

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

By email: PlanningEConsult@Hillingdon.Gov.UK

FAO Michael Briginshaw

London Borough of Hillingdon

Planning Case Officer



Tuesday 19th December 2023

Dear Mr. Briginshaw,

Full planning application for the construction of buildings to provide an outdoor activity centre and water-based sailing area at Broadwater Lake, Moorhall Road, Harefield, UB9 6PE - Application reference: 2382/APP/2023/2906

A. Summary of our Comments

1. This response is submitted on behalf of the Colne Valley Park Trust and the Annex to this letter provides a little general information about the Colne Valley Regional Park.
2. Whilst we support the principle of relocating the HOAC facility to an alternative site(s) we do not consider Broadwater Lake to be suitable for this use and activity because of its national importance for wildlife and the adverse impact this proposal would have on that wildlife.
3. We therefore object to this application because of:
 - The adverse impact on wildlife at Broadwater Lake – a nationally protected wetland providing a critical refuge for wildlife, particularly wetland birds.
 - The fact Broadwater Lake site has been designated a Site of Special Scientific Interest (SSSI) means it is protected in law and by government planning policy.
 - The impact of this development and activity cannot be properly mitigated for. We judge that the significance of the harm to biodiversity and adverse effects on this protected site have not been adequately considered in the application.
 - As it stands the 'Alternative Sites Assessment' is completely unsatisfactory. It is essential that it is revisited because it has failed to thoroughly examine all reasonable alternatives and has not applied due weighting to the wildlife considerations alongside the recreational aspect.
4. In our view, and as set out in detail below, Broadwater Lake is an entirely inappropriate place for this watersports facility and activity centre, but the CVRP Trust remains keen to engage and co-operate with the Council to identify a more suitable site which could be within the Colne Valley Regional Park.

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

Registered Office: c/o Colne Valley Park Visitor Centre, Denham Court Drive, Denham,
Buckinghamshire, UB9 5PG
www.colnevalleypark.org.uk

B. The status of Broadwater Lake, its sensitivity and the adverse impact

5. The Lake is unique. It lies in the heart of the Colne Valley Regional Park and forms part of a series of waterbodies providing critically important havens for wildlife and in particular birds, including some rare and very important species.
6. The Lake has been designated a 'Site of Special Scientific Interest' (SSSI) and is protected in law and planning policy. It is nationally important and provides a critical refuge for wildlife, particularly wetland birds.
7. The CVRP Trust is dedicated to doing whatever it can to improve biodiversity within the Park area and values greatly the special wildlife habitat (especially for wetland birds) that is available at Broadwater Lake. However, in terms of specialist biodiversity knowledge, our organisation does not possess the depth of expertise that is available within organisations such as the Herts and Middlesex Wildlife Trust (HMWT) and Natural England. The CVRP Trust therefore looks to their specialist input and advice on such a crucially important case as this.
8. We share the HMWT's view that this proposal would be catastrophic for the Lake's wildlife, setting a dangerous precedent for other legally protected sites across the UK. Drawing on its expertise we can see that the development would fundamentally and adversely alter the Lake's vital role in the landscape for waterbirds, and we highlight:
 - The construction work and the development itself will damage the lake and the land around it, causing unprecedented disturbance for its wildlife within this legally protected site.
 - The impact of this development cannot be properly mitigated for. The significant harm to biodiversity and adverse effect on this protected site has been underplayed in the application.
 - The proposal would mean a significant area of water and surrounding land (which wildlife is reliant upon) being used for recreational activities, including sailing, rowing, kayaking, paddle boarding, angling, camping and other land-based activities.
 - Whilst the recreational hub would be very welcome on another, more suitable, waterbody the proposed high levels of human activity at Broadwater Lake would not be compatible with its role as a rare, long-established and safe haven for birdlife and wildlife generally.
 - Broadwater Lake presently experiences limited disturbance whereas this proposal would markedly increase disturbance to such a level that it could no longer fulfil its 'refuge' function for wildlife.
 - The fact that the area is subject to some existing disturbance heightens rather than reduces how critical the need for its protection is.
 - The management measures included in the application would not fully mitigate and offset the negative impact, resulting in a net loss for nature – in direct conflict with its SSSI status.

