

REPORT OF THE ADMINISTRATION COMMITTEE**ADMINISTRATION COMMITTEE – 22 JUNE 2005**

(Chairman: Councillor Merrick Cockell
Vice-Chairman: Councillor Daniel Moylan)

COUNCIL 22 JUNE 2005**CROSSRAIL BILL****1. THE CROSSRAIL SCHEME**

- 1.1. Crossrail is the proposed major new cross London rail link. Powers are being sought by means of a Hybrid Bill, promoted by the Secretary of State for Transport, to construct and operate the railway.
- 1.2 The Crossrail scheme is welcomed by the Council as it should reduce traffic on roads in the borough and will relieve congestion on the Central Line.
- 1.3 The scheme is divided into a number of "route windows" and three route windows namely, Central 1 (C1), West 1 (W1) and West 2 (W2) are in the borough.

C1

- 1.3.1 This window lies partly within the borough and partly within Westminster. The proposed railway will run along the surface within the existing rail corridor until it passes into a tunnel at Royal Oak. Royal Oak West is the location of the main work site where tunnelling commences. There will be a train reversing facility at Westbourne Park and track alterations to the Great Western main line. There will be an approach ramp and portal at Royal Oak with a cut and cover tunnel and twin base tunnel commencing at Westbourne Park.

W1

1.3.2 This window lies solely within the borough. Existing tracks at Ladbrooke Grove will move eastwards and new track laid. The most significant element of the track re-modelling and signalling work will require a two week blockade of all lines into Paddington together with restrictions on the use of some lines during the weeks before and after this. Works will be carried out within the rail corridor, with only limited access available to lorries, and most materials will be taken to and from the site by rail.

W2

1.3.3 This window lies partly within the borough and partly within Hammersmith and Fulham. The track layout will be modified to permit Crossrail services to access Old Oak Common Depot. This will require the installation of a series of crossovers between the relief lines and the Crossrail lines leading to the depot. The works involved are estimated to take place over a period of seven months. Canal Way is to be used to gain access to the works.

1.4 The Bill has yet to have its Second Reading in the House of Commons and the period for petitioning against the Bill is likely to be sometime in June.

1.5 An Environmental Statement, identifying the significant environmental impacts that are likely to arise from the construction and operation of the railway, was submitted to Parliament with the Bill. The Executive Director, Planning and Conservation, wrote to the Department for Transport on 10 May setting out the Council's concerns about the information included in the Environmental Statement. A copy of the letter is attached as an appendix to this report.

1.6 A Supplementary Environmental Statement was published on 26 May and comments need to be submitted by 8 July.

2. PETITION

2.1 Officers have attended the Environmental Sub Group and the High Level Forum, along with other affected boroughs and authorities outside London, to discuss their concerns with representatives of Crossrail Limited and the Department of Transport. The Council does need to petition, however, to protect its negotiating position and to secure amendments either to the Bill or the Code of

Construction Practice which the contractors carrying out the works to implement the proposals will be required to follow.

- 2.2 Petitions against the Bill need to be lodged during a period yet to be announced but which is likely to commence at the beginning of June. A petition is the summary of objections to particular aspects of the Bill. If a petition is lodged, it will allow the Council, if necessary, to argue its case before the Select Committee which will consider the Bill in the House of Commons. The purpose of petitioning is also to seek assurances from the promoters of the Bill about the Council's concerns relating to the construction and operation of the railway.
- 2.3 It is recommended that the Executive Director, Planning and Conservation should be authorised, following consultation with the Cabinet Members for Planning Policy and Transportation and Leisure, Parks and Environmental Health Services and the Director of Law and Administration, to finalise the contents of the petition but the likely areas of petitioning are as follows:-

2.3.1 **Noise and Vibration**

- 2.3.1.1 Clarification of the interpretation of the World Health Organisation noise criteria in assessing the project is required. There is also a general lack of reference on the Environmental Statement the Mayor of London's Ambient Noise Strategy.
- 2.3.1.2 The acceptance criteria proposed by Crossrail for noise and vibration generated both in the construction phase and also in the operational phase are not acceptable
- 2.3.1.3 The hours of work proposed by Crossrail are outside the normal permitted hours in the borough and are not acceptable.
- 2.3.1.4 Adequate data is required to carry out validation or assessments of noise and vibration impacts especially on the dwellings most affected as identified by Crossrail.

2.3.2 **Traffic**

- 2.3.2.1 There is a general lack of clarity in the information provided in the Environmental Statement, making it difficult to assess the possible effects on traffic and congestion on roads in the borough, resulting from the construction of Crossrail.

