

Item No.	Report of the Interim Director of Planning, Regeneration and Public Realm
Address:	HIGH SPEED RAIL (LONDON - WEST MIDLANDS) ACT 2017 SUBMISSION NO LBH.PS.10007 HARVIL ROAD HAREFIELD
Development:	Request for approval of Plans and Specifications and Site Restoration under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017, relating to the proposed development of a site 421,592m ² for the disposal of waste material arising from HS2 works to form 2 no. landforms (i.e. north and south mound), fencing (location only), associated drainage in the form of a drainage basin, and landscape restoration planting in the form of woodland, hedgerow and grassland
LBH Ref Nos:	77276/APP/2022/1575

Drawing Nos:	Date of Plans:
Covering Letter	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710171 Rev P02 _Soft Landscape General Arrangement 1 of 3	28-09-2022
1MC04-SCJ_SDH-LS-DSE-SS05_SL07-712148 P02 Landscape cross section 2 of 2	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710152 P02 Consents Overview Plan 1 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710150 P02 Location Plan	11-05-2022
1MC04-SCJ_SDH-IN-STA-SS05_SL07-000008 SWMS C01.4. Works Method Statement	27-09-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710172 Rev P02 Soft landscape 2 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DSE-SS05_SL07-712145 P02 Cross Section 1 of 2	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710151 P02	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710171 P02 soft landscape 2 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DSE-SS05_SL07-712147 P02 Landscape cross section 1 of 2	11-05-2022
FINAL RSSP Clarification letter-mound-herbicide LBH	27-09-2022
1MC04-SCJ_SDH-LS-DSE-SS05_SL07-712146 P02 cross Section 2 of 2	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710171 Rev. P02 Woodland Con	28-09-2022
1MC04-SCJ_SDH-IN-PLN-SS05_SL07-000002 SRAP C01.5.Site Restoration and Aftercare Plan	27-09-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710153 Rev P02 Consents Overview Plan 2 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710162 Rev P02 General arrangement 2 of 3	11-05-2022

1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710171 P02 Soft Landscape 1 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710173 P02 Soft landscape 3 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710154 P02 Consents Overview Plan 3 of 3	11-05-2022
1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710161 P02 General arrangement	11-05-2022
1MC04-SCJ_SDH-LS-DSH-SS05_SL07-716135 P02 Planting Schedule	11-05-2022

Drawing Nos:

Date of Amended Plans:

Date Application Valid: 11th May 2022

1. SUMMARY

This application comprises a Plans and Specifications submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 (The Act), in relation to the placement of excavated material from the HS2 Northolt Tunnels, to form mounds on two separate areas within the site, on land immediately between Breakspear Road South and Harvil Road.

The works will consist of the creation of two disposal sites (northern and southern landforms) and earthworks to form a drainage basin. The northern landform will reach a peak height of 65m (AOD), an increase of 3m from existing ground level, with the southern landform rising to 60m (AOD), an increase of 5m from existing ground level. The new peaks will be close to Harvil Road and will broadly mirror existing landfall from west to east i.e. towards Breakspear Road South. The disposal of material will merge with existing contours in close proximity to Breakspear Road South towards its convergence with Swakeleys Road.

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 Northolt Tunnel. The role of the Planning Authority is therefore heavily restricted as to what can and cannot form the basis of a decision.

The material being used for the deposition constitutes arisings from the tunnel excavation at West Ruislip Portal. The material is transported from the portal (where the tunnel arisings emerge as the boring machine heads east towards Ealing) via conveyor belt. The material crosses the Chiltern Line via the conveyor belt system where it falls on to a sorting site south of the Chiltern Line. The material is then taken back across the Chiltern Line via conveyor to the Northern Sustainable Placement site, removed offsite via lorry or transported to the southern sustainable placement site on internal haul roads using large tipper vehicles. The mounds related to the last of these operations is the subject of the submission.

This application effectively seeks three 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:

"7(1)If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.

(2)This paragraph applies to development to the extent that it consists of:

- (a)waste and soil disposal, or
- (b)the excavation of bulk materials from borrow pits."

Paragraph 7(7) outlines the grounds for consideration for waste and soil disposal proposals:

(7)The grounds in this sub-paragraph 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

Consequently, the proposals relate to listed works identified as Additional Provision 4 of the Environmental Statement (i.e. the approved scheme) and reflected within the Act limits setting a restricted framework for considering the proposals. The scope of consideration is limited to how the waste disposals sites are formed with reference to methods of construction.

Approval 2

However, the plans and specifications that would be approved as part of Schedule 17(7) 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) states:

"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 although accepting that a) soil disposal in this area has been approved by the act, b) there are expectations that the land restoration would be returned to agricultural use albeit on the new landforms.

Approval 3 relates to the alignment of a fence around the drainage basin. This is submitted under paragraph 3 of Schedule 17 and the Local Planning Authority can only consider the alignment of the fence and not the type. Officers accept the justification for the fence as a boundary marker and to secure the area from livestock and acknowledge in time it will be supplemented/replaced by a hedgerow. The proposals are not considered to be so impactful as to seek modifications.

Consultation

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.

Methods of Construction and Restoration

The evolution of the design has resulted in the sustainable placement which maintains the two landforms in a different configuration within the site to ensure access to utilities and minimise impacts on Brackenbury Farmhouse including scheduled ancient monument, Copthall Farmhouse, North Lodge, and the residential areas along Harvil Road and Breakspear Road South. The footprint of both the northern and southern landform has been significantly modified, in response to the factors outlined in this report.

