

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL H.C.

P E T I T I O N

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

VILLIERS PARK PROPERTIES LIMITED

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 Mr. Secretary Darling supported by the Prime Minister, Mr. Chancellor of the Exchequer, Secretary Margaret Beckett, Secretary Peter Hain, Secretary Alan Johnson, Secretary Tessa Jowell and Derek Twigg.
3. The Preamble to the Bill recites that it is expedient for 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.

4. Clause 1 (Construction and maintenance of scheduled works) of the Bill would enable the nominated undertaker to construct and maintain the works specified in Schedule 1.
5. Clause 2 (Works further and supplementary provisions) of the Bill will enable the nominated undertaker to carry out the works in Schedule 2 to the Bill.
6. Clause 3 (Highways) of the Bill would enable the nominated undertaker to exercise the powers in Schedule 3 to the Bill.
7. Clause 5 (Temporary possession and use) would enable the nominated undertaker to exercise the powers in Schedule 5 to the Bill.
8. Clause 6 (Acquisition of land within limits shown on deposited plans) would enable the Secretary of State to acquire or use land for specified purposes.
9. Clause 7 (Acquisition of land not subject to the power under section 6(1)) would enable the Secretary of State to acquire or use outside the limits of deviation.
10. Clause 8 (Extinguishment of private rights of way) would enable private rights of way to be extinguished.
11. Clause 20 (Proceedings in respect of statutory nuisance: defence) would provide the nominated undertaker with a defence in respect of statutory nuisance.
12. Your Petitioners are a family owned property investment company which has long leasehold interests in land in the London Borough of Ealing. Your Petitioner's principal asset is the Villiers House office block and associated shops at Ealing Broadway Station.
13. 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.
14. Your Petitioners are gravely concerned that the powers sought in the Bill go beyond what is reasonably required to achieve implementation of the Crossrail proposals, particularly in relation to the acquisition from Your Petitioners of land and rights in land on both a temporary and permanent basis. Your Petitioners believe that CLRL should further consult with Your Petitioners and give appropriate undertakings, alternatively amendments should be made to the Bill to ensure that where land or rights are required in part or on a temporary basis or for limited purposes only, that permanent acquisition of land or rights will not be taken under the terms of the Bill.

15. Your Petitioners are gravely concerned that construction of the Crossrail proposals will have a considerable and detrimental impact on its land and interests in land adjacent to the Great Western Railway Line (“**the railway line**”) to the west of central London. In particular Your Petitioners hold a long leasehold interest in the office block and retail units that form part of Ealing Broadway Station as well as land adjacent to the railway line off Haven Green which consists of a car park for the office building, which is directly and specifically affected by the Bill. The office accommodation is sublet to the BBC who in turn sublet it to Media Accountancy Services Limited who carry out the BBC’s internal accounting. The retail units are let to a variety of retailers and include three retail units (two of which have been amalgamated into one unit) in the ticket hall of the station.
16. Your Petitioners believe that CLRL should consult Your Petitioners and give appropriate undertakings, alternatively amendments should be made to the Bill with a view to minimising the temporary and permanent construction impacts particularly in relation to restrictions, noise, dust and vibration.
17. Your Petitioners believe that the current proposals to use the powers in the Bill will seriously inhibit Your Petitioners’ ability to optimize the use and development of its land and interests in land and will cause prejudice to Your Petitioners through unnecessary blight. Your Petitioners believe that CLRL should consult Your Petitioners so that impact of the proposed works can be minimized so that Your Petitioners’ land and rights in land are not adversely affected and future development and redevelopment can take place whilst also enabling the sensible implementation of the Crossrail proposals.
18. Your Petitioners also require an indemnity from Crossrail that the proposed works will not be of long term or irreversible detriment to the land and interests of your Petitioners. Such indemnity would also remedy any damage, claims, demands, proceedings, costs, damages, expenses and disruption arising from the construction of the proposed works.

