

March 2020



# HS2 Residents' Commissioner

Report 13 – March 2020

# Summary

**Since my last report, the Oakervee Review of HS2 has been published and the government has responded in support of the project; the Phase 2a hybrid Bill (which was delayed by the December 2019 General Election) will shortly resume its passage into the House of Lords; and the detailed design on Phase One has continued, with Notice to Proceed appearing to be imminent. On Phase 2b, further work is to be undertaken on the line of route, which has delayed publication of the outcome of the design refinement consultation that took place last year.**

**My focus remains on the property schemes, both discretionary and statutory, and on community engagement communications, with the emphasis on improving these areas wherever possible. In particular this report will focus on HS2 Ltd's response to my recommendations on the user experiences of the discretionary property schemes, and on some of the key messages arising from recent meetings I have attended with community representatives in Phase One. HS2 Ltd's stakeholder and community engagement was noted as an area for improvement in the Oakervee Review.**

## **My recent actions include:**

- Meeting with representatives of various communities affected by HS2 in Phase One;
- Meeting with the National Farmers Union (NFU) and the Central Association of Agricultural Valuers (CAAV);
- Considering the information to be made available on the long-awaited Prolonged Disruption scheme and the Settlement Deeds scheme.

# The property schemes

**I have continued to monitor the discretionary schemes and to look for ways in which to improve their accessibility to those who qualify for them.**

## **Phase One, Phase 2a and Phase 2b: Express Purchase zone**

The Express Purchase (EP) zone applies to some properties in the surface safeguarded area. All those affected who may be eligible should already be aware of their entitlement. People who live in this area and satisfy residency requirements can serve a blight notice on the government.

As of 28 February 2020, 738 blight notices have been accepted, and a further 10 are being assessed. Safeguarding on some areas of Phase 2b was delayed pending the outcome of the Oakervee Review and the awaited response from the government. This has caused issues for some individuals who are still not able to benefit from the Express Purchase scheme.

### **Express Purchase**

Express Purchase will continue to operate until the HS2 programme requires properties to be acquired. Property acquisitions on Phase One are taking place in increasing numbers under the Compulsory Purchase Order process.

New guidance has also been published on the Compulsory Purchase Order process on claims for the temporary possession of land, and on claims for surveys being undertaken. These have been issued to the NFU and CAAV for affected parties, and I urge HS2 Ltd to publish this new documentation on its website as soon as possible.

## **Phase One and Phase 2a: Rural Support Zone**

The Rural Support Zone (RSZ) is the area outside the surface safeguarded area and up to 120m from the centreline of the new railway in rural areas.

As of 28 February 2020, 763 applications had been received, of which 650 have been accepted and 12 are being assessed. Of these, the majority (605 to date) continue to come from Phase 2b. On average, applicants will receive a decision on their application within 28 working days and are then able to make their own plans accordingly.

The number of applications to this scheme has reduced recently, most likely as a result of the Oakervee Review. This has enabled the team to clear any backlog and process those claims received in a timely fashion.

## **Phase One, Phase 2a and Phase 2b: Need to Sell**

The Need to Sell (NTS) scheme is open to owner-occupiers who can demonstrate that they have a compelling reason to sell their property but have not been able to do so – other than at a substantially reduced price – as a direct result of the announcement of the HS2 route.

As of 28 February 2020, 889 applications had been received, of which 327 have been accepted and 46 are waiting for a decision. Of the 889, there are 679 unique cases, meaning that 210 of the applications are re-applications by unsuccessful applicants. The percentage of applications accepted currently stands at 47% of the individual cases submitted.

Take-up of the scheme has slowed in recent months.

## **Phase One: Homeowner Payments**

The Homeowner Payments (HOP) scheme was introduced in March 2017 for owner-occupiers of properties within 300m of the centreline for the Phase One route, following the grant of Royal Assent for Phase One.

Uptake of the scheme has been good and, as of 28 February 2020, 881 applications had been received, of which 772 have been accepted. There has been a consistent take-up along the line of Phase One with applications from along the full length of the HOP zone.

# Property schemes – general

## Non-statutory property schemes review

A number of areas are under review by the Department for Transport (DfT) and changes to the schemes will be introduced as and when they are agreed. An example of the areas currently under review is the consideration of the status of both houseboats and mobile homes which currently do not qualify within the definition of owner-occupiers for the discretionary schemes but which may lie within the zones for the HOP scheme.

