

## **Report of the Head of Planning, Transportation and Regeneration**

**Address** LITTLE BRITAIN LAKE PACKET BOAT LANE COWLEY

**Development:** Proposed footbridge over the River Colne at the north end of Little Britain Lake.

**LBH Ref Nos:** 52368/APP/2017/1844

**Drawing Nos:** Ecological Mitigation and Management Enhancement Plan, November 2019  
Preliminary Ecological Appraisal, November 2017  
Flood Risk Assessment For Proposed Footbridge On River Colne Adjacent To Little Britain Lake At Cowley  
Phase 2 Ecological Surveys & Assessment, February 2019:  
2017D217P002  
Design & Access Statement (Including Heritage and Flood Risk Statements)  
2017D217P003  
2017D217P004  
2017D217P005  
2017D217P001

**Date Plans Received:** 19/05/2017

**Date(s) of Amendment(s):**

**Date Application Valid:** 24/05/2017

### **1. SUMMARY**

Members may recall that this application for a footbridge over the River Colne by Little Britain Lake to an island referred to as 'Little Britain Island' (also referred to locally as 'Huntsweir Island') was originally presented to the Major Applications Planning Committee at its meeting on 2nd August 2017, when Members resolved that the application should be deferred in order to allow for a further ecology impact report that considered all the local wildlife on the island, together with further clarification to confirm that the bridge height would not lead to further flooding.

An initial Preliminary Ecological Appraisal, November 2017 was undertaken, followed by a Phase 2 Ecological Surveys & Assessment, February 2019 and then an Ecological Mitigation and Management Enhancement Plan, November 2019 (EMMP).

The surveys demonstrate that when combined with the ecological mitigation and enhancement works put forward in the EMMP, that there will be no adverse impact on any protected species and that overall, together with a condition to restrict access over the footbridge onto the island to only those involved with ecology and water management / maintenance, the islands biodiversity would be safeguarded.

As was mentioned in the previous officer's committee report, the main need for a new footbridge is in order to allow Environmental Agency (EA) officers and other relevant waterway management operatives direct access to Huntsmoor Tilting Weir sited some 50m to the north of the proposed footbridge without having to cross privately owned land.

For the reasons advanced in this report, the proposed footbridge continues to be considered appropriate development within the Green Belt and it has been sympathetically

designed and modestly sized and would not overlook or impede upon the nearest neighbouring residential property at Huntsmoor Weir.

The bridge is also considered acceptable in terms of the flood risk.

It is therefore considered that the proposed footbridge constitutes acceptable green belt development and would not have any detrimental visual or amenity impact.

## **2. RECOMMENDATION**

**APPROVAL subject to the following:**

### **1 SP01 Council Application Standard Paragraph**

This authority is given by the issuing of this notice under Regulation 3 of the Town and Country Planning General Regulations 1992 and shall enure only for the benefit of the land.

### **2 COM3 Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

### **3 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:-

2017D217P001;  
2017D217P002;  
2017D217P003;  
2017D217P004;  
2017D217P005;

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the London Plan (March 2016).

### **4 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be brought into use until the following has been completed in accordance with the specified supporting plans and/or documents:

- Design and Access Statement (Including Heritage, Flood Risk and Accessibility Statements);
- Flood Risk Assessment For Proposed Footbridge On River Colne Adjacent To Little Britain Lake At Cowley;
- Preliminary Ecological Appraisal, November 2017;
- Phase 2 Ecological Surveys & Assessment, February 2019; and
- Ecological Mitigation and Management Enhancement Plan, November 2019

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

#### REASON

To minimise the impact of flooding on users of the bridge and to minimise the impact of the proposed development on the surrounding area. To comply with Policy 5.13 of the London Plan (March 2016) and to ensure the development does not increase the risk of flooding in compliance with Policy EM6 in the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012), Policy 5.12 of the London Plan (March 2016) and the National Planning Policy Framework (NPPF) and to ensure that the scheme maintains and enhances the biodiversity of the area, in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part Two - Development Control Policies (January 2020).

### **5 NONSC Detailed Design and Flood Mitigation**

Prior to the commencement of works on site:-

- i) Final details of the design of the bridge and ramp provision, showing appropriate levels of flood mitigation if necessary shall be submitted to and approved by the Local Planning Authority,
- ii) The soffit level must be set at 27.72 metres AOD or above.

#### REASON:

To minimise the impact of flooding on the surrounding area to comply with Policy 5.13 of the London Plan (March 2016) and to ensure the development does not increase the risk of flooding in compliance with Policy EM6 of the Hillingdon Local Plan: Part One: - Strategic Policies (November 2012) and Policy DMEI 9 of the Hillingdon Local Plan: Part Two: - Development Management Policies (January 2020) and Policy 5.12 of the London Plan (March 2016) and National Planning Policy Guidance (February 2019) and the Planning Practice Guide (March 2014).

### **6 COM7 Materials (Submission)**

No development shall take place until details of the colours of the external finish to the bridge have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 4, DMHB 11 and DMEI 4 of the Hillingdon Local Plan: Part Two - Development management Policies (January 2020).

### **7 RES25 No floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.

#### REASON

To safeguard the amenity of surrounding properties and of the rural nature of the surrounding green belt in accordance with Policies DMHB 4, DMHB 11 and DMEI 4 of the Hillingdon Local Plan: Part Two - Development management Policies (January 2020).

## **8 COM10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

### **REASON**

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

## **9 COM8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

## REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

### **10 NONSC Access**

Notwithstanding the plans hereby approved, the access point onto the footbridge hereby approved shall be secured by a locked gate at all times, together with other appropriate security measures/ arrangements that would prevent the locked gate from being by-passed. The details of the proposed gate and lock/fob access and other security details shall be submitted to and approved in writing by the Council and thereafter implemented prior to first use of the footbridge. The gate and other security details shall be retained in perpetuity.

Unless otherwise agreed in writing by the Local Planning Authority, the Council's Green Spaces Team shall control access onto the footbridge onto Little Britain Island for the purposes of ecology and water management/maintenance (including access by persons employed by the Environment Agency or their sub contractors) and for no other purpose.

## REASON:

In order to safeguard a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with policy DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part Two (Jan 2020) and the London Plan (2016) Policy 7.19.

### **11 NONSC Access/Management/Maintenance Plan**

Prior to the first use of the footbridge hereby approved, a Management Plan shall be submitted to and approved in writing with the Local Planning Authority. The details of this plan shall include, but not be limited to the following:

- Installation of Signage to prevent unauthorised access onto the Island
- Installation of signage to prevent access for dogs at any time;
- Maintenance and management programme of the site
- Access arrangements for maintenance and management of Little Britain Island
- Authorised persons to undertake the necessary management, maintenance and survey work
- A programme for ecological surveys with works undertaken and results reported to the Local Planning Authority within a period of time to be agreed as part of the management plan
- Method statements for the protection of flora and fauna once the site is accessed

Access onto the Island shall only be for the purposes of ecology surveys, management and maintenance of the Island and connected weir by authorised persons and for no other purposes.

## REASON:

In order to safeguard a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy 7.19 of the London Plan (March 2016).

### **12 NONSC CEMP**

Before the development hereby approved commences, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local

Planning Authority. The CEMP shall comprise such combination of measures for controlling the effects of construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including, but not limited to the phasing of the works, hours of work, working practices, plant and equipment use (including robust justification if any lighting is proposed), waste management, site remediation, construction materials deliveries, tree protection and ecological mitigation (including measures to minimise disturbance of the river sediment). It will ensure appropriate communication with, the distribution of information to, the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.

#### REASON:

To safeguard the amenity of surrounding areas in accordance with Policies DMHB 11 and DMEI 4 of the Hillingdon Local Plan: Part Two - Development management Policies (January 2020).

