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8 January 2026

Dear Mr Briginshaw

**2382/APP/2023/2906**

**Town and Country Planning Act 1990 (as amended)**

**Broadwater Lake, Moorhall Road, Harefield**

Proposal: Redevelopment of the site to create the Hillingdon Watersports Facility and Activity Centre including demolition of existing Broadwater Lake Sailing Club (BSC) clubhouse at the north of the lake and erection of a building including changing facilities, meeting rooms, storage, Workshop and seasonal worker accommodation (sui generis), activity shelters; installation of pontoons and slipways; boat shed; equipment storage huts; boat parking and racking areas; camping area; outdoor activity areas; ecological enhancement throughout the site; new pedestrian routes through the peninsula; landscaping including new woodland, dense vegetation screens and boundary treatment; access road; localised dredging and land reclamation; relocation of existing sailing area and creation of floating reedbeds within the lake; coach drop off and turning area; vehicle parking; cycle parking; and associated works. (Re-consultation following submission of amended plans and documents)

The Herts and Middlesex Wildlife Trust strongly **objects** to the proposed development, as amended. Our reasons for objecting are set out fully below.

Yours sincerely

Simon Marsh MBE BA MA MSc MRTPI  
Planning and Policy Manager



Creating a wilder Hertfordshire and Middlesex

## Summary

- We acknowledge that the revised proposal has been significantly scaled back since 2023, that the size of the waterfowl refuge has been increased and a 200m buffer from sailing activities has been introduced.
- However, the new ecological assessment still downplays the key importance and function of the site that the proposal will have a detrimental impact upon, namely as a refuge from disturbance on both Broadwater Lake itself and wider waterbodies in the Colne Valley.
- Key biodiversity impacts have been wrongly underplayed in order to justify a finding of no adverse effects on the SSSI.
- The increased intensity of use of the water between April and September risks a significant deterioration of the SSSI.
- There will be a particular impact on vulnerable waterfowl during the moulting period between July and September which has been ignored by the Environmental Statement.
- As well as impacts on breeding, moulting and wintering birds, we still have concerns about the impacts on bats, European Eels and water quality.
- We conclude that the proposed development, even as scaled back, will cause significant harm to biodiversity and have an adverse effect on the SSSI from both its construction and its operational use. The proposed mitigation measures are insufficient to avoid harm, and indeed it is not possible to provide adequate mitigation.
- Although the new Alternative Sites Assessment is more comprehensive than the previous version, it remains the case that Broadwater Lake, as a designated SSSI, is not the right place for such a development.
- The proposed development is contrary to both national policy and the development plan contained in the London Plan and Hillingdon Local Plan.
- By approving the development, Hillingdon Council would be failing in its statutory duty to conserve and enhance biodiversity.

## Introduction

Herts and Middlesex Wildlife Trust is a local charity supported by people who care about protecting wildlife, including over 22,000 members. We are the leading voice for wildlife conservation in Hertfordshire and Middlesex. Our vision is for a world where wildlife has space to thrive and our precious habitats and species populations are recovering; people feel more connected to wildlife and are empowered to take action to give nature a positive future.

In our strategy for a wilder Hertfordshire and Middlesex by 2030, we have identified 3 key goals:

- More land in Hertfordshire and Middlesex is managed and protected for nature
- More people are standing up for wildlife and taking action for nature's recovery
- Nature plays a central and valued role in helping to address climate issues and people's health and wellbeing

We engage with the planning process for the purpose of securing biodiversity gain and preventing negative impacts of development on biodiversity. The Trust considers development on its own merits and assesses its potential impact purely on biodiversity issues. In providing responses to planning applications, the Trust provides information based on available evidence, sound science and without bias.

The Herts and Middlesex Trust manages more than 40 nature reserves, including part of Broadwater Lake. Although the site is currently closed to public access because of HS2 construction works, the Trust has worked hard over the last 19 years to improve access, provide a hide and observation places, with interpretation along with many guided walks and events.

Wildlife is in trouble. Successive reports have shown that the UK is one of the most nature depleted countries in the world and we have lost up to half our biodiversity in the last century.<sup>1</sup> We are facing a nature and climate crisis and people are less connected with nature than ever before. We must act now to reverse the declines in wildlife and wild spaces and re-connect everybody with nature.

