



IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

PETITION

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:

FOSTER YEOMAN LIMITED and YEOMAN AGGREGATES LIMITED

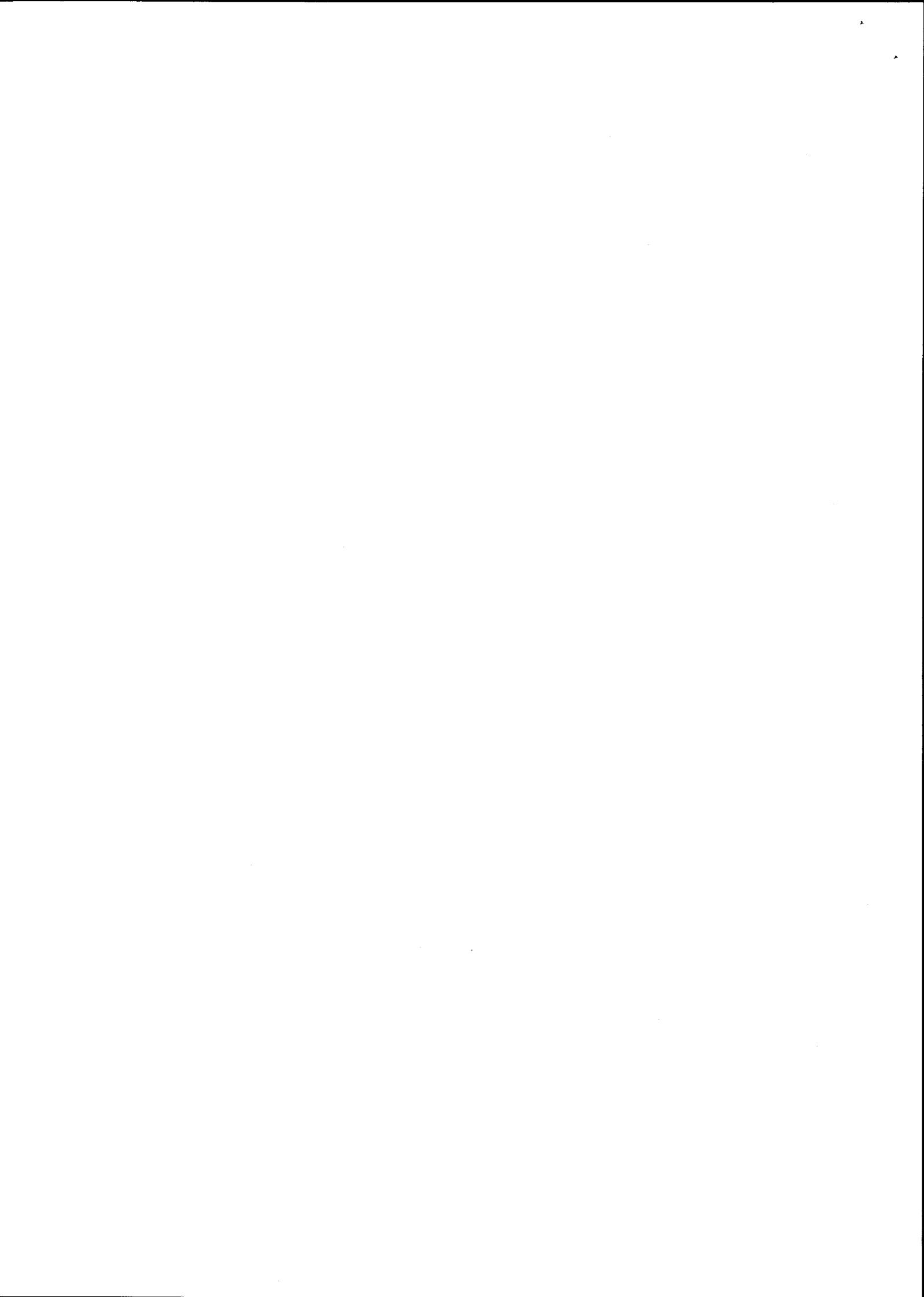
SHEWETH as follows:—

- 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 (including your Petitioners) and as respects arbitration.



