



HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

PETITION

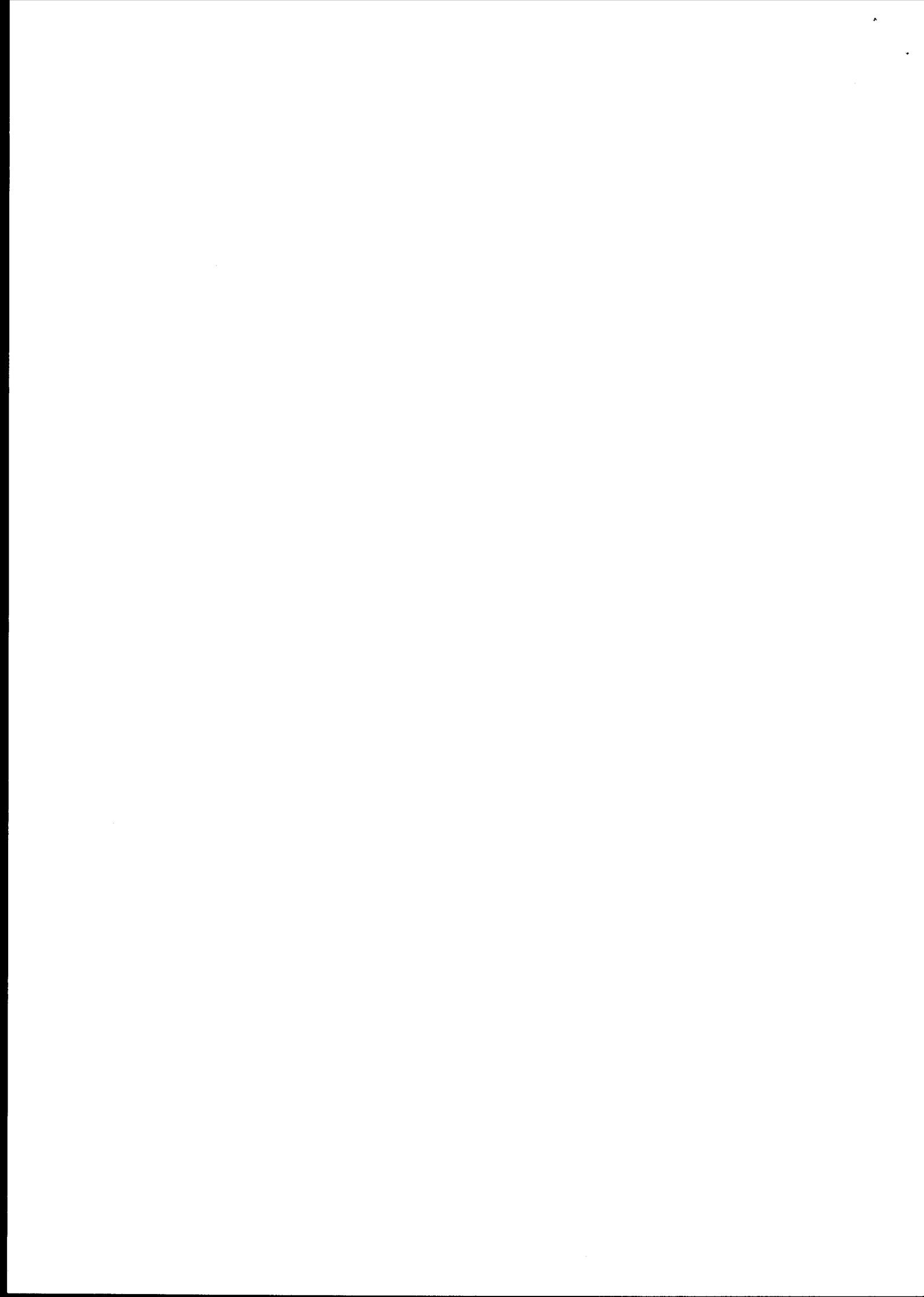
Against the Bill - Praying to be heard by Counsel, etc.

