

Item No.	Report of the Head of Planning and Enforcement
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Address: ECOLOGICAL MITIGATION SITE HARVIL ROAD HAREFIELD

Development: Plans and Specifications submission under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for an ecological mitigation scheme comprising earthworks, including two mitigation ponds, one hibernaculum and one reptile bank, together with permanent fencing erected along the northern, eastern and southern boundaries of the site.

LBH Ref Nos: 73195/APP/2017/3486

Drawing Nos: _____ **Date of Plans:** _____

Harvil Road Proforma 25-09-2017

Harvil Road Mitigation Planting Consultation Lette 25-09-2017

Harvil Road Written Statement 25-09-2017

1EW03-AEC-PL-DGA-CS01_CL01-013200-P05 25-09-2017

Harvil Road Cover Letter 25-09-2017

Colne Valley Regional Park Key Environmentally Sensitive Worksite 25-09-2017

Management Plan

1EW03-AEC-PL-DGA-CS01_CL01-013100-P04 25-09-2017

1EW03-AEC-PL-DGA-CS01 CL01-013050 25-09-2017

Drawing Nos: _____ **Date of Amended Plans:** _____

Date Application Valid: 25th September 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 on an agricultural field immediately west of Harvil Road and south of Dews Lane, to create two mitigation ponds, one hibernaculum and one reptile bank, together with fencing erected along the northern, eastern and southern boundaries of the site.

The application is the second 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 by statutory consultees to the proposed earthworks. However, objections have been raised through the public consultation. The Council recognises the concerns and objections raised through the public consultation. These comments though, must be put into the context of the restrictions placed on the Authority through the Act. These objections are addressed in more detail in Section 6 of the report.

An informative is recommended seeking a site specific traffic management plan detailing the safe operation of the access off Harvil Road.

The ponds will ultimately form part of a separate Schedule 17 consent submission for bringing the land into use. The Council's opinion is therefore being sought on the restoration of the land around the earthworks ahead of a formal submission. An informative has been added that sets out the Council's formal position which is expected to be taken into account ahead of the formal submission.

2. RECOMMENDATION

APPROVAL subject to conditions:

RECOMMENDATION NOTES

That an informative be attached, seeking a site specific traffic management plan detailing the safe operation of the access off Harvil Road.

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

That an informative be attached requesting an archaeological field evaluation, a location-specific investigation and recording and an archaeological and built heritage post excavation (assessment, analysis, reporting and archiving).

INFORMATIVES

1. IHS2 Informative HS2

Local Traffic Management Plan

The Council has concerns about the proposed access for construction traffic to the development site. The works will be undertaken from an existing access of Harvil Road.

The earthworks are required to be constructed in accordance with the approved Environmental Minimum Requirements (EMR) as defined by the HS2 Act. The EMRs are made up of a suite of documents including the Code of Construction Practice (COCP) which are binding on HS2 Ltd and its contractors. The COCP states: 'Prior to the commencement of the works, the nominated undertaker will require that local traffic management plans (LTMPs) will be produced in consultation with the highway and traffic authorities, the emergency services and other relevant key stakeholders.'

No earthworks are to commence until an appropriate LTMP is produced by HS2 Ltd. The Council requires HS2 Ltd to set out suitable proposals and arrangements as part of the LTMP process to satisfy it that safe access and egress from the works site can be maintained at all times by construction vehicles.

2. IHS2 Informative HS2

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

3. IHS2 Informative HS2

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 two 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.

4. IHS2 Informative HS2

Archaeology

The site is identified as being in the Colne Valley Archaeological Priority Area. Under the Environmental Minimum Requirements (in this case the Heritage Memorandum) the Council expects the following to be completed prior to the commencement of development:

- An archaeological field evaluation (to inform location-specific investigation and recording) with a statement provided to the Local Planning Authority
- Location-specific investigation and recording with the appropriate reporting as necessary
- Archaeological and built heritage post excavation (assessment, analysis, reporting and archiving).

