



Appendix 7.12

NATURAL ENGLAND DESCRETIONARY ADVICE CORRESPONDENCE

Date: 14 September 2023
Our ref: DAS/448060



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

Discretionary Advice Service (Charged Advice)

Development proposal and location: Hillingdon Water Sports Facility and Activity Centre (HWSFAC), Broadwater Lake.

Thank you for your consultation on the above following a meeting at the end of August.

This advice is being provided as part of Natural England's Discretionary Advice Service. Greengage Environmental Limited has asked Natural England to provide advice upon:

- Potential impacts on designated sites
- Ecological mitigation plan

This advice is provided in accordance with the Quotation and Agreement dated 5th September 2023.

The following advice is based upon the information sent through by the client on the 25th of August 2023, and a further document sent through on the 31st of August.

Protected sites

Natural England remain concerned that the proposed development is likely to damage the interest features of the Mid-Colne Valley SSSI both during construction and operation.

Broadwater Lake forms an important part of the Mid Colne Valley SSSI and is one of the largest expanses of open water in the Colne Valley. It is part of a wider network of lakes and waterways that form a valuable mosaic habitat on the edge of London. Broadwater Lake functions as a significant refuge from disturbance from other sites, attracting almost the whole range of species in the valley, along with being one of the key breeding sites and moulting refuges.

While we are appreciative of the mitigation and enhancements that are being proposed, we consider that the potential impacts of the proposal on the SSSI outweigh these.

Our concerns over the impacts of the development are:

- The proposals as they are currently presented will lead to a direct loss of SSSI, both in terms of open water and woodland areas. Including the direct loss of supporting

habitat.

- The construction process will be extremely disruptive. As the notified features include both over wintering and breeding bird species, it is likely to be extremely challenging to time the works without causing harm.
- Once operational there will be an increase in recreational pressure both on the lake, and around the woodland areas of the site. This is likely to impact the features that the site is notified for, and it is currently unclear what the extent of these impacts will be.

The Alternative Site Assessment (September 2023) shortlists Broadwater Lake for further consideration as a potential site for HWSFAC. Natural England agree Broadwater Lake supports ornithological interest of national importance. However we have some significant concerns with the content of this document. In particular;

- It states all relevant activities would be undertaken within the 'approved sailing area' as per existing planning permissions re 23822/86/1291. However, this sailing area is towards the north of Broadwater Lake which is the opposite end to the proposed development.
- We disagree with the statement in table 5.2 that there are no recreational restrictions due to ecological sensitives at Broadwater Lake.

With regard the Breeding Birds Survey:

- Natural England recommend that a minimum of three consecutive years of surveys are required to ascertain the breeding bird assemblage of the lake and its immediate surroundings.
- We recognise surveys took place over the spring and summer months, which is when the majority of activity of the centre will take place. However, Natural England would expect survey effort at all key times of the year for species classified within the SSSI.

With regard the SSSI narrative

- Although lower numbers of birds were found, the site is already designated as a SSSI and remains in favourable condition.
- We agree that the outdoor activities centre will lead to an increase in human activity during the bird breeding season, thus increasing recreational pressure.
- We are concerned at the use of the word avoidance. Avoidance means putting in place measures that stop the harm occurring on the SSSI and ensure they occur elsewhere instead. Natural England disagree with the use of this word in this context.
- We think that our early conversations may have been misinterpreted with the statement that Natural England would prefer the loss of open water over woodland habitat. Any loss of habitat will have an impact on the notified features, and we would advise the need for compensation rather than enhancement and mitigation.

For clarification of any points in this letter, please contact Isabella Jack on 07443379002.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role

as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course.

The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours ,

Isabella Jack
Thames Solent Area Team

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

Date: 06 December 2023
Our ref: 458158
Your ref: 2382/APP/2023/2906



London Borough of Hillingdon

BY EMAIL ONLY

Customer Services
Hornbeam House
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Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir / Madam,

Planning consultation: Redevelopment of the site to create the Hillingdon Watersports Facility and Activity Centre including demolition of existing Broadwater Lake Sailing Club (BSC) clubhouse at the north of the lake and erection of a building and facilities to be occupied by HOAC and BSC

Location: Broadwater Lake, Moorhall Road, Harefield.

