



IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL BILL

PETITION

Against the Bill – 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  
THE FAIRFIELD CONSERVATION AREA RESIDENTS ASSOCIATION

SHEWETH as follows:-

1. A Bill (herinafter referred to as “the bill”) has been introduced 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. The Bill is promoted by the Secretary of State for Transport (hereinafter called the “Promoter”).
3. The substance of the Bill will be delivered by the Undertaker, a term defined in the Bill.

Relevant clauses of the Bill

4. 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 to the Bill and shown on the plans and sections deposited with the Bill.
5. By Clause 1 of the Bill the Promoter seeks power, 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 to any extent downwards in all cases and to such extent upwards to any extent not exceeding 3 metres either in the case of the underground railways or in the case of any of the other works for the purposes of constructing stations, depots or shafts or associated works as shown on the deposited plans and sections.

6. By Clause 3 (Highways) of the Bill the Promoter seeks power under paragraphs 1 to 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 stoppings up.
7. By Clause 3 (Highways) of the Bill the Promoter seeks power under paragraph 4 of Schedule 3 to carry out associated works conferred by paragraphs 1 to 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 mitigation works necessary as a result of Crossrail Works.
8. By Clause 3 (Highways) of the Bill the Promoter seeks power under paragraph 5 of Schedule 3 to temporarily stop up or divert any highway, to break up and interfere with the highway and to divert traffic from it in respect of those highways named in column two of the table under paragraph 5(3) of Schedule 3 to the Bill for the purpose of executing proposed works.
9. By Clause 3 (Highways) of the Bill the Promoter seeks powers under paragraph 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.
10. 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).
11. Clause 5 (Temporary possession and use) authorises the nominated undertaker to temporarily possess and use land necessary for the purposes of the Bill as described in Schedule 5 to the Bill and shown in the plans and sections deposited with the Bill.
12. Clause 6 (Acquisition of land within limits shown on the deposited plans) authorises the Promoter of the Bill to acquire land shown on deposited plans for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.

13. Clauses 10 to 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 preservation in so far as they are generally applicable to the works powers proposed in the Bill in respect of scheduled works begun within ten 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.
14. 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 affection.

Your petitioners

15. Your petitioners are the Fairfield Conservation Area Residents Association (hereinafter called FCARA). FCARA is a residents association formed in 2004 with 100 members from the local and wider community. The purpose of FCARA is to represent and promote the interests of the local community in the area of the Fairfield Conservation Area.
16. The Fairfield Conservation area is a portion of Fairfield Ward, Bow East, E3 in the London Borough of Tower Hamlets, predominantly consisting of domestic terraced properties circa 1900, Bow Boys School and the former Bryant and May match factory now also domestic properties.
17. It is respectfully submitted that the rights and interests of your Petitioners, and others who live and work in the vicinity of the Fairfield Conservation area, will be injuriously affected by the Bill if it is passed into law in its present form. Accordingly, your Petitioners object to the Bill for the reasons, among others, hereinafter appearing.

Your Petitioners' concerns:

1. Your Petitioners are especially concerned with the problems of noise, vibration, subsidence, dust and dirt, hours of work, impact on quality of life, loss of property value and ability to sell property.
2. Your Petitioners submit that the Promoter's approach has been to develop a proposal based on a particular route rather than to consider the options and alternatives. Such a proposal is essentially an engineering solution to a series of challenges resulting from a predefined selection. We submit that the proposal presents its own justification without adequately exploring alternatives.

3. We also submit that the extent of impact on Fairfield Conservation Area is in direct proportion to the depth of the tunnels under the area and that what is fundamentally reasonable and responsible has not been considered.
4. Your Petitioners submit that, in pursuing the proposed route under the Fairfield Conservation Area, the Promoter has specifically avoided properties with deeper foundations and with the greater potential to accommodate the risk of noise, vibration and subsidence, instead targeting those properties with the least foundations. As the area is a conservation area, this is particularly inappropriate.
5. Your Petitioners are concerned that the Promoter proposes two tunnels, running parallel, under a local park and residential properties, at a depth of as little as 11 metres, not including the proposed vertical deviation. With the proposed vertical deviation, this could be as little as 8 metres. The park is a well used public open space with historic trees, the circa 1904 properties have negligible foundations consistent with the period of their construction. The Undertaker is aware of the limited foundations of these properties and that more recent developments in the area have 25 metre depth pile foundations, considered necessary by their developers to accommodate risk potential associated with land fall, drainage and local ground conditions.
6. Your Petitioners are concerned that the Undertaker's justification for the shallow depth of tunnels together, with a work site on the east side of the River Lea, is that the railway must be at surface level at the Pudding Mill Lane Station.
7. Your Petitioners are firmly of the opinion that end to end, or 'portal to portal', tunnelling and materials disposal would be the most suitable option for securing the construction and that the eastern portal should be at Stratford not at Pudding Mill Lane. This would allow the tunnels to run much deeper under Fairfield Road Conservation Area with the minimum environmental impact and disruption to Fairfield Conservation Area and surrounding communities. We have yet to see convincing evidence that the Promoters of the Bill have properly considered this and the arguments against the present proposals.
8. Your Petitioners are concerned that the Undertaker proposes 2 work sites within the conservation area, referred to as Wick Lane and Baldock Street, 2 access points to these sites from the A12 and suggested works at these sites for periods between 6 and 15 months. Such works to involve digging shafts and associate works, and lorry movements, during peak and off peak periods for the purposes of redirecting sewers and construction of a boring machine. The legacy and impact of such works, in terms of on going operation and maintenance of machinery and equipment, and future reinstatement is unclear. Your Petitioners are concerned that such proposals were not presented as information available at public displays nor were they disclosed to affected residents, the residents association or to the local Planning Authority . Such information only came to light, by chance, within days of the submission of this petition.
9. Your Petitioners are concerned that the Undertaker has undertaken test bores in the area, and that only after repeated requests have outputs from these been made available,

