

HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL

P E T I T I O N

Against the Bill – 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 CANARY WHARF GROUP PLC

SHEWETH as follows :-

1. A Bill (hereinafter called "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. Clauses 1 to 20 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.
3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the

nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").

4. Your petitioners are Canary Wharf Group plc, a company formed under the Companies Act 1985 and incorporated in 2001, and whose registered office is at One Canada Square, Canary Wharf, London E14 5AB. Your petitioners are the parent company of the Canary Wharf Group of companies which comprises a number of wholly owned subsidiaries including Canary Wharf Investments Limited, Norquill Limited, Canary Wharf (Car Parks) Limited, Canary Wharf Limited, Canary Wharf (BP1) T1 Limited, Canary Wharf (BP1) T2 Limited, Canary Wharf Investments (BP1) Limited and CWBC Leasing (BP1) Limited ("the Subsidiaries"). The Subsidiaries are either freehold or leasehold owners or occupiers of certain land in the London Borough of Tower Hamlets, which lies within the limits of deviation or which may be acquired or used under the Bill. . References in the following paragraphs of the petition to your petitioners shall be taken to include references to the Subsidiaries, as appropriate.
5. All references in this petition to plot numbers are references to the plot numbers ascribed to those plots, as shown on the deposited plans. The Bill would authorise the compulsory acquisition of your petitioners' land and interests in their land, to which they object. Furthermore, your petitioners' interests will be injuriously affected by the proposals in the Bill and they object to the Bill insofar as it affects your petitioners' interests, for the reasons, amongst others, hereinafter appearing.
6. Your petitioners strongly support the principle of the Crossrail Bill and do not seek to challenge the expediency of the construction of the railway itself. Nevertheless, your petitioners allege that they and their property rights and interests would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form.

INTRODUCTORY

7. The land mentioned in paragraph 5 above comprises significant parts of the Canary Wharf Estate, including the North Quay development site, Upper Bank Street including the lift bridge over West India Dock North linking North Quay to the remainder of the Estate, Bellmouth Passage and two development sites in West India Dock South. The Bill makes provision for the construction of a new

station, the Isle of Dogs station (hereinafter referred to as "the Station"), to be constructed beneath and within West India Dock North.

8. In the Environmental Statement accompanying the Bill, it is suggested that the construction, including the fit-out and commissioning of the Station, will take approximately 5 years. Prior to the main construction period, the existing Upper Bank Street Bridge will be demolished to accommodate the main works for the construction of the Station, and North Quay (currently used as a car park), will be occupied as a worksite during the construction period.
9. Your petitioners are concerned that the plans and Book of Reference submitted with the Bill wrongly identify the ownership of some of your petitioners' property and that, in one case, the proposed location of the works has been wrongly identified. There is provision for a staging area in West India Dock South at the southern end of Bellmouth Passage in which barges will be moored for the purpose of removing spoil from the station construction site and the Bill provides for the compulsory purchase of that area. The deposited plans mistakenly show this staging area to be within plots 754, 755 and 756 (with access via plot 766) which are development sites (10 and 20 Churchill Place) owned by your petitioners, who are currently filling in this part of the dock in readiness for development. In the promoter's current construction drawings the staging area is shown further south in plot 753. It is clear that the promoter will need to come forward with amendments to the Bill and the deposited plans. Your petitioners submit that this barge staging area can and should be located much further south than is shown on the construction drawings in order to prevent the blighting of 10 and 20 Churchill Place.

NORTH QUAY

10. The plots numbered 731, 732 and 739 comprise the North Quay development site which may be acquired by the promoters for use as a worksite for the construction of the Station. The worksite would be in use, according to the promoter, for five years. The Bill enables the Promoter to exercise compulsory purchase powers in respect of these plots. Your petitioners already have planning permission for a 2.5 million square foot gross mixed use development on the site. The Crossrail proposals seriously impact on , your petitioners' ability to carry out their development in accordance with the planning permission. .

