

PLANNING STATEMENT

Iron Line Project - Land at Hodbarrow Nature Reserve, Millom. LA18 4JY

Erection of Visitor Centre with Café/Shop, Group Room, Staff/Volunteer, Toilet Facilities and Vehicle Parking; consolidation, repair and installation of Interpretive Sculpture to Towsey Hole Windmill; refurbishment of existing Tern Island 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).

Reference No. 2567.

Update December 2025



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1. Introduction

1.1 The Millom and Haverigg Town Investment Plan (MHTIP) 2021, which is now being implemented as part of the Government's Towns Fund, aims to revitalise the area through four key projects: "The Iron Line"; "Activating Community Health"; "Reactivating Heritage Buildings"; and "Connecting Millom and Haverigg". The MHTIP describes the Iron Line project at Hodbarrow Nature Reserve as *"transforming the unique coastal lagoon into a major visitor attraction through the creation of a new linear park, fusing ecology, heritage and art into a fully inclusive recreational space incorporating walking, cycling and horse riding around the Sea Wall within an inspirational environment."*

1.2 In 2023 application ref. no. 4/23/2249/OF1 was submitted seeking full permission for the development associated with the "Iron Line" project. The development proposed under 4/23/2249/OF1 described as:

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

1.3 The publicity associated with application 4/23/2249/OF1 led to the local planning authority to receive comments from interested parties. This, in combination with the views expressed on the original scheme through community involvement, led to a comprehensive review of the original project and submission of a revised proposal (application ref. no. 4/25/2198/OF1). Following the receipt of comments from statutory consultees and interested parties concerning application ref. no. 4/25/2198/OF1, the relevant plans have been amended and accompanying documents updated. This is in the context of the project still meeting the underlying objectives of securing the long-term conservation and enhancement of the habitats and species at the site whilst also improving infrastructure that will increase community access to green spaces. In so doing, the project is intended to provide inclusive community health/wellbeing and educational benefits in an inspirational environment and a significantly upgraded visitor experience.

1.4 In comparison to application 4/23/2249/OF1, the current proposal involves:

- A visitor centre but smaller in footprint, 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 Byway Of All Traffic (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.

1.5 The background information that accompanies this application has also been reviewed and updated in response to the comments received from the consultees as summarised in Table 1.

COMMENTS RE. 4/25/2198/OF1	CONSULTEE	RESPONSE – CURRENT APPLICATION SUPPORTING DOCUMENTATION
Need for archaeological Written Scheme of Investigation (WSI) to include watching brief	Cumberland Council: Historic Environment Officer	WSI updated by Wardell Armstrong
Reports need to consider potential risk of soluble contaminants leaching controlled waters	Environment Agency	Updated Remediation Strategy and a Piling Risk Assessment prepared by Curtins
The Landscape and Ecology Management Plan (LEMP) to include additional issues such as an Amphibian Management Plan	Environment Agency, RSPB, Natural England & Council's Consultant Ecologist	Updated LEMP prepared by Greengage
Lighting Strategy to identify location, number and brightness of external lighting	Friends of the Lake District	Updated plans prepared by Crookes Walker Consulting (CWC)
The Visitor Access Management Plan (VAMP) need for consistency with Transport Assessment and Interim Travel Plan and further explain how it will mitigate potential disturbance to ecology including warden(s)/management	Cumberland Council: Highway Authority & Natural England	Addendum to submitted VAMP prepared by HG Associates
Cycle and pedestrian provision	Cumberland Council: Highway Authority	Updated plans prepared by Layer Studio
Surface and foul water drainage	Cumberland Council: Lead Local Flood Authority & Environmental Health; United Utilities	Updated plans, Drainage Strategy Report & Operations/Maintenance Manual prepared by Curtins
Shadow Appropriate Assessment (sAA) to include additional information	RSPB	Updated sAA prepared by Greengage
Shadow Habitats Regulation Assessment (sHRA) to include additional information	RSPB & Natural England	Updated sHRA prepared by Greengage
Ecological Impact Assessment (EclA) & Preliminary Ecological Appraisal (PEA) to include additional information	RSPB	Updated by Greengage
Construction Environmental Management Plan (CEMP) to include additional information such as a breeding bird method statement, amphibian method statement, invertebrates mitigation	Cumberland Council: Lead Local Flood Authority, Natural England & Cumberland Council's Consultant Ecologist	Updated CEMP prepared by Story Contracting Ltd and Addendum prepared by Greengage

Table 1 Summary of Consultee Comments 4/25/2198/OF1 and Subsequent Actions

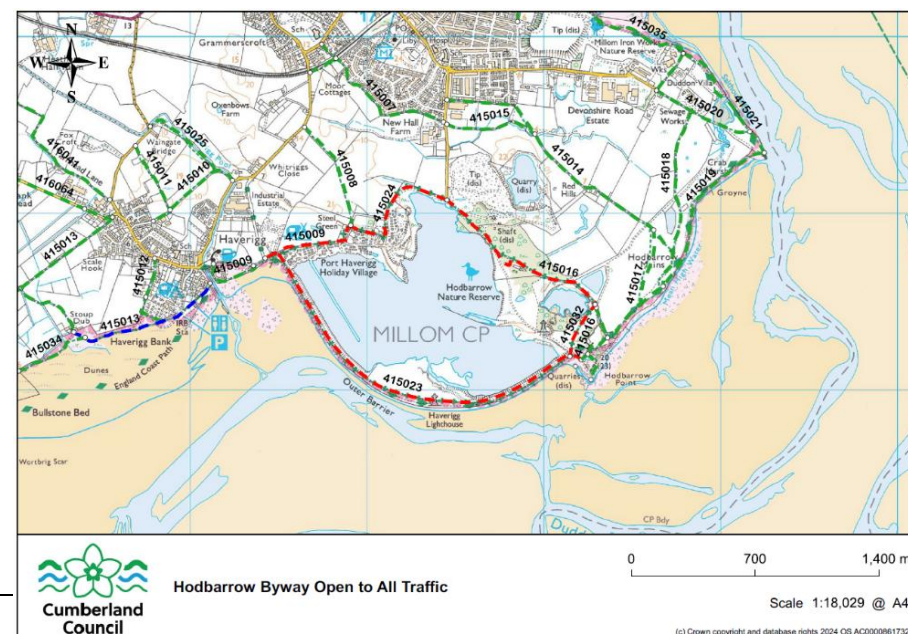
1.6 As a result, and in addition to this Statement, the submitted application forms and updated plans are now accompanied by the following documents:

