

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-2006

CROSSRAIL BILL

PETITION

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 B&Q Plc

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 presented by the Secretary of State for Transport (hereinafter referred to as "the Secretary of State").

B&Q Plc

- 3 Your Petitioner is B&Q Plc, a wholly owned subsidiary of Kingfisher PLC. B&Q Plc is the UK's leading DIY and garden centre retailer, selling to homemakers, DIY'ers, and trade professionals. B&Q Plc is the biggest home improvement retailer in the UK, with 14.7% of the repair, maintenance and improvement market share. As at 31 March 2005, B&Q Plc operated a total of 338 stores, including 112 Warehouse stores, 156 Supercentres and 70 Mini-Warehouse stores, occupying around 24,437,000 square feet of sales space. Kingfisher PLC is the number one DIY retailer in Europe and the third largest in the world, with more than 60 stores opened internationally. In the 2004/2005 year, B&Q Plc had a turnover of £4.1

billion and employed over 38,000 people.

- 4 Your Petitioner is leaseholder and operator of the B&Q Warehouse store, Bath Road, Slough (the "Store").
- 5 Your Petitioner has an interest in two properties (together "the Plots") which are subject to compulsory acquisition or use under the Bill. These interests, as referred to in the book of reference, are in the Borough of Slough in the County of Berkshire and are as:
 - (a) an occupier (in respect of rights of access) of a private road, hardstanding and land (west of Dover Road) (plot 17); and
 - (b) a lessee and occupier of hardstanding, land and premises (280, Bath Road) (plot 18).
- 6 The Bill would authorise the creation of easements or other rights over plot 17 for the passage of persons or vehicles (with or without materials, plant and machinery) for the purpose of or in connection with the construction or maintenance of the works authorised by the Bill (Schedule 6, para 8).
- 7 The Bill would authorise the permanent acquisition of plot 18 (section 6(1)) for the purpose of 'the provision of access and provision of a working site' (Schedule 6, para 1).
- 8 These Plots are currently in use by your Petitioner at the Store as a service access, service and external storage area. This acquisition is to enable access for works to be carried out on the Dover Bridge Road (via the Plots as per land notice No. 5056 – Parliamentary Plan 93). The works are to include raising the parapets of the bridge for safety reasons. Scaffolding, building materials, demolition waste and ballast will be transported to and from the works site via the Plots.
- 9 Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, among others, hereinafter appearing.

The Slough B&Q Store

- 10 Your Petitioner has been trading in the Store since December 1993. The Store offers a wide range of DIY and home improvement products and is open seven days a week to the public. Your Petitioner's trading data confirms that the Store serves a population from a wide area with customers travelling from Slough, Windsor, Maidenhead, Bracknell, Egham and Staines.
- 11 The Store is one of the busiest in B&Q's portfolio. Significant volumes of products are sold to the public. In order to maintain stock levels, significant volumes of products are delivered to the store every day, both from your Petitioner's distribution centres and direct from suppliers. Deliveries arrive at the store, solely via plot 17, at the designated service area (plot 18) in the south-eastern corner of the site. Access for deliveries is gained via Bath Road (National Grid Reference SU948810) as shown in land notice No. 5056– Parliamentary Plan 93. Deliveries are unloaded in the southern area (of plot 18) throughout the day and the stock is transferred either into the store and store back up areas, or into a dedicated external

storage area directly to the north of the vehicle unloading area (also within plot 18). Permanent planning consent for use of this area for storage purposes was granted by Slough Council on 14 December 2004.

The impact on the Store

- 12 The smooth and continuous running of the service area and the external storage area (plot 18) is fundamental to the success of the Store. Your Petitioner's customers expect products to be in stock and on the shelves when they shop in the Store, and anything that threatens such ready supply would seriously impact upon the success of the retail operation.
- 13 Your Petitioner is concerned at the proposed acquisition of the service area and external storage area for the duration of the works at Dover Road Bridge. Your Petitioner has reviewed the implications of the acquisition of the service area and external storage area on continued trading from the Store and various alternative options have been thoroughly considered. However, your Petitioner has had to reject each option, for a combination of practical, health and safety, leasehold and planning reasons.
- 14 Following the review, your Petitioner has been forced to conclude that the Store could not continue to trade if the Plots were acquired and used as proposed. The Store would have to close for the duration of the occupation of the land and your Petitioner will inevitably lose trade to competitors, certainly in the short term and potentially in the longer term as well.
- 15 This is in contrast to the statement in the Crossrail Environmental Statement, which states at Volume 8C, Chapter 7, Route Window W20, para. 7.18 that:

“Dover Road bridge worksite southwest will occupy the whole of the B&Q Warehouse service yard. The worksite will only be used to provide access to the northeast area of the worksite where the works will be undertaken. There will be no significant impact on the operation or running of the yard. Access to the site will be directly from Dover Road via the existing access.”

