

Report of the Head of Planning and Enforcement

Address: WORKSITES TO THE WEST OF HARVIL ROAD AND NORTH OF MOORHALL ROAD HAREFIELD

Development: Request for approval of Lorry Routes under condition imposed by Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for Worksite 1: Land to the west of Harvil Road, south of Dews Lane and north of footpath U34 and Worksite 2: Land to the north of Moorhall Road

LBH Ref Nos: 74320/APP/2018/3986

Drawing Nos:	Date of Plans:
1MC05-ALJ-TP-REP-CS01_CL01-000001 - PP Planning Statement	13-11-2018
1MC05-ALJ-TP-CRO-CS01_CL01-000001	12-11-2018
1MC05-ALJ-TP-DGA-CS01_CL01-803002	12-11-2018
1MC05-ALJ-TP-MAP-CS01_CL01-000002	12-11-2018
1MC05-ALJ-TP-DGA-CS01_CL01-803001	12-11-2018

Drawing Nos:	Date of Amended Plans:
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Date Application Valid: 12th November 2018

1. SUMMARY

This application comprises a submission for approval of construction arrangements under Schedule 17 of the HighSpeed Rail (London-West Midlands) Act 2017 (The Act), in relation to the approval of lorry routes, in connection with 2 no. Test Pile Worksites at land to the west of Harvil Road, south of Dews Lane and land to the north of Moorhall Road.

The application is the fifth 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 lorry routes associated with site clearance and establishment of site security, setting up of compound and welfare facilities, establishment of formal access and improved access where relevant, construction of a piling platform and setting up of specific compounds for piling works, undertaking test piles construction, allowance for set period for piles, engineering tests of test piles and demobilisation of the site and restoration.

It is anticipated that on average up to a peak of 80 and 65 two-way HGV movements for sites 1 and 2 respectively will be generated on a daily basis between the period of programmed works -January and July 2019 respectively.

The submission fails to provide information on how the proposal would impact during traffic peak periods. Such information would indicate the frequency of HGV movements during the aforementioned peak periods and the remaining working day. In the absence of submitted information, a fully informed judgement cannot be made.

Given the concerns about the timing of the traffic movements, a condition is recommended seeking a traffic management plan specific to the proposed works for this lorry route approval, which should include workforce numbers with estimated activity profiles and the measures to reduce impacts on peak hours of traffic (7.30 - 9.30am and 4.30 to 6.30pm).

2. RECOMMENDATION

APPROVAL

1. NONSC Non Standard Condition

Prior to the use of the roads which are the subject of the Schedule 17 application, HS2 Ltd in its capacity as nominated undertaker shall submit a traffic management plan specific to the proposed works for this lorry route approval which should be agreed in writing with the Local Planning Authority. This plan should indicate the measures to reduce the impacts on peak hours traffic (0730-0930 and 1630-1830) and include workforce numbers with activity profiles, details of access and egress arrangements at worksites and general traffic management arrangements. The operation of the roads must proceed in accordance with the agreed traffic management plan with a comprehensive Highway Network monitoring regime applied throughout the period of works.

REASON

To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area.

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The submission relates to 2 no. worksites:

Test Pile Worksite 1

HS2 Planning committee - 10th January 2019

PART 1 - MEMBERS, PUBLIC AND PRESS

Land to the west of Harvil Road, south of Dews Lane and north of Footpath U34.

Worksite 1 is in an area of grassland bounded approximately by Harvil Road, Dews Lane and Footpath U34. Harvil Road, which comprises a single carriageway, lies immediately to the east of the worksite. Access in to the worksite will be via a new access directly onto Harvil Road. To the east of the worksite and east of Harvil Road, the land is predominantly semi-rural with a mix of open grassland and agricultural activity and/or woodland.

Dews Lane to the north is a private access for some residential properties, a car servicing workshop and at its western end, The Hillingdon Outdoor Activity Centre (HOAC). To the south of the worksite lies the Chiltern Line, beyond which are several commercial and industrial premises, including a waste transfer station, accessed from Skip Lane, which has a direct access to Harvil Road. The Newyears Green Bourne forms approximately the northern edge of the worksite.