It is important to note that the sustainable placement of material within the West Ruislip area is an essential element of minimising HS2 lorry movements within the London Borough of Hillingdon. 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. It is not considered that the noise, dust, vibration or screening arrangements during the operation of the site ought to and could reasonably be modified. This will continue to be monitored and enforced through this permission as well as the class approval issued under Schedule 17(5).

In terms of site restoration, the scheme for approval is broadly adequate except for a large belt of new woodland plantation being proposed south of Shorthill Cottage.

The mounds have been designed to replicate what is already an undulating landscape and will have minimal impacts on the openness of the area. The drainage arrangements will ensure that there are no negative impacts on flood risk and officers continue to progress improvements in this area through separate HS2 workstreams.

However, the woodland referred to above remains a concern. It was not included in the environmental statement, and results in a reduction in land available to be farmed. Considerable discussion has been had regarding the justification for this woodland, yet the evidence remains weak. Due to the timeframes for the project, the disposal (Approval 1) is time critical. This cannot commence until the restoration is approved (Approval 2). However, the restoration can only occur once the disposal has been completed allowing further time to address the need for the woodland and to determine if the wider restoration of HS2 can accommodate mitigation required for the railway. This provides the time to secure an alternative site and ultimately free up this area to be returned to agriculture. To secure this, officers have agreed a condition with HS2 Ltd that protects the time constraints of the project but allows the Council the time to influence the final restoration proposals to secure an alternative restoration of the 'woodland area'.

The application is recommended for approval with condition.

2. RECOMMENDATION

APPROVAL

1. NONSC Non Standard Condition

1 - HS2 Ltd will use best endeavours to work with the Local Planning Authority to identify an alternative location to the woodland shown on plan 1MC04-SCJ_SDH-LS-DGA-SS05_SL07-710171 P02 (Woodland Area), to enable the 'woodland area' to be restored to agricultural use. The restoration of the 'woodland area' will proceed in accordance with the agreed plan.

2 - If no such agreement can be reached under within 12 months of the approval of this application then the restoration of the 'woodland area' will continue in accordance with the submitted plans unless otherwise agreed in writing with the Local Planning Authority.

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The site, also referred to as the Ruislip Southern Sustainable Placement (RSSP) site, is located to the north of the Borough, between the A40 and South Harefield. 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.

Immediately to the east of the site is Breakspear Road South, which is aligned in a north-south direction. Immediately west of the site lies Harvil Road, which also runs in a north-south direction. One Public Right of Way (PRoW) crosses the site; footpath U49 links Ickenham to the Uxbridge Public Golf Course and leading toward Colne Valley Regional Park

Both the immediate and the wider surrounding areas are largely open and rural comprising agricultural uses, a large proportion of which is designated Green Belt land. Immediately north of the site lies the settlement of Newyears Green which predominantly comprises industrial buildings occupied by several businesses. To the east of the site is the urban settlement of Ickenham.

The nearest residential receptors to the site are Brackenbury Farmhouse (approximately 400m to the north-east) and Copthall Farmhouse (approximately 100m to the east). There are further residential properties adjacent to the application site, across Harvil Road and Breakspear Road South.

An existing ordinary watercourse that is a tributary of the River Pinn crosses the north-western part of the site in an east west orientation.

3.2 Proposed Scheme

This Plans and Specifications submission under Schedule 17 of the HS2 Act is for the following described works:.

- Schedule 17 Paragraph 7 - Waste and soil disposal and excavation: the proposed development of a site of 421,592m² for the sustainable disposal of waste arising from nearby HS2 works to form 2no. landforms (i.e. north and south mound), associated drainage in the form of a drainage basin (required due to placement of material)

The works will consist of the creation of two disposal sites (northern and southern landforms). The northern landform will reach a peak height of 65m (AOD), an increase of 3m from existing ground level, with the southern landform rising to 60m (AOD), an increase of 5m from existing ground level.

This application is made for all works (except fencing) under Schedule 17 paragraph 7. Fencing is for approval under Schedule 17 paragraph 3. A Schedule 17 Site Restoration scheme is also submitted in conjunction with this Plans and Specifications application, and is for approval under paragraph 8.

The works for approval in this submission are not scheduled works covered under Schedule 1 of the Act.

Ruislip Southern Sustainable Placement

The waste disposal sites will be created on two separate areas within the site, as follows:

- o The northern landform on land immediately to the east of Harvil Road, rising to a height of approximately 3 metres above existing ground level at its highest point (65m AOD), using approximately 96,330m³ of material.
- o The southern landform on land immediately to the east of Breakspear Road rising to a height of approximately 5 metres above existing ground level at its highest point (60m AOD), using approximately 408,000m³ of material.

The northern landform covers a total area of approximately 39,126m² of agricultural land south of the Chiltern Line and west of Breakspear Road South. The southern landform covers agricultural land area of approximately 73,010m². The overall application boundary covers an area of 42.43 hectares.

The slope gradient of the disposal sites will vary between 1:4 and 1:8. This will result in slopes that are gentle in nature and includes three small peaks closer to Harvil Road and in line with the existing landscape character and the topography of the existing ridge line.

