

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 the CONFEDERATION OF BRITISH INDUSTRY

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”).

Your Petitioner – The Confederation of British Industry

- 3 Your Petitioner is the Confederation of British Industry (“CBI”). The CBI is the premier lobbying organisation for UK business on national and international issues. It works with the UK government, international legislators and policy-makers to help UK businesses compete effectively. CBI policy is decided by its members - senior professionals and executives from all sectors and sizes of business are directly involved in the policy making process.
- 4 Your Petitioner welcomes, in principle, the proposal for a railway transport system running from Maidenhead and Heathrow Airport, through central London, to

Shenfield and Abbey Wood but is concerned that the current proposals will adversely affect your Petitioner's lobbying role, policy work, business, enjoyment of Centre Point and related interests.

5 Your Petitioners headquarters are at Centre Point, 103 New Oxford Street, London, WC1A 1DU. A total of around 170 of your Petitioner's staff are based at Centre Point.

6 Centre Point was constructed during the 1960s pursuant to a planning permission dated 13 November 1959. Centre Point comprises the following main elements:

- The Tower Block, comprising a reception area on the ground floor (at street level) and 33 upper floors. This is bounded by Charing Cross Road, St Giles Circus, New Oxford Street, St Giles High Street and Andrew Borde Street;
- The Podium Block, which is separated from the Tower Block by a highway restricted to buses and taxis only (St Giles High Street), designed for shop accommodation on ground floor level with showrooms on the 1st floor and offices on the 2nd floor. On the roof of this block stands a separate block of 36 maisonettes on six floors. This is bounded by St Giles High Street, New Oxford Street and Earnshaw Street;
- The Link Block, which forms a bridge over St Giles High Street between the Tower and Podium Blocks at the 1st and 2nd floor levels only. The 1st floor of the Link Block was designed as showrooms, and the 2nd floor as offices;
- The basement and sub-basement levels which were designed mainly for use as car parking.

7 Your Petitioner is leaseholder and occupier of the 1st and 2nd floors of Centre Point (comprising those floors in the Tower Block and the Podium Block and also the whole of the Link Block) (hereinafter referred to as "the Property"). Your Petitioner's lease also includes a number of car parking spaces in the basement and sub-basement levels of the complex. Your Petitioner is the single largest tenant in Centre Point with some 46,150 square feet and occupies 20% of the building. Your Petitioner has been a tenant at Centre Point since March 1979 and carried out an extensive refurbishment of the Property in 1998.

8 Your Petitioner's offices at Centre Point are the venue for many meetings and presentations involving senior government ministers and company executives. In addition, your Petitioner operates a high-class conference facility at Centre Point, one that is able to accommodate up to 200 delegates. The meeting and conference facilities at the Property are available at all times, but are generally in use on week days from 7am to 10pm. Your Petitioner's policy work is also undertaken at Centre Point, this work is largely research based and requires that individuals spend significant amounts of time concentrating on complex materials – it is akin to academic research in its nature.

9 Continuous and easy access to Centre Point is essential to your Petitioner's lobbying role and conference business. Your Petitioner's members and clients expect ready and comfortable access, and anything that threatens such access would seriously impact upon the success of both the lobbying business and the conference

facility. Access requirements include a need for taxi and chauffeured car access "to the door" at all times, it is also necessary for capacity to exist for a substantial flow of delegates and visitors at peak times.

- 10 In particular, your Petitioner's conference centre business operates in a highly competitive market. Even a relatively minor degradation of the access and ambience in and around Centre Point will make the venue less attractive as a conference facility and will significantly impact the viability of that business. Your Petitioner needs to provide a peaceful conference environment.
- 11 In addition, a quiet and peaceful office environment is necessary for the conduct of your Petitioner's policy work.
- 12 Your Petitioner has an interest in one property which is subject to compulsory acquisition or use under the Bill. This interest, as referred to in the book of reference, is in the London Borough of Camden as an occupier (in respect of right of access to 1st and 2nd floors, Centre Point Tower) of pool, fountain, forecourt, private road, snooker hall, gymnasium, café, shops, steps and premises (Centre Point, 103 New Oxford Street) (plot 8).
- 13 Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, among others, hereinafter appearing.

