MINUTES OF ORAL EVIDENCE
taken before the
HIGH SPEED RAIL BILL COMMITTEE
on the
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Monday 25 March 2019 (Afternoon)

In Committee Room 5

PRESENT:

James Duddridge (Chair)
Sandy Martin
Mrs Sheryll Murray
Martin Whitfield
Bill Wiggin

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IN ATTENDANCE:

James Strachan QC, Counsel, Department for Transport
Deborah Fazan, Residents’ Commissioner

IN PUBLIC SESSION
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1. THE CHAIR: Welcome back, everybody. Welcome to those who haven’t been here before. I understand, Mr Strachan, that you want to make a statement on Whitmore Parish Council and Stone Parish Council. We have received some documentation but because we were in private, we’ve not had the opportunity to read it, in detail anyway, but please do make a statement. There may be some questions and we may come back to it once we have read it in detail.

Whitmore Parish Council and Stone Parish Council

Statement by Mr Strachan

2. MR STRACHAN QC (DfT): Thank you very much. I will try and make a shortened version of the lengthier written statement. I will just summarise the content. On Tuesday 24 April 2018, hearing the petitioner, Whitmore Parish Council, concerning Whitmore Wood and Madeley Park Wood, Mr Mould referred to the embankment at this location and stated not only that we’d planted trees but also its effect would be to place the railway in a four-metre deep cutting.

3. The Chair of the Select Committee has had a letter from Whitmore Parish Council saying that the parish council have now been told there will not be a cutting but a four-metre noise protection fence and the Select Committee has therefore asked the promoter to check whether there has been a change since Mr Mould appeared before the Committee.

4. There has been no change since the hearing of the petition. At that location, the design of the railway includes the Whitmore north cutting, the Whitmore Wood retaining wall, a three-metre noise fenced barrier extending along the southern side of the Whitmore north cutting to provide acoustic screening, woodland restoration to the south of the Whitmore north cutting, the Lea south embankment, landscape earthworks and landscape litigation planting to both sides of the embankment and graded slopes, and then a four-metre noise fenced barrier extending along the top of the embankment to the start of the River Lea viaduct to provide acoustic screening for properties at Madeley Park Wood.

5. At paragraph 74 of the transcript Mr Mould answered a question about whether
the trees would mitigate the noise and he identified that the effect of providing a four-metre noise fenced barrier extending along the top of the Lea’s south embankment would be as if the railway was placed in a four-metre deep cutting, thus providing acoustic screening for the properties at Madeley Park Wood in addition to the visual screening provided by the tree planting.

6. I turn to the Stone Rural Parish Council’s request. On Tuesday 15 May 2018 in the afternoon, an exchange took place during the hearing of their petition in which Mr Mould stated that traffic going north on the A34 and then turning right to go down south on the A51 isn’t a movement that HS2 will need to undertake and the parish councils questioned whether this was correct. Mr Mould’s statement was a correct statement of the position as it stood on 15 May 2018. Since then the promoter has undertaken a review of the HS2 construction traffic routes in conjunction with additional provision 2 and that works led HS2 to conclude that it is now necessary to include the route under discussion as an HS2 construction traffic route. That traffic route has been introduced following the AP2 00225, the Yarlet south cutting transfer road south on the southern side of the A34. That is page 63 in the supplementary environmental statement of that area. The provision of this additional transfer mode now enables construction material to be managed from both sides of the A34 and that reduces the need to route HS2 construction traffic through the A513 Beaconside and Stafford by also routing HS2 vehicles via the A34 and A51 through the Brooms Aston roundabout. The revised routing proposal, SES002-10, is described on page 18 and explained in paragraphs 2.2.85, 2.2.86 on page 28 of the supplementary environmental statement that was submitted with AP2.

7. THE CHAIR: Questions?

8. MR WIGGIN: Yes, I just wondered, I think that Mr Mould’s statement all rather hinges on whether he said ‘if’ or not. Do we know if the record recorded the ‘if’, as ‘if’, instead of ‘as’?

9. THE CHAIR: Well, the record reads, ‘but also, its effect will be to place the railway in a four-metre deep cutting’.

10. MR WIGGIN: That seems to me where the misunderstanding was. We all thought that he’d told us it was going in a cutting.
11. MRS MURRAY: It does seem to indicate that.

12. MR STRACHAN QC (DfT): What I’ve got from the transcript myself is that he refers to the embankment first and then refers to the ‘embankment’s effect would be to place it’, so you have to read the two in conjunction. If you have an embankment with a four-metre noise barrier on top, the effect in noise terms is what he was identifying as effect as if it would be in a four-metre deep cutting.

