

Our Ref: 784-B072252

Your Ref: 4/25/2198/0F1

FAO: Christie Burns

27 February 2026

Dear Christie

784-B072252 LAND AT HODBARROW NATURE RESERVE, MILLOM 4/25/2198/0F1

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)

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- 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_ironline_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_appliation_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.

The response to the 'Iron Line Project – Response to Tetra Tech' from Greengage, dated the 23rd January 2026 has been included in red text below.

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 Proposed works

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.

The information required to provide clarification has not been provided. It would also be beneficial to display the site location and the zone of influence radius highlighting the location of the site in relation to relevant Habitats sites. It is noted that the nature reserve is located with Morecambe Bay and Duddon Estuary SPA, Morecambe Bay SAC, and Duddon Estuary Ramsar The Visitor Centre and car park site lies just outside the boundary of these designations. However It is not clear where any of the proposed works will take place. Further clarity on this is required before this sHRA can be assessed.

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.

This detail is still not included and is therefore assumed that not embedded mitigation does not apply to this project.

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.

Update – This action can not be closed out until the requested data has been provided by the consultant for review, further detail in Table 1 Conclusion.

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 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. The above assessment has been amended to implement a 10m buffer between works and the water edge of estuary habitat to rule out LSE. This 10m buffer constitutes mitigation, as previously highlighted is not possible to screen out LSE with mitigation in accordance with People over Wind C-323/17 (Court of Justice of European Union, 12 April 2018 (ECJ)). **Where mitigation is considered to be required then the pathway must be screened in for appropriate assessment at which point it is appropriate to apply mitigation.** This applies to all pathways assessed.

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 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.

This request has not been addressed, clarity is required in order to fully review this assessment.

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.**

This has now been addressed.

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.

This comments has not been addressed, although the mitigation measure has changed in the LSE further detail is required regarding this pathway within the sAA.

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. This comment has not been addressed, further information is required to assess this sAA. **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. This information has not been provided and must be included in order for the LPA to accept this assessment. **Detailed plans of the bund which provides mitigation to the island are required**. No plans are included within the sAA, such detail is required in order to assess this report. 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. No detail has been provided relating to this comment, further information is required in order to form a robust assessment within the sAA.

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

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.

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 (553023lt03Jul25FV04_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 cross-referenced 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 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 appropriate justification.** This information should be used to inform a Notable Plants Method statement that should cover the protection of rare plants on-site, with detailed maps of the locations of plants and appropriate protection measures.

4.2 Breeding birds

4.2.1 Survey Approach & Methodology – The EclA 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.** This has not

been addressed. No detail is provided regarding breeding bird surveys within the EclA. However the addendum report to phase II surveys provides additional detail regarding survey methods. Although most recent survey was carried out in 2024, survey data is currently considered valid however may require updating if submission is delayed.

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).*** This is not addressed, mapping is required to enable review of this assessment.

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. Importance value has been amended based on local and national status of relevant species, this is an acceptable approach.***

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

Please provide evidence of RSPB methodology.

Greengage has responded to this question with the methodology for breeding birds, can the methodology for natterjack surveys please be confirmed.

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. This is not addressed in the EclA or addendum report. Justification is required to enable a thorough review of the EclA.***

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.

4.4.2 is now closed, further detail in Table 1 Conclusion.

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. We note a precautionary assessment of National value has been attributed to this area based on anecdotal evidence of use. However habitats are noted to be largely unsuitable, therefore review and revision of this conservation value is recommended and robust justification for the decision made should be provided.

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.

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.**

AMMP and CEMP has been updated to include GCN. 4.4.3 now closed.

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.

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.

AMMP has been updated to include GCN and updates to period for hibernation. 4.4.4 now closed.

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 out-compete 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*

Please provide evidence of:

- **Agreed responsibility for ongoing management and maintenance.**
- **Note Langton et al (2001) (Great Crested Newt Conservation Handbook) stated that hibernacula should contain “Stone, rock, clean brick rubble (without cement residues) and old or misfired bricks can be used in a similar way”, GCN mitigation Guidelines (2001) state use of “inert, clean fill, hardcore, brick rubble”. Natterjack toads occupy sandy burrows and so welcome the inclusion of sand within hibernacula to increase suitability**

for them. Request that any concrete used is cleaned before use to remove any residues or harmful materials that may alter pH or other sand/soil chemistry.

