

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 AND
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED

THE HUMBLE PETITION of:

THE GOVERNING BODY OF SWANLEA SCHOOL IN THE LONDON BOROUGH OF
TOWER HAMLETS

SHEWETH as follows:—

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced 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 The Bill is promoted by the Secretary of State for Transport (hereinafter called “the Promoter”).

Relevant clauses of the Bill

- 3 Clause 1 (Construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain the works necessary for the

Promoter's scheme as described in Schedule 1 to the Bill and shown on the plans and sections deposited with the Bill.

- 4 By Clause 1 of the Bill the Promoter seeks power, in executing any other 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 and sections 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 of the works for the purposes of constructing stations, depots or shafts or associated works as shown on the deposited plans and sections.
- 5 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

- 6 Your Petitioners are the Governing Body of Swanlea School ("the School"), a community school maintained by the Local Education Authority of the London Borough of Tower Hamlets (hereinafter called "the Borough"). The Governing Body has general responsibility for the conduct of the School with a view to promoting high standards of educational achievement, including managing the School's budget. The occupation and use of the School's premises is under the control of the Governing Body, which must have regard to the health and safety of students and staff.
- 7 Subject to a concern that, given the current uncertainties regarding the funding of the Promoter's scheme, the Bill may have been introduced prematurely, your Petitioners in principle support the proposed project, particularly as a result of the strategic benefits to be gained from it, both as an improvement to the existing transport network, and as a tool to cater for future growth in East London. That in-principle support remains dependent, however, on the provision of a new Crossrail station at Whitechapel.

8 Accordingly, your Petitioners seek further assurances. In particular your Petitioners contend that, if the Promoter's scheme is authorised by Parliament, funded and built, the Promoter should:

- (a) construct Whitechapel station with a modernised entrance on the site of the existing Whitechapel Road entrance, in order to optimise access to the School;
- (b) proceed with the provision of a new integrated entrance at Fulbourne Street; and
- (c) provide at least passive provision for a booking office/hall/entrance on the Cambridge Heath Road site.

9 In addition, your Petitioners would respectfully suggest that the Promoter should be required to ensure proper and effective integration between the four lines that will pass through Whitechapel Station (viz. Crossrail, the East London Line, the District Line and the Hammersmith and City Line), and ensure that the principles of Integrated Transport are enshrined both within the station and its curtilage/concourse. The facilities provided there by the Promoter should also be compliant with the Disability Discrimination Act 1995.

10 Furthermore, it is respectfully submitted that the rights, interests and property of your Petitioners, and the pupils and staff of the School for whom they bear responsibility, 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, amongst others, hereinafter appearing.

Your Petitioner's concerns

11 Your Petitioners would respectfully record their disappointment at the inadequacy of the Promoter's efforts to consult with your Petitioners before the Bill was deposited in Parliament, and at the continuing difficulties associated in securing from the Promoter timely and comprehensive information about the project.

- 12 The matters with which your Petitioners are particularly concerned are the problems of noise, vibration, dust and dirt, hours of working, visual impact and disruption to the safety of staff and students at the School.
- 13 Accordingly, your Petitioners submit that the nominated undertaker should be made subject to suitable standards in respect of each of these matters and that there should be provision for suitable mitigation measures (e.g. a noise insulation policy). Mitigation proposals do exist, but your Petitioners are not confident that they are satisfactory. Furthermore, as it is accepted in the Promoter's 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 be provision for compensation to be paid where the relevant standards and policy are breached.
- 14 Your Petitioners note that the Bill and the supporting documents adopt similar regimes to those that were established for the construction of the Channel Tunnel Rail Link. Your Petitioners are pleased to note that this regime will include the agreement of codes of construction practice consisting of general conditions relevant to all worksites, and site-specific conditions for each individual site.
- 15 Your Petitioners note however that, while the Promoter did previously publish a draft Code of Construction Practice, the final version has not yet been made available. Furthermore, in your Petitioners' respectful submission, the draft Code contained an unacceptable mix of unwarrantably extensive periods of "Normal Working Hours", together with exceptions that failed to meet the Borough's Noise and Vibration Policy.
- 16 Accordingly, your Petitioners would hope and expect that through agreements relating to codes of construction practice, working hours of operation for the different worksites will be agreed with the Promoter. If there is no such agreement, your Petitioners would argue that the Promoter should be required to agree acceptable hours. Your Petitioners are also concerned to ensure that the nominated undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, dust and vibration caused during the construction period and, in particular, that any codes of construction practice adopted for Crossrail replicate the Borough's

own Noise and Vibration Policy referred to above, their associated Code of Construction Practice, and the further best practice requirements imposed by the Borough on other major construction projects carried out in those areas for which its has responsibility.

