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Major Applications Planning Committee

Date: WEDNESDAY, 9 MARCH 2022

Time: 6.00 PM

- Venue: COMMITTEE ROOM 5 -CIVIC CENTRE, HIGH STREET, UXBRIDGE
- MeetingMembers of the Public andDetails:Media are welcome to attend.This meeting may also be
broadcast live.

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To Councillors on the Committee

Councillor Steve Tuckwell (Chairman) Councillor Henry Higgins (Vice-Chairman) Councillor Alan Chapman Councillor Philip Corthorne Councillor Janet Duncan (Opposition Lead) Councillor Stuart Mathers Councillor David Yarrow

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Contact: Steve Clarke Tel: 01895 250693 Email: sclarke2@hillingdon.gov.uk

Putting our residents first

Lloyd White Head of Democratic Services London Borough of Hillingdon, Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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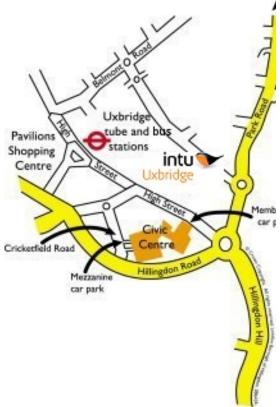
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A useful guide for those attending Planning Committees

Petitions, Speaking and Councillors

Petitions – Those who have organised a petition of 20 or more people who live in the Borough, can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes. The Chairman may vary speaking rights if there are multiple petitions

Ward Councillors – There is a right for local councillors to speak at Planning Committees about applications in their Ward.

Committee Members – The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

How the meeting works

The Planning Committees consider the more complex or controversial proposals for development and also enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

- 1. The Chairman will announce the report;
- 2. The Planning Officer will introduce it; with a presentation of plans and photographs;
- 3. If there is a petition(s),the petition organiser will speak, followed by the agent/applicant followed by any Ward Councillors;
- 4. The Committee may ask questions of the petition organiser or of the agent/applicant;
- 5. The Committee discuss the item and may seek clarification from officers;
- 6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

How the Committee makes decisions

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority – under 'The London Plan' and Hillingdon's own planning policies. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee <u>cannot</u> take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

Agenda

CHAIRMAN'S ANNOUNCEMENTS

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To sign and receive the minutes of the previous meeting

1 - 4

- 4 Matters that have been notified in advance or urgent
- 5 To confirm that the items marked in Part 1 will be considered in public and those items marked in Part 2 will be heard in private

PART I - Members, Public and Press

HS2 Application without a petition

	Address	Ward	Description & Recommendation	Page
6	Land at Newyears Green Lane and Breakspear Road South 76870/APP/2021/4237	Harefield	Request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 for a site 299,165.4m2 for the placement of excavated HS2 material arising from HS2 works to form 2 no. mounds (i.e. western and eastern mound), fencing (location only), the diversion of an ordinary watercourse to facilitate the western mound, creation and associated drainage in the form of swales, culverts, and a pond. Recommendation: Approval	5 – 28 52 - 68

Major Applications without a petition

	Address	Ward	Description & Recommendation	Page
7	Woodlands Park Landfill Site (Out of Borough consultation for Buckinghamshire County Council) 39707/APP/2021/4456	Uxbridge South	Out of Borough consultation for Buckinghamshire County Council: Outline planning application with all matters reserved except for principal points of access for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back- up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation. Recommendation: Objection	29 – 42 69 - 76
8	Woodlands Park Landfill Site (Out of Borough consultation for Buckinghamshire County Council) 39707/APP/2021/3769	Uxbridge South	Out of Borough consultation for Buckinghamshire County Council: Construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track. Recommendations: Objection	43 – 50 77 - 80

PART I - Plans for Major Applications Planning Committee 51 - 80

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Agenda Item 3



MAJOR Applications Planning Committee

23 February 2022

Meeting held in the Council Chamber - Civic Centre, High Street, Uxbridge

	Committee Members Present: Councillor Steve Tuckwell (Chairman) Councillor Henry Higgins (Vice-Chairman) Councillor Janet Duncan (Opposition Lead) Councillor Alan Chapman Councillor Philip Corthorne Councillor John Morse Councillor David Yarrow
	James Rodger (Deputy Director of Planning and Regeneration) Glen Egan (Office Manging Partner – Legal Services) Mandip Malhotra (Strategic and Major Applications Manager) Alan Tilly (Transport Planning and Development Team Manager) Steve Clarke (Democratic Services Officer)
87.	APOLOGIES FOR ABSENCE (Agenda Item 1)
	Apologies for absence had been received from Councillor Stuart Mathers with Councillor John Morse substituting.
88.	DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2)
	None.
89.	TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)
	RESOLVED: That the minutes of the meeting held on 19 January 2022 be approved as a correct record.
90.	MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (Agenda Item 4)
	It was confirmed that item 6 had been withdrawn.
91.	TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED INPUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE (Agenda Item 5)

	It was confirmed that all items would be considered in public.
92. LAND AT YIEWSLEY LIBRARY & FORMER YIEWSLEY POOL, FALLING AND OTTERFIELD ROAD - 76795/APP/2021/3704 (Agenda Item 6)	
	This item was withdrawn from the agenda.
93.	UNITS 6 AND 7, SILVERDALE INDUSTRIAL ESTATE - 28877/APP/2020/3991 (Agenda Item 7)
	Officers introduced the application and highlighted that the proposed change of use from class B2 to Sui Generis was to accommodate a multitude of uses which were all industrial in nature. Officers had negotiated with the applicant regarding the provision of car parking and Members attention was drawn to the additional condition proposed within the addendum ensuring adequate parking and loading facilities were provided on site. By way of verbal update, the Committee were informed of an objection from a local resident regarding the potential for petrol and oil to emanate from the site, it was proposed that an informative be added advising the applicant to contact the Environment Agency to establish whether there is a need for an oil interceptor or separator. The application was recommended for approval.
	Members discussed the possibility of conditioning the need for an oil interceptor or separator rather than having it as an informative. Officers highlighted that the Environment Agency were experts to that affect and would be best placed to advise the applicant on appropriate measures. If the Local Planning Authority were to impose a particular solution, it may not be entirely suitable; therefore, it was established that an informative was the most appropriate course of action. The Committee also raised concerns regarding the prospect of contaminated wastewater running into the canal adjacent to the site; Members were minded to strengthen the informative by referencing the possible impact on the canal.
	The Committee sought clarification over the availability of parking for the no more than 22 staff who would be on site at any one time. It was confirmed that there would be 18 staff parking spaces, this had increased significantly from 6 when the application was initially received. The applicant would also be required to submit a Travel Plan and Travel Plan bond ensuring that the Travel Plan is delivered. Members went on to query the effectiveness of Travel Plan bonds and highlighted that this could be an issue further scrutinised by a Select Committee.
	With regard to proposed condition 7, Members discussed whether it could be conditioned that delivery of vehicles was made by trailer to aid in preserving the highway. It was highlighted that conditioning the way in which vehicles were delivered could be onerous upon the business, Members agreed that delivery by trailer could be encouraged by way of an additional informative.
	The officer's recommendation, inclusive of the addendum and suggestions for additions and amendments as outlined, was moved, seconded, and when put to a vote, unanimously agreed.
	RESOLVED: That the application be approved subject to the additional condition stated in the addendum and the following:
	1) That delegated authority be granted to officers to word an informative advising the applicant to contact the Environment Agency to establish

	whether there is a need for an oil interceptor or separator. The informative was also to reference sustainable urban drainage and the impact of the premises on the canal; and,			
	2) An informative be added relating to condition 7 to encourage delivery of vehicles by trailer to minimise vehicle movements.			
94.	RIVER HOUSE, RIVERSIDE WAY - 35755/APP/2021/4136 (Agenda Item 8)			
	Officers introduced the application and drew Members attention to the addendum where a verbal update was delivered proposing the removal of part 3.b of condition 5, this was as a result of the proposed green wall to be installed. In addition to this it was proposed that reference could be made to pollution absorbing trees in condition 5 and a further condition could be added in relation to sustainable urban drainage to ensure the long-term management and maintenance of proposed drainage solutions and the encouragement of grey water harvesting. The application was recommended for approval.			
	Members discussed part 2.f of condition 5, relating to external lighting, with reference to the prospective installation of LED lighting. Officers clarified that an external lighting layout plan had been submitted and light spill would not protrude into the abutting green belt land; it was confirmed that part 2.f of condition 5 could be removed providing the external lighting was installed as proposed.			
	The officer's recommendation, inclusive of the verbal update to the matters outlined in the addendum, was moved, seconded, and when put to a vote, unanimously agreed.			
	RESOLVED: That the application be approved subject to the amendments to conditions 5, 9 and 20 stated in the addendum and:			
	1) That reference to pollution absorbing trees be added to condition 5;			
	 That parts 2.f and 3.b of condition 5 be removed providing external lighting and a green wall was installed as per the plans; and, 			
	3) An additional condition be added relating to sustainable urban drainage.			
95.	TERMINAL 4, HEATHROW AIRPORT - 76510/APP/2021/3789 (Agenda Item 9)			
	Officers briefly introduced the application highlighting the ongoing temporary use of the site as a Covid-19 test facility. The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.			
	RESOLVED: That the application be approved as per the officer's recommendation.			
	The meeting, which commenced at 6.00 pm, closed at 6.39 pm.			

These are the minutes of the above meeting. For more information on any of the resolutions please contact Steve Clarke on 01895 250636 or email (recommended): democratic@hillingdon.gov.uk Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

Agenda Item 6

Item No.	Report of the Head of Planning and Enforcement
Address:	LAND AT NEWYEARS GREEN LANE AND BREAKSPEAR RD S HAREFIELD
Development:	Request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 for a site 299,165.4m2, for the placement of excavated HS2 material arising from HS2 works to form 2 no. mounds (i.e. western and eastern mound), fencing (location only), the diversion of an ordinary watercourse to facilitate the western mound, creation and associated drainage in the form of swales, culverts, and a pond.
LBH Ref Nos:	76870/APP/2021/4237

Drawing Nos:	Date of Plans:
1MC04-SCJ_SDH-IN-STA-SS05_SL07-000007 Work Method Stateent	19-11-2021
1MC04-SCJ_SDH-IN-PLN-SS05_SL07-000001 Site Restoration and Aftercare Plan	19-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-710122 P03Site Restoration - Consent Overview Plan Sheet 2	16-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711133 P05 Landscape GA - Soft landscape Sheet 3	16-11-2021
1MC04-SCJ-SDH-LS-DSE-SS05_SL07-712122 P04 Mounds Cross Sections Sheet 2	16-11-2021
Covering Letter	16-11-2021
MC04-SCJ_SDH-EV-ASM-SS05_SL07-000008 Rev. Co2 Flood Risk Assessment	19-11-2021
1MC04-SCJ_SDH-IN-APP-SS05_SL07-000003Rev. Co2 Plans and Specifications Proforma	19-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-710123 P03 Site Restoration - Consent Overview Plan Sheet 3	16-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711109 P04 Location Plan	16-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711112 P05 GA Plan Sheet 2	16-11-2021
1MC04-SCJ-SDH-LS-DSE-SS05_SL07-712141 P04Landscape Cross Sections Sheet 1	16-11-2021
Written Statement	19-11-2021
1MC04-SCJ-SDH-LS-DDE-SS05_SL07-714100 P03 Fence Details	16-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711111 P05GA Plan Sheet 1	16-11-2021
1MC04-SCJ-SDH-LS-DSE-SS05_SL07-712142 P04 Landscape Cross Sections Sheet 2	16-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711131 P05 Landscape GA - Soft	16-11-2021

landscape Sheet 1	
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-710121 P03Site Restoration - Consent Overview Plan Sheet 1	16-11-2021
1MC04-SCJ_SDH-LS-DSH-SS05_SL07-716130 P04 Planting Schedule	19-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711110 P04 GA Overview	16-11-2021
1MC04-SCJ-SDH-LS-DSE-SS05_SL07-712121 P04 Mounds Cross Sections Sheet 1	16-11-2021
Topographic information	19-11-2021
1MC04-SCJ-SDH-LS-DPH-SS05_SL07-719001 to 19005 Rev. P02 Supporting photomontages	19-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711113 P05GA Plan Sheet 3	16-11-2021
1MC04-SCJ-SDH-LS-DGA-SS05_SL07-711132 P05 Landscape GA - Soft landscape Sheet 2	16-11-2021

Drawing Nos:

Date of Amended Plans:

Date Application Valid: 19th November 2021

1. SUMMARY

This application comprises a Plans and Specifications submission under Schedule 17 of the HighSpeed Rail (London-West Midlands) Act 2017 (The Act), in relation to the placement of excavated material from the Copthall Tunnel, to form mounds on two separate areas within the site, on land immediately to the north of Newyears Green Lane as follows:

 \cdot The western mound rising to a height of approximately 16 metres above existing ground level at its highest point, using approximately 209,000m3 of material.

 \cdot The eastern mound, rising to a height of approximately 18 metres above existing ground level at its highest point, using approximately 468,000m3 of material.

The application is the latest in a series of HS2 Schedule 17 planning submissions that have been deposited with the Council. These Schedule 17 planning submissions can best be likened to the submission of reserved matters, where outline planning consent, has already been granted. This includes the principle of the placement of excavated material from the Copthall Tunnel. The role of the Planning, Authority is therefore heavily restricted as to what can and cannot form the basis of a decision.

This application effectively seeks two different approvals:

Approval 1 - The application is a 'waste and soil disposal development' submitted under Paragraph 7 of Schedule 17. As set out in the written statement:

"Paragraph 7(8) outlines further grounds for approval of 'waste and soil disposal and excavation'; however paragraph 7(9)(b) stipulates that the grounds under paragraph 7(8) do not apply to land

listed under Schedule 5 of the Act. The land parcels subject to this application (detailed on Parliamentary Plans Volume 1 Replacement Sheet No. 1-48: land parcels AP4-27, AP4-29 and AP4-33 to AP4-39 - see Figure 1 below) are included in Schedule 5 of the Act for the purpose of 'provision of environmental mitigation'; therefore, paragraph 7(8) grounds do not apply. Therefore, consideration of environment, amenity, road safety and archaeological / historic interest (i.e. the grounds outlined in Schedule 17 paragraph 7(8)(a-c)) are not applicable to the determination of this Plans and Specifications application."

Consequently, as the proposals related to listed works identified as Additional Provision 4 of the Environmental Statement and reflected in Schedule, there is limited scope to consider matters relating to the plans and specifications presented.

Approval 2 - However, the plans and specifications effectively approved as part of the constraints of Schedule 17(7)(9) cannot be commenced until the Local Planning Authority has approved a scheme for restoration under Schedule 17 paragraph 8. The constraints associated for Approval 1 are not replicated for the Schedule 17(8) restoration requirements:

Schedule 17(8)(3):

"The relevant planning authority may only refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified."

Consequently, officers consider that there is suitable scope to ensure that the restoration of the proposals are appropriate to the London Borough of Hillingdon and its residents.

There is no statutory obligation to consult with neighbours. However, Natural England, the Environment Agency and Historic England (GLAAS) are statutory consultees for this proposal and have raised no objections.

Officers are of the opinion that in accordance with the parameters set out in Schedule 17, paragraph 7(7) of the Act, the proposed design or external appearance of this disposal site and the methods by which the site is worked are satisfactory. In addition, it not considered that the noise, dust, vibration or screening arrangements during the operation of the site ought to, and could reasonably be modified.

However, Officers are concerned about the long term land use of the mounds, particularly the eastern mound. The current vision for these mounds lacks clarity and therefore the benefits to Hillingdon residents are not obvious.

Furthermore, HS2 Ltd has raised concerns about the management of the eastern mound with regards to anti-social behaviour, for example dirt biking and the active land management strategy in the short term would be to secure the eastern mound until a long term plan materialises.

Officers consider this unacceptable and therefore as presented the restoration of the land would be detrimental to the amenity of the area and represent a possible risk of anti-social behaviour. This is because the restoration plans make no alternative provision for a land use that could safeguard the site, nor introduce an effective land management regime that is beneficial to residents. Without this vision, the mounds become simply a beneficial option for the HS2 project to dispose of material, but

no material long term benefits to residents. Furthermore, the current proposals are accepted as presenting a risk of anti-social behaviour.

Consequently, the restoration proposals as presented ought to be modified to remove the risk of anti-social behaviour and provide a benefit to residents.

In order to resolve this problem, officers have been in dialogue with HS2 Ltd about the need for a planning condition that allows for a change to the presented restoration. This condition, agreed by HS2 Ltd, allows for the final landscaping and changes to land form, to create improved planting and infrastructure to reduce the threat of anti-social behaviour and allow the restoration of the mounds to have a positive land use.

No objections are raised to the location of the proposed fencing.

2. RECOMMENDATION

APPROVAL

1. NONSC Non Standard Condition

Prior to the commencement of the restoration of the land under Schedule 17 paragraph 8, details comprising reasonable modifications to the scheme of restoration necessary to facilitate potential pedestrian access/route(s) across the site, including any additional planting to support routes, prevent anti-social behaviour and improve biodiversity shall be submitted to the Council and approved in writing.

REASON

The scheme ought to be modified to ensure the restoration of the land could facilitate future access, include complimentary planting, prevent anti-social behaviour and contribute positively to the wider network of biodiversity corridors

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site, also referred to as the Ruislip Northern Sustainable Placement site (RNSP), is located to the north of Newyears Green Lane, west of Breakspear Road South and south of Bayhurst Woods. The previous use of the site (prior to its acquisition for the HS2 works) was for agricultural purposes. The application boundary covers an area of approximately 30 hectares.

In the wider area, there are significant areas of green space which include Ruislip Woods, Bayhurst Woods, Uxbridge Golf Course and Ruislip Golf Course, and forms part of the Colne Valley Regional Park. Located to the west of the site (outside the application boundary) is a historic landfill site. The site is designated Green Belt land.

As stated above, much of the immediate surrounding areas comprise open space and woodland. However there are also residential and light industrial uses scattered across the local area. Immediately south of the site lies the settlement of Newyears Green which predominantly comprises industrial buildings occupied by several businesses. The nearest residential receptors to the site are Rose Farm House, located immediately northeast of the site, and 1-4 Newyears Green Lane and St. Leonard's Farm, both of which lie immediately south of the site.

Three Public Rights of Way (PRoWs) cross the site. To the west of the site, footpaths U36 and U37 link Bayhurst Woods with Newyears Green, and to the east of the site Footpath U38 links Newyears Green with Fine Bush Lane, leading to Ruislip Common.

An existing Ordinary Watercourse that is a tributary of Newyears Green Bourne crosses the western part of the site in an east west direction.