To the south Footpath U34 runs east from Harvil Road, approximately 80 metres to the south of the Newyears Green Bourne, towards HOAC.

Cadent Gas and Thames Water are also undertaking works in this location, with specific compound areas within the overall worksite. Consequently, the same worksite access and lorry route will be used for three individual compounds within an overall worksite. As such, the access from which this lorry route commences, supports three separate elements of work:

- (1.) the Cadent Gas diversion of a gas main (known as HP07 works);
- (2.) the Thames Water investigation of a sewer; and
- (3.) test piling for the Colne Valley Viaduct.

Test Pile Worksite 2

Land to the north of Moorhall Road approximately 350 metres south west from the crossing of the Grand Union Canal; approximately 270 metres north east from the crossing of the River Colne.

This worksite is currently a mixture of woodland and some areas of cleared scrub/open tracks. The worksite lies to the north of Moorhall Road and the south eastern edge of Korda Lake. Moorhall Road is the principal means of access both to and from the worksite. The worksite will be accessed by a new bell mouth access to be created directly on to Moorhall Road. However, at the start of the works the applicant submits that it is possible that an existing access immediately to the east of the River Colne and towards the south west corner of Korda Lake will be used for preliminary site establishment and setup.

Immediately to the north of the worksite lies Korda Lake itself. The east of the worksite has an area of private grassland, a residential property and the private access which leads to an aggregate processing site, Broadwater Sailing Club and Broadwater Lake. All these lie to the north east of the test pile worksite. To the east of the worksite lies the Bear on the Barge restaurant, the Grand Union Canal and beyond that, the villages of Harefield and South Harefield. To the south of the site lies Savay Lake and to the west and south west lies the River Colne, areas of woodland and grassland.

No Public Rights of Way (PRoW) directly cross or provide access to this worksite.

It is noted that parts of the worksite 2 lorry route are shared with the other test pile worksites.

3.2 Proposed Scheme

Approval is sought in respect of the arrangements for movements of large goods vehicles (HGVs) to and from the worksites in association with ground investigations. The applicants explain that the preliminary ground investigation already carried out by HS2 Ltd was to identify the ground conditions in advance of the design works. At the time, HS2 Ltd undertook their ground investigation, the construction methods and exact locations of the structures (principally the viaduct) was unknown.

To facilitate the detailed design works and minimise construction costs, a further ground investigation campaign is required. This detailed design ground investigation campaign will be focused on precise testing for design requirements and specific structures. The method of ground investigation being undertaken now will allow for greater interpretation and testing of the recovered cores than the previous suite of ground investigation that was undertaken. The applicants anticipate that the worksites are likely to have demobilised prior to the main works commencing.

Large Goods Vehicles (hereafter referred to as HGVs) are defined as goods vehicles exceeding 7.5 tonnes in gross weight. Lorry route approval is only required where there will be in excess of 24 HGV movements per day, whether to or from the site. Approval is therefore sought for the following lorry routes associated with the above listed enabling works:

Worksite 1 (Test Pile 1, Cadent Gas HP07 and Thames Water Compounds).

The proposed lorry routing includes movements associated with Test Piling, Cadent Gas HP07 and Thames Water works, some of which will run concurrently or overlap with each other as set out below:-.

Test Pile related works are scheduled to run from January to July 2019, whilst Cadent Gas works are on-going and are due to terminate in July 2019, with Thames Water works occurring from January to April 2019.

To the worksite,

- East from the A40/M40 junction 1 interchange to Swakeleys Roundabout/A40 junction.
- North, from Swakeleys Roundabout/A40 junction to the Swakeleys Roundabout/Harvil Road junction using Swakeleys Road.
- North from the Swakeleys Road/Harvil Road junction to the access to worksite 1, using Harvil Road.

From the worksite - (excluding period of infill activity),

- South from the access to worksite 1 using Harvil Road to the Swakeleys Road/Harvil Road junction, using Harvil Road.
- South from the Swakeleys Road/Harvil Road junction using Swakeleys Road to Swakeleys Roundabout/A40 junction.
- West from Swakeleys Roundabout/A40 junction to A40/M40 junction 1.

