

Item No. **Report of the Head of Planning and Enforcement**

Address: LAND AT HARVIL ROAD HAREFIELD

Development: Request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 relating to a site area of 46,528.5m², for the realignment of approx. 1km of Harvil Road, including the Harvil Road Stream Underbridge (comprising wingwalls, parapets, box culvert and mammal ledge); earthworks associated with the highway embankments and access roads associated with the realigned Harvil Road, swales and attenuation pond; and the location of vehicle restraint systems and fencing.

LBH Ref Nos: 76459/APP/2021/2049

Drawing Nos:

Date of Plans:

1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741112_Earthworks p	20-05-2021
1MC04-SCJ_SDH-LS-DSE-SS05_SL08-742001_Earthworks s	20-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741121_Landscape pl	20-05-2021
1MC04-SCJ_SDH-IN-TEM-SS05_SL08-000002_Letter	20-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741113_Earthworks p	20-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741123_Landscape pl	20-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741124_Landscape pl	20-05-2021
1MC04-SCJ_SDH-AR-DEL-SS05_SL08-853001_HRSU bridge	24-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741122_Landscape pl	20-05-2021
1MC04-SCJ_SDH-LS-DSE-SS05_SL08-742002_Earthworks s	20-05-2021
1MC04-SCJ_SDH-LS-DSE-SS05_SL08-742012_Landscape se	20-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741114_Earthworks p	20-05-2021
1MC04-SCJ-EV-MST-SS05_SL08-000001 Method Statement	24-09-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741100_Location pla	20-05-2021
1MC04-SCJ_SDH-LS-DGA-SS05_SL08-741111_Earthworks p	20-05-2021
1MC04-SCJ_SDH-LS-DSE-SS05_SL08-742011_Landscape se	20-05-2021

Drawing Nos:

Date of Amended Plans:

Date Application Valid: 24th May 2021

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 for the realignment of Harvil Road, including the Harvil Road Stream Underbridge (comprising wingwalls, parapets, box culvert and mammal ledge); earthworks associated with the highway embankments and access roads associated with the realigned Harvil Road, swales and attenuation pond; and the location of vehicle restraint systems and fencing.

There is no statutory obligation to consult with neighbours. However, Natural England, the Environment Agency and Historic England (including GLAAS) are statutory consultees for this proposal and have raised no objections.

The application is the latest in a series of HS2 Schedule 17 planning submissions that have 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. This includes the principle of the Harvil Road realignment. The role of the Planning, Authority is therefore heavily restricted as to what can and cannot form the basis of a decision.

No objections are raised to the proposed fencing.

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.

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

1. NONSC Non Standard Condition

The development must proceed in accordance with plan Figure 4 (Section through Tile Kiln) in the Method Statement - Measures for Preservation in situ of a 17th-18th Century Tile Kiln, Harvil Road, Hillingdon. 1MC04-SCJ-EV-MST-SS05_SL08-000001.

INFORMATIVES

1. I99 Non Standard Informative

Full details of graffiti management will be required prior to the railway being brought into use. These details shall include methods of prevention, minimisation and then removal.

2. 199 Non Standard Informative

Full details of the monitoring of operational noise shall be provided to the Council. The monitoring must be transparent, independently assessed and triggers for reviews of noise mitigation (e.g. track side barriers or noise insulation in homes) should be agreed in advance. The Council will expect this information prior to any approval of a bringing into use of the railway (subject to a separate Schedule 17 submission).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located to the east of the existing Harvil Road and crossing over the existing Chiltern Line railway, the proposed HS2 line railway and a main river Newyears Green Bourne. The existing use of the site is open field, consisting of predominantly grassland and tree planting.

The application boundary extends from a point on Harvil Road approximately 300m to the south of Dews Lane in the north to a point approximately 200m south east of the existing Skip Lane and Harvil Road junction in the south.

The existing Harvil Road is a single carriageway route with a narrow footway on the western side of the carriageway. Harvil Road connects Ickenham and Uxbridge in the south with the smaller settlement of South Harefield in the north. Whilst the southern section of the road (to the south of the site) is straight, the central portion (which the diverted section will replace) is asymmetrical, rising in a curve to the west at its junction with Skip Lane where an overbridge carries the road over the existing Chiltern Line Railway below. This railway traverses the Borough in an east-west orientation. The existing Harvil Road then crosses over the Newyears Green Bourne, and for its northern most section, is aligned north south.

Both the immediate and the wider surrounding area are largely open and rural, much of which is designated Green Belt land. The nearest buildings are the predominantly industrial ones occupied by businesses on Skip Lane to the west of the application site, represent the nearest buildings, whilst the nearest residential dwellings are approximately 250m to the north on Harvil Road and Dews Lane.

Much of the surrounding open space comprises agricultural uses, however Uxbridge Golf Course is located to the south west, adjacent to Fray's Valley Local Nature Reserve (LNR), and Dogs Trust West London is located to the north.