3.2 Proposed Scheme

The works submitted for approval under this Schedule 17: Plans and Specifications application comprise several elements, on a site 299,165.4m2 in extent, for the placement of excavated HS2 material arising from HS2 works to form 2 no. mounds (i.e. western and eastern mound), fencing (location only), the diversion of an ordinary watercourse to facilitate the western mound creation and associate drainage in the form of swales, culverts, and pond.

The placement of excavated material from the Copthall Tunnel area will be undertaken to form mounds on two separate areas within the site, as follows:

• The western mounds on land immediately to the north of Newyears Green Lane, rising to a height of approximately 16 metres above existing ground level at its highest point, using approximately 209,000m3 of material.

• The eastern mounds, on land immediately to the north of Newyears Green Lane and west of Breakspear Road, rising to a height of approximately 18 metres above existing ground level at its highest point, using approximately 468,000m3 of material.

The eastern mound covers a total area of approximately 71,067 m2 of agricultural land north of Newyears Green Lane and just east of Breakspear Road South. The western mound covers agricultural land area of approximately 37,659m2. The overall application boundary covers an area of 299,165 m3.

Swales are proposed to be located around the entire base of the eastern mound, as well as to the north and south-east of the western mound, which is submitted as part of this Schedule 17 application. The swales will have a variable dept, starting from a minimum of 30cm and a typical bed width of approximately 1m, with sides of variable slope gradient, typically of 1:3m. Although the

formation of the swales is for approval under this application, the applicant advises that consent will also be sought from LB Hillingdon as Lead Local Flood Authority (LLFA), under Schedule 33 Part 5 of the HS2 Act for the permanent creation of swales discharging to existing Ordinary Watercourses.

Details of how the scheme will be restored (i.e. landscaping) and maintained in the longer term are the subject of a Schedule 17 paragraph 8 Site Restoration approval, which is submitted in parallel with this application.

There are a number of other consents required in relation to the Ruislip Northern Sustainable Placement site; these are:

· Schedule 33, Part 5 of the HS2 Act - Protective Provisions

 \cdot Schedule 4 of the HS2 Act - highways interference, including temporary Public Rights of Ways (PRoW) diversion consent

· Environmental Permit (The Environmental Permitting (England and Wales) Regulations 2016)

· Section 61 of the Control of Pollution Act 1974

3.3 Relevant Planning History

Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by the relevant LPA.

- · Construction arrangements (including large goods vehicle routes);
- · Plans and specifications;
- · Bringing into use requests; and
- · Site restoration schemes.

This is therefore a different planning regime to that which usually applies in England (i.e. the Town and Country Planning Act) and is different in terms of the nature of submissions and the issues that the LPAs can have regard to, in determining requests for approval.

Schedule 17 of the Act sets out the grounds on which the LPA may impose conditions on approvals, or refuse requests for approval. HS2 Ltd as the nominated undertaker is contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs). The EMRs comprise the following suite of documents:

- · Code of Construction Practice (CoCP)
- · Planning Memorandum
- · Heritage Memorandum
- · Environmental Memorandum
- · Undertakings and Assurances

These controls along with the powers contained in the High Speed Rail (London - West Midlands) Act and the Undertakings and Assurances are designed to ensure that impacts which have been assessed in the Environmental Statement (ES) will not be exceeded. The Environmental Statement (ES) is an assessment of the likely significant environmental effects of the proposed HS2 railway and the proposals to avoid, reduce or remedy these likely significant environmental effects.

Planning Context for Waste Disposal

If the relevant planning authority is a qualifying authority (as is the case here), waste and spoil disposal development must be carried out in accordance with Plans and Specifications approved by that authority under paragraph 7, and Site Restoration under paragraph 8 of Schedule 17 of the Act. LB Hillingdon is the relevant planning authority and also a qualifying authority.

The only grounds for determination of a Schedule 17 Plans and Specifications application under Schedule 17, paragraph 7(7) are 'that

(a) the design or external appearance of disposal sites (in the case of the disposal of waste and soil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits,

(b) the methods by which such sites or pits are worked, or

(c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits, ought to, and could reasonably, be modified.'

Paragraph 7(8) outlines further grounds for approval of 'waste and soil disposal and excavation'; however paragraph 7(9)(b) stipulates that the grounds under paragraph 7(8) do not apply to land listed under Schedule 5 of the Act.

The land parcels subject to this application are included in Schedule 5 of the Act for the purpose of 'provision of environmental mitigation'; therefore, paragraph 7(8) grounds do not apply.

Therefore, consideration of environment, amenity, road safety and archaeological / historic interest (i.e. the grounds outlined in Schedule 17 paragraph 7(8)(a-c)) are not applicable to the determination of this Plans and Specifications application. Only the grounds under Schedule 17, paragraph 7(7) set out above apply.

4. ADVERTISEMENT AND SITE NOTICE

- 4.1 Advertisement Expiry Date: Not Applicable
- 4.2 Site Notice Expiry Date: Not Applicable

5.0 PLANNING POLICES AND STANDARDS

The following Local Plan Policies are considered relevant to the application. In so far as this application is concerned the most pertinent policies applicable to the proposals relate to Green Belt, Biodiversity and Flood Risk Management.

Part 1 Policies:

1. PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

(2012) Green Belt, Metropolitan Open Land and Green Chains

2. PT1.EM3 (2012) Blue Ribbon Network

(2012) Blue Ribbon Network

- 3. PT1.EM6 (2012) Flood Risk Management
- (2012) Flood Risk Management

4. PT1.EM7 (2012) Biodiversity and Geological Conservation

(2012) Biodiversity and Geological Conservation

5. PT1.EM8 (2012) Land, Water, Air and Noise

(2012) Land, Water, Air and Noise

6. PT1.HE1 (2012) Heritage

(2012) Heritage

Part 2 Policies:

1. DMEI 10 Water Management, Efficiency and Quality

Water Management, Efficiency and Quality

2. DMEI 11 Protection of Ground Water Resources

Protection of Ground Water Resources

3. DMEI 7 Biodiversity Protection and Enhancement

Biodiversity Protection and Enhancement

4. DMEI 9 Management of Flood Risk

Management of Flood Risk

5. DMHB 1 Heritage Assets

Heritage Assets

6. DMHB 14 Trees and Landscaping

Trees and Landscaping

7. DMT 2 Highways Impacts

Highways Impacts

8. DMEI 4 Development on the Green Belt or Metropolitan Open Land

Development on the Green Belt or Metropolitan Open Land

9. LPP G2 (2021) London Green Belt

(2021) London's Green Belt

- 10. LPP G6 (2021) Biodiversity and access to nature
- (2021) Biodiversity and access to nature
- 11. LPP G7 (2021) Trees and woodlands
- (2021) Trees and woodlands
- 12. LPP G9 (2021) Geodiversity
- (2021) Geodiversity
- 13. LPP HC1 (2021) Heritage conservation and growth
- (2021) Heritage conservation and growth
- 14. LPP SI12 (2021) Flood risk management
- (2021) Flood risk management
- 15. LPP SI17 (2021) Protecting and enhancing London waterways
- (2021) Protecting and enhancing London's waterways
- 16. LPP SI5 (2021) Water infrastructure
- (2021) Water infrastructure
- 17. NPPF12 NPPF 2021 Achieving well-designed places
- NPPF 2021 Achieving well-designed places
- 18. NPPF13 NPPF 2021 Protecting Green Belt Land
- NPPF 2021 Protecting Green Belt Land
- 19. NPPF14 NPPF 2021 Meeting the challenge of climate change flooding
- NPPF 2021 Meeting the challenge of climate change flooding

20. NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

NPPF 2021 - Conserving and enhancing the natural environment

21. NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

NPPF 2021 - Conserving & enhancing the historic environment

22. NPPF4 NPPF 2021 - Decision-Making

NPPF 2021 - Decision-Making

23. NPPF9 NPPF 2021 - Promoting sustainable transport

NPPF 2021 - Promoting sustainable transport

6.0 COMMENTS ON PUBLIC CONSULTATION

6.1 HISTORIC ENGLAND (GLAAS) (Summary)

Significant medieval and earlier remains have been found, although as noted in the applicant's supporting statement, there is a relatively low level of dispersed activity, non of which would merit redesign of the scheme to preserve buried remains in-situ. The construction of the landscaped bunds will involve extensive ground works and so, as noted by the applicant, a scheme of investigation has been agreed.

It would be desirable if some interetation cold e provided, foe example along footpath U17, which may follow an historic access track into Bayhurst Woods. The excavations have revealed dispersed settlement and woodland industries around (and presuably associated with) the ancient woodland.

Environment Agency

The placement of excavated material at this location (what has been referred to as sustainable placement) was identified as requiring an inert landfill permit at a very early stage. As such we have been engaging with HS2/SCS around creating a suitable proposal and the level of supporting information required at the permitting stage.

The application is currently in its final stages and it is intended to be drafted up over the coming weeks. There are no outstanding environmental issues connected to the current proposal and therefore there would not be any design changes as a result on finalising the permitting documentation.

The Environment Agency has no objection to this schedule 17 application.

Natural England (Summary)

No comment Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Natural England's advice on other natural environment issues is set out below:

Schedule 17 for HS2

This planning proposal is for a development scheme or works scheduled under the provisions of the High Speed Rail (London-West Midlands) Act (2017) which form part of the High Speed Two scheme within your area. It should therefore be determined using the planning regime established by that legislation. The Act grants the work deemed planning permission, subject to certain matters and details of the deemed consent being reserved for subsequent local planning authority approval under Schedule 17.

We advise that, in determining the consultation, the planning authority should have regard to the permissions already granted under The Act, and to any relevant supporting documents to The Act.

6.2 Tree and Landscape Officer

This Schedule 17 submission relates to the spoil dumping proposal required by the HS2 project to accommodate approximately 300,000m2 of material generated by the tunneling operations. Prior to its acquisition, the land was primarily used for agricultural purposes. One large hillside will be created to the north-west of the junction of Breakspear Road and New Years Green Lane. A second hill will be created to the west whose southern perimeter will also be bounded by New Years Green Lane.

Comment: The Mounds

The proposals show the easternmost hillside with four peaks ranging from 59 - 69.4 metres above existing ground levels which vary between 61 - 55 metres. The western range will have three peaks varying between 58 - 65 metres starting from existing ground levels of between 47 - 55 metres. Typical topography and land forms have been illustrated by long cross-sections through the sites.

The proposals incorporate re-aligned / reinstated watercourses, drainage swales, a number of planting typologies - incorporating ecological mitigation - including new and existing/ enhanced features (see planting schedule below), and the re-instatement of Public Rights of Way (pedestrian access, footpaths and gates).

Comment: Planting Schedule

Drawing No. SLO7-716130 Rev PO4 provides a written schedule of native plants according to the landscape typology, including woodland dry mix, woodland edge, woodland wet mix, specimen trees, scrub dry mix. scrub wet mix, hedgerow native, dry grassland and wet grassland. The first section of the Hedgerow Native - HN-B mix(centre column / bottom row)grassland is titled 'hedgerow shrub species' only lists tree species and should be retitled accordingly. - The list below is correctly titled 'hedgerow shrub species'. Within the list of trees, English oak accounts for 30% of the mix. At present Oak Processionary Moth is colonising oaks in Hillingdon, a pest that can be harmful to people and animals if touched. It is considered to be acceptable in this location due to its relative isolation from human targets.

The mix also contains a low percentage (total 6%) of native elms, Ulmus glabra and Ulmus procera. These species have been in decline in Britain since the 1920's due to Dutch Elm Disease, with more concentrated losses during the 1960's and since. While some disease resistant varieties have

been bred and have become available, the specification of these two species is considered to be risky - unless evidence is provided to support their inclusion in the planting mix?

Comment Details

Fencing details to protect the site have been submitted including 1200mm stock proof fencing and 1500mm high fencing against muntjac and roe deer.

Supporting Docs

Supporting documents submitted:

- a Works Method Statement (for the construction of the mounds), doc. ref. 000007.

- a Site Restoration and Aftercare Plan, including maintenance schedule for 0-10 and 0-15 years post completion, doc. ref. 000001

- a written statement of the Plans and Specifications, doc.ref. 10003 .

Recommendation

Issues relating to PROW and watercourses should be referred to specialist colleagues. Justification for the inclusion of elms, Ulmus glabra and U.procera, in the planting schedules is required. Additional construction details are required for all site furniture and finishes to include items such as gates, fences and footpath construction. Additional details about topsoil and subsoil management (a handling, storage and placement) is required.

7.0 MAIN PLANNING ISSUES - High Speed Rail(London - West Midlands) Act

7.1 Waste and Soil Disposal and Excavation

The works for approval in this submission are not scheduled works included in Schedule 1 of the Act. With the exception of fencing, all the works are required to facilitate material placement under paragraph 7. A stated in preceding sections off this report, the only grounds for determination of a Schedule 17 Plans and Specifications application under Schedule 17, paragraph 7(7) are 'that (a) the design or external appearance of disposal sites (in the case of the disposal of waste and soil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits,

(b) the methods by which such sites or pits are worked, or

(c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits, ought to, and could reasonably, be modified.'

Only the location of fencing is for approval in this application, under paragraph 3.

The Design and External Appearance of the Disposal Site

The works will consist of the erection of two mounds (eastern and western), of approximately 18m and 16m in height; the diversion of an unnamed Ordinary Watercourse; the provision of swales around the mounds to capture surface water run-off; the provision of a new pond connecting to new swales around the eastern mound designed to attenuate water flow before discharge to an existing unnamed Ordinary Watercourse along Breakspear Road North. The proposed pond will be connected to the existing pond west of Breakspear Road North by a new culvert under footpath U38.

The requirement to build the mounds arose from the need to re-use the material excavated from Copthall Tunnel, which is south of this application site. Material will be excavated at the Copthall Tunnel site (to form a cut-and-cover tunnel); this material will then be transferred to the application site. This strategy supports the re-use of material locally, which allows for reduced lorry numbers in the Borough.

The proposed mounds will be located within an area surrounded generally by higher topography and the highest points of the mounds will not be greater than existing local highpoints. Bayhurst Woods has a natural topographical elevation of 75m+AOD and the proposed mounds have a maximum elevation of 69.4m+AOD for the western mound and 65.2m+AOD for the eastern mound.

Design Criteria and Rationale

The Written Statement submitted in support of this application states that the design intent for the Ruislip Northern Sustainable Placement is to integrate the on-site placement of excavated material arising from nearby HS2 works with the existing landscape topography and existing water system, whilst enhancing the ecological biodiversity and wider connectivity of the site.

Key design objectives are:

· Integration of the sustainable placement into the existing landscape;

· Meeting landowners' requirements concerning the future upkeep of the land (U&A 70)

• Providing ecological mitigation planting along the route, in line with Environmental Statement (ES) requirements;

· Incorporating natural flood management and drainage principles, such as wet woodland and ponds in low-lying areas to mitigate the impacts of the mounds in accordance with the powers conferred to HS2 Ltd by the Act;

- · Minimising the visual impact on local sensitive receptors as far as reasonably practical;
- · To increase ecological biodiversity by introducing a rich variety of natural habitats;
- · To promote a multi-functional landscape; and
- \cdot To allow for the provision of a safe and comfortable network of Public Rights of Ways.

Central to achieving the design objectives is the enhancement of ecological habitats and corridors through appropriate land forms. Habitat creation will be in the form of grassland, scrub and woodland. Hedgerows and woodland corridors are proposed, extending to / from Bayhurst Wood, providing opportunities to strengthen existing bat corridors and routes for local wildlife. Where appropriate, existing hedgerows will be enhanced, and the intention is to enhance the network of existing ponds.

Design Constraints

The Ruislip Northern Sustainable Placement permanent works have considered the following constraints:

- · Minimising the impact on local residents
- · Utility corridors and easements
- · Interaction with existing Public Rights of Way
- \cdot Drainage and flood mitigation
- · Landownership
- · Ecology
- · Historic Environment

The applicant points out that the above constraints do not necessarily relate directly to the grounds for determination applicable to this Schedule 17 paragraph 7 application (e.g. environment, amenity and historic environment are not considerations for determination). However, these are included in the Written Statement to demonstrate how the proposals have been considered and designed within the existing context with which they are located.

Minimising the impact on local residents

During the Hybrid Bill's passage through parliament, a range of legally binding commitments (known as Undertakings & Assurances (U&As)) were given to petitioners. U&A 1987 given to adjacent residential receptors to the Ruislip Northern Sustainable Placement site requires the exclusion of material being placed from within an area of approximately 150 metres from the cottages at 1-4 Newyears Green Lane and from within an area of approximately 350 metres west of Rose Farm House on Breakspear Road North. The design of the mounds, as presented within this application, is in compliance with the required exclusion zones as no sustainable placement is proposed within these areas.

Utility corridors and easement

There are three utility corridors that traverse the site, each of which has an easement relative to the size of the main that prohibits placement of any material within a certain distance of the utility. \cdot Affinity Water Main - easement prevents placement of material 6m either side of the main alignment = total 12m

 \cdot Cadent Gas Main (north) - easement prevents placement of material 12.2m either side of alignment = total 24.4m

· Cadent Gas Main (south) - easement prevents placement of material 6.1m either side of alignment = total 12.2m

The above easements result in a total area 22,660m2 within the site boundary on which material cannot be placed to form part of the sustainable placement mounds.

The applicant submits that in compliance with a general U&A requiring communication with utility companies to protect all utility plant and equipment affected by the project, there has been ongoing engagement with the relevant utility owners to ensure protection of their assets. A collaborative relationship was established with Affinity Water to manage the proposed diversion of a main through the application site; a mutually agreeable solution was agreed, and the Ruislip Northern Sustainable Placement proposals were updated as necessary. The design of the Ruislip Northern Sustainable Placement has responded to the utility corridor and easement constraints and no sustainable placement is proposed within these areas.

Design Evolution

The applicant explains that the design of the mounds has evolved in response to various design constraints as outlined above, as well as the need to minimise the visual impact on residential receptors. The footprint of the Ruislip Northern Sustainable Placement set out in the ES covered an area of 24.8ha which closely bordered Bayhurst Woods to the north, Breakspear Road South to the east, and Newyears Green Lane to the south and south-west. Since then, the design has been developed and has evolved through Scheme Design and Early Detailed Design stages, into the scheme that is included within this submission for approval.

The evolution of the design has resulted in the sustainable placement being split into two separate

mounds to minimise impacts on the existing composting facility at this location. Furthermore, the footprint of the eastern mound has been significantly reduced, and the western mound footprint has been slightly reduced. To ensure that sufficient volumes of material can still be accommodated within the mounds, they have both increased in height when compared to the estimates of 3m specified within the Environmental Statement. The sustainable placement of material within the West Ruislip area is an essential element of minimising HS2 lorry movements within Hillingdon.

Officer comment on design

The proposed mounds are limited in height by their nearby surroundings and in particular the high points in Bayhurst Woods.

