

Item No. Report of the Head of Planning and Enforcement

Address: BETWEEN RIVER COLNE & G.U.CANAL NORTH OF DENHAM LOCK
UXBRIDGE

Development: Request for approval of 'bringing scheduled works and depots into use' (Paragraph 9) under Condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 relating to the diversion of the National Grid ZC overhead power line in the Colne Valley .(Schedule 1 Work No. 2/4B) -a temporary bridge over the River Colne).

LBH Ref Nos: 42471/APP/2020/2631

Drawing Nos:	Date of Plans:
51350/3913 Sheet 1 of 2 Issue A	24-08-2020
ZC River Colne Crossing Ecology Note_Final	02-10-2020
Flood Risk Assessment	02-10-2020
D-K103975107-H-002 Rev 01	24-08-2020
Sch 17(9) LBH Covering Letter ZC P03 20082020	20-08-2020
River Colne Bridge Block Plan	24-08-2020
Ecological Method Statement Issue 2 Version 4	14-10-2020
River Colne Temporary Bridge location plan	24-08-2020
D-K103975107-H-001 Rev 01	24-08-2020
D-K103975107-H-003 Rev 01	24-08-2020
Sch 17(9) Supporting Statement P03 24072020	24-08-2020
51350/3913 Sheet 2 of 2 Issue A	24-08-2020
WFD Compliance Form	02-10-2020

Drawing Nos:	Date of Amended Plans:
---------------------	-------------------------------

Date Application Valid: 20th August 2020

1. SUMMARY

This application comprises a bringing into use submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 (The Act), in relation to National Grid's requirements to modify its existing overhead line network on the 'ZC' route, to allow construction of the High Speed 2 railway line within the Colne Valley, where the railway crosses the existing National Grid ZC overhead line on a proposed viaduct.

The details relate purely to a temporary bridge (known as 'Scheduled Works' No. 2/4B), required over the River Colne to access worksites within Denham Country Park, where two pylons are to be removed and one pylon constructed.

The nominated undertaker (HS2 Ltd) is authorised to construct and maintain the 'Scheduled Works' for Phase One of High Speed 2. However, 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 bringing into use most 'Scheduled Works' and railway depots. The purpose of 'bringing into use' approvals is to ensure the nominated undertaker for the work takes all reasonably practical measures for the mitigation of the work.

The application is the second HS2 Schedule 17 Request for approval of 'Bringing into Use' submissions 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.

This application is slightly different to the previous bringing into use submission. The development relates to a building as defined by Schedule 17(30) which encompasses 'any structures' (with several exceptions).

Buildings are generally captured by Schedule 17(2) and would require consent prior to development taking place and then Schedule 17(8) would require further consent before being brought into use (assuming the building relates to a scheduled work). However, Schedule 17(2) specifically omits temporary buildings from the need for consent. Therefore, in this instance the Council has not had to consent the works prior to them taking place; the normal safeguards allowed for under Schedule 17(2), i.e. to preserve a site of nature conservation interest have not been addressed prior to the temporary works taking place.

Unusually though, the temporary bridge is a scheduled work as listed in Schedule 1 (Work 2/4b). Consequently, consent is required from the Council prior to it being brought into use, but importantly, after the construction.

The Council is therefore being asked to consider the effects of the installation and operation of the bridge and importantly whether mitigation has been appropriately secured in relation to both these factors.

There is no statutory obligation to consult with neighbours. However, the Environment Agency, Natural England and GLAAS have been consulted. No objections have been raised by these statutory bodies to the Schedule 17 submission.

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 Paragraph 9 sub section (4)(a) of 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 works take place to the west of Harvil Road Only access works are to take place within Buckinghamshire Council, to the south of Buckinghamshire Golf Club within Denham Country Park. The main works and all new pylon are within London Borough of Hillingdon.

The temporary bridge will span the River Colne commencing at a point 200 metres north-east of the junction of footpaths DEN/20/2 and DEN/20/1 with bridleways DEN/48/2 and DEN/48/3 and terminating at a point 134 metres north-east of its commencement.

3.2 Proposed Scheme

The purpose of this submission is to seek the approval of the qualifying authority under Schedule 17 to bring into use HS2 works set out below.

