

**HOUSE OF COMMONS
SESSION 2005-06**

**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 JAPAN AIRLINES COMPANY LIMITED

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced into 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. By Clause 46 of the Bill it is proposed that the Secretary of State ("the Promoter") may by Order (inter alia) provide that a person specified in the Order shall be the nominated undertaker ("the nominated undertaker") for such purposes of such provisions of the Bill as may be so specified and by Clause 1 of the Bill it is proposed that the nominated undertaker should be authorised to construct and maintain the works specified in Schedule 1 of the Bill ("the Works") and that Schedule 2 which contains further and supplementary provisions about works should have effect.
3. By Clause 5 of the Bill it is proposed that Schedule 5 to the Bill which contains provisions about temporary possession and use of land for the purposes of the Bill

should have effect. By Clause 6 of the Bill it is proposed that the Secretary of State should be empowered to acquire compulsorily land within the limits of deviation required for the Works within a period of five years from the date on which the Bill is passed (subject to further extension) and by Clause 7 of the Bill to acquire land outside those limits for the purposes more particularly specified therein.

4. The Bill applies certain provisions of the Compulsory Purchase Act 1965. It also incorporates certain provisions modifying that Act and the provisions of various statutory measures relating to the compulsory acquisition of land and the basis of compensation therefor.
5. Your Petitioners carry on business as international airline operators and are Japan's national airline. Your Petitioners own the Freehold interest in Hanover Court, Hanover Square and 5 and 6 Hanover Square ("the Property") which is an important office building being the corporate headquarters of your Petitioners in London and their regional office for Europe, the Middle East and Africa. The Property consists of a basement car park, a ground floor comprising a large retail unit and five floors of office accommodation above. In addition to your Petitioner's occupation of part of the Property other areas of the Property are let upon commercial leases generating a substantial income for your Petitioners. These commercial leases which comprise three floors of the Property all expire at or about the time that your Petitioners apprehend the works of construction proposed to be authorised by the Bill are likely to commence.
6. The Bill would authorise the compulsory acquisition of interest in the land beneath your Petitioner's said Property. Notice has been served upon your Petitioners by the Promoter that subsoil beneath the Property is liable to be acquired for the purposes of the Works. The Property is one of those listed in Schedule 6 to the Bill so that by virtue of Clause 6 the Promoter would be authorised to seek no more than an interest in the subsoil under the Property at a depth of nine metres or more below the surface of the ground. Your Petitioners apprehend that the land will be required for the purposes of Work Number 1 being comprised in Plot Number 457 in the City of Westminster. Your Petitioners understand that the present intention would be for the railway to run directly underneath their Property which of great concern to your Petitioners. Your

Petitioners are concerned that the result of the Works to be carried out beneath the Property may be to cause direct physical damage to the fabric of the Property or to the incoming services thereto as a result of subsidence and vibration caused by the construction and operation of the Works.

7. Your Petitioners apprehend that in addition to the proposed tunnel construction beneath their property there are further substantial elements of the Works and their completion which will adversely impact upon your said Petitioner's Property:-

7.1 Number 18/19 Hanover Square is to be demolished to provide the eastern ticket hall for the proposed new Bond Street Station. The site of 18/19 Hanover Square as well as the road on the western side of the square and part of the gardens will comprise a Hanover Square worksite resulting in the complete closure of the western side and partial closure of the northern and southern sides of Hanover Square. A temporary access shaft will be formed at the Hanover Square worksite which will take place over approximately a seven month period following the subsequent construction periods your Petitioners understand that the temporary access shaft will be backfilled and Hanover Square reinstated after approximately four years. Your Petitioners anticipate that there may be further development on the site of 18/19 Hanover Square once the initial Crossrail works have been completed but as yet have not been able to obtain any further information in this respect.

7.2 Your Petitioners understand that the Hanover Square worksite will involve the installation of construction plant including cranes and machinery for piling and excavation, compressors electrical generators and temporary ventilation fans, all of which will be both noisy and unsightly. Dust will be generated by the construction activity including the movement of materials.

7.3 The road closures will remove parking spaces for cars and taxis and require the location of motorcycle parking. The loss of general parking will be a significant residual impact for nearly three years and will have a knock-on effect on the value of property within the square and surrounding roads.

7.4 A further consequence of the Hanover Square worksite and construction works will be

to result in mature trees being removed. On a permanent basis the construction of the new station and vertical shaft will have a negative effect on the appearance of Hanover Square and on the impact of the overall townscape which your Petitioners consider will have a detrimental impact upon their Property.

7.5 Your Petitioners therefore consider that their Property will suffer grave adverse effects as a result of the above-mentioned proposals.

