

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL

Against - 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 (1) the OPEN SPACES SOCIETY, 25a Bell Street,
Henley-on-Thames, Oxfordshire, RG9 2BA, and (2) the RAMBLERS'
ASSOCIATION, 2nd Floor, 87-90 Albert Embankment, London, SE1 7TW.

SHEWETH as follows:-

- A. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your Honourable House entitled "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".
- B. The Bill is presented by Mr Secretary Darling supported by The Prime Minister, Mr Chancellor of the Exchequer, Secretary Margaret Beckett, Mr Secretary Hain, Secretary Johnson, Secretary Tessa Jowell, and Derek Twigg.
- C. Clause 1 of the Bill provides for the construction and maintenance of the works described in Schedule 1 to the Bill and within limits of deviation shown on deposited plans.
- D. Clause 3 and Schedule 2 make provision in relation to highways affected by the works.
- E. Clause 5 and Schedule 5 make provision for temporary possession and use of land for the purposes of the works.
- F. Other clauses of and schedules to the Bill contain further provisions for the works and the acquisition of land and interests required for the purpose.
- G. An Environmental Statement has been produced which gives an assessment of the temporary and permanent environmental effects of the works, and Responses to the Government's Consultation on this were published in Cm 6603, hereinafter referred to as such.

- H. Your first Petitioner hereunder, the OPEN SPACES SOCIETY (whose longer name is the "Commons, Open Spaces and Footpaths Preservation Society") of the aforementioned address, is a voluntary organisation and registered charity. It is the oldest national conservation body, having been founded in 1865 as the Commons Preservation Society. Its objects include the protection from encroachment of common land, town and village greens and other open spaces in England and Wales for use and enjoyment by the general public, the protection and better provision of footpaths and bridleways, and the protection of the beauty of the countryside and promoting its fullest accessibility and enjoyment by the public. The direct membership of the Society is nearly 2,500 but this includes local authorities and other bodies representing a far greater number who desire to support its work and take advantage of its specialist knowledge.
- I. Your second Petitioner hereunder, the RAMBLERS' ASSOCIATION of the aforementioned address, is a registered charity and company limited by guarantee, founded as a voluntary body in 1935. Its objects are to promote the health, recreation and environmental benefits of walking, especially by protecting and extending the network of public paths and access in town and countryside, and safeguarding the countryside and open spaces so that walkers can enjoy their tranquility and beauty. It has more than 140,000 members throughout England, Wales and Scotland and a sizeable proportion of these live and walk within easy reach of the proposed Crossrail routes.
- J. Your Petitioners accept that the long-term effect of the Bill, if carried out, will be beneficial for those travelling in and across London and, especially, encourage the use of the greater recreational facilities in the Lea Valley anticipated to result from the legacy of the Olympic Games in 2012. Nevertheless, your Petitioners allege that the Bill will adversely affect their interests to a material extent for the reasons, among others, hereinafter appearing:-
1. Your Petitioners support clause 7(4) (enabling the Secretary of State to acquire compulsorily land needed to mitigate the effect on the environment of any works authorised by the Act or to give land in exchange for any part of a common or open space to be acquired for the works) but they regret that there appear to be no proposals in the Bill for using this power.
 2. Your Petitioners consider that, if practicable, permanent escape and ventilation shafts to tunnels should not be constructed in open spaces but should be incorporated with neighbouring development. If, however, this is not possible, land should be added to the affected open spaces in exchange, and the shafts should be constructed so as to cause least detriment to the appearance and use of the open space and, possibly, incorporate facilities for the benefit of the open space.

3. Without prejudice to specific representations below, your Petitioners consider that Schedule 3 (Highways) is unsatisfactory, especially in the following respects:-

(a) There are a number of paths described in the Schedule and Book of Reference, wholly or partly, as "cycleways". It is not known whether they have the status of "cycle track" within the meaning of s.329 of the Highways Act 1980 but, regardless of this (and without committing your Petitioners to recognizing the adequacy of sharing the width of any footpath) the paths concerned should be accepted as subject to the procedures in the Schedule and for substitution, diversion and restoration as may be necessary.