The works will also include a wet grassland drainage basin, located to the east of the site, to mitigate any increase in flood risk due to the creation of the disposal sites. This basin will cover an area of approximately 5,688 m² and have a capacity of 1,440 m³ (for the 1 in 100 year plus climate

change event). The Written Statement submitted in support of this application explains that its location has been selected considering the existence of three sub-catchments that convey the runoff to Copthall Farm (from the north, the northwest and the east). The selected location helps to delay the time to peak flow of the catchment draining from the northwest, which is the one that contributes with most of the flow. This way, the total peak flow from the three sub-catchments remains as current for the design event. Additionally, the resultant total peak flow is reduced for lower return periods. As the drainage basin is required in association with the disposal sites, it is for approval under paragraph 7.

The disposal of waste is being undertaken as a means of sustainably reusing excavated material that will arise from the boring of the S2 Northolt Tunnels. This will ensure that lorry movements associated with the HS2 construction works in the London Borough of Hillingdon will be minimised, as the excavated material will not be transported away to landfill in other parts of the country. The works will therefore minimise LGV movements, which is a requirement of the Hillingdon Agreement.

The waste material will arrive from the Northolt Tunnel excavations to the Waste Transfer Station (WTS) untreated with a composition of a wet sludge/slurry and will be routed into one of three pugmill mixing plants. In the event that the material is actually of a suitable consistency, it will bypass the mixing plants and be routed directly to the site for the formation of the landforms.

At the mixing plant, lime will be added to the arisings, the additive percentage volume will be dependent on the automated moisture testing that occurred enroute on the conveyor. The addition of lime reduces the moisture content, thereby making the material more workable, easier to manage and enables its permanent placement.

Once treated at the WTS, material will be transported to final locations via Articulated Dump Trucks (ADTs) on internal haul roads. When material arrives at the working site, the load will be deposited as directed by the machine driver. Material for compaction will be placed ahead of the current work area in order to provide adequate working space for the inspection of waste.

A designated onsite material technician will be sampling material for contamination purposes, with soil waste material tested onsite in a UKAS accredited lab. Any material out of specification due to moisture content will be allowed to dry prior to retesting for compliance. Following this, any material out of specification will be removed and placed in a suitable quarantine area.

Where possible, material out of specification will be reused for landscaping, with any suspected contaminated material placed in a quarantine area to await removal from site to a suitably permitted facility.

Screening

Once stripped, the topsoil will be temporarily stockpiled on site for reuse as part of the final landform later in the construction process. The stockpiles will be positioned with an aim to act as temporary noise bunds to mitigate construction noise impacts and protect adjacent properties along Harvil Road and Breakspear Road South.

Silt fencing and temporary drainage arrangements.

Silt fencing will be deployed around all the works area and two temporary attenuation ponds will be created to collect runoff from the 'V-ditch' drainage ditches. The attenuation ponds will have 1.0m

deep permanent water (that can be extracted and used for dust suppression when required) and the required depth for attenuation. The water in the attenuation ponds will be pumped out as required via a siltbuster settlement tank into an adjacent ordinary watercourse

- Schedule 17 Paragraph 3 - Fencing (location only).

A fence is proposed to the north of the wet grassland drainage basin, where a hedgerow will be reinstated. As stated above, the fencing associated with the works are for approval under paragraph 3 of Schedule 17.

- Site Restoration scheme

This Plans and Specifications application is submitted alongside a Site Restoration scheme. Schedule 17 Paragraph 8 of the Act states that 'development to which paragraph 7 applies may not be begun unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out'. The Site Restoration scheme seeks to agree the details of how the scheme will be restored (i.e., landscaping and fencing) and how it will be maintained in the longer term.

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.

The works subject of this application are 'waste disposal' as defined in paragraph 7 of Schedule 17, and not 'earthworks' as defined under paragraph 3. Therefore, the creation of the landforms are not subject to the grounds for approval under paragraph 3 of Schedule 17.

There are a number of HS2 assets within proximity to the Ruislip Southern Sustainable Placement (RSSP) site which have had Schedule 17 applications submitted to LB Hillingdon.

The proposed Ruislip Northern Sustainable Placement (RNSP) site is located approximately 1km to the north of RSSP, and will include the creation of two mounds, using excavated material from other HS2 works. The Schedule 17 application for RNSP was approved at committee in March 2022 (reference: 76870/APP/2021/4237).

The proposed Copthall Tunnel is located between RSSP and RNSP, to the north of the existing Chiltern Line railway. The Copthall Tunnel asset will include a 1km long cut-and-cover tunnel structure, with 5 no. ventilation shafts, a maintenance siding and a headhouse building. The tunnel

will be covered by reused material from other HS2 works and includes mitigation planting. The Schedule 17 application (reference 76767/APP/2021/3540) for Copthall Tunnel was approved at committee in December 2021.

As part of the works, the existing Harvil Road is being realigned to provide a suitable crossing of the HS2 tracks at the western end of Copthall Tunnel. The realigned section of Harvil Road is located to the north-west of the RSSP site. The Schedule 17 application for the Harvil Road realignment works was approved by LB Hillingdon in 2021 (reference 76459/APP/2021/2049).

Further works relating to an attenuation pond are subject to a future Schedule 17 application, to be submitted later in 2022.

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 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.

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.

HISTORIC ENGLAND (GLAAS)

The land subject to this S17 application was identified by HS2 as requiring archaeological evaluation and mitigation, with investigations having been carried out in accordance with HS2's Environmental Minimum Requirements and Heritage Memorandum. As noted in the applicant's written statement archaeological remains have proved sparse or absent over most of the site. However, prehistoric and Roman remains have been towards its southern end, including a rare late Iron Age coin hoard of national significance. Further survey indicates that the hoard is probably an isolated discovery rather than part of a larger heritage asset such as a settlement or shrine. As the hoard has been removed from the site (and is being processed under the provisions of the Treasure Act) there is no remaining heritage asset of sufficient significance to justify amending the scheme design to avoid or reduce harm. I therefore have no objection to this application.