13. MRS MURRAY: It seems to me that it could have been interpreted in a different way to a layperson, and maybe Mr Mould could have made it clearer.

14. MR STRACHAN QC (DfT): I am sure that when one is speaking here, one can always be clearer. Certainly, the intention was to refer to the embankment and the effect of the four-metre noise barrier and I hope that at least both the written statement and the clarification or confirmation of what I said today makes the position clear. The plans that I have referred to identify both the cutting that is to the south and the embankment, which is a bit further to the north. There is a three-metre noise barrier on the cutting side and then as it moves to embankment, the four-metre barrier extends along. Those are shown on those plans that I’ve identified.

15. MR WIGGIN: Simply geographically, it can’t be a cutting, can it, up here?

16. MR STRACHAN QC (DfT): No, it’s not a cutting at that point. It’s an embankment.

17. MR WIGGIN: So, how much will Mr Smart tell us it’s going to cost to honour Mr Mould’s promise to make it a cutting, because you’re going to have to drop the height of the railway from quite a long way in both directions, aren’t you?

18. MR STRACHAN QC (DfT): I think Mr Mould referred to it as an embankment and there is no intention to change that. I accept the point that describing its effect, as you pointed out, may be misunderstood by someone listening to it, but what was always being described and what remains the case is that at that point that it is an embankment and it needs to be an embankment simply because of the topography.

19. MRS MURRAY: With the greatest of respect, these people are not professionals. They can’t be expected to look at plans and interpret them in the same way as HS2 does.
They are often here for the first time and I do think there’s a lesson to be learned here that things have to be made very, very clear. I am bit concerned, Chairman, that these people may very well have gone away from here with a different impression than was intended.

20. THE CHAIR: That may be the case. I think the advantage of doing on the record what we have done is that the position is now clear. Mr Strachan, you have been clear and always seek as much clarity as possible. I think the Committee are disappointed that it wasn’t clearer the first time round because petitioners have been confused and there has been some confusion, so we will aspire to greater clarity both in what we say and would ask of counsel greater clarity than we had on this occasion out of many, many sittings.

21. MR STRACHAN QC (DfT): That’s absolutely noted. Just in terms of some comfort, in this particular case the petitioner was represented by counsel and the discussion arose after counsel for the parish council had put the map up and it may be that in those circumstances the understanding was that the description was one that everyone would understand, but I readily take the point in general and what has subsequently been understood, but that may explain why it is a more compressed, abbreviated explanation.

22. THE CHAIR: I think Martin is trying to catch my eye.

23. MR WHITFIELD: I think what has been put on the record today is HS2’s view. I think in the letter from Whitmore Parish Council what their opinion was and whether it turns on hearing the word ‘affect’ over ‘effect’ may well be the case, but I don’t think the matter is simply resolved by rectifying what HS2’s opinion is, or view, and indeed the plan is today. I realise that you have no intention of doing that. But I was also just going to move on to the second letter. So, in essence, what HS2 are now saying is that this matter, albeit it may have arisen as a misunderstanding, actually events and subsequent design now lies over that and removes the problem that was being raised, so we have in effect with the second interpretive difficulty a position that has been put right in any event with the change in circumstances whereas the first one is, ‘This is what our meaning is. We await the view of the Committee’. Would that be fair?

24. MR STRACHAN QC (DfT): The first one I hope I have dealt with as far as I can
take it explaining the position.

25. MR WHITFIELD: Yes.

26. MR STRACHAN QC (DfT): The second one is that what was said on the date of the petition was entirely correct. What’s happened is that as a result of the further work for additional provision 2 and the use of this additional compound, there is, in HS2’s view, a different solution which has beneficial impacts elsewhere. I don’t know whether that solves the parish council’s concern. It may be that they are concerned about the change but the change has been brought forward as a change through the supplementary environmental statement additional provision 2.

27. MR WHITFIELD: Yes, there is a comeback.

28. MR STRACHAN QC (DfT): If they are concerned, they could raise the change.

29. THE CHAIR: Have they petitioned? Are we going to see them anyway? Forgive me, I don’t know.

30. MR STRACHAN QC (DfT): Stone Town Council have. I am not sure that Stone Rural Parish Council have.

31. THE CHAIR: Perhaps we could encourage them to raise any points through that and one can give evidence to the other, just to plug the gap through what was a genuine change in concern. I am conscious that the petitioning periods are closed yet I think it is in everyone’s interest to hear the information. I think that should satisfy the Committee.