The Scheduled Work subject to this submission relates to a temporary bridge (known as 'Scheduled Works' No. 2/4B), required over the River Colne to access worksites within Denham Country Park, where two pylons are to be removed and one pylon constructed.

Scheduled Work No. 2/4B is described as follows:

" A temporary bridge over the River Colne commencing at a point 200 metres north-east of the junction of footpaths DEN/20/2 and DEN/20/1 with bridleways DEN/48/2 and DEN/48/3 and terminating at a point 134 metres north-east of its commencement"

Schedule 1 to the High Speed Rail (London - West Midlands) Act 2017 sets out the 'Scheduled Works' the nominated undertaker is authorised to construct and maintain for Phase One of High

Speed 2. Paragraph 9 of Schedule 17 to the Act requires the nominated undertaker to submit a bringing into use request for most 'Scheduled Works' and railway depots

The temporary River Colne bridge has a solid bridge base and includes sideboards/barge boards to prevent debris for vehicles entering the watercourse.

Bridge abutments are set back from the river banks in order to provide an offset to River Colne watercourse which will enable access for environmental staff and ecologists access to watercourse at/under the bridge for the implementation of an operational monitoring regime at all times.

The temporary bridge is required for a period of up to 15 months. In due course a Schedule 17(12) 'Site Restoration' submission will be made to London Borough of Hillingdon and Buckinghamshire Council which will include the removal of the bridge (together with supporting bridge abutments) over the River Colne.

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.

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; (subject to this submission)
- 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.

The bringing into use is the point at which the Council can determine the efficacy of the mitigation for the effect of the project.

Specific Site History

National Grid is required to modify its existing overhead line network on the 'ZC' route to allow construction of the High Speed 2 railway line within the Colne Valley, where the railway crosses the existing National Grid ZC overhead line on a proposed viaduct. Increased safety clearances are required for the construction and, once built, operation of the High Speed 2 railway on top of this viaduct giving rise to the requirement to move the overhead line.

The National Grid works include the removal of five existing pylons and the construction of six new pylons alongside re-wiring of overhead line on the new arrangement.

A temporary bridge (known as Work No. 2/4B) is required over the River Colne to access worksites within Denham Country Park where two pylons are to be removed and one pylon constructed.

The temporary bridge is authorised by the HS2 Act and is given deemed Planning Permission. National Grid however requires the consent of London Borough of Hillingdon and Buckinghamshire Council to use the bridge and are required to make this 'Bringing into Use' submission to the authorities under Schedule 17(9) of the HS2 Act.

Being temporary, the bridge does not require Schedule 17 plans & specification approval. However a Schedule 17 lorry route submission has been approved under application ref:74320/APP/2020/22.

The authorities are limited in their considerations of the submission to matters specified within the HS2 Act, namely impacts upon the local environment and local amenity, archaeology and historic interest and nature conservation.

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 NATURAL ENGLAND

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 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.

The temporary bridge is upstream of both the Denham Lock Wood SSSI and Fray's Farm Meadow SSSI which are notified for a variety of wetland habitats associated with the floodplain of the Colne Valley. Without protection these habitats could be susceptible to pollution as a result of the installation and operation of the temporary bridge. The supporting statement (Document Reference: UC46-NGT-UT-APP-C001-000008) at paragraph 4.1.3 details measures to avoid and control pollution. Subject to the effective implementation of these measures there should be no detrimental effects on the SSSIs.

Great Crested Newts:

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 specified 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).

The planning authority should advise HS2 Ltd that the proposals must be designed in accordance

with this licence and ecological standards for the project. Natural England are carrying out licence compliance monitoring to ensure HS2 are meeting the provisions of the licence overall.

Badgers:

Natural England has issued a route-wide organisational licence for Badgers to HS2 Ltd. The licence permits suitably experienced employees and staff of contractors to undertake specified activities affecting badgers 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).

The planning authority should advise HS2 Ltd that the proposals must be designed in accordance with this licence and ecological standards for the project. Natural England are carrying out licence compliance monitoring to ensure HS2 are meeting the provisions of the licence overall.

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.

