

**APPLICATION REFERENCE: PL/2020/02821/HS2DIS**

**Site Address:** Temporary Kenilworth Greenway on Land South East Of Kenilworth Greenway, Between Waste Lane and Hob Lane/Cromwell Lane, Balsall Common, Solihull.

<b>Proposal:</b>	Request for approval of Bringing into Use under Schedule 17(9) to the High Speed Rail (London - West Midlands) Act 2017 for works comprising: a temporary pedestrian, cycle and equestrian route for the diverted Kenilworth Greenway.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>
<b>Reason for Referral to Planning Committee:</b>	<b>The chair of planning committee (Councillor Holt at the time) requested the submission be decided at Planning Committee in accordance with the Council's scheme of delegation</b>

<b>Recommendation:</b>	<b>APPROVAL</b>
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**EXECUTIVE SUMMARY**

Laing O'Rourke Murphy Joint Venture (LM) has sought consent on behalf of HS2 Ltd under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for the Bringing into Use of the Temporary Kenilworth Greenway Diversion which is a Schedule 1 work.

Bringing scheduled works into use are covered by Paragraph 9 of Schedule 17. The purpose of Bringing into Use approvals is to ensure that the nominated undertaker takes all reasonably practicable measures for the mitigation of the work.

Having regard to the parameters by which the local planning authority, as a qualifying authority, may consider arrangements for a bringing into use request for approval, the proposals are considered to be acceptable.

**BACKGROUND**

The temporary Kenilworth Greenway diversion is specified as a Schedule 1 work in the Act (Works Nos 2/183B and 3/1A).

The works subject of this submission are already in-situ on site.

**BRINGING INTO USE**

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.

Paragraph 9 (1) of Schedule 17 states:

*“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.”*

This requirement applies to all scheduled works, except to the extent that the work is underground and any depots constructed for or in connection with the maintenance of railway vehicles or track paragraph 9 (2).

The purpose of Bringing Into Use approvals is to ensure that the nominated undertaker takes all reasonably practicable measures for the mitigation of the work.

Planning Forum Note 7 states that in most instances all practicable mitigation measures for temporary scheduled works will already have been imposed through the HS2 Phase One Code of Construction Practice (CoCP), in which case additional mitigation plans would not be required.

It also notes that Bringing Into Use applications would generally list relevant plans and submissions in relation to approvals or agreements previously obtained, which may be brought together on a consolidated mitigation plan where that mitigation is not already shown on a single set of approved drawings. However, because approval of plans and specifications is not required in respect of temporary works, in these instances there are no approved plans that can be included in any Bringing into use submission.

## **MAIN ISSUES**

The High Speed Rail (London-West Midlands) Act 2017 received Royal Assent on 23<sup>rd</sup> February 2017. Section 20 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 (TCPA) for HS2 Phase One and associated works between London and the West Midlands.

However, Schedule 17 of the Act puts in place a bespoke process for the approval of certain matters to the design and construction of the railway which requires that the nominated undertaker must seek approval of these matters from the relevant planning authority.

The Statutory Guidance (see below) purposes of Schedule 17 is to ensure there is an appropriate level of local planning control over the HS2 Phase One construction works while not unduly delaying or adding cost to the project. The roles that a planning authority has in the determination of different requests for approval and the grounds on which they can determine them are set out in the Schedule.

In February 2017, The Secretary of State for Transport has published the "Schedule 17 Statutory Guidance" (updated May 2021). Under the heading "Scope of Schedule 17", paragraph 4.4 of the Guidance states:

*"These approvals have been carefully defined to provide an appropriate level of local planning control over the works while not unduly delaying or adding cost to the project. Planning authorities should not through the exercise of the Schedule seek to:*

- revisit matters settled through the parliamentary process;*
- seek to extend or alter the scope of the project; or*
- modify or replicate controls already in place, either specific to HS2 Phase One such as the Environmental Minimum Requirements, or existing legislation such as the Control of Pollution Act or the regulatory requirements that apply to railways."*

In terms of this request, the nominated undertaker is seeking approval for the Bringing into Use under paragraph 9 (4) of Schedule 17. Under paragraph 9(4) approval must be granted if:

- (a) it considers that there are no reasonably practicable measures which need to be taken for the purposes 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.