32. MR STRACHAN QC (DfT): Certainly, we can provide you, through the witnesses, a more detailed explanation at the time of the precise change, if that would help the Committee.

33. THE CHAIR: Thank you very much. We can now move on to the substance, or the intended substance, of the meeting, the meeting with the Residents’ Commissioner.

34. THE CHAIR: Thank you very much for coming along. Throughout our evidence, we've heard bits and pieces of the role and are growing to understand it a little. Thank
you very much for the very detailed briefing and we have the overview of the Residents’ Charter as well. What we wanted to do, really, is to hand over to you so that we could understand a bit more about your role in totality and then maybe we will ask you a few questions around that and some of the issues that we’ve brought up. But feel free to take 10 or 15 minutes. I will try not to interrupt you. I will try to stop the Committee from interrupting you so that you have some space initially. Sometimes we get over-enthusiastic with our questioning but we will try to restrain ourselves.

Presentation by Ms Fazan

35. MS FAZAN: Thank you very much for inviting me to the Committee today and for the opportunity to explain the role of Residents’ Commissioner. It’s a role that has no precedent in major infrastructure projects and I believe it does demonstrate how HS2 is trying to put the communities it affects at the centre of what it does.

36. The role aims to improve things for anyone affected by HS2, specifically, the policies under which the project deals with property schemes and the way in which it engages and communicates with effective communities. For that reason, it’s very helpful to have the opportunity to describe the role very publicly.

37. The HS2 Residents’ Charter was announced in April 2014 and launched in January 2015. It has subsequently been amended and added to and it now consists of 10 specific commitments made by the project to residents. I think you have referenced that you have all seen the Residents’ Charter. These commitments range from the very specific, such as operating a 24/7 telephone helpline, to more general pledges, for example to respect the wellbeing of communities and to minimise disruption to their lives. I think it’s best summed-up by the first commitment, ‘to build respectful long-term relationships with communities and actively encourage our workforce to listen to local concerns and be considerate and accountable for their actions at all times’. In other words, the Residents’ Charter seeks to demonstrate how HS2 will behave as an organisation towards the communities which it affects.

38. When HS2 introduced the original charter, it also created the role of Residents’ Commissioner. I was appointed to the position when the charter came into force in January 2015. The role is part-time, averaging nine days a month. My job is to hold HS2 publicly accountable for delivering the commitments which the company has made
in the charter. The original charter, the 2015 charter, stated that it wanted to ensure that the company dealt with residents in a clear, fair, competent and reasonable manner. Again, it’s about the behaviour of the organisation. At an organisational level, the existence of the charter and my work in making sure HS2 sticks to it has led to some significant results.

39. My first recommendation in 2015 was that much more community engagement was required with area-specific teams. I was extremely concerned that there was little active community engagement ongoing at the time, and over the four years this has led from eight community engagement events taking place in 2015 – that is the whole of 2015 – all focused on Phase One, to a position in 2018 where there were over 2,000 different events across all three phases. There is now a director of community engagement and there are more than 100 people in HS2 working on building better relationships with the communities.

40. Early in 2016 I recommended that applicants be able to appoint their own RICS valuer rather than using an HS2 panel valuer. This was acted upon and it’s helped all those eligible for the rural support zone or need-to-sell property schemes. My early reports and recommendations resulted in a revision of the Residents’ Charter in 2017 and it widened it to encompass both the immediate and longer-term impacts of the project on communities as well as the earlier charter’s commitments relating to the property schemes, which means that HS2 has had to look at issues much more holistically.

41. From correspondence I received I made a recommendation there should be published guidance available to people using the express purchase scheme and that was introduced last year. I’ve had long-stated concerns about the reliance of HS2 and the DfT on the internet as the primary source of communication about the project. This has led to publication and distribution of printed newsletters to people along the line of route, such as this one to 20,000 on the 2A route in March.

42. This also led to the introduction of drop-in centres in various locations rather than relying on formal set-piece engagement events. There are now YouTube style clips for helping to explain the need-to-sell scheme rather than just the guidance, and most recently after a recommendation I made back in 2015, there is now a mobile community
engagement unit to reach different audiences. HS2 is continuing with my support to look for new ways to communicate with people.

43. How have I helped to ensure these outcomes? Formally, my job is to produce regular, written reports for the chairman and the board of HS2 to which the organisation responds in writing. These are published and are all available online. I also meet frequently with the chairman and chief executive of the project as well as with the HS2 Minister and other senior members of staff in HS2 and DfT.

