

Application Reference Number:	4/25/2198/0F1
Application Type:	Full Planning Application
Application Address:	Land at Hodbarrow Nature Reserve, Millom
Proposal	Erection of visitor centre with café/shop, group room, staff/volunteer, toilet facilities and car park; Consolidation repair and installation of interpretive sculpture to Towsey Hole Windmill; Refurbishment of existing Tern Hide; New bird hides/viewing screens, pathways, gateway features, street furniture and demarcation of spaces at existing car park; Enhancement of wildlife habitats; associated landscaping and drainage infrastructure; and Maintenance of byway with restricted vehicular access (The Iron Line Project)
Applicant	Cumberland Council
Agent	c/o Story Contracting Ltd
Valid Date	25 th June 2025
Case Officers	Christie Burns

Cumberland Area and Region

Copeland and Millom.

Relevant Development Plan

Copeland Local Plan 2021 – 2039.

Reason for Determination by the Planning Committee

The Application Site exceeds 2 hectares in area therefore, it falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation. The planning application has also been submitted by the Council for development where representations have been received objecting to the development on material planning grounds.

Recommendation

That Members authorise the Service Manager for Development and Implementation with delegated authority to approve the application subject to Natural England's & the Council's Ecology Consultant's acceptance of the revised ecological information submitted, the planning conditions outlined at the end/Appendix 1 of the report, and to add to and/or make amendments to the conditions as considered appropriate.

1. Site and Location

- 1.1 This Application Site relates to land at Hodbarrow Nature Reserve located immediately adjacent to the Duddon Estuary, approximately 0.6km to the south of Millom and 0.8km to the east of Haverigg.
- 1.2 The Application Site extends to 57.60 Hectares.
- 1.3 The Application Site includes land from Hodbarrow Point north west to the site of the former haematite/iron ore mine (Hodbarrow Mine), and extends south west along the Sea Wall (Outer Barrier).
- 1.4 The Application Site includes areas used to support mining operations, including pits (such as Old Annie Lowther Pit, New Annie Lowther Pit, Arnold Pit and Bewley Pit), quarry and clay extraction sites (such as Whitriggs Close Clay Pits), lime kilns (Hodbarrow Lime Kilns), a lighthouse (Hodbarrow Beacon) and brickworks (Red Hill Brickworks). The Sea Wall includes a cast iron lighthouse (Haverigg Lighthouse), the site of the former minerals railway line and access to an existing concrete bird hide. The remains of a windmill (Towsey Hole) lie to the east of the Sea Wall.
- 1.5 The Application Site adjoins the Redhills Quarry Household Waste Recycling Centre (HWRC) and the Port Haverigg Holiday Village and Marina.
- 1.6 Vehicular access to the Site is via an access track from Mainsgate Road to the north of the Site, which also serves the HWRC.
- 1.7 The Sea Wall ("Outer Barrier") forms part of a Byway Open to All Traffic (BOAT) – The Iron Line, that utilises the routes of Public Footpaths 415009, 415016, 415023, 415024 and 415032 and provides access around the full Nature Reserve. Public Footpath 415016 links the BOAT to the wider PROW network and the King Charles III England Coast Path (KC III ECP). The KCIII ECP runs parallel to the BOAT on its seaward side.
- 1.8 The majority of the Application Site is located within Flood Zone 1, however portions of the Sea Wall (Outer Barrier) are located within Flood Zone 3.

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- 1.9 The Application Site is not located within a Conservation Area and there are no Listed Buildings on or directly adjacent to the Application Site. Hodbarrow Beacon/Lighthouse located within the east of the site is a Scheduled Monument. All other historic elements on the site are considered to be non-designated heritage assets.
- 1.10 The Application Site is located within the Duddon Estuary Ramsar and Special Site of Scientific Interest (SSSI), the Morecambe Bay and Duddon Estuary Special Protection Areas (SPA's), and the Morecambe Bay Special Area of Conservation (SACs).

2. Directly Relevant Planning Application History

4/96/0422/0 – Create vehicle control bund and level steep banks – Approved.

4/07/2213/0 – Non illuminated information panels – Approved.

4/15/2060/0A1 – Coastal interpretation information board and marine litter message signage – Approved.

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 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 – Withdrawn.

Members should note that application 4/23/2249/0F1 was withdrawn after a comprehensive review of the original project and a revised proposal following comments received from interested parties. The main amendments to application 4/23/2249/0F1 include the following:

- The reduction in footprint of the Visitor Centre, re-sited and served by sustainable means of foul and surface water drainage;
- The Visitor Centre to be accessed via the existing road as opposed to the construction of a new and diverted road;
- The provision of a single new car park with an increased number of spaces adjacent to the Visitor Centre;
- The Towsey Hole Windmill to be repaired and incorporate a free standing interpretive weather vane sculpture;

- The BOAT to become a byway with vehicular access restricted to just maintenance, utilities, emergency services and exemptions to specific community groups; and
- The omission of works to Hodbarrow Beacon.

3. Proposal

- 3.1 This application has been submitted by Cumberland Council in relation to 'The Iron Line' project which forms part of the Millom and Haverigg Town Investment Plan.
- 3.2 This application seeks planning permission for:
- *The erection of a Visitor Centre with café/shop, group room, staff/volunteer, toilet facilities and vehicle parking;*
- 3.3 The proposed Visitor Centre is to be located within the northern portion of the application site, at a slightly elevated position, accessed via the shared road with the HWRC. The Visitor Centre will be in the form of a rotunda structure finished with locally sourced stone and metal rain screen cladding to the walls and a standing seam aluminium roof. The proposed building will benefit from a width of 21.2m and an overall height of 10.2m, providing an internal floor space of 412 square metres. The building will accommodate within the proposed ground floor operational and volunteer facilities, a group room and toilets, whilst the first floor will incorporate a café and balustraded viewing platform.
- 3.4 The proposed Visitor Centre will be served by a car park located to the north west of the building. The proposed car park will provide 63 car parking spaces to include 5 accessible spaces, a space for motor bikes, secure bicycle storage at key points of the site (22 Sheffield stands/44 cycle spaces including space for adaptive cycles) and a drop-off point for coaches to the east of the building. EV charging points will be provided within 8 of the parking spaces (5 standard and 3 accessible spaces). All spaces within this car park will be chargeable.
- 3.5 A new lockable gate will be introduced along the shared access road so that the Visitor Centre can remain open when the HWRC is closed.
- *The consolidation, repair and installation of an interpretive sculpture to Towsey Hole Windmill;*
- 3.6 The Towsey Hole Windmill located within the south of the site at Hodbarrow Point will be repaired as part of the proposed works, to include repointing with lime mortar and any areas requiring more significant repairs to be

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consolidated using heritage engineering brickwork. It is proposed to install within the remains of the Windmill a free-standing interpretive 'weather vane' to provide an interpretation of the former windmill structure, its use, and its setting within the landscape.

3.7 The structure will be finished with stainless steel and has been designed as a multi-column structure with 8 segments bolt fixed to allow for ease of dismantling in the future.

3.8 Within the Windmill it is proposed a to install a continuous mesh panel at a height between the lower and upper openings, to which interpretive signage can be installed, whilst all providing an anti-climb barrier. The Windmill will remain open to the elements with no restrictions to access.

- *The refurbishment of the existing Tern Island Hide;*

3.9 The existing Royal Society for the Protection of Birds (RSPB) hide located on the Sea Wall to the south of the site, faces the island within the main lagoon which has formed to provide a safe environment for Terns to nest. The hide provides a viewpoint of the nesting Terns and forms a base for a warden to monitor activity and manage potential disturbance in key months.

3.10 The existing concrete hide is basic in form. The proposal seeks to re clad the walls of the existing hide in treated timber and to replace the existing roof structure providing an overhand to the building and altering the existing monopitched roof to dual pitched. The new roof over the entrance area will be supported by a timber structure and will be finished with metal sheeting whilst the roof over the main building will include a brown living roof. The additional projection will extend by 1.19m and will help provide protection from the elements.

3.11 The existing level access to the hide is to be retained and improved. The proposed works will also lower the sills of two existing windows within the hide to improve accessibility for wheelchair users.

3.12 The slag bund which currently flanks both sides of the hide will be reinforced to improve the screening.

3.13 Timber fences will be installed to indicate the path from the BOAT to the hide and to stop access to the important surrounding habitats.

- *The provision of 3no. new bird hides, pathways, gateway features and street furniture inclusive of works to the existing car park;*

3.14 Three new bird hides are proposed to include the following:

- Annie Lowther Hide – located near the Inner Sea Wall to replace an existing informal viewing point. The Hide will form a circular shelter screen overlooking the lagoon and will be finished with timber cladding and steeling roofing sheets.
 - Quarry Hide – located to the east of the site overlooking the ‘Quarry Pool’. The Hide will form a rectangular shelter screen and will be finished with timber cladding and steel roofing sheets.
 - Coal Pit Hide – located to the east of the site overlooking ‘Clay Pit Pool’. The Hide is open with timber screening on two elevations and enclosed by timber balustrade.
- 3.15 The pathways around the Reserve will be upgraded to include the use of stone to dust surfacing, timber board walks, tactile paving, raised steel walkways and reinforced gravel. Gateway/artwork/educational features, signage and street furniture will be installed within the Site at key locations.
- 3.16 The existing car park accessed from existing access track from Mainsgate Road will be formalised and marked out to create 18 spaces (including an accessible bay) and will remain free of charge.
- 3.17 The proposed works are considered to increase the accessibility of the Site, with the aspirations of the project to increase the number of visitors from approximately 40,000 annually to 80,000.
- *The enhancement of wildlife habitats, associated landscaping and drainage infrastructure;*
- 3.18 As part of the Application the existing grassland and scrub habitats associated with the Visitor Centre and car park are to be enhanced in accordance with the submitted Biodiversity Net Gain Assessment through the management of scrub encroachment, rotational scrub management and removal of invasive species.
- 3.19 Within the Nature Reserve the proposed works include creating natterjack toad hibernacula habitat, fortifying and extending the existing slag bund along the Sea Wall to a maximum height of 1500mm using the site-won materials. The proposal will also include some fencing off of sensitive habitats where visitors are approaching the existing hide, and formalisation and improvement of existing desire lines and paths across the Reserve to encourage visitors away from the most sensitive habitats.
- 3.20 Surface water from the proposed car park and Visitor Centre will drain towards Hodbarrow Lagoon and foul water from the development will drain via a gravity system and will be pumped along the access road to Mainsgate Road.
- *The maintenance of the BOAT to include restricted vehicular access.*

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- 3.21 The Application seeks to maintain the existing BOAT in accordance with relevant standards. The BOAT will be surveyed, pot holes filled with crushed aggregate, levelled, and surfaced with a stone to dust top layer. Along the Sea Wall, localised earthworks will create a linear mound to the estuary side of the BOAT, using site won material.
- 3.22 The proposal seeks to restrict vehicular access to the BOAT with vehicular access limited to emergency and maintenance vehicles only. This proposed restriction will be imposed through a Traffic Regulation Order (TRO) which is separate to the planning application process. The restrictions will be enforced by use of lockable bollard and bespoke fencing.

4. Consultation Responses and Public Representations

Millom Town Council

1st July 2025

Following the town council meeting held on Wednesday 25th June 2025 it was proposed and agreed that I write with a letter of support for the above application.

Millom Town Council would like to give their full support for the above application which is part of the Millom /Town Deal Programme. Millom Town Council believe that this is a golden opportunity to deliver regeneration for Millom and Haverigg. The project will provide better access to the coastline and landscape and celebrate our area natural and industrial heritage.

Millom Town Council have been briefed regularly on the progress of all the projects within the Town Deal especially the Iron Line and have noted the hard work it has taken to bring these projects within budget.

Millom Town Council feel that the newly improved visitor centre with improvements made to walking and cycling routes will provide benefits to all the local residents as well as bringing in visitors to the area. The Iron Line project will improve quality of life and create new opportunities for with its wider economic, environmental and social gains encouraging better health and well-being for all users.

Millom Town Council would like the Planning Authority to take into consideration Millom Town Council's comments to support this application which will make it a reality for Millom.

29th January 2026

I am writing in response to the re-consultation on additional amended information submitted in relation to the above planning application.

I wish to confirm Millom Town Council's support for the amended proposals relating specifically to the Visitor Centre with café/shop. The visitor centre element appears to be a positive addition, with the potential to provide community benefit, support local tourism, and enhance understanding and appreciation of the Iron Line and its heritage.

However, I would like to note that the re-consultation includes a large number of attachments and technical documents relating to wider amendments to the Iron Line project. Due to the volume and complexity of this material, and as a non-specialist, Millom Town Council do not feel able to fully understand or meaningfully comment on all aspects of those amendments.

For this reason, my comments and support should be taken as applying only to the visitor centre amendments, and not to the wider Iron Line proposals or technical changes included within the re-consultation documentation.

However, having reviewed the reconsultation documents, the Council confirms that the additional information does not alter its previously submitted comments. The Town Council remains fully supportive of the Iron Line project and continues to endorse the proposals as an important enhancement for the local area.

Cumberland Council – Highway Authority & Lead Local Flood Authority

22nd July 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Local Highway Authority response:

The LHA has had extensive discussions with the designers as part of the previous application 4/23/2249/0F1 in 2023 and also during 2024 and 2025 as part of the pre-app discussions for the current application. The LHA raised several concerns about the initial proposals and sought additional details on how these would be addressed. This current version of the scheme addresses all these points as set out below with additional comments by the LHA:

1. Financial contributions were requested for potential TROs on Mainsgate Road and the monitoring of the travel plan. It is understood that the concerns regarding Mainsgate Road are to be addressed by the Connecting Millom and Haverigg project. As the Council is the applicant, it is not possible for an S106 agreement to be entered into;
 - The LHA are satisfied with this approach and resolution.
2. Some comments, such as surfacing the BOAT with macadam, segregated cycleways, and wider paths are unviable for several reasons, including that it is no longer proposed to change the width of the BOAT, the impact on habitat and the character of Hodbarrow, vehicle speeds, BNG, and the availability of space;

- The LHA and Countryside Access team accept this reasoning and accept that there will be some compromises necessary in the design to meet the various objectives taking into account the site and legal constraints.
3. The lack of segregation has instead been addressed by the proposed TRO to restrict most motor vehicles from using the BOAT;
- This is acceptable to the LHA
4. Comments, such as tramper turning, are matters for the detailed design stage; and the ramp to the Visitor Centre and tramway detailing, do not apply to the updated proposals.
- These points are acknowledged and the LHA will make recommendations for further details to be submitted for approval at the detailed stage.

Vehicle Parking

I note the 18 car park spaces near the Mainsgate Road access and a further 63 at the visitor centre with further coach and car parking across the wider site totalling 81 spaces.

There is no directly relevant parking standard in the CDDG for a development such as this and therefore it is difficult to determine the necessary number to prevent overflowing and possible parking on the highway. However, the TRICS analysis in the TA shows that the maximum occupancy will be about 55%. The provision is therefore considered robust and allows for significant variance in peak visitor flows which would cover any events and Bank Holidays.

Accessibility

The visitor centre has suitable blue-badge parking spaces sited near to the main entrance. The link path features a series of zigzags to provide a suitable gradient for wheelers. However, there are some areas where additional blue-badge holder parking may be beneficial. See the Active Travel comments below.

Trips and Impact on the Highway Network

The TA uses two methodologies for calculating trips. In the worst-case scenario for the AM peak, Methodology 1 gives an increase of nine 2-way trips in the peak hours in the peak month, and Methodology 2 gives an increase of 34. With the multitude of accesses and parking areas, by the time distribution has been factored in, the LHA agree that this is a minor increase and will not have a material impact on the local highway network.

Also, the peak traffic for this attraction / development does not coincide with normal peak traffic hours. There are no junctions at or near capacity that require further modelling.

Travel Plan

The Interim Travel Plan shows that the site is reasonably accessible by walking, cycling and public transport modes for this type of attraction / facility.

As series of measures and initiatives are proposed to encourage active and sustainable travel and reduce single occupancy.

The range of initiatives is comprehensive, it is considered that they will provide the necessary incentives, confidence and awareness of the travel options to contribute to modal shift.

I note the proposal to carry out a baseline travel habit survey 3 months after first occupancy. The full TP will need to set targets (short, medium and long-term). These requirements will be conditioned.

However, there is a lack of consistency and some discrepancies between the Visitor Management Plan, Transport Assessment and Interim Travel Plan. This includes car parking provision figures quoted paragraph 3.8 of the Visitor Management Plan and paragraph 3.4.5 of the Transport Assessment. Cycle parking is not covered in the Visitor Management Plan but there is potential for it to be picked up as part of action 10 in table 2 of the Visitor Management Plan.

The applicant is requested to update the Visitor Management Plan in line with the Transport Assessment. And also ensure consistency between the Interim Travel Plan and Visitor Management Plan.

Active Travel Comments (Pedestrian and Cycle Access & Cycle Parking)

Cycle Parking

There is suitable cycle parking area provided very near the main entrance to the visitor centre building and other parking totalling 46 spaces across the wider site. However, assumptions for cycle parking have been based on trip rate rather than LTN 1/20 – Cycle Infrastructure Design. In relation to the visitor centre cycle parking, the applicant should also calculate cycle parking figures using table 11.1 in chapter 11 of LTN 1/20. It is likely cycle trips will be seasonal with a bias towards weekends and holiday periods. As the café is a leisure destination there is still a risk of under provision using the estimating methods.

The applicant is advised to design the cycle parking area with flexibility to expand to meet demand.

Mainsgate Road Entrance (Drawing 1200)

I note the access road is 4.8m wide with 1.5m wide footway. Whilst the footway width is narrower than the desirable minimum (1.8m wide) but this is not the most desirable pedestrian route to the visitor centre. The signed pedestrian route from Mainsgate Road will be via the traffic free footpath link. The road width is also at it's practical minimum at 4.8m which allows an HGV and car to pass at low speed. Taking into account the width constraints of the road corridor, the proposal is acceptable.

I note there are passing places at strategic intervals which will allow for the rare occasion two refuse vehicles will need to pass each other.

Further details will be required to be submitted for approval at the detailed planning stage.

The onward route for cyclists arriving to the site via the proposed shared use path (delivered under a separate project) on the east side of Mainsgate Road is not so apparent however - the cycle route to the visitor centre appears to be via the main access road.

The applicant is requested to clarify pedestrian and cycle movements at the entrance and if this 'footway' leading to the visitor centre is shared use – pedestrian and cycle route or part of carriageway.

Hodbarrow Car Park (Drawing 1201)

Pedestrians, cyclists and wheelers are routed to the rear of the car parking bays. This creates a collision risk. There is also a risk of informal parking in the hatched area shown opposite the parking bays on the general arrangement drawing for the car park. The purpose of this hatched area is unclear.

The applicant is advised to revise layout to segregate pedestrians and cyclists from the car parking area. The lack of disabled parking makes the car park less accessible for wheeling – particularly wheelchair users.

Visitor Centre (Drawings 1202 and 1203)

The path from the coach parking / drop off area to the visitor centre involves two crossings of the carriageway. People follow the north side of the carriageway, then cross to the south side and follow this before crossing to the north side and heading northwards to the visitor centre. This is off the desire line, people staying on the north side of the carriageway. Layout of paths at the visitor centre would benefit from revision.

The applicant is advised to review and re-align the path to the north of the carriageway if practicable. This will protect vulnerable groups who arrive by coach including school groups and groups with disabilities.

The applicant is encouraged to review the path width to ensure it is wide enough for groups to move comfortably between coach park and path to visitor centre.

The applicant is encouraged to review the coach parking area to ensure it is suitable for use by minibuses and coaches with disabled visitors. Layout changes would also be required if public transport bus service was to use the site. The current layout also lacks detail on capacity – where and how many coaches can be accommodated. The applicant is encouraged to design for potential expansion.

The applicant is encouraged to review the circulation areas either side of the crossing to the south of the visitor centre. Provision should cater for groups waiting to cross the carriageway.

The applicant is requested to clarify the surfacing detail of the raised steel walkway north of the crossing. Image 5 on page 43 of the Design and Access Statement suggest a metal grid structure. This has the potential to be a barrier to wheeling and so accessibility for wheelchair users / people with buggies or prams.

Cycle parking at the visitor centre is proposed to be adjacent to the main entrance to the centre itself. The location is in line with paragraph 11.2.3 of LTN 1/20. Whilst the location is welcomed the current layout requires cyclists to access / egress via the car park. This exposes cyclist to risk of collision from reversing vehicles. The applicant is advised to review the access routes for cyclists to the cycle parking. When considering this the applicant is advised to consider the needs of adaptive cycles and disabled cyclists. Chapter 11 of LTN 1/20 provides information on disabled cycle parking and Chapter 5 provides information on the geometric requirements of bicycles.

Images of Sheffield type stands on page 65 in Section 5 of the Design and Access Statement indicate the stands have angles. The applicant should consider potential risk of damage to cycles when selecting the design – paint and suspension fork coatings being scratched / scraped.

Iron Line Entrance (Drawing 1204)

Care needs to be taken with design of threshold feature to ensure it does not impact on wheelers, especially wheelchair users and people with buggies or prams.

Iron Line Railway Pass (Drawing 1205)

Diagonal features seek to emulate a tram track and present a hazard to cyclists as there is a risk of the front wheel skidding causing the cyclist to veer or come off their cycle. Paragraphs 6.6.16 to 6.6.19 of LTN 1/20 provide further information. Rule 306 of the Highway Code recommends cyclist take particular care when crossing tram tracks at a shallow angle. LTN 1/20 designs for cycle crossings on tram tracks should be at least 60 degrees and definitely no less than 45 degrees. Given the 'tracks' are being inserted into an existing route it is the tracks that need to move.

The applicant is strongly advised to re-design or remove these features as they present a hazard to cyclists.

Coal Pit Hyde (Drawing 1206)

Cycle parking provision would not be accessible to adaptive cycles.

The applicant is advised to review the arrangement of the cycle parking and potential for increasing the area of surfacing adjacent to the outermost stands. LTN 1/20 provides further guidance on cycle parking provision.

White Rock Junction (Drawing 1207)

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Inclusion of cycle parking is welcomed.

The applicant may want to consider relocating the cycle parking to the sides of the visitor infrastructure to allow more usable space around the seating area. This would also allow people to access the parking whilst not disturbing people at seating. The cycle parking also appears to serve the Towley Windmill, there may need to be a modest increase in provision.

Towley Windmill (Drawing 1208)

No comments

Hodbarrow Beacon (Drawing 1209)

The applicant could consider the addition of one or two Sheffield type stands to allow people to park their cycles and walk to the beacon.

Annie Lowther Hide (Drawing 1210)

Provision of cycle parking is welcomed.

Sea Wall (Typical arrangement) (Drawing 1211)

The proposed traffic regulation order is welcomed.

Haverigg Lighthouse (Drawing 2012)

The current alignment and proposed cycle parking creates a potential conflict point between cyclists using parking and pedestrian movements to and from lighthouse. Moreover, it seems only the northern side of the Sheffield stand would be usable whereas four stands would normally allow for 8 cycles.

The applicant is encouraged to review the location of the cycle parking. It is suggested consideration is given to moving parking to either side of the lighthouse public realm area.

