

**The Independent Construction Commissioner HS2**

**EIGHTEENTH REPORT: QUARTER TWO  
2021**

**icc**

# **HS2 Independent Construction Commissioner: Eighteenth Report**

## **Introduction**

This is the Eighteenth Report of the Independent Construction Commissioner HS2 (ICC) and covers the second quarter of 2021 (1<sup>st</sup> April – 30<sup>th</sup> June).

## **Overview**

The number of complaints registered by HS2 Ltd steadied over the quarter.

The sharp rise over the first quarter, driven by the increase in works activity and by the attention achieved by the protestor action at Euston Square, levelled out. This may indicate that the project has reached a “base-level” of complaints, which will continue by the quarter, but with some variation on numbers and by area. The figures for the third quarter should give a stronger showing if this pattern is emerging but for the moment we should remain cautious.

Phase 2a remains relatively quiet.

The key issues across the route continue to revolve around traffic and road related matters, woodland, vegetation and wildlife issues and noise disturbance.

Again, it was not possible to make any site visits during the quarter, nor to meet in person with local communities, due to the Government’s continuing Covid-19 advice. However, this is now beginning to change and I am returning to making area visits along the line.

I continued to meet with individuals and with community groups on-line particularly in the Misbourne Valley area of Buckinghamshire and in the Euston area of London. Also, I had regular contact at all levels with HS2 Ltd and its contractors and with the Department for Transport. In addition, I was asked to give evidence to the House of Commons Public Accounts Committee.

## **Representations**

The ICC received 82 individual approaches (see Annex) during the 2<sup>nd</sup> Quarter which falls into line with the stabilising of HS2’s overall figures. Of these, 38 were issues raised with HS2 Ltd already but which the complainant thought the ICC should be aware of; 40 approached the ICC not having previously raised

matters with HS2 Ltd and thus had their cases referred; and 4 concerned matters outside the Commissioner's remit.

The ICC gave formal adjudication on the case raised by Staffordshire County Council on behalf of the residents of Hints in that county.

### **Small Claims Scheme (SCS)**

20 new claims were registered for the second quarter of 2021. Of these, 12 remain open and under investigation, 2 await further evidence from the claimants and 6 were rejected.

2 damage payments were made during the period

In total there have now been 118 applications, with 29 approved with some form of payment made, 27 remain open and 57 have been rejected. The total amount paid out has been £8018.25.

One appeal was under adjudication by the ICC under the Small Claims Scheme during the quarter.

### **Observations**

#### **Public Roads and Traffic**

Again, the largest number of issues raised with both the ICC and with HS2 Ltd were related to road and traffic issues.

Road closures and diversions are regular causes of concern for local communities. With careful management and effective engagement some of the worst effects can be mitigated.

In the Misbourne Valley area of Buckinghamshire, a weekend closure of the A413 was made easier due to engagement with and suggestions from the local communities in the area. This is a pattern I should like to see repeated when dealing with actions which present difficulties for local communities. It may sometimes be challenging to resolve some of the broader and bigger issues but working with communities and inviting their suggestions on practical points can only be to the advantage of the project.

I have also noted the continuing concerns of residents in the Old Oak Common area where road closures and the volume of traffic have created problems.

In addition, route-wide, there continue to be reports of large vehicles not following the approved routes. Contractors should regularly advise all hauliers and drivers as to the importance of following the guidance on these matters and act if there are breaches.

## Hints in Staffordshire

As previously mentioned, during the quarter the ICC adjudicated on a complaint brought by Staffordshire County Council. During the course of my considerations, I observed that a complaints process was perhaps not the best way in which to examine the precise meaning or intention of clauses contained within the Code of Construction Practice. Though I declined to give a definitive ruling on some of the issues involved in the complaint, I did offer all parties my opinion.

I have mentioned previously the difficulties of vehicle movements, often in rural areas, where the roads being used run through or close by residential areas. I have commented before that many rural roads are not ideal for the movement of large vehicles nor for the volume of overall traffic often generated in proximity to work sites.

In the case of Hints, I felt that there was insufficient direct evidence of breaches of regulations. However, I have considerable sympathy for residents who are being disturbed by traffic movements, especially early in the morning. I have asked HS2 Ltd to remind site operators of the terms of the Code of Construction Practice covering “working hours” and “set-up times”.

I would also like contractors to show more sensitivity in their approach to vehicle movements. The “spirit of the law” is as important as the “letter of the law” if we are being Good Neighbours. I will continue to monitor this issue and may need to return to it in future.

## Southam, Warwickshire

I have reported before on the problems resulting from the closure of the A425 outside Southam which caused lengthy detours for many local residents. Previously, I commented on the nature and timeliness of announcements made by HS2 Ltd and the contractors. However, I am delighted that the concerns of the local communities in the area and of their representatives registered fully and that the road is now open. A commonsense solution to a serious problem.

## Noise disturbance

I mentioned in my last report the importance of monitoring and the adherence to the pre-agreed construction noise regulations. As major piling works have now begun in several areas this is of great concern to those communities in proximity to the works.

I have also mentioned before the frustrations of many local people in the Euston area of London at the roll-out of noise insulation and ventilation measures. This was emphasised to me when I met with local representative groups.

I do understand some of the technical and logistical problems which HS2 and its contractors have experienced. However, this remains an issue which needs to be carefully monitored and where good engagement is crucial.

London Borough of Camden

Staying in the Euston area, I would like to touch upon the decision made earlier this year by the London Borough of Camden to offer to rehouse tenants of a number of residential blocks owned by the council in close proximity to the main works. These particular blocks had not been identified originally as properties which needed to be acquired for the HS2 project.

While there are discussions which are continuing on this matter between HS2 Ltd, Camden Council and the Government, I would urge all parties to be very aware of the position of leaseholders in these blocks. Many of them have expressed their concerns that they will be “forgotten” and that their properties may become blighted under future arrangements. I hope that they can be reassured.

I submit my report.



Sir Mark Worthington OBE

Independent Construction Commissioner HS2

August 2021

## Annex: Quarter 2 alerts, representations, and complaints

Total construction complaints received by HS2 Ltd for Phase One and for Phase Two A for the 2nd Quarter 2021

	South	Central	North	Two A	Non-Geographic	Total
April	57	57	21	7	3	145
May	55	57	28	0	5	145
June	72	46	22	0	0	140
Total	184	160	71	7	8	430

Representations received by the ICC for the 2nd Quarter 2021

	Alerts*	Referrals to HS2**	Not within remit***	Valid complaints****
2nd Quarter 2021	38	40	4	1
Total To Date	258	234	60	7

\*Alerts identified to the ICC already either under examination by HS2 Ltd or previously alerted to them.

\*\*Alerts not made to HS2 Ltd directly but referred to them by the ICC.

\*\*\*Alerts outside ICC remit but may have been referred to HS2 Ltd.

\*\*\*\*Valid complaints which fall under the ICC's remit to adjudicate.