

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005–06

CROSSRAIL BILL

P E T I T I O N

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:

HANSON QUARRY PRODUCTS EUROPE LIMITED

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”.
- 2 The Bill is promoted by the Secretary of State for Transport (hereinafter called “the Promoter”).

Relevant clauses of the Bill

- 3 Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise.
- 4 Clauses 21 to 44 of the Bill together with Schedule 10 make provision for the application with modifications and the disapplication in part of the existing railways regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of Rail Regulation (“ORR”), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impacts on key system assets. Provision is also included to enable agreements to be required as between the nominated undertaker and controllers of railway assets, to govern the basis for arbitration and to provide for the transfer of statutory powers in relation to railway assets.
- 5 Clauses 45 to 59 of the Bill together with Schedules 11 to 14 contain miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail, for the particular protection of certain specified interests and as respects arbitration.

Your Petitioners and their properties

- 6 Your Petitioners are Hanson Quarry Products Europe Limited of The Ridge, Chipping Sodbury, Bristol, BS37 6AY. The company is a wholly owned subsidiary of Hanson plc. Hanson plc is the world's largest producer of aggregate, and Hanson Quarry Products Europe Limited is one of the UK's largest producers of heavy building materials.
- 7 Your Petitioners have leasehold interests in land by Stockley Road in West Drayton in the London Borough of Hillingdon.
- 8 Your Petitioners and their interests and property are injuriously affected by the Bill to which your Petitioners object for the reasons amongst others here stated.

Your Petitioners' concerns

- 9 Your Petitioners are the leasehold owner and occupier of a yard in West Drayton ("the West Drayton Site") that lies between the Grand Union Canal to the north and the Great Western Main Line Railway to the south. The West Drayton Site is shown on Sheet 112 of the plans that accompany the Bill. Parcels 117, 120, 123 and 126 are owned by your Petitioners. Although not mentioned in the Book of Reference accompanying the Bill, your Petitioners are also the leasehold owners of a part of parcel 111 at the entrance to the site. These parcels are subject to a power of compulsory acquisition by the Promoter in the Bill and in the case of parcels 120, 123 and 126 only for the purpose of providing a worksite and access to construction.
- 10 The West Drayton Site is one of your Petitioners' most important and largest facilities for the storage and distribution of various different types of aggregates, the majority of which arrive at the site by rail. Indeed, it is a very important site in the context of the supply of aggregates to the West London area generally as indigenous supplies of aggregate in the South East of England cannot meet demand. The West Drayton Site is one of a series of aggregate rail depots that enables rock quarried and graded at quarries in the West Country, South Wales and the Midlands to be brought to the South East in an efficient and

environmentally sustainable way. Some of the aggregate is further processed in two high output stone coating plants on the site the most recent of which was installed in 2004 at a cost of over four million pounds. In addition, aggregate is brought to the site via the Grand Union Canal and used for the production on site of ready mixed concrete. A relatively small amount of aggregate is brought to the site by road. Aggregate, whether treated or not, and ready mixed concrete are distributed from the site by road.

- 11 The ownership and occupation of parcel 125 is attributed in the Book of Reference to Network Rail Infrastructure Limited. This is incorrect in that some of this parcel comprises the railway siding within the West Drayton Site including a building that straddles the railway siding at its eastern end. Aggregates are transferred from rolling stock by means of a hopper and subterranean conveyer belt system positioned underneath the railway track as it passes through the building. The siding is not owned by Network Rail Infrastructure Limited except for a relatively small part including land occupied by approximately half of the building that straddles the track and land to the east of it. Your Petitioners are the leasehold owner of the siding and the building over it, located within the West Drayton Site.
- 12 Parcel 126 lies to the north of the railway siding and includes an area of the West Drayton Site that is currently occupied in part by plant and structures and part of which is used as a route by lorries leaving the site. Parcels 120 and 123 are used mainly for the parking of vehicles, in the case of parcel 123 on land directly underneath the Stockley Road Bridge.
- 13 The satisfactory operation of your Petitioners' business on the West Drayton Site depends upon an effective rail connection to allow substantial quantities of aggregates to be brought to it on a regular basis by train. It is not practicable for additional aggregates to be brought to the site via the Grand Union Canal in quantities that now arrive by rail and there is no facility at the site to allow such

quantities of aggregate to be unloaded from barges. Nor would it be practicable to bring such additional quantities of aggregates to the site by road.