The habitats created will consist of broad leaved woodlands, wet woodlands, wood pasture and parkland, scrubl and, native hedgerows, seasonal and permanent ponds and species-rich grassland. The variety of habitats provided will ensure a wide range of biodiversity on site but its not yet clear how this links with the wider land restoration in the surrounding area.

Woodlands will be provided around the mounds and at the base of the mounds to integrate them in with the surrounding landscape. The proposed woodland has also been integrated with the drainage design to provide natural flood alleviation measures at the bottom of the mounds, next to the swales, in order to increase surface roughness and absorb potential water run-off from the mounds.

Proposed trees have also been integrated into the existing hedgerows in order to reinforce their role as an ecological corridor through the site. This will be particularly visible to the south of the western mound, alongside Newyears Green Lane and to the east of the eastern mound, alongside Breakspear Road South.

Although Schedule 17(7) restricts consideration of the proposals, Schedule 17(8) provides flexibility to the Local Planning Authority to seek necessary modifications to ensure the submission is acceptable.

Although the land forms are significantly higher than the proposals presented in the Environmental Statement, the large footprint allows them settle within the area. In order for the Council to raise concerns about the land form profiles there would a) have to be a demonstrable adverse impact and b) a modification to resolve the harm.

The land forms will be integrated into the existing landscape and present undulations similar to that of Bayhurst Woods to the north. When viewed from critical publicly accessible rights of way, the land forms are not considered to be adverse.

Furthermore, it must be noted that the benefits of the mound to the project, i.e. a local receptor site for disposal of material also benefits residents by removing a significant amount of vehicles off the road network. It is therefore not recommended that modifications are sought to the land form.

In terms of restoration though, the long term plans for the mounds are not yet coherent. The eastern mound in particular is not presented as a coherent landscape that links with wider biodiversity aims in the area, or Bayhurst Woods. Furthermore, as the land is not being restored to agricultural use in line with the original plans in the Environmental Statement then there is a

concern over what does happen to the eastern mound. No vision for its use has been presented as part of the restoration, it is simply a mound. In addition, because of its land form and no active land management (i.e. it will not be farmed) then it has been identified as being at a risk of anti-social behaviour from activities such as dirt biking. This requires HS2 Ltd, as the default land managers in the 5 year settling in period, to effectively secure the site from any public access. This, combined with no long term land use, presents a significant concern to officers. The long term harm therefore outweighs the short term benefits of finding a disposal site for material for HS2 Ltd.

In response to these concerns, officers have worked collaboratively with HS2 Ltd to find a solution. It has been agreed that a planning condition can be imposed on the approval that effectively allows time to find appropriate solutions to landscaping the acceptable (in the opinion of officers) land forms, to ensure that long term benefits can be realised and that would allow effective long term land management.

The western mound is more advanced and allows for both a positive landscape at the base of the mound and opportunities for recreational access to the summit. This would provide a new and interesting feature to the area and the long term management of this site is expected to retain the access to the summit.

Nonetheless, the western mound also requires long term management and aftercare, to ensure it contributes positively to residents and the borough in perpetuity.

The proposed landscaping and restoration condition covers both mounds.

Construction Method and Noise, Dust, Vibration and Screening Arrangements

The works subject to this request for approval of Plans and Specifications will be undertaken in accordance with the HS2 Code of Construction Practice (CoCP)9 and the Class Approvals. Details of how the site will be worked (including arrangements for noise, vibration, dust and screening) are covered in the Site Works Method Statement, which is submitted as part of this Schedule 17 application, as summarised below.

The works will consist of the following steps:

• The topsoil will be stripped (this will then be used as screening for cottages on Newyears Green Lane)

· The basal layer, made of Class 2G* London clay, will be constructed

 \cdot A cut for the temporary drainage V-ditches will be made and the temporary attenuation pond excavated

· The permanent material will be built up

• The permanent topsoil will be placed

• The permanent drainage swales will be formed and temporary V-ditches will be back -filled

Ordinary Watercourse Diversion

The Ordinary Watercourse diversion will be cut and lined with erosion protection following the construction of temporary culverts. Following construction of the permanent culverts, the new Ordinary Watercourse diversion channel will be connected to the current Ordinary Watercourse channel, as specified under the associated Schedule 33 approval. The placement of material will follow the diversion of the Ordinary Watercourse.

Material placement

The material from which the sustainable placement areas will be formed will arise from the excavation of the Copthall Tunnel. This excavation will be completed in stages (from west to east), and initially, on a temporary basis, the excavation material will be stored south of Newyears Green Lane.

A temporary haul road, which is not part of the works for approval under this application, will be built to the west of the site, with access from Newyears Green Lane. Wheel washers will be installed at the entrance. At the northern end of the haul road, temporary access slabs will be laid out as appropriate to ensure that access remains possible at all times, particularly during periods of wet weather. A hardstanding area will be temporarily cleared to the south of the western mound to allow for a conveyor to be built.

After being temporarily stored, the excavated material will ultimately be relocated to the disposal sites. The material will first be carried by Articulated Dump Trucks (ADTs) depositing material onto an overhead conveyor hopper that will travel from the south side of Newyears Green Lane and traverse a gas main. Further ADTs will then uplift material from the conveyor system to the final deposition area. For the final stage, the construction of the eastern mound, a haul road will be put in place to enable ADTs to collect the excavated material from the conveyor system and transport it 1.2km to the area that will accommodate the eastern mound.

Topsoil will be placed on top of the finished mounds, using topsoil that has been stripped from the sites prior to the placement activities commencing. Topsoil will be stored for no more than one year and will be preserved through seeding and turning. Once filling is completed to the appropriate design profile, top-soiling will be undertaken as early as possible, when programme and weather permits.

Temporary topsoil stockpiles will be located in areas between the main worksite and 1-4 Newyears Green Lane and Rose Farm House to provide screening for those properties as agreed under U&A 2093. These will consist of topsoil stripped from the areas prior to the commencement of the sustainable material placement. The topsoil stockpiles will be removed for placement on top of the mounds towards the end of construction sequencing.

Silt fencing

Silt fencing will be deployed around all the works area and a temporary drainage system and pond will be installed at the base of the mounds. Drainage pipes will be installed and then covered to act as crossing points. The pipes' discharge will drain to a settlement area/pond - this will be pumped through a 'Silt Buster' silt removal system and discharged into an appropriate watercourse, the consent for which will be sought as necessary under Schedule 33(5) of the Act.

Officers are of the opinion that the methods by which the site is worked are satisfactory. In addition, it not considered that the noise, dust, vibration or screening arrangements during the operation of the site ought to, and could reasonably be modified.

Fencing (Schedule 17, paragraph 3);

As outlined above, only the location of fencing is for approval within this application under paragraph 3. Permanent fencing will run alongside PRoW U37, alongside the grassland to the north west of the eastern mound and along the boundary with the existing composting and maturation site. The fencing will be in the form of post-and-wire, with hedgerow planting on either side; over time, as the hedgerow matures the fencing will no longer be visible. Gates will be positioned alongside the fencing.

Temporary fencing is not for approval under this application. Temporary fencing is provided for establishment of certain areas of planting; once the establishment period is completed the fencing will be removed.

No objections are raised to the permanent fencing.

8.0 BOROUGH SOLICITOR COMMENTS

There are two specific legal issues which need to be drawn to the attention of Members of the Committee and these will be set out in turn.

The first relates to the July 2020 Court of Appeal decision which established a number of important legal principles which apply to the determination of Schedule 17 applications by qualifying authorities, of which the Council is one. The Court of Appeal held, inter alia, that HS2 Ltd must, in its capacity as the Nominated Undertaker for Phase One of the HS2 Scheme, provide sufficient information in support of their applications to authorities so as to enable them to lawfully determine them. This decision essentially reaffirms the important 'wednesbury reasonable' principle, which has been a central tenet of public law for many years, and which provides that a decision-maker must have sufficient information before it in order to make a reasonable and lawful decision.

Therefore, the first task of Members in considering this particular application is to satisfy themselves that they have been provided with sufficient information.

If they are so satisfied, Members must then turn to their second task which is to consider the application in light of the prescriptive Schedule 17 statutory language and decide whether to approve or refuse it. There are three important Schedule 17 paragraphs which are relevant to this application and they are set out as follows.

A permanent fence will have to be erected to protect the works site in question and this is covered by Schedule 17 which requires a qualifying authority to, inter alia, approve plans and specification for fences and walls. It is the location of the said fence which is germane to this application and the only statutory ground for refusing approval is that 'the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits'. This ground is not engaged and therefore it is open to Members to approve this part of the application.

There are two further approvals which are required. The first relates to waste and disposal which must be carried out in accordance with plans and specifications approved by the Committee under paragraph 7 of Schedule 17. Paragraph 7 does not apply to this application for the reasons set out in the body of the report. Paragraph 7 is, however, relevant and it prescribes the grounds on which the Committee may refuse to approve plans and specifications. These are set out in full in the body

of the report and are not replicated here. It is also made clear in the body of the report that none of these grounds are engaged in this case so once again, Members can lawfully approve this part of the application.

The second approval relates to paragraph 8 of Schedule 17 - paragraph 8 provides that development under paragraph 7 may not begin unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out. Paragraph 8 states that the authority may only refuse to approve, or impose conditions on the approval of, a scheme under this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified.

The report recommends approval of all three strands of the Schedule 17 application but subject to a condition under paragraph 8, the purpose of which is to require a modification of the restoration scheme so as to remove the risk of ant-social behaviour and to provide a benefit to Hillingdon residents. Such a modification is permitted by the language used in paragraph 8. Members will note that HS2 Ltd have agreed to this condition which removes any scope for it to appeal the Committee's decision, should it approve the recommendation in the report.

9.0 OTHER ISSUES

Ecology

The site does not fall within any statutory ecological designations. It has been assessed in the Environmental Statement that the proposed works will have no adverse impacts on any statutory ecological designations. However, there is a Site of Borough Importance and a Site of Metropolitan Importance in the vicinity of the site: Newyears Green SBI.I, immediately adjacent to the south-west, and Ruislip Wood SMI6, immediately adjacent to the north.

The Department for Environment, Food & Rural Affairs (DEFRA) tool MAGIC7 identifies the following non-statutory habitats and species designations falling within the site boundary:

· Birds:

- 1) NE Priority Species for CS Targeting 'Lapwing'
- 2) RSPB Grassland Assemblage Farmland Birds '2'
- 3) NE Farmland Birds 'Lapwing' and 'Snipe'

Information from MAGIC identifies the following non-statutory habitats and species designations falling within 500m of the site boundary:

- · Woodland:
- 1) NE Ancient Woodland 'Ancient and Semi-Natural Woodland'
- · NE Priority Habitat Inventory 'Deciduous Woodland' Birds:
- 1) NE Priority Species for CS Targeting 'Lapwing'
- 2) RSPB Grassland Assemblage Farmland Birds '2'
- 3) NE Farmland Birds 'Lapwing' and 'Snipe'

The proposed Ruislip Northern Sustainable Placement site will provide a rich diversity of natural habitat which will support local ecosystems and promote biodiversity. The habitats entail planting mixes that create landscapes that are as natural as possible, driven by the natural vegetation

classification (NVC). They were also driven by the ecologist's priority species such as key invertebrates and their food plants to drive our species mixes.

Heritage

As stated in previous sections of this report, considerations of archaeological / historic interest are not applicable to the determination of this Plans and Specifications application. However the Written Statement provides some commentary on heritage issues, to provide context to the design evolution of the proposal. This information does not form part of the grounds for determination set out in paragraph 7(7) of Schedule 17 of the 2017 Act and is therefore provided here for information only.

The site does not contain any statutory listed or locally listed heritage assets. The nearest heritage assets to the site are the Grade II listed St Leonard's Farmhouse (which is immediately adjacent to the site) and the Grade II listed Crow's Nest Farmhouse (which falls within 800m of the site). The works for approval have been assessed to partially sever St Leonard's Farmhouse from its setting. This will result in a medium adverse impact and a moderate adverse effect However, the landscape of the mound has been designed to retain or replace existing hedgerows as far as possible, to reflect the traditional field pattern which contributes to the setting of St Leonard's Farm.

The HS2 Heritage Memorandum (part of the HS2 Environmental Minimum Requirements) provides a route-wide generic written scheme of investigation: Historic Environment Research and Delivery Strategy (GWSI: HERDS) prepared in collaboration with Historic England, the Local Planning Archaeologist and considered the relevant Regional Research Frameworks. It sets out a framework and general principles for design, evaluation, investigation, recording, analysis, reporting and archive deposition to be adopted for the design development and construction.

The application site area was determined to have archaeological potential by HS2 and the Greater London Archaeological Advisory Services (GLAAS). The scheme of works determined a programme of archaeological evaluation consisting of 3 Phases of archaeological trial trench evaluation consisting of more than 60 trenches across the site. Across the eastern area of the Ruislip Northern Sustainable Placement site, archaeological evidence was dispersed and relatively scarce.

A number of features were encountered in the south-eastern corner of the site, and consisted of 3 curvilinear ditches, 15 linear ditches, 12 linear ditch termini, 25 pits, 20 post holes, 1 curvilinear gully, 1 linear gully and 14 tree root boles, totalling 91 cut features. Upon completion of the works, separate Interim Report and Assessment Report were prepared for Phase 1, 2 and 3 of the archaeological excavations at this Document Title: Schedule 17 Plans and Specifications - Written Statement - Ruislip Northern Sustainable Placement site. These documents have been shared with Planning Archaeologists for GLAAS and LB Hillingdon. Since the completion of these works, further ongoing engagement with GLAAS has been undertaken.

Historic England (GLAAS) has been consulted on this Schedule 17 application and raises no objections on archaeological grounds. GLAAS notes that there has been relatively low levels of dispersed activity, none of which would merit redesign of the scheme to preserve buried remains insitu.

Highways

Immediately to the east of the site is Breakspear Road South which is aligned in a north-south direction. It commences in Harefield (where it is named as Breakspear Road North), and runs south towards the B467, where at the intersection with Fine Bush Lane, the road becomes Breakspear Road South. Immediately south of the site lies Newyears Green Lane which is a local road connecting Breakspear Road South with Harvil Road on an east-west alignment. Approximately 0.8km west of the site lies Harvil Road which runs north-south from South Harefield to the B467. Approximately 2km south of the site, the B467 Swakeleys Road links Breakspear Road South and Harvil Road to the A40.

As stated in previous sections of this report, considerations of highway impact are not applicable to the determination of this Plans and Specifications application. However it is considered that the proposed scheme will have relatively minimal impact on the surrounding highway network.

Due to the large volume of material that is to be transported from the Copthall Tunnel excavation to the RNSP area, a conveyor is to be constructed over Newyears Green Lane to remove the need for a haul road crossing.

A temporary haul road, which is not part of the works for approval under this application, will be built to the west of the site, with access from Newyears Green Lane. After being temporarily stored, the excavated material will ultimately be relocated to the disposal sites. The material will first be carried by Articulated Dump Trucks (ADTs) depositing material onto an overhead conveyor hopper that will travel from the south side of Newyears Green Lane and traverse a gas main. Further ADTs will then uplift material from the conveyor system to the final deposition area. For the final stage, the construction of the eastern mound, a haul road will be put in place to enable ADTs to collect the excavated material from the conveyor system and transport it 1.2km to the area that will accommodate the eastern mound.

It should be noted that the current proposed arrangement of material placement at Ruislip Northern Sustainable Placement is a key component of the wider strategy of re-use of excavated material locally to minimise HS2 lorry movements within LB Hillingdon.

Public Rights of Way

Three Public Rights of Way (PRoW), which are to be retained, across the site: U36 and U37 crosses the area to be occupied by the western mound in a north-south orientation, while U38 crosses the area to be occupied by the eastern mound in an east-west orientation. These PRoWs will be temporarily stopped up and diverted during the construction of the Ruislip Northern Sustainable Placement. During the works, U37 will be diverted towards U36, which will itself be diverted around the western mound. This diversion will cross the haul road, and this crossing will be manned during the day to allow for the safe crossing of walkers. The haul road will be closed at night, with appropriate fencing put in place at the crossing to ensure that the PRoW can remain open. The applicant states that the use of the haul road by vehicles will also be staggered throughout the day as much as possible, to minimise disruption to the use of the PRoW.

Following completion of construction, the PRoWs will be reinstated on their current horizontal alignment. The permanent design has considered the impact of the sustainable placement on these PRoWs and the proposed mounds will be formed to have a gentle slope at the PRoW sections, with gradients no steeper than 1:15 (in accordance with HS2 standards).

Passive provision of a footpath reaching the top of the western mound has been provided. The applicant explains that similar provision could not be provided on the eastern mound due to landowner interests.

It has been demonstrated that the user experience of the PRoWs has been a consideration in the development of the sustainable placement proposals, given that the mounds will reflect the undulation of the existing landscape and will provide the public with gentle and pleasant walking routes with enhanced views and vantage points across the surrounding area.

Flooding and Drainage

As stated above, consideration of environment, (i.e. the grounds outlined in Schedule 17 paragraph 7(8)(a-c)) are not applicable to the determination of this Plans and Specifications application. However, the grounds for determination of a Schedule 17 Plans and Specifications application under Schedule 17, paragraph 7(7) include the methods by which disposal sites are worked and the noise, dust, vibration or screening arrangements during the operation of such sites. Swales are proposed to be located around the entire base of the eastern mound, as well as to the north and south-east of the western mound, which is submitted as part of this Schedule 17 application. In addition, this Schedule 17 applications is seeking approval for the diversion of the Ordinary Watercourse, namely the water channel. The diversion of the Ordinary Watercourse is also subject to a separate submission for consent from LB Hillingdon as LLFA under Schedule 33 Part 5 of the HS2 Act. The Schedule 33 Part 5 application contains a request for approval for the impacts to the Ordinary Watercourse and wider network, including discharges.

Drainage and flood mitigation

The site is located within two river catchments, the River Pinn catchment for the east mounds and River Colne catchment for the west mounds. Therefore, the applicant submits that careful coordination with the hydrology and drainage engineers have taken place to ensure the design achieves optimum results. The proposed drainage design ensures that there will be no overall increase in flood risk, that the necessary overall flood storage is maintained and that disruption to flood flows is considered, to ensure that the impact of the works is fully mitigated.

A flood risk assessment has been undertaken to demonstrate there shall be no overall increase in flood risk due to the proposed scheme. Flood modelling shows that flooding downstream of the proposed scheme is the same in the post-development scenario as in the baseline one. To achieve this, the design is based on:

 \cdot The principle of not modifying the catchments of the pre-development state and where the geometry means a modification of the original catchments, swales have been designed to give back the runoff from the mound slopes to the original receptor.