- Updated Design and Access Statement (inc. Heritage) (Layer Studio);
- A Landscape and Visual Appraisal (One Environments);
- A Landscape and Visual Appraisal Addendum (Layer Studio);
- Updated Drainage Strategy Report (Curtins);
- Drainage Specification (Curtins);
- Updated Operation and Maintenance Manual (Curtins);
- Flood Risk Assessment (Curtins);
- Transport Assessment (Curtins);
- Interim Travel Plan (Curtins);
- Phase 1 Preliminary Risk Assessment (Curtins);
- Phase 2 Ground Investigation Zone 1 Visitor Centre (Curtins);
- Phase 2 Ground Investigation Zones 3-4 (Curtins);
- Remediation Strategy (Curtins);
- Piling Risk Assessment (Curtins);
- Mining Risk Assessment (Curtins);
- Mining Risk Mitigation Strategy (Curtins);
- External Lighting Strategy Statement (Crookes Walker Consulting);
- Visitor Access Management Plan (Appletons)/Addendum (HG Associates);
- Ecological Impact Assessment and Preliminary Ecological Appraisal Update Dec. 2025 (Greengage);
- Phase 2 Survey Report Addendum Dec. 2025 (Greengage);
- Shadow Habitats Regulations Assessment and Appropriate Assessment Dec. 2025 (Greengage);
- Landscape and Ecology Management Plan Dec. 2025 (Greengage);
- Amphibian Mitigation and Management Plan (Greengage);
- BNG Assessment/Metric (Greengage) & Habitat Management and Monitoring Plan (Envirotech);
- Construction Method Statement (Story Contracting Ltd);
- Methodology, Phasing Plan and Strategy (Story Contracting Ltd);
- Updated Construction Environmental Management Plan (Story Contracting Ltd) and Addendum (Greengage);
- Statement of Community Engagement (Placed);
- Updated Archaeological Desk-Based Assessment (Wardell Armstrong);
- Archaeological Written Scheme of Investigation (Wardell Armstrong);
- Arboricultural Assessment and Arboricultural Method Statement (Claire Raw).

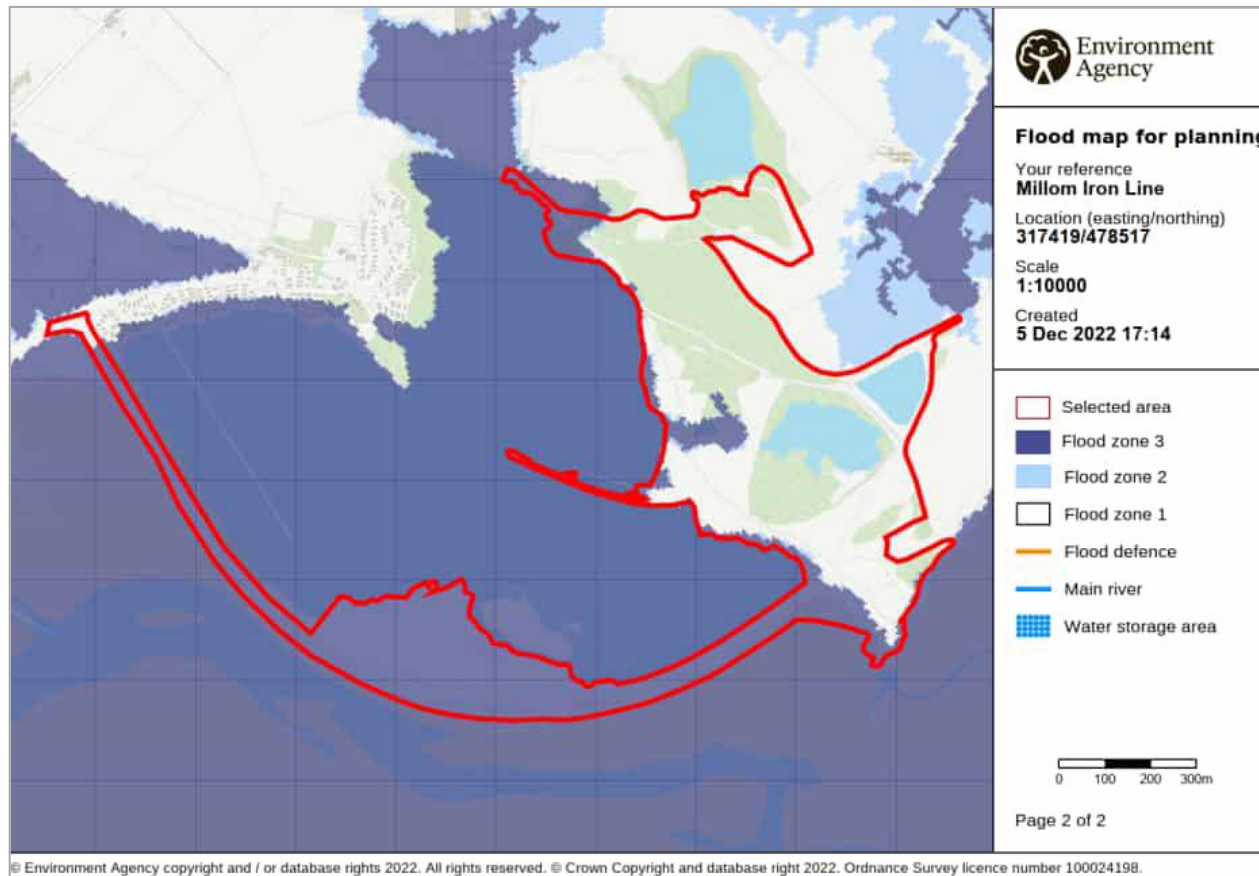
- 1.7 This Statement provides an assessment of the proposed development, as amended, against the relevant adopted development plan policies and any other material considerations.