- 14 Generally speaking, a single goods train, of the kind which arrives on an almost daily basis at the site between Monday to Friday will bring between 1,100 and 1,560 tonnes of aggregates to the site. Assuming the use of lorries with a twenty tonne capacity this figure is equivalent to between 55 and 78 lorry loads or between 110 and 156 lorry journeys. Space within the site is limited and there is not sufficient room to accommodate safely or efficiently that number of lorries in addition to those that are presently used in the operation of the site. Even if such room could be made available it would also not be desirable in environmental terms for the volume of aggregates that currently arrive at the site by rail to be delivered to the site by road.
- 15 It is understood from discussions with representatives of the Promoter that parts of your Petitioners' site have been included within the limits of land to be acquired or used under the Bill only so as to accommodate and in order to install a number of supports for overhead gantries to span the main railway lines. Otherwise the Promoter has no need or intention to acquire or use the West Drayton Site. Your Petitioners have therefore engaged advisors with specialist expertise in railway standards (and their application) to consider the situation and advise accordingly.
- 16 Your Petitioners have therefore been discussing with representatives of Cross London Rail Links Limited the need to acquire or make use of any part of the West Drayton Site with reference to relevant railway standards but at present no satisfactory resolution of the matter has been reached.
- 17 Your Petitioners submit that the Bill ought not to be allowed to pass into law with provisions to authorise the compulsory purchase of any part of the West Drayton Site until such time as your Petitioners have been given an acceptable undertaking by the Promoter that no such powers will be exercised so as to affect the continued use of the railway siding for the satisfactory servicing and operation of

the West Drayton Site and that no land or rights within the West Drayton Site will be compulsorily acquired.

- 18 Further, your Petitioners wish to be assured that access to the West Drayton Site by way of the Grand Union Canal will not be prejudiced on account of the Works.

Old Stockley Road Bridge

- 19 A bridge known as the "Old Stockley Road Bridge" carries the Old Stockley Road over the Great Western Main Line immediately to the west of the West Drayton Site. Vehicular traffic is permitted to cross the bridge in one direction only, from south to north. Work 3/14 of the Scheduled Works in Schedule 1 of the Bill involves the removal of the Old Stockley Road Bridge without replacement by another that can be used by road traffic.

- 20 The Old Stockley Road Bridge is important to your Petitioners' business operations carried on at the West Drayton Site as in the order of 70% of vehicles arriving at the site do so from the south and they cross the bridge in order to access the site, the only road entrance to which is in close proximity to the northern approach to the bridge.

- 21 If the Old Stockley Road Bridge were to be removed then vehicles approaching the site from the south would have to travel an additional distance of approximately one kilometre to reach this site entrance. This would be substantially less commodious than the existing arrangement and is expected to cause your Petitioners to incur significant additional expense. This is because the price paid for aggregate is in part determined by the amount of distance by road between the source site (in this case the West Drayton Site) and the customer's site at which the material is to be delivered. Your Petitioners therefore submit that if the bridge must be removed then it should be compensated accordingly for the resultant additional costs that will arise.

Works to Great Western Main Line

- 22 Works 3/11, 3/12A and 3/12B of the Scheduled Works in Schedule 1 of the Bill involve the realignment of the Heathrow Express Railway due east of the West Drayton Site and the construction of a viaduct adjacent to the existing Stockley Flyover.
- 23 Whilst these works do not involve the compulsory purchase of any property owned by your Petitioners they are likely to cause substantial disruption to railway services including the freight services upon which the satisfactory operation of the West Drayton Site depends.
- 24 Your Petitioners seek an undertaking from the Promoter that freight services will not be disrupted on account of these works or other works authorised in the Bill to such an extent that the West Drayton Site cannot function effectively and efficiently taking into account that its satisfactory operation depends upon the rail importation of circa 400,000 to 450,000 tonnes of aggregates per year, equivalent to typically one loaded train per day (Monday to Friday).

Railway Matters

- 25 Your Petitioners are concerned about the effect of the railway provisions of the Bill (clauses 21 to 44) on the West Drayton Site and their other sites in the area (Acton, Dagenham, Ardingly (in Sussex) and Allington (in Kent)). If the Bill were to be enacted to contain such provisions without sufficient safeguards as to the continued operation of such sites, then there could be no guarantee that deliveries by rail to your Petitioners' sites would continue at present rates and times, as at any time Crossrail could vary its use of the Great Western Main Line to your Petitioners' disadvantage. This would discourage your Petitioners' customers, would prevent your Petitioners from planning for the future, and would result in a reduction of carriage of freight by rail, contrary to Government policy. Your Petitioners request that the offending parts of the Bill be removed or amended to the extent that their interests are no longer affected.

General Matters

- 26 As a general matter, your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners all 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 of any provision made as a result of this Petition.
- 27 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

Conclusion

- 28 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

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, Counsel or Agents and with 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 other such clauses and provisions as may be necessary or expedient for their protection or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

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