 \cdot Compensating potential increase in surface water runoff due to the steeper site topography as a result of the creation of the mounds through an appropriate planting strategy, longer flow paths, and creation of an additional pond. These measures contribute to attenuating surface water runoff before discharging to existing Ordinary

Watercourses.

 \cdot Flood modelling has been carried out to check the performance of drainage design.

The design proposals for the western mound include the diversion of an existing Ordinary

Watercourse. Due to the various constraints, including utility easements and landowner zone of exclusions, the applicant submits that it was not considered practical to retain the Ordinary Watercourse on its existing alignment, within the requirements of the design. The current proposed arrangement of material placement, in particular in relation to maximising the total volume of material to be placed at this site, is a key component of the wider strategy of re-use of excavated material locally to minimise HS2 lorry movements within LB Hillingdon. Keeping the Ordinary Watercourse on its current alignment would have resulted in the need for a culvert to be located underneath one of the mounds, which is perceived to be a less desirable solution, due to factors such as the maintenance of the culvert being difficult to undertake.

The swales will have a variable dept, starting from a minimum of 30cm and a typical bed width of approximately 1m, with sides of variable slope gradient, typically of 1:3m. The formation of the swales is for approval under this application. Consent will also be sought from LB Hillingdon as Lead Local Flood Authority (LLFA) under Schedule 33 Part 5 of the HS2 Act for the permanent creation of swales discharging to existing Ordinary Watercourses.

The swales around the eastern mound will connect to two ponds adjacent to Breakspear Road North at the north western corner of the mound, one of which is existing and one of which is proposed. The existing pond have a footprint of 250m2 and has a volume of 24m3. The proposed pond will have a footprint of 80m2 and have a volume of approximately 6m3. The two ponds will be linked by swales and a culvert. The proposed pond is situated upstream of the existing pond to collect water run-off from the mounds and to attenuate flow rates. The water will then flow through the swale and culvert to the existing pond and to the proposed outlet pipe, which will discharge to an existing unnamed Ordinary Watercourse adjacent to Breakspear Road South.

The proposed diverted Ordinary Watercourse will be 180m long and will have an average depth of 1m, with a minimum of 0.6 and a maximum of 2.1m. It will be 1.4m wide with variable steep slope banks of between 1:1 and 1:3.

The diversion of the Ordinary Watercourse creates a longer flow path and incorporates lower slopes that help to attenuate water. Furthermore, the proposed planting strategy is designed to support attenuation, through increase in the increment of roughness on the surface. The applicant submits that these mitigation measures ensure that there is no impact on flow rates downstream.

The scheme proposes the construction of four new culverts: two on the western mound and two on the eastern mound which will be added to one existing culvert. The two culverts at the western mound will allow the retention of footpath U37 on its current alignment, crossing over the proposed swales and diverted Ordinary Watercourse. The southern culvert will convey the diverted Ordinary Watercourse channel, and the northern culvert will convey the proposed drainages swale channel.

The western culvert at the eastern mound will convey the proposed drainages swale channel passing underneath Footpath U38. The eastern culvert will convey the proposed drainages swale channel, joining up the proposed pond with the existing pond underneath the same Footpath U38.

Silt fencing will be deployed around all the works area and a temporary drainage system and pond will be installed at the base of the mounds. Drainage pipes will be installed and then covered to act as crossing points. The pipes' discharge will drain to a settlement area/pond - this will be pumped through a 'Silt Buster' silt removal system and discharged into an appropriate watercourse, the consent for which will be sought as necessary under Schedule 33(5) of the Act.

The proposals are required to ensure that there is no increase in run off and the proposals presents achieve this in the opinion of officers.

Wider ambitions to reduce the risk of flooding in the area and particularly on Breakspear Road South and from the River Pinn are being discussed with HS2 Ltd.

Land Ownership

The land upon which the RNSP mounds will be formed is broadly divided between two land ownerships. The land associated with the eastern mound will be handedback to the previous private owners. The landscape design of the mounds has been designed to accommodate the existing private landowners' activities, where practicable; importantly retaining paddock areas for horse grazing on the north-west side of the eastern mound.

The land associated with the western section of the site was owned by LB Hillingdon, however, it is now held under lease to the Secretary of State/Department for Transport. HS2 Ltd./Department for Transport will create a Special Purpose Vehicle (SPV) to manage, monitor and maintain the western mound, for the remainder of the lease term. Once this lease expires, the land would be returned to the original owner or HS2 Ltd./Department for Transport may seek to permanently obtain the land and maintain the SPV on an ongoing basis.

10.0 REFERENCE DOCUMENTS

The High Speed Rail (London-West Midlands) Act 2017.

Contact Officer:

Karl Dafe

Telephone No:

01895 250230

Report of the Head of Planning, Transportation and Regeneration

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

Development: Out of borough consultation for Buckinghamshire County Council: Outline planning application with all matters reserved except for principal points of access for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation

LBH Ref Nos: 39707/APP/2021/4456

Drawing Nos:

Date Plans Received: 02/12/2021

Date(s) of Amendment(s):

Date Application Valid: 02/12/2021

1. SUMMARY

Buckinghamshire Council have requested the London Borough of Hillingdon's comments on an application which seeks Outline Planning Permission for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

Notably, the site covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt. The Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150 of the NPPF (2021). The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

The proposed development would result in a significant increase in built footprint and volume, not only from the three new data centre buildings, but also from the substation, battery storage facility (separate application), roads and ancillary security structured (e.g. any fences or security huts). The volume of the three large buildings alone would be vast and cause significant harm to the openness of the Green Belt. This harm is given substantial weight and is not considered to be outweighed by the very special circumstances presented under the application submission. As such, it is considered that very special circumstances do not exist.

Further, it is considered that the proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

For the reasons outlined within the main body of the report, Hillingdon Council raise an objection to the proposed development.

2. **RECOMMENDATION**

1 NON2 Objection - Green Belt

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021).

2 NON2 Objection - Design

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views. As such, the proposed development conflicts with Paragraphs 126 to 136 of the National Planning Policy Framework (2021).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the Woodlands Park Landfill Site situated on land to the south of Slough Road predominately arranged to the east of the M25 between junction 16 (M40) to the north and junction 15 (M4) to the south. The site measures approximately 52.4 hectares and is located within the Buckinghamshire Council administrative area only but immediately adjoins the western Hillingdon Council boundary.

The application site is demarcated to the west by the M25 and to the east by the River Colne and comprises an area formerly worked for gravel and subsequently used for landfill in the mid to late 20th Century. To the south of the landfill are a number of fields either side of Palmer's Moor Lane, extending as far as the rear of properties on the B470 lver Lane. The northern site boundary is defined by a fence-line across the landfill surface, with an access track connecting up to the A4007 Slough Road.

Within Hillingdon Council's administrative area, the site adjoins the West London Industrial Park (a Strategic Industrial Location), and the River Colne which is a designated Conservation Site of Metropolitan or Borough Grade I Importance. The adjoining land also

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forms part of designated Green Belt land and the Colne Valley Archaeological Priority Zone

3.2 **Proposed Scheme**

This out of borough consultation for Buckinghamshire County Council relates to an application which seeks Outline Planning Permission for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

4. Planning Policies and Standards

The National Planning Policy Framework (NPPF) (2021) is a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF3	NPPF 2021 - Plan Making
NPPF4	NPPF 2021 - Decision-Making

5. Advertisement and Site Notice

- **5.1** Advertisement Expiry Date:- Not applicable
- **5.2** Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

None.

Internal Consultees

PLANNING POLICY OFFICER:

The Council's Planning Policy Officer provided comments on the following matters:

- Data Centre;
- Green Belt;
- Colne Valley Regional Park
- Tall Building; and

- Impact on Electrical Capacity.

These comments are outlined within the main body of the report.

HIGHWAYS OFFICER:

A planning application has been received by Buckinghamshire County Council seeking permission to build three Data centres on a site just beyond the Borough boundary in Buckinghamshire. Vehicular access to the site would be from the A4007 which links Uxbridge town centre with Iver Heath and onwards via the A412 to Slough. The A4007 forms part of the Boroughs classified route network.

The Highway Authority recognises that Data Centres hold static IT equipment where the distribution of what is being stored is made electronically and not by vehicle. Subsequently the number of vehicle trips the development would generate is anticipated to be low without any detriment to road safety or the free flow of traffic in Hillingdon. Taking this into account there are no highway objections to the proposal.

FLOOD AND WATER MANAGEMENT OFFICER:

Buckinghamshire LLFA to comment on any FRA submitted.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

DATA CENTRE

The proposal involves constructing three large buildings up to 163,000 sqm and their ancillary requirements on a substantial parcel of undeveloped strongly performing Metropolitan Green Belt. Compared to the biggest commercial industrial permissions approved in 2021, it would have been the 9th largest in England. The submission has significant cross-boundary implications for the London Borough of Hillingdon but is also premised on meeting the stated requirements of an entire region that expands beyond two districts. By any definition, the proposal should be considered strategic and complex in nature. The submission would indicate that the applicant has been in discussion with the determining authority since June 2021, however it should be clear that there has been no engagement with the London Borough of Hillingdon to date. Indeed, it is not clear if there has been any engagement with the Mayor of London either.

Paragraph 13 of the National Planning Policy Framework (NPPF) (2021) states that the planning system should be genuinely plan-led. This proposal is being put forward on an unallocated site that has not been released from its designation as Green Belt. It is evident that the proposal does not conform with the Development Plan. It is unsurprising that the applicant has sought to progress this outside of the plan-making process. If this type of need was raised as part of the plan-making process, it would clearly be considered a strategic issue that crossed multiple administrative boundaries, which consequently would create an opportunity to discuss the capacity for other planning authorities to meet this need in more appropriate locations.

This is particularly pertinent when one considers the relatively footloose nature of these facilities. Whilst the applicant's submission tries to justify in one section that data centres must be delivered in an area between Slough and West Drayton, it also concludes at multiple points that, in a no development scenario, the need would be met internationally across different parts of Europe. For example, on Page 5 of the Economics Report it states:

'There is a strong likelihood that the major investment in the hyperscale data centre would go to alternative competing centres in Europe. This competition includes: (a) the established and fast growing centres in Frankfurt and Paris (which are also major competitors to London/the UK for other global technology and knowledge-based services investments); and (b) other locations such as Dublin or, increasingly, Scandinavia which have proved attractive to some hyperscale data centre operators.'

On Page 31 it states how Paris and Frankfurt have greater capacity to deliver data centres:

'However, London accounts for a lower share of new data centre capacity under construction (27%) and the rate of increase in capacity is much slower in London than in Paris and Frankfurt. Both these centres, according to JLL, are seeing strong increases in supply. The H1 2021 report notes the constraint on supply in London as being "lack of available power in core submarkets" and also it notes the "rise of self-build hyperscale campus" in London.'

On Page 35 it outlines how the investment could go to another country and suggests that it may even be advantageous for data centre operators:

'Data centre operators have many alternative choices as to where they locate within Europe. As noted earlier, there are other successful and growing data centre locations in Europe that offer some, if not quite all, of London's locational advantages (and may be slightly cheaper). These are the other FLAP-D centres, but most notably Frankfurt and Paris which are also vying with London to attract other internationally footloose service sectors businesses serving the European market (such as HQs, financial services firms etc). This competition has speeded up since and has been highlighted by Brexit (especially in the financial services sector).'

On Page 30, it also concludes that agreed data equivalence between the EU and the UK has removed concerns for data centre and other sectors about data protection and security equivalence arrangements. Put simply, one cannot logically come to the conclusion that new data centre capacity can only be achieved between Slough and West Drayton, whilst also suggesting that the same demand will otherwise be met in Europe.

Notwithstanding the above, it is clear that need for data centres generated by centralised demand in London is being met across an entire region. The data centre is said to be required to serve sectors operating out of London, including financial services, business and professional services, research and development and the creative sectors (eq publishing and advertising and research). It is important to note that these services are not based near the application site, but predominantly within Inner London. These needs are already being met and planned for on suitable brownfield sites across the entire region and there is a significant pipeline of planning permissions being attained by the market. Whilst there is no complete map of data centres within the region, attempts at mapping these areas are publicly available on sites like Colo-X.com and datacentermap.com. It clearly shows that data centres do not need to be limited to the Site Search Area being suggested by the applicant. Page 36 of the Economic Benefits and Needs Assessment Report ('Econ Report') outlines that both Slough and Docklands to the east of the City of London serve as primary locations for the clustering of data centres. There is nothing to suggest that they will not continue to do so in the future. Furthermore, this report also overlooks how data centres are being constructed in other areas in and around London, as can be viewed on the aforementioned public maps. Locations as far as Hemel Hempstead and Farnborough have clusters of data centres (three or more). Strangely there is no reference to Park Royal

in West London, which also has a prominent cluster of data centres that continues to grow, with a number of new permissions in the pipeline.

All London Boroughs, through the adoption of the new Spatial Development Strategy (London Plan 2021), have in place development plan policies to protect and intensify designated and non-designated industrial sites across Greater London. In particular, Policy E7 of the London Plan (2021) has added support for the intensification of industrial sites through higher plot ratios, the addition of basements and the construction of multi-storey units. This has successfully started to lead to the intensification of industrial land for denser buildings, which in particular has seen a rise in applications for large data centres. One can utilise the Mayor of London's referable applications portal to see that planning permission for 13 sites have been put forward on previously developed land since the first publication of the plan in 2018. Most of these are large enough to meet the 'hyperscale' floorspace definition in Paragraph 2.10 of the applicant's Economic Report. It should be noted that these sites are only for applications that, due to their scale, have been made referable to the GLA. There are undoubtedly other applications that have been determined or are being processed of a non-referable scale, including smaller scale data centres, refitting of existing B8 units and extensions of existing data centres.

The author of these comments only has access to more detailed data from its district (the London Borough of Hillingdon). However, Table 1 outlines the new data centre capacity alone in the London Borough of Hillingdon that is subject to planning permission. As you can see, through an entirely brownfield first policy, the Council has been able to deliver new data centre capacity in the borough, which includes one of the largest data centre campuses in Europe. It also has an approved pipeline of planning permissions and a large applicant awaiting determination of a permission. It should be noted that four out of five of these sites meet the 'hyperscale' definition provided in Paragraph 2.10 of the applicant's Economic Report. The Council's development plan continues to protect multiple large industrial parks and includes a complementary policy on intensification, which will continue to bring forward individual sites for redevelopment if they are not undermined by proposals on low value Green Belt sites.

New Data Centre Capacity in the London Borough of Hillingdon that is subject to the planning application process:

- Application reference 38421/APP/2021/4045: Optimum Data Centre, Beaconsfield Road, UB4 0SL (Redevelopment progressed by Colt DCS) - 39,814sqm floorspace, hyperscale on brownfield land (application process ongoing)

- Application reference 75111/APP/2020/1955: Union Park, North Hyde Gardens, UB3 4DG (Redevelopment progressed by Ark Data Centres) - 56,000sqm floorspace, hyperscale on brownfield land (application approved)

- Application reference 1331/APP/2017/1883: Segro Park Hayes, West London, North Hyde Gardens, UB3 4QR - 22,265sqm floorspace, hyperscale on brownfield land (application approved)

- Application reference 37977/APP/2015/1004: Virtus Stockley Park Data Centre Campus (LON 5, 6, 7 & 8), Stockley Park - 45,000sqm floorspace, hyperscale on brownfield land (development complete)

- Application reference 54795/APP/2000/817: Digital Realty W. Drayton, 1 Airport Gate, Bath Rd - 4,000sqm floorspace, not hyperscale on brownfield land (development complete)

Whilst it is accepted that there are some locational factors that make some sites more attractive for data centres (e.g. proximity to high capacity fibre cable networks), this clearly

does not need to lead to the conclusion that data centres must be provided between Slough and West Drayton. It is clear from the evidence above that there are a whole host of other localities with brownfield sites where data centres are and will continue to be delivered. The applicant's approach of disguising preferential parameters as absolute necessities has unsurprisingly led them back to their own site, in the hope of adding significant potential use value to an unallocated greenfield site.

It is noticeable that the applicant states within the submission that they do not know the demand for data centres in the London Area. On Page 3 of the Economics Report, it states the following:

'There are no specific long-term forecasts of need or demand for data centres in the London area. However, given the underlying growth rates and the historic performance, it is highly likely historic rate of growth, or something close to them, would continue if there are suitable sites for data centres in and around London. During 2021, London is forecast to account for 40% of the absorption (take-up) of data centre capacity in the key European centres. However, other European centres, particularly Frankfurt and Paris, are experiencing rapid growth in the supply of data centres and, to some degree, are catching up with London.'

However, elsewhere the submission appears heavily reliant on the premise that there is a need for 15 hyperscale data centres in the London area. This is merely based on an estimate of increasing the existing number of data centres by 25%. Even if this could be relied upon, the applicant would have needed to engage with the data on just quite how many other new brownfield sites were being built and could be brought forward in the future. This information is completely absent from the submission and therefore there is not an accurate representation of data centre supply being portrayed to decision-makers. Indeed, if this position was put forward, it clearly would show the extent of growth that is happening and is possible in the future, without the need to develop on the Green Belt.

If it was assumed that 15 hyperscale data centres were required and they needed to go on very large undeveloped sites in this part of the Green Belt, it would set a very significant precedent for the destruction of London's Metropolitan Green Belt outside of the planmaking process. It would open up nearly all of London's Green Belt to speculative applications for 14 more hyperscale data centres, each of which would consume a staggering amount of Green Belt. Any low value undeveloped site near to preferential parameters could argue that they were meeting some form of estimated need which would outweigh significant harm to the Green Belt and other factors. That would clearly be contrary to the great importance that national policy attaches to Green Belts and the aim of protecting their openness. One of the core purposes of the Green Belt is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Approving this application would quite clearly be contrary to this purpose and fundamentally undermine the work of data centre companies who continue to regenerate brownfield sites across the region. Indeed, it is clear that the submission has failed to understand this fundamental purpose of the Green Belt, as it states that proposal would somehow be beneficial to this purpose within the Planning Statement on Page 66:

'To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

10.41 The development is located on former mineral workings and landfill so is recycling a derelict land albeit within the Green Belt. The proposed data centre will help facilitate urban

regeneration by acting as a catalyst for wider upgrades in infrastructure and existing employment land. A single data centre can provide the IT function for thousands of businesses, either directly or indirectly via a cloud computing business, cited within a data centre.'

7.02 Density of the proposed development

Not applicable to the consideration of this out of borough consultation.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to the consideration of this out of borough consultation.

7.04 Airport safeguarding

Not applicable to the consideration of this out of borough consultation.

