

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2006–07

CROSSRAIL BILL

P E T I T I O N

Against the Amendment of Provisions May 2007 – 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:

TILFEN LAND 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 Petitioner deposited a petition against the Bill in September 2005 (number 191).
- 5 Your Petitioner does not object to the principle of the provision of a station at Woolwich as provided for in the Additional Provision (No.4), and seeks to work together with Crossrail, the Government and the London Borough of Greenwich to facilitate the provision of the station at Woolwich.
- 6 However, your Petitioner is apprehensive of the provisions of the Additional Provision (No.4) as they may affect its land. For this reason, and having regard to the more detailed particulars referred to below, your Petitioner objects to the Additional Provision (No.4) and its provisions referred to, and it alleges and is prepared to prove that it and its land, rights and interests are prejudicially affected by the Additional Provision (No.4) for reasons amongst others, hereinafter appearing.

*Your Petitioner's concerns*

- 7 The Additional Provision (No.4) seeks the following additional parcels of land for the purposes of the Bill in which your Petitioner has an interest:
- (a) In the London Borough of Greenwich, subsoil beneath public road, footway and subway on Plumstead Road (numbered 42a and 43a on the deposited plans);
  - (b) In the London Borough of Greenwich, subsoil beneath public highway and footpath on Marshgate Path (numbered 48a on the deposited plans);
  - (c) In the London Borough of Greenwich, private road and footways, Tom Cribb Road (numbered 52 on the deposited plans);
  - (d) In the London Borough of Greenwich, subsoil beneath footpath and land on Plumstead Road (numbered 59b on the deposited plans);

- (e) In the London Borough of Greenwich, subsoil beneath public road, footways and subway beneath the Plumstead Road (numbered 59c on the deposited plans);
- (f) In the London Borough of Greenwich, subsoil beneath land and premises at Pettman Crescent (numbered 59d on the deposited plans);
- (g) In the London Borough of Greenwich, subsoil beneath public road and footways at Pettman Crescent (numbered 59e on the deposited plans); and
- (h) In the London Borough of Greenwich, subsoil beneath land at the corner of Nathan Way and Pettman Crescent (numbered 93d and 93e on the deposited plans).

8 The Additional Provision (No.4) also seeks the following additional parcel of land for the purposes of the Bill which will impact upon your Petitioner's rights:

- (a) In the London Borough of Greenwich, land east of North Road (numbered 112b on the deposited plans).

9 For the purposes of this Petition, plot 52 shall be called "Tom Cribb Road", plots 59b, 59c, 59d and 59e together shall be called "the Land at Pettman Crescent", plots 93d and 93e together shall be called "the Land adjacent to Pettman Crescent", and plot 112b shall be called "the Land at White Hart Triangle".

*Land at Pettman Crescent and land adjacent to Pettman Crescent:  
Background*

10 Your Petitioner has significant proposals for these two parcels of land, which are currently zoned for employment development as part of the West Thamesmead Business Park. This business park is of strategic importance and the ODPM is currently funding significant environmental improvements to it through its Sustainable Communities Plan. There are plans comprising the

land at Pettman Crescent and the land adjacent to Pettman Crescent together with a wider area of land in the immediate vicinity of Pettman Crescent, to create a high quality, high density, comprehensive development scheme.

- 11 There is outline planning permission for a large parcel of land owned by your Petitioner, which includes the Land at Pettman Crescent, for various mixed use trade units, including car sales, a car wash, a hotel and a drive through restaurant. It is currently intended that the hotel will be located on the south eastern corner of the site, which for the purposes of this petition is the Land at Pettman Crescent for which Crossrail is seeking subsoil acquisition.
- 12 Although there is no planning permission for the smaller parcel of land comprising the Land adjacent to Pettman Crescent, there are plans in their early stages for a self storage facility, which would fit within the “employment zone”.

*Effect of the proposed works on the development of the Land at Pettman Crescent and the Land adjacent to Pettman Crescent*

- 13 The Additional Provision (No.4) includes the power to acquire subsoil under the Land at Pettman Crescent and the Land adjacent to Pettman Crescent for the construction of tunnels for the railway.
- 14 Your Petitioner objects to the provisions of clause 6 of the Bill, and those in clause 7 and Schedule 6, as amended by the Additional Provision (No.4), insofar as the same would enable the Promoter to acquire rights in the subsoil and undersurface of your Petitioner’s Land at Pettman Crescent and Land adjacent to Pettman Crescent as are within the limits of deviation. Your Petitioner appreciates the need for the Promoter to obtain appropriate subsoil interests for tunnelling purposes but is concerned that the application of the powers as proposed in relation to its land is excessive and that their application could lead to damage to this land and a serious detraction from your Petitioner’s and any future lessees’, tenants’ and occupiers’ quiet enjoyment of them.