### INFORMATIVES

#### **1            I52            Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

#### **2            I53            Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 14	NPPF-14 2018 - Meeting the challenge of climate change, flooding and coastal change
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
LPP 2.18	(2016) Green Infrastructure: the multi functional network of open and green spaces
LPP 5.12	(2016) Flood risk management
LPP 6.10	(2016) Walking
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
LPP 7.24	(2016) Blue Ribbon Network
LPP 7.27	(2016) Blue Ribbon Network: supporting infrastructure and recreational use
LPP 7.28	(2016) Restoration of the Blue Ribbon Network
LPP 7.30	(2016) London's canals and other rivers and waterspaces
DMHB 1	Heritage Assets
DMHB 2	Listed Buildings
DMHB 4	Conservation Areas
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMT 6	Vehicle Parking

### 3

The Environment Agency advise that the Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- 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 river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.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.

### 4

The Environment Agency advise that their approval is required for the use of herbicides in or near water. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat. A copy of the application form can be found at <https://www.gov.uk/government/publications/application-to-use-herbicides-in-or-nearwater>.

**5                    115                    Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**6                    132                    Trees in a Conservation Area**

As the application site is within a conservation area, not less than 6 weeks notice must be given to the Local Planning Authority of any intention to cut down, top, lop or uproot or otherwise damage or destroy any trees on the application site. Please contact the Trees & Landscape Officer, Residents Services, 3N/02, Civic Centre, Uxbridge, UB8 1UW for further advice.

**7                    143                    Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

**8                    145                    Discharge of Conditions**

Your attention is drawn to conditions 5, 6, 9 and 11 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Residents Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

**9                    147                    Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this

development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

## **10**

The applicant is advised that the submitted ecology report(s) describe the proposal as including the provision of fishing platforms but these have not been shown on any submitted plan and therefore do not form part of the proposal.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site spans a back channel in a braided section of the River Colne between the north western corner of the Little Britain Lake area of public open space and a densely wooded crescent shaped island within the river. Approximately 50m to the north, on the eastern side of the island, the river runs over a weir known as Huntsmoor Tilting Weir which includes an access footbridge, which is sited beside a former mill house that now forms part of the curtilage of a Grade II Listed residential building known as Huntsmoor Weir located on the eastern bank of the river.

The naturally formed island covers some 1.8ha and it does not appear to have a name, but is referred to as 'Little Britain Island' and locally as 'Huntsmoor Island' to which there is no direct access by the public. It is within the ownership of the Council as is Little Britain Lake, which was formed by gravel extraction, and its banks are followed by a public footpath with adjacent green space including wooded margins and picnic areas.

The surrounding area is rural in nature and characterised by rivers and lakes which are generally bordered by trees and woodland. Packet Boat Lane and Old Mill Road are the only nearby roads and both are narrow and tree lined and, as such, do not compromise the rural nature of the surroundings. There is the occasional building which are sporadically positioned and are well screened by trees so as not to appear unduly disruptive within this rural setting. The Grade II Listed Huntsmoor Weir house is located close by to the north.

The site forms part of the designated Green Belt, the Cowley Lock Conservation Area and the Little Britain Nature Conservation Site of Metropolitan or Borough Grade I Importance. The boundaries of the Nature Conservation Site and Conservation Area roughly correspond to the area extending to the north, east and south, between the River Colne and the Grand Union Canal to the east. On the western side of the island, the R. Colne channel forms the Borough boundary with land to the west falling under the jurisdiction of South Bucks District Council.

#### **3.2 Proposed Scheme**

Permission is sought for the erection of a timber arched footbridge to provide pedestrian access from the north western corner of the Little Britain Lake to Little Britain Island / Huntsmoor Island which will allow the Environment Agency and any other relevant waterway management operatives direct access to the weir to the north without having to cross privately owned land (the Design and Access Statement does also mention access

for the general public, but for the reasons cited in this report, public access is not considered appropriate).

The bridge would be accessed from the existing footpath that extends around Little Britain Lake which is itself, accessed from Old Mill Road.

The span of the bridge would be 21 metres with the walkway width being 1.5 metres. The walkway would be bordered by painted steel railings which would be 1.4 metres in height and every eighth vertical rail would feature oak cladding. Oak handrails will be mounted on top of the railings on both sides. The walkway would not feature any steps and would be finished with an anti-slip surface along its length. The drawing indicates that the intention is to stand the bridge on foundation pads sited between the trees.

The D & A Statement advises that 'The construction of the footbridge is a co-venture between the Council and The Environment Agency and the key reason in installing the bridge is primarily to service the Weir and Mill House. The Mill House owned by the Environment Agency is located within the privately owned land known as Hunstmoor Weir. Prior permission is required from the owners of the land as there is no way leave for access to the Mill House and Weir.'

The application is supported by the following documents:-

Design and Access Statement:

This describes the site and its surroundings, together with the proposed development. It advises the proposal to build a footbridge will help to open the use of the isolated island to the general public and offer alternative unrestricted access to the historic Mill House and regular maintenance of the weir. It goes on to list the submitted plans and specialist statements included in the statement and provides commentary on the location and design of the bridge, noting that the position of the bridge was chosen to avoid the need to fell any trees. The statement then goes on to provide brief heritage, flood risk and accessibility statements.

Flood Risk Assessment for Proposed Footbridge on River Colne adjacent to Little Britain Lake at Cowley:

This provides the background to the proposal, advising that the Environment Agency operate a flood defence structure known as Hunstmoor Tilting Weir upstream of the proposed bridge on the back channel that once provided water power for the now defunct Hunstmoor Mill. The weir comprises of a fishpass, a fixed crest weir and the hydraulically powered tilting weir and its function is to regulate the upstream water level by constantly monitoring it and adjusting the crest height automatically with its control kiosk on the island bank which is reached via the weir's footbridge through the private garden of Hunstmoor Weir which is no longer viable. It goes on to advise of the design measures incorporated into the bridge to mitigate water impedance, including that the soffit level would be raised above the bank crests to 27.72mAOD and the bridge is arched above this level so that the 1:1000 level of 26.89mAOD would be exceeded and the bridge would be elevated high enough so as not to impede high flows. The bridge's 2m set back from the bank and its open design would allow flows under and through the bridge.

Preliminary Ecological Appraisal, November 2017:

This describes the aims of the study, the site and the appraisal methodology, comprising a desk study and an extended Phase 1 Habitat Survey. Relevant local planning policy is briefly discussed and surrounding statutory and non-statutory designated sites of nature conservation importance are identified. The report defines the site / study area as being

'the island, river habitat running either side of the island and approximately 10m of habitat running along the east bank of the River Colne, alongside the island, in the zone where the bridge is proposed'. The results of the Extended Phase 1 Survey are presented, with 5 types of habitat found, comprising broad-leaved semi-matural woodland; tall ruderal; river; amenity grassland and hard-standing. The report goes on to discuss the flora and fauna found on or potentially supported by the site. The report provides a preliminary prediction of the impacts of the development and recommends mitigation and enhancement measures. It concludes by advising that although the proposals offer only minor changes to the site, due to its undisturbed nature, any change in recreational pressure may constitute a significant effect. It therefore recommends that multiple phase 2 ecological surveys and assessments are carried out to establish the current ecological baseline for the site and to guide any necessary mitigation / compensation. As the site is designated a SINC and contains habitats of high ecological value, it recommends that an Ecological Mitigation and Management Plan (EMMP) is also produced, which would detail the ongoing management and monitoring of the site should the proposals be undertaken, to ensure there are no significant adverse effects and that sensitive working practices during construction and during the operation of the site are adopted.

#### Phase 2 Ecological Surveys & Assessment, February 2019:

This provides an introduction to the report, describes the study's methodology and constraints and the Stage 2 Surveys and Assessments undertaken, as advised by the Preliminary Ecological Appraisal, namely a botanical walkover survey (which also noted that there was evidence of flytipping and human activity scattered throughout the island), and badger, bat roosting, breeding and wintering bird, fish and white-clawed crayfish, invertebrate, water vole and otter surveys. The report notes that bat activity surveys were not considered necessary as the proposed works are minimal and there are no lighting constraints. The report goes on to present the results of the various surveys undertaken and concludes by advising that mitigation and enhancement works to safeguard the SINC, priority habitats and protected and notable species are set out within an EMMP.