## User experience

I have continued to monitor HS2 Ltd's response to the recommendations contained in my report of March 2019. I am extremely pleased to report that, in the main, these recommendations have been implemented and the results are now apparent. By way of demonstration, formal complaints about the service provided by the HS2 Land and Property team dropped from almost 100 in 2018 to less than half that figure in 2019; the number of issues raised by members of Parliament on behalf of their constituents to the chief executive officer or the HS2 chairperson dropped by a similar percentage; and the number of individuals raising concerns directly with me on land and property issues has also significantly reduced.

## Information

The information provided under each scheme was generally felt to be helpful, albeit lengthy and complex to follow.

### Recommendation I

HS2 Ltd should strive to achieve the Crystal Mark for Plain English, or a similar accreditation, on its property scheme guidance material, as has been recently achieved on the HS2 complaints leaflet.

### Action

Completed – All of the property guidance material has been crystal-marked, a significant achievement for complex documentation with legal implications.

### Recommendation II

The HS2 website should be restructured for the property schemes to make it easier to navigate and use. As an example, all documentation relating to the EP scheme should be available under that heading.

**Action**

Ongoing – This is taking considerably longer than anticipated. HS2 Ltd needs to ensure that the resources are available to deliver this recommendation promptly as the website relating to the property schemes is complex, difficult to navigate, and not at all user-friendly.

**Recommendation III**

HS2 Ltd should make more opportunities available for any directly affected property owners to discuss their individual cases with HS2 Land and Property.

**Action**

Ongoing – This is ongoing, together with briefings to new line-of-route MPs.

**Acquisition process**

The overall length of time for the acquisition process to be completed varied substantially, depending on the scheme. However, almost without exception, the length of time exceeded the applicant's expectations.

Separately, the EP scheme received extensive criticism because of the length of time it takes for a property to be negotiated and acquired.

**Recommendation IV**

HS2 Ltd should investigate whether any IT could be introduced to track the progress of applications by users.

**Action**

Ongoing – An enhanced IT-based case management system is in development and is planned to be introduced during 2020 to help in the processing of claims and the management of all cases across the statutory and discretionary property schemes. This will provide better information to case managers and acquisition agents, which in turn will improve the feedback of information to applicants and their agents. This is now awaiting the go-ahead for procurement and HS2 Ltd must take action to introduce this without further delay.

Furthermore, additional changes have taken place within the overall end-to-end process to streamline interactions between HS2 Ltd, DfT and the company's solicitors. This has resulted in a reduction in the time taken for each element of the transaction once an offer has been accepted.

**Recommendation V**

HS2 Ltd should consider whether a streamlined valuation process could be offered to applicants of the EP scheme.

**Action**

Ongoing – DfT and HS2 Ltd are jointly exploring an option for a more streamlined valuation process, similar to that for

the NTS and RSZ schemes, and that work is under way on this issue. It would be beneficial if this could be brought in at the earliest opportunity to help new applicants to the EP scheme.

## **Support**

### **Recommendation VI**

All HS2 Land and Property staff who are primary contacts for applicants should receive appropriate customer-facing training to support all applicants through the acquisition process for the property schemes.

#### **Action**

Completed – I am pleased to note that HS2 Land and Property has a training programme, including customer-facing training, for the current financial year, which all staff will have received by the end of March 2020.

### **Recommendation VII**

All primary contacts should retain proactive management of their cases until completion.

#### **Action**

Completed – This is in place. The case management system will enable better overall control of cases, with early warning systems for any cases which may miss key target dates.

## **Third-party agencies**

### **Recommendation VIII**

HS2 Ltd should seek to standardise expected performance guidelines for all standard elements of its acquisition process, including initial valuation reports and property building surveys, and actively monitor its agents' performance against these indicators.

#### **Action**

Completed – Overall key performance indicators (KPIs) are in place for specified activities by HS2 Ltd's external suppliers.

## **Conveyancing process**

One element shared by all those participating in one or other of the discretionary schemes is the conveyancing process.

### **Recommendation IX**

HS2 Ltd should publish the steps required within the conveyancing process so that those using the schemes are aware of the requirements and can plan their related purchases accordingly.

### **Action**

Completed – A booklet on the conveyancing process has been prepared for the discretionary schemes. This is now in use and will be sent out with all valuation offers to the applicants and their solicitors to ensure that as much information as possible is made available to help applicants plan their house move. This was recently added to the website and can be found at:

<https://www.gov.uk/government/publications/hs2-property-schemes-between-london-and-the-west-midlands>

### **Recommendation X**

HS2 Ltd's primary contact with the applicants should communicate regularly with the users to keep them appraised of the process and help them to manage their requirements on completion dates.