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

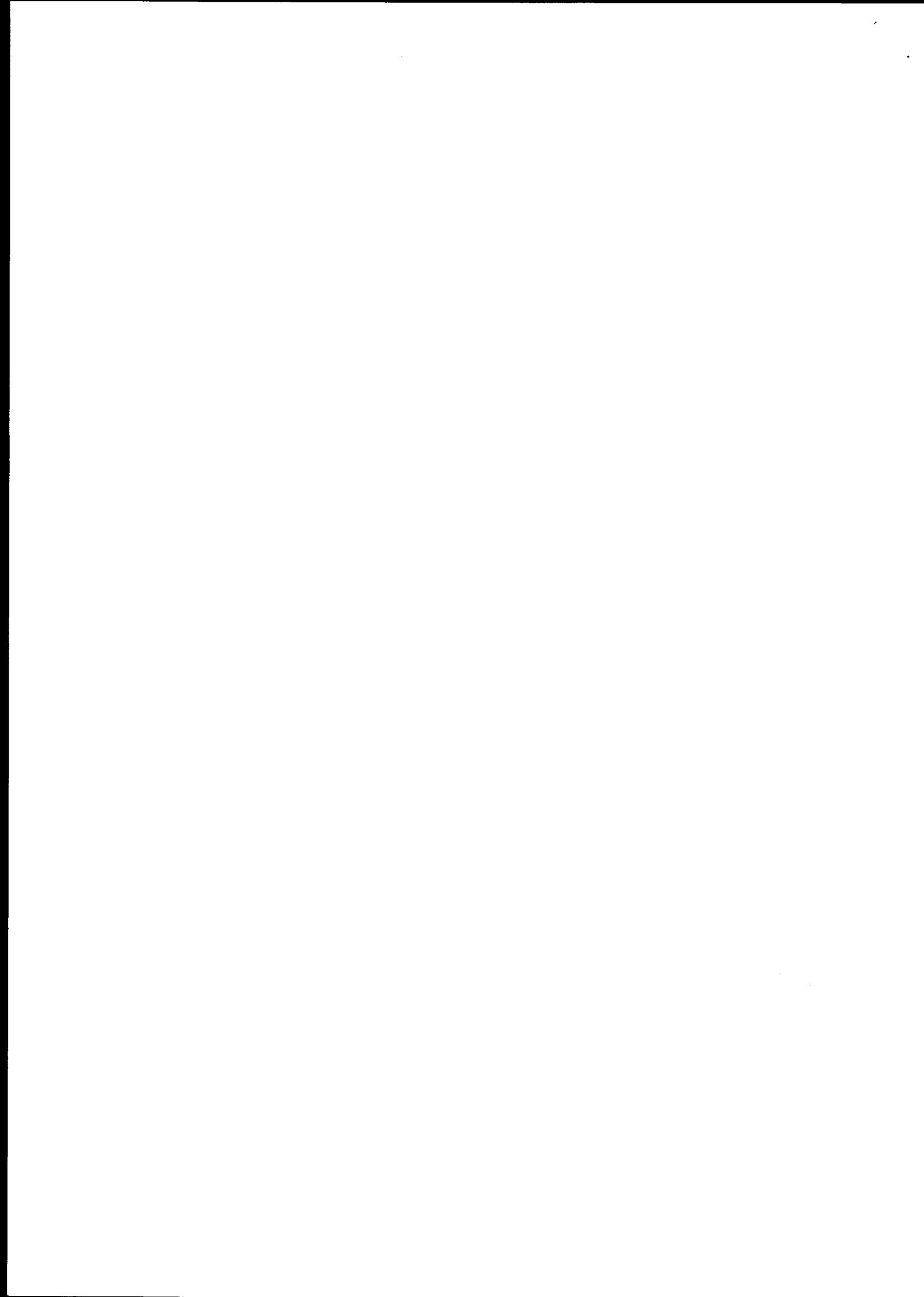
THE HUMBLE PETITION of THE WARDENS AND COMMONALTY OF THE MYSTERY OF GOLDSMITHS OF THE CITY OF LONDON and WARBURG-HENDERSON KAPITALANLAGEGESELLSCHAFT FUR IMMOBILLIEN mbH

