

Appendix 1

HS2 Complaint Response and Rebuttal by Staffordshire County Council

HS2 Response	SCC Comment
Traffic Accessing Site Before 7am	
<p>We have undertaken a further review of the issues that you raise and set out our findings as follows: The section of the Code of Construction Practice (CoCP) which is referred to sets out various details regarding the operation of the site and working hours, including start-up and close-down activities.</p> <p>The CoCP states that Core working hours are from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 13:00 on Saturdays. In addition, the CoCP notes that there will be a period of up to one hour before and up to one hour after normal working hours for start-up and close-down of activities. This will include (but not be limited to) deliveries, movement to place of work, unloading, maintenance and general preparation works. But that will not include operation of plant or machinery likely to cause a disturbance to local residents or businesses.</p>	<p>The start-up hour allows for deliveries (there is no limit on vehicle size stipulated) and movement to place of work (presumably by workers) as quoted in the highlighted text to the left.</p> <p>By clear implication and as intended, these activities are NOT allowed before 7am - so arguably the site should be closed before then.</p>
<p>These general arrangements set out in Chapter 5 of the CoCP relate to the operation of the site: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593592/Code_of_Construction_Practice.pdf</p> <p>Chapter 14 of the CoCP deals with road-going traffic related to the construction activities. This chapter of the CoCP includes the requirement for the nominated undertaker to prepare a Route-wide Traffic Management Plan (RTMP) in consultation with the highway and traffic authorities and the emergency services and other relevant key stakeholders.</p> <p>The RTMP includes, as appropriate, measures to manage construction traffic. The HS2 Phase One Route-wide Traffic Management Plan confirms that there are no specific controls on the timing of traffic movements for construction vehicles under 3.5t or contractor worker cars, other than the application of the Environmental Minimum Requirements not to create a new significant adverse effect beyond that reported in the Environmental Statement.</p> <p>In addition, Local Traffic Management Plans are required to be prepared by contractors but, in relation to the timing of traffic movements, these are only required to be indicated for lorry management, where appropriate. The RTMP provides further guidance as to the contents of LTMPs, according to the scale and scope of the works but that there are no specific requirements for contractors to address</p>	<p>Follow up documents are just that: the CoCP takes precedence, and if the RTMP says something at odds with the CoCP, then it is wrong. The response here from HS2 Ltd completely ignores the clear quote from the CoCP forbidding vehicles of any size accessing a construction site before 7am. The CoCP is clear and the rest of the response has no weight alongside this requirement, which is mandatory on all contractors.</p> <p>Regarding the RTMP: there are no specific controls on timing in the RTMP because they are contained in the CoCP, which is a formal EMR rather than a supporting document.</p> <p>This also applies to Local Traffic Management Plans (LTMPs). These are only required to be prepared for lorry movements because movement to place of work is already covered in the CoCP. Residents have reported disturbance regularly as early as 5:30am. Jack Twomey of Lichfield District Council also undertook a site visit and I have attached his report at Appendix 2.</p>