From the worksite - All times,

- North from the access to worksite 1 to the Harvil Road/Moorhall Road junction using Harvil Road.

- West from the Harvil Road/Moorhall Road junction to the Moorfield Road/A412 North Orbital Road Junction, using Moorhall Road and Moorfield Road. .
- South from the Moorfield Road/A412 North Orbital Road Junction to the A40 Oxford Road/ A412 North Orbital Road junction, using the A412 North Orbital Road.
- Southeast from the A40 Oxford Road/ A412 North Orbital Road junction to the A40/M40 Junction 1, using the A40 Oxford Road.

Worksite 2 (Test Pile 2 compound)

To the worksite

- Northwest from the A40/M40 Junction 1 to the A40 Oxford Road/ A412 North Orbital Road junction using the A40 Oxford Road
- North from the A40 Oxford Road/ A412 North Orbital Road junction to the Moorfield Road/A412 North Orbital Road junction using the A412 North Orbital Road
- East from the Moorfield Road/A412 North Orbital Road junction to the worksite access located on Moorhall Road using Moorfield Road and Moorhall Road.

From the worksite

- East from the worksite access located on Moorhall Road to the Harvil Road/Moorhall Road junction using Moorhall Road.
- South from the Harvil Road/Moorhall Road junction to the Swakeleys Road/Harvil Road junction, using Harvil Road.
- South from the Swakeleys Road/Harvil Road junction using Swakeleys Road to Swakeleys Roundabout/A40 junction.
- West from Swakeleys Roundabout/A40 junction to A40/M40 Junction 1.

Wider Areas affected by the Lorry Routing

The following route paths will have variable impacts on the following highway network links:-

- The A40/M40 junction 1 interchange to worksite 1, utilising Swakeleys Road and Harvil Road;
- Worksite 1 to worksite 2 utilising Harvil Road and Moorhall Road;
- Worksite 2 to the A40/M40 junction 1 interchange utilising Moorhall Road, Moorfield Road, the A412 North Orbital Road and A40 Oxford Road.

Added delays and congestion due to the proposed routing are most likely to impact the following specific locations:-

- Harvil Road with Woodstock Drive (minor adverse effect);
- B467 Swakeleys Road with Harvil Road (moderate adverse effect);
- A40 Western Avenue with B467 Swakeleys Road (moderate adverse effect).

As stated above, at worksite 1, survey works for the Thames Water sewer, as well as the realignment of a Cadent Gas main will also be taking place. It is likely that the access utilised for the test pile worksites may be further utilised at the end of the test pile works to facilitate construction of the Colne Valley Viaduct. A separate lorry route approval will be applied for, in due course, if this is to be the case.

An indicative programme is shown below for each of the two worksites:

- January 2019 - Site mobilisation and access improvements
- February 2019 - Import of fill to create working platform. Establish test pile compound and

continue access improvements.

- March 2019 - completion of compound and commencement of test piling.
- April 2019-June 2019 - continuation of test piling and load testing of piles.
- June 2019 - July 2019 - Removal of compound and demobilisation of site.

The activities occurring at these worksites will be:

- Site clearance and establish site security;
- Setting up of compound and welfare facilities;
- Establish formal access and improved access where relevant;
- Construct a piling platform and set up specific compounds for piling works;
- Undertake test piles construction;
- Allow set period for piles;
- Engineering tests of test piles; and
- Demobilisation of the site and restoration (if relevant)

The following activities will also be ongoing in the vicinity of Worksite 1.

- Ongoing - July 2019 - HP07 Cadent Gas realignment works.
- January 2019 - April 2019 - Thames Water survey of sewer on land near HOAC and the Newyears Green Bourne.
- Ongoing - Mid 2019 - HP06 Cadent Gas realignment works.

Whilst these works are ongoing the other following activities are likely to be taking place at the Worksite 1 and 2 location, or in their vicinity, although the applicant submits that these are not expected to be significant and therefore have not been included in the current submission.

