

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

KEMPTON COURT RESIDENTS' COMMITTEE, 2 DURWARD STREET, LONDON, E1;
RESIDENTS OF TRINITY HALL, 6 DURWARD STREET;
RESIDENTS OF DURWARD STREET (MISCELLANEOUS PROPERTIES);
ALBION HEALTH CENTRE, 333 WHITECHAPEL ROAD, E1

SHEWETH AS FOLLOWS:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced 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. Clause 1 (Construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain the works necessary for Crossrail as described in Schedule 1 of the Bill and shown on the plans and sections deposited with the Bill.
4. By Clause 1 of the Bill the Promoter seeks powers in executing any of the works proposed by the Bill to deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and to deviate vertically from the levels shown on the deposited plans sections to any extension downwards in all cases and to such extent upwards to any extent not exceeding 3 metres in the case of the underground railways or in the case of any of the other of the works for the purpose of constructing stations, depots or shafts or associated works as shown on the deposited plans and sections.
5. By Clause 2 (Works: further and supplementary provisions) of the Bill the Promoter seeks powers to bring into effect Schedule 2, which contains provisions about the work which may be carried out, primarily to facilitate the main effort of construction of the scheduled works.
6. By Clause 3 (Highways) of the Bill the Promoter seeks powers under paras: 1-3 (inclusive) of Schedule 3 to stop up permanently, certain specified highways and to have all rights of way over or along such streets and footpaths extinguished after such stoppings up.

7. By Clause 3 of the Bill the Promoter seeks powers under para:4 of Schedule 3 to carry out associated works conferred by paras: 1-4 of Schedule 2 in a way that permanently obstructs the highway, such associated works under Schedule 2 including general powers to carry out ancillary works additional to the scheduled works, the provision of highway accesses, the diversion of particular overhead lines, and the undertaking and maintaining of landscape or other mitigating works necessary as a result of the Crossrail works.
8. By Clause 3 of the Bill the Promoter seeks powers under para:5 of Schedule 3 to temporarily stop up, alter or divert any highway, to break up and interfere with the highways and divert traffic from it in respect of those highways named in column 2 of the table under para: 5(3) of Schedule 3 to the Bill for the purpose of executing the proposed works.
9. By Clause 5 (Temporary possession and use) the Promoter seeks powers to bring into effect Schedule 5, which contains provisions dealing with the temporary possession and use of land required for Crossrail.
10. 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 (a term defined in the Bill).
11. By Clause 6 (Acquisition of land within limits shown on deposited plans) Clause 7 (Acquisition of land not subject to the power under section 6 (1)) and Clause 8 (Extinguishment of private rights of way) of the Bill, the Promoter seeks powers to enter upon, take and use such lands delineated on the deposited plans and described in the deposited book of references as it may require for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.
12. Clauses 10-20 (inclusive) of the Bill would disapply existing statutory controls in relation to development requiring an environmental impact assessment. Listed buildings, buildings in conservation areas, historic buildings and ancient monuments, tree preservations in so far as they are generally applicable to the works powers proposed in the Bill in respect of scheduled works begun within 10 years from the enactment of the Bill. As respects demolition and works for permanent alteration or extension are concerned, the disapplication is limited to buildings specified in Clause 14(2) to the Bill.
13. Clause 50 (Compensation for injurious affection) of the Bill would require the Promoter to pay compensation to owners, lessees and occupiers of property for any injurious affections.

Your Petitioner

14. Your Petitioners are the Kempton Court Residents' Committee, residents of Trinity Hall, residents of houses and flats on the west side of Durward Street, (miscellaneous properties) and the Albion Health Centre, which abuts the Sainsbury's worksite. The Kempton Court Residents' Committee was formed in 1996 to ensure congenial living conditions in Kempton Court and the surrounding area.
15. Durward Street runs parallel to Whitechapel Road, between Brady Street and Vallance Road. It is a quiet community street, bisected by the East London Line, which is bridged over. Swanlea School and the Whitechapel Leisure Centre take up much of the north side. To the south-east side is Kempton Court, a long low block of 110 flats. They also run along the lower part of Brady Street. The southern boundary of Kempton Court is the District Line cutting. On the west side, set close to the street and the East London Line cutting, is Trinity Hall, a former London Board school now converted into 18 flats. Kempton Court and Trinity Hall have the same freeholder, work closely together, and share some services. More recently, flats and houses were built on the west side by a Housing Association; residents join in activities locally. Bollards prevent through traffic, but Durward Street is a busy pedestrian street, forming the only through street from the Spitalfields area to the Leisure

