

Lydney Neighbourhood Development Plan 2

Examiner's Clarification Questions – Lydney Town Council

Responses May 2026

This note has been prepared in response to the Examiner clarification questions. It includes each question asked by the examiner, and responses follow.

1 General

Section 1.2 of the Plan addresses its relationship with both the adopted development plan and the emerging Local Plan. Several representations from the development industry question the appropriateness of undertaking a review of the neighbourhood plan until clarity exists on the content of the emerging Local Plan.

In general, how has the Town Council grappled with the relationship between the emerging Local Plan and the emerging Neighbourhood Plan?

Should I conclude from the first sentence of the final paragraph of Section 5 of the Plan that the Town Council is open-minded about the potential need for a further review of the Neighbourhood Plan once the Local Plan has been adopted?

Response

The Foreword states LNP2 is a positive plan ‘...for growth and improved infrastructure...’

Introduction Section 1.1 makes clear the NP area scope and its policies are distinct and locally informed. It highlights that the FoDDC Local Plan will address a wider strategic role and that the LNP2 will work alongside the FoDDC plan.

‘The review of the first plan will refresh and strengthen the policies that address matters that you have told us are still important like Lydney’s housing, environment, and our town centre. It will include new policies that step up to new local issues and circumstances including how we can address climate change locally.

Our Neighbourhood Plan will work alongside the Forest of Dean Local Plan which will address strategic town planning matters that go beyond our local boundaries like large scale housing development.’

Section 1.2 (**Draft Local Plan 2025-2043**; Page 11) directly addresses the production of updated LNP2 in the context of the updating of the FoDDC Local Plan. The Plan introductory text acknowledges the adopted FoDDC Plan is being updated but states, ‘the updated Neighbourhood Plan has regard to the emerging new Local Plan to help it remain strong upon adoption of the New Local Plan in 2027.’ This is reflected in the submitted Basic Conditions Statement which includes commentary on the conformity with current adopted policies and regard to emerging FoDDC policies.

LNP2 is clear that about the context of being prepared in the context of significantly increased Local Plan led growth; ‘*The FoDDC see Lydney continuing its role as ‘Gateway to the Forest’. By 2043 it will have accommodated at least 700 additional*

homes alongside new employment, services and improved connectivity. This will require the allocation of further land for development above that already committed or being developed’.

Policy LYD ENV1(2(a)); Location of Development, is supportive of development outside of the settlement boundary where it; *‘Provides for development in accordance with the provisions of the adopted development plan or national planning policy’*

Furthermore, supporting text reinforces policy LYD ENV1 is being proposed in the context of emerging increased levels and areas of strategic growth through the emerging FoDDC Local Plan.

As set out in Planning Practice Guidance¹, a Neighbourhood Plan can be developed before or at the same time as the local planning authority is producing its Local Plan, and we have taken this guidance on board and aimed to prepare policies that can be complementary to the Local Plan as set out in the guidance.

Alongside producing LNP2, Lydney Town Council has proactively engaged with FoDDC and responded to its consultations on the emerging Local Plan.

The examiner’s interpretation of the final paragraph of Section 5 is correct. This text was included specifically to provide certainty that TC is committed to a "monitoring and review" cycle to ensure the Neighbourhood Plan remain an effective part of the development plan alongside the reviewed Forest of Dean Local Plan.

Whilst the risk of conflict or need for review of LNP2 following adoption of the Local Plan has been reduced through the matters set out above, LTC would consider the need for a review should this occur following FoDDC Local Plan adoption. The aim is to keep the Lydney NDP current and up-to-date even if a review is needed in the next 2/3 years - than to leave Lydney with a Plan dated up to 2024 that was becoming increasingly outdated. There is still some way to go on the process of preparing and adopting a new Local Plan for the district, and there is uncertainty involved in the timescales and outcome of that process.

2 Policy ENV1

The structure of the second part of the policy is confusing.

Would a development proposal need to meet all of the criteria to be supported?

Response

Suggested clarification amendments to policy LYD ENV1 (Part 2)

*2. Outside the settlement boundary, **all** development will be supported where it:*

a. Provides for development in accordance with the provisions of the adopted development plan or national planning policy:

b. Is well-related to Lydney’s existing built area and sustainable transport infrastructure and road network and it provides improved transport infrastructure to ensure it is well-connected and does not result in unacceptable transport impacts.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2> Paragraph 009 (ID: 41-009-20190509)

c. Protects features of nature conservation value, both terrestrial and aquatic, and geological value as part of the design rationale;

Non-residential or infrastructure development will be supported where it; and

d-*(i)*. Supports the sustainable growth and expansion of existing business or the formation of new businesses; or

(ii) Supports the appropriate development and diversification of agricultural and other land-based rural businesses; or

e *(iii)*. Supports sustainable rural tourism and leisure developments; or

f *(iv)*. Retains or improves provision of accessible local services and community facilities which cannot be provided inside the settlement boundary; or

g *(v)*. Provides for essential transport infrastructure.

3 Policy ENV2

The policy is comprehensively underpinned by the supporting text.

Should the second part of the policy be applied in a proportionate way to acknowledge that minor and domestic proposals would be unlikely to trigger the four criteria?