11. Furthermore, on 13th March 2003 your petitioners applied for planning permission in respect of a 4 million square foot gross office and retail development on the North Quay site. In May 2003 Cross London Rail Links wrote to the London Borough of Tower Hamlets recommending that the application should be either refused or deferred until the Secretary of State published safeguarding directions for the Crossrail project. Your petitioners have sought (both before and after those safeguarding directions came into force in February 2005) to agree appropriate planning conditions with Crossrail as to the terms on which the development could proceed on a mutually acceptable basis, but it has not been possible to agree such conditions. As a consequence, your petitioners have been unable to obtain a new planning permission for North Quay, which would greatly enhance the value of the site. Assuming that planning permission is granted, your petitioners will not be able to proceed with the development due to the promoter's requirement for the use of the site as a worksite.
12. The proposed use of North Quay as a Station worksite is already a cause of serious blight for your petitioners. They are seriously concerned about the sterilisation of the site, which is likely to last for a period of up to ten years, once started, or more if there is any delay to the implementation of Crossrail. That is unacceptable to your petitioners, particularly given the size of the site and the development opportunities it affords. If the Bill is allowed to proceed in its current form, and your Petitioners do not reach a satisfactory agreement with the promoter about North Quay, your petitioners ask your honourable House to require that your petitioners be fully compensated for all their losses resulting from the blight caused by Crossrail, and for all other losses, including the loss of income from the car parking operation on the site.. Your petitioners would also require that the site is returned to them at the earliest possible opportunity.
13. Both the planning permission referred to in paragraph 10 above and the planning application referred to in paragraph 11 include a design feature extending the development over the water by 10 metres from the existing quay into plot 730 in West India Dock North. Your petitioners own a leasehold interest in this 10 metre section of the docks. The Crossrail design report drawings dated October 2004 show that the promoter intends to use the extended quay as a fire truck access route to the station and the Bill provides

for the compulsory purchase of it on a permanent basis. This proposal will mean that your petitioners' development authorised by the existing planning permission will have to be modified. Your petitioners' outstanding planning application envisages the construction of a boardwalk over the 10 metre section of water, creating a waterside deck for public and retail use. Your petitioners would need to be compensated for the losses and costs arising from any need to redesign their development as a result of the proposals in the Bill. Your petitioners also consider that the compulsory acquisition of the extended quay is unnecessary. As the promoters only require access rights over it the petitioners consider that the powers under the Bill should be exercisable only in relation to the acquisition of a right of way over the extended quay. Your petitioners further understand that the promoter's scheme relies upon the waterside extension being built by your petitioners. However, as mentioned above, the promoter's plans for the use of the entirety of your petitioners' development site mean that there is no question of that happening.

14. Based on the Crossrail design report drawings of October 2004, your petitioners can see no reason why plots 737 and 738 need to be treated differently from plot 731, 732 and 739. As regards the latter plots the Bill indicates that they are only required temporarily as a working site but this is not the case as regards plots 737 and 738. The design report drawings do not indicate that any permanent structures are to be built on these plots and therefore your petitioners object to the compulsory acquisition of this land. The Bill should be amended in this respect.
15. Even if your petitioners cannot substantially develop the land at plots 731, 732 and 739 due to the nominated undertaker's requirement to use them as a worksite, your petitioners wish to be able to carry out initial works in order to implement any planning permission they may have prior to the expiry of such permission (for example the construction of an access road into the north west corner of the site). Further, the north west corner of North Quay is the site of a proposed new electricity sub-station which your petitioners will need to build in order to provide the additional power required to continue the development of the Canary Wharf Estate. It is not presently known when this additional power will be required (it will depend upon demand) but it is probable that it will be

whilst North Quay is being used as a worksite. The sub-station will take a minimum of 2½ years to build and commission. There may be benefits to the nominated undertaker if the sub-station is constructed because it will provide a power source for the construction and operation of the railway and Station. Your petitioners seek assurances that they will be able to proceed with this work.

ISLE OF DOGS STATION DESIGN

16. Your petitioners are of the view, for a number of reasons, that the promoter's existing station design falls far short of best practice and is not the best available option. The promoter proposes that the Station Box will extend from the east of the existing Docklands Light Railways bridge to the east end of the dock. The Station will be constructed within a 475m long concrete box with a 245m long island platform. The Station will stand within the dock area which will be reflooded once it has been built. It is also proposed that access to the Station will be via a rebuilt Upper Bank Street Bridge, replacing the existing bridge, which is owned by your petitioners and which will be demolished early in the works programme so as to allow the construction of the Station. The design provides for a significant island structure in the middle of West India Dock North and there would also be a further significant island site at the eastern end of the dock, housing an emergency escape and ventilation shaft.
17. Your petitioners believe there are a number of major defects in these proposals, including the following. First, your petitioners submit that the proposed station entrances are not located appropriately and do not enable passengers to be distributed effectively and safely to all areas of Canary Wharf and Wood Wharf. The result will cause congestion not only at the Station but also in the pedestrian areas of the existing estate. Secondly, as mentioned above, the proposal would require the demolition of your petitioners' Upper Bank Street Bridge. Your petitioners' objections to that proposal are explained in paragraph 21 of this petition. Thirdly, the proposal will be extremely expensive to implement. Demolition and reconstruction of your petitioners' bridge alone would cost millions of pounds. Fourthly, the proposal would result in a large area of navigable water and flood control capacity being lost, not just in the island areas, but in between the islands and the northern quayside of the dock. Fifthly, it is evident from paragraph 13 of this petition that the proposed

emergency access to the Station will not be available at the time when the Station is complete.