Please do not hesitate to contact me should you require further information.

This response relates solely to archaeological issues.

ENVIRONMENT AGENCY

No comments.

6.2 None.

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.

If the relevant planning authority is a qualifying authority, waste and soil 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 works for approval under paragraph 7 relating to the disposal of waste include the following:

- Design and external appearance of the disposal sites including associated permanent drainage assets
- The method by which the disposal sites are worked including the noise, dust, vibration and screening arrangements.

Design Criteria and Rationale

The Written Statement submitted in support of this application states that the design intent for the for the Ruislip Southern 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; and reinstate the land to agricultural use where practicable, whilst enhancing the ecological biodiversity and wider connectivity of the site.

The proposed landforms will be located within an area surrounded generally by higher topography. The highest points of the landforms will not be greater than existing local highpoints. The land to the west of Harvil Road has a maximum elevation of +73m AOD) and the proposed landforms have a maximum elevation 65m+AOD for the southern landform.

The Written Statement states that the key design objectives are:

- Integration of the sustainable soil placement into the existing landscape;
- Take into account the landowners proposals with respect to existing land use and drainage arrangements in accordance with undertakings and assurances (U&As);
- Ensuring compliance with HS2 EMRs;
- Providing ecological mitigation planting along the route, in line with Environmental Statement (ES) requirements;
- Incorporating natural flood management and drainage principles, such as swales and a drainage basin to mitigate the impacts of the landforms in accordance with the powers conferred to HS2 Ltd by the 2017 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 (where possible).

Central to achieving the design objectives is the enhancement of ecological habitats and corridors through appropriate landforms. Habitat creation will be in the form of grassland, scrub and woodland as shown in Figure 10. Hedgerows and woodland corridors are proposed, therefore 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.

Landscape design

The applicant states that the design focuses on integrating the scheme within the wider landscape through careful consideration of the existing agricultural uses, local surroundings and by aligning with the qualities and principles of the Thames Valley landscape character area, as described by Natural England. The proposed design is intended to; maintain the landscape character of the area which is characterised by the rolling hills and network of hedgerows and mature trees; and to retain the use of the site for agricultural purposes as far as practicable.

A key principle is to create strong green and blue links across the site that enhance and further connect the wider landscape ecologically and hydrologically. The proposed planting layout also capitalises on nature-based solutions such as nature-based flood management and increasing filtration through proposed wet woodlands in the low-lying areas.

The design of the waste disposal sites is intended to integrate with the existing contours of the site and maintain the landscape character of the area. Woodland has been proposed in the northern extent of the site in order to create links with Copthall Covert, as well as the woodland along the network rail corridor and areas of woodland further north of the HS2 alignment.

The habitats created will consist of broadleaved woodlands, wet woodlands, wetland, scrubland, native hedgerows, seasonal ponds, a variety species-rich grassland and wildflower meadows. The variety of habitats provided will ensure a wide range of biodiversity on site. Glades are proposed in the woodland areas to provide for wildlife habitats such as deer.

The proposed woodland has also been integrated with the drainage design to provide natural flood alleviation measures at the lower point of the site, in order to absorb the potential water run-off from the landforms. Woodland areas comprise of dry woodland, primarily located in the northern extent of the site, and wet woodland, primarily in the southern/eastern extent of the site to help improve drainage.

There is a number of grassland mixes proposed on site to ensure high levels of biodiversity and to create species rich habitat depending on the context and location the design includes dry grassland mix, wet grassland mix, extra-wet grassland mix. The grassland will use indigenous, not introduced species, and will promote and encourage indigenous insects, reptiles and mammals.

The written Statement further states that the landscape design promotes natural edges, eco-tones and maximises edge effect to mimic perforated landscapes and natural edges. This allows natural movement of species through the landscape. The works will include a number of ecological features, such as hibernacula, that will support a range of species from amphibians and reptiles through to invertebrates, allowing both breeding and over-wintering opportunities.

The design has attempted to retain the existing network of hedgerows and trees on site. However, some existing hedgerows are located within the footprint of the landforms and therefore will need to be removed. The proposed design is to reinstate the hedgerows following the creation of the landforms. These reinstated hedgerows will comprise of a variety of native species.

Design Constraints

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

- Minimising the impact on local residents
- Utility corridors and easements
- Source Protection Zone
- Interaction with existing Public Rights of Way
- Drainage and flood mitigation
- Existing land use
- Ecology and EMR compliance
- Historic Environment

The applicant notes that these constraints do not necessarily relate directly to the grounds for determination applicable to this Schedule 17 paragraph 7 application. However, these are included here 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

The RSSP site is adjacent to the residential area of Ickenham, with a number of receptors along both Harvil Road and Breakspear Road South. The applicant has stated that the design has sought to minimise impacts to the setting of the residential properties by designing the landforms to reflect the existing topography and local high points. Designing the landforms in this way, rather than creating 'mounds', means that any visual impact on local receptors is reduced.

