

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:

EMI MUSIC PUBLISHING 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 EMI Music Publishing Limited, the largest music publishing company in the United Kingdom.

7 Your Petitioners have a leasehold interest in premises at 12 Goslett Yard (plot 674 in the City of Westminster) which is subject to compulsory acquisition powers in the Bill.

8 In addition, your Petitioners have a leasehold interest in parts of 127 Charing Cross Road (plot 677 in the City of Westminster) the sub-soil below 9 metres of which is to be acquired for the construction of twin-bore tunnels and which is therefore located in the immediate vicinity of the proposed works and liable to be injuriously affected by them. The premises at 12 Goslett Yard and 127 Charing Cross Road are the sole business premises of your Petitioners in London.

9 Your Petitioners also have a leasehold interest in 1 Evelyn Yard, off Rathbone Place, London W1 which, whilst not subject to the compulsory purchase proposals of the Bill, is in the vicinity of the proposed works and liable to be injuriously affected by them.

10 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*

11 Your Petitioners have a long-term lease of premises at 12 Goslett Yard. 12 Goslett Yard is a 4-storey building off Charing Cross Road, which is subject to the compulsory purchase provisions in the Bill for the purposes of the construction of the proposed Crossrail Tottenham Court Road station. The compulsory acquisition of these premises will result in the loss to your Petitioners of 11,008 square feet of recently refurbished office space, parking and storage space and a sound recording studio at the rear of those premises. It will therefore be necessary for your Petitioners to relocate their staff and business operations currently at those premises.

12 Due to the nature of the music publishing business, which is concentrated in the Tottenham Court Road and Charing Cross areas, it is important to your Petitioners' business that they remain in the vicinity of their existing premises. However, there is a lack of available and suitable premises in this vicinity and so your Petitioners have decided that the appropriate and prudent course of action is now to arrange for the relocation of all of their staff presently working in 12 Goslett Yard to their neighbouring premises at 127 Charing Cross Road.

- 13 When they were first notified of the impact of the Bill upon their premises, your Petitioners were in the process of refurbishing their premises at 127 Charing Cross Road. In light of the Bill, your Petitioners have taken the decision not to progress these refurbishment plans but instead to undertake a different refurbishment scheme so as to be able to relocate their staff from 12 Goslett Yard to 127 Charing Cross Road. In addition, your Petitioners have already incurred refurbishment costs for the premises at 12 Goslett Yard which were being written off over the term of the lease of those premises and your Petitioners wish to be compensated for this loss.
- 14 Your Petitioners are likely to experience considerable difficulty in accommodating all their staff at 127 Charing Cross Road due to a lack of space and the layout of the office space. Consequently, the relocation of staff will require the complete redesign, alteration and refurbishment of these premises and involve significant cost and asset write-offs. To date your Petitioners have already incurred substantial costs (in terms of fees and management time) in considering options for alterations to the premises at 127 Charing Cross Road so that it can accommodate those staff currently in 12 Goslett Yard. Your Petitioners request that the cost of carrying out relocation of its staff and of carrying out any related alterations or works to the premises at 127 Charing Cross Road, together with any consequential losses incurred, be reimbursed in full by the Promoter.
- 15 Further, parking and storage facilities currently available at 12 Goslett Yard are not available at your Petitioners' premises at 127 Charing Cross Road and your Petitioners wish to be compensated for this loss in addition.
- 16 Your Petitioners are concerned that the construction works may result in damage to 127 Charing Cross Road and that the condition of the premises will deteriorate as a result of the proposed works. Your Petitioners have obligations under their lease for the repair and maintenance of the premises. In particular, your Petitioners are concerned about settlement effects on 127 Charing Cross Road. They 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.

- 17 There must in your Petitioners' submission be a threshold agreed between your Petitioners and the promoter for ground movement within the vicinity of 127 Charing Cross Road 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 that will minimise settlement and consequently avoid distress to the building. In addition, your Petitioners request that they be given at least 14 days' notice of the intended passage of the tunnel boring machines beneath the property. Any necessary safeguarding or remedial measures should be agreed between your Petitioners and the nominated undertaker. 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.
- 18 The occupiers of 127 Charing Cross Road are liable to suffer severe disturbance and disruption during the period of construction of the new Tottenham Court Road station and associated works. Your Petitioners are also concerned about disturbance to their premises at 1 Evelyn Yard.
- 19 Your Petitioners are concerned about noise during the construction of the proposed works. In particular they are concerned about noise and disturbance to their premises at 127 Charing Cross Road arising from the Goslett Yard Shaft which is proposed to be sunk to facilitate construction, and for permanent use as a ventilation and emergency intervention shaft.
- 20 Further, certain aspects of your Petitioners' business are particularly sensitive to noise. In particular, your Petitioners are having to plan for the relocation to 127 Charing Cross Road of their sound recording studio. This studio is currently located to the rear of their premises at 12 Goslett Yard, which is a relatively quiet location. Your Petitioners are concerned that it may not be possible to satisfactorily relocate and operate this facility at 127 Charing Cross Road due to the considerable noise impact of the proposed works unless particular arrangements are made. In addition, your Petitioners are concerned about the

noise impacts upon their premises at 1 Evelyn Yard which are used as recording studios. The noise of underground construction of the tunnels and Tottenham Court Road station and overground construction traffic may have an adverse impact on your Petitioners' noise sensitive activities at this location.

- 21 Accordingly your Petitioners wish to see an effective noise mitigation and monitoring system in place before commencement and during construction of the works. There should in your Petitioners' submission be a noise threshold agreed between your Petitioners and the promoter of the Bill. If that threshold is exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce noise levels below the agreed threshold.
- 22 Your Petitioners are concerned about vibration both during construction and on completion of the proposed works. Your Petitioners are concerned that vibrations caused by tunnelling as the tunnel heading passes beneath 127 Charing Cross Road for each of the two tunnel drives will cause disturbance to their business generally and in particular their sound recording facilities. Further, your Petitioners are concerned about the impact of vibration from underground tunnelling and construction, and from overground works and construction traffic upon their recording studios at 1 Evelyn Yard. 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 and that there be restrictions on construction works and traffic in the vicinity of their premises at 1 Evelyn Yard.
- 23 Your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to 127 Charing Cross Road or 1 Evelyn Yard as a result of the construction of the proposed works. In your Petitioners' submission a co-ordinated programme of works to services leading into these properties needs to be established by the Promoter and details provided to your Petitioner, to prevent a succession of statutory undertakers' works to and reinstatement of Charing Cross Road and 1 Evelyn Yard.
- 24 Further your Petitioners are concerned about dust and dirt produced during the construction of the proposed works. Your Petitioners would wish to see binding

commitments imposed on the Promoter to require adherence to agreed measures to reduce dust and dirt and to carry out additional mitigation if dust and dirt continues to be a nuisance at 127 Charing Cross Road. Your Petitioners request 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 the property and more frequent replacement of air conditioning filters.

- 25 Your Petitioners operate computer equipment at 127 Charing Cross Road and are concerned about the potential effects of 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.
- 26 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 127 Charing Cross Road, the placing of equipment and apparatus there, and the parking, loading and unloading of vehicles. Your Petitioners further request that vehicular access to the premises be maintained where practicable and that your Petitioners be reimbursed for any costs incurred through inability to service either property due to the works.
- 27 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.
- 28 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*

- 29 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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