



IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

**CROSSRAIL BILL**

P E T I T I O N

Against the Bill On Merits Praying to be heard by Counsel, &c.

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

THE HUMBLE PETITION of:

DR. SUSAN JOAN GOODBODY

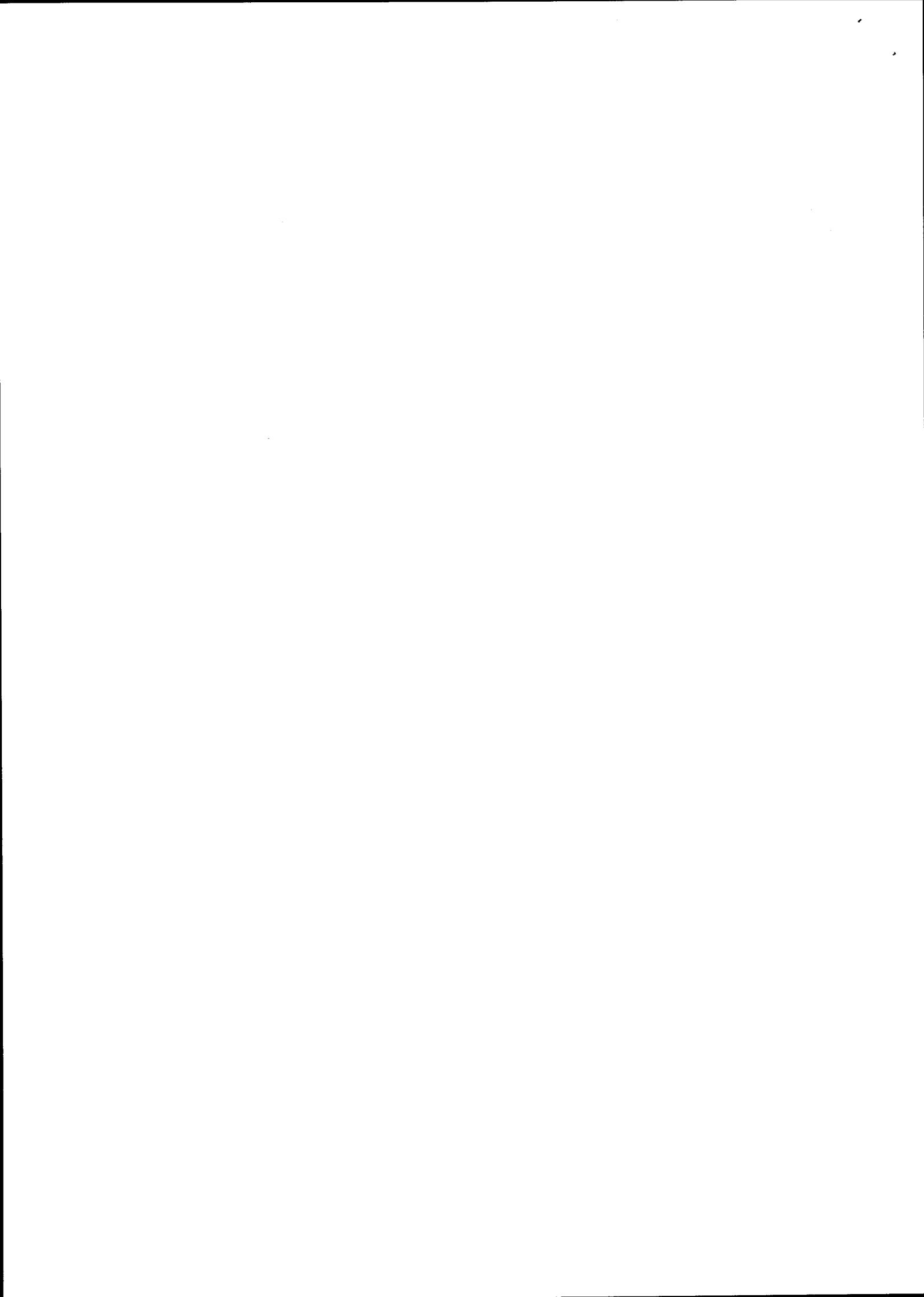
MR. THOMAS RICHARD ALEXANDER SPARKS

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 The Bill is promoted by the Secretary of State for Transport (hereinafter called the Promoter).