Thank you for your consultation on the above dated 15 November 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

OBJECTION

Natural England objects to this proposal.

As submitted, we consider it will:

- damage or destroy the interest features for which Mid Colne Valley Site of Special Scientific Interest (SSSI) has been notified.

A summary of Natural England's main concerns about the redevelopment proposal are listed below:

- Direct loss of Mid Colne Valley SSSI – loss of open water at Broadwater Lake
- Direct loss of suitable habitat for interest features (non-breeding and breeding birds) as a result of land reclamation and peninsula works
- Disturbance (visual, noise) to both non-breeding and breeding birds throughout the construction phase
- Concerns that the proposed mitigation is not suitable for the interest features
- Disturbance (visual, noise) to breeding birds throughout the continued operational phase of the development due to the intensification of recreational activity at Broadwater Lake of both water and land-based activities over the breeding season
- Uncertainties surrounding all year-round activities at Broadwater Lake which would impact over-wintering birds.

Natural England are of the opinion that the proposed development, both in its construction and operational phase, will damage or destroy the interest features for which Mid Colne Valley Site of Special Scientific Interest (SSSI) has been notified.

Mid Colne Valley SSSI is made up of four sites; Coppermill Down, Harefield Lake and Korda Lake, Tilehouse South and Broadwater Lake. Broadwater Lake is the largest of the lakes within the SSSI and therefore an integral component of the whole SSSI. Broadwater Lake is an important site for birds as it acts as a refuge from disturbance arising at Broadwater Lake itself or from other waterbodies in the vicinity. Although Natural England have focussed on the impacts of the proposed development in relation to the aggregations of non-breeding birds and on the assemblages of breeding birds, the full list of the interest features for which Mid Colne Valley SSSI has been designated include the following:

- Aggregations of non-breeding birds - Tufted duck, *Aythya fuligula*
- Aggregations of non-breeding birds - variety of wintering species
- Assemblages of breeding birds - Mixed: Lowland open waters and their margins, Lowland fen and Lowland damp grassland
- Assemblages of breeding birds - Mixed: Scrub, Woodland
- Assemblages of breeding birds - variety of species
- Lowland calcareous grassland (CG3-5)

Our response outlines Natural England's concerns in the following sections: 1. Legislation, 2. Alternative Sites Assessment, 3. Impacts of Development (construction and operation), 4. Summary.

1. Legislation

Mid-Colne Valley was notified as a SSSI under the Wildlife and Countryside Act (1981) in 1985. The National Planning Policy Framework (NPPF), paragraph 180 (b) provides national policy protection for SSSIs and states that *'Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.'* The [London Plan](#) (2021) highlights the importance of designated sites in policy G6, reinforcing the legislation that protects these sites, and the legal provisions that ensure these sites are not damaged by development.

Broadwater Lake is also identified as a site of Metropolitan Importance for Nature Conservation. The London Borough of Hillingdon's [Local Plan](#) (2012) seeks to protect biodiversity in Policy EM7 (Biodiversity and Geological Conservation). Point 2 of this policy states that particular attention will be given to *'the protection and enhancement of all Sites of Importance for Nature Conservation. Sites with Metropolitan and Borough Grade 1 importance will be protected from any adverse impacts and loss.'*

Natural England are of the view that the proposal that has been submitted will damage the interest features of this site, and that it is in contradiction to the policies outlined above.

2. Alternative Sites Assessment

Natural England acknowledge that an alternative sites assessment has been undertaken which assessed a total of 28 lakes, with only three being shortlisted for further consideration (ES Chapter 4 – Alternatives; Appendix 4.1). However, we note that there appear to be inconsistencies across this report with regards to how sites were considered.

Natural England note that Troy Lake (site 11) was discounted, at least in part, due to one of the disadvantages of the site being that it has an ecological value at a county level, to wintering birds. This is highlighted by the fact that the site is designated as a Local Wildlife Site. Broadwater Lake is part of the Mid Colne Valley SSSI and therefore is of national importance for various bird species.

