

**The Independent Construction Commissioner HS2**

**FIFTEENTH REPORT: Quarter Three 2020**

**icc**

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

## **Introduction**

This is the Fifteenth Report of the Independent Construction Commissioner HS2 (ICC) and covers the third quarter of 2020 (1<sup>st</sup> July – 30th September).

## **Overview**

Covid-19 continues to have a major impact upon the project and upon individuals and communities along the route. Although the number of complaints about working practices has declined it is important to remember that many individuals are finding the current situation difficult and that contractors should continue to be sensitive to such concerns.

Over the summer there has been a noticeable increase in works along the route as we move towards main construction and the level of complaints reflect this particularly in Area Central. As the ICC's role has been extended to cover Phase 2A I shall be including these figures for the first time also.

It was not possible to make any site visits during the quarter but video conferencing has been an invaluable tool in maintaining contact with communities along the line. I am very grateful to all those who have acted as my "eyes and ears" during these troubled times. When it has not been possible to see physically what is happening they have been invaluable to keeping information flowing.

I would also like to commend the work of HS2's engagement and online teams in meeting the challenge of restricted contact with the public. The development of new, innovative tools has ensured that the public have been kept informed to the best possible level. It may not be the equivalent of direct contact but it is hugely important.

Adapting to the changed circumstances I continue to raise cases on behalf of individuals with HS2 and to give broader guidance to the company and to the Department for Transport.

## **Representations**

For the third quarter, the ICC's office received 49 individual approaches (see Annex). Of these, 11 were issues which had already been raised with HS2 Ltd but which the complainant thought the ICC should be aware of; 32 approached the ICC not having previously raised matters with HS2 Ltd and thus had their

cases referred; two raised general issues of policy, or other matters, which fell outside the jurisdiction of the ICC; three concerned matters outside the Commissioner's remit but were referred to HS2 and one was a clarification issue.

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

During the third quarter of 2020, 15 new claims were lodged under the scheme. Of these, six remain open, two are awaiting further information from the claimants, two were settled by JV insurers and five were rejected. Though no monies were paid out during the period under the scheme itself three further cases were settled separately with goodwill payments from either HS2 or one of its contractors.

In total there have now been 59 applications, with 20 approved, 14 still open and 25 rejected. The total amount paid out has been £5829.73.

No claims required further action by the ICC under the Small Claims Scheme during the quarter.

### **Observations**

#### Noise insulation and ventilation

I welcome the efforts that HS2 has made to prioritise the cases of those who are facing serious and imminent impact in the Euston area. Covid-19 and difficulties with former contractors have delayed the installation programme. HS2 has made great efforts to return to schedule and to target those most in need. I am grateful for the weekly updates provided to my office and I hope that we are very near to completing the earliest stage. There is still considerable work to be done in the London Borough of Camden and I know that the company is working with the Council to try to resolve the next stage of issues. The uncertainty surrounding this matter is causing considerable concern among residents who are uncertain as to their futures. I urge both the Council and HS2 to reach a swift conclusion.

#### Public Road Use and Debris

Traffic related complaints are registering a steady rise. An important part of HS2's commitment is to be a "good neighbour". The growth in the number of active construction sites and the movement of spoil and other materials will have knock-on effects for the condition of local roads. Road cleaning, particularly in the vicinity of site entrances, will be of increasing concern in the winter months and it is vital that contractors keep their arrangements under performance review. Particular attention needs to be paid in and around the

London Borough of Hillingdon where there have been a number of reported incidents.

Many rural locations have very little experience either of large volumes of traffic or of very large vehicles. Consequently, the impact of either can seem disproportionately invasive. HS2 must emphasise to all its contractors that local communities need to be kept fully informed on traffic matters. There may be security arguments attached to vehicle movements but as much information as possible should be made available locally.

#### Road closures and planning

A number of communities and local authorities have raised the need for greater strategic consultation where road works or road closures are being planned. People have expressed concern at what they feel is a piecemeal approach taken by HS2 contractors. I would urge HS2 to provide the strategic overview for current and future works so that multiple individual closures do not compound overall traffic problems and to develop improved systems for working with local traffic authorities.

#### Working Hours

A number of issues have arisen connected to working hours. The rules governing what is permitted and when are quite clear. So are the exceptions. However, I would be very disappointed if there occurred any considerable slippage in practice for whatever reason. The rules are there to protect the public. I have received reports of tree clearance taking place outside "normal" hours. I shall continue to monitor this issue but I would expect HS2 to remind contractors of their "good neighbours" commitment.

#### Burton Green and Southam, Warwickshire

These two communities faced and are facing considerable problems as a result of HS2 works. Both concern road closures and the way in which communities were informed of HS2's intentions.

Significant road closures are months in the planning often requiring substantial design and build preparation. Where HS2 anticipates considerable disruption it should make local communities aware at the very earliest stage and then work with them to try to find any mitigating arrangements which might be put in place.

In the case of Burton Green it was announced that the single road through the village was to be closed for four months with less than four weeks' notice. This action effectively cut the community in half.

In the case of Southam, it was revealed that the A425 was to be closed for nine months with even less notice.

Where HS2 knows far in advance of the need for such closures it would be a better approach to make local communities fully aware of what is to come. In both cases I do not find “last minute” notices acceptable practice and I would hope that the company would look seriously at the lessons to be learned.

I conclude my report.

Sir Mark Worthington OBE

Independent Construction Commissioner HS2

November 2020

### **Annex: Quarter 3 alerts, representations and complaints**

Total construction enquiries/complaints received by HS2 Ltd for Phase One and for Phase Two A for the 3rd Quarter 2020

	South	Central	North	Two A	Total
July	22	27	30	0	79
August	88	27	33	3	151
September	38	52	31	1	122
Total	148	106	94	4	352

## Representations received by the ICC for the 3rd Quarter 2020

	Alerts*	Referrals to HS2**	Not within remit	Valid complaints***
3rd Quarter 2020	11	35	3	0
Total To Date	160	110	45	5

\*Alerts identified to the ICC already under examination by HS2 Ltd

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

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