

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005/2006

CROSSRAIL BILL

P E T I T I O N

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 DAS EUROPE LIMITED AND BMP DDB LIMITED

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your Honourable House, as a hybrid Bill, 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." The main purposes of the Bill are to secure the powers necessary for the construction and operation of a new railway connecting existing track to the west and east of London via a tunnel through Central London.
- 2 The Bill is promoted by the Secretary of State for Transport (hereinafter called "the Promoters").
- 3 Clauses 1 - 4 of the Bill would allow the nominated undertaker who shall be appointed by the Secretary of State in accordance with the provisions of Clause 46 of the Bill to construct and maintain the works specified in Schedules 1 and 2 of the Bill (hereinafter referred to as "the scheduled works"). The scheduled works include certain works affecting your Petitioners. Clause 5 of the Bill would confer on the nominated undertaker rights of entry, temporary possession and to the use of land specified in the schedule in connection with the construction of the scheduled works. Clause 6 of the Bill would confer

on the Secretary of State powers of compulsory acquisition of land for the purposes of in connection with the scheduled works.

- 4 Your Petitioners are DAS Europe Limited and BMP DDB Limited, companies whose registered offices are respectively at 239 Old Marylebone Road, London, NW1 5QT and 12 Bishops Bridge Road, London, W2 6AA. Your Petitioners are both companies engaged in the advertising and marketing field and are both companies within the Omnicom group of companies.
- 5 Your Petitioners are respectively proprietors of certain leasehold interests in the property known as 4-18 Bishops Bridge Road, London, W2 (hereinafter referred to as "the property") and allege that they, their property, rights and interests are injuriously affected by the Bill to which they object for the reasons, amongst others, hereinafter appearing.
- 6 Your Petitioners have received statutory notice (No. 477 dated 21st February 2005) from the Promoters that if the Bill passes into law various rights of compulsory acquisition or use over your Petitioners' property will arise. Your Petitioners note that the plan attached to the statutory notice identifies the Petitioners' property as plot numbers 53 and 83A. Your Petitioners note the fact that these plot numbers do not correspond with the plot numbers referenced in the Bill.
- 7 Whilst not challenging the desirability of Crossrail your Petitioners object to aspects of the Bill and to clauses and provisions herein referred to and allege and are prepared to prove that they, their property, rights and interests are injuriously and prejudicially affected thereby for the reasons (amongst others) set out hereinafter. Your Petitioners submit at the outset that the proposals under the Bill with regard to the property exhibit great lack of clarity and the ensuing uncertainty causes great difficulties and serious disadvantage to your Petitioners.
- 8 Your Petitioners humbly submit that the nominated undertaker should not be permitted by means of the Bill to interfere with private property, rights and interests unless, and except to the extent (if any) that, this can be demonstrated both to be necessary for the purposes of the Bill and to be in the public interest. Your Petitioners have not been provided with any justification for the proposals in the Bill affecting your Petitioners' land and they are not satisfied that it is necessary or appropriate for the limits of deviation of the scheduled works to be drawn so widely so as to include any of your Petitioners' land or that it is necessary or expedient for the other powers of the Bill to apply at all or in the manner or to the extent proposed. Accordingly, your Petitioners humbly submit that the Promoter or nominated undertaker should demonstrate and be put to the strictest proof of the need for and desirability of the proposals in the Bill as affecting your Petitioners' land and that the limits of deviation of the scheduled works, the

resulting powers for the compulsory acquisition of interests in that land, the power to construct works and the exercise of works and ancillary powers within the limits of deviation should be restricted in relation to your Petitioners' land to the extent (if any) to which they can be strictly justified and so as to minimise or prevent interference with that land. In particular, your Petitioners contend that any interest in any of their land acquired by, or on behalf of, the nominated undertaker should be strictly limited both to the immediate needs of Crossrail and as respects any express or implied constraints which may thereby be imposed upon the remainder of your Petitioners' land.

- 9 If those powers are exercised, your Petitioners apprehend that the opportunity for redeveloping the property or any part of it would be disrupted to such an extent that those proposals may become unviable or could only be carried on if substantial infrastructure and accommodation works were constructed and, in your Petitioners' humble submission, those works should be constructed by, or at the expense of, the nominated undertaker.
- 10 Insofar as any powers can be justified by the Promoter or the nominated undertaker affecting your Petitioners' land, your Petitioners further submit that those powers are too widely drawn and contain no adequate provision for preventing or minimising damage and injurious affection to, and interference with, your Petitioners' land, or for compensating your Petitioners for loss, damage and injury (including blight) caused to them and their land.
- 11 Your Petitioners are also concerned that the construction of the scheduled works at or near to any land retained by your Petitioners at the property will cause grave loss and damage arising from the adverse effects of noise, dust, fumes, vibration and traffic congestion. Your Petitioners submit that the Bill should be amended to require the nominated undertaker to agree with your Petitioners the terms of a code of construction practice relative to the property to prevent or ameliorate any such adverse effects and to monitor the actions of all the relevant contractors (including any subcontractors) so far as they may affect the property while constructing the scheduled works and to pay compensation to your Petitioners for any loss or damage arising from any such adverse effects or from damage caused by trespass committed by the employees of any relevant contractor or subcontractor while constructing the scheduled works.
- 12 Further 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 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.

- 13 Your Petitioners also object that the compensation provisions of the Bill are inadequate to compensate your Petitioners in circumstances where no land (or interests in land) is acquired by the Promoter under the Bill, but 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 the 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 respect of acquisition of any land (or interest therein) from your Petitioners under the powers of acquisition.
- 14 Your Petitioners also submit that provision should be made for the Promoter to repay 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 any provision made as a result of this Petition.
- 15 There are divers other provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the property, rights and interests of your Petitioners and to which they object.

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, their Counsel, Agents and

Witnesses before the Committee of your Honourable House to whom the Bill may be referred against the clauses and provisions of the Bill and in support of other clauses and provisions for their protection or that such other relief may be given to your Petitioners in the premises as your Honourable

House shall deem meet.