

HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

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

THE HUMBLE PETITION OF CAMDEN LONDON  
BOROUGH COUNCIL

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 clause 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 the Camden London Borough Council. The Bill would authorise the compulsory acquisition of land belonging to your Petitioners, to which they object. Furthermore, the provisions of the Bill will injuriously affect part of the area for which your Petitioners are the local authority, and your Petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.

### **Introductory**

5. The London Government Act 1963, which established your Petitioners, conferred important powers and duties upon your Petitioners. Numerous enactments since that date have added to your Petitioners statutory powers and duties. They are the local planning authority and are, therefore, responsible for general planning and preparation of local plans. They are also the local highway authority and have other powers and duties in relation to activities of public concern including housing, public health, recreation, civic welfare and amenity and the economic well-being of the area.
6. Your Petitioners welcome the principle of the Bill insofar as its intention is to improve public transport and accessibility in London. Your Petitioners also welcome the intention to improve the station at Tottenham Court Road, which has been a major concern of your Petitioners for a considerable number of years.

### **Impact on listed buildings and conservation areas**

7. Your Petitioners are concerned that the works proposed under the Bill will have a serious adverse impact on listed buildings and conservation areas within your Petitioners' Borough. The Promoter's own Environmental Statement concedes that the works will deleteriously and greatly impact on such buildings and areas. Your Petitioners wish to ensure that the effect on listed buildings in particular and on conservation areas in

general is minimised. Your Petitioners accept that there must be some impact if the works are allowed to proceed but they believe and will contend that insufficient controls and means of mitigation have as yet been produced by the Promoter and accepted by your Petitioners. Whilst acknowledging the benefits of the scheme to build Crossrail, it is your Petitioners' view that the opportunity for the attainment of these benefits does not override the need for a proper environmental balance to be struck. Your Petitioners believe that a proper regard should be had for the environment and those living and working close to the works and the operation of the works.

8. The tunnelling and deep excavations potentially affect seventy six listed buildings in Camden – a great wealth of historic buildings that are of both local and national importance, most of which lie within the Bloomsbury, Seven Dials, Denmark St and Hatton Garden conservation areas. Your Petitioners, as the local planning authority therefore expects the highest standards of mitigation measures to protect this important part of London's heritage. It is also of fundamental importance that these measures also protect the open spaces (e.g. Red Lion Square) and individual trees within the area concerned.

### **Settlement**

9. Your Petitioners have grave concerns over the integrity of buildings affected by settlement due to tunnelling and seek assurance that detailed surveys should be carried out before construction begins, monitoring should be carried out during and after tunnelling and that mitigation measures should be carried out as necessary to all buildings identified as at risk. Of particular concern to your Petitioners are listed buildings and structures, subways beneath highways and buildings owned by the council, such as housing blocks around Red Lion Square.
10. Your Petitioners welcome the Promoter's report on generic Phase 2 settlement along the line of the tunnels. The report recommends that the properties identified should be assessed for the effects of settlement in Phase 3. The method statements for all protective and remedial works must be agreed with your Petitioners. Repairs should be carried out promptly if necessary, and after a second detailed survey. Your

Petitioners are particularly concerned about listed buildings and buildings in conservation areas in their Borough and the effects on residential and commercial properties.

11. Most settlement takes place within a few days of construction. However, it is your Petitioners view that properties should be resurveyed after two months of construction and, if damage is found, agreed method of repair works should be carried out at the nominated undertaker's expense. Furthermore, long term monitoring should be carried out for at least five years at an interval agreed with your Petitioners. Any further agreed remedial measures should be undertaken at the nominated undertaker's expense.

#### **Subways beneath highways**

12. Your Petitioners submit that the Kingsway Tram Subway and pipe subways should be assessed for settlement to determine the zones of potential damage to the structures. Advance work to minimise any settlement to avoid structural damage should be agreed and carried out prior to commencement of the tunnelling works. Because these subways are beneath major public highways any damage to these structures will have a catastrophic effect on the financial, business and public communities of London.
13. Your Petitioners are also concerned that the potential beneficial use of the Kingsway Tram Subway should not be prejudiced by the proposals contained in the Bill.