*Your Petitioners and their properties*

- 6 Your Petitioners are Foster Yeoman Limited (Company No. 00192994), whose registered office is located at Torr Works, East Cranmore, Shepton Mallet, Somerset, BA4 4SQ and Yeoman Aggregates Limited, its wholly owned subsidiary (Company No. 01204391), whose registered office is located at Stone Terminal, Horn Lane, Acton, London, W3 9EH. Together these companies are one of the largest providers of aggregates and asphalt in south and south east England each with various depots connected to the rail network. In addition Foster Yeoman Limited produces large quantities of aggregate from its quarry in the Mendip Hills, the majority of which is destined for markets in London and the South East. All of the aggregates it produces from this quarry for the London and South East market is transported by rail.
- 7 Your Petitioners together supply approximately 4,500,000 tonnes of aggregates annually.
- 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 EALING

Parcels: 172, 176 and 181

Property: Acton (part of Acton Yard)

Description: Railway siding, aggregate depot, offices, tanks, weighbridge, hardstanding, access, turning area, access road, works, land and premises

- 9 Although, with the exception of Acton, your Petitioners' properties are not subject to the compulsory acquisition powers that would be provided to the Promoter under the Bill, your Petitioners have an interest in a number of rail served depots that would be affected adversely by the proposed acquisition of parts of the national rail network upon which they rely. The depots in which your Petitioners have an interest, in that they either own the depot (in some cases jointly) or operate from the depot (in some cases jointly) are; Acton, Harlow Mill, Purfleet,



Thames Matex, Crawley, Colnbrook, Parkestone, and Ruislip (served from the Isle of Grain). Further, Foster Yeoman Limited is the main supplier of aggregates to depots at Brentford, Sevington, Purley, Battersea and Woking. In acquiring parts of the national rail network your Promoter has the potential to prevent or limit your Petitioners access to these depots with serious consequences for your Petitioners' business operations.

- 10 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for the reasons amongst others, here stated.

