

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 THE COUNCIL OF THE
LONDON BOROUGH OF BEXLEY

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 Council of the London Borough of Bexley. The Bill would authorise the compulsory acquisition of land belonging to your Petitioners, to which they object. Furthermore, part of the area for which your Petitioners are the local authority will be injuriously affected by the provisions of the Bill, 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. Amongst other functions of your Petitioners is that of the highway authority for all existing or proposed public highways in their area, except for those which are the responsibility of Transport for London. In addition, your Petitioners are the traffic authority for most roads in their Borough. They are also the local planning authority, and are thus responsible for general planning and the preparation of development plans and local development schemes. Your Petitioners have a statutory duty to investigate the existence of and to control nuisances within their Borough.
- 6 Your Petitioners support the proposed Bill in general and welcome the decision to construct Crossrail. There are, however, a number of matters which cause great concern to your Petitioners, arising from the proposals in the Bill. Some of these points apply generally to the whole length of the line within your Petitioners' Borough and some of the points are specific to particular sites. Your Petitioners are hopeful that many of their concerns can be met by agreement with the promoter.

Extension to Ebbsfleet

- 7 Your Petitioners, are disappointed for two reasons that the scheme will terminate at Abbey Wood in their Borough rather than continue to Ebbsfleet as was originally proposed. First, the truncated scheme will result in a reduced potential for regeneration in the northern part of your Petitioners' Borough. This area has been designated as a Zone of Change within the Thames Gateway where significant growth in both housing and jobs is anticipated over the next few decades. The importance of the area for regeneration is underlined by the London Plan which has identified Belvedere and Erith as an Opportunity Area with minimum growth targets of 5,000 new jobs and 1,400 new homes. The London Development Agency has also acknowledged the potential for economic development there by conferring Priority Area status. Recent Framework Studies for both Belvedere and Erith suggest that the potential for growth in both housing and jobs in these areas is significant and exceed substantially the minimum targets set out in the London Plan. However, the area suffers from poor public transport, as reflected in relatively low public transport accessibility levels (PTAL) levels, which prejudice the achievement of sustainable, high density, mixed use development and represent a major barrier to further development. The Crossrail scheme represents a major opportunity to link existing areas and development sites within and outside Bexley, significantly improving accessibility between new and established housing, employment opportunities and retail and service centres. Failure to grasp this opportunity now to incorporate an extension of Crossrail to Ebbsfleet could seriously undermine the success of Government and other public investment local regeneration initiatives. Secondly, Abbey Wood Station becoming the terminus of the railway will lead to an increase in traffic activity in the already congested area around the station. Abbey Wood is planned to be the only station south of the River Thames and this very fact would exacerbate these potential impacts. Your Petitioners request that the extension to Ebbsfleet be reinstated, or that the Bill is amended to reflect a commitment to a timetable for the future reinstatement of the route to Ebbsfleet.

Council Land

- 8 There are currently three car parks at Abbey Wood, two of which are operated by your Petitioners. Your Petitioners' car parks will be required as worksites for Crossrail and the new railway alignment will impinge on the existing station car park. This means that there will be a major reduction in car parking available both during construction and when the new line opens. Your Petitioners submit that before commencing construction of the Crossrail works, the nominated undertaker should fund and in conjunction with your Petitioners, carry out a review of the controlled parking zones near to all stations within your Petitioners' Borough on the North Kent Line. The nominated undertaker, as part of the works, should consider and provide alternative parking at Abbey Wood station sufficient to provide adequate parking during the construction period and when the station becomes operational including allowance for the expected increased demand. The nominated undertaker should also compensate your Petitioners for any loss of revenue from parking charges caused by the construction of the works.
- 9 Certain land in the ownership of your Petitioners is liable to permanent compulsory acquisition under clause 6 of the Bill. Your Petitioners are uncertain in some cases why the extent of the proposed land take is so great. They may seek undertakings from the promoter that the extent of compulsory purchase should be limited in certain cases so that acquisition and use of your Petitioners' land should be on a temporary basis only and that they secure, as a minimum, assurances that the "Crichel Down" rules, which require the land to be offered back to the vendor at market value, will apply in respect of land which is acquired and later found not to be required.