2.3.2.2 The most likely areas of petitioning are the combined effects of the construction of Crossrail on the road network in the borough and the increase in congestion that this might cause, as well as specific concerns about the proposed tunnelling work site at Royal Oak West and the level and composition of construction traffic during both the setting up of the worksite as well as during its operation.

2.3.3 **Air Quality**

2.3.3.1 There are concerns about the way the air quality modelling has been undertaken, and it is necessary to make sure the most up to date data is used, or adequately justified when it is not, and that all potential sources of pollution during all stages of the development have been considered.

2.3.3.2 Crossrail do not propose to monitor dust levels prior to any works commencing which will, therefore, make it difficult to identify when dust levels may be slightly elevated. A baseline dust study should be undertaken.

2.3.3.4 Properties have been classed as either 'high' 'medium' or low for the potential for dust generation. The higher the dust classification category, the higher the level of mitigation proposed. However, most dust mitigation measures are listed as 'should' be carried out rather than 'will'. There should be a stronger commitment to these measures. In addition, where a worksite has been classified as having a 'high' risk potential of causing dust nuisance, Crossrail do not plan on undertaking on-site monitoring at all of the worksites. This is not adequate as dust monitoring should be carried out at all 'medium' risk worksites as well as the 'high' risk sites in the borough.

2.3.4 **Contaminated Land**

2.3.4.1 There are concerns about the methodologies proposed for sites identified as needing a site investigation. No mention of the latest government guidance on how to deal with contaminated land has been made in either the Environmental Statement or the Technical Report. These documents (PPS23 and CLR 11) should be acknowledged and followed.

- 2.3.4.2 Within the Technical Statement the assumption is that all railway land, including tracks, embankments and associated works are contaminated. As part of the track realignment work within route windows W1 and W2, a full site investigation will, therefore, be needed. At the moment, the Environmental Statement does not confirm that this will be the case.
- 2.3.4.3 In the Crossrail Bill, a section of land to the south of the former Kensal Gasworks site has been identified for acquisition. It has been suggested by Crossrail's consultants that this acquisition is the road located alongside the rail track (Canal Way), and will be used to allow road access for the track realignment work. This has still to be confirmed. In addition, this former gasworks site has been allocated a low risk score, in terms of contamination, and no further site investigation is anticipated. If works are to take place at this site, depending on what these works are, a site investigation may be required. Although this site has been remediated, the Council has records of the remediation works previously undertaken, which confirm that some contamination was left in situ.

3. LEGAL IMPLICATIONS

- 3.1. The Council has the power to petition against the Crossrail Bill pursuant to Section 239 of the Local Government Act 1972. The resolution to petition must be passed by Full Council.
- 3.2 Parliamentary agents have been instructed to advise on the petition and the subsequent Parliamentary processes. If the Council were to appear before the Select Committee on its petition, specialist Counsel would also need to be instructed.

4. FINANCIAL IMPLICATIONS

- 4.1 The estimated costs of the Parliamentary agents in drawing up and submitting the petition are £3,500. The Parliamentary agents costs, including the charges for drafting and submitting the petition are estimated to be between £15,000 and £25,000 if the Council does not appear before the Select Committee and between £35,000 and £60,000 if it does decide to appear. The proposed Crossrail works in the borough are fairly limited compared to other affected boroughs and, therefore, it is anticipated that the charges likely to be incurred will be at the lower end of the range estimated by the Parliamentary agents.

- 4.2 With the level of costs being uncertain at this stage, it is proposed that funding be approved later by the Cabinet Member for Planning Policy and Transportation. Provisionally funding could be met from existing Planning and Conservation consultants budgets.

5. **PERSONNEL AND RACE EQUALITY IMPLICATIONS**

There are no personnel or race equality implications.

6. **RECOMMENDATIONS**

- 6.1 The Administration Committee is meeting earlier in the evening of 22 June. Subject to its consideration of this matter, the Council will be **RECOMMENDED** to pass the following resolution:-

1. That in the judgement of the Council of the Royal Borough of Kensington and Chelsea it is expedient for the Council to oppose the Crossrail Bill deposited in the Session of Parliament 2004/05.
2. That the Executive Director, Planning and Conservation, following consultation with the Cabinet Members for Planning Policy and Transportation and Leisure, Parks and Environmental Health Services and the Director of Law and Administration, take all necessary steps to carry the foregoing resolution into effect, that the Common Seal be affixed to any necessary documents and that confirmation be given that Sharpe Pritchard (Parliamentary Agents) be authorised to sign the Petition of the Council against the Bill.

FOR DECISION

**MERRICK COCKELL
CHAIRMAN, ADMINISTRATION COMMITTEE**

**Local Government (Access to Information) Act 1985 –
Background Papers used in the Preparation of this Report:**

1. Crossrail Bill
2. Environmental Statement

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