*Relevant clauses of the Bill*

- 3 Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and



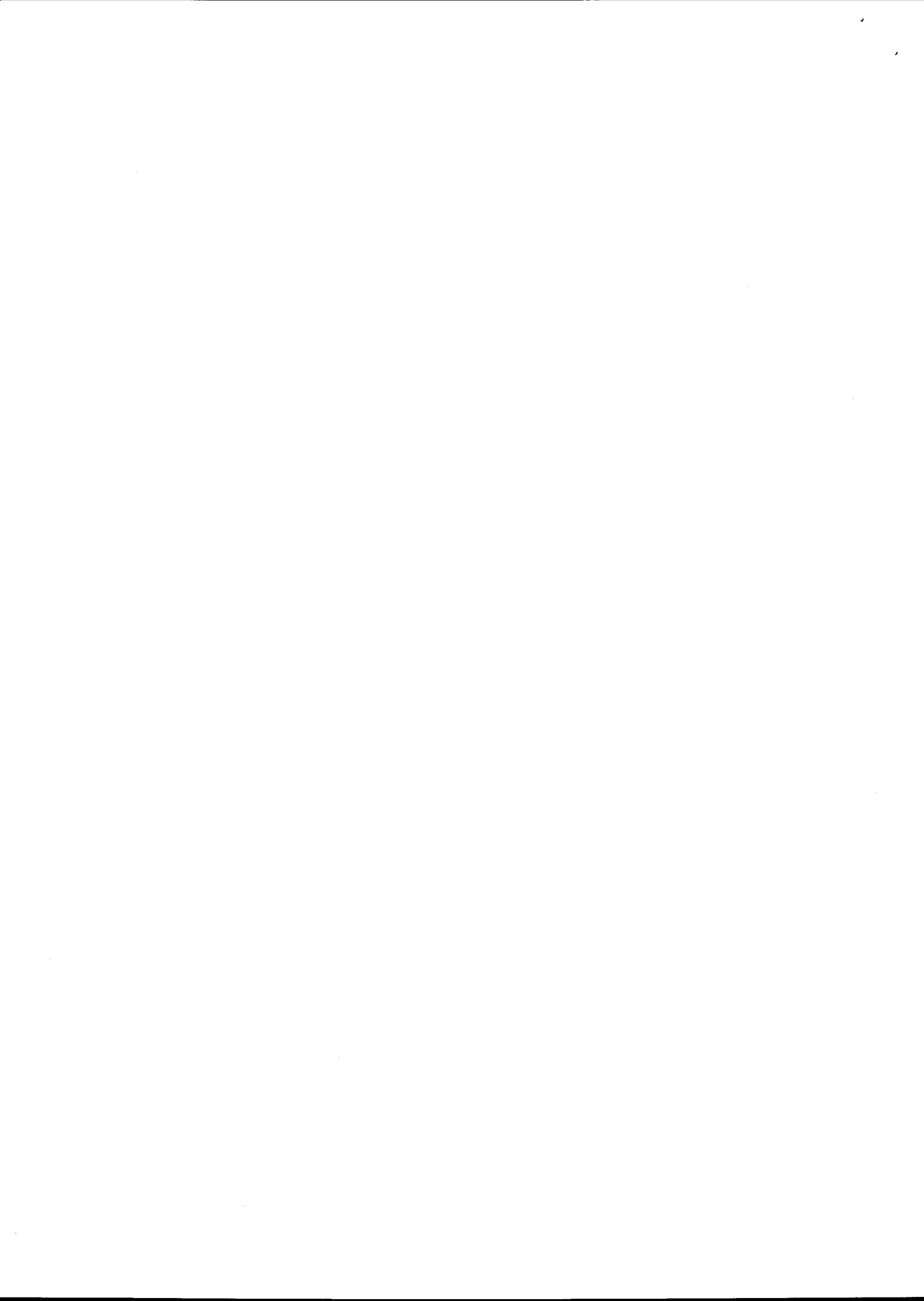
engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise.

4      Clauses 21 to 44 of the Bill together with Schedule 10 make provision for the application with modifications and the disapplication in part of the existing railways regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of the Rail Regulator (ORR), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impacts on key system assets. Provision is also included to enable agreements to be required as between the nominated undertaker and controllers of railway assets, to govern the basis for arbitration and to provide for the transfer of statutory powers in relation to railway assets.

5      Clauses 45 to 59 of the Bill together with Schedules 11 to 14 contain miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail, for the particular protection of certain specified interests and as respects arbitration.

