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Michael Briginshaw
Planning Case Officer
London Borough of Hillingdon
Civic Centre
Uxbridge
UB8 1UW

21st December 2023

Dear Mr Briginshaw,

BROADWATER LAKE, MOORHALL ROAD, HAREFIELD

Reference: 2382/APP/2023/2906

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 to be occupied by HOAC and BSC including changing facilities, etc;... ecological enhancement throughout the site; new pedestrian routes through the peninsula; landscaping including new woodland, dense vegetation screens and boundary treatment; new access and access road; localised dredging and land reclamation; relocation of existing sailing area and creation of floating and fixed islands within the lake. Erection of a residential-led, mixed-use development comprising buildings... to provide 359 residential units (Use Class C3); employment floor space (Use Classes B1(a-c)); flexible commercial floor space (Use Classes A1/A3); associated car and cycle parking, highway improvements, hard and soft landscaping, plant, and other associated ancillary development.

London Wildlife Trust ('the Trust') wishes to comment on the above planning application, primarily in respect of its adverse impacts upon the Mid-Colne Valley Site of Special Scientific Interest (SSSI), the Mid Colne Valley Site of Metropolitan Importance for Nature Conservation (SMINC) within which the proposals are located, and on other biodiversity interests of the area.

The Trust has worked with Hillingdon Council for 40 years in the management of some of the Council's land as nature reserves, and believe we have a good working relationship with officers in assisting Hillingdon in protecting and enhancing its wildlife sites. It is disappointing, therefore, to be faced with a proposal that is contrary to national, regional and local planning policies to protect and conserve such ecological assets, and on which there has been no prior approach to us to seek our input, advice or comment.

For the record we have liaised with Herts & Middx Wildlife Trust (H&MWT¹) and Natural England, as, along with Hillingdon Council, we have all served as members of the HS2 Colne Valley Regional Park Panel developing the Additional Mitigation Plan in response to the HS2 plans and works between West Ruislip and Denham.² We acknowledge that this proposal relates to the displacement of the Hillingdon Outdoors Activity Centre (HOAC) by HS2, and whilst we appreciate how this disruption has affected the Centre and its members, our comments relate only to the proposed location of a new centre at Broadwater Lake.

¹ The two Wildlife Trusts are part of a UK-wide network of 46 Wildlife Trusts. Bucks, Berks & Oxfordshire WT was also a member of the HS2 Colne Valley Regional Park Panel.

Headline issues

Overall this application raises the following concerns for the Trust:

- the location within and adverse impacts on a SSSI, statutorily designated for its national nature conservation value;
- the location within and adverse impacts to a Site of Metropolitan Importance for Nature Conservation forming part of a wider area of important open water habitat for waterfowl and woodland habitats;
- loss of open water and/or woodland 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.
- loss of islands that provide refuge and breeding sites for birds;
- adverse impact on a large number of trees, with insufficient replacement;
- significant increase in planned activities and disturbance resulting from them;
- inconsistent assessment of alternative location options;
- inadequate mitigation.

Permitting this application would set a worrying precedent for the protection of other SSSIs in England and SMINCs in the rest of London. On this basis we object to this application.

We concur with the assessments made by Natural England and H&MWT, and support their objections to these proposals.

Ecological context

Broadwater Lake, within the Colne Valley SSSI, is of significant importance as a wintering location for waterbirds, particularly shoveler (above the level of National importance), pochard and tufted duck (of regional importance). 'Wintering' birds arrive from July, with key assemblages of moulting birds from July through to September or later, at a time when proposed water-borne activities for which this proposal is designed, will be busy. It is also a breeding site for waterbirds, notably a colony of cormorant, grey heron and little egret.

However, the key ecological function of the site is that it serves as a refuge from disturbance on both Broadwater Lake itself and wider water-bodies in the Colne Valley. The change of location of the water sports activities and its increased intensity, the loss of a significant part of the existing refuge area, and the reduction in size of a proposed refuge, will all have a significant detrimental impact on the SSSI.

