



indicated on the approved plans and comprises of a Schedule 1 Work ('Scheduled Work') and ancillary works. The principle of the new road, its layout, materials or route do not therefore form part of this plans and specifications request for approval.

The applicant explains that the associated permanent features that form the scope of this Schedule 17 Plans and Specifications application are necessary supporting infrastructure for the new road. Lighting columns and the provision of car parking spaces will provide clear safety benefits for road users, whereas the installation of fencing and its location will seek to ensure that site security is maintained.

There is no statutory obligation to consult with neighbours. However Natural England and Historic England have been consulted and raise no objections.

No objections are raised to the proposed car parking, fencing and lighting.

## **2. RECOMMENDATION**

APPROVAL

## **INFORMATIVES**

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The site is located within a plot of land previously owned by Merck Sharpe and Dohme (MSD) pharmaceutical company, but now acquired by the Secretary of State for Transport.

At present, the route of a Statutory Bridleway (ref. U42) runs north west to south east where it connects to Breakspear Road South, following the route of the current MSD site access for part of the way. This bridleway is found to the east of the MSD site and associated security fencing.

To the east of the bridleway route is underused pasture land with scattered scrub, trees and hedgerows. Topography this land is observed to be generally flat.

At present, the site is accessed via an unnamed private road running northwest from a junction with Breakspear Road South, which joins the A40 approximately 2.6km to the south.

The site of the former Gatemead Farm and its surrounding curtilage is found on the eastern flank of the current MSD access. This property has been acquired by HS2 under the provisions of the Act.

Access to the pasture land found to the east of the MSD site is currently achieved approximately 100m to the north-west of the current site access where a junction arrangement is found onto Breakspear Road South.

### 3.2 Proposed Scheme

This application relates to the request for approval of plans and specifications relating to permanent works ancillary to the new access road serving the MSD site, pursuant to Schedule 17 of the Act.

Schedule 17 Plans and Specifications approval will be required for any above ground permanent features associated with the new road route. Such features are presented below.

- A road vehicle park - comprising the construction and setting out of 2no. parking spaces adjacent to the new security entrance;
- Erection of a fence (original submission)
  - (a) Farmyard perimeter fence 1.4 metre high wire mesh with barbed wire, to be sited beyond the northern flank of the new access road and associated footway, to run between the new junction onto Breakspear Road South and the new security gates into the MSD site;
  - (b) 2.4 metre high wire linkmesh fencing with cranked concrete postes and barbed wire top, to be sited beyond the southern flank of the new access road and associated footway, to run between the new junction on Breakspear Road South and the new security gates into the MSD site, and thereafter continuing along the new perimeter of the site;
  - (c) 2.4 metre high MSD security fence both sides of the new security gates into the MSD site; and
  - (d) proposed bridleway post and rail fence

During the course of the application, it was agreed to make the following amendments to the fencing details:

- > Removal of the proposed 2.4m high fence beyond the southern flank of the road, between the MSD security gates and Breakspear Road South; and
- > Removal of the barbed wire atop the proposed 1.4m high stock fence beyond the northern flank of the road, between the route of U42 and Breakspear Road South.

- Artificial light equipment - the installation and operation of 5 metre high lighting columns with Philips Luma mini lighting lanterns, sited to flank the new access road.

The applicant explains that the associated permanent features that form the scope of this Schedule 17 Plans and Specifications application are necessary supporting infrastructure for the new road. Lighting columns and the provision of car parking spaces will provide clear safety benefits for road users, whereas the installation of a fence and its location will seek to ensure that site security is maintained.

Separate Schedule 4 deemed approval covers the new road access. However, as the MSD road will be private in nature, it is only the junction arrangement onto the public highway which is the subject of the Schedule 4 approval under Part 1 provisions (Highways Access).

### 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 which 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).

The Planning Conditions set out in Schedule 17 of the Act require the nominated undertaker to submit requests for approval to the relevant planning authority for:

- Building works;
- Other construction works;
- Matters ancillary to development (referred to as construction arrangements);
- bringing into use;
- site restoration schemes;
- waste and soil disposal and excavation; and
- road transport (lorry route approval).