Paragraph 9(5) states:

*"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."*

The main issues in this application are the effects of the development:

Whether the mitigation provided is sufficient

- to preserve the local environment or local amenity;
- to preserve a site of archaeological or historic interest; or
- in the interests of nature conservation,

and the scheme is reasonably capable of being so modified.

## **CONSULTATION RESPONSES**

**Statutory Consultees** The following Statutory Consultee responses have been received:

Environment Agency – N/A

Historic England – N/A

Natural England- No objection

**Non Statutory Consultees** The following Non-Statutory Consultee responses have been received:

SMBC Drainage – No objection

SMBC Ecology- No objection

SMBC Highways – No objection

SMBC Landscape – No objection

## **PUBLICITY**

The provisions set out by the High Speed Rail (London – West Midlands) Act 2017 do not require the same statutory publicity and consultation requirements that apply to planning applications.

The Act requires a 'Qualifying Authority', which Solihull MBC is, to consult solely with the Environment Agency, Natural England and Historic England, as and where relevant.

The delegation and consultation arrangements in respect of submissions to the Local Planning Authority under the Act was report to Cabinet Portfolio Holder Managed Growth Decision Session on 31<sup>st</sup> October 2017 where it was agreed that the local planning authority should conduct consultation on HS2 planning matters in accordance with the statutory requirements of the HS2 Act, with any additional consultation or publicity beyond that being at the discretion of the Head of Planning, Design and Engagement Services.

There is no requirement to conduct widespread consultation, post site notices or send our neighbour letters, however, relevant parish council and local ward members have been notified of the proposal.

12 responses were received (11 in objection and 1 in support) including comments from Berkswell and Burton Green Parish Council. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Objections:

- Temporary Kenilworth Greenway is not fit for purpose and not fit to be brought into use;
- Surface not suitable for cycling as is too soft in places;
- Horses are churning up the surface;

- Temporary Greenway has not be constructed according to the design approved by Parliament as plans deposited provided a strip of land 10m wide;
- British Horse Society in 2014 recommended a width of 10m;
- 10m allows for better segregation of different classes of user and for the provision of trees and hedges and benches;
- No explanation as to how the rest of the authorised land would be used;
- Width of path is 3m with soft verge either side, however, total width falls below the required 4m in places;
- Fence posts narrow path by 100mm on either side;
- Benches and mounting blocks encroach into the path;
- Path is too narrow, dangerous and unacceptable for safe mixed use;
- Path needs to be made safe for every user in the company of unpredictable horses;
- A recent incident has been reported where a horse reared as a cyclist approached;
- People have been discriminated against in favour of horses;
- Horses are dangerous and unpredictable;
- Lack of frequent refuges and space for human users is a fundamental fault in the design;
- KG just stops 300m from Berkswell train station and doesn't even go into Balsall Common where gates are not accessible;
- Have health and safety risk assessment scenarios been undertaken;
- Double fencing is unacceptable risk to wildlife and biodiversity;
- Fencing not disclosed as part of design presented prior to construction and is not within scope of the HS2 Act 2017;
- ES declared no significant adverse effect on the movement of wildlife;
- Type of fencing installed will snare and kill animals attempting to leap over whilst woven mesh will prevent species such as badger and fox following established migration and foraging routes;
- ES was only concerned with small proportion of wildlife that has protected status;
- Existing Greenway, although fenced, lacked maintenance and was kept in poor order by adjacent landowners and it was not sound enough to prevent dogs or walkers encroaching onto adjacent farmland if unleashed;
- Believe 'double fencing' and inevitable wild animal welfare issues resulting are open to FOI under EIR;
- SMBC Local Plan policy is to protect biodiversity in general with wording that includes: "The Council will seek to conserve, enhance and restore biodiversity", and "Where development is likely to have significant harmful effects on the natural environment ... , developers must demonstrate that all possible alternatives that would result in less harm have been considered".
- Fencing is unpleasant for users due to closeness and imprisoning effect;
- Since severe harmful effect of the fencing was not disclosed to Parliament, it has no deemed planning permission and a separate planning application is required;

