

## Heathrow Expansion DCO Consultation Response Biodiversity and ecology

September 2019

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### 1. Overview

- 1.1 This paper sets out the Mayor's response on biodiversity and ecology to the statutory consultation by Heathrow Airport Limited (HAL) on its expansion proposals.
- 1.2 The Mayor of London has a legal duty to produce plans and policies to achieve the conservation of biodiversity in London and the protection of green space and the natural environment. The Mayor has stated in his London Environment Strategy his ambition for London to be the world's first National Park City where more than half of its area is green; where the natural environment is protected, and the network of green infrastructure is planned, designed and managed to provide multiple benefits. This is reinforced by policies in his new London Plan which seek to protect biodiversity, restore rivers, increase tree cover and green the built environment. Crucially, the Mayor's policies and proposals aim to protect, enhance and manage London's natural environment to improve climate resilience and public health and well-being, as well as to conserve biodiversity in its own right.
- 1.3 The physical expansion of Heathrow required by the construction of a third runway would result in significant losses of biodiversity and green space, including Green Belt, which conflicts with the Mayor's ambitions to increase and improve London's green infrastructure and its status as a National Park City.
- 1.4 The Preliminary Environmental Information Report (PIER) sets out initial mitigation and compensation proposals but these are currently ill-defined and inadequate with respect to the impact of the proposed development. It is unlikely that any mitigation or compensation proposals can maintain or enhance ecological corridors and provide access to nature and alternative green space for the people most affected by the proposed scheme. Consequently, it is difficult to understand how the commitment to biodiversity net gain could be achieved.
- 1.5 Furthermore, the information set out in the PIER fails to address key requirements of the Aviation National Policy Statement (ANPS) and the London Plan in relation to ecology and nature conservation. This is summarised in Appendix 1.

### 2. Impacts on sites and species

- 2.1 The ecological survey work to inform the baseline has not been completed and there are substantial gaps. This means it is not possible to fully evaluate the ecological impacts of the scheme on all sites and species. This is particularly important because likely

significant effects are predicted on ten Natura 2000 / Ramsar sites (rather than on eight sites identified in the National Policy Statement assessment). A further consultation exercise should be conducted once the survey work has been completed so that the consultation is meaningful, and the responses can be taken into account before the application is made. At present the PEIR does not comply with regulation 12(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to the extent that the consultation bodies cannot develop an informed view of the likely significant environmental effects of the development. This undermines the credibility of the PEIR.

- 2.2 Detailed air quality modelling outputs are not available for specific European protected sites. All European protected sites in London already exceed the critical load that will cause damage to the special interest of the protected site. The information provided does not allow an evaluation of the likely impact upon these sites.
- 2.3 A number of non-statutory Sites of Importance for Nature Conservation will be adversely impacted. The most significant impact is on the Lower Colne SMI which is one of the best river systems in London. The proposed diversion of river channels into a culvert under the new runway will sever the ecological corridor created by the waterways for several hundred metres – although the total length of watercourse (both main river and ordinary watercourses) that will be culverted is unclear. This will impede the passage of fish, bats, otters and other species using the corridor to the detriment of the wider ecology of the Colne catchment and the Colne Valley Regional Park. This is exacerbated by the proposed infilling of a number of lakes which form valuable complementary habitat to the riverine habitat.
- 2.4 Compensatory habitat created elsewhere within the Colne and Crane catchments would not mitigate for the loss of the ecological corridor function of this part of the Colne Valley, particularly with respect to the movement of fish and other species, such as otters, that are dependent upon riverine habitat. It is pertinent to note that over the past 10 years, over 17.5km of river channel across London has been restored or enhanced. The London Environment Strategy includes a target to restore and enhance another 10km of river corridor by 2025 and 40km by 2050. Culverting such a large section of an important river system would be a retrograde step.
- 2.5 The PEIR suggest that there will be habitat enhancement and habitat creation in the wider River Colne and Crane catchments to compensate for the loss of key habitats (the rivers, lakes and associated woodland) but there is no detail about how this would be achieved or any indication that a process to identify suitable compensation sites is underway. It is best practice for a scheme of this size to have started a process of identifying suitable sites to deliver compensation early in the process, given the complexity and timescales involved in securing land and permissions. Notwithstanding the fact that we believe that any compensatory habitats will be inadequate to offset the negative impacts of severing the river corridor there is no assurance that they can be delivered in time to provide mitigation before the impacts occur.
- 2.6 In addition to direct land take, the ecological (and social) function of these non-

statutory sites are likely to be significantly impacted by the operation of the airport through increased noise and the greater likelihood of pollution incidents from run-off from the new and existing runways. The PEIR does not set out how the existing pollution control measures will be further improved to prevent the discharge of contaminated water to the Colne and its tributaries.

