

**Item No.** **Report of the Interim Director of Planning, Regeneration and Public Realm**

**Address:** MERCK SHARPE DOHME (MSD) SITE OFF BREAKSPEAR ROAD SOUTH HAREFIELD

**Development:** HS2 request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017, relating to a site area of 65,977.4m2 comprising; the realignment of approx. 96m of the River Pinn with associated works including a new footbridge, a flood compensation area, drainage stepped outlets, outfalls, ditches, access stairs and fencing; an attenuation pond for the approved Gatemead Embankment track drainage with an associated road vehicle parking area, access junction and fencing; and two further access junctions for maintenance access with associated access strips and fencing.

**LBH Ref Nos:** 72870/APP/2022/2692

<b>Drawing Nos:</b>	<b>Date of Plans:</b>
1MC04-SCJ_SDH-LS-DGA-S002-981011 PO5Hard Landscape and Earthwork Plan Sheet 1 of 3	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981002 P05 Soft Landscape Arrangement Plan Sheet 2 of 3	26-08-2022
1MC04-SCJ_SDH-IN-STA-SS05_SL07-000003Planning statement	31-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981021 P05Landscape Tree Planting Plan Sheet 1 of 3	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981001 P05 Soft Landscape Arrangement Plan Sheet 1 of 3	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981012 PO5Hard Landscape and Earthwork Plan Sheet 2 o 3	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981003 P05Soft Landscape Arrangement Plan Sheet 3 of 3	26-08-2022
1 MC04-SCJ_SDH-BR-DGA-SS05_SL07-530111 P01.2 Footbridge	21-10-2022
1MC04-SCJ_SDH-LS-DSH-S002-986102 P02Planting Schedule Sheet 1 of 2	31-08-2022
1MC04-SCJ_SDH-LS-DSH-S002-986102 P02Planting Schedule Sheet 2 of 2	31-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981022 P05Landscape Tree Planting Plan Sheet 2 of 3	26-08-2022
1MC04-SCJ_SDH-LS-DSE-S002-982002 P05Earthworks Sections Sheet 2 of 2	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981013 P05Hard Landscape and Earthwork Plan Sheet 3 of	26-08-2022
1MC04-SCJ_SDH-IN-TEM-SS05_SL07-000003 Covering Letter	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981005 P04 Landscape location plan	26-08-2022

1MC04-SCJ_SDH-LS-DSE-S002-982001 P04Earthworks Sections Sheet 1 of 2	26-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981023 P05Landscape Tree Planting Plan Sheet 3 of 3	31-08-2022
1MC04-SCJ_SDH-LS-DGA-S002-981006 PO5Landscape GA	26-08-2022
1MC04-SCJ_SDH-IN-APP-SS05_SL07-000023Proforma	31-08-2022

**Drawing Nos:**

**Date of Amended Plans:**

**Date Application Valid:** 31st August 2022

## 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 River Pinn realignment, Flood Compensation Area, attenuation pond, road vehicle parking area, drainage ditches, footbridge and fencing (location only).

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

The River Pinn area is subject to two separate Schedule 17 Plans and Specifications applications under the Act. The River Pinn (Application 1) was approved by the Council on 7th July 2021 (reference: 76293/APP/2021/1158), covering the River Pinn Underbridge, Breakspear Road South Underbridge, West Ruislip Embankment, Gatemead Embankment and associated noise barriers.

Following further engagement with the applicant on the River Pinn Application 2 (this application), it was agreed that the Gatemead Embankment attenuation pond access road and road vehicle parking area would be deferred for approval at a later stage, to allow for further design development to be undertaken in collaboration with the Local Planning Authority. It was also agreed that all of the HS2 works in the River Pinn area that require approval under Schedule 17 would be submitted under two separate applications, to allow a more holistic approach to be taken for the flood-related assets in the wider area, and to allow the timely commencement of the main railway infrastructure works (the bridges and embankments, approved under Application 1). Application 2 therefore contains details of the mitigation (principally flood mitigation and landscaping) of the railway works contained in Application 1.

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

No objections are raised to the proposed fencing or road vehicle parking.

The proposals are necessary to facilitate the HS2 crossing of the River Pinn and Breakspear Road South and ensuring that there is no increased risk of flooding. It also necessitates the realignment of rights of way over the realigned River Pinn. In terms of the requirements of the HS2 Act, the Council is considering whether (a) the proposals are of a sufficiently impactful nature to secure changes, (b) that any proposed changes are feasible and practicable in the context of the timely delivery and safe operation of the railway and (c) where earthworks are not part of scheduled works, that they might be able to be relocated to a less impactful location.

With regards to the realignment of the River Pinn - this is required to provide a sufficient room to secure the necessary right of way under the River Pinn overbridge (HS2) and then merging with the route in situ under the Chiltern Line overbridge. Officers have secured amendments pre-submission to maximise the space further to allow for the right of way and increased landscaping to provide some protection from anti social behaviour (i.e. graffiti) of the large scale wing walls and bridge structure. The realignment of the Pinn is also to be consented by the Environment Agency through Schedule 33 of the Act where the water conveyance and flood regime is considered in detailed.

The bridge over the River Pinn has been designed in collaboration with officers of the Council with regards to longevity, design, accessibility and maintenance. The bridge will be an improvement on the current situation and is considered to be a positive addition to the environment.

The River Pinn flood compensation area is required to offset the loss of floodplain storage as a result of the HS2 works. The extent of embankments and earthworks already approved have reduced the areas for flood storage and conveyance, although it should be noted that the increased run-off from the embankments is managed through construction of the railway. The flood compensation area has been sized to ensure there is no net loss of floodplain storage. It has been sympathetically designed, in keeping with the area and will have the additional benefit of providing a diverse ecological environment. Furthermore, the designs have been developed in the context of the reconfiguration of the golf course (Town and Country Planning Act submission - approved).

The attenuation pond to the west of Breakspear Road South is to facilitate the construction of the retained bridge embankment as the railway crosses the road before heading into the Copthall Green Tunnel. The attenuation pond is a harder engineered structure although soft landscaping has been secured to minimise the visual impact from the bordering public right of way. The attenuation pond has been sized to ensure no net reduction in run off around Breakspear Road South, where there are known problems of flooding. The designs show replacement of some of the failing existing infrastructure and is therefore likely to provide a more effective drainage arrangement than currently in place.

A new access road has been allowed for in the designs (shown green on plans) but is not for approval through this submission. Officers maintain that this access road is entirely unnecessary, increases the quantum of infrastructure in the area and results in an additional access point immediately north of the new HS2 bridge. HS2 Ltd has already secured approval and constructed a new access road to the north of the attenuation pond and a route off this would be far more logical than building yet another access road. Discussions are ongoing.