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

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

- This lake forms part of a sequence of waterbodies in the Colne Valley of critical importance to wildlife. Like links in a chain, if the value of one key refuge is lost, it devalues the others, and the strength and function of the whole area is significantly weakened.
- 9. The consequence of this will be to wreak havoc on wildlife: The adverse impact will undermine the Lake's (and hence the SSSI's) long established role providing a unique haven for many species of waterbirds and vulnerable fauna, setting a dangerous precedent for legally protected sites across the country.
- 10. The proposal will actively 'de-wild' a protected site at a time when we are facing a climate and nature crisis, and when local councils should be striving to do more for the natural environment, in line with their obligations under the biodiversity duty for public authorities.

C. The Alternative Sites Assessment (ASA)

General comment and National Policy

- 11. For a proposal of this sort, at a site legally protected as an SSSI, the rigour of the approach to the ASA is a critical component of the application. Our conclusion is that the work undertaken, and reported in the application, does not reflect the high level of rigour required.
- 12. Whilst there are many aspects of national and local planning policy that will come into play, we consider that Paragraph 180 in the National Planning Policy Framework (NPPF – September 2023 version) is a key one. To quote from NPPF Para 180 (with our highlighting):

“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 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.”*
- 13. With regard to para a) we believe that “locating on an alternative site with less harmful impacts” can be achieved with exhaustive investigations and negotiations and flexibility taken on where and how the activities could be provided.

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

Registered Office: c/o Colne Valley Park Visitor Centre, Denham Court Drive, Denham,
Buckinghamshire, UB9 5PG
www.colnevalleypark.org.uk

Deficiencies in the ASA undertaken

14. It should have been evident from the outset of investigations (from approximately eight years ago – i.e. well before submission of this application) that the Broadwater Lake site would be, in principle, an entirely unsuitable location for this use and activity. It also should have been evident to the council, before the submission of this application, that the submitted ASA would not be fit for purpose in support of it. We highlight the following:
- i. The ASA does not reflect input from specialists (especially on ecology) on the long list of sites and the criteria used for the ‘RAG’ evaluation only considers recreational matters. Ecology is only introduced at the ‘short list’ stage and then in a cursory way. Ecology is not reflected in a ‘RAG’ summary.
 - ii. Whilst voluminous evidence has been provided in support of the proposals at the Broadwater site, the absence of equivalent technical/ ecological input to the ASA is a critical [and inexplicable] omission that must be rectified in support of an alternative proposal.
 - iii. From the Planning Statement (Para 5.2) it is clear the agents rely on the rigour of the ASA, as undertaken by the council. To quote from para 5.3: *“In accordance with the EIA Regulations, this chapter describes the reasonable alternatives to the Proposed Development considered by the Applicant, prior to the selection of the final design and provides a description of the main reasons for the choice made, including a comparison of the environmental effects if available.”* This reliance is misplaced in a case such as this.
 - iv. Unfortunately, we have formed the impression the council reached an in-principle decision about the suitability of the Broadwater Lake site without properly considering its impact on the SSSI, a key factor that makes it completely unsuitable for the relocation of HOAC. It would appear the case for Broadwater Lake has been ‘retro-fitted’ merely to suit the council’s preference for this site regardless of the consequences. It is essential that the impact on the SSSI is taken into account before any further steps are taken.
 - v. The previous planning application in 2018, at New Denham Quarry, was a far better option, meriting only a few adjustments. We were disappointed the council declined the offer we made in that year to talk about this and were shocked to hear early in 2023 that it wished to relocate HOAC to Broadwater Lake. In our view, five years have been wasted.
 - vi. The assessment made by consultants in 20[15], for HS2, recognised the significance of the SSSI designation at Broadwater Lake and concluded this option should not be promoted any further. Below is an extract from their

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

report:

4. Next Steps

HOAC's preferred option for relocation is Broadwater Lake, however given the significant environmental impact a move to this Lake will have on the SSSI and the associated planning risk in achieving this relocation it is HS2's view that this should not be promoted further as a viable alternative.

It is recommended that HS2 continue to discuss the options highlighted in this report with HOAC and based on our current understanding and knowledge of the options within the Colne Valley the preferred location is Troy Lake but with Springwell Lake and Ruislip Lido also worth considering. It is recommended that land ownership is researched for these three sites and further work undertaken to test the feasibility for the relocation of HOAC to one of these locations.

