

Information Paper



F5 – COMPLAINTS COMMISSIONER

1. Introduction

1.1 During the construction of Crossrail, the Secretary of State will ensure that a Complaints Commissioner is appointed.

2. Terms of Reference

2.1 For those who are unhappy with an aspect of the construction of Crossrail, the first step would be to complain to the Secretary of State or the nominated undertaker. It is where the complainant feels that the complaint has not been satisfactorily addressed that the Complaints Commissioner has a role to play.

2.2 The Complaints Commissioner will be independent of the Secretary of State and any nominated undertaker appointed to construct Crossrail. The Commissioner's role will be to investigate any grievance where it is alleged that the Secretary of State or the nominated undertaker has not satisfactorily addressed a matter raised by a complainant.

2.3 The precise terms of reference for the Complaints Commissioner will be established by the Crossrail high level forum (for further information see Information Paper F4 *High Level Forum*). The Complaints Commissioner's main functions are expected to be:

- to ensure the existence and function of his office is well publicised to those affected by works;
- mediate in unresolved disputes between the project and individuals or bodies;
- make reports to the high level forum; and
- advise the nominated undertaker where action could be taken to reduce the instance of complaints.

The Complaints Commissioner will not have power to determine a dispute but will act as a mediator. Any dispute still unresolved following his involvement would have to be addressed through the relevant dispute resolution process.

2.4 The Complaints Commissioner's role will not cover the following:

- Planning conditions; where a complainant disagrees with the determination, or conditions applied to a determination, of any consent application made by a qualifying authority under Schedule 7 of the Act. The Complaints Commissioner may be called to mediate in matters of compliance but be able to do no more than make recommendations to the nominated undertaker and their contractor. (The Complaints Commissioner does have a role in dealing with the environmental effects of construction; this is likely to be most of his work.)
- Property compensation issues; in the case where the vendor disputes the terms, or proposed terms, of any property acquisitions made under the act.

Information Paper



F3 – COMMUNITY RELATIONS

1. Introduction

1.1 The nominated undertaker will have a detailed plan for community relations before and during construction. The framework and general principles are set out in the Crossrail Construction Code (CCC) (for further information see Information Paper D1 *Crossrail/ Construction Code*). Liaison arrangements will be discussed with local authorities, community representatives and other affected parties throughout construction.

2. Position Statement

2.1 The Promoter is committed to achieving and maintaining good relations with the community in all areas where works will be carried out.

2.2 The Crossrail helpdesk, which can be contacted by telephone 24-hours a day, 7-days a week and by post, fax and e-mail, will continue to operate throughout construction. All calls to the helpdesk will be logged and a reference number provided to the caller. If the enquiry cannot be dealt with immediately, the nominated undertaker will aim to deal with it no later than 24 hours after the initial contact. The helpline will be widely advertised on site signboards, information sheets and general correspondence. It will also be possible to contact the helpline via the Crossrail website.

2.3 An independent Complaints Commissioner will be appointed to investigate complaints against the nominated undertaker and its contractors, should the complainant decide that it has not been satisfactorily addressed by them, or has become the subject of a dispute between parties (see Information Paper F5 *Complaints Commissioner*).

2.4 As part of the process of obtaining powers through a Parliamentary Bill, the scheme expects to enter into undertakings and assurances with petitioners, local authorities, property owners, utilities providers and other statutory bodies. These undertakings and assurances may be project-wide and general, or site specific. The Promoter will require the nominated undertaker to ensure that undertakings and assurances are complied with.

2.5 The nominated undertaker will be expected to maintain a professional and helpful relationship with the community and with local authorities throughout construction. The nominated undertaker will have the following responsibilities:

- i. monitor contractor and subcontractor compliance with undertakings and performance against commitments, local agreements and specific community requirements throughout the project;
- ii. maintain regular communication to ensure that the community and all other stakeholders and affected parties are kept well informed. The nominated undertaker will be required to produce information sheets of the works to be carried out, detailing expected disruptions and the measures being taken to minimise or mitigate adverse effects of these works, at least two weeks prior to construction activity taking place. Information sheets will also be

(7) Any reference in column (1) of the table in sub-paragraph (4) to a description of works does not include works of that description of a temporary nature; and for this purpose, a building ancillary to a scheduled work is only to be regarded as being of a temporary nature if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use. 5

(8) Sub-paragraph (4) (as it has effect with sub-paragraphs (5) to (7)) shall apply in relation to the imposition of conditions on approval as it applies in relation to the refusal of approval.

