

June 2023



HS2 Residents' Commissioner

Report 18 – June 2023

Summary

This report is briefer and more succinct than the 17th report, when the final stages of the ministerial review of the HS2 land and property issues were concluding, and which therefore demanded a more comprehensive overview.

The work of the Residents' Commissioner has continued with a dual focus on land and property issues and community and stakeholder engagement, but has inevitably been overshadowed by ministerial announcements and a wider stakeholder policy debate regarding the short- and medium-term future of the project. The debate has centred on the development policy at Euston station, as well as, to a lesser extent, safeguarding issues on the Phase 2B eastern leg and construction issues in the northern part of Phase One.

These developments have generated much media and public interest and both the Residents' Commissioner and the Construction Commissioner were fully briefed by HS2 Ltd in the wake of a ministerial statement laid before Parliament on 9 March 2023 by the secretary of state, the Rt Hon Mark Harper MP. Not surprisingly, this has impacted public support for the project.

Also during this period, I have worked with both the Department for Transport (DfT) and HS2 Ltd to conclude the HS2 Land and Property Review 2020. This is to ensure that its recommendations are enacted and any unresolved issues are debated in order to improve the claimant experience.

Euston

I visited the Camden Cutting/Euston site on 23 February and saw very clearly the significant scale of construction and long-term disruption for local residents. Shortly afterwards, the government directed HS2 Ltd to stop full construction on the new Euston station (the former National Temperance Hospital) for two years and to look again at the design statement in respect of affordability and deliverability. Construction activities between Old Oak Common and Euston, such as those on the Euston Approaches and the tunnelling and excavation works on the Adelaide Road headhouse and ventilation shaft, have also been paused, although other tunnelling and excavation works, such as those at the old Maria Fidelis School and the traction substation, will continue.

Obviously, the uncertainty, delays and lack of firm project timelines for local residents, businesses and other stakeholders are troubling, but nevertheless, HS2 Ltd is actively engaging with the community, including elected representatives and community groups. The company has organised walkabouts and multimedia update publications, as it is aware of the importance of dialogue in keeping residents apprised of efforts to mitigate their inconvenience. I will be ensuring that HS2 Ltd prioritises its efforts in this respect.

On 24 April I also attended the House of Commons Public Accounts Committee hearing on the plans for Euston, where oral evidence from the CEO of HS2 Ltd, Mark Thurston, and the Permanent Secretary at DfT, Dame Bernadette Kelly, was given.

Mandeville Road headhouse and vent shaft

I visited this site in January to see for myself the issues relating to the forthcoming extended-hours working (from April 2023) and the problematic access and egress arrangements to Badminton Close for residents and HS2 Ltd's plant and machinery.

HS2 Ltd has made efforts to ameliorate these concerns with a proactive outreach to the most affected residents, including providing additional parking spaces and decanting those who qualify to hotels off site, where necessary. I also met the local MP, Mr James Murray, to hear his constituents' concerns. I understand that he and councillors from the London Borough of Ealing are in regular dialogue with HS2 Ltd to facilitate the most effective way of minimising disruption until 24-hour working is concluded in the spring of 2024.

Undertakings and assurances

As I mentioned in my last report, one of the ongoing issues (which both commissioners have engaged with) is scrutiny and oversight of undertakings and assurances by HS2 Ltd to petitioners and potential petitioners by and on behalf of the Secretary of State for Transport during the legislative process underpinning the HS2 project. Commissioners were keen to understand the reasons for any variations and non-compliance, the allocation of undertakings and assurances across the line of route, and to interrogate risk management and continual improvement methodology.

This we did at a comprehensive briefing by the company in February 2023 and I hope and expect that it will be one of a number of “audits” of undertakings and assurances to be held regularly, perhaps on a quarterly basis.

Other periodic meetings and briefings – CSEG and Land and Property

I had the opportunity to meet with the new rail minister, Huw Merriman MP, in January and a further meeting will be held in the next two months, prior to the Parliamentary summer recess. The decision to abolish the role of a bespoke HS2 minister and amalgamate that post into a wider rail portfolio means that the focus of any minister’s time and energy will naturally be wider than the HS2 project.

I will be meeting with the new chair of HS2 Ltd, Sir Jon Thompson, in July 2023.

I also attend monthly meetings with the head of Land and Property at HS2 Ltd and quarterly updates with the Community and Stakeholder Engagement Group (CSEG). The interrogation and analysis of quarterly “flash reports” of the work of the CSEG in discrete areas such as community engagement, helpdesk enquiries, correspondence and Freedom of Information requests, corporate performance and stakeholder outreach provide a real-time (or as close as can be) oversight of progress and trends. I have not commissioned separate polling or other qualitative research to date as Residents’ Commissioner, as I believe that the work undertaken by HS2 Ltd as part of its Community and Stakeholder Engagement Insight programme provides a comprehensive picture of stakeholder views and trends.

The “Respecting People, Respecting Places” conference and awards events that HS2 Ltd has established are a vehicle to affirm and celebrate excellence amongst supply chain partners in the



way that they deal with residents and claimants and the wider community of neighbours. Hopefully these events help to embed consistent good practice. In addition, both commissioners receive quarterly updates on progress and issues arising in the Phase One – South area, where construction activity is most intense.