Proposals affecting multiple protected species:

The proposed development includes measures relating to a number of different protected species. The planning authority should advise HS2 Ltd that the proposals must be designed in accordance with any relevant protected species licence and ecological standards for the project.

Proposals within or affecting the Chilterns AONB:

The proposed development scheme or works is for a site within or close to the Chilterns AONB, which is a nationally designated landscape. Natural England advises that the planning authority uses local landscape expertise and information to determine the proposal. We particularly advise that the proposals should be in line with the aims and objectives of the AONB's statutory management plan.

1, having regard to the provisions of the HS2 Act and Environmental Minimum Requirements. We also advise that the proposal is assessed in terms of whether it meets the complementary Chilterns AONB HS2 Detailed Design Principles

2, having regard to the purposes and status of those Principles.

All public bodies have a duty under Section 85 of the Countryside and Rights of Way Act(2000) to have regard to the statutory purpose of AONBs, which is to conserve and enhance the area's natural beauty. You should assess the application carefully in accordance with the provisions of Schedule 17 of the HS2 Act as to whether the proposed development would have a significant impact on or harm that statutory purpose and, if so, how any proposed mitigation will minimise those effects.

ENVIROMENT AGENCY (EA)

As included in the supporting information, the EA has already issued consent for this activity and thus has no comment.

HISTORIC ENGLAND (GLAAS)

The applicant's written statement does not actually address archaeological impact but it is evident from the construction details that only minor ground works are involved in the construction of the bridge. As there are no known archaeological remains in this location I therefore do not consider that these building works ought to be modified to preserve a site of archaeological interest.

6.2 FLOOD AND WATER MANAGEMENT

This appears to only relate to the temporary bridge over the River Colne and as the lead authority on fluvial flood risk, the Council would expect the Environment Agency to comment on this issue. A seperate Schedule 33 application has been made, however these is no detail on the assessment of, or management of flood risk in relation to this application and no information or commment included from the EA approving this proposal.

It is clear that the abutments of the bridge and ramps to it will reduce the flood storage capacity over the life of the temporary bridge. The application does not provide any further detail in terms of access road and drainage arrangements and or where there may be ordinary watercourse crossings that an access road will need to put in place. On the East side of the Colne within Hillingdon there are ordinary watercourses within this area. However an assessment of the need for these consents is not mentioned in the application. It is presumed that this information will be provided under seperate consenting requirements should crossings be needed. Reinstatement application is proposed to be made at a later date.

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

7.1 7.1 Bringing Scheduled Works and Depots into Use

The background and general approach to the 'bringing into use' submissions has been set out in the HS2 Planning Forum Note 7 (Bringing into Use Approvals). This indicates that the design of HS2 will seek to blend the operational infrastructure into the landscape and townscape and has generally reduced the effect on the environment. To a large extent, therefore, the mitigation will be an integral part of the design, rather than a separate element.

Paragraph 9, sub section (4) of Schedule 17 (Conditions on bringing scheduled works and depots into use) states that the relevant planning authority must grant approval for the purposes of this paragraph if -

- (a) it considers 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 on the local environment or local amenity, or
- (b) it has approved, at the request of the nominated undertaker, a scheme consisting of

provision with respect to the taking of measures for that purpose.

The relevant planning authority may not refuse to approve, or impose conditions on the approval of a scheme submitted for the purposes of sub-paragraph (4)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified:

- (a) to preserve the local environment or local amenity,
- (b) to preserve a site of archaeological or historic interest, or
- (c) in the interests of nature conservation,

and that the scheme is reasonably capable of being so modified.

This is a request to bring into use a temporary work, so the issue the Council needs to consider is what are the reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity for this temporary work. Officers consider that the relevant issues are the impact on the watercourse and the loss of ecology.

The applicant in its initial submission stated that given that the bridge is a temporary structure and will be removed upon the completion of the National Grid ZC overhead line diversion works, there are very limited impacts associated with the operation of the bridge. The works are required to be undertaken in compliance with the controls set out in the Environmental Minimum Requirements, which includes the High Speed 2 Phase 1 Code of Construction Practice.

