

Filtered Data Export

Full name: Harvey Wingfield

Organisation (where relevant): tor&co

Other party name (if relevant): D White Farms Limited

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Policy PB05 requires major developments to deliver at least 20% Biodiversity Net Gain (BNG), which exceeds the statutory minimum of 10% required by the Environment Act 2021 and associated government guidance. The National Planning Practice Guidance (Para 006, Reference ID: 74-006- 20240214) is clear that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”. Part 2 of N1 (Identifying environmental opportunities and safeguards) of the draft NPPF (December 2025) confirms: “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 such requirements should not extend to categories of development which are exempt from statutory biodiversity net gain”. Policy PB05 does not provide proportionate evidence to justify a 20% requirement, as such, the policy is inconsistent with national guidance and the emerging draft NPPF, and is therefore not legally compliant.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in

respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% Biodiversity Net Gain”. Proposed wording: “major development must deliver a minimum of 10% Biodiversity Net Gain in accordance with the requirements of the Environment Act 2021”. This modification would align the policy with national legislation, national policy and Planning Practice Guidance and would ensure that the policy is legally compliant.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB05 is not sound because it requires major development to deliver 20% Biodiversity Net Gain, exceeding the statutory national requirement of 10% without robust evidence or justification. National Planning Practice Guidance (Paragraph 006, Reference ID: 74-006- 20240214) confirms that higher percentages must be clearly justified, which Policy PB05 fails to do. The policy therefore fails the tests of soundness as set out in paragraph 36 of the NPPF as it is: • Not justified – it is not supported by proportionate evidence • Not effective – exceedance risks undermining development viability and delivery • Not consistent with national policy – it conflicts with national guidance on Biodiversity Net Gain The exceedance risks undermining the viability of major development proposals and could adversely affect the delivery of housing and employment development across the district.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% biodiversity net gain”. Proposed wording: “major development must deliver a minimum of 10% biodiversity net gain in accordance with the requirements of the Environment Act 2021 and associated regulations”. This modification aligns the policy with national legislation, national policy and Planning Practice Guidance and ensures the policy is justified, effective and

deliverable. The modification will therefore ensure that Policy PB05 is sound in accordance with the tests set in paragraph 36 of the NPPF.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.: N/A

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why the proposed 20% Biodiversity Net Gain requirement is inconsistent with national policy and guidance (Paragraph 006, Reference ID: 74-006-20240214), could undermine the viability and deliverability of major development proposals, and to advocate for a reduction to 10% to ensure legal compliance and soundness.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Policy PB05 requires major developments to deliver at least 20% Biodiversity Net Gain (BNG), which exceeds the statutory minimum of 10% required by the Environment Act 2021 and associated government guidance. The National Planning Practice Guidance (Para 006, Reference ID: 74-006- 20240214) is clear that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”. Part 2 of N1 (Identifying environmental opportunities and safeguards) of the draft NPPF (December 2025) confirms: “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 such requirements should not extend to categories of development which are exempt from statutory biodiversity net gain”. Policy PB05 does not provide proportionate evidence to justify a 20% requirement, as such, the policy is inconsistent with national guidance and the emerging draft NPPF, and is therefore not legally compliant.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in

respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% Biodiversity Net Gain”. Proposed wording: “major development must deliver a minimum of 10% Biodiversity Net Gain in accordance with the requirements of the Environment Act 2021”. This modification would align the policy with national legislation, national policy and Planning Practice Guidance and would ensure that the policy is legally compliant.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB05 is not sound because it requires major development to deliver 20% Biodiversity Net Gain, exceeding the statutory national requirement of 10% without robust evidence or justification. National Planning Practice Guidance (Paragraph 006, Reference ID: 74-006- 20240214) confirms that higher percentages must be clearly justified, which Policy PB05 fails to do. The policy therefore fails the tests of soundness as set out in paragraph 36 of the NPPF as it is: • Not justified – it is not supported by proportionate evidence • Not effective – exceedance risks undermining development viability and delivery • Not consistent with national policy – it conflicts with national guidance on Biodiversity Net Gain The exceedance risks undermining the viability of major development proposals and could adversely affect the delivery of housing and employment development across the district.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% biodiversity net gain”. Proposed wording: “major development must deliver a minimum of 10% biodiversity net gain in accordance with the requirements of the Environment Act 2021 and associated regulations”. This modification aligns the policy with national legislation, national policy and Planning Practice Guidance and ensures the policy is justified, effective and

deliverable. The modification will therefore ensure that Policy PB05 is sound in accordance with the tests set in paragraph 36 of the NPPF.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.: N/A

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why the proposed 20% Biodiversity Net Gain requirement is inconsistent with national policy and guidance (Paragraph 006, Reference ID: 74-006-20240214), could undermine the viability and deliverability of major development proposals, and to advocate for a reduction to 10% to ensure legal compliance and soundness.