(b) In addition to the notices required under paragraph 2(6) and (7) of the Schedule, notices should also be given to the bodies which would have been entitled to be notified under category 10 of Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000 (SI 2000 no.2190), which include your Petitioners hereunder.

(c) Paragraph 2(7)(b) of the Schedule requires site notices to be erected at the ends of a bridleway or footpath or part to be stopped up under paragraph 2(1). If these are not at the junction with another highway which is useable by a walker, horserider or cyclist, warning notices should also be erected at such a junction so that potential users are adequately warned before reaching the section to be stopped up.

(d) Site notices (including information about alternative routes) are also required for all paths to be stopped up permanently or temporarily, regardless of the particular provision in the Schedule which provides for the stopping up. There should also be advance and continuing up-to-date publicity in local media and on websites containing full information on permanent or temporary alterations of highways due to the works.

(e) Paragraph 5(1) of the Schedule appears to authorize the temporary interference of any highway regardless of whether it is included in the table in the paragraph or within the limits of deviation. This is unacceptable to your Petitioners and, even within those limits, the notices and publicity mentioned above are necessary. The bodies referred to in subparagraph (b) above should also be consulted and notified before a footpath, bridleway or cycleway is affected.

(f) Your Petitioners consider that it should rarely be necessary to stop up, temporarily, a right of way or a permissive path such as a canal or river towpath, which passes under a railway. They therefore request to be provided, as soon as possible, with a list of those paths likely to be so affected, the estimated period of obstruction and the reasons.

(g) After paragraph 13 of the Schedule there should be a paragraph providing that the approaches to all new or raised footbridges over affected railways are made as accessible as possible by disabled persons.

4. Your Petitioners consider that paragraph 4 of Schedule 5 (Temporary possession and use of land) is inadequate by not providing for the protection of trees and for the withdrawal from and restoration of work sites and other temporarily affected land, especially open space and rights of way, as speedily as possible.
5. Your Petitioners are especially concerned about the following sites which are described (going from west to east) in relation to the deposited plan sheets and reference numbers. The issues are not always set out in the Environmental Statement and your Petitioners consider that further Supplementary Statements are desirable.
6. There appears to be no reason for including within the limits of deviation **Guards Club Park, Maidenhead**, its island and connecting footbridge [Sheets 87 and 88: Windsor and Maidenhead nos.62, 68 and 72]. Your Petitioners therefore ask for an assurance that they will not be touched.
7. The north-east corner of **Salt Hill Park** [Sheet 96: Slough nos.81 and 86] is within the limit of deviation of Work no.3/3A - the raising of the Stoke Poges Lane bridge - and no.81 is required for a work site under paragraph 1(1) of Schedule 5 to the Bill. Slough no.86 is an embankment, too steep for that purpose, but it includes a path and steps down from the road to the Park which (although not a highway) has been included for temporary stopping up in the table in paragraph 5(3) of Schedule 3 to the Bill. This access to the Park, and an unmentioned park circuit path partly on Slough no.81, are important facilities. Your Petitioners therefore consider that, if Work no.3/3A is approved, alternative temporary and restoration arrangements will need to be agreed with the Borough Council.
8. **Dog Kennel Bridge** [Sheet 103: South Bucks no.39] is the link between Iver footpaths 15 and 15a [South Bucks nos.41 and 35]. Your Petitioners are therefore disturbed to read Environmental Statement paragraph 9.14.29 which is as follows:

"For the demolition of Dog Kennel Bridge, an option was considered for replacing the bridge with a new lightweight structure close to its current alignment. This was rejected owing to cost, and because the bridge is a permissive footpath, not a public right of way."

The bridge, while alleged to be permissive, has been part of a public footpath route for many years and is a necessary part of a chain that enables walkers to make a circuit which avoids retracing or road walking. Paragraph 14 of Schedule 3 permits agreements to be entered into with a highway authority for possible contribution towards construction expenses, and the nominated undertaker may have a case for seeking this from Buckinghamshire County Council. Nevertheless, your Petitioners respectfully urge your Honourable House to require the replacement of the bridge.