- Continuation of ground investigation through the Colne Valley, expected to commence from January 2019 to August 2019
- Further non-intrusive ecology, topographic and archaeology survey.
- Baseline monitoring

3.3 Relevant Planning History

The High Speed Rail (London-West Midlands) Act 2017 received Royal Assent on 23rd February 2017 and contains 70 sections and 33 schedules. Section 20 provides that planning permission is deemed to be granted under Part 3 of the Town & Country Planning Act 1990 (TCPA 1990) for development authorised by the Act.

The nominated undertaker, HS2 Ltd, is required to attain relevant approvals from Hillingdon Council who is designated as the 'Qualifying Authority' in accordance with the schedule 17 (s17) of the Act.

The purpose of the schedule 17 is to put into place a process for the approval of certain planning matters relating to the design and construction of HS2. This helps to ensure that there is an appropriate level of control over construction works, but without imposition of undue delay or cost to the project. It is noted that the planning grounds for determination are more constrained under the HS2 Act as compared to the TCPA 1990.

Henceforth, the Council can only refuse requests for approval or impose conditions in accordance with the relevant grounds as set out per S17, which requires the agreement of the nominated undertaker (HS2 Ltd).

In the case of this specific submission for 'Lorry Route' approval, it is considered that the following S17 chapters are of most relevance, as they pertain to removing or reducing the prejudicial impacts on road safety and traffic free flow on the local highway network that are likely to be generated by the proposal via appropriate planning condition.

Schedule 17 Part 1 Conditions Paragraph 6 (sub - paragraphs 5 (b) (ii) and 6 (a) (b)) - Condition relating to road transport:

"6(1) If the relevant planning authority is a qualifying authority, development must, with respect to the matters to which this paragraph applies, be carried out in accordance with arrangements approved by that authority.

2) The matters to which this paragraph applies are the routes by which anything is to be transported on a highway by a large goods vehicle to

- (a) a working or storage site,
- (b) a site where it will be re-used, or
- (c) a waste disposal site.

(3) In this paragraph "relevant planning authority" means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out.

(4) Sub-paragraph (1) does not require arrangements to be approved in relation to

- (a) transportation on a special road or trunk road, or
- (b) transportation to a site where the number of large goods vehicle movements (whether to or from the site) does not on any day exceed 24.

(5) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph on the ground that

(a) the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 20(1) and which is to be carried out in the authority's area, or (b) the arrangements ought to be modified

(i) to preserve the local environment or local amenity,
(ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(iii) to preserve a site of archaeological or historic interest or nature conservation value, and are reasonably capable of being so modified.

(6) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph

- (a) with the agreement of the nominated undertaker, and
- (b) on the ground referred to in sub-paragraph (5)(b).

(7) In this paragraph

- "large goods vehicle" has the same meaning as in Part 4 of the Road Traffic Act 1988;
- "special road" and "trunk road" have the same meanings as in the Highways Act 1980".

Schedule 17 of the Act sets out the grounds on which the qualifying authority may impose 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 policies applicable to the proposals relate to transportation matters.

Part 1 Policies:

Part 2 Policies:

1. **AM2 Development proposals - assessment of traffic generation**

Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

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

Consideration of traffic generated by proposed developments.

3. **LPP 6.11 (2016) Smoothing Traffic Flow & Tackling Congestion**

(2016) Smoothing Traffic Flow and Tackling Congestion

4. **LPP 6.12 (2016) Road Network Capacity**

(2016) Road Network Capacity

5. **LPP 7.14 (2016) Improving air quality**

(2016) Improving air quality

6. **NPPF National Planning Policy Framework**

National Planning Policy Framework

6.0 COMMENTS ON PUBLIC CONSULTATION

6.1 There is no statutory obligation to consult with neighbours, 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. At the time of writing this report, 16 representations had been received, the contents of which are summarised below:

> The plans for the Moorhall Road worksite do not show the details of the bellmouth proposed on Moorhall Road or the access.

> The lorry routes for both worksites appear to be crossing the New Years Bourne and I am concerned whether there would be damage to the bourne (and its culvert) from the weight of so many lorries.

