

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-6

CROSSRAIL BILL

PETITION

Against the Bill- 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:

WESTBOURNE PARK VILLAS RESIDENTS' ASSOCIATION

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "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."

The Bill is promoted by the Secretary of State for Transport (hereinafter called the "Promoter").

2. The bill is presented by Mr. Secretary Darling, supported by The Prime Minister, Mr. Chancellor of the Exchequer, Secretary Margaret Beckett, Mr. Secretary Hain, Secretary Alan Johnson, Secretary Tessa Jowell, and Derek Twigg.

Relevant clauses of the Bill

3. 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 and other consents, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").

Your petitioners

4. Your petitioners are Westbourne Park Villas Residents' Association, which represents the owners and tenants of properties in Westbourne Park Villas, in the Westbourne Conservation Area. We hold letters of support for our petition from each of the other residents' associations in the conservation area.

4a. The Crossrail project is causing great concern in the conservation area, and Westbourne Park Road in particular suffers noise problems similar to those in Westbourne Park Villas.

5. The conservation area's northern boundary is formed by the Victorian railway wall and a line of mature plane trees that run along Westbourne Park Villas. The wall itself, which drops steeply into the railway cutting, is railway property but its northern,

streetside face is part of the conservation area. Residents themselves, and Westminster City Council, look after it and clean up the graffiti that occasionally appears on it.

6. We are extremely concerned to find that the Environmental Statement (Volume 2, 8.3.33) gives a misleading impression of the location around the proposed route. It incorrectly states that 'flats and offices are located immediately to the south of the railway corridor. Further to the south (sic!) lie the extensive residential area of Bayswater (comprising blocks of stucco terraces), the large Brunel Estate with its flats and open spaces, and semi-detached villas along Westbourne Park Villas. Westbourne and Bayswater conservation areas form contiguous blocks covering much of this area, although proposed works are outside these.'

6a. In fact the railway wall, which is only 2.4m high on the street side, is all that separates the Westbourne conservation area, and your petitioners' homes, from the several railways that now run in and out of Paddington. The street is closer than any other to the strip of proposed Crossrail work sites between Paddington New Yard and Royal Oak, with the raised A40 Westway adding further excessive noise behind. (The Westway can and should be improved as a matter of urgency by resurfacing using modern materials that can reduce road noise by as much as 70 per cent.) Your petitioners suffer the cumulative effects of noise from both a major road and major railways.

7. Behind the dwellings are sizeable gardens adjoining those of the eastern end of Westbourne Park Road. They form a green 'lung' valued by residents for their numerous

protected trees, mainly mature limes, planes and sycamores, and for the surprising variety of wildlife they support. This includes jays, nightingales, thrushes and blackbirds as well as many kinds of small birds, especially finches, together with bats, frogs and toads and less welcome foxes and squirrels.

8. The street is residential, mainly comprising early Victorian brick and stucco family houses, with a low-rise, postwar block of council flats now in mixed ownership, and a similar block and nearby group of houses converted into flats owned by Paddington Churches Housing Association. It has a Baptist church at one end and a Buddhist centre and some small businesses at the other.

8a. Your petitioners represent a harmonious, mixed and settled community of owners and tenants in public and private housing, with a high proportion of people who are at home during the day. These include members of the emergency services, already short of sleep because of their working patterns, for whom the health impact of further sleep deprivation is especially serious. There are mothers with small children, retired and disabled people, a carers, nurses, firefighters, actors, singers and others who work long shifts and unsocial hours, and a substantial number of freelance professionals and writers.

8b. Because of the proximity to existing rail traffic in and out of Paddington station at all hours, and the noise from the Westway, the area already suffers from extremely high levels of both noise and air pollution. Noise has been recorded by Crossrail Engineers in Westbourne Park Villas at a peak of 106.4 db in the daytime, and a peak of 100.8 at night. (Environmental Statement, Vol 6a, p67) For reference, 100db is the sound of a pneumatic drill at a distance of one meter. Further, it must be remembered that an

increase of only 3dB represents a doubling of noise intensity on the logarithmic Decibel scale.

8c. As your petitioners are the closest to the railway in the proposed Western part of Crossrail Central Route Section, the levels of noise and pollution are expected to rise even further unless remedial provision is built into the Bill.

