

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2004-2005

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 Agrexco Agricultural Export 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 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.
3. Your Petitioner objects to the following clauses in the Bill. Clause 1 makes provision for the construction and maintenance of the work specified in Schedule 1 to the Bill. Clause 5 makes provision for the temporary possession and use of land specified in Schedule 5 to the Bill. Clause 6 makes provision for the Secretary of State to acquire compulsorily so much of the land shown on the deposited plans within the limits of deviation for the scheduled works as may be required for or in connection with the works authorised by the Bill or otherwise for or in connection with Crossrail. Clause 6.3 makes provision for Part 2 of Schedule 6 (application of legislation relating to compulsory purchase) and Part 3 of Schedule 6 (supplementary provisions) to have effect.
4. Your Petitioner objects to the inclusion of part of their property in the definition of:
5. Work 3/11 of Schedule 1 "Scheduled Works" of the Bill being a railway (2,800 metres in length) covered by a junction with the Heathrow Express Railway at a point 171 metres north of the northern/portal of that railway tunnel passing northwards then eastwards and terminating by a junction with the Reading Railway at a point 243 metres west of the carrying the Parkway over that railway. Work No 3/11 includes a viaduct adjacent to the Stockley Flyover; and

6. Work No. 3/13B of Schedule 1 "Scheduled Works" of the Bill a railway (721 metres in length and partly on the viaduct forming part of Work 3/11) commencing by a junction with Work 3/11 on that viaduct at a point 170 metres north-east of the junction of Conway Drive with Stormont Drive, passing eastwards and terminating by a junction with the Reading Railway at a point 64 metres east of the bridge carrying Dawley Road over that railway.
7. Your Petitioner is an owner of a property known as Carmel House, 4F Swallowfield Way, Hayes, Middlesex, UB3 1DQ, ("the Property") which the Bill would directly and specifically affect. In the Notice to Owners, Lessees and Occupiers, the Property is referred to at numbers 172 and 173 on the Plan and described as hardstanding/parking and land and hardstanding access, parking and land.
8. Your Petitioner and their rights, interest and property are specially directly and injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your Petitioner would as a result of the Bill lose some of the Property permanently and part of the Property on a temporary basis during the construction of the Works.
10. The Property is the head office for Agrexco's UK operation and is also the main distribution warehouse for the UK. 53 people are employed at the Property.
11. The Property is located close to Heathrow Airport, through which a large proportion of the produce is imported. The second major source for inbound goods is France, Holland and Belgium, from which regular deliveries arrive, via the Channel Crossings.
12. The Property acts as a holding and distribution centre for fresh goods from which produce is distributed across the UK. The Property operates on a 24 Hour/ 7 Day a week basis.
13. The majority of the goods passing through the Property arrive or depart on lorries outside the direct control of your Petitioner. The arrival profile is dependant on flight and ferry connection times, whilst the departure profile follows the demand to have fresh goods at retail outlets on the day following distribution. Accordingly there is a pattern of concentrated arrivals at variable times throughout the day. Departures peak towards the late afternoon, for distribution to enable next day retail.
14. The storage area is divided between cooled and extra chilled zones. All are serviced directly from six service bays located along the rear wall of the warehouse.
15. The duration of stay on the Property for each lorry varies depending on the number of lorries being loaded and offloaded at any time. However, all bays are used regularly and at peak times vehicles have to wait before they can be loaded or off-loaded. In these circumstances lorries queue at the entrance to the Property or on Swallowfield Way which is a privately owned road.
16. Typical durations of stay on the Property, when vehicles can be loaded or off-loaded efficiently, are between 40 to 60 minutes. At busy periods the duration of stay increases by up to a factor of 2 due to the handling constraints within the warehouse.