44. I take a strongly independent line and, as can be seen from my reports, I’m not afraid to be critical when it’s justified. I see at first hand how the organisation is behaving towards residents. This includes spending time with relevant staff day-to-day as well as attending community engagement events up and down the line of route. All of this means I can identify problems and propose changes. Not all of the exchanges make it into my reports because where issues are identified, often they need a quick resolution, and this is what I think is important, to be independent and critical but also to work closely with the project team, and it’s getting this balance right that makes me effective.

45. I would like to say something about individual cases. My job means I have to be aware of individual specific concerns. After all, one of the most important ways to identify organisational failings is to be aware of the issues which are being raised by residents. There are existing and well-established ways for residents to raise their specific concerns about decisions made and the way they’ve been treated by the company. These are laid out in this How to Complain document and, in common with all similar schemes, the ultimate arbiter is the Parliamentary and Health Service Ombudsman, the PHSO. But when individuals write to me I will always reply with what I hope is useful information or signpost the person to the right part within HS2 and that can be anything from a farmer wanting to understand about future access for his cows to his milking parlour – I put him on to the agricultural liaison officer because I don’t know a lot about that – to someone very concerned about how long the process for having his property acquired under express purchase is taking or, and I think there was a petitioner before the Committee last year, somebody wanted advice on the property schemes to him.
46. It might also be about engagement issues, a parish council raising their concerns about the amount of engagement offered or an individual wanting to express their views on the community engagement in their area. Sometimes I forward the correspondence to the appropriate member of staff with my observations and suggestions. Other times it’s about making sure that resident’s voice is heard within the organisation. Often people will write to me, perhaps because I’ve met them at an event, to ensure that I’m aware of what’s happening in their area, just to keep a watching brief.

47. Thank you once again for the opportunity to talk to you today and I hope I have explained a bit about what I do and why the Residents’ Commissioner plays an important role in improving the way HS2 deals with communities along the line of route.

48. THE CHAIR: Thank you very much for that.

49. MRS MURRAY: Thank you ever so much for coming. I have a few questions. First of all, you mentioned that you had an engagement surgery and distributed newsletters. Could you tell me how the surgeries were advertised and who distributes the newsletters? Do they get distributed to every household, for example, using the Post Office? I have some more questions.

50. MS FAZAN: Those are more questions for HS2 rather than me because they are the ones who run the surgeries and who distribute newsletters. Generally, newsletters will go to everyone within a kilometre of the line of route.

51. MRS MURRAY: To every house?

52. MS FAZAN: As far as I am aware, yes. It should be every house. It’s done on a postcode sector, usually, so it’s done within specific postcodes and I believe it’s done through the Royal Mail, but I wouldn’t be sure of that.

53. MRS MURRAY: I know you recommended it.

54. MS FAZAN: Yes.

55. MRS MURRAY: Have you checked to ensure that it was being carried out as you envisaged?
56. MS FAZAN: When I go to engagement events, I always make a point of asking people, ‘How have you heard about this event? What communications have you had from HS2? Is there anything else you’d like to hear from HS2? Is HS2 communicating with you in the right way? Is this how you want to be communicated with?’, and it’s those sorts of things that you can feed back.

57. MRS MURRAY: Has it always been positive?

58. MS FAZAN: I wouldn't expect it to be.

59. MRS MURRAY: Have you fed that back to HS2?

60. MS FAZAN: Yes. That’s why the recommendations which I make continue and it’s about trying to think of different ways. For example, the YouTube style clips: when you are faced with a booklet 48 pages long on the need-to-sell scheme it can be very daunting for some people, so the YouTube clips were an idea of saying, ‘Actually, a visual representation or an easy read’, which is another way that that has been done, ‘is another way of explaining what the information is in a way that widens the audience’.

61. MRS MURRAY: What about people who don’t have access to the internet? Have you thought – it might happen, I don’t know – about face-to-face engagement, perhaps with elderly and vulnerable people?

62. MS FAZAN: That’s what is being offered at the moment by HS2, and that’s really helped, so in the Phase 2B events, there were a number of people who were going to be directly affected by the project who were invited to specific one-to-one sessions, which took place at the same time as the engagement events and those are the sorts of things I would really encourage. I think there have been some recent events in Hopton and in other areas, certainly along the 2A line of route following your recommendations last year on things like the need-to-sell scheme, and I’m very much in favour of people sitting down and having a face-to-face conversation.

