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Dear Christie

Planning consultation: The Iron Line Development
Location: Land at Hodbarrow nature reserve, Millom

Thank you for your consultation on the above which was received by Natural England on 21 September 2023

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

OBJECTION - INSUFFICIENT INFORMATION PROVIDED

As submitted, the application has the potential to impact the site integrity of the Duddon Estuary Ramsar, Morecambe Bay & Duddon Estuary Special Protection Area (SPA) and Morecambe Bay (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) is required.

Without this information, Natural England may need to object to the proposal. 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

An integral part of the vision for the site is 'to transform the coastal lagoon and sea wall at Hodbarrow into a nationally significant visitor attraction.' Consequently, 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 and increased vehicle access.

The Habitat Regulation Assessment (HRA) conclusion of no adverse effect on the integrity of the above European sites relies heavily on detailed mitigation within a subsequent Landscape and Ecological Management Plan (LEMP). 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.

All impacts to designated breeding birds, non-breeding birds, and natterjack toads that require mitigation need to be 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 below:

Breeding and non-breeding bird designated features

The SPA is an internationally important site for wintering and migratory waders and wildfowl along the east Atlantic flyway from their breeding grounds in the Arctic, as well as for breeding gulls and terns. 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.

Disturbance to sites of high wildlife interest is a major factor affecting features of designated sites in the UK, particularly in coastal locations. There is significant risk of disturbance and displacement and damage to the breeding seabird colonies as a result of the increased number of visitors associated with the Iron Line proposal. Recreational disturbance from activities on and surrounding 'key spaces' on the site, such as the waterside structures, poses serious risks to the SPA's integrity and ability to support SPA birds.

Full time wardening will be essential year-round, and between mid-February and early September this will need to 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. It is also not clear if the Council or a third party will be running the welcome building.

Natural England acknowledge the emphasis that has been put on the environment in the Visitor and Access Management Plan, and the ambition of a monitoring programme. As Natural England advised in our pre-application discussions a clearly defined adaptive management plan will be essential to monitor access, site use, and disturbance events, which would inform the need for further intervention or remedial action. This will ensure that any unforeseen impacts of the Iron Line do not become part of the prevailing environmental conditions of the site which then diverts resource away from positive management. To provide the certainty needed for the HRA, further

detail and commitment is required for the ongoing monitoring with clear financial commitment, defined roles and responsibilities, clear governance, and embedded objectives.

The Plan states that regular management of the site in terms of its aesthetics and ecological management should be built into the overall long-term strategy for the Iron Line. As advised in our pre-app advice ecological management should be paramount over the aesthetics of the site for visitor experience. The site is first and foremost a nature reserve for internationally important habitats and species. The design also needs to ensure that a flexible approach to site management can be maintained so that ambitions for biodiversity are not curtailed. This adaptable approach to management, means that access to machinery and livestock over all areas must be possible and practical.

The RSPB Tern Island hide on the outer seawall faces the island within the main lagoon which has been formed to provide a safe environment for terns to nest each spring/summer. It will be vital that this area does not come under any visitor disturbance pressure. Natural England agree that an increased slag bund would be appropriate to create a more solid barrier between visitors and tern island to reduce recreational disturbance, but a finalised design is required. In our discussions on site Natural England advised that planting of scrub near the top of slag bank would help screen activity on sea wall. Continuing the dense scrub margin around the lagoon to head height would also help to manage effects of access and disturbance. The hide also sits within an area of valuable habitat. Therefore, more detail is required as to how footfall will be managed to avoid degradation from visitors walking off the 'simple path' created to the bird hide.

Natterjack toads

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 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.

Increased visitor numbers to the site will pose a risk to Natterjack breeding areas and refugia. An

increase in dog numbers could also impact Natterjack breeding ponds through direct disturbance and pollution from flea treatments. Whilst pathways may be signposted and formalised, there is no certainty that visitors will adhere to designated routes at all times or that more sensitive parts of the reserves will remain undisturbed by the additional visitors. Similarly, it should not be assumed that these areas will be avoided by the species due to existing pressure from disturbance from walkers or dogs since there is no evidence to confirm that the Natterjack toad would avoid disturbed (recreationally) areas.

Natterjacks are likely to disperse on proposed surfaced areas such as roads, paths, boardwalks, waterside platforms, etc. Therefore, improvements to the roads surrounding the Welcome building and along the BOAT are likely to increase vehicle accessibility and the volume of traffic on the site, negatively impacting the Natterjack re-establishment. Natural England strongly concurs with the RSPB's recommendations that any surfaced road providing improved access should have traffic-calming strategies to reduce vehicle speed, specifically on the BOAT.