Natural England also note that one of the discounted options, Uxbridge Golf Course (site 3), was, in part, discounted due to the fact that dredging would be needed to ensure consistent water levels across the lake beds. Dredging is also a requirement of the development proposals at Broadwater Lake to reach the required lake depth needed for sailing.

3. Impacts of Development

3.1 Construction Phase

3.1.1 Habitat Loss

The proposed development for the construction of Hillingdon Water Sports Facility and Activity Centre (HWSFAC) require various works to be carried out at Broadwater Lake including land reclamation and dredging. This will result in the direct loss of a variety of habitats. To enable the construction works to take place, it is proposed that a total of 16,114 m² of open water will be lost as a result of land reclamation (7.6.14 in ES Chapter 7). Overall, this equates to 4.9% of open water habitat on-site and 3.1% of total water habitat lost specifically from the SSSI. This is a permanent and irreversible loss of SSSI designated land and cannot be mitigated against.

Paragraph 7.6.14 states “A significant change would be considered to be 5% or greater. Common standards monitoring sets a basic target for ornithological SSSIs that there should be no reduction in extent of more than 5% of any component habitat of the habitat mosaic supporting the breeding bird assemblage.” However, [Common Standards Monitoring](#) 3.5.5 states that although targets for habitat attributes have been set at a 5% change, this is to allow for errors in measurement for habitat extent and for a degree of natural fluctuation in the extent of habitats within a site. The common standards monitoring further goes on to say for both aggregations of non-breeding birds and assemblages of breeding birds that habitat extent should be maintained. The reduction in open water will impact all bird interest features, and specifically tufted duck, one of the key interest features, as this species dive for their food and roost on open water.

Natural England are of the opinion that the mitigation hierarchy has not been followed for this proposed development which in the first instance is to avoid impacts to designated species and sites. Natural England therefore do not agree with paragraph 7.5.5 (ES Chapter 7) which states “Avoidance measures comprise primary (inherent design) mitigation and these allow impacts to be avoided entirely.”

As part of the proposals, multiple islands are being lost from the site. Confirmed in paragraph 7.6.23 in ES Chapter 7 – Biodiversity, the removal of islands 2a and 3 will result in the loss of at least 10 confirmed breeding sites for various bird species. Land reclamation at the peninsula incorporating islands 8 and 9 will result in additional loss of nest sites for breeding birds and a small part of up to 16 territories of 10 species may be lost (paragraph 7.6.24). Natural England note that floating reedbeds and tern rafts have been proposed as mitigation to provide new nest sites. Whilst this will demarcate areas for recreational use and therefore discourage boats and other activities around the islands, Natural England have concerns that this may not provide suitable nesting habitat for the existing bird populations.

The loss of the islands will also have a direct negative impact on aggregations of non-breeding birds. Over-wintering birds may lose up to 10 winter terrestrial roosting sites through the loss of island 9 and this island has been identified as important to tufted duck, a specific over-wintering species for which this site has been designated, and which were regularly recorded as using the islands (7.6.32; 7.6.33). Tree clearance and removal will also reduce the natural screening element provided by these trees to over-wintering birds. Natural England recognise that there are proposals to create new islands as part of the ecological enhancements planned for the development and acknowledge that these would help to mitigate the removal of the existing islands but will not fully offset damage.

Chapter 7 also suggests that Natural England confirmed verbally that a loss of open water was preferable to a loss of woodland habitat (Table 7.1, paragraph 7.5.6), Natural England have been consistent in advising that there should be no loss of either open water or woodland at this site. A

loss of open water and/or woodland from Broadwater Lake would be a direct loss of suitable habitat for both the non-breeding and breeding birds for which the site is designated, as both habitats are key for roosting, nesting and feeding.