The earthworks for the embankment that merge with the approved Copthall Tunnel earthworks are necessary to facilitate the new rail bridge over Breakspear Road South. The run-off from the embankment is considered through a separate Schedule 33 submission to secure appropriate drainage arrangement.

Considerable discussion and collaboration has gone into the design of the earthworks and it is considered no further amendments are practicable or necessary.

Officers are of the opinion that the proposals would not have a detrimental impact on a site of ecological value (i.e. a designated site) or an archaeological area of importance.

It is considered that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation in terms of its impact on the local environment / local amenity, in accordance with Paragraph 9 sub section (4)(a) of Schedule 17 of the Act.

## **2. RECOMMENDATION**

### **APPROVAL**

### **INFORMATIVES**

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located to the south-west of Ruislip Golf Course and to the north of the Chiltern Line railway. The site crosses the River Pinn and Breakspear Road South, and comprises an open area consisting of vegetation to the east of Breakspear Road South.

In terms of the context of other HS2 phases, the application boundary extends from 400m east of the border with the West Ruislip Portal Schedule 17 application boundary (approved under Schedule 17 application ref: 76293/APP/2021/1158) (adjacent to the existing Ruislip Golf Course) in the east, to the boundary with the boundary for the Copthall Tunnel Schedule 17 application (approved under Schedule 17 application ref: 76767/APP/2021/3540) to the west.

There are significant areas of open space in the vicinity, in the form of Riverside Walk Public Open Space, Ruislip Golf Course and Ruislip Common and Lido. To the north-west, the area of Newyears Green is more rural in nature, consisting predominantly of open fields, and forms part of the Colne Valley Regional Park.



The River Pinn passes under the Chiltern Main Line railway and a footbridge carrying Footpath U46 and is classified as a 'Main River' by the Environment Agency (EA), and as a result, development works in, or adjacent to / near the river channel and the associated floodplain fall within their (EA) jurisdiction in terms of managing the effect of the works on the river itself. The Environment Agency (EA) is responsible for its maintenance, and to undertake construction works to manage flood risk.

Breakspear Road South passes under the Chiltern Main Line railway adjacent to the former MSD facility. Two Public Rights of Way (PRoWs) adjoin Breakspear Road South in this area and are affected by the HS2 alignment; a public bridleway between Breakspear Road and Newyears Green Lane (U42), and a public footpath eastward between Breakspear Road the River Pinn and Ruislip Golf course beyond (U45/U46).

Two additional PRoWs are located within the application boundary but are unaffected by the works; footpath U43 located north of the Chiltern Line which joins Breakspear Road South and the River Pinn, and footpath U51 located south of the Chiltern Line which joins Breakspear Road South with the Celandine Route to the south. The Celandine Route, a 12-mile walking route from Pinner Station to the Grand Union Canal (Cowley), is located to the east of Breakspear Road South and follows the River Pinn through the Borough.

The nearest residential receptors to the site are properties at Hoylake Crescent to the south, Dunster Cottage on Breakspear Road South to the north, and Brackenbury Farm on Breakspear Road South to the southwest (see Figure 4). Oak Farm is vacant and the applicant does not consider it to be a residential receptor for the delivery phase of the HS2 works.

The application site does not fall within, or in close proximity to, any statutory ecological designations. The applicant has therefore assessed that the proposed works will have no adverse impacts on any statutory ecological designations and therefore no specific mitigation measures are required. However, the application site partially falls within a non-statutory ecological designated Site of Borough Importance, 'Ruislip Golf Course and Old Priory Meadows Site of Borough Importance (SBI)'. The application site is also in the vicinity of the 'Mad Field Covert, Railway Mead and the River Pinn SBI.

The site is located within a groundwater Source Protection Zone (SPZ), which is categorised as a 'Zone 1 - Inner Protection Zone'. The SPZ is in place for protection of a groundwater abstraction for potable water, however this abstraction is not currently active.

The site does not contain any listed or locally listed heritage assets within the site boundary.

Breakspear Road South intersects the application site in a north-south alignment.

### 3.2 Proposed Scheme

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

- Work No. 1/61 - A railway (2.27 kilometres in length), partly in tunnel commencing by a junction with the termination of Works Nos. 1/15 and 1/1 passing north westwards and terminating at a point

225 metres north of the junction of Harvil Road with Skip Lane. Work No. 1/61 includes a shaft at West Ruislip and bridges over the River Pinn and Breakspear Road South.

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

#### River Pinn realignment

As a result of the HS2 track alignment at this location, the River Pinn is required to be slightly realigned to the north. This river realignment is required to ensure that there is no clash with the proposed River Pinn Underbridge (approved under Schedule 17 application reference 76293/APP/2021/1158), which would impact on aquatic habitat and morphology and restrict the flow of the river beneath the bridge.

The length of the current River Pinn which is to be realigned is approximately 82m. Following the realignment scheme, this section of the river channel will be lengthened to approximately 96m. The realigned section of the channel (which has been extensively canalised in the past, and is not therefore in its original 'natural form') is at the south-western extent of Ruislip Golf Course. By realigning the river to the north in this manner, the applicant explains that sufficient space will be created in front of the River Pinn Underbridge north-eastern wingwall to accommodate the existing Public Right of Way (PRoW) Footpath U45 as well as landscape screening planting for this structure.

The River Pinn realignment is also subject to approval by the EA under Schedule 33 (5) of the Act (reference: SCS-000-0083). This application was submitted for approval on 22/11/2021; at the time of writing a decision is pending on this application.

#### River Pinn Footbridge

Due to the alignment of the proposed HS2 railway and associated structures, the existing Footpath U45 will be diverted north of its existing alignment and across the realigned River Pinn over a new footbridge. The River Pinn footbridge will be located to the east of the existing footbridge, to provide a connection between Footpaths U45 and U46, Breakspear Road South to the west, and Ruislip Golf Course and the wider Hillingdon Trail to the east,

The proposed footbridge itself will be approximately 12 metres in length to span the width of the River Pinn river channel, with a 2-metre clear width between the parapets (handrails). The footbridge deck will be constructed using a steel frame and the external elements clad with timber to give the appearance of an all-timber construction, to help integrate the footbridge into its predominantly rural setting. The footbridge decking will be constructed using a hardwood timber and feature factory applied insert strips formed from resin bonded aggregate to provide anti-slip properties for user safety. The parapets (handrails) will be constructed using hardwood timber and will sit along the length of the footbridge to ensure user safety.

At either end of the footbridge, where the footbridge abutments meet the riverbanks, concrete abutments will provide vertical and lateral support for the bridge span. These concrete abutments will be faced with the vegetated wall system, which will help integrate the concrete elements into the

natural landscape setting at the River Pinn.

