



HOUSE OF COMMONS

LONDON SW1A 0AA

Public Administration and Constitutional Affairs Committee

Inquiry: Follow-up to PHSO report on HS2

Submission: Andrea Leadsom MP
Member of Parliament for South Northamptonshire

I am most grateful to the Public Administration and Constitutional Affairs Committee (PACAC) for the opportunity, as the Member of Parliament for South Northamptonshire, to provide an overview of the experiences that my constituents, my office and I have had with High Speed Two (HS2) Ltd. I note the terms of reference of this inquiry and I will focus my remarks on the quality of HS2 Ltd's communication and engagement with affected residents.

In November 2015 a report was presented to Parliament by the Parliamentary and Health Service Ombudsman on an investigation into complaints about HS2 Ltd. The Ombudsman criticised the effectiveness of the communication and engagement by HS2 Ltd with residents who are affected by the proposed high speed rail link HS2. The report looked specifically at how HS2 Ltd have dealt with a group of families in one hamlet between Weeford and Packington, near Lichfield in Staffordshire, and detailed the Ombudsman's investigation into a number of complaints from this group who are affected by the plans for Phase One of HS2.

The investigation considered HS2 Ltd's communication and engagement with the residents including the way in which HS2 Ltd handled complaints. Whilst making a number of recommendations, including deadlines for remedy and compensation, the overall conclusion of the report is that HS2 Ltd's actions fell below the reasonable standards that the Ombudsman would expect to the point that they constituted maladministration.

I am pleased that the Ombudsman has recognised this important issue. I have always worked hard to ensure that constituents' views are communicated directly to HS2 Ltd, and I will continue to support any constituent who wishes to raise issues or questions. I have made frequent representations to HS2 Ltd on behalf of my constituents since I was first elected to Parliament and I do all that I can to ensure that their concerns are recognised.

However the fact remains that communication between HS2 Ltd and affected communities is very much sub-par and there has been little to no improvement despite numerous representations from constituents and colleagues. As I stated in my appearance before the HS2 Select Committee in March 2015 my constituents feel that communication from HS2 Ltd has just not been acceptable. Some of my constituents have expressed concerns regarding notification of Community Forum events, consultations and changes to the route in their area and, whilst meetings have taken place, there has sometimes been a feeling that HS2 Ltd has been reluctant to arrange bilateral meetings, and it's often unfortunately taken my personal intervention to make sure that they can go ahead.

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Specifically, individual constituents have explained to me that communications have been addressed to properties that don't exist, and one case I have been told of is where residents were told they were in the safeguarded area, then that they weren't, then that they were and then, when they were about to submit a blight notice, that they weren't again. I would very much appeal to PACAC to take into account the importance of clear and accurate communication between HS2 Ltd and those affected.

Following on from communication with HS2 Ltd many communities affected have tried to suggest solutions to issues affecting them and have tried, in particular, to suggest mitigation which they would find acceptable. They have been advised by HS2 Ltd that those solutions aren't feasible but sometimes not with sufficient reasons why or thought being given to it by HS2 Ltd and, indeed, in some cases there has been no response. Some communities have asked for access to information to help them with their mitigation proposals, and also with their responses to various consultations, and again it's often been the case that those affected have had to make repeated requests for information and have had to wait for a very long period of time before receiving it. My office has frequently been frustrated by HS2 Ltd's head office refusing to transfer calls to relevant departments or individuals and instead requiring further paper trails via email or letter – I am aware that staff members in other offices have experienced the same “door-keeping” by HS2 Ltd's telephone operators.

In her recent Third Report the Residents' Commissioner, Deborah Fazan, noted that HS2 Ltd intend to undertake a broader communication and awareness campaign for the property schemes during 2016. The Commissioner's recommendations include that HS2 Ltd should conduct a widespread general information communication of all property schemes as early as possible to ensure that all those affected are aware of their availability. This is sensible but it is vital that this is further afield than the current communication threshold of 1km of the line of route in rural areas as there are examples of properties whose values are blighted at much greater distances.

The Commissioner commented that communities have received HS2 Ltd information events in their area positively. I am sure that those who attended the Brackley information event on the 3rd November would disagree as the feedback that I have received from local residents is that technical experts were not on hand to satisfactorily respond to questions nor had the event been properly advertised outside of the local area. Whilst the Commissioner has accepted that the events are very localised and that those outside the immediate area do not currently have recourse to similar information or engagement, future events must be much more widely advertised and HS2 Ltd must ensure that appropriate specialists attend the meetings.

I understand that a detailed community engagement plan has recently been presented to HS2 Ltd's Board without input from the Commissioner. I would have thought it appropriate for the Commissioner to have formally had some input into that process and I firmly believe that HS2 Ltd will only improve communication with residents if the Commissioner is brought more fully into the consultative discussions rather than ex post facto engagement.

I turn now to the Promoter's Response to the Select Committee's First Special Report of Session 2015-16.