As noted by the RSPB, it would be beneficial if water control structures could be incorporated into at least one of the ponds to mitigate the threat of prolonged droughts. The applicant mentions "pipe sluices" to drain these pools, which is beneficial, but the ability to top them up in droughts would build resilience. Water control would need ongoing management. Furthermore, the proposed concrete and slag-lined ponds may need to be redesigned to incorporate a sand or turf lining to enable safe passage of toadlets, as concrete can exceed temperatures required for toadlet survival.

Certain proposed habitat improvement works identified by the applicant are already being carried out by the RSPB with NE Species Recovery grant funding. Clarification is required surrounding habitat works funded under the Iron Line proposals in addition to this existing work. This should be submitted to Natural England to ensure the proposed habitat improvement plan does not undermine current species recovery plans for the site. The applicant's proposals may need to be revised following the RSPB scrub removal project.

The recommendations for enhancing the site for the Natterjack toad are positive. However there is no certainty at this stage surrounding how this will be delivered, managed, maintained, and remedied, if not adequate or delivering the required objectives. This all needs including in the LEMP.

On a procedural point, due to the extensive mitigation required for preventing impacts to natterjacks, these measures should be addressed within the Appropriate Assessment and not ruled out at the Assessment of Likely Significant Effect stage of the HRA.

Construction impacts on designated features

Natural England note an outline template Construction Environmental Management Plan (CEMP) has been submitted but advise that more detail is needed prior to planning approval due to the high-risk nature and timing sensitivities of the construction works. Various documents outline construction mitigation measures, and these should all be brought together into a draft CEMP. If it is unclear what plant and machinery will be required at this stage, then a precautionary approach will be required assuming the highest level of impact that will need to be mitigated with regards to noise, visual and air pollution.

The developer has detailed plans for improving the physical structure of the Tern Island bird hide. It will be imperative that this is completed outside of the tern breeding season as acoustic screening will not provide sufficient mitigation. Tern Island is also used as a high tide roost in the non-breeding season for oystercatcher, common ringed plover, dunlin, and redshank which could therefore be impacted by the proposed works if they extend into the wintering season. SPA birds feeding on the intertidal zone the seaward side of the sea wall also need to be considered. Construction should only be undertaken in daylight hours.

Other Advice

Surface Drainage

The developer stated that the surface water drainage scheme, which includes the addition of surface water sewers draining by gravity from the welcome building/car park westwards into the lagoon, manholes, and headwalls, and the excavation of two swales, will be located in dense scrub habitat in the northern part of the reserve, approximately 760m north of the SAC-designated Annex 1 fixed dunes habitat on the reserve (DSD1). Natural England requires clarification as to whether this will be taking additional contaminants from the welcome building and parking area into the reserve; this would include sediment, silt, debris, potential fuel spills during construction, etc. If so, then the Construction Environmental Management Plan (CEMP) will need to detail the specific pollution prevention measures that will be implemented to mitigate pollution of the SAC.

Biosecurity

Natural England note that there is invasive *Cotoneaster* (*Cotoneaster horizontalis*) on site. The EclA states that invasive species will be removed within the development footprint, which leaves ambiguity surrounding the area that will be cleared. Natural England will require clarification regarding the boundaries of the development footprint and emphasise the benefits of widespread removal of invasive species across the Hodbarrow site. Natural England welcomes with the incorporation of the check-clean-dry procedure and advises that it be strictly adhered to in order to prevent the introduction and further spread of non-native invasive species.

England Coast Path

Natural England are pleased to note the England Coast Path (ECP) has been acknowledged in the application. Coastal Access rights commenced here on 3rd November, on a the proposed ECP route shown in the applicant's plan. From an access perspective, the applicant's proposals would be welcome as a further improvement to access, provided it was constructed and maintained at a suitable width for wheelchair use. Cumberland Council's countryside team should ensure any works on the line of the England Coast Path meet National Trail and accessibility standards and maintain suitable waymarking. Natural England advise that any works involving surfacing, waymarking, advisory and information panels, or other infrastructure be discussed with the England Coast Path team in Cumberland Council's Countryside Team, and likewise if the line of the ECP might be affected whilst works are carried out, that the team are involved to ensure a temporary diversion is marked.

Summary

This proposal could impact the integrity of European sites and therefore more detail on how the impacts will be mitigated is required before planning permission can be granted. A revised HRA is required to ensure all risks that need mitigating are fully assessed at the AA stage. A draft LEMP to provide measurable, deliverable, and enforceable mitigation, and robust monitoring and management of the site is required.

Clarification of how the Council will resource and manage long-term and future risks to the designated sites will be required to ensure conservation of designated species and habitats are not threatened. More detail of the long-term management strategy is needed to ensure that the ongoing risks of increased visitor pressure at the site is managed effectively in perpetuity.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Kate Berry
Sustainable Development Lead Adviser