

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

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

HARBOTTLE & LEWIS LLP

**HARBOTTLE & LEWIS LLP SOLICITORS
Hanover House
14 Hanover Square
London W1S 1HP**

Ref: 17/289

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 presented by Mr Secretary Darling, supported by The Prime Minister, Mr Chancellor of the Exchequer, Secretary Margaret Beckett, Mr Secretary Hain, Secretary Alan Johnson, Secretary Tessa Jowell and Derek Twigg.

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 to the Bill and shown on the plans and sections deposited with the Bill.
4. 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 power to enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as it may require for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.
5. 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 affection
6. Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others hereinafter appearing.

Your Petitioner

7. Your Petitioner is a limited liability partnership engaged in the provision of legal services and has its main office situated at Hanover House, 14 Hanover Square

London W1S 1HP. Hanover House is in extremely close proximity to the proposed development site for the Bond Street Station extension.

Your Petitioner' concerns

8. The matters with which your Petitioner is particularly concerned are the problems of noise, vibration, dust and dirt, hours of working, visual impact and detriment to the ability of Your Petitioner to continue operation of its business due to the works.

The effect of the works on the Hanover House building to the Petitioner's employees

9. Your Petitioner is concerned that Hanover House will suffer significant, adverse effects as a result of nearby Crossrail work and construction traffic (including, in particular, lorries and the use of heavy machinery).
10. Your Petitioner is apprehensive as to the effect of the major works proposed in the vicinity of Hanover House and, due to the age of the building, is uneasy as to the safety of its employees.
11. Your Petitioner respectfully submits that the nominated undertaker should be required to carry out a condition survey of Hanover House and to complete appropriate safeguarding works prior to commencement of the works at the nearby site. During the works, the effect of the same should be monitored at regular intervals and the methods of construction utilised in the area should be selected so as to cause the least possible damage to the building and disturbance to its occupants.
12. In addition to the above, in respect of the works generally, Your Petitioner seeks assurances that codes of construction practice will be enforced and that the utmost mitigation of the effects of noise, dust and vibration will be implemented during the construction period so as to cause the least possible disturbance to the occupiers of Hanover House.
13. Your Petitioner is also concerned to ensure that the working hours of operation for the worksite are set with consideration of and in sympathy with the relevant environment. Acceptable hours of work should be agreed with the businesses and residents in the area.
14. Your Petitioner requests that good and open access is maintained at all times to Hanover House.

Potential use of Hanover Square as a soil deposit

15. Your Petitioner is aware of a proposition to use Hanover Square, one of the few areas of parkland in Mayfair, as a soil deposit. In addition to the loss of use of this facility, for which Your Petitioner pays a premium for proximity to, Your Petitioner is concerned as to the safety of its employees due to the inevitable pollution of the air in the area.

The proposition of an indefinite period of uncertainty

16. Clause 6(3) and Parts 2 and 3 of Schedule 6 apply certain legislation relating to compulsory purchase compensation, subject to modification. The power of compulsory acquisition is subject to a five year time limit, extendable by order of the Secretary of State. Further, Clause 11 provides that deemed planning permission for the scheduled works will be subject to a 10 year time limit, extendable by order of the Secretary of State.
17. This extended potential period of uncertainty is prejudicial to your Petitioner as it is likely to prevent them from being able to assign their Lease of Hanover House were they to wish to do so.
18. Your Petitioner submits that the provisions within the Bill regarding compensation in respect of compulsory acquisition and other matters are already insufficient to compensate your Petitioner adequately for the potential impact upon it. The proposed time extensions will only serve to prolong the period of uncertainty affecting Your Petitioner and thus cause further injury through loss of rental income until the issue is settled.
19. Your Petitioner submits, that in the light of the recent recommendation of the Law Commission that the time limit for the implementation of compulsory purchase orders in general should be reduced so as to speed up the process and reduce the period of uncertainty for those affected, it would be unreasonable to grant powers that would enable the opposite to happen.

Costs, charges and expenses in consequence of the Bill

20. In addition, your Petitioner submits that provision should be made for the Promoter to repay to your Petitioner all proper costs, charges and expenses (including the proper

fees of such professional advisers as they may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

Other

21. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

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, 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 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 PETITIONER WILL EVER PRAY, &c

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