

Report of the Head of Planning and Enforcement

Address: MERCK SHARPE DOHME (MSD) SITE OFF BREAKSPEAR ROAD SOUTH HAREFIELD

Development: Plans and Specifications submission under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for earthworks to create 4 no. ponds, associated earthworks and hibernacula

LBH Ref Nos: 72870/APP/2017/1861

Drawing Nos:	Date of Plans:
1D030-EDP-EV-DPP-SS05_SL07-940110 Rev P02	12-05-2017
1D030-EDP-EV-DPP-SS05_SL07-940102 Rev P02	12-05-2017
1D030-EDP-EV-DPP-SS05_SL07-940104 Rev P02	12-05-2017
1D030-EDP-EV-DPP-SS05_SL07-940103 Rev P02	12-05-2017
1D007-EDP-EV-CRO-SS05_SL07-000002 Rev P05	12-05-2017
1D030-EDP-EV-DPP-SS05_SL07-940112 Rev P02	12-05-2017
1D007-EDP-EV-FRM -SS05_SL07-000001 Rev P05	12-05-2017
1D007-EDP-EV-CRO-SS05_SL07-000001 Rev P05	12-05-2017
1D007-EDP-EV-STA-SS05_SL07-000001 Rev P05	12-05-2017

Drawing Nos:	Date of Amended Plans:
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Date Application Valid: 12th May 2017

1. SUMMARY

This application comprises a Plans and Specifications submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 (The Act), in relation to earthworks, to create 4 no. ponds, associated earthworks and hibernacula on farmland north of the Schering Plough Research Facility (north of the Chiltern Line, west of Breakspear Road).

The application is the first HS2 Schedule 17 planning submission that has 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. However, the role of the Planning Authority is heavily restricted as to what can and cannot form the basis of a decision.

The details relate purely to the earthworks to construct the ponds and do not consider the final landscaping. The ponds will be left to establish for approximately 1 year and will then be used for

the translocation of great crested newts. The creation of ecological habitats is part of the mitigation and compensation measures identified during the development of the Act, to minimise the impact of the new railway on the environment.

There is no statutory obligation to consult with neighbours. However, Natural England is a statutory consultee for this proposal and has raised no objection.

No objections are raised to the proposed earthworks. Comments on further details of the mitigation planting have been provided by way of an informative attached to the decision notice, in accordance with the requirements of the HS2 Planning Memorandum.

2. RECOMMENDATION

APPROVAL subject to conditions:

RECOMMENDATION NOTES

That comments on further details of the mitigation planting be provided by way of an informative attached to the decision notice, in accordance with the requirements of the HS2 Planning Memorandum.

1. NONSC Non Standard Condition

Prior to the Commencement of Development, a site specific traffic management plan shall be submitted to and agreed in writing by the Local Planning Authority. The site specific traffic management plan shall detail the safe operation of the access off Breakspear Road South, including but not limited to ensuring suitable site lines are available to vehicles turning right on to Breakspear Road South and safety measures are taken to ensuring vehicles turning on to and off Breakspear Road South from the site access are managed in a manner that minimises risk to other vehicles on Breakspear Road South. The works should be carried out in accordance with the agreed plan.

REASON

To prevent or reduce prejudicial effects on road safety on Breakspear Road South, in compliance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016).

INFORMATIVES

1. IHS2 Informative HS2 - Site Specific Planting

Site Specific Planting

The Council does not consider the details relating to landscaping, ecological planting and site restoration are adequate as presented.

The information submitted is not adequate to fully understand what HS2 Ltd is trying to deliver by way of landscaping or restoration. The restoration package needs to be far more detailed prior to the Council confirming the approach is adequate. The details should include but not be limited to:

- Pond lining (puddled clay preferred)
- Soft landscape proposals include schedules, specifications and appropriate planting plans
- Management and Maintenance plans and schedules
- Hard Landscape details (fences, gates, tracks and ancillary works)
- Long term access arrangements for maintenance
- Site security measures
- Ecological enhancement plan showing the interaction of the site with the surrounding area
- Detailed proposals for land ownership and responsibilities
- Detailed information on how the pond will be filled and levels maintained

2. IHS2 Informative HS2 - Site Wider Restoration and Mitigation

Site Wider Restoration and Mitigation

The Council is concerned and disappointed at the lack of vision for the wider area in which these proposals sit. HS2 will have a significant impact with construction activities of various scales and durations over a vast area, all of which will need to be restored.

