

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 JOHN GUEST 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 Petitioner. 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 Petitioner is John Guest Limited, a company whose registered office is at Horton Bridge Road, West Drayton, Middlesex, UB7 8JL. Your Petitioner is a company which manufactures plastic plumbing products for the construction and automotive industries at premises off Horton Bridge Road in West Drayton, Middlesex.
- 5 Your Petitioner or its wholly owned subsidiary companies A.W. Wickens Limited and John Guest (Southern) Limited are the proprietors of the freehold and leasehold interests in the premises on both sides of Horton Bridge Road, West Drayton (hereinafter referred to as "the property") and alleges that it, its property, rights and interests are injuriously affected by the Bill to which they object for the reasons, amongst others, hereinafter appearing.
- 6 Your Petitioner has received statutory notice (No.5403 dated 21 February 2005) from the Promoters that if the Bill passes into law certain powers of compulsory acquisition or use over its property will arise. Your Petitioner notes the fact that parcels number 94, 95 and 100 are listed in Schedule A to the statutory notice but do not appear to be referred to in the Bill.
- 7 Your Petitioner whilst not challenging the desirability of Crossrail objects to aspects of the Bill and to clauses and provisions herein referred to and allege and are prepared to prove that its, its property, rights and interests are injuriously and prejudicially affected thereby for the following reasons (amongst others):
- (1) The compulsory acquisition of land parcels number 100 and 101 will prevent access to two of your Petitioner's factories. No protection is afforded to enable the continued use of these buildings. No provisions are made to regulate working practices on site such that access can be maintained to the factory buildings.
 - (2) Parcel number 100 extends across the entire width of the access to the Petitioner's factory situated to the south of the Grand Union Canal. This land contains a building used for purposes which is vital to your Petitioner's business. Your Petitioner believes that the parcel size could be reduced so that access is maintained at all times to that factory whilst still leaving sufficient space to carry out the works in the Crossrail Bill.
 - (3) Parcel number 101 includes almost the entire forecourt to the Petitioner's factory which lies to the north of the Grand Union Canal and immediately to the east of Horton Bridge Road. Your Petitioner submits that Crossrail could carry out any necessary works and operations with a significantly smaller area that would leave access available at all times to this factory.

- (4) Parcel number 101 encompasses a private substation owned by your Petitioner. Your Petitioner understands that Crossrail will require a different parcel of land further to the north upon which lies a substation owned by Scottish and Southern Electricity plc and accordingly that Crossrail identified the wrong substation in Plot Number 101.
- (5) Other properties specified in Schedule A to the statutory notice include parcels 95 and 97 comprising the canal bridge known as Horton Bridge which provides the sole means of vehicular access to your Petitioner's building located to the south of the Grand Union Canal. No provision is made to regulate working practices in these two parcels in order to ensure that proper access is maintained to your Petitioner's buildings from Horton Bridge Road.
- (6) Your Petitioner has obtained the route of services within Horton Bridge Road and understands that it is Crossrail's intention to divert all of the services that cross the existing Kingston Lane footbridge over the railway lines to a new footbridge that is to be built just to the west of the existing bridge. Your Petitioner submits that the extent of the likely disruption that will be caused has not been properly assessed. No provision is made to regulate working practices in order to maintain service supplies and vehicular access to the sites fronting both sides of Horton Bridge Road owned by your Petitioner. Your Petitioner wishes to point out that the main exit point to the buildings on the west side of Horton Bridge Road is from the vehicle crossover directly opposite your Petitioner's factory referred to in (3) above. Very large volumes of traffic exit the site at that point.

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The building works required for the Crossrail route in this location are to be undertaken from two work sites, described in the traffic impact assessment document as "Horton Bridge Work Site" and "West Drayton to Horton Bridge Work Site". These two work sites lie almost opposite each other to the west of the existing Kingston Lane footbridge either side of the railway lines. The "lorry route assessment" of the appropriate access to these two sites concludes that such access will be from Kingston Lane to the Horton Bridge Work Site and from Station Approach, North of West Drayton Station to the West Drayton to Horton Bridge Work Site. Your Petitioner wishes to support these proposals against any Petition that may be raised to suggest as an alternative that lorry access should be via Horton Bridge Road. The Petitioner submits that Horton Bridge Road would not be an appropriate or acceptable point of access for Crossrail Contractors dealing with any part of the Crossrail project. The road is too narrow, it has no turning head, and access to the railway bridge is via a very narrow canal bridge construction about 150 years ago with a limited weight restriction.

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Without prejudice to the above objections your Petitioner also objects to the terms of acquisition proposed by the Bill in regard to matters affecting compensation; they do so for the following reasons (amongst others):

- (1) 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 Petitioner to recover the full loss and expenses which they will incur in consequence of the exercise of such powers. Your Petitioner therefore submits that the Bill should be amended to rectify this.
- (2) Your Petitioner also objects that the compensation provisions of the Bill are inadequate to compensate your Petitioner 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 Petitioner therefore submits that the Bill should be amended to provide for claims for adequate compensation in respect of damage arising to their 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 Petitioner under the powers of acquisition.

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Your Petitioner humbly submits 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 Petitioner has not been provided with any justification for the proposals in the Bill affecting your Petitioner's property. Accordingly, your Petitioner humbly submits that the 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 Petitioner's property and that the limits of deviation of the scheduled works, the resulting powers for the compulsory acquisition of interests in the property, 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 Petitioner's property 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 Petitioner contends 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 Petitioner's land.

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Insofar as any powers can be justified by the Secretary of State or the nominated undertaker affecting your Petitioner's land, your Petitioner further submits 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 Petitioner's land, or for compensating your Petitioner for loss, damage and injury (including blight) caused to them and their land.

- 12 For the above and other reasons your Petitioner submits that there should be adequate provisions made in the Bill for the protection of your Petitioner and, in particular, that in the event of compulsory acquisition being inevitable your Petitioner's property or any interest therein should be acquired only to the extent that it is strictly necessary and at a price commensurate with its full commercial value, taking into account the proposals contained in the Bill.
- 13 Your Petitioner is also concerned that the construction of the scheduled works at or near to any land retained by your Petitioner will cause grave loss and damage arising from the adverse effects of noise, dust, fumes, vibration and traffic congestion. Your Petitioner submits that the Bill should be amended to require the nominated undertaker to agree with your Petitioner the terms of a code of construction practice 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 your Petitioner's property while constructing the scheduled works and to pay compensation to your Petitioner 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.
- 14 Your Petitioner also submits that provision should be made for the Promoter to repay all your Petitioner's 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 Petitioner and to which they object.

YOUR PETITIONER 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 Petitioner in the premises as your Honourable House shall deem meet.