

Christie M Burns
Cumberland Council
Market Place
Whitehaven
CA28 7JG



By email to: development.control3@cumberland.gov.uk

Application: 4/23/2249/0F1, Erection of welcome building with café, retail space, staff facilities and car park, installation of air source heat pumps, repair and stabilisation works and installation of suspended periscope mirrors at Hodbarrow Beacon, repair and stabilisation works and installation of camera obscura structure at Towsey Hole Windmill, installation of cladding and new living roof to existing bird hide, erection of new bird hides and viewing platforms, creation of new multi-use pathways with signage, gateway features and street furniture, making good of existing byway (boat) along sea wall, enhancement of wildlife habitats, and associated access, landscaping and drainage infrastructure.

Location: Land at Hodbarrow Nature Reserve, Millom

Applicant: Cumberland Council

Dear Ms Burns,

Thank you for contacting the RSPB in relation to this application.

We wish to make the following **comments** to the application cited above on the basis of the following.

- 1. Potential impacts to Natterjack Toad**
- 2. Ongoing Management**

The RSPB

The Royal Society for the Protection of Birds (RSPB) is passionate about nature and dedicated to saving it. Since we started on our mission in 1889, the threats to nature have continued to grow but we've grown to meet them too.

RSPB England
Lancaster office,
7.3.1 Cameron House
South Road, White Cross Estate,
Lancaster, Lancashire
LA1 4XF

Tel: 01524 581001
Email:
lancasterofficeadmin@rspb.org.uk
Facebook: @RSPBEngland
Twitter: @RSPBEngland
rspb.org.uk



The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

We're now the largest nature conservation charity in the country, consistently delivering successful conservation, forging powerful new partnerships with other organisations and inspiring others to stand up and give nature the home it deserves.

Along with other environmental groups, we fought for many years to ensure habitats that support rare and vulnerable wildlife are protected from the worst impacts of human development.

We are also the owner and manager of part of the application site, the RSPB's Hodbarrow Nature Reserve, having purchased 105ha of the site of the former Hodbarrow Iron Mine in 1986, 18 years after the mine closed.

Detailed reasons in respect of our comments

1.0 Potential impacts to Natterjack Toad

Natterjack Toad, *Epidalea calamita* is protected in the UK under the Wildlife and Countryside Act, 1981. They are a Priority Species under the UK Post-2010 Biodiversity Framework and are listed as a European Protected Species under Annex IV of the European Habitats Directive, and Designated Feature of the Duddon Estuary Ramsar site and Notified Feature of the Duddon Estuary SSSI

The biggest impact on the nationally important Duddon Estuary Natterjack Toad population would be from the substantial increase in visitors and dogs to the site, impacting both breeding pools and terrestrial habitat. There is a risk of substantial adverse impact on the populations of this species. It is the responsibility of the developer to demonstrate that no harm will arise from their proposals, and we believe that this has been done, but wish to make the following comments.

1.1 Forthcoming site improvements for Natterjack

Throughout both the EIA and the sHRA, there are references to Natterjack Toads not breeding on site and habitat being in sub-optimal condition (e.g., p11-12 of the sHRA). The RSPB Habitat work on site to be carried out in 2023 and 2024 to remove extensive areas of scrub and improve connectivity to neighbouring populations will hopefully mean that habitat will be more suitable from next year.

We are very much hoping that Natterjack Toads will recolonise the site within the next few years; and that that has been the driver behind the Natural England (NE) funded species recovery work taking place on site.

We don't think that this changes anything significantly in terms of risks to the species resulting from the proposed development as the measures that have been proposed should mean that issues are avoided but, it does mean that the Applicant's assessments are already out-of-date.

RSPB England
Lancaster office,
7.3.1 Cameron House
South Road, White Cross Estate,
Lancaster, Lancashire
LA1 4XF

Tel: 01524 581001
Email:
lancasterofficeadmin@rspb.org.uk
Facebook: @RSPBEngland
Twitter: @RSPBEngland
rspb.org.uk



The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

1.2 Potential attraction to the construction site

It is good that the presence of an occasional transient/opportunistic natterjack using the site at certain times when dispersing/foraging has been flagged at the visitor centre construction site (EcIA Section 5.7).

We believe that the precautionary / avoidance measures at this location (EcIA Section 7.7) should be sufficient to manage any risk to Natterjack Toads if implemented in full.

Natterjack Toads may well be attracted to construction sites but given the general lack of suitable habitat in the surrounding area and the measures proposed we agree that this has been sufficiently covered.