This will ensure that the archaeological importance of the site is recorded and informs further investigations in the area.

3. CONSIDERATIONS

3.1 Site and Locality

The Harvil Road habitat creation site is located within the northwest corner of an agricultural field immediately west of Harvil Road and immediately south of Dews Lane. The site is approximately 910m to the south of South Harefield. Hillingdon Outdoor Activities Centre is located approximately 350m west of the site.

The site is approximately 1.6ha in extent and lies approximately 110m to the north-east of the proposed HS2 railway line. The site is roughly 'J' shaped, with a wider element at the south of the site, extending towards the west, following the boundary of the southern portion of Dews Dell Site of Borough Importance (SBI) (Grade I). The site lies within the Green Belt.

The arable agricultural field in which the site is located is bound to the south by an intact, species rich hedgerow, which also contains a drainage ditch. The site is bound to the west and north (beyond Dews Lane) by an area of broadleaved woodland (Dews Dell SBI (Grade I) and to the east by an intact, species poor hedge, separating the site from Harvill Road.

A lake, used by Hillingdon Outdoor Activities Centre, is located approximately 350m west of the

site. This area is classified as a Site of Metropolitan Importance for Nature Conservation (SMI)

To the south of the site is further arable field, which is bounded by the Chiltern Main Line, approximately 290m to the south of the site. The Frays Valley Local Nature Reserve (LNR) is located approximately 580m south-west of the site. A Public Right of Way (PRoW) (U34) runs along the southern boundary of the field in which the site located.

3.2 Proposed Scheme

This application relates to the request for approval of plans and specifications relating to earthworks for the creation of 2 no. ponds, one hibernaculum and a reptile bank, 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 Harefield, but help to mitigate the loss and impact on habitats across other sites.

Details of the proposed works are provided below:

> Earthworks totalling 680m², including:

- Creation of two mitigation ponds with a total surface area of 500m² and have a maximum depth of 1.5m. The ponds will be located within an area of neutral grassland in the southern portion of the site;
- One hibernaculum suitable for great crested newts, with a surface area of 30m² (6m long x 5m wide). The hibernaculum will be created using the spoil from the pond excavation mixed with hardcore, brick, rubble, logs etc. to create mounds. The hibernaculum will be located to the north-east of the ponds and located towards the south-east corner of the site, north-west of an area of woodland and woodland edge planting; and
- One reptile bank suitable for basking reptiles, with a surface area of 150m² (20m long x 7.5m wide) will be created within the southwest corner of the site, to the west of the proposed mitigation ponds. The reptile basking bank has been orientated to provide a southern face;
- A swale adjacent to the larger pond

> Permanent fencing erected along the northern, eastern and southern boundaries of the site (location only for approval). This will be timber post and rail adjacent to the highway and timber post and wire elsewhere.

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 is set out below:

Site access, surveys and mobilisation - April to December 2017
Construction of ecological habitat creation works - January to February 2018

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

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. **OL1 OPEN LAND AND COUNTRYSIDE**

Green Belt - acceptable open land uses and restrictions on new development

4. **OL2 OPEN LAND AND COUNTRYSIDE**

Green Belt -landscaping improvements

5. **OL5 OPEN LAND AND COUNTRYSIDE**

Development proposals adjacent to the Green Belt

6. **OL26 OPEN LAND AND COUNTRYSIDE**

Protection and enhancement of trees, woodland and landscape features

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

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

8. **EC2 ECOLOGY AND NATURE CONSERVATION**

Nature conservation considerations and ecological assessments

9. **EC3 ECOLOGY AND NATURE CONSERVATION**

Potential effects of development on sites of nature conservation importance

10. **EC4 ECOLOGY AND NATURE CONSERVATION**

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

11. **EC5 ECOLOGY AND NATURE CONSERVATION**

Retention of ecological features and creation of new habitats

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

(2016) Flood risk management

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

(2016) Green Belt

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

(2016) Biodiversity and access to nature

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

(2016) Trees and woodlands

16. **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.