> Contaminated water from the disused landfill sites near Newyears Green Lane may already be entering the bourne and it could release water onto the surrounding land, lakes and aquifers.

> The roads are gridlocked already without all these lorries coming to the area.

> Will they operate on non peak times

> Limited north/south routes

> HS2 don't worry about cleaning up all the mess their lorries leave on the roads.

> Existing HS2 activity already adding an extra half an hour on my journey time

> Traffic is virtually gridlocked on a daily basis. Extra lorries will increase congestion, pollution, noise, make the road surface more slippery through extra mud

> Why can the Chiltern Line as one of the less busy lines not be used as a sustainable solution?

>Is there any possibility that they would be able to avoid running the lorry route during peak times as it's already busy along the route which requires you to get from Breakspear / Ickenham / Harefield, to the A40, and back again.

> The constant flow of lorry's will in time damage building structure /foundation.

> The house prices in Hillingdon have dropped significantly more than elsewhere in the country, perhaps this should be taken into consideration (Not a material planning consideration).

> There have been 2 closures of Breakspear Road South this year due to HS2 preliminary works, both resulting in tailbacks of traffic through Ickenham in the morning 'rush hour' and from around 3pm to 8pm in the evenings. The movement of HGVs in this area will undoubtedly compound the problem.

>This will cause gridlock when ordinary people are trying to get to work. There are hospitals and schools and businesses in the area affected.

> Worksite 1, west of Harvil Road is an area where known contamination pathways exist from Newyears Green Landfill site into the public water supplies. Activities being carried out within the source protection zone (SPZ) in close proximity to the identified pollution linkage pathways. > What risk assessments have taken place, of the potential increased risk to controlled waters as a result of these imminent works by HS2 contractors along the Newyears Green bourne and surrounding wetland?

>Constructing Work site 1 starts with habitat clearance. This is a rewilding field which has never been treated with fertilisers and currently supports a range of birds of prey one of which is barn owls which are Part 1, schedule 1 Wildlife and Countyside Act 1981 birds to be protected at all times by special penalties.

> Any increase in HGV movements within Hillingdon will increase air pollution in areas already over legal limits in air pollution

>The location of the proposed work site entrance is inappropriate as it is just by a bend where vision is limited.

(Officer Notes:

- > The submission relates purely to the lorry routes.
- > The construction worksites already have deemed planning permission under the HS2 Act.
- > The suitability of the proposed points of access falls under a separate schedule 4 (parts 1/2) of the Act).

BUCKINGHAMSHIRE COUNTY COUNCIL - No response.

SOUTH BUCKS DISTRICT COUNCIL - No response.

THREE RIVERS DISTRICT COUNCIL

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained within the National Planning Policy Framework.

6.2 HIGHWAY ENGINEER (SUMMARY)

It is clear that under the High Speed Rail (London-West Midlands) Act 2017, the power of determination of the approval by the 'Qualifying Authority', being Hillingdon Council, is constrained as compared with proceedings under the TCPA 1990.

HS2 Ltd (nominated undertaker) has designed a proposal to suit the 'early works' objectives of two separate test pile sites. It is accepted that the routing has, within reason, been optimised with no functional road network alternatives being available for consideration.

The suggested construction routes will involve usage of the already heavily trafficked 'Classified' and TLRN road network as listed earlier. As is the norm, the peak morning and afternoon traffic periods are of most concern, as some of these roads are running to over-capacity and the proposal will potentially add to current delays and congestion.

What is crucially missing from the submission is a reference to how the proposal would impact during these traffic peak periods with a time-line distribution of the operational movements and how the impact of the works would be assessed via a comprehensive monitoring regime. Such information would allow for a comparative to be made between the predicted and 'true' frequency of HGV movements during the aforementioned peak periods and the remains of the working day. The anticipated impacts may in fact be demonstrated to be de-minimis to the road network capacity. However in the absence of submitted information, a fully informed judgement cannot be made.

