

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

Address: RAILWAY SIDINGS W/O HIGH ROAD OVER CHILTERN MAIN LINE
BREAKSPEAR ROAD RUISLIP

Development: HS2 request for approval of Bringing Into Use, under condition imposed by Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017, relating to a temporary railway siding (1.057 kilometres in length) covering an area of 0.75 hectares, commencing approximately 70m west of the bridge carrying B466 High Road over the Chiltern main line, terminating on the bridge carrying Breakspear Road over the Chiltern main line including, a bridge over the River Pinn.

LBH Ref Nos: 75317/APP/2022/3468

Drawing Nos:	Date of Plans:
1MC04-SCJ-CL-DSK-SS05_SL07-530024 rev. P01.1 APPENDIX 2-GREENWAY SECTION	09-11-2022
1MC04-SCJ-IN-STA-SS05_SL06-000005 C01 Written Statement	15-11-2022
1MC04-SCJ-CL-DSK-SS05_SL07-530022 rev. P01.1 APPENDIX 3-HOYLAKE CRESCENT SECTION 2	09-11-2022
1MC04-SCJ-CL-DSK-SS05_SL07-530021 rev. P01.1 APPENDIX 3-HOYLAKE CRESCENT SECTION 1	09-11-2022
1MC04-SCJ-IN-STA-SS05_SL06-000004 Covering Letter	09-11-2022
1MCO4-SCJ_TRA-RT-DDE-SS05_SL07-900001 REV P03 APPENDIX 1-HORIZONTAL LAYOUT	09-11-2022
1MC04-SCJ-CL-DSK-SS05_SL07-530023 rev. P01.1 APPENDIX 2-GREENWAY SECTION 2	09-11-2022
1MC04-SCJ-CL-DGA-SS05_SL07-480002 rev. C02 APPENDIX 4 SITE HOARDING ARRANGEMENT	09-11-2022

Drawing Nos:	Date of Amended Plans:
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Date Application Valid: 15th November 2022

1. SUMMARY

This application comprises a bringing into use submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 (The Act), in relation to the following scheduled work:
Work No. 1/66 - A temporary railway siding (1.87 kilometres in length) commencing by a junction

with the Marylebone to Aylesbury Line at a point 36 metres east of the bridge carrying that railway over Ickenham Stream passing in a north-westerly direction and terminating at a point 196 metres north east of the bridge carrying Harvil Road over that railway.

The application is the latest HS2 Schedule 17 Request for approval of 'Bringing into Use' submissions that has been deposited with the Council. These Schedule 17 planning submissions can best be likened to the submission of reserved matters, where outline planning consent has already been granted. However, the role of the Planning Authority is heavily restricted as to what can and cannot form the basis of a decision.

There is no statutory obligation to consult with neighbours.

The nominated undertaker (HS2 Ltd) is authorised to construct and maintain the 'Scheduled Works' for Phase One of High Speed 2. However, the Planning Conditions set out in Schedule 17 of the Act require the nominated undertaker to submit requests for approval to the relevant planning authority for bringing into use most 'Scheduled Works' and railway depots. The purpose of 'bringing into use' approvals is to ensure the nominated undertaker for the work takes all reasonably practical measures for the mitigation of the work.

The approval being sought is for the bringing into use of the scheduled work. The construction activity is ongoing and expected to be complete mid December. The proposals can only be brought into use once the Local Planning Authority if:

- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
- (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.

Officers are content that the sidings are visually acceptable given their presence largely within the HS2 compound which is protected by large screens and barriers. With respect to the local environment and amenity (save for noise related matters), the applicant's assessment has considered the mitigation on both residential and recreational receptors with respect to the following impacts: Visual;Light; Public rights of way and Flood risk.

The principle concern relates to noise. Unfortunately, the only train paths available on the busy Chiltern Line network are late at night with an estimated time of arrival on site at around midnight. The unloading would take place using gantry cranes (already in operation) and take several hours before the train leaves the site early in the morning (before 7am). The River Pinn is also a further constraint as it reduces the available length of sidings within the site resulting in a secondary decoupling of train wagons to essentially split them in half to fit them on the site. This is an extra operation in the early hours. Officers and Councillors have pressed HS2 Ltd hard to find alternative day time paths to reduce the likelihood of late night/early morning activity. This would be the principle modification to the proposals that would mitigate the impacts. Unfortunately, HS2 Ltd, working with Network Rail has stated no other train paths are available as a consequence of accommodating the busy day time passenger services. Therefore, concerns over noise impacts remain.