10 internet / e-mail responses and one letter have been received making representations which are summarised below:

- The beautiful village we live in is being destroyed by this monstrosity that is HS2.

- This will not mitigate the damage that is being done by the scheme.
- Our nature needs to be conserved not destroyed.
- I object on the grounds of nature conservation.
- I would like to prevent heavy works taking place at the field south of Dews Lane, except for wildlife-sensitive minor works which could be done by wildlife experts and volunteers manually in the interests of nature and wildlife which has already suffered massive disruption by heavy machinery.
- Objection to the fence. The land should not be fenced; wildlife and humans on foot should be free to roam and gain access as hitherto.
- The existing hedge in situ has ecological value and should not be replaced with a fence.
- The existing grassland soil in situ has ecological value and should not be significantly dug up without a thorough survey of all the plants, invertebrates, insects, amphibians, reptiles, mammals and birds or any other lifeforms already present on the site.
- A wood is different to an open field.
- Objection to access by heavy lorries and machinery and mechanical diggers.
- Any movement of soil or materials should be done manually.
- Objection to 2 ponds, with or without additional pipework to bring water across the field.
- The amount of material to be excavated from the ponds needs to be clarified.
- Objection to the reptile basking site. Wildlife already there should be considered and given priority.
- Objection that this site is insufficient mitigation for all the Harvil Road works already done across the road.
- No details of how the wildlife can get from the destroyed habitat to the mitigation ponds.
- There has been no attempt to understand the impacts on other species, or the water table, or air quality, or the human cost.
- Objection to the woodland planting as insufficient detail provided.
- HS2 vehicles along Harvil Road would be impeded if vehicles were trying to turn into this site.
- The siting of HS2 will be an overbearing structure cutting across the landscape, destroying both the tranquility and local amenity that provides a plethora of diverse wildlife.
- The site is home to many species and the pristine environment should be retained to allow them to survive.
- The mitigation site does not mitigate for the vast ecological damage that the future developments will cause.
- Encourage HS2 to resubmit mitigation plans that are far more robust and efficacious
- No consideration of the food chain and ecosystem.
- HS2 are required to have an aspiration of no net loss of biodiversity within Colne Valley.
- The plans for the ecological mitigation site do not consider mitigate for the existing species and biodiversity within the site.
- The plans do not address the wider ecological losses to the immediate adjoining areas and the mitigation for these species.
- The plans along with other ecological mitigation sites planned in the Colne Valley Regional Park Key Environmentally Sensitive Worksite Management Plan Document no.: 1EW03-FUS-EV-PLN-C001-001021 do not address net loss assessment within the Mid-Colne Valley.

(Officer note: The Council notes the objections and the general opposition to impact HS2 is having, and will have in the Borough. However, the application before the Council is for the relatively minor earthworks to create two ponds and ecological enhancement/offsetting hibernacula. The Council's remit is extremely restricted to the factors set out in the Act:

1. That the design or external appearance of the works ought to, and could reasonably, be modified

- (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's permitted limits.

The objections would best sit within category 1(c) above. However, to refuse the application, the development site would need to be a site of of nature conservation value and the works would be detrimental to the site.

The site is not designated a site of importance for nature conservation, at a national or local level. The site has had active agricultural management. Conversely, the adjoining woodland site is a site of importance of nature conservation.

The objections refer to the site being 1.6 hectares, however, it is purely the earthworks that the Council can comment on. The two ponds total 500m² and are accompanied by a hibernacula at 6x5m and a reptile basking area at 20x7.5m. The physical works are therefore relatively small. In addition, there will be no trees cleared as a consequence of the proposals.

The proposals themselves will provide a more diverse range of wildlife habitat, including standing water and newly created specific habitat. The proposals therefore cannot be said to have an adverse impact on a site of nature conservation value.)

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. 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.

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 provisions of the licence overall.

Further general advice on the consideration of protected species and other natural environment issues is provided below.

Natural England offers the following additional advice:

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or, dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments.

Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the. Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's Technical Information Note 049. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in

the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

HERTS AND MIDDLESEX WILDLIFE TRUST

The supporting information references a planting schedule that has been supplied with this application. This does not appear on the website. Please can this be made available so that HMWT and other responders can make comment on the suitability of species and meadow mixes selected.

(Officer Note: The proposed planting schedule is provided on Drawing No.1EW03-AEC-PL-DGA-CS01_013200 Rev P05. It should be noted however that the mitigation planting does not require approval under this application and does not therefore form part of this request for approval).

6.2 HIGHWAY ENGINEER

No information has been provided to confirm whether any excavated material is to be carted off site and/or any material is to be imported into the site. The plans indicate an improved access off Harvil Road to accommodate lorries. If this is so, a detailed design of the access should be submitted as the indicative plan shows new kerbed radius ending up in the existing carriageway rather than merging into the existing kerb line of Harvil Road.

Any new access impacting Harvil Road would be subject Local Authority consent under Schedule 4 of the HS2 Act. Detailed matters relating to traffic management will be discussed and agreed through the Local Traffic Management Plan and will need to be in place prior to the commencement of works.

(Officer Note: No excavated material is to be removed from the site. An informative is recommended requesting a site specific traffic management plan detailing the safe operation of the access off Harvil Road.)

FLOOD AND DRAINAGE OFFICER

The proposed mitigation ponds appear to be located in Flood Zone 1 and do appear to be created by excavation rather than the creation of embankments, therefore limiting the risk they could pose. However the fence line appears to be along the extent of flood zone 3 and 2 and there is no detail of the fencing to be implemented. This should not be a problem as long as it is permeable to water. Therefore there are no objections. The detail of the composition of these ponds is unclear and whether they are designed to retain water or will be seasonal. This depends on the underlying geology of the area.

(Officer Note: The proposed fencing will be timber post and rail or timber post and wire, which will be permeable to water.)

TREE AND LANDSCAPE OFFICER

This site is located within the north-west corner of an arable field opposite the Dogs Trust Centre, to the west of Harvil Road and south of Dews Lane. The site is an irregular boot-shape and follows the boundary of the southern portion of Dews Dell Site of Borough Importance (Grade 1). Nearby ecological features include a drainage ditch, broad-leaved woodland (Dews Dell), a hedge, a lake used by HOAC and Frays Valley LNR. Once the construction of HS2 is completed, the site will lie to the north of the Harvil Road Overbridge.

COMMENT: No trees or landscape features of merit will be affected by the proposal. The design objective is to contribute to the wider package of habitat creation to ensure that there is no net loss of biodiversity, caused by HS2. HS2's dwg No. 1EW03-AEC-PL-DGA-CS01_01300 Rev P04 and 013200 Rev P05 indicate the construction of two ponds with a total surface area of 500m², a hibernacula (suitable for greater crested newts), a reptile basking bank, a swale, a new fence on the north, south and east boundaries and a new hedgerow along the southern boundary.

The ponds will have shelving profiles with a range of different gradients and a depth of 1.5 metres (at the deepest point). The profiles will accommodate four planting zones for terrestrial plants, emergent aquatic species (two extremes) and submerged /floating plants. According to the Written Statement, ref. LBH.C111.PS.50, the design and construction of the ponds will be based on the guidance set out in Section 8.3.1 of the Greater Crested Newt Mitigation Guidelines (by English Nature, 2001).

The construction of the the ecological habitat creation works is due to take place in January / February 2018. No excavated material is due to be removed from site with the cut and fill requirements balanced within the site. Any surplus subsoil will be re-used across the site to reduce the nutrient levels and help the establishment of neutral grassland (4.2).

RECOMMENDATION: There is no objection to the proposed works which seek to secure habitat creation.

Notes:

1. This is the second submission regarding pond creation following the previous submission for the MSD site in Breakspear Road (2017/1861). It is not known how these two sites relate to the project wide masterplan
2. Final details of the pond liner / construction are required - with puddled clay the preferred option if this is feasible.