The site does not fall within, and is not in close proximity to, any statutory ecological designations. It has been assessed that the proposed works will have no adverse impacts on any statutory ecological designations and therefore no specific mitigation measures are required.

The site falls within two non-statutory ecological designations, the Sites of Borough Importance for Nature Conservation: Brackenbury Railway Cutting SBI.II and Newyears Green SBI.I

For context, the nearest statutory ecological designations to the site are 'Fray's Valley' Local Nature Reserve (LNR), 'Ruislip Woods' National Nature Reserve (NNR) and 'Fray's Farm' LNR which are located approximately 0.6km, 1.1km and 1.3km,

The site does not contain any listed or locally listed heritage assets or have any located within the vicinity of the site.

For context, the nearest heritage assets to the site are the Grade II listed buildings of Barn and Shelter Shed, Forecourt Walls and Highway Farmhouse, and the Grade II listed North Lodge. These heritage assets fall approximately 250m north of the site

3.2 Proposed Scheme

The development consists of operations or works for approval, which are not of a temporary nature, in accordance with Paragraphs 2 and 3 of Schedule 17. The works submitted for approval are outlined below.

The relevant scheduled works as set out under Schedule 1 of the Act to which this Schedule 17 submission relates are:

- Work No. 1/76 - A realignment (part) of Harvil Road commencing at a point 230 metres south-east of the junction of that road with Skip Lane and terminating at a point 223 metres north of that junction. Work No. 1/76 includes a bridge over the Aylesbury to Marylebone Line.

BUILDING WORKS

Building works for approval comprise the elements associated with the development of the Harvil Road Stream Underbridge. The structure is formed of several elements which include a box culvert, concrete mammal ledge, post-and-rail parapet (fixed atop the wingwalls) and reinforced concrete wingwalls. The box culvert is not for approval under Schedule 17 as it is not an external element, the concrete mammal ledge and post and rail parapet are for approval under building works and will be described in this section, and the reinforced concrete wingwalls are for approval under earthworks and will be described further under the earthworks section. The purpose of the Harvil Road Stream Underbridge is to carry the proposed realigned Harvil Road (a single carriageway with footways either side) over the Newyears Green Bourne and allow the continued flow of the Newyears Green Bourne beneath the realigned Harvil Road.

Harvil Road Stream Underbridge is a 50m long single span reinforced concrete box culvert structure which will be buried below the proposed realigned Harvil Road highway and associated embankments. Harvil Road Stream Underbridge will be located to the east of the existing bridge which is a small section box culvert with post-and-rail parapet and a very shallow road construction over the culvert. During periods of heavy rainfall, flood water currently rises over the culvert of the existing bridge and floods the Harvil Road highway above. By contrast, the proposed underbridge has approximately 2.2m clearance between the top of the watercourse channel and the roof of the culvert. This will allow higher water flow levels to pass through the culvert during storm events without resulting in localised flooding to the road. A precast concrete ledge will be located along the width of the

underbridge with a purpose of allowing mammals to cross beneath the road during floods.

At either end of the Harvil Road Stream Underbridge, reinforced concrete wingwalls will wrap around the embankments associated with the Harvil Road realignment works. Sitting adjacent to the top of the wingwalls will be metal post-and-rail parapet, most likely to be constructed using steel. The purpose of the post-and-rail parapet is to act as a safety barrier between the top of the wingwalls and the Newyears Green Bourne below.

EARTHWORKS

Earthworks for approval within this application comprise embankments to support the realigned Harvil Road and associated access roads; drainage swales; an attenuation pond; wingwalls; and the reinstatement of Newyears Green Bourne following completion of construction works. The purpose of each element is outlined below.

The realigned Harvil Road will be formed on a higher level compared to existing to ensure that it can pass over both the HS2 alignment and Chiltern Line railway with adequate headroom, with embankments constructed with the purpose of facilitating this higher alignment.

The southern extent of the realigned Harvil Road will be formed at a level that is similar to the existing (approximately 31.4m AOD). However, the section between the new Harvil Road Overbridge (over Chiltern Lines) and the Copthall Tunnel Western Portal will be lower than the existing ground level, with an approximate maximum lower level of 3m.

Conversely, the section to the north of the Copthall Tunnel Western Portal will be higher than the existing ground level, with an approximate maximum difference of up to 10m.

The realignment of Harvil Road also requires a new junction to be provided with Skip Lane (to the east of the existing one) formed on associated earthwork embankments. The new junction for Skip Lane will utilise part of the existing Harvil Road between the existing Skip Lane junction and the access to businesses. A new junction with a ghost island and deceleration lane will be formed on the straightened realignment of Harvil Road.

