

Habitats Regulations – Regulation 63 Assessment and Screening

1. Legislative Framework and Role of the Council

- 1.1 Habitats Sites, comprising Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), are protected under the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”).
- 1.2 The South West London Waterbodies are designated as a Special Protection Area (SPA) for internationally important populations of wintering waterbirds. The same assemblage of waterbodies is also designated as a Ramsar site; however, for the purposes of this assessment, the Council’s statutory duties arise under Regulation 63 of the Habitats Regulations in respect of the SPA.
- 1.3 Regulation 63 requires that, where a plan or project is not directly connected with or necessary to the management of a Habitats Site, and is likely to have a significant effect on that site, either alone or in combination with other plans or projects, the competent authority must undertake an appropriate assessment of the implications of the proposal for the site in view of its conservation objectives.
- 1.4 The Council is the competent authority for the purposes of the Habitats Regulations. Planning permission may only be granted where the Council has ascertained that the proposal will not adversely affect the integrity of the Habitats Site, applying the precautionary principle and being satisfied that no reasonable scientific doubt remains.

Relevant Habitats Sites and functional linkage

- 1.5 The application site lies within the Mid-Colne Valley Site of Special Scientific Interest (SSSI). Although the site does not lie within a Habitats Site, the South West London Waterbodies SPA is designated for internationally important populations of wintering waterbirds, including gadwall and shoveler.
- 1.6 The requirements of the Habitats Regulations are not confined to effects occurring within the boundary of a Habitats Site. Effects arising outside the designated boundary must be considered where they may affect the achievement of the SPA’s conservation objectives, including effects occurring on land or waterbodies that are functionally linked to the SPA and used by qualifying species.

Representations received

- 1.7 Representations have been received from Hertfordshire and Middlesex Wildlife Trust, who contend that Broadwater Lake and the Mid-Colne Valley SSSI form part of a wider wetland network supporting mobile waterbird populations, and that these waterbodies may constitute functionally linked land in relation to the South West London Waterbodies SPA. On this basis, the Trust argue that development affecting Broadwater Lake could give rise to indirect effects on the SPA and that a Habitats Regulations Assessment is required.

Applicant Submission of HRA Stage 1 Screening Assessment

- 1.8 In response, the Applicant submitted a Habitats Regulations Assessment (HRA) Stage 1 Screening Assessment in support of the planning application. The purpose of the Applicant's submission was to inform and assist the Council in its role as Competent Authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 1.9 The Applicant's Stage 1 Screening Assessment identified the South West London Waterbodies SPA and other European sites within the wider Colne Valley context, and concluded that the proposal would not be likely to have a significant effect, either alone or in combination with other plans or projects.

Natural England consultation

- 1.10 Natural England, as statutory nature conservation advisor to the Competent Authority, was consulted on the Applicant's Stage 1 HRA Screening Assessment. Natural England confirmed that it had reviewed the Applicant's submission and agreed with the screening conclusions reached, and that it does not consider the proposal would be likely to have a significant effect on the relevant European sites, either alone or in combination with other plans or projects.
- 1.11 Notwithstanding, the statutory responsibility for determining whether the Habitats Regulations are engaged rests with the Council as competent authority.

2. Screening Assessment under Regulation 63

- 2.1 At screening stage, the test under Regulation 63 is whether the proposal would give rise to a likely significant effect on the South West London Waterbodies SPA, either alone or in combination with other plans or projects. Hypothetical, speculative or unsupported effects do not meet this threshold. Accordingly, for a likely significant effect to arise, there must be a credible, evidence-based pathway by which effects from the proposal could influence the SPA's qualifying features or conservation objectives.

2.2 Having regard to the Environmental Statement and supporting evidence, the Council concludes that no such pathway exists, as set out below.