- 15 Moreover, your Petitioner is concerned that the intention of the Promoter to tunnel at a relatively shallow depth, as envisaged by the Additional Provision (No.4), under their land will seriously impact upon your Petitioner's development capabilities on the land.

*Land at White Hart Triangle: Background*

- 16 Your Petitioner is also currently involved in the development of another major strategic commercial scheme (the 'White Hart Triangle Development') in the Thamesmead area, a strategic employment site, in a joint venture with the London Borough of Greenwich and the London Development Agency ('LDA'). Spanning 52 acres, the White Hart Triangle Development is one of the largest proposed Distribution and Business Parks in the South East and significant investment has already been made. Planning permission for approximately 1 million square feet of Warehouse, Production and Office accommodation has been granted. The total project value when complete will be in excess of £80 million. Phase one of the development is complete, consisting of 10,000 square metres of commercial development at a cost of over £7.5 million. Your Petitioner, the London Borough of Greenwich and the LDA have plans to develop the remainder of the site over approximately the next 10 years.
- 17 The Land at White Hart Triangle, shown as 112b in the deposited plans, is a parcel of land at the south western corner of the entire White Hart Triangle Development area.

*Effect of the proposed works on the Land at White Hart Triangle*

- 18 The Additional Provision (No.4) includes the power to compulsorily acquire the Land at White Hart Triangle for the provision of a work site. The Amendment of Provisions Environmental Statement deposited in May 2007 at paragraph 3.3.6 explains that because the portal works (at Plumstead Portal) are intended now to be further east than under the original scheme, "an additional area of land to the east of the council depot site is included within

the worksite. The main works proposed from this new worksite will include assembly of the TBMs, concrete and initial tunnel segment deliveries, reinforcement fabrication/storage and excavated material handling.”

*Justification for duration of acquisition of the land at White Hart Triangle*

- 19 Your Petitioner submits that there is no justification for the permanent acquisition of the land, particularly when the Bill already provides for the temporary possession of certain lands at Schedule 5. Even temporary possession of the land may have a negative impact on the ability to proceed with the White Hart Triangle Development, but this would in any event be preferable to permanent acquisition of the land.

*Tom Cribb Road*

- 20 Your Petitioner is also the owner of this short stretch of road. The Bill, as amended by the Additional Provision (No.4) includes the power to acquire rights to use this stretch of Tom Cribb Road for the purpose of obtaining access, although it is entirely unclear from the Additional Provision (No.4) and supporting documents why such access would be required, and what the nature of the required uses would be.
- 21 Accordingly your Petitioner requests that the Promoter clarifies this requirement, and submits that the Promoter should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Bill, as affecting Tom Cribb Road, and that the powers for the acquisition of rights over the private road for the purpose of obtaining access should be restricted in relation to Tom Cribb Road to the extent (if any) to which they can be strictly justified and so as to minimise or prevent interference with the land. In particular, your Petitioner contends that any interest in Tom Cribb Road acquired by the Promoter should be strictly limited only to that which is absolutely necessary for the construction, safe operation and maintenance of the proposed works.

*Summary*

- 22 Accordingly your Petitioner submits that the Promoter should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Additional Provision (No.4), as affecting the land at Pettman Crescent, the land adjacent to Pettman Crescent, the Land at White Hart Triangle, and Tom Cribb Road, and that the powers for the compulsory acquisition of the land, the power to construct works and the exercise of ancillary powers within the limits of deviation should be restricted to the extent to which they can be strictly justified. In particular, you Petitioner contends that any interest in their land acquired by the Promoter (in terms of the area over which it is to subsist, the legal form it is to take, its duration, and any express or implied constraints which may be imposed upon the remainder of your Petitioner's land) should be limited to that which is strictly necessary for the construction, safe operation and maintenance of the proposed works.

*General concerns*

- 23 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 Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

*Conclusion*

- 24 Your Petitioner submits that, in the respects mentioned and in other respects, the Bill, as amended by the Additional Provision (No.4) fails adequately to safeguard and protect its interests.

25 Your Petitioner therefore respectfully submits that insofar as it relates to the matters mentioned, the Additional Provision (No.4) should not be inserted in the Bill in its current form, and the Bill should not be allowed to pass into law in its proposed form.

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 it may be heard by itself, 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 Petitioner 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 Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONER WILL EVER PRAY, &c.

BIRCHAM DYSON BELL LLP

Parliamentary Agents for

TILFEN LAND LIMITED



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12 June 2007