Natural England do not agree with the conclusions of paragraph 7.6.24 which states that 'no effects are predicted to the SSSI designated breeding assemblages at the Site during the construction stage as a consequence of the loss of open water habitat.' Natural England also do not agree with the conclusion of paragraph 7.6.33 which states that 'the small loss of open water at Broadwater Lake is not considered to be significant' and that 'the functionality of the site to support the other SSSI designated features is also considered to be unaffected by this loss of open water'. Any loss of SSSI is significant and will affect the interest features. Paragraph 7.6.16 states that the loss of open water can be compensated for through the enhancement of the remaining standing water area, however, direct loss of habitat cannot be compensated through enhancement measures.

The proposed development will also result in a loss of trees during the construction phase. The proposed works at the peninsula require tree and scrub clearance and this habitat is suitable for nesting birds during the breeding season (paragraph 7.6.41 ES Chapter 7). Natural England acknowledge that tree clearance is proposed prior to March 2024 in order to avoid the active bird breeding season, however, this would still result in a direct loss of suitable habitat for the assemblages of breeding birds that rely on both scrub habitat and woodland for breeding. In addition, it is noted that if planning permission is received after this point that clearance works would have to occur during the breeding season, which would have an even greater impact.

3.1.2 Disturbance

Disturbance is likely to arise from works directly to the lake (land reclamation, dredging), the demolition of BSC in the north and the main works at the peninsula including construction of HWSFAC buildings and facilities, and other associated construction works. Breeding birds are found at the site between March – August while over-wintering birds are present from October – March. It is highlighted that September is the only month where works may be undertaken at the site without impacting either receptor (paragraph 7.5.11 ES Chapter 7). However, as construction is scheduled to take place over 14 months, beginning in June 2024, there will undoubtedly be impacts, in the form of vibrational, visual and noise disturbance, which will impact both the breeding and non-breeding (over-wintering) birds for which the site is designated.

Dredging will cause both physical and visual disturbance for birds at Broadwater Lake. The main dredge is scheduled between September – November 2024 which has been chosen specifically as this is the least sensitive period for both breeding and over-wintering birds (6.2.3 ES Chapter 6 – Construction). However, while this may be the least sensitive period, it will still cause disturbance.

Although 7.5.12 (ES Chapter 7) states that there were no signs of active breeding at Broadwater Lake in late August 2023, this is based off one year's data collection and may not be reflective of longer-term breeding patterns. There may still be some breeding birds on site late August into early September that may be affected by these works. Non-breeding birds are more likely to be affected by these works as the scheduled dredging overlaps directly with the over-wintering period. The survey results from Greengage highlight that birds are already present in large numbers throughout November and therefore impacts on over-wintering birds cannot be discounted.

Construction works at the peninsula are scheduled between December 2024 – August 2025 which overlaps with both the over-wintering and breeding period. The works at the peninsula could affect breeding birds during this time as works will take place on land adjacent to the lake and construction activities have been highlighted as having the ability to displace breeding birds (7.6.26; 7.6.41 ES Chapter 7 – Biodiversity). Both assemblages of breeding birds that require lowland fen and lowland damp grassland and assemblages that require scrub and woodland are likely to be affected by the disturbance generated from these works. Natural England welcome the efforts made to mitigate against the effects of disturbance caused by the construction phase, including the measures to protect the breeding birds, including the installation of visual and acoustic screens around the woodland. However, we do not agree with the conclusions that no effects are predicted from the works at the peninsula (7.6.38).

3.2 Operational Phase

Current usage of Broadwater Lake is limited to a maximum of 50 boats at any one time in the northern section of the lake by Broadwater Sailing Club (BSC), an approval which was granted in October 2006, and allows sailing 365 days of the year (Table 2.1 ES Chapter 2). There is also angling on site. The proposals will enable Hillingdon Outside Activity Centre (HOAC) to use the newly constructed facilities, alongside BSC. The relocation of HOAC to Broadwater Lake will increase the number, intensity and frequency of activities taking place, both in water and land based.

Natural England recognise that the operational timing of HOAC is from 1 April – 31 September which does not overlap with the over-wintering period (October – March). Despite this, the proposals will still impact the breeding birds for which the site is designated as they are present at throughout March – August, when the site is operational. HOAC's usage of the site will be for up to 200 children plus 20 adults, with a ratio of 10 kids to one adult, at any one time (5.6.5 ES Chapter 5) across both water and land-based activities.