In addition to the above, there will be four new access roads that will have junctions with the realigned Harvil Road, with associated earthwork embankments. The first of these will be at a location approximately 70m north of the Newyears Green Bourne, providing access to the proposed attenuation pond for maintenance purposes; this is included in the 'area subject to second phase of approval'. The second of these will be located to the east of Harvil Road and to the north of the proposed HS2 tracks, providing maintenance access to the western portal of the proposed Copthall Tunnel. The third will comprise a junction to be located to the west of Harvil Road and to the south of the proposed HS2 tracks, providing maintenance access to the Copthall Tunnel western portal headhouse

(Copthall Tunnel works are subject to a separate request for approval). The fourth junction will be located further south on the eastern side of Harvil Road and adjacent to the Chiltern Line, to provide access to a proposed HS2 maintenance siding; with regards to road vehicle access off Harvil Road to the HS2 maintenance siding, this will generally consist of one to two vans accessing the site every four to six weeks. The majority of this access road will be included as part of the Copthall

Tunnel Schedule 17 application (in so far as the earthworks that require approval), and only the junction of the access road with Harvil Road (again, only the related earthworks that require approval) is included within this Schedule 17 application.

Drainage swales are proposed along the embankments to the east and west of the realigned Harvil Road. The dimensions of the swales channel beds are approximately 1m with variable slope steepness from approximately 1:3

to 1:5. The minimum depth of the swales varies from 0.2 - 0.3m. There are two swales located to the south of Newyears Green Bourne; the swale to the west is entirely north of the proposed HS2 lines, and the swale to the east is predominantly north of the proposed HS2 lines with a small section falling to the south. The purpose of these swales is to convey surface water runoff from the highway embankments northwards to discharge into Newyears Green Bourne.

There are also two swales located to the north of Newyears An attenuation pond with an approximate internal area of 2,700m² and depth of 2.7m will be provided to the west of Harvil Road and to the north of Newyears Green Bourne and is included in the 'area subject to second phase of approval'. The purpose of the attenuation pond is to capture Harvil Road highway drainage and allow this to be discharged, at a controlled rate of 5L/s, into Newyears Green Bourne. Discharging into Newyears Green Bourne requires consent from the Environment Agency under Schedule 33 Part 5 of the HS2 Act. The London Borough of Hillingdon's planning policy standard for discharge rates is 1-2L/s, however a 1-2L/s hydrobrake has an orifice diameter less than the minimum recommended 75mm and is therefore considered not acceptable due to blockage risk.

A hydrobrake of 3-4L/s would achieve an orifice greater than 75mm, which would reduce blockage risks, however 5L/s would provide the largest orifice at 105mm (preferred diameter) and would provide for the long term, lower risk of blockages, and reduced maintenance regime for HS2. The design of the attenuation pond discharge rate has therefore been progressed based on a 5L/s discharge flow rate.

At either end of the Harvil Road Stream Underbridge, reinforced wingwalls with a fairfaced concrete finish will splay from the box culvert and wrap around the embankments associated with the Harvil Road Highways works. The purpose of the wingwalls is to provide entry for the Newyears Green Bourne watercourse under the bridge and to perform a retaining function for the new road embankments.

During the construction of the realigned Harvil Road, a short section of Newyears Green, Bourne will be temporarily diverted to allow for the Harvil Road Stream Underbridge to be erected. Following construction, the section of Newyears Green Bourne that was, 'stopped up' will be reinstated and the watercourse will continue to flow along its current alignment again.

Walls and fencing (location only)

Walls and fencing for approval comprise the vehicle restraint systems (VRS); security fencing; and boundary fencing. The purpose of each element is outlined below.

The vehicle restraint systems (VRS) (location only for approval) will line either side of sections of the realigned Harvil Road with a purpose to provide additional safety in the event of a vehicular accident, by acting as a barrier at the highway edge for the embankment sections that slope down

either side. The VRS will extend from a point approximately 50m south of the Harvil Road Stream Underbridge in the north to a point approximately 50m north of the new Skip Lane junction in the south. Between these points, the VRS will terminate either side of the four proposed junctions along Harvil Road.

A transition section will be provided between the bridge parapet walls and VRS to visually integrate these two elements, linking the 1.8m security height of the bridge parapet to the lower 0.7m high main section of the vehicle restraint systems; the transition section of the VRS will be 1.1m in height. The transition section will also be applied at the Harvil Road Overbridge (over Chiltern Line) and Harvil Road Overbridge (over HS2 Line), however the bridge parapets themselves form part of separate requests for approval under Schedule 17 of the HS2 Act (the submissions for the Harvil Road Overbridge (over Chiltern Line) and Copthall Tunnel respectively).

Security and boundary fencing (location for approval) will be provided around the attenuation pond and is included in the 'area subject to second phase of approval'. The purpose of this fencing is to keep intruders out of the attenuation pond. This fencing will consist of security fencing to the south west of the attenuation pond and access road, and boundary fencing around the remainder of the safety fencing encircling the attenuation pond.

