

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 GEORGE IACOBESCU CBE, RAYMOND BLOOMFIELD, RAMON GREENE, SHIRLEY GREENE and SARAH COOPER

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 Her Majesty’s Government.
- 3 (a) Clause 1 authorises the construction and maintenance of the works for the delivery of the railway transport system, which is known as Crossrail Line 1. The works are listed in Schedule 1 and shown on the plans and sections deposited with the Bill.
(b) Clauses 2 and 3 authorise ancillary works and give effect to Schedules 2 and 3 respectively.
(c) Clause 5 and Schedule 5 enable the nominated undertaker for Crossrail to take temporary possession of land in connection with the Crossrail works.
(d) Clause 6 authorises the Secretary of State compulsorily to acquire so much of land within the limits shown on the plans and sections accompanying the Bill as may be required for the Crossrail works. Clause 6(3) and Parts 2 and 3 of Schedule 6 apply certain legislation relating to compulsory purchase compensation, subject to

modification. The power of compulsory acquisition is subject to a five year time limit, extendable by order of the Secretary of State.

- (e) Clause 7 provides, among other things, authority for the Secretary of State by further compulsory purchase order to acquire land outside the limits shown on the plans and sections or land within the limits but not subject to the powers under clause 6, if required in connection with the Crossrail works.
- (f) Clause 10 provides for the grant of deemed planning permission for development authorised by the Bill and Clause 10(5) in particular applies Schedule 7 which sets out certain controls in favour of local planning authorities over detailed aspects of the Crossrail works.
- (g) Clause 11 provides that deemed planning permission for the scheduled works will be subject to a 10 year time limit, extendable by order of the Secretary of State.
- (h) Clause 15 and Schedule 8 disapply controls relating to historic buildings.
- (i) Clause 19 modifies Sections 60 and 61 of the Control of Pollution Act 1974 so that appeals relating to control of noise from construction sites are dealt with by the Secretary of State or through arbitration as opposed to the Magistrate's Court.
- (j) Clause 20 prohibits an order being made by the Court in the event that any proceedings are brought by a person aggrieved by a statutory nuisance, in circumstances where (a) the nuisance complained of is noise emitted from premises or noise emitted by vehicles machinery or equipment in a street and (b) these arise in consequence of the exercise of powers under the Bill in accordance with notices or consents issued under the Control of Pollution Act 1974.
- (k) Clauses 45 and 46 make provision for transfer schemes and nomination of undertakers respectively.
- (l) Clause 47 and Schedule 12 disapply and modify certain statutory controls.
- (m) Clause 50 applies Section 10(1) Compulsory Purchase Act 1965 (compensation for injurious affection) subject to the proviso that liability for compensation for land injuriously affected by the Crossrail works falls to the nominated undertaker, as opposed to the Secretary of State.
- (n) Clause 54 provides a power to modify deposited plans or the book of reference if they are inaccurate.

Introductory

4 Your Petitioners are the leaseholders of the following properties,

George Iacobescu CBE	4 Upper Brook Street, London W1
Raymond Bloomfield	3 Upper Brook Street, London W1
Ramon Greene	8 Upper Brook Street, London W1

Shirley Greene
Sarah Cooper

8 Upper Brook Street, London W1
48 Upper Brook Street, London W1

which are their homes.

- 5 Your Petitioners understand from the Environmental Statement's transport assessment that Upper Brook Street, London, W1 will be temporarily used as a lorry route to access the Davies Street and Hanover Square worksites for the construction of the two Bond Street rail stations.
- 6 Your Petitioners are greatly concerned at the proposal that Upper Brook Street will be used as a lorry route to access the Davies Street and Hanover Square worksites as Upper Brook Street (and Upper Grosvenor Street, which is also intended to be so used) because this will take construction traffic along the northern and southern flanks of the US Embassy, which is a level three potential target for potential terrorist activity. The use of Upper Brook Street and Upper Grosvenor Street by many construction trucks each day significantly increases the risk that a terrorist group will use such movements as a mask for its own activities. Your Petitioners are particularly concerned for the safety of themselves and all those in Upper Brook Street and Upper Grosvenor Street whose lives and properties would thus be endangered.
- 7 Your Petitioners and many other residents within the vicinity of the Embassy are currently pressing for Upper Brook Street and Upper Grosvenor Street to be permanently closed. The US Embassy is currently itself proposing that the streets be closed when there is a heightened security risk (to the extent that terrorist outrages are ever capable of prediction). In the circumstances, your Petitioners submit that alternative routes for construction traffic must be found.
- 8 Your Petitioners and their rights, interests and property are injuriously affected by the Bill. Your Petitioners do not object to the principle of the proposed railway transport system. However, your Petitioners are greatly concerned by the provisions of the Bill as they may affect their homes and lives. For this reason and having regard to the more detailed particulars referred to below, your Petitioners object to the Bill.

