



House of Commons
Select Committee on the
Crossrail Bill

Crossrail Bill

**First Special Report of Session
2006–07**

Volume I



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Report, together with formal minutes

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The Select Committee on the Crossrail Bill

The Select Committee on the Crossrail Bill is appointed by the House of Commons to consider:

(a) any Petition against the Bill presented by being deposited in the Private Bill Office at any time not later than 16th September 2005, and

(b) any Petition which has been presented by being deposited in the Private Bill Office and in which the Petitioners complain of any amendment as proposed in the filled-up Bill or of any matter which has arisen during the progress of the Bill before the Select Committee, being a Petition in which the Petitioners pray to be heard by themselves, their Counsel or Agents.

That, notwithstanding the practice of the House that appearances on Petitions against an opposed Private Bill be required to be entered at the first meeting of the Select Committee on the Bill, in the case of any such Petitions as are mentioned in sub-paragraph (a) above on which appearances are not entered at that meeting, the Select Committee shall appoint a later day on which it will require appearances on those Petitions to be entered.

That any Petitioner whose Petition stands referred to the Select Committee shall, subject to the Rules and Orders of the House and to the Prayer of his Petition, be entitled to be heard by himself, his Counsel or Agents upon his Petition provided that it is prepared and signed in conformity with the Rules and Orders of the House, and the Member in charge of the Bill shall be entitled to be heard by his Counsel or Agents in favour of the Bill against that Petition.

That the Select Committee have power to sit notwithstanding any adjournment of the House, to adjourn from place to place and to report from day to day the Minutes of Evidence taken before it.

That three be the Quorum of the Select Committee.

Current membership

Mr Alan Meale (*Labour, Mansfield*) (Chairman)
Mr Brian Binley (*Conservative, Northampton South*)
Ms Katy Clark (*Labour, North Ayrshire and Arran*)
Mr Philip Hollobone (*Conservative, Kettering*)
Kelvin Hopkins (*Labour, Luton North*)
Mrs Siân C. James (*Labour, Swansea East*)
Mr Ian Liddell-Grainger (*Conservative, Bridgwater*)
John Pugh (*Liberal Democrats, Southport*)
Mrs Linda Riordan (*Labour, Halifax*)
Sir Peter Soulsby (*Labour, Leicester South*)

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee are on the Internet at www.parliament.uk/parliamentary_committees/crossrail.cfm

Committee staff

The staff of the Committee are Sian Jones (Clerk) and Darren Hackett (Committee Assistant).

Contacts

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Summary

This Report explains the decisions and recommendations the Select Committee on the Crossrail Bill has made after sitting in public for 84 days of hearings and considering the cases presented on 205 of the 457 petitions deposited against the Crossrail Bill and against the 4 sets of additional provisions deposited by the Government. As a result of these considerations the Committee has made certain amendments to the Bill to meet or partially cover the requirements of Petitioners where we judged it appropriate. There were also a number of issues where the Committee made recommendations or suggested a course of action to the Promoter of the Bill instead of making an amendment to the Bill.

This Report details many, but not all of the cases presented in Committee. The Committee has only commented on cases where it deemed necessary. In all other cases, the Committee was satisfied with the undertakings and assurances offered by the Promoter to the Petitioner.

1 Introduction

Crossrail

1. The Crossrail Bill provides 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’¹. The said railway transport system is a proposal affecting primarily London and the South East of England. The intention is to deliver a railway with a frequent train service across the capital by 2017.² The route will begin in Maidenhead and Heathrow and travel via Paddington, Liverpool Street and Stratford to Shenfield, and via Whitechapel to Abbey Wood. The railway will travel underground through the city centre between Paddington and east London.

The Promoter and the history of the scheme

2. The Department for Transport and Transport for London formed a 50/50 joint venture company, Cross London Rail Links (CLRL), to promote and develop the Crossrail scheme. The construction of a project, such as Crossrail, requires the authority of Parliament in the form of a Bill. The Crossrail Bill was presented by the Secretary of State for Transport on 18 May 2005. The Bill is hybrid because although promoted by the Secretary of State as a matter of public policy, it adversely affects the private interests of certain individuals and organisations, who may therefore be entitled to have their objections considered by a select committee under a quasi-judicial procedure akin to that for private bills. Objections are made by depositing a petition against the Bill.³