The UK Government has committed to protect and conserve a minimum of 30% of land and sea for biodiversity by 2030. This is largely made up of protected sites like Sites of Special Scientific Interest (SSSIs) but currently only includes 8.5% of land in England, according to the Government's definition.<sup>2</sup>

This is the national context for the proposed development. As we will demonstrate, even as scaled back it is a development which causes significant harm to biodiversity and is contrary to national and local policy. Broadwater Lake is also important in a regional context. It is an integral part of an ecological network of waterbodies in the Colne Valley which extend south to the South West London Waterbodies, which are designated as wetlands of international importance. Together they form part of London's Blue Ribbon Network<sup>3</sup>, a strategic network of waterspaces, and are part of the Colne Valley Regional Park.<sup>4</sup>

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<sup>1</sup> E.g. Burns, F., Mordue, S., al Fulaij, N., et al., 2023. *State of Nature 2023*, the State of Nature partnership. Available at: [www.stateofnature.org.uk](http://www.stateofnature.org.uk)

<sup>2</sup> Defra, 2023. *Delivering 30 by 30 on land in England*.

<sup>3</sup> As defined in the London Plan 2021.

<sup>4</sup> See <https://www.colnevalleypark.org.uk/>

## Our vision

Herts and Middlesex Wildlife Trust's vision for Broadwater Lake is as a peaceful refuge for wildlife, giving people an opportunity to experience, enjoy and learn about nature in a beautiful setting.

We therefore strongly **object** to the proposed development, as amended. Our reasons for objecting are set out fully below.

## The revised planning application

We acknowledge that there have been significant changes to the proposal since it was first submitted in 2023:

- The area of land reclamation has been reduced by over 80%
- Only one island (in the Eastern Channel) will be removed, and only two altered (compared to 8 in 2023)
- An area of refuge for waterfowl in the south-west corner of the lake has been increased in size, with a 200m buffer from the nearest watersports activities
- There will be no angling in the refuge
- All water-based activities will now access the lake via the Eastern Channel rather than from west of the peninsula
- Only Broadwater Sailing Club and HWSFAC dinghies and windsurfers will be able to use the sailing area, which is slightly reduced in size
- All other water-based uses will be restricted to the Eastern Channel
- The main building is smaller and is sited on existing hardstanding, not reclaimed land
- There is a range of ecological mitigation and management measures

We are seeking clarity about the range of land-based uses that is now proposed. The Environmental Statement (ES) Non-Technical Summary states (p15) that archery, a big swing, high and low ropes, zip wire and pedal carting are no longer included, but the description of development (p17) includes zip line and big swing, which are shown on plans.

These changes are generally positive for biodiversity and clearly have been made to mitigate the impacts of the proposed development, and as such are welcome. We have carefully reviewed them but have nonetheless concluded that there is still an unacceptable risk to the biodiversity of the site. In our previous response we said that it is not possible to provide adequate mitigation, and this is still our position. We explore the reasons for this further below.

## Ecological harm

The proposed development will cause significant harm to biodiversity, largely because the disturbance caused during both the construction and operational phases will damage the interest features for which the Mid Colne Valley SSSI has been designated. In particular:

- The increased intensity of use of the water between April and September risks a significant deterioration of the SSSI.
- As well as impacts on breeding, moulting and wintering birds, there is a risk of impacts on bats, European Eels and water quality.

The revised proposal still claims to deliver public benefits associated with the Hillingdon Watersports Facility and Activity Centre (HWSFAC) without adverse effects to the SSSI. Yet the ecological assessment still downplays the key importance and function of the site that the proposal will have a detrimental impact upon. Key biodiversity impacts have been wrongly underplayed in order to justify a finding of no adverse effects on the SSSI. Although many of the ecological mitigation and management measures now being proposed are welcome in themselves, they distract attention from the key issue of disturbance to the waterbirds using the lake as a refuge. As previously, our comments are based on a detailed understanding of the ecological function of Broadwater Lake built up through survey work over several decades, including the most recent count of waterbirds in August 2025.<sup>5</sup>

A 2008 assessment of the Colne Valley commissioned by HMWT concluded that, “In summary, the southern compartments at Broadwater Lake provide an effective refuge for waterbirds using the lake during periods of watersports activity. In addition, the refuge attracts birds (mainly diving duck) that are disturbed from other sites. Thus it allows waterbirds to spread out from Broadwater Lake to exploit food resources in other parts of the valley when disturbance is low.”<sup>6</sup>

Previously, we said:

Key importance of site

- *As a wintering location for waterbirds, with Shoveler above the level of National importance and Pochard and Tufted Duck of regional importance. ‘Wintering’ birds arrive from July, with key assemblages of moulting birds from July through to September or later.*
- *As a breeding site for waterbirds, notably a colony of Cormorants, Grey Herons and Little Egrets.*

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

We acknowledge that the refuge area has now been enlarged, and this is welcome. However, the additional watersports activities on the lake between April and September will still inevitably have an impact on waterbirds, including during the critical moulting period between July and September, when birds are particularly vulnerable.