Countryside Access Comments

We are fully supportive of the Iron Line application which seeks to improve the access opportunities within and to Hodbarrow by upgrading the surfacing and infrastructure along the Public Right of Way network, the King Charles III England Coast Path and the informal network of desire lines within the site.

Public Right of Way Network

In terms of the Public Right of Way Network, the application proposes placing a Traffic Regulation Order on the BOAT (Byway Open to All Traffic) and putting measures in place to control vehicular access.

The BOAT as described in the application is made up of 5 separate public rights of way FP 415023, FP 415032, Part of FP 415016, FP 415024, FP 415009.

Public Footpath FP 415016 – links the BOAT to the wider PROW Network and KCIII ECP.

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Given the scale of the proposed works, we would anticipate that a Temporary Closure would be required to be put in place for phases of the works. We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Ways shown on the Definitive Map and Statement.
- The Public Rights of Way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order is made to temporarily close them has been confirmed.

The King Charles III England Coast Path

The King Charles III England Coast Path is a National Trail established under the Marine and Coastal Access Act 2009 to improve access to the English coast.

Coastal access rights on the 11.5-mile section between Silecroft to Green Road Railway Station came into force on Wednesday 9 February 2022, by order of the Secretary of State.

There is a degree of dubiety in the information submitted in relation to the location and referencing of the KCIII England Coast Path. In the Design & Access Statement

- the map on page 41 shows a section of the KCII ECP following the line of the BOAT which is incorrect.
- the Sea Wall Byway cross section on P47 refers to it as a desire line

In the Planning Statement on Page 5 - Site Description – 2.15 suggests that the BOAT is included within the England Coast Path which is incorrect.

We would clarify that the KCIII ECP is on a separate path which runs parallel to BOAT (415023) on its seaward side. The map on page 46 of the Design & Access Statement shows the correct alignment of both the KCIII ECP and the BOAT.

Design & Access Statement

- Movement Surface – materials

We welcome the choice of materials proposed for BOAT, primary and secondary paths. However, we do have reservations in relation to the use of a raised steel walkway on the primary route leading to the Visitors Centre and would ask the applicant to supply a detailed drawing / specification for the item of infrastructure to enable us to assess the suitability of the item. This can be conditioned.

- Landmarks & Key Spaces Towsey Hole Windmill

To enable us to assess if the proposed works would obstruct the recorded line of FP 415016 shown on the Definitive Map and Statement, *the applicant should provide a geo-referenced pdf for the area between the BOAT & Towsey Hole showing the lines of the FP 414016.* The LHA require this information to review at this stage to ensure the proposal does not obstruct the line of the PROW.

- Enriching the Landscape Furniture and Signage Strategy

We welcome the proposal to add new furniture and signage to the site but in the interest of sustainability would suggest that the design any new furniture that is installed needs to be easy to maintain and cost effective to replace.

Any new furniture and signage should conform with advice set out in the [Outdoor Accessibility Guidance, formerly Countryside for All, by Sensory Trust and Paths for All](#) good practice and the Equality Act 2010.

The A1 information board on the KCIII ECP next to Haverigg Gateway must be retained to comply with the terms and conditions of the grant received by Cumberland Council for the establishment of the KCIII ECP.

Furniture and Signage & Barriers typology

The British Standard for Gates, Gaps & Stile (BS 5709:2018) and least restrictive option principles must be adhered to in the design and siting of any furniture.

Arrival Gateway – the design & location of these features needs to be carefully considered so they do not obstruct user's rights to use routes within the site. The recommended clearance height for a horse and rider is 3.75m.

To ensure that any new signage is consistent with our needs for the Public Right of Way Network and the King Charles III England Coast Path we ask to be consulted in the design and siting of it.

Any new signage relating to the KCIII ECP must incorporate the National Trail Logo and to ensure consistency must conform with the designs used along the KCIII ECP which have been approved by Natural England.

Visitor and Access Management Plan

We support the short- and medium-term actions, key conclusions and recommendations outlined in the Visitor and Access Management Plan. However, the documents focus is primarily on visitor management.

To ensure that the site can be sustainably maintained to a quality standard we would stress the need for a more comprehensive management plan for the site which provides indicative costing for the short to medium term maintenance of it.

Advisory Planning Statement

We would suggest that the application is also consistent with National Planning Policy Framework – paragraph 105 -

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

185. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

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d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast .

LHA Conclusion

We are unable to make a full assessment at present and require further information as follows:

- A geo-referenced pdf for the area between the BOAT & Towsey Hole showing the lines of the FP 414016
- Clarifications / comments / design revisions to address the various Highways and Active Travel Comments

We welcome direct discussion with the applicant to resolve these matters.

Lead Local Flood Authority response:

Flood Risk Assessment

Having reviewed the FRA I note that the non-residential Visitor Centre development is located in Flood Zone 1, and therefore at very low risk from all sources of flooding.

The other elements of the proposed development are considered to be 'Water Compatible' and therefore are appropriate within all Flood Zone 2 and 3 within the site.

The only risk of flooding is tidal, and therefore the suitability, mitigation measures, finished floor levels and evacuation plan is a matter for the Environment Agency.

Surface Water Drainage Strategy

The LLFA has had extensive discussions with the applicant as part of the previous application 4/23/2249/0F1 in 2023 and also during 2024 and 2025 as part of the pre-app discussions for the current application. The LLFA is satisfied that the NSTS methodology and design standards has been followed as follows (note this only applies to the visitor centre building and car park areas, the other areas of the scheme do not need a Surface Water Drainage Strategy):

- The potential for infiltration is limited by ground conditions, the site is made ground and infiltration is deemed unsuitable due to the contamination risk.
- The site naturally falls towards Red Hills Quarry and the proposed strategy mimics this.
- The proposed controlled discharge is to greenfield rates utilising suitable attenuation.
- I note that the connection to the quarry pond will be via a newly drain or open channel/swale adjacent to the access road. The developer should explore every opportunity to utilise open water features such as swales over pipes in the detailed design.

- Flows from the Visitor Centre access road/aisles require two stages of treatment. This will be provided by sediment traps / filter drains followed by a proprietary treatment system. Other methods of initial treatment include the use of Trapped Gullies and Catchpit chambers may be used to filter out high volumes of sediment and aid maintenance. The final design shall be submitted for review and approval by the LLFA. This requirement will be conditioned.
- Permeable paving/ filter drain and an interceptor are proposed as a final stage of treatment for the contributing catchment.
- Runoff from roofs can be effectively treated by frequent sediment traps.

I note that details such as final exceedance routes and the management / maintenance plan have not been submitted. However, with the details and evidence provided I am satisfied that a suitable exceedance route can be included and these other details can be resolved at the detailed design stage.

Conclusion:

The LLFA has no objection in principle to the proposed surface water drainage strategy but recommends the following condition is included in any consent granted: submission of a surface water drainage scheme, and a construction surface water management plan.

15th January 2026

I have reviewed the various updated / revised documents (Oct / Nov / Dec 2025) and the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows. Please note that I have repeated the outstanding observations and recommendations from my previous response with an updated response.

Local Highway Authority response:

Travel Plan/ Visitor Management Plan

The Visitor Management Plan has been updated / appended with the necessary information to make it consistent with the Travel Plan.

Both documents are acceptable to the LHA.

Active Travel Comments (Pedestrian and Cycle Access & Cycle Parking)

Cycle Parking

The applicant has revised the cycle parking provision in line with my previous comments to deliver the required spaces with flexibility to expand to meet demand.

This element is now acceptable to the LHA.

Mainsgate Road Entrance (Drawing 1200)

The applicant has clarified the pedestrian and cycle movements at the entrance and routes to the visitor centre. It is clear that the footway is not a shared-use facility and

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that the cycle route to the VC is via the road. In the detailed design (DoC), attention should be given to the layout of bollards, fences / barriers etc at the end of the car park to prevent vehicles driving around the row of bollards and accessing the BOAT.

This proposal is acceptable to the LHA, subject to the proposed conditions.

Hodbarrow Car Park (Drawing 1201)

Pedestrians, cyclists and wheelers are routed to the rear of the car parking bays. I note there are proposals to include signs advising reverse parking to mitigate the risk. I understand that the hatched area provides the necessary 6m to allow for car reversing / manoeuvring. It may be necessary to remove the hatched markings on the ground to deter parking in this area or erect signs stating no parking. This matter can be finalised through the DoC detailed design.

The LHA have no objection to this layout now.

Visitor Centre (Drawings 1202 and 1203)

The applicant has

- re-aligned the path to the north of the carriageway
- reviewed the coach parking area to ensure it is suitable for use by minibuses and coaches with disabled visitors.
- provided detail of the raised steel walkway
- provided a car free route to the cycle parking area near the entrance

All outstanding queries and concerns raised on these drawings have been addressed to the satisfaction of the LHA.

Iron Line Entrance (Drawing 1204)

There is no change to the materials or layout but there is no reason why the threshold between the stone/dust surface and concrete plinth should be a problem if attention to detail and construction methods / workmanship is managed appropriately.

Iron Line Railway Pass (Drawing 1205)

The tracks have been realigned to between 45 and 60 degrees as advised and since the track features are completely flush consisting of corten steel and concrete either side it is considered very unlikely that these will now present a hazard to wheeled traffic.

The LHA has no objection to the redesigned features.

Coal Pit Hyde (Drawing 1206)

Adaptive cycle parking provision has been provided as recommended.

White Rock Junction (Drawing 1207)

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The cycle parking has been repositioned as suggested. The LHA have no objections to this revised layout.

Haverigg Lighthouse (Drawing 2012)

The area surrounding the cycle stands is flush so there is scope to use both sides of them. No objection to the revised design.

Countryside Access Comments

We are fully supportive of the Iron Line application which seeks to improve the access opportunities within and to Hodbarrow by upgrading the surfacing and infrastructure along the Public Right of Way network, the King Charles III England Coast Path and the informal network of desire lines within the site.

Public Right of Way Network

In terms of the Public Right of Way Network, the application proposes placing a Traffic Regulation Order on the BOAT (Byway Open to All Traffic) and putting measures in place to control vehicular access.

The BOAT as described in the application is made up of 5 separate public rights of way FP 415023, FP 415032, Part of FP 415016, FP 415024, FP 415009.

Public Footpath FP 415016 – links the BOAT to the wider PROW Network and KCIII ECP.

Given the scale of the proposed works, we would anticipate that a Temporary Closure would be required to be put in place for phases of the works. We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Ways shown on the Definitive Map and Statement.
- The Public Rights of Way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order is made to temporarily close them has been confirmed.

Boat Entrance 289 LYR- XX-ZZ-DWG-L-6006

The gap between each of the bollards does not comply with the British Standard for Gates, Gaps & Stiles (BS 5709:2018), the Equality Act 2010 and the advice set out in the [Outdoor Accessibility Guidance](#).

Sufficient space must be provided between each of the bollards to ensure that the BOAT is fully accessible for all potential users. (a minimum of 1.5m clear gap between bollards is required). Note, all bollards on the BOAT must be at least 1m high (including the removable ones) . Also, bollards and barriers should contrast with the background and should be fitted with retroreflective material to ensure they can easily be seen in all conditions.

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However, if the Traffic Regulation Order is unsuccessful it should be noted that no barriers can be placed on the BOAT to control access to it.

The King Charles III England Coast Path

The King Charles III England Coast Path is a National Trail established under the Marine and Coastal Access Act 2009 to improve access to the English coast. Coastal access rights on the 11.5-mile section between Silecroft to Green Road Railway Station came into force on Wednesday 9 February 2022, by order of the Secretary of State.

There are some inconsistencies and inaccuracies in the information submitted in relation to the location and referencing of the KCIII England Coast Path as described below. These should be corrected in any revised versions of the documents. These are not, however, not a reason to recommend refusal.

In the Design & Access Statement:

- the map on page 41 shows a section of the KCII ECP following the line of the BOAT which is incorrect.
- the Sea Wall By Way cross section on P47 refers to it as a desire line

In the Planning Statement on Page 5

- Site Description – 2.15 suggests that the BOAT is included within the England CoastPath which is incorrect.

We would clarify that the KCIII ECP is on a separate path which runs parallel to BOAT (415023) on its seaward side. The map on page 46 of the Design & Access Statement shows the correct alignment of both the KCIII ECP and the BOAT.

Design & Access Statement

Movement Surface – materials

We welcome the choice of materials proposed for BOAT, primary, secondary paths and also the details of the raised steel walkway on the primary route leading to the Visitors Centre. However, we would ask the applicant to supply a detailed drawing / specification of the footpath / cycleways in the DoC

Landmarks & Key Spaces Towsey Hole Windmill

The additional information provided shows the proposal for Towsey Hole Windmill will not obstruct FP 415016.

Enriching the Landscape Furniture and Signage Strategy

We welcome the proposal to add new furniture and signage to the site but in the interest of sustainability would suggest that the design any new furniture that is installed needs to be easy to maintain and cost effective to replace.

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Any new furniture and signage should conform with advice set out in the [Outdoor Accessibility Guidance, formerly Countryside for All, by Sensory Trust and Paths for All](#) good practice and the Equality Act 2010.

The A1 information board on the KCIII ECP next to Haverigg Gateway must be retained to comply with the terms and conditions of the grant received by Cumberland Council for the establishment of the KCIII ECP.

Furniture, Signage & Barriers

The British Standard for Gates, Gaps & Stile (BS 5709:2018) and least restrictive option principles must be adhered to in the design and siting of any furniture.

Arrival Gateway – the design & location of these features needs to be carefully considered so they do not obstruct user’s rights to use routes within the site. The recommended clearance height for a horse and rider is 3.75m.

To ensure that any new signage is consistent with our needs for the Public Right of Way Network and the King Charles III England Coast Path we ask to be consulted in the design and siting of it.

Any new signage relating to the KCIII ECP must incorporate the National Trail Logo and to ensure consistency must conform with the designs used along the KCIII ECP which have been approved by Natural England.

Visitor and Access Management Plan

We support the short- and medium-term actions, key conclusions and recommendations outlined in the Visitor and Access Management Plan. However, the documents focus is primarily on visitor management.

To ensure that the site can be sustainably maintained to a quality standard we would stress the need for a more comprehensive management plan for the site which provides indicative costing for the short to medium term maintenance of it.

Advisory Planning Statements

We would suggest that the application is also consistent with National Planning Policy Framework – paragraph 105 -

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

185. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

Informative Statement - Public Right of Way Network

In terms of the wider application, we would advise that:

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The granting of planning permission would not give the applicant the right to block or obstruct the Public Rights of Way as shown on the Definitive Map and Statement. The Public Rights of Way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order is made to divert, stop up or to temporarily close them has been confirmed.

LHA Conclusion

We have no objections to the proposal but would recommend the following conditions are included in any consent: detail of carriageway, car parking, footways, footpaths, cycleways - including features and street furniture such as walkways, bollards, cycle-stands and the like, and details of signage.

Lead Local Flood Authority response:

Flood Risk Assessment

Having reviewed the FRA I note that the non-residential Visitor Centre development is located in Flood Zone 1, and therefore at very low risk from all sources of flooding.

The other elements of the proposed development are considered to be 'Water Compatible' and therefore are appropriate within all Flood Zone 2 and 3 within the site.

The only risk of flooding is tidal, and therefore the suitability, mitigation measures, finished floor levels and evacuation plan is a matter for the Environment Agency.

Surface Water Drainage Strategy - (with outfall to the lagoon)

The LLFA has had extensive discussions with the applicant as part of the previous application 4/23/2249/0F1 in 2023 and also during 2024 and 2025 as part of the pre-app discussions for the current application. The LLFA is satisfied that the NSTS methodology and design standards has been followed as follows (note this only applies to the visitor centre building and car park areas, the other areas of the scheme do not need a Surface Water Drainage Strategy):

- The potential for infiltration is limited by ground conditions, the site is made ground and infiltration is deemed unsuitable due to the contamination risk.
- The majority of the site naturally falls towards Red Hills Quarry but it has proved not possible to drain to this receptor. Instead, with the proposed strategy, surface water drains to the lagoon (via gravity). Whilst this in theory drains rainfall from one small catchments to another, I am satisfied that in reality there is no increase in flood risk to any property presented by this proposal.
- The proposed controlled discharge is to greenfield rates utilising suitable attenuation.
- The appropriate Climate Change factor of 35% (for a 60 year life) has been applied to the rainfall events.

- Flows from the Visitor Centre access road/aisles require two stages of treatment. This will be provided by sediment traps / filter drains followed by a proprietary treatment (Downstream Defender) system. Other methods of initial treatment include the use of Trapped Gullies and Catchpit chambers may be used to filter out high volumes of sediment and aid maintenance. The final design shall be submitted for review and approval by the LLFA. This requirement will be conditioned.
- Permeable paving/ filter drain and an interceptor are proposed as a final stage of treatment for the contributing catchment.

Operation & Maintenance Manual

The O&M Manual contains the necessary provisions to ensure the system continues to operate as designed.

I note that details such as final exceedance routes have not been submitted at this time. However, with the details and evidence provided I am satisfied that a suitable exceedance route can be included and these other details can be resolved at the detailed design stage.

Conclusion:

The LLFA has no objection in principle to the proposed surface water drainage strategy but recommends the following condition is included in any consent granted: details of a surface water drainage scheme, and a construction surface water management plan.

Environment Agency

15th July 2025

Environment Agency position

We have no objections to the development as proposed, however we do wish to make the following comments and request that the conditions stated below are included within any subsequent planning approval:-

Groundwater and Contaminated Land

We have reviewed the following reports:

- Report titled 'Phase 1 Preliminary Risk Assessment', prepared by Curtins Limited (referenced: 080874-CUR-00-XX-RP-GE-001, Revision P03; dated: 8th April 2025)
- Report titled 'Remediation Strategy', prepared by Curtins Limited (referenced: 080874-CUR-XX-XX-T-GE-00008, Revision P02; dated: 08 April 2025)
- Report titled 'Phase 2 Ground Investigation Report The Iron Line, Millom (Zones 3-10)', prepared by Curtins Limited (referenced: 080874-CUR-XX-XX-T-GE-00007, Revision P02; dated: 08 April 2025)

- Report titled 'Phase 2 Ground Investigation Report, The Iron Line, Millom (Visitors Centre)', prepared by Curtins Limited (referenced: 080874-CUR-XX-XX-RP-GE-00006, Revision P03; dated: 08 April 2025)

The Phase 1 Preliminary Report highlights the previous iron mine extractive industry and landfill. The former Redhills County Council landfill and Civic Amenity site is adjacent to the Northeastern boundary of the site. Redhills landfill received 75000 tonnes/year of difficult waste, sludges, Special waste, household, commercial and industrial wastes. The Resolution was surrendered in 1994. The report refers to the presence of fill material containing waste, overburden from quarrying and slag on the development site and outside the permitted landfill area. This material is therefore likely to pre-date regulatory control under Control of Pollution Act 1974 landfill and should have limited pollution potential. Made ground comprising overburden from mineral extraction should offer no additional contamination from background levels. However, slag is present and there was an iron and brass foundry operating from 1924-1968.

Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer. The shallow ground investigation did not encounter groundwater and given the absence of groundwater or leachate sample test results, it is not possible to determine risk to water quality. Test results also highlighted high total lead concentrations. The investigations and remediation strategy have addressed human health concerns. There is no evidential sampling to ascertain risk to water quality.

Therefore, it is recommended further testing is undertaken to address the risk to Controlled Waters from soluble contaminants. Further detailed information will be required to supplement the Ground Investigation and Remediation Strategy submitted with the application before built development is undertaken.

We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

30th October 2025

In our previous response referenced NO/2025/116875/01-L01 and dated 15 July, we had no objections to the development as proposed, however we did request the inclusion of conditions on any subsequent planning approval.

We have now received and reviewed the following supporting documents in relation to our 3-part contaminated land condition:-

- 'Phase 2 Ground Investigation Report', prepared by Curtins Consulting Ltd (referenced: 080874-CUR-XX-XX-RP-GE-00006, Revision P04; dated: 5 September 2025)
- 'Remediation Strategy', prepared by Curtins Consulting Ltd (referenced: 080874- CUR-XX-XX-T-GE-00008, Revision P03; dated; 01 October 2025)
- 'Piling Risk Assessment', prepared by Curtins Consulting Ltd (referenced: 080874-CUR-XX-XX-T-GE-00010, Revision P01; dated 09 October 2025)

Environment Agency position:

In light of the information submitted above, we are satisfied that our previous 3-part condition on contaminated land can be removed, and we would offer the following comments:-

The request for soil leaching tests and analysis of shallow groundwater to include organic substances and metals as per the previous consultation, has not been provided.

However, further ground investigation has been undertaken with the objective of retrieving geotechnical mining data. Fortunately, this information has also been useful to assess hydrogeological risk. The cable percussion borehole drilled in July has logged substantial low permeability till deposits that afford an acceptable degree of protection from the uncertainty of soluble metal and organic contaminants in soils and shallow groundwater from entering the Secondary A aquifer. In addition, there is no evidence of unacceptable contamination in the groundwater sample.

The Piling Risk Assessment October 2025 has addressed potential concerns to groundwater quality. Therefore, the piling operations are unlikely to cause unacceptable risk to water quality.

The supplementary information and revised assessment demonstrate that development of the site can be managed with low risk to the water quality environment and we can therefore remove our previously requested contaminated land condition.

Additional comments

Please refer to our previous response dated 15 July 2025 for all other informative comments, and our condition relating to Fisheries, Biodiversity and Geomorphology, which still applies.

31st December 2025

Environment Agency position

In our initial response dated 15 July 2025 (ref: NO/2025/116875/01-L01), we recommended 2 planning conditions relating to:

- Groundwater and Contaminated Land, and
- Fisheries, Biodiversity and Geomorphology.

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The condition relating to Groundwater and Contaminated Land was subsequently withdrawn in our response dated 30 October 2025 (ref: NO/2025/116875/02-L01).

The current re-consultation includes the following additional documents, which we have reviewed:

- Construction Environmental Management Plan,
- Landscape and Ecological Management Plan,
- Habitat Management and Monitoring Plan

Having considered the submitted information, we are satisfied that our remaining concerns have been addressed and sufficiently resolved. We therefore confirm that the condition relating to Fisheries, Biodiversity and Geomorphology is no longer required.

United Utilities

5th August 2025

Following our review of the submitted Drainage Strategy Report (ref 081617-CUR-ZZ-ZZ-T-C-92002, Revision P03, dated 07 April 2025), the drainage proposals are not acceptable to United Utilities. This is because the surface water proposals appear to be taking a catchment that was previously naturally draining to the lagoon to the quarry. This is consistent with our responses to 4/23/2249/0F1. This would then increase the flows into the quarry and likely to the United Utilities outlet pipe downstream, which may affect any permits with the Environment Agency. We therefore advise co-ordination as per responses to 4/23/2249/0F1. This should be considered further the applicant in the submission. It may be worth investigation the option of discharging surface water to a different water body, such as the water body to the east of the site along the border of the two fields.

20th January 2026

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice: drainage to be carried out in accordance with approved details, and details of sustainable drainage management and maintenance plan.

Cumberland Council - Flood and Coastal Defence Engineer

9th July 2025

I need to just set the strategic context of the Shoreline Management Plan and Cumbria Coastal Strategy with regards to this application.

