



Our Ref: JS/MC

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12th May 2026

Dear Sir/Madam,

Response to Regulation 19 Consultation – Local plan to 2040 – Draft Policy DS25 – Supporting Biodiversity Recovery

I am writing on behalf of Finn's in response to the proposed in Emerging Draft Policy DS25, relating to support for biodiversity recovery.

Soundness

The Framework paragraph 36 sets out the test for soundness against which a Plan will be examined; positively prepared, justified, effective and consistent with National Policy. In respect of Policy DS25, it is considered that the Plan is unsound.

Part 3, a and b, of the Policy sets out proposals to achieve Biodiversity Net Gain (BNG). The Policy wording divides proposed development into 'non-major' and 'major developments, where 10% Gain will be sought on all non-major development and 20% Gain will be sought on Major developments (divided into 10% statutory gain and a 10% 'local net gain'.

The Emerging National Planning Policy Framework (the Framework) Policy N1, part 2, states that *'development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations and is fully justified and deliverable. Any statutory requirements should not extend to categories of development which are exempt from statutory biodiversity net gain.'*

Schedule 7A (2(3)) of the Environment Act 2021 sets the 'relevant percentage' for biodiversity net gain provision to 10%.

By specifying in Policy DS25, part 3b a 20% Gain, the Policy is seeking to override National Policy requirements and is not in line with the Framework (as proposed) or the Environment Act 2021, as it is a general blanket policy for all 'major development' and is not related to specific site allocations as the Framework requires and exceeds the 10% set in the Environment Act. The requirement cannot therefore be 'fully justified and deliverable' and therefore fails to meet the tests for soundness by not being positively prepared, justified or consistent with national Policy.

Kind regards



Jane Scott BA(Hons) Dip.TP MRTPI



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