

Item No. Report of the Head of Planning and Enforcement

Address: ECOLOGICAL MITIGATION SITE HARVIL ROAD HAREFIELD

Development: Request for approval of Plans and Specifications under condition imposed by paragraphs 2 and/or 3 to Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 for works comprising the erection of a bat house.

LBH Ref Nos: 73195/APP/2020/1946

Drawing Nos:	Date of Plans:
1EW03-FUS-EV-DGA-CS01_CL01-014303	26-06-2020
Harvil Road Bat House Cover Letter.	26-06-2020
1EW03-FUS-PL-DGA-CS01_CL01-000005	26-06-2020
Harvil Road Bat House Written Statement	29-06-2020
Colne Valley Key Environmentally Sensitive Worksite Management Plan	29-06-2020
1EW03-FUS-EV-DGA-CS01_CL01-014302	26-06-2020
1EW03-FUS-EV-DGA-CS01_CL01-014304	26-06-2020
Harvil Road Bat House Proforma	29-06-2020
1EW03-FUS-EV-DGA-CS01_CL01-014301	26-06-2020
1EW03-AEC-PL-DSK-CS01_CL01-013300	05-10-2020

Drawing Nos:	Date of Amended Plans:
Date Application Valid:	26th June 2020

1. SUMMARY

This application comprises a Plans and Specifications submission under Schedule 17 of the HighSpeed Rail (London-West Midlands) Act 2017 (The Act), in relation to permanent above ground features associated with the erection of a bat house on the Harvil Road ecological habitat creation site.

The application is the the latest 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.

There is no statutory obligation to consult with neighbours. However, Natural England and Historic

England (GLAAS) are statutory consultees for this proposal and have raised no objections.

Officers are of the opinion that the proposals would not have a detrimental impact on a site of ecological value (i.e. a designated site) or an archaeological area of importance. Officers acknowledge that the bat house will provide a valuable habitat in this area and will assist in the long term conservation of important species.

Historic England (GLAAS) considers that the proposal will not have a significant effect on heritage assets of archaeological interest and is satisfied that the question of amending the design to preserve an archaeological site does not arise. Officers are of the opinion that the proposals would not have a detrimental impact on an archaeological area of importance.

The design of the bat house is broadly acceptable and it is considered that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation in terms of its impact on the local environment / local amenity, in accordance with Schedule 17 of the Act.

2. RECOMMENDATION

APPROVAL

INFORMATIVES

1. I99 Non Standard Informative

The proposed development includes measures relating to protected species. The proposals must be designed in accordance with any relevant protected species licence and ecological standards for the project.

3. CONSIDERATIONS

3.1 Site and Locality

The Harvil Road ecological habitat creation site is located within the northwest corner of a field west of Harvil Road, immediately south of Dews Lane and approximately 900m to the south of South Harefield. The site is 1.6ha in area and lies approximately 110m to the north-east of the HS2 railway line.

The site is shaped roughly in the form of a 'J', 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 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 broad leaved woodland and to the east by an intact, species poor hedge separating the site from Harvil Road.

A lake is located approximately 350m west of the site which 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.

In terms of protected species, bat and badgers are known to use the area and a field south of the site is considered to be suitable otter terrestrial habitat.

The site has been subject to recent planting and earthworks (including the creation of ponds basking banks and hibernacula) to provide ecological mitigation for HS2 and to be available as a receptor site for translocating reptiles if required.

3.2 Proposed Scheme

This application relates to the request for approval of plans and specifications relating to above ground permanent works pursuant to Schedule 17 of the Act. (Paragraphs 2 of Schedule 17: - The erection, construction, alteration or extension of any building (as defined in paragraph 30)

The works submitted for approval comprise a single storey bat house at the southern end of the site, with a footprint of approximately 8.8m x 10.2m and a height of 5.9m to the ridge of the pitched roof. The bat house will be constructed in blockwork cavity walls, clad with waney edge timber boarding incorporating bat access bricks and a red clay tile roof with two solar panels.

