

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 AND PIONEER WILLMENT CONCRETE 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 and Pioneer Willment Concrete Limited

of 1 Grosvenor Place, London SW1X 7JH. Hanson Quarry Products Europe Limited is one of the UK's largest producers of heavy building materials. Pioneer Willment Concrete Limited is the leasehold owner of certain land within the Acton Depot. Both companies are wholly owned subsidiaries of Hanson plc.

7 Pioneer Willment Concrete Limited is the owner of leasehold interests in land at Acton Depot in the London Borough of Ealing upon which Hanson Quarry Products Europe Limited owns and operates a concrete batching plant and associated equipment.

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 Acton Depot is shown on Sheets 126 and 127 of the plans that accompany the Bill. The main parts of the concrete batching plant which is operated by Hanson Quarry Products Europe Limited stand on parcel 175 with some hardstanding, a turning area and associated equipment on parcel 176, and rights of access to the public highway in Horn Lane via parcels 166 and 181. These parcels are subject to a power of compulsory acquisition by the Promoter.

10 This facility is important in that it serves a vital role in the supply of ready mixed concrete for customers in the West London area within a 5-6 mile radius. Raw materials arrive at Acton by rail, via an adjacent third party operated rail depot. From there the aggregate is loaded into the concrete batching plant, where it is blended with cement and ready mixed concrete is then produced. The ready mixed concrete is delivered to customers by road. Planning permission for a replacement batching plant on the site has recently been applied for and is expected to be granted shortly subject to conditions. Your Petitioners understand that Cross London Rail Links Limited has been consulted formally about the application and so far as your Petitioners are aware has not objected to it.

11 The satisfactory operation of your Petitioners' business at Acton Depot depends upon an effective rail connection to allow substantial quantities of aggregates to

be brought to it on a regular basis by train, uninterrupted access for lorries to come and go from the site, and co-ordinated train and lorry movements. It is not practicable for additional aggregates to be brought to the site by road, and this would also have adverse environmental consequences.

- 12 Generally speaking, a single goods train will bring circa 3,400 tonnes of aggregates to the adjoining aggregates depot. Assuming the use of lorries with a twenty tonne capacity, this figure is equivalent to 170 lorry loads (or 340 lorry journeys). Hanson Quarry Products Europe Limited is just one of a number of customers served by the adjoining rail depot and is wholly dependent upon it for an adequate and steady supply of aggregate in order for its concrete batching plant to function effectively. Space within your Petitioners' site is very limited and there is not sufficient room to accommodate safely or efficiently any significant number of lorries on the site at the same time. 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. Furthermore, there is very limited space for the storage of aggregates at the site, which places further limitations on the ability to rearrange train or lorry timetables. The site should not be taken by the Promoter without full and proper justification.
- 13 Your Petitioners' representatives have held discussions with representatives of the Promoter, and it is apparent from those discussions that clear proposals as to how and how much of Acton Depot will be used for the Crossrail works have yet to emerge. It is understood, however, that the principal vehicular access to the yard for this purpose will be via Horn Lane rather than from Noel Road at the opposite end of the depot.
- 14 Your Petitioners are concerned that if appropriate arrangements are not made, constricted vehicular access to the site at Horn Lane will result in unacceptable conflict between vehicles being used by the undertaker nominated by the Promoter to construct the works and those serving your Petitioners' site. Your

Petitioners request that uninterrupted access be maintained for their vehicles in order that the concrete batching plant can continue to operate satisfactorily.

- 15 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 Acton Depot 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 and vehicular accesses for the satisfactory servicing and operation of their concrete batching plant there whether in its present or replaced form, and that none of your Petitioners' land or rights within the depot will be compulsorily acquired.

*Works to Great Western Main Line*

- 16 Several works are planned to the Great Western Main Line, including Work 3/17, which, whilst they do not involve the compulsory purchase of any property owned by your Petitioners, are likely to cause substantial disruption to railway services including the freight services to and from Acton Depot upon which the satisfactory operation of your Petitioners' concrete batching plant depends.
- 17 Your Petitioners seek an undertaking from the Promoter that freight services will not be disrupted on account of such works authorised by the Bill to such an extent that your Petitioners' concrete batching plant cannot function effectively and efficiently. This should take into account that its satisfactory operation depends upon a delivery of in the order of 120,000 tonnes of aggregates by rail per year.

*General Matters*

- 18 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.

19 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*

20 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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