

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL
PETITION

Against the Bill - 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 THE LONDON FISH MERCHANTS ASSOCIATION
ON BEHALF OF THE TENANTS OF BILLINGSGATE MARKET**

SHEWETH as follows: -

1. A Bill (herinafter referred to as "the Bill") has been introduced into and is now pending in your Honourable House entitled "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. Clauses 1 to 20 of the Bill set out the Bill's objectives as regards the construction and operation of the railway transport system described in paragraph 1 above. They include provision for temporary possession and use of land, compulsory acquisition, planning permission, heritage issues, noise and a defence against proceedings in respect of statutory nuisance. Clauses 21 to 44 establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.
3. The works proposed to be authorised by the Bill are specified in Clause 1 of and Schedule 1 to the Bill and are authorised to be constructed by "the nominated undertaker"
4. Your Petitioners are a company limited by guarantee which undertakes the functions of a trade association and service company on behalf 55 tenants of Billingsgate Fish Market including Your Petitioners the London Fish Merchants Association.

5. While your Petitioners support the decision to construct Crossrail there are a number of matters arising from the proposals in the Bill which are of considerable concern to your Petitioners. Your Petitioners believe that the fabric of the fish market and its environment will be unnecessarily injuriously affected by the works proposed to be authorised by the Bill.

Billingsgate worksite and Isle of Dogs Station

6. Your Petitioners are the Tenants of Billingsgate fish market, (which is owned and managed by the Corporation of London as the Market Authority) situated adjacent to the proposed Isle of Dogs station. The market operates as a wholesale market on weekdays. In addition the market is open for retail business. Saturdays and the days immediately prior to Christmas and Easter are particularly busy retail days. The retail business is essential for the profitability of the businesses trading in the market. The proposed compulsory acquisition of a large proportion of the market's car parking space would very seriously affect this business which relies on customers being able to remove their purchases by car. Also the compulsory acquisition of the building occupied by a tenant of the market (Docklands Fisheries Ltd) will seriously affect their viability to trade in the market if an alternative location on the market site was not available. The provision of compensation would need to be addressed if there was not an alternative location.
7. There are also well advanced plans for additional retail activities to take place in the market's car park on Sundays. The loss of part of the car park will reduce the area available for activities such as daytime car parking and the proposed Sunday market that generate revenue used to reduce the cost base borne by the market tenants. Your petitioners are concerned that the environmental impacts of the proposed works, the anticipated loss to the market's retail business as a consequence of the reduction in the availability of car parking space, and the loss of income generated by use of the car park, will result in the market ceasing to be viable.
8. The substantial reduction in the market's car parking space proposed in the Bill would have serious financial consequences for the market and even threaten its continued viability unless the car parking facility is replaced. Your Petitioners submit that prior to commencing the works proposed in the Bill the nominated undertaker should be required to provide an alternative to the current 150 car parking spaces through the construction of a multi-story car park on that section of the car park which is to be used by Your Petitioners.

9. The proposals in the Bill would result in the market being affected on the east, south and west sides by construction work. Your Petitioners are concerned that the market itself and the offices in the market building will be very seriously adversely affected by the works.
10. Your Petitioners are concerned that the works proposed in the Bill and in particular the use of the south east corner of the market site will jeopardise the continued functioning of the statutory fish market. The market is obliged to comply with strict food hygiene and health & safety legislation regulations. Your Petitioners are concerned that, while the ES (environmental statement) assumes that the market will continue to operate, no assessment has been made of the impact that the noise dust and vibrations from the works will have on to the market's ability to continue to operate while meeting statutory food hygiene and other health and safety requirements. Your Petitioners submit that the nominated undertaker should be required to implement measures to ensure that the operation of the market can be secured and that the means to be used should be agreed with your Petitioners.
11. Your Petitioners contend that effective physical and management systems for the control and monitoring of noise, vibration and dust should be in place both before commencement, and during the construction of the works. There must, in your Petitioners submission, be thresholds in respect of these emissions agreed between your Petitioners and the nominated undertaker. If any of these thresholds is exceeded the nominated undertaker should be obliged to cease construction until such time as measures are in place which will reduce the levels below the agreed threshold.
12. Your Petitioners are concerned that the works traffic to the proposed work site will damage the road and yard surfaces also that such traffic movements may interfere with the vital movement of goods to and from the market. Your Petitioners submit that the nominated undertaker should be required to undertake a condition survey of the road and yard surfaces before works commence, maintain the road to an agreed standard during the works and ensure that the road and yard surfaces are in no worse a condition than when originally surveyed at the end of the works. Further the nominated undertaker should be prohibited from running construction traffic to or from the site using the shared access road during the hours 8pm - 11 am Monday to Saturday when the market is operational. Such a restriction would substantially reduce the risk of congestion preventing the efficient working of the market.

13. Your Petitioners object to the proposal in the Bill to compulsorily acquire land at Billingsgate for use as a worksite and other purposes. The property identified in the deposited book of reference as nos 765 and 767 in the Borough of Tower Hamlets provides essential emergency access for fire tenders to the market buildings. Your Petitioners contend that it is unnecessary to transfer the ownership of this and other property at the site of the market. The construction and the running requirements of the railway would be adequately covered by the creation of easements by the inclusion of property nos 765 and 767 in paragraph 8 of Schedule 3 of the Bill. Further the construction requirements of the railway would be adequately addressed by the inclusion in Schedule 5 of the property identified as nos 770 and 752, enabling their use as a temporary work site, and their subsequent reinstatement by the nominated undertaker.
14. Your Petitioners are concerned to ensure that before West India North Dock is dewatered and deep excavations commenced appropriate stabilising measures have been applied to the dock wall on which the market building stands to protect it from collapse. Your Petitioners submit that the nominated undertaker should be required to agree stabilising measures with them before the works commence.
15. Your Petitioners and the other tenants should not suffer any loss what so ever caused by these works and any actions of "the nominated undertaker" and should be left harmless and compensated fully for any loss.
16. Your Petitioners therefore respectfully submit that the Bill should not be allowed to pass into law in its present form.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not pass into law as it now stands, and that they may be heard by themselves, their counsel or agents and witnesses in support of the allegations of this Petition, against so much of the Bill as affects their property rights and interests, and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit, and that they may have such other relief in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c