2 Site Description

- 2.1 The RSPB Hodbarrow Nature Reserve is located within the Duddon Estuary circa 0.6km to the south-west of Millom and 0.8km east of Haverigg with the application site including land from Hodbarrow Point north-westwards to the site of a former haematite/iron ore mine (“Hodbarrow Mine”) that operated from the 1850’s until 1968. The mining operations were supported by 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”).
- 2.2 The “Archaeological Desk Based Assessment” prepared by Wardell Armstrong explains that in the 1880’s an embankment was formed, referred to as the “Inner Barrier”, that enabled mine-workings to extend seawards. In 1898, the Inner Barrier was breached which led to the construction in 1900-05 of another more extensive sea wall known as the “Outer Barrier” that included a cast iron light house (“Haverigg Lighthouse”) and a mineral railway line. The application site also includes the remains of a windmill (“Towsey Hole”) that dates from the 18th century associated with earlier agricultural activities but was probably used as a gunpowder store at some stage during mining operations.
- 2.3 Following closure in 1968, the mine flooded and has become naturalised to form a coastal lagoon enclosed by the Outer Barrier. The former mine was purchased by the RSPB in 1986. There is an existing concrete bird hide (“Tern Island Hide”) that views an island within the lagoon and an informal car park sited at the southernmost extent of Mainsgate Road near a hardstanding (locally known as “The Ducks”) from which visitors stop to view the lagoon.
- 2.4 The application site adjoins the Redhills Quarry Household Waste Recycling Centre (HWRC) and the Port Haverigg Holiday Village and Marina.
- 2.5 Vehicular access to the Nature Reserve is via a track from Mainsgate Road which also serves the Redhills Quarry HWRC. The 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. The BOAT, although in a poor condition, links with the King Charles III England Coast Path (KC III ECP) by public footpath 415016. The KCIII ECP runs parallel to the BOAT on its seaward side.



- 2.6 The Hodbarrow Beacon/lighthouse is a Scheduled Monument. For the purposes of this assessment, the other remaining historic elements, such as the Towsey Hole Windmill, Inner and Outer Barriers and Haverigg Lighthouse are considered to be non-designated heritage assets.
- 2.7 According to the current Environment Agency Flood Map, the majority of the application site falls within Flood Zone 1 (i.e. Low Probability) although portions are within Flood Zone 3a (High Probability).



- 2.8 Under the Cumbria Landscape Character Guidance and Toolkit (CLCGT) 2011 the site falls within sub-type 2d: Coastal Urban Fringe.
- 2.9 The Duddon Estuary is a Site of Special Scientific Interest and Ramsar, the Morecambe Bay and Duddon Estuary is a Special Protection Area and Morecambe Bay a Special Area of Conservation.

3 Planning History

3.1 The available records indicate that the site has been the subject of the following applications:

- in 1991, under application number 4/91/0685/4, planning permission was given for a single storey hide.
- In 1996, application no. 4/96/0422/0, permission was granted to create vehicle control bund and level steep banks.
- In 2007, application no. 4/07/2213/0, advert consent was given for a non-illuminated sign.
- In 2015, application no. 4/15/2060/0A1, advert consent was granted for a coastal interpretation information board and marine litter message signage.

3.2 The previous application, ref. no. 4/23/2249/OF1, for the Iron Works Line project has been withdrawn.

3.3 The Redhills Quarry Household Waste Recycling Centre has had the following planning applications:

- In 1992, application no. 4/92/9002/0, permission was given for an access, security compound, landfill and clinical waste transfer area.
- In 1994 the landfill site was closed and, under application no. 4/94/9012/0, temporary permission (10 years) was given to create a civic amenity site for the recycling of household waste.
- In 2008, application no. 4/08/9001, temporary permission (5 years) was granted to continue use of the quarry as a household waste recycling site.
- In 2013, application no. 4/13/9001, temporary permission (5 years) was given to continue use as a household waste recycling centre. The permission is subject to a nature conservation based scheme for the restoration of the site.
- In 2018, application no. 4/18/9003/0F2, approval was given to continue the use as a household waste recycling centre until the 31st of December 2029 subject to the restoration scheme agreed under 4/13/9001.

4 Proposal

4.1 This application is seeking full planning permission for:

- The erection of a visitor centre with café/shop, group room, staff/volunteer, toilet facilities and vehicle parking;
- The consolidation, repair and installation of an interpretive sculpture to Towsey Hole Windmill;
- The refurbishment of the existing Tern Island Hide;
- The provision of 3no. new bird hides, pathways, gateway features and street furniture inclusive of works to the existing car park;
- The enhancement of wildlife habitats;
- Associated landscaping and drainage infrastructure; and
- The maintenance of the byway but with restricted vehicular access.

4.2 The proposed visitor centre is to be designed to certified Passivhaus energy efficiency standards and is in the form of a rotunda with locally sourced stone and metal rain screen cladding on the walls and a standing seam aluminium roof. The proposed ground floor comprises operational and volunteer facilities, a group room and toilets. The first floor is to have a café and a balustraded viewing platform. This will enable the building to act as a destination node that will also provide space for educational purposes and refreshments.

