

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2006-07

CROSSRAIL BILL

PETITION

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:

THAMES WATER UTILITIES 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 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, Thames Water Utilities Limited, deposited a petition against the Bill in September 2005 (number 163), and a further petition against the Amendment of Provisions November 2006 (number 46). 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.

5 Your Petitioners own or have an interest in the sewer and water apparatus laid within their statutory area for the purposes of carrying out their statutory duties, which will be affected by the Additional Provision (No.4) works. Your Petitioners have substantial concerns that the powers conferred on the Promoter will enable the Promoter to interfere with and compromise the use of the apparatus, which will adversely affect your Petitioners’ ability to carry out their statutory duties. In particular, the Additional Provision (No.4) seeks the following interference with your Petitioners’ apparatus:

(a) Diversion of your Petitioners’ apparatus in the vicinity of 101 Marmadon Road (“Marmadon Road Sewer”)

Marmadon Road Sewer Diversion

6 The proposed diversion of the Marmadon Road Sewer will require it to be placed, to a greater extent than currently required, within land in the ownership of Network Rail Infrastructure Limited. Your Petitioners are concerned that they may not be able to carry out their statutory duties and maintain their service to the same standard if the Marmadon Road Sewer is diverted into Network Rail land,

due to the additional constraints this may put on your Petitioners regarding access and maintenance of the apparatus.

7 The Promoter will have a duty, should paragraph 3(2) of Part 2 of Schedule 14 to the Bill be enacted, to afford your Petitioners the requisite facilities and rights for the construction (and thereafter for the maintenance, repair, renewal and inspection) of any necessary alternative apparatus in other land which is available for such purpose and which is held or used or intended for use by the Promoter, or over which the Promoter has sufficient rights or interests. In relation to the Marmadon Road Sewer diversion, the relevant Network Rail land is within the proposed limits of deviation for the Crossrail works and therefore your Petitioners humbly submit that the Promoter will have sufficient power to provide the requisite facilities and rights to your Petitioners, provided that the Promoter exercises such powers.

8 Although your Petitioners acknowledge that there may be specific safety issues regarding the maintenance of apparatus within Network Rail land, your Petitioners seek an undertaking that the Promoter will exercise its powers to ensure that, as far as practicable, the Marmadon Road Sewer diversion (and its maintenance etc. thereafter) will be free from operational railway constraints.

Work site at 101 Marmadon Road

9 The Environmental Statement states at paragraph 3.3.2 that land adjacent to, and within the garden of, 101 Marmadon Road is to be used as a worksite for the Marmadon Road Sewer diversion and the deposited plans show that such land is within limits of land to be acquired or used. The Marmadon Road sewer runs through such land rather than within the adopted highway and your Petitioners seek an undertaking that, following the use of the land as a worksite, the Promoter shall ensure that the land remains free from any permanent development which will prevent your Petitioners from accessing the Marmadon Road Sewer for maintenance purposes.

General concerns

- 10 There are other clauses and provisions in the Bill which, if passed into law as they are now proposed, will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

Conclusion

- 11 Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioners.
- 12 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 HUMBL Y PRAY 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 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 Provision (No. 4) as affects their property, rights and interests 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
THAMES WATER UTILITIES LIMITED

12 June 2007

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