

December 2020



HS2 Residents' Commissioner

Report 14 – December 2020

Summary

Since my last report, Notice to Proceed has been awarded to HS2 Ltd for Phase One; the Phase 2a hybrid Bill has concluded its passage through the House of Lords Select Committee on a virtual basis; publication of the design refinement consultation for the Phase 2b western leg has taken place; and on the Phase 2b eastern leg, the National Infrastructure Commission is considering the integrated rail plan for the Midlands and the North, which will potentially impact the final proposals for this leg of the railway.

Note that the ongoing Covid-19 pandemic has changed the way that information is being provided to all those affected by HS2.

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 this report, I will concentrate on the work I have been undertaking for the HS2 minister, Andrew Stephenson MP, as part of his Land and Property review.

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.

As a general observation, applications to all schemes have been considerably lower since March because of the pandemic. This has also led to delays in the completion of a number of transactions where applicants were shielding or self-isolating, or where inspections could not be completed. In all cases, I have been advised that HS2 Ltd case officers have been in regular contact with applicants. These limitations have started to ease and a number of completions are scheduled to take place in the next month.

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 31 October 2020, 750 blight notices have been accepted, and a further 6 are being assessed.

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, although this too was halted for a time under the Covid-19 restrictions.

New guidance has also been published on the Compulsory Purchase order process, on claims for temporary possession of land, and on claims for surveys being undertaken.

Information on these can be found here:

<https://www.hs2.org.uk/documents/collections/claiming-compensation-if-you-receive-a-notice-phase-one/>.

I welcome this additional guidance for land owners.

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 31 October 2020, 780 applications had been received, of which 677 have been accepted and 15 are being assessed. Of these, the majority (623 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.

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 31 October 2020, 922 applications had been received, of which 332 have been accepted and 18 are waiting for a decision.

Take-up of the scheme has slowed in recent months; however, a number of outstanding cases have now been concluded as NTS panel meetings were able to continue in virtual form. The NTS team made considerable efforts to keep the scheme running during the pandemic, and I commend their determination to ensure that applicants continued to have their cases heard throughout.

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. The HOP scheme was designed to share the benefits of the railway with homeowners who may not be able to benefit directly from the railway after it has been opened for public use, because they do not live close to the stations. It was not designed to compensate homeowners for any potential impacts resulting from the pre-construction works or the construction and/or operation of the railway.

Uptake of the scheme has been good and, as of 31 October 2020, 909 applications had been received, of which 771 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.

With Royal Assent anticipated in the New Year on Phase 2a, the Department for Transport (DfT) as policy holder has recently published the new rates for the HOP scheme which will be applied to all those on Phase 2a and to any new or pending applications on Phase One (subject to Royal Assent being granted). Further details can be found here:

<https://www.hs2.org.uk/documents/homeowner-payment/>



Property schemes – general

HS2 minister's review

Since the HS2 minister, Andrew Stephenson MP, was appointed in February 2020, he has become aware of a number of Land and Property cases which, for a variety of reasons, have stalled in negotiation or otherwise failed to progress. As a result, he has been undertaking a wide-ranging review of the HS2 Land and Property schemes, with a particular emphasis on learning lessons from the Phase One acquisitions and improving the user experience for future applicants.

As part of this review, I undertook a 'deep-dive' into the operation of the Express Purchase scheme to better understand where frustrations can originate and to make further recommendations for improvement. Some of these recommendations are minor and build upon previous ones, while some are more major and seek to change the nature of the scheme, moving it from a largely adversarial process to a simpler, more time-bound transaction.

The recommendations are based upon the current fully negotiated settlement approach that has been taken to date. They do not reflect the changes currently under consideration, whereby vendors can opt for an RICS Red Book valuation approach similar to that for the Rural Support Zone and Need to Sell schemes, together with a fixed-sum disbursement offer. These changes were recommended in an earlier report in April 2019, and I am pleased to note that they have been included in the minister's review.

A number of my other recommendations also appear in the minister's review. Although these are primarily concerned with the Express Purchase scheme, some of them have implications for the other discretionary schemes, particularly where they focus upon the performance of suppliers and sub-contractors, improvements to case management, and support for the online customer portal.

As a result of the review, I have also been asked to extend the remit of my role to include the following tasks:

- To undertake further surveys of customers' user experience. This will involve asking for feedback from anyone who has recently sold their property to HS2 Ltd under any scheme, in order to discuss their experiences and seek suggestions for improvement to the current processes. Such feedback proved invaluable in 2018, providing hard evidence from users in support of a number of recommendations. I welcome the opportunity

to talk directly to affected residents about their experiences.

- To consider virtual community forums. These will expand upon meetings that were held prior to the pandemic, enabling me to discuss issues and concerns directly with residents groups. A number of these meetings were previously held in conjunction with the Construction Commissioner, as certain issues tend to overlap our joint areas of responsibility.
- To settle smaller-value disputes. In a role similar to that of the Construction Commissioner, I would assist via a small-claims-type scheme in the settlement of smaller-value cases that had become entrenched (e.g. claims for personal time under the Express Purchase scheme, where both sides were struggling to reach agreement). The details have yet to be finalised, and further information will be available in due course.

