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IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL

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 THE BARBICAN ASSOCIATION

SHEWETH as follows:

1. A Bill (hereinafter referred to as "the Bill") has been introduced into and is now pending in your Honourable House entitled: "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.

Relevant Clauses of the Bill

3. The Bill's objectives in relation to the construction and operation of the railway transport system are set out in Clauses 1 to 20. They include provisions for the construction and maintenance of scheduled works, the compulsory acquisition of land, planning permission, heritage issues and the power to deal with noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the transport system, and Clauses 45 to 59 of the Bill encompass miscellaneous and general provisions. The railway proposal is referred to in this petition as Crossrail.

Your Petitioner and its interests

4. Your Petitioner, The Barbican Association, is a voluntary organisation founded in or about 1974. Its aims include protecting and furthering the interests of the residents of the Barbican Estate (the "Estate"), the protection of the environment of the Estate and its periphery and acting as a Tenants' Association recognised by the Corporation of London under Section 29 of the Landlord and Tenant Act 1985. The Barbican Association is so recognised. The Estate comprises 2016 residences in the City of London, nearly all of which are owned by Lessees with 125 year Leases, the majority of whom are members of the Barbican Association.
5. Your Petitioner alleges that the property, rights and interests of its members would be injuriously and prejudicially affected by the Bill if the same were passed into law in its present form. Your Petitioner accordingly objects to the Bill for the reasons, amongst others, set out in the following paragraphs of this Petition.

Specific Works impacting upon your Petitioner's interests

6. The Bill provides for the construction of a new railway tunnel from Paddington to Stratford which would include a crossover cavern ("the Crossover") underneath the Estate with an associated shaft and worksites in Aldersgate Street and Beech Street. The Crossover forms part of Works 1/3A and 1/3B as mentioned in Schedule 1 of the Bill as being located at Farringdon. Schedule 1 also describes consequent Works 1/19 and 1/20, comprising a temporary construction shaft and tunnel, and related temporary sewer diversion.

Your Petitioner's concerns

The Crossover

7. The Secretary of State for Transport has not demonstrated that the Crossover is operationally necessary for Crossrail, is correctly located, is of appropriate design or can be constructed safely and without undue settlement. The current proposal introduces an otherwise unnecessary worksite and temporary works, together with associated traffic, noise, air quality and other deleterious impacts. Your Petitioner is particularly concerned that the construction of the Crossover would harm the property, rights and interests of its members
8. Your Petitioner objects to the proposed works (those parts of Works 1/3A & 1/3B which may have a direct affect on the property, rights and interests of the Barbican Association's members, together with Works 1/19 & 1/20) on the basis that the Secretary of State for Transport has not established and demonstrated that the Crossover is an essential operational requirement for Crossrail. Your Petitioner respectfully submits that the Crossover should not form part of the works unless and until the Secretary of State for Transport does properly establish and demonstrate such need.
9. Your Petitioner objects to the proposed works (those parts of Works 1/3A & 1/3B which may have a direct affect on the property, rights and interests of the Barbican Association's members, together with Works 1/19 & 1/20) on the basis that the Secretary of State for Transport has not established and demonstrated to your Petitioner that the Crossover is located appropriately, having regard to operational requirements, construction risks and any alternative locations. Your Petitioner respectfully submits that the Crossover, if required, should be located such that it does not have any direct or indirect affect on the property, rights and interests of the Barbican Association's members, unless and until the Secretary of State for Transport does properly establish and demonstrate that the location is appropriate.
10. Your Petitioner objects to the proposed works (those parts of Works 1/3A & 1/3B which may have a direct affect on the property, rights and interests of the Barbican Association's members, together with Works 1/19 & 1/20) on the basis that the Secretary of State for Transport has not established and demonstrated to your Petitioner that the engineering design ensures that the Crossover can be built safely and with the minimum of settlement risk to the Estate. Your Petitioner seeks assurance that the Crossover, if required, will be located such that it does not have any direct or indirect affect on the property, rights and interests of the Barbican Association's members unless and until the Secretary of State for Transport does properly establish and demonstrate such engineering design.

11. Your Petitioner objects to the proposed works (those parts of Works 1/3A & 1/3B which may have a direct affect on the property, rights and interests of the Barbican Association's members, together with Works 1/19 & 1/20) on the basis that the Secretary of State for Transport has not established and demonstrated that an appropriate design is to be adopted for the Crossover. The Environmental Statement (paragraph 8.8.143) and its supporting information indicate that Crossrail have identified a design (the "Alternative Design") offering a better engineering solution than that proposed. The Alternative Design is understood to reduce construction risks (particularly settlement) and eliminates other significant construction impacts by removing the need for the works 1/19 & 1/20, together with the associated worksite in Aldersgate Street and Beech Street. If, notwithstanding your Petitioner's submissions at paragraphs 8, 9 and 10 above, the Crossover must be retained at its present location, then your Petitioner submits that the Secretary of State for Transport should be required to adopt the Alternative Design.

Construction of the Works and their effects

12. Your Petitioner submits that irrespective of the final form of the works the Secretary of State for Transport should be required to provide or perform the following for the Estate at his own cost: -
 - a. a defects survey, prior to commencement of the Works, of all properties at the Estate reasonably likely to be affected;
 - b. a full Stage 3 Settlement Assessment of such properties;
 - c. establishment with your Petitioner of the appropriate settlement "trigger levels" in conjunction with the procedure to be adopted in the event that any such thresholds be exceeded; and
 - d. the monitoring requirements recommended in the Stage 3 Settlement Assessment in respect of the Estate;

and that the Secretary of State for Transport should undertake to repay to your Petitioner all reasonable costs, charges and expenses (including the reasonable fees of such professional advisers as it may instruct) incurred in consequence of the Bill or the provision of any undertaking.