I did make comments on the original and send them to Shamus Giles for inclusion in the LLFA response, but don't believe these were ever sent in.

Below is what I had commented:

SHORELINE MANAGEMENT PLAN POLICY

The Shoreline Management Plan (SMP) needs to be considered in respect of the proposed development and how the policies may impact on the development in the long term. The second generation SMP was adopted by Copeland Council in 2010 and set out the preferred coastal defence policy for each section of the coast over three epochs, these being the short (0-20 years), medium (20-50 years) and long (50-100 years) terms.

Haverigg Outer Barrier, which forms part of the development site was constructed over 100 years ago to allow mining, following the failure of the original defence, the remnants of which are still visible in the lagoon. It is considered however, that without it, parts of south Millom would be at risk of tidal flooding. Haverigg Outer Barrier itself is a defined section of coast in the SMP, being Policy Unit 11D1.1, with policies over the three epochs of "Hold the Line", followed by "Managed Realignment" and then "Hold the Line" again.

What this means is that the intention of the SMP is to continue to maintain Haverigg Outer Barrier for the first 20 years, then if it is not affordable to continue to maintain the structure, at some stage in the next 30 years, build a new structure at a setback location, then continue to maintain the new structure through the remainder of the period of the SMP.

Realistically, the SMP is based on the assumption that funding would be available to deliver policies, but at the time of inception it was accepted that in many locations the economics would not attract the funding required.

The latest coastal defence inspection of Haverigg Outer Barrier was undertaken on 3rd October 2022 and the condition was assessed as fair, meaning that there were defects that could affect the performance of the structure.

To date, no maintenance of Haverigg Outer Barrier has been undertaken by the Council, or to the Council's knowledge in recent years, but should maintenance be required it could be technically difficult to undertake and is likely to be expensive. With regards to the SMP policy of Managed Realignment in the second epoch, funding for this is expected to be heading towards £20m in conjunction with new defence, as stated below (2020 prices from Cumbria Coastal Strategy) and although Government funding would be available, a significant amount of the funding would need to be found locally. An additional difficulty, would be providing compensatory habitat from the freshwater lagoon, which based on current requirements, would require an area of three times the size of the existing lagoon.

The coastal frontages adjacent to Haverigg Outer Barrier, which may impact on the proposed development are Haverigg to the west, Policy Unit 11D1.2, with a policy of "Hold the Line" for all epochs, and Hodbarrow Mains, with policies of "No Active Intervention", "Managed Realignment" and "Hold the Line" over the three

epochs. For Hodbarrow Mains, this means allowing the coast to evolve naturally, then when flood risk to Millom justifies intervention, construct new setback flood embankments and then continue to maintain them. This would most likely be in conjunction with the setback defence to replace Haverigg Outer Barrier.

In terms of coastal management in this area, is the current SMP policies will likely continue for the foreseeable future, beyond the end of the current epoch and most likely well into, or even beyond the third epoch, due to the cost of implementing the policy changes and the likelihood that the risk will not increase rapidly over time.

I haven't updated my comments since then and I've had no further coastal defence inspection reports since, although it is unlikely that there will have been any change.

7th October 2025

I can confirm that I have no additional comments.

Ecology Consultant – Tetra Tech

1st October 2025

The project is located at Land at Hodbarrow Nature Reserve, Millom, LA18 4JY. Planning application reference is 4/25/2198/0F1.

The Proposed Development is for the following:

- Erection of visitor centre with café / shop, group room, staff / volunteer, toilet facilities and car park;
- Consolidation, repair and installation of interpretive sculpture to Towsey Hole Windmill;
- Refurbishment of existing Tern Hide; new bird hides / viewing screens, pathways, gateway features, street furniture and demarcation of spaces at existing car park;
- Enhancement of wildlife habitats; associated landscaping and drainage infrastructure and;
- Maintenance of byway with restricted vehicular access.

The applicant has provided the following documents:

- Design and Access Statement, April 2025 (2567_design and access statement)
- Preliminary Ecological Appraisal Report, December 2021 (preliminary_ecological_appraisal)
- Phase II Survey Report, May 2023 (ecology_phase_2_survey_report)
- Ecological Impact Assessment and Preliminary Ecological Appraisal Update Report, April 2025 (ecological_impact_assessment_and_pea_update)
- Biodiversity Net Gain (BNG) Assessment Report, July 2025 (553023lt03Jul25FV04_BNGA_Redacted)

- Biodiversity Net Gain (BNG) metric, July 2025 (553023lt01Jul25_V.23.07.2024)
- Shadow Habitats Regulation Assessment, April 2025 (shra.pdf)
- Shadow Habitat Regulations Assessment Appropriate Assessment Report, April 2025 (shadow_appropriate_assessment)
- Construction Environmental Management Plan, March 2023 (cemp_millom_online_redacted)
- Natural England Planning consultation response, November 2023 (ne_response_451621_-_iron_line_-_hodbarrow_4-23-2249-0f1)
- Site Masterplan, no date (1000_site_masterplan.pdf)
- Application Boundary, April 2025 (1001_application_boundary.pdf)
- Drawing Locator Key, April 2025 (1002_drawing_locator_key.pdf)
- RSPB SRP Works, April 2025 (1300_rspb_srp_works.pdf)
- External Lighting Strategy, April 2025 (external_lighting_strategy_statement.pdf)

On request of the Council, each of the above ecological reports and supporting documents have been reviewed and detailed feedback is provided below (numerically titled for ease of re-referral) by reference to their main topic of consideration.

1. *Shadow Habitats Regulations Assessment & Shadow Appropriate Assessment*

Currently, a firm conclusion cannot be drawn from the Shadow Habitats Regulation Assessment and Shadow Appropriate Assessment.

1.1 There is insufficient detail in the description of the projects to understand how the works will be undertaken. *Further detail/clarification is required showing location of works (specified on maps) and location of compound areas; and further detail / method statement for proposed activities and schedule of works.* Any activities included within the project description which are required for the management of the site and/or embedded mitigation should be clearly described. Any embedded mitigation should be sufficiently detailed to demonstrate effectiveness.

1.2 Stage 1: Screening

Habitats (SAC)	Surface water pollution and ground water pollution degrading habitats	As identified in the supporting information above, pollution to surface waters (limnic & terrestrial, marine & brackish), marine water pollution and pollution to groundwater (point sources and diffuse sources) is not listed as a pressure or threat for Annex 1 H2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) habitat. No other SAC habitats are predicted to be impacted from the Proposed Development. Considering the temporary nature and the relatively small scale of works proposed along the BOAT, it is considered unlikely that any contaminated runoff that may run onto SAC habitats during works would significantly impact the SAC estuary habitats. Nonetheless, a Construction Environmental Management Plan (CEMP) ³¹ is in place to mitigate pollution events such as increased dust deposition, nitrogen deposition, spill occurrences from machinery etc.	No LSE
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We do not agree with the above conclusion of 'No LSE' (Likely Significant Effect) taken from the Stage 1 screening, within the Shadow Habitats Regulation Assessment (2025), for the above impact pathway. A Stage 1: Screening

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Assessment can include threats and pressure, but it should not be limited to this. The provision of a CEMP to provide mitigation for the scheme would be mitigation and is not appropriate to be discussed at screening and requires consideration at Stage 2: Appropriate Assessment.

1.3 Stage 2: Appropriate Assessment (AA)

The Shadow Appropriate Assessment report shows two different areas for the visitor centre in Figures a1 and a3. *Clarification is required, ideally with areas of specific works and visitor centre to be depicted on maps / plans to enable a conclusion of adverse effect on the integrity of the Habitat Site for each impact pathway.*

Within the Shadow Appropriate Assessment conclusion, a finding of 'No LSE' occurring has been reached. It should be noted that consideration of LSE is the conclusion of the Stage 1: Screening Assessment only and is not the correct test to be undertaken at Stage 2: Appropriate Assessment (which must consider AESI). *The correct test must be used at Shadow Appropriate Assessment stage to allow the competent authority to reach a conclusion of no adverse effect on the integrity.*

Further details for the method of foul water and surface drainage systems are required including when the foul / surface water system will be operational. Mitigation measures must be detailed to demonstrate no adverse effect to site integrity at Appropriate Assessment.

Recreational pressure – the purpose of the scheme is to increase visitor numbers which the report has correctly identified as a pressure, and this is discussed within the Shadow Appropriate Assessment. *A number of assumptions are made, which would need to be referenced to provide an objective view, including the view that there is ample area of the lagoon available to all species. Any bird data to support this should be provided. Details on how the restrictions to traffic on the BOAT are going to be implemented and enforced, must also be included and to whom does this responsibility fall. Detailed plans of the bund which provides mitigation to the island are required.* The Natural England Response Letter, requested that mitigation should be shown to be certain and secure, including an adaptive Visitor

Management Plan, appropriate funding and governance for all mitigation measures (such as wardening, which would be required in addition to current RSPB duties). This information needs to be clear and suitably evidenced within the assessment.

2. Biodiversity Net Gain (BNG)

2.1 BNG assessment area - We acknowledge that the area assessed for BNG is smaller than the planning application boundary and that it was agreed with the LPA on the 4th April 2025 that only the areas of habitats that will be impacted, either through loss or creation will be included within the BNG Metric.

2.2 Mitigation hierarchy - We acknowledge that the mitigation hierarchy has been followed and that steps have been taken to retain habitats, avoid impacts on sensitive habitats and site the visitor centre in a suitable area.

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2.3 Mapping - The pre-development and post-development maps are at a scale where it is difficult to see the habitat types and therefore cannot be cross-referenced against the condition assessments. The plans included with the most recent version of the BNG Assessment Report (5530231t03Jul25FV04_BNGA_Redacted), also appear to be missing references that relate to the BNG condition assessments and appear to show the same habitat types pre and post development. The scrub habitats on the pre-development plan all have the same symbology and cannot be distinguished from one another. The reference codes have not been included within the BNG metric spreadsheet therefore the plans and condition assessments cannot be crossreferenced against the BNG metric.

2.4 Condition assessments - The condition assessment appendix does not relate to the BNG metric. For example, Parcel 3 (CG) failed Criteria A and is therefore poor condition, but no poor condition lowland calcareous grassland is reported in the metric.

2.5 Strategic significance - The report states: 'Areas within the site that fall within the nature reserve or a mapped designated site SAC, SPA, Ramsar and SSSI have been given the highest strategic significant score of formally identified within local strategy.' However, the areas identified as high strategic significance are not listed in the report or shown on a plan.

2.6 Baseline value - The BNG Assessment Report identifies two different baseline habitat unit values for the site: 22.42 HU in the executive summary and 21.94 in Section 4.1. Table 4.1 also does not correspond to the numbers within the metric.

2.7 BNG metric - Section 4.1 states that an area of lowland meadow will be cleared to facilitate the development of the visitor centre and car park. However, within the metric the lowland meadow area is included as retained habitat. In addition, the area of the proposed visitor centre building and car park is shown as scrub on the pre-development map. *It should be clarified what habitats will be lost on-site and which will be created.* The pre-development mapping should accurately represent what is present on-site and correspond to the data reported in the condition assessments and the metric.

The number of habitat units required to achieve 10 % BNG is reported as 23.78 in the report executive summary, however this does not match the metric which reports a value of 24.66.

We acknowledge proposals presented to generate additional habitat units onsite or to purchase units from a habitat bank. *Any habitat unit requirements should be revisited following amendments to the metric.* The approach to offsetting for the development will be secured with a condition and any onsite offsetting accompanied by a Habitat Management and Monitoring plan (HMMP).

2.8 Bespoke mitigation - Bespoke mitigation is presented for the loss of the priority lowland meadow in the visitor centre location. This aligns with the metric recommendations. The proposed mitigation comprises breaking up 339 m² of existing hardstanding to create other neutral grassland. In the CEMP the bespoke mitigation is described as translocation of the lowland meadow to an area of former

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scrub. It is unclear if the creation of the other neutral grassland and the translocation of the lowland meadow are the same or separate proposals. *The habitat creation proposals must be summarised clearly and presented on a plan.*

3. National Vegetation Classification (NVC)

3.1 Survey validity and methodology - An NVC survey was completed of the red line boundary in June 2021, with an NVC survey of the visitor's centre area completed in May 2022. A Phase 3 notable plant survey was undertaken in May 2022. The NVC surveys were updated in May 2025 and are considered valid until November 2026.

3.2 Visitor centre site - The EclA (Section 6.3) states that 21 m² of regionally important priority lowland meadow habitat will be lost to facilitate an access road to the new car park resulting in a permanent negative significant effect at a regional scale (subject to any amendments made following the BNG comments above regarding this habitat). This option is considered to be the least impactful and Natural England has been consulted throughout this decision process. The loss of 21 m² of regionally important priority lowland meadow habitat requires bespoke mitigation and compensation.

The bespoke compensation for the loss of this grassland is outlined in the CEMP at Section 6.14.1 and recommends the translocation of 156 m² of priority lowland meadow habitat to an area of former scrub. This must be in alignment with the required adjustments made to the BNG assessment Report, as described above. The time of year recommended to complete the translocation (autumn, early winter), is considered suitable. *More information is required on the suitability of the receptor area to receive the translocated grassland.*

Translocation methods including how the receptor area will be prepared, managed and remediation plans will be secured by condition of a Vegetation Translocation Method Statement submitted to the council for approval before works commence.

3.3 Nature reserve - The EclA (Section 6.3) states that no protected or notable habitats will be lost to development. Considering that the works to be completed are the narrowing and formalising of existing footpaths, this impact assessment is considered appropriate.

Indirect impacts could result in a temporary negative (significant) effect at an international scale on Annex 1 habitats and a temporary negative (significant) effect at a national scale on priority habitats in this area.

Section 2.3 of the CEMP states that method statements will be produced by the contractors undertaking the works prior to construction.

4. Protected and Notable Species

4.1 Notable plants

4.1.1 Survey validity and methodology - A Phase 3 notable plant survey was undertaken in May 2022 and update habitat survey in 2025 was seasonally constrained. The Phase 3 survey data has not been updated and *requires a review of validity by a professional Ecologist and a clear statement provided with*

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appropriate justification. This information should be used to inform a Notable Plants Method statement that should cover the protection of rare plants onsite, with detailed maps of the locations of plants and appropriate protection measures.

4.2 Breeding birds

4.2.1 Survey Approach & Methodology – The EIA does not provide a detailed survey methodology or defined survey area. The RSPB breeding bird data only covers the lagoon area, but not the habitats around the visitor centre and car park area. Further detail on methodology and survey approach *is required along with any justification for a non-standard approach and how this is sufficient to adequately support mitigation planning, taking into consideration the site's status as an internationally designated area for its bird species assemblage*.

4.2.2 Mapping – No territory mapping was presented within the Ecology Phase 2 Report - *A map (or series of maps) is required to show locations and details of non-breeding / possible or probable / confirmed breeding status; and notable status of the birds of Conservation Concern (red & amber species)*.

4.2.3 Importance Value - The site has been classified as of local importance to breeding birds (with due consideration of Fuller (1980) method of assigning value, determining four levels of species richness according to the numbers of confirmed breeding species). Due to the population trend changes since 1980, *further justification is required for this level of importance*.

4.2.4 CEMP - *The CEMP must incorporate a comprehensive Breeding Bird Method Statement*, with special emphasis on the designated species of the international sites, as this is crucial to inform a robust Habitat Regulations Assessment (HRA). The chapter heading reads 'Wintering and Breeding Birds' yet the chapter only considers breeding birds. The CEMP is required to follow the mitigation hierarchy, with the first option 'being that vegetation clearance works are undertaken outside bird nesting season. If that is not possible, a nesting bird check must be undertaken immediately before works (within 24hrs) by an ECoW. If a nest is identified, all works in that area must cease until the young have fledged and/or the nest is no longer active.

4.3 Wintering Birds

The assemblage of wintering birds associated with the lagoon habitat are considered to be of international importance. *The recommended buffer zones detailed in Table 6 are considered appropriate and must be detailed in the CEMP to avoid disturbance*.

4.4 Natterjack toads, great crested newt and common amphibians

4.4.1 Survey Validity - Section 4.2 of the Phase 2 Survey Report states that the natterjack toad *Epidalea calamita* and great crested newt *Triturus cristatus* survey was completed May 2022. In accordance with CIEEM guidance (Advice on the lifespan of ecological reports & surveys, CIEEM 2019) *the age of survey data requires a review of validity by a professional Ecologist and a clear statement provided with appropriate justification*. It is likely that further surveys are required to

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reliably inform decisions as the site has since been managed to increase its suitability for amphibians.

4.4.2 Survey Methodology - A total of eight surveys were complete in May and June 2021 and April and May 2022. These surveys are considered suitable in line with ARC Trust (2021) guidance and great crested newt guidance provided by Froglife (2001). All surveys were completed during suitable weather and temperature conditions, and no significant limitations were identified during surveys or our review.

A search for great crested newt eggs and efts was also completed in line with guidance. However, it is best practice to complete three methods within the water such as additional netting and / or bottle trapping effort. This is considered a limitation to the survey results as only torching was completed within the waterbody and refuge / terrestrial, and egg searches are considered to be completed outside the waterbody. As the site is within a Natural England great crested newt District Level Licence Red Zone and great crested newt are a qualifying species for Morecambe Bay SAC *Further Justification is required to explain why three survey methods were not completed.*

4.4.3 Impact assessment – It is understood that habitats associated with the visitor centre and car park are classically unsuitable for natterjack toad, however there is photographic evidence suggesting that they use the area, in part, for commuting and / or foraging, and thus the assessment of this locality must be amended.

The assessment of the value of the nature reserve and visitor centre for great crested newt requires further justification which takes into consideration that great crested newts are a qualifying feature of Morecambe Bay SAC and there is suitable habitat on site.

4.4.4 Mitigation and compensation measures - Section 9.7 of the Ecological Impact Assessment and Preliminary Ecological Appraisal Update Report (2023) states 'the proposal will maintain the sites suitability for natterjacks'. Great crested newt is not mentioned in Section 6.13.3 of the CEMP (2025), this should be updated to include this species.

A detailed Amphibian Method Statement (to include EPSML if required) must be included within the CEMP, which includes toolbox talks (with identification of target species); mitigation for impacts (e.g. habitat loss); timing of works to avoid disturbance during the hibernation period; and a natterjack toad licenced Ecological Clerk of Works to supervise the pre-constructions works at the visitor centre and wider site.

4.4.5 Biodiversity / Habitat Enhancements Table 12.1 within the Ecological Impact Assessment and Preliminary Ecological Appraisal Update Report (2023) states a *detailed Amphibian Management Plan will be incorporated into a LEMP*. This plan should include for great crested newt, natterjack toads and common amphibians and include the following detail:

- Mitigation and enhancement for natterjack toads including fencing around pools, restricted vehicle access, formalisation of paths, signage and increased refugia.
- Specifications on refugia.
- Scrapes and loose sandy soils.

Natterjack toad are known to use sections of carpet around pools at a site in North Wales, a similar approach could be used here to ensure the area is not suitable for common toad which may outcompete natterjack toad. As the ponds are open access, fencing around ponds is integral to keep dogs and the public out. This will also reduce grazing around the pond edge, if the conservation grazing approach is adopted, therefore vegetation must be managed to maintain the pond edge.

Habitat creation, management and associated wetland creation plans to include water flow / control structures should also be detailed in the LEMP and submitted to support the HRA, as per the Natural England Planning Consultation Response Letter (16th November 2023):

- Detailed design, location, and methodology for creating any new wetlands, in addition to maintaining ephemeral conditions and water quality. An ongoing management plan for any new water bodies, in addition to the commitment to maintenance funding, should be included. The location of proposed lined ponds needs to be carefully chosen and should be sited in areas where scrub has been recently cleared (i.e., not on established species-rich grassland).
- Where pools are to be fenced, a comprehensive plan for maintaining short vegetation within the enclosure and suitable water body conditions for Natterjack Toads (and funding) should be included. A Construction Environmental Management Plan would likely be required for this ongoing maintenance of habitat pools, but Natural England stresses that such ongoing disturbance from maintenance should not undermine the species recovery conservation objectives.
- Scrub management plan and funding details.
- A conservation grazing plan is essential for habitat management within the reserve. This needs to include details of graziers, stock levels, grazing compartments (either fenced, temporary fenced, or no-fence using cattle collars), grazing calendars, management of animal welfare concerns (around public access areas), funding, and livestock management responsibility.
- Invasive or non-native species control plan

4.5 Invertebrates

4.5.1 Methodology - The methodology and survey effort for the invertebrate assessment of the site is acceptable. An initial survey was conducted in Jan 2022; this assessment was updated during the PEA survey conducted in March 2025 and it was determined that the quality of the site for notable invertebrates remains the same and that the findings and recommendations of the previous survey are still valid and will remain valid until August 2026.

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4.5.2 Mitigation and enhancement - The proposed enhancements / mitigation detailed within the Environmental Impact Assessment are considered appropriate. *These recommendations must be detailed within the CEMP and LEMP and must include number and locations of log piles and other invertebrate features proposed as enhancements.*

4.6 Reptiles

4.6.1 Survey Validity – Section 4.3 of the Phase 2 Survey Report states that the survey was completed in March and June 2022, across eleven visits. In accordance with CIEEM guidance (Advice on the lifespan of ecological reports & surveys, CIEEM 2019) this data is valid until June 2024 and *requires a review of validity by a professional Ecologist and a clear statement provided with appropriate justification.*

4.6.2 Results / conclusions - The assessment of a 'good' population level for common lizard *Zootoca vivipara* on site (within the proposed visitors centre site and wider site) is appropriate.

4.6.3 Construction mitigation and compensation measures - The Phase 2 Survey Report recommends that mitigation measures are required during and post-works to reduce risk of harm and injury to reptiles. The proposed construction and compensation measures are considered suitable and *a reptile method statement for both the wider site and proposed visitors centre must be included within the CEMP, which includes toolbox talk (with identification of common lizard and slow worm), mitigation for impacts such as habitat loss and timing of works.*

4.6.4 Biodiversity / habitat enhancements - The CEMP states that log piles will be created 'piled in a pyramidal shape'. The log piles should be created to specifications outlined in the Reptile Mitigation Plan and in line with recommendations in Section 10.3 of the EIA and Update PEA report. *The number and locations of log piles and other reptile features, such as hibernacula proposed as enhancements should be quantified within the CEMP.*

4.7 Bats

4.7.1 Bat and trees – Section 8.11 of the EIA and PEA update states that “scrub clearance will be done under presence of a licenced suitably qualified ecologist, should any potential bat roosts features be identified then works will cease and the SQE will carry out a bat and a scoping survey to assess the potential for presence of roosting bats”. Noting this approach is suitable for PRF-I trees , but not for trees with category 'PRF-M features', which would require further assessment to determine roost presence / likely absence for features of this type.

No information on when tree felling will be undertaken is included in the report. Tree felling must not be undertaken during bat hibernation.

4.7.2 Proposed visitors centre - The report notes in relation to the habitats in the vicinity of the proposed visitor centre “No potential roost features were identified although a detailed inspection was not undertaken”. This is not considered sufficient evidence to rule out potential roost features (PRFs), *a ground level tree assessment must be completed on any trees within the proposed visitors centre area (or*

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proposed disturbance area, including a 30m buffer), that will be affected by the works.