To manage the noise, the sidings have been developed within the HS2 compound behind noise barriers but the use of gantry cranes, together with temporary conveyors (to be replaced with permanent conveyors in Spring 2023) moving tunnel arisings to land west of Breakspear Road South provides a potential impact to local amenity. The current modelled noise levels are not considered to be breach thresholds set by Parliament and no further mitigation is currently planned. Annoyance and disturbance to residents can, and has, occurred at levels below these thresholds and therefore the scope of mitigation will be kept under review but is managed through the Section 61 noise consenting process.

Therefore, officers do not consider there are feasible modifications to be put in place through this Schedule 17 submission, but noise will be monitored and appraised regularly. Options for interventions to properties (i.e. additional property level noise insulation) can be pursued, if there are ongoing concerns; officers are also pursuing options for increased road deliveries should the rail deliveries cause excessive issues.

In summary, given the context allowed for by Schedule 17, officers are of the opinion no further modifications are possible through this submission with the management of noise to be executed through the Section 61 control of noise pollution process.

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 proposed temporary railway siding is to be located north of the existing Chiltern main line from a point approximately 70m west of B466 High Road Chiltern main line railway overbridge, terminating at the Breakspear Road Chiltern main line railway overbridge. The area is predominantly suburban / rural in character with a mixed land use pattern of residential properties (around Hoylake Crescent and The Greenway), road and rail links (Chiltern main line, West Ruislip Rail Station, B466 High Road, Ickenham Road and Breakspear Road South), open space (Kind

George Playing fields and Ruislip Golf course) and farmland (Brackenbury Farm and Oak farm). Oak Farm is vacant and Ruislip Golf Course is currently closed. King George playing fields are located south of the Chiltern Mainline and approximately 40m from the proposed development. The Public Right of Way (PRoW) U47 crosses the fields in a west to east and west to south-east direction.

The River Pinn flows in a north to south direction crossing the proposed HS2 rail and Chiltern main line east of Breakspear Road South. There are two medieval manorial moated sites identified near the proposed development i.e., Pynchester Farm (RUI001) and Brackenbury Farm (RUI002). These scheduled monuments are approximately 400m and 210m respectively away from the proposed temporary rail siding. Hoylake Crescent and the Greenway residential dwellings are approximately 150m and 35m (closest receptor) respectively away from the proposed temporary development.

The Hillingdon Trail (footpath U81 and R146) traverses the Ruislip Golf Course and is adjacent to the Ickenham Stream. The Celandine Route (Footpath U44 and U45) runs along the east of the River Pinn and the western boundary of Ruislip Golf Course. The Celandine route will be subject to temporary and permanent diversions between the River Pinn and Breakspear Road South to the north of proposed temporary development. Footpath U47 starts north of the Chiltern main line, runs alongside the River Pinn extending southwards and under the Chiltern main line, continuing in an easterly direction south and alongside the Chiltern main line. Part of the U47 extending under the Chiltern main line is temporarily diverted however the remaining section south of the Chiltern mainline remains open to the public.

3.2 Proposed Scheme

Schedule 1 to the High Speed Rail (London - West Midlands) Act 2017 sets out the 'Scheduled Works' the nominated undertaker is authorised to construct and maintain for Phase One of High Speed 2. Paragraph 9 of Schedule 17 to the Act requires the nominated undertaker to submit a bringing into use request for most 'Scheduled Works' and railway depots. The purpose of this submission is to seek the approval of the qualifying authority under Schedule 17 to bring into use HS2 works set out below, to which that schedule applies.

The temporary railway siding is identified under the HS2 Act as Schedule 1 works, being: Work No. 1/66 - A temporary railway siding (1.87 kilometres in length) commencing by a junction with the Marylebone to Aylesbury Line at a point 36 metres east of the bridge carrying that railway over Ickenham Stream passing in a north-westerly direction and terminating at a point 196 metres north east of the bridge carrying Harvil Road over that railway.

The proposed rail siding forms an essential part of the tunnel boring machine (TBM) logistics and support system, supplying concrete tunnel lining segments and other consumables, using rail mounted vehicles (locomotives), and the reduction of the number of road vehicle movements required for the HS2 project. A TBM is a machine used to excavate tunnels. The concrete tunnel lining segments are a key component of the TBM operations, as they provide permanent support to the tunnel by providing segmental lining.

The concrete segments will be produced in the Isle of Grain and transported to site by a freight train

via the Network Rail network. The proposed temporary rail siding will be connected to the Network Rail network to allow trains to pass from the Network Rail network to the siding and vice versa. This connection will facilitate railway access and delivery of the tunnel lining segments directly to the HS2 Construction Compounds (West Ruislip Portal and Breakspear Road South worksites). The segments are stored at the segment yard and unloaded using a gantry crane into segment yard for storage.

The gantry crane is also used to load the segments onto Multi Service Vehicles which will be used to deliver the segments to the TBM via internal haul roads through the Tunnel Portal. As the TBM cutterhead excavates the concrete segments are used to line the tunnel in order to provide permanent support.