#### Ecological Mitigation and Management Enhancement Plan, November 2019 (EMMP):

This provides an introduction and outlines the aims of the document and provides a summary of existing ecological features. It goes on to describe the proposed works, including the installation of fishing platforms and footpaths that would be installed in areas of low ecological value within the woodland and be confined to the southern section of the site with footpaths being constructed of bark / woodchip and following existing natural pathways. The plan then goes on to describe the potential impacts and the mitigation and enhancement works that are required for the wider SINC, woodland and river habitats and then the potential impacts and mitigation and enhancement works required for the individual protected and notable species found or potentially supported on site, both at the construction and operational phases.

#### Officer's Note

Although the EMMP describes the proposal as including fishing platforms, these have not been shown on any submitted plan and therefore do not form part of the proposal. An informative has been added to this effect.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

There is no relevant planning history on the site.

### **4. Planning Policies and Standards**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The London Plan - Consolidated With Alterations (2016)

The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

#### Draft London Plan (Intend to Publish Version December 2019)

The Greater London Authority (GLA) consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor does not wish to accept. On the 23rd December 2019, the Secretary of State outlined that a response will be due on or before 17th February 2020.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the Intend to Publish version of the Plan. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

#### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

##### Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM3	(2012) Blue Ribbon Network
PT1.EM4	(2012) Open Space and Informal Recreation
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.HE1	(2012) Heritage
PT1.T1	(2012) Accessible Local Destinations

Part 2 Policies:

NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 14	NPPF-14 2018 - Meeting the challenge of climate change, flooding and coastal change
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
LPP 2.18	(2016) Green Infrastructure: the multi functional network of open and green spaces
LPP 5.12	(2016) Flood risk management
LPP 6.10	(2016) Walking
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
LPP 7.24	(2016) Blue Ribbon Network
LPP 7.27	(2016) Blue Ribbon Network: supporting infrastructure and recreational use
LPP 7.28	(2016) Restoration of the Blue Ribbon Network
LPP 7.30	(2016) London's canals and other rivers and waterspaces
DMHB 1	Heritage Assets
DMHB 2	Listed Buildings
DMHB 4	Conservation Areas

DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMT 6	Vehicle Parking

## **5. Advertisement and Site Notice**

- 5.1** Advertisement Expiry Date:- **12th July 2017**
- 5.2** Site Notice Expiry Date:- Not applicable

3rd July 2017

## 6. Consultations

### External Consultees

1 adjoining neighbour was originally consulted on the proposal and a site notice was posted adjacent to the car park on Old Mill Road which serves visitors to Little Britain Lake and a notice was also published in the local press.

1 letter of objection was received - summary provided below:-

- (i) There is a deed in place allowing the Environment Agency access to the weir from Old Mill Road,
- (ii) The island is called Huntsmoor Island not Little Britain Island,
- (iii) No notice was sent to any other property,
- (iv) There was no consultation with neighbours,
- (v) The Mill House is a privately owned and occupied building and the Design and Access Statement says the footbridge will allow access to it,
- (vi) There are no pathways or street lighting in the surrounding area and there is already an adequate picnic area, toilet facilities and limited car parking available,
- (vii) Visitor numbers are low except on fun days when there is congestion on the roads and damage to the verge,
- (viii) There is a growing concern of anti-social behaviour,
- (ix) The island is isolated with no public access and is a sanctuary for wildlife, plants and trees,
- (x) There are two known badger setts and a number of kestrel nests on the island,
- (xi) The proposal will encroach an area reserved for wildlife and there is no public requirement for expansion of the picnic area,
- (xii) The site is located in Flood Zone 3 and not 2 as stated in the application and there is significant risk of flooding,
- (xiii) There would be desecration and destruction to the island in order to provide footpaths.
- (xiv) There is insufficient car parking,
- (xv) Will not be in keeping with surroundings and will harm neighbour amenities,
- (xvi) Will impact upon the character and setting of a Listed Building,
- (xvii) Issue of the public purse and cost benefit details have not been provided.

A further 64 page letter from the objector was circulated to some Members of the Committee as reported on the Addendum sheet of the 2/8/17 committee. The previous Addendum states that this replicates information already sent to the Planning Team and all the issues raised in the correspondence were taken into account during the officer's assessment of the scheme.

### ENVIRONMENT AGENCY:

I confirm based on the FRA we have no objection to the proposed development. The site is located within Flood Zone 3, the bridge is classified as water compatible development with a design life of up to 100 years, and as such should not inhibit a design flow of 1:100 plus a 25% climate change allowance. The plans indicate that the bridge soffit will be 27.72mAOD, being above the 1:1000 flood level of 26.89mAOD and 300mm above the higher upstream bank top of 27.4mAOD. As the abutments shall be set back two metres from each bank edge there will be no reduction in channel capacity through the cross section.

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within eight metres of the top of bank of the River Colne, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can

be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk) for further information. The applicant will need to demonstrate:

- That access to the watercourse is not restricted for future maintenance or improvement works.
- That works will not obstruct flood flows thereby increasing the risk of flooding to nearby properties around Hartham Common and its locality.
- That works will not adversely affect the construction and stability of the river bank.
- That all the conditions/requirements of the Flood Risk Activity Permit are met.

Water voles (protected species under the Wildlife and Countryside Act) are known to be in the catchment, both upstream and downstream of the site. Part of the ecological information required for the Flood Risk Activity Permit will be for a water vole survey on the riparian areas affected by the works. This survey should be done in the same season as the works are proposed, in order to be valid. If burrows and presence are identified, this must be used to inform the method statement and demonstrate how no contravention of legislation will occur.

EA letter dated 16/8/17:

This advises that for some time, the EA have been negotiating with the objectee/ land owner the extent of the right of way set out in his objection as the objectee has claimed that the right has been extinguished because it has been eroded by the action of the river and has refused us permission to use this right to access the weir for our flood management work. They have consequently served notices to access the weir through another route across his land under section 172 of the Water Resources Act 1991. Continuing to gain access through what can be expensive, time consuming formal legal means is unfortunate and may prove to be unsustainable. We believe the additional alternative access (the proposed bridge) will have minimal, if any, adverse environmental impact and is very important to help facilitate our regular flood risk management activities in the area.

IVER PARISH COUNCIL:

No objection - will improve public appreciation and access to site.

Following the previous committee meeting on 2/8/17, 5 additional neighbouring responses were received, objecting to the proposal on the following grounds (summary):-

(xviii) Before approving a public bridge to this isolated island, which has no physical access except by boat or across the weir, a wildlife impact assessment should be undertaken to understand the threat to biodiversity, which is likely to be unique, certainly for London,

(xix) Island site enriches the surrounding lake and it should be allowed to remain as a nature reserve without public access as there is no path or right of way on the island and also no need for vehicles or machinery to be brought onto the island as this would require additional pathway to be cut through the trees to get to the weir,

(xx) Would result in litter in this unspoilt place,

(xxi) If lose this undisturbed habitat, it will be gone forever and likely to become a youth congregation area attracting out of hours anti-social behaviour.

HERTFORDSHIRE AND MIDDLESEX WILDLIFE TRUST:-

This application proposes to introduce unknown, but likely to be substantial, levels of disturbance to a historically undisturbed environment. This will inevitably lead to an erosion of its biodiversity value due a combination of human disturbance, dog and cat access, trampling effects, tree felling and reduction due to safety concerns, and potentially anti social behaviour such as fire lighting.

NPPF states that development must conserve and enhance biodiversity as one of its three central tenets. It also states in paragraph 118 that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm 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;'

Introducing potentially high levels of disturbance to a pristine, undisturbed environment will inevitably lead to a significant decline in the biodiversity value of the island. It is entirely avoidable in the terms of NPPF by not building this unnecessary bridge to facilitate detrimental public access. Places of environmental value where human disturbance is absent are so rare that it would be a tragedy if this refuge was also lost.

HMWT therefore object to this application because we believe it is unnecessary and patently not compliant with the aims of NPPF to conserve and enhance biodiversity.

It would be a terrible shame to lose this unique, special wildlife refuge and we urge you to refuse this unjustified application.

Following the receipt of the Ecological Reports, a further round of consultation was undertaken with the neighbouring property and those that had previously commented on the application, together with the statutory consultees.