The report also states there are PRFs present in the mature trees in the nature reserve. These are not categorised to 'PRF-I or PRF-M' type in line with standard guidance, therefore if they are impacted, further assessment would be required.

4.7.3 Bats and buildings – The windmill and lighthouse are identified as being too exposed for roosting, however photos within the PEA indicate that crevices are present which could be used for summer roosting or hibernating bats.

Likewise, the stone structures and cliffs are identified as having bat roosting suitability. However, the level of suitability is not classified in line with standard guidance, and no further survey appears to have been undertaken. *Clarification is required as if these buildings, structures or cliffs are to be impacted (directly, or via noise, lighting or vibration) then roost presence / likely absence must be determined, including the possibility of hibernation roosts.*

The external Lighting Strategy Statement is considered appropriate to mitigate the impacts of light spill on wildlife including bats.

4.8 Badger

4.8.1 Methodology – Although no specific badger walkovers or surveys have been carried out, habitat was assessed for signs of badger presence during the PEA walkovers carried out by Appletons (2021) and Greengage (2025).

4.8.2 Validity - The PEA originally supplied by Appletons in 2021 is no longer valid and as such an updated PEA was provided by Greengage in 2025, valid until October 2026.

4.8.3 Impact assessment - The conclusions made regarding badger are considered acceptable and it is agreed that no further detailed surveys are required. However, *a walkover of the site to check for badger signs must be undertaken up to 3 months before works commence and all works to the dense scrub areas undertaken under ECoW supervision as stated in the CEMP.*

4.8.4 CEMP - The proposed construction and compensation measures are considered suitable. *A detailed Badger Method Statement is required in the CEMP, including: a toolbox talk to contractors on identifying badger signs and reasonable avoidance measures; and the dense scrub will be removed under ECoW and using a two phased cut.*

4.9 Riparian mammals

4.9.1 Validity – the most recent ecology appraisal was within the last six months, however the detailed surveys that informed it were between 2021 and 2022. In accordance with CIEEM guidance (Advice on the lifespan of ecological reports & surveys, CIEEM 2019) as this data is between 3-4 years old now, *it requires a review of validity by a professional Ecologist and a clear statement provided with appropriate justification.*

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4.9.2 Limitations - Concerning otters / riparian mammals that leave prints, “Visitor pressure” is considered a constraint of the ECIA to finding evidence of otters on site, given confusion with dog prints. This limitation is acknowledged; however, it is not justification for concluding likely absence of otters. *Further species-specific survey for otters following best practice methods (with associated impact assessment and mitigation requirements) is recommended or further justification is needed to explain why these have not been carried out.*

4.9.3 Results - The ECIA and updated PEA concluded that high disturbance levels within the site may deter otters from visiting and seeking shelter within the proposed visitors centre and car park habitats and that there were few habitats suitable for otter within this part of the site. For the wider site, the lagoons, shrub and grassland habitats provide good habitat for otter, but that these habitats are unlikely to be significantly impacted by the development.

It is considered that area proposed for the visitor centre / car park is considered to be terrestrially and aquatically suitable for otters notably for rest (sloped, dense scrubland and species rich grassland – near optimal) and feeding value (large, very deep standing water, fish presence – good habitat, not optimal) and is less disturbed by human and dog activity than the wider reserve. While dogs can be a deterrent to otters in some areas, *more justification is needed as to why updated otter surveys have not been completed despite the suitability of the site and best practice guidance.*

4.9.4 Mitigation - *A detailed Otter Method Statement should be included within the CEMP which includes the following:*

- Pre-commencement surveys for otters (adopting best practice guidance) are required within 12 months or sooner of any construction phase works;
- Toolbox talks for all contractors are delivered prior to works;
- ECoW supervision during habitat clearance.

At this time, no compensation measures are proposed, which is considered appropriate based on the current survey data.

5. Other

5.1 Local and further non-statutory’ sites- within a suitable impact radius have not been scoped in / out’ accordingly within the reports provided, beyond SSSIs and internationally designated sites. *An assessment of potential impacts on Local and further non-statutory’ sites is required. It should be noted that any works within a SSSI will require Natural England (NE) assent, in addition to HRA adoption by LPA and NE.*

5.2 Red Squirrel - Records of Red Squirrel (*Sciurus vulgaris*) were returned within the data search which informed the 2022 PEA. However, no further information can be located within the other reports submitted with this application. As such, *justification is needed as to why red squirrel has not been scoped into the ecological assessment.*

5.3 Further comments on CEMP

5.3.1 INNS – Five species of Invasive Non-Native Species were identified across the reports submitted with this application: Japanese Knotweed (*Reynoutria japonica*), Cotoneaster (*Cotoneaster* spp.), Sea Buckthorn (*Hippophae rhamnoides*), Montbretia (*Crosmia* spp.) and Varigated yellow archangel (*Lamiastrum galeobdolon argentatum*).

A detailed INNS & biosecurity method statement is required in the CEMP to limit the introduction or spread of INNS onto site.

5.3.2 *The nomination of a Biodiversity champion (or synonymous title) is to be included in the CEMP.* The Biodiversity Champion will be contracted by the client whom the ECoW would report into and who would oversee all mitigation onsite. This is recommended as this site is likely to have multiple ECoW working on site as well as ECoW with licence specialisms rather than generalist ECoW, meaning that information/practices could be easily lost in communication. Having a centralised role above the ECoW team would limit this.

Similarly, the CEMP does not currently highlight the licence requirements needed by the ECoW team, this will need to be added into future versions.

5th February 2026

Conclusion of comments to amended/additional information outlined below:

Habitat Regulations Assessment:

1.1. Proposed works

Bird mapping only appears to show presence of one species (as indicated with green dot) however more species were recorded according to the legend. Mapping should show which species were recorded where on site in order to inform the assessment therefore further clarity is required within this mapping. We recognise the site is large and it is difficult to show all species recorded in single locations in one drawing. Consideration should be given on how to improve data clarity prior to final submission.

We note a figure has been provided showing proposed design, it is not possible to zoom into this on the PDF to scrutinise detail. A separate PDF is required to allow this to be reviewed.

1.2. Screening

It is noted that surface water mitigation forms an integral part of the project and is therefore embedded mitigation rather than mitigation required in relation to Habitats sites, this is therefore accepted

1.3. Appropriate Assessment

Requirements for further clarity within the HRA/shadow appropriate assessment have now been addressed.

Protected and Notable Species

4.4. Natterjack toads, great crested newt and common amphibians

4.4.1. Survey Validity

Please provide evidence of RSPB methodology

4.4.2. Survey Methodology

Please provide the evidence of RSPB survey data for years 2025 and 2024 which supports likely absence of GCN. If this cannot be provided, then please provide evidence of communication from RSPB that their 2025 and 2024 surveys have returned no record of GCN.

4.4.3. Impact Assessment

Record of absence does not necessarily equate to unsuitable habitat or 'Negligible' value as recorded by the EclA. Indeed, within this response the author concedes presence of habitats that could be "considered suitable". The request for additional information here was to have a description of habitat suitability / unsuitability for GCN clearly set out. Additional rationale provided here states that the grassland off site is heavily grazed thus unsuitable for GCN to travel across. However, the habitats within the site comprise a mosaic. Whilst not satisfied with the rationale for valuing GCN habitat as negligible, it is accepted that the surrounding terrestrial habitats appear to be sub-optimal. Furthermore, regarding the question over the assertion that ponds within the coastal floodplain are brackish – it is accepted that sometimes this may be the case and it is accepted that this was not fully investigated at the time of the assessment. The level of precaution that has been applied within the Amphibian Mitigation and Management Plan (AMMP) for Natterjack toad is considered acceptable for GCN also. Request that the AMMP be updated to include reference to GCN so that a mechanism is in place to halt works and seek licensing advice should a GCN be discovered

4.4.4. Mitigation and Compensation Measures

As noted above – GCN are not fully included within the AMMP. Request that the AMMP be updated to include reference to GCN. Whilst 4.2 of AMMP refers to no management undertaken during the hibernation period this is not explicitly stated for construction / clearance activities – request to update 3.1 for avoidance of doubt – noting that this document will be used by contractors on site who do not necessarily know what a hibernation period is or when it runs from and to. Suggested phrasing provided with last consultation response.

Natural England

5th September 2025

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON the Duddon Estuary Ramsar, Morecambe Bay & Duddon Estuary Special Protection Area (SPA) and Morecambe Bay Special Area of Conservation (SAC).

There is currently insufficient information in the submitted Habitats Regulation Assessment (HRA) to conclude that the proposal will not have an adverse effect on the integrity of the above sites.

There is also insufficient information to fully assess impacts to the Duddon Estuary Site of Special Scientific Interest (SSSI).

Further detailed information is needed to support this application.

Natural England advise a more detailed Landscape and Ecological Management Plan (LEMP) and Amphibian Management Plan is required, including detail on how visitors' movement will be managed.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites and advice on other issues is set out below.

Additional Information required:

Natural England have provided previous advice for this project in 16th November 2023, as well as facilitating several conversations with Cumberland Council and its project managers. While we are supportive of the project's objectives, the information set out in our last response and below, still needs to be provided.

Increased recreational disturbance is inseparable from the development, making it a primary concern for Natural England. There is a risk to all habitats and species within the nature reserve through the presence of additional visitors, the additional presence of expected dogs and increased vehicle access.

The Habitat Regulation Assessments (HRA) conclusion of no adverse effect on the integrity of the above European sites relies heavily on detailed mitigation being secured within a subsequent Landscape and Ecological Management Plan (LEMP), as well as the restriction of vehicular access along the Byway Open to All Traffic (BOAT). Due to the high-risk nature of the proposal and the potential significant impacts Natural England advise the measures to mitigate the risks need to be precautionary and provided in detail within the Appropriate Assessment (AA) section of the HRA, for a thorough and complete conclusion to be made.

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Natural England are pleased that all impacts to designated breeding birds, non-breeding birds, and natterjack toads that require mitigation have been escalated and assessed through the AA, giving weight to the significance of the potential impacts. Mitigation included in the AA needs to be measurable and secured. As the HRA relies on detailed mitigation within a Landscape and Ecological Management Plan this should be submitted prior to planning approval, and address the impacts outlined in our previous response and below.

Breeding and non-breeding bird designated features.

Natural England agrees that the recreational impacts to the SPA features should be escalated to Appropriate Assessment stage, however, Natural England recommends that the mitigation and conclusions of no adverse impact on site integrity needs further evidence and clarification.

As NE included in our previous response, the Hodbarrow reserve is of great importance for the breeding and non-breeding bird designated. The breeding sites associated with the main Hodbarrow lagoon and other waterbodies within the wider Hodbarrow reserve and coastal/intertidal shore habitats support important populations of SPA birds during the breeding season. The Hodbarrow lagoon is particularly important as one of the primary sites in north-west England for breeding Terns with good populations of gulls also breeding here. Significant effort and resource has been invested by the RSPB, Natural England and other partners to protect, enhance and ensure the future survival of this internationally important site for breeding seabirds.

Natural England note that there is reliance on the upgrades to the bund as mitigation, this is welcomed and should be included in the Visitor and Access Management Plan (VAMP) to further explain how it will be implemented and mitigate potential disturbance to the tern colony. Movement around the site should also be planned, with the detail submitted into the AA as to how the visitor will be guided along paths and away from important habitats, how this will be enforced and ensuring dogs are kept on the lead.

As the Appropriate Assessment relies on the current Tern Warden currently provided by the RSPB, evidence should be sought to ensure that this position is confirmed and why one warden would be able to effectively mitigate an increase in visitors. Natural England concluded in our last response that a wardening package should be secured, the RSPB have also stated in their response that they feel a wardening package is needed. The applicant needs to justify why additional wardens are not necessary and what measures they are securing that are equally as effective.

The applicant needs to update the VAMP, to explain what offering there is around securing the site with staff able to mitigate extra visitors. The AA states that remedial actions will be secured in case an impact on birds is noted, however, it is not appropriate to rely on further intervention if an impact is noted, the applicant needs to be able to mitigate any and all impacts before development commences. The VAMP does state measures like wardening with enforcement and closing the car park, but no detail of how these measures will be triggered and what would trigger them. This

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needs to be further explained and included in the appropriate assessment if they are to be included as mitigation. Any package of management should be agreed with the RSPB as site owners and as managers of the Hodbarrow Reserve they can help to identify how to mitigate the increase in visitors' numbers from the visitor centre.

The Appropriate Assessment can only rely on mitigation that is deliverable, measurable and securable, therefore sign posting and behavioural change are not appropriate mitigation and need removing from the HRA. The applicant needs to provide more certainty surround the deliverability of the changes to the Byway Open to All Traffic (BOAT).

Natterjack Toads

Natural England note that there has been new information submitted around natterjack toads, however, we have included all of our comments to the previous application as they are all still relevant. Primarily, NE require detail about where the new ponds will be located, how they will be protected and further detail about why concrete has been used. We recommend that an Amphibian Management Plan is submitted.

The proposals include positive habitat creation and management for natterjack toads, with the aim of attracting breeding populations to the reserve, which Natural England welcome. The application states that will be achieved by the creation of additional pools and scrapes on the reserve, fencing off pools and scrapes to reduce disturbance by people and dogs, opening large areas of dense scrub, and introducing conservation grazing to maintain open areas. Details of this need to be provided prior to planning approval including:

- Detailed design, location, and methodology for creating any new wetlands, in addition to maintaining ephemeral conditions and water quality. An ongoing management plan for any new water bodies, in addition to the commitment to maintenance funding, should be included. The location of proposed lined ponds needs to be carefully chosen and should be sited in areas where scrub has been recently cleared (i.e., not on established species-rich grassland).
- Where pools are to be fenced, a comprehensive plan for maintaining short vegetation within the enclosure and suitable water body conditions for Natterjack Toads (and funding) should be included. A Construction Environmental Management Plan would be required for this ongoing maintenance of habitat pools, but Natural England stresses that such ongoing disturbance from maintenance should not undermine the species recovery conservation objectives.
- Scrub management plan and funding details.
- A conservation grazing plan is essential for habitat management within the reserve. This needs to include details of graziers, stock levels, grazing compartments (either fenced, temporary fenced, or no-fence using cattle

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collars), grazing calendars, management of animal welfare concerns (around public access areas), funding, and livestock management responsibility.

- Invasive or non-native species control plan

Please see Natural England's previous response for full details surround the Construction Environmental Management Plan, and how this should be adapted for Natterjack Toad.

Dunes Boardwalks

Natural England are concerned about the inclusion of implementing boardwalks over coastal sand dunes. As the BNG assessment doesn't include this habitat in its calculation as it is listed as being retained, it is difficult to assess the potential damage to the dunes from the mapped pathway, but there is the potential for up to 300m² of permanent damage to the Coastal Dunes. As there are alternative access routes, Natural England would prefer this boardwalk to be removed from the plans, in order to maintain distance and remove disturbance to an Annex 1 habitat.

Byway Open to All Traffic, Traffic Regulation Order (TRO)

The Competent Authority needs to have confidence that the TRO can be delivered and secured for it to be classified as mitigation in the Habitats Regulations Assessment. If at this stage it is not certain that it will be delivered or for how long then it can not be relied up on in the AA as part of the mitigation package.

Natural England do agree that a TRO along the BOAT would be a good mitigation measure but recommend that Cumberland Council as the Competent Authority try to seek assurance that this measure is deliverable.

In-combination assessment

The following application is missing from the in-combination assessment:

- B06/2024/0024; Outline for 233 eco lodge units, habitat & ecological enhancements, management facility, training academy, study centre, staff accommodation. Land at Roanhead Farm, Hawthwaite Lane, Barrow-in-Furness, Cumbria.

English Coast Path

The King Charles III England Coast Path (KCIIECP) is a National Trail established under the Marine and Coastal Access Act 2009 by order of the Secretary of State. The development proposal affects the King Charles III England Coast Path, which should be protected and enhanced in line with paragraphs 105, 185(d) and 187 (c) of the National Planning Policy Framework.

The information submitted with regards to the alignment of the KCIIECP is in places incorrect; as an example the KCIIECP is not aligned on BOAT (415023) but runs parallel to it on the seaward 'desire line'. The correct alignment of the KCIIECP, between Silecroft to Green Road Railway Station, can be found at [Magic Map Application](#), any temporary diversions should reference this alignment.

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The National Trails team also advise close consultation with the countryside access team, within Cumberland Council, to ensure interpretation and waymarking are coherent and to consult with the Cumberland's access team and the National Trails team, if needed, on signs that reference maps or coastal access rights.

Conclusion

Natural England find the aims of this project worthy however, we need further assurance that the mitigation identified can be delivered, secured and monitored. The additional information and evidence requested above will enable the applicant to give the Competent Authority the confidence to adopt the conclusions in the HRA.

Natural England recommend that the Competent Authority consult their own ecological support to form their own opinion on the HRA as well giving weight to the response from the RSPB. We acknowledge that RSPB have expressed concerns around the same points that we have listed, and we recommend further conversation takes place with them to find resolutions.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

26th January 2026

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England have assessed the mitigation put forward in the Appropriate Assessment and agree with the conclusions for the following sites: Duddon Estuary Ramsar, Morecambe Bay & Duddon Estuary Special Protection Area (SPA) and Morecambe Bay Special Area of Conservation (SAC).

Natural England welcomes the production of the Amphibian Mitigation and Management Plan and agrees with the RSPB around weekly checks for the Gulley Ladders. Natural England recommend that the competent authority secures the mitigation proposed in this plan.

Natural England welcome the enhancements and the raising of the bund as part of the mitigation for the designated bird species for the protected sites above, this should be secured and delivered in line with the Construction Environmental Management Plan. Natural England note that mitigation has also been put forward to minimise the impacts from recreational disturbance due to the increased number of visitors, especially the ongoing wardening provision discussions with the RSPB.

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Natural England recommend that the competent authority ensure that the RSPB are satisfied with the ongoing management of the Hodbarrow Reserve as part of this application.

Byway Open to All Traffic, Traffic Regulation Order (TRO)

The Competent Authority needs to have confidence that the TRO can be delivered and secured for it to be classified as mitigation in the Habitats Regulations Assessment. If at this stage it is not certain that it will be delivered or for how long, then it cannot be relied upon in the Appropriate Assessment as part of the mitigation package.

Natural England do agree that a TRO along the BOAT would be a suitable mitigation measure to minimise the disturbance to the Tern hide; NE agree that until a TRO is in place, works that could result in more traffic using the BOAT should be limited.

Conclusion

Natural England find the aims of this project worthy and note that some of the proposed mitigation needs ongoing interaction and collaboration with the RSPB to be delivered, secured and monitored on site. Natural England note the comments from RSPB and agree with their conclusions. Given the information provided in this application, Natural England is satisfied with the conclusions in the Habitat Regulations Assessment.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

RSPB

24th July 2025

Thank you for consulting RSPB in respect of the above application. Please accept this letter as my response regarding the above application for a visitor centre and associated facilities at Hodbarrow on behalf of the Royal Society for the Protection of Birds (RSPB).

We wish to make the following *comments* on the application cited above based on the following which we believe will impact continued operation of our reserve at Hodbarrow as a result of the proposed development.

1. Potential impacts to Natterjack Toad 2. Wardening Provision as Mitigation 3. New Access Provision

The RSPB

-

The 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.

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 have 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 comments

1.0 Potential impacts to Natterjack Toad

The natterjack toad populations of the UK are largely confined to small and isolated populations highly vulnerable to extinction from changes to their specialist habitat and sensitive life histories. The natterjack toad is classed as "Endangered" in England according to IUCN Red List criteria, an internationally recognised method for assessing extinction risk.

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,

The Duddon Estuary is one of the few relative strongholds remaining for the natterjack toad and is of national importance to the persistence of the species in the UK, this is recognised with the species being a Designated Feature of the Duddon Estuary Ramsar site and Notified Feature of the Duddon Estuary SSSI.

We note the absence within the application documents of an updated Landscape and Ecology Management Plan (LEMP), and a standalone Amphibian Mitigation Plan, both of which we consider essential to be able to adequately assess the application, as did Natural England in their response to the previous application, (4/23/2249/0F1).

No adult Natterjack Toads (henceforth Natterjack) have currently been recorded within our reserve, as stated within the various documents produced by Greengage for the Applicant, based both on their survey effort in support of the previous application and our own surveys shared with them in 2024.

Our Ecologist (and RSPB Natterjack lead) did record a single 'probable' Natterjack spawn string from the Red Clay Pond in 2024. Although this was not definitively identified¹ and therefore not shared with the Applicant, but it is our qualified assumption based on location and considerable experience on the part of our

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ecologist in surveying the Duddon Estuary population, that this was probably from Natterjack rather than Common Toad as assessed by the Applicant as this location is sub-optimal for Common Toad

From our own surveys Natterjack are known to be present on land immediately adjacent to the proposed development site. Natterjack, are highly mobile, travelling large distances of up to 5 km.

We have delivered on-site works funded by Natural England as part of their Species Recovery Scheme. These works aim to enhance Hodbarrow Reserve for Natterjack, these works including, scrub removal, pond creation and pond fencing, together with appropriate habitat management are aimed at bringing Natterjack back onto the reserve and thereby reducing the gaps between the neighbouring sites used by the Duddon Estuary meta-population which is a Designated Feature of the Ramsar Site and SSSI.

Therefore, if post-metamorphic juvenile and adult Natterjack are not currently using the site for foraging and refuge, the works delivered are aimed at ensuring that our reserve fulfils this function in the future and therefore our comments apply equally to a present and future population of Natterjack utilising the site which because of the proposed development is expected to see visitor numbers more than doubling.

Our comments relate to the Shadow Appropriate Assessment, the Planning Statement and the Ecological Impact Assessment & Preliminary Ecological Appraisal Update.

It is the responsibility of the developer to demonstrate that no harm will arise from their proposals, and we believe that the Applicant has an aspiration to achieve this, but we wish to make the following comments in respect of Natterjack and proposed mitigation.

1.1 Shadow Appropriate Assessment, Section 5.4 Natterjack Toads (Ramsar) Construction Phase, Non Recreational Disturbance - In Combination Effects

The Applicant states –

‘There were no nearby developments identified [that] are predicted to have cumulative effects in the form of reduced water quality extending to the qualifying natterjack toads’

We consider that the conclusions of this assessment are incorrect as there are two developments on the other side of the Duddon Estuary (Westmoreland & Furness Council, W&FC) which have the potential to cause non-recreational impacts to Natterjack, and the Duddon Estuary Ramsar/SSSI Natterjack meta-population, these being at Roanhead, where we have objected to impacts on Natterjack -

- B06/2024/0024 - Application for Outline Planning Permission for up to 233 eco lodge units, habitat creation and ecological enhancements, estate management facility, residential student training academy, coastal ecology field study centre, staff accommodation, supporting indoor and outdoor leisure, retail facilities and associated works with access (appearance, landscaping, layout and scale reserved

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for subsequent approval) (Application includes Environmental Statement) (Re-submission of B06/2023/0307 in a revised form) &;

- B12/2024/0213 - Change of use of land (currently used for agricultural grazing/woodland/redundant spoil heap purposes) to tourism use, comprising 23 holiday lodges (plus one warden's lodge), 10 glamping pods, 24 touring caravan/motorhome pitches and erection of 3 ancillary buildings, which comprise a facilities building, an amenity block and a booking-in office).