The proposed temporary rail siding will extend from a connection with the Network Rail network just to the west of West Ruislip station to Breakspear Road South bridge. The rail siding is approximately 1,057 metres long and is a mix of single and double track.

The permanent West Ruislip Retained Embankment will be widened to the south (ie towards the Network Rail Chiltern Line) by the construction of a temporary embankment which will carry the rail siding. At the end of the construction phase of the project the temporary embankment structure will be removed, and the permanent embankment made good. The proposed temporary rail siding will be constructed from steel rails and timber, or concrete sleepers laid on a ballast bearing layer. The construction incorporates a pad between the rail and the baseplate which has the effect of reducing noise.

Two turnouts are proposed to connect the double track sections to single track sections. A turnout is a layout that allows tracks to be combined in to one track with the purpose of enabling the train locomotive to move from one track to the other. One buffer stop equipped with a solar powered red warning light at the end of each section of track are proposed. A buffer stop is a safety feature that marks the end of a section of track and incorporates a red-light warning system for the train driver

The alignment of the siding is dictated by the location of the railhead which is located to the east of River Pinn, close to the tunnelling activities located at the West Ruislip Portal. The alignment of the proposed siding is also influenced by the existing connection point to the existing rail network, existing Chiltern main line, tunnel portal structure (Schedule 17 approval reference 75317/APP/2019/4141) and segment storage yard. The proposed temporary rail siding is sandwiched between the southern wall of the portal structure and the temporary hoarding separating the construction site from the Network Rail Chiltern Line. West of the tunnel portal structure the proposed rail siding alignment swings north onto the permanent HS2 track alignment and runs parallel with the segment storage yard.

It should be noted that the proposed temporary railway siding is shorter i.e., 1.057 kilometres in length not 1.87 kilometres as described in Schedule 1 of the Act.

Construction

Construction of the rail siding will take place in two phases. The first phase comprises the track from the connection with the Network Rail network (west of High Road B466) terminating at the east side of the River Pinn (c 24+374). The second phase comprises an extension from the phase 1

termination point to Breakspear Road South bridge which is the full extent of this approval request. Construction of the proposed temporary rail siding starting at the connection point to the Network Rail network (west of B466 High Road) has commenced. There will be no vegetation clearance required for the construction of the proposed rail siding as it will be located within established HS2 Compounds and will be laid on embankments, structures and sub-base constructed in support of the HS2 project. Construction of the rail siding will use existing welfare facilities, site lighting, security, haul roads and laydown areas within the existing Breakspear Road and West Ruislip portal construction compounds.

Once the rail siding is constructed it will provide access for trains to the West Ruislip rail head. Upon completion of the tunnelling works and demobilisation of the HS2 construction compounds, the rail sidings will be handed over to Rail Systems. Rail systems will use the siding to deliver construction materials to support the following activities: laying track, installing signalling equipment and the provision of overhead line equipment. The siding will be removed upon completion of the HS2 project. Once the construction compounds are demobilised (including removal of the sidings) the land will be the subject of Schedule 17 site restoration agreement.

Operational Use

HS2 Ltd has entered into a Connection Agreement with Network Rail to operate the siding and connect to the Network Rail infrastructure. The proposed rail siding is also the subject of a Network Change which has now been established by Network Rail. Two Segment Trains will be in continuous use to deliver segments to the segment yard. During the first phase (Phase 1), a single track is constructed that stops to the east of River Pinn pending construction of the River Pinn Bridge. Train shunting will be required at West Ruislip station that will allow the freight carriages to be pushed into the West Ruislip works site. Once the tunnel segments are unloaded the freight can leave the work site and re-join the rail network without further manoeuvres required at West Ruislip station.

During the second phase (Phase 2), the rail siding is constructed / extended across the newly constructed River Pinn Bridge. Parallel tracking is added with the West Ruislip work site negating the need for train shunting at West Ruislip station. Train shunting will therefore occur only within the West Ruislip work site.

Operation of Phase 1 is due to commence in December 2022. Phase 2 will not commence until the completion of the permanent River Pinn underbridge which will carry the HS2 railway over River Pinn. This expected to complete approximately August 2023. The applicant points out that the section of track alongside the HS2 West Ruislip site is a very busy part of the Rail Network (NR). Network Rail requirements mean that freight trains must work around, or in between the passenger services which take priority, as such there is not enough capacity to fit this operation into the busy Network Rail timetable. There is therefore, no option to run the freight train during the day without causing disruption to the passenger timetable. Far fewer passenger trains are moving during the night and therefore more lines are available for freight transport. The Rail deliveries are therefore scheduled to avoid peak commuter train services.

