

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL

Against the Bill – 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 BARBICAN ASSOCIATION

SHEWETH as follows:

1. A Bill (hereinafter referred to as "the Bill") has been introduced into 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".
2. The Bill is promoted by the Secretary of State for Transport.

Relevant Clauses of the Bill

3. In May 2006, a second Amendment of Provisions (AP2 ES) was published describing the permanent and temporary works and/or requirements for the use of land arising from the revised proposals and providing an assessment of any consequent changes of significant environmental impacts from those reported in the Environmental Statement. In particular chapter 3 of AP2 ES addresses the amendments relating to Route Windows C6 and C7.

Your Petitioner and its interests

4. Your Petitioner, The Barbican Association, is a voluntary organisation founded in or about 1974. Its aims include protecting and furthering the interests of the residents of the Barbican Estate (the "Estate"), the protection of the environment of the Estate and its periphery and acting as a Tenants' Association recognised by the Corporation of London under Section 29 of the Landlord and Tenant Act 1985. The Barbican Association is so recognised. The Estate comprises 2016 residences in the City of London, nearly all of which are owned by Lessees with 125 year Leases, the majority of whom are members of the Barbican Association.
5. Your Petitioner alleges that the property, rights and interests of its members would be injuriously and prejudicially affected by the Bill if the same were passed into law in its present form. Your Petitioner accordingly objects to the Bill for the reasons, amongst others, set out in the following paragraphs of this Petition. This Petition is deposited in relation to the issues arising out of AP2 ES and supplements the Petition duly deposited on 13 September 2005.

Specific Works impacting upon your Petitioner's interests

6. The AP2 ES provides for the crossover cavern ("the Crossover") originally proposed underneath the Estate to be moved to a new location (3.1.4), still under the Estate; for a different method of construction (3.4.3); and for new work sites in Moor Lane (3.4.5) and at other locations possibly within the curtilage of the Estate (3.3.8).

Your Petitioner's concerns

Construction of the Works and their effects on adjacent homes at the Barbican Estate

7. Your Petitioner submits that the proposal for a work site in Moor Lane (3.4.5) should be reconsidered since the AP2 ES has not demonstrated that the works contemplated at this site could not be achieved from existing neighbouring work sites (e.g. Moorfields). Should an adequate case of need be demonstrated, the Secretary of State for Transport should ensure that the work site is totally enclosed in an acoustic box and take all other appropriate measures to limit the noise and other environmental effects on your Petitioner's members, and in particular those residing in Willoughby House whose more than 218 bedrooms directly overlook the proposed Moor Lane work site.
8. Your Petitioner further submits that the Bill should be amended to require that a "floating slab-track" be constructed under the entire Estate as stated at 3.7.41 of Vol. 1 of the Environmental Statement; and that the design of the floating slab-track should be required to ensure that groundborne operational noise will not exceed 25 dB LA max. This submission applies irrespective of the final form and design of the works.
9. Your Petitioner further submits that in the case of Mitigation Option Two (3.3.8) which may require work sites within the curtilage of the Estate, the Bill should be amended to require that the Nominated undertaker and their contractors should consult with the Landlord and Tenants of the Estate and obtain their agreement to the location and operating arrangements (working methods and working hours) for such work sites. In the event that this proposal is not enacted into law, your Petitioner will seek to amend the Construction Code in relation to particularly noisy operations close to Barbican residences, such as the breaking out of concrete in connection with Mitigation Option Two.
10. Your Petitioner further submits that the Nominated undertakers should be bound by the specific construction methods described in the Bill and supporting documents - in particular the "segmental arch" construction of the Crossover (3.4.3) - and by the terms of the Construction Code, the latter to be amended appropriately if required under paragraph 9 above. In the alternative, your Petitioner requests that any variation from the construction methods or from the Construction Code be notified to Barbican residents and their Recognised Tenants Associations in advance and agreed to by them prior to implementation of any such changes.

General

11. The AP2 ES is inadequate regarding the assessment, mitigation or elimination of noise, dust, pollution, subsidence or other damage caused by the construction of Crossrail or its operation. In particular, there is no assessment of the impact of the Moor Lane worksite on the residents of Willoughby House, comprising 148 flats whose bedrooms directly overlook Moor Lane. Similarly, in relation to Mitigation Option Two, the operations may be located in the basement car parks for the residents of the 192 flats of Andrewes House and the 88 flats of Gilbert House, which are built directly above the proposed car park location and form part of the structure of these concrete buildings. AP2 ES has failed adequately or at all to address the environmental issues which the proposals will create for those living in the immediate vicinity of the proposed work sites.
12. The Bill is being promoted without any firm funding proposals and shows no regard to the blight and uncertainty that may thereby be caused. It is submitted that your Honourable House should satisfy itself as to such matters before allowing the Bill to pass into law.
13. Your Petitioner also objects to the Bill on the basis that whereas Clause 46 provides for the Secretary of State by Order to specify a person (the nominated undertaker) to perform certain provisions of the Act, there is no provision that contractual undertakings of the Secretary of State bind the nominated undertaker. Your Petitioner accordingly submits that the Bill be amended to require the Secretary of State to ensure that his contractual commitments also bind the nominated undertaker and that the Secretary of State guarantees the performance of the nominated undertaker.
14. There are other clauses and provisions in the Bill which, if passed into law as they now stand, may prejudicially affect the members of your Petitioner and their property, rights and interests and for which no adequate provision is made.
15. Your Petitioner submits that the Bill fails adequately to safeguard and protect the interests of the members of your Petitioner and their property, rights and interests and should not be allowed to pass into law without these issues being addressed

YOUR PETITIONER therefore humbly prays 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 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their 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.

Richard J D Morrison
Hon. Secretary – Barbican Association
Tuesday, 13 June 2006

David A Graves
Chairman – Barbican Association