Your Petitioner's Concerns

- 14 Your Petitioner is affected by the following Crossrail works: 1/3A and 1/3B being the construction of railway tunnels and Tottenham Court Road Station; and work 1/18 being the construction of a temporary road from Charing Cross Road to St Giles High Street. The Centre Point buildings will be surrounded by Crossrail works for up to 5 years. Some 90 lorries each day will service the Tottenham Court Road site with the main lorry holding area being at Andrew Borde Street, adjacent to the Centre Point Tower Block.

Access

- 15 The Bill authorises Andrew Borde Street to be stopped up, if 'reasonably convenient access' remains (Schedule 3, para 1, table 1). Schedule 3, para 5 authorises the temporary stopping up of Charing Cross Road (within limits), Tottenham Court Road (within limits), St Giles High Street (between points T3 and T4 as shown on deposited plans), St Giles Circus; New Oxford Street (within limits); Eamshaw Street. The Bill therefore authorises the permanent or temporary stopping up of all the roads adjoining Centre Point.
- 16 Your Petitioner is concerned that the Crossrail works will have a severe impact on traffic and pedestrian movement in the vicinity of Centre Point. It is clear to your Petitioner that in addition to causing access difficulties for staff, clients and visitors, the ability for deliveries to be made to the rear of the tower will also be affected.
- 17 The Bill should be amended to provide that access for pedestrians, vehicles and deliveries will be maintained at existing levels throughout the works. In particular,

paragraph 1(2)(b) of Schedule 3 should be amended so that the power to stop up Andrew Borde Street can only be exercised under that category if 'there is reasonably convenient pedestrian and vehicular access'. Paragraph 5(2) of Schedule 3 (concerning temporary interference with highways) should be amended so that reasonable access for pedestrians and vehicles shall be maintained. Reasonable access to the Tower must include access for vehicles at all times between Your Petitioner's main operating hours (7am to 10pm on weekdays) and for pedestrians at all times. For the purposes of access under these permanent and temporary interference powers the Tower Block and Podium Block of Centre Point must be treated separately.

- 18 The power to take temporary possession of land for the purposes of maintenance following the construction of the works in paragraph 4 of Schedule 5 should be amended to provide that pedestrian and vehicular access to neighbouring land (including each element of Centre Point) shall be maintained.
- 19 In addition, Your Petitioner submits that the nominated undertaker should compensate it for any loss incurred by your Petitioner as a result of these works.

Noise and Vibration

- 20 Your Petitioner is concerned that the nature of its policy work, the use of the building for conferences, together with the unusual design of the structure (which includes link and podium elements) means that it will be adversely impacted by noise and vibration intrusion at a level that might be considered acceptable in a normal office environment. Your Petitioner is particularly concerned about the effects of piling in the vicinity of Centre Point. The Environmental Statement deposited with the Bill ("ES") shows the construction worksite abutting the front of the Tower Block (where the main entrance is located) and wrapping around the Tower Block.
- 21 Your Petitioner considers that the Bill should be amended to require temporary mitigation measures to be provided to screen out the noise and vibration of the worksite and that permanent mitigation measures will be provided to remove the noise and vibration impact of the Crossrail trains and services. To the extent that it is not possible to provide such mitigation, then your Petitioner submits that the nominated undertaker should compensate it for any loss incurred by your Petitioner as a result of the works or of the running of the Crossrail services.
- 22 Clause 20 provides a defence to a complaint that a statutory noise nuisance is taking place that the undertaker is operating under Control of Pollution Act notices. Consequently it removes a remedy from Your Petitioner, including preventing its effective access to the Magistrates' Court, if Your Petitioner suffers noise nuisance from the Crossrail works. This privilege for the nominated undertaker is inappropriate and should be left out of the Bill.

Dust

- 23 Your Petitioner is concerned that during the construction works, Centre Point (and Your Petitioner's business in particular) will be significantly affected by construction generated dust.