The proposals presented as part of this Schedule 17 submission are isolated to one element of the wider mitigation of HS2. The Council understands this approach is being adopted for at least three other similar proposals soon to be submitted.

Designing each proposal in isolation removes the prospect of a greater vision and will only deliver pockets of ecological mitigation, many of which may end up being fenced and gated with no public access. In turn, it is not clear that HS2 Ltd can deliver a comprehensive package, particularly since the details emerging are greatly different from those presented in the environmental statement.

The Council requires a far greater vision and this needs to be set out through a restoration masterplan that delivers the necessary ecological mitigation, but also integrates community and public benefits in a comprehensive and aligned manner.

The Council expects a marked change in approach to restoration.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located within a plot of land previously owned by Merck Sharpe and Dohme (MSD) pharmaceutical company, but now acquired by the Secretary of State for Transport. The area of earthworks subject to this request for approval (i.e. construction of the ponds, bunding and hibernacula) is 0.2 ha.

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The site is situated within farmland south of Newyears Green Lane, east of Newyears Green Covert and west of Breakspear Road South. To the south east of the site is the MSD pharmaceutical research facility. Further to the south east is the River Pinn, and beyond this is the urban area of Ruislip. An existing railway (the Marylebone to Aylesbury line) is located approximately 200m south of the site.

The site is predominantly rural in character, comprising underused pastureland with scattered scrub and trees at the northern end. The immediate surrounding land is pasture or arable land, with scattered trees and hedgerows. To the north of the site is a plantation and the woodland of Newyears Green Covert, which is a designated Ancient Woodland.

The site is enclosed to the north-east by a wide hedgerow with mature trees. To the southeast of the site is the MSD site, which is bounded by a fence/wall.

3.2 Proposed Scheme

This application relates to the request for approval of plans and specifications relating to earthworks and bunding for the creation of 4 no. ponds to provide compensatory habitat to address potential adverse effects on great crested newts and reptiles as a result of the HS2 proposals.

The application is submitted pursuant to Schedule 17 to the Act and comprises a written statement and plans, which includes an explanation of how the matters to which the request relates fit into the overall scheme of the works authorised by the Act,

The creation of ecological habitats is part of the mitigation and compensation measures identified during the development of the Act to minimise the impact of the new railway on the environment. Therefore, the measures proposed are intended to not only mitigate the loss of great crested newt habitat in the locality of the HS2 works in West Ruislip, but help to mitigate the loss and impact on habitats across other sites.

Details of the proposed works are provided below:

- The northern and southern ponds will each be 300m² and the eastern and western ponds will each be 150m² in area, all with a minimum depth of 1.5m. The shape of the pond may be tailored to fit the site conditions at the time of construction, assuming the design principles outlined in the submitted documentation are adhered to.
- Topsoil will be stripped from the pond locations and locations where land re-profiling will take place. Topsoil will be temporarily stored on site for re-use within the site and then re-placed on the re-profiled land.
- Material excavated from the pond will be used to profile the pond bank ensuring that at least 20% of the pond edge shall be no steeper than 5% (1:20) between the finished ground level and planting.
- The margins of the ponds will have shallow sloping banks, with the gradient increasing towards the centre of the pond to create a sump that is a minimum 1.5m deep.
- Pond construction will achieve a cut/fill balance wherever possible on sloping ground. Material excavated from the ponds will be used to build up the lower bank of each pond and create a level

pond profile. Surplus excavated material will be used in the construction of hibernacula, and/or to re-profile the ground levels around the ponds, to create a natural looking landform.

- Topsoil will be reinstated to a depth of 50mm.
- Works will be undertaken under appropriate ecology working method statements, as deemed appropriate by the Enabling Works Contractor's lead ecologist.
- A suitably qualified ecologist will be on hand to provide advice during the construction of the ponds.
- Two hibernacula suitable for Great Crested Newts will be created within the site (approximately 2m x 4m x 1m high).

The mitigation scheme is required to be implemented early in the overall Phase 1 programme in order to allow sufficient time for the replacement habitat to establish, prior to the translocation of great crested newts.

An indicative Construction Programme in relation to the HS2 Copthall Cutting is provided below, in order to indicate how the matters to which this request relates, fits into the overall scheme of the works in West Ruislip authorised by the Act.

