



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

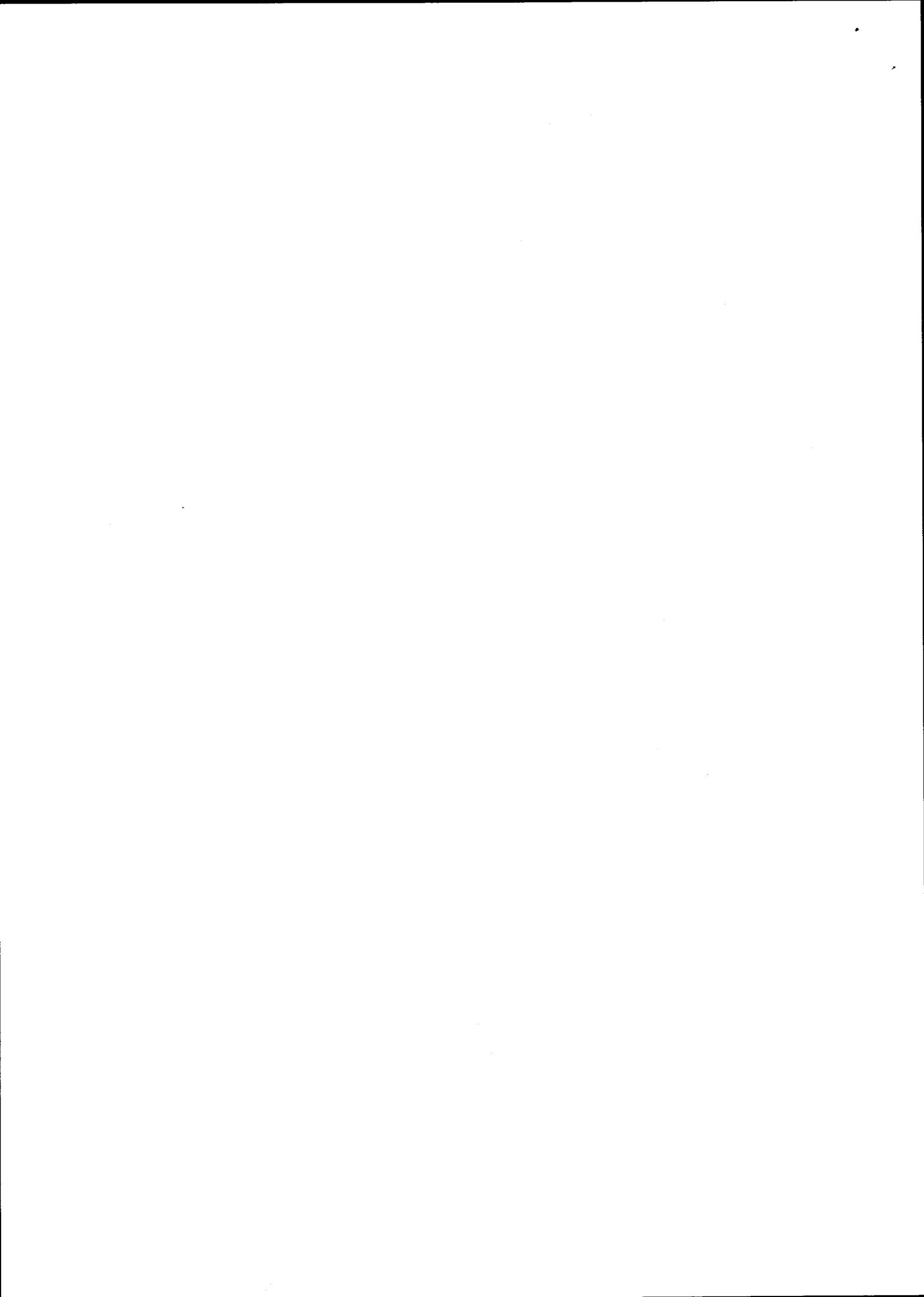
THE HUMBLE PETITION

of

PANAYIOTIS CLEOVOULOU and also on behalf of NIKI CLEOVOULOU, GEORGE CLEOVOULOU, STAVROULLA CHRISTOPHER, and the residents and lessees of the ENGLISH HERITAGE LISTED COMMERCIAL AND RESIDENTIAL PROPERTIES CONCERNED IN THE LONDON BOROUGH OF TOWER HAMLETS

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 promoted by the Secretary of State for Transport (hereinafter called the “Promoter”).