63. MRS MURRAY: I am just moving on, Chairman – I am sorry.

64. THE CHAIR: Take as much time as you want.
65. MRS MURRAY: You mentioned about engagement through community groups and parish councils. One of the biggest criticisms I think we’ve heard in past evidence sessions is that parish councils felt as though they were being side-lined. There was engagement with the primary local authorities, but some of the local councils didn’t feel there was that sort of engagement, and from what I could gather, HS2 thought the primary authorities were doing that engagement, and it wasn’t happening. What do you think could be done to ensure from your part for local villages and local residents that their local council is involved?

66. MS FAZAN: I think some of it comes down to time, so some of it is about whenever, for example, the 2A additional provision was put out. It’s difficult, I think, sometimes to make sure that everybody is addressed at the same time. There is always going to be somebody who comes up at the rear, and I think that perhaps if some of the parish councils can get together so that you can have more than one parish council having a meeting, it might not always be about exactly everything that’s relevant to the individual parish council, but I think if sometimes they could group together, it would make it easier to make sure that everybody was covered in a timely way, but I do agree with you. I think there’s too much reliance on trying to make sure that the county councils feed everything to the parish councils, and the parish councils know their patches much better than anyone else does.

67. MRS MURRAY: Finally, just one more. You say you work part-time nine days a month. Do you think that that is adequate time for you to be able to do the role that you think you are obligated to do?

68. MS FAZAN: I do, yes, and I’ve been doing it now for over four years. It is a big role, because it covers the whole of the line of route but people write to me about different things. I try to get out to at least one engagement event a month to go and talk to different people along the line of route. But a lot of it as well is just about stepping back. I don’t do the day-to-day things so I can step back and look at things much more – I hesitate to say ‘strategically’ because I don’t think it is strategic, but it is trying to take an overview.

69. MRS MURRAY: Holistically?

70. MS FAZAN: If you like. I don’t like the helicopter view, but if you know what I
mean. You’re trying to look down and look at it in a different way and say, ‘Actually, because I’m not dealing with the day-to-day problems, I can say, ‘Have you thought about this? Have you thought about that?’ I will give you a different example, if I may. One of the things I’ve been doing recently as a result of one of the HS2 Minister’s requests is talking to people about how they found the HS2 property schemes. That’s involved talking to more than 40 people who have gone through the need-to-sell scheme, express purchase, rural support zone, and actually saying to them, ‘How have you found it? What are your learning points? What would you suggest?’ and actually going out and talking to people in that way. Forty people isn’t a lot out of the number of people that has been brought, but it’s a start and it gives a different perspective but it means that I can sit back, rather than just deal with the individual issues and say, ‘Actually, five people have brought up an issue on the fact that they didn’t really understand the conveyancing process’. So, that’s where I think I add benefit, by stepping back and looking at it with a different lens.

71. MRS MURRAY: Thank you. Thank you, Chairman.

72. MR WIGGINS: Thank you for your presentation. It was very good. In your notes you talk about an increase in the community team from five, is it now to nine?

73. MS FAZAN: No, now to 100.

74. MR WIGGINS: In the community? Is there a plan to increase that once it rolls on?

75. MS FAZAN: Yes, there must be, and as far as I am aware, I think there’s only four people on the 2A engagement team, but once, obviously, the Bill is passed, then I think the engagement will need to ramp up as it will for Phase 2B. If you look at the numbers involved in Phase One, I would hope that there would be an equivalent number on all of the other phases.

76. MR WHITFIELD: Yes, excellent. I think one of the things that I’ve certainly come across talking to people and in the petitions has been a misunderstanding from your title about what your role is. Now, I know the charter has always been very clear, and certainly in the evidence that you have given us, and I think in that view that you take of being able to step back and look at HS2, whereas certainly a number of people
that we’ve spoken to had expected you to be more involved on an individual basis to solve their problems. With your ability to stand back and look where the challenges are, do you think there is a role for someone to do that, to be a best friend of individuals who are petitioning from HS2’s point of view?

77. MS FAZAN: I think there’s a very clearly defined process if you have a complaint about HS2. It’s interesting that you put it as a best friend idea, and it’s interesting for two reasons. One of my very early recommendations was that a third-party agency, and I had in mind someone like the Citizens’ Advice bureaux, would be a good fit to provide that sort of role. The difficulty for having an individual to deal with individual issues is I don’t think that individual could best guess either, for example, what the panel, say for an application to the need-to-sell scheme, would come up with or how a negotiation might go over an express purchase. I think it would be very difficult to have an individual in that particular role to have somebody there to support somebody in putting an application in, but every single circumstance is different, so it is very difficult to say one size would fit all.