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 the placement of any material within a certain distance of the utility. The utility corridors are set out below

- Affinity Water Main - easement prevents placement of material 5m either side of the alignment
- Cadent Gas Main (north) - easement prevents placement of material 12.2m either side of centreline (1200mm pipe)
- Cadent Gas Main (Cathodic Protection Bed) - easement prevents placement of material 3m either side of the centreline
- Thames Water - easement prevents placement of material 3m either side of the centreline.

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 Southern Sustainable Placement proposals were updated as necessary. The design of the RSSP has

responded to the utility corridor and easement constraints and no sustainable placement is proposed within these areas.

Source Protection Zone

The northern part of the RSSP is covered by the Inner Source Protection Zone (SPZ). The purpose of the SPZ is to provide additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction. Therefore, no permanent placement of material proposed for RSSP could be within the SPZ. This has led to the landforms being constrained and needing to be higher than they if the site did not fall within the SPZ, as more of the site would be able to be used for the placement of material. The design is still able to utilise the necessary amount of material in the creation of the landforms.

A temporary drainage system will be in place during construction, to ensure that run off is treated prior to being pumped into the ordinary watercourse. Temporary drainage requirements will be consented by LB Hillingdon as LLFA via a separate Schedule 33(5) application covering surface water management.

Design Evolution

The applicant explains that the design of the mounds has evolved in response to various design constraints, as explained above, as well as the need to minimise the visual impact on residential receptors. The footprint of the RSSP set out in the ES covered an area of 12ha bounded by Harvil Road to the west, Breakspear Road to the east, and the National Rail Network to the north. 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.

Officer comment on design

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 are satisfactory.

Construction Method and Noise, Dust, Vibration and Screening Arrangements

The works subject to this request for approval under Schedule 17 paragraph 7, will be undertaken in accordance with the HS2 Code of Construction Practice (CoCP) and the Class Approval issued by the Secretary of State (March 2017) and waste permits under the Environmental Permitting regulations.

As stated in the Written Statement, the material to be used to form the sustainable placement areas will arise from the boring of the HS2 Northolt Tunnels. The western most portal of the Northolt Tunnels will be the West Ruislip Portal. The excavated material will be transported to a temporary material handling facility, the Waste Transfer Station (WTS) (subject to an application under the Environmental Permitting Regulations 2016), which is located to the north of the site, via a surface conveyor (subject to a Schedule 17 - Bringing Into Use application). Once the material has been appropriately treated and dewatered as necessary, it will then be transported onto the RSSP site and distributed across the site to construct the disposal sites.

The Environment Agency has unhelpfully provided no input into the Schedule 17 but has sought changes belatedly as to construction techniques of the mounds shall be carried out. The initial proposals required a geotechnical membrane to provide an artificial barrier between the inert waste disposed and the ground below. This is a precautionary approach that allows for the protection of groundwater although it must be noted that this is not protection from contaminative material; it is the protection of sediments and other arisings that may alter the composition of groundwater. The Environment Agency has now stipulated that there must be a natural barrier of clay as a protective layer below the inert material. This could be instead of, or in addition to the artificial membrane originally proposed.

This stipulation was made through the environmental permitting requirements set out elsewhere in the HS2 Act. Consequently, the method for construction has been updated from the original submission to reflect this requirement. Due to the lateness of the change, HS2 Ltd is presenting a proposal that now includes the natural clay barrier as well as the option for retaining the artificial membrane. Officers have had discussions with HS2 Ltd and challenged the project as to the consequence of this change in particular relating to times of planting and changes to drainage run-off. Officers are satisfied that the clay barrier in isolation, or in tandem with an artificial membrane would have no impact on the principle matters of concern relating to the methods of construction and restoration, i.e. the above ground planting and drainage arrangements.

Consequently, the methods of construction remain acceptable and no modifications are deemed necessary.

Treatment of material

Due to the large volume of material that is to be transported from the Northolt Tunnel excavation to the RSSP area, a conveyor is to be constructed over the Chiltern Line railway. The conveyor system will be approximately 1.7km in length, located between the West Ruislip Portal to the RSSP Waste Transfer Station. The conveyor will be parallel to the Chiltern line railway until its crossing point over the railway adjacent to the Waste Transfer Station; the conveyor will be fully enclosed throughout its route.

The waste material will arrive from the Northolt Tunnel excavations to the WTS untreated with a composition of a wet sludge/slurry and will be routed into one of three pugmill mixing plants. In the event that the material is actually of a suitable consistency, it will by-pass the mixing plants and be routed directly to the site for the formation of the landforms. At the mixing plant, lime will be added to the arisings, the additive percentage volume will be dependent on the automated moisture testing that occurred enroute on the conveyor. The addition of lime reduces the moisture content, thereby making the material more workable, easier to manage and enables its permanent placement.

Once treated at the WTS, material will be transported to final locations via Articulated Dump Trucks (ADTs) on internal haul roads. When material arrives at the working site, the load will be deposited as directed by the machine driver. Material for compaction will be placed ahead of the current work area in order to provide adequate working space for the inspection of waste. Any material out of specification due to moisture content will be allowed to dry prior to retesting for compliance. Following this, any material out of specification will be removed and placed in a suitable quarantine area.

Where possible, material out of specification will be reused for landscaping, with any suspected contaminated material placed in a quarantine area to await removal from site to a suitably permitted facility.

Screening

Once stripped, the topsoil will be temporarily stockpiled on site for reuse as part of the final landform later in the construction process. The stockpiles will be positioned with an aim to act as temporary noise bunds to mitigate construction noise impacts and protect adjacent properties along Harvil Road and Breakspear Road South.

