

**The Independent Construction Commissioner HS2**

**SIXTEENTH REPORT: QUARTER FOUR  
2020**

**icc**

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

### **Introduction**

This is the Sixteenth Report of the Independent Construction Commissioner HS2 (ICC) and covers the fourth quarter of 2020 (1<sup>st</sup> October– 31<sup>st</sup> December).

### **Overview**

The number of complaints registered by HS2 Ltd continued to rise over the quarter. This trend comes as no surprise as more works begin along the route and as more individuals and communities become impacted by the project.

Again Area Central showed high levels of public concern, followed by Area North and then Area South. Phase 2a remains relatively quiet. Traffic and road related incidents registered strongly, along with woodland and wildlife issues.

Continued alertness to the threats of Covid-19 and safe practice by the HS2 workforce must continue to be paramount for all contractors. Reports of infringements of regulations were more isolated during the period than earlier in the year but as the signs grow that the situation may begin to ease it is important that all workers keep to established behavioural practice until guidance from government changes.

Once again it was not possible to make any site visits during the quarter but I hope this will change over the coming months. Video conferencing keeps me in touch with communities along the line and I continue to work with them and with HS2 Ltd to try to resolve problems when they arise.

### **Representations**

For the 4th Quarter, the ICC's office received 74 individual approaches (see Annex) a rise from the 49 of the previous quarter. 29 of these were issues which had already been raised with HS2 Ltd but which the complainant thought the ICC should be aware of; 35 approached the ICC not having previously raised matters with HS2 Ltd and thus had their cases referred; five came from local authorities wishing to brief the ICC; and a further five concerned matters outside the Commissioner's remit but were referred to HS2 Ltd for response or action.

In addition, a formal complaint was escalated to the ICC at the end of the quarter which is now under review.

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

During the fourth quarter of 2020, 14 new claims were lodged under the scheme. Of these, four remain open, two were settled by JV insurers and eight were rejected. No monies were paid out from the scheme during the period.

In total there have now been 73 applications, with 23 approved with some form of payment made, 16 still open and 34 rejected. The total amount paid out has been £5829.73. The two claims mentioned above settled by JV insurers were for undisclosed sums.

One appeal was lodged with the ICC under the Small Claims Scheme during the quarter.

## **Observations**

### **Public Road Use and Condition**

Traffic related complaints are showing strongly in the overall figures. As the number of active construction sites grows it is important that constructors have in place the necessary equipment to ensure that vehicles leaving each site have their wheels properly washed and that the access points to each site are kept in a clean condition to avoid debris on public highways. Continued attention needs to be paid to the Hillingdon area of London.

Verge conditions and damage was an issue during the quarter. Poor weather coupled to a greater number of vehicle movements related to HS2 construction has had an adverse impact. All drivers need to be reminded to take extra care and to be sensitive to local concerns.

Previously, I have mentioned that many rural locations have very little experience either of large volumes of traffic or of very large vehicles and that as a consequence the impact of either can seem disproportionately invasive. This is particularly the case where vehicles are using village roads which are far from ideal. During the quarter there were a number of reports from Buckinghamshire, Warwickshire and Staffordshire of large vehicles experiencing difficulties on rural roads. Much depends on the common sense of the vehicle drivers, of hauliers and of local site managers. It is important that they continue to keep communities informed and that they remain alert to local "hotspots".

### **Road closures**

In my last report I raised concerns about road closures in two particular areas: Burton Green and Southam, both in Warwickshire. I welcome that in each case

local communities were engaged by HS2 at senior management level, however, local communities faced and continue to face considerable disruption.

Where closures are necessary I would urge HS2 Ltd to maximise the notice period so that local residents have time to make plans and that the company explains the reasoning behind such closures as fully as possible.

#### Wildlife and Vegetation Clearance

Both of the above form a regular theme of complaints and that continued to be the case during the quarter, most particularly with Jones Hill Wood near Wendover and in the Harvil Road area of the Colne Valley. I understand HS2's alertness to potential protest and activist action, at the same time I welcome the commitment to keep local residents, most of whom have no connection to the protests, as widely informed as practicable where clearance is necessary.

#### Wendover Memorial Woodland

This became a high-profile issue in November when a well-known figure publicised the case. The need to clear some young trees planted in memory of deceased loved ones was always going to be testing and distressing. It generated a very large amount of comment and correspondence including nearly four hundred emails to the office of the ICC and many more to HS2 Ltd and to the Department for Transport. I have not included these figures into my own statistics for the quarter as a one-off incident of this nature would unbalance a more careful consideration of complaint trends. Nor has HS2 Ltd for the same reasons.

I welcome that HS2 Ltd launched a review into its decisions and actions speedily and that the company has implemented changes to procedure and oversight which should help guide it in future if some similar occurrence should arise.

I conclude my report.

Sir Mark Worthington OBE

Independent Construction Commissioner HS2

February 2021

## Annex: Quarter 4 alerts, representations and complaints

Total construction complaints received by HS2 Ltd for Phase One and for Phase Two A for the 4th Quarter 2020

	South	Central	North	Two A	Non-Geographic	Total
October	48	76	76	0	10	210
November	30	67	57	0	14	168
December	36	37	21	0	1	95
Total	114	180	154	0	25	473

Representations received by the ICC for the 4th Quarter 2020

	Alerts*	Referrals to HS2**	Not within remit***	Valid complaints****
4th Quarter 2020	29	35	5	1
Total To Date	189	145	50	6

\*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

\*\*\*Alerts outside ICC remit but may have been referred to HS2 Ltd

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