*Your Petitioners and their neighbourhood and their property*

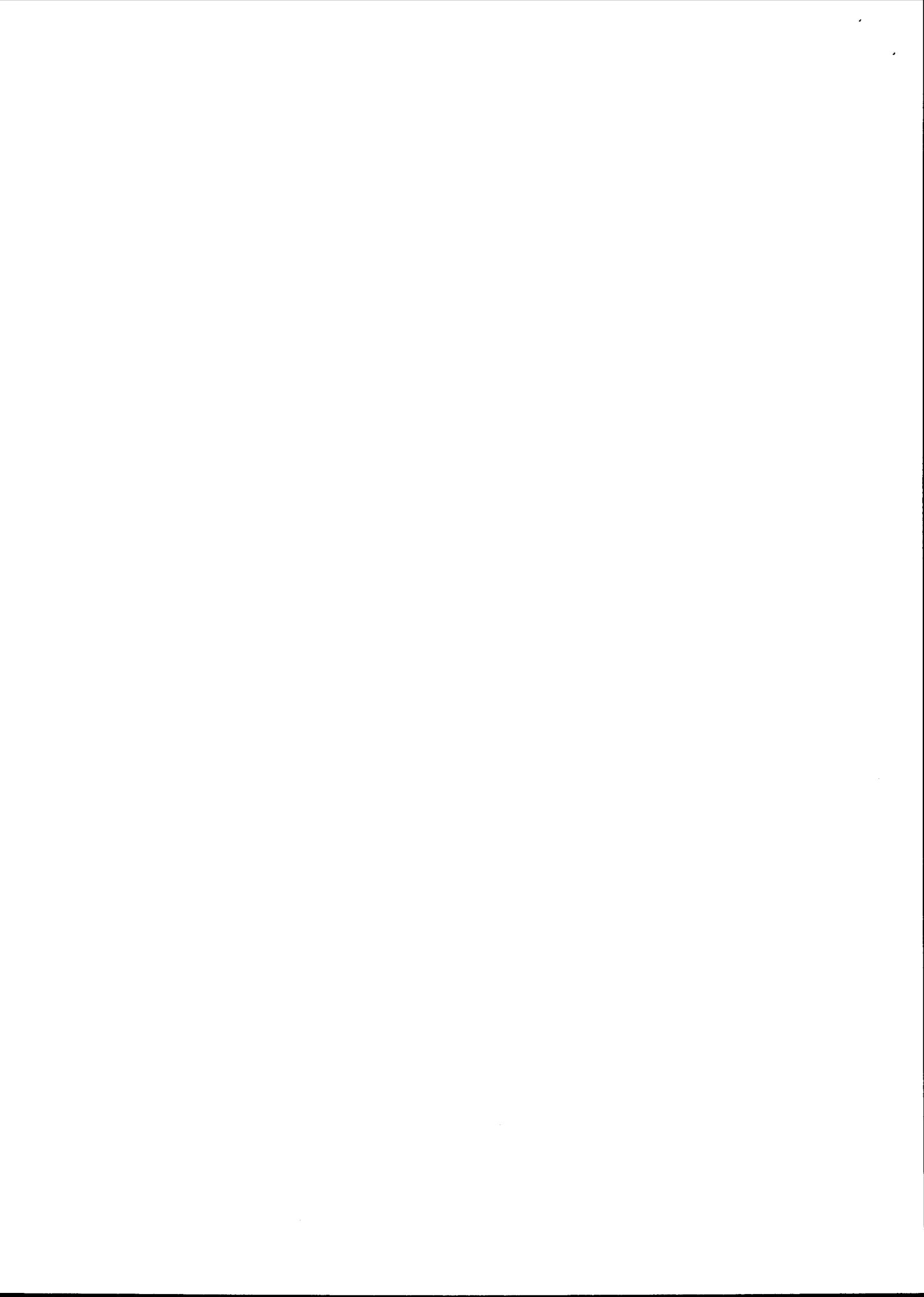
6      Your Petitioners are SUSAN GOODBODY and THOMAS SPARKS. Your Petitioners are residents of a property and a neighbourhood that will be directly affected by the implementation of the Crossrail Bill.



- 7 Your Petitioners own 19 Wilkes Street, London E1, ('the Property') the subsoil of which is subject to the compulsory purchase proposals of the Bill. The Property in which they live is in the vicinity of the proposed works including the tunnelling access shaft and spoil removal routes ; they their health, safety and wellbeing and their Property are liable to be injuriously affected by them.
- 8 Your Petitioners and their rights, interests and property, their health, safety and wellbeing are injuriously affected by the Bill, to which your Petitioners object for the reasons amongst others, here stated.

*Your Petitioners' concerns*

- 9 Your Petitioners feel to spend so much money developing a new rail service, with all it's attendant infrastructure, from scratch, seems incomprehensible. Surely the money could be better spent improving the existing Underground and Railway network in the South East area. *A huge percentage of whose infrastructure does already exist.* It is clear both these forms of transport could well do with investment, as any regular commuter on either service can testify. (Is *another* type of rail service to Heathrow really necessary?). Could the money not be more profitably used, extending and improving the Central, District, Piccadilly, and Metropolitan lines? Presumably the majority of these lines are, at their extremities, overland, and therefore could be extended and routed at a small fraction of the cost of the Crossrail project. The remaining monies could then be spent bringing the underground service into the twenty-first century. This is something that would be appreciated by *all* Londoners.
- 10 The Petitioners estimate on information provided by the Promoter that the construction traffic generated from the excavation of the shaft, the removal of spoil and associated works and the subsequent redevelopment of the site will take place from start to finish over more than 8 years - heavy construction traffic will pass along narrow, congested streets, creating unprecedented noise, dust, pollution and safety hazards in this area. Your Petitioners submit that the scale of the



excavation and construction is unprecedented for such a densely populated area in the UK.

- 11 Your Petitioners are concerned with the lack of promised information made available by the Promoter with regards to vibration and noise. Namely, **an independent, detailed, exterior and interior, *property-specific*, survey, carried out by expert specialist Surveyors and Engineers whose field of expertise lies in listed buildings of this period.**

*Hanbury Street and tunnelling access and ventilation shaft and route alignment*

- 12 Your Petitioners object very strongly to the current plans to site a tunnelling access /ventilation shaft in Hanbury Street with the associated construction work and spoil removal and subsequent redevelopment work which will last many years and to the current route alignment. Your Petitioners believe tunnelling should take place from the “ends” of the route and that the ventilation shaft and routes for the main tunnels should not be sited as presently proposed but should be positioned in accordance with one of the alternative sites and alignments available. If the tunnelling access were carried out from the “ends” and the ventilation shaft and alignment of the tunnels were moved to a more suitable location.