*Your Petitioners' concerns*

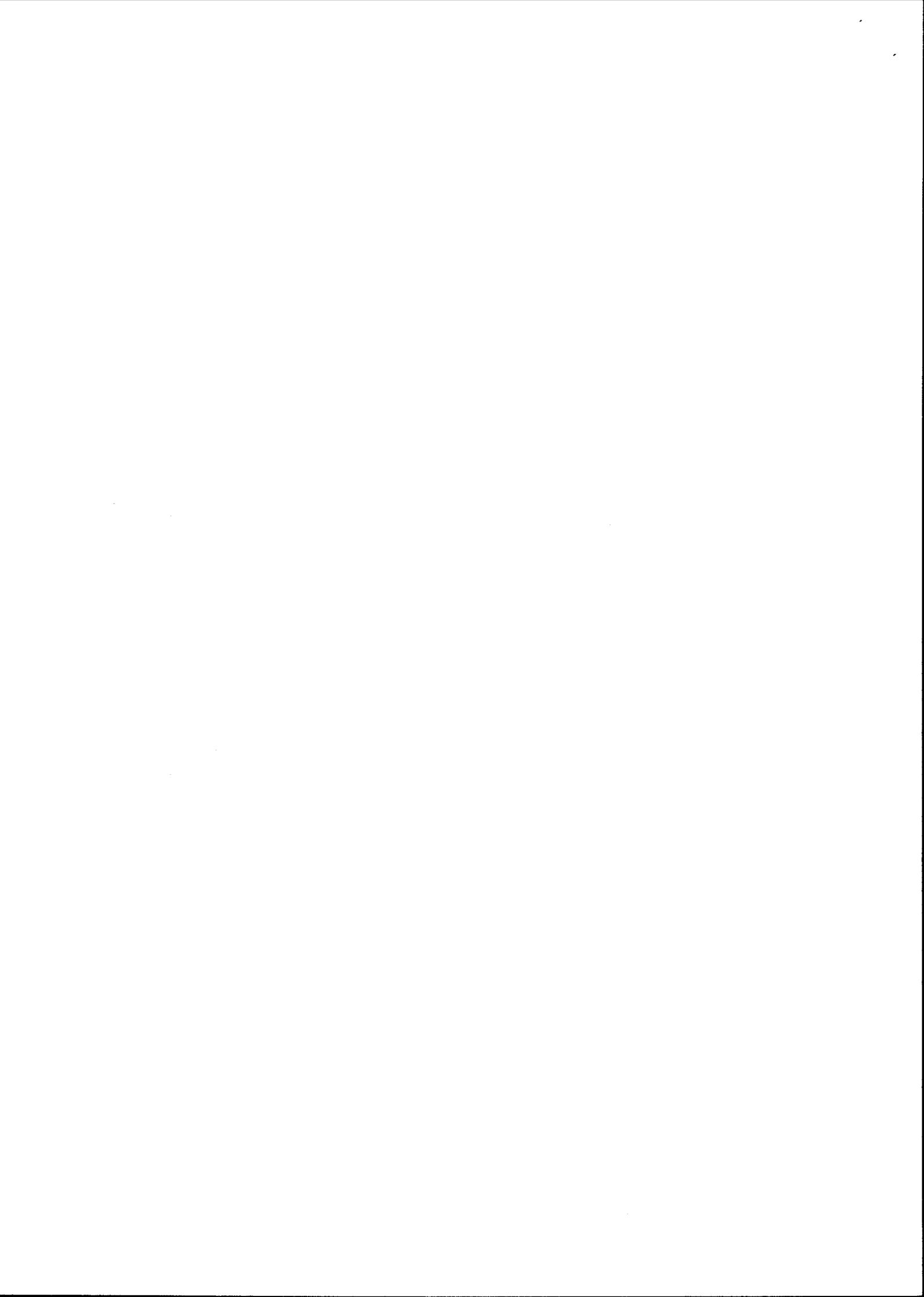
- 11 Your Petitioners are not opposed in principle to the construction of the new railway transport system for which the Bill provides, but are greatly concerned as to the impact that the works and system will have on their business and property. The scheduled works detrimentally interfere with and affect the property and apparatus of your Petitioners at many points along the line of the route.
- 12 Your Petitioners object to the Bill on the grounds that it does not afford sufficient safeguards to the continued and continuous operation of plants, access roads and rail sidings used in the daily operation of their businesses in the areas concerned, and that as a result your Petitioners will suffer loss of business, continued blight on business development and greatly increased expense in the receipt and delivery of building materials.
- 13 Your Petitioners consider it imperative that the powers proposed to be conferred by the Bill should only be exercised such that there is no interruption or interference to the operation of its business or services to its customers. If, however, interruption or interference is inevitable then your Petitioners consider that any such interruption or interference should be kept to an absolute minimum and that it is appropriate that your Petitioners and their customers should be fully compensated for all losses, costs and expenses incurred and suffered as a result of any interruptions or interference arising.



### *Site Specific Concerns*

#### Acton

- 14 Yeoman Aggregates Limited's depot in Acton is located within the Acton Yard and located directly adjacent to the Great Western Main Line. It houses a major aggregate storage facility and associated works. Your Petitioners sell more than 600,000 tonnes of primary and recycled aggregate from the site annually, the majority of which arrives by rail. The company also uses the site for the handling, storage and onward distribution of concrete blocks delivered by rail from the West Country. The site supplies a large number of major projects in and around London, including the Channel Tunnel Rail Link and supplies raw materials for local authority road works throughout London as well as general customer works. It also supplies aggregates for the adjacent concrete batching plant within the Acton Yard operated by Hanson Quarry Products Europe Limited. The site operates 24 hours a day 7 days a week for both incoming and outward deliveries supplying most of your Petitioner's sites throughout south and south east England.
- 15 The compulsory acquisition of the Acton Depot such that the Yeoman Aggregates Limited facility there could no longer operate is likely to drive a significant tonnage of aggregates on to the roads as alternative arrangements would have to be made to service the company's customers. There would also be very substantial ramifications for the rail freight network generally as Acton is where large freight trains that transport aggregates are split into smaller trains for onward travel to numerous other destinations. Further, if the site were to remain but could not be accessed by rail, it could not be serviced by road, not least because there is insufficient space and unloading capacity to accommodate the delivery of materials to it by lorry.
- 16 Your Petitioners submit that in the event that rail access to the Acton Depot cannot be maintained such that Yeoman Aggregates Limited may effectively and efficiently operate its facility there, provision should be made for Promoter to meet the full cost of site closure, interim business operation and relocation to a rail served site located in central London that is acceptable to your Petitioners.



