



Phase 2b Western Leg Information Paper

D4: Construction commissioner

This paper outlines proposals for the HS2 Construction Commissioner.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the High Speed Rail (Crewe - Manchester) Bill. Content will be maintained and updated as considered appropriate during the passage of the Bill.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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1 Introduction

- 1.1 High Speed Two (HS2) is the Government's scheme for a new, high speed north-south railway, which is being taken forward in a number of phases. Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route from the West Midlands to Crewe. The Phase 2b Western Leg will connect Crewe to Manchester. As set out in the Integrated Rail Plan, published in November 2021, HS2 East is proposed to deliver a new high speed line from the West Midlands to East Midlands Parkway.
- 1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017 and Phase 2a by the High Speed Rail (West Midlands – Crewe) Act 2021.
- 1.4 In January 2022, the Government introduced a hybrid Bill to Parliament (hereafter referred to as 'the Bill'), to seek powers for the construction and operation of the Phase 2b Western Leg (the Proposed Scheme), which is called the High Speed Rail (Crewe – Manchester) Bill. The Proposed Scheme comprises the Phase 2b Western Leg from Crewe to Manchester and several off-route works. It also facilitates the delivery of Northern Powerhouse Rail by providing the Crewe Northern Connection and junctions and other infrastructure to be used in future schemes.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed

Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

1.6 The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the EMRs and any commitments provided in the information papers.

1.7 These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

2 Overview

2.1 This information paper outlines proposals and proposed terms of reference for the HS2 Construction Commissioner. The Secretary of State will ensure that a Construction Commissioner is appointed to cover the Proposed Scheme by the time construction begins. For information, a HS2 Construction Commissioner has been appointed for Phase One and 2a.

2.2 A Construction Commissioner will be appointed to deal with complaints which, in the view of the complainant, have not been dealt with satisfactorily by the nominated undertaker.

3 Proposed terms of reference

3.1 If someone is unhappy with any aspect of construction of the Proposed Scheme, their first step would be to complain to the nominated undertaker.

- 3.2 If the complainant feels that their complaint has not been satisfactorily addressed through the normal procedure, they can raise their issue with the Construction Commissioner.
- 3.3 The Construction Commissioner will investigate any grievance where it is alleged that the nominated undertaker has not satisfactorily addressed a matter raised by a complainant.
- 3.4 Following an investigation by the Construction Commissioner, if a complainant feels that their complaint has not been satisfactorily addressed they can ask a Member of Parliament to refer their complaint to the Parliamentary and Health Service Ombudsman.
- 3.5 The Construction Commissioner will also be able to provide advice to members of the public on how to complain, and is expected to be accessible to all who may reasonably require their services.
- 3.6 It is expected that the Construction Commissioner's main functions will be to:
- ensure that people who are affected by HS2 works know who the Construction Commissioner is and what they do;
 - ensure that the role is well publicised, easily accessible and has clearly defined processes and timescales;
 - mediate in unresolved disputes between the project and individuals or bodies;
 - provide an annual report and other reports as required by the independent body on the activities of the Construction Commissioner's office and statement of accounts to the independent body;
 - advise the nominated undertaker where action could be taken to reduce complaints;
 - monitor and report on the Small Claims Scheme; and
 - act as an arbitrator for the Small Claims Scheme in the event that a dispute cannot be resolved through the normal process.

3.7 The Construction Commissioner's role will not cover:

- complaints that have not first been considered by the nominated undertaker's helpdesk;
- complaints relating to works that are not part of, or associated with, the HS2 project;
- complaints relating to planning conditions and other matters that are subject to the approval of statutory authorities;
- matters considered by Parliament in approving the project;
- matters dealt with by the Office of Rail Regulation, and operational rail matters dealt with by train operating companies and passenger watchdogs;
- matters under investigation by the Health and Safety Executive;
- complaints relating to property compensation issues;
- claims for losses over £10,000;
- complaints relating to settlement deeds (see Information Paper C14: Ground settlement and Information Paper C10: Small claims scheme for further details);
- the operation of the HS2 railway or services; or
- matters relating to HS2 Safeguarding Directions.

4 Appointment

4.1 An independent Construction Commissioner will be appointed by the Promoter. The Construction Commissioner will be monitored by an independent body.

4.2 The precise terms of reference for the Construction Commissioner will be established by the independent body, made up of a variety of project stakeholders.

- 4.3 The Construction Commissioner will be able to provide independent, impartial decisions, ensuring a fair and balanced approach to cases that cannot be resolved through the normal complaints process.
- 4.4 The role will relate to the construction of the Proposed Scheme, not its operation. Once construction has been completed, the role will terminate.

5 Next steps

- 5.1 An independent Construction Commissioner will be appointed by the Promoter and an independent body will monitor the Construction Commissioner.
- 5.2 Full terms of reference for the Construction Commissioner will be agreed in due course by the independent body.

6 More information

- 6.1 More detail on the Bill and related documents can be found at www.gov.uk/hs2-phase2b-crewe-manchester.