4.3 All surface water drainage from the car park and visitor centre is to flow towards Hodbarrow Lagoon with discharge rates restricted up to the 1:100 year rainfall (plus climate change allowances) to the existing equivalent greenfield runoff rate and with appropriate flood control/attenuation provided upstream. The foul drainage is to drain via an immediate gravity system within the service yard and then pumped along the access road and up Mainsgate Road.

4.4 The proposed new car park at the visitor centre is to have 63 car parking spaces (including five accessible spaces), a space for motorbikes, 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. Eight of the parking spaces (5 standard and 3 accessible) are to be served by EV charging units. The visitor centre parking may potentially be charged but will be at the discretion of the operator. The existing parking near The Ducks and the access from Mainsgate Road, will be marked out with timber logs to identify 18 spaces (including an accessible bay) and remain free of charge.

4.5 The Towsey Hole Windmill is to be repaired and a free-standing interpretive “weather vane” sculpture to be inserted within the hollow of the existing ruin. The structure will remain open to the elements with no barriers to access. The frame of the interpretive structure is to be bolt fixed and in the form of a rotating cowl with a wind-driven fantail fixed to a concrete ring beam. The walling of the Windmill is to be repointed with a lime mortar and any areas requiring more significant repairs will be consolidated using heritage engineering brickwork. A continuous informative mesh panel will be installed within the Windmill.

4.6 The existing Tern Island Hide is to have the walls reclad in treated timber and the cills to 2no. existing windows to be lowered to improve views for wheelchair users.

4.7 At present there is an informal viewing point near the Inner Sea Wall which is located between the sites of the former Old Annie Lowther Pit and New Annie Lowther Pit. It is intended to provide a new “Annie Lowther” hide in this location in the form of a circular shelter screen. The proposal also includes the provision of two Quarry Hides in the form of viewing screens that overlook the “Clay Pit Pool” and “Quarry Pool” respectively.

- 4.8 As well as providing operational facilities, 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. On the Hodbarrow Nature Reserve the works include creating natterjack toad hibernacula habitat, fortifying and extending the existing slag bund along the sea wall to have a maximum height of 1500mm using the site-won materials so any increase in visitors will be visibly unnoticeable to the terns, some fencing off of sensitive habitat where visitors are approaching the existing hide and formalisation of existing desire lines and existing paths across the reserve are to be improved to encourage visitors away from the most sensitive habitats.
- 4.9 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 vehicular access restricted to emergency and maintenance vehicles only which will reduce cars using the BOAT, parking along the BOAT and on the reserve. The restriction is to be imposed through a Traffic Regulation Order (TRO) which is separate to the planning application process. The TRO will be implemented using Section 1 of the Road Traffic Regulation Act 1984.
- 4.10 Art and education features, along with appropriate signage, are to be installed across the site.



North Elevation



South Elevation

Architects Plus – Proposed Visitor Centre Elevations



5 Planning Policy

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that any application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 5.2 The Development Plan comprises the Copeland Local Plan (CLP) 2021-2039 the relevant policies of which comprise:
- 5.3 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); DS9 (Protecting Air Quality); Strategic Policy T1 (Tourism Development); Policy T2 (Tourism Development along the Developed Coast); Strategic Policy SC1 (Health and Wellbeing); Policy SC2 (Sporting, Leisure 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); Policy N5 (Protection of Water Resources); Strategic Policy N6 (Landscape Protection); Strategic Policy N9 (Green Infrastructure); Policy N14 (Woodlands, Trees and Hedgerows); Policy BE3 (Archaeology); Policy BE4 (Non-Designated Heritage Assets); Strategic Policy CO4 (Sustainable Travel); and Policy CO7 (Parking Standards and Electric Vehicle Charging Infrastructure).
- 5.4 At the local level there are also supplementary planning documents in the form of the Cumbria Landscape Character Guidance and Toolkit (2011), the Cumbria Development Design Guide (2017), the Copeland Landscape Settlement Study (2020), the Copeland Local Plan Area Landscape Character Assessment (2021), the Design Quality SPD, and the Cumbria Good Lighting Technical Advice Note (2023). The RSPB has prepared the Hodbarrow Management Plan 2020/21 – 2025/26. The proposal is also advanced in the context of the goals of Cumbria Tourism as encapsulated in the document “A Destination Management Plan for Cumbria: 2024 to 2030”.
- 5.5 At a national level, other material considerations include the National Planning Policy Framework (the Framework/NPPF), Planning Practice Guidance (PPG), the National Design Guide (2021), the Wildlife and Countryside Act 1981 (as amended), The Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006, and the Conservation of Habitats and Species Regulations 2017.
- 5.6 Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways, namely an economic objective; a social objective; and an environmental objective.
- 5.7 Paragraph 11 of the NPPF highlights the presumption in favour of sustainable development that, for decision-taking, means approving development proposals that accord with the development plan; and where there are no relevant development plan policies (or the policies which are most important for determining the application are out-of-date), grant permission unless:
1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.8 On the subject of biodiversity, paragraph 193 of the NPPF states that:

“When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.”

5.9 When discussing ground conditions and pollution, paragraph 196 of the NPPF requires planning decisions to ensure that a site is suitable for the proposed use.

5.10 In relation to non-designated heritage assets paragraph 216 of the NPPF explains that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

5.11 The Glossary of the NPPF defines heritage significance as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also its setting.”

6 Assessment

6.1 In the context of the foregoing, it is considered that the key issues for this application revolve around:

- the principle of development;
- ecology and biodiversity net gain;
- landscape character and visual amenity of the area (including trees);
- heritage assets;
- contamination and land stability;
- drainage/flood risk; and
- accessibility and highway safety.