### Flood Compensation Area

The River Pinn Underbridge and West Ruislip Retained Embankment (approved under Schedule 17 application reference 76293/APP/2021/1158) fall within the existing floodplain of the River Pinn. As such, a Flood Compensation Area (FCA) is to be provided to account for the volume of floodplain lost through these HS2 works to act as flood mitigation.

The proposed FCA will be formed of two excavated areas, for the storage of water in storm events. A drainage channel will be excavated to connect the River Pinn to the first slightly deeper excavated FCA area which will have a maximum depth of 1.29m. Adjacent to the northeast of this will be the second slightly shallower excavated FCA area which will have a maximum depth of 1.24m. Located between the two excavated FCA areas will be the existing U43 footpath, at its existing alignment and height. The combined capacity of the two excavated FCA areas will be approximately 6,860m<sup>3</sup>.

The excavated areas will slope gently downwards and be surrounded by a wider area of grassland and scrub habitat planting, to integrate the FCA within the surrounding area. To the north of the excavated areas, there will be an area of tree planting providing amenity and visual mitigation for the property's further north.

An existing Ordinary Watercourse crosses the area where the FCA will be created; and therefore, it is necessary to realign and reinstate this Ordinary Watercourse within the FCA. The realigned Ordinary Watercourse will comprise a slightly deeper excavation than the rest of the FCA and will run through the neck of the FCA to connect and discharge to the River Pinn.

### Attenuation pond

An attenuation pond is proposed to the west of Breakspear Road South and immediately north of the HS2 railway. The purpose of the attenuation pond is to accommodate surface water and track drainage water from Gatemead Embankment (approved under Schedule 17 application reference 76293/APP/2021/1158) and Copthall Tunnel (approved under Schedule 17 application reference 76767/APP/2021/3540).

The side slopes of the attenuation pond are limited to a maximum of 1:3 and the maximum depth of the pond is approximately 2m during normal rainfall and 3.5m during 1 in 100-year flooding events, the total volume of the pond is 2,535m<sup>3</sup>. The pond slope profile is designed in a way to naturalise the attenuation pond into the existing semi-rural landscape setting. Landscape planting will include wet grassland planting at the top of the pond, marginal and emerging planting at the water line, submergent planting under the water and floating wetland pallets on the water surface. All planting will help to promote biodiversity and ecology. Wet and dry benches are included within the pond as a health and safety measure to reduce the risk of drowning.

### Access junctions and road vehicle parking

The area identified as 'area subject to second phase of approval' within this submission comprises provision for vehicular maintenance access to the Gatemead Embankment attenuation pond area,

with road vehicle parking. This access provision is required to allow for vehicle access and parking during HS2 asset maintenance and inspection. The details of vehicular access and parking arrangements will be agreed with the second phase of approval application.

An access junction is proposed east of Breakspear Road South for maintenance access to the River Pinn Underbridge, with a removable bollard at the entrance to prevent unwanted vehicular access along footpath U46. The material of the removable bollard will be timber and will have a height of 1m above ground level. The access junction will be constructed using asphalt. The bollard and access road will only to be used occasionally as vehicle maintenance access for the River Pinn Underbridge.

Another access junction will be located to the southwest of the Breakspear Road South Underbridge. This purpose of this access junction is to provide access to the shared maintenance access strip. The access junction will also be constructed using the same material as the attenuation pond junction, Asphalt. The maintenance access strip will be constructed using grass concrete paving.

#### Drainage ditches and stepped outlets

To the west of Breakspear Road South, there are two existing Ordinary Watercourses, that are required to be diverted as a result of HS2 works in the area. The Ordinary Watercourses are to be diverted to the north and south of the HS2 alignment; the channel to the north will connect to the south via a culvert beneath Gatemead Embankment. The south channel will connect to ditches to the east of Breakspear Road South via an existing culvert beneath this road. These works were the subject of a Schedule 33(5) consent, which has been approved by the Council.

To the east of Breakspear Road South, drainage ditches are proposed on either side of the HS2 embankments to capture surface water runoff and convey this to the River Pinn. For the drainage channels running in between the proposed HS2 line and existing Chiltern Line, there is a significant height difference between the channel level and the River Pinn level. Therefore, stepped outlets have been incorporated for the discharge of these channels to the River Pinn on the east and west bank of the river. The attenuation pond connects to the drainage ditches described above via pipes and culverts to discharge to the River Pinn.

#### Access stairs

Access stairs are proposed adjacent to the stepped drainage outlets described above, to provide access to the HS2 and Network Rail operational railway lines and to the associated bridges over the River Pinn. On the eastern bank, the stairs will rise up from a level of +39.4mAOD to +43.6mAOD (i.e., a rise of approximately 4.2m); and on the western bank the stairs will rise from a level of +38.4mAOD to +43.6mAOD (i.e. a rise of approximately 5.2m).

#### Fences (location only for approval)

Timber post and rail boundary fencing will line the maintenance access strip, north of the West Ruislip Retained Embankment, and run in a south easterly direction from the junction at Breakspear Road South to the east of the application boundary. At its most easterly point it will tie in with the boundary fencing at the base of the West Ruislip Retained Embankment (approved under Schedule

17 application reference 76293/APP/2021/1158). The purpose of this fence line is to provide separation between the HS2 works and existing properties in the area to be retained; the fence does not serve a security function.

Timber post and rail barrier fencing will line the section between the realigned Footpath U45 and realigned River Pinn. This barrier fencing will extend from the most easterly section of the approved River Pinn underbridge north-eastern wingwall to halfway between the approved HS2 River Pinn underbridge and the existing Chiltern Line railway. Due to this significant drop from the footpath to the river channel, the purpose of this fence is to act as a protective barrier between users of the footpath and the River Pinn. A 1.2m high barrier fence is proposed along the western bank of the realigned river.

HS2 security fencing will be provided around the Gatemead Embankment area. These elements of the works are intended to be retained in HS2 ownership and are functional elements of the operation of the railway; hence it is essential to maintain a secure line to prevent public access for safety and security reasons.

The attenuation pond will be surrounded by timber post and rail boundary fencing with adjacent hedgerow planting. This fencing will begin at the attenuation pond junction and go north easterly around the perimeter of the attenuation pond. The timber post and rail boundary fencing will be 1.3m high, the access gates are proposed at 1.8m high and the hedge planting will be maintained to achieve a height of 1.8m. The purpose of this fence and hedgerow is to act as a protective barrier between users of Bridleway U42 and the water body of the attenuation pond. The hedgerow also serves as perceptual mitigation in a visually congested area.

Network Rail security fencing will be provided between the HS2 and Network Rail lines, as well as between the existing Chiltern Line bridge and the approved River Pinn Underbridge (approved under Schedule 17 application reference 76293/APP/2021/1158). This fencing is to ensure a secure line is maintained to prevent public access to either of the operational railway lines in this area. In addition, noise barriers (subject of a separate Schedule 17 application reference 76293/APP/2021/1158) will act as the security boundary to the HS2 track alignment on the West Ruislip Retained Embankment.