- No landscaping has been provided to meet the assurance given to Parliament that the temporary Greenway would be the same character as the existing Kenilworth Greenway;
- Planting a hedgerow should be a condition;
- Effective maintenance plan needs to be put in place;
- Proliferation of signs have been installed;
- Have asked repeatedly for clarification on the definitive and lawful description of 'temporary' as used to describe HS2 Ltd groundworks and construction defined within the High Speed Rail Act 2017 – Schedule 17 – none of requests for clarification, confirmation and/or definitive definition have been answered appropriately;
- The argument that prior plan approval was not required because the word "temporary" had been put in the name of the Works is specious;
- Paragraph 2 of Schedule 17 of the HS2 Act interprets "temporary" as 2 years;
- All matters between SMBC and HS2 Ltd and the High Speed Rail project are weighted in favour of the nominated Undertaker (HS2 Ltd) and against the concerns and legal rights of affected residents and communities;
- Promised new era of openness and transparency in dealings with HS2 Ltd has not materialised;
- The full specifications and assurances for the temporary Kenilworth Greenway, as defined within the Act have not been adhered to;
- Plans do not provide acceptable information on which to base informed public comment;
- HS2 failure to provide the legally required supporting documents disadvantages affected residents and communities to the intended advantage of HS2 Ltd;
- Late provision of complicated and confusing documents;
- Documents provided are professionally orientated and lack the openness and transparency required for scrutiny by affected residents and communities, they do however serve to prove the incompetence of contractors in failing to carry out the specified works to an appropriate and acceptable standard;
- Lack of provision of supporting documents is in direct contravention of the precedent set in the Appeal Court Judgement in the Case of the London Borough of Hillingdon v SoS and HS2 Ltd, 31<sup>st</sup> July 2020;
- Objection to the process;
- No plans for demolition or remediation have been submitted;
- Kissing gates do not comply with relevant British Standard with respect to accessibility and should be amended to discharge its obligations under the Public Sector Equality Duty.

#### Support:

- The temporary Greenway has been routed through pleasant countryside and makes for an enjoyable cycle ride although surface is not conducive to safe and easy cycling.

## PLANNING ASSESSMENT

The assessment will consider the Bringing Into Use request for approval under paragraph 9 (4) (b) of Schedule 17, taking into consideration the parameters under Paragraph 9 (5) of Schedule 17, by which the request for approval should be considered.

(a) to preserve the local environment or local amenity

In terms of local amenity and whether the path is fit for purpose, Road Safety Audits (RSA) have been commissioned by the applicant which covers the proposed Greenway route and the interfaces between the route and the public highway. The Road Safety Audits, which involved attendance by SMBC Highway Engineer, identified a number of problems with the initial design. However, details have been provided to confirm how these will be addressed. While SMBC Highways remit for comment on the RSA is limited to those elements involving the public highway only (the remaining asset involving the Kenilworth Greenway path itself does not fall within the ownership of SMBC), they have confirmed that the RSA is acceptable in terms of local amenity. Warwickshire County Council as the Kenilworth Greenway owner and neighbouring highway authority have been given the opportunity to provide comment on the submission however to date no comments have been received.