Introductory

9. The residents' association has a long history of actively protecting the quality of life alongside the main western approach to London by rail. With the help of Westminster City Council, and repeated interventions by your petitioners, this cohabitation of residents and railway has been broadly sustainable - although the noise problem has worsened since privatisation of the railways in 1996.
10. Before the Heathrow Express was inaugurated in 1999, your petitioners were assured by the nominated undertaker of that project that the trains would be barely audible. In fact, because continuous welded rail was not used, the Heathrow Express trains have always been intrusive. They have become increasingly so as the rolling stock and track have aged.
11. Your petitioners regard continuously welded rail as a necessity for Crossrail except where it is technically impossible.
12. Your petitioners do not object to the principle of the Bill, and support the improvements in public transport that it would bring. They are glad the

Government is taking the initiative to make up for decades of underinvestment in the railways.

13. Your petitioners take comfort from the adoption of national and London-wide policies on environmental noise which explicitly tackle the challenges of equipping and managing railways that run through residential areas. They believe that with sufficient care, consultation, planning and resources, using the best available technology, residential amenity can be adequately preserved in such a way that the benefits justify the costs. (Note: a list of your petitioners' requests contained within this petition is summarised in Schedule A, at the end.)
14. However, if railway noise is not actively tackled before Crossrail construction begins, your petitioners' rights to adequately peaceful enjoyment of their homes and places of work will be further eroded beyond the limits of the acceptable. Moreover, brown field sites along the route may be lost to development, because the noise levels will exceed current policies for granting planning permission.
15. Your petitioners are therefore dismayed to find that, from the limited information and inadequate safeguards given in the Environmental Statement, they face a quantum leap in noise, vibration and pollution for the five years of construction. It will carry on afterwards from the new railway in operation, if the Bill is passed as it now stands.
16. Your petitioners and their rights, interests and property would be injuriously affected by the construction of the railway, and by its operation, through transmission of noise and ground-borne vibration, to which your petitioners object.

17. In particular, your petitioners will suffer significant loss of amenity, especially in rooms facing north to the railway and construction sites. Residents have no choice but to use these rooms, and because of the need to keep out the noise, no ventilation. They will have difficulty in sleeping, which is injurious to health. While residents who live beside a railway are realistic enough not to expect noise levels as low as those deemed necessary by the World Health Organisation, they note the following stipulations quoted by the promoter's own noise expert in the appendix to the ES technical report setting out a recommended regime for triggering noise insulation and temporary housing:

“ Very strict noise control targets should be applied to any site which is to operate at night. The periods when people are getting to sleep and just before they wake up are particularly sensitive. Site noise expressed as L_{Aeq} (1hr) at the façade of noise-sensitive premises may need to be as low as 40 dB(A) to avoid sleep disturbance.” and “...the fact that if outdoor noise levels already exceed the limit of the acceptable, then any material increase is significant unless there is noise insulation in place.”

18. During construction of the railway, your petitioners are extremely concerned about the harmful effects of both noise and vibration. Your petitioners believe the Environmental Statement offers feeble reassurance. For example, noise insulation is being offered for no more than eight houses in the road on only the Northern side of the road (Vol 2, table 8.3). Noise-attenuated ventilation appears not be being offered, as your petitioners believe it should be in these conditions, because residents will not be able to open the windows of rooms facing the work sites.

19. Your petitioners also find that the baseline noise assessments are questionable, the trigger levels for noise insulation and rehousing too high, or simply incomplete. Moreover, noise insulation alone does not address the loss of community benefit and a habitable environment. It is most unlikely people will be able to enjoy the use of their balconies or back gardens, due to the re-radiation of the additional construction noise from houses opposite.
20. During construction, there will be extra noise and ground borne vibration from conveyors or a temporary railway carrying spoil out and construction materials in. Your petitioners believe the standards used by the Promoter to assess this are not sufficiently precise or stringent.
21. *Workers' noise:* residents are already disturbed at night by maintenance teams coming and going on Westbourne Park Villas, with vehicles and shouted instructions. Your petitioners are extremely concerned this will be greatly magnified during construction.
22. *Freight:* In public statements, the nominated undertaker has said that freight may be carried on Crossrail - although it is not part of the project's business case. Your petitioners believe there is no need for freight wagons to use the Crossrail route in view of existing alternative routes such as the North London line.
23. Intensive daytime use of Crossrail means that freight on this route would have to travel by night, further adding to the disturbances already suffered by residents.
24. Your petitioners seek assurances that this will not be permitted.
25. *Ground borne noise and vibration* Your petitioners respectfully submit that ground borne noise and vibration during the construction period should be

minimised by the use of the most advanced machinery for tunnelling and other construction processes.