13. Your Petitioner further submits that the Bill should be amended to require that a "floating slab-track" be constructed under the Estate as stated at 3.7.41 of Vol. 1 of the Environmental Statement; and that the design of the floating slab-track should be required to ensure that groundborne operational noise will not exceed 25 dB LA max. This submission applies irrespective of the final form and design of the works.
14. Your Petitioner submits that the Environmental Statement supporting the Bill is inadequate in relation to noise on the basis that it is not established that any assessment of background noise levels has been carried out with reference to the Estate. Your Petitioner submits that the Secretary of State for Transport should be required to undertake that the results of any assessment of background noise levels carried out with reference to the Estate be published and otherwise that such an assessment be carried out and provided to your Petitioner.
15. Your petitioner is concerned that the dust and pollution from the Crossover worksite, if established, will have an unacceptable impact on its members. It is a matter of

particular concern to your Petitioner that the promoters have not to date produced a full environmental assessment of the impact of the proposed worksite. The Bill should require that adequate dust suppression and mitigation measures are imposed upon the Works or alternative measures required to protect the property, rights and interests of your Petitioner's members. Your Petitioner submits that the Secretary of State for Transport should be required to undertake that the results of any assessment of dust and pollution carried out with reference to the Estate be published and otherwise that such an assessment be carried out and provided to your Petitioner.

Highways & Access

16. Your Petitioner submits that safeguards should be provided to ensure that pedestrian and vehicular access to the Estate is not restricted and that traffic management arrangements mitigate disruption to road and pedestrian traffic.
17. Your Petitioner submits that adoption of the Alternative Design for the Crossover would significantly mitigate highway impacts by removing the need for the temporary works and the associated worksite. Your Petitioner accordingly objects to the proposal in Schedule 3 of the Bill for the temporary closure of part of Aldersgate Street and Beech Street to provide a work site for construction of the Crossover and submits that, should it be established to the satisfaction of your Honourable House that the Crossover is required at this location, the Alternative Design should be adopted and the Bill amended to require it accordingly.
18. Your Petitioner objects to the proposal in Schedule 3 of the Bill for the stopping up of part of Fore Street Avenue and part of Moorfields in order to provide a work site which will remove the escalator access adjacent to Moorgate station. Pedestrian access to much of the Barbican Estate is at first floor level and the escalators from ground level to the first floor podium level provide essential access for those whose mobility is impaired. Your petitioner submits that the nominated undertaker should be required to provide alternative access to the Estate throughout the duration of the works and that permanent provision for those whose mobility is impaired, in a form to be agreed with your petitioner, be reinstated at the conclusion of the works.

Heritage Controls

19. Your Petitioner objects to Clause 15 and Schedule 8 of the Bill in so far as they seek to disapply the legislation connected with Listed buildings and buildings in Conservation Areas. The Barbican Estate comprises a number of Grade II listed buildings, and Grade II* gardens and would be vulnerable by reason of Schedule 8 of the Bill. Your Petitioner accordingly submits that the Bill be amended instead to require the Secretary of State to adopt the Heritage Protocol, as applied to the Channel Tunnel Rail Link Act 1996.

General

20. The Bill does not make any provision for compensation for any physical damage caused by the construction of Crossrail and in particular does not provide for the protection of the Estate or the compensation of its owners and occupiers.

21. The Environmental Statement supporting the Bill is inadequate regarding the assessment, reduction or mitigation of noise, dust, pollution or damage caused by the construction of Crossrail or its operation.
22. The Bill does not provide that obligations imposed on the Secretary of State be binding, where appropriate, on the nominated undertaker. The Bill should be amended to provide for a nominated undertaker to be bound by such obligations and for the Secretary of State to remain liable.
23. The Bill is being promoted without any firm funding proposals and shows no regard to the blight and uncertainty that may thereby be caused. It is humbly submitted that your Honourable House should satisfy itself as to such matters before allowing the Bill to pass into law.
24. Your Petitioner objects to the Bill on the basis that it does not make provision for the payment of compensation resulting from physical damage which may arise to the Estate during the construction of the works. Your Petitioner therefore submits that the Bill be amended so that your Petitioner's members will be fully compensated for all costs and losses incurred as a result of the works.
25. Your Petitioner also objects to the Bill on the basis that whereas Clause 46 provides for the Secretary of State by Order to specify a person (the nominated undertaker) to perform certain provisions of the Act, there is no provision that contractual undertakings of the Secretary of State bind the nominated undertaker. Your Petitioner accordingly submits that the Bill be amended to require the Secretary of State to ensure that his contractual commitments also bind the nominated undertaker and that the Secretary of State guarantees the performance of the nominated undertaker.
26. There are other clauses and provisions in the Bill which, if passed into law as they now stand, may prejudicially affect the members of your Petitioner and their property, rights and interests and for which no adequate provision is made.
27. Your Petitioner submits that the Bill fails adequately to safeguard and protect the interests of the members of your Petitioner and their property, rights and interests and should not be allowed to pass into law without these issues being addressed

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 they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioner and in support of such other 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.

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AGAINST, by Counsel, &c.