

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:

ST MARY'S NHS TRUST

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 the National Health Trust for St Mary’s Hospital in Paddington. Your Petitioners are responsible for the provision of health care and related services in the Paddington area. This includes the provision of accident and emergency services, elective in- and out-patient services including care for day patients who are

seriously ill, and the provision through the North West London Mental Health Trust of the services of a drug dependency unit in the vicinity of the proposed works. Your Petitioners work in partnership with Imperial College, London whose medical school is based in premises owned by your Petitioners and who operate research facilities from them.

7 Your Petitioners own or have an interest in the following properties in the City of Westminster which are subject to compulsory acquisition or use under the Bill:—

Plot No. 95 Subsoil fronting St Mary's Hospital, South Wharf Road

Plot No. 96 Subsoil beneath St Mary's Hospital, London Street

Plot No. 114 8th, 9th and 14th floors of No. 20 Eastbourne Terrace

8 In addition, your Petitioners own or have interests in the following properties which, whilst not subject to the compulsory purchase under the Bill, are in the immediate vicinity of the proposed works and liable to be injuriously affected by them:—

Bays 6-10, 16 South Wharf Road;

The Mint Wing, South Wharf Road;

The Paterson Centre, South Wharf Road; and

The Drug Dependency Centre, South Wharf Road

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

Your Petitioners' concerns

10 Your Petitioners are concerned that despite the fact that several of their properties are mentioned in the Book of Reference accompanying the Bill they have not received notices advising them of the Bill's impact and proposed powers of compulsory purchase in relation to their interests.

Worksites

- 11 Your Petitioners apprehend that there will be very disruptive site preparation and construction activities at four works and construction sites within the Paddington area, and that the impacts of these activities will continue to be felt throughout the Borough for a period of at least 5 years. In particular your Petitioners are concerned about the works proposed at the Red Star Deck Worksite adjacent to South Wharf Road. This includes the demolition of the Red Star Parcel Shed, excavation of a section of the existing deck to form lift and elevator pits, the erection of new canopies and the construction of a new vehicle ramp to Bishop's Bridge Road. These works are estimated to take 14 months to complete and your Petitioners are concerned at the impact on the hospital over this protracted period.

- 12 Your Petitioners are also concerned about the impact of noise and vibration caused by under surface works close to the foundations of the Mint Wing, being part of the hospital located adjacent to South Wharf Road at Plot 96. Your Petitioners are particularly concerned about the impacts of noise, vibration, dust and dirt, hours of working, visual impact, congestion and disruption to the safety of road traffic and pedestrians resulting from the works. Accordingly, your Petitioners submit that the nominated undertaker should be made subject to suitable standards in respect of each of these matters and that there should be provision for suitable mitigation measures including a code of construction practice and a noise insulation policy.

Noise

- 13 The noise arising from the construction of the railway and its associated works and structures (such as ventilation shafts) and at the Red Star Deck Worksite is a matter of significant concern to your Petitioners. This includes noise generated by construction vehicles which are estimated as numbering 30 lorries a day at peak periods. The Mint Wing of St. Mary's Hospital is located directly opposite the site of the proposed works to demolish the existing Red Star Deck. The Mint Wing is occupied by many services, including a Clinical Oncology department for day patients receiving

chemotherapy, and it is very important that noise and vibration does not disturb these patients whilst they are receiving their treatment.

- 14 Furthermore, there is a Drug Dependency Unit (which is administered by the Mental Health Trust) located in the immediate vicinity of the planned works at the Red Star Deck Worksite, where especially vulnerable patients receive treatment. It is vital for these patients not to be disturbed by noise during the construction period.
- 15 There are also a number of your Petitioners' administration staff located on Eastbourne Terrace, which are also liable to be affected by noise resulting from the Crossrail works, in particular the excavation of a 30-metre deep trench in Eastbourne Terrace. Your Petitioners submit that the Promoter should be compelled to use best available techniques and materials in the construction (and operation) of the railway and its associated works and structures to ensure that these adverse effects are minimised. Your Petitioners submit that strict standards should be set to mitigate noise and vibration impacts beyond those currently envisaged by the Promoter and to which the Promoter must be made liable to comply.
- 16 Furthermore, in order to mitigate the impact of noise and other nuisance on sensitive patients and on those working providing care and administrative services to the hospital, your Petitioners submit that, wherever possible, the works at Red Star Deck should be restricted to night time and weekends when minimum disruption would be caused.
- 17 Your Petitioners wish to see an effective noise mitigation and monitoring system in place before commencement and during construction of the works. There must in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter of the Bill. The threshold should specify both maximum levels of noise at the different time periods when they may take place. If that threshold is exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which would reduce noise levels below the agreed threshold.

