

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.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF Wood Wharf  
(General Partner) Limited

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 Wood Wharf (General Partner) Limited, a company formed under the Companies Act 1985. Your petitioners' shareholders are [the] British Waterways Board ("BWB"), Canary Wharf Group plc ("CWG") and Ballymore Properties Limited ("BPL"). Your petitioners are intending to develop a large area of the Isle of Dogs, known as Wood Wharf, close to the proposed Isle of Dogs station to be constructed under the Bill. The development site abuts the northern side of West India Dock South and the southern side of Blackwall Basin. The Bill would authorise the compulsory acquisition of land immediately adjacent to land belonging to your petitioners' shareholders and your petitioners' plans for development are directly and prejudicially affected by the provisions of the Bill. Your petitioners and their interests will be injuriously affected by the proposals in the Bill and they object to the proposals in the Bill insofar as they affect their interests, for the reasons, amongst others, hereinafter appearing.
5. 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.
6. The Wood Wharf Development site is located between the Blackwall Basin and the West India Dock South. The site was acquired by BWB from the Port of London Authority in 2001 and remains subject to a number of leasehold interests held by third parties. In March 2005, BWB signed an agreement with CWG and BPL at the end of a lengthy competition process for the selection of partners to take forward the development. BWB have already produced one outline masterplan which has been incorporated into Supplementary Planning Guidance adopted by the local planning authority (Tower Hamlets London Borough Council). Development of this masterplan is in the process of being formulated by your petitioners and the intention is to have it fixed in the very near future with the intention of an application for planning permission being

made in March or April 2006. If your petitioners' hopes are realised, then planning permission for the development would be in place, and all planning agreements completed, by mid 2007, with development commencing immediately thereafter. It is proposed that the development will consist of a mixture of commercial and residential uses, with up to 7 million square feet of development. All in all the development site extends to approximately 7 hectares.

7. Your petitioners have concerns about the accessibility of the proposed new Isle of Dogs Station from their development site. For a development of this magnitude, it is essential that best use is made of existing and proposed transport infrastructure. CWG and BWB are suggesting in their petitions that the proposed station should be redesigned so that it is situated to the south of the current proposed location in West India Dock North, with direct access to the southern quayside at two locations above ground and one below ground. CWG are also proposing separately that the Bellmouth Passage should be filled in or decked over at promenade level, together with a canopy above, which would, in combination with the proposed station redesign, effectively provide a covered station entrance much further south, at the end of Bellmouth Passage. Your petitioners strongly support the petitions of CWG and BWB in these respects. Were your Honourable House to agree that the station and station accesses should be redesigned in the way proposed, then your petitioners would themselves come forward with separate proposals providing additional access arrangements from the south of Bellmouth Passage and serving their development site.
8. As part of their development, your petitioners will need to come forward with proposals to connect the development site to the Canary Wharf area by means of a crossing over West India Dock South. The main reason for the connection is to establish sufficient access between the development and the Canary Wharf Jubilee Line Station, but it would also serve to open up access for those residing and working in Wood Wharf to access the facilities in Canary Wharf and vice versa. It is an essential part of your petitioners' development. Under the proposals in the Bill, the Secretary of State would be entitled to exercise the powers of section 5 and schedule 5 so as to acquire temporarily the whole of West India Dock South and use it for the purposes of the provision of access and barge loading facilities. Your petitioners recognise the needs of the

nominated undertaker in this respect, but are gravely concerned about the impact which it will have on your petitioners' development. Your petitioners envisage that their proposed crossing could be one of the first pieces in their development jigsaw, possibly being constructed in 2008. This is likely to coincide, if the Crossrail works proceed as currently envisaged by the promoter, with the construction of the Isle of Dogs station, and therefore with the requirement for Crossrail to use West India Dock South for barge movements. Your petitioners wish to explore with Crossrail potential ways to address the difficult issues which would arise as a result of the two developments taking place at the same time. If your petitioners are unable to reach agreement with Crossrail over the matter, then they invite your Honourable House to amend the Bill or impose requirements upon Crossrail so as to safeguard your petitioners' developments proposals.

9. Whilst recognising the nominated undertaker's need to secure access for their barges through West India Dock South, your petitioners are surprised at the geographical extent of the area which is proposed to be taken temporarily for that purpose, and about the wide powers under paragraph 10 of Schedule 2 to the Bill to execute works and interfere with rights of navigation. In particular, your petitioners are most concerned about the fact that the area of West India Dock South which immediately abuts the development site is included within the land to be temporarily acquired and is subject to paragraph 10. Your petitioners will require a significant area of the dock themselves for construction purposes for their development, and possibly as an area for permanent development. Your petitioners respectfully suggest that the powers of the Secretary of State under Section 5 and Schedule 5 to the Bill and under paragraph 10 of Schedule 2 to the Bill should be limited geographically in the event that no agreement is reached between your petitioners and the Secretary of State which safeguards your petitioners' proposals.
10. As part of the proposed development of Wood Wharf, it is intended that a canal be constructed between the Blackwall Basin to the north of the development and West India Dock to the south. The proposal for a canal has always formed part of the plans for the development, and is included in the existing BWB masterplan as adopted in Tower Hamlets in their Supplementary Planning Guidance. In addition, earlier plans produced by Crossrail indicated the use of such a canal by Crossrail for the removal of spoil by barge from the proposed

Isle of Dogs station worksite. The construction of the canal would provide a connection by water from West India Dock North through Poplar Cut, the Blackwall Basin and West India Dock South out into the River Thames.

11. The Bill and the plans deposited with the Bill show that all of the spoil is intended to be removed from the worksite by a conveyor belt to be constructed over the existing Bellmouth Passage which links West India Dock North with West India Dock South. Your petitioners are keen to explore the potential for use of the proposed canal in their development as an alternative or supplementary means of spoil removal and for other station construction activities. Your petitioners are of the view that using the proposed canal would provide the nominated undertaker with significant advantages in terms of time and cost savings. Your petitioners are keen to explore the possibility of reaching an agreement with the promoter about the potential use of the canal by Crossrail, including a cost sharing agreement, but in the absence of an agreement being reached, your petitioners would ask your honourable House to urge the promoter to adopt the idea and share in the costs of construction of the canal.
12. There is a possibility that your petitioners' development, or parts of it, may be constructed and ready for occupation or occupied during the construction of Crossrail or before it starts. Your petitioners therefore have concerns about the effect of the Crossrail works on the proposed development as built 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' development will have a value of many millions 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 any buildings constructed as part of the development and which are in close proximity to any Crossrail worksite, 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) 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;
- (d) 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;
- (e) Your petitioners are concerned about the exercise by the nominated undertaker, in relation to your petitioners' buildings, of the powers contained in paragraphs 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;
- (f) 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 unsuitable hours. Furthermore, the time of

day when major structural works may be carried out should be restricted to suitable hours;

- (g) Your petitioners are concerned about the adverse effects of the nominated undertaker's proposed powers on occupiers of premises on the development site and their businesses and on the impact on your petitioners' interests in relation to the ability to sell property, on rental levels on rent reviews and on rental income generally;
  - (h) 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 and their occupiers;
  - (i) 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.
13. 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 of the Crossrail 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.

14. 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.

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PETITION

of

Wood Wharf (General Partner) Limited

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AGAINST,

BY COUNSEL, &c.