18. Your petitioners have worked up an alternative scheme which addresses all four issues mentioned above. It would involve the construction of the station entrances in a relatively small reclaimed area adjoining the south side of the dock, and not as an island. The escape and ventilation shaft would be located in smaller structures adjoining the quayside. Your petitioners' proposal would provide far better passenger distribution, reflecting current and future pedestrian movement requirements, would obviate the need for the demolition of the Upper Bank Street Bridge, would enable emergency access to the Station from the outset, would cost significantly less to implement and would result in the loss of a much smaller area of navigable water and flood control capacity. Your petitioners would request your honourable House to require the promoters to design and build the Station in accordance with your Petitioners' proposals.

OTHER PROPOSED DEVELOPMENTS

19. Your petitioners have already begun to construct new buildings at 15 Canada Square (located immediately to be west of the plot 759 in the deposited plans) and 5 Churchill Place (located immediately to the west of plot 768). 15 Canada Square is adjacent to the proposed Station construction site and the proposed location of the spoil conveyer in Bellmouth Passage. 5 Churchill Place is adjacent to the worksite proposed for plot 768. Substructure works have been completed for both buildings and 15 Canada Square has been constructed up to road level. Your petitioners submit that the Bill as drafted makes no provision for compensation for your petitioners losses which will be incurred if they are unable to complete the construction of these buildings or if such construction is delayed or if they are unable to sell or let the buildings, once constructed, in the event that major Crossrail works are ongoing on adjacent sites.. Further, part of plot 768 is owned by your petitioners, and they consider that it is inappropriate for the Bill to contain compulsory purchase powers in respect of the said plot when the nominated undertaker's requirement is for temporary use only as a construction worksite.

UPPER BANK STREET AND BRIDGE

20. It is proposed that part of Upper Bank Street including the bridge over West India Dock North at the plot marked 745 and 746 on the deposited plan, be compulsorily acquired under the Bill, and furthermore, your petitioners understand that, once acquired, the promoter intends to ask that Upper Bank Street be dedicated as a public highway. Your petitioners own both the bridge and Upper Bank Street. It is submitted by your petitioners that the compulsory purchase and dedication of Upper Bank Street is unnecessary and your petitioners object to it. A security checkpoint is located on that part of Upper Bank Street which is the subject of the dedication proposal, and it will have to be relocated if it proceeds. It appears that plot 746 intrudes into the North Quay site to a greater extent than necessary, Your petitioners have in the past been willing to grant rights of access over their property to other new rail stations, without any difficulty, namely the Jubilee Line and the Docklands Light Railway stations at Canary Wharf. Your petitioners do not understand why such a request has not been made to them for the provision of a similar right of way in respect of the Station. The cost of compulsorily purchasing and subsequently maintaining the bridge and Upper Bank Street will be considerable and your petitioners are willing to continue to bear the maintenance costs, subject to the nominated undertakers paying a fair proportion of such costs. It is submitted by your petitioners that public money could be saved by the promoters agreeing routes of access with your petitioners and the grant of rights of way thereover, as has happened with rights of access to other stations situated on their property.
21. Your petitioners object to the proposed demolition of the Upper Bank Street Bridge. Your petitioners own the bridge, which is one of the principal entrance points to the Canary Wharf Estate, not just for those who work there, but also for the emergency services. The Bill as proposed makes provision for the replacement of the bridge only when the Station has been completed. There will therefore be a considerable period of time lasting several years in which access to Canary Wharf will be severely restricted. This has major implications for your petitioners in complying with safety procedures for the evacuation of their properties in cases of fire or other emergency. The alternative station design which your petitioners propose and which is mentioned in paragraph 18

of this petition would, if adopted, obviate the need for the demolition of the bridge.