HS2 Ltd submits that sufficient controls already exist in the Environmental Minimum Requirements to control the very limited impacts associated with the operation of the bridge such that London Borough of Hillingdon and Buckinghamshire Council can approve the use of the River Colne bridge, Work No. 2/4B, without further mitigation being required.

However, officers raised concerns regarding the applicant's suggestion that the Council only need to consider the operation of the works when it is brought into use, not the mitigation for the effect of the work (i.e. the tree clearance). Officers were of the opinion that this latter position would remove the Council from all consenting of the ecological mitigation for the railway and how the land is to be put back in the Borough. It would reduce the consideration of the railway to essentially the noise from the operation and this would be inconsistent with the Act and the position previously put forward by HS2 Ltd.

In response to these concerns, the applicant has submitted additional information. These documents comprise:

- > Ecological Method Statement (River Colne Ecology Note Issue 2) produced by National Grid which documents the environmental measures associated with the wider ZC line diversion works to ensure potential effects on ecology receptors are avoided and/or minimised.
- > Flood Risk Assessment.
- > Water Framework Directive Compliance Form.
- > Environment Agency Consent

FLOOD AND WATER MANAGEMENT

A Flood Risk Assessment has been submitted which concludes that appropriate mitigation

measures have been proposed to counteract any outlined flood risk, primarily as a series of conveyance pipes proposed to be connected through the temporary access track embankments, to provide suitable management of surface water. Consent for the installation and temporary use of the bridge has already been granted by the Environment Agency.

Furthermore, it must be noted that any risk of flooding resulting from the installation of the bridge is reduced by virtue of the limited period of time it will be in situ. In addition, there are limited sensitive receptors in the near vicinity.

The combination of the limited risk associated with the temporary nature of the works with the limited presence of sensitive receptors satisfies officers that the mitigation secured by the Environment Agency would likely be sufficient.

Key mitigations of potential impact on the watercourse required by the EA consent, in addition to compliance with the above documents, are that the bridge shall, unless otherwise agreed in writing by the Environment Agency, be a minimum 5 metres set back from top of bank of the main river; and that the soffit of the bridge shall be a minimum 35.63mAOD.

ECOLOGY

In terms of the location and routing of the temporary bridge, this forms part of Schedule 1 Work No. 2/4B set out in Schedule 1 to the High Speed Rail (London - West Midlands) Act 2017.

The applicant submits that consideration was given in the design to minimising the impact on ecology. For example the alignment was amended to avoid a veteran common alder on the river bank and an offset based on Forestry Commission. Natural England Standing Advice has been identified to ensure that this veteran tree is protected during the installation and operation and removal of the bridge.

The bridge design was also revised to remove 'in channel' supports in part, on ecology grounds. The ecological assessment submitted with the Schedule 33 EA submission encompassed an approximate 500m stretch of the River Colne corridor (extending 250m upstream and downstream of the bridge) and adjoining bankside habitats. It identifies control measures to minimise the impacts on the designated sites and aquatic species and habitat.

It is acknowledged that localised vegetation clearance is necessary in order to construct the temporary bridge. In relation to replacement planting, the applicant submits that it would not be practicable, reasonable, or accord with best practice to seek to replant around the bridge while it is still in use. Firstly any such replacement planting would have negligible effect in mitigating the bridge itself during the short period of its operation and secondly the process of decommissioning the bridge would be likely to damage any mitigation planting that had been undertaken in its vicinity.

The applicant has provided sufficient ecological information to allow officers to engage on the effect and operation of the scheduled work. An ecological assessment has been provided that sets out the impacts of the installation. The continued presence of the bridge over the temporary 18 month period would have limited operational impacts on the conveyance of water and the impacts on aquatic wildlife.

The principle cause for concern therefore is the loss of vegetation as a consequence of the installation of the bridge. Normally, these impacts would be addressed prior to the development taking place and mitigation secured in advance. In this instance, the consideration is whether the mitigation is satisfactory to offset the harm being caused.