Centre, Swanlea School and Sainsbury's in Brady Street. 24 of the Kempton Court flats overlook Brady Street and the Sainsbury's car park. Backing on to the Sainsbury's car park is the Albion Health Centre, the local GP surgery and health amenity. It will share many of the same problems as those of the Kempton Court and Durward Street residents.

16. It is respectfully submitted that Your Petitioners' rights, interests and property are injuriously affected by the Bill, if it is passed in its present form. Accordingly, your Petitioners object for reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

17. Your Petitioners wish to record serious concerns at the inadequacy of the Promoters' efforts to consult with your Petitioners, and the inadequate time given for their public information consultations. The Promoter has yet to provide full information on which residents of Durward Street will require temporary rehousing, and at what stage in the construction programme. Residents have not received individual letters informing them of tunnelling beneath, or about the worksites and subsequent traffic, although the Environmental Statement states that properties will need extra sound insulation and may need rehousing.
18. Your Petitioners are concerned that most information in Crossrail documents focuses on the school, station and leisure facilities in Durward Street, and the effects on them, and little on the 300 residents of the street, and the effects on these residents, who will be there 24 hours a day.
19. Your Petitioners are seriously concerned at the effects on residents of simultaneously having 2 worksites and 2 construction sites, plus tunnelling, in Durward Street.
20. These comprise a worksite in Sainsbury's car park, to construct ventilation, escape and EIP infrastructure, to provide lorry egress, to store and maintain equipment; a worksite at Essex Wharf (opposite Kempton Court); the construction of escape and ventilation shafts at Essex Wharf; construction of Whitechapel station and interchange in Durward and Court Streets.
21. Your Petitioners have serious concerns that the Promoter proposes taking up to 110 lorries per day in an East to West direction through Durward Street. The street pattern varies – it is a narrow street, with entrances to some residential buildings being only 4'6" from the roadway, and Trinity Hall only 1 foot from the roadway.
22. Your Petitioners have serious concerns that the Promoter has taken little account of the health of residents subjected to noise, dust and vibration from lorries, over the building period of Crossrail. Furthermore they will be subjected to noise, dust and vibration from the worksites and the building of Whitechapel Station and the escape and ventilation shafts.
23. It is proposed that the nominated undertaker will work hours in excess of those allowed by the London Borough of Tower Hamlets Code of Construction Practice. Your Petitioners seek undertakings and assurances that the Promoter agrees to follow the requirements of the London Borough of Tower Hamlets Code of Construction Practice and their Noise and Vibration Policy.
24. Your Petitioners are aware that other major constructions are about to commence in immediately adjacent areas. These include the East London Line Extension, which runs through the centre of Durward Street, and the Royal London Hospital demolition and reconstruction, one street away. In addition, the Whitechapel Idea Store has been built in Brady Street, opposite Kempton Court, over the last two years, causing considerable noise and disruption to residents. The proposed Hanbury Street Shaft and associated works are three streets away. Your Petitioners are seriously concerned that the continuous building

works over a minimum of six years will be extremely detrimental to the health and wellbeing of the residents of Durward Street, previously a quiet community street with no through traffic. These will have a similar impact on the staff and regular users of the Albion Health Centre.