Boundary fencing will be located at the toe of the embankments for the realigned Harvil Road, their purposing being to discourage unintended access to adjoining land and to demarcate landownership. The boundary fencing will begin from a point 20m south of the northern extent of the boundary to the beginning of the VRS, 50m south of the Harvil Road Stream Underbridge.

Tying into the boundary fencing will be hedgerow planting (not for approval) immediately lining either side of the length of the realigned Harvil Road. At its most north west extent, the hedgerow planting will begin by the attenuation pond junction and tie into the proposed boundary fencing at the junction, and at its most southern extent it will terminate just short from tying into the vehicle crash barriers. The purpose of the hedgerow is to create a continuous visual barrier that will act to deter public access down the embankments and to the culvert structure. The hedgerow planting also creates better landscape and wildlife habitat connectivity, which is also in line with the local hedgerow character which exists along Harvil Road. The hedgerow planting is a landscape element and therefore not for approval.

Other works

In addition to the works outlined above (including the 'area subject to second phase of approval'), there are some other elements associated with the realignment of Harvil Road that are subject to separate Schedule 17 Plans & Specifications applications, these include:

- Harvil Road Overbridge (over Chiltern Lines) (submitted to LB Hillingdon for determination in March 2021);
- The Harvil Road Bridge (over HS2 lines) (to be included in the Copthall Tunnel Schedule 17 application); and
- Newyears Green Bourne Flood Compensation Area (to be included in the Copthall Tunnel Schedule 17 application).

The existing section of Harvil Road that will be permanently stopped up will be removed and the

existing Chiltern Line bridge will be demolished. The area will be returned to a landscape / agricultural use and railway cutting. These works will be subject to a separate Schedule 17 Site Restoration application.

A Schedule 17 Bringing Into Use application will be submitted to include details of the proposed indicative mitigation and planting, however details of this have been included for information as part of a consultation submitted concurrently with this Plans & Specifications submission.

The Harvil Road General Highway Works also require consent under Schedule 4 of the HS2 Act, specifically for the following:

- Alteration of a highway: realigned Harvil Road highway design (including details on road layout/section, earthworks, VRS, drainage, pavements, kerbs, footways, paved areas, road marking, traffic signs, landscaping)
- Interference with a highway: stopping up section of existing Harvil Road
- Creation of new permanent accesses

Schedule 33(5) / Schedule 17

There are several Schedule 33(5) applications associated with the realignment of Harvil Road. Both the creation of a new culvert structure (Harvil Road Stream Underbridge) over Newyears Green Bourne and new discharges to Newyears Green Bourne require Schedule 33(5) consent approval from the Environment Agency (EA). The EA is the consent granting body as the works in question relate to a Main River,

In addition, another Schedule 33(5) consent is required for alterations to highway ditches adjacent to Skip Lane. As these ditches are classified as Ordinary Watercourses, the consent granting body is the Lead Local Flood Authority (LLFA), which in this instance is LB Hillingdon.

Indicative Mitigation

In addition to the works for which approval of Plans and Specifications is required, the overall mitigation scheme in this location also includes the following:

- Grassland planting on road / bridge embankment
- Attenuation pond
- Woodland habitat planting
- Ecological enhancements at reinstated Newyears Green Bourne channel

The mitigation works outlined above will comprise part of the overall HS2 mitigation scheme in relation to all the scheduled works.

No noise mitigation is proposed for the realigned Harvil Road. This is due to the fact that there are only a small number of noise sensitive receptors in the area surrounding the realigned Harvil Road, and these receptors are also already exposed to rail and road traffic noise from the retained sections of Harvil Road.

Details of the indicative mitigation submitted for consultation in accordance with paragraph 7.5.2 of

the Planning Memorandum are provided and are subject to a separate consultation.

The Council's views on the indicative mitigation have been requested separately to this application in the Indicative Mitigation Consultation Letter.

Other indicative mitigation measures

There are further mitigation measures in this area that do not form part of this application but are listed below to provide greater context on the overall HS2 scheme in this area. These measures are:

- Newyears Green Bourne Flood Compensation Area
- Replacement woodland and landscape planting (associated with Copthall Tunnel works)
- Public Rights of Way diversion (Footpath U34)

3.3 Relevant Planning History

The High Speed Rail (London - West Midlands) Act 2017 ('the Act') provides powers for the construction and operation of Phase 1 of High Speed Two. HS2 Ltd is the nominated undertaker in relation to the works subject to this Plans and Specifications submission.

Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by the relevant LPA.

- Construction arrangements (including large goods vehicle routes);
- Plans and specifications;
- Bringing into use requests; and
- Site restoration schemes.

This is therefore a different planning regime to that which usually applies in England (i.e. the Town and Country Planning Act) and is different in terms of the nature of submissions and the issues that the LPAs can have regard to, in determining requests for approval.

