



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:

ALTERNATIVE MAIL AND PARCELS LIMITED AND MR DANIEL ALBERT
CHARLESWORTH

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

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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 property

6 Your Petitioners are Alternative Mail and Parcels Limited and Mr Daniel Albert Charlesworth. Alternative Mail and Parcels Limited is a limited company and Mr Charlesworth is the major shareholder in the Company and



the owner of the leasehold premises which the Company occupies for the purposes of its business.

- 7 Your Petitioners were granted a license in November 2004 by the Postal Services Commission permitting it to operate as a regulated postal service for the conveyance of bulk mailings, conveyance of tracked business-to-business mail, as well as the consolidation of mailings by and for the Royal Mail Group plc.
- 8 Your Petitioners operate as a mail distributor of heavy goods and parcel items and undertake the transport, preparation and distribution of large sized mail items. Your Petitioners have a new and thriving business. This business provides a courier delivery service, computer-tracked mail delivery, in addition to storage and stock control and various data, documentation and inventory services to its customers. Your Petitioners administer this business from headquarters in Woolwich, London, which incorporates major distribution and packing facilities. They employ approximately 140 members of staff.
- 9 Your Petitioners own a leasehold interest in property located close to the proposed railway, at 16 Gunnery Terrace, Cornwallis Road, Woolwich. The property lies within the London Borough of Greenwich and is numbered 38 and 39 on the deposited plans (hereinafter referred to as "your Petitioners' property").
- 10 Your Petitioners' property is located on the west side of Cornwallis Road. It comprises the main administrative and communications facilities for the business. This includes a major distribution and product packing facility. Overall the property occupies approximately 60,000 square feet. Access to the site is obtained solely from Cornwallis Road. Transport traffic to the premises is frequent. Pedestrian and vehicular activity by employees and delivery contractors is considerable.