Principle

- 6.2 The application site is located outside of the defined settlement boundary for Millom as identified in Appendix B of the CLP 201-2039. Criterion 2 of Policy DS2 (Settlement Boundaries) explains that development outside settlement boundaries will only be accepted in specific cases, such as rural tourism development which is dependent on its location.
- 6.3 In the CLP 201-2039 Policies Map South, the Hodbarrow Nature Reserve is identified as a Tourism Hub. Paragraph 12.2.7 of the explanatory text to the CLP (2021-2039) explains that tourism hubs are areas that attract a significant number of tourists and residents but are also some of Copeland's most attractive locations where the Council wishes to diversify the visitor economy further. Development of these hubs is, however, to be carefully managed to avoid harm to the natural environment. Paragraph 12.3.6 of the explanatory text goes on to say that the Iron Line project in Millom, identified in the Town Improvement Plan, is one such tourism opportunity that will help to raise the areas profile and provide improved walking and cycling opportunities that make the most of the area's heritage and natural assets.
- 6.4 Strategic Policy T1 (Tourism Development) supports proposals for tourism development outside of defined settlements where, as per Policy DS2 criterion 2, the proposal is for a specific activity or function that requires such a location; and/or enhances Copeland's existing place bound assets.
- 6.5 Strategic Policy SC1 (Health and Wellbeing) supports new development that: delivers high quality, safe schemes; enhances the natural environment; promotes active travel; protects or delivers green infrastructure, open spaces, sports, cultural and community facilities; supports access to open spaces and the countryside; Improves health, social and cultural wellbeing; and opens up educational facilities for community use.

- 6.6 Paragraph 88 of the NPPF further states that in order to support a prosperous rural economy planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.7 In this context, it is evident that the proposal is consistent with the designation of Hodbarrow Nature Reserve as a Tourism Hub, involves development that is dependent on its location and is consistent with criterion 2 of Policy DS2, Policy T1 and SC1 of the CLP (2021-2039) and the Millom & Haverigg Town Investment Plan (2021). On this basis, the proposal is considered to be acceptable in principle.

Ecology/Biodiversity Net Gain

- 6.8 Strategic Policy N1 (Conserving and Enhancing Biodiversity and Geodiversity) of the CLP (2021-2039) commits the Council to conserving Copeland's biodiversity including protected species and habitats and, in doing so, proposals follow the identified mitigation hierarchy. Where harm remains to a protected habitat (such as a Ramsar site or Site of Special Scientific Interest), development will only be approved where it can be demonstrated that there are imperative reasons of overriding public interest. In such cases, compensatory measures must ensure the overall coherence of the network of European or National Sites as a whole is protected.
- 6.9 Strategic Policy N3 (Biodiversity Net Gain) 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. Under Strategic Policy N3, 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.
- 6.10 Under Strategic Policy N9 (Green Infrastructure) the amount of green infrastructure on a development site should be maximised and developers should take opportunities to create new connections and expand networks to support the movement of plants and animals.
- 6.11 The Hodbarrow Nature Reserve is part of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and the Duddon Estuary Site of Special Scientific Interest (SSSI). The SPA, SAC, Ramsar and SSSI are designated for the presence of internationally important coastal habitats which support internationally and nationally important gatherings of breeding, over-wintering and migratory birds. Other species present include great crested newts, natterjack toads, reptiles, hedgehogs, and nationally scarce invertebrate species. It is understood that the Nature Reserve includes four habitat parcels of the Duddon Estuary SSSI ranging from unfavourable to favourable condition.
- 6.12 The proposed development seeks to secure the long-term conservation and enhancement of the habitats and species at the site and therefore, the design process has followed the mitigation hierarchy throughout, namely:
- Avoidance – Seek options that avoid harm to ecological feature;
 - Mitigation – Negative effects to be avoided or minimised through mitigation measures that can be imposed by a planning condition;
 - Compensation – the offset of any negative ecological effects by appropriate compensatory measures; and
 - Enhancement – the provision of net benefits for biodiversity over and above requirements for avoidance, mitigation or compensation.

- 6.13 When compared to the previous proposal, evidence of following the mitigation hierarchy can be seen in the re-siting of the visitor centre away from the calcareous grassland and closure of unauthorised access paths (Avoidance); the slag bund to be reinforced on the byway to create a more effective barrier between Tern Island and visitors approaching the hide, the proposed external lighting strategy, the BOAT to become a restricted byway, paths improved, the development to be constructed in accordance with the submitted CMS, CEMP and LEMP (Mitigation); the existing grassland and scrub habitats associated with the Visitor Centre and car park enhanced in accordance with the submitted Biodiversity Net Gain Assessment, and creating natterjack toad hibernacula habitat on the Hodbarrow Nature Reserve (Enhancement).
- 6.14 In order to ensure compliance with the relevant legislation and policies of the CLP (2021-2039), the application is accompanied by: an External Lighting Strategy; an Ecological Impact Assessment and Preliminary Ecological Appraisal; a Phase 2 Survey Report Addendum; a shadow Habitats Regulations Assessment and Appropriate Assessment; an updated Landscape and Ecology Management Plan; a BNG Assessment/Metric & Habitat Management and Monitoring Plan; a Construction Method Statement; and an updated Construction Environment Management Plan.