#### **Deemed planning permission**

14. The Promoter is seeking in Clause 10 of the Bill to provide that planning permission be deemed to be given for the works and to disapply the statutory controls on development enacted by Parliament in the Town and Country Planning Acts.
15. Your Petitioners accept that Clause 10 of, and Schedule 7 to, the Bill will enable them, as the local planning authority for the area, to exert some influence on the type of development for which powers are being sought by the Promoter. However, your Petitioners have grave concerns in

relation to the extent of these powers, for example in respect of their ability to impose conditions about the form of the entrances to the proposed Tottenham Court Road station, and they crave leave to comment in further detail on these concerns at the appropriate stage. It is your Petitioners' responsibility as local planning authority to control development; and your Petitioners are anxious to improve the local amenity of their area and ensure that the public realm is of the highest quality.

16. Your Petitioners respectfully submit that the nominated undertaker should be required to undertake all works concurrently that impact on the surface, in particular those at Tottenham Court Road station. Blight and disruption would be exacerbated if part of the proposals contained in the Bill were postponed for any reason.

#### **Archaeology**

17. Your Petitioners have perceived a need for the nominated undertaker to provide adequate opportunity and funding for archaeological investigation in respect of each of the construction and work sites. In your Petitioners' submission the appropriate authority should be required to agree a programme of such work with your Petitioners, and English Heritage. Your Petitioners also submit that the funding of this should be borne by the nominated undertaker.

#### **Authorisation procedures**

18. As indicated earlier, in line with the Channel Tunnel Rail Link Act, the Bill contains provisions which provide outline planning permission for the development authorised by the Bill and disapply a number of other statutory regulation regimes which would normally apply in relation to the construction of works, including the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Control of Pollution Act 1974 and the London Lorry Ban. Your Petitioners wish to ensure that if those controls are to be removed or suspended, they are replaced by a robust alternative approval mechanism in each case, in which your Petitioners play a full part. Your Petitioners will, in conjunction with other local authorities affected by the

Bill, be seeking to ensure that such arrangements are put in place, but if that is not achieved then your Petitioners would respectfully request that the Promoter be required to accept satisfactory arrangements including realistic timescales for the consideration of applications.

19. 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 a Construction Code applied to all the works. Your Petitioners will wish to ensure that the Construction Code is complied with properly, and in that respect, your Petitioners will incur a great deal of expenditure.
20. Your Petitioners submit that the nominated undertaker should provide detailed plans, method statements, work programmes, and schedules of deliveries (particularly abnormal deliveries) in relation to each work site, well in advance of the commencement of operations. Your Petitioners should be notified well in advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.
21. It is clear that each of the construction sites in your Petitioners' Borough will be a centre where large quantities of construction materials and equipment will be transported to and from, together with staff. There will also be the problem of removal of spoil from the working sites. The matters, which your Petitioners submit should be subject to their control in this respect, are the routing of lorries and other vehicles, access to work sites, hours of operation, number of vehicle movements and size of vehicles and miscellaneous related matters.

### **Fees and Costs**

22. As part of the alternative consent regimes mentioned above, your Petitioners must be able to recover from the promoter or the nominated undertaker their full costs of processing applications and taking enforcement action where necessary. Your Petitioners note that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local planning authority in respect of

requests for detailed planning consent. Your Petitioners are pleased to note this, but seek assurances from the promoter about the level of those fees and the ability of the nominated undertaker to cover their costs of dealing with all consents associated with the Crossrail works, and to reclaim all associated enforcement costs.

23. Your Petitioners wish to ensure that all of their reasonable expenses in monitoring construction sites are met by the nominated undertaker, together with expenditure incurred by your Petitioners in planning and programming activities related to the Construction Code. The nominated undertaker should also reimburse any costs that arise from the protection of the public during the construction works.
24. Costs incurred by your Petitioners in the process of monitoring settlement as set out in paragraph 11 should be borne by the nominated undertaker.
25. Your Petitioners also submit that the nominated undertaker should be subject to the normal fees and charges that are required by the Highway Authority for applications to carry out works on the highway and erect hoardings.

#### **Hours of working and the planning regime**

26. Your Petitioners respectfully suggest that the normal hours of working should be agreed at the same time as applications for works are made to the Council under Clause 10 of and Schedule 7 to the Bill. The hours and days of the week during which development on land within the relevant limits takes place should be a matter that is included as a planning condition and, therefore, the table in paragraph 7 of Schedule 7 should be amended accordingly. This is a crucial power that the local planning authority needs to be able to control the development proposals in order to preserve the local environment or local amenity.
27. Your Petitioners are concerned about the length of the working day permitted in the draft Construction Code. As drafted, the Code would allow an hour at either end of the working hours, which are normally permitted by your Petitioners when noisy works are proposed in their borough. Your Petitioners believe that these proposed extensions should

not be permitted. The ability to permit certain works to take place during daylight hours should also be curtailed.

