

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 MPL COMMUNICATIONS 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 are the owners of the freehold interest in the property known as 1 Soho Square London W1 from where they have for some time past carried on their business of Artist Management Recording and Music Publishing. The Bill would authorise the compulsory acquisition of land and interests in land belonging to your Petitioners for the purposes of the Works which acquisition and the Works for which the interest is liable to be acquired would be to your Petitioners' detriment if permitted.
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 part of the land in which they have an interest at 1 Soho Square aforesaid being land beneath the offices forecourt, basement cellar and premises thereof is liable to be acquired or used for the purposes of the Works and in particular Work No 1/3a being the twin tunnels carrying the new railway beneath the said property.
 - 7.2 From information which your Petitioners have obtained as to the nature of the proposed Works and in particular as to the depth beneath the surface at which it is proposed to construct the running tunnels your Petitioners perceive that there is a serious risk of their said property suffering structural damage in consequence thereof. Your Petitioners apprehend that in the event of structural damage arising to their said property arrangements would need to be made on short notice for emergency and

subsequently long term repairs to be carried out which it is probable would require the vacation of the property for an unspecified period of time causing major disruption to your Petitioner's business.

7.3 Your Petitioners would submit that there are at present in the Bill no legal obligations proposed to be imposed upon the nominated undertaker to ensure that their property and business are safeguarded from the damage which they apprehend and that the provisions for compensation proposed by the Bill will be inadequate to compensate your Petitioners fully in this respect. Your Petitioners would further submit that the Bill should be amended to require that the nominated undertaker:-

7.3.1 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.

7.3.2 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.

7.3.3 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.

7.3.4 Should be obliged to construct the railway in such a way as to minimise any 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.

7.3.5 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.

- 7.4 Your Petitioners further apprehend that in addition to the noise and vibration which they may suffer during the construction of the Works the depth of the proposed running tunnels for the said railway is such that your Petitioners may be subjected to noise and vibration during the subsequent operation of the railway. Your Petitioner's business includes musical and recording activities which are susceptible to interference from ground borne vibration and noise and accordingly any such noise or vibration occurring during the construction of the Works or their subsequent operation could be severely detrimental to your Petitioner's said business. In the circumstances your Petitioners would submit that the Bill should be amended to provide that the nominated undertaker should be obliged to compensate your Petitioners for all disturbance, loss and damage which they sustain to their property and their business in this respect.
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.

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

PETITION

- of -

MPL COMMUNICATIONS LIMITED

AGAINST,

BY COUNSEL, &C.