The relevant scheduled work as set out under Schedule 1 of the Act to which this Schedule 17 submission relates is the Colne Valley viaduct (forming part of Work No. 2/1). This is subject to a separate current Schedule 17 Plans and Specifications submission (LB Hillingdon ref. 74320/APP/2019/3187).

Other main consents likely to be required for the works include Ecological Licenses and , Schedule

17: Bringing Into Use.

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.

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. 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 lorry route submissions.

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; (subject to this application)
- 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).

This submission relates to the Harvil Road ecological mitigation site which has previously been subject to a Schedule 17 Plans and Specifications approval for earthworks, including two mitigation ponds, one hibernaculum and one reptile bank, together with boundary fencing (LB Hillingdon ref. 73195/APP/2017/3486).

4. ADVERTISEMENT AND SITE NOTICE

4.1 Advertisement Expiry Date: Not Applicable

4.2 Site Notice Expiry Date: Not Applicable

5.0 PLANNING POLICES AND STANDARDS

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

Part 1 Policies:

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

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

2. **PT1.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. **DMEI 4 Development on the Green Belt or Metropolitan Open Land**

Development on the Green Belt or Metropolitan Open Land

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

Biodiversity Protection and Enhancement

3. **DMHB 1 Heritage Assets**

Heritage Assets

4. **DMHB 14 Trees and Landscaping**

Trees and Landscaping

5. **DMT 1 Managing Transport Impacts**

Managing Transport Impacts

6. DMT 2 Highways Impacts

Highways Impacts

7. LPP 5.12 (2016) Flood risk management

(2016) Flood risk management

8. LPP 7.16 (2016) Green Belt

(2016) Green Belt

9. LPP 7.19 (2016) Biodiversity and access to nature

(2016) Biodiversity and access to nature

10. LPP 7.21 (2016) Trees and woodlands

(2016) Trees and woodlands

11. NPPF National Planning Policy Framework

National Planning Policy Framework

6.0 COMMENTS ON PUBLIC CONSULTATION

6.1 HISTORIC ENGLAND (GLAAS)

I have now received and considered the written statement which accompanied this application.

The statement acknowledges the archaeological interest in the wider area between Dews Farm and Harvil Road and summarises the extensive archeological investigations which have taken place so far. Copies of the report referred to in paragraphs 2.1.10 have been supplied to GLAAS as part of our ongoing advisory role and I have also undertaken monitoring visits to view recent investigations for which no report is yet available. The actual location of the proposed bat house has not been subject to archaeological evaluation trenching or excavation partly due to the proximity of a badger sett.

The written statement concludes that the bat house is not located within an area with a high potential for Late Neolithic/Bronze age remains and that the localised extent of the proposed construction impact is unlikely to provide a significant or meaningful contribution to the knowledge creation objectives set out in th GWSI:HERDS.I think these are reasonable conclusions and therefore do not consider that these building works aught to be modified to preserve a site of archaeological interest.

This response relates solely to archaeological issues.

NATURAL ENGLAND

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or species.

Natural England has been consulted on the proposals prior to submission and has discussed the nature of the works with HS2. We have provided the summarised comments below directly to HS2 as part of this process and do not have any further comments to make.

- Satisfied with the orientation of the building and its access points
- The building must be a dedicated bat house and no dual function; and therefore, heavy security doors must be fitted to prevent unauthorised access. The roof void should be uncluttered by roof trusses. Long-eared bats tend to roost in clusters along the exposed ridge beam and benefit from the installation of squeeze boxes and a pocketed roosting area.
- Ensure gaps in the lockable metal grille into the roof void has 300mm gaps to allow bats to fly through.
- The number of bat access points should be reduced from 10 to reduce air flow in the roof void.
- Breathable roof membranes should be installed in any part of the building.

Natural England's advice on other natural environment issues is set out below:

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.

