

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-2006

CROSSRAIL BILL

PETITION

Against the Additional Provisions – 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:

THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF TOWER
HAMLETS

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as the “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”).

4 Your Petitioners deposited a petition against the Bill in September 2005 (number
218). It is respectfully submitted that the rights, interests and property of your
Petitioners, and those who live and work in the London Borough of Tower
Hamlets (hereinafter referred to as “the Borough”), are injuriously affected by the
Additional Provisions, to which your Petitioners object for reasons, amongst
others, hereinafter appearing.

5 Your Petitioners would however, respectfully reserve their right to raise further
issues and objections in the light of any additional relevant information received
from the Promoter after the date of deposit of this Petition.

Your Petitioners' further concerns

6 Your Petitioners seek undertakings and assurances from the Promoter as regards
the management of construction work sites so as to prevent loss of, and access to,
amenity and facilities to those who live and work in the Borough, during the
construction period. The physical area of each proposed work site should be kept
to a minimum with the safety of the public, whether pedestrians or other road
users, being of paramount importance and the period for which each site is
required is also to be kept to a minimum.

7 Your Petitioners submit that the nominated undertaker should provide detailed
plans, method statements, work programmes, and schedules of deliveries
(particularly abnormal deliveries) in relation to each work site, well in advance of
the commencement of operations. Your Petitioners should be notified well in

advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.

- 8 It is clear that the construction sites associated with the Promoter's scheme (whether in the Borough or beyond) will be centres to and from which large quantities of construction materials and equipment will be transported, together with staff. There will also be the problem of removal of spoil from the working sites. The matters which your Petitioners submit should be subject to their control in these respects are the routeing of lorries and other vehicles, control of impacts associated with construction vehicle holding areas, access to worksites, hours of operation, number of vehicle movements, size of vehicles and miscellaneous related matters. Your Petitioners submit that the nominated undertaker should minimise the cumulative impact of lorry movements by properly managing, and keeping to a minimum, the number of such movements, using the strategic road network and confining movements to normal worksite hours.
- 9 Your Petitioners are concerned that it is not made clear how the Additional Provisions will interact with the Traffic Management Act 2004 ("TMA 2004"), and your Petitioners seek clarification and consultation on that issue. Furthermore, as Highway and Traffic Authority for the Borough, and in order to fulfil its Network Management duty under TMA 2004, your Petitioners require that they must be fully involved on all proposals and consents to make temporary or permanent road closures and traffic diversions and changes to traffic flow, and about any physical alterations to the highway. Overall, procedures and agreements should be put in place prior to undertaking of the works in order to take account of other highway and development activities within the Borough which would be concurrent with the Promoter's works and to ensure proper highway management throughout the Borough. This is to be monitored jointly by your Petitioners and the nominated undertaker. Where necessary, the routeing of lorries, cranes, delivery vehicles and other associated plant on local roads, including to and from construction vehicle holding areas, should be agreed with your Petitioners in advance of works, taking into account road safety, sensitive frontages, existing levels of traffic (including pedestrians and cyclists), traffic management and potential consequent traffic bottlenecks. All such measures

should take proper account of the Health and Safety legislation for access to, egress from, and passing by of, construction site related premises, by both the public and construction site staff.

- 10 Your Petitioners are also responsible for a number of important functions and under certain duties as regards listed buildings and conservation areas (e.g. in the vicinity of the Manhattan Building) pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990. Your Petitioners are concerned to minimise, as far as possible, the likely adverse impacts in this regard, of the proposals contained in the Additional Provisions, and to ensure that demolition is carried out only as a last resort. In particular, your Petitioners are concerned about the impact of construction works and permanent new buildings on the setting of existing listed buildings, and require that all such new buildings should be designed sympathetically with special regard to their impact on neighbouring listed buildings and the setting of affected Conservation Areas.
- 11 Your Petitioners are also concerned to ensure that, following the completion of any such works, any necessary reinstatement/redevelopment is carried out in sympathy with the surrounding area. Your Petitioners also need to be clear about the extent to which the Additional Provisions override existing legislation.
- 12 Accordingly, your Petitioners would respectfully suggest that the Bill should not be permitted to pass into law without the addition of a clause, or clauses, to ensure that (i) any reinstatement/redevelopment at Intervention Sites that is made necessary by the Promoter's scheme project is carried out in a manner and style appropriate to the area in which it takes place, and shall be approved by your Petitioners, and (ii) the appropriate person or body responsible for securing compliance with that obligation (including compliance with any relevant provisions of the Promoter's final codes of construction practice) is identified in the Bill.
- 13 Your Petitioners have previously participated in discussions with the Promoter as a result of which the Promoter agreed to carry out an Equalities Impact Assessment of the Bill's proposals. Your Petitioners are concerned that there is no

evidence that such an assessment has been undertaken with respect to the Additional Provisions. Your Petitioners seek clarification that such an Equalities Impact Assessment has been performed and if it has not then it is respectfully submitted that the Promoter should complete the assessment at the earliest opportunity.

