

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

BOYNE VALLEY PROPERTY CO 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 predominantly a family owned property investment company which has the Boyne Valley Industrial Estate in the Royal Borough of Windsor and Maidenhead.
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 the scale of what is reasonably required to achieve implementation of the Crossrail proposals particularly in relation to the acquisition 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 on a temporary basis only that permanent acquisition of land or right 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.
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. 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 Maidenhead Station

19. Your Petitioners are particularly concerned about the powers in the Bill to acquire land and interests in land as well as a power to construct the proposed works in the vicinity of Maidenhead Station (land parcels 4 to 20). CLRL have informed Your Petitioners that in relation to the following land parcels in which Your Petitioners have land and interests in land (land parcels 6,7, 8, 9 and 10) these parcels are required for a temporary period during the construction process. In the circumstances Your Petitioners believe it is unnecessary and inequitable to seek to acquire permanent rights in relation to the above mentioned land parcels where limited and temporary rights are sufficient for the construction of the works. Your Petitioners believe that the use of the above-mentioned land for the construction of the works will cause serious disruption to the businesses on such land. Your Petitioners further believe that the use of the above-mentioned land in the manner currently proposed will prevent Your Petitioners from redeveloping such land in the most appropriate manner and cause unnecessary blight particularly given the long time scale for implementing such works. In the light of the fact that CLRL have indicated that they only require temporary rights for limited purposes Your Petitioners request that the Bill be amended or appropriate undertakings are given so that CLRL

may only acquire limited and temporary rights for the purposes of constructing the proposed works in relation to land parcels 6, 7, 8, 9 and 10.

20. 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.
21. 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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