D. Conclusion and Next Steps

15. Because of gravely serious impact on Broadwater Lake, a key part of the Mid Colne Valley SSSI, this application should be refused.
16. The next step should be to initiate an exercise to identify suitable alternative(s), with the council commissioning a new Alternative Sites Assessment. We advise that this new ASA should:
 - Carefully consider and attach due weight to expert advice and input concerning the structure of the report, the options to be evaluated and the nature of those evaluations.
 - The new report and evaluations must include the proper assessment of the biodiversity/ ecological considerations across all sites.
 - Draw on the support and input from the Colne Valley Regional Park Trust.
 - Revisit the previous 'long list' of sites and add other options for evaluation, in anticipation that it proves difficult to identify a suitable single alternative site (and knowing the fundamental unsuitability of Broadwater Lake).
 - Identify more sites to appraise as the catchment area is wide and other opportunities exist, beyond the zone defined in the existing ASA. The submitted 'long list of sites' is unnecessarily and unjustifiably short.
 - Consider a range of options for breaking down the facilities into different 'packages' so a combination of smaller sites can be considered e.g. a variant whereby the rowing component is provided separately, if provision is necessary).
 - Take a more measured approach to the existence of rights of way, noting that such rights affected the previous HOAC site.
 - Take a more measured approach to security and safeguarding issues (design solutions can invariably be found), shallow lake depth (works may be possible), angling activities (ways of working can be discussed).
17. The CVRP Trust recognises that the new ASA will be a significant exercise and, as we have indicated, we stand ready to work closely with the council and the organisations involved. Promoting recreation and community participation within

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

Registered Office: c/o Colne Valley Park Visitor Centre, Denham Court Drive, Denham,
Buckinghamshire, UB9 5PG
www.colnevalleypark.org.uk

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

the Colne Valley Regional Park are key objectives for us, so we want a successful outcome.

18. However, protecting biodiversity and safeguarding the countryside are also key objectives for us – we simply cannot condone a proposal that would have such a devastatingly adverse impact on a nationally significant site for wildlife within the Park.

19. That adverse impact on the SSSI means that any decision to proceed with the Broadwater Lake site proposal would amount to a serious breach of national planning policy. Accordingly planning permission must be refused for the proposal on this Broadwater Lake site; a more suitable site must be identified and pursued.

Yours sincerely,

J C Unsworth

Jerry Unsworth MRTPI

Planning Consultant for and on behalf of the Colne Valley Park Trust

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

Registered Office: c/o Colne Valley Park Visitor Centre, Denham Court Drive, Denham,
Buckinghamshire, UB9 5PG
www.colnevalleypark.org.uk

Background about the Colne Valley Regional Park

The Colne Valley Regional Park was founded in 1965 when the local authorities at that time showed great foresight in agreeing to work together to preserve and enhance this precious area for recreation and nature conservation.

It is supported by more than 80 member organisations including local authorities, businesses, residents' associations, environmental charities and user groups. Groundwork South acts as the Park's managing agent.



The Colne Valley Regional Park has six objectives:

<https://www.colnevalleypark.org.uk/whats-special/>

Landscape

The Colne Valley Regional Park (CVRP) overlaps with six local planning authorities and five 'county' areas. As a result, the valley is rarely, if ever, considered at a landscape scale.

The creation of a Green Infrastructure Strategy <https://www.colnevalleypark.org.uk/green-infrastructure-strategy-downloads/> for the Colne Valley Regional Park aims to bring the green and blue on the map to the forefront of planning policy and decisions, and feature the landscape of the Valley as a whole, rather than from the perspective of its various council boundaries.

This cross-border approach is entirely consistent with Green Belt policy in the National Planning Policy Framework.

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

Registered Office: c/o Colne Valley Park Visitor Centre, Denham Court Drive, Denham,
Buckinghamshire, UB9 5PG
www.colnevalleypark.org.uk

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

Protecting Nature

The CVRP has many individual sites that are protected including part of a Special Protection Area, 13 SSSIs, one National Nature Reserve, seven local nature reserves; more than 40 ancient woodlands; multiple county wildlife sites and biodiversity opportunity areas. The Park forms a wildlife corridor of hundreds of kilometres of rivers, more than 70 lakes and associated habitats on the floor and sides of the valley.

The Park needs to be considered as a whole, not just in terms of individual local authority areas. Its connectivity for wildlife is an essential feature. The lakes in the northern half of the Regional Park are of proven national significance for wildlife.

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

Registered Office: c/o Colne Valley Park Visitor Centre, Denham Court Drive, Denham,
Buckinghamshire, UB9 5PG
www.colnevalleypark.org.uk