

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL

P E T I T I O N

Against the Additional Provision – 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:

SOUTHERN HOUSING GROUP 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”).

3 On 9 May 2006 the Promoter deposited certain amendments to the Bill, together with an additional Environmental Statement, revised plans and sections and a supplementary Book of Reference, collectively entitled “Amendment of Provisions May 2006” (hereinafter referred to as “the Additional Provisions”).

Relevant clauses of the Bill

4 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.

5 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.

6 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 Petitioner and its Properties

7 Your Petitioner is Southern Housing Group Limited, a charitable housing association that owns approximately 9,100 residential properties in and around London, either directly or through its subsidiary, Southern Housing Home Ownership Limited, a non-charitable housing association. Approximately 2,400 of these properties are let, either in whole or in part, on a range of short and long-term leases.

8 Your Petitioner owns the following properties within the London Borough of Tower Hamlets, the subsoil of which is to be acquired by the Promoter for the purposes of the following works:

Work Nos. 1/3A and 1/3B: 9-14 and 23-28 Ockbrook, Hannibal Road (Plot No. 368) and 1-12 Fairfield, Redman's Road (Plot No. 369).

Work Nos. 1/4B: Tottan Terrace and Belgrave Street (Plot Nos. 414 and 424), 7 and 8 Tottan Terrace (Plot Nos. 415 and 416), Lighterman Mews, Belgrave Road (Plot No. 418), 73-81 Belgrave Street (odd numbers only) (Plot Nos. 420 to 423 and 425).

Work Nos. 2/1A and 2/1B: Belgrave Street (Plot No. 413), 15 Fairfoot Road (Plot No. 1245) and 1-30 Grove Hall Court, Jebb Street (Plot Nos. 1312 and 1367).

9 Your Petitioner owns 27 to 69 Baldock Street (Plot Nos. 1411) within the London Borough of Tower Hamlets, part of which is to be acquired by the Promoter for the provision of a working site and diversion of public utilities apparatus.

10 Your Petitioner also owns the following properties within the London Borough of Newham, the subsoil of which is to be acquired by the Promoter for the purposes

of Work No. 2/8: 17 to 31 Streimer Road (Plot Nos. 537, 538, 540, 544, 546, 549, 551 and 553).

- 11 Your Petitioner and its rights, interests and properties are injuriously affected by the Bill and by the Additional Provisions, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

- 12 The Bill provides for a number of works which are set out in Schedule 1 to the Bill, including the construction and operation of an underground railway beneath or in the vicinity of your Petitioner's properties and associated works including, in particular, the diversion of the Wick Lane and Hackney to Abbey Mills Sewers in the London Borough of Tower Hamlets.

- 13 Your Petitioner is not opposed in principle to the intended new railway. However, it is concerned that the powers proposed in the Bill and in the Additional Provisions as affecting its properties go beyond what is required. Further, no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects their property interests are reasonably safeguarded. Accordingly, it objects to the Bill and to the Additional Provisions for these reasons and having regard to the more detailed particulars referred to below.

Your Petitioner's further concerns

- 14 The Additional Provisions seek to acquire the following additional parcels of land for the purposes of the Bill.

LONDON BOROUGH OF TOWER HAMLETS

| | |
|---------------|--|
| Parcel Number | 1411a |
| Property | Hardstanding, garden, land and premises (27-69 Baldock Street) |

Parcel Number 1424

Property Parking area, hardstanding, gardens, land and premises (27-69 Baldock Street)

- 15 The Additional Provisions seek an additional parcel of land (Plot No. 1411a in the Book of Reference) to enlarge the proposed Blackwall Tunnel Northern Approach worksite, which is required for works to decommission the diverted section of the existing Wick Lane sewer. The Additional Provisions also seek an additional parcel of land (Plot No. 1424 in the Book of Reference) to provide access to the Baldock Street worksite, required for decommissioning and alterations works to the existing Hackney to Abbey Mills Sewer.

Compulsory purchase and related matters

- 16 Your Petitioner submits that the increase in size of the Blackwall Tunnel Northern Approach worksite through the acquisition of an additional portion of the rear garden of 27 to 69 Baldock Street (Plot No. 1411a) is unjustified given the amount of land already acquired from your Petitioner and from third parties (Plot Nos. 1411 and 1412a) for this worksite. If further land is required, your Petitioner submits that suitable alternative land is available in the vicinity along the Blackwall Tunnel Northern Approach which could be acquired by the Promoter which would not result in any reduction in the amenity of your Petitioner.
- 17 Your Petitioner also submits that the acquisition of part of the car park of 27 to 69 Baldock Street (Plot No. 1424) to provide access to the Baldock Street worksite is unjustified, as adequate access can be secured via another route, or through the acquisition of part of Grove Hall Park (Plot No. 1346d).