- Utilities: Diversion and Removal Works - Q3 2017- Q4 2019
 - Habitat Creation - Q4 2017 (It should be noted that only the approval of details relating to earthworks are being sought at this stage under this application)
 - Habitat Establishment Q2 2018 - Q3 2018
 - Construction: Breakspear Road South Under bridge
 - Translocation of great crested newts to terrestrial habitat Q3 2018 - Q3 2023
 - Construction: Gatemead Embankment Q3 2019 - Q3 2020
 - Construction: Copthall Cutting Q3 2019 - Q4 2020
 - Great crested newts provided with access to new ponds - Q1 2019 - Q1 2020
 - Construction: West Ruislip Portal - Q3 2018 - Q2 2020
 - Construction: Footpath and U81 Footbridge - Q3 2019 - Q4 2020
 - Construction: West Ruislip Retained Embankment - Q1 2019 - Q1 2019
 - Construction: River Pinn Under bridge - Q4 2018 - Q1 2019
- (Q = Quater)

In addition to the earthworks works for which approval to plans and specifications is required, the overall mitigation scheme in this location also includes habitat creation planting. The mitigation planting does not require approval to plans and specifications under Schedule 17 of the Act and does not therefore form part of this request for approval.

However, the mitigation planting will comprise part of the overall mitigation schemes in relation to works listed in Schedule 1 of the High Speed Rail (London - West Midlands) Act, which will be submitted as part of the requests to bring into use scheduled works, in accordance with Schedule 17. Further details of the mitigation planting have been provided, requesting the Council's views on the planting, in accordance with the requirements of the HS2 Planning Memorandum.

In addition to the Plans and Specifications submitted for approval under this request, a number of other approvals will be required and have, or will be sought by HS2 Ltd under the appropriate statutory and legal frameworks. These include an organisational licence issued to HS2 Ltd, to permit suitably experienced employees and staff of contractors to undertake certain activities affecting great crested newts, that would otherwise be unlawful.

3.3 Relevant Planning History

The High Speed Rail (London-West Midlands) Act 2017 (The Act) provides powers for the construction and operation of Phase 1 of High Speed 2. HS2 Ltd is the Nominated Undertaker for the works which are the subject of this Plans and Specification application.

Phase One of HS2 will provide dedicated high speed rail services between London, Birmingham and the West Midlands. It will extend for approximately 230km (143 miles). Just north of Lichfield, high speed trains will join the West Coast Main Line for journeys to and from Manchester, the North West and Scotland.

Section 20 of the Act deems planning permission to be granted for the development authorised by it, subject to the provisions of section 20 and conditions set out in Schedule 17. Schedule 17 includes conditions requiring various matters be approved by the relevant local planning authority.

This is therefore a different planning regime to that which usually applies in England and is different in terms of the nature of submissions and the issues that the local planning authorities (LPAs) can have regard to in determining requests for approval. These Schedule 17 planning submissions can best be likened to the submission of reserved matters, where outline planning consent has already been granted. However, the role of the Planning Authority is heavily restricted as to what can and cannot form the basis of a decision.

The planning conditions set out in Schedule 17 of the Act require the Nominated Undertaker (HS2 Ltd) to submit requests for approval to qualifying authorities for the following:

- Plans and Specifications;
- Matters ancillary to development (referred to as construction arrangements);
- Bringing Into Use; and
- Site Restoration Schemes (including waste and soil disposal and excavation).

Schedule 17 of the Act sets out the grounds on which the qualifying authority may apply conditions on approvals, or refuse to approve the requests for approval.

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 UDP Policies are considered relevant to the application. In so far as this application is concerned the most pertinent policy applicable to the proposals is policy AM7 of the Hillingdon

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Local Plan: Part 2 saved UPD Policies (November 2012).

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.EM6 (2012) Flood Risk Management**

(2012) Flood Risk Management

3. **PT1.EM7 (2012) Biodiversity and Geological Conservation**

(2012) Biodiversity and Geological Conservation

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

(2012) Land, Water, Air and Noise

Part 2 Policies:

1. **AM7 Consideration of traffic generated by proposed developments.**

Consideration of traffic generated by proposed developments.

