

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

P E T I T I O N

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:

NATIONAL PROVIDENT LIFE LIMITED

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 promoted by the Secretary of State for Transport (hereinafter called “the Promoter”).

*Relevant clauses of the Bill*

- 3 Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the

disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise.

4 Clauses 21 to 44 of the Bill together with Schedule 10 make provision for the application with modifications and the disapplication in part of the existing railways regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of Rail Regulation ("ORR"), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impacts on key system assets. Provision is also included to enable agreements to be required as between the nominated undertaker and controllers of railway assets, to govern the basis for arbitration and to provide for the transfer of statutory powers in relation to railway assets.

5 Clauses 45 to 59 of the Bill together with Schedules 11 to 14 contain miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail, for the particular protection of certain specified interests and as respects arbitration.

*Your Petitioners and their properties*

6 Your Petitioners are National Provident Life Limited, a life insurance/reinsurance company registered in the United Kingdom.

7 Your Petitioners have a long leasehold interest in the property at 14/18 Noel Street, London (Plot 511 in the City of Westminster) the sub-soil of which is subject to compulsory acquisition under the Bill. The Property forms part of your Petitioners' investment portfolio.

8 Your Petitioners and their rights and interests are injuriously affected by the Bill, to which your Petitioners object for the reasons amongst others, here stated.

*Your Petitioners' concerns*

9 The Bill provides for a number of works which are set out in Schedule 1 to the Bill, including the construction and operation of an underground railway beneath the Property at 14/18 Noel Street ("the Property"). In addition, the Bill provides for a new Crossrail Tottenham Court Road station, including the construction of new eastern and western ticket halls, and proposes a substantial number of related surface works and operations in this area.

10 The Bill authorises the acquisition of subsoil more than 9 metres below the Property in order to construct twin-bore tunnels approximately 24 metres below street level. The depth of tunnel may alter within the limits of deviation.

11 Accordingly, your Petitioners are concerned about settlement effects on the Property. Your Petitioners are concerned that damage could be caused to the Property as a result of the proposed works. Your Petitioners would wish to see an effective and agreed monitoring system in place before commencement and during construction of the works, to measure the exact effect of any settlement on the Property. There must in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter for ground movement within the vicinity of the Property and distortions of its structure. If that threshold is exceeded then it is imperative that the undertaker nominated to carry out the works is obliged to cease construction until such time as remedial measures are in place which will minimise settlement and consequently avoid distress to the building.

Further, your Petitioners request that they are given at least 14 days' notice of the intended passage of the tunnel boring machines beneath the Property. Any necessary safeguarding or remedial measures are to be agreed between your Petitioners and the nominated undertaker.

- 12 Generally, your Petitioners are concerned that the condition of the Property will deteriorate as a result of the proposed works. Your Petitioners have maintenance and repair obligations in respect of the Property under their lease. Should the works be authorised, your Petitioners intend to commission a condition survey of the Property shortly before the commencement of the works and shortly after their completion. Your Petitioners request that the costs of carrying out such surveys, and of rectifying any deterioration in the condition of the Property found to be due to the works, be reimbursed by the Promoter.
- 13 Your Petitioners are concerned about vibration both during construction and on completion of the proposed works. Your Petitioners fear that vibrations caused by tunnelling as the tunnel head passes beneath their Property will cause disturbance to their tenants' occupation of the Property. Your Petitioners request that provision is made to ensure the absence of impact-induced vibration by the use of absorptive track beds or other means.
- 14 Your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to the Property as a result of the construction of the proposed works. In your Petitioners' submission, a co-ordinated programme of works to services leading into the Property needs to be established by the Promoter and the details provided to your Petitioners, to prevent a succession of statutory undertakers' works to and reinstatement of Noel Street.
- 15 As a general matter, your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners 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.
- 16 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

*Conclusion*

- 17 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

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, Counsel or Agents and with 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 PETITIONERS WILL EVER PRAY, &c.

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL BILL

PETITION

of

NATIONAL PROVIDENT LIFE  
LIMITED

Against, the Bill – On Merits –  
Praying to be heard by Counsel, &c.