

landscape Sheet 1

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Drawing Nos:

Date of Amended Plans:

Date Application Valid: 19th November 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 the placement of excavated material from the Copthall Tunnel, to form mounds on two separate areas within the site, on land immediately to the north of Newyears Green Lane as follows:

- The western mound rising to a height of approximately 16 metres above existing ground level at its highest point, using approximately 209,000m³ of material.
- The eastern mound, rising to a height of approximately 18 metres above existing ground level at its highest point, using approximately 468,000m³ of material.

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 placement of excavated material from the Copthall Tunnel. The role of the Planning, Authority is therefore heavily restricted as to what can and cannot form the basis of a decision.

This application effectively seeks two different approvals:

Approval 1 - The application is a 'waste and soil disposal development' submitted under Paragraph 7 of Schedule 17. As set out in the written statement:

"Paragraph 7(8) outlines further grounds for approval of 'waste and soil disposal and excavation'; however paragraph 7(9)(b) stipulates that the grounds under paragraph 7(8) do not apply to land

listed under Schedule 5 of the Act. The land parcels subject to this application (detailed on Parliamentary Plans Volume 1 Replacement Sheet No. 1-48: land parcels AP4-27, AP4-29 and AP4-33 to AP4-39 - see Figure 1 below) are included in Schedule 5 of the Act for the purpose of 'provision of environmental mitigation'; therefore, paragraph 7(8) grounds do not apply. Therefore, consideration of environment, amenity, road safety and archaeological / historic interest (i.e. the grounds outlined in Schedule 17 paragraph 7(8)(a-c)) are not applicable to the determination of this Plans and Specifications application."

Consequently, as the proposals related to listed works identified as Additional Provision 4 of the Environmental Statement and reflected in Schedule, there is limited scope to consider matters relating to the plans and specifications presented.

Approval 2 - However, the plans and specifications effectively approved as part of the constraints of Schedule 17(7)(9) cannot be commenced until the Local Planning Authority has approved a scheme for restoration under Schedule 17 paragraph 8. The constraints associated for Approval 1 are not replicated for the Schedule 17(8) restoration requirements:

Schedule 17(8)(3):

"The relevant planning authority may only refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified."

Consequently, officers consider that there is suitable scope to ensure that the restoration of the proposals are appropriate to the London Borough of Hillingdon and its residents.

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

Officers are of the opinion that in accordance with the parameters set out in Schedule 17, paragraph 7(7) of the Act, the proposed design or external appearance of this disposal site and the methods by which the site is worked are satisfactory. In addition, it not considered that the noise, dust, vibration or screening arrangements during the operation of the site ought to, and could reasonably be modified.

However, Officers are concerned about the long term land use of the mounds, particularly the eastern mound. The current vision for these mounds lacks clarity and therefore the benefits to Hillingdon residents are not obvious.

Furthermore, HS2 Ltd has raised concerns about the management of the eastern mound with regards to anti-social behaviour, for example dirt biking and the active land management strategy in the short term would be to secure the eastern mound until a long term plan materialises.

Officers consider this unacceptable and therefore as presented the restoration of the land would be detrimental to the amenity of the area and represent a possible risk of anti-social behaviour. This is because the restoration plans make no alternative provision for a land use that could safeguard the site, nor introduce an effective land management regime that is beneficial to residents. Without this vision, the mounds become simply a beneficial option for the HS2 project to dispose of material, but

no material long term benefits to residents. Furthermore, the current proposals are accepted as presenting a risk of anti-social behaviour.

Consequently, the restoration proposals as presented ought to be modified to remove the risk of anti-social behaviour and provide a benefit to residents.

In order to resolve this problem, officers have been in dialogue with HS2 Ltd about the need for a planning condition that allows for a change to the presented restoration. This condition, agreed by HS2 Ltd, allows for the final landscaping and changes to land form, to create improved planting and infrastructure to reduce the threat of anti-social behaviour and allow the restoration of the mounds to have a positive land use.

No objections are raised to the location of the proposed fencing.

2. RECOMMENDATION

APPROVAL

1. NONSC Non Standard Condition

Prior to the commencement of the restoration of the land under Schedule 17 paragraph 8, details comprising reasonable modifications to the scheme of restoration necessary to facilitate potential pedestrian access/route(s) across the site, including any additional planting to support routes, prevent anti-social behaviour and improve biodiversity shall be submitted to the Council and approved in writing.

REASON

The scheme ought to be modified to ensure the restoration of the land could facilitate future access, include complimentary planting, prevent anti-social behaviour and contribute positively to the wider network of biodiversity corridors

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site, also referred to as the Ruislip Northern Sustainable Placement site (RNSP), is located to the north of Newyears Green Lane, west of Breakspear Road South and south of Bayhurst Woods. The previous use of the site (prior to its acquisition for the HS2 works) was for agricultural purposes. The application boundary covers an area of approximately 30 hectares.

In the wider area, there are significant areas of green space which include Ruislip Woods, Bayhurst Woods, Uxbridge Golf Course and Ruislip Golf Course, and forms part of the Colne Valley Regional Park. Located to the west of the site (outside the application boundary) is a historic landfill site. The site is designated Green Belt land.

As stated above, much of the immediate surrounding areas comprise open space and woodland. However there are also residential and light industrial uses scattered across the local area. Immediately south of the site lies the settlement of Newyears Green which predominantly comprises industrial buildings occupied by several businesses. The nearest residential receptors to the site are Rose Farm House, located immediately northeast of the site, and 1-4 Newyears Green Lane and St. Leonard's Farm, both of which lie immediately south of the site.