28. Your Petitioners would hope and expect that through the process described in paragraph 26 above, normal hours of operation for the different worksites will be agreed with the nominated undertaker. Your Petitioners will be seeking to ensure that the nominated undertaker agree to such requirements. If they do not, your Petitioners submit that the promoter should be required to agree normal hours. Your Petitioners are also concerned to ensure that the nominated undertaker is required to adopt the very highest standards in respect of mitigation of the effects of noise, vibration and dust caused during the construction period and in particular that the construction code replicates your Petitioners' best practice requirements imposed on other major construction projects in their borough. There should also be a guarantee that any future changes to industry standards will also be complied with. The nominated undertaker should be required to carry out noise sensitive property surveys in advance of any construction works and notify your Petitioners and seek their agreement to any proposed changes to normal hours of working.

#### **Notice and compensation**

29. Your Petitioners also respectfully request that the nominated undertaker should be obliged to limit the disruption to the area by giving notice to, and reaching agreement with, your Petitioners when works are proposed to commence and limiting the times and working hours during the construction period. Your Petitioners further submit that if the Bill is passed and a nominated undertaker is permitted to proceed with the scheme, the nominated undertaker should compensate local residents and businesses for detriment and loss caused by the works and the stopping-up of streets (including financial loss suffered by businesses after completion of the works).

#### **Noise thresholds**

30. Your Petitioners respectfully suggest that the noise thresholds in the proposed Code of Construction Practice for the installation of acoustic

secondary glazing or re-housing at the expense of the nominated undertaker in circumstances to be specified should be lowered. It is acknowledged by your Petitioners that the Environmental Statement states that acoustic secondary glazing will be necessary and will be provided to protect some residents but it is your Petitioners' view that such glazing should also be provided elsewhere. If secondary glazing is insufficient protection in any particular case, the nominated undertaker should temporarily re-house the affected residents for the duration of the works. Your Petitioners also suggest that compliance with the proposed Code of Construction Practice should be monitored by the nominated undertaker and the results made available to your Petitioners to ensure that standards set down in the Code are complied with and that the nominated undertaker should be liable to pay compensation or take remedial action for any breach of the Code.

#### **Construction noise and vibration**

31. Your Petitioners are concerned at the effects of noise and vibration in buildings used as dwellings, community and educational uses and other noise sensitive uses, and submit that steps should be taken by the Promoter and the nominated undertaker to ensure that the interests of the occupiers of such premises are not prejudiced by the Bill. Your Petitioners respectfully submit that the full provisions of the Control of Pollution Act 1974 and the Environmental Protection Act 1990 should remain in force with regard to the works authorised by the Bill.

#### **Operational Ground-borne noise and vibration**

32. Your Petitioners are concerned about ground-borne noise generated by the operation of the railway. Methods of construction of the railway to attenuate this source of noise and vibration must be incorporated to safeguard residents, community uses and businesses. Your Petitioners submit that the nominated undertaker should be subjected to stringent design standards and where the railway passes beneath noise sensitive buildings the nominated undertaker should be required to adopt additional methods to attenuate noise and vibration impacts. The standards adopted should be best practice and, where exceeded, the nominated undertaker should be subjected to a compensation code.

33. Your Petitioners therefore submit that the nominated undertaker should be required to use the best possible methods and equipment to minimise noise and vibration during operation of the railway. Your Petitioners are also concerned to ensure that high standards are met in terms of the lifespan and maintenance of the running tracks. Appropriate standards should be incorporated in the contracts between the Secretary of State and the operator to ensure that the operator meets those standards.

#### **Ventilation Shafts**

34. It is proposed that there will be a ventilation shaft at Fisher Street and at 8-10 Southampton Row (Carlisle House). The future of this Grade II listed building is of the utmost importance. Your Petitioners fully accept that an underground railway of this nature requires ventilation shafts. However the proposals for such shafts need to be considered carefully in consultation with your Petitioners and in particular your Petitioners should, in their respectful submission, be entitled to prescribe requirements for the design and appearance of the ventilation buildings and their relationship to existing and proposed buildings, and the extent to which noise and vibration from the shafts should be reduced to an acceptable level. It is important for the specific impact of the proposal to be considered in the local context and not just a route-wide standard.