- 18 Your Petitioners request that provision be made for the appointment of a suitably qualified expert in noise as agreed upon by the parties or in default of agreement appointed by the president of the appropriate body on the application of either party to report upon noise effects in the vicinity of the Red Star Deck Worksite. Your Petitioners request that provision be made for the terms of appointment to be agreed by your Petitioners, and the report be addressed jointly to the parties whilst fees should be borne by the Promoter. Your Petitioners request that provision be made for reports to be supplied immediately to the parties.
- 19 Your Petitioners request that provision be made that if notwithstanding the reports of the expert, any noise impact is felt in the Property or any part of it from the project at any time, all insulation and remedial measures should be installed by the Promoter to the Petitioners' satisfaction immediately upon request by the Petitioners and at the Promoter's cost. Your Petitioners request that provision be made that the noise impact should be monitored by the relevant experts appointed pursuant to this agreement at the cost of the Promoter for the period of the construction works.

Vibration

- 20 Your Petitioner is concerned about vibration during construction of the proposed works caused by both construction and demolition and also by heavy lorry movements, in particular those associated at the Red Star Deck Worksite. Imperial College Medical School work in partnership with your Petitioners, running experiments in laboratories located in vicinity of the proposed works. The laboratories contain balances and blood testing equipment that is sensitive and liable to be affected by vibration. Your Petitioners submit that measures should be taken to reduce the effects of vibration and that if any vibration impact is felt in the laboratories from the project at any time, all insulation and remedial measures should be installed by the Promoter to the Petitioners' satisfaction immediately upon request by the Petitioners and at the Promoter's cost. Your Petitioners request that provision be made that the damage and vibration impacts should be subject to monitoring by experts appointed by your Petitioners and the Promoter at the cost of the Promoter for the period of the construction works.

- 21 Your Petitioners submit that provision should be made that vibration is minimised by reference to such prescribed thresholds. If those thresholds are exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce vibration levels below the agreed threshold.

Dust

- 22 Your Petitioners are concerned about dust and dirt produced during the construction of the proposed works. Generally they are concerned at the effect on the hospital premises including the effect on patients and staff. They are also concerned at the damage liable to be caused to sensitive medical instruments and equipment used in the hospital for the purposes of treatment and research.
- 23 Your Petitioners would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust, and to carry out additional mitigation if dust continues to be a nuisance to the Petitioners. Your Petitioner requests that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioners for additional expense caused by dust and dirt such as more frequent cleaning of your Petitioners properties and equipment and more frequent replacement of air conditioning filters.

Access

- 24 Your Petitioners are extremely concerned to ensure that no delay is caused to ambulances and other emergency vehicles as a result of traffic diversions and an increased number of construction vehicles. Your Petitioners are also concerned that no disruption should be caused to outpatients, staff and visitors attending the hospital on a daily and 24-hour basis. Your Petitioners submit that procedures should be in place to ensure proper highway management throughout the Paddington area, and in particular at the junction between London Street and South Wharf Road.