without a clear explanation of the implications, considerations, or design modifications arising from them and without the time to properly consider them before submission of this petition. Your Petitioners have yet to be provided with the outcome of such surveys or any implications, despite requests.

10. Your Petitioners suggest that it is inappropriate for the Promoter to disregard the potential affects of tunnelling, shaft digging and work sites on terrace properties not immediately overlying the proposed tunnels, whether or not proximate to work sites and shafts because, having negligible foundations, it is the adjacent properties which will provide support to those immediately overlying the tunnels and adjacent to work sites and shafts and because the extent of vibration and underground movement has not been established.
11. Your Petitioners suggest that insufficient consideration has been given to the likely effects and potential damage, both to properties directly above tunnels and adjacent to work sites and shafts and to properties in the same terrace, resulting from tunnelling and shaft digging and use, severally and cumulatively and in conjunction with the existing uses of the area, including the Great Eastern Railway Line and the A12, Blackwall Tunnel Approach.
12. Your Petitioners are also considered that insufficient consideration has been given to the implications of the land fall and the changes in ground level in the area where conversely, the tunnels will be rising and there will also be shafts and work sites.
13. Your Petitioners are concerned that at the time the Bill was presented that the Undertaker had not stated what the level of noise and vibration and the risk of subsidence in the area would be and how these would be contained.
14. Your Petitioners question what liability and responsibility it is reasonable for individual property owners and small businesses to severally accommodate, in relation to the proposed major construction. Your Petitioners suggest that national and local government and other professionals which are or might be involved in the planning and or the delivery and use have a greater capacity to safeguard and ensure probity, than do individuals, whose likely course of action would be after detriment and only to the extent that such detriment may be mitigated or compensated for.
15. Your Petitioners suggest that the Promoter's proposals for compensation, which apply only to those properties overlying or immediately adjacent to the tunnels, are time limited and take insufficient regard to the fact that an individual's home is most often their primary asset and associated with considerable personal expenditure . Your Petitioners suggest that the compensation be extended to all properties in the area that may be affected, be not time limited and recognise that properties may be significantly devalued and or harder to sell.
16. Your Petitioners are concerned that the method of calculation of property value, together with the blight of the properties by the proposals, has the effect of devaluing the affected properties and allows the properties to be purchased at less than market value and that any

compensation would be associated with this value. Your Petitioners suggest that property valuation should be based on equivalent properties completely unaffected by such development. Your Petitioners also submit that property owners in the local area should be compensated for the property blight.

17. Your Petitioners are concerned that the proposed vertical and lateral deviations mean that property owners cannot be certain about the extent to which they may be affected. Whilst the Undertaker has distinguished between a few that will be affected and the majority who it suggests will not, the proposed deviations mean that this is uncertain. Further, it indicates that the numbers that will be affected cannot be precisely determined.
18. Your Petitioners suggest that the potential negative health impacts, progressive and cumulative impacts, of tunnelling, work sites and shafts, noise, vibration, potential subsidence and stress warrant a more thorough assessment than has so far been undertaken and that the short, medium and long term impact on the area and the community and the extent of reasonable and responsible steps in amelioration, compensation and restitution, should be fully considered.
19. Your Petitioners are concerned that the proposed use of the Great Eastern Railway to dispose of spoil and other arisings, resulting from excavations further west, and the use of the A12 to provide access and to dispose of spoil and other arisings, will also have negative impacts in terms of disturbance, noise, dust and vibration and that these and their impacts should be properly considered and regulated.
20. Your petitioners suggest that lighting, noise dust and dirt from work sites within the conservation area and from those east of the River Lea will impact on the area and that such environmental impacts have not been adequately considered by the Promoter.
21. Your Petitioners are concerned that the Promoter and Undertaker have endeavoured to marginalise the impact on local residents and businesses both in terms of physical implications and in the numbers that will be affected. Your Petitioners suggest that the whole community will be affected and that recent and pending planning approvals mean that the area will be much more heavily populated and the local community will be a great deal bigger by the completion of the proposals.
22. Your Petitioners are also concerned that the extreme local impact will be in contrast to the absence of local benefit. Given the extent of the local impact such a concern is not one of selfishness but a recognition that for this community there are no saving graces and that such an extreme impact is unreasonable and avoidable.
23. Your Petitioners submit that there has been insufficient realistic cost and impact modelling, of the existing proposal and much less for alternatives. Your Petitioners are concerned that arbitrary deadlines and tardy and limited disclosure have had negative impacts on responsible consultation and design. The Undertaker continues to publish documents which, in order for them to be properly considered, ought to have been available before the Bill was submitted.