3.2.1 Water-based Activities

The HOAC relocation will seek to introduce a number of new water sports at Broadwater Lake. Although sailing and angling already take place on site, the proposed activities would be in addition to the existing baseline usage by BSC. The proposed water activities could result in an additional 100 children and supervisors on the lake at any one time with each water-based activity having capacity for 10-15 users to take part at once (5.6.5, 5.6.8 ES Chapter 5).

Natural England note the survey work undertaken by Greengage throughout the wintering period which consisted of 20 visits to the site from November 2022 – March 2023 (taken from Appendix 7.6 – Wintering Bird and Disturbance Survey Report (October 2023)). Although results were mixed and species reacted differently, the results showed that sailing activity caused birds to displace from BSC in the northern lake area or leave the lake entirely. Natural England have concerns that increased activity and therefore disturbance at the lake will affect species distribution and that species less tolerant of disturbance may be lost from Broadwater Lake.

Furthermore, the results have found that bird species tend to move from the northern site where BSC boats are launched, to the southern site for refuge. Included within the proposals are plans to relocate BSC from the northern area to the southern side, meaning that the area where sails are launched will also move. Relocation of the sailing club from the north to the south will increase the extent of disturbance on the lake. Particularly for tufted duck, the southern half of the lake remains relatively disturbance free, and tufted ducks mostly redistribute to the refuge area in the SW and to the east of the peninsula. The relocation will disrupt birds' current pattern and sailing beginning from the southern area of the lake will prevent birds from using this area for refuge. This change will likely result in birds having to retreat to the north of the lake where there is currently no sheltered refuge area, and this could result in more birds leaving the lake (7.5.26 ES Chapter 7). The refuge area being proposed in the north-west of the lake is close to the race sailing area and therefore may be limited in its impact.

The results collected by Greengage highlight that birds are affected by sailing activities and disturbance at the lake and reinforce our concerns that the increase in recreational pressure will lead to damaging impacts on the interest features of the site.

3.2.2 Land-based Activities

The use of the HWSFAC by HOAC will introduce a range of land-based activities on the site, which at present is undisturbed. Not only will land usage be intensified as a result of the proposals, but the activities are scheduled to take place between 1 April – 31 September, a period which directly overlaps with bird breeding season.

Although no land activities are taking place directly within the woodland, there will be activity in and around the peninsula, which is adjacent to breeding habitat. The deciduous woodland at the peninsula is priority habitat and is key for woodland breeding birds. The proposed activities will generate noise disturbance and in the absence of survey results from breeding birds to disturbance, it cannot be concluded that there will be no impact to breeding birds.

4. Summary

Overall, in both the construction and operational phases, Natural England believe that the proposed development will damage or destroy Mid Colne Valley SSSI and its interest features, mainly aggregations of non-breeding birds and assemblages of breeding birds, for which the site has been designated. The development will result in a direct loss of habitat required by the birds and will cause disturbance, both throughout the construction phase and in years to come while the HWSFAC persists at the site and is occupied by HOAC. The proposed development will also affect the ability of Broadwater Lake to act as a refuge for birds in the wider Colne Valley area.

As highlighted in the initial section of our response, the council has a duty to consider the impact of the development on the SSSI, which is protected by both national and local legislation.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter, please contact Bella Jack at bella.jack@naturalengland.org.uk.

Yours sincerely,

Bella Jack
Senior Adviser
Thames Solent Area Team

Date: 19 November 2024
Our ref: 482011



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam

Development proposal and location: Watersports and Outdoor Recreation Facility Broadwater Lake, Moorhall Road, Harefield, Uxbridge UB9 6PE - Quod

This advice is being provided as part of Natural England's Discretionary Advice Service.

The following advice is based upon the following meetings and associated documents:

- HWSFAC Broadwater Lake – Progress Update to Natural England (29th August 2024)
- HWSFAC Broadwater Lake – Natural England Workshop (14th October 2024)

Revised Proposals

We recognise the work that has gone into revising the proposals in line with the concerns raised in our initial response to the application on the 6th of December 2023 and appreciate that some of these concerns have been addressed by the revisions. However, we still have outstanding concerns about the scale of the proposals on a Site of Special Scientific Interest (SSSI), and the uncertainty surrounding the potential impacts of these proposals.