The water bodies in the Colne Valley Regional Park extend south to include the South West London Waterbodies (SWLB), a collection of reservoirs which are designated as a Special Protection Area and Ramsar, the highest level of protection under UK nature conservation legislation. The SWLB are only about 13km from Broadwater Lake yet have been scoped out of the Environmental Statement which uses a cut-off of 10km. From studies of birds that use reservoirs in the Lee Valley (designated as SSSIs and a SPA), it is reasonable to assume that there is regular movement of waterbirds between Broadwater Lake and the SPA/Ramsar site to exploit the different habitats and that there is potential for development affecting the SSSI to have an indirect effect on the SPA/Ramsar. This would require an assessment under the Habitats Regulations. However, worryingly, this has not been addressed by the Environmental Statement.

Site of Special Scientific Interest status

Broadwater Lake's position wholly within the Mid-Colne Valley SSSI means it is subject to the highest level of protection for designated wildlife sites. National Planning Policy Framework (NPPF, paragraph 180 (B)) provides national policy protection for SSSIs stating that "*Development on land within or outside*

² <https://www.gov.uk/government/publications/hs2-additional-mitigation-plan-for-colne-valley>

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.” Para.180 (B)) also states “The only exception is where the benefits of the Proposed 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 London Plan (2021) highlights the importance of designated sites in Policy G6 *Biodiversity & Access to Nature*; it reinforces the legislation that protects these sites, and the legal provisions that ensure these sites are not damaged by development.

Even the construction phase impacts are alarming enough. The proposed development require land reclamation and dredging resulting in the direct loss of a variety of habitats. To enable the construction works to take place, it is proposed that over 1.6 hectares of open water will be lost as a result of land reclamation (7.6.14 in ES Chapter 7). 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.

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 further 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). 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 SSSI has been designated, and which were regularly recorded as using the islands (7.6.32; 7.6.33). We support the additional information set out by Natural England on the impacts caused by the construction and operational aspects of this proposal.

We do not believe evidence has been submitted to demonstrate that *“the benefits of the Proposed Development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest”* is the case in this proposal. The proposed mitigation is unlikely to be satisfactory to address these impacts.

Permitting development here would set a dangerous precedent for other legally protected sites across London and the rest of the country.

Site of Metropolitan Importance for Nature Conservation status

Broadwater Lake and its environs lie entirely within the Mid Colne Valley SMINC, first identified in 1988. Hillingdon’s Local Plan (2012) seeks to protect biodiversity in Policy EM7 *Biodiversity and Geological Conservation*. Point 2 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.’*

London Plan Policy G6 also applies:

A: Sites of Importance for Nature Conservation (SINCs) should be protected.

C: Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

- 1) avoid damaging the significant ecological features of the site*
- 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site*
- 3) deliver off-site compensation of better biodiversity value.*

D: Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

The proposals as submitted will damage the interest features of this site at a national, regional and local level, and that it is in contradiction to the policies outlined above.

Application documentation

General comments

The ecological status of Broadwater Lake as part of a **nationally** important site for nature conservation is played down in much of the application documentation (see Design & Access Statement, below)

Some of the documentation is littered with mistakes and typos. For example, the Breeding Bird Survey report (ES Appendix 7.7 August 2023; Greengage 3.0 Desk Study, 3.2 Species) describes Greenspace Information for Greater London ([GiGL](#), the London Environmental Records Centre) as the Greenspace *initiative* for Greater London (p7), although it is correctly named in the Preliminary Ecological Appraisal (PEA, Greengage, February 2023).

Table 7.4: *Geographic value of importance*, states that Sites of Importance for Nature Conservation (SINC) with Metropolitan status are of Borough importance – as their name suggests they are of regional significance (Greater London). But then this is contradicted (corrected) in the PEA.

Such mistakes do not give confidence in the accuracy or the attention to detail in some of these reports.

The Environment Statement section on Biodiversity (7) indicates a cursory consultation with the managers of the area of the nature reserve at the Lake, Herts & Middx Wildlife Trust (H&MWT): *‘Virtual meeting was held on 21 June 2023 to present the current masterplan design along with a brief overview of how the design evolved, and the various environmental and ecological drivers.’* This is somewhat surprising given H&MWT’s management of part of the site for over 20 years and its effort to protect the whole Lake from the impacts of HS2.

We, London Wildlife Trust, active in the London Borough of Hillingdon for over 40 years, helping to identify the borough’s original SINC designations, and managers of nature reserves nearby, were not notified of or invited to any of the consultations. See Statement of Community Involvement, below.