2. **BE38 Landscaping**

Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

3. **EC1 Replaced by PT1.EM7 (2012)**

Protection of sites of special scientific interest, nature conservation importance and nature reserves
Replaced by PT1.EM7 (2012)

4. **EC2 ECOLOGY AND NATURE CONSERVATION**

Nature conservation considerations and ecological assessments

5. **EC3 ECOLOGY AND NATURE CONSERVATION**

Potential effects of development on sites of nature conservation importance

6. **EC4 ECOLOGY AND NATURE CONSERVATION**

Monitoring of existing sites of nature conservation importance and identification of new sites

7. **EC5 ECOLOGY AND NATURE CONSERVATION**

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Retention of ecological features and creation of new habitats

8. **LPP 5.12 (2016) Flood risk management**

(2016) Flood risk management

9. **LPP 7.16 (2016) Green Belt**

(2016) Green Belt

10. **LPP 7.19 (2016) Biodiversity and access to nature**

(2016) Biodiversity and access to nature

11. **LPP 7.21 (2016) Trees and woodlands**

(2016) Trees and woodlands

12. **NPPF National Planning Policy Framework**

National Planning Policy Framework

6.0 COMMENTS ON PUBLIC CONSULTATION

- 6.1 There is no statutory requirement to undertake a public consultation, but given the nature of the project, all planning submissions under Schedule 17 of the Act are open for comments to inform the Council's decision making.

NATURAL ENGLAND

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

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.

Natural England has issued a route-wide organisational licence for Great Crested Newt (*Triturus cristatus*), a European Protected Species (EPS) to HS2 Ltd. The licence permits suitably experienced employees and staff of contractors to undertake certain activities affecting great crested newts that would otherwise be unlawful. The licence facilitates the enabling and construction works for the high speed rail line between London and Birmingham (Phase 1). We advise that the proposals should comply with the conditions set out within the licence. Natural England will carry out licence compliance monitoring in due course to ensure HS2 are meeting the

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provisions of the licence overall. Natural England's advice on other natural environment issues is set out below.

Ruislip Woods Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

MINISTRY OF DEFENCE

The Ministry of Defence (MoD) were consulted by HS2 Ltd on the proposed development in advance of the application and made the following comments:

"The MoD would not object to the ponds provided they are planted with dense emergent vegetation (ideally predominantly Common Reed), and surrounded by rough grass and/or scrub, and not short mowed grass or grazed meadow. This is to reduce the risk of an increase of hazardous birds within the area of RAF Northolt."

The habitat planting around the ponds will meet the criteria outlined by the MoD and so it is judged that there will be no adverse impact upon the operation of RAF Northolt.

UTILITY PROVIDERS

The nearest utilities to the proposed development are a water main operated by Affinity Water and a gas main operated by National Grid. Both statutory undertakers were consulted on the proposed development by HS2 Ltd and confirmed that they had no objections to the works for approval.

HAREFIELD TENANTS AND RESIDENTS ASSOCIATION

We discussed this application at our last meeting and we are keen to see that HS2 protects the local environment that is so important to Harefield. We want to ensure a coherent approach to mitigation throughout the whole of the Colne Valley. We want reassurance that habitual protection and creation work for this site will complement other mitigation work in the more accessible parts of the valley. We would also want the opportunity to comment on the final landscaping plans and other aspects of the HS2 works that would impact on our locality and community.

6.2 INTERNAL

SUSTAINABILITY OFFICER

Proposal

Plans and Specifications submission under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for earthworks to create 4 no. ponds, associated earthworks and hibernacula

Highways

The site will be accessed off a private road currently serving the MSD facility. In turn, this road is accessed off Breakspear Road South approximately 20m north of the Chiltern Railway Overbridge. This bridge carries a height restriction for vehicles passing under it, with taller vehicles moving to the centre of the road for the necessary clearance.

Access to the site will be from the left lane when heading northbound. However, vehicles heading

south will need to turn right out of the MSD facility and crossing the carriageway.

The increase in vehicles on this sensitive road is a concern although at its peak HS2 Ltd has confirmed there will be less than 20 movements a day. The proposals will result in an onsite 'cut and fill' (i.e. any material dug out will be used in landscaping on site) and consequently there will be a reduced amount of HGV movements.

Nonetheless, the Council is aware of at least one incident involving HS2 Ltd vehicles (using Harvil Road) and there are concerns about the robustness of existing traffic management plans.

Consequently, a condition requiring a site specific traffic management plan is considered necessary.

Landscaping

The Council is being asked for its opinion on information submitted with the formal Schedule 17 submission relating to the earthworks. The Local Authority through which the scheme runs must first be content with the restoration of the land prior to bringing into use the railway.

Some of the details relevant to bring the railway into use will be determined and implemented long before. For example, the landscaping around the earthworks for this application will form part of the overall scheme which can only be considered for approval once the railway is about to be used, in approximately 10 years time.