1.3 Amphibian Mitigation Plan

Both the sHRA and EcIA repeatedly flag the possibility that Natterjacks may use potholes on the BOAT opportunistically. Whilst there is a possibility that Natterjacks could attempt to breed in small, flooded depressions we consider that there is potentially a more significant risk of dispersing / foraging Natterjacks being present on the BOAT at times. Typically, this would be at night, but they may also be active on overcast days.

All risks should be appropriately managed by the Amphibian Mitigation Plan, but we would like to have sight of this plan and a chance to comment before it is finalised and approved by Cumberland Council.

1.4 Natterjack use of the Welcome building site

The EIA assessment "*Negligible (Not Significant) Effect*"¹ is probably ok so long as the usage of the site doesn't change, it is also not clear to us, from reading the documents how site usage will be monitored and if necessary enforced. Natterjack will use roads and car parks to disperse, particularly if they are the only open areas between unsuitable habitats e.g., areas of scrub. Any increase in evening access on these surfaced areas could potentially pose a risk.

¹ Proposed Welcome Building, Section 6.7, EcIA, Greengage, May 2023

RSPB England
Lancaster office,
7.3.1 Cameron House
South Road, White Cross Estate,
Lancaster, Lancashire
LA1 4XF

Tel: 01524 581001
Email:
lancasterofficeadmin@rspb.org.uk
Facebook: @RSPBEngland
Twitter: @RSPBEngland
rspb.org.uk



The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

1.5 Natterjack use of the wider site

Whilst noting that Natterjack are not currently present on the site, we question the EIA assessment in relation to the wider site which states that the development effects will be "Positive (Not Significant) Effect at a National Scale" for the following reasons.

The operational phase does present a risk to Natterjacks through significantly increased number of visitors (& dogs, potentially) and it could be argued that the proposals to create, restore and maintain habitat are in effect mitigation for this. Natterjacks are not exclusively nocturnal and can be active on overcast days which could lead to increased risk. Males may also shelter in vegetation such as rushes during the breeding season rather than returning to burrows and are therefore may be vulnerable to disturbance by dogs in some areas.

Natterjack would not, outside of the breeding season, seek refuge in small pools, they are exclusively terrestrial outside of the breeding season, they may however attempt to breed in potholes if there is nothing more suitable in the vicinity, as stated in the EcIA.

The Applicant states that the *"BOAT and paths will be re-surfaced, and any potholes filled in leaving less opportunities for opportunistic natterjacks seeking refuge in the pool formed in potholes which would reduce the chance of them being run over by vehicles using the site²"*

We are not sure how the Applicant came to this conclusion, surely improving the tracks brings an element of risk that more people will be driving on to the site? We are aware of regular occurrences on Haverigg Hawes where this occurs, but on Hodbarrow the primary issue has always been drying ponds, resulting in a hard stop to the Natterjack life cycle.

Our discussions with the Applicant suggested that any surfaced road which improves access for pedestrians and cyclists using the site i.e., that on the sea wall which reduces the overall width of the track and includes passing bays, should also include built features to reduce traffic speed to avoid it becoming an overnight racetrack, these may include gates, speed humps and chicanes amongst other things, but with the intention of keeping as many cars as possible in the upgraded and new car parks.

The Applicant states the *"welcome building and car park will be closed to the public during times when Natterjacks may be dispersing or foraging and therefore risk of injury or death of natterjack this is a result of cars in this area is unlikely there may be occasions where private functions of hideout venue during the evenings when that*

² Wider Site, Section 6.7, EcIA, Greengage, May 2023

objects could be active however given the unsuitability of the car parks and the roads this is unlikely”³.

Clearly if more people drive on to the reserve at night because of the improved quality of the BOAT, then there will be an increased risk to Natterjacks from any vehicle use at night or on dull days, when the population is re-established.

We note too that much of the habitat improvement work identified by the Applicant is already being carried out with NE Species Recovery grant funding, which has only recently become available, we therefore assume, and would like clarity on the habitat works funded under the Iron Line proposals being additional to this existing work.

1.6 Habitat enhancement for Natterjack within the Applicant’s submission

The proposals include welcome, positive habitat creation and management for Natterjack Toads.

We are broadly happy with the principle of creating additional pools and the proposals to fence pools and scrapes to keep people and dogs out, as the impacts of recreational disturbance to this species are considered a key component of habitat loss.