9. Part of **Haven Green** [Sheet 124: Ealing no.111] is proposed as a temporary work site. The Green is a metropolitan common and the Environmental Statement (paragraph 9.24.18 and following) recognizes the adverse impact which will be "relatively short-lived" but gives no estimate of the period. Your Petitioners support the London Borough of Ealing proposal, contained in its Response no. 56 in Cm 6603, that the car park to the south [Ealing nos.109, 112 and 113] be used instead.
10. Your Petitioners regret the permanent shafts and temporary work sites in **Hyde Park** [Sheet 7], **Park Lane central strip** [Sheets 8 and 42] and the temporary work sites in **Hanover Square Gardens** [Sheet 9] and **Finsbury Circus Gardens** [Sheet 15]. Your Petitioners support the City of Westminster in its Response no.4 contained in Cm 6603, including paragraph 48 of its draft petition in which it considers that the effect on Hanover Square Gardens is unacceptable but avoidable. Where the use of these open spaces is unavoidable, your Petitioners ask that it be kept to minimum areas and for the shortest possible periods.
11. Your Petitioners are greatly disturbed by the shaft and temporary work site affecting **Stepney Green Park** and **Stepping Stones City Farm** [Sheets 18 and 19: Tower Hamlets nos.388 - 390 and 397 - 401]. While appreciating the engineering problems described in the main and supplementary Environmental Statements, your Petitioners consider that the adverse effect on this disadvantaged neighbourhood by the loss for a few years of these intensively used and enjoyed recreational areas, pitches and environment education facilities is quite unacceptable.
12. These concerns are reinforced by the effect on two sections of **Mile End Park** - the shaft site at Burdett Road [Sheet 45: Tower Hamlets nos. 1140 - 1142] and the eastern end of the spoil removal conveyors - Works nos 1/25B and 25E - Grove Road and part of the premises occupied by Mile End Climbing Wall [Sheet 40: Tower Hamlets nos.982 - 986]. Your Petitioners strongly object to the proposals and support the views expressed by the Friends of Mile End Park in their Response no.7 in Cm 6603.
13. Your Petitioners fear that the situations outlined in paragraphs 11 and 12 above will be aggravated if the Crossrail works overlap with the preparation for and period of the Olympic Games and the subsequent legacy works. Those will result in the loss of parts of Hackney Marshes and their sports pitches - which also serve this neighbourhood - until they can be restored or replaced.
14. Your Petitioners object to the work site for **Warren Lane Shaft** on the popular skate park in Royal Arsenal Gardens [Sheet 31: Greenwich no.4] unless it is replaced before works commences. While the children's playground northward of this is outside the limit of deviation and not physically affected, the contractor's hoarding around the work site will screen it from much of the open public observation now enjoyed and lessen its safety for children. Your Petitioners therefore consider that this playground should also be replaced before works commence.

15. Your Petitioners are greatly concerned about the proposed Romford Depot and consequential operations (Works 2/13 and 13B) [Sheets 64-66]. Among the areas affected are West Ham United Training Ground [Barking and Dagenham no.21], Westlands Playing Fields [Havering nos.3, 4, 6 and 8] and Jutsums Recreation Ground [Havering no.26]. The first two of these are part of the designated Green Belt. Also affected is Havering footpath 123, between Beechfield Gardens and Nursery Walk, which is included in Part 1 of the table in paragraph 1 of Schedule 3, for stopping up without replacement. Your Petitioners respectfully request your Honourable House to scrutinise these proposals very carefully and look for a less harmful substitution for the Depot or a greater mitigation of its effect.
16. Your Petitioners regret that there are other areas (including private sports grounds) and highways which will be lost or reduced permanently or temporarily for open air recreation or pedestrian use. While these are not being specifically opposed herein, your Petitioners will support any petitions by others that seek their mitigation.
17. There are other clauses and provisions of the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights and interests and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore pray your Honourable House that the Bill not be allowed to pass into law as it now stands and that they may be heard by their officers, counsel, agent and witnesses in support of the allegations of this Petition against so much of the Bill as affects the rights and interests of your Petitioners and in support of such other clauses, amendments or provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners as your Honourable House shall deem meet.

AND your Petitioners will ever pray &c.

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 - and
 - (2) The RAMBLERS' ASSOCIATION
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AGAINST, BY COUNSEL &c.

14.9.2005