

The Independent Construction Commissioner HS2

**SEVENTEENTH REPORT: QUARTER ONE
2021**

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HS2 Independent Construction Commissioner: Seventeenth Report

Introduction

This is the Seventeenth Report of the Independent Construction Commissioner HS2 (ICC) and covers the first quarter of 2021 (1st January – 31st March).

Overview

The number of complaints registered by HS2 Ltd rose again over the quarter as the project moves more fully into its main works programme.

January was relatively quiet reflecting the low level of activity over the Christmas and New Year periods. There was a strong rise in complaints in Area South in February but in Areas Central and North complaints stabilised and fell in comparison to previous figures. Again Phase 2a remains relatively quiet.

The key issues revolved around traffic and road related matters, woodland, vegetation and wildlife issues and noise disturbance.

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. Hopefully the planned lifting of restrictions from June 21st will mean a return to near normality.

During the period I met with the HS2 Collaboration Board, the Contractor Forum and the Environmental Health Subgroup along with my regular contacts with the company. I had a number of meetings with community groups in the Misbourne Valley area of Buckinghamshire and in the Calvert area in the same county.

Representations

For the 1st Quarter, the ICC's office received 86 individual approaches (see Annex) a rise from the 74 of the previous quarter. 19 of these were issues raised with HS2 Ltd already but which the complainant thought the ICC should be aware of; 49 approached the ICC not having previously raised matters with HS2 Ltd and thus had their cases referred; 12 concerned issues where it was thought the ICC should be aware but were not for passing on to HS2; and a further 6 concerned matters outside the Commissioner's remit but were referred to HS2 Ltd for response or action.

In addition, a complaint appeal was formally lodged in the quarter following mediation by the ICC in the previous quarter. Some elements of the complaint had been resolved during the mediation process but certain elements remained outstanding. The complaint was raised on behalf of a community in South Staffordshire and revolved around the interpretation of the Code of Construction Practice and noise disturbance.

Small Claims Scheme (SCS)

During the first quarter of 2021, 25 new claims were lodged under the scheme. Of these, 16 remain open, no settlements were made by JV insurers and 9 were rejected. No monies were paid out from the scheme during the period.

In total there have now been 98 applications, with 23 approved with some form of payment made, 32 remain open and 43 have been rejected. The total amount paid out has been £5949.73.

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

Observations

Public Roads and Traffic

The largest proportion of complaints coming to the ICC involved road and traffic related complaints.

Complaints connected to mud and debris on road surfaces, issues I have highlighted previously, have declined as contractors introduced measures to tackle this problem. However, this will remain an active issue throughout the construction period.

Road closures and diversions have become matters of increasing concern. There are particular issues in the Calvert and the Misbourne Valley areas of Buckinghamshire which need careful management.

Driver behaviour and consideration for others must be a high priority. Hauliers must keep to the approved routes and observe full road-safety. Particular care needs to be taken by drivers in rural areas when travelling through villages. Speed limits apply to all vehicles but HGV's can be particularly intimidating in a rural setting and this needs to be born in mind.

Southam, Warwickshire

Previously, I have mentioned the problems resulting from the closure of the A425 outside Southam which caused lengthy detours for many local residents. Local alarm and anger was expressed at both the period of the closure (initially nine months) and the short notice of the closure given by HS2 and its contractors. Further concerns were raised when plans were discussed to extend this closure by many months. I am delighted that HS2 Ltd listened to those concerns and that the road will re-open close to the original schedule.

Accepting that there may be the need for some closure in the future, nonetheless it will come as a great relief to the people of Southam and the surrounding area.

Wildlife and Vegetation Clearance

These subjects regularly rate highly in the complaints process. I have commented previously on Jones Hill Wood near Wendover and the Harvil Road area of the Colne Valley. Protest action in Euston Square Gardens in London was a high profile news story during the quarter. The arrival of outside environmental activists in any area can be of great concern to local residents. It is important that HS2 Ltd and the contractors continue to keep the local communities as widely informed as practicable as to their plans and the underlying reasoning behind them. However, I also recognise that the protest groups make such plans information-sensitive.

Noise disturbance

With major works now firmly under way construction noise is again a considerable issue for many residents, especially in the London area.

The monitoring of and adherence to the pre-agreed construction noise regulations will be crucial in the coming months. This is further complicated by the need of many people to work from home over the last year and the trend which this might establish. With the summer months upon us there will be a real challenge here for HS2 Ltd.

The roll-out of noise insulation and ventilation measures, particularly in the London Borough of Camden remains an issue of concern. The teams are working hard to return to schedule following the difficulties imposed on the scheme over the past fourteen months but I am concerned that major works are now nearing full-tilt in areas where progress on these schemes needed to be much further ahead.

Stoneleigh Park National Agricultural and Exhibition Centre

To conclude on a positive note, I would like to thank HS2 Ltd and its contractors for their consideration in the Stoneleigh Park area of Warwickshire over the past few months. Major construction work was due to begin on land acquired from the park and in the adjacent area. However, early in the year the park was designated as a main regional Covid-19 vaccination centre. With thousands of vehicles heading to the park and with local roads being used for heavy construction traffic there was the potential for considerable disruption. I welcome the fact that HS2 Ltd speedily scaled back their own plans, even though this will have time and cost implications, in order to ensure a smooth flow of traffic on to the site and minimum disruption to those attending these essential appointments.

I submit my report.

Sir Mark Worthington OBE

Independent Construction Commissioner HS2

May 2021

Annex: Quarter 1 alerts, representations and complaints

Total construction complaints received by HS2 Ltd for Phase One and for Phase Two A for the 1st Quarter 2021

	South	Central	North	Two A	Non-Geographic	Total
January	28	37	16	0	5	86
February	170	63	17	1	5	256
March	64	69	23	1	2	159
Total	262	169	56	2	12	501

Representations received by the ICC for the 1st Quarter 2021

	Alerts*	Referrals to HS2**	Not within remit***	Valid complaints****
1st Quarter 2021	31	49	6	0
Total To Date	220	194	56	6

*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.