<p>the timing of worker car trips or other construction traffic on the road network.</p> <p>We have asked the Compliance team, managed by the HS2 logistics team, to undertake a site visit to Hints and they visited on the 4th November from 6am to 8:30am. They recorded only cars and light vans travelling towards to location of the site before 8am and small number of heavy vehicles – 4 - after 8am. Of the traffic (which may not all be HS2-related) between 6am and 7am, 23 vehicles travelled towards the site, but of these 13 were recorded in the last 15 minutes. Whilst we appreciate that just under one vehicle a minute for a short period prior to 7am may lead to some disturbance, there are no specific controls on the timing of movements of either worker car traffic or light construction vehicles on the road network which are set out in the CoCP or the follow up documents – the RTMP or LTMP.</p>	<p>I would consider 23 vehicles of any size daily in a quiet village between 6 and 7am a significant disturbance, as do the residents of Hints, hence their complaints. However as stated above, the CoCP is clear and there should be <i>no</i> movements to places of work prior to 7am.</p> <p>HS2 Ltd.'s argument that requirements in the CoCP don't apply because they aren't also referred to in the supporting documents doesn't make sense.</p>
<p>Since the beginning of the works, LM have had a monitoring system in place and, with one exception where appropriate action was subsequently taken, all HGV movements have been after 8am. Both HS2 Ltd and LM are committed to the ongoing monitoring of all vehicle movements to ensure that they remain within the permitted number and times allowed. However, please note that the criteria for a 'vehicle movement' is as follows:</p> <ul style="list-style-type: none"> • Only vehicles over 3.5t are counted. • Site staff vehicles are not counted. • Deliveries of fuel and water are not counted. • Agricultural vehicles are also not counted. <p>On this basis it has been concluded there has been no breach of the CoCP by LM.</p>	<p>It is unclear why LM are not counting vehicles which are subject to the CoCP, as they all are (as no exclusions are stated). Therefore I reject their claim that they are not in breach.</p> <p>This paragraph seems to be finding ways in which all the vehicle movements causing difficulty to residents are exempt from any controls, rather than accepting the problem, acknowledging the requirements of the CoCP and seeking to resolve it.</p> <p>Contractors are also required to produce a workplace travel plan, which was not done for this site. They are also required to have an Environmental Management System (EMS) in accordance with BS EN ISO 14001. I am not aware of whether this exists.</p> <p>They are also required, for noise, dust and air quality data, to provide to the relevant local authority monthly reports that include a summary of the construction activities occurring, any complaints received, the data recorded over the monitoring period broken down into appropriate time periods, any periods in exceedance of the agreed trigger levels and the results of any investigations and identified source; and, where the works have been found to be the source, any action taken to immediately resolve the issue and to prevent a recurrence. This has not been done to my knowledge.</p>
<p>Finally, the team at the compound are aware of the need to be considerate when arriving for work and over the coming weeks we will reiterate the importance of them to continue to respect the local community as works continues in the area. Further, to demonstrate HS2's commitment to being a good neighbour in the locations where they are working, LM has implemented traffic marshals, speed restrictions, signage and have been in regular</p>	<p>Unless they start complying with the CoCP, telling them to 'continue to respect the local community' is meaningless, as they aren't respecting it in the first place.</p> <p>Since this response was issued, a number of further complaints involving unescorted large vehicles have been received, and are included with photographs at Appendix 2.</p>

dialogue with a number of residents around the village on a daily basis.	
Alternative Access	
<p>The suggestion of an alternative access from Rock Hill has been investigated by HS2, and whilst it is agreed that the access may result in some opportunities to reduce community impacts, there are several factors which prevent Rock Hill being used as an alternative access. Most fundamentally is that the track from Watling Street and Rock Hill is outside of the HS2 Act, as was previously explained by LM at a public meeting. The reasons why the current access was selected was as follows:</p> <ol style="list-style-type: none"> 1. The track that would be used is outside of the HS2 act and therefore HS2 has no powers to make use of it. 	<p>This is nonsense. The nominated undertaker is perfectly entitled to use the normal planning process, as is stated in section 8 of the CoCP, or reach agreement with the landowner. They have had plenty of time to do this, especially given the delays occasioned by the Oakervee review and the Covid-19 pandemic.</p>
<ol style="list-style-type: none"> 2. The current bridge that crosses Black Brook has a weight restriction and would need significant modification in order to get the required plant and vehicles to site. This would involve widening the bridge considerably and building new foundations. Furthermore, constructing a new bridge, as suggested, would still not remove the topography issue and any new bridge would need to be of significant scale to remove the issue of a 10m fall and rise either side of the brook. 	<p>There are two issues with this. One is that the vehicles breaching the times stated in the CoCP are smaller vehicles in any case, so why is a bridge extension needed? Secondly, Cadent Gas will be accessing their pipeline diversion works in Hints by using an access off Watling Street. Part of the route is outside Act limits and is a private road, but they have confirmed that HS2 Ltd own the private road in any case. They are using a bailey bridge to cross the Black Brook rather than the existing bridge. Why was LM unable to take the same approach?</p>
<ol style="list-style-type: none"> 3. This suggested access would require the removal of a significant amount of vegetation. 	<p>No evidence has been provided of this and residents dispute this fact.</p>
<ol style="list-style-type: none"> 4. The topography of the suggested route would make it difficult for large vehicles and plant to access site from this direction as from Watling Street there is a 10m drop towards the brook which then rises a further 10m once over the brook. This area would become wet and boggy would create significant risks and endanger both site staff and members of the general public using the public rights of way around that area. 	<p>See comments under 2.</p>
<ol style="list-style-type: none"> 5. It would require the additional purchase of land and outbuildings in that location to accommodate the rebuilding of the bridge over Black Brook. 	<p>Irrelevant, as the building of the bridge is not required – this email acknowledges that the early vehicles are not HGVs. We understand that HS2 Ltd own the land which would be needed in any case.</p>
Status of Highway Used	
<p>Whilst School Lane and Rookery Lane are not identified and assessed as a construction route in the HS2 Environmental Statement, HS2 is permitted to use the lanes providing that the contractor is compliant with the Environmental Minimum Requirements. I can confirm that LM has carried out assessments to assure compliance, and in addition, has carried out a general review that the routes can be used by large vehicles.</p>	<p>As has been stated above, LM are not compliant with EMRs. No such assessments have been provided and no view was sought from the highway authority regarding suitability of the routes.</p>
<p>The requirements for routes to and from worksites to be approved by the relevant planning authority (in this case Staffordshire County Council) are only triggered where there are forecast to be more than 24 movements to or from a site by vehicles over 7.5t each day. The approval is only for routes to be</p>	<p>The County Council is fully aware of its own statutory responsibilities. This is not relevant to the complaint.</p>