The content of this letter has been informed by the views of the officers involved in the above meetings, along with the input of internal ornithological and protected site specialists.

We have not covered all the issues raised in our initial response in this letter, particularly where they have been addressed by the revisions. This letter focuses on our residual concerns based on the proposals presented to us at the above meetings, and on areas where we do not feel that further revisions will be able to address these issues.

Recreational Disturbance Impacts

While the revised proposals are a reduction in scale from what was initially proposed, we remain concerned with the intensification of both water and land-based recreational activities at Broadwater Lake over the summer months. We are concerned about the disturbance these activities will cause to the following interest features:

- Assemblages of breeding birds - Mixed: Lowland open waters and their margins, Lowland fen and Lowland damp grassland
- Assemblages of breeding birds - Mixed: Scrub, Woodland
- Assemblages of breeding birds - variety of species

While we appreciate the mitigation and enhancement measures that have been proposed as part of the revised plans, there is still significant uncertainty around how these increased activities will impact the breeding bird populations. We have concerns that the increased disturbance, particularly the proposals for the Eastern Channel, will affect species distribution and that those species less tolerant of disturbance may be lost from Broadwater Lake.

The land-based activities on site will lead to an increase in activities in and around the peninsula, and while none of these activities are taking place directly within the woodland, they will be taking place in areas adjacent to breeding habitat.

It is our view that there is considerable uncertainty around the impacts of the disturbance and proposed mitigation measures on the interest features, and therefore we would advise against such an intensification of the activities on site.

Loss of Potential Habitat for Interest Features

While we acknowledge that the revised proposals avoid loss of open water on the site, there are still extensive works planned for the peninsula area of the site. Although this area is currently hardstanding, we believe that the buildings and other facilities planned for these areas would still be a loss of habitat given the current condition of the hardstanding and the potential for this area to become functional habitat over time.

Construction Impacts

We have reviewed the revised Hillingdon Watersports Facility and Activity Centre construction phases document which outlines that the works will be carried out from August 2025 – February 2027. While we welcome that the revised proposals mean that dredging will be contained to September 2025, there are still concerns regarding the rest of the construction phase. We are particularly concerned with works at the peninsula, scheduled between September 2025 – August 2026, which would mean the potential for disturbance effects throughout this period on both the over-wintering and breeding birds.

In-Combination Pressures on the SSSI

Paragraph 186(b) of the National Planning Policy Framework (NPPF) states:

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

The Mid-Colne Valley SSSI is made up of four sites, of which Broadwater Lake is the largest and therefore an integral component of the whole SSSI, acting as a refuge from disturbance arising across the SSSI and the wider Colne Valley area. We are concerned that in-combination with pressures caused by other development in the area, such as HS2, there are likely to be adverse effects on the overall functioning of the site, and the areas of the SSSI which will be suitable for the interest features.

Summary

In summary, it is our advice that the level of activity proposed for the site is still likely to lead to harm on the features for which Mid Colne Valley SSSI has been notified. We are concerned that the scale of development proposed for the peninsula, alongside the recreational activities, could lead to reduction in the suitability of the site for the interest features, and in the long-term lead to sterilization of the SSSI.

We recognise the willingness for the ongoing monitoring of the site, and the potential for a feedback loop with a management plan, but it is our judgement that this would lead to any interventions occurring too late to protect the interest features.

We appreciate the revisions that have been made to the proposals, and the consideration of the potential mitigation and enhancement measures for the works. However, we believe that the degree of uncertainty around the potential impacts of a development of this scale remains too high for us to have sufficient confidence that there will not be damage to the interest features of the site.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 26th July 2024.

☒ The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below, alongside the input of specialists within Natural England. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course.

The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours faithfully,

Bella Jack
Sustainable Development Senior Officer
Thames Solent Team

Cc commercialservices@naturalengland.org.uk