Third party comments refer to the width of the path being insufficient for shared users. Comments have also been made regarding the 10m strip of land that was identified within the Environmental Statement (ES) and have questioned why the path is not 10m wide. The 10m strip denoted the Limits of Deviation which is the extent of land that HS2 has available under the Act to create the temporary path. HS2 Ltd have confirmed that this needs to incorporate the infrastructure for building the path e.g. groundworks, drainage, fencing etc and to increase the width of the path would substantially increase the cost, for example due to the additional material that would be required to construct the path itself. On average, the path is 4m wide (including verges), however, there are sections where it falls below this and, at its narrowest, is circa 3.5m. The path increases in width to circa 6m as it approaches road crossings with the holding bays at the crossings being 10m in width. There are also benches located at regular intervals and horse mounting blocks just before each holding bay at the road crossings. HS2 Ltd have advised that the British Horse Society were involved throughout the design process. Officers have contacted the British Horse Society on the proposals and they have advised whilst they would have preferred a 5m width between the fencing, 4m is nevertheless acceptable to them, even with the benches. Given that the width of the path has not been raised as a concern during the Road Safety Audit it is considered that no further mitigation is needed in this regard.

Third party representations received suggest that the kissing gates installed are not compliant with the British Standard with respect to accessibility and should be amended to discharge its obligations under the Public Sector Equality Duty. SMBC Highways have advised that there is no legal requirement, nor is it a specific requirement of the Public Sector Equality Duty Act for HS2 to provide a gate which is compliant with the latest standard relating to gated rights of way (namely: BS 5709:2018). It is noted that the gates installed are consistent with the type and form

of gates that the Authority would generally install on the network, in order to facilitate access. There are, therefore, no objections in principle to the gates that have been installed. Furthermore, requests for Schedule 4 consent have been received by SMBC Highways for the kissing gates and as such will also be considered through this mechanism, albeit on a “for information” consultation basis, given that the works fall within Act Limits and are thus automatically approved.

Third party representations assert that the surfacing treatment is not of a suitable quality for cyclists. The majority of the surface is finished with an unbound granular material surface, with the main exceptions being at the road crossings where it is tarmac. The surface needs to be suitable for all users, within its rural context. In response to this point, the path will need to be maintained regularly. This will be the responsibility of the applicant to manage through their own agreement with the owners of the path (Warwickshire County Council) to which SMBC are not party to and as such this matter falls outside the remit of the consideration of this request. The Written Statement confirms that submissions under Schedule 4 Part 3 are required relating to crossing points and have been made to Solihull Metropolitan Borough Council and Warwickshire County Council as relevant highway authorities.

Regarding the local environment, there are numerous trees along the route of the Greenway diversion and HS2 Ltd note that steps have been taken when designing the route of the diversion to, as far as is practical, avoid any impact on trees.

A Tree Survey report has been submitted during the life of the application. It is noted that the report was compiled some years ago (July 2018), however, SMBC Landscape Architects consider that the report did inform the design of the current path.

Measures have been taken at the design stage to include avoiding Root Protection Areas, diverting drainage away from trees and installing drainage ditches on the opposite side of the path to the trees. At the time of submission of the request for approval, HS2 Ltd confirmed that mitigation measures, as per the EMRs, to protect trees were to be implemented during construction. These measures included; no-dig construction where work in Root Protection Areas would be unavoidable; avoiding using site traffic around trees during wet weather to minimise compaction; installation of fencing to protect root zones during construction; and installation of fence posts around roots.

In terms of habitats, whilst some sections of hedgerow were lost, these were minimised and remaining sections of hedgerow protected as per the Environmental Minimum Requirements (EMRs).

Having inspected the site, SMBC Landscape officers have confirmed that they are content with the design insofar as it affects land within Solihull Borough, without the need for further mitigation, over and above what is secured through EMRs.

Third party representations raise concern about the type of fencing that has been chosen being a barrier to wildlife from crossing the path. The applicant has confirmed that the type of fencing used has been chosen following engagement with adjoining landowners and other stakeholders. Whilst the section of the path north of Waste Lane crossing will, for most of its length, adjoin a compound, to the south

there are open fields either side. Whilst the British Horse Society have advised that type of fencing used would not be their preferred choice for a bridleway, the size of wire mesh used prevents horses' hooves from becoming entangled. However, this means that small mammals cannot necessarily pass through the fence. However, the applicant has demonstrated that there are numerous opportunities for small mammals to cross by using gaps underneath the fence.