Notwithstanding the above, and in the spirit of schedule 17 of the High Speed Rail (London-West Midlands) Act 2017, it is considered reasonable to recommend the imposition of the following condition:-

"Prior to the use of the roads which are the subject of the Schedule 17 application, HS2 Ltd in its capacity as nominated undertaker shall submit a traffic management plan specific to the proposed works for this lorry route approval which should be agreed in writing with the LPA. This plan should indicate the measures to reduce the impacts on peak hours traffic (0730-0930 and 1630-1830) and include workforce numbers with activity profiles, details of access and egress arrangements at

worksites, and general traffic management arrangements. The operation of the roads must proceed in accordance with the agreed traffic management plan with a comprehensive Highway network monitoring regime applied throughout the period of works".

FLOOD AND DRAINAGE OFFICER

The proposed compound sites are located in the floodplain and there is no information on the risk to the site and from the site included in these maps. The proposals increase the hard surface in the area increasing the water running off the site with no indication of how it is managed to mitigate the risk caused.

(Officer Note: The submission relates purely to the lorry routes. The construction worksites already have deemed planning permission under the HS2 Act).

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

7.1 ROAD TRANSPORT

The construction arrangements associated with a lorry route submission seek approval for the routes by which vehicles over 7.5 tonnes will access the construction worksites needed to construct HS2. The construction worksites already have deemed planning permission under the HS2 Act and several routes were assessed by the Environment Statement (ES) submitted alongside the hybrid Bill to parliament in late 2013.

Pre-Submission Engagement (PSE)

As part of the above engagement process with Hillingdon Council, it was agreed that indicative numbers of HGV and worker traffic numbers are to be included within the submission, with clarity of how peak am & pm traffic periods are to be avoided/addressed with a confirmation of a monitoring regime during construction processes. Some information has been provided, mainly concentrating on the avoidance of conflict between the peak activities related to sites 1 & 2 and the anticipated daily HGV activities. However, no estimated impact on peak morning and evening traffic periods has been provided. Daily HGV figures for sites 1 & 2 indicate that 80 - 65 vehicles are to be anticipated respectively with no defined prediction of spread and concentration during the full day period. No further clarity has been provided on this and on the above mentioned points relating to peak traffic avoidance and monitoring processes (accepted at pre-submission engagement). This is considered unacceptable and as a consequence, a full appraisal and understanding of traffic impacts during peak traffic periods cannot be undertaken.

Site Access

It is noted that under Schedule 17 of the HS2 Act 2017 - Lorry Route approval is a requirement when HGV movements exceed 24 per day. However the suitability of the proposed points of access falls under a separate schedule 4 (parts 1/2) of the Act and therefore the submitted access arrangements within this appraisal are considered indicative at this stage.

Site HGV Traffic Generation -Sites 1 & 2

The Highway Engineer notes that the suggested construction routes will involve usage of the already heavily trafficked 'Classified' and TLRN road network. As is the norm, the peak morning and afternoon traffic periods are of most concern as these roads are running to over-capacity and the proposal will potentially add to current delays and congestion.

It is anticipated that on average up to a peak of 80 two-way HGV movements for site 1 and 65 HGV movements for site 2 will be generated on a daily basis between the period of programmed works - January and July 2019 respectively. The Highway Engineer notes that although daily HGV movements have been produced, there has been no attempt to give an indication of how peak am and pm traffic periods would be affected. In addition, detail on monitoring processes for the above duration is absent.

As details of peak traffic period generation figures and monitoring have not been provided, it would be the intention of this highway authority to ensure that peak traffic periods are avoided in full or in substantive part.

It is noted that the general principle of 'left turning' out and 'left turning in' to both sites in order to mitigate highway impacts has been indicated as per the PSE which is considered appropriate and therefore welcomed on highway movement and safety grounds.

Workforce Transport Traffic Generation - Sites 1 & 2

Within the submission, it is indicated that each worksite will comprise of 10-20 staff generating a commensurate number of vehicle movements. For this scale of 'early works' activity, there is no travel plan proposed which concurs with the overarching Local Traffic Management Plan (LTMP) (which incidentally is still not formally submitted or agreed). At this 'early works' stage and the relatively low level of staff attendance, this approach is considered acceptable. However subsequent stages of works at these sites will require travel planning encouraging alternate sustainable travel modes to and from the site such as car sharing, cycling, mini- bussing, public transport and walking.