24. Your Petitioners submit that insufficient weight has been given to the fact that this area is already subject to substantial development, that new developments will include the 2012 Olympic complex, in the same area as a major Crossrail worksite, and that the area is already bounded and bisected by very busy roads including the A11 and A12 and the Great Eastern Railway. Your Petitioners submit that the combined and several affects of these be properly considered.
25. Your petitioners note that the Bill and the supporting documents adopt similar regimes to those established for the construction of the Channel Tunnel Rail Link. Your Petitioners are pleased to note that this regime will include agreement codes of construction practice consisting of general conditions relevant to worksites, and site specific conditions for each individual site. Your Petitioners are concerned that the collapses at Stratford should not be replicated, that the method of operation and the codes of practice be such that this cannot occur and that there are systems in place to ensure this is fully complied with.
26. Your Petitioners submit that the best available measures to ensure against subsidence, to control noise and vibration and minimise the impacts should be considered as the benchmark for this scheme. Your Petitioners respectfully submit that the scheme should not proceed until subsidence, noise and vibration reduction and control measures, that will ensure the highest standards, are in place.
27. Your Petitioners are concerned that noise and vibration may be radiated into buildings. Your petitioners submit that the Promoter should be required to ensure that groundborne noise and vibration during construction and subsequent use of the tunnels and shafts be kept to an absolute minimum by the use of the most advanced technology and machinery and the best possible methods and equipment , subject to stringent design standards. Your Petitioners also submit that the Promoter should be required to ensure that the highest standards are met in terms of lifespan and maintenance and that the nominated undertakers should be subject to consultation and compensation where designated noise and vibration standards are breached.
28. Your Petitioners are concerned that the Bill provides for outline planning permission for the development authorised by the Bill, and disapplies wholly or in part a number of other statutory regulation regimes which would normally apply. Your Petitioners wish to ensure that there is a robust mechanism in place and that the existing regulatory framework is only set aside when absolutely necessary.
29. Your Petitioners are concerned that the local area and the proposed portal are on the edge of a flood plain and that there is already water seepage through existing structures including the A12 Black wall tunnel approach. Local usage also has it that there is an underground spring in the area. To date, the Undertaker has not been able to provide precise details of the flood control measures or of the impact of these measures in the area. The Undertaker has suggested that low points would be created to allow water to collect in the tunnels and that such water would be expelled by pumping. Your Petitioners suggest that the flood planning and flood control measures be subject to the same rigour

as the rest of the proposals lest they otherwise have unforeseen or poorly considered consequences.

30. Your Petitioners submit that the hours of work proposed by the Promoter for construction and works exceed those hours of work that are applied to developments under the control of the local planning authority and have exceptions that fail to meet the local noise and vibration policy. Your Petitioner submits that not only does a proposed development such as this not justify extended hours and special exemptions but that the time involved and extent of development particularly warrant proper controls and regulatory review.
31. Accordingly, your petitioners submit that all nominated undertakers be made subject to suitable standards in respect of each of the above matters and that there should be provision for suitable mitigation measures. Furthermore, as it is accepted in the Environmental Statement that such mitigation measures are disruptive and inconvenient for the occupants of affected buildings, and may not be wholly effective in eliminating the relevant impacts, your Petitioners respectfully submit that there should also be provision for compensation to be paid where the relevant standards and policies are breached and or where detriment may be established.
32. Your Petitioners also submit that the extent of groundborne noise and vibration resulting from the use of tunnels and shafts on completion, considered against the highest possible standards for what is reasonable, should dictate the hours and extent of operation of the tunnels and shafts once in use.

#### Conclusion

33. Your Petitioners submit that, for the reasons set out above, the Bill fails adequately to safeguard and protect the interests of the Fairfield Conservation Area Residents Association and the local community.

YOUR PETITIONER therefore prays that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its officers, Agent and witnesses in support of the allegations of the Petition against so much of the Bill as affects the rights and interests of your Petitioner and in support of amendments or provisions as may be necessary or expedient for its protection, or that other revile may be given to your Petitioner as you Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.