In terms of larger mammals, such as deer and badger, the fencing would, to some degree, cause a barrier to their movement across the temporary path. Along the northern section of the path there was clear evidence on site that these mammals were crossing successfully by digging underneath. The southern section of the path has field access crossings at regular intervals where there are sizeable gaps under the gates, to which it is reasonable to assert that such mammals will learn to use. This assertion is supported by there being less evidence of digging along this section, at the time of an officer's site visit. No badger sets have been recorded within 30 metres of the footprint of the proposed diversion and thus no mitigation measures are proposed. Notwithstanding this, HS2 confirm that the contractor and Ecological Clerk of Works (ECoW) are aware of the presence of badgers locally and will maintain vigilance for the presence of any new badger sets or activity within the construction area. The applicants assert that the Greenway fencing is no different as a barrier to muntjac deer than conventional stock proof fencing and/or stock proof hedges which are evident within the existing landscape and thus in their view the impact of the fencing on muntjac deer is not considered to be ecologically significant. Taking account of the northern section of the path being adjoined on one side by HS2 main works construction land and the southern section having available crossing places for larger mammals, where there was less evidence of badgers digging, and bearing in mind the temporary nature of the path, SMBC officers are content that no additional mitigation is required.

Concerns have also been raised about the appearance of the fencing which is considered to give an oppressive experience when walking the path. It is noted that the original path had a planted embankment either side which limited views beyond the path and as such was enclosed. It is noted that whilst other fence types may afford a visually softer appearance, the fence type was chosen following engagement with relevant stakeholders. Bearing in mind the required function of the fence, which prevents loose dogs from entering adjacent land and adjacent stock from entering the path area, the fencing is of a suitable height and design. The chosen design also provides views across the fields allowing an appreciation of the wider environment, including enhanced visibility, instead of being enclosed by vegetation. In turn, this affords an experience of safer travel and wider appreciation of the landscape. In terms of whether the path should benefit from landscaping, given the temporary nature of the fencing, and that it is mostly lightweight in appearance and not dissimilar to standard stock proof fencing, is not considered reasonable to require additional landscape mitigation.

There does appear to be a proliferation of signage along the route, which gives the path a somewhat urban appearance in certain areas. However, given the temporary nature of the path and that the majority of the signage is at road crossings or where Public Footpaths cross the temporary Kenilworth Greenway to alert users that it is a shared multi-user path, the signage is considered to be acceptable in local environment and amenity terms.

In terms of drainage/flooding mitigation, HS2 Ltd advise that watercourse and associated field drainage ditches, flowing through the proposed route of the Kenilworth Greenway diversion have been maintained using culverts or bridges over the watercourse to allow flows to continue. The majority of the Greenway diversion has been finished with an unbound granular material surface which will remain permeable, without causing any significant change in peak discharge. At the time of submission HS2 Ltd advised that drainage requirements were to be generally minimal being limited to where water gets trapped as a result of existing topography and/or where there is a lack of existing drainage, and in instances where the Greenway diversion acts as dam. In these areas water may pond in adjacent fields. 'Drainage blankets' (a no 'fines', granular material wrapped in a geotextile membrane) were provided under the Greenway to allow surface water flows across fields to be maintained in these areas.

Earlier in the year photographs were provided by third party users of the path, when sections were temporarily opened and available for use, showing areas where water was accumulating as it ran off the adjacent fields. The applicant has carried out additional mitigation in these areas to prevent this from happening again. Drainage Technical notes have been submitted that provide summaries of the as implemented drainage features and impacts on surface water drainage where necessary. SMBC Drainage has been consulted and, based on the additional information submitted, raise no objections to the mitigation measures provided.

For these reasons it is not considered necessary/reasonable to request any modifications in terms of local amenity or environment.