78. MR WHITFIELD: I think you capture that very well, and I think you encapsulate something else that’s come across, which is that individuals feel it’s very much a battle against a giant. There is a lack of even playing field here and certainly individuals who have spoken with me have shared the view that really the expertise all lies in HS2, the knowledge all lies in HS2, and it’s very difficult to flatten that ground between the individual and the corporate anomaly. I think it’s interesting that one of your suggestions was a single point of contact within departments of HS2, but what is your view on the individual feeling, actually? HS2 is such an amorphous giant, it’s very hard to engage with. Not that it is very hard; I think that is unfair on HS2, but it is a challenge to engage with HS2 fairly and evenly and believe you are being listened to.

79. MS FAZAN: I think that’s probably the case with any large organisation, to be honest with you. It would depend what the issue was, so if it’s an issue about, for example, fairness in a property acquisition, then they would have an agent who should be there to represent them, who should be professionally qualified, so they should be on their side. Where I think perhaps some of the bigger issues are would be on something like noise effects, where it’s not something on which you would normally have professional representation and I think there it is much more difficult. I think HS2 do
their best, but obviously they are trying to balance the needs of every single individual with the needs of the project, the ground conditions, the taxpayers’ money, the whole heap of things that I know you are aware of, and some people, I think it is fair to say, believe that they haven’t been engaged with when in fact it’s the case that actually their views haven’t been able to be followed. So it may be, as Mr Strachan was just saying, about the fact that somebody might want the railway line in a cutting at a certain point, but actually having it on an embankment with a noise barrier may give you the same result, albeit that it’s much more visual.

80. **MR WHITFIELD:** So, again in terms of the quality of communication – if I use that word carefully – about the language that HS2 are using, clearly that is a continuing learning experience that’s moved down the line. Finally – and there’s a host of other questions – what is your view on the people who come forward who don’t fall into the set property compensatory schemes because I know your understanding of what’s available is very good, but there are groups of people for whom no schemes fall appropriate. What sort of help and generic advice can you give those people?

81. **MS FAZAN:** The need-to-sell scheme has no boundary, so if they are an owner/occupier of a residential property -

82. **MR WHITFIELD:** I am sorry, let me clarify it. If you were a licence holder with no rights as such to a property, you fall between a rock and a hard place or the chair and the table, or whatever. What would your advice be to those individuals who approach you, or those groups of people who approach you?

83. **MS FAZAN:** There’s the atypical scheme, but it’s a difficult scheme. You have to demonstrate it. To be honest with you, and with the greatest respect, I put it back to you and before the Committee.

84. **MR WHITFIELD:** Thank you.

85. **MS FAZAN:** I think that the legislation is sadly lacking on generalised blight. The actual compulsory purchase laws really were set in the 1960s and 1970s for motorway building. They haven’t been properly overhauled. I did quite a lot of work on airports before this role and I think there is very much a role for there to be a better standard for generalised blight. In my mind, HS2 has set a bar below which any major
infrastructure project could not go. I think that the bar always can go higher but I think it’s going to take some encouragement for it to go higher.

86. If I go right back to 2003, to the future of air transport, the reason the airports put in place their schemes was because they were required to do so to put in a generalised blight scheme. If it was a requirement to put in a generalised blight scheme to meet the needs, and you could then word it for whichever groups and communities you wish to, I think it would be a very good long-term legacy for this project, and that’s how I would view it.

87. MR WHITFIELD: I have one more question. If it was Christmas and you had the chance to obtain some additional power or get something, what would improve your role? What would make it easier for you?

88. MS FAZAN: Speed.

89. MR WHITFIELD: Speed?

90. MS FAZAN: I make recommendations. They are usually accepted. Getting them into practice takes a long time. I think that probably is similar to quite a lot of government departments. I’ve always worked in private practice before this and when something needs to be done and you talk to the chairman and the board and they accept it needs to be done, it gets done.

91. MR WHITFIELD: Is that frustration of speed?

92. MS FAZAN: Yes.

93. MR WHITFIELD: Thank you very much. Thank you, Chairman.

94. MR WIGGIN: Just to take that further, first of all I liked hearing about your achievements but the way I was listening to it, it did come across as though you have been liaising on behalf of residents within HS2 which is great, but it’s not the role of a commissioner, and therefore, because you won’t take individual cases, it’s very difficult to see how you can fulfil item 7, which is to leave a positive and sustainable legacy for the communities in which we operate, because you won’t talk to the individuals. Do you think that’s fair?
95. MS FAZAN: I don’t think it’s for me to leave a positive and sustainable legacy. I think it’s for HS2 to leave a positive and sustainable legacy.