In conclusion, it is considered that the submission fails to provide information on how the proposal would impact during traffic peak periods, with a lack of time-line distribution of the operational movements. Such information would indicate the frequency of HGV movements during the aforementioned peak periods and the remaining working day. Whilst the anticipated impacts may in fact be demonstrated to be de-minimis to the road network capacity, in the absence of submitted information, a fully informed judgement cannot be made.

In the absence of the above information and given the concerns about the timing of the traffic movements, a condition is recommended, seeking a traffic management plan specific to the proposed works for this lorry route approval, which should include workforce numbers with estimated activity profiles and the measures to reduce impacts on peak hours of traffic (7.30 - 9.30am and 4.30 to 6.30pm).

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 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 application essentially involves a request, from HS2 Ltd, for approval for the movements of large goods vehicles , to and from the work sites identified in the report, in association with ground investigations.

A central theme running throughout the report is that generally, the application from HS2 Ltd fails to provide information on how its proposal would impact during traffic peak periods. Such information would indicate the frequency of HGV movements during the peak periods and the remaining day. It is stated within the report that in the absence of submitted information, the Council is unable to make a fully informed judgement.

More specifically, the officer comment is that what is crucially missing from HS2 Ltd's application is a reference to how the proposal would impact during traffic peak periods with a time-line distribution of the operational movements and how the impact of the proposed works would be assessed via a comprehensive monitoring regime.

It is important to note that this is not the first time that HS2 Ltd has failed to provide sufficient information in support of a Schedule 17 application and unfortunately, this failure appears to be becoming common practice on its part. HS2 Ltd is either unable or unwilling to grasp the fact that there is legal jurisprudence dating back many years which makes it very clear that Officers and Members of local authorities are required to have sufficient information before them in order to make a decision which is reasonable, and therefore lawful, on wednesbury grounds. The High Speed Rail Act 2017 does nothing to disapply or in any way change this well established public law principle.

Having said this, the 2017 Act does give scope for Members of the Sub-Committee to impose conditions in relation to a Schedule 17 approval which would have the purpose, if agreed by HS2 Ltd, of helping to address any shortcomings in it's application. For example, Schedule 17, paragraph 6 provides that if the relevant planning authority is a qualifying authority , development must, with respect to which this paragraph applies, be carried out in accordance with arrangements approved by that authority.

Schedule 17, paragraph 6 provides as follows:

'The relevant planning authority may only impose conditions on approval for the purposes of this paragraph-

with the agreement of the nominated undertaker , and
on the ground referred to in sub-paragraph 5.

Sub-paragraph 5 states:

'the arrangements ought to 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,

and are reasonably capable of being so modified.

Therefore, the Council will need to secure the prior agreement of HS2 Ltd to the imposition of the condition which is set out in the recommendation in the report. Furthermore, in order to be able to lawfully impose this condition, Members of the Sub-Committee will have to be satisfied that the arrangements ought to be modified in order to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area and furthermore, that they are reasonably capable of being so modified.

The prejudicial effects on road safety or on the free flow of traffic in the local area are set out in the report and Members of the Sub-Committee are legitimately entitled to take the view that the arrangements ought to be modified in this respect, and indeed are reasonably capable of being so modified. This is on the basis of the lack of information provided by HS2 Ltd and the scope for the arrangements to have been satisfactorily addressed if, for example, HS2 Ltd had properly specified how their proposal would impact during traffic peak periods and how this impact would have been assessed via a comprehensive monitoring regime.

9.0 OTHER ISSUES

None.