Schedule 17 of the Act sets out the grounds on which a relevant planning 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:

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. **EC2 ECOLOGY AND NATURE CONSERVATION**

Nature conservation considerations and ecological assessments

4. **EC3 ECOLOGY AND NATURE CONSERVATION**

Potential effects of development on sites of nature conservation importance

5. **EC4 ECOLOGY AND NATURE CONSERVATION**

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

6. **EC5 ECOLOGY AND NATURE CONSERVATION**

Retention of ecological features and creation of new habitats

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

Development on the Green Belt or Metropolitan Open Land

**8. DMEI 7 Biodiversity Protection and Enhancement**

Biodiversity Protection and Enhancement

**9. DMHB 1 Heritage Assets**

Heritage Assets

**10. DMHB 14 Trees and Landscaping**

Trees and Landscaping

**11. DMT 1 Managing Transport Impacts**

Managing Transport Impacts

**12. DMT 2 Highways Impacts**

Highways Impacts

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

(2016) Flood risk management

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

(2016) Green Belt

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

(2016) Biodiversity and access to nature

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

(2016) Trees and woodlands

**17. NPPF National Planning Policy Framework**

National Planning Policy Framework

**6.0 COMMENTS ON PUBLIC CONSULTATION**

**6.1 HISTORIC ENGLAND ARCHAEOLOGY (GLAAS)**

The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS

Charter.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and made available in connection the application and in pre application and other consultation with the High Speed 2, I conclude that the proposal will not have any significant effect on heritage assets of archaeological interest. I agree with the written statement's conclusion that an archaeological project plan is not needed due to the low archaeological potential.

## NATURAL ENGLAND

### No Objection

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

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

## 6.2 HIGHWAY ENGINEER

As the principle of design has been / will be established at the Schedule 4 (Access) & Schedule 17 (Lorry Route) stages of application, there are no specific comments or objections on the submitted 'Plans & Specifications' which conform to anticipated designs.

### RIGHTS OF WAY OFFICER

Bridleway U42 from west side of Breakspear Road South connecting to Newyears Green Lane-145m diversion (minor adverse affect)

This permanent diversion is not considered acceptable due to diversion route proposed not connecting to either public footpaths U46 and U43, thus forcing the user onto Breakspear Road South. It is not obvious from the mapping why the new route would have to divert so far north from its existing route, the Bridleway could be diverted to the north of Gatemead Farm to connect with the proposed diversion of U46, the proposal would be considered acceptable if network continuity can be provided. No precise details have been given and there is a length difference of 106m to 145m from the information provided in CFA 6 and the proposed scheme description.

My concern is with connectivity to the adjoining footpath U46, also due to be diverted. Also consideration should be given to traffic control along the shared route, hazard signage and sight lines for users as they approach Breakspear Road South.

Matters relating to the wider connection of footpaths and how they interrelate remains a concern for the Council and discussions are ongoing. Officers are seeking a clear plan of how the footpaths interconnect during and after construction of HS2. These matters remain outside of the scope of this submission and will be matters for approval under Schedule 4 (predominantly) of the HS2 Act.

(Officer note: Schedule 4 approval will be sought separately for the permanent diversion of Bridleway No. U42 and the associated stopping up of part of the current route (being that which is found to the south of the new access road and running to its intersection with Breakspear Road South). This will be sought under Part 2 provisions (Interference with Highways). Changes have been made to the alignment of the crossing points and the location of the dropped kerbs. The information now presented is acceptable to officers).

#### TREE AND LANDSCAPE OFFICER

This Schedule 17 submission provides details of the proposed access arrangements to the MSD site on Breakspear Road South. Some of these fence and lighting details overlap with submission ref. 2019/2598

WELDED MESH FENCING - 2.4metre high welded mesh fencing and gates are indicated at the MSD site entrance which is set back from the road.

RECOMMENDATION No objection but, hedgerow planting would help so soften the appearance of this utilitarian security fence and make it sit more comfortably within the countryside.

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

### 7.1 Other construction works (S17.3)

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

This application provides information to assist with the determination of the Plans and Specifications submission (Schedule 17) in relation to permanent works ancillary to the new access road serving the MSD site, pursuant to Schedule 17 of the Act. Schedule 17 Plans and Specifications approval will be required for any above ground permanent features associated with the new road route.

In order to provide context to this Section 17 submission, it should be noted that the approved route of Phase One of HS2 will necessitate the removal of certain buildings and associated development currently found within the MSD site. Such works are to take place under the Enabling Works Contract.

Part of the necessary works is the alternative provision of the MSD access road elsewhere, such that it does not conflict with the route of HS2 and associated main works construction. The alternative location has already been indicated on the approved plans and comprises of a Schedule 1 Work ('Scheduled Work') and ancillary works. This Schedule Work is described as

follows:

-Work 1/68 - An access road commencing on Breakspear Road South at a point 90 metres north-east of the junction of that road with footpath U46 and terminating on bridleway U42 at a point 124 metres north west of the junction of that road with footpath U46.

The remainder of the access road, from the bridleway to the security gates denoting the entrance to the MSD facility is categorised as ancillary works under Schedule 2 of the HS2 Act.

The new MSD road will join Breakspear Road South at the location of a current access point used to provide access to arable fields. From here, it will generally run in a western direction towards the MSD site. This route bisects the existing route of Bridleway U42 and as part of the overall access road proposals the bridleway will be diverted on its route to join Breakspear Road South, such that it follows the new access road up to the junction.