Works Sites – General

- 10 Your Petitioners note that there will be site preparation and construction activities within your Petitioners' Borough, notably at an area described in the documentation as the Manor Wharf spoil handling site and at Abbey Wood Station. Your Petitioners have a number of concerns about the proposed construction activities in their borough. 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 road traffic and pedestrians. 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 a provision for a noise insulation policy and for compensation to be paid where these standards and policy are breached or other suitable mitigation or remedy put in place.

- 11 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 any alterations in methods of construction and construction operation, particularly in relation to site servicing and set up arrangements.
- 12 Your Petitioners respectfully suggest that they should be able to specify, in respect of any development authorised by the Bill, the hours and days of the week in which work may be carried out. Those hours should be a matter falling within the ambit of arrangements which are to be approved by your Petitioners under clause 10 of and Schedule 7 to the Bill. The table set out in Paragraph 7 of Schedule 7 to the Bill should, in your Petitioners' respectful submission, be amended to include inappropriate proposed hours of working as a ground on which your Petitioners may refuse to approve those arrangements. Hours of work are a crucial matter which your Petitioners, as Local Planning Authority need to be able to modify in order to preserve the local environment and local amenity.
- 13 Your Petitioners note that the Bill and the supporting documents adopt similar regimes to those which 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. Your Petitioners will wish to ensure that the codes of construction practice are complied with properly, and in that respect, your Petitioners will incur a great deal of expenditure. 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 codes of construction practice.

- 14 Your Petitioners would hope and expect that uniform hours of operation for the different worksites will be agreed with the promoters. Your Petitioners will be seeking to ensure that the promoters agree to such requirements. If they do not, your Petitioners submit that the promoters should be required to agree uniform 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, dust and vibration caused during the construction period and in particular that the code of construction practice replicates your Petitioners' best practice requirements imposed on other major construction project 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 uniform hours of working.
- 15 Your Petitioners are concerned about the potential effects on road traffic, pedestrians and property owners near and en-route to worksites. Your Petitioners are concerned to ensure that all of the residents, businesses and property owners in their Borough are properly compensated for damage caused by the construction and use of Crossrail and most importantly that they are consulted fully as regards the construction programme and worksites.

Construction Traffic, Highways and Other Traffic

- 16 Your Petitioners note the intention to transport spoil from the tunnels partially by road from Plumstead to Manor Wharf at the end of Norman Road in your Petitioners' Borough for onward transport by river. Your Petitioners are concerned about the environmental effects of the traffic that the project will generate. At peak times over a 12 months period the spoil handling traffic will amount to 260 loads a day equating to 520 Heavy Goods Vehicle movements a day through their borough. Your Petitioners request that the promoter should be required to investigate alternative tip sites in Kent together with the option of transporting the spoil by rail, which is a far preferable option in terms of environmental impact. In any event, no lorry movements should be allowed along residential roads in your Petitioners' Borough.

- 17 Evidence by way of written representations has been submitted by Cross London Rail Links Ltd ('CRL') to the re-opened public inquiry into the proposal by River Resource Recovery Limited ('RRRL') for a substantial energy from waste plant at Norman Road, Belvedere. The Inquiry re-opened on 6 September and is due to close on 23 September 2005. Road access to the RRRL site will be via Norman Road, Belvedere, which is also proposed to serve the Crossrail spoil handling site at Manor Wharf.
- 18 The evidence submitted by CRL explains that the Crossrail proposals for Manor Wharf and the RRRL application proposals are incompatible, and therefore that it is intended that agreement will be reached between RRRL and Crossrail, the effect of which will be that Crossrail will implement revised proposals at Manor Wharf and therefore that the two proposals will be able to proceed together.
- 19 A revised plan has been submitted to the inquiry the principles of which have been agreed between CRL and RRRL. The plan shows significant changes to the Crossrail proposals for Manor Wharf as compared with those set out in the Crossrail Environmental Statement. CRL intend to address the cumulative impacts of the two schemes as part of the consent process for Crossrail by undertaking further environmental assessment. This further assessment has not yet been done; when it is, it will be necessary for your Petitioners to consider the implications of this and in the light of that consideration, further representations may need to be made to your Honourable House.
- 20 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 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 promoters 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.
- 21 Your Petitioners note that the nominated undertaker is required to consult or obtain the consent of the highway authority before carrying out works on the

highway or bridges for which the highway authority is the responsible authority. Your Petitioners wish to ensure that the nominated undertaker meets all of the highway authority's reasonable expenses in checking and approving the works and to ensure that the nominated undertaker will be able to meet all claims by your Petitioners that may arise under the Land Compensation Act 1973.