- 24 Your Petitioner considers that the Bill should be amended to require that site specific mitigation should be provided to prevent construction generated dust from affecting Centre Point. This mitigation should prevent dust reaching the buildings and prevent harm to the amenity, comfort and convenience of persons accessing the Centre Point buildings on foot or by vehicles (including pedal cycles). To the extent that it is not possible to provide such mitigation then your Petitioner submits that the nominated undertaker should compensate it for any loss incurred by your Petitioner as a result of the works.

Settlement

- 25 Your Petitioner is concerned that no adequate account has been taken of the effects of ground settlement on the sensitive nature of the construction of the Link Block.

The damage to buildings has been classified by the ES as follows:

Building	Building Damage Classification	Building Sensitivity Classification
Centre Point Tower	Category 1 (very slight)	1
Centre Point House	Category 2 (slight)	0

Your Petitioner is concerned that no separate classification of the Link Block has been made. Your Petitioner is concerned that the full height glazing (covered by the Grade II listing of Centre Point) would be easily damaged by movement and it is considered that the Building Sensitivity Classification of "0" is incorrect.

- 26 Your Petitioner considers that, further detailed consideration should be given to the effects of subsidence and/or ground settlement on the Centre Point complex, in particular the Link Block where the classification appears to your Petitioner to be incorrect. Furthermore, the calculation of ground settlement does not fully take into account the station box improvement works and the construction of new escalator shafts. As a result, your Petitioner is concerned that the Building Damage Classification stated in the ES does not take adequate account of ground settlement. Such further assessment, whether as a supplement to the Environmental Statement or otherwise, should take place and mitigation measures be agreed at the latest prior to the commencement of works.
- 27 As the largest single tenant of Centre Point and contributor to the service charge, your Petitioner is concerned to ensure that provision is made for compensation in relation to the costs of long term monitoring of subsidence. Your Petitioner believes that it will be necessary to conduct electrolevel measurements to monitor subsidence for up to 5 years from the public opening of the railway or until residual settlement has ceased. Your Petitioner considers that the nominated undertaker should be required to carry out remedial works for all damage caused (subject to the relevant landowner or occupier's consent) and that Your Petitioner should be compensated for losses arising due to any increase in service charge or other losses

incurred by your Petitioner as a result of subsidence or ground settlement.

Environmental protection – the Environmental Statement

- 28 Your Petitioner notes that whilst the Environmental Statement refers to mitigation measures and gives certain assurances as to the nature and extent of the works (such as the duration of particular construction operations) the Bill does not require the nominated undertaker to carry out the works in accordance with the Environmental Statement. The Bill should be amended to require compliance with the Environmental Statement's mitigation measures and limitations as a condition of the planning permission deemed to be granted.

Environmental Protection – Planning Conditions

- 29 Schedule 7 provides for planning conditions to require approval of certain permanent, temporary and restoration works by local planning authorities. The Schedule also provides for consultation with various statutory agencies on such applications. Your Petitioner considers that notice of such applications should be given to neighbouring owners and occupiers, including, as appropriate, Your Petitioner, to enable representations to be made to the local planning authority.

Subsequent development

- 30 Your Petitioner notes that two new or improved access points to Tottenham Court Road Station will be located in front of the Tower. Your Petitioner is concerned that the ES does not include details of any non-operational development above the new station and only provides illustrative drawings of what over-site development may look like. Whilst over site development at some parts of the scheme is required to be subject to Environmental Impact Assessment under clause 14, no explicit requirement is made for the Plaza in front of the Centre Point Tower Block. Your Petitioner is uncertain whether over site development is or will be proposed on that site. Your Petitioner seeks assurances that these cumulative effects will be fully considered, that your Petitioner will be properly consulted on any over-site development, that the impacts of such development will be assessed and that such impacts will be properly addressed by suitable mitigation measures.
- 31 Your Petitioner requires appropriate safeguards to minimise disruption to the smooth and continuous operation and running of its office and conference facility and to ensure that its usage will be able to revert to the existing level and quality following completion of the Crossrail works. Your Petitioner submits that additionally it should be compensated for all losses it incurs arising as a result of the Crossrail works.
- 32 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 and the fees of any professional advisers appointed by the Petitioner).
- 33 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.

Conclusion

- 34 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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