*Subsoil acquisition*

- 13 Without prejudice to their contention that there should be no shaft for any purpose whether it be tunnelling or ventilation at Hanbury Street and that there is a better route alignment your Petitioners also object to the provisions of Clause 6 of the Bill, and those in Clause 7, insofar as the same would enable the Promoter to acquire rights in the subsoil and under-surface of the Property. Your Petitioners appreciate if there is no alternative route taking all criteria into account there may be a need for the Promoter to obtain appropriate subsoil interests for tunnelling



purposes but is concerned that the application of the powers as proposed in relation to the Property is excessive and that their application will lead to damage to the Property and a serious detraction from your Petitioners' quiet enjoyment of it

- 14 Your Petitioners are especially concerned that the proposed limits of lateral and vertical deviation in Clause 1 of the Bill would permit the route for Works Nos 1/3A and 1/3B to be varied so as to bring the works closer to (either vertically or horizontally) some of the Property. The provisions of Clause 1 of the Bill could therefore well result, your Petitioners believe, in an inadequate vertical distance between the soffit of the tunnels forming part of Works Nos. 1/3A and 1/3B and the bottom-most part of the basement of the Property which is used as living and sleeping accommodation. The resulting noise, vibration and, possibly, damage could therefore prevent your Petitioners from using the Property and cause your Petitioners great stress, damage and loss. Your Petitioners therefore submit that such deviation could and should be more closely restricted wherever possible.

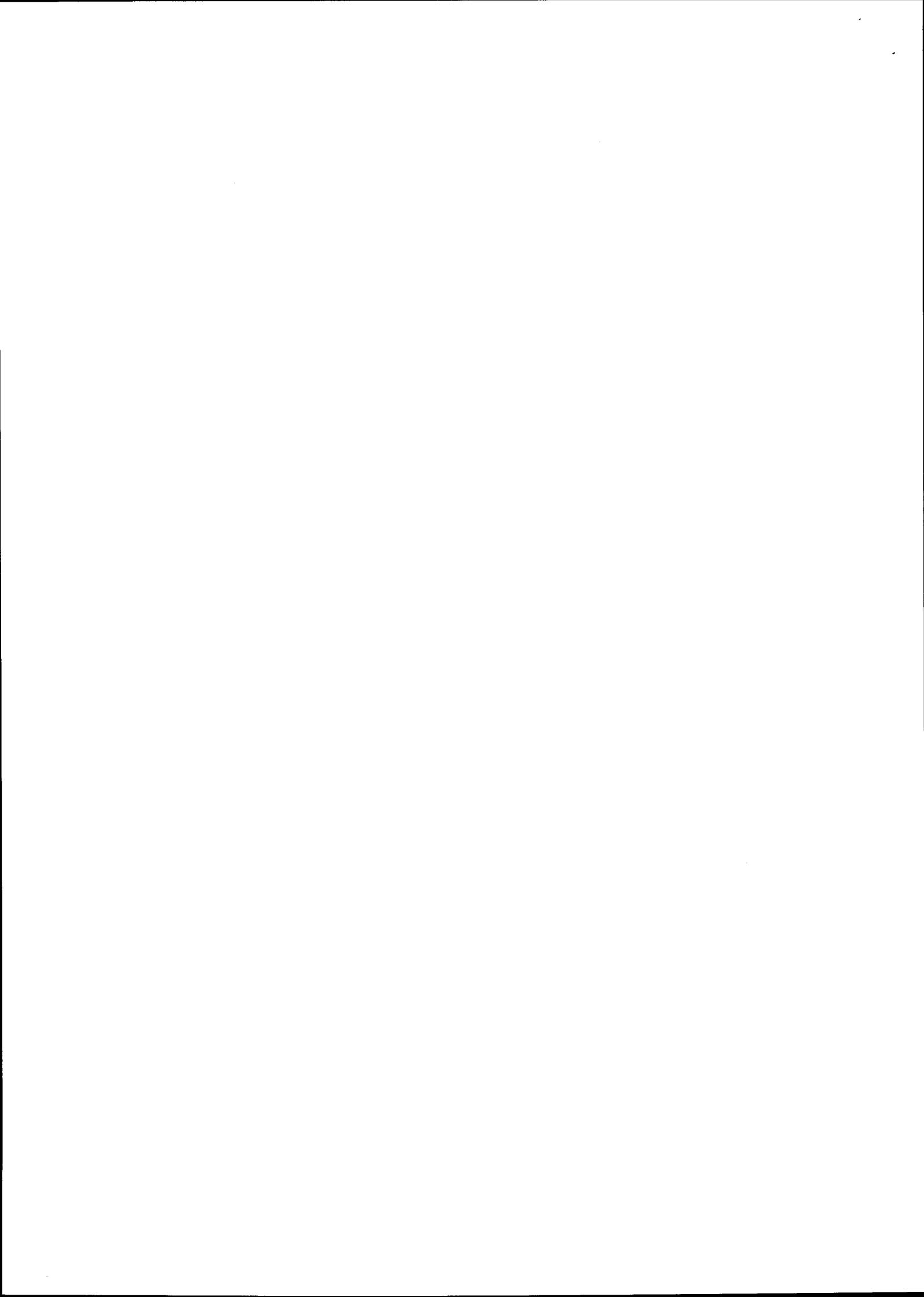
*Noise, vibration, disruption and disturbance during the construction period and the operation of the trains*