Character and Visual Amenity

- 6.15 Strategic Policy N6 (Landscape Protection) of the CLP (2021-2039) states that landscapes will be protected and enhanced by supporting proposals which enhance and protect 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. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit (CLCGT) at the earliest stage.
- 6.16 Policy DS4 (Design and Development Standards) of the CLP (2021-2039) 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; incorporate high quality, inclusive and useful open spaces; create safe, accessible and convenient pedestrian/cycling routes; use appropriate levels and types of external lighting.
- 6.17 Policy N14 (Woodlands, Trees and Hedgerows) explains that existing trees which contribute positively to the visual amenity and environmental value of their location will be protected.
- 6.18 The Copeland Landscape Settlement Study and the Cumbria Landscape Character Guidance and Toolkit (CLCGT) place Millom within Character Type 2D Coastal Urban Fringe. Millom is described as a nucleated settlement sitting between the Duddon Estuary and surrounding pastoral farmland with little relationship to the coast because it is separated from it by a ring of disused mining sites. The CLCGT describes the perceptual character as a "busy" landscape that can have an air of neglect where buildings and land have become run down and that:

"The high ecological value of some former industrial sites is sensitive to changes in land management and development. The views across adjacent landscapes to open sea and expansive skies are sensitive to development that would enclose or interrupt these views."

6.19 Under the sub-heading of “Access and Recreation”, the CLCGT highlights that:

- Coastal access footpaths, areas and facilities should be improved and developed to be compatible with the undeveloped and natural character of this sub type;
- In line with the Marine and Coastal Access Act, consideration should be given to routing coastal access footpaths along appropriate sea defence structures;
- In areas where coastal access will introduce new routes appropriate access management may be needed in sensitive locations at certain times of the year to minimise disturbance to wildlife;
- Seek to improve the network and employment of rights of way and other paths particularly circular and linking routes while protecting sensitive habitats; and upgrade existing rights of way and other paths with appropriate surfacing, waymarking, gates, gaps, removal of eyesores and enhancement of views.

6.20 The application is accompanied by an External Lighting Strategy Statement, a Landscape and Visual Appraisal Addendum (LVAA), and an Arboricultural Assessment and Arboricultural Method Statement (AMS).

6.21 The External Lighting Strategy Statement explains that the external lighting will be in accordance with relevant guidance such as 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. It is solely 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.

6.22 In relation to the overall impact of the proposal on the landscape, the LVAA concludes that the building materials remain suited to the setting and reflect the site’s industrial heritage. From long distance locations across the Duddon Estuary, the magnitude of change is small and barely distinguishable. When considering local visual receptors, the LVAA notes that the visitor centre is located at a marginally lower AOD than the previous scheme and that the first floor will be partially visible on elevated ground with the existing vegetation offering some screening. From certain vantage points (such as Footpaths 602031 and 602079), the visitor centre will be barely distinguishable in the panoramic view.

6.23 The AMS concludes that providing the recommended protective measures are adhered to and any tree works are undertaken in accordance with BS3998 (2010) – Recommendations for Tree Work, the tree cover on the site will remain in order.

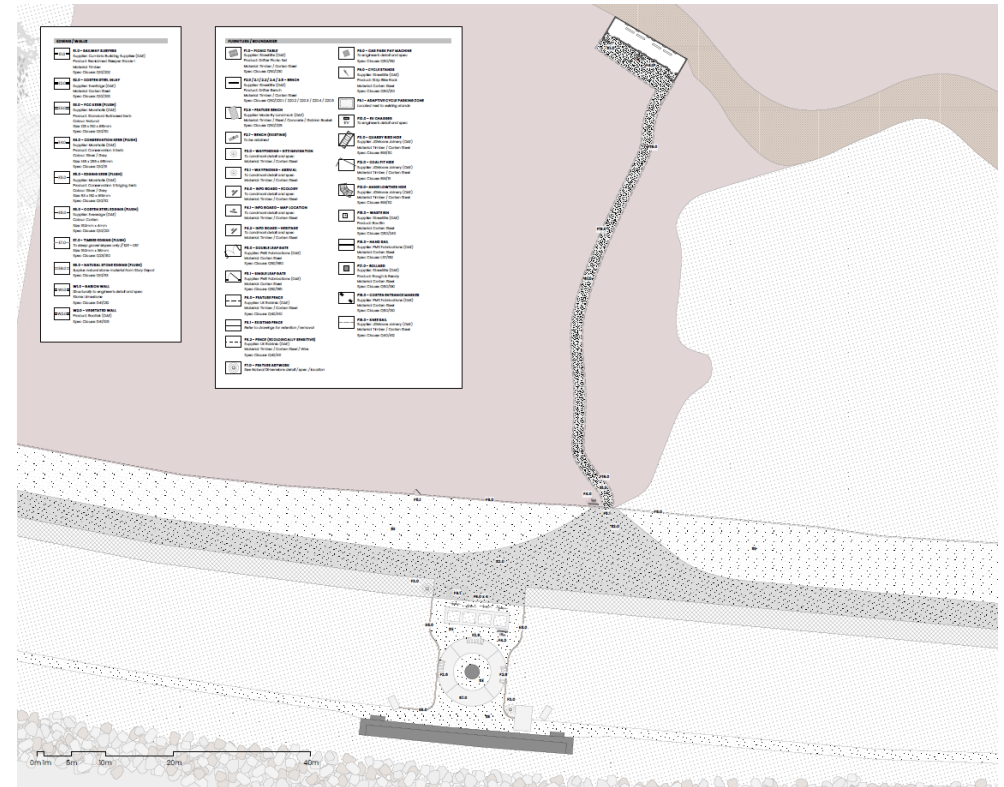
6.24 In such circumstances, it is considered that the proposal complies on this issue with Strategic Policy N6 and Policies DS4 and N14 of the CLP (2021-2039).

