

**IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06
CROSSRAIL BILL**

PETITION

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:

Felix Frixou

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 referred to as "**the Promoter**")

Relevant Clauses of the Bill

3. Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and engineering, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise.
4. Clause 1 (Construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain the works necessary for Crossrail as described in Schedule 1 of the Bill and shown on the plans and sections deposited with the Bill. By Clause 1 of the Bill the Promoter seeks powers in executing any of the works proposed by the Bill to deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and to deviate vertically from the levels shown on the deposited plans sections to any extension downwards in all cases and to such extent upwards to any extent not exceeding 3 metres in the case of the underground railways or in the case of any of the other of the works for the purpose of constructing stations, depots or shafts or associated works as shown on the deposited plans and sections.
5. By Clause 1 Schedule 1 Works 1/26a, 1/26b and 1/26c of the Bill the Promoter seeks powers in relation to works at Whitechapel Tube Station to provide an interlink between Crossrail and the underground system.
6. By Clause 2 (Works: further and supplementary provisions) of the Bill the Promoter seeks powers to bring into effect Schedule 2, which contains provisions about the work which may be carried

out, primarily to facilitate the main effort of construction of the scheduled works.

7. By Clause 3 (Highways) of the Bill the Promoter seeks powers under paras: 1-3 (inclusive) of Schedule 3 to stop up permanently, certain specified highways and to have all rights of way over or along such streets and footpaths extinguished after such stopping up.
8. By Clause 3 of the Bill the Promoter seeks powers under para:4 of Schedule 3 to carry out associated works conferred by paras: 1-4 of Schedule 2 in a way that permanently obstructs the highway, such associated works under Schedule 2 including general powers to carry out ancillary works additional to the scheduled works, the provision of highway accesses, the diversion of particular overhead lines, and the undertaking and maintaining of landscape or other mitigating works necessary as a result of the Crossrail works.
9. By Clause 3 of the Bill the Promoter seeks powers under para: 5 of Schedule 3 to temporarily stop up, alter or divert any highway, to break up and interfere with the highways and divert traffic from it in respect of those highways named in column 2 of the table under para: 5(3) of Schedule 3 to the Bill for the purpose of executing the proposed works.
10. By Clause 3 of the Bill the Promoter seeks powers under para: 15 of Schedule 3 to enter upon, take and use for Crossrail the subsoil of any highway where the subsoil concerned is subject to compulsory purchase under the Bill, without being required to acquire that subsoil or any right in it, except in respect of the areas listed in the table in the paragraph.

11. By Clause 5 (Temporary possession and use) the Promoter seeks powers to bring into effect Schedule 5, which contains provisions dealing with the temporary possession and use of land required for Crossrail.
12. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill, and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (a term defined in the Bill).
13. By Clause 6 (Acquisition of land within limits shown on deposited plans) Clause 7 (Acquisition of land not subject to the power under section 6 (1)) and Clause 8 (Extinguishment of private rights of way) of the Bill, the Promoter seeks powers to enter upon, take and use such lands delineated on the deposited plans and described in the deposited book of references as it may require for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.
14. Clauses 10-20 (inclusive) of the Bill would disapply existing statutory controls in relation to development requiring an environmental impact assessment. Listed buildings, buildings in conservation areas, historic buildings and ancient monuments, tree preservations in so far as they are generally applicable to the works powers proposed in the Bill in respect of scheduled works begun within 10 years from the enactment of the Bill. As respects demolition and works for permanent alteration or extension are concerned, the disapplication is limited to buildings specified in Clause 14(2) to the Bill.

15. Clauses 21 to 44 of the Bill together with Schedule 10 make provision for the application with modifications and the disapplication in part of the existing railways regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of the Rail Regulator (ORR), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impacts on key system assets. Provision is also included to enable agreements to be required as between the nominated undertaker and controllers of railway assets, to govern the basis for arbitration and to provide for the transfer of statutory powers in relation to railway assets.

16. Clauses 45 to 59 of the Bill together with Schedules 11 to 14 contain miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail, for the particular protection of certain specified interests and as respects arbitration.

17. Clause 50 (Compensation for injurious affection) of the Bill would require the Promoter to pay compensation to owners, lessees and occupiers of property for any injurious affections.

Your petitioner

3. Your petitioner is a secure tenant and has lived continuously at 8 Weaver House, Pedley Street, E1, since 1989. Weaver house is a small block of 16 flats built in 1929 in the London Borough of Tower Hamlets.(LBTH)
4. Weaver House is currently managed by Bethnal Green and Victoria Park Housing Association (BGVPHA). It is held on a 99 year lease with 75 years to run. The local authority is the freeholder.
5. Your Petitioner's secure tenancy was signed in 1989 with a previous landlord, a smaller organisation, Oxford House Housing Association. The block was completely refurbished by Oxford House around 1987 with a large grant from the Housing Corporation.

Your Petitioner's Concerns

6. Your petitioner's interests and rights to his secure tenancy will be affected by the promoters Bill.
7. Your petitioner and others are convinced that the property occupied by him will become uninhabitable.
 - 7.1 The promoter and his agents are already involved in another railway project affecting the property occupied by your petitioner. This Bill and the powers that the promoter is seeking will add to the impact of the other project that is now under construction.
 - 7.2 You petitioner is very clear that the property will become a void when major works begin on the existing project. This is estimated to be around September 2006.