Spatial separation and zone of influence

2.3 The Biodiversity Environmental Statement (ES Volume I, Chapter 7) confirms that the South West London Waterbodies SPA lies well outside the zone of influence for ecological effects arising from the proposal. While internationally designated sites were initially identified within a precautionary 10 km desk-study radius, the detailed assessment concludes that the spatial extent of effects associated with the proposal does not extend to the SPA.

No functional linkage at a relevant scale

2.4 Although SPA-qualifying species such as gadwall and shoveler are recorded at Broadwater Lake, the Environmental Statement and supporting surveys undertaken between 2022 and 2025 demonstrate that the lake does not function as a critical or limiting resource for SPA-qualifying populations. In particular, the evidence shows that:

- Birds recorded at Broadwater Lake do not form part of the SPA population demography in a manner capable of affecting achievement of the SPA's conservation objectives; and
- No mechanism exists by which the proposal would cause population-level change, displacement, or redistribution capable of undermining the integrity of the SPA.

2.5 The only conceivable pathway by which effects on the SPA could theoretically arise would be through displacement of waterbirds from Broadwater Lake to other waterbodies; however, evidence demonstrates that no such pathway operates at a scale or frequency relevant to SPA conservation objectives.

2.6 This conclusion is supported by multi-year wintering bird and disturbance surveys undertaken between 2022 and 2025, which demonstrate that disturbance responses are localised and internal to Broadwater Lake, with birds redistributing within established refuge areas. Only limited, occasional movements to immediately adjacent lakes have been recorded, involving very small numbers, and no evidence has been identified of disturbance-driven displacement to other Colne Valley waterbodies, let alone to SPA components located over 12 km away.

2.7 Accordingly, while birds may move between sites in the wider landscape, Broadwater Lake does not constitute functionally linked land whose alteration could undermine the integrity of the SPA.

No disturbance pathway relevant to the SPA

- 2.8 Broadwater Sailing Club (BSC) would continue to operate year-round, as it lawfully does at present. This activity represents the existing baseline scenario and does not constitute a change arising from the proposed development.
- 2.9 Operational use of the proposed facility by Hillingdon Outdoor Activity Centre (HOAC) is restricted to the period 1st April to 30th September. This seasonal restriction is an inherent and defining characteristic of the proposal, reflecting the nature of the activities proposed, and is not relied upon as a mitigation measure.
- 2.10 As such, the proposal as defined does not include HOAC operations during the winter period, which is the critical period for the SPA's qualifying wintering waterbird features. The elements of the development that would introduce new or intensified organised activity at Broadwater Lake would therefore not operate during the period relevant to the SPA designation.

No air quality pathway

- 2.11 A dedicated biodiversity air-quality assessment concludes that changes in nitrogen deposition or concentrations associated with the proposal would be extremely small and not significant at the South West London Waterbodies SPA. The SPA habitats are not sensitive to the predicted changes, and no adverse air-quality effects relevant to SPA conservation objectives are identified.

No water quality or hydrological pathway

- 2.12 There is no hydrological connectivity by which changes at Broadwater Lake could affect the waterbodies that comprise the SPA. Any water-quality issues identified at Broadwater Lake are localised and unrelated to the hydrology of the SPA waterbodies. In the absence of connectivity, a water-quality or hydrological impact pathway cannot operate.

In-combination (cumulative) effects

- 2.13 In-combination (cumulative) effects have been considered in accordance with Regulation 63 of the Habitats Regulations, having regard to other plans and projects that could reasonably be expected to act in combination with the proposed development and which might affect the conservation objectives of the South West London Waterbodies SPA.
- 2.14 In addition to HS2, consideration has been given to the Heathrow Easterly Alternation Infrastructure Project, which enables runway alternation during easterly operations following the ending of the Cranford Agreement. At the time of assessment, the Heathrow Easterly Alternation application (ref. 41573/APP/2024/2838) has a committee resolution to grant planning

permission dated 16th December 2025, subject to a Section 106 legal agreement. That project has been subject to separate Environmental Impact Assessment and facilitates the redistribution of existing aircraft movements, rather than an increase in overall activity.