Silt fencing and temporary drainage arrangements

Silt fencing will be deployed around all the works area and two temporary attenuation ponds will be created to collect runoff from the 'V-ditch' drainage ditches. The attenuation ponds will have 1.0m deep permanent water (that can be extracted and used for dust suppression when required) and the required depth for attenuation. The water in the attenuation ponds will be pumped out as required via a siltbuster settlement tank into an adjacent ordinary watercourse.

The Environmental Memorandum (part of the HS2 Environmental Minimum Requirements) sets out the arrangements for the management of environmental issues during construction and the Code of Construction Practice (CoCP) sets out specific details and working practices that apply. The CoCP is supported by Local Environmental Management Plans (LEMPs) which include specific measures by topic, relevant to each relevant local authority area.

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. A fence is proposed to the north of the wet grassland drainage basin, where a hedgerow will be reinstated. It should be noted that there is an existing fence at the north of the site, at the boundary of Network Rail land. This existing fence will be retained, and woodland planting has been designed to accommodate this fence line. No objections are raised to the location of the proposed fencing.

Site Restoration.

Details of how the scheme will be restored (i.e. grassland and woodland planting) and maintained in the longer term are the subject of a Schedule 17 Site Restoration scheme, which is submitted under Paragraph 8 and forms an application submitted concurrently with this one under Paragraphs 3 and 7.

The Site Restoration and Aftercare Plan (SRAP) is compiled in accordance with the High Speed Two (HS2) Phase 1 Planning Memorandum, as required by the planning regime established under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 (the Act'). It provides the Council with information to assist in its determination of the Scheme for the Restoration of the Land

upon which the Ruislip Southern Sustainable Placement (RSSP) will be constructed. is made concurrently with a Plans and Specifications submission for approval under paragraph 7 of Schedule 17 for the aspects of the development that consist of Waste and Soil Disposal. It is a requirement that both of these applications are approved prior to works commencing.

The grounds for refusal under Schedule 17, paragraph 8 (3) state that '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'.

The sustainable placement areas are broadly divided into two landforms, northern and southern. The RSSP land use is currently used for predominantly agricultural purposes. The applicant states that while some areas for agricultural use will be retained in the proposed landscape design, the majority of the RSSP site is proposed for ecological mitigation. The use of this site for landscaping and ecological purposes is to ensure HS2 Ltd meets its commitment to environmental mitigation and no net loss as set out in the Environmental Statement (ES (as amended)); and that HS2 Ltd does not exceed the environmental impacts as assessed in the ES (as amended). HS2 Ltd as the nominated undertaker is also contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs). The Site Restoration and Aftercare Plan (SRAP) explains that HS2 Ltd would not be able to benefit from the deemed planning permission granted by the Act, were the proposed scheme not compliant with EMRs.

The landscape scheme proposes the following habitat types:

- Woodland
- Hedgerows (to supplement existing)
- Dense scrub
- Standard trees/wood pasture and parkland
- Grassland

The SRAP is based on these proposed habitat types and provides information on the monitoring requirements for each, during their initial establishment phases through to varying ongoing maintenance. Some maintenance requirements extend for a 50 year period.

Linked to this SRAP are the monitoring requirements associated with environmental permit surrender, which dictate the timeframe and aftercare provisions of the hand back of land. As such they are provided for information in this document. These monitoring requirements consider aspects such as surface and groundwater and stability.

Both the northern and southern landforms will be located on privately-owned land. The site is currently used for agricultural purposes and assurances relating to the landowner include the following:

In relation to the property, the Secretary of State will, prior to completion of the detailed design of the Proposed Scheme, require the Nominated Undertaker to consult with the Petitioners, or their nominated representative regarding the existing land use and take account of any reasonable proposals made by the Petitioner to modify the detailed design of the Proposed Scheme such that, as far as reasonably practicable:

- (a) The impact of the Proposed Scheme on existing land use within the property is mitigated, subject to powers being available in the Bill,
- (b) the property may be returned to the existing land use following completion of the carrying out of

the Proposed Scheme, and

(c) The Proposed Scheme is designed having regard to the proximity to the Petitioner's home on Breakspear Road South.

Consultation with the affected landowner has been undertaken by HS2 Ltd, to understand the existing use of the land, and the intensity of the agricultural practices. This was taken into account in the design but needs to be balanced with the environmental mitigation required to deliver the project as outlined above. The design seeks to integrate the development with the existing land use and landscape topography, and surface water system, whilst enhancing the wider ecological biodiversity and connectivity of the site, as far as reasonably practicable.

The SRAP notes that the proposed development may affect the landowner in the ability to continue the farming practices, as ecological mitigation is proposed for this site, including woodland and species rich grassland. Through engagement with the landowner and the local planning authority, the design has sought to allow for the land to be returned to agricultural purposes as far as reasonably practicable. This has included the removal of 2no. ecological ponds and fencing on the land, which were originally proposed in this scheme.

As stated above, the reinstatement of the land to agricultural use has been restricted due to the required ecological mitigation. HS2 Ltd submit that without the proposed ecological mitigation in this location, the resultant environmental effects would exceed what has been reported in the ES; as a result the proposed development would fall outside the scope of the deemed planning permission.

The management of aftercare and maintenance of the site is ultimately the responsibility of the Nominated Undertaker, HS2 Ltd. The Nominated Undertaker will determine who is the most appropriate to take on the management of sites; this may be HS2 Ltd directly, or alternatively it could be transferred to a private landowner, or a third party/special purpose vehicle (SPV).

