

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2006–07

CROSSRAIL BILL

P E T I T I O N

Against the Additional Provision (No.4) – 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:

CITIPOST AMP LIMITED AND MR DANIEL ALBERT CHARLESWORTH

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 16 May 2007 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 2007” (hereinafter referred to as “the Additional Provision (No.4)”).
- 4 Your Petitioners deposited a petition against the Bill in September 2005 (number 217). Your Petitioners and their rights, interests and property are injuriously affected

by the Additional Provision (No.4), to which your Petitioners object for reasons amongst others, hereinafter appearing.

Your Petitioners' concerns

- 5 The Additional Provision (No.4) seeks the following additional parcels of land for the purposes of the Bill in which your Petitioners have an interest:

LONDON BOROUGH OF GREENWICH

Parcel number	39, 39a
Property	16 Gunnery Terrace, Cornwallis Road, Woolwich
Interest	999 year lease and exclusive rights to car parking
Effect	Acquisition

- 6 Your Petitioners are Citipost AMP Limited and Mr Daniel Albert Charlesworth. Citipost AMP Limited is a limited company and Mr Charlesworth is the major shareholder in the company and the owner of the leasehold premises which the company occupies for the purposes of its business.
- 7 Your Petitioners operate as a mail distributor of heavy goods and parcel items and undertake the transportation, preparation and distribution of large sized mail items. Your Petitioners have a new and thriving business. This business provides a courier delivery service, computer-tracked mail delivery, in addition to storage and stock control and various data, documentation and inventory services to its customers. They employ approximately 200 members of staff at the premises with an additional 500 worldwide.
- 8 Your Petitioners administer this business from headquarters at 16 Gunnery Terrace, Cornwallis Road, Woolwich (hereinafter referred to as "the Property") and in which Mr Daniel Albert Charlesworth has a 999 year leasehold interest. The Property is

proposed to be acquired should the Additional Provision (No.4) be enacted in order to enable the construction of a Woolwich station.

- 9 The effect of the Additional Provision (No.4) will be to force your Petitioners' business to close or to relocate. For this reason, and having regard to the more detailed particulars referred to below, your Petitioners object to the Additional Provision (No.4) and they allege and are prepared to prove that they and their property, rights and interests are injuriously and prejudicially affected by the Additional Provision (No.4) for the reasons (amongst others) hereinafter appearing.

Compensation and recovery of costs

- 10 The Bill, in its original form, had provided for a number of works, set out in Schedule 1 to the Bill, including the construction of a ventilation and emergency access shaft near Arsenal Way (known generally and hereinafter referred to as "the Arsenal Way Shaft"). Your Petitioners were deeply concerned that the proposed positioning of the Arsenal Way Shaft would render it impossible for them to continue to operate from the Property.
- 11 Following protracted negotiations with the Promoter, your Petitioners were able to persuade the Promoter that an alternative site for the Arsenal Way Shaft could be found which enabled your Petitioners to continue to operate their business from the Property. A solution, satisfactory both to your Petitioners and the Promoter, was reached which sought to relocate the Arsenal Way Shaft further eastwards. This solution was brought forward as an amendment to the Bill as part of the Amendment of Provisions dated November 2006 ("Additional Provision (No.3)"). Your Petitioners incurred significant professional costs in reaching the agreed solution for the relocation of the Arsenal Way Shaft and in documenting the same with the Promoter.
- 12 The effect of Additional Provision (No.4) is to supersede and nullify the agreement reached between your Petitioners and the Promoter and which renders the solution for the alternative placement of the Arsenal Way Shaft no longer relevant. The considerable time, effort and costs incurred by your Petitioners have therefore been entirely wasted. For a young, developing business this has a very serious effect.

- 13 Your Petitioners submit that provision should be made for the Promoter to reimburse the wasted costs, charges and expenses (including the proper fees of such professional advisers as they may instruct or have already so instructed) reasonably incurred to date in petitioning against the Bill and, in particular, in reaching and agreeing the compromise solution eventually advanced in Additional Provision (No.3) and those incurred in consequence of the Additional Provision (No.4) or of any provision made as a result of this Petition.
- 14 Your Petitioners respectfully suggest that your Committee has the jurisdiction to award reimbursement of costs in these circumstances in accordance with the Parliamentary Costs Act 2006, or has the power to amend the Bill so as to include provision for payment of costs in such circumstances as require it.

Relocation

- 15 Your Petitioners respectfully request that, as the impact on them of Additional Provision (No.4) will be such as to require them to close their operations at the Property, 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 that currently enjoyed. The Promoter should be required to provide all assistance in identifying, fitting out and arranging for the transfer of the business to the new site, including the relocation of staff, and should compensate your Petitioners for any costs reasonably incurred, prior to acquisition if necessary, and any loss of business flowing from this need to relocate.
- 16 Your Petitioners further respectfully submit that such provisions with regard to compensation in respect of compulsory acquisition of their property and other matters as are proposed by the Additional Provision (No.4) and the Bill are inadequate to compensate your Petitioners for the loss, damage and inconvenience which they will suffer as a result of the acquisition of their property and their need to relocate and that no sum of money which they could expect to recover for such disturbance and loss would adequately recompense them. They submit that the Bill should be amended accordingly.

Promoter's ability to acquire the Property

- 17 Your Petitioners respectfully suggest that a compelling case in the public interest cannot be made for the acquisition of the Property unless there is a prior commitment from the Promoter that the remainder of Crossrail will be built so as to connect with the proposed station at Woolwich. Your Petitioners submit that the Promoter should not be permitted to proceed with compulsory acquisition without such a commitment being in place.
- 18 Your Petitioners are concerned that once the Property has been acquired, demolished and subsequently used as a worksite, it could then be sold on to a private developer. In discussions with the Promoter it has been made clear that the entirety of the Property will not be permanently required for the purposes of Crossrail. However, the Promoter is not prepared to offer back the Property to your Petitioners. It is possible that, following construction of the station box, the Promoter may make the site available to a developer for the purposes of a private development to be located above and around the site of the new Woolwich station. Your Petitioners respectfully suggest that this is an improper use of powers of compulsory purchase and that expropriation in these circumstances is contrary to your Petitioners' human rights as protected by the Human Rights Act 1998 and the European Convention on Human Rights ("the Convention"). Your Petitioners request that they now be given a right of first refusal or option to reacquire the Property should it be feasible for them to relocate their business back to its current site.

Human rights

- 19 In addition to their concerns expressed above, your Petitioners are concerned that they may not be afforded a fair hearing under Article 6 of the Convention on the basis that the Select Committee which your Honourable House has charged with considering petitions has in fact already decided in favour of a station at Woolwich which will necessitate the closure or relocation of your Petitioners' business. Your Petitioners therefore humbly submit that their human rights may be breached by not being able to put their case before an independent tribunal.

General concerns

- 20 There are other clauses and provisions relating to the Additional Provision (No.4) which, if passed into law as they now stand, may prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

Conclusion

- 21 Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect their interests.
- 22 Your Petitioners therefore respectfully submit that insofar as it relates to the matters mentioned the Additional Provision (No.4) 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, Counsel or Agents and with witnesses in support of the allegations of this Petition against so much of the Additional Provision (No.4) as affects the property, rights and interests of your Petitioners 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 LLP

Parliamentary Agents for

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12 June 2007