Three Public Rights of Way (PRoWs) cross the site. To the west of the site, footpaths U36 and U37 link Bayhurst Woods with Newyears Green, and to the east of the site Footpath U38 links Newyears Green with Fine Bush Lane, leading to Ruislip Common.

An existing Ordinary Watercourse that is a tributary of Newyears Green Bourne crosses the western part of the site in an east west direction.

3.2 Proposed Scheme

The works submitted for approval under this Schedule 17: Plans and Specifications application comprise several elements, on a site 299,165.4m² in extent, for the placement of excavated HS2 material arising from HS2 works to form 2 no. mounds (i.e. western and eastern mound), fencing (location only), the diversion of an ordinary watercourse to facilitate the western mound creation and associate drainage in the form of swales, culverts, and pond.

The placement of excavated material from the Copthall Tunnel area will be undertaken to form mounds on two separate areas within the site, as follows:

- The western mounds on land immediately to the north of Newyears Green Lane, rising to a height of approximately 16 metres above existing ground level at its highest point, using approximately 209,000m³ of material.
- The eastern mounds, on land immediately to the north of Newyears Green Lane and west of Breakspear Road, rising to a height of approximately 18 metres above existing ground level at its highest point, using approximately 468,000m³ of material.

The eastern mound covers a total area of approximately 71,067 m² of agricultural land north of Newyears Green Lane and just east of Breakspear Road South. The western mound covers agricultural land area of approximately 37,659m². The overall application boundary covers an area of 299,165 m².

Swales are proposed to be located around the entire base of the eastern mound, as well as to the north and south-east of the western mound, which is submitted as part of this Schedule 17 application. The swales will have a variable dept, starting from a minimum of 30cm and a typical bed width of approximately 1m, with sides of variable slope gradient, typically of 1:3m. Although the

formation of the swales is for approval under this application, the applicant advises that consent will also be sought from LB Hillingdon as Lead Local Flood Authority (LLFA), under Schedule 33 Part 5 of the HS2 Act for the permanent creation of swales discharging to existing Ordinary Watercourses.

Details of how the scheme will be restored (i.e. landscaping) and maintained in the longer term are the subject of a Schedule 17 paragraph 8 Site Restoration approval, which is submitted in parallel with this application.

There are a number of other consents required in relation to the Ruislip Northern Sustainable Placement site; these are:

- Schedule 33, Part 5 of the HS2 Act - Protective Provisions
- Schedule 4 of the HS2 Act - highways interference, including temporary Public Rights of Ways (PRoW) diversion consent
- Environmental Permit (The Environmental Permitting (England and Wales) Regulations 2016)
- Section 61 of the Control of Pollution Act 1974

3.3 Relevant Planning History

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). 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.

Planning Context for Waste Disposal

If the relevant planning authority is a qualifying authority (as is the case here), waste and spoil disposal development must be carried out in accordance with Plans and Specifications approved by that authority under paragraph 7, and Site Restoration under paragraph 8 of Schedule 17 of the Act. LB Hillingdon is the relevant planning authority and also a qualifying authority.

The only grounds for determination of a Schedule 17 Plans and Specifications application under Schedule 17, paragraph 7(7) are 'that

- (a) the design or external appearance of disposal sites (in the case of the disposal of waste and soil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits,
- (b) the methods by which such sites or pits are worked, or
- (c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits, ought to, and could reasonably, be modified.'

Paragraph 7(8) outlines further grounds for approval of 'waste and soil disposal and excavation'; however paragraph 7(9)(b) stipulates that the grounds under paragraph 7(8) do not apply to land listed under Schedule 5 of the Act.

The land parcels subject to this application are included in Schedule 5 of the Act for the purpose of 'provision of environmental mitigation'; therefore, paragraph 7(8) grounds do not apply.

Therefore, consideration of environment, amenity, road safety and archaeological / historic interest (i.e. the grounds outlined in Schedule 17 paragraph 7(8)(a-c)) are not applicable to the determination of this Plans and Specifications application. Only the grounds under Schedule 17, paragraph 7(7) set out above apply.

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. NPPF12 NPPF 2021 - Achieving well-designed places

NPPF 2021 - Achieving well-designed places

18. NPPF13 NPPF 2021 - Protecting Green Belt Land

NPPF 2021 - Protecting Green Belt Land

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

NPPF 2021 - Meeting the challenge of climate change flooding

20. **NPPF15 NPPF 2021 - Conserving and enhancing the natural environment**

NPPF 2021 - Conserving and enhancing the natural environment

21. **NPPF16 NPPF 2021 - Conserving & enhancing the historic environment**

NPPF 2021 - Conserving & enhancing the historic environment

22. **NPPF4 NPPF 2021 - Decision-Making**

NPPF 2021 - Decision-Making

23. **NPPF9 NPPF 2021 - Promoting sustainable transport**

NPPF 2021 - Promoting sustainable transport

6.0 COMMENTS ON PUBLIC CONSULTATION

6.1 HISTORIC ENGLAND (GLAAS) (Summary)

Significant medieval and earlier remains have been found, although as noted in the applicant's supporting statement, there is a relatively low level of dispersed activity, non of which would merit redesign of the scheme to preserve buried remains in-situ. The construction of the landscaped bunds will involve extensive ground works and so, as noted by the applicant, a scheme of investigation has been agreed.

It would be desirable if some interetation cold e provided, foe example along footpath U17, which may follow an historic access track into Bayhurst Woods. The excavations have revealed dispersed settlement and woodland industries around (and presuably associated with) the ancient woodland.