Progress on earlier recommendations

I have continued to monitor HS2 Ltd's response to the recommendations contained in my report of April 2019.

There were two outstanding recommendations.

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

I am pleased to note that this has been completed. The property pages are easier to navigate and better laid out, with the documentation for each scheme being made available in one place. If any aspects of the website are not working correctly, please do respond either to me or directly to the HS2 Ltd enquiries line.

Recommendation V

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

Action

Following considerable work by DfT and HS2 Ltd, this has now been included within the minister's Land and Property review and will be taken forward as one of the recommendations.

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.

The government's response was as follows:

74. The Government will develop and bring into effect in a timely way a scheme of compensation for that purpose. The purpose of the scheme will be to provide a fair and proportionate remedy for the effects of severe and prolonged noise and disturbance resulting from the construction of HS2. Such a scheme will take into account the mitigation provided by noise insulation measures and will reflect the difference between construction disturbance in urban areas and permanent operational impacts in rural areas.

75. The scheme will be founded upon a clear and objective eligibility criterion or criteria tailored to its intended purpose. The Government will ensure that the scheme is fair, reasonable and proportionate, in the spirit of the strong recommendation of the Select Committee.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583784/government-response-to-the-select-committee_s-special-report-web-version.pdf

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

I am pleased that the additional guidance document has now been published and can be found here:

https://assets.hs2.org.uk/wp-content/uploads/2020/11/19105728/15634_HS2_Temp-Rehousing-booklet_AW_web.pdf

HS2 Ltd will identify and write to people who are likely to be eligible for the scheme. If you think you should have received a letter but haven't received one, please contact the HS2 Ltd enquiries team on:

Freephone 08081 434 434

Minicom 08081 456 472

Email hs2enquiries@hs2.org.uk

Settlement Deeds scheme

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.

I am pleased to report that the owners of the first properties to be potentially impacted by tunnelling and who can apply for a settlement deed have now been contacted, and HS2 Ltd has started to issue deeds to those who requested one and are eligible. If you believe that you may be affected by tunnelling and wish to register for a settlement deed, then please contact HS2enquiries@hs2.org.uk.

Community engagement

The ongoing pandemic has changed the way in which community engagement is working, with a focus on IT-based solutions. HS2 Ltd has put forward a number of virtual events, including webinars and online information events, for several of the key design elements on Phase One. I urge you to look at the "HS2 in Your Area" parts of the website for information and to participate in these events.

Due to local Covid-19-related lockdowns, no physical events will be taking place in the near future. I have been concerned about how the company will reach those parties who are not online. Proposals by HS2 Ltd include wider mail-outs and 1:1 telephone meetings with both the community engagement and construction teams, as well as sending out literature through the HS2 Ltd enquiries team to all those who request it. The publication of the design refinement consultation for the western leg of Phase 2b will be the first significant test of this new way of working for all concerned, and any feedback through the engagement process or via the enquiries team would be helpful.

Keeping communities informed

Disappointingly, a number of complaints were received about engagement concerning a road closure in the Burton Green area. The construction issues are outside of my remit; however, the concerns from the community which have been communicated to me are about the lack of consultation regarding the closure of a key access road.



HS2 Ltd's contractors provided some 2 weeks' notice of a road closure that would last for 4–5 months. The correspondence that I received expressed anger at the short notice given, the convoluted diversion route, and the impact on local residents accessing the village school. The local residents' association and the parish council were in discussion with HS2 Ltd and its contractors regarding the road closure; however, for such a major impact on the village, the community should have been better informed at an earlier stage. This is a repeat of the situation that arose in Hillingdon in the summer of 2019, and the lessons from that event should have been learned, notably the impact that lengthy road closures can have on communities.

The recommendation that I made in my 12th report was for HS2 Ltd to adopt a more open and honest approach to communities, and for the community engagement team within HS2 Ltd to clearly represent the voice of the community within the organisation. In its response to me, HS2 Ltd recognised the importance of being more proactive in its dialogue with communities and said that it would review how it could improve its current practices.

Recommendation

HS2 Ltd needs to demonstrate the steps that it has taken to improve its community engagement practices to ensure that a repeat of this situation will not occur.

Work sites

I made a recommendation in my last report that 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 telephone number. I am pleased that this is now being implemented.

In addition, HS2 Ltd has recently introduced reference numbers for all correspondence that is subject to a large-scale mail-out. This has helped the HS2 Ltd enquiries team to identify the correspondence being referred to more quickly when they are contacted by a letter's recipient. I welcome this improvement.

Next steps

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

My email address is: residentscommissioner@hs2.org.uk or please write to me at: c/o High Speed Two (HS2 Ltd), 2 Snowhill, Snow Hill Queensway, Birmingham, B4 6GA.



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