Schedule 17 of the Act sets out the grounds on which the LPA may impose conditions on approvals, or refuse requests for approval.

HS2 Ltd as the nominated undertaker is contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs). HS2 Ltd as the nominated undertaker is contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs). The EMRs comprise the following suite of documents:

- Code of Construction Practice (CoCP)
- Planning Memorandum
- Heritage Memorandum
- Environmental Memorandum
- Undertakings and Assurances

These controls along with the powers contained in the High Speed Rail (London - West Midlands) Act and the Undertakings and Assurances are designed to ensure that impacts which have been assessed in the Environmental Statement (ES) will not be exceeded. The Environmental Statement (ES) is an assessment of the likely significant environmental effects of the proposed HS2 railway and the proposals to avoid, reduce or remedy these likely significant environmental effects.

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.EM3 (2012) Blue Ribbon Network

(2012) Blue Ribbon Network

3. PT1.EM6 (2012) Flood Risk Management

(2012) Flood Risk Management

4. PT1.EM7 (2012) Biodiversity and Geological Conservation

(2012) Biodiversity and Geological Conservation

5. PT1.EM8 (2012) Land, Water, Air and Noise

(2012) Land, Water, Air and Noise

6. PT1.HE1 (2012) Heritage

(2012) Heritage

Part 2 Policies:

1. **DMEI 10 Water Management, Efficiency and Quality**

Water Management, Efficiency and Quality

2. **DMEI 11 Protection of Ground Water Resources**

Protection of Ground Water Resources

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

Biodiversity Protection and Enhancement

4. **DMEI 9 Management of Flood Risk**

Management of Flood Risk

5. **DMHB 1 Heritage Assets**

Heritage Assets

6. **DMHB 14 Trees and Landscaping**

Trees and Landscaping

7. **DMT 2 Highways Impacts**

Highways Impacts

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

Development on the Green Belt or Metropolitan Open Land

9. **LPP G2 (2021) London Green Belt**

(2021) London's Green Belt

10. **LPP G6 (2021) Biodiversity and access to nature**

(2021) Biodiversity and access to nature

11. **LPP G7 (2021) Trees and woodlands**

(2021) Trees and woodlands

12. **LPP G9 (2021) Geodiversity**

(2021) Geodiversity

13. LPP HC1 (2021) Heritage conservation and growth

(2021) Heritage conservation and growth

14. LPP SI12 (2021) Flood risk management

(2021) Flood risk management

15. LPP SI17 (2021) Protecting and enhancing London waterways

(2021) Protecting and enhancing London's waterways

16. LPP SI5 (2021) Water infrastructure

(2021) Water infrastructure

17. NPPF13 NPPF 2021 - Protecting Green Belt Land

NPPF 2021 - Protecting Green Belt Land

18. NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding

NPPF 2021 - Meeting the challenge of climate change flooding

19. NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

NPPF 2021 - Conserving and enhancing the natural environment

20. NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

NPPF 2021 - Conserving & enhancing the historic environment

6.0 COMMENTS ON PUBLIC CONSULTATION

6.1 ENVIRONMENT AGENCY

The Environment Agency has received a schedule 33 in relation to the permanent works around Harvil road. We are currently assessing the associated flood modelling therefore although we have no objection to this schedule 17 application we will not be able to issue a schedule 33 until the modelling has been signed off.

HISTORIC ENGLAND (GLAAS)

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the principles set out in the National Planning Policy Framework and GLAAS Charter. In the present context, GLAAS has been providing advice to yourselves and HS2 Ltd on mitigating the archaeological impact of the new railway since the project's inception and we continue to liaise closely with HS2's historic environment team and their consultants.

This application is made under the High Speed 2 (London - West Midland) Act and Historic England is a statutory consultee under Schedule 17 paragraph 18(1)(f) of the Act. This is because the land affected was thought to have archaeological potential and consequently has been subject to archaeological evaluation as described in the applicant's written statement. Whilst most of the diversion route proved to be of limited interest the trenches did discover a substantial brick-built 17th-18th century tile kiln north of the railway and east of Harvil Road. The following image and location plan are taken from HS2 reports provided to GLAAS:

Whilst not of the highest archaeological importance the buried structure is sufficiently well preserved to be of local interest as an addition to the known woodland-based industries of the area. In pre-submission consultations with HS2 (see page 47 of their written statement) I suggested that the structure might be preserved in-situ beneath the new road embankment.

This would presumably entail a minor amendment to the existing design.

It is therefore disappointing that the written statement erroneously asserts that: "The works for approval have been assessed to have no impact on any heritage assets, or their setting, within proximity of the site and the wider area." (2.1.21) and offers no design mitigation for heritage.

Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker must seek approval of these matters from the relevant planning authority. Schedule 17 includes provision for a planning authority to refuse permission if the design or external appearance of the works ought to, and could reasonably, be modified to preserve a site of archaeological or historical interest.