3. The proposals for such a transport scheme are not unique to this Bill. Parliament considered a Crossrail Bill over a decade ago. That Bill, promoted by Transport for London, was developed following the 1989 Central London Rail Study.⁴ It was presented as a private Bill to the House of Commons on 22 January 1991. However, the Bill was blocked from proceeding at several of its Parliamentary stages. The 1991 Bill had 314 petitions deposited against it. At that time, an Opposed Bill Committee was formed to hear the cases for and against the Bill and it subsequently sat for 7 months. The Bill was finally rejected by the Committee on 11 May 1994. The Committee reported that the case for the bill had not been made. The Bill was therefore not passed by the House. However, the Government issued Safeguarding Directions to protect the alignments of the lines through central London, that ensured that no developments could be built which would prevent the Crossrail scheme from being built in the future. We note that the Safeguarding Directions had a long term impact on some of the landowners along the route.

1 Crossrail Bill [Bill 2(2006-07)]

2 Paragraph 21737 [Mr T Mould QC]

3 People affected by the Bill are entitled to object to it by depositing a Petition against the Bill. Petitions can be deposited in both the House of Commons and the House of Lords within a set timetable. Please see paragraph 13.

4 Department of Transport, 1989

4. In 2001, CLRL was allocated a budget of £154 million by central Government to carry out feasibility work connected to the possible acquisition of Parliamentary powers. It was given a further £100 million in 2005 for development work.⁵ The Promoter of the Bill brought forward legislation to Parliament in May 2005 to enable the construction of the Crossrail transport system.⁶

The Powers of the Bill

5. The Bill will confer a range of powers on the nominated undertaker⁷ to build and operate Crossrail. These include the right to construct and maintain Crossrail and the other associated and enabling works.⁸ These works are summarised in the Environmental Statement and the explanatory memorandum accompanying the Bill. A summary of the main powers sought in the legislation follows below:⁹

- a) The Bill will grant deemed planning permission for the construction of Crossrail and other associated and enabling works. The Bill will also remove the need for listed building consent under section 8 of the Planning (Listed Building and Conservation Areas) Act 1990.
- b) The Bill will provide for the demolition, alteration or extension of the listed buildings specified in the Bill where this is necessary to construct the scheme and it removes the need to obtain conservation area consent under section 74 of the 1990 Act, for the demolition of buildings and other structures specified in the Bill within designated conservation areas where this is necessary to construct Crossrail and the other associated and enabling works.
- c) The Bill will confer powers of compulsory acquisition or temporary possession of the land needed to construct Crossrail and it authorises the stopping up or closure of highways and other public thoroughfares both permanently and temporarily, and the alteration of highways.
- d) The legislation also gives the Promoter of the Bill the enabling rights to use certain rail facilities to be taken or varied for the purposes of providing Crossrail services¹⁰; it authorises interference with navigable waterways; and it confers other powers required in connection with the construction and operation of Crossrail and other associated and enabling works.

5 <http://www.crossrail.co.uk/pages/whatiscrossrail.html>

6 Votes and Proceedings: Wednesday 18 May 2005, p15

7 The 'nominated undertaker' is given powers in the Bill to implement the construction of the Crossrail project. The Bill gives the Secretary of State the ability to nominate that undertaker.

8 Associated and enabling works are those which do not directly relate to the construction of the railway but are needed to allow the construction work to take place.

9 Please refer to the Bill and its explanatory memorandum for a detailed explanation of the Bill's provisions. Explanatory notes to the Bill, prepared by the Department for Transport, Crossrail Bill [Bill 2 and 2—EN (2006-07)]

10 The Bill provides that in the period between Royal Assent and the start of Crossrail passenger services, the Office of Rail Regulation ('ORR') shall exercise its functions, so far as they relate to access contracts, in a manner so as to facilitate the operation of the principal Crossrail passenger service on and after a date specified by the Secretary of State.

e) There are provisions in the Bill that will deem planning permission to be granted for the authorised works, and such permission is deemed subject to conditions requiring the approval of the local planning authority for certain matters of detail. The extent of matters subject to approval under these conditions will depend upon whether the local planning authority is a 'qualifying authority', that is, it has given an undertaking to the Secretary of State about the way in which it will handle applications for approval of details. For qualifying authorities, the matters subject to approval will include certain construction arrangements. Where works affect highways, the Bill will also provide for certain matters to be subject to the approval of the relevant highway authority.¹¹

6. In short, this legislation provides the legislative framework to allow the construction of Crossrail. It amends existing powers, where the Promoter deems necessary, to ensure the construction and operation of the proposed transport scheme.

11 <http://Billdocuments.crossrail.co.uk>