10.0 REFERENCE DOCUMENTS

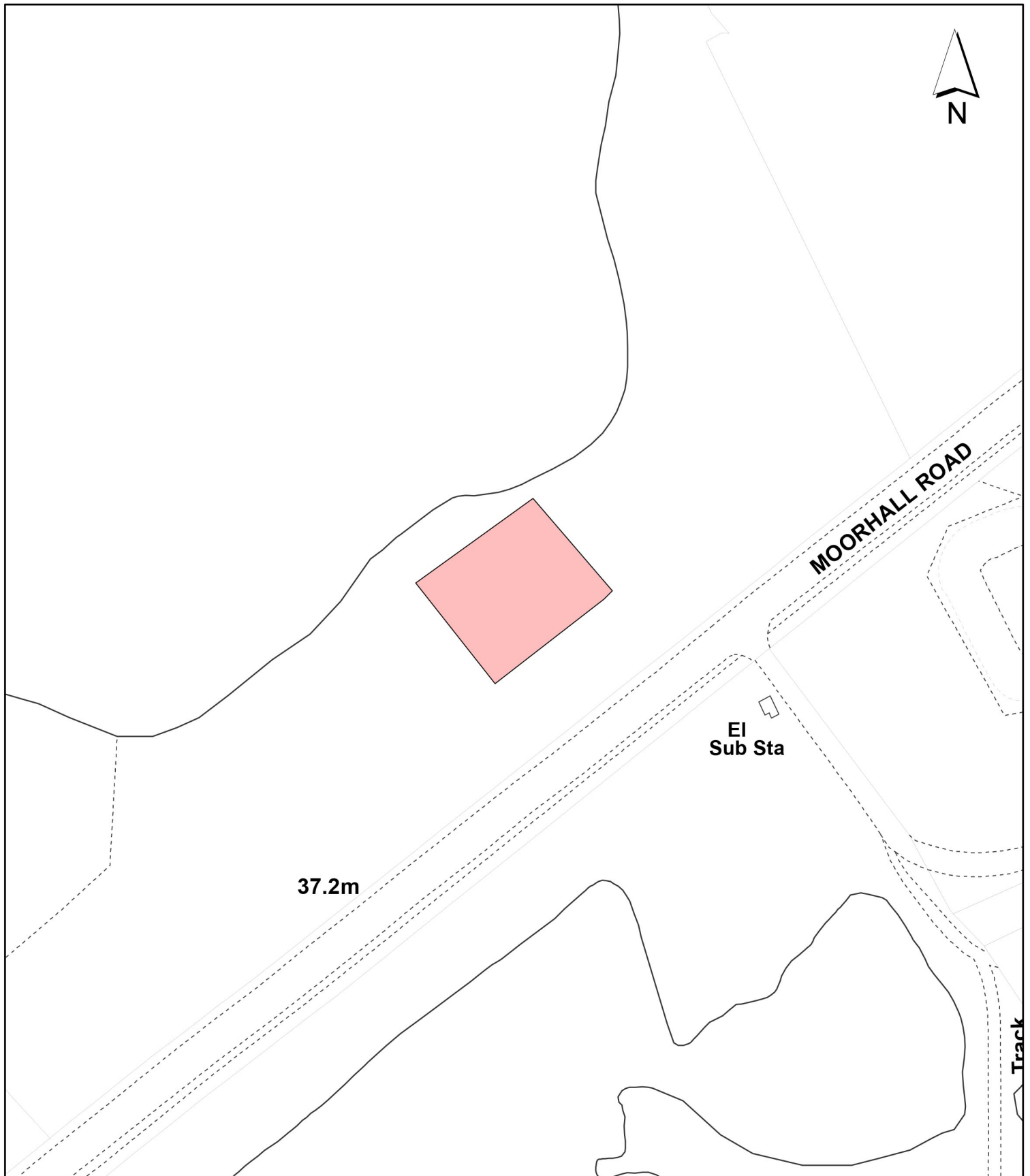
The High Speed Rail (London-West Midlands) Act 2017.



Contact Officer:

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<p>Notes:</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2018 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p>Worksites to the West of Harvil Road and North of Moorhall Road</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>  <p>HILLINGDON LONDON</p>
	<p>Planning Application Ref:</p> <p>74320/APP/2018/3986</p>	<p>Scale:</p> <p>1:1,250</p>	
	<p>Planning Committee:</p> <p>HS2</p>	<p>Date:</p> <p>January 2019</p>	