BELLMOUTH PASSAGE

22. Bellmouth Passage (plots 758 and 759) is the stretch of water linking the northern and southern sections of the West India Dock. It is owned by your petitioners and is subject to compulsory acquisition permanently under the Bill. Your petitioners understand that the plots are required for, and only for, use as the site of a conveyor belt for the removal of spoil from the station worksite for onward transport by boat. Your petitioners are unsure why plot 759 includes part of the promenade adjacent to the Bellmouth Passage. It is both inappropriate and unnecessary to use the promenade for the spoil removal operation and your petitioners consider that it should be removed from the limits of deviation of land to be acquired under the Bill.
23. Your petitioners have plans to fill in the Bellmouth Passage in the long term, in order to improve access generally within and to the Canary Wharf estate, including improving access to the Station. Your petitioners wish to ensure that arrangements are put in place, if not agreed, about the interface between those plans and the promoter's plans for the use of the Passage.

GENERAL

24. Without prejudice to their general objection to the acquisition of their land and interests in land, your petitioners have a particular objection to the proposed acquisition under the Bill of their existing rights of access over the water in West India Docks. These rights are also overridden by the powers in paragraph 10 of Schedule 2 to the Bill. Your petitioners rely on their rights to navigate these waters for a number of reasons, including the delivery of construction materials to construction sites. Your petitioners save a great deal of expenditure using waterborne deliveries and it provides a more environmentally friendly alternative to road transport. Your petitioners will be seeking agreement with the promoter about the extent of the exercise of the powers of compulsory acquisition and of the powers under the said paragraph 10, but in the absence of a satisfactory agreement, your petitioners request your honourable house to impose safeguards protecting your petitioners' interests. Your petitioners note

that they would be able to claim compensation for any interference with their private rights, but are concerned about the levels of compensation available.

25. There are two small plots (751a and 761) in your petitioners' ownership which are included within the limits of deviation of the works and in respect of which your petitioners are unsure as to why they are required. Your petitioners seek further information in this regard from the promoters, and in the meantime will object to the proposed acquisition of this land.
26. Your petitioners note that the Bill makes no provision for direct access from the station either to the Docklands Light Railway stations, or the Jubilee Line station at Canary Wharf. Your petitioners submit that this omission unnecessarily impacts upon the ease with which commuters can interchange between the three major railway systems at Canary Wharf, and does not assist in providing an integrated rail system. Your petitioners suggest that provision should be made in the Bill for the station to be connected to the subway beneath 15 Canada Square which links with the Jubilee Line Station.
27. A number of your petitioners' buildings are adjacent to but just outside the limits of deviation. These buildings are situated in Columbus Courtyard, the North Colonnade and Churchill Place and are very close indeed to the location of the works proposed under the Bill including (in the case of the North Colonnade buildings) the site of the proposed station. Your petitioners have concerns about the effect of the works on their buildings and in your petitioners' submission, the Bill does not provide for the adequate protection of their interests. Your petitioners submit that the Bill should be amended to provide your petitioners with protection in respect of the following matters.
 - (a) Your petitioners' buildings, together, have a value of several billions of pounds and your petitioners must be able to ensure that all necessary precautions are taken to avoid damage. In that regard, your petitioners request your honourable House to require that the nominated undertaker may not proceed with the construction of any works in the vicinity of your petitioners' buildings unless they have obtained your petitioners' approval to detailed plans and method statements for the works.

- (b) Your petitioners would wish the promoter to agree that in respect of each of their buildings a schedule of condition should be prepared and agreed with your petitioners, in accordance with a specification to be agreed with your petitioners, at the expense of the promoters, before the works commence. The effect of the works on the buildings should be regularly monitored at the expense of the promoters, in accordance with arrangements to be agreed with your petitioners so as to minimise interference with business at the identified buildings and at the conclusion of the works a further schedule of condition should be prepared at the nominated undertaker's expense, to ascertain what matters require to be remedied;
- (c) Your petitioners are particularly concerned that some of their buildings may suffer settlement effects as a result of construction of the nominated undertaker's proposed works. Your petitioners are particularly concerned in this regard because of the height of some of their buildings, which are between 15 and 50 floors high. Subsoil movement could change the load configuration of these buildings, resulting in differential settlement. Your petitioners submit that the nominated undertaker should be obliged to carry out suitable protective and preventative measures in relation to your petitioners' buildings and the services thereto, to your petitioners' satisfaction, to minimise settlement effects. The nominated undertaker should also be required to carry out continuous monitoring of your petitioners' buildings during and for an agreed period after the completion of the construction of the works. The settlement effects of the construction of the Jubilee Line in Canary Wharf were widespread, and your petitioners are concerned that the protective measures mentioned above should be applied to all buildings which your petitioners believe will be at risk;
- (d) If, during the course of the construction of the works, your petitioners notice damage occurring to their buildings which requires attention, the nominated undertaker should be obliged, on request, to carry out the works of repair and suitable protective

works, to your petitioners' satisfaction, without waiting until the conclusion of the construction of the works;