Previously, we said:

*The water bodies in the Colne Valley Regional Park extend south to include the South West London Waterbodies, a collection of reservoirs which are designated as a Special Protection Area and Ramsar, the highest level of protection under nature conservation legislation. The South West London Waterbodies are only about 13km from Broadwater Lake yet have been scoped out of the Environmental Statement which uses a cut-off of 10km. A radio-tagging study of the movement of*

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<sup>5</sup> E.g. [White, G. \(October 2023\) The wetland resource of the Colne Valley: an assessment of its importance to nature conservation, with special reference to waterbirds. Heritage Fund, Herts & Middlesex Wildlife Trust and Colne Valley Regional Park.](#)

<sup>6</sup> White, G. J. and Harris, A. J. (2008) *The wetland resource of the Colne Valley: an assessment of its importance to nature conservation, with special reference to waterbirds.* Natural England, Herts & Middlesex Wildlife Trust and Environment Agency.

*Gadwall in the Lea Valley shows that birds travelled over 20km between suitable sites. It is reasonable to assume that there is regular movement of waterbirds between Broadwater Lake and the SPA/Ramsar site to exploit the different habitats and that there is potential for development affecting the SSSI to have an indirect effect on the SPA/Ramsar. This would require an assessment under the Habitats Regulations. However, this has been totally ignored by the Environmental Statement.*

Although the Environmental Statement refers to the South West London Waterbodies, it dismisses the possibility that there is any potential for development at Broadwater to have an indirect effect on the SPA/Ramsar, following discussion with Natural England (ES para. 7.3.4). Given the ES's conclusion that the development has no adverse impact on the Mid-Colne Valley SSSI this is perhaps not surprising, but in the light of our contrary conclusion about the impacts on Broadwater Lake we are still of the view that an assessment under the Habitats Regulations is required.

### The impact on Broadwater Lake

Our previous response considered the scientific literature on disturbance of birds and concluded that buffer zones should be a minimum of 100m from shore-based disturbance and 200m from water-based disturbance.

We recognise that the revised proposals have enlarged the area of the refuge and created a buffer of 200m from water-based disturbance.

However, it is very difficult to be precise about the longer-term impact on the water birds. We have no doubt that the development will have an effect, in that birds will be displaced into the refuge area while activities are ongoing, reducing feeding times and increasing energy expenditure as they relocate. Whether this will cause fewer birds to use the site over time is very difficult to judge (and will depend on the condition/activities on other sites in the valley) but studies have shown that Broadwater Lake is one of two key sites in the valley (hence the SSSI designation), the other being Stockers Lake. In our view there is a high risk that a development of this scale will have a long-term adverse impact on the site.

There are a number of problematic issues with the revised ES and with proposed mitigation measures:

- The applicant considers winter to start in November, but in reality 'winter' means non-breeding, and begins in July as post-breeding birds congregate on the site.
- Works within the main lake, including islands, are timed for September (ES Table 7.17), which is a critical period for moulting birds.
- The Eastern channel, where there is currently limited sailing and angling, is an important part of the lake for feeding ducks but is sacrificed to intensive watersports uses.
- The ES downplays the spatial significance of the site because it is only one unit of the SSSI, yet it is the largest and most significant of the SSSI units, especially when considering its function as a refuge from disturbance within the wider Colne Valley.
- The screen of willow planting in submerged planters, which separates the refuge from the sailing area, will be difficult to deliver and is likely to fail.
- There is likely to be disturbance arising from use of the footpath along the narrow peninsula which runs to the north of the main building.

- There may still be disturbance to the refuge arising from the woodland activities, including the area around the bird hide, as well as from use of the sensory garden; a 100m buffer from shore-based disturbance would significantly reduce the size of the refuge.

