

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2005-2006

CROSSRAIL BILL

PETITION

Against the Bill  
Praying to be heard by Counsel etc.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND  
IN PARLIAMENT ASSEMBLED

THE HUMBLE PETITION  
Of  
THE SPITALFIELDS COMMUNITY ASSOCIATION

SHEWETH AS FOLLOWS:-

1. 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 of the Bill and shown on the plans and sections deposited with the Bill.
4. By Clause 1 of the Bill the Promoter seeks powers in executing any of the works proposed by the Bill to deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and to deviate vertically from the levels shown on the deposited plans sections to any extension downwards in all cases and to such extent upwards to any extent not exceeding 3 metres in the case of the underground railways or in the case of any of the other of the works for the purpose of constructing stations, depots or shafts or associated works as shown on the deposited plans and sections.
5. By Clause I Schedule 1 Works 1/26a, 1/26b and 1/26c of the Bill the Promoter seeks powers in relation to works at Whitechapel Tube Station to provide an interlink between Crossrail and the underground system.
6. By Clause 2 (Works: further and supplementary provisions) of the Bill the Promoter seeks powers to bring into effect Schedule 2, which contains provisions about the work which may be carried out, primarily to facilitate the main effort of construction of the scheduled works.
7. By Clause 3 (Highways) of the Bill the Promoter seeks powers under paras: 1-3 (inclusive) of Schedule 3 to stop up permanently, certain specified highways and to have all rights of way over or along such streets and footpaths extinguished after such stopping up.
8. By Clause 3 of the Bill the Promoter seeks powers under para:4 of Schedule 3 to carry out associated works conferred by paras: 1-4 of Schedule 2 in a way that permanently obstructs the highway, such associated works under Schedule 2 including general powers to carry out ancillary works additional to the scheduled works, the provision of highway accesses, the diversion of particular overhead lines, and the undertaking and maintaining of landscape or other mitigating works necessary as a result of the Crossrail works.

9. By Clause 3 of the Bill the Promoter seeks powers under para:5 of Schedule 3 to temporarily stop up, alter or divert any highway, to break up and interfere with the highways and divert traffic from it in respect of those highways named in column 2 of the table under para: 5(3) of Schedule 3 to the Bill for the purpose of executing the proposed works.
10. By Clause 3 of the Bill the Promoter seeks powers under para:15 of Schedule 3 to enter upon, take and use for Crossrail the subsoil of any highway where the subsoil concerned is subject to compulsory purchase under the Bill, without being required to acquire that subsoil or any right in it, except in respect of the areas listed in the table in the paragraph.
11. By Clause 5 (Temporary possession and use) the Promoter seeks powers to bring into effect Schedule 5, which contains provisions dealing with the temporary possession and use of land required for Crossrail.
12. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill, and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (a term defined in the Bill).
13. By Clause 6 (Acquisition of land within limits shown on deposited plans) Clause 7 (Acquisition of land not subject to the power under section 6 (1)) and Clause 8 (Extinguishment of private rights of way) of the Bill, the Promoter seeks powers to enter upon, take and use such lands delineated on the deposited plans and described in the deposited book of references as it may require for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.
14. Clauses 10-20 (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 preservations in so far as they are generally applicable to the works powers proposed in the Bill in respect of scheduled works begun within 10 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.
15. 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 affections.

## **Your Petitioner**

16. Your Petitioner is the Spitalfields Community Association (hereinafter called the "SCA:"); Spitalfields is sited in the London Borough of Tower Hamlets. Your petitioner was constituted in April 1998, and arose from other community based campaigns such as the Campaign to Save Spitalfields. The SCA was constituted with the remit of being involved with and participating in decision making processes that affect the quality of life, work and environment for everyone who lives, works or studies in the area (*the area is defined by clause 2 [Boundaries] of the SCA constitution*) ; protecting the interests of people living, working or studying in the area which may be affected by any significant redevelopment proposals; attempting to secure redevelopment which will primarily benefit the residents and small businesses in the area through low cost social housing, employment for local people, to increase and protect public open spaces and enhance shopping and community facilities; keeping the community informed of all significant redevelopment proposals in the area by involving as many people as possible in the planning process, and to encourage community led regeneration; linking with other groups and individuals who share similar aims and objectives; stimulating wider public interest in the area; maintaining an overview of significant redevelopment; promoting high standards of planning and architecture and securing the preservation, protection, development and improvement of buildings and features of historic or public interest. (*Clause 3.3 (a),(b),(c), (d) and (e) [Aims & Objectives] of the SCA constitution*)
17. Membership of the SCA is open to anyone who lives, works or studies in the Spitalfields area and currently there are 185 members the majority of whom live within the defined boundary of the association. The SCA is a member of both the Community Organizations Forum and The London Civic Forum. Members are also involved in a range of other local organizations such as youth and community projects and the local authority's Local Area Partnerships.
18. Since 1988, the SCA in it's previous form has been involved in many local issues including Petitioning the House of Commons on the City of London (Spitalfields Market) Act 1991, and matters relating to the Bishopsgate Goodsynd. The SCA is regularly consulted by the local authority on all planning matters relating to the Spitalfields neighbourhood.
19. Spitalfields is a very ancient area of London with a long and proud history of welcoming immigrants, the latest from Bangladesh, Somalia and North Africa. Because of the age of this neighbourhood, the majority of our streets follow an ancient pattern and are very narrow