Bats:

Natural England has developed two HS2 specific Bat Mitigation Class Licences. One licence covers certain bat species and roost types in built structures (WML-CL39) and the other covers certain bat species and roost types in trees (woodland, parkland or single tree situations)(WML-CL40). These licences permit suitably experienced employees and staff of contractors to undertake specified activities affecting bats 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). In addition, HS2 can also use the existing Bat Mitigation Class Licence (WML-CL21) or apply to Natural England for a site specific licence if the species, scale of impact or roost type are not covered by the Class Licences. The planning authority should advise HS2 Ltd that the proposals must be designed in accordance with the relevant licence and ecological standards for the project.

6.2 SUSTAINABILITY OFFICER

Comments have been incorporated in the report.

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

7.1 BUILDING WORKS

In accordance with Schedule 17 of the Act, the relevant planning authority may only refuse to approve plans or specifications on defined grounds. Paragraph 2 of Schedule 17 outlines the grounds for determination for 'building works', which in this submission are for the erection of a bat house.

The grounds for determination under Paragraph 2 of Schedule 17 are as follows:

- (a) the design or external appearance of the building works 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 is reasonably capable of being so modified, or
- (b) the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

The proposal is required to offset harm to buildings being demolished alongside Dews Lane north of the site in order to construct the HS2 viaduct. These predominantly brick built buildings are of a type and age that would support bat populations. It is understood that bat surveys revealed the presence of bats in some of these properties.

The proposed development is a bespoke brick built structure design purposefully to offset the impacts of the loss of the Dews Lane buildings.

The proposed development needs to be in broad proximity to the Dews Lane buildings to support the same bat populations. It is considered by officers that there would be a degree of flexibility as to the specific location.

DESIGN

It is considered that the visual impact of the 'building works' has been limited by the careful design of materials, locations and screening to maximise the integration of the works into the local environment. The design of the bat house seeks to replicate the features of the buildings to be demolished, to provide the greatest prospect of the proposed building being used as a bat roost. This includes providing clear void uncluttered roof space (no truss rafters) with a range of conditions to meet Natural England requirements.

In terms of appearance, the intention is for the proposed bat house seek to reflect the local vernacular of agricultural outbuildings, using materials typical of the locality (red rustic brick with a red clay tiled roof) to ensure that it would respect the character of its surroundings.

In terms of visual impact, the bat house would be sited such that it would be heavily screened by adjacent woodland and hedge boundaries and would therefore have little or no visual influence outside the immediate field.

With regard to landscaping, the applicant advises that to ensure that appropriate bat flightline and foraging connectivity is provided to the bat house from the existing Dews Farm building and bat foraging areas, new hedgerow and tree planting along Dews Lane and the Newyears Green Bourne is being coordinated with the wider landscaping masterplan for the area. The timing of these landscaping works may be brought forward, or temporary hedgerows provided as an interim solution.

It should be noted that these landscaping works do not require Schedule 17 approval, although they will form part of the mitigation proposals and will be relevant to the future Schedule 17 Bringing Into Use submission for the relevant scheduled works. The Council will be consulted on these landscaping proposals when finalised.

Therefore, it is not considered that the design or external appearance of the works ought to be modified to preserve local environment or amenity.

ECOLOGY

There are existing buildings at Dews Farm which are to be demolished to facilitate the construction of the Colne Valley Viaduct. Ecological surveys have revealed the presence of brown long-eared bat (*Plecotus auritus*) maternity and hibernation roost along with two single pipistrelle bat (*Pipistrellus Pipistellus*) day roosts. In response to Natural England requirements and HS2 Technical Standards, a bat house is required to mitigate for the loss of the existing roosts.

Officers acknowledge that the siting and position of the bat building needs to be as close as possible to the existing roost and within or adjacent to commuting and foraging habitat. The bat building has been positioned away from areas which will be affected by construction works in order to minimise the potential for disturbance. Taking into account these factors has led the applicant to determine that the existing ecological mitigation site at Harvill Road provides the optimal location. Officers do not consider that the development ought to, and could reasonably be carried out elsewhere within the development's permitted limits.

Natural England raises no objections to the proposed building works and considers that the proposed development will not have significant adverse impacts on statutorily protected sites or species.