- 22 Your Petitioners are concerned that works around Abbey Wood Station will cause considerable disruption and will create major traffic congestion and delay. Your Petitioners request that the promoter be required to investigate and assess this disruption properly before the Select Committee of your Honourable House has completed its consideration of the Bill, and that the promoter should enter into meaningful discussions with your Petitioners with a view to agreeing traffic management solutions to this disruption, such solutions to be funded at the expense of the promoter or nominated undertaker.
- 23 It is proposed that the station at Abbey Wood will be reconstructed under the Bill. The reconstructed station will face onto Harrow Manorway and this will result in a significant increase in vehicular and pedestrian activity in the area. Transport for London is also promoting two other schemes that will affect this length of road. The Thames Gateway Bridge, if approved, will increase traffic flow significantly on all roads in the vicinity and the proposed Greenwich Waterfront Transit will probably result in a reduced capacity for general traffic on Harrow Manorway. The combined effect of these schemes could create a major bottleneck. Your Petitioners seek assurances that all three schemes have been considered comprehensively, their cumulative impacts as a whole modelled properly and that necessary works to mitigate the combined impact have been, or will be, drawn up and be proposed as part of the Crossrail scheme.
- 24 The Bill proposes changes to the traffic and highway arrangements around Abbey Wood Station. It is proposed to alter, divert and close sections of the public highway and public footpaths. It will be essential to ensure that there are adequate pedestrian, cycle, bus and set-down/pick-up facilities to satisfy the increased activity. 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 in their borough.

- 25 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.
- 26 In particular, your Petitioners as highway and traffic authority require that they must be fully consulted and their agreement obtained 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. It will be essential that your petitioners will be able to comply with their Network Management Duty under the Traffic Management Act 2004.
- 27 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 promoters for notification of intended closures (with exceptions for emergencies).
- 28 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.
- 29 Your Petitioners have a general concern about the methodology used by the promoter as regards traffic forecasting in the Environmental Statement. The Environmental Statement indicates that the forecasts are calculated using the Transport for London LTS (London Transportation Studies) B3.21 model (Volume 8a, para 2.8). This model is based on very old data and its

compliance with existing specifications for model acceptability in the Design Manual for Road and Bridge works has been challenged. Transport for London recognises that the model was not validated and the model is being 'refreshed' with more data including the LATS London Area Transport Survey 2001. There is therefore doubt about the reliability of the forecasts and the likely impacts predicted in the Environmental Statement. Your Petitioners believe that the promoter should repeat the forecasting exercise using validated data.

- 30 The station demand, as assessed in the Environmental Statement has been derived from the LTS (London Transportation Studies) model the Railplan model and post model adjustment. From this forecast, traffic generation figures were derived from the expected mode share and trip growth to each station. Unfortunately there does not seem to be any base information to justify these figures. The Environmental Statement does not meet the usual requirements of the Council for major developments in this regard and is therefore considered to be incomplete. The promoter should provide further supporting information to justify the traffic generation, carry out further analysis of the impacts and provide details of mitigation measures necessary to overcome any impacts.

- 31 The Environmental Statement does not take account of the impact of the proposed Thames Gateway Bridge, which could be come into use before Crossrail. Only a very brief assessment of the cumulative impact of construction traffic for the two schemes is provided in the Environmental Statement. Thames Gateway Bridge will increase the volume and possibly the nature of traffic passing Abbey Wood station. The promoter should provide an analysis of the likely impact of the proposed Thames Gateway Bridge in combination with the construction and operation of Crossrail, including an assessment of traffic volumes and new public transport routes.