A total of 2 petitions, one with 108 signatories, the other with 150 signatories, have been received from different petition organisers, both object to the proposals in their entirety (one also mentions that public funds would be better spent on maintaining the current location and facilities) for the following reason:-

'Objection to planning application 52368/APP/2017/1844 in relation to the proposed footbridge over the River Colne to an uninhabited island occupied only by nature and wildlife and to preserve biodiversity and ecology. The Council needs to mitigate the current loss of habitat at the HS2 site 3.5 miles to the north and the Heathrow Expansion project 2.8 miles to the south of this island by simply leaving this island alone and allowing the environment and nature to take its course, notwithstanding the fact that the said island lies within a Green Belt and Cowley Lock Conservation Area.'

In addition to the original objection letter which has been re-submitted, a further 273 responses from individuals have been received, 271 in opposition and 2 in support, making the following comments:-

Objection comments (summary)

Ecology

(xxii) Building a bridge to an island which is relatively well protected from disturbance from people and dogs (unless swimming) will cause unforeseen damage to an already fragile habitat with human disturbance and predator introduction that will destroy wildlife / drive animals away. The ecosystem(s) at Little Britain Lake, including the river and its uninhabited islands are precious for wildlife and this island should be left alone. People, unintentionally (letting dogs off leads etc) or otherwise, will ruin it so we have a duty to preserve the island's inaccessibility as a safe haven for wildlife,

(xxiii) Nation's wildlife and that of the world needs protecting now more than ever with species extinction and climate change. Seemingly, small decisions have added up to create the current biodiversity crisis in this country and around the world, so we should be protecting and expanding all our green space, especially wild space, not disrupting and damaging it,

(xxiv) Given the Council are due to debate declaring a climate and ecological emergency,

applications such as this can only call the integrity of the Council into serious doubt. If we are declaring a climate emergency then we should be protecting areas of biodiversity, as their loss is not good for climate change,

(xxv) Areas where species are allowed to thrive without human interference are becoming increasingly valuable,

(xxvi) Heathrow expansion and HS2 are having such a major impact(s) on the surrounding areas and every area of untouched nature should be treasured,

(xxvii) No building should take place without careful consideration as the repercussions are irreversible and once lost, these small sanctuaries are difficult if not impossible to retrieve,

(xxviii) With everyone destroying their front gardens for paving and cars, trees being taken down, where will our wildlife live?

(xxix) Hillingdon Council and the Environment Agency have previously accepted that the best management of this site was to save money by allowing natural processes and wildlife to take their course. It will be of greater benefit to future generations if this is continued,

(xxx) There is a huge shortage of places where birds can nest and breed safely away from foxes, dogs, cats and humans. The exclusion signs might keep the humans out but the birds breeding would be seriously impaired. The ecologists involved should have vetoed the idea of a bridge. A point about mitigation is that it is usually far inferior to what it is supposed to replace, eg natural undisturbed ecology (which is an invaluable resource this close to London). However, removing Himalayan Balsam and clearing Pennywort is a good idea if done sensitively,

(xxxi) The ecological services company who LBH have employed for this work have been at the centre of two recent instances regarding work for HS2. On two occasions HS2 have had to issue public apologies for eco service work being carried out implicitly without due regard for licence conditions and/or wildlife and ecological legal protections. All work involving this company should be reviewed,

(xxxii) An environmental assessment impact has not been undertaken,

(xxxiii) The council's ecological survey for the project states, "The habitats on site offer high ecological value, supported by the general lack of human disturbance and the matrix of habitats present... These habitats are considered to potentially be of value up to the County / District level." The ecologists spotted holts for otters, traces of amphibians, bats, birds and small mammals, and they warn the council about the likelihood of vandalism of rare plants - "Although the development proposals are minor, the disturbance effects are likely to be high." This should not be pursued and is not 'Putting our residents first',

(xxxiv) There is no need to go onto the island as wildlife can be viewed from afar and the lake provides plenty of walks and views and there are plenty of public green parks nearby,

(xxxv) Many species on island can not be relocated,

(xxxvi) Not only are we clearly advised by the United Nations through the IPCC Report that this project is pure folly, but we are in a Borough beset by the enormous challenges of HS2 and Heathrow expansion, and dreadful destruction and degradation of an environment that nourishes not just us, but the whole of London. The stupidity, the recklessness, the utter disregard for our children and their future will be met with anger, derision and very stern opposition,

(xxxvii) Hillingdon has little better to commend it than the wonderful mosaic of habitats that make for far and away the most biodiverse area of London. This is one quiet solace, one retreat for that nature that we have no need or reason to destroy,

(xxxviii) Cannot see how the bridge will advance the area as compared to the damage it will do to the environment,

(xxxix) The application was originally made back in 2017 without any foresight and consideration of how much damage it would cause to the environment and wildlife that live on the island and how much it will cost,

(xl) The river itself holds specimen barbel and this will impact their habitat,

Character/ Amenity

(xli) Proposal will urbanise the area which is both Green Belt and a conservation site,

(xlii) This is one of the last public lakes in the Colne valley that is considered a park environment,

- (xliii) The rural feeling of this area is gradually being eroded by new buildings. It should not become a park purely for the pleasure of human beings, it must stay a wildlife sanctuary,
- (xliv) Bridge will be a major eyesore in this beautiful wild environment,
- (xlv) LBH Healthy Walkers group regularly walk around Little Britain, a haven of tranquility and peace in our community which will be upset by the bridge,
- (xlvi) The peace and beauty of the area should not be interfered with as it is good for well being and mental health at a time when properties are being built everywhere and our towns are getting busier and louder,
- (xlvii) Our environment is changing rapidly in Hillingdon for the worse. This borough is building so much that we are going to be living in an overpopulated environment in which nature is being squeezed out. At least leave this small area alone for the wildlife to live in peace even if you won't let us residents do the same, it is one of the few good things we have in Cowley,
- (xlviii) Our disabled child is taken for almost daily walks around the lake which are very important to us due to the wonderful nature in the built up area and the opportunity this provides for learning about the natural world,
- (xlix) Anti-social behaviour such as flytipping, rubbish, lighting fires, drug abuse, speeding cars on surrounding roads which can be threatening will only be made worse by the bridge by extending the publically accessible area. As it is, rubbish etc. is only removed due to actions of locals / Facebook 'Friends of Little Britain Lake' group,
- (l) Problems of anti-social behaviour is reported to LBH but not attended to,
- (li) The lake is not policed enough and needs baliff / covert camera(s) installing,
- (lii) Building bridge will generate traffic,

#### Other

- (liii) Bridge has not been needed to date and is not necessary now. A dead end bridge will not benefit the community and there are ample fishing platforms around the lake, so that adding extra ones is not sufficient public interest to justify the biodiversity damage that would be caused,
- (liv) Waste of resources and tax payers money and it is us, the residents, that will ultimately foot the bill for the bridge via our council tax contributions. There can be no real financial, social or political gain from such a pointless loss of wildlife habitat,
- (lv) Money would be better spent upgrading services or other facilities elsewhere such as making roads and streets safer that are useful to the community, helping families who are suffering financially or go towards projects that improve the environment, for instance, to clear invasive pennywort or providing kingfisher boxes etc and support for the wildlife currently being displaced by the so called 'necessary' HS2 destructive works further up the river or to take more effective action against fly tippers in this area,
- (lvi) Island should not be treated as some local tourist attraction or asset,
- (lvii) In my area (my house backs on to the river Frays) a similar application for a bridge was made - neighbours objected - all to no avail as planning permission was granted. The bridge has been abandoned because the subsequent application to further develop the island was blocked,
- (lviii) I am a 14 year old who is scared about the climate emergency and what my future and my childrens' future holds. I shouldn't be scared that my children will grow up in a world of toxins, ash and extinction and the need to fix climate change is urgent,
- (lix) Nature has no voice, it is entirely at our mercy

#### Comments in general support:-

- (lx) The potential impact of opening this island to the public must be considered in depth. It could be a valuable resource for the community as long as it's use is monitored and the relevant authorities use the development as an opportunity to encourage biodiversity,
- (lxi) Proposal is a good idea - need to get on and do these things as we elected you to make these decisions.