7.05 Impact on the green belt

The proposal is located within the Green Belt. The site boundary covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt, particularly in terms of preventing unrestricted sprawl and the merger of Uxbridge/Cowley with northern parts of lver, as well as preventing encroachment into Colne Valley Park. The Metropolitan Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Contrary to suggestions in the submission, there is no national policy support for building over the Metropolitan Green Belt simply because of the existence of the M25. Indeed, such an approach would clearly constitute encroachment into and the urbanisation of the Green Belt. The existence of the M25 does not prevent people being able to cross over and under the M25 at multiple points and enjoying the openness of the Green Belt on either side. Indeed, this point is demonstrated on Page 18 of the D&S, which shows existing commonly used walking paths over the M25.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150. The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (including that identified by other consultees). Comments on the perceived need for a data centre in this location have been made above. There is also commentary on the other perceived benefits below, as well as harm that may not have been identified.

The National Planning Practice Guidance (NPPG) outlines what factors should be taken into account when considering the potential impact of development on the openness of the Green Belt. From a spatial perspective, there would be a considerable increase in built footprint, not only from the three new data centre buildings, but also from the substation, battery storage facility (separate application), roads and ancillary security structured (e.g. any fences or security huts). The volume of the three large buildings alone would be vast and cause significant harm to the openness of the Green Belt. The Landscape Visual Impact Assessment (LVIA) also shows how the proposal would be very visible from multiple receptors, obscuring views through the Green Belt at points, as well as having a significant urbanising effect on an area of undeveloped land. In terms of measuring increases in activity, the site is currently undeveloped land that presumably attracts very

little activity at present. The new development is of a significant scale. Whilst it is noted that the position on the exact number of vehicle trips is still to be determined, what is clear is that there will be a significant number of staff and daily deliveries required as part of this development, which will represent a clear and continuous increase in trip generation and activity on site from the current position. All of the harm identified about would be permanent.

It is not considered that such significant harm to the openness of the Green Belt alone is outweighed by the very special circumstances being presented. This argument is likely to be weakened further when harm in relation to other matters is considered (including those outside the scope of these comments).

7.07 Impact on the character & appearance of the area

The proposed development comprises three data centre buildings, including ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

Paragraphs 126 to 136 of the National Planning Policy Framework (2021) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide (2021), and the National Model Design Code (2021) illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 40 of the National Design Guide (2021) states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;

- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The application site adjoins the western boundary of the London Borough of Hillingdon's administrative area. The site forms part of designated Green Belt and is characterised by greenfield land. Accordingly, the existing site complements the purpose of its Green Belt designation by preserving openness.

The Uxbridge Industrial Park is located to the west and is notably separated from the site by the River Colne, as well as the administrative boundary.

In terms of the height of the buildings specifically, it is useful to note that the 23m height (27m with external flues) would meet the definition of tall buildings held within the London Plan (18m). Whilst the application is not subject to the London Plan (2021), this definition was introduced as a specific intervention from the Secretary of State, in order 'to avoid forms of development which are often considered to be out of character'. The scale of development proposed would result in a form of development which would be visible from land located within Hillingdon Council's administrative boundary. There is clearly no existing precedent for buildings of such a height in this location and it evidently does not reflect local character.

The proposed development, by reason of its siting, size, scale and design, is considered to be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider

townscape/landscape context in long-range views.

7.08 Impact on neighbours

Not applicable to the consideration of this out of borough consultation.

7.09 Living conditions for future occupiers

Not applicable to the consideration of this out of borough consultation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Vehicular access to the proposed data centre campus would be from the A4007 which links Uxbridge town centre with Iver Heath and onwards via the A412 to Slough. The Council's Highways Officer confirms that the number of vehicle trips generated by a data centre use is considered to be low and without detriment to road safety or the free flow of traffic in Hillingdon. As such, no objection is raised with respect to highways matters.

7.11 Urban design, access and security

Not applicable to the consideration of this out of borough consultation.

7.12 Disabled access

Not applicable to the consideration of this out of borough consultation.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this out of borough consultation.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Not applicable to the consideration of this out of borough consultation.

ECOLOGY

The site adjoins the River Colne, a Nature Conservation Site of Metropolitan or Borough Grade I Importance. Any impact on the ecological value of the site and connecting habitats should be considered by Buckinghamshire Council's Ecology Specialist.

7.15 Sustainable waste management

Not applicable to the consideration of this out of borough consultation.

7.16 Renewable energy / Sustainability

Not applicable to the consideration of this out of borough consultation.

7.17 Flooding or Drainage Issues

Any impact on the flood and water management should be considered by Buckinghamshire Council's Flood and Water Management Specialist.

7.18 Noise or Air Quality Issues

NOISE

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on the nearest residential noise environment is not considered to be applicable to the consideration of this out of borough consultation.

AIR QUALITY

The site is located next to the Hillingdon Air Quality Management Area and Uxbridge Air Quality Focus Area. However, it is acknowledged that generator specification requirements will be determined by Buckinghamshire Council. Traffic generation is also considered to be low in relation to data centre uses. As such, no objection is raised with regard to air quality matters.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

COLNE VALLEY REGIONAL PARK

The proposal indicates that it would offset the harm to the Colne Valley Regional Park caused by the development. Much has been written in the comments about the perceived poor quality of the landscape on this site, however it is considered that these comments needs to be viewed in light of the restoration requirements that have been put on the site from previous planning applications, whether these have been correctly implemented and the time required for them to embed.

A listed benefit of the proposal is stated to be the 'creation of new parkland'. However, this essentially amounts to a path north to south (a route that can already be accessed via the canal), in addition to an irregular piece of land that one can already walk by and view from the rural road. The extent of the new public routes is deemed to be minimal and essentially would just cut out a small bit of Iver Lane.

It is also noted that there is a 5% commitment to biodiversity gain. The method of achieving this has not been scrutinised by Officers, however it should be noted that a 10% gain is being introduced as a minimum national benchmark and therefore achieving only 5% on a undeveloped greenfield site should not be seen as a significant benefit.

IMPACT ON ELECTRICAL CAPACITY

It is noted that the application has been submitted with a written submission from Pivot Power outlining that they have secured a connection from the National Grid's Iver substation and that they can supply power to this proposed development.

However, it is not clear what the ramifications would be of using the National Grid's capacity on this unplanned site. The National Grid currently needs to support a number of existing and planned developments in the area, which are reported to the National Grid on a consistent basis. Indeed, there is business growth already identified in the allocated employment areas of Uxbridge, North Uxbridge SIL and Uxbridge Industrial Estate (SIL). These sites have been allocated for intensification over the plan period and therefore capacity must exist to allow these sites and their businesses to continue growing.

As this application is being progressed outside of the plan-making process, there has been no holistic view as to its infrastructure requirements and how these affects those already identified in Local Plans. Whilst it would not be uncommon for small windfall sites to come forward outside of the plan-making process, this is a very large site on a greenfield site and therefore should only be progressed through the plan-making process.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the

development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

Accordingly, Hillingdon Council raise an objection to the proposed development.

11. Reference Documents

National Planning Policy Framework (July 2021) National Design Guide (January 2021) National Model Design Code (June 2021)

Contact Officer: Michael Briginshaw

Telephone No: 01895 250230

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Agenda Item 8

Report of the Head of Planning, Transportation and Regeneration

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

Development: Out of borough consultation for Buckinghamshire County Council: Construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

LBH Ref Nos: 39707/APP/2021/3769

Drawing Nos:

Date Plans Received:	01/10/2021	Date(s) of Amendment(s):
Date Application Valid:	01/10/2021	

1. SUMMARY

Buckinghamshire Council have requested the London Borough of Hillingdon's comments on an application which seeks Planning Permission for the construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

Notably, the site covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt. The Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The site would have a clear spatial impact, introducing a large battery facility into the Green Belt with a significant amount of ancillary equipment. Noting that the site is currently vacant, it is also anticipated that there would be an increase in activity generated from the development within the Green Belt. All of this harm to the openness would be permanent.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150 of the NPPF (2021). The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

The very special circumstances cited are the benefits of a new battery storage facility and proposed biodiversity enhancements. In relation to the battery storage facility, it is also not clear what site selection process has been undertaken for finding appropriate land near to the lver Substation. There is a concern that the site selection process that has been undertaken has been overly focused on land within National Grid's ownership, at the expense of the Green Belt. It is therefore not evident that the benefits from the new battery storage facility could not be attained through a more preferable site.

The harm to the openness of the Green Belt is given substantial weight and is not considered to be outweighed by the very special circumstances presented under the applciation submission. As such, it is considered that very special circumstances do not exist.

Further, it is considered that the proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views.

For the reasons outlined within the main body of the report, Hillingdon Council raise an objection to the proposed development.

2. **RECOMMENDATION**

1 NON2 Objection - Green Belt

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021).

2 NON2 Objection - Design

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views. As such, the proposed development conflicts with Paragraphs 126 to 136 of the National Planning Policy Framework (2021).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the Woodlands Park Landfill Site situated on land to the south of Slough Road predominately arranged to the east of the M25 between junction 16 (M40) to the north and junction 15 (M4) to the south. The site measures approximately 52.4 hectares and is located within the Buckinghamshire Council administrative area only but immediately adjoins the western Hillingdon Council boundary.

The application site is demarcated to the west by the M25 and to the east by the River Colne and comprises an area formerly worked for gravel and subsequently used for landfill in the mid to late 20th Century. To the south of the landfill are a number of fields either side of Palmer's Moor Lane, extending as far as the rear of properties on the B470 lver Lane. The northern site boundary is defined by a fence-line across the landfill surface, with an access track connecting up to the A4007 Slough Road.

Within Hillingdon Council's administrative area, the site adjoins the West London Industrial Park (a Strategic Industrial Location), and the River Colne which is a designated Conservation Site of Metropolitan or Borough Grade I Importance. The adjoining land also forms part of designated Green Belt land and the Colne Valley Archaeological Priority Zone

3.2 Proposed Scheme

This out of borough consultation for Buckinghamshire County Council relates to an

application which seeks permission for the construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

4. Planning Policies and Standards

The National Planning Policy Framework (NPPF) (2021) is a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

NPPF4	NPPF 2021 - Decision-Making
NPPF3	NPPF 2021 - Plan Making
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF13	NPPF 2021 - Protecting Green Belt Land

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

None.

Internal Consultees

PLANNING POLICY OFFICER:

The Council's Planning Policy Officer comments relate to Green Belt matters and are outlined within the main body of the report.

FLOOD AND WATER MANAGEMENT OFFICER:

Buckinghamshire LLFA to comment on Flood Risk.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the proposed development is a matter for Buckinghamshire Council to consider. Consideration of Green Belt matters is outlined within the main body of the report below.

7.02 Density of the proposed development

Not applicable to the consideration of this out of borough consultation.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to the consideration of this out of borough consultation.

7.04 Airport safeguarding

Not applicable to the consideration of this out of borough consultation.

7.05 Impact on the green belt

The proposal is located within the Green Belt. The site boundary covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt, particularly in terms of preventing unrestricted sprawl and the merger of Uxbridge/Cowley with northern parts of lver.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150. The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (including that identified by other consultees).

The National Planning Practice Guidance (NPPG) outlines what factors should be taken into account when considering the potential impact of development on the openness of the Green Belt. The site would have a clear spatial impact, introducing a large battery facility into the Green Belt with a significant amount of ancillary equipment. It is difficult to establish whether there would be a significant visual aspect when viewed from the London Borough of Hillingdon. It is anticipated that the site would be most publicly viewed from the footpath adjacent to the river, which forms Section 11 of the London Loop. The photo from Viewpoint 1 indicates that the new development may not be visible from this point, however it would be beneficial if further photos were taken from alternative locations along this part of the river. It would also be useful to have indicative drawings of the proposed development overlaying the photos and included within the Visual Impact Assessment. Noting that the site is currently vacant, it is also anticipated that there would be an increase in activity generated from the development within the Green Belt. All of this harm to the openness would be permanent.

The very special circumstances cited are the benefits of a new battery storage facility and proposed biodiversity enhancements. Comments on the benefits of the latter should be taken from Buckinghamshire Council's Ecology Officer. In relation to the battery storage facility, the statement outlines how a filtering process for existing substations was undertaken, to narrow these down from 346 to 40 substations which could have a new battery storage facility connected to it. One of these substations was that at lver. The Planning Statement includes a description of how the sieving process was undertaken, however there is no actual commentary as to how the lver site performs against these criteria. Indeed, it is not clear how the site has passed through the sieving process, noting that land within/surrounded by nationally significant designations were meant to be excluded. The adjacent land to the substation is predominantly Green Belt, to which the Government explicitly attaches great importance. Paragraph 6.2.6 of the Planning

Statement also outlines that 'vacant land within the vicinity of lver Substations that is undeveloped/previously developed is difficult to find'. This would indicate that other substations should have been looked at instead.

Notwithstanding the above, it is also not clear what site selection process has been undertaken for finding appropriate land near to the lver Substation once it was chosen. The Planning and Design & Access Statement indicates that there should be a sequential test at Appendix A, but this appears to be missing. It is indicated that a search area of 1km from lver Substation has been used, however it is not clear why this measurement has been chosen and it would appear arbitrary. Even within this 1km buffer, there are a number of vacant brownfield sites within both of the identified Strategic Industrial Locations (SILs) that do not appear to have been investigated. These areas have been safeguarded for a number of particular uses, including utilities infrastructure and are publicly visible from a quick internet search. There is a concern that the site selection process that has been undertaken has been overly focused on land within National Grid's ownership, at the expense of affording sufficient weight to the Green Belt. It is therefore not evident that the benefits from the new battery storage facility could not be attained through a more preferable site.

7.07 Impact on the character & appearance of the area

The proposed development comprises a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

Paragraphs 126 to 136 of the National Planning Policy Framework (2021) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide (2021), and the National Model Design Code (2021) illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 40 of the National Design Guide (2021) states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;

- integrated into their surroundings so they relate well to them;

- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The application site adjoins the western boundary of the London Borough of Hillingdon's administrative area. The site forms part of designated Green Belt and is characterised by greenfield land. Accordingly, the existing site complements the purpose of its Green Belt designation by preserving openness.

The Uxbridge Industrial Park is located to the west and is notably separated from the site by the River Colne, as well as the administrative boundary.

The proposed development of a battery storage facility would inevitably compromise the existing aesthetic. It is acknowledged that the battery storage facility and ancillary structures proposed would not exceed 4.1 metres in height and may not be seen within long-distance views. There is, however, a public footpath which adjoins the River Colne from which the proposed development would be seen. Accordingly, the proposed development, by reason of its siting, size, scale and design, is considered to be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views.

7.08 Impact on neighbours

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on resident amenity is not considered to be applicable to the consideration of this out of borough consultation.

7.09 Living conditions for future occupiers

Not applicable to the consideration of this out of borough consultation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Vehicular access to the proposed battery storage facility would be from the A4007 which links Uxbridge town centre with Iver Heath and onwards via the A412 to Slough. The number of vehicle trips generated by the use and the associated data centre facility is considered to be low and without detriment to road safety or the free flow of traffic in Hillingdon. As such, no objection is raised with respect to highways matters.

7.11 Urban design, access and security

Not applicable to the consideration of this out of borough consultation.

7.12 Disabled access

Not applicable to the consideration of this out of borough consultation.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this out of borough consultation.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Not applicable to the consideration of this out of borough consultation.

ECOLOGY

The site adjoins the River Colne, a Nature Conservation Site of Metropolitan or Borough Grade I Importance. Any impact on the ecological value of the site and connecting habitats should be considered by Buckinghamshire Council's Ecology Specialist.

7.15 Sustainable waste management

Not applicable to the consideration of this out of borough consultation.

7.16 Renewable energy / Sustainability

Not applicable to the consideration of this out of borough consultation.

7.17 Flooding or Drainage Issues

Any impact on the flood and water management should be considered by Buckinghamshire Council's Flood and Water Management Specialist.

7.18 Noise or Air Quality Issues

NOISE

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on the nearest residential noise environment is not considered to be applicable to the consideration of this out of borough consultation.

AIR QUALITY

The site is located next to the Hillingdon Air Quality Management Area and Uxbridge Air Quality Focus Area. However, it is acknowledged that generator specification requirements will be determined by Buckinghamshire Council. Traffic generation is also considered to be low in relation to data centre uses. As such, no objection is raised with regard to air quality matters.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a

proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views.

Accordingly, Hillingdon Council raise an objection to the proposed development.