Within the FCA, clusters of between 2 - 6 trees are proposed along the northwest boundary with Breakspear Road South and along the northeast boundary with the adjoining field. Planting works fencing will be located around the perimeter of the tree clusters to stock proof the trees from damage from animals (including deer and rabbits) and allow the trees to establish. The fencing will be 1.5m in height and comprise a timber top rail and timber posts and a wrapped in galvanised mesh. This fencing is temporary and will be removed after 5 years when the trees are established, and protection is no longer required.

Other consents required (not for approval in this application)

In addition to the works outlined above (including the 'area subject to second phase of approval'), there are some other associated consents required, these include:

> Schedule 17 HS2 Act: Application 1 (approved by the London Borough of Hillingdon on 7th July 2021, reference: 76293/APP/2021/1158) for the River Pinn Underbridge, Breakspear Road South

Underbridge, West Ruislip Retained Embankment, Gatemead Embankment, Noise barriers.

> Schedule 4 HS2 Act: for a proposed new access on the east of Breakspear Road South, providing access along the proposed maintenance access track to the HS2 River Pinn Underbridge. The proposed maintenance access track will run along the proposed diverted Public Right of Way (PRoW) Footpath U46 (see below). A removable bollard will be located in the centre of the access bell mouth to prevent unauthorised motor vehicular access onto the PRoW network.

> Schedule 33 HS2 Act: Various surface water runoff discharges to the River Pinn via newly created drainage ditches (approved by EA, reference: SCS-000-0081).

> Schedule 33 HS2 Act: Realignment of the River Pinn (submitted to EA and pending approval, reference: SCS-000-0083).

> Schedule 33 HS2 Act: Realignment of existing Ordinary Watercourse (through FCA) (approved by London Borough of Hillingdon, reference: SCS-000-0082).

> Schedule 33 HS2 Act: Diversion of two Ordinary Watercourses (to the west of Breakspear Road South) (approved by London Borough of Hillingdon, reference: SCS-000-0101).

> Section 257 of the Town and Country Planning Act 1990: for the permanent realignment of Footpath U45 and U46.

### Indicative Mitigation

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

- Planting north of the HS2 line between River Pinn and Breakspear Road South - semi-mature tree and scrub planting to provide ecological connectivity and visual mitigation to screen the River Pinn Underbridge and the West Ruislip Retained Embankment from the residential properties to the north.
- Hedgerow planting in front of River Pinn Underbridge north-eastern wingwall and along the wingwall adjacent to U46.
- Semi-mature native trees and shrubs around the River Pinn area to provide visual screening for residential properties to the north and users of the adjacent Public Right of Ways (PRoWs).
- Flood Compensation Area - to mitigate flood levels from a 1 in 100-year plus 70% of climate change allowance flood event.
- Drainage ditches - to mitigate surface water flows and local flood risk.
- Attenuation pond - to mitigate surface water flows and local flood risk.
- Hedgerow planting adjacent to the attenuation pond timber post and rail boundary fencing.
- Permanent Public Right of Way diversions (subject to separate approvals under Schedule 4 of the HS2 Act and Section 257 of the Town and Country Planning Act (1990))

The mitigation will comprise part of the overall mitigation scheme in relation to the scheduled works.

### Construction Method

The works subject to this request for approval of Plans and Specifications will be undertaken in accordance with the HS2 Code of Construction Practice and the Class Approval issued by the Secretary of State (March 2017).

The general construction methodology and the main temporary works arrangements are for information and background only and do not form part of this request for approval.

- Stage 1 - early November 2022 - Mobilisation works and vegetation clearance to begin as part of the first stage of works.

- Stage 2 - early November 2022 - Northern section of the river realignment will be constructed. Stage 2 will also see the installation of the dam and over pump downstream.
  - Stage 3 - mid November 2022 - Downstream, new alignment ties to be constructed. This is inclusive of the headwall and drainage outfalls. Amendment temporary drainage is to take place, as well as the cutting down of sheet piles along the RPU west abutment. The downstream dam will also be removed at this stage.
  - Stage 4 - late November 2022 - Dams are to be installed at the upstream river realignment tie in. This will allow the commencement of pumping existing river into new alignment.
  - Stage 5 - late November to early December 2022 - Downstream tie pump and dams removed as required, and the new alignment upstream tie in is to be constructed.
  - Stage 6 - early December 2022 - Removal of pumps and dam to allow the water to flow through the new alignment. Access will be created to the south side of the new alignment and burning of sheet piles will take place. Gravel from the old river alignment will then be removed, and necessary earthworks to the old river alignment will take place.
  - Stage 7 - mid December 2022 - Footbridge foundation (south) will be built, vegetated wall system installed and earthworks south of the new alignment will continue. Pathway will also be created at this stage.
  - Stage 8 - late December 2022 - The final stage of construction will involve the removal of the longitudinal dam, further pathway construction and preparations for landscaping. Remove longitudinal dam; Create Pathway; Ready for landscaping.
- 3.4.2 There will be one main construction compound for these works, known as the 'Breakspear Road Compound Worksite'.

### 3.3 Relevant Planning History

The High Speed Rail (London - West Midlands) Act 2017 ('the Act') provides powers for the construction and operation of Phase 1 of High Speed Two. HS2 Ltd is the nominated undertaker in relation to the works subject to this Plans and Specifications submission. Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by the relevant LPA.

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

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

Schedule 17 of the Act sets out the grounds on which the LPA may impose conditions on approvals, or refuse requests for approval. HS2 Ltd as the nominated undertaker is contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs). HS2 Ltd as the nominated undertaker

is

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

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

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

### Specific Site History

The River Pinn area is subject to two separate Schedule 17 Plans and Specifications applications under the Act. The River Pinn (Application 1) was approved by the Council on 7th July 2021 (reference: 76293/APP/2021/1158), covering the River Pinn Underbridge, Breakspear Road South Underbridge, West Ruislip Embankment, Gatemead Embankment and associated noise barriers.

Following further engagement with the applicant on the River Pinn Application 2 (this application), it was agreed that the Gatemead Embankment attenuation pond access road and road vehicle parking area would be deferred for approval at a later stage, to allow for further design development to be undertaken in collaboration with the Local Planning Authority.

Following extensive engagement with the applicant,, it was agreed in early 2020 that all of the HS2 works in the River Pinn area that require approval under Schedule 17 would be submitted under two separate applications, to allow a more holistic approach to be taken for the flood-related assets in the wider area, and to allow the timely commencement of the main railway infrastructure works (the bridges and embankments, approved under Application 1). Application 2 therefore contains details of the mitigation (principally flood mitigation and landscaping) of the railway works contained in Application 1.

