

Lydney Neighbourhood Development Plan 2014-2024

Basic Conditions Statement

May 2015

This Basic Conditions Statement has been produced to explain how the proposed Lydney Neighbourhood Development Plan – Examiners Version 2 has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.

The Lydney NDP has been produced by the NDP Steering Group including Parish Council members, community volunteers and residents. However the Neighbourhood Plan belongs to the people of Lydney.

How Lydney NDP – Examiners Version 2 meets the basic conditions

Neighbourhood Development Plans must meet the basic conditions set out in paragraph 8 of Schedule 4B to the 1990 Town and Country Planning Act (as amended).

38A

Lydney Neighbourhood Development Plan (NDP) has been prepared by Lydney Town Council, which was recognised as a qualifying body by the Local Planning Authority, the Forest of Dean District Council (FoDDC) in July 2012 (Appendix One).

The Lydney NDP expresses policies that relate to the development and use of land within the neighbourhood area (Appendix Two).

38B

The Lydney NDP covers the period 2014 to 2024, which is within the period covered in the Forest of Dean’s Core Strategy (2012-2026).

The Lydney NDP does not deal with mineral extraction or waste development. No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.

The Lydney NDP does not relate to more than one neighbourhood area. It is solely related to the area of Lydney as designated by Forest of Dean District Council on the 21st of January 2012 (Appendix Two). There are no other NDP’s in place for the Lydney NDP area.

How Lydney NDP – Examiners Version 2 conforms with The National Planning Policy Framework

The Lydney Town Council has embraced the need to increase the number of houses in Lydney detailed by the FoDDC Core Strategy and the Lydney NDP states (pages 4 to 6):

“The NDP seeks not only to support sustainability of the local population as it continues to grow, it also aims to meet positively the associated changes which lie ahead.”

The Lydney NDP accordingly, sets out the way in which Lydney’s infrastructure grows in line with the population and seeks to ensure Lydney is a cohesive and prosperous town. Sustainable development is about positive growth and balancing social, economic and environmental needs for future generations. Lydney NDP has been subject to a Sustainability Appraisal screen, which has been submitted in support of the plan. Lydney NDP contributes to the achievement of sustainable development by:

- i) Planning positively for housing growth
- ii) Managing environmental flooding issues
- iii) Protecting and enhancing historic environment
- iv) Planning for a strong vibrant economy
- v) Promoting healthy communities and a network of sustainable routes
- vi) Protecting and enhancing Lydney’s natural environment

Lydney NDP has been prepared with local residents, local groups, statutory authorities (with the Environment Agency and Natural England being the main contributors), and other interested parties through consultations and feedback. The Lydney NDP has evolved through three distinct phases:

- i) The **Draft Lydney NDP** was developed as a discussion paper by the NDP Steering Group based on the issues raised in the first NDP town meeting held on the 11th January 2012.
- ii) The **Lydney NDP – Examiners Version** was produced from feedback on the Draft Plan from local residents, statutory authorities and other interested parties during the public consultation period.
- iii) The **Lydney NDP – Examiners Version 2** incorporated comments from the FoDDC and environmental screening reports (Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and Sustainability Appraisal (SA)).

The National Planning Policy Framework (NPPF) requires Neighbourhood Plans be in general conformity with Strategic Policies of Local Plans and have regard to policies in the NPPF. This section seeks to demonstrate that Lydney NDP has regard to the relevant policies within the NPPF in relation to:

1. Building a strong, competitive economy – Lydney NDP’s vision is to develop a thriving market town and to focus the retail offering within the town centre. The Lydney NDP understands the importance of facilitating new technology to create a flourishing local economy and enable the correct balance of business facilities with a range of good quality primary office space. The Plan aims to strengthen and support economic activity, whilst protecting Lydney’s heritage through the following policies LYD CEN 1, LYD GEN 1, and LYD GEN 2.
2. Ensuring the vitality of town centres – Lydney NDP seeks to improve the town centre to ensure it is viable and thrives, to offer an unique Lydney experience and opportunity which reflects this vibrant nature and rich heritage. Improvements to the town centre should aim to increase footfall and economic activity, and also create an environment that fosters entrepreneurial business development. The Lydney NDP views Lydney town centre as vital for Lydney’s future and thus sets out the specific policy LYD CEN 1.
3. Supporting a prosperous rural economy – Supporting small-scale expansion of existing employment premises across Lydney will assist in delivering a prosperous rural economy. Lydney NDP sets out the following policies intended to create a flourishing rural economy:
 - i) by enhancing the vibrancy of the town centre (LYD CEN 1);
 - ii) driving forward the provision of internet connectivity needed for businesses and residents to engage on a level playfield (LYD GEN 2);
 - iii) and ensuring Lydney’s town transport infrastructure promotes free access (LYD TRAN 1, LYD TRAN 2, LYD TRAN 3).

4. Promoting sustainable transport – The Lydney NDP aims to create a balance of land use within Lydney by encouraging people to use public rights of ways (LYD TRAN 2, LYD TRAN 3), developing employment opportunities within Lydney to decrease the need to commute (LYD CEN 1, LYD GEN 2) and improve sustainable access to leisure areas (LYD TRAN 2, LYD HAR 1).
5. Supporting high quality communications infrastructure – The provision of high speed broadband technology plays a vital role in the provision of local community facilities and services as well in the development of competitive businesses. The Lydney NDP supports a high quality communication infrastructure and seeks to maximise opportunities for developing this infrastructure through the policy LYD GEN 2.
6. Delivering a wide choice of high level homes – Lydney NDP embraces the increase of homes within Lydney and seeks to protect, enhance and improve the environmental setting (LYD ENV 2) preserving the natural beauty of the area. The Lydney NDP emphasises the need for housing stock to reflect the make-up of the community and provide a balanced offering. As such there is a need for housing suitable for older people close to the town centre to ensure they continue to be a part of Lydney (LYD HOUS 1). Although the principal demand in Lydney is for residential development, mixed development is supported throughout the plan.
7. Requiring good design – Lydney NDP seeks to promote, respect and enhance the natural, built and historic environment, as well seeking to protect its local character and heritage through the following policies (LYD ENV 2, LYD CEN 1, LYD TRAN 1, LYD HAR 1).
8. Promoting healthy communities – Lydney NDP promote green spaces and protects them from development except in exceptional circumstance (LYD ENV 1), respects the need for the natural environment to be protected (LYD ENV 2) and actively promotes the development of a good network of public rights of way (LYD TRAN 2). By creating a network of sign-posted public rights of way in Lydney it will make it easier for local residents to access the key areas in Lydney safely, healthily and protect these valuable recreational resources for future generations.
9. Meeting the challenge of climate change, flooding and coastal change – Lydney has been defined as being a Flood Zone 3 and flooding continues to be an issue. Lydney NDP includes a specific policy to address this by managing water. Policy LYD GEN 1 embraces the Sustainable Drainage Systems (SuDS) management process of Prevention, Source Control, Site Control and Regional Control. This policy reflects the importance addressing this issue will have for Lydney’s future and the uniqueness of the water environment in the area; an internationally recognised special area.
10. Conserving and enhancing the natural environment - Lydney NDP has a vision to maintain the balance between the growth of the town and its natural rural setting, by enhancing the quality of its open spaces and recreational areas. Lydney NDP identifies the importance of Lydney’s environmentally rich and diverse location.

Lydney is in a unique location and the process of positively integrating increasing numbers of people, homes and cars within it is a priority and Lydney NDP seeks to do this through the following policies LYN ENV 1, LYD ENV 2, LYD GEN 1, LYD TRAN 2, LYD TRAN 3 and LYD HAR 1.

11. Conserving and enhancing the historic environment – History and heritage underpin Lydney and these can be seen throughout the area today. Lydney NDP seeks to preserve Lydney’s history and heritage through policies LYD CEN 1 and LYD HAR 1. While outside of the NDP remit, promoting and developing interpretation materials on the areas heritage for local and visitor enjoyment is seen as a vital part of the regeneration of the area and part of the on-going projects which spring from the NDP (page 41).