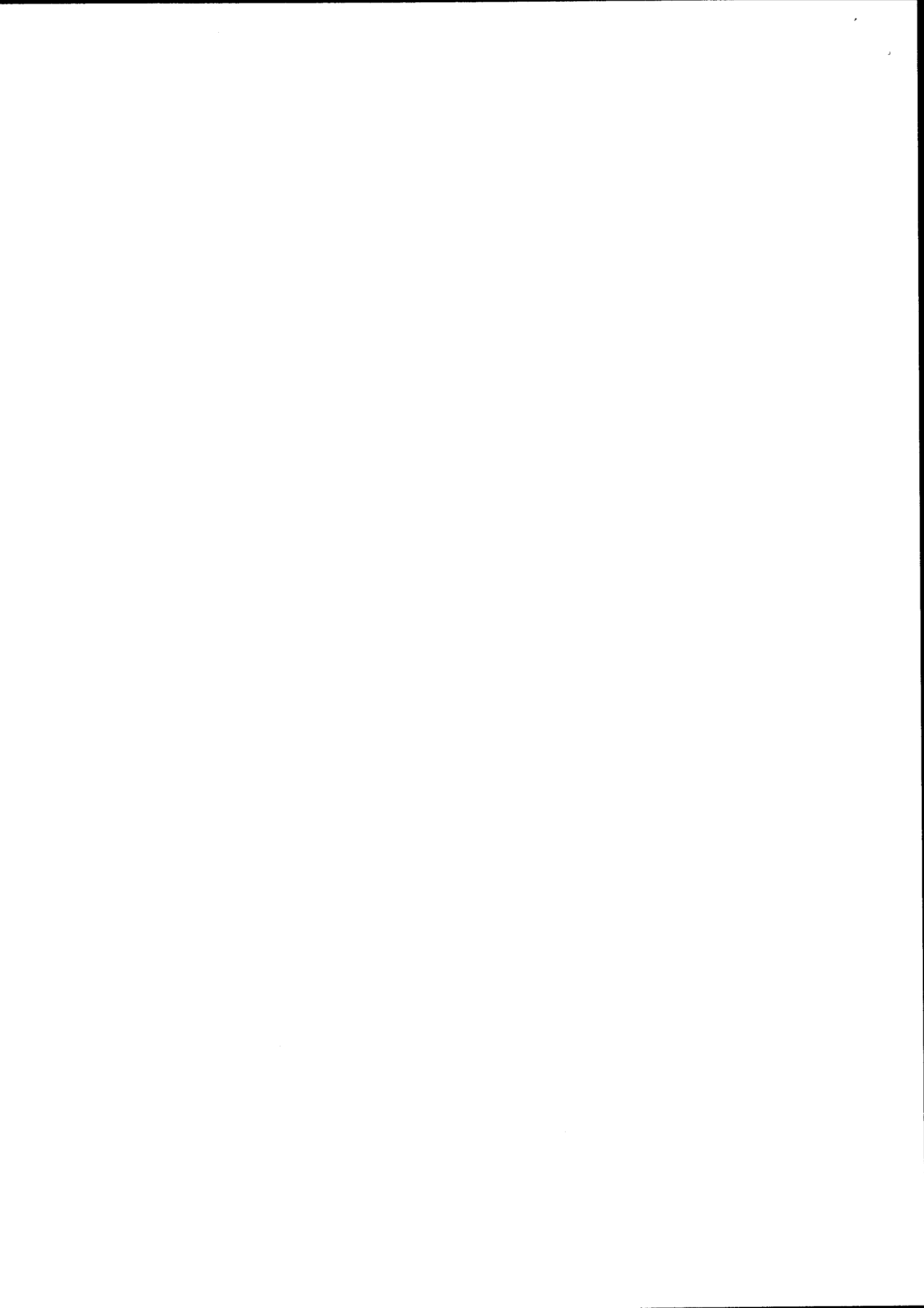


Your Petitioners' concerns

- 11 Your Petitioners support the concept and desirability of an East-West rail link between Maidenhead and Shenfield, and the improvement of public transport provision in London and the surrounding areas, and are therefore supportive of the Bill in principle.
- 12 Your Petitioners are, however, most apprehensive of the provisions of the Bill as they may affect the properties of your Petitioners described above. They apprehend that the effect of the Bill will be to force your Petitioners' business to close or to relocate because they will be unable to operate their substantial distribution and packing activity at the site, both during the temporary use of the property as a worksite and thereafter because of the location of the Promoter's infrastructure. For this reason, and having regard to the more detailed particulars referred to below, your Petitioners object to the Bill and its provisions hereinbefore referred to and they allege and are prepared to prove that they and their property, rights and interests are injuriously and prejudicially affected by the Bill for the reasons (amongst others) hereinafter appearing.

Compulsory purchase and subsoil acquisition and related matters

- 13 The Bill provides for a number of works which are set out in Schedule 1 to the Bill, including the development of an underground railway (Work Nos. 1/6A and 1/6B). This includes the construction of a ventilation and emergency access shaft near Arsenal Way (known generally and hereinafter referred to as "the Arsenal Way Shaft"). Your Petitioners are deeply concerned that the Promoter seeks to acquire compulsorily part or all of the car park facility (parcel number 38 on the deposited plans) and the warehouse, office and goods receipt/despatch yard and related premises (parcel number 39 on the deposited plans) for the provision of a temporary worksite (for duration of three and a half years) and, thereafter, for the permanent erection of the Arsenal Way Shaft. They object to this and to the proposed location of the shaft.



- 14 The current proposals contained in the Bill and associated documentation provides for:
- (a) The compulsory acquisition of the car park site;
 - (b) The establishment of a temporary worksite on the car park site;
 - (c) The construction of the Arsenal Way Shaft and two ancillary buildings with an above ground height of 8 metres each;
- 15 Your Petitioners object to the provisions of Clause 6 of the Bill, which they apprehend will adversely affect and interfere with their property. Under these provisions, and those in Clause 7, the Promoter would be able to acquire compulsorily your Petitioners' property falling within the limits of deviation, or at least so much of the subsoil and undersurface thereof or such new rights therein, under or over as they may require for the purposes of the construction and use of the proposed works.
- 16 The proposed compulsory acquisition of your Petitioners' property will have a severe and detrimental effect on the business of your Petitioners which your Petitioners apprehend will be unable to continue in its current location as a result of the proposals. Your Petitioners object to the location of the proposed Arsenal Way Shaft and related worksite and apprehend that this site and the works proposed to be carried out within it will bring about major disturbance to its business and loss of amenity to the areas involved, arising especially from:
- (a) the permanent and temporary acquisition of land;
 - (b) the partial temporary road closures proposed;
 - (c) construction traffic;
 - (d) temporary and permanently restricted access to buildings located on your Petitioners' property;
 - (e) construction noise and vibration; and
 - (f) visual impact.