The applications have been split as follows:

- Application 1 (approved by the London Borough of Hillingdon on 7th July 2021, reference: 76293/APP/2021/1158): River Pinn Underbridge, Breakspear Road South Underbridge, West Ruislip Retained Embankment, Gatemead Embankment, Noise barriers
- Application 2 (this application): River Pinn realignment, River Pinn footbridge, Flood Compensation Area, attenuation pond, drainage ditches, drainage stepped outlets, road vehicle parking area, access junctions, 1 removable bollard, and fencing (location only).

HS2 Schedule 17 applications in the surrounding area which have already received approval include 'Cophall Tunnel', 'Gatemead, West Ruislip Retained Embankment and Bridges' and the 'West Ruislip Portal and Retained Embankment'. Additionally, a Town and Country Planning Act application for the remodelling of Ruislip Golf Course has already been approved.



#### **4. ADVERTISEMENT AND SITE NOTICE**

4.1 Advertisement Expiry Date: Not Applicable

4.2 Site Notice Expiry Date: Not Applicable

#### **5.0 PLANNING POLICES AND STANDARDS**

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

Part 1 Policies:

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

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

2. **PT1.EM3 (2012) Blue Ribbon Network**

(2012) Blue Ribbon Network

3. **PT1.EM6 (2012) Flood Risk Management**

(2012) Flood Risk Management

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

(2012) Biodiversity and Geological Conservation

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

(2012) Land, Water, Air and Noise

6. **PT1.HE1 (2012) Heritage**

(2012) Heritage

Part 2 Policies:

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

Water Management, Efficiency and Quality

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

Protection of Ground Water Resources

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

Biodiversity Protection and Enhancement

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

Management of Flood Risk

5. **DMHB 1 Heritage Assets**

Heritage Assets

6. **DMHB 14 Trees and Landscaping**

Trees and Landscaping

7. **DMT 2 Highways Impacts**

Highways Impacts

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

Development on the Green Belt or Metropolitan Open Land

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

(2021) London's Green Belt

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

(2021) Biodiversity and access to nature

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

(2021) Trees and woodlands

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

(2021) Geodiversity

13. **LPP HC1 (2021) Heritage conservation and growth**

(2021) Heritage conservation and growth

14. **LPP SI12 (2021) Flood risk management**

(2021) Flood risk management

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

(2021) Protecting and enhancing London's waterways

**16. LPP SI5 (2021) Water infrastructure**

(2021) Water infrastructure

**17. NPPF13 NPPF 2021 - Protecting Green Belt Land**

NPPF 2021 - Protecting Green Belt Land

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

NPPF 2021 - Meeting the challenge of climate change flooding

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

NPPF 2021 - Conserving and enhancing the natural environment

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

NPPF 2021 - Conserving & enhancing the historic environment

## **6.0 COMMENTS ON PUBLIC CONSULTATION**

### **6.1 HISTORIC ENGLAND (GLAAS)**

This application is made under the Highspeed 2 (London - West Midlands Act) and Historic England is a statutory consultee under the Act.. This is because the site has archaeological potential identified by HS2 as having archaeological evaluation, in accordance with HS2's Environmental Minimal Requirements and Heritage Memorandum.

In the event, no significant remains have been found on the MSD site, so there is no need for the proposal to be amended to accommodate a site of archaeological interest.

#### **NATURAL ENGLAND**

No response.

#### **ENVIRONMENT AGENCY**

No response.

### **6.2 None.**

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

### **7.1 BUILDING WORKS (The erection, construction, alteration or extension of any building (as defined**

in paragraph 30)

The relevant planning authority may only refuse to approve plans or specifications on defined grounds for the erection, construction, alteration or extension of any building in accordance with Schedule 17 of the Act. Paragraph 2 of Schedule 17 outlines the grounds for determination for 'building works', which in this submission include River Pinn footbridge, drainage stepped outlets, outfalls, access stairs, 1 removable bollard.

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

- (a) the design or external appearance of the building works ought to be modified
  - (i) to preserve the local environment or local amenity,
  - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
  - (iii) to preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or
- (b) the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

### Footbridge

The applicant notes that the design of the footbridge for which approval is sought has been guided by engagement with officers and associated design feedback and requests. The proposed footbridge across the River Pinn is intended to reflect the local context and types of structures found on the wider Public Right of Ways (PRoWs) network within the Borough. The dimensions and wood materiality of the new footbridge seek to integrate it into the wider landscape by using materials which reflect the appearance of similar bridges in the area. The new bridge will have an increased span of 13m to reduce the flow restriction which was observed with the pre-existing bridge.

The proposed bridge shall be supported on reinforced concrete pad abutments within the River Pinn riverbank. The proposed superstructure is a steel timber construction, comprising galvanised beams, a timber deck and timber parapets. The specification also stipulates that the hardwood decking must include slip prevention/inserts in accordance with 'CD 353: Design criteria for footbridges'.

No objections are raised to the proposed design of the footbridge.

### Stepped outlets and outfalls

Water draining from the HS2 tracks will be discharged by outlets into the River Pinn, to the south of the River Pinn Underbridge. These outlets have been designed to slow the flow of the water through a series of six steps. The height of the steps and the orientation of the outfalls were calculated to minimise the impact of the discharge to the flow of the River Pinn.

### Road Safety

It is not considered that the building works will have any detrimental impact on road safety or the free flow of

traffic in the local area.

## Archaeology and heritage

GLAAS considers that the proposal will not have a significant effect on heritage assets of archaeological interest and is satisfied that the question of amending the design to preserve an archaeological site does not arise. It is not therefore considered that the works are reasonably capable of being modified to preserve a site of archaeological or historic interest.

Brackenbury House (Grade II listed property) including a scheduled ancient monument lie to the south of the Chiltern Lines off Breakspear Road South. The new railway will be immediately north of the Chiltern Line. There will be some visual impact from the setting of the Listed Building but not to an extent that requires interrogation of potential modifications to the scheme.

## Ecology

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

It is not considered that the building works ought to or could reasonably be located elsewhere within the development's permitted limits.

EARTHWORKS (paragraph 3): River Pinn realignment, River Pinn Flood Compensation Area (FCA), Gatemead Embankment attenuation pond, drainage ditches, access junctions and strips

### Possible grounds for refusal of approval

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

- (a) to preserve the local environment or local amenity,
- (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
- (c) to preserve a site of archaeological or historic interest or nature conservation value.

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

- (1) is there sufficient evidence that the proposals would likely have an impact (relative to the considerations set out in the Act) and
- (2) whether the proposals and could and should be modified to avoid the harm.

With regards to the earthworks, the matters for consideration are

- (1) the impacts on the local environment and local amenity,
- (2) matters relating traffic and
- (3) impacts on sites of archaeological or nature conservation value.