The HS2 Tunnelling programme requires an average delivery of four trains per week (Typically Monday - Friday). Additional deliveries will be required during peak production periods. Peak periods will typically last over a two-week window with an increased average delivery of 6 trains per week.

Inspection, Repair, and Maintenance

In accordance with the Schedule 17 Statutory Guidance 9, Schedule 17 cannot be used to control maintenance matters however, in relation to the proposed rail siding the applicant states that maintaining the siding will avoid noise and vibration generated by loose or worn components. The rail siding will fall into the contractor's inspection regime for rail sidings. A fortnightly visual inspection will take place with minor works such as bolt or fastener tightening undertaken using hand tools during the inspection. If more significant work is required, a repair item will be raised and programmed at the earliest appropriate opportunity, this will normally be at a time when the siding is not required for train delivery.

3.3 Relevant Planning History

The High Speed Rail (London-West Midlands) Act 2017 received Royal Assent on 23rd February 2017 and contains 70 sections and 33 schedules. Section 20 provides that planning permission is deemed to be granted under Part 3 of the Town & Country Planning Act 1990 (TCPA 1990) for development authorised by the Act.

The nominated undertaker, HS2 Ltd, is required to attain relevant approvals from Hillingdon Council, which is designated as the 'Qualifying Authority' in accordance with the schedule 17 (s17) of the Act. The purpose of the schedule 17 is to put into place a process for the approval of certain planning matters relating to the design and construction of HS2. This helps to ensure that there is an appropriate level of control over construction works, but without imposition of undue delay or cost to the project. It is noted that the planning grounds for determination are more constrained under the HS2 Act as compared to the TCPA 1990.

Henceforth, the Council can only refuse requests for approval or impose conditions in accordance with the relevant grounds as set out per S17.

The Planning Conditions set out in Schedule 17 of the Act require the nominated undertaker to submit requests for approval to the relevant planning authority for:

- Building works;
- Other construction works;
- Matters ancillary to development (referred to as construction arrangements);
- bringing into use; (subject to this submission)
- site restoration schemes;
- waste and soil disposal and excavation; and
- road transport (lorry route approval).

Schedule 17 of the Act sets out the grounds on which a relevant planning authority may impose conditions on approvals or refuse to approve the requests for approval. The bringing into use is the point at which the Council can determine the efficacy of the mitigation for the effect of the project.

Specific Site Context

The temporary West Ruislip Railhead comprises a rail siding, a tunnel segment yard, 2no. gantry cranes and associated haul roads. The element that is the subject of this Schedule 17 Bringing into Use application is the proposed temporary rail siding. The segment storage yard, gantry cranes and associated haul roads are temporary works that do not require Schedule 17 approval, with some associated works also covered by the class approval for matters ancillary to development under Schedule 17.

The proposed temporary rail siding is different to that described in Work no. 1/66 with respect to its length. It (proposed rail siding) however remains within the Limits of Deviation for the scheduled work and is in accordance with Schedule 1 1(1) and (2) of the Act.

With respect to the change in length, the temporary rail siding was originally designed for soil disposal offsite. The operation required an extensive railhead (similar to the Willesden Euro terminal) which was to be located to the west of Breakspear Road South. An alternative has been developed which enables spoil to be reused on site, negating the need for dispatching spoil by train and thus drastically reducing the size of the railhead, as it is now required to mainly cater for the delivery of the concrete tunnel lining segments and construction consumables.

This approval request is submitted pursuant of Schedule 17 (9). The temporary railway siding which is the subject of this approval request forms an above ground Scheduled Work (1/66). Approval of plans and specifications is not required for temporary works (Schedule 17, paragraph 2 (8)). Therefore, the design of the rail siding is not subject to approval, but this bringing into use request is considering that all reasonably practicable mitigation measures are in place to allow the operation of the rail siding. The grounds for approval set out in Schedule 17(9) paragraph 4 (a) are applicable to this bringing into use application for a scheduled temporary railway siding (Work no.1/66). Paragraph 4(a) provides that approval must be granted if there are no reasonably practicable measures needed for mitigating the effect of the work or its operation on the local environment or local amenity.

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 None.

6.2 None.

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

7.1 Bringing Scheduled Works and Depots into Use

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

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

- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
- (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.

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

- (a) to preserve the local environment or local amenity,
 - (b) to preserve a site of archaeological or historic interest, or
 - (c) in the interests of nature conservation,
- and that the scheme is reasonably capable of being so modified.

Assessment: Impacts and Proposed Mitigation Measures

The applicant submits that the overall design intent is to provide a temporary rail siding that enables the delivery of concrete tunnel segments (and other construction consumables) during the HS2 construction works whilst ensuring that the effects / impacts to the environment and local amenity are mitigated as far as is reasonably practicable.

