



IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2004-5 2005-06

CROSSRAIL BILL

Against - 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
SHAHJALAL COMMUNITY GROUP, FAKRUDDIN ST, LONDON E1**

SHEWETH as follows:

1. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your Honourable House intituled "A Bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the county of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes."
2. The Bill is promoted by the Secretary of State for Transport (hereinafter called the "Promoter")
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

6. Your Petitioners are residents of the thirty-two houses that make up Fakruddin Street and are collective members of the Shahjalal Community Group. The Fakruddin Street Estate was built in 1989 by the Spitalfields Housing Association with the aim of providing homes for local people.

The houses have not changed hands since then (with the exception of one) and the one hundred and sixty residents form a strong community of all ages including fifty children under eighteen and twenty people over sixty. The majority of residents are Bangladeshi, the elderly being first generation Bangladeshi, with one mixed-race family and one Afro-Caribbean family.

An important part of the estate is the community venue which holds language classes, meetings, events, computer facilities, religious classes and prayers. The venue was a community initiative nine years ago and there are plans to build a more substantial building on the site. The football pitch alongside the houses is important in providing a local safe environment for children as there are no such other play spaces close by.

Next to Fakruddin Street are Thomas Buxton School and the City Farm, with three other schools nearby. Also local are the Brick Lane Mosque and the East London Mosque and shops in Vallance Road and nearby Whitechapel Market. The estate is actively engaged with its neighbours - with Universal Auto Services, UK Foods & Catering and Happy Nightmare Beds off Vallance Road next to Fakruddin Street - and the estate also forms a strong part of the residential area around Whitechapel and Brick Lane.

7. Your Petitioners object to the Bill and its provisions and they allege and are prepared to prove that their rights, interests and property are injuriously affected by the Bill, to which your petitioners object for the reasons amongst others, here stated

Your petitioners' concerns

8. Your Petitioners object to the siting of the "Pedley Street worksite" only metres from their homes, the tunnelling to Hanbury Street, the lorry routes leading to the site, the major dirt and earth collection site adjacent to their homes, the conveyor belt running near their homes and the impacts of all of these. They strongly object to the demolition of a house on the estate and the takeover of the football pitch adjacent to the estate. They object to the siting of the "Pedley Street worksite" as part of the works created by the tunnelling at Hanbury Street.

Consultation

9. Your Petitioners wish to record serious concerns at the inadequacy of the Promoters' efforts to inform or consult with your Petitioners about the "Pedley Street worksite" next to their homes and about its effects on themselves and on the environment in their local area. They submit that their rights to participate in this decision-making process have been compromised.

Demolition of a house and loss of football pitch

10. Your Petitioners strongly object to the demolition of No. 21 Fakruddin Street and the extreme proximity of the worksite next to the estate. They strongly object to the takeover of the land occupied by the football pitch adjacent to the houses on the north side of the estate.

Lorries

11. Your petitioners strongly object to the lorry routes proposed and to the level of heavy lorry traffic along those routes, especially on Vallance Road next to Fakruddin Street. Vallance Road is the only road from the estate, which is a cul-de-sac, and is the main route north and south. In particular these roads are used by many parents and children going to their local schools.

Dust and dirt, air pollution

12. Your petitioners strongly object to the levels of dust and air pollutants that will be caused by works at the "Pedley Street worksite" and the effects these will have on the health of the residents. They point out that the levels of air pollution are already high in the Borough and that this is given as a reason not to consider the impacts of further pollution. Your petitioners object to the dirt on the roads that would be caused by heavy lorry traffic.

Noise

13. Your petitioners strongly object to the predicted noise levels that will be caused by activities at the "Pedley Street worksite" and point out that noise disturbance has serious effects on health. Your petitioners object to the plans to operate a spoil conveyor 24 hours a day on the site. Your petitioners submit that construction noise on a building site takes other forms as well as the noise of machinery.

Danger

14. Your Petitioners submit that the dangers brought by such a large worksite adjacent to homes occupied by young children have not been considered. Neither have the dangers of tunnelling in this densely populated location been justified.