3. It is not known who will be responsible for the future monitoring, management and maintenance of the site.

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 (LondonWest 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 2 no. ponds, a swale, a reptile bank and hibernacula and associated earthworks on land west of Harvil Road and immediately south of Dews Lane, Harefield.

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 two 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, to enable excavated material to be retained within the site.

The topsoil from the mitigation pond will be used to create the reptile basking banks and hibernaculum for which approval under Schedule 17 is sought. The subsoil will be reused across the area identified for the creation of neutral grassland, to reduce the nutrient levels from those associated with the current agricultural use, to help the establishment of the neutral grassland. It is not anticipated that there will be any residual spoil, which would need to be transported away from the site.

In terms of the visual impact of the proposed earthworks, the whole site falls within the Green Belt. The most important attribute of Green Belts is their openness and the aim of preserving the openness of Green Belt land is reiterated in Local Plan Part 1 Policy EM2, Local Plan Part 2 Policy OL1, the London Plan and the NPPF. Saved Policy OL2 of the Hillingdon Local Plan: Part 2 -

Saved UDP Policies (November 2012) seeks landscape improvements within the Green Belt. Saved Policy OL5 will only permit proposals for development adjacent to or conspicuous from the Green Belt if it would not harm the character and appearance of the Green Belt. Saved Policy BE26 seeks to protect trees and woodland.

In order to create an effective neutral grassland, the excavated material will create an uneven and rough surface. The change in levels will be slight and are considered to have a negligible effect on levels across the site. It is considered that the visual impacts of the proposal are unlikely to be of significant detriment to the character of the area, or the perception of openness of the Green Belt, in accordance with Saved Policies OL1, OL2, OL5 and OL26 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan Policy 7.16 and the provisions of the NPPF.

Given the above mentioned considerations, no objections are raised to the proposed earthworks.

ECOLOGY

Nearby ecological features include a drainage ditch, broad-leaved woodland (Dews Dell), a hedge, a lake used by Hillingdon Outdoor Activity Centre and Frays Valley Local Nature Reserve.

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.

Ponds

The two new ponds will total a maximum of 500m² in surface area and have a maximum depth of 1.5m. The ponds will be located within an area of neutral grassland in the southern portion of the site.

Reptile Basking Bank

A reptile bank suitable for basking reptiles will be created within the southwest corner of the site, to the west of the proposed mitigation ponds. The reptile basking bank has been orientated to provide a southern face.

Hibernacula

A hibernaculum will be created using the spoil from the pond excavation mixed with hardcore, brick, rubble, logs etc. to create mounds. The hibernaculum will be located to the north-east of the ponds and located towards the south-east corner of the site, north-west of an area of woodland and woodland edge planting.

The new ponds and hibernaculum will be situated within the terrestrial range of existing assumed great crested newt breeding ponds, which will allow linkages to other populations. The applicant also advises that 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.

The proposal therefore considered to be in accord with Policy 7.19 of the London Plan which requires that development protects and enhances biodiversity, Local Plan Part 1 Policy EM7 and relevant Local Plan Part 2 policies.

LANDSCAPING

The Tree and Landscape officer notes that no trees or landscape features of merit will be affected by the proposal and that the design objective is to contribute to the wider package of habitat creation, to ensure that there is no net loss of biodiversity, caused by HS2.

Boundary Treatment

New fencing is proposed along the northern, eastern and southern boundaries of the site. Limited details of the fencing type have been provided. However, only its location requires approval under Schedule 17. A new hedgerow will be planted along the southern boundary and the existing hedgerow along the northern and eastern boundary will be retained, although these elements do not require approval under Schedule 17.

Habitat creation planting

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 proposed planting comprises mainly woodland planting and grassland. Planting associated with the ponds will be in 4 zones:

Plant Zone 1: Terrestrial plants not associated with water inundation.