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD22

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here::
Newt_05

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.: N/A

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: N/A

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:
N/A

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.: This part of the Development in the Towns and Villages chapter is not sound. The statement

“The site is allocated for 20 dwellings” imposes a fixed quantum that has not been justified by detailed site capacity testing, masterplanning or technical evidence. As drafted, the policy is not justified or effective, as required by paragraph 36 of the NPPF, because it does not allow for a reasonable degree of flexibility to respond to site-specific constraints and opportunities identified through the detailed design and technical assessment process. Furthermore, by limiting development to a fixed number of 20 dwellings, the policy risks undermining the objective of making efficient use of land, as required by paragraphs 124 to 130 of the NPPF. This may also unnecessarily constrain the delivery of affordable housing on the site. In addition, this policy conflicts with draft policy DS02 (Housing density and efficient use of land) within the Regulation 19 Local Plan, which requires residential development proposals to maximise the number of new homes and density of development of any site but to do so in a manner that is compatible with site setting and characteristics and which conserves or enhances the character of the area especially in a National Landscape and makes efficient use of land. Currently, the policy prevents more than 20 dwellings from coming forward even where a higher quantum could be delivered in a manner that is compatible with the site’s setting and characteristics, conserves and enhances the character of the National Landscape, and makes efficient use of land.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording:

“The site is allocated for 20 dwellings”. Proposed wording: “The site is allocated for around 20 dwellings”. This modification introduces an appropriate level of flexibility to reflect the fact that the final developable capacity of the site will be informed by detailed design work, technical assessments and the planning application process. This modification, therefore, ensures the policy is sound in accordance with the tests set out in paragraph 36 of the NPPF.

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: Yes

4(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why an appropriate degree of flexibility in the stated number of dwellings is necessary to ensure the site can be delivered efficiently and in accordance with national and emerging local policy objectives for making effective use of land.

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD22

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here::
Newt_04

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.: N/A

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: N/A

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:
N/A

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.: This part of the Development in the Towns and Villages chapter is not sound. The statement

“The site is allocated for 20 dwellings” imposes a fixed quantum that has not been justified by detailed site capacity testing, masterplanning or technical evidence. As drafted, the policy is not justified or effective, as required by paragraph 36 of the NPPF, because it does not allow for a reasonable degree of flexibility to respond to site-specific constraints and opportunities identified through the detailed design and technical assessment process. Furthermore, by limiting development to a fixed number of 20 dwellings, the policy risks undermining the objective of making efficient use of land, as required by paragraphs 124 to 130 of the NPPF. This may also unnecessarily constrain the delivery of affordable housing on the site. In addition, this policy conflicts with draft policy DS02 (Housing density and efficient use of land) within the Regulation 19 Local Plan, which requires residential development proposals to maximise the number of new homes and density of development of any site but to do so in a manner that is compatible with site setting and characteristics and which conserves or enhances the character of the area especially in a National Landscape and makes efficient use of land. Currently, the policy prevents more than 20 dwellings from coming forward even where a higher quantum could be delivered in a manner that is compatible with the site’s setting and characteristics, conserves and enhances the character of the National Landscape, and makes efficient use of land.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording:

“The site is allocated for 20 dwellings”. Proposed wording: “The site is allocated for around 20 dwellings”. This modification introduces an appropriate level of flexibility to reflect the fact that the final developable capacity of the site will be informed by detailed design work, technical assessments and the planning application process. This modification, therefore, ensures the policy is sound in accordance with the tests set out in paragraph 36 of the NPPF.

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Development in the Towns and Villages chapter's compliance with the duty to co-operate, please use this box to set out your comments.: N/A

4(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why an appropriate degree of flexibility in the stated number of dwellings is necessary to ensure the site can be delivered efficiently and in accordance with national and emerging local policy objectives for making effective use of land.

Full name: Harvey Wingfield

Organisation (where relevant): tor&co

Other party name (if relevant): D White Farms Limited

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN05

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here.: N/A

2. Do you consider that this part of the Meeting Housing Needs chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not legally compliant. Please be as precise as possible.: N/A

2(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Meeting Housing Needs chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: N/A

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.: N/A

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: Policy HN05 is not sound as currently drafted because it is overly prescriptive and risks undermining the delivery of housing allocations. In particular, the mandatory requirement that “at least 5% of dwellings on all sites of 20 dwellings or more must be delivered as serviced custom and selfbuild plots” introduces a rigid percentage requirement. Applying a blanket requirement across all qualifying sites risks constraining site viability and

delaying housing delivery, contrary to the NPPF's objective of significantly boosting the supply of homes. As drafted, the policy is therefore not effective and therefore fails the tests of soundness set out in paragraph 36 of the NPPF.

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Meeting Housing Needs chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: "at least 5% of dwellings on all sites of 20 dwellings or more must be delivered as serviced custom and self-build plots". Proposed wording: "at least 5% of dwellings on all sites of 20 dwellings or more must be delivered as serviced custom and self-build plots, unless it can be demonstrated that there is insufficient market demand for such plots or that their provision would prejudice the viability or deliverability of the development". The self-build and custom build market is inherently demand-led and may fluctuate significantly over the plan period. A rigid blanket requirement applied to all qualifying sites throughout the plan period risks constraining housing delivery where there is insufficient demand for such plots or where provision would undermine scheme viability. The Council's Self-Build Topic Paper identifies a local need for serviced custom and self-build plots but also highlights variability in demand across the District over time. The proposed caveat ensures the policy can be applied in a proportionate, flexible and deliverable manner, avoiding the risk of stalled or delayed housing delivery and ensuring that the policy remains justified and effective. This modification ensures that Policy HN05 is sound in accordance with the tests set out in paragraph 36 of the NPPF.

4. Do you consider that this part of the Meeting Housing Needs chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Meeting Housing Needs chapter's compliance with the duty to co-operate, please use this box to set out your comments.: N/A

4(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why a flexible approach to the provision of

self-build and custom build plots is necessary to ensure that housing allocations can be delivered efficiently and in accordance with national policy objectives.