- 15 The noise and vibration arising from the excavation of the tunnels, the removal of spoil and the construction of the railway and its associated works and structures (such as the tunnelling access and ventilation shafts) including heavy lorry traffic is a matter of significant concern to your Petitioners. The operation of the railway (including the use of ventilation shafts and other ancillary uses) must also be expected to give rise to air and ground borne noise and vibration in respect of which the Promoter is subject to no limitations in the Bill or the Environmental Statement. Noise or vibration from the operation of the trains will severely impact upon the use and enjoyment of the Property by your Petitioners. Your Petitioners submit that the Promoter should be compelled to use best available techniques in



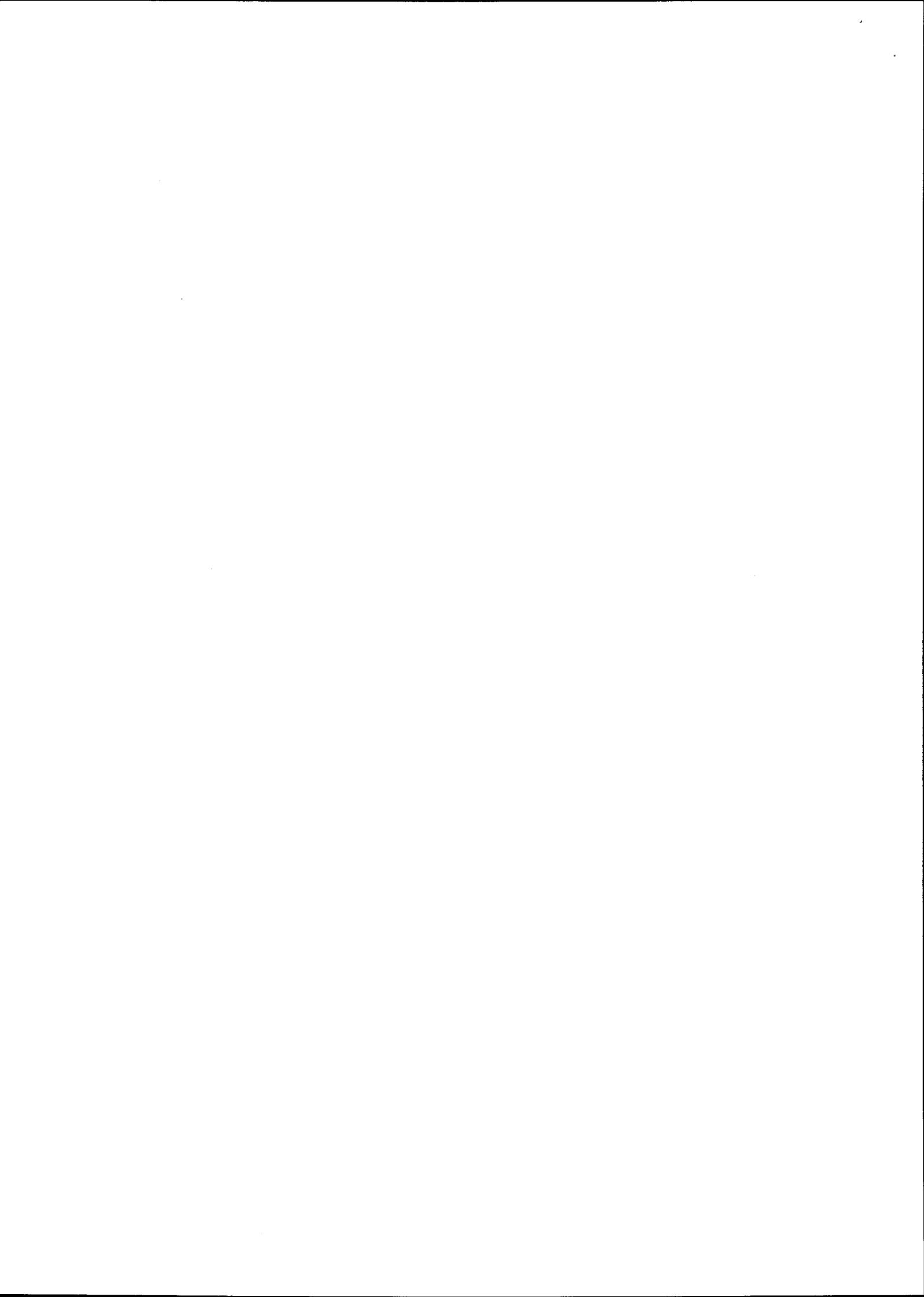
the construction (and operation) of the railway and its associated works and structures to ensure that no noise or vibration can be felt in the Property and there are no other adverse effects Your Petitioners submit that strict standards should be set beyond those currently envisaged by the Promoter and to which the Promoter must be made liable to comply.