How Lydney NDP – Examiners Version 2 conforms to Local Strategic Policy

Neighbourhood plans must demonstrate that they are in general conformity with the strategic policies of the adopted development plan for the local area. The current adopted Local Plan for the area is the Forest of Dean District Council’s Core Strategy (CS) adopted in 2012. The FoDDC Allocations Plan while not currently adopted (as at 26th of May 2015) is in draft form and the Lydney NDP has been developed with due consideration of the Allocations Plan through discussions with the FoDDC.

The Lydney NDP - Examiners Version 2 is in general conformity with FoDDC’s CS and the policies of Lydney NDP are considered to be consistent with the following policies of the FoDDC Core Strategy:

- CSP.1 – Design and environmental protection (LYD ENV 2, LYD GEN1, LYD TRAN 2, LYD TRAN 3, LYD HAR 1)
- CSP.2 – Climate Change (LYD GEN 1, LYD TRAN 3)
- CSP.4 – Development at Settlements (LYD ENV 1, LYD HOUS 1, LYD CEN 1, LYD GEN 2, LYD TRAN 1)
- CSP.5 – Housing (LYD HOUS 1)
- CSP.7 – Economy (LYD CEN 1, LYD GEN 2)
- CSP.9 – Recreational and amenity land (LYD ENV 2)
- CSP.12 – Lydney (LYD CEN 1, LYD GEN 2)
- CSP.13 – Lydney (LYD HAR 1)

How Lydney NDP – Examiners Version 2 is compatibility with EU Regulations

Natural Environment

Following discussions with FoDDC environmental screens were conducted on the Lydney NDP – Examiners Version 1 (details of these discussions are contained within the Consultation Statement). Consequently a Strategic Environmental Assessment screen, a Habitats Regulations Assessment screen and Sustainability Appraisal screen were conducted on the Lydney NDP – Examiners Version 1.

These screening documents identified a number of changes which would mitigate any effects the NDP may have on the environment. All changes suggested in the screening documents were included (details contained within the Consultation Statement) in Lydney

NDP – Examiners Version 2. Natural England, Environment Agency and Historic England were consulted on the changes within Lydney NDP – Examiners Version 2 and the screening documents. Natural England and Environment Agency agreed that Lydney NDP – Examiners Version 2 would not result in a significant effect on any European Sites alone or in combination with other plans or projects.

Human Rights

Lydney NDP – Examiners Version 2 does not diminish the human rights of Lydney residents or others who may be affected by it.

Conclusion

The Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990, are considered to be met by Lydney NDP – Examiners Version 2 and all policies therein.

Appendices

Appendix One



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Our Ref:
Your Ref:
Date: 18 July 2012

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Dear Sirs,

Localism Act 2011 – Neighbourhood Development Plan

I understand that Lydney Town Council intends to prepare a Neighbourhood Development Plan under section 116 of the Localism Act 2011.

The Localism Act 2011 inserts section 38A into the Planning and Compulsory Purchase Act 2004, which provides at subparagraph (1) that a 'qualifying body' is entitled to initiate the Neighbourhood Development Plan process. According to subparagraph (12) of section 38A a parish council constitutes a 'qualifying body'.

Therefore, I can confirm that this Council finds Lydney Town Council to be a 'qualifying body' entitled to initiate the Neighbourhood Development Plan process in respect of the Lydney area.

Yours sincerely,

Marie Rosenthal
Group Manager Legal & Democratic Services

Appendix Two

NOTICE OF A DESIGNATION OF A NEIGHBOURHOOD AREA relating to Lydney

LOCALISM ACT 2011 TOWN AND COUNTRY PLANNING ACT 1990 Sections 61F-G NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

FOREST OF DEAN DISTRICT COUNCIL

The Forest of Dean District Council hereby gives notice that on 17 January 2013 it agreed to designate the parish of Lydney as a Neighbourhood Area within the meaning of Section 61G of the Town and Country Planning Act 1990, pursuant to an application from Lydney Town Council.

A map identifying the designated area is available on the Council's website or at the Council Offices, High Street, Coleford, Gloucestershire during normal office hours.

Dated this 21st day of January 2013

Peter Williams

Group Manager Planning & Housing