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 The Wardens and Commonalty of the Mystery of Goldsmiths of the City of London ("Goldsmiths") are the owners of the freehold interest in the building known as 158-162 Bishopsgate, London EC2 ("the Property") which property is situated immediately at the junction of Liverpool Street and Bishopsgate. The Property comprises a commercial building substantially redeveloped behind a Grade II listed brick and stone façade in 1996 over seven floors and comprising a retail unit at ground floor level, a restaurant/wine bar in the basement and five upper floors of offices. All of the said Property is currently let to your Petitioners Warburg-Henderson Kapitalanlagegesellschaft für Immobilien mbH ("Warburg-Henderson") at a rent calculated by reference to the occupational lease rental income. The Property is currently sublet by your Petitioners Warburg-Henderson to a number of occupational tenants on rack rent leases, a number of which are scheduled to expire or to be subject to rent review prior to the indicative date estimated by the Promoter as being the likely date of completion of the Works.
6. The Bill would authorise the compulsory acquisition of interests in the land beneath the Property belonging to your said Petitioners. Notice has been served upon your Petitioners by the Promoter that part of the subsoil beneath the Property is liable to be acquired for the purposes of the Works in particular Work No 1 and your Petitioners apprehend that this specific acquisition of land or an interest in land is required to enable the construction of the main eastbound tunnel of the proposed railway. Your



Petitioners are extremely concerned that the result of the Works which the Promoter is proposing should be carried beneath the Property may result in direct physical damage being sustained to the fabric of the Property itself independently of the deleterious impact of other elements of the Works proposed within the immediate vicinity.