7.6 In relation to the structural integrity and stability of the said Property your Petitioners are seriously concerned that the Bill as presented drafted does not propose to impose any obligation upon the Promoter or the nominated undertaker to take any steps to monitor the impact of the Works or the subsequent operation of the railway upon your Petitioner's Property nor does it require the undertaking of any safeguarding or remedial works in either circumstance.

7.7 Your Petitioners would submit that the Bill should be amended to require that the nominated undertaker:-

7.7.1 Should carry out a survey of your Petitioner's Property prior to the commencement of any works proposed by the Bill and provide them with a full copy of such survey together with any recommendations made by the surveyor who has undertaken it.

7.7.2 Should together with the Survey (if it is not already set out therein) provide full details of the manner in which it will monitor the impact of the Works upon the Property during and after construction.

7.7.3 Should be obliged to carry out safeguarding works in the event of any damage together with full reinstatement of the Property to its state and condition prior to the commencement of the Works.

7.7.4 Should be obliged to construct the railway in such a way as to minimise any damage or risk of damage to your Petitioner's Property as a result of vibration to the ground arising out of the operation of the railway and in particular should be obliged to install floating track in areas where the railway is to run underground in tunnels.

7.7.5 Should compensate your Petitioners on a full indemnity basis for all and every cost, expense and damage suffered to their Property and business in consequence of or arising out of the Works, their construction and subsequent operation.

7.8 Your Petitioners would submit that the construction of the Works and the subsequent operation of the railway will bring about a substantial reduction in the capital value of your Petitioner's said property and a reduction also in the level of anticipated income. Those commercial tenancies of which your Petitioners currently have the benefit within the Property are scheduled to expire at or about the anticipated date of commencement of construction of the Works. Your Petitioners understand that at the present time the total cost of funding the construction works which the Bill proposes should be authorised has not yet been guaranteed either by the Promoter or by any third parties and accordingly unless Parliament imposes further conditions or controls in relation to funding prior to the granting of Royal Assent a considerable period of uncertainty will arise as to when and if the construction period will start and finish. In your Petitioner's submission this will create the potential for a blight for their said Property both in terms of the potential difficulty in re-letting accommodation within the property that has been vacated and in terms of the affect that the Works and other matters hereinbefore referred to will have on rental levels in the immediate vicinity. In particular the basement area of the property is likely to be susceptible to the adverse affects of noise and vibration both from the construction works beneath the Property and as a result of subsequent usage when the railway is operational.

7.9 Your Petitioners would submit that the blight to be caused by the nature of and proximity of the Works and the construction movements will be further exacerbated by the general effect of the construction of the Works and construction programme in the general area of Hanover Square. There will be a substantial and adverse change in the character of the area as a result of the construction of the Hanover Square Works and shaft and the environment of the immediate area will be adversely affected by the noise and dust from the worksites and the traffic impacts and disruption caused by the very substantial lorry movements around the Property already described.

7.10 Your Petitioners would also submit that the adverse environmental impact upon your

Petitioner's said property during the period of construction as indicated in the preceding paragraphs will have a material effect upon the trading operations carried out by a related company. Your Petitioners consider that the combination of the adverse parking arrangements, noise, dust, disruption to traffic flows from the changed road layouts and the exit route of spoil trucks will mean that during an extended period the immediate vicinity of the retail premises within your Petitioner's property will discourage those who would otherwise have recourse to those premises and thereby damage the revenue potential of the businesses carried on therefrom.

7.11 Your Petitioners are concerned that the provisions for compensation proposed by the Bill will be inadequate to compensate your Petitioners properly in respect of the damage which they apprehend and they therefore seek adequate protection for the damage to their Property and interests and in particular would submit that:-

7.11.1 The Bill as proposed should not be allowed to pass into law unless and until Parliament has been satisfied that the whole of the funding required for the construction of the Works as described in the Bill has been secured and is in place.

7.11.2 The Bill should be amended to provide for compensation to your Petitioners for all loss and damage which they sustain as a result of the Works of construction authorised by the Bill including the impact of construction worksites and ancillary works and including full compensation for loss of the capital value of their Property arising from the blight which they anticipate will be created by the passing into law of the Bill as drawn including the loss of revenue resulting therefrom.

8. There are divers other clauses and provisions in the Bill prejudicially affecting the rights and interests of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

9. The Preamble of the Bill so far as it relates to the matters aforesaid is untrue and incapable of proof.

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 against the Preamble of the Bill and if the Preamble should pass against the clauses thereof and in support of such other clauses and amendments as may be necessary or proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

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- of -

JAPAN AIRLINES COMPANY LIMITED

**AGAINST,
BY COUNSEL, &C.**