



Planning Specialist Observations			
Specialism(s)	Air Quality		
Officer	Michael Briginshaw		
Site	HILLINGDON WATER SPORTS FACILITY AND ACTIVITY CENTRE, BROADWATER LAKE MOORHALL ROAD HAREFIELD, UXBRIDGE		
Proposal	Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a waterbased sailing and rowing area to create the Hillingdon Watersports and Activity Centre including access, car parking, landscaping and associated works.		
Planning Ref	2382/APP/2023/525	Date	22/03/2023

Objection	Condition	Informative	No Comments	Discharge of Condition
	x			

1 Scoping Opinion for Air Quality

This scoping opinion reflects the view of the planning authority as to the scope and level of detail of information to be provided in the EIA report for the discipline of Air Quality.

Scoping is a critical stage early in the EIA process for Air Quality. It provides an opportunity to identify and assess the key air quality impacts and issues of concern. This ensures that the LPA and other competent authorities make their decisions to allow projects to proceed only once all the relevant environmental information has been assessed.

This Scoping opinion has identified the key air quality concerns associated with the proposed development and should be used to identify key issues to be considered in detail during the EIA for the proposed development. It has been carried out so that mitigation measures can be incorporated into project designs and compliance with the London Plan secured.

2 Location

The Site comprises an access road from Moorhall Road, the lake itself with an associated lagoon (southeast corner of the lake), a peninsula at the south-east corner,



an existing sailing club (Broadwater Sailing Club) at the north end of the lake, parts of the margins of the lake, and islands set within the lake.

The proposed development is located outside the LBH Air Quality Management Area and within approximately 3,450m from the LBH Ruislip Town Centre Focus Area.

The assessment area ('the Site') covers an area of approximately 76 hectares (ha) and is located in South Harefield approximately 5km north of Uxbridge. The Site forms part of the Mid-Colne Valley Site of Special Scientific Interest (SSSI) and Site of Importance for Nature Conservation (SINC) and lies within the Colne Valley, an area of lakes and rural habitat.

Given the nature of the Site and the surrounding area, the extent of the development area, and the type of development proposed, it is anticipated that the Proposed Development would be defined as Schedule 2 (10b) EIA Development' in The Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 (hereafter referred to as the EIA Regulations 2017). Due to the application size (76 hectares (ha)) and location (Mid-Colne Valley Site of Special Scientific Interest (SSSI) and Site of Importance for Nature Conservation (SINC)), the proposed development requires an Air Quality Assessment for the items listed in Table 1 below.

3 Air Quality Issues of Concern

Table 1 below identifies the air quality areas where air pollutant emissions will have to be considered, assessed, and mitigated as appropriate.

Table 1 - Summary of EIA Scope for AIR QUALITY

Discipline	Scoped in/Scoped out	Potential Effect	Reasoning
Air Quality	Scoped In	Emissions of dust and particulate matter (PM ₁₀) from construction activities on-site	Deposited dust and particulate matter may cause soiling of property during construction activities and consequently increase the potential for complaints attributed to nuisance within 350m from the Site. There are sensitive receptors within 350m of the Application Site and therefore its assessment is required as per current guidance as part of the planning application.
	Scoped In	Emissions of nitrogen dioxide (NO ₂) and PM _{10/2.5} from construction vehicles leaving and accessing the Site	Construction traffic associated with the Proposed Development will contribute to existing traffic levels on the surrounding road network and therefore could increase of emissions of NO _x and PM _{10/PM2.5} . As a precautionary approach this effect has been scoped into the EIA, however, once construction traffic has been obtained for the proposed development consideration will be given to whether this effect could be scoped out.
	Scoped In	Effect of development on NO _x concentrations and N critical loads due to emissions from traffic associated with the Proposed Development once operational ¹	This aspect is scoped-in due to the need to ascertain the effect of NO _x concentrations on sensitive species within the SSSI as well N deposition (wet and dry) on the critical loads for sensitive species within the study area. SSSI is listed as containing nitrogen- and acid-sensitive species. The operation phase development traffic may have the potential to cause an increase in ambient nitrogen oxides (NO _x) levels, and dry (nitrogen) deposition rates and wet (acid) deposition rates, and thus impact upon the sensitive features of the designated site.
	Scoped In	Air Quality Neutral	As per the London Plan (GLA, 2021) developments need to be air quality neutral as minimum.
	Scoped In	Air Quality Positive	As per the London Plan (GLA, 2021), full planning applications for large-scale developments subject to an EIA require the most specific and detailed commitments to Air Quality Positive measures. The application must be accompanied by an AQP Statement, which should be submitted as part of the EIA at the planning application stage.

¹ <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit#screening-for-protected-conservation-areas>



4 Statutory Background

UK 2010 Regulations

UK 2010 Regulations sets air quality limit values, target values, and critical levels for a number of air pollutants established by the European Parliament and Council for the protection of human health, **vegetation and ecosystems** transposed into the UK legislation. These are sulphur dioxide (SO₂), nitrogen dioxide (NO₂), **oxides of nitrogen (NO_x)**, particulate matter smaller than 10µm in aerodynamic diameter (PM₁₀ and PM_{2.5}), lead (Pb), benzene (C₆H₆), carbon monoxide (CO) and ozone (O₃).

The Environmental Protection Act 1990 - Control of dust and particulates associated with construction

Section 79 of the Environmental Protection Act 1990 gives the following definitions of statutory nuisance relevant to dust and particles:

‘Any dust, steam, smell or other effluvia arising from industrial, trade or business premises or smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance’, and

‘Any accumulation or deposit which is prejudicial to health or a nuisance’

Following this, Section 80 says that where a statutory nuisance is shown to exist, the local authority must serve an abatement notice. Failure to comply with an abatement notice is an offence and if necessary, the local authority may abate the nuisance and recover expenses.

There are no statutory limit values for dust deposition above which ‘nuisance’ is deemed to exist. Nuisance is a subjective concept, and its perception is highly dependent upon the existing conditions and the change which has occurred.

United Nations Economic Commission for Europe Critical Loads

The United Nations Economic Commission for Europe (UNECE) has set Critical Loads for N-Deposition for specific sensitive ecosystems. Critical Loads are defined by the UNECE as ‘a quantitative estimate of an exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge. The Critical Load threshold for the nitrogen (N) sensitive Designated Site identified within the study area is shown in the APIS website.