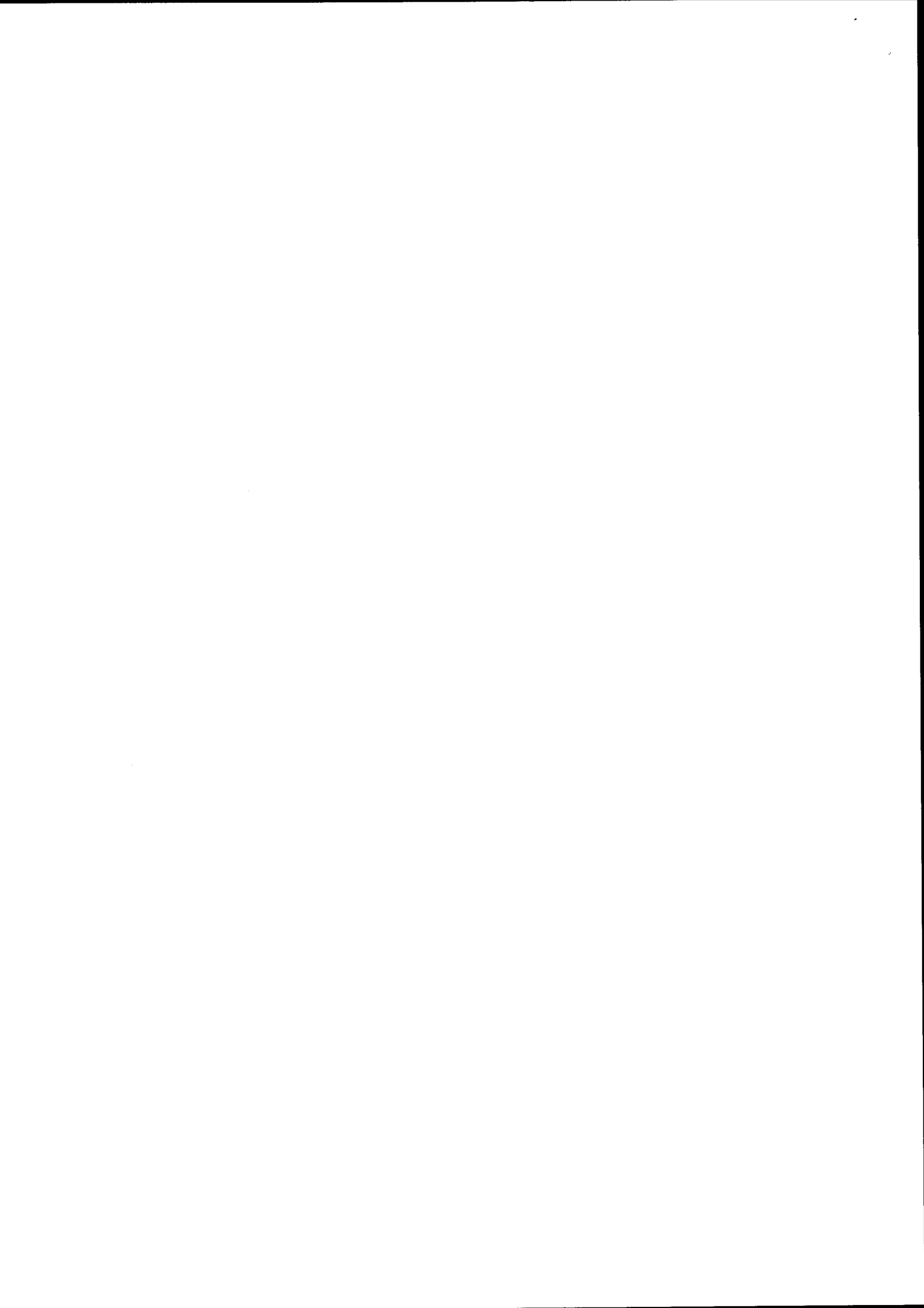


17 The existing traffic and highway arrangements of Cornwallis Road is that of a two-way, single lane road. As the only means of access to the road network is used extensively by employee commuter traffic as well as transport lorries and other heavy goods vehicles in the movement of goods by your Petitioner. The disruption which will be caused by the proposed works and increased construction traffic will drastically compromise the effective use of both the administrative site and the adjoining distribution site. The surface works, particularly the use of working sites and the removal of spoil, will further impact upon the quiet enjoyment of properties in the vicinity. Major increases in lorry movements during the construction period are predicted, the disruptive effect of which is liable to be compounded by the temporary stopping up of nearby roads.

18 Your Petitioners are concerned that the Environmental Statement that accompanies the Bill fails to consider properly the impacts of the proposed construction activity at the site, the impact of the Arsenal Way Shaft and any alternative locations for the Arsenal Way Shaft. To the extent that it has been assessed at all, the contemplated business disruption and loss of off-street private car parking spaces held by your Petitioners has been severely underestimated in the Environmental Statement by the Promoter.