26. Your petitioners are concerned that noise and vibration proposed in the promoter's own formula adding to daytime levels to allow for night time work will add unacceptable noise to an already extremely noisy area - the second noisiest site at which measurements have been taken.

27. *Settlement and other damage to structures* Your petitioners are concerned about settlement of their properties, all of which lie within a conservation area. Although they are not immediately adjacent to any tunnelling activity, there is a history of settlement in both Westbourne Park Villas and Westbourne Park Road that the nominated undertaker needs to take into account. Many of the Victorian houses have already had to be underpinned. In addition to serious bomb damage during World War II, and the effects of climate change, they have in recent times been subjected to increased ground-borne vibration due to the operation of the railway, especially heavier rolling stock. Structures in these streets should be regarded as especially vulnerable to settlement damage, at a greater distance from tunneling than the ES presently allows for.

28. Your petitioners therefore respectfully submit that the nominated undertaker should be required - before any tunnelling work begins - to provide your petitioners with a full condition survey of the structures in which they live, together with details of the expected impacts of construction work, taking into

account their special circumstances as outlined above, followed by appropriate monitoring of these buildings as the works progress.

29. *Dust and dirt:* The works, especially at the Royal Oak Portal, would produce a serious adverse impact in terms of dust and dirt. (The weighted dust-raising score cited in the Environmental Statement is extremely high, at 727,248). Your petitioners are concerned that arrangements for safeguarding the health of residents, many of whom suffer from respiratory conditions such as asthma, may not be adequate.

30. Property maintenance would need to be carried out more often than usual. Your petitioners submit that the cost of this should be borne by the project.

31. *Site specific concerns: Paddington New Yard (Royal Oak Worksite)*

Spoil handling . Your petitioners are anxious that the hours during which tunnelling and the spoil removal from tunnelling takes place are programmed and minimised so as to prevent undue noise and vibration to residents and businesses during sensitive times.

31a. Your petitioners are also particularly concerned about the effects of re-radiated noise at this work site where spoil is to be handled.

31b. *The ramp:* your petitioners are also concerned about the noise impact associated with the construction of the ramp and the portal, as well as the increased noise from trains using more power to ascend the ramp. On the limited information presently

available, your petitioners cannot be satisfied that this feature is being designed to minimize noise impacts. Once the railway is operational, this increased noise will be permanent.

32. *The 'cut and cover' section between the decked site and the portal, behind Royal Oak Station and to its West:* Schedule 1 of the Bill, Works 1/3A and 3B. Your petitioners expect that there will be substantial noise, air and light pollution from excavation in this area.

33. Your petitioners ask for fully effective acoustic screening and other effective mitigation measures to protect residents from these nuisances. It is extremely worrying that so little information on this topic is provided in the Environmental Statement.

34. *The conveyor between the portal and Paddington New Yard* Schedule 1 of the Bill, Work No. 1/2. Your petitioners are especially worried about this, as the nominated undertaker proposes to run the conveyor for 24 hours, 7 days a week. Your petitioners are not satisfied that the Environmental Statement provides for adequate measures to protect residents from the noise, dust, dirt and light-pollution it will produce very close to their properties.

35. ** Additional protection from these nuisances should be given by a permanent trackside barrier, erected before construction works begin, as described below at paragraph 53.

36. *Tarmac Topmix concrete batching plant:* Your petitioners submit that the concrete batching plant which will be displaced by the works at Paddington New Yard should not be reinstated afterwards, because deliveries of aggregates to the

site by heavy freight wagons are already intolerably noisy. The noise peaks at over 104.9 dB during the day and 100.8dB in the small hours as measured by CLRL's engineers at the façade of No. 93 Westbourne Park Villas. Residents are literally shaken awake by these deliveries.

37. At present the freight trains have to approach from the passenger lines and then double back on themselves to reach the siding alongside the plant. This is a lengthy and very noisy manoeuvre that disturbs residents as far away as Westbourne Park Road.

38. Your petitioners seek assurances that this concrete batching facility will not be reinstated on or near this site.

39. *Turn-back facility west of Royal Oak portal*

Your petitioners are not satisfied that this facility is being designed in such a way as to avoid the noise impacts associated with train access to the Tarmac Topmix siding, and described above. They seek assurances on this point.