#### ENVIRONMENT AGENCY:

We are supportive of the submitted Preliminary Ecological Appraisal and would recommend the inclusion of the below informatives.

#### Environmental permit

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- 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 river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.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.

#### Herbicides

Our approval is required for the use of herbicides in or near water. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat. A copy of the application form can be found at

<https://www.gov.uk/government/publications/application-to-use-herbicides-in-or-nearwater>.

#### NATURAL ENGLAND:

##### Further comments:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 16 June 2017.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

##### Original comments:

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

##### Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in

respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm 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.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website.

Officer Note:

Natural England's standing advice on protected species provides general guidance on the assessment of a site's likely ability to support protected species in the absence of detailed ecological surveys.

CANAL AND RIVER TRUST:

This application falls outside the notified area for its application scale and there is no requirement for you to consult us in our capacity as a Statutory Consultee.

COLNE VALLEY PARK:

The Colne Valley Park CIC exists to maintain and enhance the Colne Valley as the first taste of countryside to the west of London for the benefit of more than three million people who live within 10 miles of the Park. The six objectives of the Park are:

1. To maintain and enhance the landscape, historic environment and waterscape of the Park in terms of their scenic and conservation value and their overall amenity.
2. To safeguard the countryside of the Park from inappropriate development. Where development is permissible it will encourage the highest possible standards of design.
3. To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features
4. To provide opportunities for countryside recreation and ensure that facilities are accessible to all.
5. To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning

the value of the countryside.

6. To encourage community participation including volunteering and environmental education. To promote the health and social well-being benefits that access to high quality green space brings.

On the face of it this proposal to create a bridge across to the island looks positive for the Colne Valley in line with our recreation objective. However, the island is small so one has to query the cost/benefit analysis. This bridge will only maximise its potential for the Colne Valley Regional Park if a subsequent bridge is put across the western branch of the Colne to create an attractive circular walk from Iver Lane, past Little Britain, across the river by the ford then back up footpath IV28.

There may be impact on biodiversity - although minor and this is addressed through the proposed mitigation. A planning obligation should be imposed that the bridge, paths and mitigation measures described in the 'ecological mitigation & management enhancement plan' are to be maintained in the long term (ie at least 20 years) If the Council is minded to approve this application we would wish the points above to be considered.

#### THREE RIVERS DISTRICT COUNCIL:

The development would not have an impact on the district of Three Rivers District Council.

#### HERTFORDSHIRE AND MIDDLESEX WILDLIFE TRUST:

This application proposes to introduce unknown, but likely to be substantial, levels of disturbance to a historically undisturbed environment. This will inevitably lead to an erosion of its biodiversity value. The ecological information supplied attempts to mitigate this by measures such as a no dogs policy, signage alerting public to ecological value, access restrictions at night and no access to half of the island. This looks reasonable on paper but the likely reality will be that it will not be enforced and people will ignore the signage. It is too great a risk to take for such limited benefits to people.

NPPF states that development must conserve and enhance biodiversity as one of its three central tenets. It also states in paragraph 118 that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm 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;'

Introducing potentially high levels of disturbance to a pristine, undisturbed environment will inevitably lead to a significant decline in the biodiversity value of the island. It is entirely avoidable in the terms of NPPF by not building this unnecessary bridge to facilitate detrimental public access. Places of environmental value where human disturbance is absent are so rare that it would be a tragedy if this refuge was also lost.

HMWT therefore object to this application because we believe it is unnecessary and patently not compliant with the aims of NPPF to conserve and enhance biodiversity.

It would be a terrible shame to lose this unique, special wildlife refuge and we urge you to refuse this unjustified application.

#### HILLINGDON GROUP OF LONDON WILDLIFE TRUST:

The mitigation and management proposals seem appropriate, but we want to underline the importance of ensuring that the proposed 'undisturbed' area is kept as such for the benefit of wildlife, especially birds. It could easily be abused if not monitored and corrective action taken when necessary.

## **Internal Consultees**

### **COMMENTS ON THE ORIGINAL SUBMISSION:-**

#### **FLOOD AND WATER MANAGEMENT OFFICER:**

There are no objections in principle to the proposed bridge subject to the construction of the bridge in accordance with the flood risk information set out in the Design and Access Statement.

#### **TREES / LANDSCAPE OFFICER:**

This site is occupied by public open space at the north end of Little Britain Lake and just south of Huntsmoor Weir on part of the River Frays.

The area is close to a small car park on Old Mill Lane and a circular footpath around the lake. The area lies within designated Green Belt and the Cowley Lock Conservation Area - a designation which protects trees.

#### **Comment**

The proposal to provide a pedestrian footbridge across the Frays to Little Britain Island will land close amid the tree-lined embankment on the island. While there is no topographic or arboricultural impact assessment to confirm that it is feasible to land the bridge on the island without affecting trees, the drawing indicates that the intention is to land between the nearest trees. It is also understood that trees on the island are due to be thinned / managed in the interest of good arboricultural practice.

#### **Recommendation**

No objection subject to conditions COM8, COM9 (part 1, 2 and 5) and COM10.

#### **CONSERVATION / URBAN DESIGN OFFICER:**

The site lies within the Cowley Lock CA and also within the proposed Colne Valley APZ. It is not considered that the proposal would detract from the character or appearance of this part of the conservation area. As such, no objections are raised to the proposals, the structure of the bridge should be painted in appropriate colours, to be covered by condition.

### **FURTHER COMMENTS FOLLOWING RECEIPT OF ECOLOGICAL REPORTS:-**

#### **TREES / LANDSCAPE OFFICER:**

This site is occupied by public open space at the north end of Little Britain Lake and to the south of Huntsmoor Weir on the River Frays.

The area on the east bank is close to a small car park on Old Mill Lane and a circular footpath around the lake. The site to the west of the Frays comprises a wooded island.

The site lies within designated Green Belt and the Cowley Lock Conservation Area - a designation which protects trees. The site sits within the Little Britain SINC of Metropolitan Importance.

#### **Comment**

The proposal to provide a pedestrian footbridge across the Frays to Little Britain Island will land close amid the tree-lined embankment on the island.

An ecological report by SES, dated November 2019, confirms that habitats will be retained and the work will comprise small-scale low impact work, with vegetation clearance limited to saplings and small areas of brush. The report identifies potential impacts associated with the construction and operational phases of development and proposes items of mitigation and enhancement for the site.

There is no topographic or arboricultural impact assessment to confirm that it is feasible to land the bridge on the island without affecting trees, the drawing indicates that the intention is to land the bridge on foundation pads between the nearest trees.

Subject to good construction management and methodology it should be possible to construct the pads without damaging the trees. The pre-fabricated bridge will then be craned into position, an operation which will also require careful control to prevent damage to the bridge or nearby trees.

Recommendation

No objection subject to conditions COM8, COM9 (part 1, 2 and 5) and COM10.

FLOOD AND WATER MANAGEMENT OFFICER::

The Environment Agency lead on the response on applications on a main river and within the floodplain.

There are no objections in principle to the proposed bridge for access purposes subject to the detail of the design and flood risk mitigation proposed such as raising the soffit of any bridge above the 1 in 1000 year flood levels to limit impact on the river corridor.

ACCESS OFFICER:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal.

HIGHWAY ENGINEER:

No comment.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The site is located within the Green Belt and is therefore subject to strict controls in relation to new development.

Paragraph 143 of the National Planning Policy Framework (NPPF) (February 2019) advises that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' and at paragraph 144, 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Paragraph 145 goes on to advise that the construction of new buildings should be regarded as inappropriate in the Green Belt and then goes on to list the various exceptions to this general directive. Paragraph 146 advises that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it', and then lists the other forms of appropriate development, which at c) includes 'local transport infrastructure which can demonstrate a requirement for a Green Belt location'.

Policy 7.16 of the London Plan (March 2016) and Policies EM2 of the Hillingdon Local Plan: Strategic Policies (November 2012) and DME1 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) re-emphasise and support national policy objectives in terms of the protection of the Green Belt.