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 Petitioners' Property:-

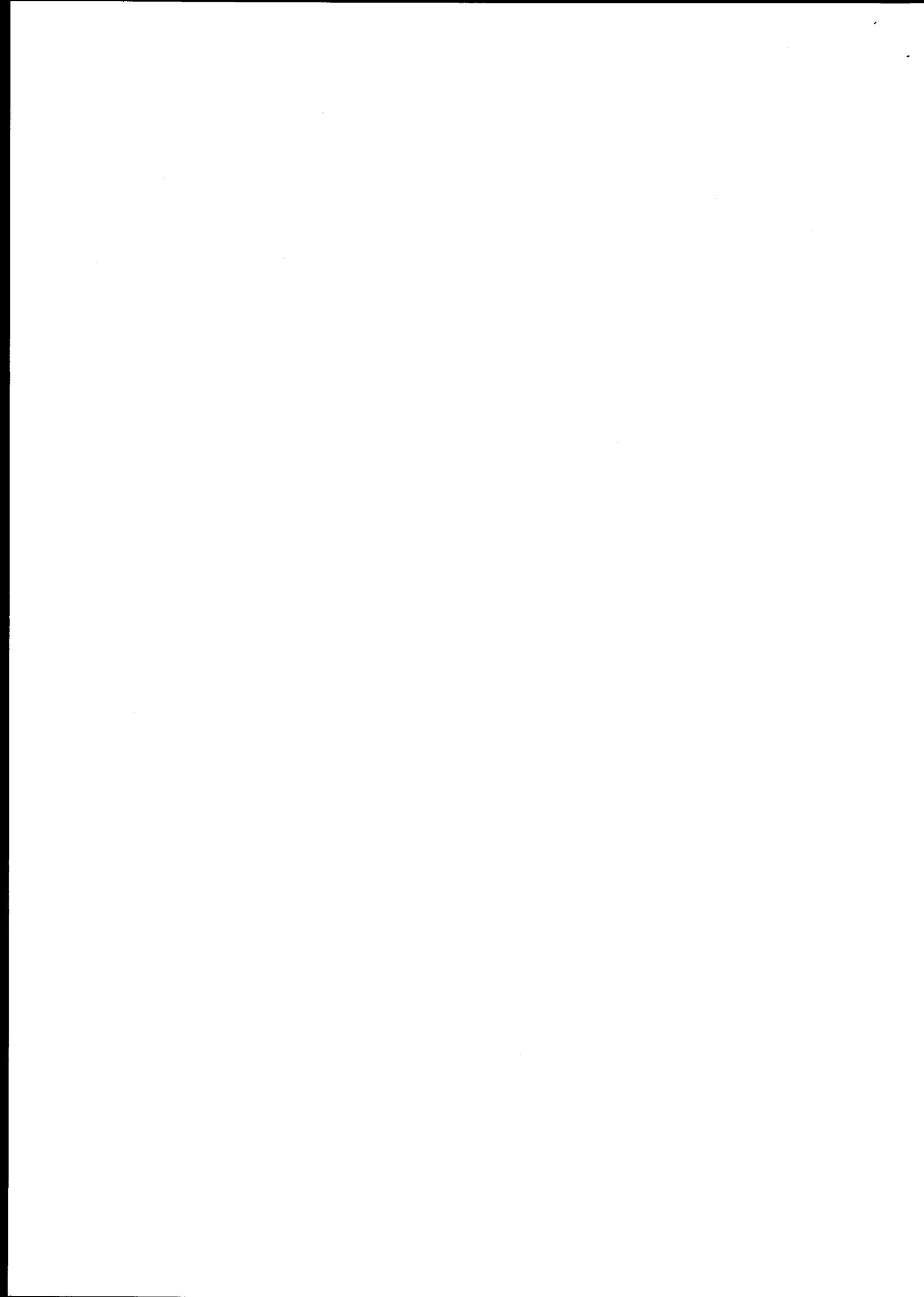
7.1 Three temporary work sites will be set up for the purposes of the Works in Liverpool Street, Blomfield Street and Moorgate. The Blomfield Street and Liverpool Street worksites are likely to remain during a construction period of four years and nine months and are likely to have a major effect on the retail and restaurant units forming part of the Property and upon pedestrian flow and footfall in the immediate vicinity as a result of the noise dust and disruption arising therefrom.

7.2 Your Petitioners anticipate that their respective rights and interests in the Property will be severely damaged by the proposals for the Works as hereinbefore described and that this will result in both a reduction in the capital value of their investment and in the revenue receivable from it and that the provisions for compensation proposed by the Bill will be inadequate to compensate your Petitioners' properly in this respect.

7.3 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.