Environment Agency

The placement of excavated material at this location (what has been referred to as sustainable placement) was identified as requiring an inert landfill permit at a very early stage. As such we have been engaging with HS2/SCS around creating a suitable proposal and the level of supporting information required at the permitting stage.

The application is currently in its final stages and it is intended to be drafted up over the coming weeks. There are no outstanding environmental issues connected to the current proposal and therefore there would not be any design changes as a result on finalising the permitting documentation.

The Environment Agency has no objection to this schedule 17 application.

Natural England (Summary)

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.

We advise that, in determining the consultation, the planning authority should have regard to the permissions already granted under The Act, and to any relevant supporting documents to The Act.

6.2 Tree and Landscape Officer

This Schedule 17 submission relates to the spoil dumping proposal required by the HS2 project to accommodate approximately 300,000m² of material generated by the tunneling operations. Prior to its acquisition, the land was primarily used for agricultural purposes. One large hillside will be created to the north-west of the junction of Breakspear Road and New Years Green Lane. A second hill will be created to the west whose southern perimeter will also be bounded by New Years Green Lane.

Comment: The Mounds

The proposals show the easternmost hillside with four peaks ranging from 59 - 69.4 metres above existing ground levels which vary between 61 - 55 metres. The western range will have three peaks varying between 58 - 65 metres starting from existing ground levels of between 47 - 55 metres. Typical topography and land forms have been illustrated by long cross-sections through the sites.

The proposals incorporate re-aligned / reinstated watercourses, drainage swales, a number of planting typologies - incorporating ecological mitigation - including new and existing/ enhanced features (see planting schedule below), and the re-instatement of Public Rights of Way (pedestrian access, footpaths and gates).

Comment: Planting Schedule

Drawing No. SLO7-716130 Rev PO4 provides a written schedule of native plants according to the landscape typology, including woodland dry mix, woodland edge, woodland wet mix, specimen trees, scrub dry mix, scrub wet mix, hedgerow native, dry grassland and wet grassland. The first section of the Hedgerow Native - HN-B mix (centre column / bottom row) grassland is titled 'hedgerow shrub species' only lists tree species and should be retitled accordingly. - The list below is correctly titled 'hedgerow shrub species'. Within the list of trees, English oak accounts for 30% of the mix. At present Oak Processionary Moth is colonising oaks in Hillingdon, a pest that can be harmful to people and animals if touched. It is considered to be acceptable in this location due to its relative isolation from human targets.

The mix also contains a low percentage (total 6%) of native elms, *Ulmus glabra* and *Ulmus procera*. These species have been in decline in Britain since the 1920's due to Dutch Elm Disease, with more concentrated losses during the 1960's and since. While some disease resistant varieties have

been bred and have become available, the specification of these two species is considered to be risky - unless evidence is provided to support their inclusion in the planting mix?

Comment Details

Fencing details to protect the site have been submitted including 1200mm stock proof fencing and 1500mm high fencing against muntjac and roe deer.

Supporting Docs

Supporting documents submitted:

- a Works Method Statement (for the construction of the mounds), doc. ref. 000007.
- a Site Restoration and Aftercare Plan, including maintenance schedule for 0-10 and 0-15 years post completion, doc. ref. 000001
- a written statement of the Plans and Specifications, doc.ref. 10003 .

Recommendation

Issues relating to PROW and watercourses should be referred to specialist colleagues. Justification for the inclusion of elms, *Ulmus glabra* and *U.procera*, in the planting schedules is required. Additional construction details are required for all site furniture and finishes to include items such as gates, fences and footpath construction. Additional details about topsoil and subsoil management (a handling, storage and placement) is required.

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

7.1 Waste and Soil Disposal and Excavation

The works for approval in this submission are not scheduled works included in Schedule 1 of the Act. With the exception of fencing, all the works are required to facilitate material placement under paragraph 7. As stated in preceding sections of this report, the only grounds for determination of a Schedule 17 Plans and Specifications application under Schedule 17, paragraph 7(7) are 'that (a) the design or external appearance of disposal sites (in the case of the disposal of waste and soil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits, (b) the methods by which such sites or pits are worked, or (c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits, ought to, and could reasonably, be modified.'

Only the location of fencing is for approval in this application, under paragraph 3.

The Design and External Appearance of the Disposal Site

The works will consist of the erection of two mounds (eastern and western), of approximately 18m and 16m in height; the diversion of an unnamed Ordinary Watercourse; the provision of swales around the mounds to capture surface water run-off; the provision of a new pond connecting to new swales around the eastern mound designed to attenuate water flow before discharge to an existing unnamed Ordinary Watercourse along Breakspear Road North. The proposed pond will be connected to the existing pond west of Breakspear Road North by a new culvert under footpath U38.

The requirement to build the mounds arose from the need to re-use the material excavated from Cophthall Tunnel, which is south of this application site. Material will be excavated at the Cophthall Tunnel site (to form a cut-and-cover tunnel); this material will then be transferred to the application site. This strategy supports the re-use of material locally, which allows for reduced lorry numbers in the Borough.

The proposed mounds will be located within an area surrounded generally by higher topography and the highest points of the mounds will not be greater than existing local highpoints. Bayhurst Woods has a natural topographical elevation of 75m+AOD and the proposed mounds have a maximum elevation of 69.4m+AOD for the western mound and 65.2m+AOD for the eastern mound.

Design Criteria and Rationale

The Written Statement submitted in support of this application states that the design intent for the Ruislip Northern Sustainable Placement is to integrate the on-site placement of excavated material arising from nearby HS2 works with the existing landscape topography and existing water system, whilst enhancing the ecological biodiversity and wider connectivity of the site.