The new private access road will be constructed so that it is between 5-6 metres in width, flanked to the north by a 1.2m width footway and a 0.5m verge. The provision of a lay-by within the road design will see the road width increased to 9m maximum where relevant.

However, a road does not fall under the definition of a building or structure under Schedule 17 of the Act, and as such, the road itself does not require Plans and Specifications approval for its materials, location and design. Instead, as the new MSD access road is covered by a Scheduled Work as described above, a Schedule 17 Bringing into Use application relating to the extent of Work 1/68 has been submitted simultaneously and is included elsewhere on this agenda.

Nevertheless, the new bridleway route will utilise the footway on the access road to link up with the existing U42 route northwards. The footpath forms part of the scheduled work. This is important because the footway includes kerbs, i.e. the road is lower than the PROW and thus an issue for accessibility; The crossing as originally designed was immediately at the road access, which raised concerns in terms of safe movement from one side (the new bridleway alignment) to the other (the footpath). These were potential issues to be addressed through determination and potential conditions, but the applicant categorically stated the bridleway is not part of this submission. The consequence of this brought into question whether the access road could be brought into use whilst questions remain over the safe movement of bridleway users, including cyclists and horses.

Similarly, whilst 1.5m is a recommended minimum width for a bridleway, the footway may not be sufficient to accommodate all bridleway users. This brought the kerb and the lower lying verge into play as a safety issue.

Following extensive negotiations with the applicant, changes have been made to the alignment of the crossing points and the location of the dropped kerbs. The information now presented is acceptable to officers.

This Plans and Specifications submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 (The Act), relate purely to 2 no. parking spaces adjacent to the new security entrance, fencing and external lighting, comprising permanent above ground features associated with new road works serving the Merck Sharpe and Dohme (MSD) site.

Fencing-

No objections are raised to the location of the 2.4m high post & wire top boundary fence, wire link mesh fencing with cranked concrete post and the proposed 2.4m high wire mesh security fence.

#### Parking Spaces-

No objections are raised to the location of the 2 parking spaces.

#### Security Lighting -

For the lighting class, the harmonised British and European Standard (BS EN 12464-2:2014) provides guidance on the lighting of outdoor workplaces. This guidance points towards the applicability of an average lighting level of 10 lux and a 40% uniformity level. Due to the narrow width of the proposed road and the potential for LGVs to pass one another, the applicant submits that no reduction in this lux level could be considered for safety reasons.

It has been determined that the proposed site is located within an E2 zone, which is classed as a 'village or relatively dark outer suburban location', as described within the Institute of Lighting Professionals guidance (GN01 - Guidance Notes for the Reduction of Obtrusive Light). Whilst no luminous intensity rating is stipulated for an E2 zone, there are certain restrictions advised within the guidance note which limits light into nearby buildings.

Several luminaires were used to model the lighting. Due to the location of the proposed site within a Green Belt and the proximity of sensitive receptors, a maximum mounting height of 6 metres for the column and a minimum of a G4 luminous rating for the luminaire are considered appropriate by the applicant. The Philips luminaire is the only luminaire capable of achieving G6 at a 5m mounting height which represents a very good solution from an environmental and ecological perspective whilst meeting the chosen lighting class.

For the access road lighting design, a Philips Mini-Luma 8.60klm luminaire has been selected at a 5m mounting height and a single-sided arrangement. The luminous intensity rating (glare rating) is G6 and the light source colour temperature is warm white having a colour rendering index of Ra>60.

It is observed that there are properties in the vicinity of the new access road. The G6 luminous intensity rating is the best rating achievable for low glare within the lighting standards and, combined with the low mounting height selected and the selection of a warm white colour temperature, will mitigate the impact on the surrounding area.

## 8.0 BOROUGH SOLICITOR COMMENTS

This particular application from HS2 Ltd is governed by paragraph 3 of Schedule 17 of the High Speed Rail Act 2017 which is headed, 'Condition relating to other construction works'.

Paragraph 3 provides that 'If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority'.

Paragraph 3 states that paragraph 3 applies to development to the extent that it, inter alia, consists

of the construction of any of the following-

- . a road vehicle park;
- . fences or walls;
- . lighting equipment.

The various developments which fall under the auspices of paragraph 3, and the corresponding possible grounds of refusal, are set out in tabular form and paragraph 3 provides that, 'The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in relation to the work in question in the following table'.

This report is only concerned with 2 parking spaces, fencing and external lighting. The possible grounds of refusal in respect of each of these developments are different and will, for the sake of completeness, be set out as follows.

. Road vehicle park - 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.

