

HOUSE OF COMMONS
SESSION 2006-07

CROSSRAIL

P E T I T I O N

Against Amendment of Provisions (May 2007) – 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 FERROTEC (UK) 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. A paper of amendments of provisions (“AP4”) was advertised in May 2007, making provision for a station at Woolwich.
3. Your petitioners are Ferrotec (UK) Limited (“Ferrotec”), a subsidiary of Ferrotec (USA) Corporation (“the parent company”). Ferrotec is a limited company and the owner of the leasehold premises which it occupies for the purposes of its business. Your petitioners deposited a petition in your Honourable House when the Bill was first deposited. In that petition, your petitioners described the nature of their business and the details of their property at the io Centre near to the corner of Skeffington Street and Cornwallis Road in Woolwich.
4. The Bill as proposed to be amended 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 as proposed to be amended and they object to AP4 insofar as it affects your petitioners' interests, for the reasons, amongst others, hereinafter appearing.

5. Your petitioners have already appeared before the Select Committee of your Honourable House to express their concerns in relation to the Bill as deposited. During the presentation of their case, your petitioners questioned the need to locate the Arsenal Way Shaft at the proposed location. After the Bill had been deposited, the promoters informed your petitioners that in order to ensure that your petitioners' neighbours could continue to carry on the business at their property, the Arsenal Way Shaft worksite would be moved to a location in the car park outside your petitioners' premises. The effect of that relocation would have been that your petitioners could no longer gain vehicular access to their property, and it would mean that they would have had to relocate. Your petitioners suggested to the Committee that the Arsenal Way Shaft could be constructed elsewhere.
6. The Promoters then deposited an Additional Provision ("AP3") in November 2006. Before the deposit of AP3, only the car park outside your petitioners' premises was liable to compulsory acquisition under the Bill. AP3 would have brought the whole of your petitioners' industrial unit (3, the io Centre, the Royal Arsenal Estate) within the scope of the Bill. The property was listed as number 45a in the London Borough of Greenwich in the book of reference deposited with AP3. Your petitioners were wrongly listed as lessees and occupiers of the other two units on the estate.
7. It became clear during the evidence presented before the Select Committee that the construction of a station at Woolwich would mean that the Arsenal Way Shaft would not need to be constructed at all. Your petitioners therefore welcomed the announcement of the Select Committee in July 2006 and the subsequent announcements which were made thereafter, requiring the Secretary of State to amend the Bill so that the station at Woolwich is included. In their petition against AP3, your petitioners expressed their support for the Select Committee in this approach, not just because it would mean that they could remain in their premises, but also because the construction of Crossrail station near to their premises would obviously be of great convenience to them and the local community generally.

8. However, despite the evidence of Mr Berryman when addressing the select committee on the positive effect that a Woolwich Station would have on your petitioners (he said "I think the very strong likelihood is that Ferrotec would not be affected"), AP4 reaffirms the position that was taken under AP3, namely that all of your petitioners' land would be subject to compulsory acquisition.
9. Your petitioners are unconvinced that their land needs to be taken for the purposes of the construction of the station, and the promoters should be put to strict proof of that need. Your petitioners are unconvinced that the promoter has fully considered all the alternative options for construction methodology and other available land in the area so as to do away with the need to use your petitioner's land.
10. The continued inclusion of their land within the limits of land to be acquired is the latest in a series of blows suffered by your petitioners during the course of the progress of the Bill. Your petitioners were aggrieved about the unsatisfactory way in which they found out about the possibility that their premises would be acquired under AP3. Having been directed by the promoters to view the Crossrail website for details about what the forthcoming AP3 provisions might include, your petitioners' parliamentary agent, acting on behalf of another client, discovered some publicity material about the acquisition of your petitioners' property on 11 September 2006. Before that date, your petitioners had been given no information whatsoever about the proposed acquisition of their industrial unit, nor were they consulted. The first that they heard of it was when their agent informed them of the article on the website. An apology was then issued by the promoters, but your petitioners remain dissatisfied about the way that they have been treated all along by Crossrail.
11. Your petitioners were then staggered by the way in which the Arsenal Way Shaft was dealt with in the Environmental Statement which accompanied AP3. It claimed (paragraph 25.1.4) that the location of the Arsenal Way Shaft within the car park site "has been studied in order to create an optimum scheme which could be constructed with a minimal overall disruption to the affected businesses". In the same paragraph it then described how the one occupier of unit 16 Gunnery Terrace, who seemed all along to have been given preferential treatment ahead of your petitioners, but who are now liable to compulsory acquisition themselves under AP4, would have been able to stay, but the three

