



IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2004-5

CROSSRAIL BILL

Against – 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 Governors of the Peabody Trust

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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.”

The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill. The scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which works are authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”)

Clauses 1, 2, 5 and 6 set out the Bill’s objectives in relation to the construction of the railway transport system mentioned in paragraph 1 above. They include provision for the construction and maintenance of the scheduled works, further and supplementary provisions about the works, temporary possession and use of land and the acquisition of land within limits shown on the deposited plans. Schedule 6, Part 1 details the acquisition of land shown within limits on deposited plans. Part 3 section 8 details the limitation of power of acquisition rights only.

2. The Bill is presented by Mr Secretary Darling and supported by The Prime Minister, Mr Secretary Prescott, Mr Chancellor of the Exchequer, Secretary Margaret Beckett, Ms Secretary Hewitt, Secretary Tessa Jowell, Mr Peter Hain and Mr Tony McNulty.

3. Your petitioners are the Governors of the Peabody Trust (hereinafter referred to as ‘the Trust’), a charitable organisation dedicated to alleviating poverty in London and Registered Social Landlord of, amongst others, properties liable to be affected to varying degrees by the proposed Crossrail Bill. The properties so affected are at or

45 Westminster Bridge Road
London SE1 7JB

Tel 020 7021 4000

Fax 020 7021 4004

DX 99975 Lambeth 2

Internet: www.peabody.org.uk

Minicom 020 7922 0247

called:-

a) The Grosvenor Estate, consisting of:

Balderton flats - 2 block of flats on Brown Hart Gardens, London, W1

Stalbridge flats - 1 block of flats on Lumley Street, London, W1

Moore flats - 2 blocks of flats on Gilbert Street, London, W1

Hanover flats - 2 blocks of flats on Binney Street, London, W1

Chesham flats - 1 block of flats on Brown Hart Gardens, London, W1

b) 42-88 (even no's only) Milligan Street, Westferry Road, E14 8AU

c) The Carlton Square Estate, London, E1 4EH consisting of scattered street property, including properties in:

Grantley Street and

Portelet Street

d) Land, a road and hardstanding at Canal Way, in the London Borough of Kensington and Chelsea

4. Your petitioners and their rights, interests and property are injuriously affected by the Bill, to which your petitioners object for reasons amongst others, hereinafter appearing.

a) Potential detrimental financial effect upon new development.

The road 'Canal Way', in the Royal Borough of Kensington and Chelsea, is owned by and lies within a development site which your petitioners own. The road is safeguarded under the Bill for access, both for construction and for maintenance. Your petitioners are concerned that the use of this road will cause delay and additional costs to be added to the new construction work planned by them. In addition your petitioners are highly concerned that the marketing and valuation of the new development may be affected if it coincides with the construction phase of the promoter's work. Your petitioners are happy to give a Right of Way for access for future maintenance as this is unlikely to be regular or involve the same volume of traffic.

Your petitioners request that, to reduce the environmental impact of the works and the potential financial impact upon your petitioners, all construction activity is accessed by the existing railway, or that an enforceable limit be set on the type and number of vehicles accessing the railway via Canal Way.

b) Potential detrimental financial effect in dealing with vermin

Your petitioners are concerned that no mention is made within the promoter's supporting documentation of measures to deal with rats, displaced during the diversion of sewers. We are seeking a commitment that if rats are displaced into our residents' flats the promoters will bear the cost of extermination.

c) Potential detrimental financial effect resulting from the re-location of residents due to adverse noise.

Your petitioners have been informed that some of our residents at the Grosvenor Estate (adjacent to the proposed Crossrail Bond Street station) may have to live in alternative accommodation for a period of eleven months because of the predicted high level of construction noise. Your petitioners are highly concerned that the supporting documentation in respect of the potential de-canting of residents due to noise does not state that the promoters will bear all costs of any re-locations. The promoters have stated that it will pay the 'extra-over' costs of temporarily re-housing residents, which may be interpreted to mean that residents will stop paying rent on their existing properties and the promoters will 'top up' any additional rental costs incurred at the new location. Your petitioners would lose a substantial rental income if residents do not pay rent on properties which they cannot occupy due to noise. We therefore seek a more strongly worded commitment to meeting costs.

d) Potential loss of amenity.