HS2 Ltd is therefore seeking the Council's opinion now on the landscaping of the ponds ahead of the formal submission for approval to bring the railway into use in approximately 10 years time. This provides the Council with the opportunity to set out its formal position and actively input into the final restoration of land.

The informatives set out in this report present the Council's opinion on the landscape details, provided for information only.

TREE AND LANDSCAPE OFFICER

SUBMISSION CONTEXT: The site is occupied by an area of grassland in the north-east corner of the plot of land previously owned by Merck Sharpe and Dohme (MSD), off Breakspear Road south. This request is for the approval of plans and specification for the earthworks to create four ponds and hibernacula under Schedule 17 of the HS2 project. The submission has been made on behalf of HS2, under the terms described in Sean Cunniffe's letters of 12 May 2017.

COMMENTS: This submission follows a pre-application meeting between officers and HS2 Ltd on 20 March 2017. The group of four ponds has been designed to permanently hold water and to specific criteria with the objective of providing wetland habitat for the majority of the year. Careful consideration has been given to the arrangement of the ponds, the depth of water, a range of slope profiles and the balance of cut and fill material to be retained within the site. Plans include: the site arrangement, cross-sections, details of levels and indicative planting schedules. In Appendix A, site planting proposals are outlined which are to be implemented following the construction of the ponds. Planting mitigation is to include the marginal seeding of the ponds, neutral grassland over-seeding, pond marginal planting and shallow (still) water planting. One of the outstanding details relates to the construction of the pond liner. It is intended to use site-won puddled clay subject to

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further soil surveys. If this is not feasible, a liner such as high density bentonite (HDB) may be required.

RECOMMENDATION The submission is similar to that discussed (and supported) in March, to which we had no objection. However, I am not aware of the arrangements / responsibility for the future management and maintenance of the ponds.

INFORMATIVES

1. Further details are required to explain how this discrete / isolated proposal relates to the wider masterplan of railway-related landscape and ecological mitigation measures.
2. Final details of the pond construction are required (puddled clay preferred), soft landscape proposals (planting plans including schedules, specifications, supported by management / maintenance plans), hard landscape details (including boundary fences gates, tracks and any ancillary works)
3. Details of the future management and maintenance arrangements and responsibilities.

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

7.1 THE PRINCIPLE OF THE DEVELOPMENT

The principle of the development has been established by virtue of The High Speed Rail (London-West Midlands) Act 2017, which provides powers for the construction and operation of Phase 1 of High Speed 2.

This application provides information to assist with the determination of the Plans and Specifications submission (Schedule 17) in relation to earthworks to create 4 no. ponds, associated earthworks and hibernacula on land north of the Schering Plough Research Facility (north of the Chiltern Line, west of Breakspear Road).

Section 20 of the Act deems planning permission to be granted for the development authorised by it, subject to the provisions of section 20 and conditions set out in Schedule 17. This schedule includes conditions requiring various matters be approved by the relevant local planning authority. However, the role of the Planning Authority is heavily restricted as to what can and cannot form the basis of a decision. In this case, the Council can only refuse, or impose conditions in relation to an earthworks application on the following grounds:

1. (a) to preserve the local environment or local amenity,
(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
(c) to preserve a site of archaeological or historic interest or nature conservation value.
2. If the development does not form part of a scheduled work, that the development ought to, and could reasonably be carried out elsewhere within the development permitted limits.

EARTHWORKS

The group of four ponds has been designed to permanently hold water and to specific criteria, with the objective of providing wetland habitat for the majority of the year. Careful consideration has

been given to the arrangement of the ponds, the depth of water, a range of slope profiles and the balance of cut and fill material to be retained within the site.

No objections are raised to the proposed earthworks.

ECOLOGY

The creation of ecological habitats is part of the mitigation and compensation measures identified during the development of the Act to minimise the impact of the new railway on the environment. Therefore, the measures proposed do not only mitigate the loss of great crested newt habitat in the locality of the HS2 works in West Ruislip, but help to mitigate the loss and impact on habitats across other sites. The mitigation scheme is required to be implemented early in the overall Phase 1 programme, in order to allow sufficient time for the replacement habitat to establish, prior to the translocation of great crested newts.

There are no existing water bodies at the site. There are water bodies 250-500m from the site which have yet to be surveyed for great crested newts by HS2 (for land access reasons). If any of these support great crested newts, this species could potentially use the existing terrestrial habitats at the site, although great crested newts are generally found within 250m of their breeding pond.