- 25 Your Petitioners are concerned that the proposals to divert traffic by London Street and use of this road and adjoining streets by construction traffic may delay ambulances using London Street to access the Accident and Emergency department of St. Mary's Hospital. Your Petitioners wish to ensure that no delay is caused to ambulances and other emergency vehicles. Furthermore, if any construction vehicles using London Street are causing an obstruction, your Petitioners submit that the nominated undertaker should be required to remove the vehicle immediately upon request of your Petitioners.
- 26 Your Petitioners are concerned about the temporary closure of the pedestrian access routes to Paddington Station via Clock Arch and Horse Arch from Departures Road, and your Petitioners wish to ensure that safe pedestrian access routes are provided for their staff going to and from Paddington Station to Eastbourne Terrace.
- 27 Your Petitioners note the obligation under paragraph 5(2) of Schedule 3 to the Bill to provide reasonable access for pedestrians going to or from premises abutting a highway that is proposed to be temporarily stopped up. Your Petitioners request that good and open access be maintained in all other cases as well, such as in the event of the erection of hoardings and scaffolding, use of the footway next to the property, the placing of equipment and apparatus there, and the parking, loading and unloading of vehicles.
- 28 Your Petitioners note that paragraph 5 of Schedule 3 to the Bill gives the nominated undertaker power temporarily to stop up South Wharf Road adjacent to the Red Star work site and your Petitioner's hospital. Your Petitioners are concerned that the exercise of this power is likely to cause pedestrians to use your Petitioner's own road and footways neighbouring South Wharf Road as an alternative access route between Little Venice and London Street and Praed Street. As this road and footways are presently cobbled, your Petitioners are concerned that it might not be suitable for such additional traffic. Your Petitioners therefore respectfully request that any proposed use of this road and footways by pedestrians as a result of the Bill's proposals is agreed in advance with your Petitioners and that resurfacing of the road should be carried out to an agreed standard by the nominated undertaker and at its own cost. Your Petitioners seek an assurance from the Promoter to this effect.

Interference with services

- 29 Your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to your Petitioners as a result of the construction of the proposed works. In your Petitioners' submission a co-ordinated programme of works to services leading into your Petitioners properties 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 your Petitioners' properties.
- 30 Your Petitioners are also concerned that any disruption caused by the works is likely to impose an additional burden on your Petitioners' resources if they are required to respond to queries or complaints about Crossrail from patients, staff or visitors. If your Petitioners' hospital Help Desk has to deal with these queries, it risks impairing your Petitioners' performance of their statutory duties. Your Petitioners seek an undertaking from the Promoter that he will fund a dedicated 24-hour contact, using a dedicated telephone number, to deal with such queries and complaints, in accordance with such requirements as your Petitioners may impose. Your Petitioners also seek the Promoter's assurance that he will fund the promotion of this contact in such manner as your Petitioner may require.

Electromagnetic interference

- 31 Your Petitioners use medical instruments and operate computer equipment at their properties which are vital to the efficient running of the hospital, including accident and emergency facilities. Your Petitioners are concerned about the potential effects on such equipment of the construction and operation of the proposed works and the operation of high voltage cables and other electrical equipment. Your Petitioners submit that a full appraisal should be made and disclosed by the promoter of the potential impacts and will wish to be satisfied that appropriate protective measures will be taken.

Operational railways

- 32 Your Petitioners are concerned about the impact which the construction works will have on railway services running out of Paddington Station, and in particular mainline services, services on the Heathrow Express and services on the Hammersmith and City Line, District Line and Circle Line. Your Petitioners note that there will be times when the nominated undertaker will need to take possession of the existing tracks. For example, there is a proposed 2 week total blockade and a further 2 week partial blockade which will cause local and Great Western Mainline services to terminate at Ealing Broadway. This will inevitably cause disruption to both patients and staff coming to St Mary's Hospital and related facilities. Your Petitioners therefore seek assurances and guarantees that such track possessions will be kept to a minimum and suitable compensatory measures employed.

Coordination with other schemes

- 33 Your Petitioners have concerns that the construction of the new station should integrate with the proposals for Paddington Station Phase 2 "Span 4" development at Paddington Station, which involves the demolition of the fourth span at Paddington Station. The nominated undertaker should be required to coordinate with the developers of the Span 4 scheme to ensure that minimum disruption to your Petitioners and the staff and patients is caused in the surrounding area.

General Matters

- 34 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.
- 35 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

36 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and those of their partners 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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