Key design objectives are:

- Integration of the sustainable placement into the existing landscape;
- Meeting landowners' requirements concerning the future upkeep of the land (U&A 70)
- Providing ecological mitigation planting along the route, in line with Environmental Statement (ES) requirements;
- Incorporating natural flood management and drainage principles, such as wet woodland and ponds in low-lying areas to mitigate the impacts of the mounds in accordance with the powers conferred to HS2 Ltd by the Act;
- Minimising the visual impact on local sensitive receptors as far as reasonably practical;
- To increase ecological biodiversity by introducing a rich variety of natural habitats;
- To promote a multi-functional landscape; and
- To allow for the provision of a safe and comfortable network of Public Rights of Ways.

Central to achieving the design objectives is the enhancement of ecological habitats and corridors through appropriate land forms. Habitat creation will be in the form of grassland, scrub and woodland. Hedgerows and woodland corridors are proposed, extending to / from Bayhurst Wood, providing opportunities to strengthen existing bat corridors and routes for local wildlife. Where appropriate, existing hedgerows will be enhanced, and the intention is to enhance the network of existing ponds.

Design Constraints

The Ruislip Northern Sustainable Placement permanent works have considered the following constraints:

- Minimising the impact on local residents
- Utility corridors and easements
- Interaction with existing Public Rights of Way
- Drainage and flood mitigation
- Landownership
- Ecology
- Historic Environment

The applicant points out that the above constraints do not necessarily relate directly to the grounds for determination applicable to this Schedule 17 paragraph 7 application (e.g. environment, amenity and historic environment are not considerations for determination). However, these are included in the Written Statement to demonstrate how the proposals have been considered and designed within the existing context with which they are located.

Minimising the impact on local residents

During the Hybrid Bill's passage through parliament, a range of legally binding commitments (known as Undertakings & Assurances (U&As)) were given to petitioners. U&A 1987 given to adjacent residential receptors to the Ruislip Northern Sustainable Placement site requires the exclusion of material being placed from within an area of approximately 150 metres from the cottages at 1-4 Newyears Green Lane and from within an area of approximately 350 metres west of Rose Farm House on Breakspear Road North. The design of the mounds, as presented within this application, is in compliance with the required exclusion zones as no sustainable placement is proposed within these areas.

Utility corridors and easement

There are three utility corridors that traverse the site, each of which has an easement relative to the size of the main that prohibits placement of any material within a certain distance of the utility.

- Affinity Water Main - easement prevents placement of material 6m either side of the main alignment = total 12m
- Cadent Gas Main (north) - easement prevents placement of material 12.2m either side of alignment = total 24.4m
- Cadent Gas Main (south) - easement prevents placement of material 6.1m either side of alignment = total 12.2m

The above easements result in a total area 22,660m² within the site boundary on which material cannot be placed to form part of the sustainable placement mounds.

The applicant submits that in compliance with a general U&A requiring communication with utility companies to protect all utility plant and equipment affected by the project, there has been ongoing engagement with the relevant utility owners to ensure protection of their assets. A collaborative relationship was established with Affinity Water to manage the proposed diversion of a main through the application site; a mutually agreeable solution was agreed, and the Ruislip Northern Sustainable Placement proposals were updated as necessary. The design of the Ruislip Northern Sustainable Placement has responded to the utility corridor and easement constraints and no sustainable placement is proposed within these areas.

Design Evolution

The applicant explains that the design of the mounds has evolved in response to various design constraints as outlined above, as well as the need to minimise the visual impact on residential receptors. The footprint of the Ruislip Northern Sustainable Placement set out in the ES covered an area of 24.8ha which closely bordered Bayhurst Woods to the north, Breakspear Road South to the east, and Newyears Green Lane to the south and south-west. Since then, the design has been developed and has evolved through Scheme Design and Early Detailed Design stages, into the scheme that is included within this submission for approval.

The evolution of the design has resulted in the sustainable placement being split into two separate

mounds to minimise impacts on the existing composting facility at this location. Furthermore, the footprint of the eastern mound has been significantly reduced, and the western mound footprint has been slightly reduced. To ensure that sufficient volumes of material can still be accommodated within the mounds, they have both increased in height when compared to the estimates of 3m specified within the Environmental Statement. The sustainable placement of material within the West Ruislip area is an essential element of minimising HS2 lorry movements within Hillingdon.

Officer comment on design

The proposed mounds are limited in height by their nearby surroundings and in particular the high points in Bayhurst Woods.

The habitats created will consist of broad leaved woodlands, wet woodlands, wood pasture and parkland, scrub and, native hedgerows, seasonal and permanent ponds and species-rich grassland. The variety of habitats provided will ensure a wide range of biodiversity on site but its not yet clear how this links with the wider land restoration in the surrounding area.

Woodlands will be provided around the mounds and at the base of the mounds to integrate them in with the surrounding landscape. The proposed woodland has also been integrated with the drainage design to provide natural flood alleviation measures at the bottom of the mounds, next to the swales, in order to increase surface roughness and absorb potential water run-off from the mounds.

Proposed trees have also been integrated into the existing hedgerows in order to reinforce their role as an ecological corridor through the site. This will be particularly visible to the south of the western mound, alongside Newyears Green Lane and to the east of the eastern mound, alongside Breakspear Road South.

Although Schedule 17(7) restricts consideration of the proposals, Schedule 17(8) provides flexibility to the Local Planning Authority to seek necessary modifications to ensure the submission is acceptable.

Although the land forms are significantly higher than the proposals presented in the Environmental Statement, the large footprint allows them settle within the area. In order for the Council to raise concerns about the land form profiles there would a) have to be a demonstrable adverse impact and b) a modification to resolve the harm.

