

**IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06**

CROSSRAIL BILL

Against – 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
SOUTH EAST ENGLAND REGIONAL ASSEMBLY.**

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the bill”) has been introduced 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 presented by Presented by Mr Secretary Darling, supported by The Prime Minister, Mr Chancellor of the Exchequer, Secretary Margaret Beckett, Mr Secretary Hain, Secretary Alan Johnson, Secretary Tessa Jowell, and Derek Twigg.

Relevant Clauses of the Bill

3. The Bill makes provision for the construction and maintenance of the proposed works in Clauses 1 to 20 and in Schedules 1 to 9. The main works are described in Schedule 1. These clauses and schedules include provisions for the construction and maintenance of scheduled works, the compulsory acquisition of land, planning, heritage issues, the power to deal with trees and noise.
4. Clauses 21 to 44 of the Bill together with Schedule 10 deal with railway matters. In particular they make provision for modifications to the existing railways regulatory regime with regard to, the direction of facility owners to enter into access agreements, the modification of existing access agreements and the disapplication of certain franchise and access exemptions.
5. Clauses 45 to 59 of the Bill together with Schedules 11 to 14 deal with miscellaneous and general matters. These clauses and schedules include amongst other matters, provision for the protection of certain specified interests.

Your Petitioner and its interests

6. Your Petitioners are the South East England Regional Assembly created under the 1998 Regional Development Agencies Act. Your Petitioners are also the Regional Planning Body for South East England, as appointed by the First Secretary of State, who are charged under the Planning and Compensation Act 2004 to keep under review matters which may be expected to affect development in the region or the planning of that development.
7. The Great Western Main Line is one of the busiest and most significant stretches of railway on the UK rail network. It connects two of the most prosperous areas of the country – London and the Thames Valley, alongside connecting large parts of the remaining South East, Wales, the South West and parts of the Midlands to the capital. It also acts as a major link between communities within the region, and provides access to Heathrow airport. Your Petitioner, as the Regional Planning Body, is aware of the crucial role that the Great Western Main Line plays in supporting this connectivity, and it is our view that the Great Western Main Line is essential in supporting the delivery of the Regional Spatial Strategy (a statutory document and part of the Development Plan), for which the Secretary of State has charged the Regional Assembly to develop and monitor its implementation.
8. Your Petitioner is an active participant in the AirTrack Forum, led by Surrey County Council which represents local authorities, businesses and community organisations from Surrey and Berkshire as well as British Airways, Transport for London's Rail Directorate, the South East England Development Agency, the Highways Authority and the South West London Transport Conference partnership (SWELTRAC). This group has been instrumental in developing proposals for the AirTrack scheme.
9. The AirTrack project will, if constructed, provide a fixed link to Heathrow airport from the south and the southwest. The project is intended to fulfil the objectives anticipated in some of the safeguarding provisions imposed on Terminal 5 by the Secretary of State in his planning decision letter of November 2001. By creating a direct or one-change rail access to Heathrow for much of southern England and south and west London, its implementation will offer an attractive alternative to road transport and improve London's and South East England's orbital transport network. This objective is set out in the Regional Transport Strategy for the South East as published by the Secretary of State in June 2004. The AirTrack project is identified as a regional priority for investment in the Regional Transport Strategy. The South East England Regional Assembly is responsible for reporting to the Secretary of State on an annual basis progress on implementation of the Regional Transport Strategy. It is anticipated that the AirTrack proposal will cause a noticeable increase in the proportion of airport related journeys made by public transport as well as providing relief to overcrowding and new journey opportunities on the wider South West rail network.

10. Your Petitioner supports the proposed Bill and welcomes the decision to construct Crossrail. There are, however, matters regarding the arrangements for Crossrail services in respect to the future use of the Great Western Mainline and the impact on facilities safeguarded for future western rail connections at Heathrow airport, which cause great concern to your Petitioner, arising from proposals in the Bill. Your Petitioner is hopeful that these concerns can be met by negotiation with the Promoter and subsequently included in the Bill by means of amended clauses or through a protective provision.
11. Your Petitioner and their interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

12. Clauses 6 and 7 authorise the Promoter to acquire land and property or rights over land and property within limits shown on the plans and under certain circumstances beyond those limits. These powers are very broad, have the potential to introduce considerable uncertainty over existing and future railway operations at Heathrow airport, and in particular may prevent the operation of a railway service to Terminal 5 from the south and west.
13. Your Petitioner is concerned that the exercise of these powers over facilities at Heathrow airport could prevent the AirTrack project being implemented and accessing the infrastructure provided for future western railway connections at Terminal 5. The infrastructure at Terminal 5 is provided to fulfil the objectives anticipated in the safeguarding provisions imposed by the Secretary of State in his planning decision letter of November 2001.
14. Your Petitioner respectfully submits that the Promoter be obliged to implement the powers provide for under clauses 6 and 7 in such a way as not to prejudice future utilisation of the safeguarding for railway connections to the west, which has been incorporated into the infrastructure at Terminal 5. Such requirements could be achieved by additional provisions that narrow the powers sought in the relevant clauses and schedules of the Bill or by inclusion in a new protective provision to the Bill.
15. Clause 23 allows the Promoter to specify minimum operating levels for Crossrail passenger services, and clauses 26 and 27 provide for the Promoter and the Office of Rail Regulation to modify existing access contracts to allow Crossrail passenger services to operate.
16. Your Petitioner is concerned that the Promoter could specify minimum operating levels for Crossrail such that it takes over half of the paths on the Great Western Main Line on the approach to Paddington to the detriment of all other rail services including freight. Such minimum operating levels could also take up all available capacity at Heathrow Terminal 5, which would in effect prevent AirTrack services from accessing Terminal 5.