- 6.25 Under Strategic Policy BE1 (Heritage Assets) and Policy B4 (Non-Designated Heritage Assets) of the CLP (2021-2039), development should preserve or enhance heritage assets and their setting. Proposals affecting non-designated heritage assets or their setting should demonstrate that consideration has been given to their significance including any contribution made by their setting. Where the scale of any harm or loss and the significance of the heritage asset outweighs the benefits of the proposal, the development will be resisted. Policy BE3 (Archaeology) requires proposals to preserve those elements which contribute to an archaeological site's significance. Where there are potential archaeological interests on the site, a desk-based assessment must be submitted alongside the planning application.
- 6.26 The current proposal involves work 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.
- 6.27 The Towsey Hill Windmill dates from the 18th century and is associated with earlier agricultural activities prior to the haematite mining operations. During the period of mining, it was probably used as a gunpowder store. The Windmill subsequently fell out of use with the closure of the mining operations and is now in a state of decay and collapse with only the lower part of the structure in place. The proposal involves the remnant walling of the Windmill to be repointed with a lime mortar and any areas requiring more significant repairs consolidated using heritage engineering brickwork. A free-standing interpretive "weather vane" sculpture is also to be inserted within the hollow of the existing ruin. The frame of the interpretive structure is to be bolt fixed and in the form of a rotating cowl with a wind-driven fantail fixed to a concrete ring beam. The structure will remain open to the elements with no barriers to access. In addition, a continuous informative mesh panel will be installed within the Windmill.



Towsey Hole Windmill (circa 1889).

- 6.28 It is recognised that the proposal will have an impact on the appearance of the Windmill but with the intention of making it obvious of its contemporary nature and the fact that it can readily disassembled. The proposed repair work and sculpture will make it a relevant point of interest within the historic context of the Nature Reserve. As such, it is considered that the perceived scale of any harm by the change of its appearance is outweighed by the benefits of the proposal.
- 6.29 The proposed Annie Lowther Hide is sited within the vicinity of, but not on, the Inner Barrier and will have no physical impact on any historic fabric and limited impact on its setting. The relationship of the collapsed Inner Barrier to the Outer Barrier remains readily apparent.
- 6.30 In the case of the Outer Barrier, the proposed improvements to the pathways and surface represent a visual improvement that will enable its significance to be better appreciated and recognised.
- 6.31 The Haverigg Lighthouse was subject of restoration in 2003. The proposed works will enhance its status as a focal point with appropriate surfacing, seating, and features. As is the case with the Outer Barrier generally, the proposal will provide an attractive setting that will enable its significance and history to be more fully appreciated.
- 6.32 In summary, it is considered that any perceived harm created by the visual changes to these non-designated heritage assets is outweighed by the public benefits created.



Layer Studio – Lighthouse & Tern Island Hide

Contamination and Land Stability

- 6.33 Policy DS8 (Soils, Contamination and Land Stability) of the CLP (2021-2039), explains that it is the developer's responsibility to secure safe development and provide the necessary information at the time of the application. The minimum information that should be provided by an applicant is the report of a Preliminary Investigation or a Coal Mining Risk Assessment, where necessary.
- 6.34 The current application is accompanied by Phase 1 Preliminary Risk Assessment; Phase 2 Ground Investigation Zone 1 Visitor Centre; Phase 2 Ground Investigation Zones 3-4; a Remediation Strategy; a Piling Risk Assessment; a Mining Risk Assessment; and a Mining Risk Mitigation Strategy.
- 6.35 In summary, the applicant is well aware of the ground condition issues associated with developing the site and these have been fully addressed in compliance with Policy DS8 of the CLP (2021-2039).

Flood Risk & Drainage

- 6.36 Policy DS6 (Reducing Flood Risk) of the CLP (2021-2039) seeks to direct development where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere. Policy DS7 (Sustainable Drainage) requires that surface water is managed in accordance with the national drainage hierarchy, includes Sustainable Drainage Systems where appropriate, with development on greenfield sites seeking to achieve at least pre-development levels of surface water run-off. Policy N5 (Protection of Water Resources) states that new development must seek to protect or improve the quality of surface and groundwater water resources with proposals following the hierarchy for wastewater treatment with foul drainage connected to mains sewer wherever possible.
- 6.37 As already identified, the proposal involves all surface water drainage from the car park and visitor centre to go into attenuation/treatment tanks under the car park and coach park area with the discharge restricted at the existing rate into the old quarry to the north via a drain laid in the existing access road to the Redhills Quarry HWRC. The foul drainage is to be pumped from the site by a rising main running in the shared service trench to the south of the access road back to Mainsgate Road.
- 6.38 Under Annex 3 of the NPPF and Table 2 of the PPG, the proposed visitor centre and car parking fall within the "less vulnerable" classification of development and the other (recreational) elements are deemed to be "water compatible" development.
- 6.39 The application is supported by a Flood Risk Assessment (FRA), an Updated Drainage Strategy (DS), and an Updated Operation and Maintenance Manual. The FRA concludes that the flood risk to the visitor centre and Towsey Hole Windmill is low and will remain low when considering the impacts of climate change with the other elements representing water compatible development. The DS concludes that the proposed means of foul and surface water drainage represent sustainable solutions.
- 6.40 On this basis the proposal is considered to be in accordance with policies DS6 and DS7 of the CLP (2021-2039) and the NPPF.

6.41 Paragraphs 89 and 116 of the NPPF state 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.” (para. 89)

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.” (para. 116)

- 6.42 Within this context, paragraph 117 of the NPPF goes on to say that applications for development should give priority first to pedestrian and cycle movements, address the needs of people with disabilities, create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles, and be designed to enable charging of plug-in and other ultra-low emission vehicles in accessible and convenient locations.
- 6.43 Strategic Policy CO4 (Sustainable Travel) of the CLP (2021-2039), requires proposals to include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. The Council will also support proposals that make provision for electric vehicles and include the integration of electric vehicle charging infrastructure.
- 6.44 Where appropriate, Policy CO5 (Transport Hierarchy) asks for new developments to promote a hierarchy of users under which pedestrians and cyclists are given greater priority than vehicles.
- 6.45 Strategic Policy CO6 (Countryside Access) highlights that the Council will support improved access to the countryside where biodiversity conservation interest would not be harmed, such opportunities for using derelict land for recreation purposes.
- 6.46 Policy CO7 (Parking Standards) requires proposals for new development to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide.
- 6.47 The application is accompanied by a Transport Assessment (TA) and an Interim Travel Plan (ITP). The TA points out that the surrounding area exhibits reasonable levels of pedestrian and cycling infrastructure, and there is a train station within walking distance of the site. Measures are proposed in the accompanying ITP to increase the level of walking, cycling and public transport use to and from the site, and thereby reduce reliance on the private car. The TA highlights that the proposal involves improving the existing path network, maintenance of the byway, restricting vehicular traffic along the BOAT, and increasing car parking/cycle provision. On this basis, the TP concludes that the proposal complies with the relevant policies of the CLP (2021-2039) and the NPPF.