Other construction sites

15. Your Petitioners point out that no consideration has been given to the added effects of the East London Line worksite adjacent to the "Pedley Street worksite". The East London Line worksite is also sited directly behind the Fakruddin Street estate, and together with the lorry route on Vallance Road this will surround them on three sides. Your Petitioners are very concerned that the continuous works over a minimum of six years will be seriously detrimental to the health and wellbeing of the residents of Fakruddin Street. The construction work and disruption at Whitechapel will add a great deal to the impact on the Petitioners as Whitechapel is the closest shopping area and forms part of the whole neighbourhood and community.

Community

16. Your Petitioners submit that the combined impacts of the "Pedley Street worksite" will have a severely detrimental effect not only on their individual health and wellbeing but also on their community and its place within the local area. This would be caused by the forced rehousing of residents, the difficulties and dangers of travelling especially on foot and the use of Vallance Road as a main construction traffic thoroughway, the only road linking Fakruddin Street to the rest of the local Brick Lane and Whitechapel area.

Environmental Statement

17. Your Petitioners submit that the Environmental Statement lacks a detailed and proper assessment of Fakruddin Street and the other residential streets around the "Pedley Street worksite" and that as a result the information needed to assess the scheme is flawed and prevents a full understanding of its impacts.

Hanbury Street tunnelling

18. Your Petitioners also request that the Promoter be put to proof on the alignment of the tunnel east of Liverpool Street which, due to the Hanbury Street shaft and tunnelling, is the cause of the "Pedley Street worksite" strongly opposed by your Petitioners. Your Petitioners submit that tunnelling should take place only from the two ends of the route.

Whitechapel Station

19. Your Petitioners also request that the Promoter be asked to prove that a Crossrail station at Whitechapel is needed in purely transport terms and in the public interest. Your Petitioners form part of the community said to benefit from the building and development of Whitechapel Station.

Powers created by the Bill

20. Your Petitioners are concerned that the powers proposed in the Bill affecting the Whitechapel and Brick Lane area and their properties and land rights are either unjustified or unclear. Your Petitioners are also concerned that no adequate provision has been made to compensate the residents of Fakruddin Street according to the actual loss they would suffer. Furthermore, no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects their interests are reasonably safeguarded.

21. Your Petitioners submit that the Promoter may be in breach of his duty under section 74 of the Race Relations Act as a result of various deficiencies in the Crossrail consultation process.

22. Your Petitioners request the right to raise any related matters in connection with the Human Rights Act.

23. Without prejudice to their opposition to the "Pedley Street worksite" your Petitioners wish to include the following points in this Petition:

"Mitigating" the impacts

24. Your Petitioners are concerned that there are no proper plans to "mitigate" the effects of the work. The mitigation measures offered in the Environmental Statement are insufficient and may not be wholly effective in eliminating the relevant impacts. Your Petitioners submit that there should be provision for realistic measures to be introduced or realistic compensation to be paid where the policy and standards are breached and where the quality of life of the residents is seriously undermined.

Working hours

25. It is proposed that the nominated contractor will work hours in excess of those allowed by Borough Construction Practices. Your Petitioners seek undertakings and assurances that the Promoters agree to follow the requirements of the London Borough of Tower Hamlets Code of Construction Practice and their Noise and Vibration Policy.

Mediation

26. Your petitioners wish to see noise levels and dust and air pollution levels monitored by an independent body of the relevant experts, approved by the Petitioners. The acceptable noise and dust thresholds should be agreed before the start of the works. If the thresholds are exceeded the nominated contractor should cease construction until remedial measures are in place. The independent body should act on behalf of residents in their predicted negotiations with the Promoter and contractors. The costs of these experts for the period of the construction works should be the Promoter's.

Compensation

27. Your petitioners submit that compensation provisions proposed in the Bill would be inadequate to compensate your Petitioners for the damage, loss and blight they would suffer as a result of the "Pedley Street worksite" and that compensation rights and measures should be revised.

28. 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

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

AND your Petitioners will ever pray, &c.