- 16 Your Petitioners wish to see an effective noise, vibration and resultant damage mitigation and monitoring system in place before commencement and during construction of the works and operation of the trains There must in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter of the Bill. If that threshold is exceeded or any damage caused the nominated undertaker should be obliged to cease construction or operation of the trains as the case may be until such time as remedial measures are in place which would reduce noise and vibration levels below the agreed threshold Your Petitioners fear that damage will result from vibration if piles in the vicinity are driven rather than bored or hand-dug. Your Petitioners also fear that vibrations caused by tunnelling as the tunnel heading passes beneath the Property for each of the two tunnel drives will cause disturbance to the Petitioners. Your Petitioners request that provision is made to ensure the absence of impact-induced vibration by the use of absorptive track beds or other means.
- 17 Your Petitioners request that provision be made for the appointment of a suitably qualified expert in noise (including the noise generated by construction traffic and from the operation of the trains) as agreed upon by the parties or in default of agreement appointed by the president of the appropriate body on the application of either party to report upon noise effects at the Property and in the neighbourhood Your Petitioners request that provision be made for the terms of appointment to be agreed by the Petitioners, and the report be addressed jointly to the parties whilst fees should be borne by the Promoter. Your Petitioners request that provision be made for reports to be supplied immediately to the parties. Your Petitioners request that provision be made that all costs expenses and VAT should be borne by the Promoter. Your Petitioners request that provision be made that the noise impact (including the noise generated by construction traffic and the operation of



the trains) should be monitored by the relevant experts appointed pursuant to this agreement at the cost of the Promoter for the period of the construction works and at regular and frequent intervals after commencement of the running of the trains

- 18 Your Petitioners request that provision be made for a suitably qualified expert in vibration (including the vibration effect caused by construction traffic and the operation of the trains) agreed upon by the parties or in default of agreement appointed by the president of the appropriate body on the application of either party to report upon vibration effects caused at the Property by the operation of the project. Your Petitioners request that provision be made that the terms of appointment are to be agreed by the Petitioners and that the report be addressed jointly to the parties but that fees are to be borne by the Promoter. Your Petitioners request that provision be made that the reports are to be supplied immediately to the parties. Your Petitioners request that provision be made that all costs expenses and VAT to be borne by the Promoter. Your Petitioners request that provision be made that the vibration impact (including the vibration effect caused by construction traffic and the operation of the trains) should be monitored by the relevant experts appointed pursuant to this agreement at the cost of the Promoter for the period of the construction works and at regular and frequent intervals after commencement of the operation of the trains
- 19 Your Petitioners request that provision be made for all insulation and other necessary remedial measures to be put in place at the cost of the Promoter before the tunnelling works start in the vicinity of the Property if any reports by the said experts show a possibility of any noise or vibration impact to the Property or any part of it from the construction of the works or the operation and maintenance of the trains and tunnels. Your Petitioners request that provision be made that all statutory consents should be obtained by the Promoter at its cost. Your Petitioners request that all such remedial measures and method statements for the works are agreed with them in advance



- 20 Without prejudice to the preceding paragraphs your Petitioners request that provision be made that if notwithstanding the reports of the experts, any noise and vibration impact is felt in the Property or any part of it or any damage is caused to the Property or any part of it from any vibration from the project at any time including the operation of the trains at any time all insulation and remedial measures should be installed by the Promoter to the Petitioners' satisfaction immediately upon request by the Petitioners and at the Promoter's cost. Your Petitioners request that all such remedial measures and method statement are agreed by them in advance.
- 21 Your Petitioners request that provision be made that the Promoter must pay the costs of alternative accommodation of no less quality and standard and in a location as equally convenient and acceptable to the Petitioners if the Petitioners have to relocate during the period during which any works are carried out or the Property cannot otherwise be occupied as it was prior to commencement of the project. Your Petitioners request that provision be made that double glazing or other suitable insulation be installed immediately at the Promoter's cost if there is noise impact from lorry movements during construction, or in advance of the works if the levels of noise impact are envisaged as being of such a level that these measures will be required, and your Petitioners request that provision be made for the Promoter to obtain all necessary statutory consents.
- 22 Particularly having regard to the residential nature of the Property, your Petitioners are also concerned that hours of working should be strictly limited. Your Petitioners are not satisfied that the Promoter's proposals for limiting working hours are satisfactory and look for a strengthening of such requirements. Construction of the works during the hours proposed would cause considerable disruption to the occupiers of the Property and your Petitioners therefore request that alternative arrangements are agreed in this vicinity.
- 23 The surface works, particularly the removal of spoil, will particularly impact upon the quiet enjoyment of the Property and the neighbourhood. Unacceptable