Statutory Designations of Mid-Colne Valley

The Mid-Colne Valley is a Site of Special Scientific Interest (SSSI). A SSSI is an area which has been given special protection under UK legislation by the Habitats Regulations, which affords special protection to areas with a high conservation value in terms of the species and habitats present. This typically takes the form of restricting commercial, industrial and residential development nearby, ensuring appropriate management of the areas and preventing



the destruction or harm of protected species. The Local Planning Authority (LPA) is a 'competent authority' responsible for enforcing the Habitat Regulations.

SSSIs are the country's very best wildlife and geological sites. They include some of our most spectacular and beautiful habitats - large wetlands teeming with waders and waterfowl, winding chalk rivers, gorse and heather-clad heathlands, flower-rich meadows, windswept shingle beaches and remote uplands moorland and peat bog. Wildlife and geological features are under pressure from development, pollution, climate change and unsustainable land management. SSSIs are important as they support plants and animals that find it more difficult to survive in the wider countryside.



5 Methodology

- a) Identification of affected roads;
- b) Identification of designated sites sensitive to NO_x concentrations and N-deposition within the study area;
- c) Calculation of predicted concentrations of NO_x concentrations and N-deposition in the baseline, and the anticipated opening year; and
- d) Evaluation of the results of the modelling exercise against the critical level / critical loads for the two pollutants.

Identification of Designated Sites sensitive to NO_x Concentrations and N-deposition

For the assessment of the likely impact of changes in air quality as a result of the Proposed Development on Mid-Colne Valley Site of Special Scientific Interest sensitive habitats, reference will be made to the Critical Levels of NO_x and Critical Loads of Nitrogen Deposition for the relevant habitat types given on the Air Pollution Information System (APIS)² website and in the Environment Agency's and Defra's website³.

Calculation of Predicted Concentrations of NO_x Concentrations at Designated Sites

An air pollution advanced dispersion modelling system is required to predict the baseline and future impacts of NO_x emissions arising from road traffic onto the designated sites.

Calculation of Nitrogen Deposition Impacts on Designated Sites

The assessment is to be undertaken in accordance with current guidance which is summarized below:

- a) Identification of habitats sensitive to nitrogen deposition
- b) Calculating the Nitrogen Deposition Rate - The total average nitrogen deposition rate for the 5 x 5 km grid square containing the Mid-Colne Valley Site of Special Scientific Interest obtained from the APIS website. Mid-Colne Valley Site of Special Scientific Interest SSSI is covered by several 5 x 5 km grid squares and, therefore, the higher of the average nitrogen deposition rates is to be used in order to provide a worst-case assessment.
- c) Background NO_x and NO₂ Concentrations - Background concentrations of NO_x and NO₂ obtained either from DEFRA's website or by using available monitored data (whichever is the highest value) for the baseline year. The baseline background concentrations are to be applied to all future assessment scenarios to provide a worst-case approach to the prediction of total NO_x and NO₂ concentrations at the Mid-Colne Valley transects.

² <https://www.apis.ac.uk/queryLocationCheckbox-result>

³ <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit#screening-for-protected-conservation-areas>



- d) Calculating NO₂ road contribution concentrations along a Transect - The air quality dispersion model used to predict road contribution concentrations at the transect points selected representing worst case locations across the Mid-Colne Valley.
- e) Calculating the Nitrogen Deposition Rate - The rate of nitrogen deposition due to dry deposition of NO₂ calculated along the selected transects using the factor of 1µg/m³ of NO₂ = 0.1kg N ha⁻¹ yr⁻¹ as provided in the DMRB guidance.
- f) Calculating the change in Nitrogen Deposition – The road contributions is then added to the APIS average nitrogen deposition rate to give the total deposition rate at each receptor.

Name
Title

Michael Briginshaw

From: Phillip Brewer
Sent: 31 March 2023 16:54
To: Michael Briginshaw
Subject: RE: Hillingdon Water Sports Facility and Activity Centre, Broadwater Lake - App Ref: 2382/APP/2023/525

Hi Michael,

I have considered the submissions and agree that noise and vibration can be scoped out of the EIA and a stand-alone assessment submitted with the planning application.

Regards

Phil
07828 537871

Philip Brewer PhD MIOA
Noise Specialist
London Borough of Hillingdon

I have flexible working arrangements and aim to respond within five working days. If urgent please feel free to enquire via text

From: Michael Briginshaw <mbriginshaw1@hillingsdon.gov.uk>
Sent: 21 March 2023 16:24
To: Phillip Brewer <PBrewer@hillingsdon.gov.uk>
Subject: Hillingdon Water Sports Facility and Activity Centre, Broadwater Lake - App Ref: 2382/APP/2023/525

Hi Phil,

I write with reference to the Hillingdon Water Sports Facility and Activity Centre, Broadwater Lake, submission (ref. 2382/APP/2023/525) which is described as follows:

Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a waterbased sailing and rowing area to create the Hillingdon Watersports and Activity Centre including access, car parking, landscaping and associated works.

I have instructed the Council's Applications Processing Team to consult you formally and I am sending this email to explain the request for your specialist consideration.

As above, this submission seeks a Scoping Opinion response from Officers with reference to relevant EIA legislation. Paragraphs 8.20 to 8.28 of the Scoping Report covers 'Noise and Vibration' and concludes that:

- As no significant effects are expected, noise and vibration effects will be scoped out of the ES as an assessment chapter.
- A standalone Noise Assessment will be submitted with the planning application.

Could you please assess the information submitted and confirm whether you agree that Noise and Vibration is 'scoped out' of the forthcoming Environmental Statement submission?

Thank you for any assistance.

Kind regards,

Michael

Michael Briginshaw

Principal Planning Officer
Strategic and Major Applications Team
Place Directorate
Civic Centre (3N)
Hillingdon Council
Tel. internal: 6175
Tel. external: 01895 250230



Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

Online Comment

30-03-23

Application Reference:	2382/APP/2023/525
Site Location:	Hillingdon Water Sports Facility and Activity Centre BROADWATER LAKE MOORHALL ROAD
Officer:	Michael Briginshaw
Date Entered:	03-04-23
Date Transferred:	03-04-23
Consultee:	Urban Design/Conservation (Major Apps)
Address of Consultee:	Planning Specialists Team 3.N/03
Reference:	CRS97635

[Click to view comments and associated attachments/documents](#)