businesses who share units 1 to 3 in the io Centre would have to move. Your petitioners found it very difficult to understand how it can be said that such a situation can be described as producing “minimal overall disruption to the affected businesses”. Furthermore, in paragraph 25.6.1 of the Environmental Statement for AP3, a summary is given of the significant impacts of the then revised scheme. No adverse significant impacts were listed at all and one of the two eliminated significant impacts is described as “deletion of significant temporary adverse impact on occupants of units 1-3 of the io Centre (due to relocation of the occupants)”. Your petitioners felt insulted by this and found it extraordinary that the disruption which will be caused to their business was summarised as an “eliminated significant impact” for them, and that no mention whatsoever was made of the far more serious impacts which would be created by the fact that they will have to move. Notably, the promoter has not taken that view in the Environmental Statement for AP4.

12. Should AP4 be allowed to stand, your petitioners respectfully request that the promoter should be required to provide them with alternative premises with no less degree of amenity and in a nearby location affording similar transport access, as they currently enjoy. The promoters should be required to provide all assistance in identifying, fitting out and arranging for the transfer of the business to the new site and should compensate your petitioners for any costs incurred and any loss of business and profits arising from this need to relocate.
13. Your petitioners further humbly submit that such provision with regard to compensation in respect of compulsory acquisition and other matters as are proposed in the Bill are inadequate to compensate your petitioners for the loss, damage and inconvenience which they might suffer as a result of the compulsory acquisition of their property, the construction and subsequent use of the proposed works and that no sum of money which it could expect to recover for such disturbance and loss would adequately recompense them.
14. Your petitioners explained to the Select Committee that the highly technical nature of their business requires properties to be of a type, size and standard which is different from other light industrial units. They explained that it took a number of years to find their present premises when they relocated there relatively recently. Your petitioners would therefore respectfully request that the promoters should begin providing the sort of assistance mentioned in paragraph 12 above immediately so that your petitioners are able to relocate in

good time before the Crossrail works commence, and that your petitioners should be able to require the Secretary of State to serve notice to treat on them at any time after Royal Assent. Your petitioners note that special provision has been made in respect of other businesses affected by the Crossrail Bill where those premises have special property requirements. Your petitioners humbly suggest that the technical nature of their business entitles them to fall into that category.

15. Your petitioners respectfully submit that the proposals contained in the Bill as proposed to be amended by AP4 are causing a blight on your petitioners' property. Your petitioners fear that prospective purchasers and lessees will state that the proposals would so blight the property that they would not be interested in acquiring any part of it. Moreover the Bill does not contain adequate provisions for compensating such blight and your petitioners respectfully suggest that it should do so.
16. Your petitioners repeat the general concerns set out in paragraph 34 to 36 in their original petition.
17. Your petitioners have been put to unreasonable and unnecessary expense in defending their position. They have had to deal with three different scenarios proposed by Crossrail, through no fault of their own, and have deposited three separate petitions and made one select committee appearance, which is now inconsequential in the light of the changed plans. Your petitioners believe that they are justifiably entitled to claim that they are a special case in this regard and would respectfully ask your honourable House that the promoters should be required to reimburse your petitioner's costs of their petitions.
18. There are other clauses and provisions in the Bill as proposed to be amended by AP4, which, if passed into law as they now stand, would prejudicially affect your petitioners and any such related rights, interests and property, for which no adequate provision is made to protect your petitioners.

YOUR PETITIONERS THEREFORE

HUMBLY PRAY

your Honourable House that the Amendments of Provisions may not be made 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 Amendments of Provisions 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.

SHARPE PRITCHARD

Agents for Ferrotec (UK) Limited

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SESSION 2006-07

CROSSRAIL

PETITION
of

Ferrotec (UK) Limited

AGAINST AMENDMENTS OF PROVISIONS,
(MAY 2007)

BY COUNSEL, &c.

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