

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



London Borough of Hillingdon

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
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