The design of the rail siding is subject to the following constraints:

- HS2 Limits of Deviation for the proposed rail siding which is a scheduled work under The Act.

- The rail siding must integrate with the existing Network Rail network at the west end of West Ruislip station, Chiltern mail line and with HS2 permanent structures i.e West Ruislip Portal, River Pinn Underbridge and Breakspear Road Underbridge which are all approved under Schedule 17.
- The rail siding must integrate with the following temporary works:
 - Temporary hoarding (solid timber and mesh fencing) in accordance with Network Rail specifications protecting the Network Rail Chiltern main line
 - Segment storage yard
 - Gantry cranes
 - A surface conveyor which is the subject of a separate Schedule 17 bringing into use approval request.

HS2 Ltd as the nominated undertaker is contractually bound to comply with the controls set out in the Environmental Minimum Requirements (EMRs). The EMRs include the Phase 1 Code of Construction Practice (CoCP) and Phase 1 Route-Wide Traffic Management Plan.

Planning Forum Note 710 (para 25) provides that: 'In most instances all practicable mitigation measures for temporary scheduled works such as conveyors will already have been imposed through the HS2 Phase One Code of Construction Practice. Therefore, no additional mitigation plans will be required. However, the nominated undertaker will through the pre-submission process consider with the relevant planning authority whether any further mitigation measures are appropriate.'

The grounds for approval set out in Schedule 17(9) paragraph 4 (a) are applicable to this bringing into use application for the proposed scheduled temporary railway siding (Work no.1/66). Paragraph 4a provides that approval must be granted if there are no reasonably practicable measures needed for mitigating the effect of the work or its operation on the local environment or local amenity. With respect to the local environment and amenity, the applicant's assessment has considered the mitigation on both residential and recreational receptors with respect to the following impacts

- Visual
- Noise
- Light
- Public rights of way
- Flood risk

It should be noted that the proposed temporary railway siding is to be constructed entirely within existing HS2 Construction compounds, namely West Ruislip and Breakspear Road South worksites, where civil engineering works such as earthworks, bridge erection, tunnel portal and ramp construction are ongoing. Therefore all practicable mitigation measures relating to flood risk, nature conservation and historic interest (archaeology) have been applied and are ongoing.

Visual

It is considered that the proposed temporary railway siding does not have any visual impact as it is constructed on ground level. The rail siding itself has no visual impact on the local environment, as the steel rails are obscured by site hoarding and therefore not visible to any nearby receptors. Whilst not relevant to the matters for approval under this Schedule 17 request, the visual impact of the segment train using the proposed rail siding with respect to residential and recreational receptors is provided by the applicant for information only below.

The tunnelling support and construction activities comprise of many different activities such as the proposed rail siding (subject of this approval request), the main and interim conveyor, haul roads and other temporary works. The operation of the proposed rail siding is the only one that is the subject to this Schedule 17 request for bringing into use approval. The ES identified that the properties to the northern side of The Greenway will have a major adverse effect on the amenity of the residents owing to significant construction noise from the tunnelling support activities and visual effects from the construction activities at the tunnel portal. From the east to west, the rail siding has been designed to remain at the same level as the adjoining existing Chiltern mainline, in order to mitigate the visual effect on the residents along the Greenway. This has been achieved via a dispensation to design the rail siding to a steeper gradient than is normal as it begins to rise above the Chiltern main line level on the West Ruislip retained embankment in the west. The locomotive is 3.9m high (above rail level) whilst the hoarding which sits at ground level is 2.4m high. Approximately 1.9m of the locomotive will be visible above the hoarding from The Greenway in the south. The proposed sidings are approximately 35m from the closest residential receptor.

The Greenway which is at a lower level than the Chiltern main line is a cul de sac with bungalows with sizeable rear gardens adjacent to the Chiltern Railway; and double storey dwellings at Buckland Court (closest to the proposed siding) and a low-rise apartment block (165 The Greenway). There is mature vegetation which are both coniferous and deciduous trees and shrubs on the boundary between the Chiltern main line and said Greenway rear gardens providing full screening from the proposed operation of the rail siding.

Hoylake Crescent is located approximately 150m to the south of the proposed siding. The residential cluster comprises mainly of two storey dwellings. Views to the proposed scheme are largely obscured by the mature tree cover planted behind the properties.