The bridge results in a localised level of ecological harm albeit relatively small in nature and scale compared and of negligible impact in the Colne Valley. Nonetheless, there would be an impact and the purpose of this submission is to determine whether suitable mitigation is and will be put in place to offset the small scale harm caused. To that end there are two sets of mitigation requirements for the installation:

Firstly, the works were undertaken in line with a method statement to ensure minimal harm from the bridge when it was constructed. The scope of impacts are likely to be minimal, and officers are satisfied that the location of the bridge was selected to avoid more sensitive sites. Consequently, the conclusions and recommendations in the assessment are supported and the method statement should provide part of the approved documents.

Secondly, wider restoration of the Colne Valley will be subject to further schedule 17 bringing into use submissions and consequently will be an appropriate avenue for securing additional planting to make up for the relatively small scale harm of this temporary bridge. It would not be prudent to undertake a small section of mitigation planting (minimal square metres) to offset the bridge impacts now when there is a wider plan to secure mitigation on a much grander scale associated with HS2 activity as a whole.

It is considered that the practical and reasonable solution would be to provide a suitable restoration scheme after the bridge has been decommissioned. The HS2 Act envisages and provides for this kind of situation in the site restoration provisions in paragraphs 12 of Schedule 17 and paragraph 5 of Schedule 16, in which a site restoration scheme is required to be agreed with both the landowner and local planning authority prior to giving up possession of the land in question.

It is noted that the Written Statement specifies that the loss of trees and vegetation associated with the creation of a the bridge and wider construction access will be subject to a future site restoration submission to LBH and Buckinghamshire Council under Schedule 16(5).

In conclusion, sufficient information has been presented by the applicant and officers are satisfied that the ecological impacts will be minimised and subject to the removal of the bridge being carried out in accordance with the approved method statement, then there should be limited impacts in the future.

The wider restoration plans for the Colne Valley due to HS2 works will incorporate further mitigation to offset the impacts of this bridge with the intention of no net ecological loss.

Consequently, officers are satisfied that the mitigation proposed satisfactorily offsets the harm of the effects and operation of the scheduled work.

CONCLUSION

In addition to the Environment Agency, both Natural England and Historic England have raised no

objections to this 'Bringing into Use' submission in terms of flood risk, ecology and archaeology.

In conclusion, it is the opinion of officers 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 Paragraph 9 sub section (4)(a) of Schedule 17 of the Act.

It is therefore recommended that the 'bringing into use' submission be approved.

8.0 BOROUGH SOLICITOR COMMENTS

Paragraph 9 of Schedule 17 of the High Speed Rail Act 2017 provides that if the relevant planning authority is a qualifying authority, no work to which this paragraph applies may be brought into use without the approval of that authority.

In this instance, the work which this paragraph relates to can be described as scheduled works which are prescribed by Schedule 1 of the HS2 Act. Paragraph 9 applies to all scheduled works, with the exception of work which is underground.

The relevant scheduled work in this instance is Scheduled Work No. 2/4B which relates to a temporary bridge over the River Colne.

The purpose of bringing into use approvals is to ensure that HS2 Ltd takes all reasonably practicable measures for mitigation of the work in question.

Under paragraph 9, the Council must grant approval if:

- . no reasonably practicable measures for mitigating the effect on the environment or local amenity need to be taken, or
- . the Council has approved a mitigation scheme submitted by HS2 Ltd.

The Council may not refuse to approve, or impose conditions on the approval of a mitigation scheme unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified - . to preserve the local environment or local amenity,

- . to preserve a site of archaeological or historical interest, or
- . in the interests of nature conservation,

and that the scheme is reasonably capable of being so modified.

The report before Members sets out the main planning issues in relation to this application from HS2 Ltd in Paragraph 7, which concludes 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 the impact on the local environment and amenity. In the circumstances, this falls squarely within the first limb of paragraph 9, as set out above, and therefore there is no legal reason why Members cannot approve the application.