- 17 In particular, in addition to the requirements for acceptable hours of operation referred to above, any Crossrail codes of construction practice should set out the regulatory review, controls and detailed provisions that the Promoter proposes to implement in respect of noise and vibration, as well as provisions, for example, relating to use of concrete breaking equipment, sheet piling and hydraulic rotary drills. The Promoter should also guarantee compliance with any future changes to relevant industry standards, and should be especially alert to the particular intrusiveness of noise. In particular, your Petitioners suggest that the Promoter should be required to take all reasonable measures to mitigate any adverse impacts at or in the vicinity of the School, arising from noise generated by the Promoter's scheme.

- 18 Your Petitioners note that there will be site preparation and construction activities at various work and construction sites in the vicinity of the School, particularly in connection with the proposed new integrated station at Whitechapel. The construction of that station is currently programmed to last for four years and six months, and your Petitioners are especially concerned, given their duties under Health and Safety legislation, that a large crane will be required to be sited directly above the School for most of the period of excavation. Your Petitioners would therefore respectfully suggest that the Promoter should minimise (and, if possible, avoid altogether) any work involving the crane (or any other equipment associated with the Promoter's scheme), over or in the vicinity of the School, during the normal School day.

- 19 Your Petitioners require a written undertaking from the Promoter in advance of the commencement of works associated with the Promoter's scheme that the School-keeper's house, and any other areas of the School site which will be required to be demolished during the construction period, will be reinstated on a site within the School's existing boundary, the specific location of that site to be agreed with your Petitioners during the final stage of that construction period. In addition, your

Petitioners will require full compensation from the Promoter for (i) the loss of space currently occupied by the School-keeper's house and (ii) the ongoing costs of re-housing the School-keeper.

20 Your Petitioners are also concerned to ensure that, following the completion of the any other works associated with the Promoter's scheme (and, in particular, any such works in the vicinity of the School), any necessary reinstatement/redevelopment is carried out in sympathy with the surrounding area.

21 Accordingly, your Petitioners would respectfully suggest that the Bill should not be permitted to pass into law without the addition of a clause, or clauses, to ensure that (i) any reinstatement/redevelopment at Intervention Sites within a fixed distance (to be agreed both by your Petitioners and the Promoter) of the School that is made necessary by the Promoter's scheme is carried out in a manner and style appropriate to the area in which it takes place, and shall be approved by your Petitioners, and (ii) the appropriate person or body responsible for securing compliance with that obligation (including compliance with any relevant provisions of the Promoter's final codes of construction practice) is identified in the Bill.

22 It is clear that the Durward Street Worksite and the Sainsbury's Car Park Worksite will be centres to and from which large quantities of construction materials and equipment will be transported, together with staff. There will also be the problem of removal of spoil from the working sites. The Promoter accepts that this will lead to a significant deleterious impact in the area of the School, with significantly increased volumes of traffic flow. Your Petitioners suggest that this will create a similarly significant inconvenience (and perhaps even danger) for the staff and pupils of, and visitors to, the School. Accordingly, your Petitioners respectfully submit that the nominated undertaker should be required to yield control to the Borough of matters such as the routing of lorries and other vehicles, the management of impacts associated with construction vehicle holding areas, access to worksites, hours of operation, number of vehicle movements, size of vehicles and miscellaneous related matters. Your Petitioners further submit that the nominated undertaker should use every endeavour to utilise rail, river and canal for transport purposes, and should be required to minimise the cumulative impact of lorry movements by properly

managing, and keeping to a minimum, the number of such movements, using the strategic road network and confining movements to normal worksite hours. In particular, your Petitioners would suggest that the Promoter should be required to restrict the number of lorry movements (and preferably avoid any such movements altogether) in the vicinity of the School on weekdays between 8am and 9am, and again between 3.30 pm and 4.30 pm..

- 23 The Promoter's current proposal to utilise Durward Street for the purpose of routeing the construction vehicles from the Sainsburys' Car Park worksite in Whitechapel is unacceptable to your Petitioners who request that the Promoter consider use of Cambridge Heath Road to act both as the entrance to, and egress from, the Sainsburys' Car Park worksite. This will reduce the environmental and safety impacts caused by the construction traffic, both on the residents at Durward Street and the pupils from Swanlea School.
- 24 Located on the Swanlea School site is a separate Learning Centre, which is visited daily by students and staff from all over the Borough. Approximately 500 students per week visit the Centre. The access is in Durward Street which will suffer very heavy vehicles movements. In particular, many of the students will arrive and be collected by bus or minibus in Durward Street. Some of these students have severe learning difficulties.
- 25 The Promoter's reinstatement proposals include the siting of a sub-station very close to the City Learning Centre. It is anticipated that this will have a serious impact on the wireless technology which forms the basis of the work of the City Learning Centre. The Promoter is to provide confirmation that no electro-magnetic radiation is to emanate from the sub-station which may impact on the health of the surrounding population and on the operation of equipment, including equipment within the Swanlea School complex.
- 26 Your Petitioners are also concerned about the impact of noise and other disturbance on the operational efficiency of the School, which may impact on educational provision, given its location next to the proposed Crossrail station at Whitechapel and the emergency exit in Durward Street. Accordingly, your Petitioners seek assurances

as to the protection to be afforded in this regard to the school, its staff and pupils. Furthermore, your Petitioners respectfully reserve their right to raise this issue again, once the requisite clarification has been received from the Promoter.