Officers acknowledge that the bat house will provide a valuable habitat in this area and will assist in the long term conservation of important species. It is considered that the proposals would not have a detrimental impact on a site of ecological value (i.e. a designated site).

It is open to the Council to seek an alternative location for the bathouse should it be deemed that it ought to and could reasonably be located at an alternative location. This is set out in Schedule 17(2)(5)(b). However, as set out above, officers have no objections to the bathouse in the proposed location and it is deemed to be appropriate mitigation for the impacts resulting from the demolition of buildings on Dews lane.

HERITAGE

The site lies on a south facing slope above the Newyears Green Bourne within HS2 Community Forum Area 7, Archaeological Character Areas (ACA) 07-01 (East Side of Colne Valley) and ACA 07-02 (Terrace Gravels within Colne Valley) and the Colne Valley Archaeological Priority Zone as defined by the London Borough of Hillingdon and Historic England's Great London Archaeological Advisory Service (HE GLAAS).

The applicant advises that between January 2018 and May 2020, a number of archaeological investigations have been completed within the site. The written statement supporting this submission concludes that the bat house is not located within an area with a high potential for Late Neolithic/Bronze age remains and that the localised extent of the proposed construction impact is unlikely to provide a significant or meaningful contribution to the knowledge creation objectives.

GLAAS considers that the proposal will not have a significant effect on heritage assets of archaeological interest and is satisfied that the question of amending the design to preserve an archaeological site does not arise.

It is therefore not considered that the works ought to or could reasonably be located elsewhere within the development's permitted limits, or that the works are reasonably capable of being modified to preserve a site of archaeological or historic interest.

HIGHWAY ISSUES

A Public Right of Way (PRoW) (U34) runs along the southern boundary of the field in which the site is located. This will not be affected by the proposals.

The site is connected to the public highway, with Dews Lane located immediately north and Harvil Road located immediately east of the site. Harvil Road connects with the B467 to the south and subsequently provides access to the A40, the M40 and M25.

For construction of the bat house and future infrequent operational maintenance, the site will be accessed through the existing agricultural access, located along the northern boundary, leading onto Dews Lane.

A plan has been submitted indicating the route that maintenance vehicles would take to access the Harvil Road Bat House on an infrequent basis. This is not for approval but is provided to inform officers and Members of the Planning Committee. It is not considered that the works will have any detrimental impact on road safety or the free flow of traffic in the local area.

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.

This is a straightforward Schedule 17 application which is governed by paragraph 2 of the said Schedule which is headed, 'Condition relating to building works'. There is a requirement that development consisting of building works, which are the responsibility of HS2 Ltd, must be carried out in accordance with plans and specifications for the time being approved by the relevant planning authority.

"Building works" are defined as the erection, construction, alteration or extension of any building, other than a temporary building.

The Council, which is a qualifying authority for the purpose of Schedule 17, is only permitted to refuse to approve the plans or specifications, or to impose conditions on approval of them, on one or more of the prescribed statutory grounds which Members of the Sub-Committee are now familiar with.

The grounds are that the design or external appearance of the building works 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 is reasonably capable of being so modified, or
- the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

As is made clear in the body of the report, none of these grounds are engaged in relation to this particular Schedule 17 application so there are no legal reasons to prevent Members from approving it.

9.0 OTHER ISSUES

FLOOD RISK

The site is located within Flood Zone 1 and is not an area identified as at risk of flooding.

FUTURE OWNERSHIP / MAINTENANCE

Whilst this is not a matter which is relevant to the Schedule 17 determination, the applicant advises that the bat house will be subject to an Environmental Site Management Plan, which will set this out in due course. The bat house will remain a HS2 asset and will be maintained by HS2 after construction until agreements are in place with the landowner or a third party.