My advice is therefore to request a minor modification to the design to secure preservation in situ of the tile kiln (a non-designated heritage asset) under the new road embankment.

Additional Comments : 23/9/2021

GLASS has been consulted on the Method Statement and are happy with it.

NATURAL ENGLAND

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO COMMENT

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Natural England's advice on other natural environment issues is set out below.

Schedule 17 for HS2

This planning proposal is for a development scheme or works scheduled under the provisions of the High Speed Rail (London-West Midlands) Act (2017) which form part of the High Speed Two

scheme within your area. It should therefore be determined using the planning regime established by that legislation. The Act grants the work deemed planning permission, subject to certain matters and details of the deemed consent being reserved for subsequent local planning authority approval under Schedule 17.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

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.

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

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6.2 HIGHWAY ENGINEER

Background & Summary

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 s17 application is to put into place a process for the approval of certain planning matters relating to the design and construction of HS2. As S17 planning submissions are akin to a submission of reserved matters following a grant of an outline consent, the LPA is severely restricted in determining the acceptability (or otherwise) of a proposal. The principle of the 1 km realignment of Harvil road is therefore established and in the case of this submission, the detail of realignment together with 4 new junction arrangements (inclusive of 4 new access/service roads) and associated earthworks is subject to a separate appraisal under Schedule 4 of the HS2 Act hence there are no formal comments made under this s17 application.

CONSERVATION AND URBAN DESIGN

No comment.

FLOOD AND WATER MANAGEMENT

Objection - Initial feedback With any application involving the management of surface water we would expect to see the calculations demonstrating the way that water will be controlled within the proposed highway to the standards required by HS2. Some details are to be confirmed on completion of survey. It should also be noted that changes to the Phase 2 element around the proposed pond to the west hand side of Harvil Road have been requested and these drawings and landscaping designs do not reflect the design changes requested to increase the above ground drainage and therefore biodiversity benefit and integration across the scheme. The proposals for the discharge rate of 5ls in section 3.2.15 is not considered acceptable to LBH as indicated in feedback to HS2 as not meeting LBH policy requirements.

Best practice has evolved to demonstrate flow controls can control flow much smaller, and can and should be implemented in this proposal. To the south of the HS2 line an ordinary watercourse is proposed to be cut off and replaced. No Schedule 33 has been received by LBH to date incorporating the details required to be submitted to review the impact including detailed drainage design calculations required with any application. The outfall into the ordinary watercourse here appears to be at right angles to flow and should be with the direction of flow. On all the swales where they fall significantly, a way of slowing the flow should be incorporated reducing the need for any formal erosion control on the main river, and ensuring that the highway drainage is also controlled before entering NYGB The drawings submitted do no indicate those responsible for the drainage in the long term which is specifically required in the NPPF Section 14. (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

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

- 7.1 The development consists of the following operations or works for approval, which are not of a temporary nature, in accordance with Paragraphs 2 and 3 of Schedule 17:

BUILDING WOKS

The erection, construction, alteration or extension of any building 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 include the Harvil Road Stream Underbridge. The structure is formed of several elements which include a box culvert, concrete mammal ledge, post-and-rail parapet (fixed atop the wingwalls) and reinforced concrete wingwalls.

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.

EARTHWORKS

Possible grounds for refusal of approval

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

(a) to preserve the local environment or local amenity,

(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(c) to preserve a site of archaeological or historic interest or nature conservation value.

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.

Appraisal

There are two stages to the determination of schedule 17s,

(1) is there sufficient evidence that the proposals would likely have an impact (relative to the considerations set out in the Act) and

(2) whether the proposals could and should be modified to avoid the harm.

With regards to the earthworks, the matters for consideration are

(1) the impacts on the local environment and local amenity,

(2) matters relating traffic and

(3) impacts on sites of archaeological or nature conservation value.

If it finds that there are adverse concerns, then the Council needs to be able to demonstrate that the earthworks can be reasonably modified.

Earthworks for approval comprise earthworks associated with the highway embankments and access roads associated with the realigned Harvil Road, swales and attenuation pond.

Local Environment and Local Amenity:

With regard to design, officers are of the opinion that the earthworks would have a detrimental impact on the local environment and local amenity, principally through the visual intrusion.

However, as set out above, these earthworks have been approved in principle in this location and are necessary to facilitate the construction of HS2. Consequently, earthworks will be necessary to achieve this approved part of the scheme.

The applicant submits that the earthworks has been reduced by the careful design of materials, locations and screening to maximise the integration of the works into the local environment.

Ecology

In terms of ecology, Natural England raises no objections to the proposed works. It is not therefore considered that the design or external appearance of the works ought to, and could reasonably, be modified to preserve a site of nature conservation value.

Officers cannot see any other reasonable modifications that would reduce or remove the harm on the local environment, whilst still facilitating the delivery of the approved scheme. Therefore, it is not considered that the design or external appearance of the work sought to be modified to preserve local environment or amenity.