17. There is no typical day in terms of throughput at the Property, though there is a weekly pattern of reflecting higher food retail turnover towards weekends. It is the potential constraint on the peak operation rather than an average throughput that is the determining factor in assessing the acceptability or otherwise of the proposed Crossrail works in terms of the ongoing viability of the Property.
18. The busiest periods for the Property are during the lead up to Easter, Christmas, Valentine's Day and Mothers' Day.
19. By way of example, throughout the month of March 2005 there were 7 occasions when there were 60 or more lorries per day passing through the Property. The busiest day saw 69 lorries. The vast majority of the lorries were articulated heavy goods vehicles.
20. The Property layout is such that all circulation by the lorries is in a clockwise direction, with entry by the southern gate of the Property and departure to the north. The building has been laid out accordingly, with security and reception located near the entrance.
21. The current exit is restricted both physically and by means of a land purchase agreement, in that no lorries may enter the Property via that point. In addition, reversing articulated lorries must be able to manoeuvre in an anti-clockwise direction to allow drivers to gauge the rear of trailers. Accordingly it is not possible to use the exit point of the Property for vehicles to enter the Property.
22. The Property has been arranged in accordance with these constraints and cannot work if this circulation cannot be retained.
23. In addition to the operational requirements of the Property, a total of some 30 cars are regularly parked on the property. Due to the nature of the working hours, there is little opportunity for staff to use public transport and the availability of this parking is fundamental to the operation of the Property.
24. The proposed Crossrail works involve the construction of a railway viaduct carrying the London bound new Heathrow line above and adjacent to the existing London bound slow line. A preliminary design has identified the need for a permanent land take that will remove some on site parking and reduce the available road width for lorries to approximate 4.8m. The average width of a lorry is 2.5m.
25. Due to the early stage of design, a limit of deviation of the proposed land acquisition is such as to reduce the available width to pass vehicles alongside the building to nothing. This would clearly be impractical for the current operational use of the Property and would render the Property untenable for its current commercial use. Your Petitioner submits the compulsory acquisition of this access land would cause a material detriment to the remaining part of the Property.
26. In this situation your Petitioner would require the whole of the Property to be acquired and assistance be provided to allow your Petitioner to relocate their business. Crossrail Engineers have accepted that the Property must retain a clockwise operation to be viable and have accepted the need to retain a one way through route for heavy goods vehicles along the southern edge of the building. It is also accepted that this

must be retained throughout the construction period of the Works. Your Petitioner would require an undertaking to this effect to be provided by the promoters of the Bill.

27. As stated above the on site parking provision is required due to the varied hours of operation at the Property. Accordingly, it is understood that Crossrail accept that on completion of the Works parking will be allowed beneath the new viaduct, on a licensed basis.
28. During the works, replacement parking, in close proximity to the Property will be required as part of any agreed package of compensation and accommodation measures. No arrangements have been agreed for the temporary or permanent loss of car parking at the Property.
29. Your Petitioner notes the proposed viaduct will be within 4.8 metres of the warehouse. The wall closest to the proposed viaduct is part of the cold storage area of the building and is used for the storage of products on a high racking system. The impact of the vibrations on the building due to passing trains on the viaduct could cause pallets to fall or the total collapse of the racking.
30. Your Petitioner is also concerned about the influence of the noise and vibrations of the passing trains on the viaduct on the work environment at the Property. The noise and vibration from the proposed viaduct could make it impossible for your Petitioner to comply with health and safety legislation. Measures to eliminate the amount of noise and vibration on the Property would have to be agreed as part of any agreed package of compensation and accommodation measures.
31. Your Petitioner also objects to the amount of dust and fumes caused by the construction of the Works and the damage this will cause to the produce distributed from the Property.
32. Your Petitioner contends that the location of the viaduct be moved further away from the existing building. This would enable the existing use of the Property to continue without disruption. This would also address the concerns about the impact on vibration of the proposed viaduct on the building.
33. Your Petitioner accordingly submits that the Bill should be amended to take into account the impact of the proposed Works on the Property.
34. Your Petitioner further submits that any compulsory acquisition of the land should not occur unless compelling and overriding reasons can be demonstrated, which your Petitioner asserts is not the case in the instance. In the light of the foregoing, your Petitioner contents that inadequate justification has been made out for the proposed interference with their rights interests and property under the provision of the Bill.
35. For the foregoing and connected reasons your Petitioner respectfully submit that, the Bill so far affecting your Petitioner, should not be allowed to pass into law.

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

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2004-2005-04-04

Crossrail Bill  
PETITION OF Agrexco Agricultural Export  
Company Limited

AGAINST, By Counsel, &c.