- 32 Another Transport for London scheme, the Greenwich Waterfront Transit (GWT) is expected to come into operation before Crossrail although there is no assessment of its impact within the Environmental Statement. GWT will impinge on the capacity of Harrow Manorway. The Environmental Statement argues that GWT "will further improve public transport access to Abbey Wood station". However, since the catchment area for Abbey Wood station is predominantly to the south and east, GWT will provide no improvement in accessibility from these quarters. GWT will worsen rather than ameliorate the traffic impact at

Abbey Wood station. The promoter should be required to assess the impact of Greenwich Waterfront Transit on a worst case basis.

- 33 The Environmental Statement indicates at paragraph 28.52 that "there are measures that can be carried out for the benefit of road users and pedestrians that will mitigate impacts; however, these will require further consents to be obtained before they can be implemented". There is concern that the efficacy and certainty of the mitigation proposed in this statement may not be adequate to meet European and UK requirements for environmental statements. A recent case has indicated that regard can be given to mitigation measures "provided that they are sufficiently specific, they are available and there is no real doubt about their effectiveness". The promoter should commit to defining and providing necessary mitigation measures in advance of implementing the scheme.

Noise and Visual Impact

- 34 As part of the works, it is proposed that the existing North Kent line will be relocated to make way for Crossrail, bringing the line closer to dwellings and introducing overhead gantries for the first time. Residents in the affected dwellings already complain about vibration caused by goods trains and your Petitioners fear that the problems already faced by these residents will worsen.
- 35 Your Petitioners respectfully submit that the promoters should be required to ensure that noise and vibration both during the construction period and afterwards is kept to an absolute minimum by the use of the most advanced technology and machinery. Your Petitioners are concerned that noise and vibration, while meeting design standards put forward by the promoters, may still be transmitted into buildings 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. Those standards should adopt your petitioners' own best practice approach in relation to these matters. In your petitioners' submission, the Bill should also provide that the nominated undertaker should

put in place a comprehensive consultation exercise with regard to noise and vibration monitoring. Such a scheme should be subjected to a compensation code where agreed noise and vibration standards are breached.

- 36 Your Petitioners have already mentioned in paragraph 35 that the promoters should be required to use the best possible methods and equipment to minimise noise and vibration during operation of the railway. The use of floating track along the whole of the route in your Petitioners' Borough would help minimise groundborne vibration and your Petitioners support its application. 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 nominated undertaker to ensure that the nominated undertaker meets those standards.
- 37 In order to deal with the associated problems of visual intrusion which are connected with the provision, for the first time along the North Kent line, of overhead gantries, Your Petitioners respectfully request that the promoters be required to ensure that the design of the gantries be to a high standard, in agreement with your Petitioners, with a view to minimising the intrusion, and that the works are located as far from residential premises as possible.

Operational Railways

- 38 Your Petitioners are concerned about the impact of the construction of the proposed railway on existing rail services on the North Kent line and the operation of the station itself. Your Petitioners seek assurances and undertakings from the promoters about the effect of construction operations on Abbey Wood station and in particular wish to ensure that at the least, existing service patterns are guaranteed. Your Petitioners note that, understandably, there will be times when the nominated undertaker will need to take possession of the existing tracks. This will inevitably cause disruption to passengers coming in and out of your Petitioners' Borough and they therefore seek assurances and guarantees that such track possessions will be kept to a minimum.

- 39 Your Petitioners are concerned about the impact of the construction of the railway on existing rail services at Abbey Wood station and the operation of the station itself. Your Petitioners seek assurances and undertakers from the promoters about the effect of construction operations on Abbey Wood station.

Authorisation procedures

- 40 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 then in their place there is 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 promoters be required to accept satisfactory arrangements including realistic timescales for the consideration of applications.
- 41 As part of the alternative consent regimes mentioned above, your Petitioners must be able to recover from the promoters or the nominated undertaker their full costs of processing applications. 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 promoters about the level of those fees and the ability of the promoters to cover their costs.

General

- 42 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.

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AGAINST,
BY COUNSEL, &c.