

Date: 05 September 2025
Our ref: 4/25/2198/0F1
Your ref: 517273



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BY EMAIL ONLY

Dear Christie,

Planning consultation: 4/25/2198/0F1

Location: HODBARROW NATURE RESERVE, MILLOM

Thank you for your consultation on the above, which was received by Natural England on 30 June 2025

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

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

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

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

Further detailed information is needed to support this application.

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

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

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

Additional Information required

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

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

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

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

Breeding and non-breeding bird designated features.

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

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

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

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

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

managers of the Hodbarrow Reserve they can help to identify how to mitigate the increase in visitors' numbers from the visitor centre.

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

Natterjack Toads

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

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

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

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

Dunes Boardwalks

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

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

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

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

In-combination assessment

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

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

English Coast Path

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

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

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

Conclusion

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

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

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

If you have any queries relating to the advice in this letter, please contact me on Niamh.Keddy@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

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

Yours faithfully

Niamh Keddy
Sustainable Development Senior Officer