### **Action**

Ongoing – The new case management system will provide HS2 case managers and the acquisition agents with enhanced information of the process and the applicant's journey within it, enabling them to proactively monitor each case and minimise delays as far as possible. It also ensures that there can be a high-level oversight of each case by HS2 Land and Property senior management so that any issues can be identified and acted upon.

I am continuing to survey those who have recently completed the sale of their properties to HS2 Ltd to monitor ongoing performance.

### **Advance payments**

Work needs to continue to consolidate all of the actions that have taken place, and to build on these going forward, particularly given the pressures expected in 2020 as land assembly on Phase One nears completion. Concerns regarding advance payments for land taken continue to be raised, and I would encourage HS2 Ltd to make a standardised document readily available that sets out the requirements to facilitate the payments. I would also urge those wanting to claim advance payment to ensure that their agents provide the fullest and most accurate information available, as payment can only be made on receipt of this information.

### **Recommendation**

HS2 Ltd should review its documentation to provide a standardised form of claim for advance payments.



## Urban Compensation/Prolonged Disruption scheme

During the passage of the Phase One Bill through Parliament, the House of Lords Select Committee recommended the provision of improved compensation to households in close proximity to prolonged HS2 construction activity.

HS2 Ltd has been developing a scheme for some time in order to deliver on this recommendation, and this policy was finally launched at the end of August 2019.

Further information can be found here:

<https://www.gov.uk/government/publications/hs2-prolonged-disruption-compensation-scheme>

It is very disappointing that, six months later, HS2 Ltd is no further forward in producing the detail on this scheme for those affected. Whilst the company continues to state that compensation will be available before the start of construction, those who are currently or potentially impacted should be given the opportunity to understand the options which may be open to them, especially as these include the possibility of moving out of their own homes for a period of time.

### Recommendation

HS2 Ltd needs to make further guidance available without further delay.

## Settlement Deeds

In Information Paper E23, and the more user-friendly High Speed Two (HS2) Guide to Settlement, HS2 Ltd refers to the impact that tunnelling will have on property from the construction of the tunnels and the operation of the trains. The paper sets out the company's approach to monitoring and measuring any settlement which may occur, the mitigation measures it will take to minimise any impacts, and the legal deed which it is offering to homeowners.

As with the Prolonged Disruption scheme, it is very disappointing that, six months later, HS2 Ltd is no further forward in producing the detail on this scheme for those affected.

### Recommendation

HS2 Ltd needs to make further guidance available without further delay.

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## Community engagement

In addition to attending engagement events across the line of route, the Independent Construction Commissioner and I have been meeting with representatives of different communities on Phase One, at their request, to discuss the impact of HS2, their views of the company HS2 Ltd, and its community engagement approach. These meetings have continued. I am also mindful of the comments made in the Oakervee Review and by the Prime Minister in giving his support for the project to proceed.

Much extremely good community engagement work has already taken place, with the number of opportunities to meet with members of the teams at its highest-ever level; this has been provided by drop-in sessions, subject-specific briefings to communities, parish and local councils, design refinement events, and many others. It was therefore disappointing to read in the Oakervee Review that stakeholder engagement needs to be improved.

### Keeping communities informed

Part of my remit is to focus on the complaints received by HS2 Ltd on land and property and community engagement matters. As noted earlier, the number of service-related complaints on land and property matters significantly decreased during 2019, and I hope that this trend will continue through better communication, more transparency and greater effort to make the property schemes as user-friendly as possible.

Notwithstanding this positive news, the same cannot be said for the number of comments and complaints about community engagement matters. The majority of these relate to construction issues and the Independent Construction Commissioner is best placed to comment on these. His latest report can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/829977/Independent\\_Construction\\_Commissioner\\_-\\_Report\\_10\\_Q2\\_2019\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/829977/Independent_Construction_Commissioner_-_Report_10_Q2_2019_.pdf)

However, after reading Mr Oakervee's comments on stakeholder engagement, I have been reflecting on the causes. I commented in my last report about the need for openness and honesty by HS2 Ltd. As I perceive it, there is an issue between the expectations of the communities affected by HS2 and the construction impacts of the project which are an unavoidable part of it. Some of the email complaints which come to HS2 Ltd and also directly to me concern HS2 Ltd's commitment to be a good neighbour.