The Hillingdon Trail (Footpath U81 and R146) is adjacent to the Ickenham Stream (Ruislip canal feeder) traverses the Ruislip Golf Course and the Chiltern main line. The Hillingdon trail section between Clacks Lane and The Greenway (approximately 140m) has been diverted to facilitate the HS2 construction phase. Post HS2 construction the diverted Hillingdon trail will be reinstated via a footbridge over the Schedule 17 approved portal structure (Approval Reference: 75317/APP/2019/4141) which will link to the existing underpass beneath the Chiltern Line. The footbridge will be the subject of a future Schedule 17 plans and specifications application. During HS2 construction, part of the Celandine Route (PRoW sections U45 and U46), is temporarily re-routed to the west via Breakspear Road South. This PRoW will be reinstated in its current position post HS2 construction. King George playing fields which are located south of the Chiltern Mainline and approximately 40m from the proposed development will remain accessible during HS2 construction. The PRoW U47 crosses the fields in a west to east and west to south-east direction. Views from the playing fields to the proposed scheme are largely obscured by the mature tree cover planted along the Chiltern main line boundary.

The ES assessed that the impact on users relating to the temporary re-routing of the Celandine Route (U45 and U46) and the Hillingdon Trail (U81 & R146) will not have a significant effect on the users. Construction of the rail siding will not impact on public rights of way or any areas to which the public currently has access.

Noise / Vibration

The proposed railway siding will operate 24 hours a day, seven days a week. The applicant states

that In carrying out the works, SCS Railways and its Contractors will adhere to the principles set out in the High-Speed Rail (London-West Midlands) Environmental Minimum Requirements, including Annex 1: Code of Construction Practice.

The applicant is contractually bound to comply with Section 13 of the CoCP, which sets out the control measures that will be applied by the nominated undertaker to minimise adverse impacts and effects and requires that Best practicable means (BPM) are applied during construction works to minimise noise (including vibration) at neighbouring residential properties and other sensitive receptors. BPM are defined in Section 72 of the Control of Pollution Act 1974 and Section 79 of the Environmental Protection Act 1990 SCS is also contractually obligated to comply with Information Paper E2311Control of Construction Noise and Vibration, which requires that all reasonable steps to ensure that the works do not exceed the lowest observed effects levels that have been set out.

Section 61 applications will be periodically (every 6 month or as required) submitted to Hillingdon to seek prior consent for construction works. The consent application presents noise modelling predictions and provide details of the noise and vibration mitigation measures to be implemented. A Section 61 approval request, covering the period from 01 November 2022 and 30 April 2023 (inclusive) that is specific to the rail sidings is to be submitted to the Council. The works to be covered by this Section 61 include operation of the rail sidings serving the Segment Yard, between the River Pinn Underbridge and the West Ruislip Station (Phase 1) for the delivery of concrete segments for tunnel construction. This Section 61 only covers train operation within the Segment Yard, all operation of the trains outside of SCS's site falls under Section 122 of the Railways Act 1993. Section 122 of the Railways Act 1993 acknowledges a degree of unavoidable noise and disturbance but requires that the operator demonstrates use of 'reasonable diligence' in controlling the resultant noise and/or vibration in order that the operator can claim an immunity defence pursuant of said Railway Act.

HS2 Ltd has entered into a Connection Agreement with Network Rail in order to operate the siding and connect to the Network Rail infrastructure. A separate Section 61 application will be presented to the Local Authority to cover all other site activities within all areas of the WRP site between November 2022 and April 2023. The following noise and vibration mitigation measures (not all relating to Schedule 17) will be implemented:

- The existing 2.4m solid timber hoarding abutting the Chiltern Line (south of the West Ruislip Portal worksite) provides noise attenuation to the Greenway residents.
- The existing rail embankment acts as a noise bund between the works and receptors.
- The trains will mostly be stationary (idling) as they are being unloaded. During this phase the locomotive engine will be shut down and will only be start up again shortly before the time of departure to build brake pressure.
- A combination of attended and unattended noise and vibration monitoring will be in place to monitor the effects on nearby receptors.
- a resilient pad between rail and sleeper baseplate will be incorporated in the construction of the rail siding to reduce noise and vibration;
- Rail lubricators will be fitted to address wheel squeal issues thus reducing noise and prevent unplanned down time from wear and tear. Noise predictions / modelling information taken from 39 receptors (closest noise sensitive receptors) in the vicinity of the sidings is provided as part of the said rail siding specific Section 61 approval request. It should be noted that the noise impact from the gantry crane operation (loading and unloading) is generally low and does not contribute significantly to the overall noise levels during daytime, evening and night-time periods, with the highest predicted noise level being 37dB LAeq,1h at locations on the Greenway. This is well below

the Lowest Observed Adverse Effect Level (LOAEL) for night-time periods (45dB LAeq,1h) and no adverse effects are anticipated. No vibration is expected to be perceived at receptors surrounding the sidings due to the slow speed movement along the rail siding and the distance of the nearest receptors.