Comments:	<p>Planning application No. 2382/APP/2023/525</p> <p>Address: Hillingdon Water Sports Facility and Activity Centre BROADWATER LAKE MOORHALL ROAD</p> <p>This scoping report response identifies information needed within the Environmental Impact Assessment to identify the likely effects from the development on the landscape character including visual impacts.</p> <p>The Broadwater Lake site is a component part of the Mid Colne Valley Site of Special Scientific Interest (SSSI) a national designation. It also has a regional designation as a Site of Importance for Nature Conservation (SINC) of Metropolitan importance. Further the site is part of the Green Belt.</p> <p>The Environmental Impact Assessment needs to include a thorough evaluation of the landscape character identifying its inherent attributes. The landscape character assessment will form the preliminary stages of the LVIA with assessment of the sensitivity of the site and its robustness to change that are derived from the landscape value of the site.</p> <p>It should be demonstrated that the scale and extent of development within the site are sensitive to the location and designed to avoid or minimise adverse impacts on the designated areas.</p> <p>Further, an LVIA should form part of the Environmental Impact Assessment. While it has been demonstrated with photos that there are only two open views of the site shown on drawing no. HBL-COL-00-XX-DR-L-6003. These are view no. 7 PROW south of Denham, View no. 3 from Public Right of Way (PROW) off Merle Avenue southwest of Harefield. The LIVA should also include a</p>
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viewpoint from the Old Orchard Pub. These three viewpoints should be worked up to show visualisations of the scheme in accordance with Landscape Institutes guidance note TGN 06/19 Visual Representation of development proposals Table 1 Visualisation and produce visualisations of Type 2-4.

Date: 06 April 2023
Our ref: 426920
Your ref: 2382/APP/2023/525



Hillingdon London Borough Council
BY EMAIL ONLY

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 900

Dear Sir or Madam,

Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017): Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a waterbased sailing and rowing area to create the Hillingdon Watersports and Activity Centre including access, car parking, landscaping and associated works

Location: Hillingdon Water Sports Facility and Activity Centre BROADWATER LAKE MOORHALL ROAD HAREFIELD, Uxbridge UB9 6PE

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 21 February 2023, received on 21 February 2023.

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.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on [environmental assessment, natural environment and climate change](#).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to consultations@naturalengland.org.uk.

Yours faithfully

Isabella Jack
Thames Solent Area Team

Annex A – Natural England Advice on EIA Scoping

General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Biodiversity and Geodiversity

General principles

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

Designated nature conservation sites

Nationally designated sites

The development site is within the following **Site of Special Scientific Interest**:

- Mid Colne Valley (SSSI)

The features of special interest of the SSSI are:

- Aggregations of breeding bird – Tufted duck (*Aythya fuligula*)
- Aggregations of non-breeding birds – variety of wintering species
- Assemblages of breeding birds – Mixed: Lowland damp grassland, Scrub, Woodland
- Assemblages of breeding birds – variety of species.

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at www.magic.gov.

Paragraph 180 (B) of the NPPF states: '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;'

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geportal](#).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on

survey and mitigation measures . A separate protected species licence from Natural England or Defra may also be required.

District Level Licensing for Great Crested Newts

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

Ancient Woodland, ancient and veteran trees

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

Landscape

Landscape and visual impacts

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and

distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Connecting People with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development

- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and

The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) ^[1]. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO_x and SO₂ against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Information on air pollution modelling, screening and assessment can be found on the following websites:

^[1] [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the [Committee on Climate Change's \(CCC\) Independent Assessment of UK Climate Risk](#), the [National Adaptation Programme \(NAP\)](#), the [Climate Change Impacts Report Cards](#) (biodiversity, infrastructure, water etc.) and the [UKCP18 climate projections](#).

The Natural England and RSPB [Climate Change Adaptation Manual](#) (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's [Nature Networks Evidence Handbook](#) (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's [Carbon Storage and Sequestration by Habitat report](#) (2021) and the British Ecological Society's [nature-based solutions report](#) (2021) provide further information.

Contribution to local environmental initiatives and priorities

The ES should consider the contribution the development could make to relevant local

environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.

Michael Briginshaw
London Borough of Hillingdon
Development Control
Civic Centre High Street
Uxbridge
Middlesex
UB8 1UW

Our ref: NE/2023/135476/01
Your ref: 2382/APP/2023/525
Date: 30 March 2023

Dear Michael,

Hillingdon Water Sports Facility and Activity Centre, Broadwater Lake, Moorhall Road, Harefield, Uxbridge.

Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a waterbased sailing and rowing area to create the Hillingdon Watersports and Activity Centre including access, car parking, landscaping, and associated works.

Thank you for consulting us on the above Environmental Impact Assessment (EIA) Scoping Opinion on 24 March 2023.

Following a review of the above, we have provided details below concerning flood risk, ecology, contamination, and Waste as site specific considerations that will need to be investigated further prior to submission of a planning application. We have also included advice on the appropriate permit requirements.

1. Flood Risk

The proposed development will result in a 'water-compatible' use as defined by [Annex 3](#) of the Planning Practice Guidance: [Flood Risk and Coastal Change](#) within Flood Zone 3b, 3a, and 2. In line with [Table 2](#), this use class is considered appropriate within all Flood Zones, providing an adequate Flood Risk Assessment (FRA) is undertaken and demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

We are pleased to see that a Flood Risk Assessment (FRA) will be undertaken as part of the application. We have provided further information on FRA requirements and flood risk below.

Cont/d..



INVESTOR IN PEOPLE



FRA Requirements

As the indicated site is located within flood zone 3 you will need to submit a Flood Risk Assessment (FRA) as part of your planning application. This is required by paragraph 1677, Footnote 55 of the [National Planning Policy Framework](#) (NPPF).

In accordance with the NPPF and associated NPPG, a site-specific FRA must clearly demonstrate how you intend to manage flood risk on site to ensure that the proposed development will be safe for its lifetime and that flood risk is not increased on site and elsewhere.

As part of your FRA, we would expect you to address (but not necessarily be limited to) the following issues:

- Consideration of the level of flood risk and whether the proposed use would be appropriate in accordance with its vulnerability classification outlined within Table 2 of the Planning Practice Guidance: [Flood Risk and Coastal Change](#) (section 25).
- Identification of the level of flood risk on the site and consideration of the impact a range of flood events would have on the proposed development.
- Ensure that finished floor levels set 300mm above the 1 in 100 flood level.
- Ensure the correct climate change allowances have been used (links below).
- Whether there is an increase in built footprint within the 1 in 100 event + climate change flood extent.
- Whether adequate floodplain compensation is required.
- Proximity to flood defences (most notably the natural high ground along the west of the site adjacent to the River Colne).

Modelling

On submission of the FRA, the Environment Agency's Evidence and Risk team will carry out a detailed review of the flood risk modelling undertaken by the third party. The following will be required with your submission:

1. All model files and the model itself.
2. Flood outlines for all return periods modelled.
3. Model Report: this should detail what they have done, explain any decisions taken, provide enough detail for us to be able to replicate every step taken. It is best practice to use the latest model software; if this has not been used then the model report should justify why a previous model version has been deemed appropriate for use.
4. Model log; to track any changes and updates.
5. Survey: if it is a new model / they have made changes to our model.
6. Details of sensitivity testing, such as changes to inflow, roughness, downstream boundary, structure coefficients, etc.
7. A clear file naming convention.