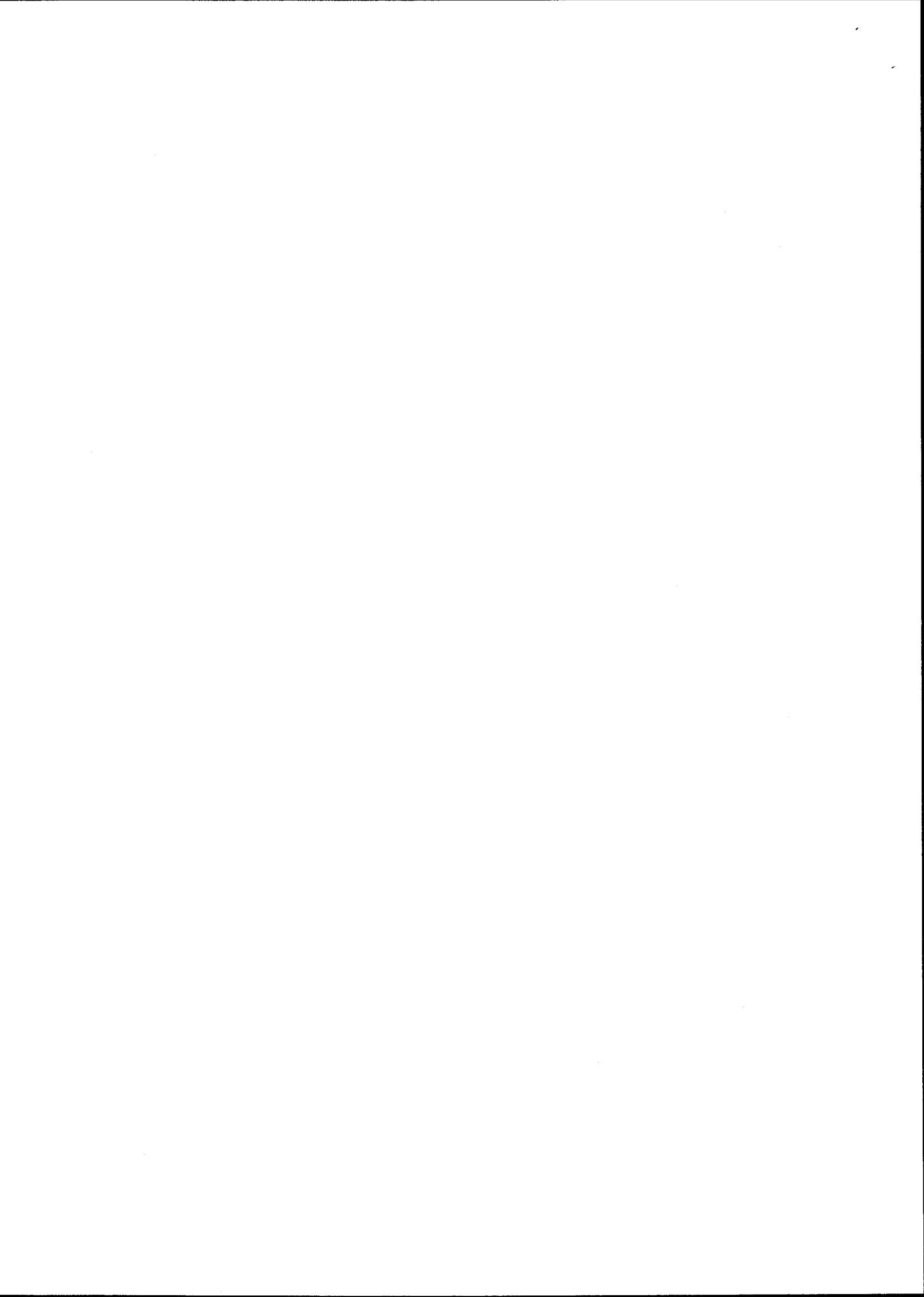


*Relevant clauses of the Bill*

- 3 Clause 1 (Construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain the works necessary for Crossrail as described in Schedule 1 to the Bill and shown on the plans and sections deposited with the Bill.
- 4 Clauses 10 to 20 (inclusive) of the Bill would disapply existing statutory controls in relation to development requiring an environmental impact assessment, listed buildings, buildings in conservation areas, historic buildings and ancient monuments, tree preservation in so far as they are generally applicable to the works powers proposed in the Bill in respect of scheduled works begun within ten years from the enactment of the Bill. As respects demolition and works for permanent alteration or extension are concerned, the disapplication is limited to buildings specified in Clause 14(2) to the Bill.
- 5 Clause 50 (Compensation for injurious affection) of the Bill would require the Promoter to pay compensation to owners, lessees and occupiers of property for any injurious affection.

*Your Petitioners*

- 6 Your Petitioners are owners and lessees of commercial and residential properties in Spitalfields that are seen to be potentially affected by both the construction and subsequent use of the tunneling system immediately below the properties. The petition arises initially as a result of the Promoters not being able to confirm the absence of mechanical vibrations during the construction of the tunnel immediately under the properties and during its subsequent use:
- 7 Your Petitioners would additionally like the Honourable House to know that the petitioning unfortunately comes at a distressing time for the Petitioners on account



of the loss of a dearly loved one that was also the main bread-winner. As a result the Petitioners have not properly considered the full implications of the project upon their properties and interests. Your Petitioners would however, respectfully ask to reserve their right to raise further issues and objections in the light of any additional information received post petition submission.

8 Your Petitioners would also most humbly and mercifully ask the Honourable House to excuse the Petitioners if they have not provided a comprehensive list of the relevant clauses above, as it has been difficult to properly comprehend the details of the bill. The Petitioners trust that the Honourable House will show consideration to all the relevant clauses that have an impact on this petition.