19 Your Petitioners are concerned that they have not been invited to attend or take part in any appropriate stakeholder consultation with the Promoter, for its business operations to be assessed and raise relevant concerns on the proposed location of the Arsenal Way Shaft and adjacent worksite and the implications of the construction methodology proposed.

20 In addition, your Petitioners submit that the Environmental Statement fails to identify, nor provide for appropriate construction mitigation measures against the detrimental impact of the Arsenal Way Shaft and adjacent worksite. The proposed traffic diversion will not address the severely reduced access to Cornwallis Road and Gunnery Terrace and will not adequately address the likely delays and reduced access for industrial vehicles operated by your Petitioners, or for private users.



21 Your Petitioners submit 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 both to be necessary for the purposes of the Bill and to be in the public interest. Your Petitioners have not been provided with any justification for the proposals in the Bill affecting their 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.

22 Your Petitioners request that the Promoter be put to proof on the strict necessity for the currently proposed location of the Arsenal Way Shaft. They suggest that a clear alternative location for the shaft lies in the car park located on the west side of Arsenal Way.

23 Accordingly your Petitioners submit that the Promoter should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Bill, which affects your Petitioners' property and 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 Petitioners' property to the extent (if any) to which they can be strictly justified and so as to minimise or prevent interference with such property. In particular, your Petitioners contend that any interest in its property 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 and any express or implied constraints which may be imposed upon the remainder of your Petitioners' property) should be strictly limited only to that which is absolutely necessary for the construction, safe operation and maintenance of the proposed works.

Relocation

24 Your Petitioner respectfully requests that, should the impacts upon their business be such as to require them to close their operations at Gunnery Terrace, the Promoter should be required to provide them with alternative premises with no less degree of amenity and in a nearby location affording



similar transport access, as that currently enjoyed. The Promoter should be required to provide all assistance in identifying, fitting out and arranging for the transfer of the business to the new site and should compensate your Petitioners for any costs incurred and any loss of business flowing from this need to relocate.

- 25 Your Petitioners further respectfully submit that such provisions with regard to compensation in respect of compulsory acquisition of their property and other matters as are proposed in the Bill are inadequate to compensate your Petitioners for the loss, damage and inconvenience which they will suffer as a result of the acquisition of their property, the construction and subsequent use of the proposed works and that no sum of money which they could expect to recover for such disturbance and loss would adequately recompense them. They submit that the Bill should be amended accordingly.