Low populations of slow worm and grass snake have been recorded within the surrounding area, including the fields to the east of the site and existing railway corridor to the south. The hedgerow on the north east boundary of the site contains mature trees, two of which have been identified as having bat roosts (i.e. summer day roosts), and a further two which have potential to support bats although roosts have not been confirmed. No non-native invasive plant species have been identified within the site.

The new ponds are situated within the terrestrial range of existing assumed great crested newt breeding ponds, which will allow linkages to other populations. The location of the ponds also reflects the existing and proposed utility corridors in the vicinity, with the location for the ponds being identified in consultation with the HS2 Limited utilities team and the relevant utility providers.

Maintenance of this site will be in accordance with the measures provided in the following HS2 Information Papers:

- IP E16 (Maintenance of Landscaped Areas); and
- IP E26 (Indicative Periods for the Management and Monitoring of Habitats).

Natural England, a statutory consultee, has responded that the proposed development will not have significant adverse impacts on designated sites and has no objection.

LANDSCAPING

In addition to the earth works for which approval to plans and specifications is required, the overall mitigation scheme in this location also includes habitat creation planting. The mitigation planting does not require approval under this application and does not therefore form part of this request for approval. However, the mitigation planting will comprise part of the overall mitigation schemes which will be submitted as part of the requests to bring into use scheduled works.

Further details of the mitigation planting have therefore been provided, requesting the Council's views on the planting, in accordance with the requirements of the HS2 Planning Memorandum. The

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Council is only being asked for its opinion on the planting information submitted with this formal Schedule 17 submission relating to the earthworks.

By way of clarification, the Local Authority through which the scheme runs must first be content with the restoration of the land prior to bringing into use the railway. Some of the details relevant to bring the railway into use will be determined and implemented long before the use of the railway commences. For example, the landscaping around the earthworks for this application will form part of the overall scheme, which will only be considered for approval once the railway is about to be used, in approximately 10 years time. HS2 Ltd is therefore seeking the Council's opinion now, on the landscaping of the ponds, ahead of the formal submission for approval to bring the railway into use in approximately 10 years time. This provides the Council with the opportunity to set out its formal position and actively input into the final restoration of land.

The attached informatives therefore present the Council's opinion on the landscape details, provided for information only. In summary, the Council does not consider the details relating to landscaping, ecological planting and site restoration are adequate as presented. In terms of the site wider restoration and mitigation, it is considered that the Council requires a far greater vision which needs to be set out through a restoration masterplan that delivers the necessary ecological mitigation, but also integrates community and public benefits in a comprehensive and aligned manner.

HIGHWAY IMPLICATIONS

The site will be accessed off a private road currently serving the MSD facility. In turn, this road is accessed off Breakspear Road South approximately 20m north of the Chiltern Railway Overbridge. This bridge carries a height restriction for vehicles passing under it, with taller vehicles moving to the centre of the road for the necessary clearance.

Access to the site will be from the left lane when heading northbound. However, vehicles heading south will need to turn right out of the MSD facility and crossing the carriageway.

The applicant submits that the traffic impacts of the work have been assessed to be in keeping with the HS2 Environmental Minimum Requirements (EMRs), set out in the Planning Memorandum and the works are thus considered to be in an acceptable location. In addition, pond construction will achieve a cut/fill balance wherever possible on sloping ground. Material excavated from the ponds will be used to build up the lower bank of each pond and create a level pond profile. Surplus excavated material will be used in the construction of hibernacula, and/or to re-profile the ground levels around the ponds, to create a natural looking landform, thus reducing the need for excessive lorry movements removing excess spoil. Hs2 anticipate 20 lorry movements per day at its peak.

The applicant also points out that the HS2 Act seeks to streamline the planning process by utilising an overarching construction methodology and environmental assessment for all HS2 works via the Environmental Minimum Requirements and Environment Statement. In this case, the proposed vehicle numbers/types do not trigger the need for approval of lorry route. Therefore traffic movements fall within the deemed permission of the Act subject to HS2 controls.

It is acknowledged that access arrangements are not considered significant in the Environmental Statement (ES). However, there may be safety implications at a local level. It is noted that at no point has HS2 Ltd specifically assessed the safety implications for accessing lorries for this proposal in this area off Breakspear Road in this area. The increase in vehicles on this sensitive

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road is considered to be of concern, although at its peak HS2 Ltd has confirmed there will be less than 20 movements a day. Nonetheless, the Council is aware of at least one incident involving HS2 Ltd vehicles (using Harvil Road) and there are concerns about the robustness of existing traffic management plans.