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.

Heritage and Archaeology

The Applicant has been in discussion with GLAAS about the impacts of a historic tile kiln in the location of the development site. The tile kiln has archaeological merit and therefore requires protection. Concerns were initially raised by GLAAS that the construction works would adversely impact the tile kiln and a modification to the works was required. Further discussions between the two parties have resulted in a method of retaining the archaeological feature in situ providing construction is designed and carried out in accordance with a method statement (1MC04-SCJ-EV-MST-SS05_SL08-000001, 10 August 2021).

In terms of the scope of Schedule 17, the Council has powers to seek modifications to the design of the works if there are adverse impacts to archaeological features. In this instance, those concerns have been addressed by a proposed method statement which include the need for modifications to the design of the earthwork. This method statement is therefore necessary to provide comfort to the planning authority that the archaeological feature is protected in accordance with the grounds of Schedule 17.

If the design requirements of the method statement are not secured by way of condition and placed within the control of the Local Authority then HS2 Ltd become judge and jury of their own work and there is no certainty that the method statement will be adhered to for example if HS2 Ltd consider doing so would result in programme delay or additional cost.

Officers have been in discussion with HS2 Ltd about securing the requirements of the method statement as part of the Schedule 17 planning controls. Although agreement is not required for the imposition of conditions on Schedule 17 earthwork applications it is in the interests of all parties to work collaboratively.

Officers have discussed the principle and wording of a suitable condition and the following has been agreed.

The development must proceed in accordance with plan Figure 4 (Section through Tile Kiln) in the Method Statement - Measures for Preservation in situ of a 17th-18th Century Tile Kiln, Harvil Road, Hillingdon. 1MC04-SCJ-EV-MST-SS05_SL08-000001.

The Council is only required to consider the design and external appearance of the works. Normal approaches regarding the methodology for construction are outside of the remit set by Schedule 17 of the HS2 Act. Therefore the plans within the method statement are pertinent to the assessment. The above construction of the earthworks would be monitored in consultation with the applicant and GLAAS to ensure the relevant plan has been adhered to.

Flood Risk

The works form part of a wider body of construction activity that ideally should not be considered in isolation at a strategic level. However, as with most of the HS2 works, that is exactly what the Local Planning Authority is required to do; this is a complex engineering project that is a series of smaller

projects amassing to one major piece of infrastructure. Invariably pieces of this project will come forward at various times and it would be impractical for all consents and designs to be undertaken upfront. Consequently, isolated parts of the projects will come forward even if they rely on mitigation to be delivered within a later part of the project.

This development illustrates this point clearly. The realignment of Harvil Road will pass over the New Years Green Bourne. This watercourse will be impacted by works east and west of Harvil Road and subject to different submissions.

In addition, the New Years Green Bourne will be subject to realignment by a different contractor to Harvil Road contractor.

It is not possible or feasible to await the design of every element of work that impacts the New Years Green Bourne, either directly or through additional drainage to it. However, the Council needs to fully understand at a strategic level, what the 'plan' is for ensuring that all the pieces align. In this instance, drainage from the Harvil Road realignment and other works on the New Years Green Bourne will require flood compensation areas and drainage ponds. The detailed designs of these form part of other proposals so at this stage the key is to ensure we know that a) this development has appropriate connection routes and drainage arrangements and b) that the broad location and capacity of these holding ponds and compensation areas are known.

The information initially submitted with this application was not sufficient and complicated by a different flood model for the New Years Green Bourne realignment. Discussions have been ongoing to ensure that the Environment Agency has agreed the correct model and ensured that there is a clear and coherent understanding of the strategy and how this development fits within it.

Confirmation has now been provided as to this strategy i.e. ADDITIONAL INFORMATION RELATING TO FLOOD RISK AND DRAINAGE (Schedule 17 Harvil Road realignment works ref: 76459/APP/2021/2049). Consequently, the concerns relating to the risk of flooding and those raised by the Flood and Water Management Team will be addressed through the detailed design of works to come forward and in particular holding ponds and flood compensation areas. The broad strategy is acceptable at this stage and the Environment Agency has confirmed no objection.

There is no need for a condition for this approval, but the Council will scrutinise the emerging plans on the compensation areas to ensure they align with these proposals. To provide further comfort and control, these proposals would be subject to a 'bringing into use' application under Schedule 17. The Council will not consent to this until the suite of detailed works demonstrate that there will not be an increase risk in flooding to people and property and that drainage is managed appropriately.

FENCES AND WALLS (except for sight, noise and dust screens)

Possible grounds for refusal of approval -

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

Appraisal

The works have been located in accordance with the route alignment of the HS2 rail scheme, as contained within the Act and the accompanying parliamentary plans, and the associated technical requirements arising from the operation of the railway. Therefore, it is not considered that the works ought to or could reasonably be located elsewhere within the development's permitted limits.