The land forms will be integrated into the existing landscape and present undulations similar to that of Bayhurst Woods to the north. When viewed from critical publicly accessible rights of way, the land forms are not considered to be adverse.

Furthermore, it must be noted that the benefits of the mound to the project, i.e. a local receptor site for disposal of material also benefits residents by removing a significant amount of vehicles off the road network. It is therefore not recommended that modifications are sought to the land form.

In terms of restoration though, the long term plans for the mounds are not yet coherent. The eastern mound in particular is not presented as a coherent landscape that links with wider biodiversity aims in the area, or Bayhurst Woods. Furthermore, as the land is not being restored to agricultural use in line with the original plans in the Environmental Statement then there is a

concern over what does happen to the eastern mound. No vision for its use has been presented as part of the restoration, it is simply a mound. In addition, because of its land form and no active land management (i.e. it will not be farmed) then it has been identified as being at a risk of anti-social behaviour from activities such as dirt biking. This requires HS2 Ltd, as the default land managers in the 5 year settling in period, to effectively secure the site from any public access. This, combined with no long term land use, presents a significant concern to officers. The long term harm therefore outweighs the short term benefits of finding a disposal site for material for HS2 Ltd.

In response to these concerns, officers have worked collaboratively with HS2 Ltd to find a solution. It has been agreed that a planning condition can be imposed on the approval that effectively allows time to find appropriate solutions to landscaping the acceptable (in the opinion of officers) land forms, to ensure that long term benefits can be realised and that would allow effective long term land management.

The western mound is more advanced and allows for both a positive landscape at the base of the mound and opportunities for recreational access to the summit. This would provide a new and interesting feature to the area and the long term management of this site is expected to retain the access to the summit.

Nonetheless, the western mound also requires long term management and aftercare, to ensure it contributes positively to residents and the borough in perpetuity.

The proposed landscaping and restoration condition covers both mounds.

Construction Method and Noise, Dust, Vibration and Screening Arrangements

The works subject to this request for approval of Plans and Specifications will be undertaken in accordance with the HS2 Code of Construction Practice (CoCP)9 and the Class Approvals. Details of how the site will be worked (including arrangements for noise, vibration, dust and screening) are covered in the Site Works Method Statement, which is submitted as part of this Schedule 17 application, as summarised below.

The works will consist of the following steps:

- The topsoil will be stripped (this will then be used as screening for cottages on Newyears Green Lane)
- The basal layer, made of Class 2G* London clay, will be constructed
- A cut for the temporary drainage V-ditches will be made and the temporary attenuation pond excavated
- The permanent material will be built up
- The permanent topsoil will be placed
- The permanent drainage swales will be formed and temporary V-ditches will be back -filled

Ordinary Watercourse Diversion

The Ordinary Watercourse diversion will be cut and lined with erosion protection following the construction of temporary culverts. Following construction of the permanent culverts, the new Ordinary Watercourse diversion channel will be connected to the current Ordinary Watercourse channel, as specified under the associated Schedule 33 approval. The placement of material will follow the diversion of the Ordinary Watercourse.

Material placement

The material from which the sustainable placement areas will be formed will arise from the excavation of the Cophall Tunnel. This excavation will be completed in stages (from west to east), and initially, on a temporary basis, the excavation material will be stored south of Newyears Green Lane.

A temporary haul road, which is not part of the works for approval under this application, will be built to the west of the site, with access from Newyears Green Lane. Wheel washers will be installed at the entrance. At the northern end of the haul road, temporary access slabs will be laid out as appropriate to ensure that access remains possible at all times, particularly during periods of wet weather. A hardstanding area will be temporarily cleared to the south of the western mound to allow for a conveyor to be built.

After being temporarily stored, the excavated material will ultimately be relocated to the disposal sites. The material will first be carried by Articulated Dump Trucks (ADTs) depositing material onto an overhead conveyor hopper that will travel from the south side of Newyears Green Lane and traverse a gas main. Further ADTs will then uplift material from the conveyor system to the final deposition area. For the final stage, the construction of the eastern mound, a haul road will be put in place to enable ADTs to collect the excavated material from the conveyor system and transport it 1.2km to the area that will accommodate the eastern mound.

Topsoil will be placed on top of the finished mounds, using topsoil that has been stripped from the sites prior to the placement activities commencing. Topsoil will be stored for no more than one year and will be preserved through seeding and turning. Once filling is completed to the appropriate design profile, top-soiling will be undertaken as early as possible, when programme and weather permits.

Temporary topsoil stockpiles will be located in areas between the main worksite and 1-4 Newyears Green Lane and Rose Farm House to provide screening for those properties as agreed under U&A 2093. These will consist of topsoil stripped from the areas prior to the commencement of the sustainable material placement. The topsoil stockpiles will be removed for placement on top of the mounds towards the end of construction sequencing.

Silt fencing

Silt fencing will be deployed around all the works area and a temporary drainage system and pond will be installed at the base of the mounds. Drainage pipes will be installed and then covered to act as crossing points. The pipes' discharge will drain to a settlement area/pond - this will be pumped through a 'Silt Buster' silt removal system and discharged into an appropriate watercourse, the consent for which will be sought as necessary under Schedule 33(5) of the Act.

Officers are of the opinion that the methods by which the site is worked are satisfactory. In addition, it not considered that the noise, dust, vibration or screening arrangements during the operation of the site ought to, and could reasonably be modified.

