

HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL

PETITION

Against the Bill – 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 BLOOMFOLD LIMITED

SHEWETH as follows :-

1. A Bill (hereinafter called "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. Clauses 1 to 20 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.

3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").
4. Your Petitioners are Bloomfold Limited, who are a company formed under the Companies Act 1985. They are the freehold owners of certain land which lies within the limits of deviation for the works which may be constructed under the Bill. Your Petitioners' lands lie in the London Borough of Tower Hamlets.
5. The Bill would authorise the compulsory acquisition of your Petitioners' land, to which they object. Furthermore, your Petitioners' interests will be injuriously affected by the proposals in the Bill and they object to the Bill insofar as it affects your Petitioners' interests, for the reasons, amongst others, hereinafter appearing.
6. Your Petitioners are the owners of two developed sites known as Flats F1.G1 – F16.22 Kempton Court, 2 Durward Street, London E1 5BB (110 flats) and Flats 1-18 Trinity Hall, Durward Street, London E1 5BB (18 flats). These sites are shown on the deposited plans as plots numbered 262 and 276 in the London Borough of Tower Hamlets, and are liable to compulsory acquisition under the Bill. Your Petitioners collect ground rent and are responsible for the maintenance and upkeep of the flats in their premises. All the flats have been sold off on long leases.
7. The Bill and the book of reference both show that the subsoil only of plot number 276 may be acquired. The book of reference, however, indicates that only the subsoil of plot number 262 may be acquired, yet the plot is not listed in the table in Schedule 11 to the Bill. On the face of it, the whole of plot number 262 may be acquired compulsorily under the Bill. Your Petitioners strongly object to that, if it is indeed the intention of the promoter.
8. Both of your Petitioners' premises are located within the general area of the works for the construction of the Crossrail station at Whitechapel. Your Petitioners are concerned about the effect of works taking place in

the subsoil of their buildings and also about the effect on the value of your Petitioners' property of the enormous amount of construction activity which is likely to take place on the doorstep of their buildings. Works which are liable to take place within the footprint of your Petitioners' buildings include the construction of running tunnels and the station, the diversion of a sewer and a passenger subway linking the underground station to the proposed Crossrail station.

9. As mentioned, your Petitioners have general concerns about the construction of the Crossrail works under and near to their properties. Your Petitioners would wish the promoter to agree that, in respect of their properties, a schedule of condition should be prepared, in accordance with a specification to be agreed with your Petitioners, at the expense of the nominated undertaker, before the works commence. The effect of the works on the premises should be regularly monitored at the expense of the nominated undertaker, in accordance with arrangements to be agreed with your Petitioners so as to minimise interference with residents at your Petitioners' premises, and at the conclusion of the works a further schedule of condition should be prepared at the nominated undertaker's expense, to ascertain what matters require to be remedied.
10. Your Petitioners submit that the nominated undertaker should be obliged to carry out suitable protective and preventative measures in relation to your Petitioners' premises, and the services thereto, to your Petitioners' satisfaction, to minimise settlement effects.
11. If, during the course of the construction of the works, your Petitioners notice damage occurring to their properties which requires attention, the nominated undertaker should be obliged, on request, to carry out the works of repair and suitable protective works, to your Petitioners' satisfaction, without waiting until the conclusion of the construction of the works.
12. Your Petitioners are concerned about impact of the proposed works on the foundations of your Petitioners' premises and about prejudice to future development of both your Petitioners' properties, particularly Trinity Hall. The nominated undertaker should be required to construct the underground works at such depth or in such a way that the foundations of

and subsoil under your Petitioners' premises are unaffected and so that the load bearing capacity of the foundations and subsoil stratum underneath is not reduced.

13. Your Petitioners have seen the promoter's draft "Settlement Deed" which your Petitioners understand is intended to be offered to property owners along the line. Your Petitioners understand that the promoter intends to give an undertaking to the select committee which considers the Bill in your Honourable House, to the effect that all persons who meet certain criteria will be offered the opportunity of signing the Settlement Deed, once the nominated undertaker has been appointed. Your Petitioners have two major concerns about this approach. First, the draft of the Deed which has been seen by your Petitioners is deficient in many respects, and your Petitioners believe that, in matters of such importance, they should not be constrained from negotiating the terms of the Deed on an individual basis. Your Petitioners can see no reason why the promoter should not, once the terms of the deed are agreed, enter into an agreement, enforceable as a matter of contract law, to the effect that, once appointed, the nominated undertaker shall be required to enter into a deed on the agreed terms.
14. Your Petitioners respectfully submit that the promoter should be required to ensure that noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced tunnelling technology and machinery, and that operational noise from the trains is minimised with the use of the best technology available. Your Petitioners are concerned that noise and vibration may be radiated into your Petitioners' buildings to an unacceptable extent. In your Petitioners' submission, the nominated undertaker should be subjected to stringent design standards and if necessary, the nominated undertaker should be required to install additional appropriate procedures and design methods to inhibit the transmission of noise and vibration into their properties.
15. The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to services to and from your Petitioners' premises including power, drainage and telecommunications services. The nominated undertaker should be required to ensure that these services will be suitably protected and secured, that supplies and

services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works. Your Petitioners note in particular, and are concerned about, the fact that an electricity substation near their premises is to be relocated, and there will be relocation of power lines and a sewer running underneath your Petitioners' properties.