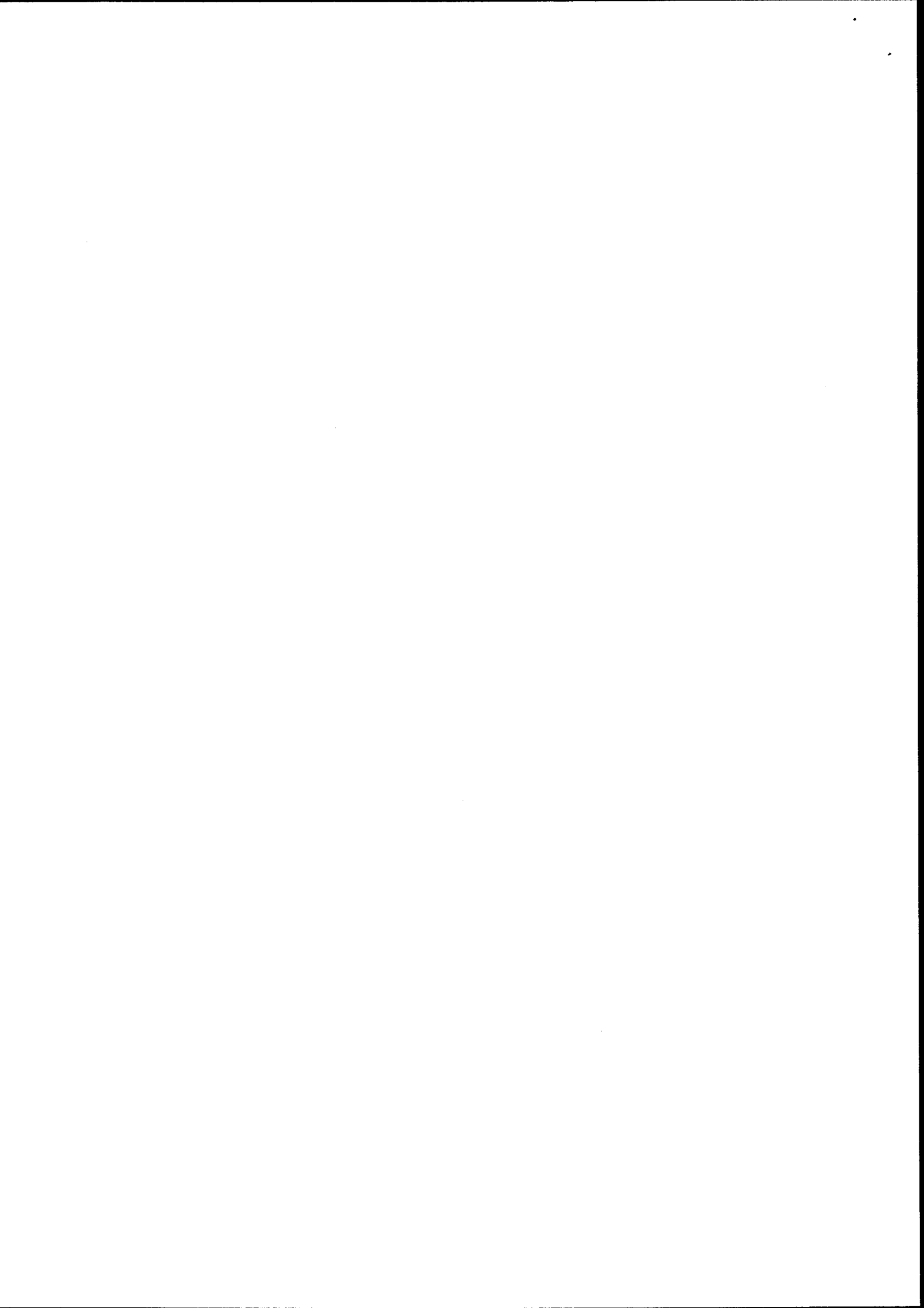
Vehicular and Pedestrian Access

- 26 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 is proposed to be 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. Further, the safe passage of persons employed by your Petitioners to nearby Woolwich railway station by pedestrian access is required to be maintained. Your Petitioners submit that the number of on-site car parking facilities will be reduced by as much as 90% and your Petitioners particularly request that vehicular access to its property be maintained where practicable and that compensation be awarded for any costs incurred through the inability to service or park at these properties due to the works.



Noise, vibration, disruption and disturbance during the construction period

- 27 Noise and vibration arising from the operation of the railway and its associated works and structures (such as ventilation shafts) also concerns your Petitioners. Your Petitioners submit that the Promoter should be compelled to use best available techniques in the construction and operation of the railway and its associated works and structures to ensure that these adverse effects are minimised. Furthermore, your Petitioners wish to see strict standards set to which the Promoter must be made liable to comply.
- 28 Your Petitioners are concerned about dust and dirt produced during construction of the proposed works. 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 their affected properties, and more frequent replacement of air conditioning filters.
- 29 Your Petitioners are concerned about the effect of these matters on their properties and having regard to the scale of disruption and disturbance envisaged your Petitioners therefore seek protection in relation thereto. In particular, your Petitioners would expect the Promoter to be bound to a code of construction practice to regulate these matters and to ameliorate any adverse effects caused by the works. Your Petitioners submit that the Promoter should consult with them about proposed working methods and in relation to all aspects of likely environmental impact to your Petitioners' properties and that the Promoter should be obliged to agree a scheme of work with your Petitioners for the benefit of the occupiers of your Petitioners' properties, such scheme of work to include, amongst other things, reference to noise, vibration, disruption and lorry movements.



General concerns

- 30 Your Petitioners respectfully submit that the proposals contained in the Bill are causing a blight on your Petitioners' property. Such property is already blighted by the proposals contained in the Bill. Your Petitioners fear that prospective purchasers and lessees will state that the proposals would so blight the property that they would not be interested in acquiring any part of it, or that prospective lessees will demand a considerably reduced rent, due to the prospect of the works. Moreover, the Bill does not contain adequate provisions for compensating such blight and your Petitioners respectfully suggest that it should do so.
- 31 Your Petitioners 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.
- 32 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.
- 33 There are other clauses and provisions in the Bill which, if passed into law as they now stand, would prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.



Conclusion

- 34 Your Petitioners submit that the Bill fails adequately to safeguard and protect their interests 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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LIMITED AND MR DANIEL ALBERT
CHARLESWORTH

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