Design and Access Statement

The Design & Access Statement³ almost completely hides the ecological status of Broadwater Lake as part of a **nationally** important site for nature conservation. The Lake’s SSSI status isn’t referenced until page 12, and only then under ‘Local context’. The impression given throughout this overview is that it’s ecological status is of minor concern, the focus is almost entirely on the amenity benefits of the proposal rather than its impacts on the wildlife that currently use the site and for which it is designated and should be protected. It is telling that only one image of a bird features in the D&AS, and not even one for which the Lake is notified as being nationally important.

In our opinion the D&AS is not a balanced assessment of the scheme and its impacts.

Landscape strategy

Contrary to the D&AS, the Landscape Strategy⁴ states (p17): *“Within the Broadwater Lakes SSSI, conservation of wildlife is vital to this proposal within the Colne Valley.”* It sets out a laudable series of ecological enhancement proposals that with some refinement could improve the value of the Lake for wildlife. However, this is predicated on the construction and developments within the SSSI and SMINC,

³ Hillingdon Water Sports Facility, Design & Access Statement, Space & Place, June 2023

⁴ Hillingdon Water Sports Facility & Activity Centre, Broadwater Lakes, Landscape Strategy, colour, 29th September 2023

and significantly increasing the amount of water-borne activity and disturbance, effectively undermining these proposals. We note and concur with Natural England's comment on the Wintering Bird and Disturbance Survey Report (October 2023): *"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."*

Alternative Sites Assessment

The Alternative Site Assessment (ASA), commissioned by Hillingdon Council, considers a long list of 28 sites, shortlists three, but rejects all of them as unsuitable except Broadwater Lake. Whilst it gives some acknowledgment to ecological sensitivities, its selection is primarily based on recreational criteria. Nevertheless, like Natural England and H&MWT, we note that there are inconsistencies across the ASA with regards to how sites were considered

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 (in Hertfordshire). Broadwater Lake is part of the Mid Colne Valley SSSI and of national importance for various bird species.

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 proposed at Broadwater Lake to reach the required lake depth needed for sailing.

Ruislip Lido (site 13, adjacent to a SSSI/SAC/SMINC/NNR) was partly discounted due to the presence of *"microscopic parasites within the water which could pose a human health effect."* Reference is also made to 'swimmer's itch' which is caused by an allergic reaction to these parasites released by infected snails, but transmitted through the faeces of ducks and geese. This is undoubtedly present at Broadwater Lake as well, as with any large water body that supports wildfowl, but because, unlike the Lido, it is not a recreational area with a shallow beach attractive to potential swimmers, it hasn't been acknowledged.

In our opinion, the ASA hasn't been applied consistently. Broadwater Lake should have been ruled out at the earliest point of consideration; as a SSSI it should never have been proposed as a suitable site for this application. We manage Walthamstow Wetlands, which is designated as a SSSI (and part of the Lee Valley SPA), but the developments that have occurred there do not involve on-water recreation, and our monitoring appears to indicate that disturbance from visitors' movements along the reservoir edges – which we can control to some degree and are at some distance from sensitive areas – do not cause adverse effects outside expected parameters. It is difficult to determine from the application material how this could be managed at Broadwater Lake.

Statement of Community Involvement

Table 1 of the Statement⁵ lists public comments from an event on 22nd February this year (of which we had no prior knowledge). This includes *"concern that the Mid Colne SSSI team [of Natural England] were not consulted."* We note that the Council's response states there was *"early engagement with Natural England, Canal River Trust, Greater London Authority, Wildlife Trust, Environment Agency"*. There had and still has – not been any engagement with us, and I can't find any evidence that an attempt was made to contact us. We are aware that, likewise, there was no such 'early engagement' with H&MWT.

Chapter 7 of the Environment Statement 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). We are aware that Natural England have never suggested this, and have been consistent in advising the applicant that – rightly - there should be no loss of either open water or woodland at this site.

⁵ Ref A230225

Hillingdon Council has a duty to consider the impacts of this application on the SSSI. We do not believe *“the benefits of the Proposed Development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest”* or that the sufficient evidence has – or can – be provided that the impacts are anything but adverse, and cannot be adequately mitigated.

As we have stated above, permitting this proposal would set a worrying precedent for developments within SSSIs elsewhere in England and within SMINCs elsewhere in London. We strongly recommend that permission is **refused**.

If you wish for further details on our above comments, please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mathew Frith', is written over the printed name and title.

Mathew Frith MCIEEM, CEnv
Director of Policy & Research

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