- 16 Your Petitioner is at a loss to understand how the compulsory purchase and occupation of the whole of the yard will have no significant impact on the operation or running of the yard.

The lack of justification for acquiring rights and land at plots 17 and 18

- 17 Your Petitioner submits that access for the works and for the storage requirements of the works can be secured from other land in the locality and that the acquisition of the Plots is unnecessary. Worksites are also located for Dover Road to the north of the bridge (on both sides) and to the south east. These provide adequate worksites and access. The harm caused by the use of these sites is much less, as the northern worksite is used for parking cars which can be temporarily relocated on local roads and the southeast worksite is currently disused (Environmental Statement, W20 page 3, para 7.15 to 7.17).
- 18 Your Petitioner submits that any benefit in acquiring the B&Q Plots is significantly outweighed by the serious adverse impact that will be caused to your Petitioner's business. Harm to Your Petitioner's interests will be avoided by the deletion of

plots 17 and 18 from the powers of compulsory acquisition or use (as incidentally will a substantial compensation bill for the losses suffered at the Store).

- 19 Clauses 6 of the Bill authorises the Secretary of State to acquire compulsorily land within the limits shown on the deposited plans. Such land includes the Plots, as set out in paragraph 5 above. Clause 7 authorises the Secretary of State to acquire additional land in connection with the Crossrail works or otherwise for or in connection with Crossrail. Your Petitioner does not accept the need for these proposed powers of acquisition and your Petitioner consequently submits that the Plots should not be acquired and should be removed from the limits of land to be acquired and excluded from any acquisition under section 7.

The lack of justification for any permanent acquisition and the use of some of the land

- 20 If Your Petitioner's primary case above is not successful, then the powers proposed are not justified in any event for the reasons explained below.
- 21 The Environmental Statement says that the works at 'Dover Road bridge will take a little over two months to complete' (Volume 3, para 9.9.2). However archaeological excavations may have to be carried out on the worksites (ES, Volume 3, para 9.9.14).
- 22 Your Petitioner submits that there is no need for permanent acquisition of land for works which will take 'a little over two months'. Any use of plot 18 should therefore take place under section 5 and Schedule 5 paragraph 1 of the Bill, rather than section 6 and Schedule 6. However, the nominated undertaker should not be able to remain in possession of the land for one year beginning with the date of completion of the works specified in relation to the land as paragraph 1(3) of Schedule 5 would provide. That provision should be amended, with respect to this plot, by leaving out 'one year' and inserting 'two days', given the commercial damage which occupation of the land will cause to Your Petitioner. Paragraph 2 of Schedule 5 should also be modified for this land to provide that a restoration scheme is to be agreed prior to the temporary use of the land.
- 23 Whilst it is unclear what the Environmental Statement means when it says 'The worksite will only be used to provide access to the northeast area of the worksite where the works will be undertaken' it appears that only a small part (if any) of plot 18 is said to be required for a working site, as opposed to access to a working site. Your Petitioner submits that only the working site part of plot 18 should be used and pedestrian access should be taken directly off Dover Road or from plots 19, 26 and 27.
- 24 Your Petitioner also submits that in such circumstances the Bill should require the nominated undertaker not to interfere with Your Petitioner's rights in the non-worksite part of plot 18.
- 25 If access is obtained directly from Dover Road to the north east end of plot 18 then plot 17 should be removed from the Bill. If the access is retained, then paragraph 8 of Schedule 6 should be amended so that the right will be for the construction only (and not the maintenance) of works authorised by the Bill.

- 26 Your Petitioner also submits that in such circumstances the Bill should require the nominated undertaker not to interfere with Your Petitioner's right of way along plot 17.

Conclusion

- 27 Your Petitioner submits that the Secretary of State should compensate it for all proper costs, losses, charges and expenses incurred as a result of the Bill or any provision made as a result of this Petition and that such compensation should include loss of profit, loss of trade and the fees of any professional advisers appointed by the Petitioner.
- 28 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is being made.
- 29 For the foregoing and connected reasons your Petitioner respectfully submits that the Bill fails to adequately safeguard and protect the interests of your Petitioner and, so far as affecting your Petitioner, should not be allowed to pass into law without those issues being addressed.

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its officers, 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 Petitioner and in support of such other clauses, amendments and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

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