- Noted no new ponds so no specification required.

4.4.5 is now closed, further detail in Table 1 Conclusion.

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.

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.*** The addendum report states that it is unlikely for reptile numbers to have changed since the previous survey. Justification for this is required.

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 trees¹, 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 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.

¹ Collins, 2023. *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. London: The Bat Conservation Trust.

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 guidance², 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.**

² Collins, 2023. *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. London: The Bat Conservation Trust.

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**. No updated riparian mammal report provided, Riparian mammals are not included within the addendum (Greengage, undated) produced to update 2023 reports. An update PEA survey was completed in 2025 and this has been used to assess suitability for otters. Confirmation that the sites condition likely to support the same species as identified during the 2021/2022 PEA is accepted.

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. It is recognised that the ECIA now highlights the potential for otter to utilise the site occasionally and is of value at the local level, this conclusion is accepted. **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. Local and non statutory sites have not been included, this comment requires addressing in order to review this EclA.

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.*** This comment has been addressed and the justification provided is accepted.

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.

Table 1. Conclusion

Document	Element	Action(s) required
HRA	1.1 Proposed works	<p>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.</p> <p>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.</p> <p>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.</p> <p>Update – We note Greengage will provide this information once permission is provided by RSPB (letter dated 19th February 2026) This action can not be closed out until the requested data has been provided by the consultant for review.</p>

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	1.2 Screening	<p>The screening assessment for ‘Surface water pollution and ground water pollution degrading habitats’ must be amended so that it does not include mitigation measures.</p> <p>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.</p>
	1.3 Appropriate Assessment	<p>The appropriate assessment should be amended to:</p> <ul style="list-style-type: none"> - Clarification is required, ideally with areas of specific works and visitor centre to be depicted on maps / plans - 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 - Reference the assumptions made to demonstrate there is ample area of lagoon available for all species - Details on how the restrictions to traffic on the BOAT will be implemented and enforced and who will have responsibility for this - Details on the extent of the bund - An adaptive Visitor Management Plan is included, including appropriate funding and governance for all mitigation measures (such as wardening, which would be required in addition to current RSPB duties) <p>Requirements for further clarity within the HRA/shadow appropriate assesment have now been addressed.</p>
BNG	2.7 BNG Metric	<p>Clarification is required to show what habitats will be lost (onsite) and which habitats will be created.</p>

		<p>Any habitat unit requirements should be revisited following amendments to the metric.</p> <p><i>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).</i></p>
	2.8 Bespoke mitigation	The habitat creation proposals should be summarised clearly and presented on a plan.
NVC	3.2 Visitors centre	<p>More information is required on the suitability of the receptor area to receive the translocated grassland.</p> <p><i>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 included in the CEMP, which will be submitted to the council for approval before works commence.</i></p>
Protected and Notable Species		
4.1 Notable plants	4.1.1 Survey validity	<p>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 appropriate justification.</p> <p><i>This information should be used to inform a Notable Plants Method statement that should cover the protection of rare plants on-site, with detailed maps of the locations of plants and appropriate protection measures.</i></p>
4.2 Breeding birds	4.2.1 Survey Approach & Methodology	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	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	Further justification is required for the local level of importance assigned to breeding birds.
	4.2.4 CEMP	<i>The CEMP must incorporate a comprehensive Breeding Bird Method Statement including avoidance through timing or nesting bird checks undertaken by ECoW.</i>
4.3 Wintering birds		<i>The recommended buffer zones detailed in Table 6 are considered appropriate and must be detailed in the CEMP to avoid disturbance.</i>
4.4 Natterjack toads, great crested newt and common amphibians	4.4.1 Survey validity	<p>The age of survey data requires a review of validity by a professional Ecologist and a clear statement provided with appropriate justification.</p> <p>Please provide evidence of RSPB methodology. Greengage has responded to this question with the methodology for breeding birds, can the methodology for natterjack surveys please be confirmed.</p>
	4.4.2 Survey methodology	<p>Further justification is required for the survey methods.</p> <p>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.</p> <p>Noted that survey data from RSPB has been requested and additional rationale provided. In the absence of requested information, rationale provided for sub-optimal habitats below and historical records coupled with recent update of AMMP to address discovery of GCN should they be found in any working areas and recent updates to LEMP re GCN conclude this request for additional information subject to third party provision. 4.4.2 is now closed.</p>

4.4.3 Impact Assessment

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.