1.2 Shadow Appropriate Assessment, Section 6.4 Natterjack Toads (Ramsar)

Operational Phase, Water Quality

The assessment of the mitigation for water quality impacts suggests –

'It is predicted that there should be no impact to the potential natterjack toad ponds with the new fencing installed'8

It is not clear to us what type of fencing is proposed, when this would be installed, who would undertake the monitoring described or manage/maintain the signage. In the absence of an updated draft LEMP within the application documents, we would like to suggest that the specification accords with that already installed onsite and is conditioned should the Application be approved.

The monitoring of the fences is described in outline (page 49, un-numbered), we agree with the statement that monitoring and repairs is secured within an updated LEMP and suggest that this is conditioned, however, it is not clear to us who (associated with the development) will undertake this monitoring on behalf of the Applicant on land within our ownership.

The Applicant concludes no In Combination Effects, again we refer to our comments on the two Roanhead developments in Planning with W&FC.

1.3 Recreational Pressure and Disturbance

Under this section the Applicant's mitigation measures are the same as those described above (water quality), again it is not clear to us, how or by whom this mitigation will be provisioned on land within our ownership.

1.4 Ecological Impact Assessment and Preliminary Ecological Appraisal Update

Section 10.2 Enhancement Measures for Natterjack

The Applicant states –

'Once the dense scrub has been cleared, proposals seek to create three additional ponds for natterjacks. Scrapes to be lined with concrete and back filled with slag from the surrounding area. The ponds will have gently sloping sides to ensure safe passage out of the pools for toadlets and hold water down to a maximum water depth of 50 – 70cm that will dry out in late summer in an average year. The use simple pipes sluices could be installed so that the pools can be drained down in late summer.'9

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We have serious concerns regarding the use of concrete as a suitable material; concrete generally cracks relatively quickly and can then be tricky to repair. Any exposed concrete also heats up disproportionately to the surrounding environment. As such, exposed concrete can create a desiccation zone for emerging toadlets.

Desiccation during the breeding season might not be an issue if the ponds are backfilled with enough slag. Another problem is a lack of confirmed ability to tweak the depth of such ponds. If some form of water depth control is not installed it is likely that each pond will become a useful habitat for competitors like Common Toad, water control is essential for both maintaining water levels for breeding, and then allowing the ponds to desiccate to prevent too much plant growth and competition with other species.

It is also not clear to us as site owners and managers, where these 3 additional ponds will be created, nor who will be responsible for the management thereof and therefore delivery of the enhancement suggested, nor the location of the scrub to be cleared.

The Applicant also states that -

‘A detailed Amphibian Management Plan will be incorporated into a LEMP. This Management Plan will be iterative in the medium to long-term, adapting to changing site conditions and in response to the feedback from monitoring exercise. If required, these ponds could be used for translocation of pillwort and natterjacks.

See our previous comments on the lack of a draft LEMP or an Amphibian Mitigation

In addition to the pools nearby resting/hibernation habitat will be created through the provision of sandy banks, stone walls, piles of stones. These will be fenced off to members of public and dogs’.

Again it is not clear to us where the Applicant intends to locate the refugia described above, whilst fencing is appropriate it is important that these are not located near to main access routes which would potentially bring Natterjack into conflict with visitors and their dogs.

1.5 Planning Statement

Within the Planning Statement the Applicant also states that -

‘the development to be constructed in accordance with the submitted CMS, CEMP and LEMP (Mitigation); and a corridor for habitat enhancement for Natterjack Toads, works in accordance with the RSPB Species Recovery Fund project.

The highlighting is our own, however, it is not clear to us whether the Applicant is suggesting within Section 10.2 Enhancement Measures for Natterjack anything additional to the works that we have already undertaken with NE funding, we suggest that works already undertaken by us on our land, and which have nothing to do with the application cannot be considered mitigation as this section of the Planning Statement suggests.

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Based on our comments in relation to Natterjack and the application as submitted, we *do not agree* with the Applicant's position that the development once operational – 'will have a *Permanent Positive Residual Effect* on natterjack toad populations at a National level (Significant).

2.0 Wardening Provision as Mitigation

Within Section 6.0 Appropriate Assessment Operational Phase the Applicant suggests Signage as Mitigation with the following statement –

'Research suggests that signage is an effective way of reducing disturbance caused by visitors at unmanaged wildlife sites'.

As the owners and managers of Hodbarrow Nature Reserve, we take issue with this statement, our reserve is not unmanaged, however, it could perhaps be described currently as under-resourced and because of this we consider that more than doubling the number of visitors and hoping to manage their impacts with signage alone and interpretation, in our opinion insufficient. This position it would appear is not ours alone, we note the following from the response to the previous application (4/23/2249/0F1) by Natural England dated 16 November 2023, page 2 paragraph 6 –

'Full time wardening will be essential year-round, and between mid-February and early September this will need to [be] 24 hours a day, 7 days per week to ensure there is no access or disturbance to the Tern Islands or gull breeding sites within the Lagoon. Funding source and commitment for this must be secured before determination of the planning proposal. It is likely that at least 3 wardens will be required to provide adequate wardening of the site. This needs to be fully costed and secured'.

The Applicant's documents as submitted make no mention of NE's comments in respect of wardening provision and do not seek to address them.

We are largely in agreement with NE, in that more than doubling visitor numbers will undoubtedly lead to increases in recreational disturbance and that therefore enhanced wardening provision is required but, we disagree (with NE) that this provision needs to be 24/7 year round which NE seem to suggest.

Having made that assertion as with our response to the previous application, we see adequate wardening provision (a FTE warden and 2 FTE assistants) as essential and as such would recommend that it is conditioned for the lifetime of the development (or 25years), should the application be approved.

The Applicant's Shadow Appropriate Assessment, Breeding Birds (SPA and Ramsar), states the following in respect of our Seasonal Species Protection Assistant role, referred to by the Applicant as the 'Tern Warden' under Mitigation -

'RSPB provide a tern warden within the hide during nesting season. The tern wardens will continue to monitor the tern populations, engage with the public and monitor disturbance and predation'

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The highlighting is our own, however we wish to disagree with the statement regarding continuation, whilst this seasonal role is currently within our staffing model, we are a charity subject to external economic pressures, and our staffing roles are regularly reviewed, there is therefore no guarantee that this role will be continued for the operational lifespan of the proposed development, as such we therefore disagree, with the Applicant's assessment that our existing Species Protection Assistant role is appropriate or adequate mitigation for the proposed development, which according to the Applicant, will more than double visitors to our reserve.

3.0 New Access Provision

3.1 Proposed Windmill Boardwalk

Whilst broadly happy with the proposed new and improved access routes across our land, as recently discussed (15 July 2025) during a site meeting with the Applicant we have significant reservations in respect of the provision of a new boardwalk across the Fixed Coastal (grey) Dunes adjacent to the Windmill, whilst we acknowledge the desire on the part of the Applicant to achieve an accessible route to the feature which is to be significantly enhanced, this proposal conflicts with our agreed Management Plan for the this part of the site.

Our discussions with the Applicant in respect of this boardwalk stem from our opinion that it should be omitted, maintaining (visitor) distance from sensitive habitats like the Annex 1, Fixed Coastal Dune with herbaceous vegetation in this location.

It should be noted that we have worked with the Applicant to find alternatives to this route, and that at present they are working with their consultants to see whether other options are available to provide an accessible route which does not cross the Grey Dunes, should an alternative not be found and this element of the overall scheme remain we object to its inclusion.

3.2 Byway Open to All Traffic (BOAT)

The Applicant proposes –

'In relation to the existing BOAT, the intention is for the surface to be maintained in accordance with relevant accessibility standards as a byway but with restricted vehicular access just for management/maintenance, utilities and emergency services. The restriction is to be imposed through a Traffic Regulation Order and the physical installation of retractable bollards. The TRO will be implemented using Section 1 of the Road Traffic Regulation Act 1984.' 13

We understand contrary to this statement that other users will also have access to the BOAT, we are in agreement with the location of bollards illustrated on application drawing 1000, the Site Master Plan (Layer Studio, as revised 2025), but remain concerned that no detail on bollards is given within the application.

We are concerned about the proposals to make a Traffic Regulation Order (TRO) covering the BOAT, not from the perspective of it restricting the passage of mechanically propelled vehicles, but rather from the risk that it may not be deliverable.

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It is our understanding that the process involves –

- Informal Consultation:

The proposed scheme is presented to relevant stakeholders, including local councillors, emergency services, and potentially transport organizations, residents, and community groups. They are given a minimum of 21 days to provide feedback.

- Statutory Consultation:

If the informal consultation indicates a need, a more formal consultation process is initiated, with a notice period of at least 21 days.

- Objection and Consideration:

All comments and objections received during consultation are carefully considered. This may involve further amendments to the proposal.

- Decision Making:

Based on the feedback and assessment, a decision is made on whether to proceed with the TRO, amend it, or abandon it. This process can involve local councillors or even committees.

- Public Notice and Making the Order:

If approved, the TRO is formally made and published in the local press, often with a statement of reasons. It is also advertised, and signs are placed in affected areas.

- Implementation:

The restrictions outlined in the TRO are then put into effect, and enforcement can begin.

Specifically, our concern relates to point 4, Decision making, should at this point Cumberland Council be minded not to proceed and abandon the proposal, we have serious concerns regarding the development proceeding with unfettered access over the BOAT and the significant damage to locally important plant species including Kidney

Vetch *Anthyllis vulneraria*, the larval food plant of the s41 Priority Species, Small Blue Butterfly *Cupido minimus* recently translocated onto our reserve to boost the Cumbrian population, these are in addition to potential impacts to the dispersing Natterjack population moving through the appropriate reserve habitats.

Summary

We have serious concerns regarding the potential impacts of the proposals (based on the information, or lack thereof provided by the Applicant) on our ability to manage our land/reserve in an adaptive way, and remain concerned regarding impacts, both negative and potentially positive on (s41/EPS) Natterjack using the site.

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In addition, we have reservations regarding the deliverability of a TRO on the repaired BOAT, and the impacts thereof on habitats and species using our reserve designated as part of the SSSI/Ramsar/SPA/SAC sites on the Duddon.

19th January 2025

Thank you for consulting RSPB in respect of the above application. Please accept this letter as my response regarding the above application for a visitor centre and associated facilities at Hodbarrow on behalf of the Royal Society for the Protection of Birds (RSPB).

We wish to make the following comments on the application cited above based on the following which we believe will impact continued operation of our reserve at Hodbarrow as a result of the proposed development.

- 1. Potential impacts to Natterjack Toad*
- 2. Wardening Provision as Mitigation*
- 3. New Access Provision*

The RSPB

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Along with other environmental groups, we have 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 comments

1.0 Potential impacts to Natterjack Toad

The natterjack toad populations of the UK are largely confined to small and isolated populations highly vulnerable to extinction from changes to their specialist habitat and sensitive life histories. The natterjack toad is classed as "Endangered" in England according to IUCN Red List criteria, an internationally recognised method for assessing extinction risk.

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,

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The Duddon Estuary is one of the few relative strongholds remaining for the natterjack toad and is of national importance to the persistence of the species in the UK, this is recognised with the species being a Designated Feature of the Duddon Estuary Ramsar site and Notified Feature of the Duddon Estuary SSSI.

We note the Applicant has now submitted a standalone Amphibian Mitigation Plan and produced an updated Landscape and Ecological Management Plan.

No adult Natterjack Toads (henceforth Natterjack) have currently been recorded within our reserve; however, the presence of a spawn string indicates their presence. That said we are satisfied with the provisioned Amphibian Management Plan, and will work with the Applicant to make small changes to the Hibernacula proposed in line with guidance (tbc) from Amphibian and Reptile Conservation (ARC)

1.1 Terrestrial Habitat and Natterjack presence

From our own surveys Natterjack are known to be present on land immediately adjacent to the proposed development site. Natterjack, are highly mobile, travelling large distances of up to 5 km.

Due to the presence of spawn strings and the SRP (Species Recovery Programme) works undertaken by us, we believe that Natterjack Toad could be present on our reserve (although the presence of adults is yet to be confirmed). As such likely terrestrial habitat connectivity on our reserve should be mapped.

1.2 Gully Ladders

Under section 4.0 Operational Management, 4.1 Management Actions – Gully Ladders, the Applicant states that “gully ladders will be checked during the monthly drainage channels and gullies maintenance, as per the SuDS Operation and Maintenance Manual”. However, we strongly advocate for checks to be undertaken at least weekly for the first 6 months, we are concerned that monthly checks may result in the death of Natterjacks during the initial months during this transitional period.

1.3 Hibernacula

We are supportive of the proposed hibernacula but would like to see the final design approved by ARC to ensure best practice in design and implementation.

2.0 Wardening Provision

We are working with the Applicant to develop a Heads of Terms agreement which will include securing arrangements for wardening provision, discussions are ongoing at this time.

3.0 New Access Provision

The Applicant has submitted further information in respect of access provision.

3.1 Proposed Windmill Boardwalk

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Our concerns regarding the Boardwalk across the Fixed Coastal Dunes have been listened to by the Applicant, as suggested in our previous response, and we note that this feature is being replaced by a crushed limestone 'ramp' which does not impinge on this key habitat.

3.2 Byway open to All Traffic (BOAT)

We note the Applicant's comments in respect of a TRO on the BOAT and newly submitted information in respect of Bollard details.

Whilst we accept that the Applicant cannot guarantee at this stage that a TRO will be put in place, however we are happy with the proposed actions which the Applicant will take to put this in place

Summary

The majority of our previous concerns have been assuaged as a result of the recent submissions by Applicant; our ongoing comments represent the small number of areas within which we still maintain concerns.

In addition, we have reservations regarding the deliverability of a TRO on the repaired BOAT, and the impacts thereof on habitats and species using our reserve designated as part of the SSSI/Ramsar/SPA/SAC sites on the Duddon but accept that if delivered it would have a material benefit to the reserve and its ecology.

30th January 2026

We wish to make the following comments in response to the newly submitted documents and the Applicant's response to our letter dated 12/01/2026 on the application cited above based on the following which we believe will result in reduced impact on the continued operation of our reserve at Hodbarrow as a result of the proposed development.

1. Potential impacts to Natterjack Toad

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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 comments

1.0 Potential impacts to Natterjack Toad

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We note the Applicant has now submitted a response in respect of our previous comments and the points below, are those which we wish to respond with, on the basis of acceptance of the other areas in the response by the Applicant.

1.1 Gulley Ladders

In response to our previous comments on Gulley Ladder checks – (Under section 4.0 Operational Management, 4.1 Management Actions – Gully Ladders, the Applicant states that "gully ladders will be checked during the monthly drainage channels and gullies maintenance, as per the SuDS Operation and Maintenance Manual"). The Applicant has stated that they have retained the recommendation for monthly checks of the gulley ladders within both the Amphibian Mitigation & Management Plan and the CEMP, whilst we accept that these are routine checks, we would still like to see weekly checks, at least for the initial period after installation (6 weeks or so) They should then be checked monthly, mainly to make sure that there are no issues with the installation. There have been cases where they have been removed by people who didn't know what they were, quick check to make sure that the ladders remain in place and that there is no evidence of trapped amphibians unable to exit the drains doesn't seem onerous or unreasonable once a week for 6 weeks.

1.2 Hibernacula

We are content that the final design and location could be agreed by condition, should this be appropriate.

Summary

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The majority of our previous concerns have been assuaged as a result of the recent submissions by Applicant; our ongoing comments represent the area within which we still maintain concerns.

Cumbria Wildlife Trust

No comments received.

Friends of the Lake District

21st July 2025

Many thanks for consulting Friends of the Lake District (FLD) on the above application. We are the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District.

We are pleased to see an External Lighting Strategy has been submitted and that reference is made to the Cumbria Good Lighting Technical Advice Note within it, following our comments on the previous application (4/23/2249/0F1).

We do however have some concerns about the proposed lighting, particularly in terms of its potential impact on biodiversity, local character and tranquillity.

The site is a Nature Reserve and part of the Duddon Estuary Ramsar site and SSSI, Morecambe Bay SAC and Morecambe Bay & Duddon Estuary SPA. The Light Pollution Map (<https://www.lightpollutionmap.info/>) shows that although there are existing sources of light pollution nearby and care must be taken not to exacerbate these. Hodbarrow is currently a low emitter of light pollution and is of course particularly important for wildlife.

External lighting will be limited to the visitor centre and will be on during normal operational hours. There is however no information in the Strategy regarding the location, number or brightness of the proposed lights. The type of lights proposed has not been confirmed with the Strategy stating that they will be “either surface wall lights to the perimeter, ceiling lights under the balcony roof, or low-level columns or darksky bollards at crossings”. Each will have different potential impacts and given this no diagram showing light spill has been provided.

The Strategy states that “Colour temperature will generally be 2700K - 3000K throughout the scheme. This will be finalized as the design progresses, and will be consistent across the scheme.” The Cumbria Good Lighting Technical Advice Note requires that colour temperatures of 2700k or below should be used and in cases, such as this, where the development is close to habitats, 2400k should be used.

The Copeland Local Plan, Policy DS4, criterion M, requires that developments “Use appropriate levels and types of external lighting that does not create light pollution and helps maintain dark skies in line with up to date good lighting guidance;”

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This is supported by paragraph 6.4.8 which notes that “Copeland’s dark skies are one of its key assets, however this is being eroded through inappropriate, artificial lighting which causes light pollution and can have serious effects upon health and wellbeing, biodiversity and our climate...”

We would be grateful if further details regarding lighting could be provided, in order to demonstrate that the proposal is in accordance with the Cumbria Good Lighting Technical Advice Note and Local Plan Policy DS4. Ideally this information will be provided upfront, rather than being dealt with via a planning condition should permission be granted. We would also like the current Lighting Strategy to be amended to propose warmer, and less harmful, 2400k lighting.

20th January 2026

Thank you for re-consulting Friends of the Lake District on the above application, following the submission of further information by the applicant.

The External Lighting Strategy Statement dated April 2025 does not appear to have been superseded but is now supported by two technical drawings showing proposed lighting columns in the car park area (10) and wall lights (6) to light the walkway around the proposed building.

Light Spillage

The additional documents show some light spillage will take place outside the development area. This could potentially be reduced by lowering the mounting height of the columns (currently shown as 5m) and this should be considered in accordance with the Cumbria Good Lighting Technical Advice Note (Primary lighting principle 6) (TAN).

Colour Temperature

We are pleased to see that the developer has addressed our previous comments relating to colour temperature with regards to the car park lights, with Drawing 3468-CWC-XX-XX-DR-E-6001 showing they will be 2200k. It is not clear however what colour temperature the wall lights will be, and we recommend a condition is attached to any planning consent limiting it to 2400k or below for all external lighting. This is particularly important given the location of the site next to important habitats.

Brightness

The table at the top of drawing 25-142-1A seems to suggest that the brightness of the car park lighting will be over 3000 lumens per luminaire (upto 3589 lumens in some cases). There is no justification for such bright lighting in this sensitive location, particularly as light will spill outside the development site.

The TAN recommends that lights should be no brighter than necessary (primary lighting principle 3). Whilst the TAN makes no specific recommendations relating to

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brightness in relation to this kind of use, for comparison it recommends that domestic lighting is no brighter than 1000 lumens per luminaire (summary document, page 8).

We recommend this element of the scheme is revised.

Internal Lighting

The TAN recommends that internal light spillage should be minimised, therefore measures should be put in place to minimise, or ideally prevent, light spill from the proposed large, glazed roof area.

The TAN recommends the use of measures such as internal blinds, external shutters (on a timer/sensor) and/or tinted or electrochromic glass. With the exception of internal blinds, such measures could be controlled by condition and would give the greatest certainty of limiting the effects on wildlife and landscape character of the site.

Timing

The documents state that lighting shall only operate for a brief period at dawn and dusk when these times coincide around the normal operational hours of the Visitor Centre. Again, a planning condition should be attached, should consent be granted, to ensure lighting is only used when necessary, reducing the impacts on biodiversity and tranquillity.

Summary

Whilst we support the aims of the overall development and are grateful to the applicant for submitting further details regarding external lighting, the additional information has raised a number of concerns as set out above. These can be addressed through some minor changes to the scheme and the use of conditions.

Cumberland Council – Strategic Planning Policy

No comments received.

Cumberland Council – Environmental Health

22nd July 2025

In terms of its remit, Environmental Health have considered the following matters –

- Contaminated Land

The site has a long and complicated industrial history and detailed investigative ground works on legacy contamination, ground gas, radon and mining risk assessment have been carried out, with supporting documentation provided in this respect.

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The comments of the Environment Agency concerning risk to controlled waters from ground contamination are noted.

Notwithstanding this, Environmental Health are otherwise satisfied with the documents submitted and the rationale proposed such that they may be conditioned as approved documents.

The possibility of encountering unexpected contamination is referenced though Planners may wish to formally condition this, given the nature of the ground at the site.

- Non-native Invasive Plants

Several species of non-native invasive plants have been identified on site. The Environment Agency have requested a condition for a Landscape and Ecology Management Plan (LEMP) that includes the management of invasive plant species. This is supported by Environmental Health and there is no need for further replication on this matter.

- Construction Environmental Management Plan

The document submitted with the application is acceptable to Environmental Health and may be conditioned as such as an approved document.

The working hours referenced within are set out as 08.00 – 18.00 Monday to Friday and 09.00 – 13.00 Saturday.

These construction working hours are acceptable to Environmental Health and may be conditioned as such.

Whilst the management of dust emission from the site and works is carefully required, the site is, in general, relatively remote from residential dwellings so that effect on amenity is less sensitive.

- Drainage Strategy

The LLFA has commented upon the management of surface water.

It is proposed to direct foul effluent from the site to the public sewer on Mainsgate Road.

This is acceptable in principle to Environmental Health, though it should be noted that we are aware of a private foul sewer serving the Port Haverigg Holiday Village that is already located on this route. There is also a small pumping station and associated electrical infrastructure at the end of Mainsgate Road serving this private foul sewer.

It may be worthwhile looking at whether this sewer could be used or improved upon and incorporated into this development.

Further investigate work on the provision of foul drainage from the site is clearly required and a formal condition on this is suggested below.

- Artificial External Lighting

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Environmental Health are normally concerned with effect on residential amenity from artificial external lighting and the remote aspect of the development is not likely to be detrimental in this respect.

However the requirement to generally minimise artificial light pollution, particularly in such a sensitive ecological setting, is of wider consideration and Environmental Health would back up the comments from Friends of the Lake District about this.

The External Lighting Strategy Statement references various sources of good practice to which Friends of the Lake District have requested further details and a light spill model of the artificial lighting to be used.

Therefore Environmental Health would not object to this development and offers the following suggested conditions to any planning approval: land affected by contamination – reporting of unexpected contamination, foul drainage and noise from construction works.

15th January 2026

In terms of the comments from Environmental Health dated 22.07.25, we would comment further thus:

- Unexpected contamination condition – this was suggested as a ‘catch all’ once ground works have started and could remain as a condition if approval is granted.
- Foul drainage – we have no objections to the general foul drainage strategy as outlined in the Drainage Strategy Report (dated December 2025) and supporting documents, though it is noted that additional investigative work is required to confirm the existing drainage services along Mainsgate Road.
- The External Lighting Design (dated November 2025) and related documents are acceptable to Environmental Health.