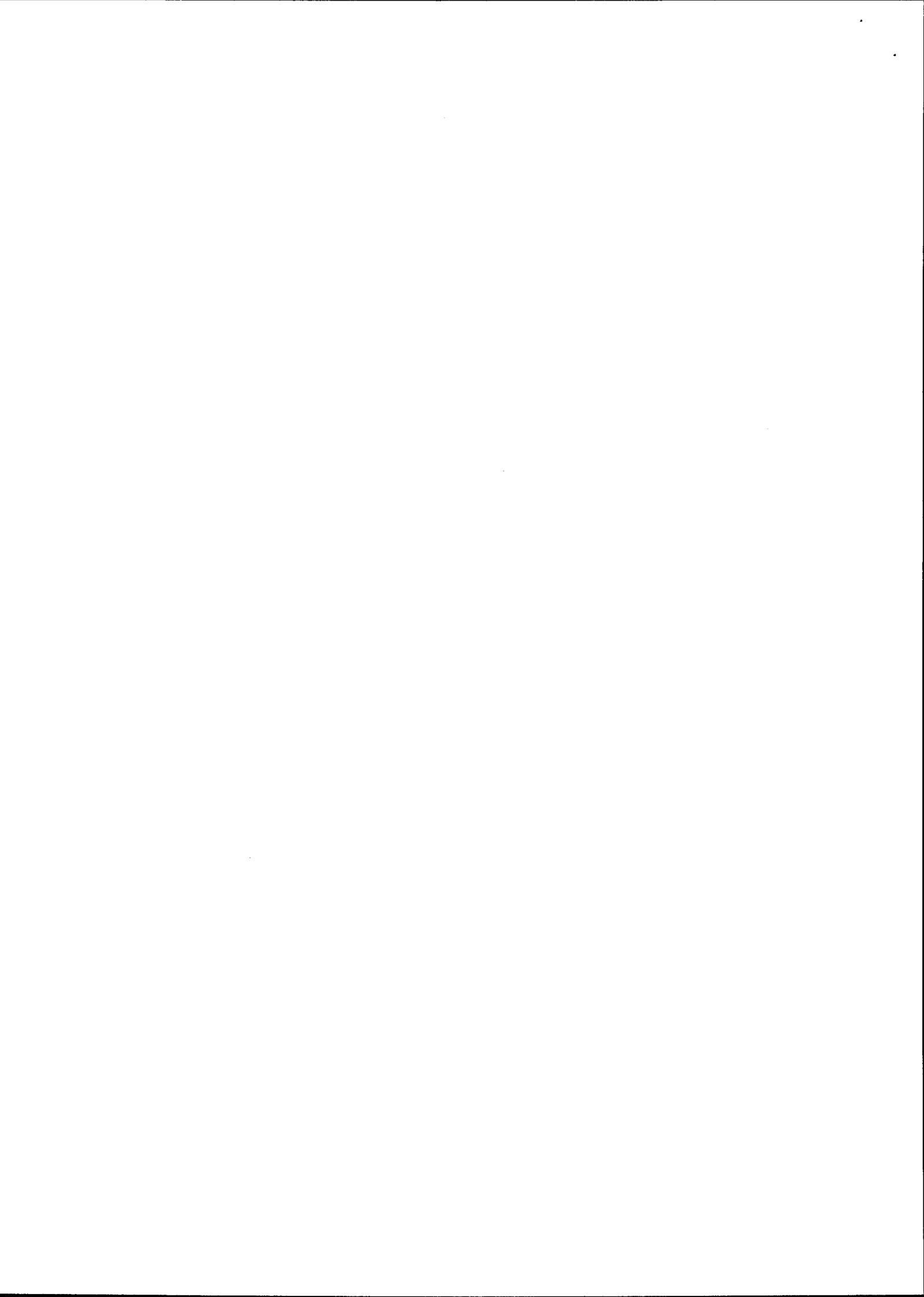


increases in lorry movements which will involve large 8 wheeled articulated lorries during the construction period are to be expected, the disruptive effect of which will be compounded by the permanent and temporary stopping up of nearby roads. The use and routeing of heavy lorries through the vicinity of the Property is a matter of substantial concern to your Petitioners and, in their submission, must be strictly controlled, having regard to the particular sensitivities of the area. Spitalfields has many narrow and congested streets lined with fragile buildings and thronging with pedestrians that were not designed with lorries in mind, and thus any increase in lorry movements in the vicinity on the Property will have an incremental effect on the surrounding area, and in particular the vibration from lorries will cause damage to the Property

24 Your Petitioners are concerned about dust and dirt produced during the construction of the proposed works Without prejudice to your Petitioners' contention that this area should not be used for such heavy construction and tunnelling work and spoil removal your Petitioners would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to ensure that there is no dust, and to carry out additional mitigation if dust is a nuisance to their health or at the Property and in the neighbourhood. Your Petitioners request that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioners for additional expense caused by any health problems due to dust and dirt and for the frequent cleaning of the Property and more frequent replacement of air conditioning filters.