HS2 Ltd and its supply chain partners have learnt much from previous experience on the need for openness, transparency and professional and timely engagement with local people. The ground movement issues in south Buckinghamshire earlier this month as a result of pre-existing ground conditions and the activities of the tunnel boring machine close to the River Misbourne at Shardloes Lake near Little Missenden are an example of this. Proactive engagement with parish councillors, the local authority and Affinity Water, and collaborative working with Align JV partners on what actions were necessary to alleviate the problems, meant that the risk issues were set out clearly and concisely, and the review and monitoring of the best course of action were successful. Early communication and notification helped to mitigate the impact of construction activities.

I also visited the Arup SoundLab in Euston in April to learn about the work HS2 Ltd is doing to model high-speed railway sounds across different simulated acoustic environments. These simulations are a useful tool in demonstrating likely operational noise levels for key community stakeholders, residents and householders, decision makers and construction (and other) professionals.

Property approvals group

I continue to attend as an independent member of the Property Approvals Group, which works well and collaboratively in examining atypical land and property acquisitions. I have been impressed by the quality of the papers presented and the debates and discussions, which are often pragmatic and show a degree of flexibility and empathy towards the local people affected by the project, with the proviso that these acquisitions are within legislative and regulatory restraints.

Community Environment Fund and the Business and Local Economy Fund

The Residents' Commissioner takes a close interest in and is updated regularly on these community-led funding initiatives, most recently the "meanwhile use" programmes in the Euston area. This funding is managed independently by Groundwork UK and its annual review can be accessed here:

<https://hs2funds.org.uk/about/annual-reviews/>

So far, £13.3 million has been allocated to Phase One projects alone, with new projects coming online in Phases One and 2a. The first round of biodiversity applications and funding for Phase 2a was published earlier this year.

I welcome the publication of the second annual Environmental Sustainability Progress Report from HS2 Ltd and note the efforts the company has made on new habitat sites, new ponds and tree planting, having planted 845,000 new trees since 2017.

Ongoing land and property issues

Safeguarding in Phase 2b

This issue remains a concern to residents, landowners and businesses on the eastern leg (198 km), given the widespread belief that, notwithstanding the government's nuanced message, this part of the project is very unlikely to be constructed, especially since the ministerial announcement in June 2022 and, prior to that, the publication of the Integrated Rail Plan in November 2021.

Safeguarding is impacting the decisions made by all stakeholders and there have been (and are continuing to be) real-world consequences due to the lack of clarity and policy, such as difficulty in selling homes, obtaining land valuations, mortgage availability and rent levels along the line of route.

Recently, I met Mark Fletcher, MP for Bolsover, regarding the problems with the proposed rent increases for tenants in his constituency in the properties acquired by HS2 Ltd at Thurgaton Way, Newton, as well as maintenance and management issues. After prompt action by the Land and Property team at HS2 Ltd, these matters were largely resolved, but other problems are bound to arise without definitive ministerial guidance.

As Residents' Commissioner, I see safeguarding as probably the biggest challenge in the next 12 months, both in policy terms and in terms of the impact on the health and wellbeing of local people



across the entire leg of Phase 2b. It is an area that I will keep under close scrutiny and, in any event, requires extensive engagement.

Prolonged Disruption Compensation Scheme review

My predecessor argued strongly for the introduction of this scheme but hitherto take-up has been sub-optimal.

The Prolonged Disruption Compensation Scheme (PDCS) complements a wider package of environmental controls set out by HS2 Ltd in its paper Environmental Minimum Requirements for HS2 Phase One; it adds to the noise insulation and temporary rehousing measures set out in Information Paper E23: Control of Construction Noise and Vibration.

There are several reasons why the methodology underpinning PDCS may be wrong or may not be necessary because contractors are already taking remedial action on noise. It may be that the scheme itself is not sufficiently well known to potential claimants, hence its poor take-up. Hopefully, DfT and HS2 Ltd will conclude their review with input and feedback from the Construction and Residents' Commissioners respectively and make firm recommendations on the scheme's future.

Alternative dispute resolution

HS2 Ltd has recently published revised alternative dispute resolution (ADR) guidance. This aims to remedy a number of the concerns previously identified within the ministerial review. In addressing these concerns, it hopes to increase the number of cases proceeding to ADR as a viable alternative to the often costly and protracted litigation via the Upper Tribunal (Lands Chamber). The guidance sets out indicative detailed timings for the consideration of ADR requests and clarifies when HS2 Ltd should use ADR. Claimants are requested from the outset to identify third parties whom they think are suitably qualified to assist.

Streamlined residential blight and crop loss expedited payment schemes

Uptake of these specialised schemes is modest, but they are relatively recent developments in the portfolio and they do represent an enhancement on the existing compensation



schemes available. Both HS2 Ltd and DfT are reviewing their efficacy and I will also be monitoring their impact in my regular Land and Property meetings.

Future visits

I hope to revisit the Calvert area and Little Missenden in Buckinghamshire and the Euston area in London in the next few months to meet residents and stakeholders and to measure progress on community engagement and collaborative working.

In the meantime, you can email me via:

residentscommissioner@hs2.org.uk

or you can write to me at:

High Speed Two (HS2 Ltd), 2 Snowhill, Snow Hill Queensway
Birmingham B4 6GA.

Lord Jackson of Peterborough MA MCIPD

HS2 Residents' Commissioner



High Speed Two (HS2) Limited

Two Snowhill

Snow Hill Queensway

Birmingham B4 6GA

Freephone 08081 434 434

Minicom 08081 456 472

Email HS2enquiries@hs2.org.uk

CS977