

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:

DAVID JAMES SAUNDERSON and DAVID JAMES SAUNDERSON and
KATHRYN JEAN BAXTER

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 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

- 5 As described in more detail later in this petition:
 - (a) David James Saunderson (“the First Petitioner”) in his capacity as a former director and majority shareholder of a company known as CBCP Limited, previously held an interest in 3, 8-9 Hayne Street and 20-23 Long Lane, London EC1 (part of which are numbered 28, 29, 30 and 31 on the deposited plans – City of London and in this petition referred to as the “Main Site”); and
 - (b) the First Petitioner, his cousin David James Saunderson and Kathryn Jean Baxter, who is not related to your other two Petitioners, currently still hold the freehold interest in 10 Hayne Street EC1 (numbered 32 on

the deposited plans – City of London and in this petition referred to as “the Hayne Street Property”).

- 6 Your Petitioners object to the Bill and its provisions hereinbefore referred to and they allege and are prepared to prove that they and their property, rights and interests are injuriously and prejudicially affected by the Bill for the reasons (amongst others) hereinafter appearing.

The Main Site

- 7 The First Petitioner is a former director and the majority shareholder of CBCP Limited (formerly Saunderson Holdings Limited) which between the years of 1981 and 1996 largely operated as a holding company and retained interests in property investment, financial services and information technology. The interests in information technology were sold in 1993 and in financial services in 1996, leaving only the properties assembled and known as the Main site.
- 8 From 1981 to 1990, CBCP Limited purchased (at considerable cost) the freehold interest in the five properties in the Main Site for the purpose of undertaking a comprehensive redevelopment adjacent to Smithfield Market and commenced discussions in 1988 with London Transport (now London Underground Limited) concerning a proposed joint venture to redevelop the Main Site. These arrangements were terminated by London Transport once it became aware of the planned Crossrail scheme which was subsequently introduced by private bill in 1991 and which resulted in the proposal to safeguard the Main Site for the construction of the Farringdon East Ticket Hall.
- 9 For the period from 1989 to 1992, your Petitioners and CBCP Limited consistently attempted to enter various comprehensive redevelopment schemes for the Main Site with London Transport and made several planning applications for smaller, yet more complex development proposals to the City of London Corporation and the London Borough of Islington in order to allow the construction of Crossrail.

- 10 Due to the direct intervention by Crossrail in the planning process to require refusal by the City of London Planning Committee, the properties held by CBCP Limited subsisted without the required planning permission for an extensive period. The mortgagors of the Main Site decided to appoint LPA Receivers in 1996 when there was no prospect of the stalemate with Crossrail being resolved subsequent to the private bill failing in the House of Commons. LPA Receivers sold the properties with the last completion on 28 September 1999 and CBCP Limited was formally dissolved on 25 September 2001. Shareholders of CBCP Limited did not receive any sums in the dissolution and lost their considerable investment in the Main Site as a result of the Crossrail blight and the refusal of London Underground Ltd and Crossrail to allow the comprehensive redevelopment of the Main Site as originally intended in the joint development arrangements commenced in 1989.
- 11 For the reasons given, the First Petitioner has suffered considerable financial loss as a result of the Crossrail proposals for which he has received no compensation.

The Hayne Street Property

- 12 Your Petitioners currently retain the freehold interest in the Hayne Street property. This parcel of land was adjacent to, and comprised part of, the main site initially proposed for redevelopment by CBCP Limited, but was retained personally by your Petitioners.
- 13 Planning permission had been obtained in 1984 for a redevelopment to provide a basement and a six storey building. The permission was renewed in 1990. The further renewal of that permission was refused in 1996 because of the Crossrail project, thus precluding its redevelopment. Whilst it was used for car parking until approximately 2001, the site now has no permitted or actual use.
- 14 For the reasons here given, the Hayne Street Property has been and remains blighted by Crossrail with the consequence that your Petitioners have suffered

and continue to suffer considerable financial loss for which they have received no compensation.

Your Petitioner's claim

- 15 Your Petitioners submit that the Promoter should not be permitted by means of the Bill to interfere with and blight private property rights and interests, particularly over such an extended period, without providing full and fair compensation.
- 16 Your Petitioners further submit that such provisions with regard to compensation in respect of compulsory acquisition and other matters as are proposed in the Bill or which otherwise apply by virtue of the general law will not compensate, or are inadequate to compensate, your Petitioners for the loss which they have already suffered and the continuing loss to which they still are exposed by virtue of the Crossrail proposals. Your Petitioners therefore contend that the Bill should not be allowed to proceed unless adequate provision is included in it to compensate your Petitioners for their existing and continuing loss.
- 17 Given that the Promoter also proposes to provide for the redevelopment of both the Main Site and the Hayne Street Property, your Petitioners further submit that they should be granted an appropriate interest in the redevelopment of the whole site.
- 18 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.
- 19 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.

- 20 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.

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