Fencing (Schedule 17, paragraph 3);

As outlined above, only the location of fencing is for approval within this application under paragraph 3. Permanent fencing will run alongside PRow U37, alongside the grassland to the north west of the eastern mound and along the boundary with the existing composting and maturation site. The fencing will be in the form of post-and-wire, with hedgerow planting on either side; over time, as the hedgerow matures the fencing will no longer be visible. Gates will be positioned alongside the fencing.

Temporary fencing is not for approval under this application. Temporary fencing is provided for establishment of certain areas of planting; once the establishment period is completed the fencing will be removed.

No objections are raised to the permanent fencing.

8.0 BOROUGH SOLICITOR COMMENTS

There are two specific legal issues which need to be drawn to the attention of Members of the Committee and these will be set out in turn.

The first relates to the July 2020 Court of Appeal decision which established a number of important legal principles which apply to the determination of Schedule 17 applications by qualifying authorities, of which the Council is one. The Court of Appeal held, *inter alia*, that HS2 Ltd must, in its capacity as the Nominated Undertaker for Phase One of the HS2 Scheme, provide sufficient information in support of their applications to authorities so as to enable them to lawfully determine them. This decision essentially reaffirms the important 'wednesbury reasonable' principle, which has been a central tenet of public law for many years, and which provides that a decision-maker must have sufficient information before it in order to make a reasonable and lawful decision.

Therefore, the first task of Members in considering this particular application is to satisfy themselves that they have been provided with sufficient information.

If they are so satisfied, Members must then turn to their second task which is to consider the application in light of the prescriptive Schedule 17 statutory language and decide whether to approve or refuse it. There are three important Schedule 17 paragraphs which are relevant to this application and they are set out as follows.

A permanent fence will have to be erected to protect the works site in question and this is covered by Schedule 17 which requires a qualifying authority to, *inter alia*, approve plans and specification for fences and walls. It is the location of the said fence which is germane to this application and the only statutory ground for refusing approval is that 'the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits'. This ground is not engaged and therefore it is open to Members to approve this part of the application.

There are two further approvals which are required. The first relates to waste and disposal which must be carried out in accordance with plans and specifications approved by the Committee under paragraph 7 of Schedule 17. Paragraph 7 does not apply to this application for the reasons set out in the body of the report. Paragraph 7 is, however, relevant and it prescribes the grounds on which the Committee may refuse to approve plans and specifications. These are set out in full in the body

of the report and are not replicated here. It is also made clear in the body of the report that none of these grounds are engaged in this case so once again, Members can lawfully approve this part of the application.

The second approval relates to paragraph 8 of Schedule 17 - paragraph 8 provides that development under paragraph 7 may not begin unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out. Paragraph 8 states that the authority may only refuse to approve, or impose conditions on the approval of, a scheme under this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified.

The report recommends approval of all three strands of the Schedule 17 application but subject to a condition under paragraph 8, the purpose of which is to require a modification of the restoration scheme so as to remove the risk of anti-social behaviour and to provide a benefit to Hillingdon residents. Such a modification is permitted by the language used in paragraph 8. Members will note that HS2 Ltd have agreed to this condition which removes any scope for it to appeal the Committee's decision, should it approve the recommendation in the report.

9.0 OTHER ISSUES

Ecology

The site does not fall within any statutory ecological designations. It has been assessed in the Environmental Statement that the proposed works will have no adverse impacts on any statutory ecological designations. However, there is a Site of Borough Importance and a Site of Metropolitan Importance in the vicinity of the site: Newyears Green SBI.I, immediately adjacent to the south-west, and Ruislip Wood SMI6, immediately adjacent to the north.

The Department for Environment, Food & Rural Affairs (DEFRA) tool MAGIC7 identifies the following non-statutory habitats and species designations falling within the site boundary:

· Birds:

- 1) NE Priority Species for CS Targeting 'Lapwing'
- 2) RSPB Grassland Assemblage Farmland Birds '2'
- 3) NE Farmland Birds 'Lapwing' and 'Snipe'

Information from MAGIC identifies the following non-statutory habitats and species designations falling within 500m of the site boundary:

· Woodland:

- 1) NE Ancient Woodland 'Ancient and Semi-Natural Woodland'

· NE Priority Habitat Inventory 'Deciduous Woodland' Birds:

- 1) NE Priority Species for CS Targeting 'Lapwing'
- 2) RSPB Grassland Assemblage Farmland Birds '2'
- 3) NE Farmland Birds 'Lapwing' and 'Snipe'

The proposed Ruislip Northern Sustainable Placement site will provide a rich diversity of natural habitat which will support local ecosystems and promote biodiversity. The habitats entail planting mixes that create landscapes that are as natural as possible, driven by the natural vegetation

classification (NVC). They were also driven by the ecologist's priority species such as key invertebrates and their food plants to drive our species mixes.

Heritage

As stated in previous sections of this report, considerations of archaeological / historic interest are not applicable to the determination of this Plans and Specifications application. However the Written Statement provides some commentary on heritage issues, to provide context to the design evolution of the proposal. This information does not form part of the grounds for determination set out in paragraph 7(7) of Schedule 17 of the 2017 Act and is therefore provided here for information only.

The site does not contain any statutory listed or locally listed heritage assets. The nearest heritage assets to the site are the Grade II listed St Leonard's Farmhouse (which is immediately adjacent to the site) and the Grade II listed Crow's Nest Farmhouse (which falls within 800m of the site). The works for approval have been assessed to partially sever St Leonard's Farmhouse from its setting. This will result in a medium adverse impact and a moderate adverse effect. However, the landscape of the mound has been designed to retain or replace existing hedgerows as far as possible, to reflect the traditional field pattern which contributes to the setting of St Leonard's Farm.