We are aware of a public statement by HOAC that the environmental restrictions placed on the operation of HWSFAC will make it difficult to deliver its activities. Just to be clear, the environmental restrictions (such as operating hours or the size of the sailing area) have not come about at the instigation of environmental bodies such as HMWT, but have been proposed by Hillingdon Council. In any case, our view is that the proposed restrictions – while welcome – are insufficient to provide adequate mitigation. Any relaxation of the restrictions would only increase the impact on the SSSI.

An argument might be advanced that, if permission was granted for the proposal, a monitoring regime would enable Hillingdon Council to adjust operations if there was evidence to show an adverse impact on the population of water birds (and other site features). However, once HWSFAC is operational, it is very difficult to envisage any reduction in the scale of its activities, particularly given commercial pressures to expand them further. While a monitoring regime is a sensible measure to take, we do not think that it should be a significant factor in the planning balance.

On disturbance of waterfowl we conclude that although the enlarged refuge is welcome, its use may be compromised and that the increased intensity of use of the water between April and September risks a significant deterioration of the SSSI. Although we do not have full scientific certainty about the impacts, there is a real threat of serious or irreversible environmental damage which obliges Hillingdon Council as local planning authority to take action under the precautionary principle, in other words to refuse planning permission.<sup>7</sup>

### Bats

Broadwater Lake supports at least 10 bat species, including four of our most threatened species – Serotine, Barbastelle, Leisler's and Nathusius' Pipistrelle. Extensive survey efforts undertaken over the last decade have shown that the waterbodies of the Colne Valley are extremely important for Nathusius' Pipistrelle in particular. Species such as Daubenton's rely on invertebrates gleaned from the surface of the lake. The high levels of bat activity associated with this site infer it supports a diverse abundance of invertebrates. The Environmental Statement (para. 7.5.103) considers that the site has Borough importance for foraging bats, and we have no reason to disagree.

However, the impact of this proposed development on bats, in terms of both construction and operation, has still not been adequately considered. The Environmental Statement (paras 7.8.54-7.8.55) only considers the impact of lighting on foraging bats. It does not take into account the impact of water quality on insect prey. The likely deterioration of water quality would lead to a subsequent reduction in insect prey, and hence foraging opportunities. This would significantly impact the resilience of local bat populations, as discussed further below.

### European Eel

The ES assesses the site having at least Borough importance for European Eel, although no specific eel surveys were undertaken (para 7.5.134). As we stated in 2023, Broadwater Lake is deemed to be of at least national importance (and possibly international importance) for European Eel – a species assessed as Critically Endangered by the IUCN and a Priority Species under the UK Post-2010 Biodiversity Framework. Broadwater Lake supports an abundant Eel population which

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<sup>7</sup> Defra (2023) Environmental principles policy statement, under s. 17 Environment Act 2021.

has produced very large Eels for many decades, suggesting both habitat and food availability are favourable, and the lake's proximity to the River Colne means it provides a valuable source of breeding-age Eels.

The ES considers the impact of the proposed development on European Eels (paras. 7.8.67-7.8.69) but concludes that it is only temporary and only in the Eastern Channel, so is only a Minor negative (not significant) effect). However, it does not consider the impact on water quality of dredging activity and intensified levels of water-based activities, which may have an impact on the European Eel population, as discussed further below.

#### Water quality

The Water Framework Directive (WFD) sets targets for the ecological and chemical status of waterbodies, such as Broadwater Lake. Any works, such as this proposal, which could affect the hydro-morphology, ecology or water quality of any classified waterbody, requires an assessment under the WFD to demonstrate how any adverse impacts will be mitigated and where possible, the status of the waterbody enhanced in order to achieve the required good status targets.

As discussed in this response, Broadwater Lake supports a nationally important avifauna made up of breeding and non-breeding birds and in addition, significant populations of bats and Eels. This assemblage of species is indicative of a healthy aquatic ecosystem where the food chain is functioning, enabling apex animals to thrive.