- 17 Your Petitioners request that good and open access to the Acton depot be maintained in all circumstances to the fullest extent practicable, such as in the event of the erection of hoardings and scaffolding, the placing of equipment and apparatus there, and the parking, loading and unloading of construction vehicles. Your Petitioners further request that vehicular access to the Acton depot be maintained to the fullest extent practicable and that compensation be awarded for any costs incurred through inability to service or park at Acton due to the works.
- 18 Your Petitioners also wish to be satisfied that there will be no disruption to statutory utility services provided to its Acton depot as a result of the construction of the proposed works. In your Petitioners' submission a co-ordinated programme of works to services leading into the Acton depot needs to be established by the Promoter and the details provided to your Petitioners, to prevent a succession of statutory undertakers' works to and reinstatement of the depot.
- 19 Acton Depot is proposed to be for use as a worksite for Crossrail and so will only be required for the construction of the works and not permanently. Your Petitioners maintain that compulsory acquisition of the land is therefore not justified, and that plots 172, 176 and 181, if required at all, should be included in schedule 5 to the Bill (temporary possession and use of land) to ensure that Promoter only holds this property temporarily as required. In addition the Promoter's representatives have indicated in meetings with your Petitioners that it does not know which parts of the Acton depot it will require and which parts it will not, thereby preventing your Petitioners from carrying out any effective mitigation planning and business impact assessments.
- 20 It is explained in the Environmental Statement which accompanied the Bill at paragraphs 9.25.6 and 9.25.7 that an underpass will be constructed at the entrance to the depot, so as to allow freight services to access the yard at surface level without having to cross the lines used by Crossrail trains which will pass beneath the freight line at this point. The underpass is welcomed by your Petitioners provided that the construction of it is carried out in a manner that does not disrupt access to the yard for freight services to the extent that your Petitioners cannot operate its depot efficiently and effectively and that any required site access closures are agreed in advance with your Petitioners. The Environmental



Statement further explains that the remodelling works to the railway in this location will give rise to a need to adjust the position of the railway sidings within the Acton depot but no firm detail has been provided upon the new layout of sidings proposed or the amount of land the Promoter intends to take for this purpose.

#### Colnbrook

- 21 The Promoters proposed West Drayton Stabling Worksite currently provides rail freight access to the Colnbrook branch line which is heavily used by freight trains serving Foster Yeoman Limited's dry stone depot at Colnbrook and the concrete batching plant at that depot operated by London Concrete Limited. The depot is currently used to supply the Heathrow Airport Terminal 5 development, a work site for which adjoins the depot. Freight services to Colnbrook would be severely disrupted by the Promoters' proposed Crossrail works at West Drayton and also by the congestion caused by on-going passenger rail services once the scheme works are completed. Your Petitioners submit that the Bill should be amended to require the Promoter to provide alternative route works that would avoid this disruption to your Petitioners' business operations.
- 22 Foster Yeoman Limited have obtained planning permission for the development of an asphalt plant on the Colnbrook site. Notwithstanding the significant scope for increased growth in your Petitioner's business in this location, given its proximity to the motorway network, they would not be prepared to construct a new asphalt plant on the site in circumstances where freight services to the depot could not be relied upon on account of Crossrail.

#### *General*

- 23 If site rail service interruptions are required for the works authorised under clause 1 of the Bill your Petitioners submit that such interruptions should be kept to an absolute minimum and that suitable alternative property and facilities should be made available either on a temporary or permanent basis depending on the Promoter's proposed future use of the sites in question.



- 24 The carriage of freight by rail rather than road is 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).
- 25 The loss of up to ten rail sidings used for the transport of freight along the Great Western and Great Eastern Main Lines, and restricted access to the sidings that remained, would be very damaging to your Petitioners, the construction industry in London and the South East as well as the environment, as aggregates are forced off the railway and on to the roads. Further, if sufficient quantities of aggregates and other construction materials were not to be available to the construction industry on account of Crossrail then this would delay, increase the cost of, and even discourage building projects in London and the South East.
- 26 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.
- 27 Your Petitioners are very concerned about the excessive land acquisition proposals in the Bill, together with the proposals to give priority to Crossrail services 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 land acquisition provisions be tempered 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 eliminate the possibility of the loss of freight paths on the rail network.
- 28 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.
- 29 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.