The HS2 Heritage Memorandum (part of the HS2 Environmental Minimum Requirements) provides a route-wide generic written scheme of investigation: Historic Environment Research and Delivery Strategy (GWSI: HERDS) prepared in collaboration with Historic England, the Local Planning Archaeologist and considered the relevant Regional Research Frameworks. It sets out a framework and general principles for design, evaluation, investigation, recording, analysis, reporting and archive deposition to be adopted for the design development and construction.

The application site area was determined to have archaeological potential by HS2 and the Greater London Archaeological Advisory Services (GLAAS). The scheme of works determined a programme of archaeological evaluation consisting of 3 Phases of archaeological trial trench evaluation consisting of more than 60 trenches across the site. Across the eastern area of the Ruislip Northern Sustainable Placement site, archaeological evidence was dispersed and relatively scarce.

A number of features were encountered in the south-eastern corner of the site, and consisted of 3 curvilinear ditches, 15 linear ditches, 12 linear ditch termini, 25 pits, 20 post holes, 1 curvilinear gully, 1 linear gully and 14 tree root boles, totalling 91 cut features. Upon completion of the works, separate Interim Report and Assessment Report were prepared for Phase 1, 2 and 3 of the archaeological excavations at this Document Title: Schedule 17 Plans and Specifications - Written Statement - Ruislip Northern Sustainable Placement site. These documents have been shared with Planning Archaeologists for GLAAS and LB Hillingdon. Since the completion of these works, further ongoing engagement with GLAAS has been undertaken.

Historic England (GLAAS) has been consulted on this Schedule 17 application and raises no objections on archaeological grounds. GLAAS notes that there has been relatively low levels of dispersed activity, none of which would merit redesign of the scheme to preserve buried remains in-situ.

Highways

Immediately to the east of the site is Breakspear Road South which is aligned in a north-south direction. It commences in Harefield (where it is named as Breakspear Road North), and runs south towards the B467, where at the intersection with Fine Bush Lane, the road becomes Breakspear Road South. Immediately south of the site lies Newyears Green Lane which is a local road connecting Breakspear Road South with Harvil Road on an east-west alignment. Approximately 0.8km west of the site lies Harvil Road which runs north-south from South Harefield to the B467. Approximately 2km south of the site, the B467 Swakeleys Road links Breakspear Road South and Harvil Road to the A40.

As stated in previous sections of this report, considerations of highway impact are not applicable to the determination of this Plans and Specifications application. However it is considered that the proposed scheme will have relatively minimal impact on the surrounding highway network.

Due to the large volume of material that is to be transported from the Copthall Tunnel excavation to the RNSP area, a conveyor is to be constructed over Newyears Green Lane to remove the need for a haul road crossing.

A temporary haul road, which is not part of the works for approval under this application, will be built to the west of the site, with access from Newyears Green Lane. After being temporarily stored, the excavated material will ultimately be relocated to the disposal sites. The material will first be carried by Articulated Dump Trucks (ADTs) depositing material onto an overhead conveyor hopper that will travel from the south side of Newyears Green Lane and traverse a gas main. Further ADTs will then uplift material from the conveyor system to the final deposition area. For the final stage, the construction of the eastern mound, a haul road will be put in place to enable ADTs to collect the excavated material from the conveyor system and transport it 1.2km to the area that will accommodate the eastern mound.

It should be noted that the current proposed arrangement of material placement at Ruislip Northern Sustainable Placement is a key component of the wider strategy of re-use of excavated material locally to minimise HS2 lorry movements within LB Hillingdon.

Public Rights of Way

Three Public Rights of Way (PRoW), which are to be retained, across the site: U36 and U37 crosses the area to be occupied by the western mound in a north-south orientation, while U38 crosses the area to be occupied by the eastern mound in an east-west orientation. These PRoWs will be temporarily stopped up and diverted during the construction of the Ruislip Northern Sustainable Placement. During the works, U37 will be diverted towards U36, which will itself be diverted around the western mound. This diversion will cross the haul road, and this crossing will be manned during the day to allow for the safe crossing of walkers. The haul road will be closed at night, with appropriate fencing put in place at the crossing to ensure that the PRoW can remain open. The applicant states that the use of the haul road by vehicles will also be staggered throughout the day as much as possible, to minimise disruption to the use of the PRoW.

Following completion of construction, the PRoWs will be reinstated on their current horizontal alignment. The permanent design has considered the impact of the sustainable placement on these PRoWs and the proposed mounds will be formed to have a gentle slope at the PRoW sections, with gradients no steeper than 1:15 (in accordance with HS2 standards).

Passive provision of a footpath reaching the top of the western mound has been provided. The applicant explains that similar provision could not be provided on the eastern mound due to landowner interests.

It has been demonstrated that the user experience of the PRowS has been a consideration in the development of the sustainable placement proposals, given that the mounds will reflect the undulation of the existing landscape and will provide the public with gentle and pleasant walking routes with enhanced views and vantage points across the surrounding area.

Flooding and Drainage

As stated above, consideration of environment, (i.e. the grounds outlined in Schedule 17 paragraph 7(8)(a-c)) are not applicable to the determination of this Plans and Specifications application. However, the grounds for determination of a Schedule 17 Plans and Specifications application under Schedule 17, paragraph 7(7) include the methods by which disposal sites are worked and the noise, dust, vibration or screening arrangements during the operation of such sites. Swales are proposed to be located around the entire base of the eastern mound, as well as to the north and south-east of the western mound, which is submitted as part of this Schedule 17 application. In addition, this Schedule 17 applications is seeking approval for the diversion of the Ordinary Watercourse, namely the water channel. The diversion of the Ordinary Watercourse is also subject to a separate submission for consent from LB Hillingdon as LLFA under Schedule 33 Part 5 of the HS2 Act. The Schedule 33 Part 5 application contains a request for approval for the impacts to the Ordinary Watercourse and wider network, including discharges.