Noise, vibration, disruption and disturbance during the construction period

- 18 Noise and vibration arising from the works at both worksites and in general also concerns your Petitioner. Your Petitioner submits that the Promoter should be compelled to use best available techniques in the construction of the railway and

its associated works and structures to ensure that these adverse effects are minimised. Furthermore, your Petitioner wishes to see strict standards set to which the Promoter must be made liable to comply.

- 19 Your Petitioner is concerned about dust and dirt produced during construction of the proposed works. Your Petitioner would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust, and to carry out additional mitigation if dust continues to be a nuisance to your Petitioner's property. Your Petitioner requests that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt such as more frequent cleaning of their affected properties, and more frequent replacement of air conditioning filters.
- 20 The surface works, particularly the use of working sites and the removal of spoil, will further impact upon the quiet enjoyment of 27 to 69 Baldock Street. Major increases in lorry movements during the construction period are to be expected, the disruptive effect of which will be compounded by proposed restrictions on access in nearby roads. Having regard to the scale of disruption which is envisaged, your Petitioner wishes to be satisfied that all possible measures have been or will be taken to limit the surface impact of the scheme and submit that the Promoter should be required to demonstrate that its proposals will result in the least adverse effects as is practicable and that it will take all possible steps to mitigate such disturbance as cannot be avoided and will adhere to an effective code of construction practice that meets your Petitioner's concerns.
- 21 Your Petitioner is also concerned that the increase in size of the Blackwall Tunnel Northern Approach worksite reflects an increase in the severity and duration of the works at this site, and an increase in the number and duration of lorry movements and associated activity. Your Petitioner is concerned that, as a consequence of the increased duration and intensity of the works, your Petitioner's tenants will suffer a loss of amenity and enjoyment of the property.
- 22 Your Petitioner is concerned that the proximity of the work sites and the works proposed to be carried out within them will have an adverse impact on its ability

to re-let any of the tenancies which become available at 27 to 69 Baldock Street during the duration of the works, or to re-let them on terms at least comparable to those which exist at present.

- 23 Your Petitioner is concerned about the effect of the works on the properties and having regard to the scale of disruption and disturbance envisaged your Petitioner therefore seeks protection in relation thereto. In particular, your Petitioner would expect the Promoter to be bound to a code of construction practice to regulate these matters and to ameliorate any adverse effects caused by the works. Your Petitioner submits that the Promoter should consult with it about proposed working methods and in relation to all aspects of likely environmental impact to your Petitioner's properties and that the Promoter should be obliged to agree a scheme of work with your Petitioner for the benefit of the occupiers of your Petitioner's properties, such scheme of work to include, amongst other things, reference to noise, vibration, disruption and lorry movements.

Vehicular and pedestrian access

- 24 Your Petitioner notes 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 Petitioner requests that save to the extent that the Promoter demonstrates that an interference with the public highway is strictly necessary for the purpose of the Crossrail works, that good and open access be maintained in all cases, such as in the event of the erection of hoardings and scaffolding, use of the footway next to the property, the placing of equipment and apparatus upon the highway, and the parking, loading and unloading of vehicles. Your Petitioner particularly requests that vehicular access and car-parking within 27 to 69 Baldock Street, such land being Plot No. 1424, be maintained where practicable and that compensation be awarded for any costs incurred through the inability to service the Petitioner's properties or park in the car park due to the works.

Disruption to statutory services

- 25 Your Petitioner wishes to be satisfied that there will be no disruption to statutory services provided to your Petitioner's properties as a result of the proposed works. In your Petitioner's submission a co-ordinated programme of works to services leading into these properties ought to be established by the Promoter and the details provided to your Petitioner, to prevent an unnecessary succession of statutory undertakers' works to and reinstatement of the Blackwall Tunnel Approach worksite and the Baldock Street worksite.

General matters

- 26 As a general matter, your Petitioner submits that provision should be made for the Promoter to repay to your Petitioner all proper costs, charges and expenses (including the proper fees of such professional advisers as it 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 are now proposed, will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

Conclusion

- 28 Your Petitioner submits that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioner.

29 Your Petitioner therefore respectfully submits that insofar as it relates to the matters mentioned the Additional Provision should not be inserted in the Bill and the Bill should not be allowed to pass into law in its proposed form.

YOUR PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not be allowed to pass into law as it now stands or as is now proposed and that it may be heard by itself, its Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Additional Provision as affects its property, rights and interests and in support of other such clauses and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONER WILL EVER PRAY, &c.

BIRCHAM DYSON BELL
Parliamentary Agents for
SOUTHERN HOUSING GROUP LIMITED