

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 SEYMOUR
DEVELOPMENT 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 Seymour Development Limited, a company formed under the Companies Act 1985. They are the freehold and leasehold owners of certain land which lies within the limits of deviation of the works to be authorised by the Bill. Your Petitioners' lands lie in the London Borough of Islington.
5. The Bill would authorise the compulsory acquisition of your Petitioners' land, to which they object. Furthermore, your Petitioners interests will be injuriously affected by the proposals in the Bill and they object to the Bill insofar as it affects your Petitioners' interests, for the reasons, amongst others, hereinafter appearing.
6. The Bill would empower the Secretary of State to acquire the subsoil of plots numbered 47 and 48 in the London Borough of Islington as shown on the deposited plans. Plot 48 comprises part of 67-77 Charterhouse Street, London EC1, of which your Petitioners are the freehold owners and part of 77a Charterhouse Street of which your Petitioners are the leasehold owners. Plot 47 comprises 7 and 12 Greenhill Rents, London EC1, of which your Petitioners are the leasehold owners. 67-77 Charterhouse Street is a successful restaurant and bar known as Smiths of Smithfield and it extends over 4 floors. 77a Charterhouse Street is a successful and well-known nightclub called Fabric. The nightclub extends underneath Smiths of Smithfield and under 7 and 12 Greenhill Rents.. 7 and 12 Greenhill Rents are both used as offices.
7. The properties are located close to the proposed location of the western ticket hall at Farringdon Station. 67-77 Charterhouse Street is situated above the existing Metropolitan and Hammersmith and City Underground Lines and 7-12 Greenhill Rents are immediately adjacent to those lines. Both properties lie within the limits of deviation for Work No. 1/3A and Work No. 1/3B and the deposited plans show that the proposed centreline of Crossrail's the southern running tunnel will run very close to

both properties. The Environmental Statement deposited with the Bill also mentions that a shaft may need to be sunk within Greenhill Rents, to enable compensation grouting. Overall, the Environmental Statement estimates that the construction period for Farringdon Station will last for some 4 years and 8 months.

8. Your Petitioners are particularly concerned about the risk of damage to their property which will arise as a result of the construction of the works under the Bill. Your Petitioners would wish the promoters to agree that in respect of their property, 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.
9. 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.
10. 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.
11. Your Petitioners are concerned about impact of the proposed works on the foundations of your Petitioners' premises and about prejudice to future development of the premises. The nominated undertaker should be required to construct the underground works at such depth or in such a way that the foundations of and subsoil under your Petitioners' premises are unaffected and so that the load bearing capacity of the foundations and subsoil stratum underneath is not reduced.

12. Your petitioners respectfully submit that the promoters should be required to ensure that groundborne noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced tunnelling technology and machinery, and that operational noise from the trains is minimised with the use of the best technology available. Your Petitioners are concerned that noise and vibration may be radiated into your Petitioners' premises to an unacceptable extent. In your Petitioners' submission the nominated undertaker should be subjected to stringent design standards and if necessary, the nominated undertaker should be required to install additional appropriate procedures and design methods to inhibit the transmission of noise and vibration into the premises.
13. 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.
14. 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. These concerns are particularly acute, given the prospect of a compensation grouting shaft at Greenhill Rents. 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.
15. 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.

16. Your Petitioners are concerned about the extent of the powers which the nominated undertaker is proposed to have under the Bill in relation to the closure of streets temporarily. In particular, the nominated undertaker will be given wide powers to close many streets in the Farringdon area, including Charterhouse Street and Greenhill Rents, and use them as a worksite. The Environmental Statement submitted with the Bill envisages that parts of Charterhouse Street will be closed during the construction of the works. Your Petitioners are concerned that both they and their tenants should have vehicular and pedestrian access to their properties at all times. Your Petitioners request that the Bill should be amended accordingly.
17. Your Petitioners are alarmed to note that the promoters estimate that there will be high levels of lorry movements, accessing Charterhouse Street. Your Petitioners are concerned at the disruption that will be caused to the occupiers of their buildings and their customers by lorry movements and construction activity in the area particularly due to traffic and noise, fumes, dirt, dust and other emissions. Smiths of Smithfield opens out onto Charterhouse Street during warm periods, and your Petitioners are particularly concerned about the effect on customers at the premises.
18. Your Petitioners are concerned generally about adverse effects of the nominated undertaker's proposed powers on occupiers of your Petitioners' premises and their businesses and on the impact on your Petitioners' interests in relation to rental levels on rent reviews and rental income generally.
19. 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.
20. For compensation purposes, your Petitioners submit that the nominated undertaker should be obliged to treat separately a claim for injurious affection from any claim which may be made in respect of land taken

compulsorily under the Bill. The nominated undertaker should be obliged to indemnify your Petitioners fully against costs or loss to your Petitioners by reason of material damage to your Petitioners' premises or otherwise occasioned as a result of the Bill and its proposals.

21. 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
SEYMOUR DEVELOPMENT LIMITED

AGAINST,
BY COUNSEL, &c.