

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:

LONDON CONCRETE 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      Clause 50 of the Bill makes provision in relation to compensation for injurious affection.

*Your Petitioners and their properties*

6      Your Petitioners are London Concrete Limited, who are one of the largest producers of concrete in the London area.

7      Your Petitioners lease from English Welsh & Scottish Railway plc (“EWS”) part of the land identified in the plans accompanying the Bill as parcel 1243 in the London Borough of Tower Hamlets, a site known as Bow Midland Yard West.

8      Your Petitioners own and operate a concrete production plant on a part of this site and also lease from EWS a part of the site which is unused at present but in respect of which planning permission exists for an asphalt plant.

9      Work No. 2/5D is identified upon the deposited plans (sheet numbers 47 and 48) as relating to Bow Midland Yard West, the said work being:

*“A railway (459 metres in length) forming sidings for construction purposes, commencing by a junction with Work No. 2/5A at a point 123 metres south-west of the junction of Barbers Road with Pudding Mill Lane, passing westwards and terminating at a point 160 metres south of the junction of Wick Lane with Autumn Street;”.*

- 10 Bow Midland Yard West is very broadly speaking triangular in shape, with the River Lea immediately to the east and the A11 Blackwall Tunnel Approach Road immediately to the south west. The site is served by railway sidings connected to the Great Eastern Main Line. Your Petitioners together with Aggregate Industries (UK) Limited and Plasmor Limited (both of whom have also submitted Petitions in respect of the Bill) are the main occupiers of Bow Midland Yard West and they all rely upon materials arriving by rail.
- 11 Your Petitioners receive approximately 300,000 tonnes per year of coarse and fine aggregates from Aggregate Industries (UK) Limited, which by their proximity removes the need for your Petitioners to transport raw materials to their concrete plant by road. The materials are then turned into concrete of various types and transported by lorry to nearby sites mainly in the City of London and Docklands. By its nature, concrete cannot travel far once made (even if kept moving in a concrete mixer it becomes unusable after around two hours) and delivery must therefore usually be made within 30 minutes. The position of the site is therefore not just important for environmental reasons but also due to the nature of the product involved.
- 12 There are plans for your Petitioners to expand their operations on the site to produce asphalt, which would involve bringing to the site approximately 150,000 tonnes per year of aggregates by rail. Planning permission was granted for an asphalt plant in 2002 and whilst that development has been put on hold pending first the resolution of the venue for the 2012 Olympic and Paralympic Games, and now Crossrail, the asphalt plant remains capable of being developed and operated upon a part of the Bow Midland Yard West site that is presently unused and this is an important part of your Petitioners' business strategy for the future.

- 13 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*

- 14 The Bill includes the power to acquire all of parcel 1243 compulsorily and permanently. If implemented this would mean that your Petitioners' interests in the site would be extinguished.

- 15 This would have severe consequences for your Petitioners' business and it would cause the displacement of hundreds of thousands of tonnes of aggregates from carriage by rail to road. A lorry of the type typically used for the transportation of aggregates can carry approximately 20 tonnes of aggregates, and so the rail traffic from the current combined operation of the businesses upon Bow Midland Yard West is equivalent to approximately 7½ million lorry miles per year. The operation of the asphalt plant would add in the region of a further 1½ million lorry miles. Section 7 of the Supplementary Environmental Statement of the Promoter suggests that an alternative rail-served site would be found and therefore does not assess this severe environmental impact, but this is unrealistic as your Petitioners believe that there are no existing alternative rail-served sites in the area, and the cost of creating such a site would be prohibitive.

*Justification for extent of acquisition*

- 16 The Bill plans identify substantially the whole of the Bow Midland West Yard for permanent acquisition. However, there is no justification for the acquisition of the whole of, or the majority of, this site. Indeed, in discussions with the Promoter's agent, Cross London Rail Links Limited, the possibility of co-existence with the current uses of the site has been explored, and options for co-existence have been put forward by both sides that are acceptable to your Petitioners, Aggregate Industries (UK) Limited, Plasmor Limited and EWS that would allow your Petitioners, Aggregate Industries (UK) Limited and Plasmor Limited all to continue to operate their businesses on the site, with the benefit of a rail connection whilst it is also used as a worksite for the purposes of Crossrail. Your Petitioners would not object to the use of portions of their land for Crossrail or a

re-arrangement of their activities within the site so as to accommodate its use in part or parts as a worksite for Crossrail if it allowed them to continue their business operations on the site uninterrupted.