Climate change

We would like to see stronger wording and discussion around the impact of climate change.

The climate change allowances used when considering development and flood risk are outlined in 'Flood risk assessments: climate change allowances'

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

When assessing fluvial flood risk any anticipated changes to peak river flow as a result

of climate change should be considered. The climate change allowances for each management catchment can be found here:

<https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=363522b846b842a4a905829a8d8b3d0c>

Climate change 'managed adaptive approach' involves delaying some flood risk management measures to address long term and extreme flood risk until they are needed. For example, the Planning Practice Guidance on Climate Change suggests setting development back from a river, so it does not make it harder to improve / raise flood defences in the future.

<https://www.gov.uk/guidance/climate-change>

2. Ecology

We are satisfied that Biodiversity and Water Environment and Flood Risk chapters have been identified for this EIA. All relevant reports and recommendations should be submitted alongside any planning application.

Construction and Operational impacts to the SSSI will need to be carefully considered within the Mitigation Enhancement and Management Plan and should be agreed with both Natural England and Herts and Middlesex Wildlife Trust. It should be noted that the Mid Colne Valley SSSI is of significance at the landscape scale to the protection of populations of breeding and overwintering woodland and wetland birds within the Colne Valley. SSSIs are nationally designated nature conservation sites that have statutory protection under the Wildlife and Countryside Act (as amended by the Countryside and Rights of Way Act). Any development at this site should be sensitive of the ecological significance of this site and follow the Mitigation Hierarchy (Avoid, Mitigate and Compensate) to ensure that it is appropriate and that the ecological value of the site is not damaged. The development should provide all evidence that every measure to avoid the use of this significant site as part of any planning application proposed. Without this evidence, it is likely that the application will be refused due to its impact on nature conservation. This position is supported by paragraphs 174 and 180 of the [National Planning Policy Framework](#) (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

We also note that a Water Vole survey was undertaken in November 2022. This is not the optimal survey season (April - September) for this species and further surveys will be required to support the EIA.

We recommend that the applicant also considers the following in support of the planning application.

- Consideration should be given to the potential impacts of construction to the spread of Invasive Non-Native Species.
- Consideration of the potential impact of increased recreation on the spread of INNS should be included.
 - Recreational pressures should include increased noise, physical disturbance both on the lake, the riparian area and woodland to breeding birds and other sensitive species e.g., Eurasian Otter and Water Vole.
- Consideration of how these will impact on the breeding bird assemblages at the site with regard to how any displacement would affect populations across the

landscape of the Colne Valley- additional pressures at other sites within the valley (increased competition for food or mating, predation pressures etc.).

- Consideration of the impacts of increased recreation to water quality should be included (potential for increased turbidity and increased risk of pollution).
- Surveys for all species may require updating to ensure they meet the CIEEM validity guidelines.
- We will require a WFD assessment for this development.

3. Contamination

We are satisfied that the EIA will include chapters on water quality and land contamination and protection of the water environment (groundwater and surface water). We are pleased that the applicant has scoped out foul drainage, for it to be considered at a later design/planning stage.

The water environment at this site is extremely sensitive and the submitted documents rightly point to the shallow groundwater likely to be in hydraulic connection with adjacent lakes and rivers, as well as the site lying within an Inner Source Protection Zone (SPZ1) for public water supply.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on gov.uk for more information.

4. Waste

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for

advice at an early stage to avoid any delays. We recommends that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on gov.uk

The proposed development is on the Broadwater Plant Site historic landfill. The physical disturbance of the waste mass may pose unacceptable risk to the environment and human health and the site may be unsuitable for the proposed development. All material deposited within the historic landfill remains controlled waste and must comply with waste legislation. Any import or alteration of the landform or piling within waste should be regarded as a waste activity and requires an environmental permit.

Advice to applicant

The foul drainage and landform modifications (e.g., dredging, creation of new land and islands) and possibly other aspects yet to be designed, associated with this development will require Environmental Permits under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

We would like to refer the applicant to our groundwater position statements in '[The Environment Agency's approach to groundwater protection](#)', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Drainage

We recommend that developers should:

1. Follow the risk management framework provided in '[Land contamination: risk management](#)' when dealing with land affected by contamination
2. Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the [contaminated land](#) pages on gov.uk for more information

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culvert
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Elizabeth Clements
Sustainable Places Planning Advisor

E-mail: HNLsustainableplaces@environment-agency.gov.uk | Tel: 02077644285

From: [Michael Briginshaw](#)
To: [Niamh McKenna](#); [Amy Cook \(E\)](#)
Cc: [Mandip Malhotra](#)
Subject: RE: Scoping Opinion - Hillingdon Water Sports Facility and Activity Centre
Date: 11 April 2023 17:22:50
Attachments: [image001.png](#)
[NE Response - 06-04-23.pdf](#)
[EA Response Dated 30th March 2023.pdf](#)
[Cadent Gas - No Objection -Broadwater Lake Moorhall Road Harefield UB9.docx](#)
[Air Quality Scoping Opinion 2382 APP 2023 525 v1.docx](#)
[Urban Design Officer Comments.pdf](#)
[Noise Specialist Comments.pdf](#)
[Transport for London Comments.pdf](#)

Please see the new response from Natural England (dated 6th April 2023) attached for your information. This appears to be much of the same previously provided but there are some additions.

For your information, I have also attached the responses from the Council's Air Quality Team, Urban Design Officer, Noise Specialist, Environment Agency, Transport for London and Cadent Gas. I have also copied the response from Thames Water below:

Waste Comments

Thank you for giving Thames Water the opportunity to comment on the above application. Thames Water are the statutory sewerage undertaker for the area and would like to make the following comments: The EIA Regulations 2017 set out in Schedule 4 that water and wastewater issues may need to be covered in an EIA. Thames Water consider the following issues should be considered and covered in either the EIA or planning application submission: 1. The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met 2. The surface water drainage requirements and flood risk of the development both on and off site and can it be met. 3. Build – out/ phasing details to ensure infrastructure can be delivered ahead of occupation. 4. Any piling methodology and will it adversely affect neighbouring utility services. Should the developer wish to obtain information on the above issues they should contact our Developer Services department on 0800 0093921

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fgroundwater-protection-position-statements&data=05%7C01%7CPlanningEConsult%40Hillingdon.Gov.UK%7Cf6d3bdecc1c6499b2f3608db1967a6f9%7Caaacb679c38148fbb320f9d581ee948f%7C0%7C0%7C638131705190656779%7CUnknown%7CTWFPbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=b%2FTC83rq9nIL6%2FDx7ReiJbb2hyzol3rknobFVHBJqlg%3D&reserved=0>) and may

wish to discuss the implication for their development with a suitably qualified environmental consultant.