Consequently, a condition is recommended requiring a site specific traffic management plan detailing the safe operation of the access of Breakspear Road South, including but not limited to ensuring suitable site lines are available to vehicles turning right on to Breakspear Road South and safety measures are taken to ensuring vehicles turning on to and off Breakspear Road South from the site access are managed in a manner that minimises risk to other vehicles on Breakspear Road South.

8.0 BOROUGH SOLICITOR COMMENTS

The High Speed Rail Act 2017 received Royal Assent on 23 February 2017. Section 20 of the Act provides that planning permission is deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for development authorised by the Act subject to the other provisions of the Act and the conditions set out in Schedule 17. It is a condition of the deemed planning permission that the development must be begun no later than the end of 10 years beginning with the date on which the Act is passed. The planning permission conferred by the Act is therefore analogous to an outline planning permission, which settles the principle of the overall development of Phase One of the HS2 scheme, whilst leaving certain details to be approved at a later stage.

The Council, in its capacity as a local planning authority, was given a choice between having a wide or narrow range of planning controls in place in relation to the development required in respect of Phase One of the HS2 scheme. The Council elected to become a qualifying authority which means that in practice, it has a wide range of controls at its disposal which for example, include the ability to approve the detailed design of permanent structures such as the Colne Valley Viaduct and also to have an enforcement and approval role in relation to certain construction matters.

This is the first application submitted by the Nominated Undertaker, HS2 Ltd, pursuant to Schedule 17 of the Act, which falls to be considered by the Sub-Committee. It comprises a plans and specifications submission in relation to earthworks, to create 4 no.ponds, associated earthworks and hibernacula on farmland located off Breakspear Road South, Harefield. Earthworks are defined in the Act as "terracing, cuttings, embankments or other earth works". The task of Members, in determining this application, represents a significant departure from the way in which the Council is used to determining planning applications.

The reason for this is that Schedule 17 is very prescriptive about the manner in which qualifying authorities should determine applications submitted by HS2 Ltd. For example, such authorities may only refuse to approve plans or specifications, or impose conditions on approvals, on one or more of the statutory grounds set out in Schedule 17. If the application relates to earthworks, as is the case here, the following grounds apply:

1. That the design or external appearance of the works ought to, and could reasonably, be modified-
 - to preserve the local environment or local amenity,
 - to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,

or

to preserve a site of archaeological or historic interest or nature conservation value.

2. If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

Members will note that the recommendation in the report is for approval subject to a specific condition that, prior to the commencement of development, HS2 Ltd submits a site specific traffic management plan to the Council which is to be agreed in writing by the Council. The reason for the imposition of the condition is to prevent or reduce prejudicial effects on road safety on Breakspear Road South, in compliance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies and Chapter 6 of the London Plan .

This condition is based upon ground 1, as set out above, and therefore is entirely consistent with extant statutory requirements. Members will also note that the condition is predicated upon compliance with relevant existing Plans and Policies which they will be familiar with and this is a relevant consideration as they should not simply be ignored just because a new statutory planning regime is in place and they should continue to play an important part of the Members' decision making process.

Finally, it should be noted that there is provision, within Schedule 17 of the Act, for HS2 Ltd to appeal to the Secretaries of State for Communities and Local Government and Transport respectively against any Council decision to refuse a request for relevant approval or against any conditions which the Council has imposed in granting approval. The Secretaries of State have the power to dismiss the appeal or vary the Council's decision. HS2 Ltd will also be able to appeal if no decision has been made within 8 weeks of the receipt of their application by the Council or such extended period as may have been agreed between the Council and HS2 Ltd.

9.0 OTHER ISSUES

FLOODING AND DRAINAGE

The proposed development will not impact on the existing drainage arrangements on the site and is located in Flood Zone 1. The new ponds will be situated within grassland buffered from surrounding farmland by existing adjacent grassland and scrub habitat, to protect the ponds from excessive nutrient run-off from agricultural fertiliser.

Ponds are designed to permanently hold water to provide a wetland habitat for the majority of the year. Ponds at the site are expected to be fed by rainwater and surface run-off. The pond locations take into account the soils and hydrology of the site in order to provide water for the majority of the year. The presence of existing ponds in the locality indicates that there is potential for newly created ponds to hold water within suitable locations. The central/south west part of the site provides suitable conditions for pond creation as this part of the site is lower than the land to the east and ponds will take surface water runoff.