Cumberland Council – Conservation & Design Officer

17th July 2025

Conclusion: No objection

Assessment:

- Main visitor centre.
 - Compared with previous scheme, new design is more compact and features a larger car park adjacent to it on the landward side.
 - The design appears to balance being attractive and interesting, with more practical concerns. The previous design, essentially three separate buildings clustered beneath a walkway, would likely have

presented a number of challenges in terms of cost and complexity of both construction and operation.

- The building is at the edge of the scheme and separated from most of it by dense trees. Although I am not in a position to comment with certainty on its impact on the settings of the heritage assets listed below, I anticipate minimal impact, mitigated by distance, vegetation and the small and attractive design of the structure.
- Towsey Hole Windmill (Non-designated heritage asset)
 - The proposal here is for repair and consolidation of the structure using lime pointing and engineering brick where necessary. Although light on details, this is a non-designated structure and work that would not require planning permission, and with clear public benefit.
 - The proposed installation is a sculpture that resembles a windmill's cowl and fantail, with a new concrete floor and interpretation.
 - These works will have some impact on the building's significance, and I anticipate that this will be positive through conveying the building and wider site's history.
 - Structural impact on the remains from the installation are likely to be minimal and reversible.
- Inner Barrier (Non-designated heritage asset)
 - Annie Lowther Hide will be located close to but not on the Inner Barrier, which is ruinous and remains only at its ends. The hide will therefore affect its setting, however I'd view this impact as negligible and with clear benefit in the accessibility and use of the entire site.
- Outer Barrier (Non-designated heritage asset)
 - Improvements to the surfacing and pathways on the Outer Barrier may entail negligible harm to the barrier's appearance, however this is minor and appears justified by the increased access and enjoyment of the overall site it makes possible.
- Howbarrow Lighthouse (Non-designated Heritage Asset)
 - New seating and surfacing is proposed, which I anticipate will have a positive impact on the setting of the lighthouse in allowing it to be experienced and enjoyed to a greater extent.
- Hodbarrow Beacon (Scheduled Ancient Monument)
 - Works to the Beacon are not proposed, unlike with the previous submission from 2023.

19th January 2026

I can't see anything that would change the no objection response I previously submitted, so am happy not to provide any additional comments at this stage.

Cumberland Council – Historic Environments Officer

27th June 2025

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The scheme is an amendment to the earlier withdrawn application (4/23/2249/0F1). I consider that the current scheme will provide welcome positive benefits to the reserve's historical industrial landscape, but the construction work will impact upon a small number of archaeological assets.

These impacts are:

- The proposed car park to the proposed welcome building will be located on the site of an industrial building and a reservoir shown on the 1890s OS map;
- A section of the proposed footpath to Towsey Hole Windmill will be located on the site of offices shown on an 1870s map;
- A section of the proposed footpath to Hodbarrow Beacon will be located on the site of a building associated with Hodbarrow House, which is shown on the 1890s OS map;
- The proposed sculpture in the remains of Towsey Hole Windmill will affect the character and appearance of the 18th century windmill.

I therefore recommend that, in the event planning consent is granted, an archaeological watching brief is undertaken during the course of construction of three elements of the scheme: the proposed car park to the proposed welcome building; a short section of the proposed footpath to Towsey Hole Windmill; and a short section of the proposed footpath to Hodbarrow Beacon.

Furthermore, I also recommend that a photographic record of Towsey Hole Windmill should be carried out prior to the construction work commencing. This programme of archaeological work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.

30th September 2025

Thank you for forwarding the amended written scheme of investigation for an archaeological watching brief and a photographic record of Towsey Hole Windmill. I confirm that I consider the submitted document to be acceptable and that it scopes an appropriate archaeological mitigation scheme for this development.

In the event planning consent is granted, I recommend the watching brief and photographic record described in the submitted WSI is implemented in full by a qualified archaeologist. This programme of work can be secured through the inclusion of a condition in any planning consent.

18th December 2025

Thank you for re-consulting me on the additional/amended information for the above application.

Comments I made in a letter dated 30 September 2025 are still considered appropriate.

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Council Arboricultural Consultant

21st July 2025

Discussion

Following our site visit, we have the following comment/observation to make on the proposed development.

The applicant has submitted an Arboricultural Impact Assessment, dated April 2025. The Impact Assessment discusses the trees affected by the various elements of the proposed development. The trees across the site are generally early mature, self-seeded, scrub that can be replaced within a few years.

Recommendations

We recommend attaching the following condition to any planning permission: development carried out in accordance with Arboricultural Impact Assessment.

27th January 2026

Discussion

Following our site visit, we have the following comment/observation to make on the proposed development.

The applicant has submitted an Arboricultural Impact Assessment, dated April 2025.

The Impact Assessment discusses the trees affected by the various elements of the proposed development. The trees across the site are generally early mature, self-seeded, scrub that can be replaced within a few years.

December 2025 Amendments

The proposed amendments do not significantly affect the trees. Therefore, providing the recommendations in the Arboricultural Impact Assessment are followed, the proposed development will have a minimal impact on tree-scene on the site.

Public Consultation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to 30 properties.

Objections:

75 representations have been received in objection to this application. The issues raised comprise the following:

- I love the idea of the project but strongly object to the closure of the vehicular right of way (BOAT – Byway Open to All Traffic).

- Why close the BOAT?
- Objection to the TRO restriction which is unjustified, poorly evidenced and unwanted by local people.
- BOATs are legally Open to All Traffic BOATs exist to serve all classes of traffic, including motor vehicles. The route's poor condition and claims of conflict between users do not constitute legal justification for permanent or indefinite exclusion of legitimate BOAT users. It is the council's responsibility to maintain BOATs to a suitable standard for mixed-use, not to restrict access on the basis of inadequate maintenance.
- No evidence has been provided for safety concerns to justify closure.
- No ecological impact assessment or wildlife survey has been provided to justify closure.
- The TRO threatens to undermine established rights and sets a dangerous precedent.
- There is no way a few cars a day could cause such environmental damage.
- Lack of consultation with people and organisations who use the BOAT?
- Lack of understanding on how the BOAT is used.
- The BOAT is a critical right of way to allow all weather access to the whole route, it is perfect for bird watching, and allows access for disabled people.
- It is not acceptable that this historic route will be lost for the benefit of future generations.
- Its closure is discriminatory and contradicts the principle of inclusive countryside access.
- Find a way to do this without effecting a historic right of way.
- The lagoon wall is wide enough to allow for segregation of vehicles and pedestrians and cyclists.
- Right of way should be retained for all users.
- The closure of the BOAT has not been mentioned at public engagement events and surveys undertaken do not reflect the views of local people.
- Application form is misleading on this matter.
- The TRO process is an independent exercise to the planning process, which is not clear within the submission. It cannot be assumed that a TRO will be applied.
- Consideration should first be given to use can be managed to an appropriate level, i.e. traffic calming or one-way traffic, rather than full closure.
- Whilst another tourist attraction will draw in tourists and income to the area, to penalise the public by removing existing vehicular access and then to charge for parking where there has been no charges will have a direct impact on public access.
- Allowing free parking will allow more people to visit the area.
- The transport assessment makes no mention of motorbikes. Parking charges cause problems for motorbikes who shouldn't be charged the same as car users with multiple users and can't secure paper tickets.
- No mention of cycle racks. If included, they should be made for use by mountain bikes.

- This scheme seems to be a profit making business rather than a positive heritage and environmental management of a natural site. Wildlife is already living there and show little or no impact by the current amount of public usage.
- Waste of tax payers money.
- The application does not take into account the scale of the adjoining holiday park, the facilities that have been developed there, or the planning history. The application makes a number of proposals on land within the parks ownership but does not explain how these will be maintained or at whose cost. Some proposals will limit what the park can do in parts of the site and have not been agreed to.

Members should note that whilst the majority of the objections to this proposal relate to the closure of the BOAT, the required Traffic Regulation Order to secure this is separate from the planning application process.

Support:

3 representations have been received in support of this application. The comments raised comprise the following:

- These proposals will make the area more accessible, improve the environment, and bring more people to the area.
- Toilets should be designed to the wheelchair standard.
- Can bird hides have knee boxes at the accessible windows so wheelchairs can pull right up the windows.
- Excellent proposal but accessibility should be key.
- Support closure of the BOAT. We need more routes without motorists so that we can walk, run and bike in peace and safety.

Neutral:

1 representation of neutral response has been received to this application. The comment comprises the following:

- Any plans should be accessible by horse riders.
- Previously requested typing up facilities for horses near the café.

Public Reconsultation

Following the receipt of amended/additional information for the application a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

Objection:

8 representations have been received in objection to this application. The comments received comprise the following:

- Object to the TRO and closure of the BOAT.
- No reasonable evidence provided for closure.

- Lack of consultation with key stakeholders.
- Closure of the BOAT is not wanted by the local community and is discriminatory.
- Previous comments have not been taken into account. The BOAT should remain open to all traffic and should be maintained to allow access for all users of the route.
- Lack of historic maintenance of the BOAT is causing the issues not the users.
- No signage has been used on the site to separate users and show areas to avoid, which would have prevented issues.
- Loss of the BOAT will have a detrimental effect on health and wellbeing for many users.
- Language used in supporting evidence is biased and shows lack of knowledge.
- The Council think it is fine to build structures on a SSSI that increases pedestrian use and brings in income whilst discriminating against a section of the public access network.
- There are memorial benches on the site which should be retained.
- The application will cause disruption to the local area and wildlife.
- The revisions to the scheme are being made without the input of the owners of the adjoining holiday park. These revisions concern how the park could or do operate part of the site in the company's ownership, and there has been no discussion with us regarding the outer sea wall which is quite different and objectionable.

Neutral:

1 representation of neutral response has been received to this application. The comment comprises the following:

- There are no changes to the main access road to accommodate high volumes of traffic at peak times or steps being taken to tackle flooding of the road.
- What arrangements will ensure safety of pedestrians from cars, coaches and motorbikes?
- Will there be traffic calming measures on Mainsgate Road?
- Who will enforce litter and fly tipping issues and wild camping?

5. Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 – 2039 (LP)

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

The following policies are relevant to this proposal: -

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy R4: The Key Service Centres

Policy R5: Retail and service provision in rural areas

Strategic Policy T1: Tourism Development

Policy T2: Tourism Development along the Developed Coast

Strategic Policy SC1: Health and Wellbeing

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE3: Archaeology Policy

BE4: Non-Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Strategic Policy CO6: Countryside Access

Policy CO7: Parking Standards and Electric Vehicle Charging Infrastructure

Other Key Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Planning (Listed Building and Conservation Areas) Act 1990 (PLBCA)

6. Assessment

Principle of Development

- 6.1 The Application Site relates to the Hodbarrow Nature Reserve located to the south of Millom.
- 6.2 Millom is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. It also acts as a service hub for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 6.3 The settlement boundary for Millom is defined in Strategic Policy DS2. The Application Site is located outside of the defined settlement boundary for Millom. Policy DS2 outlines that development outside developments boundaries will only be accepted in specific cases, including for rural tourism development which are dependent on such a location.
- 6.4 Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to

its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.

- 6.5 Strategic Policy R4 states that development that supports the roles of Cleator Moor, Egremont and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it: builds upon and addresses the strengths, opportunities and challenges associated with each town, as set out in Table 10; provides convenience and comparison shopping, or range of other services, including leisure provision to serve the settlement and surrounding communities; strengthens and diversifies the towns offer; or, promotes the reuse of brownfield land. Table 10 identifies the Millom Iron Line Project as an Opportunity for the town.
- 6.6 The proposed development seeks to develop and enhance the existing Hobarrow Nature Reserve by erecting a new Visitor Centre and enhancing existing features, landscapes and habitats within the Site. The proposal therefore complies within the type of development which is permitted outside of the any defined settlement within the Local Plan.
- 6.7 As such the development of this Site is considered to be acceptable in principle subject to site specific issues.

Development of Tourist & Leisure Facility

- 6.8 The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 6.9 Paragraph 88 of the NPPF further states that in order to support a prosperous rural economy planning policies and decisions should enable: the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing building and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 6.10 Within the Copeland Local Plan Proposal Map South Copeland, Hodbarrow Nature Reserve is identified as a Tourism Hub. These are areas that attract a

significant number of tourists and residents, are some of Copeland's most attractive locations, and where the Council wish to diversify the visitor economy further. It is however stated that these hubs will be carefully managed to avoid harm to the natural environment.

- 6.11 Strategic Policy T1 of the Local Plan supports the creation, enhancement and expansion of tourist attractions, new built visitor accommodation and infrastructure in locations consistent with the settlement hierarchy. All tourism development must be of an appropriate scale, located where the environment and infrastructure can accommodate the visitor impact, and where it does not result in unacceptable harm to environmental assets or the character of the area. Proposals for tourism development outside of defined settlements will be supported where: the proposal is for a specific activity or function that requires a location, the proposal enhances the borough's existing place bound assets; The proposal is for the change of use, or diversification of an existing building, to provide overnight or longer stay visitor accommodation; or the proposal is for a farm diversification scheme in a rural area that will provide or enhance tourist provision.
- 6.12 Strategic Policy SC1 promotes health and well-being in Copeland by supporting a range of new development types that: improves health, social and cultural wellbeing; creates mixed communities through new or improved developments that are located in areas with access to key services to reduce social isolation and create community resilience; and implements the policies within the Local Plan that promote active travel and protect or deliver new open spaces, sports, cultural and community facilities.
- 6.13 The Application seeks to diversify the existing Hodbarrow Nature Reserve. This proposal seeks to enhance and expand the offer at this Site by developing a new Visitor Centre and enhancing the existing facilities and features within the Reserve. The proposal is therefore considered to diversify the tourist offer within the south of Copeland which will attract more visitors to the Key Service Centre and will create economic benefits for the town and the wider Borough. The development will also develop the existing recreation space for the local community.
- 6.14 It is therefore considered that the proposal to develop this Tourism Hub complies with Policies T1 and SC1 of the Copeland Local Plan and the provisions of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

- 6.15 Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by: supporting proposals which enhance the value of Copeland's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible

enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National.

- 6.15 The Application Site lies within Landscape Sub Type 2d Coastal Margins – Coastal Urban Fringe. The Key Characteristics of the land comprise: low lying flat land, urban influences linked to tourism development, derelict buildings and major transport routes, strong man-made landforms on coastal edges, mixed land cover of mown grass, pasture, scrub and semi natural grassland, and weak field patterns.
- 6.16 The Guidelines for development include: protect 'green' areas from sporadic and peripheral development, encourage new development on brownfield and vacant sites to protect and enhance habitats, minimise the impact of new development by careful siting, design and high standards of landscape treatment particularly where public views are affected, and establish new woodland belts or thick hedgerows along the edges of developments to soften their impact, provide a backcloth, define limits of urban expansion and integrate isolated development.
- 6.17 The Copeland Settlement Landscape Character Assessment identifies the Application Site as being in Character Type 2d ii: Coastal Derelict ex Industrial, which are areas to the south and west of Millom influenced by the remains of now discontinued mining and heavy industry. The key characteristics of this area include flat low-lying coastal land, punctuated by spoil tips from hematite mining at Hodbarrow pit and the disused ironworks; a large sheltered lagoon; sparsely vegetated derelict grassland and successional woodland and scrub between Hodbarrow Pit and the coast; and sparse tree cover. The area benefits from long open views over Duddon Estuary and inland towards the edge of the Lakeland fells, however there is an air of neglect where land has become run down belies the wildlife value of disused industrial and mining sites. The landscape is characterised by view to open sea and expansive skies, both of which are sensitive to development that would enclose or interrupt these views. The high ecological value of former industrial sites is sensitive to changes in land management and development. It is therefore stated that development should protect green areas from sporadic and peripheral development, support retention and enhancement of green gaps, green infrastructure and ecoservices; encourage new development on brownfield and vacant sites to protect and enhance

habitats and minimise the impact of new development by careful siting, design and high standards of landscape treatment.

- 6.18 The Application is supported by a Landscape and Visual Appraisal and Landscape and Visual Appraisal Addendum. The original appraisal was undertaken in May 2023 to support withdrawn planning application 4/23/2249/0F1, with the addendum report prepared to support this resubmission application.
- 6.19 The submitted Landscape and Visual Appraisal provides an assessment of the potential landscape and visual effects of the proposed development. The primary focus of the appraisal is upon the Welcome Building as the most significant element within the proposals, whilst the four proposed hides (1 existing and 3 new) are considered of a scale and design that their effects would be negligible within the context of the site. The appraisal concludes the following:
- Construction activities will have some landscape and visual effects, which would be considered to be adverse, these would be short term and temporary.
 - Effects on landscape character would be generally neutral due to the scale of change, sensitive design taking into account the existing landscape, and the proposed landscape enhancements.
 - The proposed Welcome Building is a high-quality design that reflects the heritage of the site with an open design to the rotunda which limits the impacts when visible on the skyline.
 - The proposed built form will neither enclose nor interrupt the open views being generally seen as a small-scale element within a broader landscape view
 - The impact on the landscape of the surrounding area is generally negligible/neutral due to scale, form and materials.
 - The effect on landscape character and visual amenity will reduce over time due to continued growth of existing vegetation, and the wider enhancement proposed part of the development integrating the development into the landscape.
 - The landscape has capacity to accommodate a development of the scale proposed.
 - The proposed development is therefore considered to be acceptable in terms of its potential landscape and visual effects
- 6.20 The subsequent Addendum report concludes that the amended design reflected in the current planning application does not differ enough to change the significance of effect beyond what was assessed as part of the original Landscape and Visual Appraisal. From long distance locations across the Duddon Estuary, the magnitude of change is small and barely distinguishable. From viewpoints at shorter distance, topography and vegetation will at worst, partially screen the proposed visitor centre.
- 6.21 The Site lies within a sensitive area on the Duddon Estuary, and forms part of wide-ranging views within the immediate area and wider surrounding

landscape. As the Reserve is already operational the majority of the features, and access routes are already existing, however the proposal seeks to enhance and develop these features. The development of these areas is not considered to have a significant impact on the landscape or surrounding areas, with the proposed works considered to enhance the appearance of the site.

- 6.22 The proposed Visitor Centre and car part are to be located within the most elevated part of the site to the north of the Reserve, outside of the SSSI. Whilst the overall rotunda design of the proposed centre has been retained from the 2023 withdrawn application, the footprint of the building has been condensed to limit the impact of the development. Whilst still large in scale the development is considered to echo the industrial buildings which would have historically been seen in this area. This along with the use of muted, industrial materials, and the existing landforms and vegetation within the Reserve, will limit the impact of the development upon the landscape and surrounding area.
- 6.23 The Application is also supported by an Arboricultural Assessment and Arboricultural Method Statement. The report sets out that throughout the site there are areas of trees that will need to be removed, pruned or cut back to facilitate the proposed works. Tree protection methods are outlined within the statement to which works will be undertaken both during and upon completion of the development. The assessment concludes that providing the proposed protection methods are adhered to and any tree works are undertaken in accordance with BS3998 (2010) – Recommendations for Tree Work, the tree cover on this site should remain in order.
- 6.24 The Council's Arboricultural Consultant has reviewed the application and has confirmed that the proposal does not significantly affect the trees on site and has therefore recommended the inclusion of conditions to ensure compliance with the recommendations in the Arboricultural Impact Assessment.
- 6.25 It is therefore considered that, subject to the inclusion of the conditions outlined above, the proposal will not have a significant detrimental impact on the overall landscape or settlement character in accordance with Policy N6 of the Copeland Local Plan, and the provisions of the NPPF.

Scale, Design and Impact of Development

- 6.26 Policy DS4 of the LP requires all new development to meet high-quality standards of design. These standards include: create and enhance locally distinctive places, use good quality materials that reflect the local character, include high quality and useful open spaces, adopt active travel principles, create opportunities for social interaction, comprise effective use of land whilst maintaining amenity and maximising solar gain.
- 6.27 The Application seeks to enhance and develop the existing Hodbarrow Nature Reserved located to the south of Millom. The Site is located outside of the existing settlement with existing residential properties located a significant distance from the Site.

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- 6.28 The main element of the proposed works relates to the erection of a Visitor Centre to be sited within the north east portion of the Site on a raised area of land above the HWRC and outside of the SSSI. The proposed siting of this structure has been determined following consultations with a number of key consultees to limit the impact on the SSSI and the important habitats within the Reserve. The Visitor Centre will act as a start and finish point for visitors and will allow visitors to orientate themselves within the landscape, and interpret local heritage and wildlife.
- 6.29 Whilst the building is large in scale, the development has been reduced from the original submission in 2023 and is considered appropriate in the context of the existing site. The rotunda design and industrial finish have been utilised to echo the structures and appearance of the former mines in the area and to limit the scale and bulk of the development within the Site. The ground floor of the building will be finished with stone to utilise natural materials to limit the impact of the development within the surrounding area.
- 6.30 Limited details have been provided to detail the external cladding and materials for the proposed building. These details will therefore be secured by an appropriately worded planning condition.
- 6.31 The development also seeks to enhance the existing features and walkways within the existing Reserve and aims to make the Site more accessible and interactive for users. The proposal will resurface walkways, develop the existing Tern Island Hide, install three additional hides, install a sculpture to the Towsey Windmill, create gateway features and install street furniture, artworks, educational features, and signage. The proposed works are considered appropriate in relation to the use of the Site as a Nature Reserve and will create a high quality and useful facility for the public to enjoy. The proposal is not considered to overdevelop the Site.
- 6.32 As limited details have been provided with regard to the materials to be used within these proposal, and final details of the proposed educational features, signage and artwork haven't been provided these elements will be secured by appropriately worded planning conditions.
- 6.33 Given the Site is separated from nearby residential properties, no objections have been received to the application from Environmental Health. The application is supported by a Construction Environmental Management Plan, which references working hours. Environmental Health have confirmed these are acceptable and have requested a condition to secure this detail.
- 6.34 The application is supported by an External Lighting Strategy and details of the proposed lighting to be utilised within the development. The submitted strategy states that all proposed external lighting will be in accordance with guidance including the Cumbria Good Lighting Technical Advice Note, the CIBSE Lighting Guides, ILP Guidance Note 1 (The Reduction of Obtrusive Light) and ILP Guidance Note 8 (Bats and Artificial Lighting). No lighting is proposed to the access roads or to the car parks not associated with the

visitor centre. External lighting is only proposed around the Visitor Centre, either via surface wall lights to the perimeter, ceiling lights under the balcony roof, and columns or dark-sky bollards at crossings with 2200K LED lights.

- 6.35 Environmental Health have confirmed that the proposed external lighting design is acceptable, however concerns with the design have been raised by Friends of the Lake District following the submission of additional information. Based on these concerns a condition is proposed to secure a final external lighting scheme for the Visitor Centre.
- 6.36 Subject to the inclusion of the conditions outlined above, it is considered that the proposal complies with Policy DS4 of the Copeland Local Plan and the provisions of the NPPF.