(b) to preserve a site of archaeological or historic interest

Cultural Heritage assets in close proximity to the Kenilworth Greenway diversion have been identified with the closest being greater than 500m from the diverted Temporary Greenway. HS2 Ltd have confirmed that sites of archaeological or historic interest were assessed to determine if further investigation is necessary. HS2 confirmed a field archaeologist would attend the site during the completion of ground investigations and also during any intrusive construction works in areas known to contain cultural heritage assets. Given these measures are captured within the EMRs, as well as the significant distance of heritage assets to the site, no further mitigation is considered necessary.

(c) in the interests of nature conservation,

Between Waste Lane and Hob Lane there is a hedgerow that is identified as a potential Local Wildlife Site that has needed to be punctuated. However, this was identified within the original Environmental Statement, when it was considered that the punctuation would not cause harm to the significance of the hedgerow. However, additional information was requested to identify the hedgerow so that the Local Planning Authority can be certain that the impact is as per the ES and that additional mitigation is not required. As a result of this information having been provided, officers are content that no greater harm has been caused to the hedgerow compared to what was assessed in the ES.

At the time of submission, HS2 Ltd confirmed that site clearance and construction work for site set up would take the potential presence of bats and nesting birds into account. These works have now taken place. The use of lighting is minimised and the path is unlit. As the original path was also unlit, it is not considered reasonable to require further lighting of the path subject of this request for approval, particularly given its rural setting.

At the time submission, HS2 Ltd confirmed that the presence of Great Crested Newts (GCN) would be taken into account during site clearance and construction work, with areas being cleared prior to the GCN active season or checked by the ECoW before works commence, following the requirements of scheme wide Ecology Mitigation measures, including adherence to the provisions of a GCN method statement.

Additional survey information in the form of an Ecological Constraints Report, including up-to-date survey data, has been provided at the request of SMBC's Ecologist who has no objections to the mitigation detailed, which is in accordance with the EMRs, and has not requested any modifications to the proposals.

It is considered that there are no modifications required for the purpose of mitigating the effect of the work or its operation, in terms of its impact on the local environment/local amenity, to preserve a site of archaeological or historic interest, or in the interests of nature conservation.

### **Other matters**

The alignment of the temporary Kenilworth Greenway was assessed through the ES and is a scheduled work in the Act and cannot, therefore, be changed through this Bringing Into Use Request. Whilst third party representations have raised concerns regarding whether the path can be considered to be temporary, given the length of time it will be in situ for, officers are satisfied that planning permission has been granted for this work through the HS2 Act as it is a Schedule 1 work and as such this Schedule 17 request is made in accordance with the provisions in the Act. It would therefore seem reasonable that the duration of time for which the path is to be provided aligns with the duration of the HS2 construction works. Third party representations also make reference to Schedule 17 paragraph 2 (8) of the Act, which refers to a temporary period of two years in relation to building works. As no buildings are involved with the diversion of the path, this paragraph is not considered to be applicable in this case, given that the proposed path diversion does not involve building works.

In response to the third party comment that queries why the path ends 300m from Station Road, rendering it a dead end, this is the case for the original Kenilworth Greenway. There are public footpaths that connect to the diverted path and whilst there is an Undertaking and Assurance (U&A 562\_6) for the path to be connected to Station Road long term, this falls outside of the scope for this temporary Schedule 1 work.

### **Public Sector Equality Duty**

In determining this request for approval, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant approval in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

### **CONCLUSION**

In conclusion, having regard to the parameters by which the Local Planning Authority may consider the Bringing into Use, as a qualifying authority, it is considered that the mitigation proposed by HS2 in Section 4 of their Written Statement and summarised above constitute sufficient reasonably practicable measures for the purposes of mitigating the effect of the work or its operation on the local environment or local amenity and that this scheme of measures requires no modification or conditions.

Subject to the implementation of the mitigation measures as detailed within this report, no additional mitigation is considered necessary. The proposed submission is therefore recommended for approval.

### **RECOMMENDATION**

Approval of the request for Bringing Into Use and related mitigation.