- (e) Your petitioners are concerned about impact of the proposed works on the foundations of their buildings and about prejudice to future development of the buildings. The nominated undertaker should be required to construct the underground works at such depth or in such a way that the foundations of and subsoil under your petitioners' buildings are unaffected and so that the load bearing capacity of the foundations and subsoil stratum underneath is not reduced;
- (f) The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to services to and from your petitioners' buildings including power, drainage and telecommunications services. The nominated undertaker should be required to ensure that these services will be suitably protected and secured, that supplies and services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works;
- (g) Your petitioners are concerned about the exercise by the nominated undertaker, in relation to your petitioners' buildings, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your petitioners would wish to have control over such works, have the works overseen by independent engineers, be satisfied as to the quality of such works and be assured of proper and adequate access to your petitioners' buildings being maintained at all times. Your petitioners seek assurances accordingly;
- (h) As regards the nominated undertaker's powers of entry under the Bill, your petitioners submit that these should be restricted such that they cannot be exercised during normal working hours at your petitioners' buildings. Furthermore, the time of day when major structural works may be carried out should be restricted to outside normal working hours;

- (i) Your petitioners are concerned about adverse effects of the nominated undertaker's proposed powers, on occupiers of your petitioners' premises and their businesses and on the impact on your petitioners' interests in relation to rental levels on rent reviews and rental income generally;
- (j) Your petitioners are concerned about the possible duration and programming of the proposed works. Your petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to your petitioners' buildings;
- (k) Your Petitioners are concerned about the effect on their property of the operation of the Station once it is constructed. In particular, your petitioners wish to ensure that proper arrangements are put in place, where necessary, as regards matters such as security and access for emergency services and maintenance, and that existing arrangements put in place by your petitioners as regards such matters are not prejudiced.
- (l) Your petitioners understand that the nominated undertaker will be required to comply with a code of construction practice when carrying out construction activities. As the works will have such an impact on your petitioners' properties, your petitioners request that they should be involved in the formulation of the code, and that their particular needs should be taken into account.

28. Your petitioners respectfully request your honourable House to require the promoters to agree to strict limits on the levels of noise, vibration and dust caused by the construction and operation of the works. Your petitioners respectfully request your honourable House to require the promoters to agree a method statement setting out the techniques which will be used in the construction of the railway and the station so as to ensure that adverse effects on your petitioners' property are reduced to a minimum. Your petitioners submit that the promoters should ensure that conditions preventing or limiting the emission of noise, dirt, dust, smells, fumes, smoke, grit and other

emissions, and providing full compensation for all additional costs of cleaning incurred by your petitioners as a result of the works, are incorporated into any contract made with contractors or subcontractors.

29. Your petitioners are concerned that tenants of buildings within their ownership and which lie just outside the limits of deviation as set out in the plans submitted with the Bill have not been advised of the deposit of the Bill. There may be considerable risks to these buildings during the construction period and the issues referred to in paragraphs 24 and 25 above are equally relevant to such tenants.
30. Your petitioners note that in the plans that are submitted with the Bill, there are proposals for rights of way and easements to be acquired compulsorily over their property for the purposes of constructing and maintaining the Station. It is envisaged that rights of way would be acquired over, among others Westferry Circus, West India Avenue, Trafalgar Way, Cabot Square, North Colonnade, Canada Square, Churchill Place and Cartier Circle. These are some of the main roads within the Canary Wharf Estate, which are privately owned and have been built and maintained by the petitioners to a high standard in order to preserve and enhance the amenity of the Estate for its occupiers. These roads are not suitable for use as a construction access route. Your petitioners, in developing the Estate have taken great care to ensure that these roads are not used by construction vehicles. Your petitioners therefore submit that construction vehicles should not be permitted on the private Estate roads. Your petitioners further submit that adequate and suitable construction access is available to the station construction site via Aspen Way and Upper Bank Street and the North Quay worksite itself. If your Petitioners' roads are required for maintenance and operational reasons after the Station has been constructed, then the arrangements for such access should be a matter for agreement between your Petitioners and the promoter or nominated undertaker, and not dealt with by compulsory acquisition under the Bill.
31. For compensation purposes, your petitioners submit that the promoters should be obliged to treat separately a claim for injurious affection from any claim which may be made in respect of lands taken compulsorily under the Bill.
32. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your petitioners

and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE

HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, their 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 of your petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray,

&c.

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL

PETITION

of

Canary Wharf Group plc

AGAINST,

BY COUNSEL, &c.