27 It is clear from the Promoter's tunnelling strategy, that the preferred approach involves the launch of tunnelling machines from a shaft in Spitalfields which inevitably leads to adverse impacts in the surrounding areas, including in the vicinity of the School. The Promoter has recently produced a further report in an attempt to justify this proposed tunnelling strategy. Notwithstanding your Petitioners remain concerned that the Promoter's base case in this respect may still not be proven. Your Petitioners appreciate the importance of a rapid construction period but are concerned that the base case has been developed with a disproportionate bias to meeting a pre-defined programme over other factors such as environmental impact. Your Petitioners are aware that the Borough has requested the Promoter to re-evaluate this element of the base case proposal in order to determine if the disruption which it would cause is necessary, or whether it could be avoided through the acceptance of a Single Drive Tunnelling Strategy from Pudding Mill Lane ("PML") to Central London. Your Petitioners fully support the Borough's position in this regard. The application of the Single Drive Tunnelling Strategy from PML would have the additional benefit of simplifying the construction of the Promoter's scheme, while significantly mitigating the adverse impacts which would flow from adherence to the Promoter's base case (e.g. by reducing the volume of spoil to be removed from the Whitechapel worksite and the number of associated construction vehicles in the vicinity of the School), during both the period of construction and operation of the Promoter's scheme.

28 Furthermore, irrespective of the specific tunnelling strategy that the Promoter adopts ultimately with regard to its scheme, the proposed excavation and tunnelling of main running tunnels and of station tunnels (and especially those in relation to the proposed new station at Whitechapel) is likely to have an adverse settlement impact, which may cause damage to the School's buildings and structures. In your Petitioners' respectful submission, the nominated undertaker should be required to provide, in advance of commencement of tunnelling, details of the expected impact on each of the School's

buildings, and supply this information to your Petitioners. Furthermore, the nominated undertaker should be required to carry out and fund any appropriate safeguarding works, including full condition surveys before and after the works, and monitoring, and the proposals for these works should be submitted to your Petitioners and implemented in agreed form.

- 29 Your Petitioners are concerned to ensure that the hours during which tunnelling takes place are programmed and managed so as to prevent undue noise and vibration at the School during sensitive times. Your Petitioners are particularly concerned about the effects of reradiated noise at the proposed worksite in Durward street (next to the School) where spoil is to be removed and your Petitioners wish to ensure that the nominated undertaker complies with the strictest standards as regards minimising such noise and vibration.
- 30 Your Petitioners are further concerned that the School is amongst those buildings above the proposed line of the railway which are likely to be sensitive to noise and vibration during the construction period, and when the railway comes into operation. Accordingly, your Petitioners respectfully submit that the Promoter should be required to ensure that groundborne noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced technology and machinery. Your Petitioners are acutely aware that noise and vibration, while meeting design standards put forward by the Promoter, may still be radiated into buildings (including the School) to an unacceptable extent. In your Petitioners' submission the nominated undertaker should be subjected to stringent design standards and, where the railway passes near to noise sensitive buildings, the nominated undertaker should be required to install additional appropriate procedures and design methods to inhibit the transmission of noise and vibration into such buildings. Your Petitioners further contend that the Promoter should put in place a comprehensive consultation and noise monitoring scheme in this respect, and should also be subject ultimately to a compensation code where agreed noise and vibration standards are breached.
- 31 Your Petitioners are very concerned that the Promoter has not put in place sufficient processes and procedures to address properly the question of contaminated land in the

vicinity of the School which may be disturbed as a result of the Promoter's scheme. In particular, no detailed assessments appear to have been made, and hence the nature and extent of the potential contamination, and the measures that will have to be adopted to address them, are not known. Your Petitioners believe that this represents an unacceptable level of uncertainty regarding both the risk and the mitigation measures.

- 32 As a general matter, your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners all proper costs, charges and expenses (including the proper fees of such professional advisers as they may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.
- 33 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far as affecting your Petitioners, the Bill should not be allowed to pass into law.
- 34 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights, interests and property of your Petitioners, and the pupils and staff of the School for whom they bear responsibility, and for which no adequate provision is made to protect your Petitioners and the pupils and staff of the School for whom they bear responsibility.

Conclusion

- 35 Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioners and the pupils and staff of the School for whom they bear responsibility

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by themselves, their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests and in support of other such clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

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16 September 2005