8.0 BOROUGH SOLICITOR COMMENTS

This application falls to be considered under paragraphs 2 and 3 of Schedule 17 of the High Speed Rail Act 2017.

Paragraph 2 is concerned with building works which are defined as the 'erection, construction, alteration or extension of any building, other than a temporary building'.

Paragraph 3 relates to other construction works and specifies that development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by a qualifying authority. Both earthworks and fences fall within the remit of paragraph 3.

The recommendation in the report is to approve HS2 Ltd's Schedule 17 application, subject to a condition and two informatives which are identified on pages 3 and 4 of the report.

As Members of the Committee will be aware, the Council can only refuse Schedule 17 applications if one or more of the statutory grounds for refusal in paragraphs 2 and 3 of the Schedule apply. In summary, these are:

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".

Informatives do not feature in the HS2 Act. With regard to the condition that is being proposed by officers to attach to the approval of the application, Members can only lawfully agree it if one or more of the above statutory grounds applies. It is important to note that, unlike the position with Schedule 17 applications where the consent of HS2 Ltd is required before the Council can impose a condition to an approval of an application, there is no similar requirement with respect to Schedule 17 and applications.

However, HS2 Ltd has effectively acknowledged its consent to the imposition of a condition on this approval by agreeing in writing that it will not seek to appeal in the event that it is agreed by the Committee. Notwithstanding this, the onus remains on Members to satisfy themselves that the design of the works ought to, and could reasonably, be modified to preserve a site of archaeological interest, which justifies the imposition of a condition on HS2 Ltd, requiring it to ensure that the development must proceed in accordance with Plan Figure 4 of the Method Statement.

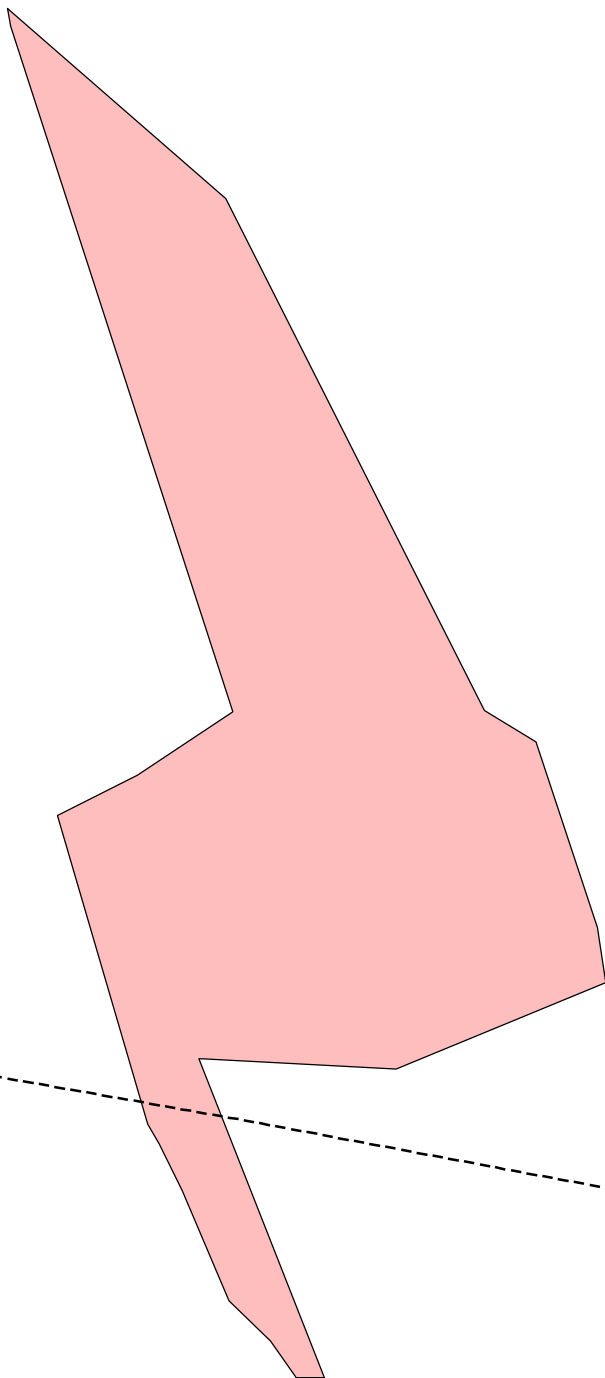
9.0 OTHER ISSUES

None.

10.0 REFERENCE DOCUMENTS

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

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**Notes:**

 Site boundary

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Site Address:

Land at Harvil Road

Planning Application Ref:

76459/APP/2021/2049

Scale:

1:6,000

Planning Committee:

Major

Date:

October 2021

**LONDON BOROUGH
OF HILLINGDON**
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Planning Section**

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