On page 3 of the response, the Promoter states that they will *undertake a review of the language in the NTS guidance and consider how to best utilise the suggested wording put forward by the Select Committee*. I warmly welcome this guarantee as I am very much aware that constituents

in South Northamptonshire have raised concerns that the wording of the guidance is both confusing and off-putting. I should be very interested to see how the Promoter simplifies the guidance to make the Need To Sell scheme more accessible to those affected residents along the proposed line-of-route.

On page 4 of the response, the Promoter has committed *to reviewing all outstanding [NTS] cases on a regular basis* and will write *to any applicants for whom it has taken, or is likely to take, longer than 8 weeks for a decision to be provided*. Whilst it is promising that the average time taken for an applicant to receive a decision has been reduced to 6.7 weeks, according to the Promoter, clearly there are a number of cases which fall well outside this timescale. However I do find the wording confused as the Promoter states that the letter *will be sent within the 8 week period with a clear indication of the target date for having a decision sent to the applicant*. I query how a letter can be sent within the 8 week period if it has already taken longer than 8 weeks for a decision to be provided. I hope that the average time will continue to reduce and that HS2 Ltd will seek ways in which they can more effectively communicate on this particular point.

I am surprised at the low number of applications to the NTS scheme with only 139 received along the entire line of route. Colleagues have made the point to the Select Committee that this evidently suggests that many people are unaware of the compensation schemes available to them, or are put off because of the complexity and length of the process. The Residents' Commissioner, in her Third Report, states that the average time taken to reach a decision is nearly 8 weeks on average; the DfT response document states that the average time is currently 6.7 weeks. These documents are publicly available and constituents have already been in touch to ask which figure is closer to the reality.

On page 5 of the response, the Promoter notes the comments of the Select Committee that *particular rural locations that are severely affected by construction* may need to be addressed by way of special recommendation for certain cases. However there is no further mention of the rural locations in this section of the response and the Promoter focuses instead upon areas proximate to urban construction in particular Camden. I have previously written to the Chair of the HS2 Select Committee, Robert Syms MP, to flag that there are residents in rural locations in South Northamptonshire who are frustrated by HS2 Ltd's lack of engagement.

On page 7 of the response, the Promoter has undertaken *to consider how it might better clarify what evidential requirements relating to financial matters may help support an application*. I know that local residents would welcome this clarification and I am grateful to the Promoter for looking into this further as clearly, as the Select Committee noted, in many cases the financial scrutiny is excessively intrusive.

On page 9 of the response, the Promoter has said that *HS2 Ltd will ensure the Panel and decision maker are aware of previously successful applications in relation to properties close to the applicant's property*. This is sensible and I would hope that it will lend support to the applications of constituents who have been unsuccessful in their approach thus far and are frustrated that neighbouring properties have been sold under NTS. I have always thought this was a common sense approach and, whilst the Promoter still states that close proximity to a property that has been the subject of a successful application is not a guarantee, *the decision maker will need to provide clear reasons why such an application would be rejected*.

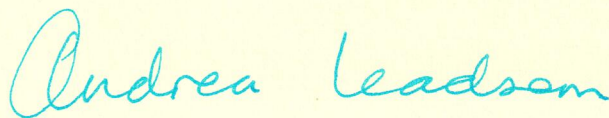
On page 13 in the final paragraph of the response, the Promoter writes that the Parliamentary Ombudsman *already has the ability and scope of function to investigate and offer remedy to complainants with respect to the application of the Promoter's discretionary compensation policy*. However this is contrary to the experience of several constituents. In particular one constituent has been told by the PHSO that the EHS scheme, run by HS2 Ltd, is not a statutory requirement and they have no mechanism for compensating past losses. There is clearly a mismatch on the guidance being given.

I would like to address the continuing lack of a Code of Construction. My constituents are concerned that once construction begins it will be difficult to prevent poor construction practices from damaging their quality of life. So as a result they argue that it's extremely important everyone agrees and understands the Code of Construction. There should be a comprehensive and independent appeals process that everyone should be made aware of and that any penalties should be enforceable.

Finally on the point of redressing the divergence between the outcomes of appearances by constituents before the HS2 Select Committee and the subsequent actions taken by HS2 Ltd. Many South Northamptonshire petitioners were encouraged with the advice and recommendations given by the Committee, but have since found that HS2 Ltd have come back with suggestions which are different to what they expected to be the case when they were in front of the Committee. I would like to raise the question of how constituents can seek to hold HS2 Ltd to account once the Select Committee process comes to an end, and would like consideration to be given to an independent regulatory body in order to ensure that assurances and undertakings are adhered to.

I hope that I have given an overview of the situation faced by my constituents in South Northamptonshire on a daily basis, and I would not be surprised if many of the remarks that I have made are echoed by colleagues and others in their submissions to PACAC. I should be happy to provide further detail on any of the points that I have made and I look forward to the conclusions of your inquiry.

Thank you very much.



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