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Our Ref:

Your Ref:

Date: 08th May 2008

Cross London Rail Links Limited
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Graham King
Head of City Planning Group
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Dear Graham,

Thank you for your letter dated 2 May 2008 and for discussing your remaining concerns during a meeting of the same date.

In light of our meeting and the events in the Committee Corridor on 6 May 2008, I am writing to confirm the final form of words agreed between the Promoter and Westminster City Council. I set these out in the order that they appear in your letter of 2 May.

Westminster Planning Briefs

The Promoter is happy to offer the following assurance:

The Nominated Undertaker will have regard to the provisions of the Planning Briefs, where they are relevant, when preparing technical submissions to the Council under the Bill in relation to Crossrail works (including applications and submissions under the heritage deeds and Schedule 7 to the Bill), save that –

- In relation to submissions under Schedule 7 to the Bill, this only applies so far as those provisions are relevant to the permitted grounds of refusal with respect to the matters in question.
- The provisions only apply so far as, upon consulting with Cross London Rail Links Limited (or other similar or replacement body concerned with Crossrail) in connection with the briefs, the Council has properly had regard to any observations or concerns expressed to it with respect to their contents so far as relevant to Crossrail.
- The provisions do not apply to applications under conditions imposed by a direction under paragraph 2 of Schedule 16 to the Crossrail Bill with respect to the replacement concrete batching plant at Paddington New Yard.

For the purpose of this assurance “the Planning Briefs” means the planning briefs (at present in draft) for –

- a) Paddington New Yard
- b) Paddington Station and Environs
- c) Davies Street
- d) Hanover Square
- e) Dean Street
- f) Tottenham Court Road

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Brewers Court

In addition to the assurance offered in my letter of 1 May 2008, under 'Point 7: Brewers Court,' the Promoter is happy to offer the following assurance:

Recognising that it will be a temporary structure, the nominated undertaker will be required to employ best practicable means* in designing the noise attenuation canopy over the site of 14-18 Bishops Bridge Road with the aim of reducing noise so that, with additional allowances made for calculation uncertainty, under all reasonably foreseeable circumstances the assessment at the worst affected residential building obtained by subtracting the existing background noise level ($L_{A90,T}$) from the rating level $L_{A,T,r}$ of the noise sources associated with the operation of the service deck in normal operation, is not more than $L_{A90,T,-5dB}$ determined in accordance with BS4142:1997.

Where despite the employment of best practicable means, rating levels at the worst affected residential building are expected to exceed $L_{A90,-5dB}$ the nominated undertaker will prior to the commencement of the procurement of the materials for the noise attenuation canopy and/or the fixed plant to be provided within or under the canopy provide to Westminster City Council the following information:

- The calculated rating level at the most sensitive receivers under the range of operational modes anticipated.
- Details on the performance of the proposed noise attenuation canopy and/or other noise mitigation measures.
- A description of the limitations to any further mitigation being practicable.

*As defined in footnote 3 to Information Paper D25.

Departures Road

The Promoter is happy to offer the following assurance:

The Promoter undertakes that whether or not the whole of Departures Road is used for the carrying out of operations ancillary to the construction of the scheduled works, the whole of the Departures Road shall be treated, for the purposes of Paragraph 11 of Schedule 7 to the Bill as if it were so used.

Red Star Deck

My letter of the 1 May 2008 offered the following assurance under 'Point 8: Red Star Deck':

In developing the detailed design for the permanent arrangement for taxis the nominated undertaker will be required to follow the objectives of the Heathrow Express Act 1991 in making connections to the strategic road network at Bishops Bridge Road and will work with Westminster City Council to secure satisfactory arrangements for the junction operation.

Following our discussions, the above assurance has been altered and now reads as follows:

In developing the detailed design for the permanent arrangement for taxis the nominated undertaker will be required to follow the objectives of the Heathrow Express Act 1991 in making connections to the strategic road network and will work with Westminster City Council to secure satisfactory arrangements for the junction operation. The permanent taxi arrangements will, as far as reasonably practicable, comply with the Heathrow Express Act parliamentary undertaking.

The Promoter is happy to offer this assurance in this amended form.

Concrete Batching Plant

The Promoter is happy to offer the following assurances:

- 1 The promoter undertakes that, prior to the imposition of conditions for a batching plant to be reinstated in accordance with the provisions of Schedule 16 to the Crossrail Bill, it will consult Westminster City Council on any material changes to the form of the draft conditions as enclosed with the letter from Cross London Rail Links Limited to Westminster City Council dated 10 April 2008.
- 2 The promoter undertakes to place on the register of undertakings and assurances the assurances given in the letters from Cross London Rail Links Limited to Westminster City Council dated 10 April 2008 and 1 May 2008:
 - a) The promoter undertakes that in conditioning the temporary batching plant and the replacement batching plant the Secretary of State shall have regard to the draft conditions (enclosed with the letter from CLRL to Westminster City Council dated 10 April 2008) and to the relevant planning policies which support a viable rail-serving batching plant at Westbourne Park.
 - b) The promoter is not aware of any material consideration which might justify the Secretary of State deciding at the relevant time not to exercise their powers so as to impose the conditions in the form (enclosed with the letter from CLRL to Westminster City Council dated 10 April 2008).
 - c) The temporary batching plant and the permanent batching plant shall not operate simultaneously.
 - d) Current noise levels in the draft conditions shall be altered as appropriate to take into account the findings of any appropriate noise studies which shall be undertaken before the conditions are finalised.

General

I can confirm that the assurances offered in my letters of 1 May 2008 and those offered within this letter will be entered onto the next draft of the Register of Undertakings and Assurances.



In addition to the above assurances, DfT agreed with your authority the terms of an agreement on reimbursement of exceptional costs associated with Crossrail construction. Engrossments are currently being prepared by DfT's parliamentary agent. This agreement too will be entered onto the Register, once completed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Deaville', written in a cursive style.

Stephen Deaville
Petition Negotiator

cc Alastair Lewis – Sharpe Pritchard