Plant Zone 2: Emergent aquatic plants that tolerate periods of summer exposure

Plant Zone 3: Emergent aquatic plants with a lower tolerance to exposure and plants associated with seasonal inundation

Plant Zone 4: Submerged and floating plants which require permanent standing water all the year round.

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.

By way of clarification, the Council is only being asked for its opinion on the planting information submitted with this 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 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

Access to the site will be through the existing agricultural access located along the northern boundary, leading onto Dews Lane. The applicants submit that traffic movements to and from the site during the construction period will be relatively infrequent, as there will be no residual spoil, which would need to be transported away from the site.

In addition, 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, with material excavated from the ponds spread across the site and used for the construction of hibernacula and reptile basking bank, thus eliminating the need for excessive lorry movements arising from the removal excess spoil.

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 a 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 Harvil Road. The increase in vehicles on this sensitive road is considered to be of concern, although no excess soil is to be removed from the site. Nonetheless, there are concerns about the robustness of existing traffic management plans.

Consequently, an informative is recommended seeking a site specific traffic management plan, detailing the safe operation of the access off Harvil Road, including but not limited to ensuring suitable site lines are available to vehicles turning right on to Harvil Road and safety measures are taken to ensuring vehicles turning on to and off Harvil Road from the site access are managed in a

manner that minimises risk to other vehicles on Harvil Road, in compliance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies and Chapter 6 of the London Plan.

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 second 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 2 no. ponds, a reptile bank, hibernacula and permanent fencing on agricultural field land immediately west of Harvil Road and south of Dews Lane.

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.

If the application relates to fences, as is the case here, the following ground applies:

1. 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 an informative 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 inclusion of the informative is to prevent or reduce prejudicial effects on road safety on Harvil Road, in compliance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies and Chapter 6 of the London Plan.

Informative 1 is based upon the requirements set out in the Code of Construction Practice, as set out above, and therefore is entirely consistent with extant statutory requirements. Members will also note that the informative 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.

Informatives 2 and 3 are based upon the landscaping, ecological planting and site restoration/mitigation which cannot be conditioned in the application before Members. The Nominated Undertaker will need to submit a Schedule 17 application for bringing into use a scheduled work, at which point, the Nominated Undertaker must comply with any condition subject to which the scheme is. The purpose of the informative is to put the Nominated Undertaker on notice as to the Local Planning Authority's position on the proposed restoration/mitigation package.

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 an arable agricultural field surrounded by farmland, existing and proposed woodland planting, existing adjacent grassland and scrub habitat.

The two new ponds will total a maximum of 500m² in surface area and have a minimum depth of 1.5m. The ponds will be designed to permanently hold some water to provide a wetland habitat all year round, although there will be 'drawdown' of water in the summer months. The use of a geosynthetic liner may be required if determined to be necessary for the ponds, to provide standing water for the entire year. This will be confirmed following further survey of ground conditions, which will include a trial pit or auger survey to determine the drainage characteristics of the soil.

The Flood and Drainage Officer notes that the proposed fence line appears to be along the extent of flood zone 3 and 2. However, the proposed fencing will be timber post and rail adjacent to the highway and timber post and wire elsewhere. Although there is no elevational detail of the fencing