The Aftercare Plan is based on the habitat types proposed for the RSSP area. These have varying monitoring requirements during their initial establishment phases. Some, such as woodland habitats, have an extended aftercare and monitoring programme stretching out to 50 years, while the establishment of hedgerows and standard trees requires less management, only up to 10 years.

Officer Comments on Site Restoration

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.

As presented the scheme is broadly acceptable. The principle of the scheme was established through the Act and soil deposition in this area is effectively accepted and expected in some form. The proposal would reduce a significant amount of 'muck away' movements on the local road network. The role of the Council is therefore to ensure that the soil deposition results in an appropriate landform within the context of the approved scheme.

The restoration proposals have been under discussion for a considerable amount of time. The existing landowner has been included in those discussions and officers have worked closely to ensure that the proposals would allow the return of the land in a manner that best reflects

agriculture requirements. For example, officers were instrumental in challenging the inclusion of ponds that would curtail the area available to be farmed.

However, one area of concern remains. The original environmental statement indicated the entire area would be returned to grassland/grazing land allowing for the area to be farmed. The plans for approval seek an additional 4.2 hectares of woodland north of the site. The justification provided the inclusion of this woodland is that without it, the proposals would not meet the minimum environmental requirements as the project would not be able to mitigate the impacts of the scheme.

Officers have challenged this justification, particularly since there is still a lack of clarity on the extent of the impacts of the project or what the holistic approach to restoration will be. The justification is nebulous and not valid whilst restoration of large scale areas remains ongoing. For example, the restoration of the northern sustainable placement has yet to be fully worked up and this might be able to accommodate more environmental mitigation reducing in full, or in part, the need for woodland in this proposal. Other areas within Hillingdon need to be considered further as a whole, i.e. across the various contractors.

Furthermore, the existing landowner has not expressed acceptance of the need to maintain and manage woodland. This is fundamentally different to the current farming regime. The hope would be that the land is restored in a way that HS2 Ltd would return the land to the existing landowner, a long standing farmer in the borough. This would secure appropriate management of the land in perpetuity. The presence of the woodland reduces the area of land available to be farmed. The justification for its presence is weak and it results in uncertainty as to the long term plans for the area.

As presented the land restoration is not fully recommended to be approved whilst further opportunities to remove or reduce the woodland in this scheme can be explored.

Officers have reached an agreement with HS2 Ltd to continue to investigate these opportunities with the intention of finding alternative solutions within the wider restoration of the project.

In summary, the restoration is acceptable subject to a condition securing these further investigations.

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.

Paragraph 7 (7) permits the Council to refuse to approve plans or specification relating to waste, soil disposal and excavation where the design or external appearance ought to and could reasonably be modified. As explained in the report, officers consider that the proposed design and external appearance are satisfactory. Provided that members agree with this assessment, the Committee is able to approve these arrangements.

Paragraph 3 (5) permits the Council to refuse approval if the location of a fence or wall could reasonably be carried out elsewhere. Officers have confirmed that there are no objections to the location of the proposed fencing. Provided that Committee is satisfied with regard to the location, approval for the fencing can also be given.

Finally, paragraph 8 (3) relates to site restoration and, again, approval may be refused if the proposed restoration scheme ought to be modified and is reasonably capable of being modified. The report explains that officers have agreed a condition with HS2 to address the concerns relating to site restoration. Again provided that Committee is satisfied with this proposed condition, this aspect of the application can also be approved.

9.0 OTHER ISSUES

ECOLOGY

The site does not fall within any statutory ecological designations. The nearest statutory ecological designation to the site is Fray's Farm Meadow SSSI, approximately 500m to the west of the application site. The proposed works will have no adverse impacts on any statutory ecological designations. Therefore, no specific mitigation measures are required.

The proposed RSSP 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.

The works subject to this Schedule 17 request for approval would not be compliant with the EMR General Principles without this area of woodland habitat creation in the proposed Schedule 17 design, such as General Principle 1.1.3 which states that the controls contained in the EMRs, along with powers contained in the High Speed Rail (London - West Midlands) Act (the Act) and the Undertakings given by the Secretary of State, will ensure that impacts which have been assessed in the Environmental Statement (ES) will not be exceeded.

The applicant explains that woodland habitat creation must be located in the proposed location due

to the following:

- It is the closest possible location to the area of loss;
- It provides the required connectivity between areas of native broad-leaved woodland habitats; and
- It targets large blocks of contiguous woodland habitat similar to those being proposed to north of the Proposed Scheme.

The proposed woodland is a key part of mitigating the significant ecological effects of the Proposed Scheme as assessed by the ES, resulting from the construction of the project in this area.

Therefore, removing a substantial block of woodland habitat creation from the design would change the significance of effects reported at the hybrid Bill stage of the project as it would not provide an equivalent habitat value to the woodland located in the current design (alongside the rail corridor and contiguous with existing woodlands).

It is noted that the ES (as amended) did not in all cases explicitly specify which significant effects were to be mitigated by each block of habitat mitigation within the Proposed Scheme. Through the design development in the wider area, HS2 Ltd concludes that the woodland habitat creation in the proposed design mitigates for significant effects from impacts during construction to existing woodlands in the immediate vicinity and associated effects to bat and bird populations supported by those woodlands.