and congested. Housing is predominantly provided by social landlords although there is a significant number of well preserved and occupied Georgian properties. Over recent years many disused industrial premises have been converted into live/work accommodation providing premises for artists and designers.

20. Spitalfields is a densely populated area but also welcomes a large number of visitors to the restaurants, bars and clubs on a daily basis. The narrow streets and pavements are crowded with vehicles and pedestrians from early one morning till very early the next. The two major proposed work sites in the heart of Spitalfields will last for more than 8 years and will, we believe have a seriously detrimental impact of the quality of life and the fragile infra structure of this historic and cohesive neighbourhood.
21. The SCA submits that the rights, interests and property of our members living and working within it's defined boundary will be seriously impacted and eroded by the Bill if it is passed into law in its present form. Some SCA members will be subject to compulsory purchase orders, and others will be in the immediate vicinity of the proposed works including the tunnelling site and the spoil removal routes. The SCA submits that the well being and health and safety of members will be seriously injured by the impacts of the Crossrail proposals. Furthermore many SCA members have not been advised of their rights to compensation and what action will be taken to protect their property and residential amenity during the construction period.
22. The SCA is aware that residents of Spitalfields will have to live with the prospect of the construction of Crossrail for many years creating a considerable amount of uncertainty and insecurity within the community which will be the result from the lack of clarity regarding funding for the Crossrail project. The resultant blight on both residential and business property will be detrimental to a vibrant cohesive community and to the local economy based on small family owned and run shops and restaurants. The SCA is deeply concerned by the concomitant detrimental effect upon the health and well being of the young, the vulnerable and the inarticulate members of our community. Therefore, the SCA objects to the Crossrail Hybrid Bill for the reasons set out in the following paragraphs.

***Premature submission***

23. The SCA is of the opinion that the Bill has been introduced prematurely because of the current uncertainty regarding the funding of the Crossrail scheme. The SCA is also gravely concerned about serious matters relating to Crossrail proposals for two major construction sites in the heart of the densely populated urban area of Spitalfields as well as the proposed works sites at Whitechapel tube station.

24. The SCA is concerned that as recently as 1 and 2 September 2005 the Promoter through Cross London Rail Links Ltd. arranged an Information Centre to inform the public of substantial changes to the proposed works at Whitechapel Tube Station. The Promoter intends to place appropriate additional provisions in relation to these changes to the Crossrail Bill plus a further Supplementary Environmental Assessment before Parliament and after the closing date for the submission of Petition

### ***Consultation***

25. The SCA wishes to record our serious concerns about the inadequacy of the promoter's efforts to engage in meaningful consultation with those living and working in this area prior to the Bill being deposited in Parliament. Our requests to the Promoter for information are frequently ignored, and when provided such information has often been disingenuous, misleading or in direct conflict with other information already provided.

26. As far as the SCA is able to determine, little account has been taken of the contents of a letter to the Promoter dated 7 June 2005, prepared by Richard Harwood of Counsel and signed by solicitors Bindman & Partners. The letter raised serious procedural defects in the Bill process under a number of headings including:- Consultation with the Public; Consideration of Responses; the Supplementary Environmental Statement; Reasons for Decisions and the Human Rights Act. This letter suggests the adoption of specific matters for the consideration of the Select Committee and the SCA believes that the reply dated 15 July 2005 from the Department for Transport does not deal adequately, fully or appropriately with the issues contained in the June letter. The reply glosses over the issues raised in a manner that does not give members of the SCA any confidence that members of the Select Committee will be provided with sufficient, adequate, substantive responses to the issues raised in order for them to be able to deal with all of the serious issues raised in this Petition.