Drainage and flood mitigation

The site is located within two river catchments, the River Pinn catchment for the east mounds and River Colne catchment for the west mounds. Therefore, the applicant submits that careful coordination with the hydrology and drainage engineers have taken place to ensure the design achieves optimum results. The proposed drainage design ensures that there will be no overall increase in flood risk, that the necessary overall flood storage is maintained and that disruption to flood flows is considered, to ensure that the impact of the works is fully mitigated.

A flood risk assessment has been undertaken to demonstrate there shall be no overall increase in flood risk due to the proposed scheme. Flood modelling shows that flooding downstream of the proposed scheme is the same in the post-development scenario as in the baseline one. To achieve this, the design is based on:

- The principle of not modifying the catchments of the pre-development state and where the geometry means a modification of the original catchments, swales have been designed to give back the runoff from the mound slopes to the original receptor.
- Compensating potential increase in surface water runoff due to the steeper site topography as a result of the creation of the mounds through an appropriate planting strategy, longer flow paths, and creation of an additional pond. These measures contribute to attenuating surface water runoff before discharging to existing Ordinary Watercourses.
- Flood modelling has been carried out to check the performance of drainage design.

The design proposals for the western mound include the diversion of an existing Ordinary

Watercourse. Due to the various constraints, including utility easements and landowner zone of exclusions, the applicant submits that it was not considered practical to retain the Ordinary Watercourse on its existing alignment, within the requirements of the design. The current proposed arrangement of material placement, in particular in relation to maximising the total volume of material to be placed at this site, is a key component of the wider strategy of re-use of excavated material locally to minimise HS2 lorry movements within LB Hillingdon. Keeping the Ordinary Watercourse on its current alignment would have resulted in the need for a culvert to be located underneath one of the mounds, which is perceived to be a less desirable solution, due to factors such as the maintenance of the culvert being difficult to undertake.

The swales will have a variable depth, starting from a minimum of 30cm and a typical bed width of approximately 1m, with sides of variable slope gradient, typically of 1:3m. The formation of the swales is for approval under this application. Consent will also be sought from LB Hillingdon as Lead Local Flood Authority (LLFA) under Schedule 33 Part 5 of the HS2 Act for the permanent creation of swales discharging to existing Ordinary Watercourses.

The swales around the eastern mound will connect to two ponds adjacent to Breakspear Road North at the north western corner of the mound, one of which is existing and one of which is proposed. The existing pond have a footprint of 250m² and has a volume of 24m³. The proposed pond will have a footprint of 80m² and have a volume of approximately 6m³. The two ponds will be linked by swales and a culvert. The proposed pond is situated upstream of the existing pond to collect water run-off from the mounds and to attenuate flow rates. The water will then flow through the swale and culvert to the existing pond and to the proposed outlet pipe, which will discharge to an existing unnamed Ordinary Watercourse adjacent to Breakspear Road South.

The proposed diverted Ordinary Watercourse will be 180m long and will have an average depth of 1m, with a minimum of 0.6 and a maximum of 2.1m. It will be 1.4m wide with variable steep slope banks of between 1:1 and 1:3.

The diversion of the Ordinary Watercourse creates a longer flow path and incorporates lower slopes that help to attenuate water. Furthermore, the proposed planting strategy is designed to support attenuation, through increase in the increment of roughness on the surface. The applicant submits that these mitigation measures ensure that there is no impact on flow rates downstream.

The scheme proposes the construction of four new culverts: two on the western mound and two on the eastern mound which will be added to one existing culvert. The two culverts at the western mound will allow the retention of footpath U37 on its current alignment, crossing over the proposed swales and diverted Ordinary Watercourse. The southern culvert will convey the diverted Ordinary Watercourse channel, and the northern culvert will convey the proposed drainages swale channel.

The western culvert at the eastern mound will convey the proposed drainages swale channel passing underneath Footpath U38. The eastern culvert will convey the proposed drainages swale channel, joining up the proposed pond with the existing pond underneath the same Footpath U38.

Silt fencing will be deployed around all the works area and a temporary drainage system and pond will be installed at the base of the mounds. Drainage pipes will be installed and then covered to act as crossing points. The pipes' discharge will drain to a settlement area/pond - this will be pumped through a 'Silt Buster' silt removal system and discharged into an appropriate watercourse, the consent for which will be sought as necessary under Schedule 33(5) of the Act.

The proposals are required to ensure that there is no increase in run off and the proposals presents achieve this in the opinion of officers.

Wider ambitions to reduce the risk of flooding in the area and particularly on Breakspear Road South and from the River Pinn are being discussed with HS2 Ltd.

Land Ownership

The land upon which the RNSP mounds will be formed is broadly divided between two land ownerships. The land associated with the eastern mound will be handedback to the previous private owners. The landscape design of the mounds has been designed to accommodate the existing private landowners' activities, where practicable; importantly retaining paddock areas for horse grazing on the north-west side of the eastern mound.

The land associated with the western section of the site was owned by LB Hillingdon, however, it is now held under lease to the Secretary of State/Department for Transport. HS2 Ltd./Department for Transport will create a Special Purpose Vehicle (SPV) to manage, monitor and maintain the western mound, for the remainder of the lease term. Once this lease expires, the land would be returned to the original owner or HS2 Ltd./Department for Transport may seek to permanently obtain the land and maintain the SPV on an ongoing basis.

10.0 REFERENCE DOCUMENTS

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

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