

**Independent Construction Commissioner HS2**

**TWENTY-FIRST REPORT: QUARTER ONE  
2022**

**icc**

# **HS2 Independent Construction Commissioner: Twenty-First Report**

## **Introduction**

This is the Twenty-First Report of the Independent Construction Commissioner HS2 (ICC) and covers first quarter of 2022 (1<sup>st</sup> January – 31<sup>st</sup> March).

## **Overview**

The number of complaints registered by HS2 Ltd saw an overall fall during the quarter and in all areas the figures showed a clear decline. Given that major work is well under way along the whole line of route, it is encouraging to speculate that the plateau in complaints, which had been indicated in the last half of 2021, seems to be confirmed by the latest figures. Though the general trend appears steady, individual incidents and programmes have the potential to create spikes in the future.

I continue to believe that this year will be a challenging one given the volume of construction work. Once again the main issues were those of noise, traffic, lighting and site management.

Phase 2a remains relatively quiet though impact is now being registered.

Line of route visits during the quarter began to return to previous levels although some people prefer to continue to meet over the internet. I made two visits to Staffordshire, meeting with the County Council and various communities. In addition, I visited North Warwickshire, Northern Buckinghamshire, Aylesbury to meet with Council leaders, Amersham and the Euston area. I also visited the HS2 Sound Lab in London.

Over the course of the quarter I spent several days in Birmingham addressing HS2 engagement teams and contractors. I participated in the audit of HS2 conducted by the Government Internal Audit Agency and after the retirement of the Residents' Commissioner stood in to represent the public interest aspect on the Department for Transport's HS2 Property Approvals Group. In addition, I continued to meet regularly with HS2 Ltd, its contractors and with the Department for Transport.

## **Representations**

The ICC received 74 individual case approaches (s Annex) during the 1st Quarter, a fall on previous months but in line with the overall trend for HS2. Of these 38 were issues raised with HS2 Ltd already but which the complainant

thought the ICC should be aware of; 30 approached the ICC not having previously raised matters with HS2 Ltd and thus had their cases referred; and 6 concerned matters outside the Commissioner's remit.

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

For the 1st Quarter of 2022, 39 new claims were registered with HS2 Ltd. Of these, 15 remain open and under investigation, 18 cases require further evidence, 5 were rejected and one was settled by insurers. There were 2 payments for damages made by constructors, 2 goodwill payments and a further 7 offers.

Since the start of the scheme, there have been 208 applications, with 58 approved with some form of payment made, 15 remain open and 135 have been rejected. The total amount paid out has been £14229.11.

### **Observations**

#### **Public Roads and Traffic**

By far the largest number of complaints are in connection to road use.

Road closures and works to mitigate their impact are hugely significant for local communities most effected. Giving ample notice of closures and ensuring that works are carried out speedily with as rapid a reopening as possible must continue to be a priority for contractors. There have been a number of reports of temporary traffic lights being left in place for longer than is strictly necessary and contractors need to be alert to this.

I have noted before concerns in Hillingdon and the Old Oak Common areas of west London about roads and traffic. There are also considerable issues in North Buckinghamshire where works on the HS2 project are compounded by additional work on the East/West rail link and I shall continue to work with the local communities to ensure that disruption is minimised wherever possible.

Further south in Buckinghamshire the issue of construction traffic remains highly challenging.

In Warwickshire, some of the concerns regarding road conditions due to construction have eased in better weather but now is the time to ensure that full and proper procedures are in place to prevent future occurrences.

Noise Disturbance and the Insulation.

Noise impact continues to register highly with the public.

HS2 and contractor engagement teams need to look closely at how to mitigate this problem. Again, timely notification is crucial. Close working with local communities might lead to a greater understanding of the nature of the works required but might also assist using local opinion to manage any options available.

I have commented previously on the roll-out of noise insulation and ventilation measures in the Euston and Camden areas. Impact is now being felt by residents in west London and elsewhere. I would like to see much earlier engagement with properties effected to avoid some of the issues which have been encountered earlier in the roll-out.

### Site Management

It is important that site managers take time to go outside their site regularly to see how local people look at the project. In some areas this approach has been successful in tackling overgrown vegetation and litter. Also, there has been some progress in improving the state of hoardings and with lighting problems.

However, I would take this opportunity to emphasise two matters. Contractors need to remind their workforce of rules relating to worker parking in local communities. For some time, there have been issues in the Old Oak Common area of London and in Hillingdon. The rules are in place and contractors must ensure that they are met. In addition, worker behaviour requires constant attention. Communities have a right to expect high standards from those working in close proximity to them and their families.

### Small Claims Scheme

I have outlined above the figures for this scheme for the quarter. I continue to work with HS2 Ltd to help contractors to understand the benefits of this scheme and of its importance. It has been designed to bring potential, early settlement to cases of low-level damage and to make it easier for applicants to process their claims. However, there remains a degree of resistance from some contractors to the advantages of the scheme. Rapid resolution helps both claimant and contractor alike. It also reduces the cost of investigation considerably. Contractors need to be alert to the advantages to themselves if this scheme works well and to see the opportunities it delivers in terms of cost and goodwill.

## Complaints Triage System

As a positive I would like to note the work of the triage system which was adopted late last year to handle incoming complaints. Identifying those complaints which require immediate attention and channelling these rapidly to the contractors has brought considerable benefits to local residents. It appears to be working well and I hope that it will contribute to a further reduction in complaint figures in the future.

I submit my report.



Sir Mark Worthington OBE

Independent Construction Commissioner HS2

May 2022

### **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 2022

	South	Central	North	Two A	Non-Geographic	Total
January	37	58	32	6	0	133
February	33	38	21	8	0	100
March	18	26	47	6	0	97
Total	88	122	100	20	0	330

## Representations received by the ICC for the 1st Quarter 2022

	Alerts*	Referrals to HS2**	Not within remit***	Valid complaints****
1st Quarter 2022	38	30	6	3
Total To Date	363	359	81	15

\*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.