The site is also located within the Colne Valley and forms part of the wider Blue Ribbon Network. One of the key strands of Policy EM3 of the Local Plan: Part 1- Strategic Policies (November 2012) is to promote and contribute to the positive enhancement of the strategic river and canal corridors and the associated wildlife and habitats through such

management plans as the Biodiversity Action Plan and to achieve this, the Council will work with the Environment Agency and other interested bodies to continue to enhance the local character, visual amenity, ecology, transportation, leisure opportunities and sustainable access to rivers and canals.

The proposed footbridge is intended to provide the Environment Agency and any other relevant waterway management operatives direct access to the nearby weir adjacent to the island without having to cross privately owned land for maintenance and servicing requirements. Therefore, the bridge's Green Belt siting can not be avoided. The requirement for the bridge to preserve the openness of the Green Belt and for it not to conflict with the purposes of including land within it are discussed in the sections below.

#### **7.02 Density of the proposed development**

Not relevant to this application.

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The previous officer's report to committee advised:-

'The proposed bridge has a low profile and would be well screened by surrounding trees. The design is simple and unobtrusive and the use of timber handrails and cladding creates a traditional appearance that is compatible with historic features within the surrounding area as well as its overall rural nature.

Given its modest size and the amount of screening surrounding it, it is not considered that the bridge will adversely impact upon the setting of the neighbouring Grade II Listed Building at Huntsmoor Weir.'

The site does form part of the Colne Valley Archaeological Priority Zone but given the limited nature of the proposed bridge works, means of construction and siting within a meandering river, it is highly unlikely that the bridge's construction would impact upon any archaeological remains.

The Council's Conservation / Urban Design Officer has assessed the proposal and raises no objections to the bridge in terms of the impact upon the Grade II Listed Huntsmoor Weir and the Cowley Lock Conservation Area, subject to the structure of the bridge being painted in appropriate colours, which would be secured through an appropriate condition.

It is therefore considered that the proposed development is in accordance with Hillingdon Strategic Policy HE1, Policies DMHB 4 and DMHB 7 of the Hillingdon Local Plan: Development Management Policies (January 2020) and Policy 7.8 of the London Plan (March 2016).

#### **7.04 Airport safeguarding**

Not relevant to this application.

#### **7.05 Impact on the green belt**

The proposed bridge is a modestly sized feature that would be largely finished in timber. The railings would allow views to permeate through the bridge and the structure would therefore not appear as a visually solid and / or intrusive feature. The bridge would not be located close to any other significant built forms and would therefore not result in unacceptable clutter or coalescence. Whilst it would stand alone, it would not appear as an alien feature within the countryside given the context, with a bridge not being an unexpected feature in a riverside environment.

No significant area of green space would be lost to accommodate the bridge and it has

been sited so as to require minimal works to existing woodland on the island. The bridge would not cause shading that could compromise the growth of vegetation and would not interrupt or alter the current flow of the River Colne.

The development does not include any external lighting that may compromise the rural nature of the surrounding area and the oak and green painted railing finish would result in a visually recessive appearance that would be compatible with the surrounding environment.

It is therefore considered that the proposed bridge would not result in any harmful impact upon the character and integrity of the green belt and is therefore in compliance with Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy 7.16 of the London Plan (March 2016).

#### **7.07 Impact on the character & appearance of the area**

The previous committee report advised:-

'The bridge is sympathetically designed and located and is of a modest size. It would be largely screened from view by surrounding vegetation and would only be visible from a small area immediately surrounding the site. In any case, the bridge is considered to be an appropriate feature within the surrounding riverside environment, which forms part of the Blue Ribbon Network and, as set out in sections 7.03 and 7.05 it would not compromise the setting or integrity of the surrounding historic environment or the green belt.'

There has been no change in site circumstances or any fundamental change in policy that would suggest the proposed bridge is no longer appropriate in terms of its impact on the character and appearance of the area.

It is therefore considered that the proposed development accords with Policies 7.4, 7.28 and 7.30 of the London Plan (March 2016) and Policies PT1.BE1 and PT1.EM3 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMEI 8 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

#### **7.08 Impact on neighbours**

The proposed footbridge would be positioned approximately 10 metres to the south of the southern boundary of Huntsmoor Weir. This boundary is marked by approximately 2 metre high timber fencing. The most elevated part of the bridge walkway would be at the centrepoint and would be raised approximately 0.35 metres above the height of the land adjacent to the boundary fence. As such, it is not considered that pedestrians using the bridge would be able to obtain intrusive views into Huntsmoor Weir as any views will be interrupted by the existing site boundary treatment.

The screening offered by the site boundary treatment combined with the low profile of the proposed footbridge would ensure that the footbridge does not appear overbearing towards Huntsmoor Weir nor will it cause any demonstrable overshadowing of the property.

The footbridge will allow access to Council owned green space which would be ancillary to the overall green space area around Little Britain Lake and it is not considered that it would lead to any unacceptable intensification in recreational use that would be to the detriment to the amenities enjoyed by the occupants of neighbouring dwellings.

It is therefore considered that the proposal is in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy 7.6 of the London Plan (March 2016).

#### **7.09 Living conditions for future occupiers**

Not relevant to this application.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The previous report advised:-

'The footbridge would not be located on or adjacent to the highway. It would be accessible via the existing pathway that encircles Little Britain Lake. The slope angle of the footway is gentle and its width will allow adequate room for pedestrian movement. The footbridge would not be used by motorised vehicles.'

The proposal would not generate any additional traffic to the site than that which already occurs, so that there would be no requirement for additional car parking, in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

#### **7.11 Urban design, access and security**

Urban design and access issues have been considered within the relevant sections of this report. As regards security, a condition is recommended that requires details of a locked gate and security details to be provided that will prevent the general public accessing the island over the footbridge.

It is therefore considered that the proposed development complies with Policy 7.3 of the London Plan (March 2016).

#### **7.12 Disabled access**

The proposed footbridge has step free access and the arch is not steeply inclined. The walkway would be 1.5 metres in width and this is adequate to allow for wheelchair access.

The Council's Access Officer has confirmed that the bridge is acceptable from an accessibility perspective.

#### **7.13 Provision of affordable & special needs housing**

Not relevant to this application.

#### **7.14 Trees, landscaping and Ecology**

The previous report to committee on the 2/8/17 advised:-

'The site is located within a Metropolitan and Borough Grade 1 Site of Importance for Nature Conservation (SINC). Policy EM7 of Hillingdon Local Plan: Part One - Strategic Policies (November 2012) provides objectives for the management of such sites and this includes the aim to work with partners, private landowners and other utility providers to achieve multi-functional use of land use that promotes and enhances biodiversity, adds to the green grid or achieves other open space outcomes, including improved accessibility.'

A Flood Risk Activity Permit will be required for the works and part of the application process involves the submission of a water vole survey on the riparian areas affected by the works along with protection and mitigation measures to be adopted should water voles be found to be present.

The western side of the footbridge would be landed on the bank of the island which is currently under dense tree cover. The precise positioning of the footbridge would be carefully considered so as to prevent the need to cut back trees and to ensure no harmful disturbance to root protection areas. The footbridge would not require any significant foundations to be dug and, as such, would not result in any harmful disturbance or

destabilisation to the banks of the river.

The proposed footbridge would not obstruct or alter the flow of the river nor adversely impact upon any significant habitat space on the banks of the river.'

Members deferred the application to allow for a further ecology impact report that considered all the wildlife on the island to be submitted.

An initial Preliminary Ecological Appraisal dated November 2017 has been submitted, followed by a Phase 2 Ecological Surveys & Assessment dated February 2019 and an Ecological Mitigation and Management Enhancement Plan, dated November 2019.