### **3. Biodiversity Offsetting**

- 3.1 HAL has committed to providing a net gain to biodiversity, calculated through the use of a biodiversity offsetting metric. The losses to biodiversity have been calculated (insofar as this is possible without a full ecological baseline), but because the design of the proposed habitat creation and green infrastructure has not been fully developed it is not yet possible to calculate the likely gains. This is a major limitation as little confidence can be provided that biodiversity net gain can be achieved within the current constraints.
- 3.2 A bespoke biodiversity offsetting metric has been developed for this project. This is reportedly closely aligned with that published by Defra (2012) and has been agreed with Natural England and the Environment Agency. The revised Defra metric (Defra Metric 2.0) is scheduled to soon be released and if this becomes available within a reasonable timescale the new metric, or principles of it, should be adopted for the Environmental Statement chapter. Notably, the Defra Metric 2.0 includes connectivity as a factor, which the current Defra metric (and the bespoke metric developed for this scheme) does not. The revised metric would be more appropriate to address the concerns and uncertainty regarding habitat fragmentation and loss of connectivity as a result of the development.
- 3.3 The Environmental Statement should clearly state how the mechanism for ensuring ecological enhancements will be implemented and monitored. Preferably through a combination of biodiversity management plan(s) and a clear governance structure for their implementation, which may include formation of a biodiversity steering group comprising various stakeholders with defined responsibilities to provide oversight over the lifetime of the project. This should be appropriately secured through the DCO.
- 3.4 There will be limited opportunities to deliver biodiversity net gain locally and, therefore, the compensatory works will be in areas at some distance from where the losses occur. Failure to provide compensation close to the impact would reduce access to open space and nature for local communities. Access to nature is an important function of local wildlife sites (Sites of Importance for Nature Conservation) in London and is a key objective of the Mayor's London Environment Strategy and London Plan policies.

### **4. Aerodrome Safeguarding**

- 4.1 Bird strike has been considered in connection with the proposals for biodiversity offsetting, but there is no clear reference to Civil Aviation Authority (CAA) Guidance – notably, CAP 772 Wildlife Hazard Management at Aerodromes. In our experience, compliance with CAA guidance is often cited as a significant constraint on the delivery

of habitat creation or green infrastructure projects in the proximity of London airports. Where there is deviation from CAA documents and guidance, the rationale for so doing should be clearly explained to give confidence that the ecological offsetting and green infrastructure enhancement proposals do not conflict with aerodrome safeguarding requirements thereby preventing their implementation.

## **5. Opportunities provided by the proposal**

- 5.1 The development does provide the opportunity for creation of new habitats and enhancement of existing habitats in the Colne and Crane Valleys on the basis that the development has committed to providing biodiversity net gain. However, there is no certainty that these would be adequate in terms of meeting a commitment to achieve biodiversity net gain or be in sufficient proximity to the area of impact to ensure ecological connectivity and provide adequate access to nature for those most affected by the proposal.
- 5.2 The proposed Green Loop provides a potential opportunity to create new access to green space and natural habitats for some local residents if it provides improved connections into the wider network of the Colne Valley Regional Park - but this is likely to be compromised by the proximity of a bigger and busier airport.

## 6. Appendix 1

### Relevant considerations in relation to the Airports National Policy Statement (NPS) and London Plan requirements for biodiversity and ecological conservation

<i>Reference</i>	<i>Key text</i>	<i>Reason for non-compliance</i>
<b>Airports NPS</b>		
Para 5.89	...the environmental statement submitted with its application for development consent clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological importance, protected species, and habitats and other species identified as being of principal importance for the conservation of biodiversity.	A full ecological baseline has yet to be established.
Para 5.95	The application of 2:1 compensation ratio is considered to represent the minimum requirement. However, there are other mechanisms for establishing compensation ratios, such as Defra's biodiversity offsetting metric.	The proposed biodiversity offsetting metric for the scheme does not address ecological connectivity. The soon to be published updated Defra metric will address this issue and therefore HAL should take this change into account now. As loss of connectivity is a major impact of the proposal the biodiversity offsetting calculation should be aligned with the updated Defra metric.
Para 5.95	...the location and quality of any compensation land is of key importance. In this regard, habitat creation, where required, should be focused on areas where the most ecological and ecosystems services benefits can be realised.	It is not possible to determine whether compensation will be focused where the most ecological and ecosystem services can be realised because the compensation required has not yet been calculated; nor has land to deliver compensatory habitat creation been identified.
Para 5.102	[Local Wildlife Site] designations should not be used in themselves to refuse development consent, although adequate compensation should always be considered, and ecological corridors and their physical processes should be	The compensation required has not yet been calculated and how ecological corridors can be maintained 'as a priority' has not been evidenced.

	maintained as a priority to mitigate widespread impacts.	
<i>Reference</i>	<i>Key text</i>	<i>Reason for non-compliance</i>
<b>London Plan</b>		
Policy G6 Biodiversity and Access to Nature	<p>C. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:</p> <ol style="list-style-type: none"> <li>1. avoid damaging the significant ecological features of the site</li> <li>2. minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site</li> <li>3. deliver off-site compensation based on the principle of biodiversity net gain.</li> </ol>	The full ecological baseline has not yet been established and the full mitigation and compensation proposals have not been developed; consequently, it is not possible to determine if the mitigation hierarchy has been applied in full.
Policy G6 Biodiversity and Access to Nature	<p>D. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.</p>	A full ecological baseline has yet to be established.
Policy SI17 Protecting and enhancing London's waterways	<p>Development proposals that facilitate river restoration, including opportunities to open culverts, naturalise river channels, protect and improve the foreshore, the floodplain, riparian and adjacent terrestrial habitats, water quality as well as the heritage value, should be supported. Development proposals to impound and narrow waterways should be refused.</p>	The proposal will culvert a significant length of waterway resulting in the severance of ecological connectivity on one of London's best river systems.