### ***Environmental Impacts***

27. The SCA submits that Crossrail have not provided adequate clarification as to the assertions and assumptions made in the Environmental Impact Statement about Crossrail related noise impacts on the 3 schools namely the Thomas Buxton Junior and Infants school, the St. Annes Roman Catholic Primary school and the Osmani Primary school all located in the immediate vicinity of both Hanbury Street and Pedley Street. Therefore, the SCA reserves the right to raise this issue again if necessary.

28. The SCA understands that shaft sinking, tunnelling and related works have the potential to have a seriously adverse environmental impact on adjacent areas and facilities, as well as constituting serious underground risks. The particular nature of the environmental impact risks is fundamentally linked to the types of construction processes used, and in Spitalfields this will include noise and vibration, dust, ground settlement, traffic disruption and possible discharges to drains or watercourses.
29. The magnitude of the environmental impacts also depends on the time period and geographical area affected by the works. Key factors for consideration include the duration of activities causing impact, requirements for extended hours working, materials supply system and routes, spoil movement arrangements and visual intrusion.
30. The SCA also has concerns concerning the detrimental effect on residential amenity and health and safety for those living and working in Spitalfields from the proposed hours of work which are in excess of those acceptable to the local authority, the noise and dust that will be generated and the heightened air pollution from the generated dust and the increase in large vehicle movements., with their attendant hazards. Spitalfields is an area which already has one of the highest concentration of air pollution in the country with the consequential result of a high level of children suffering with asthma and eczema.

### ***Construction impacts***

31. The SCA is aware that it is proposed that there will be site preparations and construction activities at two specified points (*Hanbury Street and Pedley Street*) within the SCA boundary, as well as the proposed works at Whitechapel tube station which is immediately adjacent to the SCA boundary. The impact of this activity will be felt for a period of at least 6 years to the serious detriment of those living and working in the area. These activities will be in addition to other major projects directly affecting the area, which have either already commenced and are ongoing, or are due to start during the same 6 year period. These other major projects include the planned regeneration of the Royal London Hospital (*to the immediate south/east of the SCA boundary and sited directly opposite the proposed Whitechapel Tube Station works*) the East London Line Extension combined with the Bishopsgate Goodsyrd regeneration (*within the SCA boundary*) and the Aldgate Development Scheme (*adjoining the SCA boundary*)
32. The Crossrail base case is that a major part of the central London tunnelling is to be undertaken from a shaft at Hanbury Street with an adit shaft and tunnel at Pedley Street; both sites in Spitalfields The result of this would be that extensive surface works are required to support the tunnelling operations, supplying materials, removing excavated soil, and the

introduction of very large tunnelling heads on low loaders all having to use very narrow and congested streets. Spitalfields is the only urban area along the entire route of Crossrail that will have 2 major construction sites in its midst. Spitalfields is a densely populated area comprising a majority of social housing, Georgian buildings and recent loft/warehouse conversions. The streets follow ancient patterns and are therefore very narrow. They are heavily congested and bordered by restricted and well used pavements.

33. The SCA has key concerns relating to the tunnelling proposals and these include doubts over the best location for the shaft required between Liverpool Street and Whitechapel. The SCA questions, in the first instance, the need to launch and service tunnelling machines from Spitalfields. It is clear that if the Promoter of the Bill is authorised to implement the current plans for Hanbury Street and Pedley Street, there would be substantial disruption to residents and commercial activities in the area, including significant compulsory acquisition of relevant properties.
34. It is the SCA's view that a cost benefit analyse which addresses such disruption and degradation in the widest sense must be axiomatic to the commercial assessment of a project of such enormity .
35. Because of the narrow width of the streets, at present many are one way and others have been converted into no through routes. To support the proposed construction sites traffic flows will have to be changed and some streets converted back into through routes. Even with these changes we predict that construction vehicles will experience difficulties in negotiating round the streets. The present construction traffic flow proposals are for lorries to remove spoil on a route that will immediately pass the 3 primary schools named in paragraph 27 above as well as a rehabilitation hostel and houses accommodating vulnerable adults. The introduction of tunnelling heads will be on low loaders which will have to negotiate these narrow streets with very tight curves and corners
36. There are substantial matters outstanding relating to the risk of ground settlement associated with the type of tunnelling machinery proposed for use in the construction of this section of the central London tunnel. There is a fundamental and continuing lack of clarity in the answers provided by the Promoter to our questions regarding compulsory purchase of property, subsidence damage to property, temporary re-housing of residents and relocation of businesses as well as residential and commercial rights to financial compensation
37. The SCA submits that the base case for two major construction sites in Spitalfields, one at Hanbury Street to be used as a major tunnelling site, and the other, which is the adit tunnel and spoil removal site with conveyor belt works at Pedley Street, is not proven. The SCA