- 7.3 This petition against the Bill is necessary because the promoter's agents Transport for London (TfL) are refusing to acknowledge and deal with the existing impacts of the ongoing project.
- 8 The promoter has offered no alternative accommodation of the same standard offering the same amenity for permanent relocation. The Local Authority and the Housing Association can not and will not offer this. There are many reasons for this.
- 9 Your petitioner will be put at a very severe disadvantage. He will lose his home.
- 9.1 The promoter is offering no compensation ,for this, or the many other costs and damages incurred since first notified in 1990 of plans of the two projects now the promoter is involved with.
- 10 Crossrail proposals past and present and East London Line Extension (ELLX) boundaries meet at Weaver House in Pedley Street E1. Crossrail will situate a large tunnelling work site at the front of the building while the ELLX will fill in a cutting running at the back and bring trains to above ground level. These two schemes are **inseparable at this particular site in terms of impact.**
- 11 The particular ground floor flat occupied by your petitioner will be the worst affected in the building by Crossrail and ELLX.
- 12 The flat was seen as the worst affected property along the entire ELLX route at the Public Inquiry held in 1994. This is because the flat is located on the south west corner of the building with all rooms at ground level. The ELLX rises above ground on a diagonal line to the back of the building. Trains are at their closest point to the building outside the bedrooms of the flat occupied by the petitioner.
- 13 Crossrail plans are proposing a tunnelling shaft and a major work site at the front of the building with the petitioners' flat on the ground again the nearest and worst affected.

14 The west side of the building with the petitioners living room at ground floor will be overlooked by a high ELLX pedestrian footbridge. This will mean that the flat will suffer from overlooking from **every side**.

15 TfL the co-promoters of Crossrail have taken over from London Underground Limited (LUL) in building the ELLX through the 1997 Order granted through the Transport and Works Act. TfL are now in control of both projects at Pedley Street.

16 TfL have conceded so far that the property will become uninhabitable during the construction phases of **both** the Crossrail Pedley Street tunnelling work site and ELLX.

16.1 TfL are proposing that your petitioner should move to temporary accommodation **twice**. The periods could be several months at a time or far longer. TfL can not determine the length of time. The two construction phases will not run concurrently.

17 On returning to live at the flat during the operation of the ELLX and it is understood when excavations have been completed on the Crossrail Tunnelling work site your petitioner is expected to:

17.1 Live with a **full** train service running **3.5 meters** from both bedroom windows and the rails **about 1.5 meters above ground level**. Passengers in the carriages will be overlooking the bedrooms to such a degree that the entire floor space of both bedrooms will be visible. The top of the roofs of the carriages will be about **5meters above ground** (If this overlooking is obscured then the bedrooms will have no daylight.)

17.2 Have the entire flat covered with secondary glazing to keep air born noise to what TfL think might be within habitable trigger levels. This is very much an experiment as they don't yet know for sure if it is achievable. Windows will not of course hardly ever be opened as the experience in the flat will be the same as an underground train platform. The Crossrail work site will provide additional problems at the front of the flat. Your petitioner is confident that just a fraction the ELLX operational impacts alone will render the flat uninhabitable.

17.3 It is envisaged by TfL that the flat will be ventilated by mechanical means. This in practice is a large box in every room in place of opening windows. Together with the secondary glazing the internal space of the flat will be greatly reduced.

18 It has always been made clear that the two projects will have to co-operate as they will have to share the same site and each has been designed around the other to some degree.

19 Your petitioner understands that planning , cost issues, and compensation matters for both schemes on this site are now the responsibility of TfL.

20 Your petitioner has been notified that enabling works have already begun for the ELLX .The main work that will finally render the flat uninhabitable will begin in **September 2006**, according to TfL.

21 TfL have refused so far to discuss and meet the costs of your petitioner's permanent relocation and compensation. Your petitioner wants to relocate to a flat of the same standard in the same locality that he has lived in for the last 16 years.

22 Your petitioner is also concerned that the promoter has not consulted with the local population as it has been claimed by the various Crossrail presentation teams.

- 23 The definition of what constitutes consultation in the case of Crossrail rounds one and two in Tower Hamlets should be carefully investigated.
- 24 Your petitioner wishes to make it clear that met with evasive and hostile behaviour by the Crossrail presentation teams in trying to gain essential information. In summary, too little, too late in an arrogant and dismissive manner. This view is shared by many other local people dealing with Crossrail. This surely is not the way to approach such a major development.
- 25 Your petitioner would like to see the Bill amended so that the promoter, being responsible for both schemes at the Pedley Street site,(through TfL) is forced to deal with the issues of relocation and compensation arising from **both** schemes.
- 26 Your petitioner would like to make it clear that the promoter through TfL has become involved in a very harsh and unnecessarily adversarial system of cost cutting for major projects. In your petitioners case it has resulted in 15 years of planning blight and misery. Individuals should not have to resort to seeking injunctions to keep their homes habitable. Your petitioner finds it sad but predictable that this should happen in the East End of London .It is still the poorest part of the city and the locals are less able to resist cost cutting.

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 ,Agents and with witnesses in support of the allegations of this Petition against so much of the Bill 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.