Ham and Wick Sewer

- 14 Your Petitioners would respectfully record their disappointment at the inadequacy of the Promoter's efforts to consult with your Petitioners, and the wider public, on the inclusion of the revised proposals for the diversion of the Ham and Wick Sewer (hereinafter referred to as "the Sewer"), which now appear in the additional provisions. The Promoter has provided only limited opportunity for prior discussion and your Petitioners respectfully submit that the Promoter has failed to justify the specific proposals put forward including the need for any form of sewer between Payne Road and the Manhattan Building. The resultant information deficit has made it difficult for your Petitioners to respond properly to the Proposals.

It is respectfully submitted that if the Promoters prove the requirement for the Sewer then they should enter in to consultation with your Petitioners in order to establish the best location for the Sewer taking in to account biodiversity residential amenity traffic access and the improvement programme that is already underway in Grove Hall Park.

- 15 The proposals for the Sewer will lead to an increase in construction traffic. Your Petitioners respectfully submit that the Promoters should conduct a review of the construction routes that are set out in the Environmental Statement once a location for the Sewer has been settled upon. It is submitted that when conducting this review the Promoter should seek to minimise the impact of construction works on the use of Grove Hall Park both in terms of the size of the construction site and the routing and management of construction traffic. The Promoters should also take in to account existing traffic regulations in particular the banned right turn

from Bow Road in to Fairfield Road that will need to be reclassified if it is to be used for construction traffic.

- 16 The works are at the very least likely to damage the aesthetics of the area and cause the loss of on street parking. Even now, however, the Promoter accepts that 40 properties in Manhattan Building will suffer significant adverse noise impacts, both during the day and at night. Your Petitioners humbly submit therefore that the Promoter should offer appropriate mitigation that may include noise insulation at those properties, and at any other properties (including those adjacent to the proposed Grove Hall Park worksite) which have been identified as being likely to suffer significant noise impacts.
- 17 The proposals for the Sewer will lead *inter alia* to the loss of a central part of Grove Hall Park, which has been identified for use as a worksite, and a further nearby area of land, required to facilitate the two-way flow of construction traffic that the Promoter's proposed works are expected to generate. Your Petitioners respectfully submit that, if these proposals are implemented, residents in the surrounding area will suffer significant adverse impacts, both in terms of noise and deleterious effects on visual amenity.
- 18 In the meantime, your Petitioners have been working with the local community, and Leaside Regeneration to upgrade facilities at, and generally improve, Grove Hall Park. In that connection, £25,000 has already been spent on a feasibility study for the desired improvements, the outcome of which was positive. Accordingly, a further £180,000 has been identified for expenditure in 2006/07 on the necessary improvements. However, the Promoter's revised proposals for the diversion of the Sewer necessarily jeopardise the improvements, and any failure to complete them would represent a very significant disappointment to the local community.

In particular, the Promoter's proposals would blight the park for many years, delaying considerably the commencement of any works to enhance it. The temporary land take required to bring those proposals to fruition, and the consequent disturbance, would be significant. Meanwhile, the permanent land

take would limit the design options available to the Borough when improvements to the Park finally came to be made, and would also reduce the scope for future use of the Park as a whole, both by the local community and others. It is submitted that the Promoter should recompense your Petitioners for any abortive fees incurred in connection with the proposed improvements to the park and for any future loss of grant that may arise as a result of programme delays caused while construction of the Sewer takes place. It is submitted that the Promoters should also compensate your Petitioners for the temporary loss of the parts of Grove Hall Park that are to be used during construction of the Sewer and for the permanent loss of the part of the park that is to be used for the Sewer shaft.

19 As for the proposed worksite at Payne Road, it is clear from the Additional Provisions that it will include part of the carriage way constituting Payne Road itself, and part of the adjacent footpath. Traffic and pedestrian access will be maintained, however, and lorry movements are projected to peak at 60 per day, with a norm of 40 per day. Accordingly, your Petitioners seek comprehensive details from the Promoter of the steps that it proposes to take to safeguard those who will continue to use either the cycle lane or the bus stop on Bow Road, as well as the pedestrians who will also continue to use that route.

20 Your Petitioners respectfully submit that as a result of the Payne Road worksite the increase in lorry movements along Payne Road will lead to an increase in congestion at the junction between Payne Road and Bow Road. Your Petitioners would therefore seek information from the Promoters as to what steps it intends to take to prevent traffic that is caught in the congestion from diverting through the nearby residential areas.

21 Your Petitioners are also concerned that a church and a youth club will suffer significant adverse impacts as a result of the projected activities at the Payne Road worksite. In particular the loss of parking in the area will result in reduced attendance at both organisations which will damage their viability. The noise from the construction will also interfere with the functioning of the church and the youth club. Accordingly, it is respectfully submitted that the Promoter should provide information on how the noise experienced at the properties will be

mitigated. Your Petitioners would also seek assurances from the Promoter that it will enter in to discussions with the your Petitioner and the occupiers of the buildings to find possible solutions to the loss of parking in the area.