Structural damage

- 9 Your Petitioners are greatly concerned about the possible structural response of their homes to ground-borne vibration caused by the proposed lorry route. Insufficient information has been provided by the Promoter in its Environmental Statement's transport assessment to understand the likely affects of vibration and the effectiveness of any mitigation.

Environmental consequences of proposed lorry movements

- 10 Your Petitioners are greatly apprehensive about the environmental effects of the extensive works in the immediate vicinity of their homes and in particular noise and vibration from the proposed lorry movement on Upper Brook Street.
- 11 In relation to vibration, inadequate consideration is given by the Promoter in the Environmental Statement accompanying the Bill to the perceived nuisance effects of both vibration and noise. No information is included on the likely subjective response of individuals to such effects and your Petitioners are greatly concerned by this omission in the context of their houses.

Compensation provision

- 12 Your Petitioners further submit that provisions within the Bill regarding compensation are not sufficient to compensate your Petitioners adequately for the damage to their homes which they may suffer as a result of the use of the road as a lorry route.
- 13 Furthermore, to the extent that the powers under the Bill are not exercised following its enactment, your Petitioners will suffer significant blight and your Petitioners humbly submit that there is no or

alternatively that there is inadequate provision in the Bill for compensating your Petitioners in this regard.

14 Your Petitioners are also concerned that the provisions in the Bill for renewal of compulsory purchase powers and planning permission (clauses 6(7) and 11(2) respectively) are too widely drawn and prolong the period of blight suffered by your Petitioners' properties and others. Whilst the renewal of compulsory acquisition powers is subject to special Parliamentary procedure, your Petitioners humbly submit that greater protection should be given to owners and occupiers of land affected by the proposed works through regulation of the circumstances in which such renewal may be ordered. In the event that the validity of the powers or the planning permission is extended, your Petitioners seek provision for affected land owners and occupiers to be consulted and to be given the opportunity to make representations. Your Petitioners submit that as it currently stands the Bill fails to provide for such matters. This is a significant omission. During the time limit for compulsory acquisition powers (5 years) and for implementation of planning permission (10 years) circumstances can change significantly and so too the impact of the exercise of such powers or the implementation of such permission. It is essential that impacts should be comprehensively reassessed.

15 In circumstances, where your Petitioners' homes are adversely and injuriously affected by the construction of the proposed works and the operation of the railway system but where no interest is sought to be acquired, your Petitioner submits that the compensation provisions within the Bill are wholly inadequate.

Human Rights

16 Your Petitioners submit that in its current form and without further amendment or provision as sought by your Petitioners, the Bill is incompatible with the right of your Petitioners peacefully to enjoy their property. The Bill would unfairly interfere with such right contrary to Article 1 of Protocol 1 to the European Convention on Human Rights and fails to provide your Petitioners with sufficient right of participation in future determinations of your Petitioners' rights (for example in relation to the extension of the time limit for planning permission) contrary to Article 6 of the Convention. In particular, in your Petitioners' humble submission, the wide and extendable powers available to the Promoter and the inadequate provision for compensation in the particular circumstances with which your Petitioner may be presented renders the Bill incompatible with the Convention. With regard to the increased risk of terrorist activity in Upper Brook Street as a result of the proposals your Petitioners also pray in aid Article 2 (the right to life).

General

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

18 There are other clauses and provisions of 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.

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 its 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 and benefit, 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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AGAINST, By Counsel, &c.