

HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL

PETITION

Against the Bill – 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 Intel International Group
Limited

SHEWETH as follows :-

1. A Bill (hereinafter called "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".
2. 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, 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.

3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").
4. Your Petitioners are Mintel International Group Limited, a company formed under the Companies Act 1985 who undertake market research and consumer intelligence activities including software development. Your Petitioners are the leasehold owners and occupiers of certain land, which abuts, on three sides, the limits of deviation for the works and of land which may be acquired under the Bill. The land is within the City of London. The plots of land of which your Petitioners are the owners and occupiers are 18/19 Long Lane, London EC1A 9PL, comprising office buildings and a car park. Your Petitioners will be seriously affected by the proposals in the Bill and object to the proposals in the Bill insofar as they affect their interests, for the reasons, amongst others, hereinafter appearing.
5. The land described in paragraph 4 above is situated on the corner of Long Lane and Hayne Street (on the east side) and comprises an office building together with a covered car park immediately to the rear and giving access onto Hayne Street. The car park is abutted on its northern boundary by 3 Hayne Street which, according to the Bill will be acquired compulsorily and which, according to the environmental statement, will be demolished and replaced with a 'Crossrail operational building'. The Lindsey Street worksite for the proposed Farringdon Station will be directly opposite your Petitioners' building on the other side of Hayne Street. Despite being a two-way street, Hayne Street is so narrow that cars can only pass along the carriageway in one direction at any one time.
6. Your Petitioners' allege that their property and business will be severely affected by the proposals in the Bill. Your Petitioners have grave concerns that the investment which they have made in the property will, as a result of those proposals, be put at risk and that the working lives of their employees will become intolerable due to the construction of the

works authorised by the bill, and that their business will therefore be significantly disrupted.

7. Your Petitioners' business relies on their ability to respond quickly to current trends and customer demands. Their work is carried out solely using electronic media and necessitates having constant and uninterrupted access to the internet and email. As part of their business, your Petitioners develop and use computer software. Your Petitioners' business is highly sensitive to environmental changes.
8. The potential effect of the Bill's proposals on the property can be seen by studying sheet number 13 in volume 1 of the plans deposited with the Bill. The property itself is outside the limits of deviation and land to be acquired and used, but will be bounded on one side by the Lindsay Street worksite, and may potentially be bounded on two sides if the powers under the bill are implemented fully.
9. The bill envisages the stopping up of the northern half of Hayne Street which is of particular concern to your Petitioners as their car park on Hayne Street is in constant use by employees and visitors. Your Petitioners seek an undertaking from the promoters which will ensure that access and egress is available at all times to and from the car park.
10. Your Petitioners are gravely concerned about the impact of the proposed working site adjacent to their building and fear that their building will be surrounded by intolerable construction activity and traffic activity for a long period. Your Petitioners anticipate that the building will be seriously affected by noise (both ground and airborne), vibration and dust. There will also be serious visual impacts for the occupants of the building. All of this will seriously affect the ability of your Petitioners to continue with their business satisfactorily.
11. It is stated in the environmental statement that there will be a high potential for dust nuisance at the Lindsay Street worksite. However, inexplicably, the environmental statement appears to provide no assessment of the impact of noise and vibration on your Petitioners' property. This is particularly surprising to your Petitioners, given that they allowed representatives from Crossrail to take noise measurements from

their building. Given the proximity of the proposed worksite (Hayne Street is very narrow) your Petitioners can only assume that levels of noise and vibration will be very high indeed in their property.

12. Due to the nature of their work and the sensitivity of their equipment, your Petitioners submit that dust and vibration will have a significant impact on their property and for their business. Your Petitioners seek an undertaking from the promoters that the nominated undertaker will indemnify them against any losses, including loss of profits arising from damage to equipment and related impacts caused by dust and/or vibration produced by construction works, increased traffic movements and other construction activity.
13. Due to the working hours of the Smithfield market, major lorry movement in the area takes place during the night, so the background noise levels in the area at night are already relatively high. Your Petitioners submit that it would be sensible to carry out the Crossrail construction work during the night and thereby reduce the adverse impacts on businesses and their employees situated in the area.
14. Your Petitioners understand that the local authority should be able to place controls and restrictions on the methods of working, but given the proximity of the worksite to their building, the length of time during which the worksite will be used and the impact which this will have on the building and the sensitive nature of their business, your Petitioners believe that they should have a direct influence on working practices, particularly hours of working, lorry movements and noise and dust control.
15. Your Petitioners seek assurances that, if required to do so by your Petitioners, the nominated undertaker will adopt the very highest standards in respect of mitigation of the effects of noise, dust and vibration caused during the construction period, including a guarantee that any future changes to industry standards will also be complied with.
16. The cumulative impact of all of the proposals under the Bill is such that your Petitioners believe that there is a strong possibility that their ability to carry on their business at their current location will be seriously impaired.