The Preliminary Ecological Appraisal comprised a desk study and an extended Phase 1 Habitat Survey. 5 types of habitat were found, namely broad-leaved semi-matural woodland; tall ruderal; river; amenity grassland and hard-standing. The appraisal reports on the flora and fauna found on or potentially supported by the site and provides a preliminary prediction of the impacts of the development and recommends mitigation and enhancement measures. It concludes by advising that although the proposals offer only minor changes to the site, due to its undisturbed nature, any change in recreational pressure may constitute a significant effect. It therefore recommends that multiple phase 2 ecological surveys and assessments are carried out to establish the current ecological baseline for the site and to guide any necessary mitigation / compensation. As the site is designated a SINCP and contains habitats of high ecological value, it further recommends that an Ecological Mitigation and Management Plan (EMMP) is produced, which would detail the ongoing management and monitoring of the site should the proposals be undertaken.

The Phase 2 Ecological Surveys & Assessment, based on the initial findings of the Preliminary Ecological Appraisal, undertook numerous surveys, namely a botanical walkover survey and surveys to establish the presence or not of the following species:-

- badger,
- bat roost scoping survey,
- breeding and wintering bird,
- fish and white-clawed crayfish,
- invertebrates,
- water vole and otter surveys.

The report notes that bat activity surveys, as recommended by the preliminary appraisal, were not considered necessary as the proposed works are minimal and there are no lighting constraints.

The botanical walkover survey found no rare or protected species, only flora typical of deciduous woodland. Three invasive species were recorded, Himalayan balsam, floating pennywort and snowberry. As regards badgers, despite suitable habitats being present, there was no evidence of badger setts or signs of commuting or foraging activity and therefore, the report concludes that this species is considered to be absent from the site. In terms of bats, a total of 25 trees were selected and inspected close to the site of the proposed bridge as these had the greatest potential to be impacted upon and 12 of these had a moderate to high potential of providing a bat roost(s). As regards the breeding bird survey, 31 species were recorded throughout the breeding season and a total of 24 species were likely to be breeding on the site, including 2 red-listed species (Song and

Mistle Thrush) and 5 amber-listed species (Dunnock, Mallard, Stock Dove, Swift and Kingfisher) with 2 Schedule 1 species (Kingfisher and Red Kite). The wintering bird survey recorded 50 bird species of which 15 are considered notable species, 7 on the BoCC red-list (Fieldfare, Grey Wagtail, Mistle Thrush, Redwing, Skylark, Song Thrush and Starling) and 8 on the BoCC amber-list (Black-Headed Gull, Common Gull, Dunnock, Gadwell, Kingfisher, Mallard, Mute Swan and Stock Dove). However, the report notes that none of the species recorded are considered uncommon or rare at any geographical scale; their red-listed and NERC species status are due to widespread declines across the UK range and that they are still widespread in the region. As regards the fish and white-clawed crayfish survey, this noted that the weir has a side baffle fish pass although identified the left-hand bank along the eastern arm of the River Colne as having poor habitat variety although the channel below the weir did provide potential habitat for coarse fish, whereas the western arm had a mix of flow types and potential habitats for a variety of fish species, including bullhead, a species listed under Annex 11 of the EC Habitats Directive. Non-native Signal crayfish were observed so that the presence of white-clawed crayfish is unlikely. In terms of the invertebrate survey, no invertebrate species of conservation concern were recorded and in terms of water voles and otters, there was no active evidence of them utilising the site.

The report also notes that there is evidence of flytipping and human activity scattered throughout the island.

The Ecological Mitigation and Management Enhancement Plan, dated November 2019 describes the potential impacts and the mitigation and enhancement works that are required to safeguard biodiversity on the site. The plan acknowledges that the proposed works are of low impact and of a small scale with habitat loss having been designed out to a minimum, but there is still a need to follow industry pollution prevention standards during construction, protect root protection areas of adjoining trees, prevent lighting within or immediately adjacent to the site unless required for health and safety reasons when specific conservation mitigation guidance for bats is to be followed, removal of invasive species, natural banks to be retained and protected, removal of dead wood kept to minimum, any footpaths only allowed on southern part of site and these to be constructed of bark/woodchip and to follow existing natural pathways. The plan recommends that a Construction and Environmental Management Plan (CEMP) is submitted to detail the mitigation measures during the construction phase. The CEMP could be secured by condition, which has been included as part of the officer recommendation.

The main threat to the biodiversity on the island is during the operational phase as a result of the potential disturbance to wildlife. The plan advises of the need to create a 'no-access' area on the island to the north of the weir with the planting of a hedgerow with native thorny species / scrub across the entire width of the island to act as a physical boundary. Only the southern part of the island would be accessible and the report recommends that signage should be installed advising users of ecological importance of the site, any recreational use is restricted to walkers and anglers, no dogs to be permitted on the island, regular litter picks, access restricted to daytime only, with no lighting to maintain dark corridors; site to be monitored for recreational impacts with subsequent plans for mitigation / compensation as necessary, including possible re-closure of the island if necessary. The plan then goes on to advise of the mitigation / enhancement works required for the habitats and individual species, including planting of fruit and seed bearing trees to encourage badgers; installing bird and bat boxes, including kingfisher tunnels, planting schedule of redds, grasses, rushes, sedges etc to encourage water voles.

Both Natural England and the Hillingdon Group of the London Wildlife Trust do not raise any objections to the proposal, although the LWT do wish to stress the importance of ensuring that the proposed 'undisturbed' area is kept as such for the benefit of wildlife, especially birds as it could easily be abused if not monitored and corrective action taken when necessary. The Hertfordshire and Middlesex Wildlife Trust do raise an identical point, commenting that the mitigation works etc. look reasonable on paper but the likely reality will be that it will not be enforced and people will ignore the signage and as this is too great a risk to take for such limited public benefit, raise an objection to the proposal on this ground. The Colne Valley Park also have the responsibility of preserving the biodiversity of the park within their remit and advise on this application that the impact on biodiversity, although minor, is addressed through the proposed mitigation and therefore the EMMP should be enforced through a legal obligation.

The EA in their letter dated 16/8/17 have explained the need for the footbridge in order to improve access to the weir for maintenance purposes to order to help manage flood risk (Section 6.0). Although the difficulties of the current access arrangements involving crossing private land are disputed by the landowner, it would be expedient to avoid any potential conflict and provide access to the weir without the need to cross private land.

There is a concern that the bridge would provide unfettered access to the island and the plans submitted do not provide details of any paths. Comments received on this application from the public do suggest that Little Britain Lake does experience instances of anti-social behaviour and perpetrators of such activity would be less inclined to respect the 'no-access' restriction on the island and wildlife interests generally. The potential threat posed by letting the general public have access to the island, even if it is on the smaller, less ecologically sensitive southern part, is significant and it is therefore considered that access across the footbridge should be controlled by the Council's Green Spaces Team and only to those involved with the purposes of ecology and water management/maintenance (including access by persons employed by the Environment Agency or their sub contractors). A condition restricting access to the general public therefore forms part of the officer's recommendation. A condition has also been added requiring a Management Plan to be submitted which will detail the access, management and maintenance arrangements on the island.

The Council's Tree Officer advises that the EMMP, dated November 2019, confirms that habitats will be retained and the work will comprise small-scale low impact work, with vegetation clearance limited to saplings and small areas of brush. Specifically regarding trees, the officer advises that no topographic or arboricultural impact assessment has been carried out to confirm that it is feasible to land the bridge on the island without affecting trees, although submitted drawings indicate that the intention is to land the bridge on foundation pads between the nearest trees. The officer concludes that subject to good construction management and methodology it should be possible to construct the pads without damaging the trees. The pre-fabricated bridge will then be craned into position, an operation which will also require careful control to prevent damage to the bridge or nearby trees and recommends a number of tree protection conditions. These conditions are included as part of the officer's recommendation.

On this basis, it is therefore considered that the proposed footbridge is in accordance with Policies 7.19 and 7.21 of the London Plan (March 2016), Policy EM7 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 14 and DMEI 7 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

#### **7.15 Sustainable waste management**

Not relevant to this application.

#### **7.16 Renewable energy / Sustainability**

Not relevant to this application.

#### **7.17 Flooding or Drainage Issues**

The previous report to committee on the 2/8/17 advised:-

'The footbridge would span the banks of the cut of the Colne River, within Flood Zone 3 and the functional flood plain (Flood Zone 3b). The footbridge has been positioned at a suitable level so as to prevent obstruction to the flow of the river or jamming with debris so as to safeguard against the potential for presenting a flood risk.