25. The mitigation measures offered in the Environmental Statement are acknowledged as disruptive and inconvenient for the occupants of affected buildings, and may not be wholly effective in eliminating the relevant impacts. Your Petitioners submit that there should be provision for compensation to be paid where the policy and standards are breached, and where the quality of life of the residents is seriously undermined..
26. Durward Street is the most easily accessible route for pedestrians to the Whitechapel Leisure Centre, Swanlea School and Sainsbury's supermarket from the Spitalfields area. This is because the East London Line bisects the area, but Durward Street has a bridge over the line. Because of this, pedestrian traffic is heavy in Durward and adjacent Brady Street. The Promoter has not yet given a proposed pedestrian route when construction commences, but alternative routes would require considerable extra walking, which will be very unattractive to shoppers with heavy loads. Access streets are narrow, and your Petitioners would seek to ensure that pedestrians take priority and are not endangered through the actions of the Promoter. In the event that the Promoter leaves Durward Street open to pedestrians, safeguards should be put in place.. These would include buildouts of the pavements on the narrow footpaths, for example outside Staircases 1 and 8 of Kempton Court, railings to safeguard pedestrians on the bridge, but not at the expense of narrowing the pavement for this, and a means during construction hours, of ensuring pedestrians are safe whilst lorries turn into Durward Street from the Essex Wharf worksite.
27. The subsoil below Kempton Court, Trinity Hall and other residences in Durward Street, and Albion Health Centre, will be subject to tunnelling. The station platforms will be directly below Kempton Court and Albion Health Centre. Your Petitioners are particularly concerned about risk of damage to buildings during the construction of the tunnels and operation of trains on completion. Your Petitioners submit that the Promoter should be subject to stringent design standards, use the most appropriate technique for the soil type, that operational noise from the trains is minimised with the use of the best technology available, and that the nominated undertaker be required to be compliant in their construction.
28. The Promoter intends to close Winthrop Street during construction work. The only access to one flat in Trinity Hall is in Winthrop Street. This street is the access for emergency services, and also access for rubbish collection for Kempton Court and Trinity Hall. There will therefore be only one access point for the 110 flats in Kempton Court, in Durward Street. This is suitable for cars and small vans, but not large vehicles, and might hamper emergency vehicles. We would submit that the Promoters consider a method of constructing Whitechapel Station which does not cut off this vital access.
29. The car park area of Kempton Court is adjacent to the proposed Whitechapel Station building site. Should the Promoters require access or use of any areas within Kempton Court, residents would expect negotiated compensation and notice of any noisy work in advance, and work in line with the agreed construction policy.
30. There will be considerable visual impact on residents during and after construction. A 5-metre hoarding is proposed around the station whilst building it. We submit that the Promoter be required to consult with residents affected by this visual intrusion on suitable decoration of the hoarding, and to discuss architectural detailing of the station. The visual intrusion once the escape shaft is built will be severe for residents of Kempton Court. We submit the the Promoter consults on the design with residents so that the design is aesthetic, and reflects some aspect of the area's past, such as the tent where William Booth preached in nearby Vallance Gardens, or the allusions to sails, as there are in the architecture in Swanlea School. The surrounding space should be securely enclosed, as this is a residential street, and unsuitable for gatherings, as depicted in the Promoters' literature.

31. There is evidence of blight to persons having a "qualifying interest", affecting property sales. We recognise that there is a hardship policy, but consider that in Clause 3.7.2 the date of 3rd December 2003, after which a person purchasing a property should have known about Crossrail and the implications, is unreasonable. The freeholders of the properties whose subsoil was to be purchased, were notified by Crossrail, but leaseholders were not, and have not yet received direct communication by Crossrail, unless they asked for it. In paragraph 17 of our Petition we have stated the poor communication by Crossrail. As there is as yet no starting date for Crossrail, leaseholders may experience hardship for many more years than would reasonably be expected, but not have redress; this is unreasonable, and the Hardship conditions should be amended to recognise this, and compensation be provided.
32. It is proposed that car parking at the rear of 333 Whitechapel Road, the Albion Health Centre, will be permanently taken, but there are no compensatory permanent car parks, and Your Petitioners consider this is unreasonable, and that the Promoter should negotiate the use of car parking nearby.
33. The shafts to be built in the Sainsbury's car park worksite, to construct the ventilation, escape and EIP infrastructure and the continual use of lorries on the site will have considerable impact on the work at the Albion Health Centre. We submit that the Promoters work on a detailed schedule with the Albion Health Centre to minimise disruption to their work. The worksite activities will also impact seriously on the quality of life of Kempton Court residents overlooking Brady Street, and the car park, and that they are given notice of times of particularly noise-producing work.

Conclusion

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, and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests 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.