25 Your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to the Property as a result of the construction of the proposed works. In your Petitioners' submission a co-ordinated programme of works to services leading into the Property needs to be established by the Promoter and the details provided to your Petitioners, to prevent a succession of statutory undertakers' works to and reinstatement of the surrounding streets

*Subsidence, settlement and associated damage to properties during and after construction and during the operation of the trains*



26 Your Petitioners are concerned about settlement effects on the Property. The Property is particularly sensitive by reason of the general nature of its early Georgian terrace construction, age and the incorporation of fragile architectural features such as ornamental plasterwork, joinery, and, now, *very* fragile brick facades, which have been painstakingly retained to preserve the historic fabric of the Property and its historic and cultural significance. The Property is listed and in a conservation area and as such the Petitioners are under a statutory duty to maintain it in repair and not to cause or allow any damage to it.

27 In addition your Petitioners request that provision be made for an effective and agreed monitoring system to be put in place, before, and, during commencement construction of the works and the operation and maintenance of the trains and the tunnels to measure the exact effect of any settlement damage or other impact on the Property.

28 **In order to prevent settlement damage, your Petitioners contend that the running tunnels should be constructed at the greatest practical depth and that the freedom under the Bill to deviate upwards should be strictly limited.**

29 Your Petitioners request that provision be made for all damage or other defects occurring to the Property or any part of it caused by the tunnelling or the operation of the project or the trains or their maintenance or the maintenance of the tunnels at any time be made good by the Promoter at the Promoter's expense immediately upon request by the Petitioners and to the Petitioners' satisfaction and in accordance with method statement agreed by the Petitioners. Your Petitioners request that provision be made for all necessary statutory consents to be obtained by the Promoter at its cost. Your Petitioners request that provision be made for them to be compensated immediately by the Promoter for all damage to contents by replacement cost as new for new items, or the insurance valuation if appropriate or otherwise as appropriate.

*Loss and Compensation*



- 30 The provisions contained within the Bill for compensation for the compulsory purchase of property or of subsoil or new other rights will not enable your Petitioners or other landowners to recover the full loss and expenses which they will incur in consequence of the exercise of such powers. Your Petitioners therefore submit that the Bill should be amended to rectify this.
- 31 Your Petitioners also object that the compensation provisions of the Bill are inadequate to compensate your Petitioners or others in circumstances both where no land (or interests in land) is acquired by the Promoter under the Bill, and where the value of such land and the properties erected on it is reduced or where such land and the properties erected on it is otherwise adversely or injuriously affected by the construction or use of the proposed works. Your Petitioners therefore submit that the Bill should be amended to provide for claims for adequate compensation in respect of damage arising to their property by the execution of the works, or for injurious affection thereof by the execution or working of these works, separately from any claim for compensation in the respect of acquisition of any land (or interest therein) from your Petitioners under the powers of acquisition.
- 32 Your Petitioners further submit that the compensation provisions proposed in the Bill are inadequate to compensate your Petitioners for the loss, damage and inconvenience, attributable to blight to the Property, which they have already suffered or may now suffer as a result of the prospective construction and subsequent use of the proposed works.
- 33 Your Petitioners further submit that the Promoter should be required to indemnify them from all losses, claims and demands which may be made in consequence of the construction, use or maintenance of the works under the Bill or the operation and maintenance of the trains and tunnels at any time or their failure or want of repair, or in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the works or the operation and maintenance of the trains and tunnels at any time under the Bill.



- 34 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.
- 35 Your Petitioners submit that provision should be made for the Promoter to pay compensation on demand for reduction in market value of the Property caused by any of the foregoing. Your Petitioners submit that provision should be made for the Promoter to indemnify them for any injury to their other occupiers, invitees and licensees at the Property. Your Petitioners submit that provision should be made for the Promoter to indemnify them if insurance cannot be obtained or only any increased premium or subject to particular conditions/excesses or if they are in default of their mortgage obligations. Your Petitioners submit that provision should be made for interest to be payable by the Promoter on all sums due and not paid. Your Petitioners submit that provision should be made for all their monitoring costs to be borne by Promoter. As a general matter, your Petitioners submit that provision should be made for an overall indemnity by Promoter to put them and occupiers in the same position as "no project" world. Your Petitioners submit that all undertakings and indemnities given by the Promoter should be for the benefit of the Petitioners their successors in title and assigns and all mortgagees of the Property from time to time
- 36 There are other clauses and provisions in the Bill, which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

### *Conclusion*

- 37 As a homeowner in central London, whose property is sited directly above one of the tunnels, I am also concerned that there has been insufficient in-depth impartial research on the effects of the tunnelling, and subsequent operation of a busy full



scale railway. I have, many times, asked for any, facts, figures, or information relating to the impact of a similar project carried out on similar, or preferably, identical circumstances anywhere worldwide. No information of this kind has ever been forthcoming, and if there is no previous project to reference, that is, in itself, a cause for concern.

- 38 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

YOUR PETITIONERS THEREFORE HUMBL Y 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, Counsel or Agents and with witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners 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 Petitioners in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.