40. *Permanent mitigation of noise from the several railways, including the surface section of Crossrail, and the raised A40 Westway between Paddington Station and the western edge of Paddington New Yard.*: In your petitioners' respectful submission, the Bill as it stands fails to acknowledge and address the cumulative permanent noise and vibration impacts of the surface section of Crossrail, between Paddington Station and the western edge of Paddington New Yard, upon

the adjacent residential area, which already suffers from unacceptable levels of transport noise.

41. The project plans to increase the number of trains in and out of Paddington from 36 to 64 per hour, not including the Hammersmith and City Line, which itself is unduly noisy because the rails are not continuously welded, and without consideration of freight trains which may be permitted to use the line in as yet unspecified numbers, presumably at night.
42. Your petitioners believe the Bill as it stands fails to meet the requirements of the Environmental Noise Directive (European Union Directive 2002/49/EC) which came into force in 2002.
43. Following a national noise mapping exercise currently being undertaken by DEFRA, national action plans are to be enacted on a prioritised basis in 2008 with a view to preventing/reducing environmental noise in larger conurbations and adjacent to major railways, roads and airports. Other European Union countries expect these plans to include mitigation of existing railway noise.
44. Your petitioners submit that this has implications for the Crossrail project, especially at the location described above, which should have been, but were not, accounted for in the planning stage. Your petitioners expect the Paddington

approach/A40 Westway transport corridor to take first priority in the 2008 national action plan.

45. Your petitioners also believe the Bill as it stands fails to comply with the London Ambient Noise Strategy issued in 2004 under the Greater London Authority Act 1999. Key objectives of the strategy are to stimulate improvements in the current and future track quality and in maintenance of the rail network, to promote increased use of noise barriers and introduce quieter trains. Policy 36 urges promoters of major rail schemes to minimise any adverse impacts of noise and vibration, using the best available cost-effective technologies. Part 4B observes that investment in London's railways provides the opportunity to do so.

46. The document identifies the key issues involved in railway noise management as: track type and quality, quieter rolling stock and operation, railway structures and noise barriers, spatial planning and urban design, and building insulation. Your petitioners submit that in respect especially of the latter five issues the current proposals are seriously inadequate in terms of applying the London Ambient Noise Strategy.

47. International comparisons: The United Kingdom is known to be well behind its European partners, especially France, the Netherlands and Germany, in respect both of acknowledging the importance of the noise impacts upon human beings of railways and major roads, and of tackling them. Experts in the field believe that

assurances from Defra and the Department for Transport that the UK is on schedule to implement the European Noise Directive are, while , Railway noise is set to increase around Paddington, while railway noise in Germany is on target to halve by 2020. This is being cost-effectively achieved through a planned programme that combines engineering advances (such as modern 'K' type brake blocks that halve the noise of freight wagons, and state-of-the-art floating bearings) with trackside barriers. A new type of Australian-made floating bearing, which is said to have economic as well as functional advantages, has enabled the Kowloon Canton Railway Corporation to build 'the world's quietest railway' through densely populated Hong Kong.

48. In your petitioners' respectful submission, the opportunity should be taken to devise an integrated programme of permanent measures to mitigate both railway and road noise and vibration at this location, taking advantage where possible of European Union funding and support for projects and research designed to minimise the effects of transport noise in precisely this kind of setting. Such a programme recognises that acoustic engineering involves highly complex calculations which need to take full account of the patterns and interactions of all relevant sources of noise, including existing and new structures including walls and bridges etc. Failure in this respect can actually worsen the noise problem, as happened with the 'Ark' building at Hammersmith, London W6.

49. Your petitioners humbly submit that this approach would make a very substantial contribution to community benefit, as the combined noise and vibration from the railway and the raised A40 Westway detrimentally affect many thousands of local residents.
50. A well-designed system incorporating barriers may well reduce the lateral spread of damaging particulates, and so limit the harm presently caused by the poor local air quality, which is so bad that it fails to meet European Union minimum standards.
51. When the raised A40 Westway was built in the late 1960s, Parliament approved new highway noise regulations in recognition of its then impact, which was of course very much less with the lower traffic volumes of the day. The Victorian wall alongside the railway at Westbourne Park Villas was built with a slight curve to deflect the noise of a much smaller railway system away from adjoining residential properties.
52. The Crossrail project aims to upgrade and expand transport capacity to meet the needs of 21st Century London. Therefore, your petitioners submit that previous efforts at mitigation of the injurious effects of the railways on those living close by should be commensurately upgraded and modernised.

