

Report 7

This is the seventh and final report of the interim independent HS2 Construction Commissioner. It covers the period from 1 July - 30 September 2018.

Key findings and recommendations

- **2018/009:** Formal agreement should be reached with Network Rail on the use of the Small Claims Scheme for claims relating to on-network HS2 works.
- **2018/010:** HS2 Ltd should be wary of taking decisions that may cause problems in the future in trying to address technically challenging issues such as securing heritage consents for technical features of noise insulation.
- **2018/011:** The complexity and scale of the Euston noise insulation programme, and the number of specific additional requirements for individual properties result from time to time in a lack of clarity. This has hindered communication to individual householders.
- **2018/012:** Meanwhile, works likely to cause noise, particularly at night, need to be communicated clearly by Network Rail. Similarly, residents who have endured regular night-time disturbance from HS2 works on the railway will appreciate the reassurance provided by the project indicating periods in which work unlikely to generate significant night-time noise will be carried out. The lesson is twofold: improve communication of Network Rail works for HS2 to provide adequate notice of potential disturbance, and provide reassurance by indicating quiet periods.
- **2018/013:** HS2's Helpdesk needs to ensure that operatives working out of hours are empowered to contact site and project teams in the case of potential incidents or significant complaints such as might be caused by sleep disturbance. Systems are in place to address sources of disturbance through the HS2 Helpdesk (more so than Network Rail's national helpline), and they should be capable of being used.
- **2018/014:** Communication of how HS2 Ltd measures noise at the front of residential property also needs to be given some thought. The timely publication of noise monitoring data should help to provide reassurance; but it would appear that there is scope to communicate more clearly what this means.

To address an action from previous recommendations, HS2 is now undertaking analysis of the time taken to answer complaints by directorate.

Activity

Two complaints have been received and considered by the interim Construction Commissioner. Decision letters have been issued and a series of recommendations made to HS2 Ltd. Investigations took two months to conclude in each case; these cases involved a degree of mediation between the complainants and HS2 Ltd. Both complaints focused on issues of noise mitigation and concern at the impacts of works carried out for HS2 Ltd by Network Rail.

These complaints have come at the same time as a period of renewed dialogue with residents in the Euston area, and the interim Commissioner has continued to attend meetings of the Euston Community Representatives' Group and one subgroup, at the instigation of local residents. The interim Commissioner has prioritised these areas in terms of his overall workload this period; a series of meetings with HS2 have also taken place.

Complaints statistics during the period

The Commissioner's office received the following cases during the period covered by this report:-

	Enquiries/potential complaints	Valid complaints	Outside scope
This quarter	12	2	2
To date	38	3	9

As in the previous quarter, the majority of these came from the London Boroughs of Camden and Hillingdon. A number of enquiries and potential complaints have been received from members of the public in the Hillingdon area of the route that were not directed to HS2 Ltd's Helpdesk. The interim Commissioner enquired as to the reasons for this pattern and, as a result, a meeting is being arranged between residents' representatives and the Residents' Commissioner and Construction Commissioner.

HS2 Ltd received the following complaints during this period:-

	July 2018	August 2018	September 2018
Total complaints	39	27	25
Construction complaints	18	14	6
of which Phase 1	18	14	5

The majority of construction complaints come from the London Borough of Camden, reflecting the greater intensity of work in that area.

Seven claims were received by the Small Claims Scheme. Of these, three have been approved, three refused and one remains under consideration.

During the month of October the office and functions of the HS2 Construction Commissioner are being transferred to the permanent commissioner, Sir Mark Worthington.

Observations

The principal intrusive HS2 construction activities in recent months have comprised utility works, demolitions and works carried out by and on the assets of Network Rail. It is pleasing to note that to

date the interim Construction Commissioner had received no complaints with regard to utility works up to the end date of this report. It is also positive to note that what appears to be a positive response to occasional pockets of complaints on some (not all) parts of the route seem successful in avoiding further escalation and ill-feeling. The challenge for HS2 and its contractors is to extend this to all areas affected by its works.

The sixth report of the interim Commissioner addressed a number of points relating to noise insulation provision and the impacts of Network Rail works. Both aspects of the works are important and have the potential to affect a large number of residents, particularly in the Euston area on Phase One but elsewhere in future phases of the project. The programme of noise insulation in Euston is particularly challenging due to its scale, and the large number of listed buildings creates a further complicating factor that has added to delays and appears to have increased the number of noise complaints in the area during this particularly hot summer. The interim Commissioner has made a number of recommendations; those of routewide applicability are:-

- There is a risk that in trying to address technically challenging issues such as the process for securing heritage consents for technical features of noise insulation, HS2 Ltd takes decisions that may cause problems for residents in the future, requiring costly remediation. The project should be wary of this and conscious of the whole life cost.
- The complexity and scale of the programme, and the number of specific additional requirements for individual properties result from time to time in a lack of clarity. This has hindered communication to individual householders.
- Meanwhile, works likely to cause noise, particularly at night, need to be communicated clearly by Network Rail. Similarly, residents who have endured regular night-time disturbance from HS2 works on the railway will appreciate the reassurance provided by the project indicating periods in which work unlikely to generate significant night-time noise will be carried out. The lesson is twofold: improve communication of Network Rail works for HS2 to provide adequate notice of potential disturbance [as highlighted in recommendation 2018/008], and provide reassurance by indicating quiet periods.
- HS2's Helpdesk needs to ensure that operatives working out of hours are empowered to contact site and project teams, particularly when people call at night complaining of works causing sleep disturbance. Systems are in place to address sources of disturbance through the HS2 Helpdesk (more so than Network Rail's national helpline), and they should be capable of being used.
- Communication of how HS2 Ltd measures noise at the front of residential property also needs to be given some thought. The timely publication of noise monitoring data should help to provide reassurance; but it would appear that there is scope to communicate more clearly what this means.

The length of time it took to investigate the complaints was increased by a lack of timely information from Network Rail on the works it has been carrying out for HS2 Ltd. This is unacceptable and Network Rail needs to work with HS2 Ltd to provide a variety of information in a more timely fashion.

In addition, the issues raised by residents in the London Borough of Hillingdon are of concern. Previous reports and recommendations from the interim Construction Commissioner have focused on the need for HS2 Ltd to focus on how it addresses the needs of communities in terms of effective

engagement and responses to requests for information and [where applicable] complaints. As reported above, independent Commissioners are listening to these communities about how these issues can best be addressed, and will provide clear feedback about what HS2 Ltd and its contractors need to do, so an increased level of trust can be gained. Whereas the numbers of complaints recorded by HS2 Ltd from the borough remain relatively low, the number of enquiries received by the interim Construction Commissioner makes it clear that there are a number of issues to be addressed by HS2 Ltd. Again, it must be stressed that new complaints must be brought in the first instance to the HS2 Helpdesk, as the Construction Commissioner's office cannot investigate complaints before they are brought to the attention of the project.