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

As a result of the HS2 track alignment at this location, the River Pinn is required to be slightly realigned to the north. This river realignment is required to recentre the river channel alignment

beneath the River Pinn Underbridge (approved under Schedule 17 application reference 76293/APP/2021/1158), to avoid the structure from clashing with the river channel. If the River Pinn were not to be realigned, a clash with the bridge would take place which would impact on aquatic habitat and morphology and, restrict the flow of the river below the River Pinn Underbridge. Another key factor driving the design of the river realignment was the need to not have a detrimental impact on flood risk in the local area. Additionally, the design was constrained by the availability of land around the River Pinn, as well as the existing utilities and biodiversity habitats.

The proposed river channel will have an asymmetrical cross section to promote diversity of flow, morphology and aquatic habitat. The low flow channel will have an average width of 4m under normal flow conditions, with some narrower and wider sections intended to promote diversity of flow. This is consistent with the existing river channel which is between approximately 4 and 5m wide. Gravel riffles will be incorporated into the river channel to promote flow diversity, and an embayment (recessed section of bank and channel) will act as a refuge for fish during high flow river events.

The realigned channel has a proposed depth of 0.3m at low flow (normal flow conditions); the existing channel is approximately 0.3 - 0.4m deep and therefore the proposed is consistent with existing conditions.

The proposed habitat planting in the river channel is intended to support key species in the locality; marginal and emergent planting will be incorporated along the channel. A vegetated wall system is proposed within the riverbank of sections of the realigned River Pinn, acting as a retaining wall between the river and the embankment behind. The vegetated wall system will be approximately 1-1.5m high and provide a landscaped finish to integrate into the natural landscape and promote biodiversity.

#### Local Environment and Local Amenity:

The Written Statement states that the design approach taken brings opportunities for enhancing the river biodiversity, as well as providing increased space for landscape planting in front of the proposed River Pinn Underbridge, to act as visual screening of this structure. The main disadvantage of the river realignment is a short-term loss of aquatic habitat (impacting on fish, invertebrates and macrophytes & phytobenthos combined) during the construction stage. New habitat planting will be provided in the realigned channel to minimise this impact and it is expected that these communities will re-establish within approximately 1 to 2 years from completion of the river works.

The realignment of the River Pinn also seeks to be consistent with the existing stretches of river channel. Where possible, the gravel bed will be translocated from the existing channel, with additional provision of coarse gravels in places to provide optimum conditions for target species. Habitat for marginal and emergent aquatic vegetation through diverse channel morphology will be provided.

In terms of ecology, Natural England raises no objections to the proposed works. It is not therefore considered that the design or external appearance of the works ought to, and could reasonably, be modified to preserve a site of nature conservation value. Further details of ecological issues are considered in section 9 of this report.

It should be noted that the Hybrid Bill included a Reference Design for the scheme within the Flood Compensation Area and Gatemead Embankment attenuation pond, the assessment of which was included within the Environmental Statement (ES) (as amended). Since then, the design has been developed, and has evolved, through Scheme Design and Early Detailed Design stages, into that which is included within this submission for approval.

The Reference Design did not include a realignment in the River Pinn or provision of a new footbridge crossing over the River Pinn, as it was assumed that the existing footbridge could be retained. An initial design of the realignment of the River Pinn was tightly constrained by the Limits of Deviation (LOD) and Limits of Land to be Acquired or Used (LLAU) as set out in the HS2 Act. This design included a temporary haul road. Due to the construction phasing it was necessary for the river to be realigned before the haul road was constructed. This design was presented to officers at a Schedule 17 pre-application meeting, where the design approach was queried in that temporary works should not be determining permanent design. An agreement from HS2 to acquire more land for temporary purposes eased the construction constraint on the design and allowed for a more beneficial river alignment. The re-design included a wider realignment which allowed for more space in front of the north-eastern wingwall of the River Pinn Underbridge. This in turn provided space to design a better journey experience for users of the PRow (U45) and accommodate visual mitigation screening through planting.

The Written Statement points out that limited land availability between the River Pinn and River Pinn Underbridge is one of the main design constraints to the River Pinn realignment. Along sections of the banks of the realigned River Pinn, the design has responded to the constraint through a vegetated wall is required to act as a retaining wall between the River Pinn and the embankment for Footpath U45. The vegetated wall system provides a solution to the space constraints in this area as a result of the realigned river, footpath and mitigation planting by the wingwall, and the need to achieve the correct height of the footpaths.

The River Pinn riverbed is at approximately 36.9m AOD, whilst the footpath towards the bridge is approximately 40m AOD. This level difference of over 3.1m needs to be achieved through the design of the path and riverbanks. Additionally, optimal habitat for wildlife needs to be provided on the River Pinn riverbanks. This constrains the slopes of the riverbanks to be as shallow as possible. Geotechnical requirements for the cut banks require a max 1V:2.5H gradient, which would mean that 7.75m of horizontal space would be needed just to achieve the level difference between the footpath and river. This would result in a significantly smaller area in front of the River Pinn Underbridge wingwall and result in a reduced area for landscape screening of the wingwall. The design response to these constraints was to install a vegetated wall which provides shallower slopes on the riverbanks, and the required space in front of the wingwall for planting.

Recreational receptors constitute a further constraint to the design. The design has considered how users of the footpaths will experience this space once the HS2 works are complete. The applicant states creating a user experience that is safe, pleasant, and enjoyable has been a key driver in both the footpath and landscape design.

Officers raised particular concern in relation to the height of the north-eastern River Pinn underbridge wingwall and the impact of this on users of the footpath. To mitigate this visual impact, 'screening' of the underbridge wingwall has been achieved through hedge planting. The intended height of screen hedge planting is approximately 3m.

Existing utility corridors and easements.

It should also be noted that during pre-application meetings, concerns were raised in relation to the proximity of Footpaths U45 and U46 to the approved River Pinn underbridge wingwall and abutments (approved under Schedule 17 application reference 76293/APP/2021/1158) and the propensity for vandalism and graffiti. This design constraint has been responded to through careful design deterrence consideration. Due to the visual impact and space constraints, it was not considered appropriate or effective to shield the underbridge structures with security fencing. As such, landscape proposals have been carefully considered to provide deterrence through hedgerow planting along the length of the wingwalls at their intersection with the footpaths. The hedge planting sees to deter vandalism and graffiti from day one by being planted as established planting at a height of 1m and will reach an intended height of 3m to provide sufficient deterrence long term. As noted above, the planting consists of a native species mix with a mix of deciduous and evergreen species. In addition to this, the material of the approved River Pinn Underbridge (approved under Schedule 17 application reference 76293/APP/2021/1158) has taken measures to reduce the likelihood of vandalism and deter graffiti through ribbed textured concrete.