. Fences and walls - That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

. Artificial lighting equipment - That the design of the equipment, with respect to the emission of light, ought to, and could reasonably, be modified to preserve the local environment or local amenity. 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 report before Members sets out the main planning issues in relation to this application from HS2 Ltd in Paragraph 7 and Members will note that none of the statutory possible grounds of refusal, in relation to each of the three categories of development in question, are applicable.

In the circumstances, there is no legal reason why Members cannot approve the application.

## 9.0 OTHER ISSUES

None.

## 10.0 REFERENCE DOCUMENTS

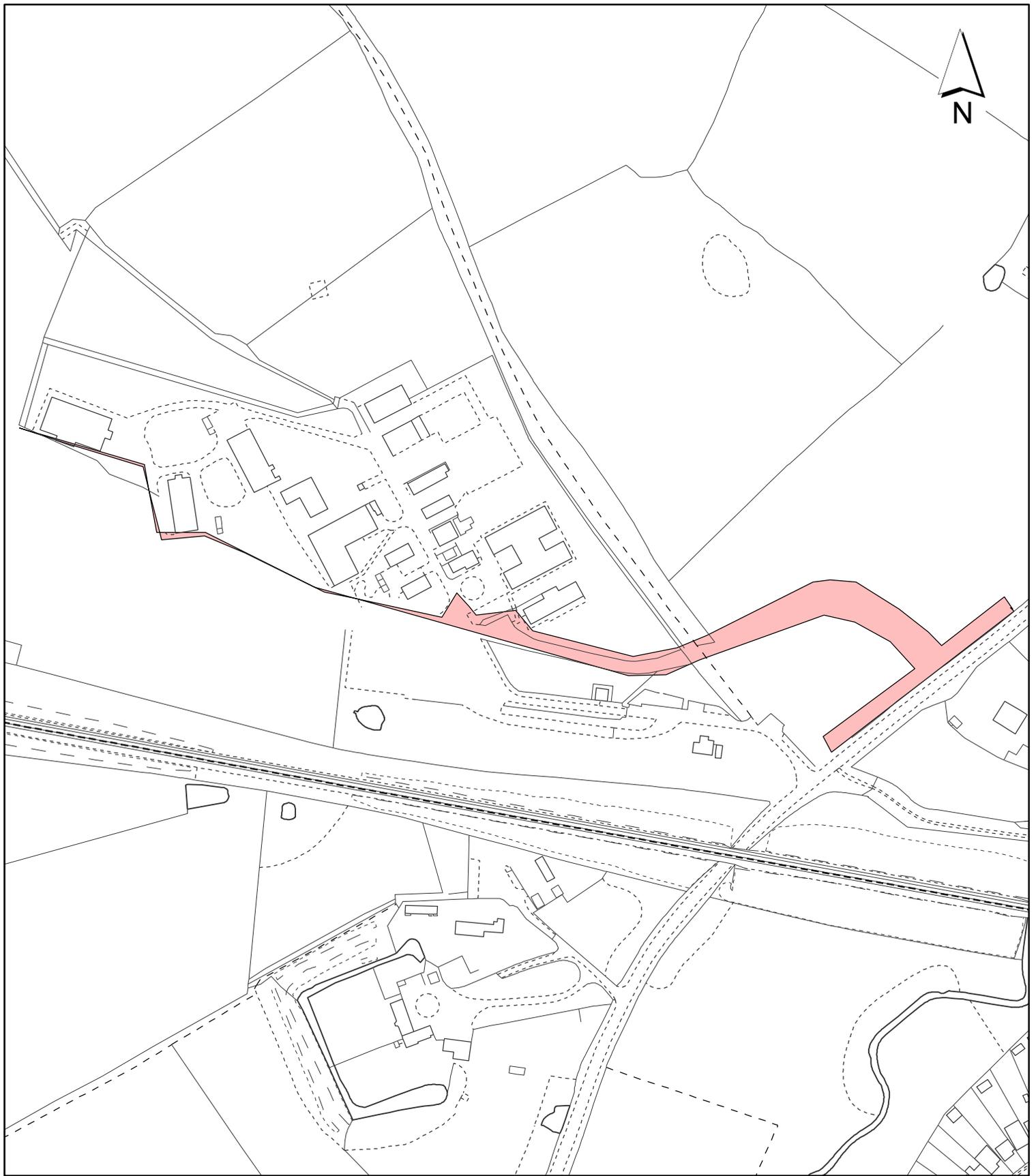
The High Speed Rail (London-West Midlands) Act 2017.

**Contact Officer:**

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**Notes:**

 Site boundary

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Site Address:

**Merck Sharpe Dohme (MSD)  
 Site Off Breakspear Road  
 South Harefield**

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

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**72870/APP/2019/2597**

Scale:

**1:2,800**

Planning Committee:

**HS2**

Date:

**January 2020**



**HILLINGDON**  
 LONDON