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.**

AMMP and CEMP has been updated to include GCN. 4.4.3 now closed.

4.4.4 Mitigation and compensation measures	<p>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.</p> <p>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.</p> <p>AMMP has been updated to include GCN and updates to period for hibernation. 4.4.4 now closed.</p>
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	4.4.5 Biodiversity / Habitat Enhancements	<p>A detailed Amphibian Management Plan will be incorporation into a LEMP, which includes habitat creation, management and associated wetland creation plans to include water flow / control structures.</p> <p>Please provide evidence of:</p> <ul style="list-style-type: none"> a. agreed responsibility for ongoing management and maintenance. b. note Langton et al (2001) (Great Crested Newt Conservation Handbook) stated that hibernacula should contain “Stone, rock, clean brick rubble (without cement residues) and old or misfired bricks can be used in a similar way”, GCN mitigation Guidelines (2001) state use of “inert, clean fill, hardcore, brick rubble”. Natterjack toads occupy sandy burrows and so welcome the inclusion of sand within hibernacula to increase suitability for them. Request that any concrete used is cleaned before use to remove any residues or harmful materials that may alter pH or other sand/soil chemistry. c. noted no new ponds so no specification required. <p>It is noted that: Procurement for operation of the Visitor Centre and car park as not yet taken place. In the absence of an operator, a Heads of Terms agreement will be in place between RSPB and Cumberland Council which sets out the option that the Council will take responsibility to repair and maintain all infrastructure put in place as part of the Iron Line project or provide a commuted sum to RSPB for them to maintain.</p> <p>It is further noted that the AMMP and LEMP have been updated to include reference to cleaning concrete from harmful chemical and residues before use.</p> <p>4.4.5 is now closed.</p>
4.5 Invertebrates	4.5.2 Mitigation and enhancement	<p><i>The proposed enhancements / mitigation must be detailed within the CEMP and LEMP and must include number and locations of log piles and other invertebrate features proposed as enhancements.</i></p>
4.6 Reptiles	4.6.1 Survey Validity	<p>Survey documents require a review of validity by a professional Ecologist and a clear statement provided with appropriate justification.</p>

	4.6.3 Mitigation measures	<i>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.</i>
	4.6.4 Biodiversity / habitat enhancements	<i>The number and locations of log piles and other reptile features, such as hibernacula proposed as enhancements should be quantified within the CEMP.</i>
4.7 Bats	4.7.2 Proposed visitors centre	A ground level tree assessment must be completed on any trees within the proposed visitors centre area (or proposed disturbance area, including a 30m buffer), that will be affected by the works.
	4.7.3 Bats and buildings	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.
4.8 Badger	4.8.3 Impact assessment	<i>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.</i>
	4.8.4 CEMP	<i>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.</i>
4.9 Riparian Mammals	4.6.1 Survey Validity	Survey data require a review of validity by a professional Ecologist and a clear statement provided with appropriate justification.
	4.9.2 Limitations	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	While dogs can be a deterrent to otters in some areas, more justification in 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	<p>A detailed Otter Method Statement should be included within the CEMP which includes the following:</p> <ul style="list-style-type: none"> • 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.
Other	5.1 Local and further non-statutory' sites	<p>An assessment of potential impacts on Local and further non-statutory' sites is required.</p> <p>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</p>
	5.2 Red Squirrel	<p>Justification is needed as to why red squirrel has not been scoped into the ecological assessment of this site.</p>
	5.3.1 INNS	<p>A detailed INNS & biosecurity method statement is required in the CEMP to limit the introduction or spread of INNS onto site.</p>
	5.3.2 <i>General comments on CEMP</i>	<p><i>The nomination of a Biodiversity champion (or synonymous title) is to be included in the CEMP.</i></p>

Yours sincerely



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For and on behalf of Tetra Tech Limited



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