In addition, existing utility corridors and the associated easements have posed a constraint to the design in several places. In particular, a Thames Water pipe crosses the site to the west and the design proposals have taken consideration of the pipe and its associated easement.

With regard to design, officers are of the opinion that the earthworks would have a detrimental impact on the local environment and local amenity, principally through the visual intrusion. However, as set out above, these earthworks are necessary to facilitate the construction of HS2. Consequently, earthworks will be necessary to achieve this part of the scheme.

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

It is not considered that the earthworks will have any detrimental impact on road safety or the free flow of traffic in the local area.

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

The applicant submits that appropriate mitigation will be developed in line with the Environmental Minimum Requirements (EMRs) and implemented dependent on the outcomes of the surveys and subject to the appropriate consultation with Natural England (NE) and the Environment Agency(EA).

It is not considered that the works ought to or could reasonably be located elsewhere within the development's permitted limits.

ROAD VEHICLE PARK (paragraph 3) - Gatemead Embankment attenuation pond road vehicle parking area (second phase of approval only).

Vehicular maintenance access to the Gatemead Embankment attenuation pond area is required with road vehicle parking, to allow for vehicle access and parking during HS2 asset maintenance and inspection. An access junction is proposed east of Breakspear Road South for maintenance



access to the River Pinn Underbridge, with a removable bollard at the entrance to prevent unwanted vehicular access along footpath U46. Another access junction will be located to the southwest of the Breakspear Road South Underbridge. The purpose of this access junction is to provide access to the shared maintenance access strip.

Other consents required (not for approval in this application) include a Schedule 4 HS2 Act: for the proposed new access on the east of Breakspear Road South, providing access along the proposed maintenance access track to the HS2 River Pinn Underbridge. The proposed maintenance access track will run along the proposed diverted Public Right of Way (PRoW) Footpath U46.

No objections are raised to the proposed road vehicle parking.

**FENCES AND WALLS** (paragraph 3) - security fencing, boundary fencing and planting works fencing (location only);

Possible grounds for refusal of approval

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

Fencing at the River Pinn and Gatemead were designed, in the first instance, in accordance with the relevant HS2 and industry requirements. Through pre-application engagement with officers, it was made clear that there was a strong preference for reducing or removing fencing around the proposed Gatemead Attenuation Pond and barrier fencing adjacent to the realigned River Pinn on the eastern bank.

The proposed fencing around the Gatemead Attenuation Pond was originally designed as 1.8m high welded mesh fencing with three strands of barbed wire above (total height of 2.1m). Following comments from officers on the visual impact of the fencing in this location, it was agreed to amend the fencing to a 1.3m high wooden post-and-rail fence with adjacent hedgerow planting. The access gates are proposed at 1.8m high and the hedge planting will be maintained to achieve a height of 1.8m. The proposed post-and-rail fence with hedgerow will discourage public access to the pond; this will be enhanced by the proposed hedgerow mix which will include hawthorn and similar planting types, which act as a natural deterrent.

At the River Pinn realignment, a 1.2m high barrier fence is proposed along the western bank of the realigned river. This barrier fencing is required due to the significant drop from the footpath to the river channel and associated health and safety risk. Officers initially requested that this fencing was removed, due to the visual impact on users of the footpath. However, HS2 has argued that fencing at this location is a key requirement due to health and safety risk and in line with technical standards.

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

No objections are raised to the location of the proposed 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 2 important Schedule 17 paragraphs which are relevant to this application and they are set out as follows.

Paragraph 2 relates to "building works" which in this application include the River Pinn Footbridge, drainage stepped outlets, outfalls, access stairs and one removable bollard.

As stated in the report there are no objections to the proposed design of the footbridge. In addition, the stepped outlets and outfalls are acceptable and there are no objections on road safety, archaeology and heritage or ecology grounds.

Therefore, provided that members are also satisfied in relation to the above issues, Committee may grant permission in accordance with Paragraph 2.

Paragraph 3 relates to "earthworks" which comprise the River Pinn realignment, the River Pinn Flood Compensation Area, the Gatemead Embankment Attenuation Pond, drainage ditches, access junctions and strips.

In order to refuse the application under paragraph 3, the Council must have sufficient evidence that the proposals would likely have a detrimental impact on the local environment and amenity, or matters relating to traffic or impacts on sites of archaeological or nature conservation value. In addition, if the Council does have concerns about these matters, the Council needs to demonstrate that the earthworks can be reasonably modified.

The report explains that although officers are of the opinion that the earthworks would have a detrimental impact on the local environment and local amenity through visual intrusion, these earthworks are necessary to facilitate the construction of HS2. Further, officers are unable to advise that the earthworks ought to be modified because the Council is unable to identify which reasonable modifications could be made to reduce or remove the harm on the local environment. In particular, it

is not considered that the works ought to or could reasonably be located elsewhere within the development's permitted limits.

In addition, there are no objections raised relating to road vehicle parking or the location of the proposed fencing.

Provided, therefore that members are also of the opinion that the earthworks could not reasonably be located elsewhere within the development limits, committee may also grant permission in accordance with Paragraph 3.

## **9.0 OTHER ISSUES**

### **FLOODING AND DRAINAGE**

The River Pinn runs through the application site broadly in a north south alignment. It rises in Harrow Weald common and joins the River Colne and eventually the Thames south of the application site. The River Pinn is designated as a 'Main River' by the Environment Agency, which means the Environment Agency (EA) is responsible for the its maintenance, and to undertake construction works to manage flood risk. This Schedule 17 application includes permanent alterations to the River Pinn, in the form of an approximate 90m realignment of a section to the north of the HS2 alignment. Due to the River Pinn's status as a 'Main River', the river realignment works will also be subject to approval by the EA under the Protective Provisions (Schedule 33 (5)) contained within the Act.

The River Pinn Underbridge and West Ruislip Retained Embankment (approved under Schedule 17 application reference 76293/APP/2021/1158) fall within the existing floodplain of the River Pinn. As such, a Flood Compensation Area (FCA) is to be provided to account for the volume of floodplain lost through these HS2 works to act as flood mitigation. The purpose of the FCA is to provide compensated flood storage to ensure the same volume of flood storage lost by the location of the HS2 works is available during periods of flooding. The proposed FCA will be located north of the HS2 track alignment and to the east of Breakspear Road South. The area has been designed to mitigate flood levels from a 1 in 100-year flood event plus 70% for climate change allowance.

An existing Ordinary Watercourse crosses the area where the FCA will be created; and therefore, it is necessary to realign and reinstate this Ordinary Watercourse within the FCA. The realigned Ordinary Watercourse will comprise a slightly deeper excavation than the rest of the FCA and will run through the neck of the FCA to connect and discharge to the River Pinn. The realignment of this existing Ordinary Watercourse is the subject of a separate Schedule 33 (5) application to the Council, which has been approved.

