing for adequate, temporary, alternative routes of access for that which may have to suffer interference. Furthermore, in relation to the access way, CLRL and the Promoter have so far done very little to justify to your Petitioners that it is necessary or expedient for the powers of the Bill to apply in the manner or to the extent proposed, or at all. Your Petitioners therefore object to the proposed compulsory purchase or use of the land comprising the access way and they question the need

for such powers, apprehending that their exercise could cause serious prejudice to your Petitioners.

- 17 Your Petitioners contend that any interest in the access way acquired by the Promoter (in terms of the area over which it is to subsist, the legal form which it is to take, its duration, and any express or implied constraints which may be imposed upon the remainder of your Petitioners' property) should be limited to that which is strictly necessary for the construction, safe operation and maintenance of the proposed works.
- 18 To the extent that the acquisition of, or interference with, any part of the access way can be justified, the Promoter should be obliged to provide an alternative pedestrian access route or routes across the said land, whether temporary or permanent (as circumstances dictate), that is or are no less commodious or convenient for your Petitioners (and their tenants) than the existing access way, and to allow an altered or upgraded pedestrian access route or routes proposed by your first named Petitioner.
- 19 Your Petitioners further submit that they should be adequately compensated for any loss or reduction of their existing rights, including any interference with their, or their respective tenants', exercise of them, whether such interference is temporary or permanent.

General concerns

- 20 Your Petitioners submit that the Promoter should be required to indemnify them from all claims and demands which may be made in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the works in respect of the access way under the Bill, or of any interference with the access way or interference with any present or future temporary or permanent alternative to the access way.
- 21 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 it may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

Conclusion

22 Your Petitioners submit that the Bill fails adequately to safeguard and protect their interests (and those of their tenants) in relation to the access way, and so 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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