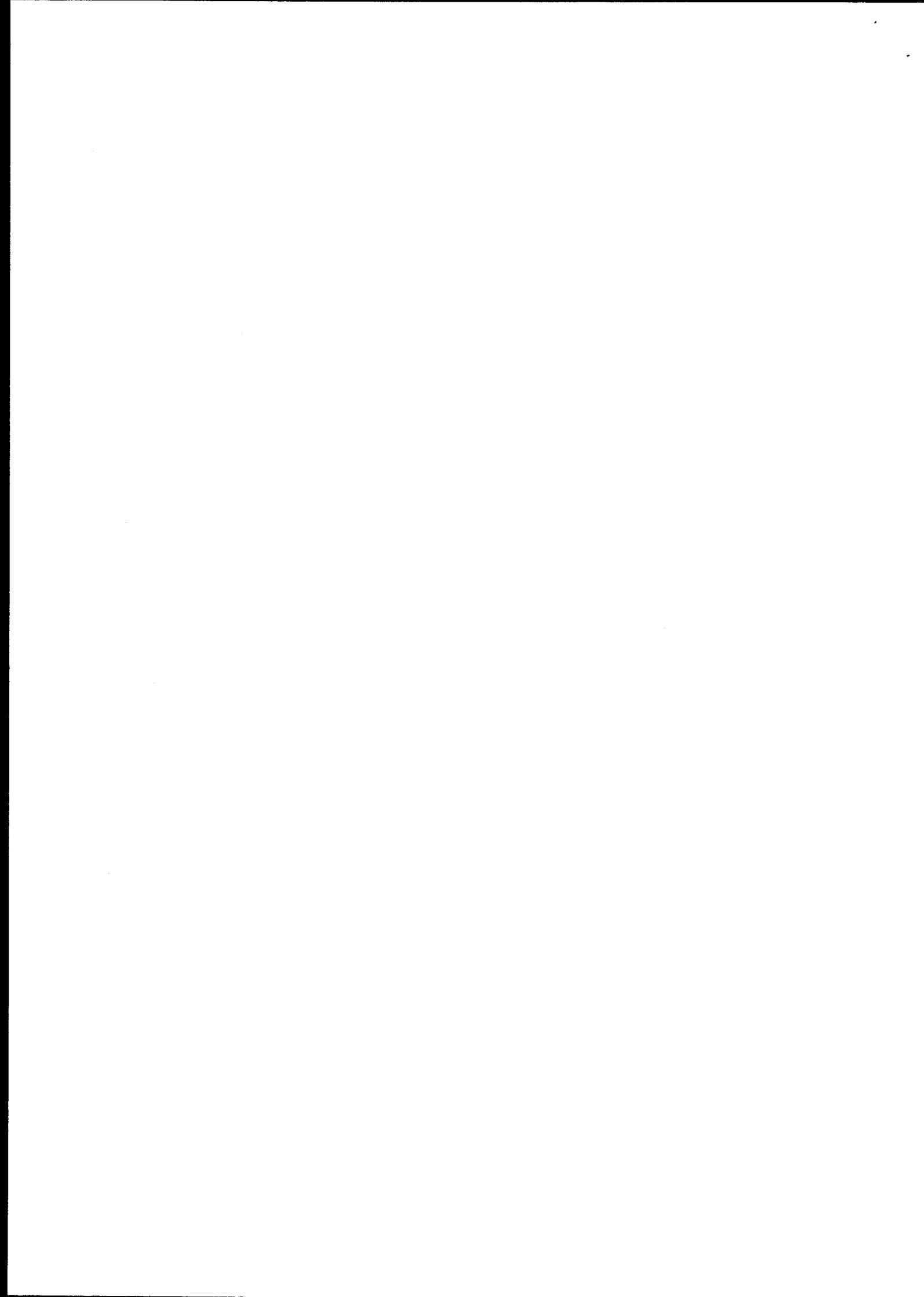
7.4 Your Petitioners would submit that the Bill should be amended to require that the nominated undertaker:-

7.4.1 Should carry out a survey of your Petitioners' 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.

- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 Should be obliged to construct the railway in such a way as to minimise any risk of damage to your Petitioners' Property as a result of vibration to the ground arising out of the operation of the railway and in particular should be obliged to use Compensation Grouting where appropriate and to install floating track in areas where the railway is to run underground in tunnels.
- 7.4.5 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.
- 7.5 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. The majority of the occupational Leasehold tenancies currently within the Property are scheduled to expire during the anticipated construction period for the Works with the result that the headrent enjoyed by your Petitioners Goldsmiths will not enjoy the uplift on review which would otherwise have been anticipated and your Petitioners Warburg-Henderson anticipate not only adverse outcomes from rent reviews during the construction period for the Works but also the likelihood of void periods where occupational leases expire during that time. 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 the re-letting of 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.

7.6 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 Liverpool Street and Blomfield Street. There will be a substantial and adverse change in the character of the area as a result of the construction of the Works 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.

7.7 Your Petitioners therefore seek protection for the damage to their Property and interests and in particular would submit that:-

7.7.1 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.

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

