

Planning Policy Officer  
Middlesbrough Borough Council  
Planning Policy  
PO Box 65  
Middlesbrough  
Cleveland  
TS1 1QP

**Our ref:** NA/2009/104454/OR-06/PO1-L01  
**Your ref:**  
**Date:** 23 October 2020

Dear Sir/Madam

**SUBMISSION CONSULTATION UNDER REGULATION 17, NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (AS AMENDED). MARTON WEST NEIGHBOURHOOD PLAN (MODIFIED).**

Thank you for referring the above consultation to us which we received 14 September 2020. We previously responded to this proposed neighbourhood plan 27 February 2020.

We are a statutory consultee in the planning process providing advice to Local Authorities and developers on planning applications, appeals and strategic planning documents.

We aim to reduce flood risk, while protecting and enhancing the water environment. We have had to focus our detailed engagement to those areas where the environmental risks are greatest.

We previously provided comments for this neighbourhood plan on 25 February 2016. In respect to the amendments proposed, we have no detailed comments to make as, due to their aim and nature, they largely fall outside of our remit

Having reviewed the submission consultation plan, I would like to offer the following comments:

**Sustainable Development Principles**

Following out previous comments, we are pleased to see that addition of water quality and natural capital in paragraph 38.

**Vision and Objectives**

We are pleased to see that, in respect to the sub-area of Eagle Park, that aim of the protection and enhancement of wetland at land at west moor farm is included.

**Proposed Policy MW1: Parks and Green Spaces**

We are pleased to see that this policy clearly states that development would not be permitted which would have an adverse effect on the use, management, amenity or enjoyment of wetlands situated at Land at West Moor Farm.

We have noted commentary in paragraph 65 which states that any development that  
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would result in the loss, or the deterioration in the quality of an important natural features), including its water courses would only be supported where the public benefits of doing so would outweigh any potential harm to the satisfaction of the Local Planning Authority. Paragraph 170 of the National Planning Policy Framework (NPPF) states that planning policies should contribute to and enhance the natural and local environment by:

- Protecting and enhancing site of biodiversity or geological value and soils
- Recognising the wider benefits of natural capital and ecosystem services
- Minimising impacts on and providing net gains for biodiversity
- Preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil and water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

We do not find the above approach to be strictly aligned with the NPPF. It should be made clear, in accordance with paragraph 175, that where significant harm to biodiversity results from a development it would be expected that this would be avoided, adequately mitigated for, or as a last resort, compensated for. The test of weighing public benefit against potential harm to natural features is not found in national policy and guidance. We therefore advise that this is removed and reconsidered. If not, this should be made clearer that this would refer to the “presumption in favour of sustainable development” and furthermore, clarify that this would not apply where the project would likely have a significant effect on a habitats sites (either alone or in combination with other plans or projects) unless an appropriate assessment is submitted to demonstrate this is not the case. This is in accordance with paragraph 177 of the NPPF.

#### **Proposed Policy MW4: Land at Ford Riding School – Brass Castle Lane**

We are supportive of the inclusion of the wetlands at West Moor Farm in the body of this text. It is considered that the wording of this policy should state long-term maintenance as opposed to “upkeep” for clarity in respect Section 106 negotiations.

Should you require any further clarity in respect to this response, please don’t hesitate to contact me.

Yours faithfully

**Ms Caitlin Newby**  
**Planning Adviser**

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