

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 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 POLAR MOTOR COMPANY LIMITED.

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 Her Majesty’s Government.
- 3 (a) Clause 1 authorises the construction and maintenance of the works for the delivery of the railway transport system, which is known as Crossrail Line 1. The works are listed in Schedule 1 and shown on the plans and sections deposited with the Bill.
- (b) Clauses 2 and 3 authorise ancillary works and give effect to Schedules 2 and 3 respectively.
- (c) Clause 5 and Schedule 5 enable the nominated undertaker for Crossrail to take temporary possession of land in connection with the Crossrail works.
- (d) Clause 6 authorises the Secretary of State compulsorily to acquire so much of land within the limits shown on the plans and sections accompanying the Bill as may be required for the Crossrail works. Clause 6(3) and Parts 2 and 3 of Schedule 6 apply certain legislation relating to compulsory purchase compensation, subject to

modification. The power of compulsory acquisition is subject to a five year time limit, extendable by order of the Secretary of State.

- (e) Clause 7 provides, among other things, authority for the Secretary of State by further compulsory purchase order to acquire land outside the limits shown on the plans and sections or land within the limits but not subject to the powers under clause 6, if required in connection with the Crossrail works.
- (f) Clause 10 provides for the grant of deemed planning permission for development authorised by the Bill and Clause 10(5) in particular applies Schedule 7 which sets out certain controls in favour of local planning authorities over detailed aspects of the Crossrail works.
- (g) Clause 11 provides that deemed planning permission for the scheduled works will be subject to a 10 year time limit, extendable by order of the Secretary of State.
- (h) Clauses 45 and 46 make provision for transfer schemes and nomination of undertakers respectively.
- (i) Clause 47 and Schedule 12 disapply and modify certain statutory controls.
- (j) Clause 50 applies Section 10(1) Compulsory Purchase Act 1965 (compensation for injurious affection) subject to the proviso that liability for compensation for land injuriously affected by the Crossrail works falls to the nominated undertaker, as opposed to the Secretary of State.
- (k) Clause 54 provides a power to modify deposited plans or the book of reference if they are inaccurate.

Introductory

- 4 Your Petitioner is the owner of the long leasehold interest in premises at Dawley Road, Hayes, Middlesex UB3 1EH which it operates as a commercial vehicle dealership trading as "Dagenham Motors Hayes". Your Petitioner's current operations can be described as the sale and display of motor vehicles and motor vehicle accessories and spare parts and for pre-delivery checking and servicing of motor vehicles and as a service garage and workshop for the repair servicing and maintenance of motor vehicles together with vehicle wash and lubrication bays, MOT testing and ancillary offices and storage areas necessary in connection with such uses. Your Petitioner is a subsidiary of the Ford Motor Company Limited.
- 5 Your Petitioner's operations at Dawley Road are critical to its business. Your Petitioner serves a number of businesses in the west London area from the premises and in particular holds franchise agreements with both Iveco and Ford. Its premises are situated in a key territory for both manufacturers in view of its proximity to the motorway network and Heathrow airport estate. The business has a turnover of some £28m per annum and has been established on the site for at least 30 years. In addition to standard servicing and repair work, it receives on average 20 recovered vehicles per day from major routes locally and has a large customer base that includes local authorities, airlines and other airport associated businesses locally.
- 6 Your Petitioner has received planning permission for an extension to its existing workshop premises, removal of temporary buildings, demolition of existing office building (single storey) and

construction of a new commercial vehicle sales showroom with offices above. The proposed development is for the purpose of rationalising the existing business operation on the site to enable compliance with manufacturer standards. The business currently operates 24 hours a day, 5 days a week, and employs 89 people.

7 Your Petitioner's contract with Iveco is critical to its business. In the event that its business operation at Hayes is forced to cease operations due to it being unable to relocate, it is likely that your Petitioner will lose its contract with Iveco. Your Petitioner also has similar business operations at Chelmsford and Barking, employing 22 and 120 staff respectively. Due to the importance of the Iveco contract at Hayes, the potential failure to deliver a long term future for the business in this location is likely to jeopardise the relationship with the manufacturer in respect of these other two locations.