Kind regards,

Michael

Michael Briginshaw

Principal Planning Officer
Strategic and Major Applications Team
Place Directorate
Civic Centre (3N)
Hillingdon Council
Tel. internal: 6175
Tel. external: 01895 250230

Logo



Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

Michael Briginshaw

From: Amy Tempest <AmyTempest@tfl.gov.uk>
Sent: 15 March 2023 14:49
To: Michael Briginshaw
Subject: 2382/APP/2023/525 - Hillingdon Water Sports Facility

To Michael,

Thank you for consulting Tfl Spatial Planning on the following application:

Borough Planning Reference: 2382/APP/2023/525

Proposal: Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a waterbased sailing and rowing area to create the Hillingdon Watersports and Activity Centre including access, car parking, landscaping and associated works.

Location: Hillingdon Water Sports Facility and Activity Centre BROADWATER LAKE MOORHALL ROAD HAREFIELD, Uxbridge UB9 6PE

Site Description

The site is access off of Moorhall Road, which forms part of the local highway network. This site access currently has no pedestrian provision.

There are a set of bus stops located on Moorhall Road, providing access to one bus services. A further bus service can be accessed from Harvil Road, located to the west of the development. Dehnam Rail Station is located approximately 1.5km to the south of the site.

Due to the aforementioned public transport connections, the site has a PTAL of 1a-1b, on a scale of 0 to 6b where 6b is highest.

The London Loop and Colne Valley Trail are a public right of way that follow the Grand Union Canal towpath along the west of the Site.

We have the following comments to make on this Scoping Opinion:

1. A full Healthy Streets Transport Assessment (TA) should be undertaken. This should include an Active Travel Zone (ATZ) assessment, the scope of which should be agreed prior to the being undertaken.
2. The proposed development should seek to connect, and where possible, enhance the existing active travel network.
3. A robust multi-modal trip generation should be included within the TA. It is noted that the Report indicates that the proposed development is estimated to generate 50 peak summer daily additional trips on the surrounding road network, however it is not clear how this figure was arrived at. Subject to a robust and agreed trip generation, contributions towards mitigating the impact of the proposed development on the surrounding transport network may be required in line with Policy T4.
4. It is understood that the proposed development will include modifications to the vehicle access. In line with TfL guidance, a Stage 1 Road Safety should be undertaken for any changes proposed to the vehicle access. Furthermore, it should be ensured that the proposed access is designed in line with the Mayor's Healthy Streets approach, which priority given to modes of sustainable and active travel over that of private vehicle.
5. The Report identifies that this site can informally accommodate 45 cars. It is understood that the proposed development will provide approximately 150 car parking spaces and four coach parking spaces. The quantum of car parking provision at this site should seek to support a strategic modal shift, as identified in Policy T1. A reduction in the quantum of car parking is sought.

6. Cycle parking should be provided in line with the standards identified within Policy T5 of the London Plan. Cycle parking should be designed in line with London Cycle Design Standards (LCDS), referred to in Policy T5.
7. A framework construction logistics plan (CLP) should be provided to support any planning application for this site. This should contain detail on the measures that will be implemented to ensure that the proposed construction will not impact on the safe and efficient operation of the adjoining transport network. It should also demonstrate how construction activity will be carried out in accordance with the Mayor's Vision Zero and Healthy Streets approach.
8. An outline Delivery and Servicing Plan (DSP) should be provided to support any planning application for this site.
9. A framework Travel Plan for all proposed uses should be provided to support any planning application for this site. This should detail the measures that will be implemented to support achieving a strategic modal shift at this site.

TfL operates a pre-application advice service which has been set up to enable developers and councils to understand TfL's views on transport and infrastructure prior to submission of the application. Details can be found on the following webpage: <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>.

Please do not hesitate to contact me if I can be of further assistance.

Many thanks,

Amy Tempest (she/her/hers)
Principal Area Planner
Spatial Planning | Customer and Strategy



amytempest@tfl.gov.uk

TfL Spatial Planning is committed to equity, diversity and inclusion and we strive to ensure that Londoners are fully represented in the planning process

For more information regarding TfL Spatial Planning, including TfL's *Transport assessment best practice guidance* and pre-application advice please visit: <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>

This message has been scanned for malware by Forcepoint. www.forcepoint.com

From: [Michael Briginshaw](#)
To: [Amy Cook \(E\)](#); [Niamh McKenna](#)
Cc: [Mandip Malhotra](#)
Subject: RE: Scoping Opinion - Hillingdon Water Sports Facility and Activity Centre
Date: 18 April 2023 17:47:50
Attachments: [image001.png](#)

Hi Amy and Niamh,

Just following up on a couple of points:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] Heathrow

Airport Safeguarding have provided the following response:

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

We would like to draw your attention to the following:

Wind Turbines

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 5, 'Renewable Energy & Impact on Aviation' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

- [REDACTED]
- [REDACTED]
- [REDACTED]
The Harefield Tenants and Residents Association have, however, provided the following comments:

If it truly follows Town and Country planning rules then it will be a good facility but it will lead to increased traffic and noise in the area that must be controlled well. There will be areas of wildlife habitat that is destroyed so wildlife must be protected from pollution and noise.

- [REDACTED]

Kind regards,

Michael

Michael Briginshaw

Principal Planning Officer
Strategic and Major Applications Team
Place Directorate
Civic Centre (3N)
Hillingdon Council
Tel. internal: 6175
Tel. external: 01895 250230



Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

From: Michael Briginshaw

Sent: 11 April 2023 17:21

To: Niamh McKenna <Niamh.McKenna@arup.com>; Amy Cook (E) <Amy-E.Cook@arup.com>

Cc: Mandip Malhotra <MMalhotra@hillingdon.gov.uk>

Subject: RE: Scoping Opinion - Hillingdon Water Sports Facility and Activity Centre



Historic England

Mr Michael Briginshaw
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Your Ref: 2382/APP/2023/525
Our Ref: 214028

Contact:
Sandy Kidd
02079733215
sandy.kidd@historicengland.org.uk

2023-04-26

Dear Mr Briginshaw,

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
NATIONAL PLANNING POLICY FRAMEWORK 2021**

**Hillingdon Water Sports Facility and Activity Centre BROADWATER LAKE MOORHALL ROAD
HAREFIELD, Uxbridge UB9 6PE**

*Request for Scoping Opinion under Regulation 15 of the Town and Country Planning
(Environmental Impact Assessment) Regulations 2017 for the construction of buildings to
provide an outdoor activity centre and a waterbased sailing and rowing area to create the
Hillingdon Watersports and Activity Centre including access, car parking, landscaping and
associated works*

Recommend Pre-Determination Archaeological Assessment/Evaluation

Thank you for your consultation received on 2023-04-13.

