

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:

HAYES ONE LIMITED and SECKLOE 93 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 and their properties

6 Your Petitioners are Hayes One Limited, of 48 Castle Street, Edinburgh EH2 3LX, a company whose main business is property investment, a private limited company established in 2002, and Seckloe 93 Limited, of Seckloe House, 101

North 13th Street, Milton Keynes, Buckinghamshire MK9 3NU, a private limited company established in 2001.

- 7 Your Petitioners are companies set up expressly for the re-development of the properties that are the subject of this petition, and are associated with developers of weight and experience prepared and able to promote a major landmark gateway scheme, namely Buccleuch Estates Limited and Barwood Land Limited, respectively.
- 8 Your Petitioners own or have an interest in the following properties which are subject to compulsory acquisition or use under the Bill.

LONDON BOROUGH OF HILLINGDON

Parcel Numbers 224, 226, 227, 230 and 232

Properties 119-131 Station Road, Hayes

Company Hayes One Limited

Interest Leasehold owner

Extent Acquisition

LONDON BOROUGH OF HILLINGDON

Parcel Numbers 236, 237 and 239

Properties 107 Station Road, Hayes and Station Approach, Hayes

Company	Seckloe 93 Limited
Interest	Freehold owner of properties, access rights over Station Approach
Extent	Acquisition

Your Petitioners' concerns

- 9 Your Petitioners wish to make it clear that they support in principle the railway transport system that would be authorised by the Bill. However, your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 10 Your Petitioners have leasehold interests in properties consisting of ground floor retail with offices above at 119-123, 125, 127, 129 and 131 Station Road, Hayes in the London Borough of Hillingdon, and freehold interests of the same nature at 107 Station Road. The freeholder of the leasehold interests is Network Rail Infrastructure Limited and the leases expire in 2061.
- 11 Your Petitioners believe that it is neither necessary, nor appropriate, to take the land and all interests in the land to secure the proposed new Hayes Station, the open station forecourt, and the other open space shown on the drawings forming part of the Bill as shown on the 'Crossrail Corridor 3, Hybrid Bill Report, Hayes & Harlington' (1D0100-W1G20-00031 revision R3 June 2005), and for the other works. Arrangements for an appropriate access to the station, and in respect of other matters required for Crossrail, of high profile and quality from Station Road can be provided by agreement with your Petitioners or by taking a lesser interest or right. Such arrangements will be of benefit to the profile and role of the Station and to the regeneration of Hayes and to the immediate area. It will also save the Promoter a substantial sum that would otherwise have been paid in compensation.

- 12 The properties were acquired by your Petitioners because of the important location they occupy as a gateway to Hayes town centre and to the transport hub, their relationship with the interchange location of Hayes Station, and their obvious re-development potential as a landmark gateway building. The properties clearly fall into the category of important, well-located brownfield land in need of beneficial, modern re-development to serve the interests of regeneration of the station area and the town centre as a whole, through the provision of a landmark building where national policy supports appropriate high density development.
- 13 Your Petitioners have appointed firms of architects, the Richard Rogers Partnership and FLACQ, leading specialists in high profile regeneration projects and in the design of special buildings, in order to develop schemes for the re-development of the properties either alone or in conjunction with the neighbouring station land as part of the arrangements for the provision of a new station.
- 14 The arrangements proposed by Crossrail for the new Crossrail Station do not make an appropriate and beneficial use of this land and are wasteful of an important resource in a location significant for the regional and local profile of Hayes town centre. There is clearly scope for a building on the site of the properties designed to make an appropriate announcement of the presence of the station and providing an at-grade covered, convenient and attractive entrance to the station concourse and facilities, ensuring that the station is legible from Station Road and the High Street within the context of a landmark building. There is also clear scope for such a landmark building to be provided in conjunction with and over the new station concourse. This is recognised by Option 4 (in respect of the alternatives considered within the Environmental Statement) on page 39 of the Hybrid Bill Report for Hayes & Harlington referred to above, which recognises that there is the scope for providing a major building over the new station. It is notable that the text addressing Option 4 explicitly allows for a change in the plans of the station to allow for a development over the station.
- 15 Your Petitioners have further concerns relating to the environmental effects of the construction of the works, which are set out below, insofar as your Petitioners are in possession of the land at the relevant time.

Noise

- 16 Your Petitioners are concerned about noise during construction and on completion of the works. Your Petitioners wish to see an effective noise mitigation and monitoring system in place before commencement and during construction of the works. There must, in your Petitioners' submission, be a threshold agreed between your Petitioners and the Promoter. If that threshold is exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce noise levels below the agreed threshold.

Dust

- 17 Your Petitioners are concerned about dust and dirt produced during construction. Your Petitioners would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust, and to carry out additional mitigation if dust continues to be a nuisance to your Petitioners' properties. Your Petitioners request that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioners for additional expense caused by dust and dirt such as more frequent cleaning of the property and more frequent replacement of air conditioning filters.

Vibration

- 18 Your Petitioners are concerned about vibration during construction of the works. Your Petitioners fear that damage will result from vibration if piles in the vicinity are driven rather than bored or hand-dug.

Access

- 19 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 good and open 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, either by means of amendment to the Bill or agreement with your Petitioners. Your Petitioners further request that vehicular access to their properties be maintained where practicable and that your Petitioners are reimbursed for any losses incurred through inability to service or park, or reduced trading at their properties due to the works.

Deterioration of condition

- 20 Your Petitioners are concerned that the condition of their properties will deteriorate as a result of the works. Your Petitioners intend to commission a condition survey of the property shortly before the commencement of the works and shortly after their completion. Your Petitioners request that the costs of carrying out such surveys, and of rectifying any deterioration in the condition of the property found to be due to the works, be reimbursed by the Promoter.

Compensation

- 21 The provisions contained within the Bill for compensation for the compulsory purchase of property or of subsoil or new 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.

Blight

- 22 Your Petitioners 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. Your Petitioners fear, for example, that prospective lessees of properties will feel that that the proposals so blight some

properties that they would not be interested in acquiring any part of the property, or 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' properties or for any loss (so attributable) which your Petitioners might suffer in the event of them not being able to re-let their properties (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.

Indemnity

- 23 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.

General matters

- 24 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.
- 25 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

- 26 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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