During construction and operation, the proposal will cause significant disturbance to the lake, through dredging and then the significantly increased proposed water-based activities. Such activities will lead inevitably to mobilisation of lake bed and littoral material, leading to increased turbidity and decreased water quality which is likely to impact negatively on the aquatic ecosystem. Loss of plants through shading and poorer water quality will threaten the survival of water plants on which herbivorous animals depend. Loss of aquatic invertebrates which depend on such plants will mean that birds, fish and bats which feed on them will be impacted negatively. Notably, Shoveler ducks which are currently present at Broadwater Lake in nationally important numbers, depend on zooplankton as their primary food. Loss of these invertebrates would put at risk the Shoveler population, one of the features for the designation of the SSSI. Loss or decrease in the population of aquatic invertebrates would also impact negatively on populations of European Eel and bats.

For the reasons given above, we are very concerned that this proposal will have a significant negative impact on water quality, leading to damage to the wetland ecosystem and thereby, the species for which Broadwater Lake has been designated as a SSSI

#### Land-based activities

As previously, Herts and Middlesex Wildlife Trust also objects to the impact of the construction of the activity centre and the operation of land-based activities, although recognising that these have been scaled back since 2023. Nonetheless, there will be a loss of trees during construction; even if clearance works take place outside the breeding season this will reduce habitat for breeding birds that rely on both scrub habitat and woodland.

The site planned for the activity centre is currently undisturbed. Use of the peninsula for the activities proposed during the breeding season, even though the woodland is outside the activity area, will create noise disturbance which is likely to have an impact on breeding birds.



### Key conclusions on ecological harm

In the light of the above comments, we still conclude that the proposed development will cause significant harm to biodiversity and has an adverse effect on the SSSI from both its construction and its operational use. The proposed mitigation measures are insufficient to avoid harm, and indeed it is not possible to provide adequate mitigation.

## **Alternative sites**

### Alternative Sites Assessment

We recognise that Hillingdon Council has prepared a completely new Alternative Sites Assessment (ASA), which is much more comprehensive than the previous ASA in long-listing 71 sites. The detailed discussion of the timeline of events is useful in answering some of our previous questions. We note that designated sites are included as a criterion; the lack of inclusion of nature conservation was one of our principal objections to the previous ASA.

However, we are still left with the impression that the criteria have been manipulated in order to come up with the 'correct' answer, i.e. that Broadwater Lake is the only suitable site. The Stage 1 Site Assessment Criteria include 'Designated Sites', but this does not include all designated sites. It only includes international or European sites, not nationally designated sites such as Sites of Special Scientific Interest (SSSIs). The Stage 2 Site Assessment Criterion 'Nature Conservation' could have included only areas of local ecological sensitivity such as Sites of Importance for Nature Conservation (SINCs). It would be more logical to put all designated sites in the Stage 1 criterion; international, European and national sites are what are normally considered to be 'designated sites'.

Approaching the criteria in this way would of course result in a very different outcome by ruling out Broadwater Lake from the shortlist of suitable sites. This reinforces our view that a SSSI is simply not a suitable site for a watersports centre, however the ASA is spun.

We also query whether, despite the findings of the Peter Bentley report, the existing HOAC site is really unsuitable, once HS2 works have been completed. The reduced size of the lake is under 10ha, but this is still above the 7ha threshold considered as suitable. The issue is the need for buffers of between 100-200m from HS2 and Chiltern Railway which reduce the useable area of the lake, but we note that Chiltern Railway has always been there, so is not a new limitation, and ask whether these buffers are really necessary.

## **Legal and policy context**

The Environment Act 2021 strengthened the biodiversity duty that applies to public authorities in England, including local planning authorities. They must now consider what they can do to enhance as well as conserve biodiversity.<sup>8</sup> Public bodies also have a duty to take all reasonable steps to

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<sup>8</sup> Section 40, Natural Environment and Rural Communities Act 2006, as amended. See <https://www.freeths.co.uk/2023/02/20/extended-biodiversity-duty-for-public-authorities-what-does-it-mean/#:~:text=An%20amendment%20to%20the%20original,of%20creating%20%E2%80%9Cthe%20general%20biodiversity>

conserve and enhance the special features of SSSIs when carrying out statutory duties or giving others permission for works, such as reviewing planning applications.<sup>9</sup>

The site is currently owned by Tarmac, which has the primary responsibility for management of the SSSI. Although there has been little active management of the nature conservation interests of the site, it has developed a diversity of species and habitats. Herts and Middlesex Wildlife Trust, as a lessee of the nature reserve on the western bank, has made significant investment over a number of years into improving facilities for public enjoyment of the site, but has no control over most of the site or its nature conservation interests. The applicant claims that the current proposal will enhance its condition, but in the light of the ecological harm we have described above, the opposite is true and the site will lose biodiversity value.