11. Reference Documents

National Planning Policy Framework (July 2021) National Design Guide (January 2021) National Model Design Code (June 2021)

Contact Officer: Michael Briginshaw

Telephone No: 01895 250230

Agenda Annex

Plans for Major Applications Planning Committee

Wednesday 9th March 2022



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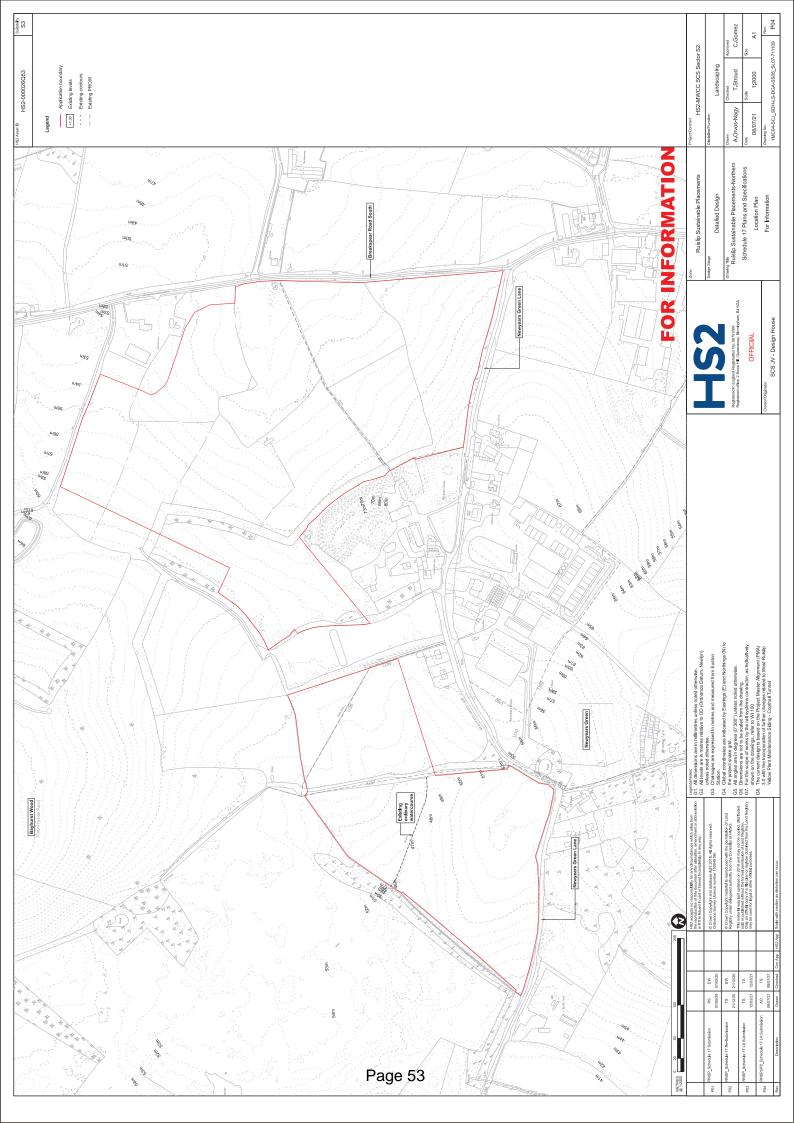
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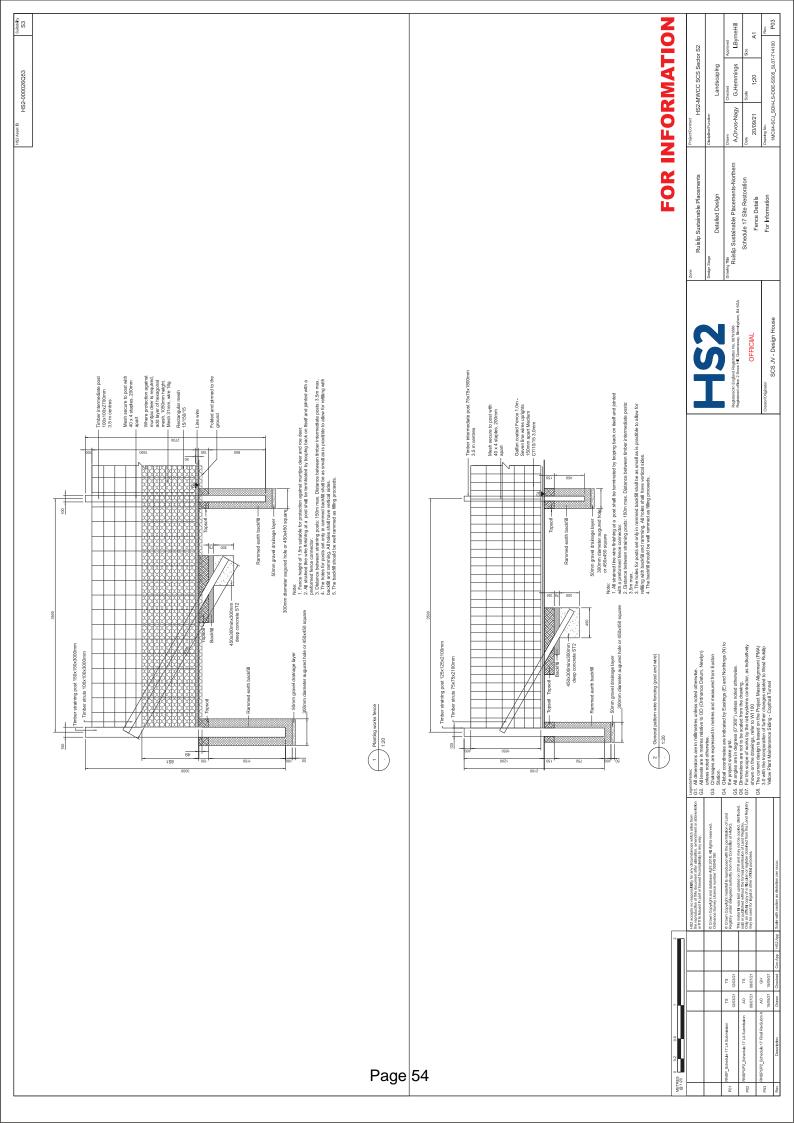
Report of the Head of Planning, Transportation and Regeneration

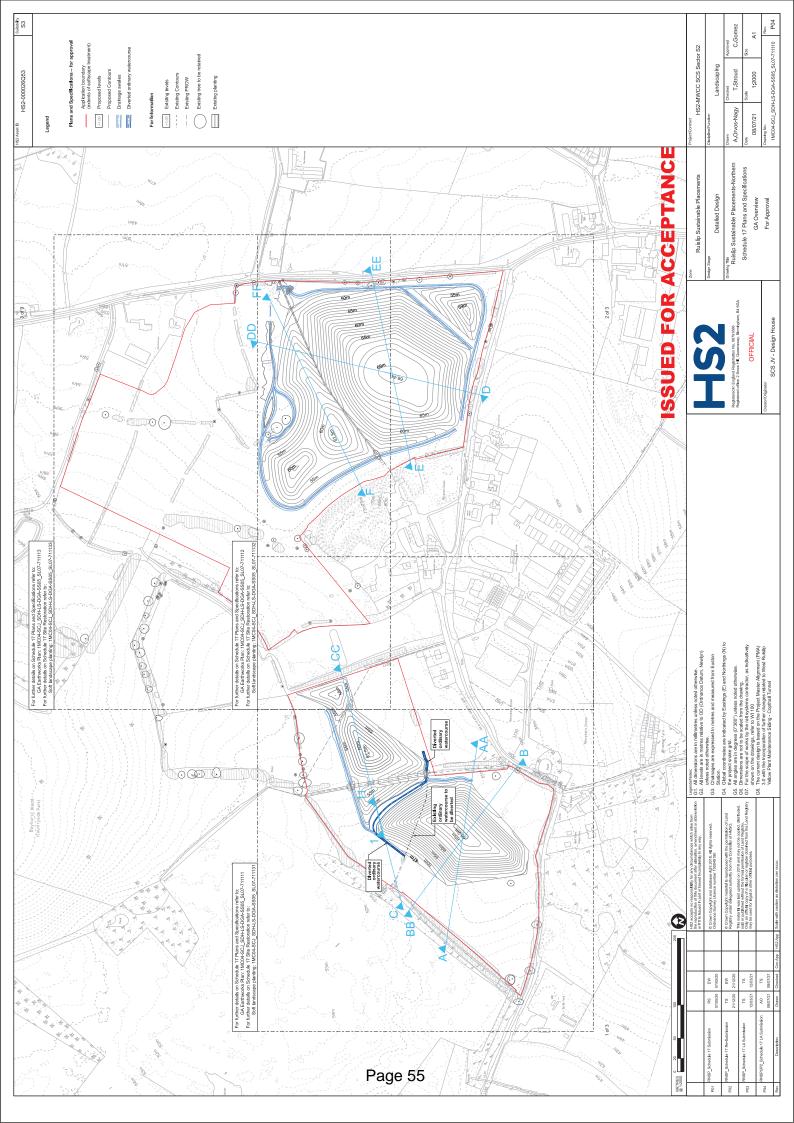
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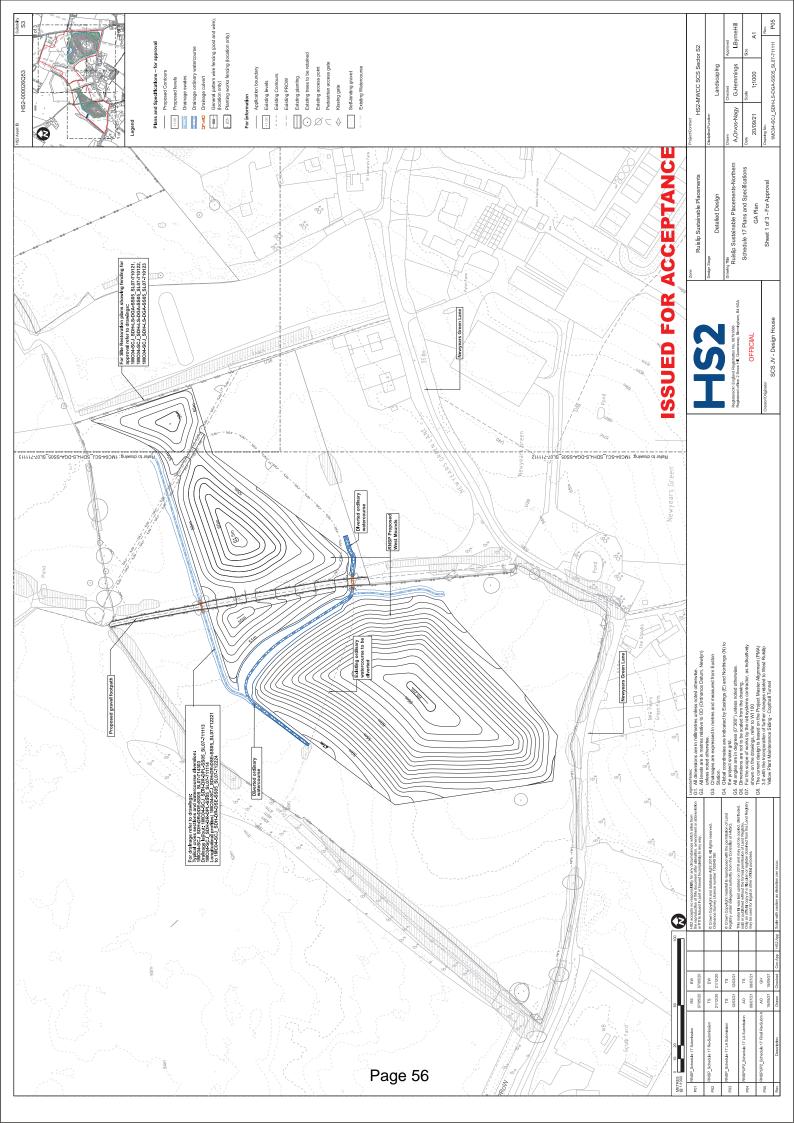
Development: Request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 for a site 299,165.4m2, for the placement of excavated HS2 material arising from HS2 works to form 2 no. mounds (i.e. western and eastern mound), fencing (location only), the diversion of an ordinary watercourse to facilitate the western mound, creation and associated drainage in the form of swales, culverts, and a pond.

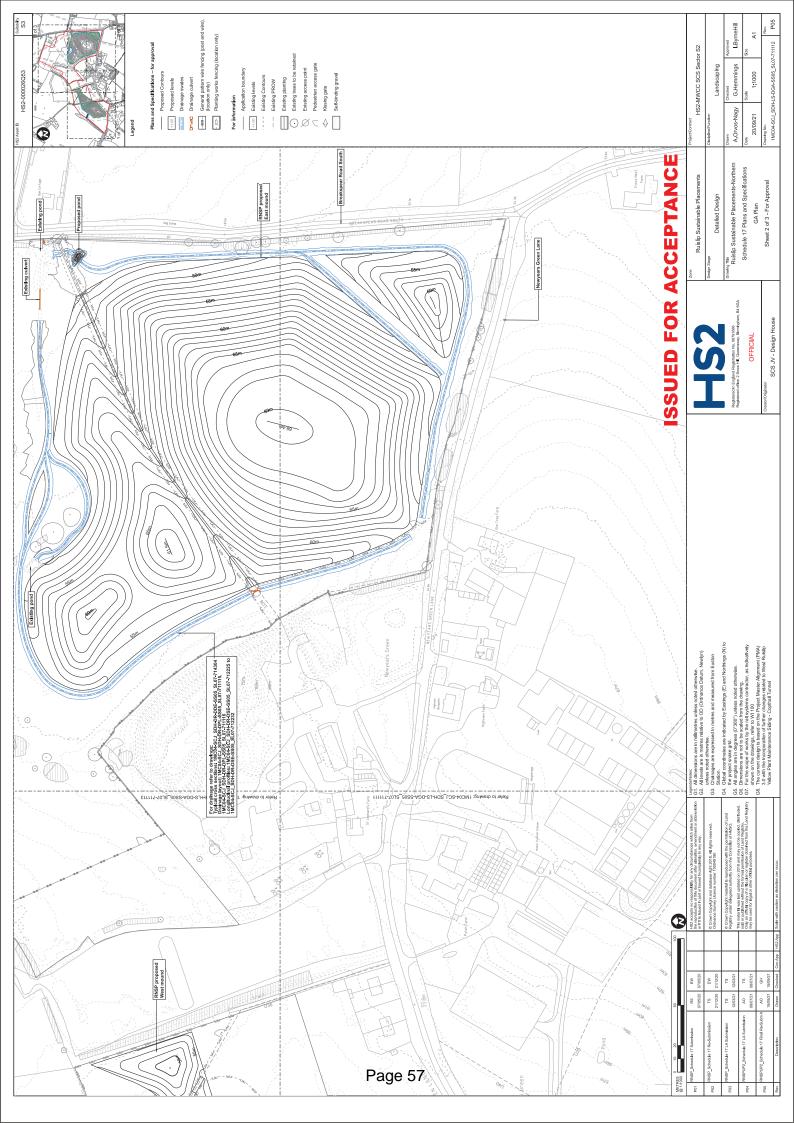
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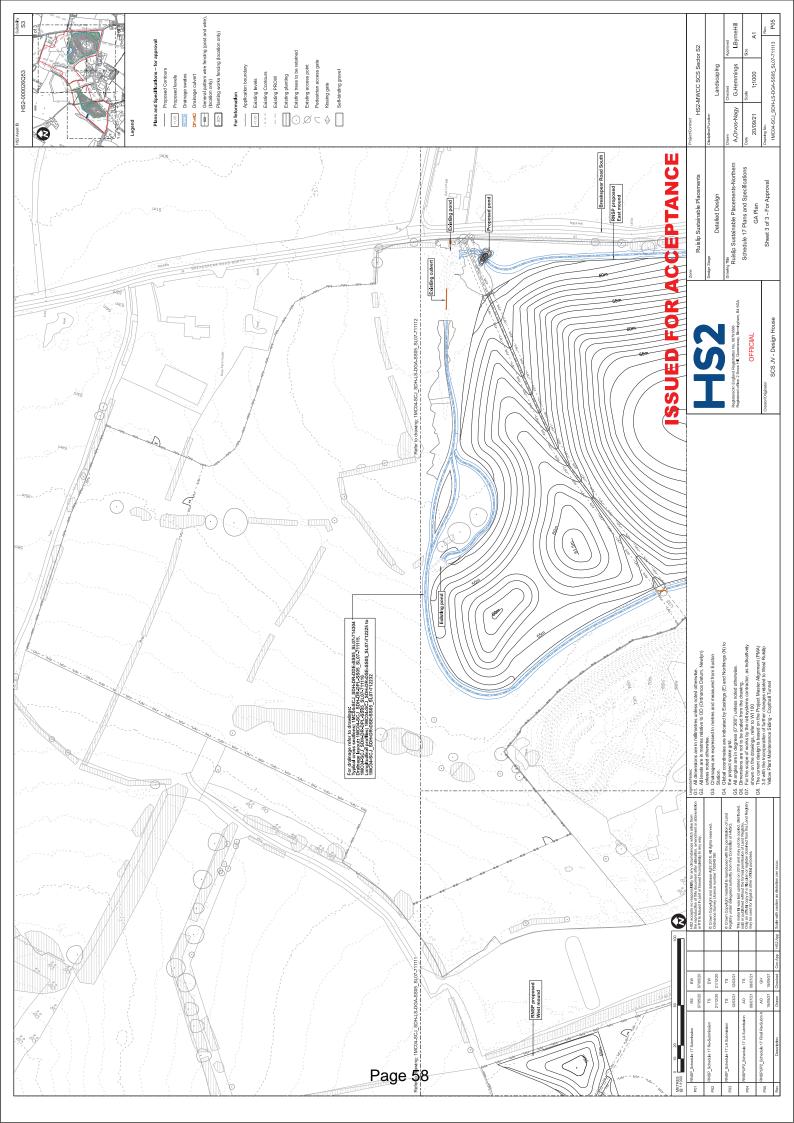