Notwithstanding the above, the actual operation of the sidings, including the decoupling and coupling of locomotives and wagons as well as the unloading of segments, has the potential to cause noise nuisance. HS2 Ltd are constrained by the timing of deliveries with the only train paths available late at night (approximately midnight) for deliveries. Due to the time required to unload the segments, the departure of the train will be early morning (before 7am). The use of the sidings is therefore in the sensitive night time window where noise annoyance and disturbance is onset at lower levels. Parliament has set the noise levels for day and night time working and the modelled impacts of the use of the sidings are below the LOAEL (Lowest observed adverse effect level). However, it is well known that noise nuisance can occur below the levels allowed for by Parliament but the Local Planning Authority has to be mindful of these thresholds when considering amenity of residents.

Officers have pressed HS2 Ltd to find alternatives to the late night movement of trains as this is the primary modification that would reduce likely impacts. However, day time train paths are not available. Therefore, in terms of this submission, attention is drawn to physical interventions that are required around the sidings to reduce likely noise impacts. The HS2 compound is already protected by noise barriers where possible but obviously the trains have to transition from offsite to onsite and therefore some of the activity will occur outside the site boundary. The extent of the majority of the noisy activity though, i.e. decoupling and unloading will take place inside the compound and behind the noise barriers. Notwithstanding that, there is still scope for fugitive noise emissions that give rise to noise disturbance below the thresholds allowed for by the Act. Officers are therefore of the opinion that there is a likely negative impact to the amenity of residents.

Having reached this conclusion, the next step is to determine what modifications are feasible. Physical interventions, such as barriers etc would be secured through this submission if deemed feasible. However, noise barriers are already in place and at this stage it is not yet possible to determine where specific impacts would materialise and to what level. Officers are therefore of the opinion no further physical interventions around the sidings are necessary. Noise from HS2 Ltd construction is also managed through the Section 61 control of pollution processes. HS2 Ltd review consents with the Council on a 6 monthly basis and these carry conditions in relation to engagement, reporting, complaint handling and use of best practicable means (i.e. operational requirements to reduce noise). It is therefore appropriate to consider the operational noise impacts of the sidings through the Section 61 process as opposed to the Schedule 17. This allows for a more targeted response to any concerns that are raised and allows for physical interventions in properties on a case by case basis if necessary. Officers are also able to use this process to secure alternative options, such as the frequency of trains, respite and whether options for road deliveries may assist with managing noise from rail deliveries. The Section 61 process therefore allows a more reactive process to managing noise which is considered appropriate in this instance as it is not yet possible to determine what and where further noise mitigation is required, in lieu of securing daytime rail deliveries.

Light

In accordance with standard railway practice, one buffer stop equipped with red-light warning

system for the train driver will be installed at the end of track. The red light will be directed towards the track in order to prevent disturbance to residential areas and passing motorists. For Phase 1, 2no. buffer stops (with red light warning systems) will be installed north of the Chiltern main line. At this point the proposed railway siding will be at a higher level than the Chiltern line. However, PROW U47 and Hoylake Crescent which lie to the south of this point approximately 60m and 140m away and at a lower level to the Chiltern main line are unlikely to be impacted due to the distance from the red light and the intervening vegetation. For Phase 2, 1no. buffer stop will be installed at Breakspear Road South bridge (approximately 75m) and Hoylake Crescent (approximately 160m away). At this point the proposed railway siding will be at a higher level than the Chiltern main line. The red light will be facing towards the east therefore no impact on Breakspear Road South in the east. The distance from the residential dwellings at Hoylake Crescent are unlikely to be impacted due to distance away from the red light and the intervening vegetation.

Ecology

The proposed railway siding is located within existing 2no. HS2 Construction compounds i.e. West Ruislip Portal and Breakspear Road South. Vegetation clearance was carried out in 2018 by the HS2 enabling works contractor to facilitate HS2 Phase One works. The vegetation clearance was undertaken with an Ecologist present to identify and manage any ecological constraints. No protected or notable species were recorded during vegetation clearance. No further vegetation clearance removal is required for the proposed railway siding. As the construction compounds are operational, control measures are in place to protect the surrounding environment from pollution and indirect impacts.

The operations are continuously assessed to mitigate the impacts on species in the local vicinity. There is one confirmed bat roost in close proximity to the West Ruislip Portal Construction Compound. Any bat roosts identified as being disturbed (e.g indirectly through noise) will be managed using the appropriate licence. Disturbance could also stem from construction compound lighting (not the subject of this application). Light mitigation options are being reviewed (such as limited UV elements / wavelengths of light lower than 550nm) and directional lighting and baffles / cowls could be used for light spill reduction on the bat roost, if required.