10.0 REFERENCE DOCUMENTS

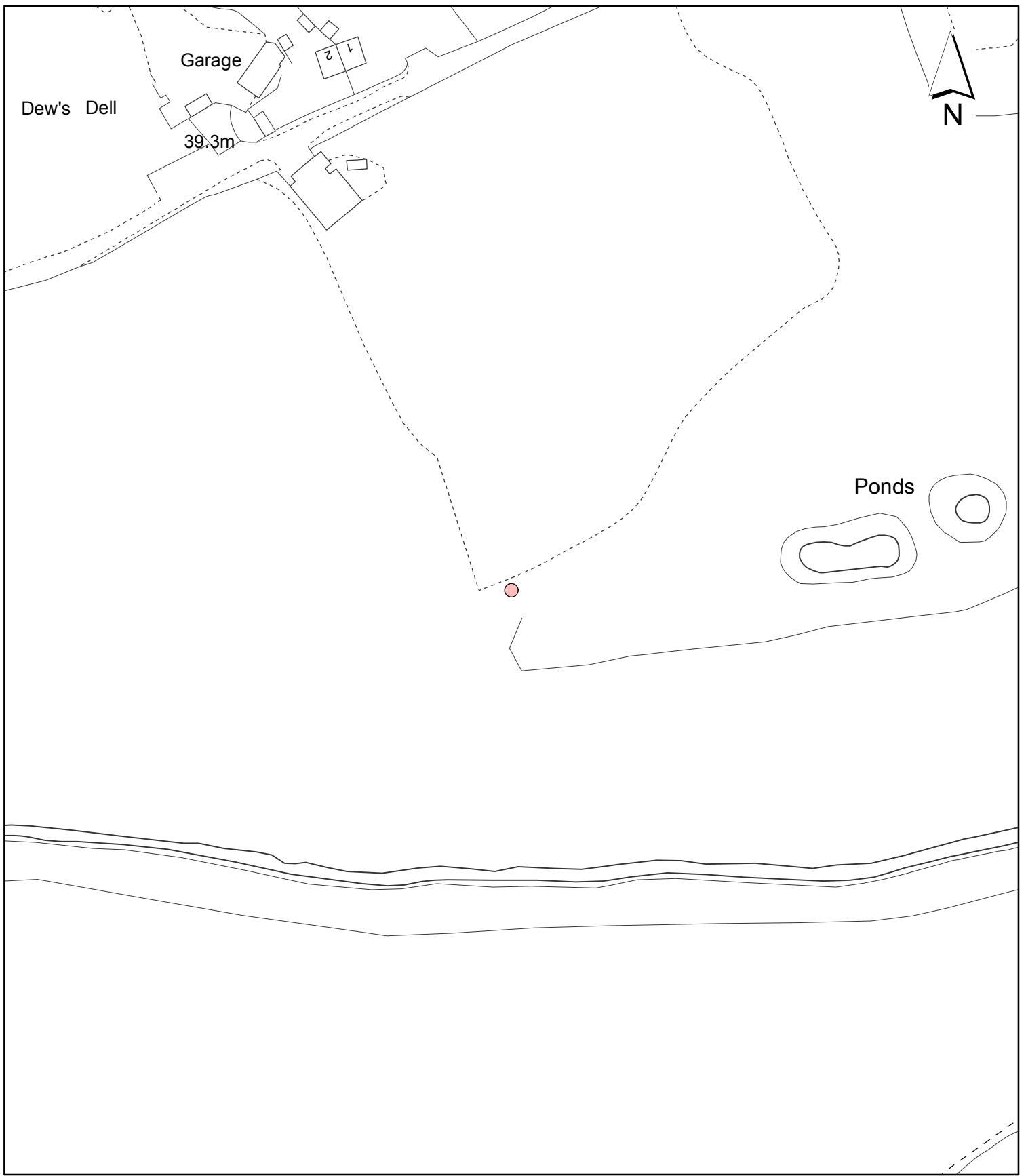
The High Speed Rail (London-West Midlands) Act 2017.

Contact Officer:

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**Notes:**

Site boundary

For identification purposes only.

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Site Address:

**ECOLOGICAL MITIGATION SITE
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OF HILLINGDON**Residents Services
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Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

73195/APP/2020/1946

Scale:

1:1,250

Planning Committee:

HS2

Date:

October 2020**HILLINGDON**
LONDON