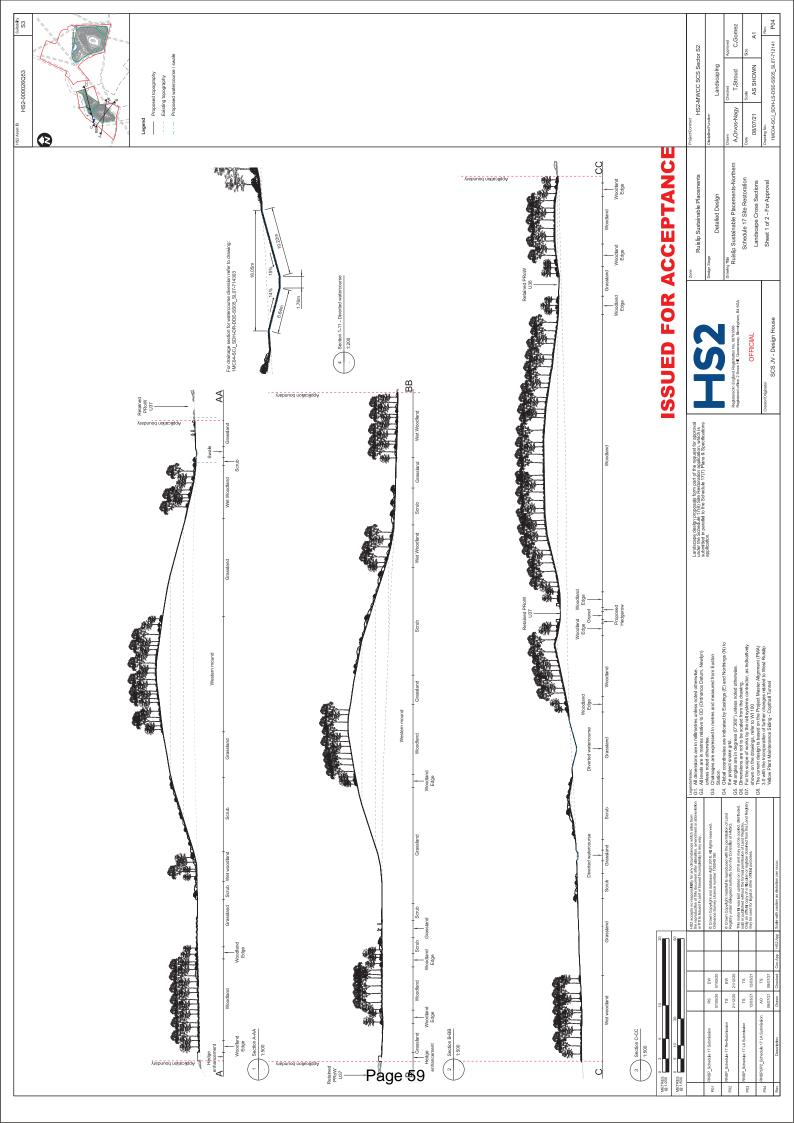


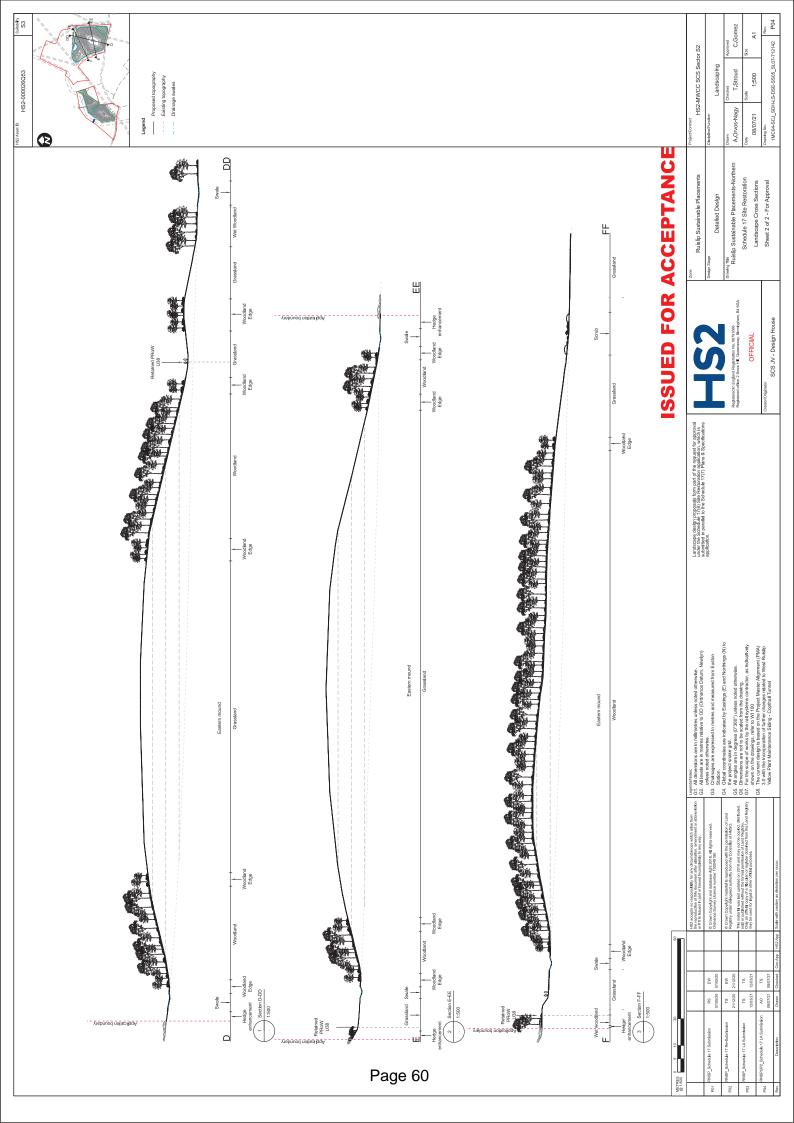


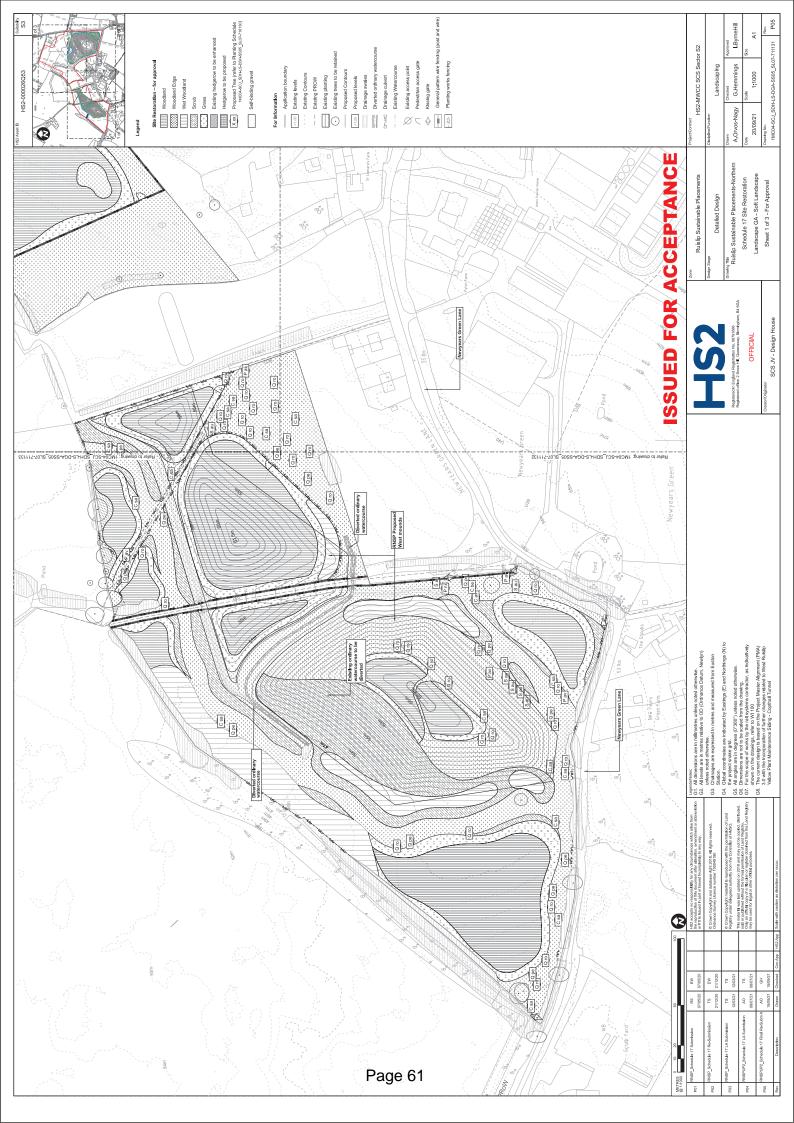




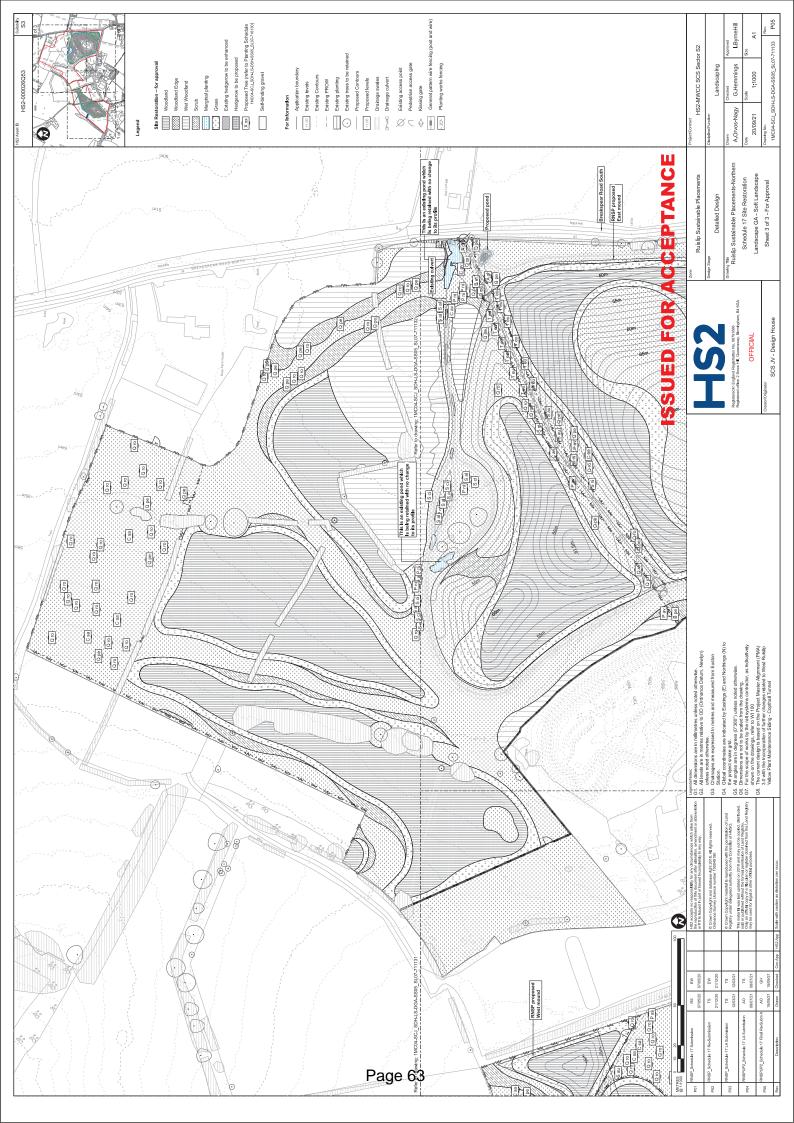


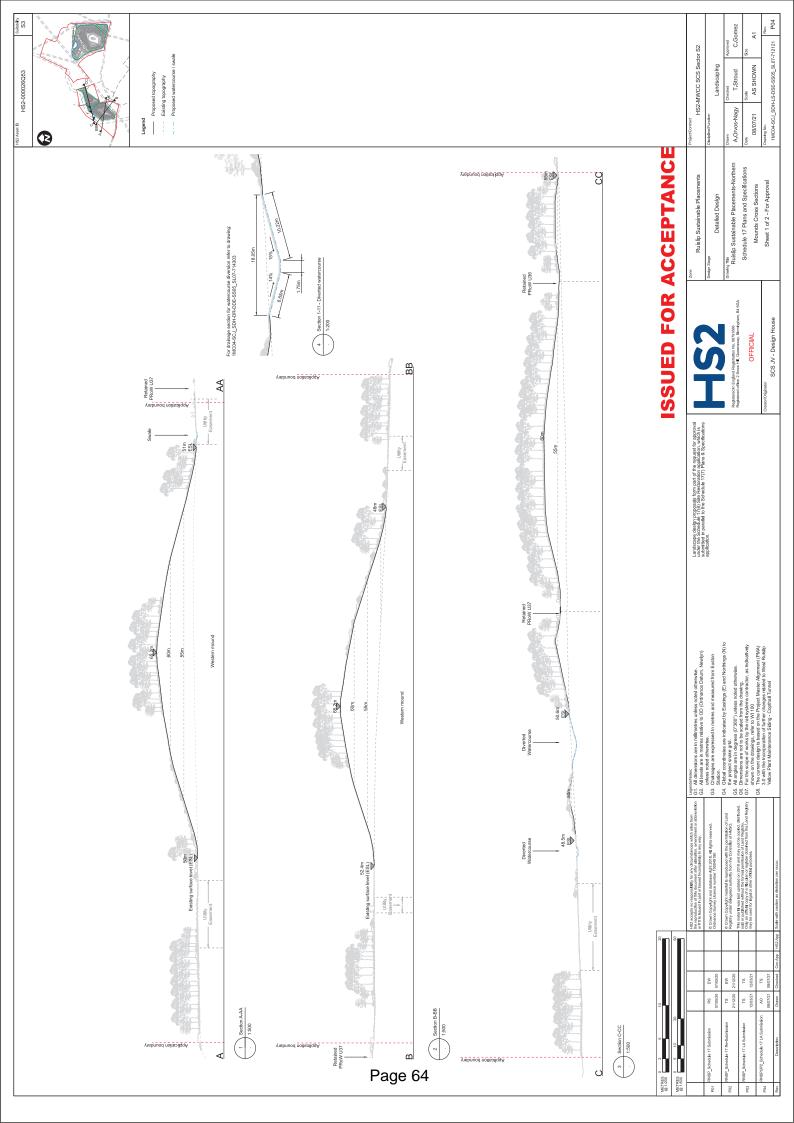


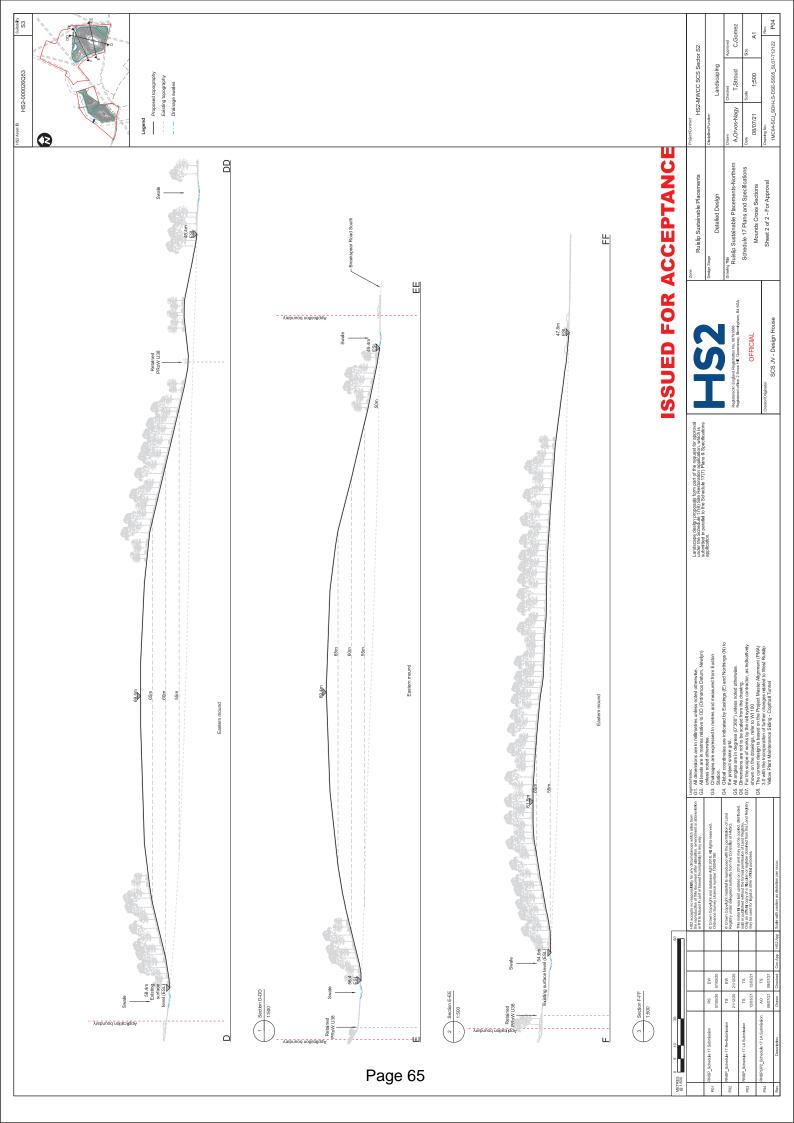


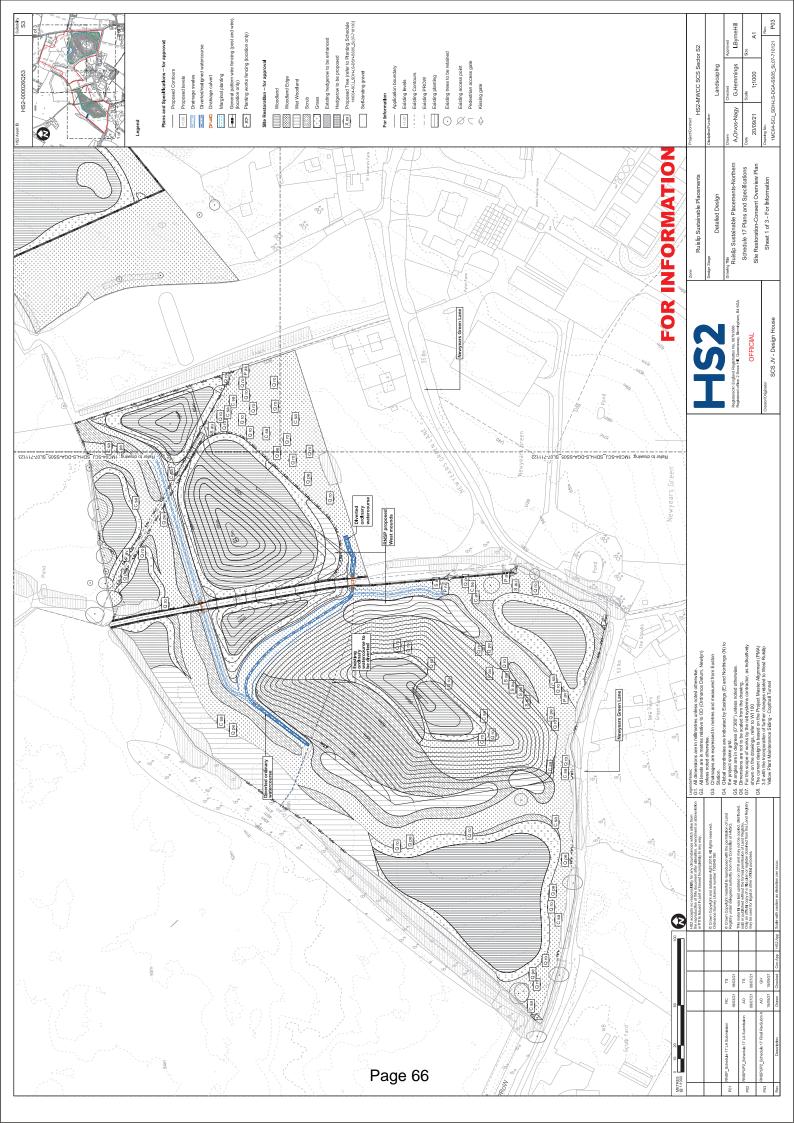


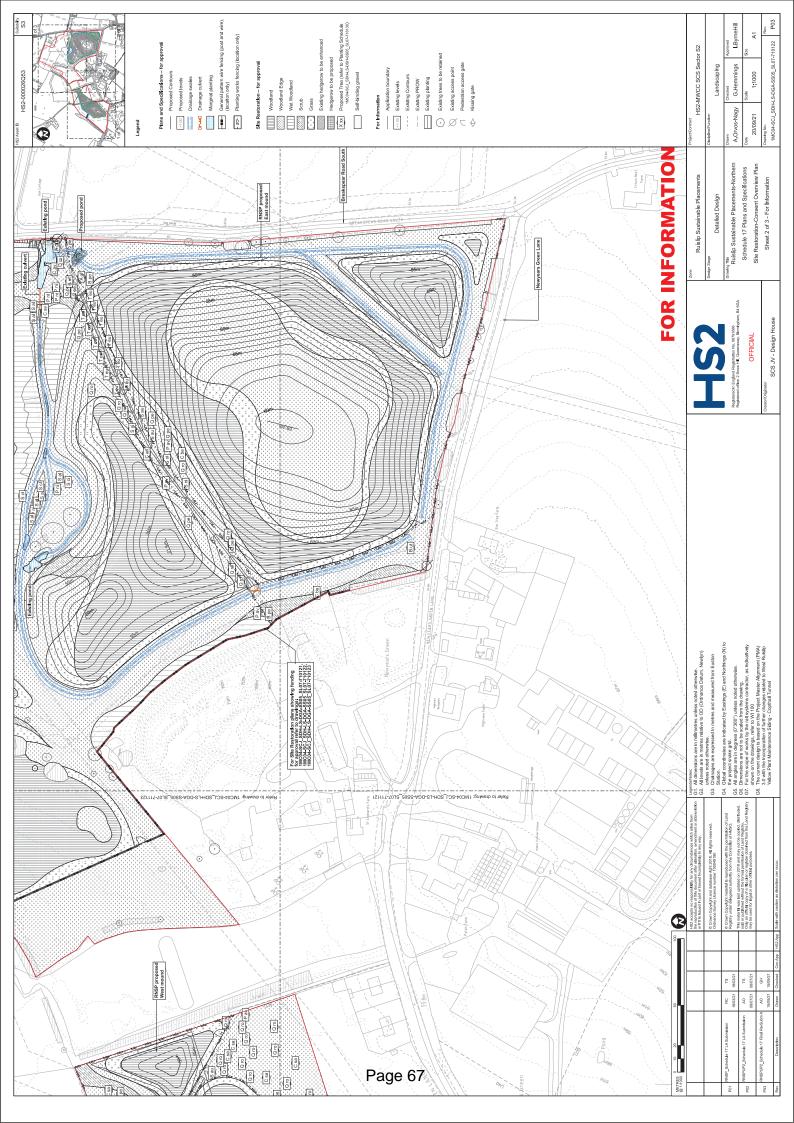


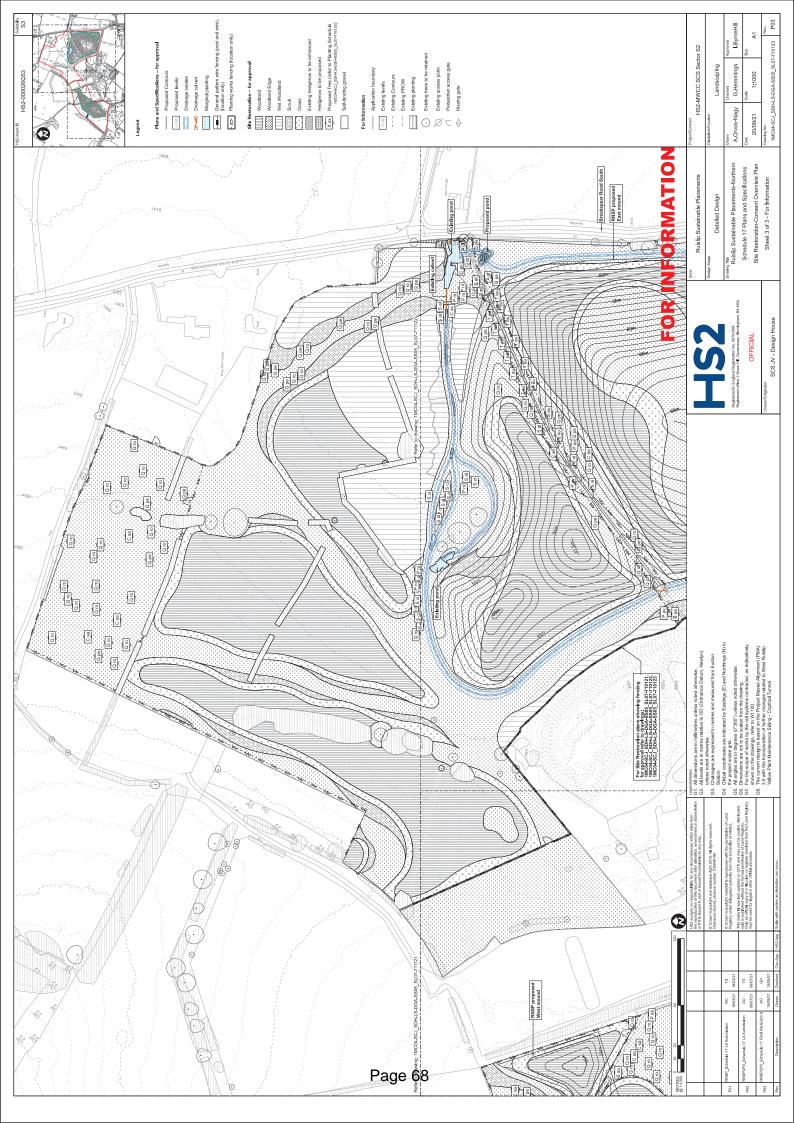












Report of the Head of Planning, Transportation and Regeneration

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

Development: Out of borough consultation for Buckinghamshire County Council: Outline planning application with all matters reserved except for principal points of access for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation

LBH Ref Nos: 39707/APP/2021/4456



