

1. Introduction

This document is an addendum to the prepared Basic Conditions Statement for the Modified Lydney Neighbourhood Development Plan submitted in January 2026, due to the amendment of the Planning and Compulsory Purchase Act 2004¹ and the Town and Country Planning Act 1990² by sections 98³ and 99⁴ of the Levelling-up and Regeneration Act (LURA) 2023, in respect of the legal compliance and the Basic Conditions requirements in relation to neighbourhood plans.

Sections 98 and 99 of the Levelling-up and Regeneration Act 2023 came into force on the 25th of March 2026. This is by virtue of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions⁵) Regulations 2026, which were made on the 2nd of March 2025.

In summary, the additional legal compliance requirements are as follows:

- i. so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- ii. so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

In addition, there is a new Basic Condition requirement:

the making of the order/Plan would not have the effect of preventing development from taking place which

- i. is proposed in the development plan for the area of the authority (or any part of that area), and
- ii. if it took place, would provide housing

Note: this replaces the former Basic Condition⁶ that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area – this is set out in more detail below.

¹ Section 38B of the 2004 Act: <https://www.legislation.gov.uk/ukpga/2004/5/section/38B>

² Paragraph 8(2), Schedule 4B to the 1990 Act (and s.38C to the 2004 Act):

<https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B> and

<https://www.legislation.gov.uk/ukpga/2004/5/section/38C>

³ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/98>

⁴ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/99>

⁵ View at: <https://www.legislation.gov.uk/uksi/2026/169/made#top>

⁶ Basic Condition '(e)' is replaced by '(ea)'.

A further Basic Condition⁷ related to the new environmental assessment framework⁸ is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

2. Legal Compliance and Plan Content

Section 98 of the LURA introduces further legal compliance as follows:

So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—

(a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and

(b) take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular—

(i) the areas identified in the strategy as areas which—

(A) are, or could become, of particular importance for biodiversity, or

(B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

(ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and

(iii) the proposals set out in the strategy as to potential measures relating to those priorities.

In respect of point (a) above, the Lydney Neighbourhood Plan has been updated to secure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaptation to, climate change, particularly through the policies on the natural environment (LYD ENV2), Low Carbon and Renewable Energy Generation (LYD ENV2) and flooding and water management (LYD ENV5).

In respect of point (b) above, the Neighbourhood Plan takes account of the Gloucestershire Local Nature Recovery Strategy (LNRS) as it was in preparation at the time the made Plan was being modified (consultation on the draft Strategy took place in September / October 2026 and it was adopted in February 2026). Policies LYD ENV2 and LYD TRAN2 relate to the LNRS.

3. Updated Basic Conditions

⁷ New Basic Condition '(fa)'.

⁸Part 6, Levelling-up and Regeneration Act 2023:

<https://www.legislation.gov.uk/ukpga/2023/55/part/6>

Paragraph 8(2) of Schedule 4B in the Town and Country Planning Act 1990 (as amended by Schedule 10 of the Localism Act 2011) sets out a series of requirements that Neighbourhood Plans must meet. The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan;
- D. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- E. The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- F. The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations.

The Levelling up and Regeneration Act introduces a replacement Basic Condition to replace (e) above as follows:

- e) (a) the making of the order/Plan would not have the effect of preventing development from taking place which
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and
 - (ii) if it took place, would provide housing

The Modified Lydney Neighbourhood Plan is positively prepared and is consistent with the new Basic Condition e(a) as above. Although it does not make additional allocations on top of that already committed through the strategic policies (or that coming being proposed in the emerging Local Plan Review), it does not prevent development from coming forward.