Access and Highway Safety

- 6.37 Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.
- 6.38 Policy CO5 details the Transport Hierarchy and prioritises sustainable methods of transport such as walking, cycling and public transport.
- 6.39 Policy CO7 of the LP requires that new development provides adequate parking provision.
- 6.40 The Application is supported by a Transport Assessment, which concludes that there isn't any existing highway safety issues that are likely to be exacerbated by the proposed development, and vehicular impacts would be negligible on the surrounding network in terms of traffic and transportation. Furthermore, the site is accessible by sustainable modes of transport, with the surrounding area containing reasonable levels of pedestrian and cycling infrastructure and a train station within walking distance.
- 6.41 An Interim Travel Plan has also been submitted to outline measures which could be implemented to affect modal choice and to increase the level of walking, cycling and public transport use to and from the site, reducing reliance on the private car.
- 6.42 As part of the Application it is proposed that the Visitor Centre will be served by a car park located to the north west of the building, providing 63 car parking spaces, including 5 accessible space and 8 EV charging points, and motor bike spaces. The car park will also include secure bicycle storage,

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including space for adaptive cycles, which will also be installed around the wider site. A coach drop off point will be installed to the east of the building. The existing car park which is accessed from existing access track from Mainsgate Road will be formalised and marked out to create 18 spaces (including an accessible bay). The total number of car parking spaces across the site will be 81.

- 6.43 The Application also seeks to resurface the existing BOAT which runs through the Reserve. The proposal seeks to restrict vehicular access to the BOAT with vehicular access limited to emergency and maintenance vehicles only. This proposed restriction will be imposed through a Traffic Regulation Order (TRO) which is separate to the planning application process. The restrictions will be enforced by use of lockable bollard and bespoke fencing. It should be noted that if the TRO is not successful no barriers can be placed on the BOAT to control access.
- 6.44 The Highway Authority have reviewed the application and have confirmed that the development will create a minor increase in vehicle movements and will therefore not have a material impact on the local highway network. It is confirmed that the peak traffic for this development does not coincide with the normal peak traffic hours, the car parking provision is acceptable for the use of the site, and there are no junctions at or near capacity that require further modelling. Following the submission of additional/amended information to address concerns originally raised the Highway Authority have offered no objections to the proposal subject to the inclusion of conditions to secure details of the design, construction and drainage of the proposed carriageway, car parking, footways, footpaths, cycleways - including features and street furniture such as walkways, bollards, cycle-stands, etc, and signage along the King Charles II England Coastal Path.
- 6.45 The Countryside Access Officer has stated that they are fully supportive of the application which seeks to improve the access opportunities within and to Hodbarrow. They have confirmed that due to the scale of the work temporary closures of the Public Footpaths may be required, therefore an informative will be included to ensure that the relevant PROWs are kept open until a temporary closure order is in place.
- 6.46 On the basis of the amended/additional plans, and the inclusion of planning conditions requested by the Highway Authority the proposal is not considered to have a detrimental impact on highway safety in accordance with Policies CO4, CO5, and CO7 of the LP and the provisions of the NPPF.

Flood Risk and Drainage

- 6.47 Policy DS7 of the LP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

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- 6.48 Policy DS6 seeks to direct development where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 6.49 The majority of the Application Site is located within Flood Zone 1 (lowest probability of flooding); however, portions of the Sea Wall (Outer Barrier) are located within Flood Zone 3 (high probability of flooding). The proposed Visitor Centre will be located within Flood Zone 1, which comprise a less vulnerable use and is therefore a compatible use within this Flood Zone. The only development within Flood Zone 3 relate to the enhancement of existing features, including the existing Tern Island Hide and resurfacing of the access routes. All other works are compatible with any Flood Zone.
- 6.50 The Application is supported by a Flood Risk Assessment, which concludes that the residual risk to the site and occupiers of the building is from fluvial flooding. The report states that this will be managed through the registration for flood warnings to the site owner, the creation of flood warning and evacuation plan, and the design of finished floor levels to enable the Visitor Centre to provide a refuse point if evacuation is not possible. A condition will be included to ensure the development is carried out in accordance with the details and mitigation measures outlined within the FRA.
- 6.51 The Application is also supported by a Drainage Strategy Report and a Drainage/SuD's Operation & Maintenance Manual. Following amendments to the scheme it is proposed that surface water from the development will drain into the Hodbarrow Lagoon and will be restricted to existing greenfield discharge rates through attenuation secured through the use of permeable paving, below ground attenuation tanks and/or large diameter pipes. Surface water treatment from the catchment is provided by stone-filled filter trenches, permeable construction and proprietary treatment units where possible.
- 6.52 The Drainage Strategy also confirms that a separate foul water drainage system is proposed for the Visitor Centre to drain via a gravity system and will be pumped along the access road to an existing chamber of Mainsgate Road. Alternative 'non main drainage' means of foul water disposal have been explored but discounted due to treated effluent discharge concerns.
- 6.53 Initially the scheme sought to discharge surface water to Red Hills Quarry to the north of the site, however United Utilities confirmed that this was not acceptable. Based on this the drainage scheme was revised and United Utilities has confirmed that the drainage proposal are now acceptable.
- 6.54 Whilst UU have confirmed that the proposed drainage arrangements are acceptable, the LLFA have still requested additional details in relation to the proposed surface water for the development, although they offer no objections to the principle of the strategy. A condition is therefore proposed to secure a surface water scheme for the development along with a construction surface water management plan. The condition requested by UU will therefore be

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included but amended to secure only the proposed foul drainage for the development.

- 6.55 The EA have offered no objections to the Application regarding drainage and flood risk.
- 6.56 Subject to the inclusion of the requested conditions it is considered to that a satisfactory drainage scheme can be achieved for the site to ensure the proposal will not have a detrimental impact on flood risk in the area in accordance with Policies DS6 and DS7 of the LP and the provisions of the NPPF.

Heritage

- 6.57 Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings.
- 6.58 The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that in respect of listed buildings local planning authorities have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.59 The Application Site is not located within a Conservation Area and there are no Listed Buildings on or directly adjacent to the Application Site. Hodbarrow Beacon/Lighthouse located within the east of the site is a Scheduled Monument. All other historic elements on the site are considered to be non-designated heritage assets.
- 6.60 The proposal involves works at or within the immediate vicinity of the Towsey Hole Windmill, the Inner Barrier, the Outer Barrier and Haverigg Lighthouse all of which are non-designated heritage assets. The proposal would therefore impact upon the setting of non-designated heritage assets within the locality.
- 6.61 The previously withdrawn application at this site originally sought to include significant works to the Scheduled Monument, Hodbarrow Beacon, however these have now been removed from the proposal. No works are now proposed to the Beacon, however paths to and from the structure are to be finished with reinforced gravel.
- 6.62 The impacts of the development upon the setting of designated and non-designated heritage assets will be negligible and will positively convey the buildings and sites wider history.
- 6.63 The Council's Conservation and Design Officer has raised no objection in relation to the heritage impacts.

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- 6.64 The Application is supported by an Archaeological Watching Brief. The Council's Historic Environments Officer has offered no objections however has recommended that the submitted Watching Brief be implemented and secured by an appropriately worded planning condition.
- 6.65 Subject to the inclusion of the conditions outlined above, it is considered that the proposal complies with Policies BE1 and BE2 of the Copeland Local Plan and the provisions of the NPPF.

Ground Conditions

- 6.66 Policy DS8 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 6.67 A Preliminary Risk Assessment, a Phase 2 Ground Investigation Report, a Mining Risk Assessment, and a Piling Risk Assessment have been prepared in support of the Full Planning Application. These provide an overview of the current ground conditions.
- 6.68 A Remediation Strategy and Mining Risk Mitigation Assessment have also been submitted to support the application. These reports provide recommendations for remediation works at the site and proposals for the verification of remedial measures.
- 6.69 Planning conditions are proposed to ensure the development is carried out in accordance with details and recommendations outlined within the reports.
- 6.70 The Council's Environmental Health team have offered no objections but have requested the inclusion of a condition relating to unexpected contamination.
- 6.71 The Environment Agency have also confirmed no objections to the Application and have removed their previous request for a contaminated land condition following the submission of amended/additional reports. The Environment Agency has confirmed that the development of the site can be managed with low risk to the water quality environment.
- 6.72 Subject to the inclusion of the conditions outlined above, it is considered that the proposal complies with Policies DS8 of the Copeland Local Plan and the provisions of the NPPF.

Ecology

- 6.73 Policy N1 seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.
- 6.74 Policy N3 of the ELP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1 above. This is in addition to any

compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

- 6.75 The Application Site is part of Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and Duddon Estuary Ramsar site and Duddon Estuary Site of Special Scientific Interest (SSSI). The area to be developed for the proposed Visitor Centre and car park falls outside of the SPA, SAC, Ramsar and SSSI boundary.
- 6.76 The Site is not designated as a National Nature Reserve or Local Nature Reserve.
- 6.77 The Morecambe Bay and Duddon Estuary is designated for the presence of internationally important coastal habitats which support internationally and nationally important assemblages of breeding, over-wintering and migratory birds. Other protected and notable species include great crested newts, natterjack toads, nationally scarce plants including *Epipactis dunensis*, *Limonium humile*, *Centaureum littorale*, *Pyrola rotundifolia*, *Equisetum variegatum*, *Corallorhiza trifida*, *Coincya monensis* ssp. *monensis* and at least two British Red Data Book invertebrates *Colletes cunicularius*, *Psen littoralis*, *Hypocaccus rugiceps*.
- 6.78 The Application is supported by a Preliminary Ecological Appraisal, an Ecological Impact Assessment and Preliminary Ecological Appraisal, and an Ecological Impact Assessment and Preliminary Ecological Appraisal Update report. These reports conclude that consideration has been given to the qualifying features and general baseline ecology throughout the design process, with the development seeking to secure the long-term conservation and enhancement of habitats and species at the site through a sustained commitment to management, without which could risk some of the sensitive habitats due to successional habitat change.
- 6.79 These reports also set out the impact of the development, the proposed mitigation and enhancement measures, and the residual impact after mitigation on all habitats and species within the site. These mitigation and enhancement measures can be secured by appropriately worded planning conditions.
- 6.80 A Shadow Habitats Regulation Assessment (sHRA) was submitted due to the likely significant effects to the statutory designated sites, including the SSSI, SPA, SAC and Ramsar sites. The sHRA has considered an effect to be 'likely' if it 'cannot be excluded on the basis of objective information' and 'significant' if it 'undermines the conservation objectives'. As such, a Shadow Appropriate Assessment (sAA) was undertaken.
- 6.81 The sAA concludes that mitigation inherent to the scheme (site location, geographical barriers) and additional mitigation actions, such as best practice

measures within the CEMP and management and remedial actions secured within the LEMP update remove the likelihood of adverse effect on site integrity occurring.

- 6.82 The submitted Landscape and Ecological Management Plan (LEMP) details the specification for the created/restored habitats and ecological enhancement features to be incorporated into the development, and management of the site for a period of 30 years to ensure its implementation will positively contribute to enhancing the ecological and wildlife value of the site. The LEMP states that an update will be provided following planning approval therefore this will be secured by condition.
- 6.83 A Construction Environment Management Plan, Construction Environmental Management Plan Addendum, and Amphibian Mitigation and Management Plan also support this application and will be secured by condition. It is outlined within the Amphibian Mitigation and Management Plan that at least five natterjack toad hibernacula will be created within the Nature Reserve. The location of these have yet to be agreed with the RSPB but can be secured by a planning condition.
- 6.84 The Application seeks to increase the accessibility to the Nature Reserve for all users, with the aspirations of the project to double visitor numbers. Given the significant increase in numbers to the Reserve both Natural England and the RSPB have requested wardening provision be secured by the planning application. The applicant has advised that they are entering into a separate agreement with the RSPB as landowner of the Reserve under which the operators lease of the Visitors Centre will involve using grant funding to work with the RSPB and a wardening programme for the site. As these details have not been provided within the application a planning condition will be utilised to secure this provision.
- 6.85 Concerns have also been raised by consultees regarding the deliverability of the TRO to restrict vehicle access to the BOAT. Given the significant increase in numbers the RSPB and Natural England have stated that unfettered access over the BOAT will create significant damage to plant species and other habitats within the Reserve. Whilst the process of seeking a TRO to restrict vehicular access from the BOAT is separate to the planning application process, conditions can be utilised to secure confirmation of the closure and details of measure to restrict access to the BOAT to ensure the development does not have significant ecological impacts.
- 6.86 Following concerns raised by relevant consultees the following has been provided and further amended to support application in order to understand the impact of the development upon protects species and habitats and to secure the relevant mitigation measures:
- Ecological Impact Assessment and Preliminary Ecological Appraisal Update;
 - Shadow Habitats Regulation Assessment;
 - Shadow Appropriate Assessment;

- Construction Environmental Management Plan (CEMP);
- Landscape and Ecological Management Plan (LEMP);
- Amphibian Mitigation and Management Plan;
- Construction Environmental Management Plan (CEMP) Addendum;
- Habitat Management and Monitoring Plan;
- Landscape and Ecological Management Plan (LEMP);
- Phase II Survey Report Addendum;
- Post Development Habitat Plans;
- Pre Development Habitat Plans.

- 6.87 The Council's Consultant Ecologist has worked with the applicant to secure the amended and additional information for the proposed works. Whilst no objections have been received further amendments to the supporting documents to secure additional information to allow a full assessment of the submitted sHRA, the validity of the survey relating to some protected species, and updates to the AMMP in relation to the impact on Greater Crested Newts have been requested. This updated information is to be provided by the applicant and the Council's Consultant will provide final comments. Members will be provided with an Update Report once this information is received.
- 6.88 Natural England has indicated that they are supportive of the proposals and reinforce the views made by the RSPB. Their final response to the amended information is still awaited. Members will be provided with an Update Report once this information is received.
- 6.89 Following the submission of amended and additional information the RSPB have raised no objections. They have however raised concerns regarding the deliverability of the TRO on the BOAT and the impact this will have on the Reserve and have requested to see final designs of the proposed hibernacula. They have maintained their request for additional wardening at the site, and have sought additional monitoring to gully ladders, which has now been incorporated into the proposed mitigation measures for the site.
- 6.90 Subject to the planning conditions set out above, and subject to the receipt of satisfactory comments on additional information received by consultees, it is considered that the development would be in accordance with Policy N1 and N3 of the Local Plan and the NPPF.

Biodiversity Net Gain

- 6.91 In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development.
- 6.92 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in

England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and

(b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

6.93 Based on the information available this permission is one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

6.94 The Application is supported by a Biodiversity Net Gain Assessment and BNG Metric. This assessment concludes that required Net Gain can be achieved at the site. As agreed with the LPA only areas of habitat within the Site which will be impacted on the Nature Reserve (either through loss or creation) have been included in the assessment. All land proposed for the Visitor Centre and car park have been included.

6.95 The baseline value of the Application Site has been calculated at 22.42HU and as such 24.66HU are required to achieve 10% BNG. The post development designs for the Site are predicted to deliver 23.94 HU. This is a net gain of 1.52HU, meaning the off-site compensation required to meet 10% BNG is 0.72HU of which the applicant will purchase habitat units from the Environment Bank as off-site compensation should further onsite gains not be possible.

6.96 Relevant conditions are proposed to secure BNG for this development.

6.97 The submitted BNG Assessment also confirms that as the proposed development will include areas that will significantly contribute to the biodiversity value of the wider site, a Habitat Management and Monitoring Plan (HMMP) for the retention/enhancement, creation and long-term management over 30 years will be required. A HMMP has therefore been provided to support this application.

6.98 Planning conditions are proposed to secure the measures within the HMMP and the long-term management and monitoring of this site.

7. Planning Balance & Conclusion

7.1 The Application Site is located to the south of Millom, outside of any defined settlement boundary. The proposal complies with the types of development which are permitted outside of the defined settlement boundaries within the Local Plan. This is given significant weight.

7.2 As well as diversifying the tourist offer within the south of Copeland, which will attract more visitors to one of the Key Service Centres creating economic

benefits to the town and wider area, the development will also develop the existing recreation space for the local community promoting health and wellbeing. This is given significant weight.

- 7.3 The Application seeks to enhance and develop existing features and access routes which already exist within the Nature Reserve. Whilst the Site is located within a sensitive area and forms part of wide ranging views within the area and surrounding locality, the development of these existing features is not considered to have a significant impact on the overall landscape. Whilst the proposed Visitor Centre is to be located upon an elevated part of the site, the scale of the development is considered to echo industrial buildings which would have historically been seen in this area. The development has also been designed to limit the impact of the development and is supported by a Landscaping Strategy. This is given moderate weight.
- 7.4 Whilst large in scale the development is considered appropriate in the context of the existing site and its history. Sensitive materials will be utilised within the Visitor Centre and wider site alterations. The level of development proposed is considered to be appropriate to the site. This is given moderate weight.
- 7.5 The proposal is located to the south of the existing settlement, however the proposal includes measures to support sustainable travel, including EV charging, cycle parking, and pedestrian routes. Cumbria Highways have offered no objections to the application subject to conditions. This is given great weight.
- 7.6 The Application has been designed sympathetically to consider the sensitive location of the Nature Reserve, and the habitats and species within the site. The Application includes measures to secure long-term conservation, enhancement, and management of these features. Conditions can be utilised to secure these details and additional measures required to protect the ecological value of the site, subject to the receipt of amended consultation responses from Natural England and the Council's Ecological Consultant.
- 7.7 The delivery of a 10% Biodiversity Net Gain can also be secured by planning conditions. This is given moderate weight.
- 7.8 The development would not result in unacceptable impacts in respect of land contamination and drainage subject to the imposition of planning conditions. This is given moderate weight.
- 7.9 In overall terms, the adverse local landscape and visual impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development which will expand and diversify the existing tourist and recreation offer and will create economic and wellbeing benefits for the Key Service Centre and wider Borough.

Recommendation

That Members authorise the Service Manager for Development and Implementation with delegated authority to approve the application subject to Natural England's & the Council's Ecology Consultant's acceptance of the revised ecological information submitted, the planning conditions outlined at the end/Appendix 1 of the report, and to add to and/or make amendments to the conditions as considered appropriate.

Appendix 1

List of Conditions and Reasons:

Defining The Permission

1. The development hereby permitted must be commenced 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 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:
 - Application Form, received by the Local Planning Authority on the 25th June 2025.
 - Drawing Base, Scale 1:3000, Number: XX-ZZ-DWG-L-xxxx, Revision: -, received by the Local Planning Authority on the 25th June 2025.
 - Site Masterplan (Amended), Scale 1:3000, Number: XX-ZZ-DWG-L-1000, Revision: P03, received by the Local Planning Authority on the 8th December 2025.
 - Application Boundary, Scale 1:3000, Number: XX-ZZ-DWG-L-1001, Revision: P02, received by the Local Planning Authority on the 25th June 2025.
 - Drawing Locator Key, Scale 1:3000, Number: XX-ZZ-DWG-L-1002, Revision: P02, received by the Local Planning Authority on the 25th June 2025.
 - Visitor Centre 1:500 (Amended), Scale 1:500, Number: XX-ZZ-DWG-L-1202, Revision: P06, received by the Local Planning Authority on the 8th December 2025.
 - Visitor Centre 1:200 (Amended), Scale 1:200, Number: XX-ZZ-DWG-L-1203, Revision: P09, received by the Local Planning Authority on the 8th December 2025.

- Iron Line Railway Pass (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1205, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Coal Pit Hide (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1206, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Coal Pit Hide Details (Amended), Scale 1:25, Number: XX-ZZ-DWG-L-6011, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Whiterock Junction (Amended), Scale 1:200, Number: XX-ZZ-DWG-L-1207, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Whiterock Junction Detail (Amended), Scale 1:10 & 1:20, Number: XX-ZZ-DWG-L-6017, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Towsey Hole Windmill (Amended), Scale 1:200, Number: XX-ZZ-DWG-L-1208, Revision: P03, received by the Local Planning Authority on the 8th December 2025.
- Hodbarrow Beacon (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1209, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Annie Lowther Hide (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1210, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Annie Lowther Hide (Amended), Scale 1:25 & 1:200, Drawing Number: XX-ZZ-DWG-L-6014, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Sea Wall (Typical Arrangement) (Amended), Scale 1:200, Drawing Number: XX-ZZ-DWG-L-1211, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Haverigg Lighthouse (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1212, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Haverigg Lighthouse & Tern Island Hide (Amended), Scale 1:200, Number: XX-ZZ-DWG-L-1213, Revision: P04, received by the Local Planning Authority on the 9th December 2025.
- RSPB SRP Works (Amended), Scale 1:3000, Number: XX-ZZ-DWG-L-1300, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Lighthouse & Tern Island Hide – Overview, Scale 1:500, Number: XX-ZZ-DWG-L-1302, Revision: P03, received by the Local Planning Authority on the 25th June 2025.
- Lighthouse & Tern Island Hide – Slag Bund, Scale 1:500, Number: XX-ZZ-DWG-L-1303, Revision: P03, received by the Local Planning Authority on the 25th June 2025.

- Sea Wall Cross Section, Scale 1:50 & 1:100, Number: XX-ZZ-DWG-L-1304, Revision: P03, received by the Local Planning Authority on the 25th June 2025.
- Design and Access Statement (Incorporating Heritage Statement & Materials Information) (Amended), Prepared by Layer.studio, Ref: 289-LYR-XX-ZZ-RPT-L-0013, Rev: 02, received by the Local Planning Authority on the 8th December 2025.
- Planning Statement (Amended), Prepared by HG Associates December 2025, Reference No: 2567, received by the Local Planning Authority on the 8th December 2025.
- Existing and Proposed Windmill Installation, Scale 1:100, Drawing Number: 24044-PL09, Revision: -, received by the Local Planning Authority on the 25th June 2025.
- Tern Hide As Proposed, Scale 1:50, Drawing Number: 24044-PL12, Revision: -, received by the Local Planning Authority on the 25th June 2025.
- Arboricultural Assessment and Arboricultural Method Statement, Prepared by Claire Raw BSC (Hons) MAborA – Providing Arboricultural Surveys April 2025, received by the Local Planning Authority on the 25th June 2025.
- Drainage Details – Sheet 1 (Amended), Scale 1:20, Number: 081617-CUR-XX-XX-D-C-92200, Revision: P04, received by the Local Planning Authority on the 25th November 2025.
- Drainage Details – Sheet 2 (Amended), Scale 1:20, Number: 081617-CUR-XX-XX-D-C-92201, Revision: P04, received by the Local Planning Authority on the 25th November 2025.
- Drainage Strategy – Sheet 1 (Amended), Scale 1:250 & 1:1000, Number: 081617-CUR-01-ZZ-D-C-92001, Revision: P06, received by the Local Planning Authority on the 25th November 2025.
- Drainage Strategy – Sheet 2 (Amended), Scale 1:250 & 1:1000, Number: 081617-CUR-01-ZZ-D-C-92001, Revision: P06, received by the Local Planning Authority on the 25th November 2025.
- Drainage Strategy – Sheet 3 (Amended), Scale 1:1000, Number: 081617-CUR-01-ZZ-D-C-92003, Revision: P05, received by the Local Planning Authority on the 21st November 2025.
- Ecological Impact Assessment and Preliminary Ecological Appraisal Update (Amended), Prepared by Greengage December 2025, received by the Local Planning Authority on the 8th December 2025.
- External Lighting Strategy Statement, Ref: 3468-CWC-XX-XX-RP-E-0301, received by the Local Planning Authority on the 25th June 2025.
- Hodbarrow Car Park (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1201, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Iron Line Entrance (Amended), Scale 1:100, Number: XX-ZZ-DWG-L-1204, Revision: P04, received by the Local Planning Authority on the 8th December 2025.