The Greater London Archaeological Advisory Service (GLAAS) give advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.

Assessment of Significance and Impact



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The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified in the Local Plan: [78417] Colne Valley

The proposed development lies partly within the Colne Valley Archaeological Priority Zone which defines an extensive area of high archaeological potential along the eastern flank of the valley. The Colne Valley is well known for a notable concentration of post-glacial hunter-gatherer sites (Upper Palaeolithic and Mesolithic) and associated environmental evidence. Some of these sites are well preserved and considered of national significance. Most discoveries of this type have been made along the edge of the river's alluvial floodplain.

The site has been worked for sand and gravel in the mid-20th century. No archaeological survival is therefore expected in the former mineral extraction lakes themselves whilst most of the surviving dry land west of the canal has been used for related operations - it is uncertain how much archaeology might survive in these locations. Some more peripheral land parcels (e.g. north of Moorhall Road) appear to have better survival potential. A key to assessing archaeological potential will be to map these different levels of potential and test them using boreholes and/or test pits. Where ground conditions are suitable for archaeological survival further investigation and mitigation would measures would be necessary. Given relatively modest nature of proposed development it may be possible to design the development to build over or around significant discoveries.

On balance therefore, bearing in mind the land use history and nature of the proposed development, I agree that it should be possible to avoid a significantly adverse impact on archaeology but further information would be needed to inform a planning application and decision.

Planning Policies

NPPF Section 16 and the London Plan (2021 Policy HC1) recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. NPPF paragraph 194 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. A field evaluation may also be necessary.

NPPF paragraphs 199 - 202 place great weight on conserving designated heritage assets, including non-designated heritage assets with an archaeological interest equivalent to scheduled monuments. Non-designated heritage assets may also merit conservation depending upon their significance and the harm caused (NPPF paragraph 203). Conservation can mean design changes to preserve remains where they are.

NPPF paragraphs 190 and 197 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Applicants should therefore expect to identify appropriate enhancement opportunities.



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If preservation is not achievable then if planning consent is granted, paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Archaeological consultants can advise on the possible implications of such mitigation requirements for the development programme and costs.

Recommendations

I have looked at the information you have supplied and at the Greater London Historic Environment Record. I have recommended below what more information I would need to advise the planning authority on the effects on archaeological interest and their implications for the planning decision.

I therefore recommend that the following further studies should be undertaken to inform the preparation of proposals and accompany a planning application:

Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

As noted above, an appropriate strategy of boreholes, test pits and trenches will be needed to test the survival and deposit models set out in the DBA.

Desk Based Assessment

Desk-based assessment produces a report to inform planning decisions. It uses existing information to identify the likely effects of the development on the significance of heritage assets, including considering the potential for new discoveries and effects on the setting of nearby assets. An assessment may lead on to further evaluation and/or mitigation measures. All desk-based assessments should include a search of the Greater London Historic Environment Record.

The assessment should include maps with a survival and geo-archaeological deposit model. Boreholes and geotechnical information will be invaluable for this model and if undertaken for the application should be monitored by an archaeologist. HS2's previous investigations and modelling in the Colne Valley should be examined as should evidence for the patterning of previous discoveries in relation to historic topography/geology to highlight



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areas of particular potential.

I will need to agree the work beforehand and it should be carried out by an archaeological practice appointed by the applicant. The report on the work must set out the significance of the site and the impact of the proposed development. I will read the report and then advise you on its implications for the planning application.

This letter concludes GLAAS' free Initial Pre-application advice (that is, one free cycle of advice and engagement). As further pre-application advice is needed the applicant will be asked to use our Extended Pre-application service which provides applicants with a bespoke programme of advice and engagement beyond the initial free cycle. We charge for this extended service on a cost-recovery basis; we do not make a profit from it.

If necessary, you should also consult Historic England's Development Management team on statutory matters.

You can find more information on archaeology and planning in Greater London on our website.

Yours sincerely

Sandy Kidd

Archaeology Adviser
Greater London Archaeological Advisory Service
London and South East Region



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President: Rt.Hon. the Lord Randall of Uxbridge Kt.PC.

FAO: Richard Weston
London Borough of Hillingdon
Civic Centre
Uxbridge
Middlesex



April 2023

Dear Mr Weston

Scoping Opinion 2382/APP/2023/525

**HILLINGDON WATER SPORTS FACILITY AND ACTIVITY CENTRE, BROADWATER LAKE
MOORHALL ROAD HAREFIELD, UXBRIDGE**

Summary:

The Colne Valley Regional Park (CVRP) **supports HOAC relocation to a suitable site** within the Colne Valley Regional Park.

However, **we object to this proposal because Broadwater Lake is not a suitable site.** It is one of the most important centres for nature conservation in the whole of the Colne Valley Regional Park. It is no exaggeration to say that it is of national and regional importance for nature conservation. The six objectives of the CVRP are a balance of activities and each one should not negate the others. This proposal will almost certainly do that with recreation having a severe impact on biodiversity.

We urge London Borough of Hillingdon to find a more suitable site and offer to work with the Council to achieve this. The previous planning application in 2018, at New Denham Quarry, was a far better option, merely requiring a few, very minor, adjustments. We were disappointed that Hillingdon declined the offer we made in 2018 to talk about this and were shocked to hear early in 2023 that the Council proposes to relocate HOAC to Broadwater Lake. In our view, five years has been wasted: Broadwater's national significance for wildlife means that it is unlikely that a planning application here can be approved with reference to a) National Planning Policy Framework and because b) other suitable sites for HOAC relocation are available in the Colne Valley.

Comment on EIA Scoping Opinion

Para 4.2 The Colne Valley Regional Park is missing from the listed stakeholders engaged with. The Council did finally consult with us, organising a meeting in March 2023. We welcome this engagement but it was far too late, since the plans had already been worked on for many years and were nearing completion without our knowledge or input.