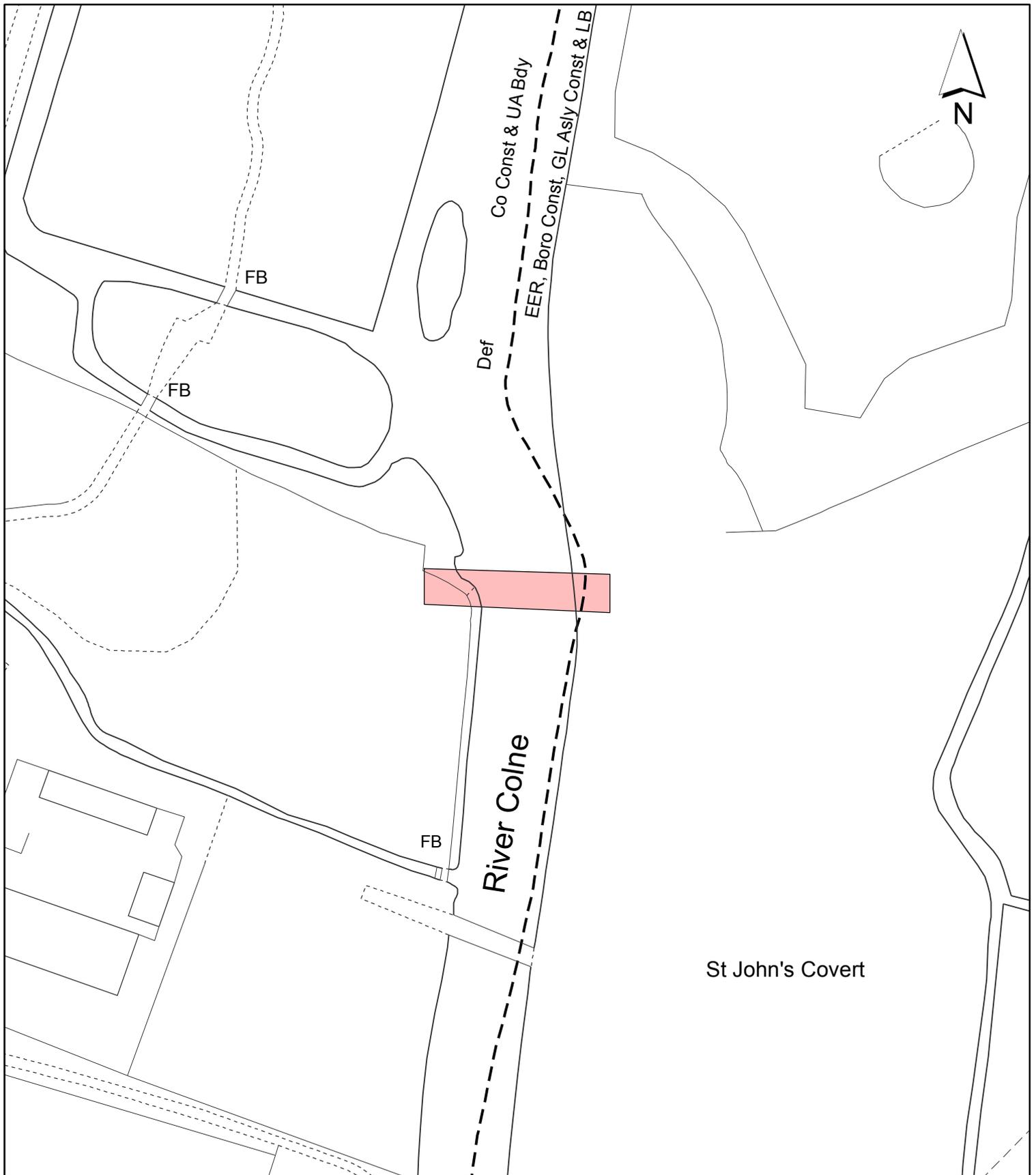
9.0 OTHER ISSUES

None.

10.0 REFERENCE DOCUMENTS

The High Speed Rail (London-West Midlands) Act 2017.
HS2 Planning Forum Note 7 (Bringing into Use Approvals)
Schedule 17 Statutory Guidance Feb. 2017

Contact Officer: Karl Dafe **Telephone No:** 01895 250230



Notes:

 Site boundary

For identification purposes only.
 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).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2020 Ordnance Survey 100019283

Site Address:

**BETWEEN RIVER COLNE
 & G.U.CANAL NORTH OF
 DENHAM LOCK**

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

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

Planning Application Ref:

42471/APP/2020/2631

Scale:

1:1,250

Planning Committee:

HS2

Date:

October 2020



HILLINGDON
 LONDON