The residents of your petitioners' Grosvenor Estate are accustomed to drying clothes on dedicated drying lines and enjoying gardens built on the roofs of the blocks of flats that they live in. Your petitioners are concerned that the residents may lose the use of these amenities due to noise and dust and asks that it be agreed to compensate residents for any loss of amenity that occurs.

e) Potential detrimental affect due to noise and dust.

The promoters do not appear to have made a firm commitment to paying or contributing towards the costs local authorities may incur in trying to 'police' the Section 60 notices and consents in respect of noise. Without additional funds the Trust is concerned that local authorities will not be able to monitor noise and dust levels effectively to ensure that our residents are properly protected. Your petitioners therefore request that the promoters contribute 'ring fenced' monies to Local Authorities to monitor Section 60 notices or consents in relation to Crossrail, or provide an alternative mechanism by which residents can obtain relief from noise nuisance.

f) Potential loss of income due to compulsory purchase

Land in the ownership of your petitioners is liable to compulsory acquisition under clause 6 of the Bill. Your petitioners wish to ensure that they are properly compensated as respects the acquisition and use of their land.

g) Potential detrimental effects of tunnelling

The proposed excavation and tunnelling of main running tunnels and of station tunnels is likely to have an adverse settlement impact, which, in the case of the petitioner's Grosvenor Estate has been assessed by the promoters as having the potential to cause unacceptable damage. In your petitioners' respectful submission, the nominated undertaker should be required to provide, in advance of commencement of tunnelling, details of the expected impact on each property in which your petitioners have an interest.. This information should be supplied to your petitioners, and should be accompanied by a statement of the method by which the

impact is to be monitored before, during and after construction. Furthermore, the nominated undertaker should be required to carry out appropriate safeguarding works including full condition surveys and monitoring and the proposals for these works should be submitted to your petitioners. The nominated undertaker should bear the reasonable costs of the petitioners in carrying out joint inspections and monitoring with respect to settlement.

Your petitioners are also concerned that the proposal is to remove spoil from tunnelling activities on an elevated conveyor adjacent to the petitioners Carlton Square Estate on a twenty-four hour, seven days a week basis. Your petitioners are concerned about the effects of noise and dust at this worksite and your petitioners wish to ensure that the nominated undertaker complies with the strictest standards as regards minimising such noise, dust and vibration.

h.) Groundborne Noise and Vibration/Track Design

Your petitioners own buildings which are above the proposed line of the railway or new stations and which are likely to be sensitive to noise and vibration during the construction period and when the railway comes into operation. These buildings are residential. Your petitioners respectfully submit that the promoters should be required to ensure that ground-borne noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced tunnelling technology and machinery. Your petitioners are concerned that, when the railway comes into operation, noise and vibration, whilst meeting design standards put forward by the promoters, may still be radiated into buildings to an unacceptable extent. The promoters appear to rate the needs of theatres etc. more highly than those of residents, as the track technology that is proposed beneath theatres is of a quieter nature. The Trust and our residents are concerned that there will be noise nuisance when the railway is in use, both at night and during the day, that could affect residents' sleep patterns, particularly night workers. In your petitioners' submission the nominated undertaker should be subjected to stringent design standards and where the railway passes near to noise sensitive buildings the nominated undertaker should be required to install additional appropriate procedures and design methods to inhibit the transmission of noise and vibration into such buildings. In your petitioners' submission, the Bill should also provide that the nominated undertaker should put in place a comprehensive consultation exercise with regard to noise and vibration monitoring. Such a scheme should be subjected to a compensation code where agreed noise and vibration standards are breached.

Your petitioners have already mentioned that the promoters should be required to use the best possible methods and equipment to minimise noise and vibration during operation of the railway. Your petitioners are also concerned to ensure that high standards are met in terms of the lifespan and maintenance of the running tracks. Appropriate standards should be incorporated in the contracts between the Secretary of State and the nominated undertaker to ensure that the nominated undertaker meets those standards.

i) General Matters

Your petitioners welcome the planning brief developed by Westminster City Council

in respect of the proposed development at Bond Street. Your petitioners are keen to ensure that the recommendations contained in the planning brief are adopted by the promoter and the nominated undertaker.

For the foregoing and connected reasons your petitioners respectfully submit that, unless the Bill is amended as proposed above, the Bill should not be allowed to pass into law.

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 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 provisions as may be necessary and proper for their protection or benefit, or that 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.