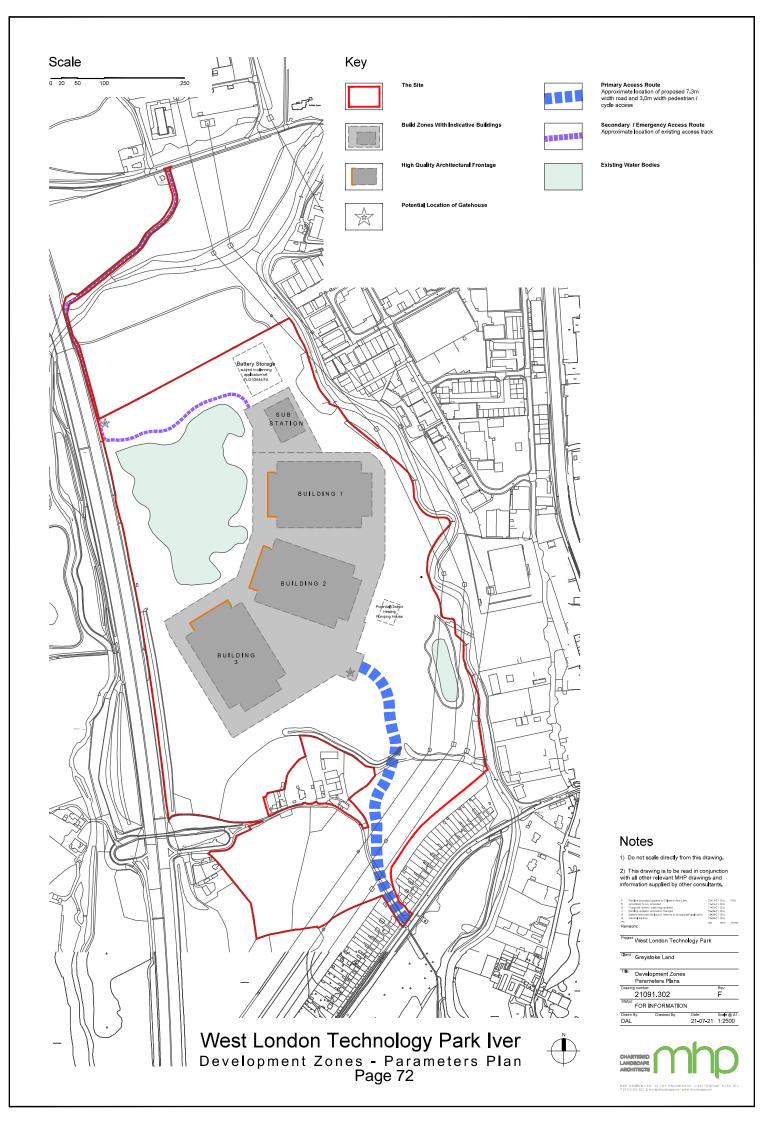
Notes

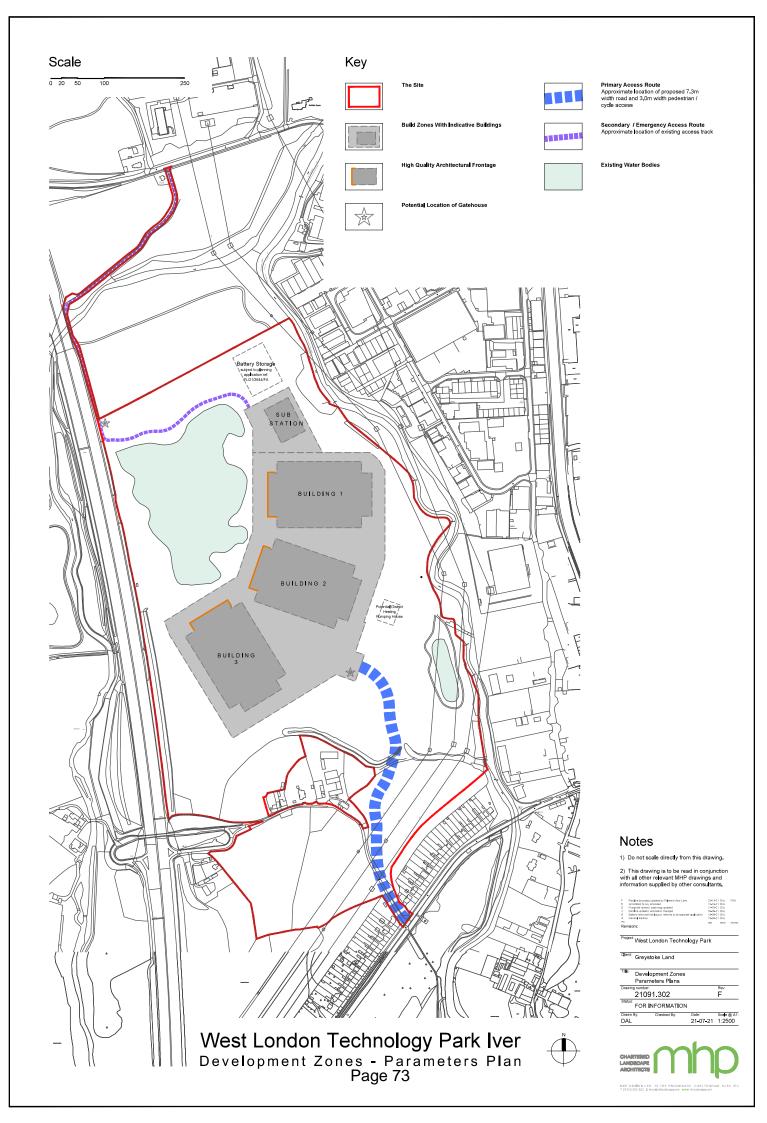
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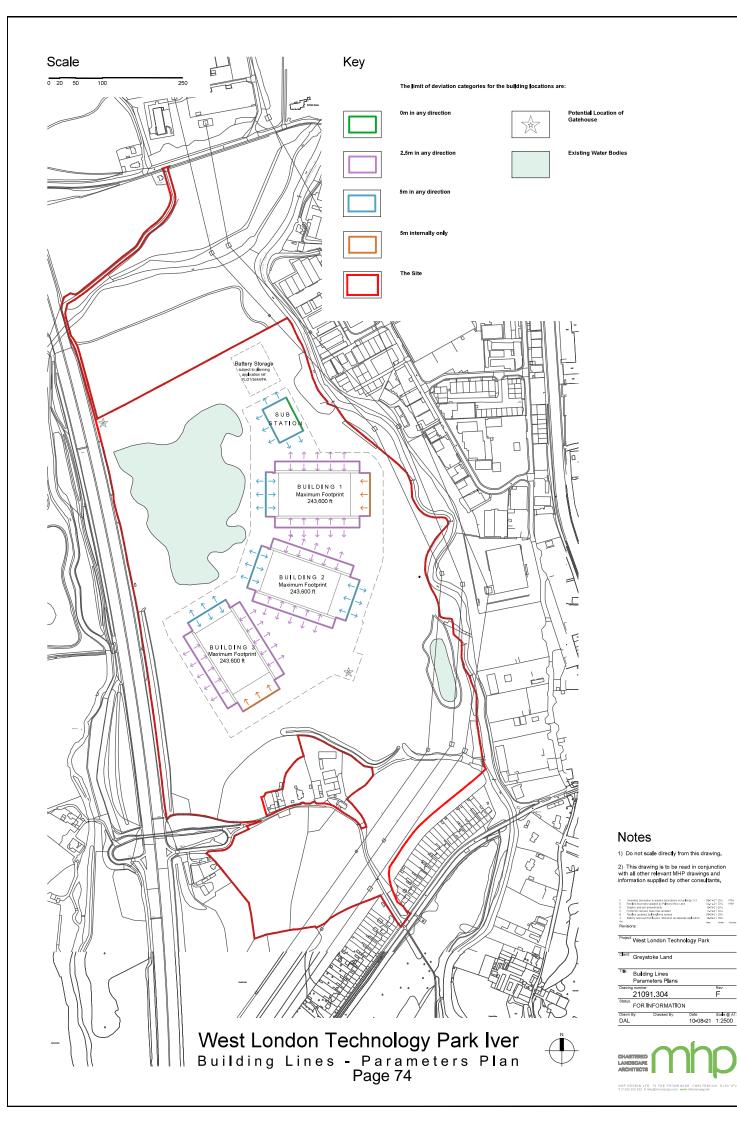
 Do not scale directly from this drawing.
 This drawing is to be read in conjunction with all other relevant MHP drawings and information supplied by other consultants.

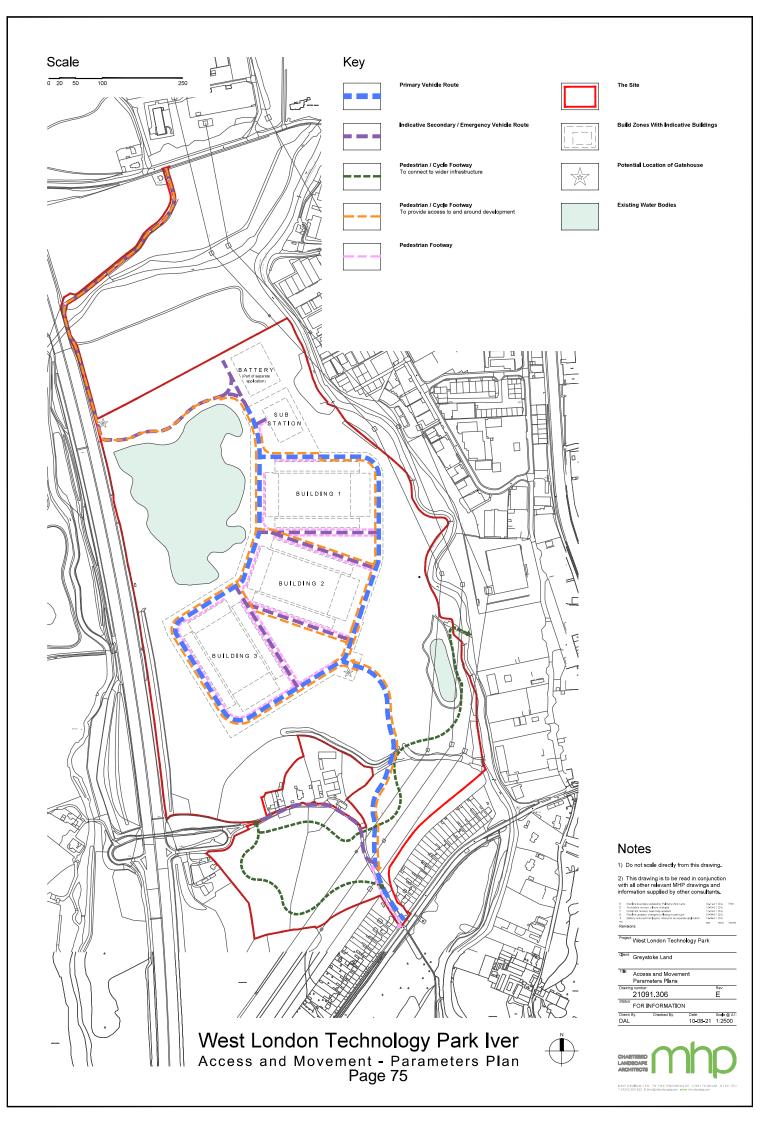
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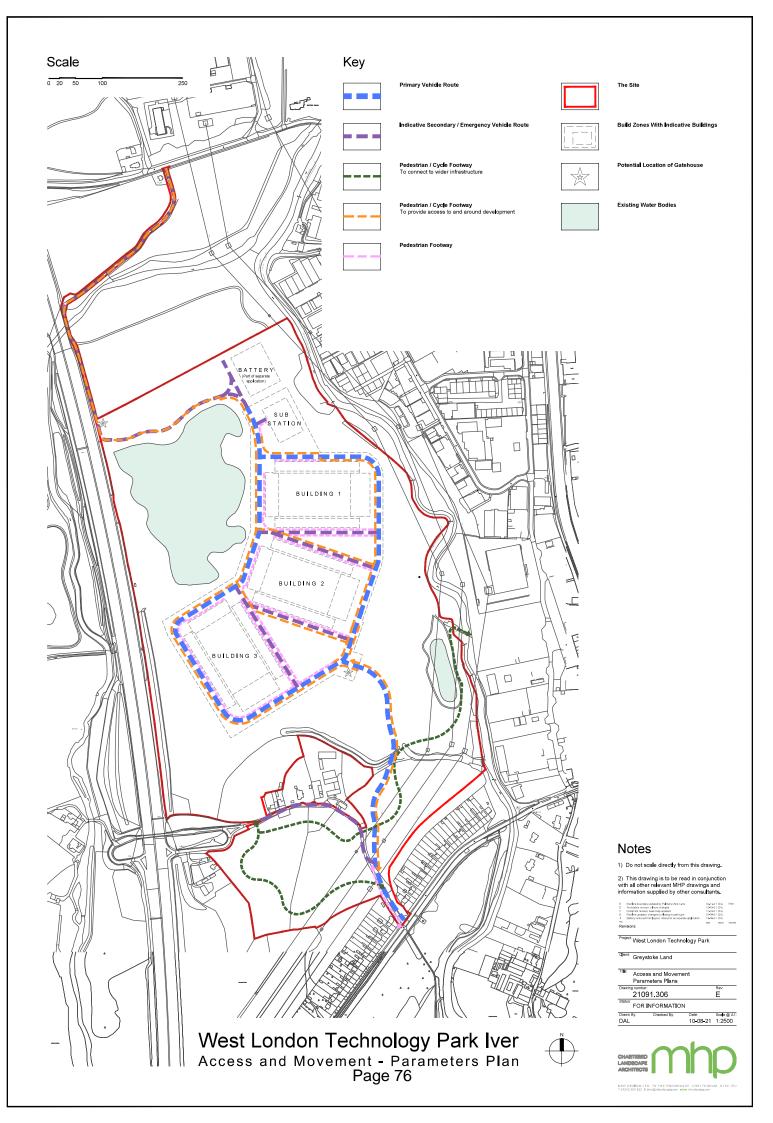












Report of the Head of Planning, Transportation and Regeneration

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

- **Development:** Out of borough consultation for Buckinghamshire County Council: Construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.
- LBH Ref Nos: 39707/APP/2021/3769