Table 2 of the Flood Risk and Coastal Change guidance which supplements the NPPF classifies amenity open space as a water compatible use whilst Table 3 of the same guidance recognises water compatible use as appropriate for Flood Zone 3b provided that any structure is designed and constructed to:-

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

The Environment Agency have assessed the proposals and have raised no objections. The key issue relates to the height of the bridge soffit which must be sufficient to be resilient to flooding.

The proposed bridge soffit height has been deemed acceptable by the Environment Agency and the height of 27.72 metres AOD and a condition will be used to ensure the footbridge is built in accordance with these details.

The bridge would be raised above the river and therefore not impede water flow whilst the fact that the bulk of it is over the river will prevent any net loss in floodplain storage.'

The Environment Agency has been re-consulted on the application and advise that they are supportive of the submitted Preliminary Ecological Appraisal and recommend informatives regarding the need for a Environmental permit and use of herbicides. These are included within the officer's recommendation.

The Council's Water and Flood Management Officer has been re-consulted on the application following the receipt of the ecological information and advises that it is the Environment Agency who lead on the response on applications on a main river and within the floodplain and then goes on to advise that they raise no objections in principle to the proposed bridge for access purposes subject to the detail of the design and flood risk mitigation proposed such as raising the soffit of any bridge above the 1 in 1000 year flood levels to limit impact on the river corridor.

A condition has been added to this effect.

It is therefore considered that the proposed footbridge, provided it is built in accordance with approved details, will accord with Policy 5.12 of the London Plan (March 2016), Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMEI 8 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

#### **7.18 Noise or Air Quality Issues**

The bridge would not result in any material increase in the generation of noise. As mentioned earlier in the report, it would not be used by motorised vehicles.

It is therefore considered that the proposed footbridge satisfies Policy 7.15 of the London Plan (March 2016) and Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

#### **7.19 Comments on Public Consultations**

As regards the petitioner's objection, this has been addressed in the officer's report.

In terms of the individual responses, as regards point (i) concerning the existing right of access to the weir, in their letter dated 16/8/17, the EA highlights the difficulties they have been experiencing exercising this right of access and hence the need for an alternative access via the proposed bridge, as regards (ii), it appears that the island has no official name according to Ordnance Survey maps. As regards points (iii) and (iv) regarding consultation, there are no other adjacent properties and a site notice was displayed adjacent to the site and a notice advertised in the paper. Points (v), (vi), (vii), (lv) and (lix) are noted. Points (viii) and (ix) - (xvi), (xviii) - (xxx), (xxxii) - (liv) and (lvi) concerning anti-social behaviour, ecology, flood risk, character of the area and car parking are dealt with in the officer's report. Point (xvii) regarding cost / benefit analysis does not raise a relevant planning matter. In terms of Point (xxxi), this is noted, but no evidence has been provided to suggest that the ecological surveys are misleading. As regards point (lvii) concerning a similar bridge to an uninhabited island within the Fray's River, permission for the bridge was granted at appeal.

The 2 comments in support (lx) and (lxi) are noted.

#### **7.20 Planning obligations**

No Section 106 agreement or CIL payment is required for this application.

### **8. Observations of the Borough Solicitor**

#### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

## **10. CONCLUSION**

This application has attracted a significant amount of public opposition, with the main concern expressed being a perceived threat to the ecology of the island. However, with proposed works being kept to a minimum, the mitigation and enhancement works of the EMMP and access to the island being restricted to those involved with its ecology and water management/maintenance of the weir, this scheme will not harm the biodiversity of the site and if managed correctly, there is a very strong likelihood that it will be enhanced.

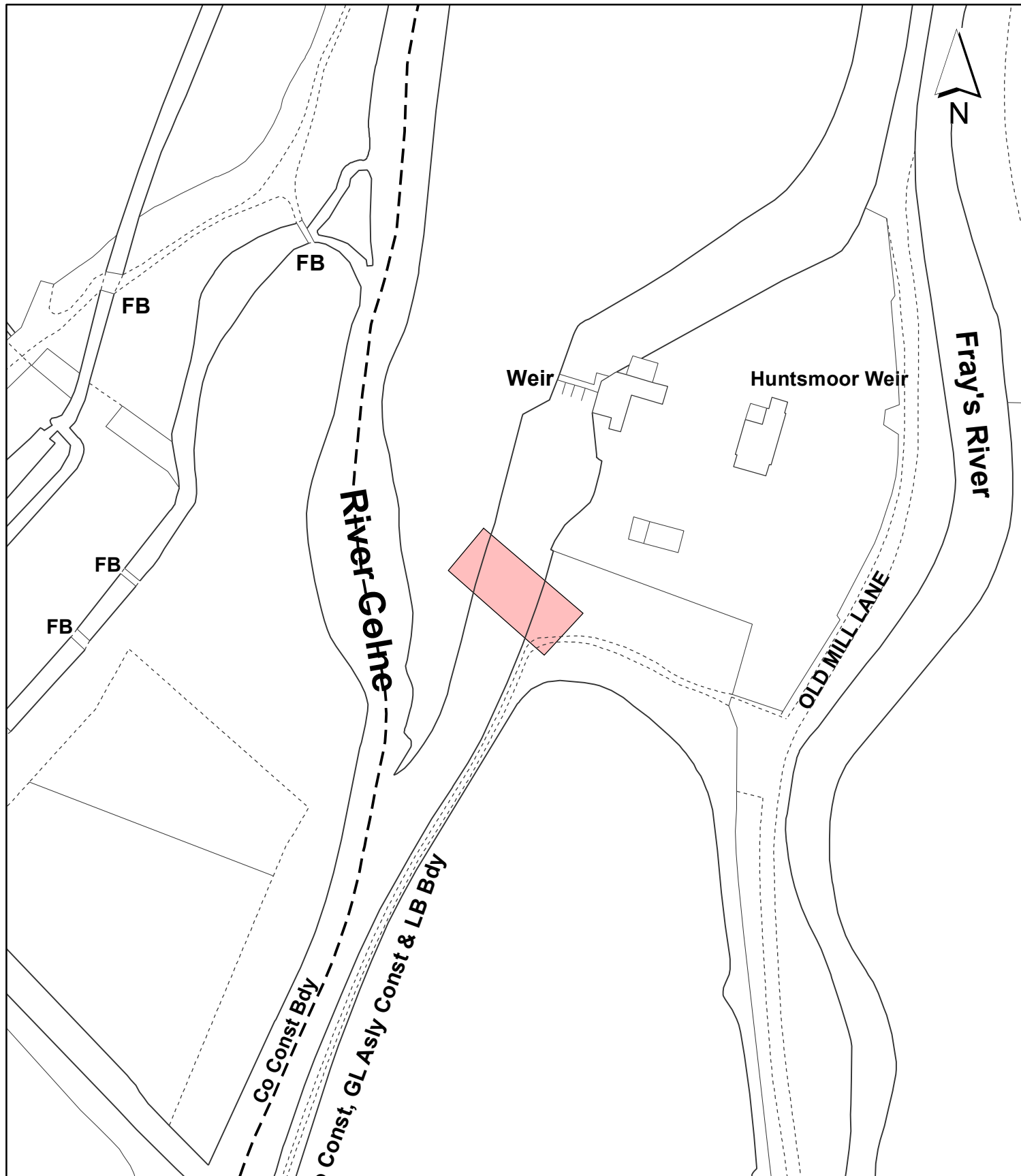
For the reasons discussed in this report, the application is recommended for approval, subject to relevant conditions.

## **11. Reference Documents**

National Planning Policy Framework (February 2019)  
London Plan (March 2016)  
Emerging London Plan  
Hillingdon Local Plan: Part One: Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

**Contact Officer:** Richard Phillips

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#### Notes:

 Site boundary

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Site Address:

**Little Britain Lake  
Packet Boat Lane**

Planning Application Ref:

**52368/APP/2017/1844**

Planning Committee:

**Major**

Scale:

**1:1,250**

Date:

**February 2020**

**LONDON BOROUGH  
OF HILLINGDON**

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