96. MR WIGGINS: Okay, but if they are not doing that and the individual comes to you, you can’t act. Is that right?

97. MS FAZAN: I’m not sure what you mean by I can’t act. If there is something which is raised with me by a number of people, then I will consider that to be a theme, a concern, a trend. It’s something I will go and talk to the chairman, to the chief executive about, so people do write to me as individuals and I always try to help. I would never say to somebody, ‘I’m not taking an individual case on. I’m not going to talk to you’.

98. MR WIGGINS: But it says that the Residents’ Commissioner does not investigate individual cases or act as an arbiter for individual residents or deal with complaints.

99. MS FAZAN: That’s right, but people write to me. As I said in the examples, people write to me about all sorts of matters.

100. MR WIGGINS: Would it be better if you were able to do those things?

101. MS FAZAN: I don’t think it would benefit them if I took on individual complaints. There’s a complaints process that’s already in place, so if you take the gentleman who came before you last year, he had put in a need-to-sell – I think this is all on the record so I think I am able to say.

102. THE CHAIR: Yes, you are. Anything that is on the record you can repeat.

103. MS FAZAN: Okay. He had put in a need-to-sell application and he believed that he might subsequently qualify for statutory blight, and he wrote to me to say what should he do, and in that case I said to him, ‘Carry on with your need-to-sell application, because if you’re successful with it you have three years to take it up thereafter and if you are not successful with it you haven’t lost anything, but equally you might get statutory blight at the same time’. He thought that was sensible advice. That’s the sort of advice I’m very happy to give but I wouldn’t go to HS2 and say, ‘You need to deal with this gentleman’s case’, because that’s not the role I’m there to do. Equally, somebody else, for example, wrote to me because they were going to be affected by
construction. I met her at an event, I think in Kenilworth, or somewhere like that, and she asked what she should do and I said, ‘Well, I think you should put in a need-to-sell application, explain what your circumstances are and why it should be’, but I can’t advocate for her need-to-sell application because she needs to put it in individually and it goes through the panel in exactly the same way as everyone else’s application would.

104. MR WIGGINS: On a slightly different note, who determines how many days you do? Is that a contract between you and HS2?

105. MS FAZAN: Yes, that was the original contract.

106. MR WIGGINS: So, if you wanted to do more, you couldn’t?

107. MS FAZAN: I could ask the chairman if I wanted to do more, yes.

108. MR WIGGINS: And liaising at the chairman level is always very nice but it isn’t necessarily deadly effective, as you touched on earlier.

109. MS FAZAN: I meet more frequently with the chief executive because he deals with things at an operational level, but I think it’s important the chairman knows what’s going on.

110. MR WIGGINS: I am sure he does too, or she does, yes.

111. MS FAZAN: Absolutely, but I think it’s important. I do meet with the chief executive and I meet with the directors of both land and property and community engagement on a monthly basis where I can talk about the issues that have been raised. And I can email, I can call, I can talk to the HS2 Minister. I don’t have any areas, frankly, where I can’t speak to somebody if I want to.

112. MR WIGGINS: Thank you very much.

113. MR MARTIN: You said that in April 2014, HS2 Ltd announced the Residents’ Charter and the appointment of a Residents’ Commissioner. Was it entirely HS2’s decision to have a Residents’ Commissioner?

114. MS FAZAN: I’m really sorry but it was before my time, so I wouldn't know that.

115. MR MARTIN: So, you wouldn't know that. Right, okay, but presumably if it was
in the charter that was announced by HS2, they must have had quite a strong influence on the remit of the Residents’ Commissioner.

116. MS FAZAN: Yes, I would suggest so.

117. MR MARTIN: Would you accept that the words, ‘Residents’ Commissioner’ would tend to suggest different things to different people, that quite a few residents would expect a Residents’ Commissioner to be able to actually take on individual cases or speak to individuals or groups of residents?

118. MS FAZAN: Well, there isn’t a precedent for this role, as I said previously, so – this is going to sound a bit odd – you can almost interpret it how you wish to interpret it, if you understand what I mean. The role is there to support the Residents’ Charter but I can understand why some people might find it confusing. I’ve had people asking me what I do as a Residents’ Commissioner and I’m always very happy to explain, but I’ve never had anybody say, ‘That doesn’t work’, because once I can explain what I do, it’s fine. My details go out, literally, on everything, on the back of everything as do the Construction Commissioner’s and it says on every single thing what I do, so I would hope it’s fairly well known by now but I do accept that some people find it confusing.