submits that plausible alternatives to the Crossrail base case exist, and have not been considered and therefore should not be ruled out as alternatives. In addition serious disquiet has been demonstrated regarding the design, construction and capability of the conveyor belt proposed to be built from Pedley Street to Mile End park for the removal of the soil from the central London tunnelling works from Hanbury Street.

38. At present it is intended that there will be major work sites at the western portal of the central London tunnel at Paddington in the London Borough of Westminster and at the eastern portal of this tunnel at Stratford in the London Borough of Newham. The SCA submits that the entire central London tunnel can and should be undertaken by end to end tunnelling from the Paddington and the Stratford sites. We believe that the design, time scales, cost implications, environmental impacts and other relevant considerations of the construction of such an alternative should be provided by the Promoter. Therefore the SCA respectfully submits that the Crossrail base case for launching major tunnelling works from Spitalfields is not proven.

39. Therefore as the Petitioner, the SCA reserves the right to raise the above matters and any further matters of concern relating to the substance of the Crossrail Bill and this Petition that may arise from continuing discussions, the preparation and publication of expert reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee

40. Accordingly the SCA requests that:-

- a. the Promoter should be required to continue to investigate fully the merits of end to end tunnelling;
- b. the Promoter should be required to provide comprehensive evidence and justification why the end to end tunnelling method of construction for the central London tunnel is not considered as a more appropriate means of proceeding with the project;
- c. the Promoter should be required to demonstrate that all outstanding, and justified concerns together with the environmental impacts of this project on the Spitalfields area, and which are set out in this Petition, have been addressed and resolved to the satisfaction of the SCA according to current environmental laws;
- d. the Promoter should be required to provide comprehensive environmental, engineering and financial justifications for his choice of the Hanbury Street tunnelling site and the adit tunnel and consequential works at Pedley Street;

- e. the Promoter should be required to continue to investigate alternative means of removing spoil from the Hanbury and Pedley Streets sites which would then exclude the need for the construction of a lengthy conveyor belt from the latter, with its concomitant problems of operation;
- f. the Promoter should be required to provide a regime of construction arrangements that give full and adequate control to the local authority and affected residents to minimise the adverse impacts of construction; and
- g. insofar as the adverse impacts of construction cannot be prevented then the Promoter should be required to provide a clearly agreed and codified compensation regime that adequately reflects the damages for harm caused to those adversely and injuriously affected, together with a clearly defined method by which such compensation may be assessed, appealed against and paid
- h. the Promoter should be required to provide a Code Of Construction Practice that provides a regime to ensure the maximum protection for and reduction of excessive harm to residential amenity

41. The SCA submits that the Bill should not be permitted to proceed into law without the addition of clauses to ensure that:

- a. any reinstatement/redevelopment at Hanbury Street and Pedley Street that is made necessary by the Crossrail project is carried out in a manner and style that is appropriate to the area in which it takes place; and
- b. the appropriate person or body responsible for securing compliance with that obligation (including compliance with any relevant provisions of the Promoter's final codes of construction practice) is identified in the Bill.

42. For the above and connected reasons the SCA submits that, unless the Bill is amended as proposed above, so far as affecting residents and businesses in Spitalfields, the Bill should not be allowed to pass into law.

43. 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 residents and businesses in Spitalfields, and for which no adequate provision for the protection of such rights, interests and property has been made.

44. The SCA submits that its members and the community whose members it represents have lately acquired rights concerning:-

- i) access to environmental information;
- ii) public participation in the decision making process; and
- iii) access to environmental justice

under the provisions of the Aarhus Convention which has largely been transposed into UK legislation through EC Directives and Legislation. The SCA respectfully submits that this Bill deprives those who Petition of their rights under this convention, either in whole or in part.

***Conclusion***

45. The SCA submits that, in the respects mentioned here and in other respects, the Bill fails adequately to safeguard and protect the interests of those living and working in the Spitalfields area.

46. 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 Roll B Agent 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 Petitioners in the premises as your Honourable House shall deem meet.

47. AND YOUR PETITIONERS WILL EVER PRAY &c.