22 Your Petitioners are concerned that the proposed activities in the Payne Road area will affect the proposed residential development which will front on to Payne Road. Your Petitioners seek clarification from the Promoters as to how it has taken this residential development in to account in design of the sewer at the site. It is respectfully submitted that the Promoter should also provide information on its proposals to mitigate the impact of its proposed construction on the residential development.

23 The proposed activities at Payne Road would take place in an area surrounding Bow Church that has been selected to be included in the Mayor of London's "100 Public Spaces" programme. Your Petitioners seek clarification as to how the Promoter has taken account of the proposed development under the Mayor's programme when planning its own activities in the Payne Road area.

24 Meanwhile, the Blackwall Tunnel worksite will occupy two separate sites located on the A12. The first, 300m north of the junction with Bow Road, will occupy the central reservation and three lanes of carriageway. The second, southern site will be located at the start of the southbound slip road at Bow junction. Although all working at these sites (other than during concrete pours) is due to take place only at night, there is obvious potential for significant disruption on the A12 and adjoining highways. Accordingly, your Petitioners seek assurances from the Promoter that work will not be permitted under any circumstances to run over into the morning as this would cause major delays for those using the A12, and add to the already high level of congestion on that route which occurs as a result of traffic backing up from the Blackwall Tunnel to the Bow Flyover during the rush hour. It is respectfully submitted that the Promoter should discuss the timing of closures with your Petitioners and the Highway Authority with particular regard to the regular maintenance closures of the Blackwall Tunnels. This consultation should seek to avoid the diversion of any through traffic on to Borough roads.

- 25 Your Petitioners seek information from the Promoter on its proposals to mitigate the impact of noise from the Blackwall Tunnel worksite on the residential properties that overlook the site from the west.
- 26 The Promoter claims that the measures contained in the Additional Provisions will not cause any significant impacts on Manhattan Building, which is a Grade II listed property. Your Petitioners are sceptical about that claim, however, and have requested further technical information from the Promoter as a result. Accordingly, your Petitioners would respectfully reserve the right to develop this aspect of their case further once they have received the additional information sought from the Promoter, and have themselves had the opportunity to carry out a detailed investigation of the potential impacts (including those likely to be caused by vibration) on the buildings and their foundations.
- 27 Furthermore, if the Additional Provisions are implemented, access to Manhattan Building will be restricted on three nights of the week between 8pm and 6am. Accordingly, your Petitioners would respectfully ask that the Promoter be required to give appropriate notice of this restricted access.
- 28 With regard to the Tumbling Bay worksite your Petitioners seek confirmation from the Promoter that the highway areas of the site will be reinstated to a high level of design and quality to reflect their proximity to the Manhattan Building listed property.

Eleanor Street Travellers' Site

- 29 Turning next to the Promoter's revised proposals for the travellers' site at Eleanor Street, your Petitioners strongly support the amendments insofar as they provide for a single stage relocation of the Eleanor Street residents to an appropriate site within the Eleanor Street area.
- 30 However the Promoter has suggested that the revised scheme will not generate any additional significant temporary or permanent noise and vibration impacts in addition to those identified in the main Environmental Statement, published at the

same time as the Bill. The Borough however strongly disagrees with that last conclusion because it believes that Eleanor Street residents will experience unmitigated significant residual construction noise impact as defined in the main Crossrail Environmental Statement. Consequently your Petitioners would respectfully submit that the Promoter should offer appropriate mitigation to the residents through measures available in the Promoter's noise and vibration policy. Your Petitioners are currently discussing the adequacy of the policy with the Promoter and may need to raise a number of concerns which affect Eleanor Street and other Crossrail sites with your Honourable House.

General matters

- 31 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.
- 32 There are other clauses and provisions in the Additional Provisions which, if passed into law as they are now proposed, will prejudicially affect the rights, interests and property of your Petitioners, and those who live and work in the Borough, and for which no adequate provision is made to protect your Petitioners.

Conclusion

- 33 Your Petitioners submit that, in the respects mentioned above and in other respects, the Bill fails adequately to safeguard and protect the rights, interests and property of your Petitioners, and those who live and work in the Borough.

34 Your Petitioners therefore respectfully submit that insofar as they relate to the matters mentioned above the Additional Provisions should not be inserted in the Bill and the Bill should not be allowed to pass into law in its proposed form.

YOUR PETITIONERS THEREFORE HUMBLY 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, their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Additional Provisions as affect the rights, interests and property of your Petitioners, and those who live and work in the Borough, 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.

BIRCHAM DYSON BELL
Parliamentary Agents for:
THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF
TOWER HAMLETS