The habitat and infrastructure (fences) would require significant annual management and maintenance to retain suitable conditions for Natterjack Toads that are entirely reliant on unshaded, early successional habitat. The fences around the proposed ponds will need to have gates incorporated to allow for future access for machinery to aid management.

The detail of the Applicant’s proposals may need to be revised following our scrub removal work that is happening this year.

In terms of locations for the proposed lined ponds, these need to be carefully chosen and should be sited in areas where scrub has been recently cleared (i.e., not on established species-rich grassland). It would be beneficial if water control structures could be incorporated on at least one of the ponds.

One of the other key threats to Natterjack Toads in future is going to be periods of prolonged drought.

The Applicant mentions “*pipe sluices*”⁴ to drain these pools which is good, but the ability to top them up in droughts would really build in resilience, if possible, we note the

³ Proposed Welcome Building, Section 6.7, EcIA, Greengage, May 2023

⁴ Page 39, sHRA, ALSE, Lucy Gibson Consulting, May 2023

comments from the Applicant's Ecological Surveyors in respect of drying ponds not supporting Natterjack Toads.

Water control would require ongoing management as such we consider it probably best to focus on one pond but, this management would ensure that there was at least one suitable pond available in years with drought conditions.

The proposed concrete and slag lined ponds may also need lining with sand / turf to enable safe passage of toadlets, as concrete can get too hot and effectively bake toadlets as they emerge from a pool.

We don't know if this would also be the case for slag, and suspect that it may stay somewhat cooler, but turfing would make the ponds look more natural, fitting in with the landscape/habitat and ensure that there was no risk. Turf could be taken from elsewhere on site to create patches of bare ground.

1.7 Conservation Grazing

The sHRA mentions the addition of "*conservation grazing*"⁵, however it is unclear to us whether this is an ambition or will this be introduced as part of the proposed development with fencing infrastructure or cattle collars and a grazer/stock provided.

Our recent efforts to secure grazing have been unsuccessful because of a lack of suitable stock and graziers, local enough to the reserve to be able to graze it. We feel that introducing an appropriate grazing regime is critical to the future management of the site for Natterjack Toads and other species of interest.

2.0 Ongoing Management

2.1 Ongoing management

The EcIA states that the "*development secures the management of the site for the next 30 years*,"⁶ no detail is given within the documents as to what, in practice this means, we assume therefore that there will be an approved management plan associated with the development consent, should this be granted.

2.2 Invasive species

The EcIA states that these will be removed within the "*development footprint*"⁷ by specialist contractors, it is not clear to us however, what exactly the Applicant sees as the development footprint, whether this is the area around the proposed Welcome

⁵ Page 39, sHRA, ALSE, Lucy Gibson Consulting, May 2023

⁶ Page 58, Operation, Section 10.1, EcIA, Greengage, May 2023

⁷ Page 29, Removal of Invasive Species, Section 7.2, EcIA, Greengage, May 2023

RSPB England
Lancaster office,
7.3.1 Cameron House
South Road, White Cross Estate,
Lancaster, Lancashire
LA1 4XF

Tel: 01524 581001
Email:
lancasterofficeadmin@rspb.org.uk
Facebook: @RSPBEngland
Twitter: @RSPBEngland
rspb.org.uk



The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

Building or within the entire Red-line Boundary of the Application, we would like further clarity on this point. If and when specialist contractors are engaged it would be beneficial for them to target removal of the invasive species in question from as much of the local area as is feasible (subject to landowner permissions and appropriate consents etc.)

2.3 Wardening

Our final point relates to the potential for increased recreational disturbance, The Applicant states; *"It is recommended that site-based staff with a visitor engagement and educational warden role would be beneficial in managing both visitor and coordinating volunteers"*.⁸

We see additional wardening as essential alongside new signage, and formalisation of paths etc. to manage visitor behaviour and to reduce disturbance to all important conservation features on site.

Yours sincerely

Senior Conservation Officer – North West (Morecambe Bay, Lancashire, Manchester, Merseyside & Cheshire)

⁸ Section 3.11, Visitor and Access Management Plan, Appletons, March 2023

RSPB England
Lancaster office,
7.3.1 Cameron House
South Road, White Cross Estate,
Lancaster, Lancashire
LA1 4XF

Tel: 01524 581001
Email:
lancasterofficeadmin@rspb.org.uk
Facebook: @RSPBEngland
Twitter: @RSPBEngland
rspb.org.uk



The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.