#### **Highways and disruption to traffic and pedestrians**

35. It is your Petitioners' view that the construction of Crossrail is likely to cause serious disruption for pedestrians, cyclists and vehicle drivers in the area. There will be numerous lorry movements during the construction phase and these need to be adequately controlled. Your Petitioners are particularly concerned about the phasing and re-routing of pedestrians and vehicles during the construction of Tottenham Court Road station over a period of six years. Your Petitioners have grave concerns for the safety and security of pedestrians during this period.
36. The matters, which your Petitioners submit should be subject to their control in this respect, are the routing of lorries and other vehicles, access to work sites, hours of operation, number of vehicle movements and size of vehicles and miscellaneous related matters. Your Petitioners

submit that the nominated undertaker should be required to use every endeavour to utilise rail, river and canal for transport purposes. The nominated undertaker should also be required to minimise the cumulative impact of lorry movements by properly managing lorry movements, keeping the number of movements to a minimum, using the strategic road network and confining movements to normal worksite hours.

37. Your Petitioners are anxious about the consequences of surface road working and temporary and permanent stopping up and alteration of highways. Your Petitioners' anxieties relate to the impact on pedestrian and vehicular traffic flows, safety aspects, damage to the highway and loss of parking. Your Petitioners are particularly concerned for the mobility impaired. Your Petitioners submit that the nominated undertaker should be required to carry out such reasonable measures as your Petitioners may specify, to allay their anxieties.
38. In particular, your Petitioners as highway and traffic authority require that they must be fully consulted on all proposals to make temporary or permanent road closures and traffic diversions and changes to traffic flow and about any physical alterations to the highway.
39. The powers under the Bill to close highways temporarily are very wide. The nominated undertaker would be able to close any street in your Petitioners' area for the purpose of the works. The closure of most highways would require the consent of the highway authority, but for a number of highways only consultation with the highway authority is required. Your Petitioners wish to secure that consultation is carried out properly, with a minimum period agreed between your Petitioners and the nominated undertaker for notification of intended closures (with exceptions for emergencies).
40. Similar arrangements should be put in place for proposed diversions, changes to traffic flow and physical alterations to highways. Overall, procedures should be put in place to ensure proper highway management throughout the Borough. All such measures should take proper account of the safety of the public and ensuring adequate access and egress to and from premises.

41. Your Petitioners submit that the nominated undertaker should be required to carry out and fund all necessary remedial and repair works to the highway and any necessary bridge strengthening to a standard specified by your Petitioners in respect of all highways and bridges for which they and others in the Borough are the responsible authority. Your Petitioners submit that the nominated undertaker should be required to carry out detailed condition surveys before and after the construction period on land in their ownership which is to be and is affected by the proposals, particularly on highways which are to be used as worksites or which will be heavily used by construction traffic.
42. A significant number of on-street parking places, for which your Petitioners are responsible, will be lost temporarily during the construction period and permanently, on completion of construction. The nominated undertaker should ensure that alternative spaces (including bays for residents, pay and display, parking meters, taxis, motorcycles and coaches) should be made available nearby to replace lost spaces where this is practicable.

**Tottenham Court Road Station – Eastern Ticket Hall**

43. Your Petitioners have the following detailed concerns in relation to the proposed works at the proposed Tottenham Court Road Station Eastern Ticket Hall –
  - (a) It is proposed to close a section of the Charing Cross Road at its northern end during the construction period and there will inevitably be major effects on traffic flows in the area. Your Petitioners' preferred option would be for Charing Cross Road to remain open during the construction period, but if it is necessary to close the road in order to accommodate the proposed worksite, then access must be maintained to properties in the surrounding area and alternative traffic and pedestrian arrangements must take account of public safety.
  - (b) There will be a considerable number of lorry movements to and from the worksites during the construction period and the nominated undertaker must put in place sufficient provisions to

ensure the safety of the general public, particularly pedestrians, during this period.