Notwithstanding claims about previous management and biodiversity enhancement, Hillingdon Council has a clear duty as local planning authority to conserve and enhance the SSSI. In the light of the ecological harm which would be caused by the proposed development, Hillingdon Council must comply with the duty by refusing the planning application.

The proposal is also contrary to a number of national and local policies protecting biodiversity and SSSIs, as follows. The Planning Statement quotes these policies but draws the wrong conclusion, based on the erroneous conclusion of the Environmental Statement that there is no ecological harm.

#### National Planning Policy Framework (December 2024)

Paragraph 193 applies to the determination of planning applications where biodiversity is affected.<sup>10</sup>

*193. 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;*

*(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

*(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

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<sup>9</sup> <https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities>

<sup>10</sup> Paragraph numbering has changed in the most recent version of the NPPF published 12 December 2024.

Sub-paragraph (a) is a general policy which applies to all development, anywhere. In our assessment, the development creates significant harm to biodiversity (as we describe above). It is not, and cannot be, adequately mitigated for. No compensatory proposals have been made, and it is unlikely that satisfactory compensation could be found, as this would involve finding or even creating an undisturbed waterbody of sufficient size with suitable habitat. Planning permission should therefore be refused on these grounds alone.

Sub-paragraph (b) is a stricter policy test for SSSIs. The threshold for refusal is simply 'adverse effect'. Given our assessment of significant harm, it is also the case that there is an adverse effect on the SSSI. In our view, there is a significant adverse effect on the SSSI.

The applicant has not made out a sufficient case to pass the exceptions test. While the development has social benefits, it does not necessarily need to occur in the location proposed, and the benefits (which exist only at the district level) are outweighed by the need to protect the special features of the sites and the integrity of the national network of SSSIs, particularly the network of waterbodies in the Colne Valley.

Sub-paragraph (c) is not relevant as there are no irreplaceable habitats affected.

Sub-paragraph (d): the development does not have the primary objective to conserve or enhance biodiversity. Although features are included to improve biodiversity as part of the mitigation package, these are inadequate to avoid biodiversity harm and should not weigh in favour of the proposal. Indeed, the application only claims 10.01% biodiversity net gain (Biodiversity Net Gain Assessment), only marginally above the minimum 10% biodiversity net gain which is a statutory requirement. Although the development claims to enhance public access to nature, it will not be open to the general public; while important, public access cannot be at the expense of the site's biodiversity.

#### London Plan (2021)

The London Plan forms part of the statutory development plan. Policy G6 is of particular relevance to the proposed development, as Broadwater Lake is also a Site of Importance for Nature Conservation (SINC) at the Metropolitan level.

Although the policy tests for a SINC are not as stringent as for a SSSI, similar considerations apply. The proposed development creates harm to a SINC which is avoidable. The impacts on biodiversity are not outweighed by the benefits of the development and the mitigation hierarchy has not been properly applied. The planning application should therefore be refused.

#### Hillingdon Local Plan

The Hillingdon Local Plan, which also forms part of the statutory development plan, contains two relevant policies, Policy EM7: Biodiversity and Geological Conservation and Policy DMEI 7: Biodiversity Protection and Enhancement (full text at Annex B).

In addition to points previously made, we note the particular attention given in Policy EM7 to the conservation and enhancement of the natural state of Colne Valley Regional Park (para. 1) and the protection of sites with Metropolitan importance (such as Broadwater Lake) from any adverse

impacts and loss (para. 2, emphasis added). The planning application is clearly contrary to Policy EM7.

In Policy DMEI 7, paragraph D is similar to the NPPF policy and we draw a similar conclusion. The proposed development results in significant harm to biodiversity which cannot be avoided or mitigated for. There are no proposals for compensation. The planning application is clearly contrary to Policy DMEI 7 and should be refused.

#### Conclusions on legal and policy context

As the proposed development, notwithstanding mitigation measures, will cause significant harm to biodiversity and have an adverse effect on the SSSI, it is contrary to both national policy and the development plan contained in the London Plan and Hillingdon Local Plan.

Compensation is a last resort, and has not been proposed by the applicant (and would in any case require the provision of new open water habitat).

By approving the development, Hillingdon Council would be failing in its statutory duty to conserve and enhance biodiversity.