7 Planning Balance/Conclusion

- 7.1 The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development; and that achieving sustainable development means that the planning system has three overarching objectives (environmental, social, and economic), which are interdependent and need to be pursued in mutually supportive ways.
- 7.2 In this case the environmental considerations revolve around ecology/biodiversity, impact on the landscape/visual amenity of the area, ground conditions, impact on heritage assets, and the wider sustainability of the proposal.
- 7.3 The Hodbarrow Nature Reserve is part of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and the Duddon Estuary Site of Special Scientific Interest (SSSI). A fundamental objective of the proposal is to help secure the long-term conservation and enhancement of these habitats and the species at the site.
- 7.4 To achieve this objective, the design process of the proposal has followed the recommended mitigation hierarchy throughout, namely “avoidance”, “mitigation”, “compensation”, and “enhancement”. This is evidenced in terms of the re-siting of the visitor centre away from the calcareous grassland and closure of unauthorised access paths (Avoidance); the slag bund to be reinforced on the byway to create a more effective barrier between Tern Island and visitors approaching the hide, the proposed external lighting strategy, the BOAT to become a restricted byway, paths improved, the development to be constructed in accordance with the submitted CMS, CEMP and LEMP (Mitigation); the existing grassland and scrub habitats associated with the Visitor Centre and car park enhanced in accordance with the submitted Biodiversity Net Gain Assessment, and creating natterjack toad hibernacula habitat on the Hodbarrow Nature Reserve (Enhancement).
- 7.5 In effect, the proposal is based on incorporating improvements to secure measurable net gains for biodiversity to ensure compliance with the relevant legislation, Policies N1, N3 and N9 of the CLP (2021-2039), and the Framework.
- 7.6 In relation to the overall impact of the proposal on the landscape, the LVAA concludes that the building materials remain suited to the setting and reflect the site’s industrial heritage. From long distance locations across the Duddon Estuary, the magnitude of change is small and barely distinguishable. When considering local visual receptors, the LVAA notes that the visitor centre is located at a marginally lower AOD than the previous scheme and that the first floor will be partially visible on elevated ground with the existing vegetation offering some screening. From certain vantage points (such as Footpaths 602031 and 602079), the visitor centre will be barely distinguishable in the panoramic view. The AMS concludes that providing the recommended protective measures are adhered to, the tree cover on the site will remain in order. In such circumstances, it is considered that the proposal complies, on this issue, with Strategic Policy N6, and Policies DS4 and N14 of the CLP (2021-2039).
- 7.7 In relation to ground conditions, the applicant is fully aware of the issues and the proposal is advanced in compliance with Policy DS8 of the CLP (2021-2039).
- 7.8 The current proposal involves work 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. Any perceived harm created by the visual changes to these non-designated heritage assets is considered to be outweighed by the public benefits created.

- 7.9 When considering the wider sustainability of the project, the visitor centre is to be designed to certified Passivhaus energy efficiency standards with solar panels on the roof which will potentially enable Carbon Neutral operation, electric vehicle charging points in the car park, PV canopies over parking bays, provision of secure bicycle stands, the encouragement of more sustainable means of travel, the incorporation of a sustainable means of surface water drainage, the external lighting being confined to the visitor centre, and involving the use of low energy lighting. The proposal will therefore deliver environmental benefits derived throughout its lifetime.
- 7.10 At a social level, the current proposal includes measures to increase the level of walking and cycling to/from the site and within the site by improving the existing path network, maintenance of the byway, restricting vehicular traffic along the BOAT, and increasing car parking/cycle provision. The proposal will not only be beneficial in terms of health and well-being but also by generating a greater understanding of the ecology and history of the area. This is all in the backdrop of an inspirational setting that will be accessible to all, support a good quality of life, support sustainable travel between Millom and Haverigg, and encourage younger residents to stay living in the area.
- 7.11 It is also the case that the proposal will neither be detrimental to highway safety nor materially affect the living conditions of any residents to such an extent as to merit the refusal of permission.
- 7.12 The Iron Line project is based on using the ecology/biodiversity and heritage benefits as a means to also achieving economic benefits consistent with the designation of Hodbarrow Nature Reserve as a Tourism Hub and the objectives of the Millom & Haverigg Town Investment Plan (2021). It is anticipated that circa 26 jobs will be directly provided during the construction phase. In relation to the operational phase, the available data indicates that the Nature Reserve currently generates circa 40,000 visitors per year. Following completion of the development, it is anticipated that the number of visitors will increase over several years to 80,000 – 90,000 per year and thereby directly and indirectly provide employment opportunities.
- 7.13 At an environmental, social and economic level, this scheme also needs to be viewed as part of an interconnected package of significant investment in the area under the Millom Town Deal (£20.6 million) involving the other three projects (“Activating Community Health”, “Connecting Millom and Haverigg”, and “Reactivating Heritage Buildings”).
- 7.14 In overall terms, the proposal is in accordance with the policies of the CLP (2021-2039), the NPPF and relevant legislation.

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