- (c) Your Petitioners are yet to be convinced that the design and location of the entrances for the proposed station at Tottenham Court Road will be adequate for the demands placed upon them and your Petitioners consider that there may be a need to alter or provide additional station entrances and that adjoining footways and carriageways are improved to meet the demands of Crossrail. They are also concerned about the impact of pedestrian movements of passengers entering and exiting the station. Your Petitioners require that the station design should ensure that sufficient provision is made in relation to footway widths, pedestrian crossings and other pedestrian amenities. In the view of Your Petitioners, there is a need for the promoter to undertake further modelling of the passenger demand at Tottenham Court Road and the flows to and from the station entrances.
- (d) There are proposals for the construction of a second Crossrail line, which, if constructed, would also connect at Tottenham Court Road station. Your Petitioners are concerned to ensure that the construction of the proposed station does not prejudice future plans for Crossrail Line 2.
- (e) Your Petitioners are aware of other development proposals in the immediate vicinity of Tottenham Court Road Station and they are particularly concerned about the cumulative impact of those proposals with the Tottenham Court Road station proposals. Your Petitioners believe that the nominated undertaker should take account of the impact of those other proposals when developing the construction methodology so as to ensure that accumulative impacts of all of the development schemes in the area are kept to a minimum.

#### **Construction – Other General Concerns**

- 44. Your Petitioners submit that the nominated undertaker should provide detailed plans, method statements, work programmes, and schedules of

deliveries (particularly abnormal deliveries) in relation to each work site, well in advance of the commencement of operations. Your Petitioners should be notified well in advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.

45. Your Petitioners are concerned about the wider impact of construction related activities on the public realm, for example the impact that dust generated from worksites would have on properties in the vicinity. Frequency of property maintenance would need to be carried out on a more regular basis. This is particularly important for the buildings in conservation areas.

### **Operational Railways**

46. Your Petitioners recognise that all new stations provided in the Crossrail Bill will be fully accessible and your Petitioners welcome this. However, your Petitioners are not satisfied that Crossrail adequately addresses accessibility issues at existing stations outwith your Petitioners' Borough, which Crossrail will serve and believe that Your Honourable House should require the matter to be addressed.
47. Farringdon station is close to the eastern boundary of your Petitioners' Borough and your Petitioners share their neighbouring local authority's concern about the interchange arrangements between Crossrail, Thameslink and the Metropolitan Line. Your Petitioners are concerned to ensure that the nominated undertaker takes the opportunity to make the best possible provision for fully accessible interchange at Farringdon and that the station is designed to cater for the projected passenger growth.

### **Social, Economic and Community Impact**

48. Your Petitioners recognise and warmly welcome the fact that the Crossrail proposals will provide a large number of employment opportunities during both the construction and operation phase. Your Petitioners are keen to ensure that the nominated undertaker takes steps to seek to promote employment of local residents both temporarily and permanently. They would also wish to advocate and promote contact with local businesses to provide goods and services. More information and

assistance needs to be given to affected businesses to help them understand the impact of constructing and operating Crossrail, both through the process of obtaining consent, its construction and operation.

49. Your Petitioners have been concerned that the consultation so far carried out by the Promoter with local residents and businesses has not met the standards which your Petitioners would expect. They respectfully submit that the Promoter should be required to ensure that the nominated undertaker will put in place a comprehensive public relations strategy ensuring that information about the construction and operation of Crossrail is disseminated to those residents and businesses who will be most affected. This should include the setting up of local information centres during the construction period to be staffed at reasonable and accessible hours, given the size of the project.

#### **Acquisition of Council Land**

50. A great deal of land in the ownership of your Petitioners is liable to compulsory acquisition under clause 6 of the Bill. Most, if not all, of this land is highway land. The limits of deviation and of land to be acquired and used are drawn very widely in certain cases and your Petitioners are unsure in every case as to why that is. Your Petitioners may seek undertakings from the promoter that the extent of compulsory purchase should be limited in certain cases either geographically or so that acquisition and use of your Petitioners' land is on a temporary basis only. Your Petitioners also wish to ensure that they are properly compensated as respects the acquisition and use of their land, and are concerned to note that by virtue of Schedule 3 to the Bill the subsoil of some of their highway land can be taken and used by Promoter without the need for him to acquire it.

#### **Indemnity**

51. Your Petitioners submit that the Promoter should be required to indemnify them in respect of all claims and demands which may be made against them in consequence of the construction, use or maintenance of the works of the nominated undertaker under the Bill, or the failure, or want of repair of those works, or arising from any act or omission of the

nominated undertaker, their contractors or agents in carrying out the works proposed under the Bill.

**General**

52. There are other clauses and provisions in the Bill that, 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.

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PETITION

of

CAMDEN LONDON BOROUGH COUNCIL

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AGAINST,

BY COUNSEL, &c.