

Comment

Consultee Mr Nick Lightfoot (1298646)

Email Address [REDACTED]

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Event Name Local Plan 2016-2036 Proposed Modifications

Comment by Mr Nick Lightfoot (1298646)

Comment ID DBLPMod17

Response Date 18/11/21 09:41

Status Processed

Submission Type Web

Version 0.2

Question 1

Which document/modification does this representation relate to? Main Modification Schedule *

*** Please provide the reference number (where applicable), for example MM1, PM1, MIN1** MM149

Question 2

What best describes the nature of your representation? Support

Question 3 Legally Compliant and Sound

Do you consider the Plan, incorporating the proposed Modification is Legally Compliant? Yes

Do you consider the Plan, incorporating the proposed Modification is Sound? Yes

Question 4

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be

as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

Natural England supports the requirement for development proposals to provide net gains for biodiversity. However, this should be strengthened to specify that a minimum of 10% net gains in biodiversity are required. This would better align with the wording of the Environment Act (2021).

Additionally, the plan's approach to biodiversity net gain should be compliant with the mitigation hierarchy, as outlined in paragraph 180 of the NPPF. The policy should ensure that biodiversity net gain is not applied to irreplaceable habitats and should also make clear that any mitigation and/or compensation requirements for Habitats Sites should be dealt with separately from biodiversity net gain provision.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Suggested amended wording for the proposed MM149 only: Development proposals will be required to provide a **minimum of 10%** net gains in biodiversity (prevailing in national policy) and demonstrate achievement of this using the Defra Biodiversity Metric.

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Event Name Local Plan 2016-2036 Proposed Modifications

Comment by Mr Nick Lightfoot (1298646)

Comment ID DBLPMod18

Response Date 18/11/21 09:54

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Submission Type Web

Version 0.1

Question 1

Which document/modification does this representation relate to? Policies Map Modification Schedule *

*** Please provide the reference number (where applicable), for example MM1, PM1, MIN1** PM2

Question 2

What best describes the nature of your representation? Support

Question 3 Legally Compliant and Sound

Do you consider the Plan, incorporating the proposed Modification is Legally Compliant? Yes

Do you consider the Plan, incorporating the proposed Modification is Sound? Yes

Question 4

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be

as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

Natural England recommends that Sites of Special Scientific Interest are also added to the policies map, as they are currently not visible. This would provide further clarity and ensure the policies map is more effective.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Sites of Special Scientific Interest should be included on the policies map to allow any potential impacts on them posed by development to be identified at the earliest stage. They also form a part of the area's Green Infrastructure.

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Mr Nick Lightfoot (1298646)
Comment ID	DBLPMod19
Response Date	18/11/21 09:58
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Which document/modification does this representation relate to?	Habitats Regulations Screening Assessment Report Addendum
Question 2	
What best describes the nature of your representation?	Support
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	Yes
Do you consider the Plan, incorporating the proposed Modification is Sound?	Yes
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

Natural England recommends that the assessment is updated to reflect that England is no longer part of the Natura 2000 network and that these sites are now referred to as 'habitats sites' in the NPPF.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Habitats sites are defined as: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites. (NPPF, July 2021, Annex 2)