7 (1) Development shall be carried out in accordance with arrangements approved by the local planning authority at the request of the nominated undertaker with respect to the matters mentioned in column (1) of the table in sub-paragraph (2). 10

(2) The only ground on which the local planning authority may refuse to approve for the purposes of this paragraph arrangements with respect to a matter mentioned in column (1) of the following table is – 15

(a) that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other permitted development which is to be carried out in the authority's area, or 20

(b) the ground specified in relation to the matter in column (2) of the table.

(1)	(2)
<i>Matters</i>	<i>Grounds</i>
<p>1. Road transport</p> <p>Routes by which anything is to be transported on a highway by large goods vehicle to a working or storage site, a site where it will be re-used or a waste disposal site.</p>	<p>That the arrangements ought to be modified –</p> <p>(a) to preserve the local environment, local amenity or a site or archaeological or historic interest or nature conservation value, or</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.</p>
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(1)	(2)
<i>Matters</i>	<i>Grounds</i>
<p>2. <i>Handling of re-usable spoil and top soil</i> Handling during removal, storage and re-use of any spoil or top soil removed during the course of carrying out the development.</p>	<p>That the arrangements ought to be modified to ensure that the spoil or top soil remains in good condition, and are reasonably capable of being so modified.</p>
<p>3. <i>Storage sites</i> Sites on land within the relevant limits at which –</p> <p>(a) minerals, aggregates or other construction materials required for the development, or</p> <p>(b) spoil or top soil, are to be stored until used or re-used in carrying out the development or disposed of as waste.</p>	<p>That the arrangements ought to be modified –</p> <p>(a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.</p>
<p>4. <i>Construction camps</i> Sites on land within the relevant limits which are to be used for the residential accommodation of persons engaged in carrying out the development.</p>	<p>As item 3.</p>
<p>5. <i>Screening</i> Provision where necessary on land within the relevant limits of any screening for working sites on such land required for the purpose of carrying out the development.</p>	<p>As item 3.</p>
<p>6. <i>Artificial lighting</i> The use of artificial lighting on land within the relevant limits for the purpose of carrying out the development.</p>	<p>That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.</p>

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(1)	(2)
<i>Matters</i>	<i>Grounds</i>
<p>7. <i>Suppression of dust</i> The suppression of dust caused by construction operations carried on on land within the relevant limits for the purpose of carrying out the development.</p>	<p>As item 6.</p>
<p>8. <i>Mind on highway</i> Measures to be taken on land within the relevant limits to prevent mud being carried onto any public highway as a result of carrying out the development.</p>	<p>That the arrangements ought to be modified –</p> <p>(a) to preserve the local environment or local amenity, or</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,</p> <p>and are reasonably capable of being so modified.</p>

- (3) No arrangements for the purposes of sub-paragraph (1) shall be required –
- (a) in relation to transportation on a special road or trunk road, or
 - (b) in relation to transportation to a site where the number of large goods vehicle movements (whether to or from the site) does not on any day exceed 24.
- (4) In sub-paragraph (1), the reference to arrangements, in relation to item 6 in column (1) of the table in sub-paragraph (2), does not include detailed arrangements.
- (5) The district planning authority may only impose conditions on approval for the purposes of this paragraph with the agreement of the nominated undertaker.
- 8 (1) To the extent that development consists of –
- (a) the disposal of waste or spoil, or
 - (b) the excavation of bulk materials from borrow pits,
- it shall not be begun unless the local planning authority has, at the request of the nominated undertaker, approved a scheme for the restoration of the land on which the development is to be carried out.
- (2) The only ground on which the local planning authority may refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph is that the scheme ought to be modified, and is reasonably capable of being modified.
- (3) The nominated undertaker shall carry out a scheme approved for the purposes of this paragraph once it has completed its use of the land to which

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