119. THE CHAIR: Can I interject?

120. MR MARTIN: Of course.

121. THE CHAIR: We struggled to come up with a better job title to reflect it, but was there one when it was initiated that bearing in mind if you were called x – because this is going to happen on other infrastructure projects – is there a better word than ‘Residents’ Commissioner’, because I think we are all agreed, including yourself, that if you have to explain the job title, it almost doesn’t do the job. Is there a job title that works better reflecting what you do?

122. MS FAZAN: I am also the Independent Commissioner for EDF down at Hinkley. That doesn’t tell you anything about what I do, so I am not sure that ‘Independent Commissioner’ helps, to be honest, at all. I don’t know, and I am happy to be guided if the Committee has any suggestions on what I could be called.

123. THE CHAIR: It strikes me that the word ‘independent’ does add something to it
but ‘commissioner’? You are not commissioning services in that kind of NHS terminology, but I think the word ‘independent’ is interesting.

124. MR MARTIN: Indeed, or Police and Crime Commissioner commissioning police services. So, you say you are independent, but the job appears to have been set up by HS2. How exactly does your appointment work? Can you describe in which way you are independent?

125. MS FAZAR: I provide services to HS2. I take an overview of what they do and I think if you read my reports you will know I am quite critical of them.

126. MR MARTIN: Yes, but you are actually employed by HS2.

127. MS FAZAR: My contract is with HS2, yes. I am not an employee of HS2 though.

128. MR MARTIN: Ah, so who are you employed by?

129. MS FAZAR: I am an independent consultant, if you like. I provide services to HS2. HS2 do pay me.

130. MR MARTIN: Right, okay, thank you. Finally, when we first heard about the independent Residents’ Commissioner, we thought this was an excellent idea and so we were a little surprised that the Residents’ Commissioner was not somebody who was actually going to be taking individual cases or assisting members of the public, but you said you had yourself recommended that there should be a third-party agency, which was doing that role. What was the result of your recommendation?

131. MS FAZAR: It was investigated but, to be honest with you, I think it probably fell more into the ‘too difficult’ pile. The Citizens’ Advice bureaux are independently run, which means that to try and get a consistent approach across the whole of all three phases of the line of route was quite difficult. It was explored in some detail with them to see whether it would work, but I wasn’t involved in the final discussions between HS2 and the Citizens’ Advice bureaux, so could I come back to you on how it was finally left with them?

132. MR MARTIN: Yes, thank you.
133. THE CHAIR: In my experience of Citizens’ Advice is that they are quite formulaic because systems change all the time so most of their advice does go through a structured flow diagram, so it would be suitable. Could I perhaps take you back to Martin who was talking to general blight and thinking forward beyond HS2. Would this cover people, for example with houseboats on waterways? The previous committee, HS1, were exercised by council house tenants and their rights, and I think Martin talked of leaseholders. Would those be included within a more generalised blight and what other group would be positively impacted if the Government expanded the definition?

134. MS FAZAN: I think there are those and mobile homes are the other ones in particular. I don’t believe there are any on 2A but certainly on 2B there will be, and certainly on projects I have worked on previously. Again, mobile homes and houseboats are called ‘moveable homes’, but they’re not actually always terribly moveable and particularly you have to find somewhere else to put them, and that can be a challenge in itself. I think that they should be looked at again, perhaps differently. There is some legislation which dates back to 2000 about noise impacts within 300 metres of the line of route, but again there’s very little out there about them, so again I think it’s an opportunity to encompass all of these different groups.

135. THE CHAIR: I suspect that the Committee will want to look at that in detail given that HS1 Committee, when we did a handover, for want of a better word, expressed some residual concerns on those issues. We found some concerns, particularly in relation to waterways and if future phases are going to broaden the pitch in terms of mobile homes it might be useful for us to come to some conclusions on our views, which the department can then consider alongside other things. I am going to come back and see if you have anything else you want to add, but before I do are there any further questions from the Committee? Is HS2 wanting, through counsel, to make any queries? Fantastic. Is there anything that you think would be useful for us?

136. MS FAZAN: But thank you for the opportunity.

137. THE CHAIR: Thank you enormously for coming to us explaining what you do and assisting our work. Meeting closed.