One of the most recent examples of this concerned a temporary road closure, when HS2 Ltd did ensure that proper advance notice was provided to all parties, including the emergency services and local residents. Unfortunately however, an ambulance driver did try to access the closure over the weekend, which was filmed. This in turn caused great concern and generated multiple complaints from the public. This incident has been represented to me in the strongest possible terms as a demonstration of HS2 Ltd not acting as a good neighbour.

HS2 Ltd had notified the relevant parties, including the emergency services representatives and the local highways authority, as well as providing the correct signage. Although it was extremely unfortunate that this particular ambulance driver was not aware of the road closure, it does not make the company a bad neighbour. As Mr Oakervee noted, the construction of the railway line will severely impact local communities up and down the line of route.

However, where HS2 Ltd needs to improve its actions is in communicating changes to those affected. The Oakervee Review mentioned the impact of work sites, and a particular incident was brought to my attention as an example of HS2 Ltd changing its mind and not communicating the matter properly. The incident was not helped by delays in responding to the affected party, by confusion over locations and work sites as maps were not clearly referenced and marked up, and by an attempt to deal with the matter entirely by correspondence. This clearly demonstrated poor community engagement, which could have been solved by a proactive community engagement manager picking up the telephone to discuss the issue, or by visiting the impacted party.

### **Recommendation**

All individual work sites should be clearly and individually identified, preferably with a number, so that all parties know that they are referring to the same place. All work sites should also clearly display the HS2 Ltd enquiries line.

### **Local knowledge**

Mr Oakervee mentioned that community engagement managers must know their patches, a point with which I concur and have raised in the past. However, what also needs to be better recognised by HS2 Ltd is that the community engagement teams are there to represent the communities' interests within the company. They must be included in all business decisions so that the views and needs of communities can be properly considered as part of the overall decision-making process. Communities need to

understand the “how” and “why” and not just the “what” and “when” of construction.

A further element of this is that there must be sufficient numbers of staff in place to respond to community queries. I have met a significant number of HS2 community engagement staff, and without exception they are keen, hard-working and trying to do the best for those affected. But the sheer scale of this project means that a significant number of staff are needed to provide exemplary community engagement.

### **Recommendation**

HS2 Ltd needs to demonstrate that it is listening to the voice of the community engagement teams within the decision-making process. It also needs to reflect upon the staffing levels available in Phase One as the project moves into construction to ensure that the company meets the engagement needs of the affected communities.

### **HS2 community commitments**

Part of the Residents’ Charter contains the 10 community commitments made by HS2 Ltd. A bi-annual progress report records HS2 Ltd’s progress against each of these commitments, and the most recent version can be found here:

[https://assets.hs2.org.uk/wp-content/uploads/2019/10/31181948/23657-CE-6-month-report\\_Jan-June2019\\_v9.pdf](https://assets.hs2.org.uk/wp-content/uploads/2019/10/31181948/23657-CE-6-month-report_Jan-June2019_v9.pdf)

Some individuals have questioned the benefit of the progress report, but because HS2 Ltd has pledged to keep its progress against its commitments under public scrutiny, in publishing the report it is both fulfilling its obligations and making other individuals and communities aware of those activities which can and should take place. These include the Community and Environment Fund projects which are open to communities along Phase One of the line of route, and which will be extended to other phases on receipt of Royal Assent; the Growing Spaces projects for building mini-allotments in schools; and the Playing it Safe workshops for primary school children to reinforce the dangers present on construction sites.

I do not intend to focus on the detail of these reports; however, it is worth noting that the number of formal complaints about service-related issues within HS2 Ltd significantly decreased in 2019 when compared with 2018. While much of this reduction was due to the additional and beneficial work undertaken by the Land and Property team, an improvement was also noted across the board, supporting

the view that the installation of the new Helpdesk Enquiries team was starting to pay off.

From observations at meetings held between HS2 Ltd and community representatives, it is apparent that the appointment of an independent chairperson would be of benefit to both parties. As the project moves into the implementation phase, it is likely that there will be more conflicts between the communities affected by the construction of the railway and those undertaking the works. An independent chairperson would bring impartiality to the meetings as well as acting as a conciliatory influence should conflict arise. It has operated very successfully in the Euston Community Representatives Group meetings and I believe it would translate well to other similar meetings.

### **Recommendation**

HS2 Ltd should consider appointing an independent chairperson to attend meetings between HS2 Ltd and community groups as required.

### **Next steps**

I will be attending a number of engagement events in the next quarter across all three phases of the route.

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