- Landscape and Visual Appraisal, Prepared by One-Environments May 2023, Ref: N1315-ONE-ZZ-XX-RP-L-0001-P04, received by the Local Planning Authority on the 25th June 2025.
- Landscape and Visual Appraisal Addendum, Prepared by Layer.studio April 2025, Rev: 03, received by the Local Planning Authority on the 25th June 2025.
- Mainsgate Road Entrance (Amended), Scale 1:250, Number: XX-ZZ-DWG-L-1200, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Preliminary Ecological Appraisal (Summary), Prepared by Appletons December 2021, received by the Local Planning Authority on the 25th June 2025.
- Shadow Appropriate Assessment (Amended), Prepared by Greengage April 2025, received by the Local Planning Authority on the 8th December 2025.
- Shadow Habitats Regulations Assessment (Amended), Prepared by Greengage December 2025, received by the Local Planning Authority on the 8th December 2025.
- Statement of Community Involvement Iron Line, Prepared August 2023, received by the Local Planning Authority on the 25th June 2025.
- Visitor and Access Management Plan, Prepared by Appletons Landscape Institute April 2025, Rev: A, received by the Local Planning Authority on the 25th June 2025.
- Visitor Centre Proposed Elevations and Sections (Amended), Scale 1:100, Drawing Number: MIL-APL-VC-PL08, Revision: P02, received by the Local Planning Authority on the 26th November 2025.
- Proposed Floor Plans (Amended), Scale 1:100, Drawing Number 24044-PL07, Revision: P01, received by the Local Planning Authority on the 25th November 2025.
- Visitor Centre Detailed Section 01 (Amended), Scale 1:50 & 1:750, Number: XX-ZZ-DWG-L-6019, Revision: P03, received by the Local Planning Authority on the 9th December 2025.
- Visitor Centre Detailed Section 02 (Amended), Scale 1:25, 1:50 & 1:750, Number: XX-ZZ-DWG-L-6020, Revision: P02, received by the Local Planning Authority on the 9th December 2025.
- Visitor Centre Detailed Section 03 (Amended), Scale 1:20 & 1:250, Number: XX-ZZ-DWG-L-6021, Revision: P02, received by the Local Planning Authority on the 9th December 2025.
- Written Scheme of Investigation for an Archaeological Watching Brief (Amended), Prepared by Wardell Armstrong July 2025, received by the Local Planning Authority on the 24th September 2025.
- Construction Environment Management Plan (Amended), Prepared by Story March 2025, received by the Local Planning Authority on the 8th December 2025.
- Construction Phase SHE Plan, Prepared by Story Construction March 2025, received by the Local Planning Authority on the 25th June 2025.

- Drainage Strategy Report (Amended), Prepared by Curtins November 2025, Ref: 081617-CUR-ZZ-ZZ-T-C-92002, received by the Local Planning Authority on the 28th November 2025.
- Drainage/SuDS Operation & Maintenance Manual (Amended), Prepared by Curtins November 2025, Ref: 081617-CUR-ZZ-XX-T-C-92003, Revision: P02, received by the Local Planning Authority on the 28th November 2025.
- Drainage Specification, Prepared by Curtins April 2025, Ref: 081617-CUR-ZZ-XX-T-C-00101, received by the Local Planning Authority on the 25th June 2025.
- Flood Risk Assessment, Prepared by Curtins April 2025, Ref: 081617-CUR-ZZ-ZZ-T-C-92001, received by the Local Planning Authority on the 25th June 2025.
- Interim Travel Plan, Prepared by Curtins April 2025, Ref: 081617-CUR-XX-XX-T-TP-00002, received by the Local Planning Authority on the 25th June 2025.
- Mining Risk Mitigation Strategy, Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00009, received by the Local Planning Authority on the 25th June 2025.
- Remediation Strategy, Prepared by Curtins October 2025, Ref: 080874-CUR-XX-XX-T-GE-00008, received by the Local Planning Authority on the 13th October 2025.
- Mining Risk Assessment, Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00005, received by the Local Planning Authority on the 25th June 2025.
- Phase 1 Preliminary Risk Assessment, Prepared by Curtins April 2025, Ref: 080874-CUR-00-XX-RP-GE-001, received by the Local Planning Authority on the 25th June 2025.
- Phase II Survey Report Addendum (Amended), Prepared by Greengage, received by the Local Planning Authority on the 8th December 2025.
- Phase 2 Ground Investigation Report (Amended), Prepared by Curtins September 2025, Ref: 080874-CUR-XX-XX-RP-GE-00006, received by the Local Planning Authority on the 13th October 2025.
- Phase 2 Ground Investigation Report (Zones 3-10), Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00007, received by the Local Planning Authority on the 25th June 2025.
- Transport Assessment, Prepared by Curtins April 2025, Ref: 081617-CUR-XX-XX-T-TP-00001, received by the Local Planning Authority on the 25th June 2025.
- Updated Archaeological Desk-Based Assessment, Prepared by Wardell Armstrong March 2025, received by the Local Planning Authority on the 25th June 2025.
- Biodiversity Net Gain Assessment (Amended), Prepared by Greengage July 2025, received by the Local Planning Authority on the 8th December 2025.
- Biodiversity Metric (Amended), received by the Local Planning Authority on the 22nd January 2026.

- Email Response to Flood and Coastal Defence Engineer, received by the Local Planning Authority on the 24th September 2025.
- Piling Risk Assessment, Prepared by Curtins October 2025, Ref: 080874-CUR-XX-XX-T-GE-00010, received by the Local Planning Authority on the 13th October 2025.
- Landscape and Ecological Management Plan (Amended), Prepared by Greengage December 2025, received by the Local Planning Authority on the 5th February 2026.
- External Lighting Design, Scale 1:200, Project Ref: 25-142-1A, received by the Local Planning Authority on the 21st November 2025.
- Cycle & Pedestrian Routes to Visitor Centre (Amended), Scale 1:200, Number: XX-ZZ-SKE-L-0050, Revision: P01, received by the Local Planning Authority on the 8th December 2025.
- External Lighting and Electrical Services, Scale 1:100, Drawing No: 3468-CWC-XX-XX-DR-E-6001, Rev: T02, received by the Local Planning Authority on the 21st November 2025.
- First Floor General Lighting and Emergency Lighting, Scale 1:50, Drawing No: 3468-CWC-XX-01-DR-E-6301, Rev: T02, received by the Local Planning Authority on the 21st November 2025.
- Quarry Hide Detail (Amended), Scale 1:5, 1:25, 1:50, 1:200 & 1:2500, Number: XX-ZZ-DWG-L-6013, Revision: P04, received by the Local Planning Authority on the 8th December 2025.
- Railway Pass Detail (Amended), Scale 1:10 & 1:75, Number: XX-ZZ-DWG-L-6008, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Surface Water Drainage Calc 00001, Rev: P04, received by the Local Planning Authority on the 21st November 2025.
- Surface Water Drainage Long Section, Scale 1:250, Number: 081617-CUR-01-ZZ-D-C-92101, Revision: P03, received by the Local Planning Authority on the 21st November 2025.
- Addendum to: "Visitor and Access Management Plan, Final Rev A", Prepared by HG Associates December 2025, received by the Local Planning Authority on the 8th December 2025.
- Amphibian Mitigation and Management Plan (Amended), Prepared by Greengage February 2026, received by the Local Planning Authority on the 5th February 2026.
- Bespoke Bench Details, Scale 1:10, Number: XX-ZZ-DWG-L-6023, Revision: P01, received by the Local Planning Authority on the 8th December 2025.
- Boat Entrance Details, Scale 1:20 & 1:200, Number: XX-ZZ-DWG-L-6006, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Car Park Timber Detail, Scale 1:10, 1:20 & 1:100, Number: XX-ZZ-DWG-L-6005, Revision: P02, received by the Local Planning Authority on the 8th December 2025.

- Coal Pit Hide Detail – Material Exploration, Scale -, Number: XX-ZZ-DWG-L-6012, Revision: P02, received by the Local Planning Authority on the 9th December 2025.
- Construction Environment Management Plan Addendum (Amended), Prepared by Greengage January 2026, received by the Local Planning Authority on the 22nd January 2026.
- Double Leaf Gate Detail, Scale 1:20 & 1:500, Number: XX-ZZ-DWG-L-6010, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Entrance Gate Detail, Scale 1:10 & 1:200, Number: XX-ZZ-DWG-L-6007, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Furniture Details – Bins/Bollards/Cycle Stands, Scale 1:10, Number: XX-ZZ-DWG-L-6004, Revision: P02, received by the Local Planning Authority on the 9th December 2025.
- Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025.
- Haverigg Entrance, Scale 1:200, Number: XX-ZZ-DWG-L-1218, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Haverigg Lighthouse Detail, Scale 1:25 & 1:200, Number: XX-ZZ-DWG-L-6016, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Image Elevations, received by the Local Planning Authority on the 8th December 2025.
- Iron Line Access 01, Scale 1:200, Number: XX-ZZ-DWG-L-1219, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Iron Line Access 02, Scale 1:200, Number: XX-ZZ-DWG-L-1220, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Post Development Habitats Zoomed 1 out of 1, received by the Local Planning Authority on the 8th December 2025.
- Pre Development Habitats Zoomed in 1 out of 2, received by the Local Planning Authority on the 8th December 2025.
- Pre Development Habitats Zoomed in 2 out of 2, received by the Local Planning Authority on the 8th December 2025.
- Quarry Hide, Scale 1:200, Number: XX-ZZ-DWG-L-1217, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Response to Consultees, Prepared by HG Associates December 2025, received by the Local Planning Authority on the 8th December 2025.
- Single Leaf Gate Detail, Scale 1:20 & 1:500, Number: XX-ZZ-DWG-L-6009, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Outline Methodology, Phasing Plan & Strategy, Prepared by Story, received by the Local Planning Authority on the 11th December 2025.

- Compound Layout, Scale: -, Drawing Number: 0324-SCL-CMP-001, Revision: -, received by the Local Planning Authority on the 8th December 2025.
- Surface Water Management Plan, Scale: -, Drawing Number: 0324-SCL-SWP-001, Revision: -, received by the Local Planning Authority on the 8th December 2025.
- Streetlife Bench Base Detail, Scale 1:10, Number: XX-ZZ-DWG-L-6015, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Towsey Hole Windmill Detail Section, Scale 1:50 & 1:200, Number: XX-ZZ-DWG-L-6024, Revision: P01, received by the Local Planning Authority on the 9th December 2025.
- Towsey Hole Windmill Path Detail, Scale 1:20 & 1:200, Number: XX-ZZ-DWG-L-6018, Revision: P02, received by the Local Planning Authority on the 9th December 2025.
- Typical Details – Hardworks, Scale 1:10, Number: XX-ZZ-DWG-L-6000, Revision: P03, received by the Local Planning Authority on the 8th December 2025.
- Typical Details – Hardworks, Scale 1:10, Number: XX-ZZ-DWG-L-6001, Revision: P03, received by the Local Planning Authority on the 8th December 2025.
- Typical Fence Detail, Scale 1:10, Number: XX-ZZ-DWG-L-6003, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Typical Fence Detail – Ecology, Scale 1:5 & 1:10, Number: XX-ZZ-DWG-L-6022, Revision: P01, received by the Local Planning Authority on the 8th December 2025.
- Typical Knee Rail Detail, Scale 1:5 & 1:10, Number: XX-ZZ-DWG-L-6002, Revision: P02, received by the Local Planning Authority on the 8th December 2025.
- Email Response to RSPB and Tetra Tech, received by the Local Planning Authority on the 23rd January 2026.
- Response to Tetra Tech, Prepared by Greengage January 2026, received by the Local Planning Authority on the 23rd January 2026.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions:

3. The carriageways, car parking, footways, footpaths, cycleways - including features and street furniture such as walkways, bollards, cycle-stands and the like, shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including design specifications / dimensions must be submitted to the Local Planning Authority

for approval in writing before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete and must be retained for the lifetime of the development.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CO4 of the Copelan Local Plan.

4. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance must be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted). The scheme must incorporate SUDs features as far as practicable and be accompanied by a maintenance schedule.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval must also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy Report dated 7 April 2025 proposing surface water discharging to Hodbarrow Lagoon.

The works must be constructed, maintained and managed in accordance with the approved details for the lifetime of the development and must be completed in accordance with the approved details prior to the first use of the site.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DS6 and DS7 of the Copeland Local Plan.

5. No development shall commence until a construction surface water management plan has been submitted to and agreed in writing with the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with Policy DS6 and DS7 of the Copeland Local Plan.

6. Prior to the commencement of development, a finalised Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the Local Planning Authority in line with the recommendations set out in the approved document 'Landscape and Ecological Management Plan (Amended), Prepared by Greengage December 2025, received by the Local Planning Authority on the 5th February 2026'. The LEMP must include the following:

- The number and locations of log piles and other invertebrate features proposed as enhancements;
- Details of habitat creation, management and associated wetland creation plans to include water flow / control structures.

The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

7. Prior to the commencement of development, a finalised Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following:
 - A Vegetation Translocation Method Statement detailing translocation methods including how the receptor area will be prepared, managed and remediation plans will be secured;
 - A comprehensive Breeding Bird Method Statement including avoidance through timing or nesting bird checks undertaken by ECoW;
 - A Reptile Method Statement for both the wider site and proposed visitors centre, which includes toolbox talk (with identification of common lizard and slow worm), mitigation for impacts such as habitat loss and timing of works;
 - The number and locations of log piles and other reptile features, such as hibernacula proposed as enhancements;
 - A detailed Badger Method Statement including: a toolbox talk to contractors on identifying badger signs and reasonable avoidance measures; and the dense scrub will be removed under ECoW and using a two phased cut;
 - A detailed Otter Method Statement including pre-commencement surveys for otters (adopting best practice guidance); Toolbox talks for all contractors are delivered prior to works; ECoW supervision during habitat clearance;

- A detailed INNS & Biosecurity Method Statement
- The nomination of a Biodiversity champion (or synonymous title).
- A walkover of the site to check for badger signs and all works to the dense scrub areas undertaken under ECoW supervision

The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

8. Prior to the commencement of development, a finalised Amphibian Mitigation and Management Plan (AMMP) must be submitted to and approved in writing by the Local Planning Authority. The AMMP must include for great crested newt, natterjack toads and common amphibians the following details:

- Mitigation and enhancement for natterjack toads including fencing around pools, restricted vehicle access, formalisation of paths, signage and increased refugia;
- Specifications on refugia;
- Scrapes and loose sandy soils;
- Full details, including timescales for development and management details, of the proposed five natterjack toad/greater crested newt hibernacula.

The development must be completed in accordance with the approved details and must be retained for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

9. Prior to the commencement of development, a Notable Plants Method Statement that covers the protection of rare plants on-site, with detailed maps of the locations of plants and appropriate protection measures, must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

10. Prior to the commencement of the development, an assessment of the potential impacts on Local and further non-statutory site should be undertaken

and details of the assessment must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

11. Prior to the commencement of the development, a ground level tree assessment must be completed on any trees within the proposed Visitor Centre area (or proposed disturbance area, including a 30m buffer, that will be affected by the works. The results of the assessment must be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

12. Prior to the commencement of the development, additional surveys are required in order to establish the roosting suitability, including hibernation roosts, of the buildings, structures and cliffs, and whether these will be impacted (directly, or via noise, lighting or vibration) from the development. The additional surveys must be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

Prior to First Use/Installation Conditions:

13. The foul drainage for the development hereby approved, must be carried out in accordance with principles set out in the following approved documents:
 - Drainage Strategy – Sheet 1 (Amended), Scale 1:250 & 1:1000, Number: 081617-CUR-01-ZZ-D-C-92001, Revision: P06, received by the Local Planning Authority on the 25th November 2025.
 - Drainage Strategy – Sheet 2 (Amended), Scale 1:250 & 1:1000, Number: 081617-CUR-01-ZZ-D-C-92001, Revision: P06, received by the Local Planning Authority on the 25th November 2025.

- Drainage Strategy – Sheet 3 (Amended), Scale 1:1000, Number: 081617-CUR-01-ZZ-D-C-92003, Revision: P05, received by the Local Planning Authority on the 21st November 2025.
- Drainage Strategy Report (Amended), Prepared by Curtins November 2025, Ref: 081617-CUR-ZZ-ZZ-T-C-92002, received by the Local Planning Authority on the 28th November 2025.

For the avoidance of doubt, no surface water will be permitted to drain directly or indirectly into the public sewer or United Utilities outfall pipe. Prior to the first use of the proposed development, the foul drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policy DS6 and DS7 of the Copeland Local Plan.

14. Prior to their first use within the proposed Visitor Centre details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

15. Prior to their first use within the refurbishment of the existing Tern Island Hide details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

16. Prior to their first use within the construction of the proposed new hides details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

17. Prior to their first installation within the site, details of the proposed artworks, educational features, and signage must be submitted to and approved in writing by the Local Planning Authority. The proposed artworks, educational features, and signage must be installed in accordance with the approved details and must be retained as such thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

18. Any new signage relating to the King Charles III England Coastal Path must be consistent with designs already used along KCIII ECP as approved by Natural England. Prior to installation of any signage, details must be submitted to and approved in writing by the Local Planning Authority. The proposed signage must be installed in accordance with the approved details and must be retained as such thereafter.

Reason

To ensure a minimum standard of consistency and legibility in route finding in accordance with Policy CO4 of the Copeland Local Plan.

19. Prior to the first installation at the site, an external lighting scheme for the proposed visitor centre and associated car park must be submitted to and approved in writing by the Local Planning Authority. The external lighting must be installed in accordance with the approved details and retained as such for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

20. Prior to the first use of the development hereby approved, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details at all times thereafter.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan.

21. Prior to the first use of the development hereby approved the required Mining Remediation Completion Report as required by the approved document 'Mining Risk Mitigation Strategy, Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00009, received by the Local Planning Authority on the 25th June 2025' must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance Policy DS8 of the Copeland Local Plan.

22. Prior to the first use of the development hereby approved the required Verification Completion Report as required by the approved document 'Remediation Strategy, Prepared by Curtins October 2025, Ref: 080874-CUR-XX-XX-T-GE-00008, received by the Local Planning Authority on the 13th October 2025' must be submitted to and approved by writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance Policy DS8 of the Copeland Local Plan.

23. Prior to the first use of the development hereby approved, full details of the proposed wardening programme as agreed with the RSPB must be submitted to and approved in writing by the Local Planning Authority. The site must be operated in accordance with these approved details for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

24. Prior to the first use of the approved Visitors Centre, and any approved within the Reserve as identified within the approved document 'Outline Methodology, Phasing Plan & Strategy, Prepared by Story, received by the Local Planning Authority on the 11th December 2025', details of the approved Traffic Regulations Order to restrict vehicular access to the BOAT must be submitted to and approved in writing by the Local Planning Authority. This must include details of measures to limit access by vehicles. Development must be completed in accordance with the approved details before the first use of the

development hereby approved and must be retained for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

BNG Conditions:

25. The development hereby approved shall not be occupied until the habitat creation and habitat enhancement works detailed in 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025' have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

26. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025', a completion report, evidencing the completed habitat creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

27. The habitat creation and habitat enhancement works detailed 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025' shall be managed and maintained in accordance with the provisions of approved 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025' for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

28. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025' is delivering on its site-wide aims and objectives and habitat condition targets.

Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025' unless otherwise stated in 'Habitat Management and Monitoring Plan (HMMP), Prepared by Envirotech November 2025, received by the Local Planning Authority on the 8th December 2025'

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Other Conditions:

29. The development must be carried out in accordance with the 'Arboricultural Assessment and Arboricultural Method Statement, Prepared by Claire Raw BSC (Hons) MAborA – Providing Arboricultural Surveys April 2025, received by the Local Planning Authority on the 25th June 2025'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To ensure that existing trees are protected in accordance with Policy N6 of the Copeland Local Plan.

30. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment, Prepared by Curtins April 2025, Ref: 081617-CUR-ZZ-ZZ-T-C-92001, received by the Local Planning Authority on the 25th June 2025', and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DS6 and DS7 of the Copeland Local Plan.

31. The development must be carried out in accordance with and implement all of

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the mitigation, enhancement and compensation measures set out in the approved documents:

- Preliminary Ecological Appraisal (Summary), Prepared by Appletons December 2021, received by the Local Planning Authority on the 25th June 2025.
- Ecological Impact Assessment and Preliminary Ecological Appraisal Update (Amended), Prepared by Greengage December 2025, received by the Local Planning Authority on the 8th December 2025.
- Phase II Survey Report Addendum (Amended), Prepared by Greengage, received by the Local Planning Authority on the 8th December 2025.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

32. The use of the Visitor Centre hereby approved must only be permitted to the public/customers between:

- 08:00 - 17:00 - Monday to Sundays (including bank holidays)

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

33. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08:00 – 18:00;
- Saturday 08:00 – 13:00

There shall be no construction activated at any time on Sundays or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of neighbouring occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

34. The archaeological watching brief and the photographic record of Towsey Hole Windmill described in the submitted written scheme of investigation in the approved document 'Written Scheme of Investigation for an Archaeological Watching Brief (Amended), Prepared by Wardell Armstrong July 2025, received by the Local Planning Authority on the 24th September 2025' must be implemented in full by a qualified archaeologist. Within two months of the completion of the development, a digital copy of the archaeological report must be furnished to the Local Planning Authority.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.

To ensure that a permanent record is made of the building of architectural and historical interest (Towsey Hole Windmill) prior to its alteration as part of the proposed development in accordance with Policies BE1 and BE2 of the Copeland Local Plan.

35. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policies DS8 of the Copeland Local Plan.

36. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Mining Risk Mitigation Strategy, Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00009, received by the Local Planning Authority on the 25th June 2025.
- Remediation Strategy, Prepared by Curtins October 2025, Ref: 080874-CUR-XX-XX-T-GE-00008, received by the Local Planning Authority on the 13th October 2025.
- Mining Risk Assessment, Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00005, received by the Local Planning Authority on the 25th June 2025.
- Phase 1 Preliminary Risk Assessment, Prepared by Curtins April 2025, Ref: 080874-CUR-00-XX-RP-GE-001, received by the Local Planning Authority on the 25th June 2025.
- Phase 2 Ground Investigation Report (Amended), Prepared by Curtins September 2025, Ref: 080874-CUR-XX-XX-RP-GE-00006, received by the Local Planning Authority on the 13th October 2025.
- Phase 2 Ground Investigation Report (Zones 3-10), Prepared by Curtins April 2025, Ref: 080874-CUR-XX-XX-T-GE-00007, received by the Local Planning Authority on the 25th June 2025.

All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance Policy DS8 of the Copeland Local Plan.

Informatives:

1. The granting of planning permission would not give the applicant the right to block or obstruct the Public Rights of Way as shown on the Definitive Map and Statement. The Public Rights of Way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order is made to divert, stop up or to temporarily close them has been confirmed.
2. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

3. Biodiversity Net Gain – Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.