

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:

M. LAURIER AND SONS

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 Petitioner and its property*

6 Your Petitioner owns premises at 18 Marshgate Lane in Stratford, London E15. This land partly comprises parcel numbers 420 and 421 in the London Borough of Newham, which refer to the yard, canopy, hardstanding and land, and the workshop, office and premises at this address respectively.

7 Your Petitioner is a company engaged in the business of supplying materials ancillary to scaffolding and has been established in this area of London since the 1920s. Your Petitioner's business relies on being able to deliver these materials to construction sites elsewhere in London.

8 Your Petitioner and its property are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, here stated.

*Your Petitioner's concerns*

9 The Promoter seeks to compulsorily acquire part of your Petitioner's land, being the part lying within the limits of deviation shown on the deposited plans in respect of Work no.2/6A. This could threaten the continued survival of your Petitioner's business at this property.

10 The Bill also provides for temporary interference with and permanent stoppage of parts of Marshgate Lane and Pudding Mill Lane. Your Petitioner is dependent upon these highways for access to and egress from 18 Marshgate Lane.

11 The Bill provides for a number of works, which are set out in Schedule 1 to the Bill. These include the construction and operation of a railway (partly underground) near to your Petitioner's properties, the realignment of Barbers Road, which will commence by a junction with Marshgate Lane (Work No.2/7), and the realignment of Marshgate Lane (Work no.2/6A). Furthermore, the Bill provides for railway works connected with the Pudding Mill Lane worksite, the demolition of number 22 Marshgate Lane and the forecourt to number 20 Marshgate Lane. All these works are likely to generate significant movements of traffic and disruption to the local highway network.

12 Your Petitioner is not opposed in principle to the intended new railway. However, it is concerned that the powers proposed in the Bill as affecting its property go beyond what is required. Further, no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects its property interests are reasonably safeguarded. Accordingly, it objects

to the Bill for these reasons and having regard to the more detailed particulars referred to below.

*Access*

- 13 Your Petitioner requires continuous vehicular and/or pedestrian access to Marshgate Lane for the purposes of its business. Your Petitioner requests that good and open access be maintained in all cases including the realignment of highways and the diversion of utilities, the use of the footway next to the property, the placing of equipment and apparatus there, and the parking, loading and unloading of vehicles.
- 14 Your Petitioner further requests that, in the event of access to or egress from Marshgate Lane being disrupted, it should be compensated for any compensatable loss.

*Utilities*

- 15 Your Petitioner wishes to be satisfied that there will be no disruption to statutory services provided to 18 Marshgate Lane as a result of the construction of the proposed works. In your Petitioner's submission a co-ordinated programme of works to services leading into 18 Marshgate Lane needs to be established by the Promoter and the details provided to your Petitioner, to prevent a succession of statutory undertakers' works to and reinstatement of 18 Marshgate Lane.

*Other disturbance*

- 16 Major increases in lorry movements during the construction period are also to be expected. The Environmental Statement that accompanies the Bill indicates that there would be in the region of 60 lorries per day using Marshgate Lane, in order to gain access to the Pudding Mill Lane worksite, as well as through traffic diverted from Pudding Mill Lane via Marshgate Lane in the course of works. The Environmental Statement indicates that the road works and diversion of utilities

along Marshgate Lane would last for approximately 3 months. Further, construction traffic will continue to be diverted along this road for some considerable time, and possibly for several years after the completion of the planned works along Marshgate Lane. These works and the planned diversions would greatly exacerbate any existing traffic congestion in this area and this will have an adverse impact on your Petitioner's business.

- 17 Having regard to the scale of disruption which is envisaged, your Petitioner is not satisfied that all possible measures have been or will be taken to limit the surface impact of the scheme and submits that the Promoter should be required to demonstrate that its proposals will result in the least adverse effects that are practicable and that it will take all possible steps to mitigate such disturbance as cannot be avoided. In particular, your Petitioner submits that the Promoter should be required to agree a construction code of practice with it as well as with the local authority concerned and should be compelled to comply with that code.

*Land disposal*

- 18 The temporary use of the land at 18 Marshgate Lane is proposed as part of a worksite in relation to the realignment of Marshgate Lane, which will only be required for the construction of the works and not permanently. Your Petitioner maintains that compulsory acquisition of the land is therefore not justified, and that parcel numbers 420 and 421 should not be subject to compulsory purchase but, instead, if at all, included in Schedule 5 to the Bill (temporary possession and use of land).

*Costs, charges and expenses*

- 19 As a general matter, 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.

20 Your Petitioner has reviewed the prospect of mitigating the losses that it would suffer as a result of the works proposed in the Bill, by relocating its business. However, no suitable alternative accommodation is available and it would, therefore, not be possible to relocate your Petitioner's business under these circumstances.

21 There are other clauses and provisions in the Bill that, if passed into law as it now stands, will prejudicially affect your Petitioner and its property and for which no adequate provision is made to protect your Petitioner.

*Conclusion*

22 Your Petitioner submits that the Bill fails adequately to safeguard and protect the interests of your Petitioner and should not be allowed to pass into law without these 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 itself, its Counsel or Agents and with witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, of your Petitioner and in support of other such clauses 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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