Lining is not considered to be required at this stage and there is no current intention to include it in the scheme. If a lining is required then a trial pit or auger survey would be used to determine the drainage characteristics of the soil and if a lining is required. Relevant potential lining options that

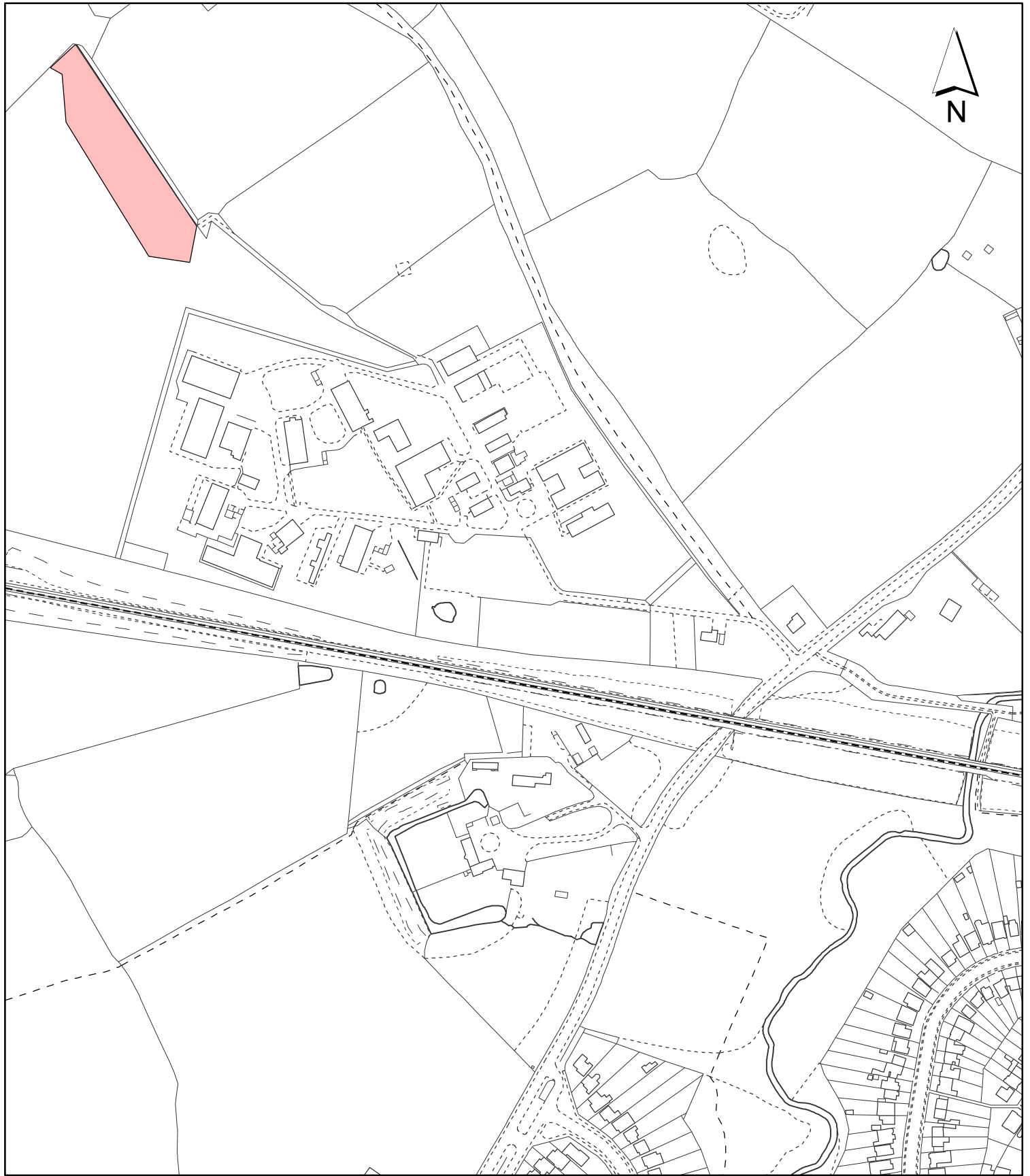
have been considered.

10.0 REFERENCE DOCUMENTS

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

Contact Officer: Karl Dafe

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Merck Sharpe Dohme (MSD)
 Site off Breakspear Road South**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

72870/APP/2017/1861

Scale:

1:3,500

Planning Committee:

HS2 PSC

Date:

July 2017



HILLINGDON
 LONDON