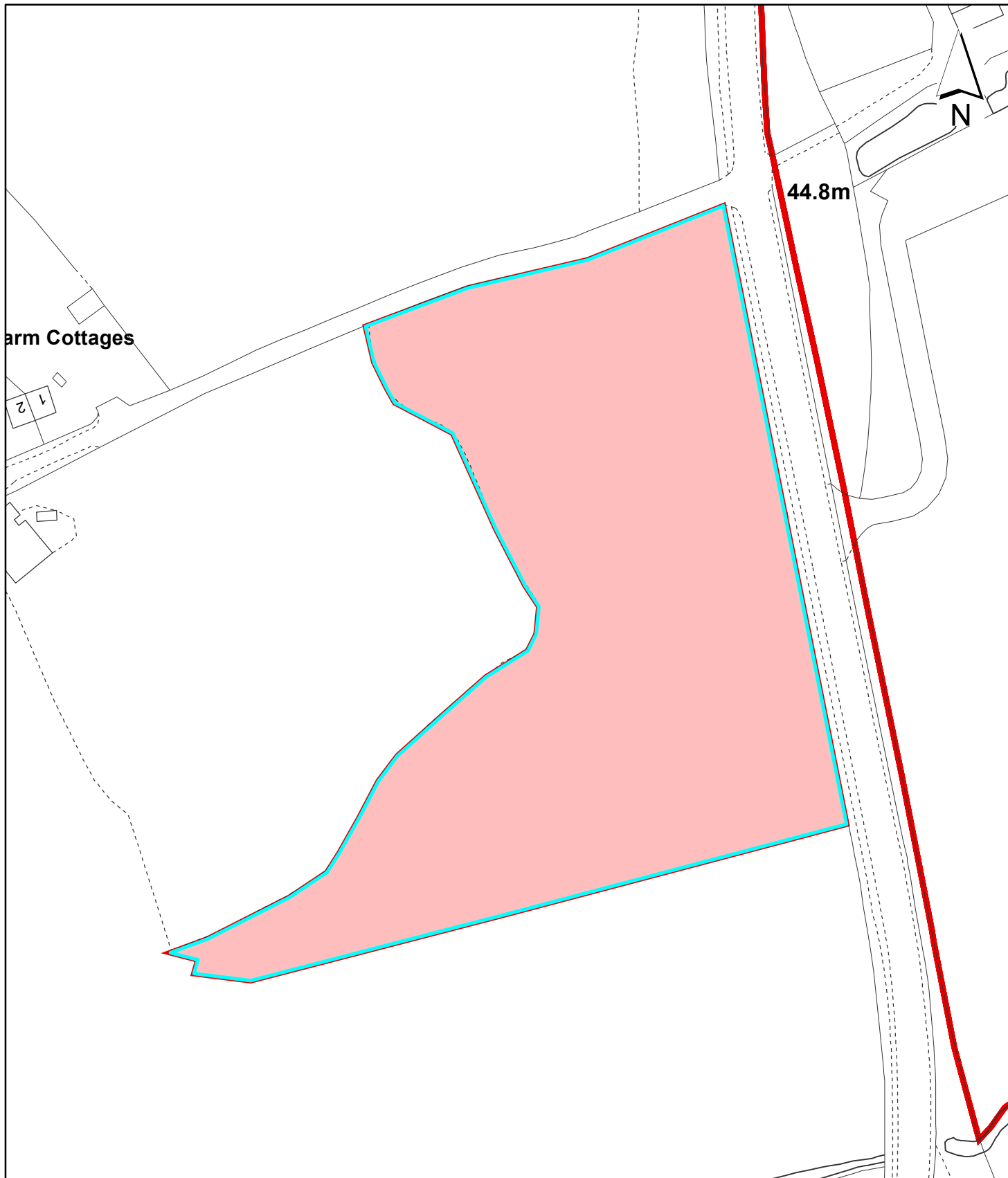
to be implemented, the post and rail and post and wire fencing should not create a flood risk problem, as these are permeable to water. Therefore there are no objections on flood and drainage grounds.

It is considered that the scheme will have satisfactorily addressed drainage and flood related issues, in compliance with The Hillingdon Local Plan: Part 2 Policies OE7 and OE8, Policies 5.13 and 5.15 of the London Plan and the aspirations of the NPPF.

10.0 REFERENCE DOCUMENTS

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

Contact Officer:	Karl Dafe	Telephone No:	01895 250230
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Notes



Site boundary

For identification purposes only.

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Site Address

**Ecological Mitigation Site
Harvil Road**

Planning Application Ref:

73195/APP/2017/3486

Planning Committee

HS2 Application

Scale

1:1,250

Date

**November
2017**

**LONDON BOROUGH
OF HILLINGDON**

Residents Services

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