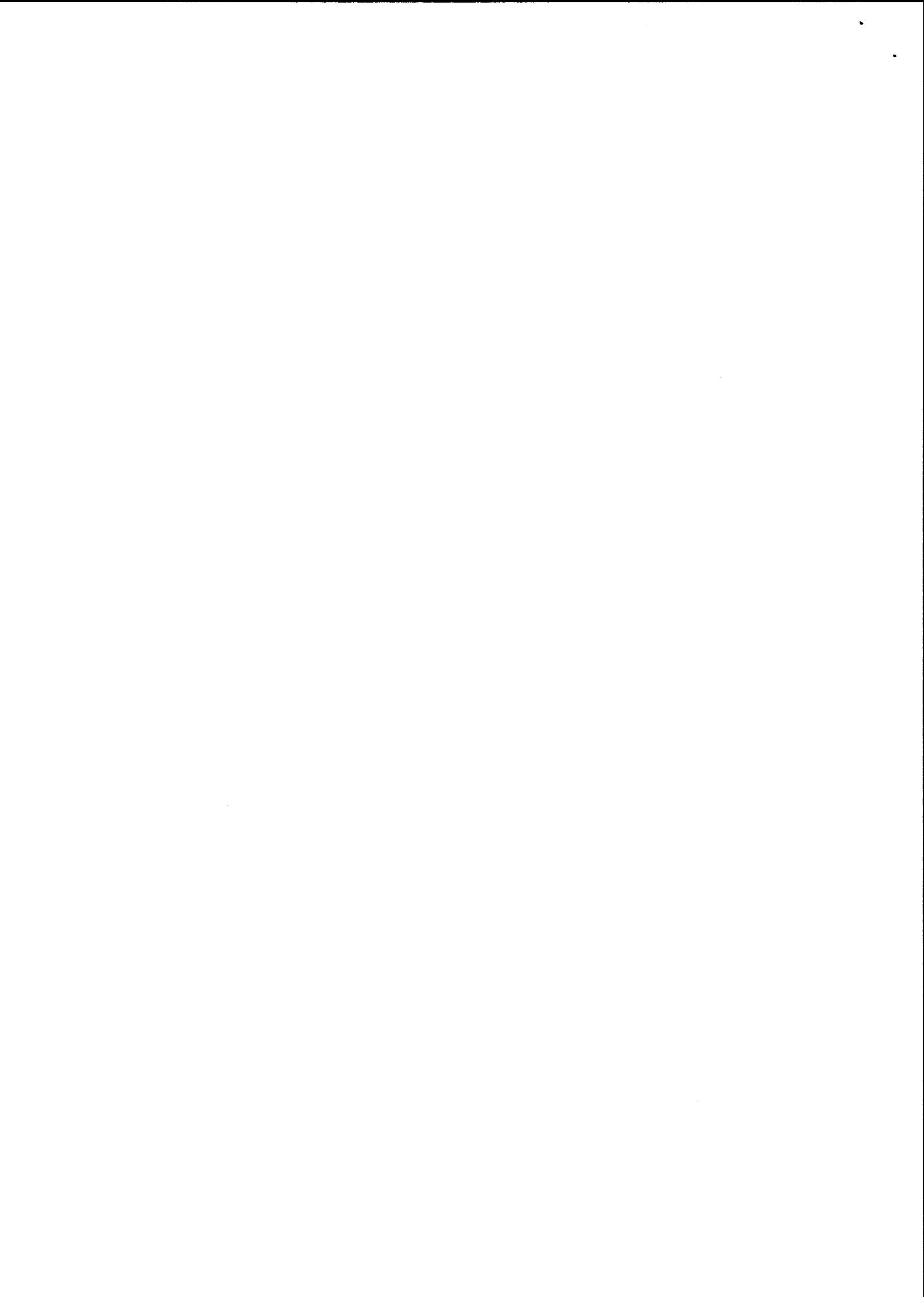


*Conclusion*

30 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and of their subsidiaries 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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