Para 4.5 Alternative Sites. This important section is very light on information. We note it is stated that the planning application will be accompanied by an Alternative Sites Assessment,

Colne Valley Park Trust
Charity Registration Number: 1181303
Colne Valley Park Community Interest Company
A company limited by guarantee. Registered in England. Company No. 08131867

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www.colnevalleypark.org.uk

but are concerned that this will only assess "...the most suitable site **within LBH** for the relocation..." (our highlighting). LBH is an administrative boundary that does not reflect the landscape and the way this is actually used by people or how the HOAC relocation site can be accessible for Hillingdon residents. Taking this artificial cut-off excludes a huge number of suitable sites (including the New Denham Quarry) for no good or justifiable reason.

We also look forward to seeing the Alternative Design as part of the ES. Figure 3.1 of the EIA scoping report shows that most of the lake will be used for water sports. This makes no provision for an area large enough to serve as the refuge for waterfowl at Broadwater. I refer the Council to the response to the Scoping Opinion from the Herts & Middlesex Wildlife Trust that makes reference to a 2008 report on waterbird use of the Colne Valley and a subsequent 2022/23 follow up report.

From figure 3.1 it would appear that the sailing club in the northern part of the lake will be demolished and all future activity for sailing rowing and other leisure activities will be based in the southern part and use most of the lake. The southern area appears to be the more sensitive part of the SSSI. This concentration of activities which will operate year round, unlike the existing club, will be more intense and have a much larger impact on the ecology particularly on the overwintering birds.

National Planning Policy Framework

This proposal does not comply with National Planning Policy Framework with reference to the Natural Environment.

NPPF policy 174 states: "*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value.....*
- d) minimising impacts on ... biodiversity..."*

This proposal does not do that. The 2008 waterbirds report (referred to above) states: "Stocker's Lake and Broadwater Lake were the two most significant refuge/roost sites, attracting almost the whole range of species in the valley. These major refuge sites are critical in that they enable birds to exploit a much wider area." Disturbance/destruction of the refuge function which Broadwater Lake provides will affect the ability of the wider Colne Valley to support the regionally and nationally significant community of water birds that it currently does.

NPPF policy 180 states: "*When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- 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*

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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;" (our Highlighting).

With regard to para a) we believe that "locating on an alternative site with less harmful impacts" can be achieved. Therefore, a planning application should in due course be refused. It is LBH that has chosen to exclude sites outside the borough from the options appraisal. In our view that is not a good enough reason to cause environmental damage to a Site of Special Scientific Interest, (a protective designation of national importance for wildlife) and an alternative sites assessment that ignores potential sites outside LBH will not be robust in the light of national policy.

With regard to para b) we do not believe that the 'only exception' as highlighted above is met in this case.

NPPF para 182 states "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site...unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

With reference to figure 3.1 of the EIA scoping report, we do not think it likely that the assessment can robustly demonstrate that the plan will not "adversely affect the integrity of the habitats site". This is why consideration of, and choosing, one of the alternatives is so important.

At this stage we make no reference to NPPF relating to Green Belt. This is because most, if not all, potential relocation sites are likely to be in the Green Belt. Therefore, this is not relevant to our concerns about why we feel Broadwater Lake is an unsuitable site for HOAC compared to other options.

Conclusion:

In light of the above comments we strongly urge the Council to re-consider a wider range of more appropriate sites for HOAC relocation and to find a suitable site. We would welcome the opportunity to discuss alternative sites with the Council and explore how these can contribute toward achieving the six objectives of the Colne Valley Regional Park.

If, however, the Council intends to proceed with a planning application at Broadwater, we offer to talk to it about mitigation and enhancement opportunities in line with the six objectives of the Colne Valley Regional Park – whilst still making our position of opposition to the principle of the planning application clear.

Yours sincerely



Stewart Pomeroy
Managing Agent

For and on behalf of the Colne Valley Regional Park

Colne Valley Park Trust

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Hillingdon Borough Council

Application Reference: Scoping Opinion 2382/APP/2023/525

Location: Hillingdon Water Sports Facility and Activity Centre, Broadwater Lake, Moorhall Road, Harefield, Uxbridge

Proposal: Request for scoping opinion under regulation 15 of the Town and Country Planning Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a waterbased sailing and rowing area to create the Hillingdon Watersports and Activity Centre including access, car parking, landscaping and associated works.

Date: 10/05/2023

HMWT object to the progression of this proposal in principle. It is not consistent with NPPF or the Hillingdon Local Plan.

NPPF provides direction in paragraph 180 that development within or outside a SSSI which will have an adverse effect on the SSSI should not be permitted. If significant harm cannot be avoided through locating on another site with less harmful impacts, adequately mitigated or compensated then planning permission should be refused. This statement is reiterated in policy DME1 7 of the Hillingdon Local Plan. The Environmental Statement for this proposal must clearly demonstrate what the impacts will be on the SSSI and its qualifying features. If these impacts are adverse, the ES must demonstrate why alternative sites were not selected. Consideration of these sites must be from an ecological not financial perspective. If it fails to adequately demonstrate why HOAC cannot be located on an alternative site with less harmful impacts, then it will not be compliant with policy and must be refused.

The HS2 HOAC Lake Options Report of the 4 April 2014 produced for HS2 by ERM/Temple Group/Mott McDonald and presented to the Commons Select Committee, was categoric in stating that Broadwater Lake is not an appropriate site for HOAC, because several less damaging alternative sites were available. Hillingdon Council in its evidence to the HS2 select committee on the 15th of June 2015, clearly stated through Counsel that Broadwater Lake was not a suitable site for the HOAC relocation and had been ruled out.

If this finding, considered by the Select Committee and accepted by Hillingdon Council, was correct in 2016, how can it no longer be true?

It is not acceptable for Hillingdon Council to ignore the findings of the Select Committee and its own evidence presented at that Committee to now endorse the relocation of HOAC to Broadwater Lake SSSI, a site of national importance for wildlife.



**Herts &
Middlesex**
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Chief Executive: Lesley Davies



FundRaising
Standards Board

Hertfordshire & Middlesex Wildlife Trust Limited is registered in England No 816710 at the above address and is registered as a charity under Registration No 239863. VAT No 366 9276 06

President
Sir Simon A Bowes Lyon, KCVO

Yours faithfully

Matt Dodds

Matt Dodds BA (Hons), MSc, MCIEEM
Planning & Biodiversity Manager

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Your Ref 2382/APP/2023/525

Our Ref CRTR-PLAN-2023-38695

9th May 2023

Dear Michael Briginshaw,

Proposal: Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the construction of buildings to provide an outdoor activity centre and a water based sailing and rowing area to create the Hillingdon Water sports and Activity Centre including access, car parking, landscaping, and associated works.

