

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:

HEATH LIONEL SEAN McARDLE

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 Petitioner and his property*

- 5 Your Petitioner is Heath McArdle, owner and occupier of Hamilton House, Herington Grove, Hutton Mount, Shenfield, Essex CM13 2NW.

*Your Petitioner's concerns*

- 6 Works nos. 2/18A to 2/18E comprise railway works in the vicinity of Shenfield station. According to the Environmental Statement accompanying the Bill, they will comprise additional stabling, a new platform and alterations to the Southend and Colchester rail lines. These works will result in considerable impacts (both individual and cumulative) in terms of noise, dust, construction traffic and blight.
- 7 Hamilton House is about 150 metres from Shenfield station, which is the north-eastern terminus of the works. The property is one of 108 listed at paragraph 10.20.54 of the Environmental Statement that is predicted to be affected by significant construction noise and yet for which the Promoter does not propose any noise insulation or temporary rehousing. Your Petitioner is also concerned that the construction of the works will involve increased dust, congestion on surrounding highways, and the encroachment of parked cars due to the loss of two car parks at the station.

*Location of the Terminus to Crossrail at Shenfield*

- 8 Your Petitioner objects to the location of the terminus of Crossrail at Shenfield. Your Petitioner is concerned that the decision to locate the terminus is based on grounds of cost, alternative options (for example at Stratford) being considered too expensive because they require the station to be constructed underground. Your Petitioner respectfully requests that the Promoter be put to proof on the decision to locate the terminus at Shenfield having regard in particular to the environmental and other impacts on the Shenfield community which is predominantly residential in character.

*Construction noise and vibration*

- 9 Acknowledging as it does that there will be a significant construction noise impact experienced at your Petitioner's property, the mitigation proposed in the Environmental Statement is inadequate. Your Petitioner requests that additional mitigation be provided so that the noise impact is not significant. This should include the provision of high quality double-glazing. This mitigation, and measures to mitigate further should construction noise become significant, should be agreed between your Petitioner and the Promoter. If despite mitigation measures construction noise does become significant, the undertaker nominated by the Promoter to carry out the works should be obliged to cease construction until such time as remedial measures are in place which will reduce noise levels below the threshold of significance.
- 10 Your Petitioner respectfully suggests that the Promoter or the undertaker nominated by him should be required to take all steps necessary to mitigate the impact of noise and vibration at the source of the noise and vibration itself rather than to allow its nuisance to extend into the community.
- 11 Your Petitioner respectfully requests that the criteria for the provision of noise insulation should be changed so that all properties in the area which are listed in paragraph 10.20.54 of the Environmental Statement as being properties where a significant residual construction impact is predicted should qualify for insulation,

for example in the form of double glazing. Such double glazing should be of a high standard to mitigate fully against the effects of noise and should, your Petitioner respectfully suggests, be available in all rooms potentially affected by noise vibration and not just the living rooms and bedrooms which is the current proposal by the Promoters. Such insulation in all rooms would also mitigate against the dust nuisance to which your Petitioners refer below.

#### *Dust*

- 12 Your Petitioner is concerned about dust and dirt produced during construction. Your Petitioner wishes 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 becomes a nuisance to your Petitioner's property for example by the provision of double-glazing. Your Petitioner requests that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt such as more frequent cleaning of the property.

#### *Congestion*

- 13 Your Petitioner is concerned that construction traffic on the highways surrounding the station will result in reduced access to the Hutton Mount estate, which is only accessible from the highway network at a few points. There is also likely to be increased congestion within the Hutton Mount estate, and the loss of on-street parking, due to the loss of two car parks at Shenfield station. Your Petitioner requests that mitigation measures be put in place to ensure continued good and open access to and from his property.

#### *Crime*

- 14 Your Petitioner is concerned that, although it is not proposed that he be rehoused, there will be many empty properties around him for a period of several months. There is therefore a potential for increased property crime in the area, such as

burglary and criminal damage. Your Petitioner requests that any loss or damage incurred by him that is not covered by insurance be met by the Promoter, and any increase in insurance payments or other expenses, due to the increased crime in the area or as a result of making one or more claims, be met by the Promoter.

*Cumulative impacts on local community*

- 15 The Environmental Statement acknowledges that there will be significant cumulative impact on the local community caused by a combination of direct impacts including construction traffic, noise and visual amenity. Your Petitioner respectfully suggests that there is no provision in the Bill to compensate him or other members of the community who suffer the effects of these impacts and that the Bill should be amended accordingly.

*Blight*

- 16 Your Petitioner submits that the compensation provisions proposed in the Bill are inadequate to compensate your Petitioner for the loss, damage and inconvenience, attributable to blight to his property, which he has already suffered or may now suffer as a result of the prospective construction and subsequent use of the proposed works. The sale or letting of your Petitioner's property is likely to be severely prejudiced by the Crossrail proposals. The incidence of blight will also continue. Further provisions should, he submits, be included in the Bill including provisions respecting the making and assessment of claims for compensation, and indemnifying your Petitioner for any loss he might suffer as the result of not being able to let or sell his property or in the event of him only being able to do so at a reduced rent or price.

*General matters*

- 17 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 he may instruct)

reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

18 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far as affecting your Petitioner, the Bill should not be allowed to pass into law.

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

*Conclusion*

20 Your Petitioner submits that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioner.

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 he may be heard by himself, his 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 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 Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONER WILL EVER PRAY, &c.

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