Your Petitioners believe that the impact will be so great that the promoters should offer compensation to meet the full cost of your Petitioners moving temporarily to another location during the construction period.

17. In your Petitioners' submission, the Bill is deficient in various respects, in relation to your Petitioners' premises, as detailed below. They submit that the Bill should be amended to provide them proper protection in these respects. The matters in relating to which protection is requested are –
 - a. *The construction of the works could cause damage to your Petitioners' premises.* Your Petitioners would wish the promoters to agree that a schedule of condition should be prepared, in accordance with a specification to be agreed with your Petitioners, at the expense of the nominated undertaker, before the works commence. The effect of the works on the premises should be regularly monitored at the expense of the nominated undertaker, in accordance with arrangements to be agreed with your Petitioners so as to minimise interference with business at your Petitioners premises and at the conclusion of the works a further schedule of condition should be prepared at the nominated undertaker's expense, to ascertain what matters require to be remedied;
 - b. Your Petitioners are particularly concerned that your Petitioners' premises may suffer settlement effects as a result of construction of the nominated undertaker's proposed works. Your Petitioners submit that the nominated undertaker should be obliged to carry out suitable protective and preventative measures in relation to your Petitioners' premises, and the services thereto, to your Petitioners satisfaction, to minimise settlement effects;
 - c. If, during the course of the construction of the works your Petitioners notice damage occurring to their property which requires attention, the nominated undertaker should be obliged, on request, to carry out the works of repair and suitable protective works, to your Petitioners' satisfaction, without waiting until the conclusion of the construction of the works;

- d. The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to services to and from your Petitioners' premises including power, drainage and telecommunications services. The nominated undertaker should be required to ensure that these services will be suitably protected and secured, that supplies and services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works;
- e. Your Petitioners are concerned about the exercise by the nominated undertaker, in relation to your Petitioners' premises, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your Petitioners would wish to have control over such works, have the works overseen by independent engineers, be satisfied as to the quality of such works and be assured of proper and adequate access to your Petitioners' premises being maintained at all times. Your Petitioners seek assurances accordingly;
- f. As regards the nominated undertaker's powers of entry under the Bill, your Petitioners submit that these should be restricted such that they cannot be exercised during normal working hours at your Petitioners' premises. Furthermore, the time of day when major structural works may be carried out should be restricted to outside normal working hours;
- g. Your Petitioners are concerned about exercise by the nominated undertaker of the powers of paragraph 9 of Schedule 2 to the Bill with regard to preparatory works, and in particular the making of trial holes, and that the nominated undertaker could seek to do this at your Petitioners' premises. This power should only be exercisable with the consent of your Petitioners;
- h. As mentioned above, if the nominated undertaker were to construct the works without taking proper account of the day to day requirements of your Petitioners, there could be a serious adverse effect on trade at your Petitioners' premises. In particular, your

Petitioners are concerned about the effects of noise, dust and vibration and about access for vehicles as well as pedestrians, for the purpose of the delivery of goods. Free and convenient access should be maintained at all times for pedestrians. As mentioned above, creation of noise, dust and vibration which may affect your Petitioners' premises should be avoided during the hours of trading of the premises and during normal office hours.

- i. Your Petitioners are concerned that exercise by the nominated undertaker of the powers of the Bill in relation to street and pavement closures or openings in streets or pavements could result in vehicular access to your Petitioners' property being denied or pedestrian access being impeded. Your Petitioners are particularly concerned about the adverse impact of possible access difficulties on your Petitioners' employees and visitors. Your Petitioners require to be notified sufficiently in advance of any temporary road closures or obstructions in the vicinity of their premises;
 - j. Your Petitioners are concerned about the possible duration and programming of the proposed works. Your Petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to your Petitioners' premises;
 - k. The exterior condition of their building also causes your Petitioners concern and in their respectful submission, regular cleaning of the exterior should be undertaken by the nominated undertaker during the course of the works. The exterior of the building is of marble and brick with glass windows and is therefore particularly susceptible to dirt and dust. Your Petitioners also anticipate that additional cleaning of their reception area will be required due to the continual opening of the reception doors for visitors and employees to the premises resulting in dust and dirt entering the building.
18. Your Petitioners are also very concerned that the Bill does not provide adequately for compensation for all damage and all losses, including

consequential losses, all disbenefits and claims against your Petitioners which your Petitioners apprehend they may suffer if the Bill's proposals are implemented and the other powers in the Bill are exercised by the Secretary of State and the nominated undertaker. Your Petitioners submit that the Bill should be amended to ensure that full compensation is paid for any adverse effects on your Petitioners' interests arising by reason or in consequence of the Bill.

19. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE
HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray,
&c.

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PETITION

of

Mintel International Group Limited

AGAINST,

BY COUNSEL, &c.