53. Your petitioners ask for an effective higher, modern barrier to mitigate modern railway noise. We would like sound absorbing materials along the railway side of the wall, and extending above the existing Victorian wall. This measure should be taken before the start of construction.
54. *Pedestrian bridge across the main line railway* Schedule 3 of the Bill, Table, Part 2. The pedestrian bridge over the railway between Alfred Road and Westbourne Park Passage should be replaced after construction of Crossrail is complete. It will need to be carefully designed to exclude any possibility of re-radiating railway noise, and also to deter crime and anti-social behaviour.
55. Overall, our petitioners are still to be satisfied about the adequacy of the Environmental Statement and its Supplement. Baseline assumptions made over a number of generic issues have still to be substantiated.
56. Ancillary documentation such as the proposed Code of Construction Practice remains in a draft form which is neither acceptable in principle, nor in its presumptions, proposals and extent of detail. Regarding the problems of noise and vibration, dust and dirt, hours of working and visual impact.
57. Your petitioners submit that the nominated undertaker should be subject to suitable standards in respect of each of these matters and that there should be proper 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.

58. Accordingly, 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 provision for suitable mitigation measures (e.g. a noise and temporary rehousing policy).
59. Mitigation proposals do exist, but your Petitioners are not confident that they are satisfactory. Furthermore, it is accepted in the Environmental Statement that such mitigation measures are disruptive and inconvenient for the occupants of affected buildings, and may not be wholly effective in eliminating the relevant impacts.
60. Your Petitioners respectfully submit that there should be provision for compensation to be paid where the relevant standards and policy are breached.

SCHEDULE A:

- Continuously welded rail as a necessity for Crossrail except where technically impossible. Para 11.
- Remove freight trains from the Crossrail route at all times. Para 22-24
- Provision of fully effective acoustic screening and other effective mitigation measures to protect residents. Erection of a permanent trackside barrier. Para 32-35. Sound absorbing materials in effective higher modern barrier. Para 49-52

- Adoption of national and London wide policies on environmental noise which explicitly tackle the challenges of equipping and managing railways that run through residential areas. Para 13
- Railway noise tackled from the start of the project. Ensuring noise levels are within current policies for granting planning permission. Para 14
- Noise-attenuated ventilation offered to petitioners. Para 18
- Ensure the use of more stringent and precise standards applied to noise and vibration by the Promotor. Para 20
- Ground-bourne noise and vibration minimised by use of most advanced machinery for tunnelling and other construction purposes. Para 25-26
- Strict and minimised timetable for tunnelling and spoil removal with noise minimisation at Paddington New Yard. Para 3
- Adherence to Environmental Noise Directive (European Union Directive 2002/49/EC) Para 39-41. Use the opportunity to devise an integrated programme of permanent measures to mitigate both railway and road noise and vibration which will assist in meeting obligations Para 46-48

- Ensure that the Paddington approach/A40 Westway transport corridor is seen as a top priority site for the 2008 national action plan. Para 42-43
- Stringent application of the London Ambient Noise Strategy. Para 44- 45
- Adherence to European union minimum standards of Air quality standards.Para 49
- Completion of a satisfactory and adequate Environmental Statement and Code of Construction Practice, fully meeting the requirements of Westminster City Council.Para 54-59
- Provision made for robust supervisory arrangements to ensure suitable standards are adhered to; with authority to impose compensation payments should any breach occur and or suitable mitigation measures. Para 54 -59
- Provision of full condition surveys for dwellings together with details of expected impact of construction work and appropriate monitoring. Para27-28
- Reparation made for cost of extra property maintenance due to dust and dirt.Para29-30
- The permanent removal of Tarmac Topmix concrete batching plant. Para36-38

- Replacement of pedestrian bridge designed to make zero radiated noise impact between Alfred Road and Westbourne Park passage. Para 53.

61. *General.* There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interests of your petitioners and other clauses and provisions necessary for their protection are omitted from the Bill.

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 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 provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners as your Honourable Houses shall deem meet.

AND YOUR PETITIONERS will ever pray, &c.