Works in the vicinity of Ealing Broadway Station

19. CLRL has informed Your Petitioners that rights to be acquired over land parcels 127 and 128 are required temporarily for construction purposes.
20. Your Petitioners do not object to the acquisition of such rights over land parcels 127 and 128 (subject to the payment of compensation) for the purposes identified by CLRL. However, the provisions of the Bill as drafted are not limited to the acquisition of rights for purposes identified and would permit CLRL to acquire permanently those parcels of land. Your Petitioners therefore seek amendments to the Bill or appropriate undertakings to limit the

acquisition of rights in land parcels 127 and 128 temporarily to and for the purpose identified and intended.

21. Your Petitioners have further been informed that CLRL do not require land parcels 109, 112, 113 and 129 for the construction or operation of the authorised works and accordingly Your Petitioners therefore request that these land parcels be excluded from the Bill by way of amendment or that CLRL give appropriate undertakings that these parcels will not be acquired.
22. Your Petitioners have rights and interests in land in the office block called Villiers House (land parcel 131), which is above the ticket hall to the existing Ealing Broadway Station. Your Petitioners have been informed that CLRL do not require the land and rights in land in the office block above the existing ticket hall and accordingly Your Petitioners therefore seeks that the Bill be amended or appropriate undertakings given by CLRL to limit the acquisition of land and rights in land parcel 131 to and for the purpose identified and intended.
23. Your Petitioners believe it is unnecessary and inequitable to seek to acquire permanently the above mentioned land parcels where limited and temporary rights are sufficient for the purposes intended by CLRL. Your Petitioners further believe that unless the limits and purposes of the proposed acquisition of its land parcels is made express and specific Your Petitioners will be prevented from planning and redeveloping those parcels in the most appropriate manner and unnecessary blight will be caused particularly given the long time scale for implementing such works.
24. Your Petitioners have been informed that CLRL do not require land parcel 133 for the construction and/or operation of the authorised works and accordingly Your Petitioners therefore request that this land parcel be excluded from the Bill by way of amendment or that CLRL give appropriate undertakings that this parcel will not be acquired.
25. In so far as works are to take place in the vicinity of Your Petitioners existing buildings which are occupied and used as shops and offices (in particular land parcels 129 and 131) and which are not to be acquired Your Petitioners seek assurance and undertakings from CLRL that:
 - (a) there will be no interference in the use or occupation of those land parcels to remain vested in Your Petitioners or the use of these parcels by Your Petitioners or its lessees and/or tenants and/or licensees; and
 - (b) there shall be no undue interference to such land parcels or to the use of those parcels by Your Petitioners, its lessees, tenants and licensees through from sound or vibration during construction and/or operation of the authorised works;

- (c) that the street frontages (if any) currently enjoyed by those parcels shall not be interfered with or otherwise obstructed from view during and by reason of the construction of the authorised works;
 - (d) that access including emergency access to those land parcels and in particular the office block at land parcel 131 shall remain open and unobstructed both for pedestrians and vehicles and those requiring disabled access; and
 - (e) that CLRL indemnify Your Petitioners for any damage or interference to the structure or erections on the retained parcels of land or for any claim upon your Petitioner by its lessees and/or tenants and/or licensees arising from interference with their occupation and use of the parcels during construction and/or operation of the works.
26. The offices and retail units in the land parcels 130 and 132 are integral to Your Petitioner's operations and it is understood that CLRL will permanently acquire such land parcels for the construction of a new entrance and ticket hall for Ealing Broadway station. Your Petitioners do not object to the principle of such permanent acquisition (subject to the payment of compensation), however, having regard to the purposes for which these land parcels are being permanently acquired Your Petitioners seek amendments to the Bill or appropriate undertakings given so that where such land within those parcels is not required for the purposes of the works it is reinstated to and vested in Your Petitioners.
27. For the foregoing and connected reasons Your Petitioners respectfully submit that unless the Bill is amended as proposed above clauses 1 to 8 and clause 20 so affecting Your Petitioners 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 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 Right 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 or Agents and witnesses in support of the allegations of the Petition against so much of the Bill as their property rights and interests of your Petitioner and in support of 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 Right Honourable House may deem meet.

AND YOUR Petitioners will ever pray, &c.

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