An attenuation pond is proposed to the west of Breakspear Road South and immediately north of the HS2 railway. to accommodate surface water and track drainage water from Gatemead Embankment (approved under Schedule 17 application reference 76293/APP/2021/1158) and Copthall Tunnel (approved under Schedule 17 application reference 76767/APP/2021/3540).

To the west of Breakspear Road South, there are two existing Ordinary Watercourses, that are required to be diverted as a result of HS2 works in the area, namely the creation of Gatemead Embankment. The Ordinary Watercourses are to be diverted to the north and south of the HS2

alignment; the channel to the north will connect to the south via a culvert beneath Gatehead Embankment. The south channel will connect to ditches to the east of Breakspear Road South via an existing culvert beneath this road. These works were the subject of a Schedule 33(5) consent, which has been approved by the Council.

To the east of Breakspear Road South, drainage ditches are proposed on either side of the HS2 embankments to capture surface water runoff and convey this to the River Pinn. For the drainage channels running in between the proposed HS2 line and existing Chiltern Line, there is a significant height difference between the channel level and the River Pinn level (i.e., where this channel discharges to). Therefore, stepped outlets have been incorporated for the discharge of these channels to the River Pinn on the east and west bank of the river. At the point where the stepped drainage outlets meet the River Pinn there will be outfalls transferring this water to the River Pinn. The outfalls will be constructed using concrete. Drainage discharge to the River Pinn from the stepped outlets via the outfalls are subject to Schedule 33 (5), which has been approved the Environment Agency (EA).

The attenuation pond connects to the drainage ditches described above via pipes and culverts to discharge to the River Pinn; as the elements of the connection between the attenuation pond and drainage ditches are below ground, these do not require approval under this Schedule 17 application.

The site is also located within a groundwater Source Protection Zone (SPZ), which is categorised as a 'Zone 1 - Inner Protection Zone'. The SPZ is in place for protection of a groundwater abstraction for potable water, however this abstraction is not currently active.

The construction of the HS2 bridges and embankments in this location (contained within a separate, approved Schedule 17 application; reference: 76293/APP/2021/1158) involves piling into the SPZ, and as a result, consent was required from the EA under Schedule 33 (5) of the Act. The Schedule 33 (5) consent was supported by a Foundation Works Risk Assessment (FWRA), and was approved by the EA in April 2021 (reference: HS2/P10141).

The Environment Agency has raised no objections to the above mentioned proposals.

## ECOLOGY

The application site does not fall within, or in close proximity to, any statutory ecological designations. The application site partially falls within a non-statutory ecological designated Site of Borough Importance, 'Ruislip Golf Course and Old Priory Meadows SBI.I'. The application site is also in the vicinity of the 'Mad Field Covert, Railway Mead and the River Pinn SBI.II'. The Written Statement has assessed the proposals as having no impacts on any statutory ecological designations and therefore no specific mitigation measures are required.

The Department for Environment, Food & Rural Affairs (DEFRA) tool MAGIC5 identifies the following habitats and species falling within the site boundary:

- Grassland: NE Priority Habitat Inventory 'Good quality semi-improved grassland (Non Priority)'
- Woodland: NE Priority Habitat Inventory 'Deciduous Woodland'
- Birds: NE Priority Species for CS Targeting 'Lapwing'.

Planting requirements for aquatic vegetation will focus on three distinct zones, based on the

requirements of existing fish species assemblage, geology, climate and hydrology:

- Marginal zone (0-15 cm depth) - seeded or pre-planted
- Emergent zone (15-40 cm depth) - seeded or pre-planted
- Submerged zone (>40 cm depth) - allow for natural colonisation, from upstream and potential seedbank within the translocated bed material.

Given the north-facing environment around the realigned River Pinn, a shade analysis exercise was undertaken, and species have been selected considering their suitability to shaded environment as well. Although not for approval, a list of planting species is provided below.

*Crataegus monogyna* will be the main primary species and with other species including *Carpinus betulus*, *Ilex aquifolium*, *Ligustrum vulgare*, *Prunus spinosa*, *Sambucus nigra*, *Taxus baccata*. In front of the hedge, where space permits (and where the wingwall is higher), small to medium trees will be planted with a woodland/shrub layer beneath. The tree species will include: *Acer campestre*, *Betula pendula*, *Carpinus betulus*, *Sorbus torminalis*. The planting species selected also replicate species found in the existing area, to help integrate the proposals into the existing environment. Varied tree planting has been used as a means of providing texture and non-linear screening from the HS2 structures to the surrounding properties and footpath users. Trees will be planted to a 'Heavy standard' which means that they should be around 3 to 4m in height when planted, before growing to their full size of 12 to 15m. The hedgerows will be around 1m high when planted and will grow to around 1.8m at full maturity.

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

## HERITAGE

### Heritage Characteristics

The site does not contain any listed or locally listed heritage assets within the site boundary. The nearest heritage assets to the site are the scheduled monument Brackenbury Farm moated site and grade II listed Brackenbury Farmhouse, which are located approximately 50m from the site, and a medieval moated site known as 'Pynchester Moat' situated approximately 150m to the south of the site. The works for approval have been assessed to have no significant impact on any heritage assets or their setting, due mainly to the fact that both those assets referred to above are located to the south of the existing Chiltern Line railway, where only indicative mitigation planting is proposed. Both heritage assets are also largely screened from the proposed application by existing vegetation.

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

## PUBLIC RIGHTS OF WAY

The existing Public Rights of Ways (PRoWs) within the area constituted a design constraint due to the requirement to be diverted to avoid clashing with the proposed HS2 works. Additionally, user

experience of users along the diverted Public Rights of Way and their interaction with the proposed works needed to be fully considered throughout the design process.

There are four designated PRowS that cross the site and have been key considerations during the design development of the proposals in this area. The PRowS are as follows:

- Bridleway U42
- Footpath U45
- Footpath U46
- Footpath U47

Footpath U47 will be temporarily stopped up and diverted during the construction stage; following the completion of construction, the PRow will be reinstated in its current alignment.

In addition to being temporarily stopped up and diverted during the construction stage, Bridleway U42, Footpath U45 and Footpath U46 are all required to be permanently diverted because of the HS2 works in this area. The design proposals have been conceived to ensure that these PRowS can be reinstated to provide a similar route connection to their existing alignments following the completion of construction. The Written Statement states that the user experience of footpath and Celandine Route users in the area have been carefully considered in the design and landscaping for the area.

The materiality of the footpath, binding gravel, connects with the existing material of footpaths outside of the boundary to create a seamless transition between existing footpaths and realigned footpaths.

## 10.0 REFERENCE DOCUMENTS

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

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