8 Your Petitioner understands that the whole of its interests in its premises (identified as plots 189,190,191 and 192) are sought to be acquired so that the cleared site may be used as a worksite from which works are to be carried out in connection with the proposed flyover to accommodate the eastbound Crossrail/Heathrow Express Line.

9 Your Petitioner and its rights, interests and property are injuriously affected by the Bill. Your Petitioner does not object to the principle of the proposed railway transport system. However, your Petitioner is greatly concerned by the provisions of the Bill as they may affect its premises at Dawley Road and its business. For this reason and having regard to the more detailed particulars referred to below, your Petitioner objects to the Bill.

Land Acquisition

10 Your Petitioner is concerned that its Dawley Road premises represent an important part of its business. The premises are highly profitable, provide a range of skilled jobs and training opportunities and fulfil a need for such facilities in this area of London which has many industrial and commercial businesses. It is concerned that alternative premises would be extremely hard to find, given the scale of the facility required, the need for good road access and the potential amenity issues which can arise. A further problem with relocation is that there are no sites that can provide an equivalent building-to-plot ratio as any such sites are intended for far more intensive redevelopment for example warehouse and industrial users. The nature of the commercial vehicle business inherently requires a site with a large amount of open parking and circulation space. This was a key factor in your Petitioner's decision to remain at its existing site and redevelop to better optimise the use of this open space.

11 Should the premises be compulsorily acquired, your Petitioner is concerned that its business would be significantly adversely affected, jobs would be lost to the local economy and a valuable facility to businesses in the area would be lost to the detriment of the west London economy.

12 Your Petitioner is aware of other suitable locations in the locality, not at present occupied for active business purposes, which would be suitable as a worksite without the need to acquire your Petitioner's interests and so disrupt its business. Your Petitioner would be prepared to enter into an agreement to permit temporary access for construction purposes. However your Petitioner considers that any use of its site would be significantly disruptive to its business due to the number of vehicles that it deals with every day.

Compensation provision

13 Your Petitioner further submits that provisions within the Bill regarding compensation in respect of compulsory acquisition and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage to its business which it may suffer as a result of the acquisition of its land, in particular any indirect effects on the rest of its business as a result of not being able

to service customers' requirements from its Dawley Road facility and in respect of any additional property costs it may have to incur to retain representation in the west London area.

14 Furthermore, to the extent that the powers under the Bill are not exercised following its enactment, your Petitioner will suffer significant blight and your Petitioner humbly submits that there is no or alternatively that there is inadequate provision in the Bill for compensating your Petitioner in this regard.

15 Your Petitioner is also concerned that the provisions in the Bill for renewal of compulsory purchase powers and planning permission (clauses 6(7) and 11(2) respectively) are too widely drawn and prolong the period of blight suffered by your Petitioner's property and others. Whilst the renewal of compulsory acquisition powers is subject to special Parliamentary procedure, your Petitioner humbly submits that greater protection should be given to owners and occupiers of land affected by the proposed works through regulation of the circumstances in which such renewal may be ordered. In the event that the validity of the powers or the planning permission is extended, your Petitioner seeks provision for affected land owners and occupiers to be consulted and to be given the opportunity to make representations. Your Petitioner submits that as it currently stands the Bill fails to provide for such matters. This is a significant omission. During the time limit for compulsory acquisition powers (5 years) and for implementation of planning permission (10 years) circumstances can change significantly and so too the impact of the exercise of such powers or the implementation of such permission. It is essential that impacts should be comprehensively reassessed. Your Petitioner submits that the same considerations should apply to the power to correct deposited plans (Clause 54).

General

16 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the Bill should not be allowed to pass into law.

17 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays 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 its 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection and benefit, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

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