16. Your Petitioners are concerned about the exercise by the nominated undertaker, in relation to your Petitioners' premises, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your Petitioners would wish to have control over such works, have the works overseen by independent engineers at the expense of the nominated undertaker, be satisfied as to the quality of such works and be assured of proper and adequate access to your Petitioners' premises being maintained at all times. Your Petitioners seek assurances accordingly.
17. As regards the nominated undertaker's powers of entry under the Bill, your Petitioners submit that these should be restricted such that they cannot be exercised during normal working hours at your Petitioners' premises. Furthermore, the time of day when major structural works may be carried out should be restricted to outside normal working hours.
18. Your Petitioners are concerned about adverse effects of the nominated undertaker's proposed powers on occupiers of your Petitioners' premises and on the impact on your Petitioners' interests in relation to rental levels on rent reviews and rental income generally.
19. Your Petitioners are concerned about the possible duration and programming of the proposed works, in particular with reference to the considerable disruption caused to your Petitioners and their tenants for what could be a number of years. Your Petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to your Petitioners' premises.

20. For compensation purposes, your Petitioners submit that the nominated undertaker should be obliged to treat separately a claim for injurious affection from any claim which may be made in respect of land taken compulsorily under the Bill. The nominated undertaker should be obliged to indemnify your Petitioners fully against costs or loss to your Petitioners by reason of material damage to your Petitioners' premises or otherwise occasioned as a result of the Bill and its proposals.

21. Your Petitioners are concerned about the blighting effect of the Bill on their properties. The Bill is unlikely to receive Royal Assent until 2007 and thereafter, there could be years before the works even commence (if they ever commence). Thereafter, your Petitioners would expect, from reading the Environmental Statement, that the Whitechapel area, and in particular the area within which your Petitioners' properties are located, will be a construction site for many years. Your Petitioners are particularly concerned about the effect of the Bill on any plans which they have for the development of their properties, and draw the attention of your Honourable House to the fact that there are several unlet shop units on the ground floor of your Petitioners' Kempton Court property which the proposed works will make it extremely difficult to lease throughout the duration of the works. Your Petitioners would request your Honourable House to amend the Bill so that your Petitioners are fully compensated for any losses incurred due to the blighting of their properties.

22. In your Petitioners' submission, the Bill is deficient in various other respects, in relation to your Petitioners' premises, as detailed below. They submit that the Bill should be amended to provide them proper protection in these respects. The matters in relating to which protection is requested are as follows –
 - a. Your Petitioners are concerned about exercise by the nominated undertaker of the powers of paragraph 9 of Schedule 2 to the Bill with regard to preparatory works, and in particular the making of trial holes, and that the nominated undertaker could seek to do this at your Petitioners' premises. This power should only be exercisable with the consent of your Petitioners;

- b. If the nominated undertaker were to construct the works without taking proper account of the day to day requirements of your Petitioners' tenants, there could be a serious adverse effect on your Petitioners' premises. In particular, your Petitioners are concerned about the effects of noise, dust and vibration, and about access for vehicles as well as pedestrians. Free and convenient access should be maintained at all times for pedestrians. Creation of noise, dust and vibration which may affect your Petitioners' premises should be avoided during sensitive hours. In addition, there will be very significant numbers of heavy goods vehicles in the area, accessing the worksites.
 - c. Your Petitioners are particularly concerned to ensure that there is sufficient mitigation in place to protect their tenants from the effects of noise, vibration and dust, and your Petitioners allege that the Bill is deficient in this respect;
 - d. Your Petitioners are concerned that exercise by the nominated undertaker of the powers of the Bill in relation to street and pavement closures or openings in streets or pavements could result in vehicular access to your Petitioners' property being denied or pedestrian access being impeded. Your Petitioners are particularly concerned about the adverse impact of possible access difficulties on your Petitioners' tenants.
23. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE

HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they 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 of your Petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray,
&c.

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL

PETITION

of

BLOOMFOLD LIMITED

AGAINST,

BY COUNSEL, &c.