

Independent Construction Commissioner HS2

**TWENTY- THIRD REPORT: QUARTER
THREE 2022**

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HS2 Independent Construction Commissioner: Twenty-Third Report

Introduction

This is the Twenty-Third Report of the Independent Construction Commissioner HS2 (ICC) and covers third quarter of 2022 (1st July – 30th September).

Overview

The number of complaints as registered by HS2 Ltd again declined slightly over the quarter but I would add a note of caution. The figures for HS2 complaints and ICC approaches during September were greatly impacted by a dramatic fall-off of complaints following the death of Her Majesty Queen Elizabeth II.

However, it is noticeable that although construction continues to expand the general number of complaints remains stable.

Once again, the primary issues of concern continue to be those of noise, traffic, lighting, dust and site management. The issue of water impact and quality became an added concern over the period

Phase 2a remains relatively quiet.

Line of route visits during the quarter included, Warwickshire, Birmingham, Solihull, West London and the Euston area, where I inspected works at a number of sites and met with local communities and businesses.

I continue to meet regularly with HS2 Ltd, its contractors and with the Department for Transport.

Representations

The ICC received 61 individual case approaches (see Annex) during the 3rd Quarter, a decrease on previous quarters but with the caveats I have noted above. Of these 21 were issues raised with HS2 Ltd already 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; and 6 were matters outside the Commissioner's remit.

Also, the ICC closed one case under the Small Claims Scheme during the period. In another complaint case the complainant decided to close formal proceedings if the ICC reviewed the matter informally. There was also

continued correspondence on a case which was subject to a previous ICC ruling but which remains not fully resolved.

Small Claims Scheme (SCS)

Under the scheme, 41 new claims were registered with HS2 Ltd for the Quarter. Of these, 12 remain open and under investigation, 13 cases require further evidence, 17 were rejected and 1 was settled by insurers.

One payment for damages was made by constructors during the period. 2 cases were settled by goodwill gestures.

The total amount paid out since the start of the scheme has been £19051.83

Observations

Public Roads and Traffic

The largest number of complaints refer to road use, road works and closures and road damage.

Local communities and residents continue to be impacted heavily by road works and by the necessary closures in order to carry out construction. This impact can have a disproportionate effect in rural areas given the lengthy diversions often involved.

Again the A413 and its tributary roads in Buckinghamshire remains a considerable problem for all the communities from Amersham, north to Aylesbury. North-West Buckinghamshire has experienced problems also.

In Warwickshire the areas at Balsall Common and at Southam have been experiencing both heavy traffic and road closures.

Old Oak Common in West London is a challenging area due to the number of HS2 sites in operation. Inevitably this is going to be a long-term issue. However, the introduction of the earth-conveyor system will greatly reduce the number of lorry movements in the area.

Works continue to have impact on public transport services along Adelaide Road in North London and along the Hampstead Road near Euston.

It is a priority during the autumn and winter months that worksite wheel-washing facilities are full operational and continued attention is given to mud and debris on roads.

As I have noted previously, it is important for contractors to work with local communities to ensure that signage for diversions is clear and is cleared away punctually. Local businesses are often impacted by road closures and I would urge contractors to work with them so that any potential customers or visitors

are fully aware that they are open and have clear instructions on how they can be reached.

Noise Disturbance and Insulation

Noise impact is a continuing problem although breaches of noise level regulations remain relatively rare. Early and regular notification of works is essential so that local communities are aware and can plan ahead. There have been improvements in notification but there is still the occasional slippage.

I am aware also of reports of noise disturbance outside agreed working hours. I expect site managers to be particularly alert to such instances and to react swiftly to correct them.

Site Management

Above, I refer to the role of site managers in the enforcement of noise regulations. They have a distinct role in the regulation of compound lighting also. Most fixed lighting will have been properly sited already but more mobile systems can cause disturbance to local residents. It is important that careful attention is given to these and corrections made quickly wherever necessary.

Water Issues

In some areas there has been a growing concern over construction impacts on the aquifer. I am aware that contractors are working closely with the Environment Agency and with local water companies to avoid any potential problems but there has to be early engagement with communities as well. The same comment applies to concerns local residents may have for potential flooding as a result of construction. Regular reporting to local communities may allay such concerns.

I submit my report.



Sir Mark Worthington OBE

Independent Construction Commissioner HS2

November 2022

Annex: Quarter 3 alerts, representations and complaints

A reminder: HS2 Ltd has changed its recording procedures for registering complaints. Previously this had been done under the geographical categories of Areas South, Central and North and Phase 2A. In future, complaints will be registered under each Integrated Project Team covering a particular section of the route.

	Align	BBV	BBVS	EKFB	SCS	Curzon Street	Non Area	Two A	Total
July	9	40	3	12	28	1	1	1	95
August	7	25	2	17	36	1	0	2	90
September	2	20	2	9	19	0	0	4	56
Total	18	85	7	38	83	2	1	7	241

Representations received by the ICC for the 3rd Quarter 2022

	Alerts*	Referrals to HS2**	Not within remit***	Valid complaints****
3 rd Quarter 2022	20	35	6	0
Total To Date	416	447	98	18

*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.