17. Your Petitioner respectfully submits that some limits be set in the Bill for the level and configuration of specifying "minimum operating levels" for Crossrail passenger services. It would be helpful if these limits could be set such that Crossrail services on the Great Western Main Line and to Heathrow are within the capacity of the lines and stations at the airport to accommodate existing services, so as not to prejudice existing services on the Great Western Main Line, nor future operations from the west that utilise the safeguarding for railway connections which have been incorporated into the infrastructure at Terminal 5 in line with the Secretary of State's planning decision letter of November 2001. These limits on specifying minimum operating levels could be achieved by additional provisions that narrow the powers provided in these clauses of the Bill or by inclusion in a new protective provision to the Bill.
18. Clause 31 provides that the Promoter may give directions requiring a facility owner to enter into an access contract that allows Crossrail passenger services to use the owner's railway facilities. For the purposes of this clause, the Promoter proposes to include the Heathrow Express railway (and its extension to Terminal 5) as a facility that can be subject to an access contract entered into at his direction.
19. Your Petitioner is concerned that in making such a direction, the Promoter may require that Crossrail be granted access to facilities at Terminal 5 in such a way as to prevent additional rail connections to the airport from the west, south west or north west from being made.
20. Your Petitioner respectfully submits that the Promoter be obliged to implement these powers in such a way as not to prejudice future utilisation of the safeguarding for railway connections to the west, which has been incorporated into the infrastructure at Terminal 5. This limiting of the extent of directed access contracts could be achieved by additional provisions that narrow the powers provided in this clause of the Bill or by inclusion in a new protective provision to the Bill.
21. Clause 32 provides that the Office of Rail Regulation may make necessary amendments to access contracts made under clause 31 to facilitate Crossrail passenger services.
22. Your Petitioner is concerned that in making such a direction, the Office of Rail Regulation may require that Crossrail be granted access to facilities on the Great Western Main Line and/or Paddington that will detrimentally impact on services across the region and beyond. This may also impact on possible services at Terminal 5 in such a way as to prevent additional rail connections to the airport from the west, south west or north west from being made.
23. Your Petitioner respectfully submits that the Office of Rail Regulation be obliged to implement these powers in such a way as not to prejudice existing services on the mainline, nor future utilisation of the safeguarding for railway connections to the west, which has been incorporated into the infrastructure at Terminal 5. This limiting of the extent of amendments to access contracts could be achieved

by additional provisions that narrow the powers provided in this clause of the Bill or by inclusion in a new protective provision to the Bill.

24. Clause 35 provides for the Promoter to disapply certain franchising and access exemptions including those that affect the Great Western Main Line and Heathrow Express railway and its stations. These powers are very broad, have the potential to introduce considerable uncertainty over existing and future railway operations on the Great Western Mainline and at Heathrow airport.
25. Your Petitioner is concerned that the disapplication of these exemptions with regard to facilities on the Great Western Mainline and at Heathrow airport may lead to Crossrail services detrimentally affecting services on the Great Western Main Line, and in accessing Heathrow airport in such a manner as to prevent the AirTrack project being implemented and accessing the infrastructure provided for future railway connections to Terminal 5 from the west.
26. Your Petitioner respectfully submits that the Promoter be required to ensure that the use of these provisions shall not result in Crossrail serving stations to the west of Paddington in such a way as to harm existing service levels, nor in serving Heathrow airport in such a way as to prevent AirTrack utilising the safeguarding for railway connections to the west, which has been incorporated into the infrastructure at Terminal 5. The restriction of the effects of the disapplication of these exemptions could be achieved by additional provisions that narrow the powers provided in this clause of the Bill or by inclusion in a new protective provision to the Bill.
27. For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended as proposed above, clauses 6, 7, 23, 26, 27, 31, 32 & 35 so far affecting your Petitioner, should not be allowed to pass into law.
28. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their interests and for which no adequate provision is made to protect your Petitioner.

Conclusion

29. Your Petitioner's overriding concern is that the Bill makes provision for the Promoter to take wide ranging powers over railway services, land, property and facilities on the Great Western Main Line and at Heathrow airport for the purposes of delivering Crossrail passenger services. However, there are no requirements for these powers to be used in a manner that secures the future use of infrastructure on the Great Western Main Line nor that safeguarded at Terminal 5 specifically for the purpose of running railway services to and from the west. Your Petitioner submits that the Bill should not be allowed to pass into law without these matters being addressed.

YOUR PETITIONER 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 their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.