The mitigation in the current design seeks to provide habitat restoration and resilience and enhances existing connectivity between wildlife sites in the local area informed by HS2's Ecological Principles of Mitigation and supporting design drivers.

It is considered that there are no alternative suitable locations for woodland habitat creation within the geographic contract area or neighbouring contract area that would provide equivalent mitigation for the impacts of the project in this area. Alternative locations considered for the woodland habitat creation include, but are not limited to:

- Land at Harefield Moor
- Land to the south of the Dog's Trust
- Land at the Northern Sustainable Placement area

HS2 Ltd state that all possible suitable areas for woodland are either limited by other design factors (such as the presence of utility corridors and/or infrastructure on which trees cannot be planted), are providing compensatory mitigation for losses of other key habitats (such as semi-improved grasslands), or do not provide an equivalent habitat value to the woodland located in the current design (alongside the rail corridor and contiguous with existing woodlands). It should be noted that some woodland could be installed in the alternative locations, but it would be in addition to the woodland habitat creation proposed at RSSP.

In conclusion, if the woodland were to be provided further away from where currently proposed, it would not provide an appropriate solution that mitigates the significant ecological effects described within the ES (as amended) to compensate for localised impacts to designated or otherwise high value ecological sites (including Brackenbury Railway Cutting SBI and Copthall Covert), connectivity between areas of native broad-leaved woodland habitats (along the lineside and elsewhere) and fragmentation and isolation effects to species dependent on woodland habitat in this location, such as local bat and bird populations (including pipistrelle species and hobby).

HERITAGE

The site does not contain any listed or locally listed heritage assets. The nearest heritage assets to the site are the Grade II listed Brackenbury Farmhouse and moated site (Scheduled Monument); and Grade II listed Copthall Farmhouse. There are also a number of heritage assets in the wider area which fall within a 2km radius of the site whose settings were considered within the ES (as amended). These are RU1002, Brackenbury Farm Moated site, a Scheduled Monument and Grade II listed building, the group being of high value, RU1006 a group of listed buildings of moderate value at Highway Farm, and RU1008 Copthall Farm, a listed building of moderate value. The works for approval have been assessed to partially severe Copthall Farmhouse from its setting. This will result in a medium adverse impact. The landform 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 Copthall Farmhouse and Brackenbury Farmhouse.

Additionally, due to the presence of a tall treeline that runs along the western boundary of the Brackenbury Farmhouse and Moated site, it is considered that there are no impacts to the setting of the heritage asset as the treeline obstructs views to the proposed landforms.

Historic England (GLAAS) has been consulted on this Schedule 17 application and raises no objections on archaeological grounds. GLAAS notes that there is no remaining heritage asset of sufficient significance to justify amending the scheme design to avoid or reduce harm.

HIGHWAYS

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.

It should be noted that the current proposed arrangement of material placement at the site is a key component of the wider strategy of re-use of excavated material locally to minimise HS2 lorry movements within the Borough.

PUBLIC RIGHTS OF WAY

Public footpath U49 runs across the RSSP site and provides a key east-west connection for the area. Through consultation with LB Hillingdon, it was identified that this connection would need to be reinstated. The design has retained the existing U49 PRoW, whilst also providing passive provision for additional connectivity running east/west through the northern part of the site, and connecting with U49.

There are no known anti-social behaviour problems at the RSSP site. To ensure that pedestrians using Footpath U49 keep to its alignment, a new fence is proposed to the north of Copthall Farmhouse, to deter the public from accessing the operational farm buildings.

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.

The site is located within the River Pinn catchment for both the north and south landforms. Therefore, it is important to ensure the design achieves optimum results. The design seeks to ensure that flood risk will not increase downstream of the RSSP catchment and, therefore, that there will be no impact on the flooding conditions for the properties located at the east of Breakspear Road South as a result of the HS2 works.

The general drainage strategy for the RSSP has principally consisted of maintaining the existing drainage network as much as possible. This has been possible thanks to a careful design of the landforms geometry and also by taking advantage of the existing land gradient. As a result, it has been possible to minimise the change in the geometry of the hydrological catchments.

In the northern landform, a small section of the existing land drain which crosses the landform area is to be realigned. Along the southern toe of this landform, a new drain is proposed in order to ensure the stability of the disposal sites. This drain will intercept and convey the runoff from the slope of the landform and will also collect the flow from the realigned drain. The drain has been designed in order to minimize the occupancy of the easement of the Affinity Water mains that run between the landforms. This way, it has been designed as a ditch along the majority of its alignment. Where the utilities do not entail a constraint, the drain has been designed as a swale to enhance the landscaping concept.

In light of the above, the cross section of the swale will be wide and shallow with different side slopes to accommodate the landscape planting proposals. The swale will become a narrower and deeper ditch to minimise the impact on the Affinity Water and Cadent Gas easement. The ditch will tie in into the existing land drain so to maintain the existing crossing over the utilities.

According to the hydraulic modelling, a small increase in peak flow and maximum water depth would be expected at Breakspear Road South due to the presence of the landforms. For this reason, this increase has been mitigated by means of the design of a wetland attenuation area located at the north-east of the landforms. Hydraulic modelling including the wet grassland drainage basin has shown that the flooding conditions are maintained for events up to the 1 in 100 year (plus 40% to account for climate change) event. In fact, a relative reduction in peak flow and maximum water depth is expected at Breakspear Road South for small return period events (1 in 2 and 1 in 5 year).

10.0 REFERENCE DOCUMENTS

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

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