Location: Hillingdon Water sports Facility and Activity Centre, Broadwater Lake, Moorhall Road, Uxbridge

Waterway: Grand Union Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural, and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by Article 15 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)) is the following general advice:

The Trust own and manage the Grand Union canal which lies to the east of the site. There is an existing bridge (no.179), which is included within the red line site area, although this bridge crosses the canal, it is not owned by the Trust.

There are a number of mooring points along this stretch and to the north, a section of the canal falls within the Coppermill Lock conservation area (CA). At the southern end of the site the canal is within the Widewater lock CA, both of the CAs also contain listed locks and associated lock cottages. The site has an extensive boundary with the canal with both being designated nature conservation sites of metropolitan importance and the site itself forming part of the designated Mid Colne Valley SSSI. Considering the proximity to the canal and extent of shared boundary it is extremely important that any proposals fully consider the potential impacts to the canal corridor during both construction and operation of the site.

Canal & River Trust Planning Team

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It is therefore encouraging to note that the Trust are acknowledged within the Scoping Report as a key stakeholder. The Trust have no objection to the approach taken with regards to the matters proposed to be scoped in and those which will be addressed separately as part of any future submission, or the methodologies and baselines proposed for assessments.

As part of any future planning application the Trust will require further details on the works proposed. This further detail should address matters such as the potential impacts on the character and appearance of the waterway, navigational safety, structural integrity, biodiversity, and accessibility. However, on the basis of the information currently available, we have the following comments to make:

Bridge crossing.

The Scoping Report indicates the intention is to retain/refurbish the existing bridge crossing, with the structure being utilised only for cable crossings in association with the proposed development. The applicant/developer will need to engage further with the Trust on this matter and provide full details on the proposed works and rationale for this particular approach.

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The current proposal seeks only to refurbish the existing bridge span and therefore the impacts of any works to the canal infrastructure at this point may be limited. However, it will be necessary to ensure sufficient clearance from the water is maintained to ensure that safe navigation of the waterway would not be affected.

The Trust generally recommend that any proposals for a bridge crossing should include pedestrian and cycle access to/from the canal towpath via a suitable graded access to improve walking and cycling connectivity with the towpath. It is noted that the current intention is not to open the bridge for pedestrian/cycle traffic due to landowner restrictions on the eastern side of the canal.

However, further consideration of the implications of this will be necessary. Any changes to the visual appearance of the structure will need to be reviewed as will the visual impacts and effectiveness of measures that would be necessary to restrict pedestrian/cycle access onto and across the bridge deck. It is likely that in the absence of properly designed measures to restrict access, informal access will be created by those wishing to access the bridge crossing and canal corridor. This could lead to adverse impacts on structural integrity, compromise the safety of waterway users and adversely impact on visual amenity. Whether works would preclude the creation of a link in the future also needs to be considered.

The Trust will require detailed design /drawings and construction methodology for works to the bridge / cable crossing. The applicant is also advised to review the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" as all works will need to adhere to the Code.

Furthermore, details on the future ownership, maintenance and technical approval authority for the bridge will be required and it should be noted that the Trust will not take on the future ownership or maintenance of any bridge crossing. Additional information on the cable crossings proposed will also be required and this should include consideration as to whether cable crossings could be accommodated underneath the canal.

We recommend that further discussions, particularly on this element of the proposals, between the applicant/developer and the Trust are undertaken in order to address any practical issues around development works on, over or adjacent to Trust land/water space. We run a free pre-application advice service and encourage applicants to engage with us as early as possible on their proposed developments. Further information can be found at <https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice>

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Canal boundary and towpath access.

The proposed works would largely be set back substantially from the canal corridor and the impact of the proposed buildings would appear limited. Additional landscaping and the provision of a reedbed in front of the proposed water sports centre would further aid in screening the development from the canal's outward perspective, whilst also providing new habitat for breeding birds.

However, the Indicative Masterplan (Para 3.1) indicates that 2m high security fencing is proposed along the length of the site boundary with the canal with 2no. lockable access gates to allow managed new site access to the canal. The canal corridor currently retains a landscaped character and appearance and whilst it is noted that fencing would be sited to avoid tree root protection zones, the fencing has the potential to adversely impact on existing planting and visual amenities. It would also likely pose a barrier to wildlife commuting between the site and the canal corridor.

Following an initial meeting with the applicant, it is our understanding that revisions for the canal boundary, to include soft landscaping provision/enhancements, such as hedges, are proposed in lieu of the fencing and this would form part of any future submission. The Trust consider this approach would be preferable and are happy to discuss these proposals further with the applicant/developer as the scheme progresses.

It will be necessary to retain access from the existing track to the towpath for the Trust to undertake inspections and maintenance. There is also a local angling club along this stretch of the canal and the provision of parking and access to the canal for anglers would also be highly beneficial.

Accessibility

The Trust generally seeks to maintain its assets in a "steady state", and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs.

The canal towpath is an important traffic free route for walking / cycling. There are existing access points from the towpath close to the site entrance and the canal could provide linkages between the site and the urban areas to the south, including access to train and underground stations.

The Trust can provide numerous examples of similar situations where developers have made accessibility improvements as a form of mitigation to either offset additional usage of the towpath to reach a site, or to improve access links onto the towpath for the benefit of future employees/visitors. The Canal & River Trust therefore request that further discussions take place on these matters to determine if there is support for our request for a contribution, and if so, what would be considered to be an acceptable contribution in line with the Community Infrastructure Levy Regulations 2010 (as amended).

Comments as Landowner

There is some land /water space within the red line site area which is within the ownership of the Trust. Although there is an existing lease of the Trust's airspace for the bridge, any works or changes to the bridge and cable crossings may require further commercial agreements/licences from the Trust. Changes to the bridge crossing may also require consent from DEFRA. Please contact Bernadette McNicholas, Estates Surveyor (Bernadette.mcnicholas@canalrivertrust.org.uk) to discuss these matters further and any commercial agreements/licences in respect of access points from the site to the towpath.

Canal & River Trust Planning Team

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The above advice is based on the limited information available at the time of the response and may be subject to change once further details /reports become available.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Anne Denby MRTPI

Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Canal & River Trust Planning Team

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Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW

Your Reference:2382/APP/2023/525

Date
1st March 2023

Michael Briginshaw
Hillingdon Council
Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW



Dear Michael

Your planning application – No objection

After receiving the details of your planning application at Broadwater Lake Moorhall Road Harefield UB9 as we have completed our assessment. We have no objection to your proposal from a planning perspective.

Your responsibilities and obligations

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

Kind Regards
North London Plant Protection Team

Cadent
nlplantprotectionops@cadentgas.com