<p>used by vehicles over 7.5t and not all vehicles. If the contractor ensures that there are 24 or less movements per day by vehicles over 7.5t, then no particular routes are required to be adhered to. Any deliveries to site for the duration of our works as previously stated will be lower than 24 Heavy Goods Vehicle movements as we are permitted. For the period of mid-September that you have referred to there were 5 deliveries per day and there were 25 in total during the week. The deliveries were planned this way to ensure the number remained under the 24 vehicle movements per day.</p>	
Engagement Undertaken	
<p>In regards to the assertion that there was no prior engagement regarding the use of School Lane and Rookery Lane, I have received information from LM which demonstrates that there has been a consistent amount of engagement undertaken within the Hints community to ensure the community is informed about planned works.</p> <p>I do accept that the use of the lanes may not have been explicitly referenced (partly as a result of the route not required to be identified and assessed as a construction route) as we were not implementing any traffic changes or lane closures. We also note that the ongoing security concerns including the potential for protestor activity require us to balance the need for information sharing with the wider public and the need to protect the community and the staff on the ground.</p>	<p>The entire point of the complaint regarding engagement was regarding the fact that use of the lanes was not mentioned, and because the EMRs are not being complied with.</p> <p>The engagement regarding planned works was in relation to the routes specified in the Environmental Statement. As stated in the mediation meeting, NO engagement occurred regarding the use of the village for traffic, either with residents or the highway authority. HS2 Ltd acknowledged this.</p> <p>Routes may be used outside the ES providing there is no significant adverse effect. There is in our view a significant adverse effect here over and above that assessed for the ES and therefore the routes should have been assessed prior to use.</p> <p>Using security concerns and 'potential' protestor activity as an excuse for not engaging appropriately with directly affected residents is entirely unacceptable. It also does not prevent engagement with local authorities who can be informed under their Non-Disclosure Agreement.</p>
<p>However, I recognise that it is helpful for all parties to continue to inform directly impacted residents and businesses in advance of the works taking place and this should take place wherever possible. This is definitely something that can be addressed moving forward. It is clear from email evidence supplied by LM, that the presence of their staff on the ground during the operation of the compound has resulted in positive engagement and an ability to respond quickly to issues as they arise.</p>	
<p>Further to the above, locals were aware that the proposed access route was to be School Lane and Rookery Lane and this has been in the public domain for ten years and this was mentioned in the legal proceedings that landowners were having at the time regarding HS2.</p>	<p>This is both untrue, and somewhat confusing as it directly contradicts the admitted lack of engagement on the routes as mentioned above. Residents were categorically NOT aware that this was the proposed access route. If this has been the plan for ten years, why was it not in the Environmental Statement, which would have given residents a chance to petition? I would request an investigation into this as it is an extremely serious omission which is the root cause of all the current complaints.</p> <p>Further, I do not consider it reasonable HS2 Ltd to expect residents to find out their plans via legal</p>

I have also explained the reason why the site can't be accessed via Rock Hill / A5 on several occasions

proceedings related to private property when the proper method to make them aware was via the ES and through consultation.

The explanation regarding the Watling Street access is unacceptable, as detailed above, as has been explained on several occasions.