- 17 Furthermore, your Petitioners would support the expansion of their facilities for the purposes of the works, provided that their current uses were not displaced or interrupted. Your Petitioners are well placed to assist the Crossrail project with the minimum of environmental impact, and it would be inefficient to build new aggregate and concrete plants when existing ones were available.

*2012 Olympic and Paralympic Games*

- 18 London was awarded the 2012 Olympic and Paralympic Games on 6 July 2005. The treatment of the interface between Crossrail and the Games, which is dealt with very briefly in the Environmental Statement, is inadequate. The eastern tunnel portal at Pudding Mill Lane is proposed to be an area of major construction activity for Crossrail, which is proposed to be operational in 2013 notwithstanding that the Games will not end until 9 September 2012.

- 19 However, assuming that both Crossrail in its present form and preparations for the Games are to go ahead simultaneously in that area, your Petitioners believe that it is possible to accommodate their existing uses, Crossrail and the Games. Your Petitioners and other occupiers of the Bow Midland Yard West, including EWS, entered into an agreement in June 2005 with the London Development Agency (“LDA”) that in effect requires the suspension of your Petitioners’ operations during the Games rather than their termination and removal. This indicates the importance of the continued use of the site by the existing tenants that was accorded by the LDA, and which should also be accorded by the Promoter.

*Environmental Statement and Supplementary Environmental Statement*

- 20 The Environmental Statement (“ES”) and Supplementary Environmental Statement (“SES”) are inadequate because they do not assess the impact of the loss of current activities at Bow Midland Yard West. Paragraph 12.3.17 of the ES states that ‘no transport impacts due to lorry movements are predicted’, which may or may not be the case as far as the construction of Crossrail itself is

concerned, but is not the case in relation to the knock-on effects on Bow Midland Yard West. The SES goes somewhat further in assessing the loss of employment at the site, but the only assessment of lorry movements is on the basis that if the site were to be lost there will be fewer in the immediate area. As stated in paragraph 15 above, this is because of an unrealistic and unsubstantiated assumption that an alternative rail-served site would be available.

*Negotiations to date*

- 21 Your Petitioners have been in negotiation with the Promoter's agents, Cross London Rail Links Limited, since the publication of the Crossrail Bill. Negotiations are proceeding well and two alternative options have been produced, one by Cross London Rail Links Limited and one by engineers, FaberMaunsell, on behalf of your Petitioners, Aggregate Industries (UK) Limited and Plasmor Limited. Both of these options contemplate your Petitioners, Aggregate Industries (UK) Limited and Plasmor Limited continuing their business operations on Bow Midland Yard West, whilst parts of the site are utilised for the purposes of a worksite for Crossrail. However, no formal agreement relating to one or both of these options for co-existence has been made to date and so your Petitioners are obliged to lodge this Petition to protect their interests.

*Justification for duration of acquisition*

- 22 The purpose for which the Promoter requires parcel 1243 is for part of a worksite to store materials to be used in the construction of the tunnels for Crossrail. There is therefore no justification for the permanent acquisition of the land, particularly when the Bill already provides for the temporary possession of certain lands at schedule 5. However, even temporary possession of the land would be extremely damaging to your Petitioners' interests, as they would have great difficulty in retaining any of their customers, and is resisted.
- 23 Although the acquisition of the land is resisted, if it were to happen, your Petitioners submit that they should be offered the land back in the first instance. There are few buildings on the land at present and it will not have changed its character to a material extent. However, the Environmental Statement (at paragraph 8.16.18) uses language that suggests that the site will have changed

materially, and that therefore by the application of paragraph 11 of the Crossrail Land Disposal Policy the land would not be offered back to your Petitioners. Your Petitioners seek an undertaking that they would be offered their land back in the first instance if it were to be taken.

*Railway matters*

- 24 The Bill contains a number of provisions, at clauses 21 to 44, which give priority to Crossrail over other rail users. This renders the service of all existing rail-served sites along the Great Western and Great Eastern Main Lines fragile, as continued and predictable train paths can no longer be relied upon. Your Petitioners are therefore concerned that even if their use of Bow Midland Yard West continued, the efficient use of the site would be prejudiced on account of a diminution in the reliability of rail freight services to it. Your Petitioners request that Crossrail be treated like all other users of the rail network by removal of the parts of the Bill that give it priority.
- 25 Your Petitioners have had sight in draft form of the Petition proposed to be submitted by EWS and support the points of objection it contains on this subject.

*General matters*

- 26 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.
- 27 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*

28 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 HUMBL Y 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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