With respect to noise, current operations have so far not negatively impacted the bats. Continuous review of noise levels will ensure low frequencies are emitted to reduce impact on the bats. Bat foraging is unlikely to be affected, as the bats are within their carrying capacity given the relatively low bat activity in the area and large green space surrounding the site. The establishment of the worksites has contributed to the loss of designated sites, habitats (riparian, terrestrial, mosaic railway), woodland, ponds and open watercourse. The impacts on the habitats will be mitigated post-construction by reinstatement and enhancement of the habitats within the surrounding area. E.g. The post-construction golf course design mitigates and enhances the area to maximise the conservation status of the GCN population. A Schedule 17 (12) Site Restoration application will be submitted to the Council prior to the demobilisation of the said construction compounds, which will include the removal of the proposed railway siding. The site restoration will seek to agree a permanent scheme for restoration post HS2 works.

Cultural Heritage

Brackenbury Farm Moated Site The Brackenbury Farm Moated Site is a Scheduled Monument, the Brackenbury Farmhouse is Grade II listed. This medieval site and listed property lie approximately

210m due south-west from the proposed rail siding. Views from the medieval site are screened by mature vegetation, boundary hedgerows, scattered trees and roadside vegetation. It is considered that the proposed temporary rail siding will have no impact or effects on the Scheduled monument or its setting. Similarly, views from the Pynchester Moated site is screened by mature vegetation and scattered trees. The proposed temporary rail siding has no impact or effect on the Scheduled monument or its setting.

In terms of archaeology, the proposed railway siding is near the Chiltern mainline corridor and embankments. The existing corridor of the Chiltern Main Line is considered previously disturbed ground and therefore no archaeological investigations are required. Trench excavations to the south of the Chiltern Main Line, west of the River Pinn found no archaeological features or artefacts. The area east of the River Pinn lies within an area of existing disturbance associated with the construction of the embankment for the Chiltern main line. Based on the negative results of the Archaeological Evaluation and the existing disturbance, it was agreed with GLAAS that no further works are required in this area. It is therefore concluded that the proposed temporary railway siding has no impacts or effects on archaeology.

Flood Risk

The applicant is obligated to comply with Section 16 of the Code of Construction Practice.. The proposed railway siding (western extent) sits on temporary and permanent embankment. Parts of these temporary and permanent embankments are located within Flood Zone 2/3. A Schedule 33 Part 5 protective provisions application has been submitted and approved to the Environment Agency, for the construction of both the permanent and temporary embankments which are located within Flood Zone 2/3.

Conclusion

The rail siding incorporates practical mitigation measures most of which are already imposed through the Code of Construction Practice (CoCP), specifically:

- CoCP Section 5 (General requirements - Community Relations, Working Hours and Sight lighting)
- CoCP Section 12 (Mitigation measures relating to potential impacts on landscape and visual receptors)
- CoCP Section 13 (measures to reduce potential noise and vibration impacts)
- CoCP Section 16 (Measures to reduce potential flood risk impacts).

Other specific measures include:

- A 2.4m solid timber hoarding for noise attenuation
- a resilient pad between rail and sleeper baseplate will be incorporated in the construction of the rail siding to reduce noise and vibration.
- Rail lubricators will be fitted to address wheel squeal issues thus reducing noise, and prevent unplanned down time from wear and tear
- The buffer stop red light warning will be directed to track to prevent disturbance to residential areas.
- Maintaining the proposed siding at the same level as the Chiltern main line to mitigate visual impact on The Greenway. In due course a Schedule 17(12) 'Site Restoration' submission will be made to London Borough of Hillingdon which will propose a scheme for the permanent landscaping following demobilisation of the worksites and removal of the proposed temporary railway siding.

It is concluded that there are no further reasonably practicable measures which need to be taken for

the purpose of mitigating the effect of Bringing into Use Schedule Work 1/66 and accordingly approval can be given under Schedule 17(9)(4)(a).

8.0 BOROUGH SOLICITOR COMMENTS

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

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

The relevant scheduled work in this instance is Scheduled Work No. - 1/66 - A temporary railway siding (1.87 kilometres in length) commencing by a junction with the Marylebone to Aylesbury Line at a point 36 metres east of the bridge carrying that railway over Ickenham Stream passing in a north-westerly direction and terminating at a point 196 metres north east of the bridge carrying Harvil Road over that railway.

The purpose of bringing into use approvals is to ensure that HS2 Ltd takes all reasonably practicable measures for mitigation of the work in question. Under paragraph 9, the Council must grant approval if:

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

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

- . to preserve the local environment or local amenity,
 - . to preserve a site of archaeological or historical interest, or
 - . in the interests of nature conservation,
- and that the scheme is reasonably capable of being so modified.

The report sets out the main planning issues in relation to this application from HS2 Ltd which concludes that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation in terms of the impact on the local environment and amenity. In the circumstances, this falls squarely within the first limb of paragraph 9, as set out above, and therefore there is no legal reason why the Local Planning Authority cannot approve the application.

9.0 OTHER ISSUES

None.

10.0 REFERENCE DOCUMENTS

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

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