9 Your Petitioners would like to include any persons, not specifically mentioned in this petition, in any conference or committee if they are identified as relevant to providing needed evidence or information pertaining to this petition.

10 Your Petitioners would moreover like to refer the Honourable House to the petition of THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF TOWER HAMLETS for relevant issues that have not been documented as part of this petition but where this petition forms an extension of the issues detailed therein.

11 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.

*Your Petitioners' concerns*

12 Your Petitioners would respectfully like to record their disappointment at the inadequacy of the Promoter's efforts to properly consult with your Petitioners on a non-generic level before the Bill was deposited in Parliament. The Petitioners had



been in written communication with the Promoters, and in particular Crossrail, seeking solutions to the specific concerns hereinafter appearing but were disappointed to be simply and continually referred to countless documentation that your Petitioners were not qualified to understand without the accompanying countless hours of research and the unwanted inconvenience that had been imposed.

- 13 Your Petitioners would like to express concern that the continual vibrations arising from the construction and subsequent use of the tunnel immediately under the properties will cause accelerated weakening of the English Heritage listed building structures (that is made from age-sensitive materials). The concern for vibrations also includes those vibrations that are not easily detectable by humans but nevertheless are still perceived to accelerate the process of damage and natural wear and tear to the building over time.
- 14 For vibrations that are detectable at the human level then these will cause upset to the current residents and commercial businesses.
- 15 For example, and only as far as a single commercial business is concerned, 'nicolereene' is a couture made-to-measure bridal shop that is aimed specifically at city professionals. The potential vibrations during and after construction are perceived to rob the company of its currently perceived professional environment and image. Furthermore, vibrations are seen to cause both machine oriented and hand-tailored oriented manufacturing problems due to the nature of the bridal materials and their delicate assembly.
- 16 As an accredited London landlord under the London Landlord Accreditation Scheme, the Petitioners (and in particular the property owners) property business plans and market audience are perceived to suffer as both current and potential commercial/residential tenants decline tenancy with us due to the seeming possibility of vibrations. This in turn will cause the property owners to re-evaluate



rental prices, which may even lead to the most undesirable affect of being forced to sell.

- 17 With regard to the above paragraph relating to the possibility of being forced to sell (on account of not breaking even or on any other account arising from the effect of the proposed tunnel) it is further understood from reputable local estate agents that property values will drop as a result of the very existence of the tunnel immediately below the properties, let alone any devaluation due to the vibrations themselves.
- 18 A further unwanted burden that is generated as a result of the Promoter's proposed tunnels immediately under the property is the pending rise in the Petitioners property insurance premiums due to, as the insurers term it, increased property risk.
- 19 In view of all the above paragraphed concerns the Petitioners RESPECTFULLY ask the HONOURABLE HOUSE to acknowledge these real-life concerns as a result of the proposed works immediately under the fragile listed buildings that are relevant to this petition. Please consider that the Petitioners do not object to the principle of the bill itself but do object to its promotion to law prior to agreeing with the Petitioners a personalised and legally binding document detailing a satisfactory compensation plan or otherwise that addresses all of the above-mentioned concerns. The Petitioners also MOST HUMBL Y and RESPECTABLY ask the HONOURABLE HOUSE that they are not simply referred away to countless public compensation plans or other documentation that may exist (as Crossrail have already done) as these have only led to more confusion. For this reason the Petitioners would again RESPECTFULLY AND GRACIOUSLY ask for a personalised and legally binding document that has been professionally discussed with the simple-minded Petitioners themselves, understood, and mutually agreed.



- 20 It is envisaged that the Petitioners will need a personalised and legally binding document that details the complete restoration of the building in the event of any damages caused at any time in relation to the works and subsequent service use. The document should also seek to agree with the Petitioners or more specifically the building owner(s) what the compensation will be for damages and for inconvenience due to damages.
- 21 It is envisaged that the Petitioners will need a personalised and legally binding document that seeks to agree with the Promoters and the Petitioners alike, as well as any other relevant parties, what the compensation will be for detectable vibrations as well as their affect on the properties, residents, and commercial businesses; 'Detectable vibrations' refer to those vibrations that are detectable both to humans and via sensitive measuring equipment – It is suggested, if not already considered by the Promoters, that instruments should be used to measure any natural mechanical vibrations before any work commences to provide a useful reference point for any additional vibrations caused due to the project.
- 22 It is envisaged that the Petitioners will need a personalised and legally binding document that seeks to agree with the Promoters and the Petitioners alike, as well as other relevant parties, what the compensation will be arising from the foreseen concerns mentioned herein as well as the unforeseen concerns in relation to the properties as well as to the residential and commercial aspects of the properties, all arising as a result of the Promoters construction and subsequent in-service plans.
- 23 Your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners all proper costs, charges and expenses (including the 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.



24 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far as affecting your Petitioners, the Bill should not be allowed to pass into law.

25 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights, interests and property of your Petitioners, and those who live and work in the Borough, and for which no adequate provision is made to protect your Petitioners and those who live and work in the Borough.



Conclusion

- 26 Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioners and those who live and work in the Borough.

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, 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 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 Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