- 2.15 The Council is satisfied that Easterly Alternation does not give rise to any credible pathway by which effects on the SPA could occur. The project does not affect habitat availability, disturbance regimes, air quality, or hydrological conditions relevant to SPA-qualifying waterbird populations, and is spatially and ecologically remote from the SPA waterbodies.
- 2.16 HS2 construction in the area is complete, and available monitoring establishes that no significant disturbance or displacement of waterbirds has occurred as a result. Future HS2 operational effects have been screened out due to distance, visual screening, habituation of birds, and the absence of population-level impacts. No other plans or projects have been identified that share ecological connectivity with the SPA through the Site.
- 2.17 Accordingly, the Council concludes that the proposed development, alone and in combination with HS2, Heathrow Easterly Alternation, or any other relevant plans or projects, is not likely to have a significant effect on the South West London Waterbodies SPA.

Screening-stage approach

- 2.18 In reaching this screening conclusion, the Council has applied the precautionary principle and has not relied upon mitigation, compensation, ecological enhancement, monitoring or adaptive management to exclude likely significant effects. The conclusion is based on the intrinsic characteristics of the proposal, and the Council is satisfied that:
- the SPA lies outside the proposal's zone of influence;
 - Broadwater Lake does not function as land whose use or alteration is relevant to SPA population viability, either alone or when considered alongside other plans or projects;
 - no new disturbance mechanism operates during the SPA's critical wintering period, and no increase in winter disturbance arises when assessed alone or in combination with other developments; and
 - no indirect pathways exist via air quality, water quality, or hydrology, either individually or in combination.
- 2.19 The Council is satisfied that the proposal would not, either alone or in combination with other plans or projects, introduce or exacerbate any credible impact pathway capable of affecting the qualifying features or conservation objectives of the South West London Waterbodies SPA.

Other European sites considered

- 2.20 In addition to the South West London Waterbodies SPA, the Council has considered whether the proposed development could give rise to likely significant effects on any other European sites, informed by the Applicant's submitted Stage 1 HRA Screening Assessment and the Environmental Statement.
- 2.21 The Chiltern Beechwoods Special Area of Conservation (SAC) has been screened for potential effects. The SAC is designated for woodland habitats and does not support mobile qualifying species. There is no functional linkage between Broadwater Lake and the SAC, and no hydrological, air quality, or other pathway by which the proposal could affect the SAC's qualifying features. On this basis, the proposal is not likely to have a significant effect on the Chiltern Beechwoods SAC, either alone or in combination with other plans or projects.
- 2.22 Other European sites within the wider Colne Valley context have also been considered. The Council is satisfied that no credible pathways exist by which effects arising from the proposal could be transmitted via other waterbodies or ecological networks to any European site. Accordingly, no likely significant effects on other European sites are identified.

3. Habitats Regulations Screening Conclusion

- 3.1 On the basis of the objective information available, and having regard to the characteristics of the proposal, the ecology of the qualifying features, and the absence of any credible impact pathway, the Council is satisfied that the proposed development is not likely to have a significant effect on the South West London Waterbodies SPA.
- 3.2 In reaching this conclusion, the Council has had regard to the Applicant's submitted Stage 1 HRA Screening Assessment and to the consultation response from Natural England, which confirms agreement that the proposal is not likely to have a significant effect on the relevant European sites, either alone or in combination with other plans or projects. The Council has nevertheless reached its screening conclusion independently, in its role as Competent Authority, on the basis of its own assessment of the evidence.
- 3.3 This conclusion applies both alone and in combination with other plans or projects, including HS2 and the Heathrow Easterly Alternation Infrastructure Project. Neither individually nor in combination do these projects give rise to any spatial, functional, disturbance, air quality or hydrological pathway capable of affecting the SPA's qualifying features or conservation objectives.
- 3.4 Accordingly, an Appropriate Assessment under Regulation 63 is not required, and the proposal accords with the requirements of the Conservation of Habitats and Species Regulations 2017.