

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 BARRATT HOMES 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 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 are residential developers of mixed use schemes whose operations include the construction and disposal of affordable and other housing in areas affected by the Works. The Bill would authorise the compulsory acquisition of land and interests in land belonging to your Petitioners which acquisition would act severely to your Petitioners' detriment and which if permitted would interfere with, impede and frustrate the completion of various ongoing development schemes.
6. Your Petitioners object to the proposed acquisition and/or use of their lands affected by the Works for the following (amongst other) reasons.
 - 7.1 Notice has been served upon your Petitioners that the land in which they have an interest adjoining Seagull Lane in the London Borough of Newham is liable to be acquired or used for the purposes of the Works and in particular Work No 1/31 being a diversion of the Royal Docks Surface Water Sewer with associated worksite.
 - 7.2 The land in question forms part of a larger area which comprises a residential development which your Petitioners are obliged under contract to complete by September 2009 known as Capital East (Phase 2) for which full planning consent has been granted by the London Borough of Newham to include social housing.
 - 7.3 Your Petitioners are in the process of commencing their development in accordance with the planning consent and the relevant development agreement and they anticipate that the development will take a period of four years to complete. Your Petitioners

are very concerned that if the proposals to be implemented and comprising in particular Work No 1/31 as described in the Bill vehicular access to the Capital East development would be blocked for a considerable period of time.

- 7.4 Your Petitioners apprehend that units to be constructed in their said development will become unmarketable and impossible to sell in circumstances where potential purchasers become aware that access to the development may be terminated to enable the Works to be carried out at an unspecified date in the future.
- 7.5 Your Petitioners do not consider that compensation which would be available to them under the terms of the Bill as currently proposed would adequately recompense them for the full extent of the losses that they would sustain in these circumstances.
- 7.6 Your Petitioners have caused the design and layout of work No 1/31 with its worksite and associated works to be investigated by experts whom they have appointed. Your Petitioners have subsequently been advised that it would be perfectly feasible for these works to be carried out in a way which would not have the deleterious affects which your Petitioners apprehend will result from the undertaking of the Works in the manner currently intended.
- 7.7 Your Petitioners would therefore request that the Bill should be amended so as to require the Works to which they have referred to be carried out in such a way so as not to obstruct, impede or interfere with in any way vehicular access to their Capital East (Phase 2) development.
- 8.1 Notice has also been served upon your Petitioners that an area of land in which they have an interest adjoining East India Station (Docklands Light Railway) is liable to be acquired for the diversion of public utilities in connection with work Numbers 1/4A and 1/4B in the Bill. This land forms part of a development which your Petitioners are undertaking and which is known as their Elektron development.
- 8.2 The land in question forms part of a proposed piazza area which your Petitioners will be legally obliged to landscape and to hand over to the Docklands Light Railway as an obligation contained in a Section 106 Planning Agreement to be entered into with

the London Borough of Tower Hamlets as a condition of the planning consent for the development. If the Bill is allowed to pass into law unamended the nominated undertaker will be authorised to take and use for the purposes aforesaid land which your Petitioners are legally obliged to landscape and transfer to the Docklands Light Railway. Your Petitioners will thereby become in breach of their legal obligations under the terms of the Section 106 Agreement and will be exposed to legal liability and potential enforcement action by the Local Authority as a result.

- 8.3 Your Petitioners therefore request that the Bill should be amended to provide that in the event that it passes into law and that the nominated undertaker wishes to commence the relevant works prior to the completion by your Petitioners of the works required under the terms of the Section 106 Agreement that the nominated undertaker should be obliged to procure at its own expense the release of your Petitioner from the relevant obligation to carry out work to the piazza area under the terms of the Section 106 Agreement.
9. 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.
10. 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.

**HOUSE OF COMMONS
SESSION 2005-06**

CROSSRAIL BILL

PETITION

- of -

BARRATT HOMES LIMITED

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