Response

Agree. The policy should be applied proportionately. Suggested amendment;

2. Where relevant, Applicants are required to demonstrate how relevant proposals proportionately:

a. Protect and enhance green infrastructure assets, including providing high quality links between existing assets;

b. Fully integrate high quality, green infrastructure into development proposals, including with sustainable drainage and the management of flood risk;

c. Secure improved access to green infrastructure where this would not have an unjustified adverse effect on biodiversity; and

d. Secure net-gains for biodiversity in accordance with national policy

4 Policy ENV3

I saw the importance of the built heritage of the town during the visit.

In general terms the policy takes a positive approach to this matter. Nevertheless:

- to what extent does the policy bring any added value beyond national and local planning policies?
- does the policy make an appropriate distinction between designated and non-designated assets?

Is there any information about the way in which the Town Council assessed the proposed non-designated assets as listed in the policy (on page 39)?

Response

Background text highlights that 'Lydney's history and its heritage underpins Lydney itself...' and 'Lydney's historic environment plays an important role in achieving a successful and vibrant Town Centre', which is a key element of LNP2 Vision. For this reason, the Steering Group is keen to provide a single comprehensive heritage policy that brings together all aspects of local designated and non-designated heritage that are ingredients within the historic context of the

town and to inform local changes and improvements alongside FoDDC and National policy.

The policy sets out approaches to designated assets, the conservation area (which includes important green spaces) and identified non-designated heritage assets. It is therefore felt to provide appropriate distinction.

With regard to the assessment process for proposed additional non-designated heritage assets, please refer to the response provided to FoDDC representations on Policy LYD ENV3 below.

5 Policy ENV4

The policy is well-considered and is underpinned by the Design Code and Guidance. Several developers comment that the policy may make the development management process difficult to administer.

It would be helpful if the Town Council advised about the extent to which it has considered the practical issues associated with the application of the general elements of the Design Code and the specific requirements in the identified Development Areas?

Part 9 of the policy describes a process rather than being a land use planning policy. I am minded to recommend that it is relocated into supporting text. Does the Town Council have any comments on this proposition?

Response

FoDDC kindly provided detailed pre-Reg 14 comments on the emerging Reg 14 draft LNP2. It was consulted on the Reg 14 Plan, including Policy LYD ENV4 and the Draft Design Guide and Codes as part of LNP2 Regulation 14 and Regulation 16 formal consultation. Its feedback on the document is recorded in the consultation evidence base. It did not raise issues relating to the administration of the policy.

Policy LYD ENV4 provides a high degree of clarity relating to the key place-making characteristics of the distinct character areas within the Lydney NP area as described in the Design Guide and Codes. Far from being difficult to administer, it is asserted that the policy provides swift ease of reference for applicants and assessors of proposals by transposing the most important elements of character from the guidance that should inform responsive development design.

In its response to Reg 14 consultation FoDDC described the Guide and codes as '...a very insightful document with a large amount of quality design advice.'

Its Development Management Service made five specific suggestions relating to house residential amenity, garages, EV charging infrastructure and green spaces. It did not raise any general matters of its use.

Part 9: Accept that this is process advice and agree with examiner's proposition for this to be relocated to supporting text.

6. Policy ENV5

The policy is a very good local response to Section 14 of the NPPF.

The final part of the policy (beginning with 'In considering applications') has an unusual format in commenting about appropriate weight being given to a series of factors. This

approach fails to acknowledge that the weight to be given to material planning considerations is a matter for the District Council to apply rather than a policy issue. In these circumstances, I am minded to recommend that this part of the policy is modified so that it identifies that development proposals should respond positively to the identified matters. Does the Town Council have any comments on this proposition?

Response

Agree to the suggested amendment.

7. Policy ENV6

Is the second part of the policy necessary as the matter is addressed by separate legislation?

Response

Supporting text identifies a particular local risk to water quality due to Lydney's industrial heritage. This is why contamination was specifically raised in the second part of Policy LYD ENV6. However, it is accepted the policy should not reiterate matters covered in legislation, resulting in the removal of Part 2.

It is requested that the particular matter of local contamination is raised in Policy LYD ENV6, perhaps by integrating it within the retained first section. All development proposals (residential, retail and commercial) must survey and adequately address identified land contamination and make adequate provision to manage surface water sustainably through the use of SuDS on site.

~~Where relevant, proposals should have regard to land contamination issues and the status of the receiving water body under the Water Framework Directive.~~

8. Policy HC1

There appears to be an inconsistency between the policy and the supporting text on the size of housing that would be supported. Please can the Town Council clarify this matter.

Are the expectations in the second part of the policy directly informed by the information in the Housing Needs Assessment 2023?

Response

The inconsistency between the background text and policy is acknowledged and requires clarification.

The Lydney HNA examines the need for housing by type and tenure. It concludes; *Paras 143-144; 'The model also recommends a healthy supply of both 2 and 3-bed homes. This recommendation is broadly in line with the evidence for the Gloucestershire Local Housing Needs Assessment, which suggests that a majority of new homes should have more than 3 bedrooms.*

This balanced mix of homes between 2 and 4+ bedrooms would diversify the existing housing profile improve affordability in the existing housing stock and help to meet the needs of the shifting demographic profile (notably improving downsizing opportunities and providing larger homes for newly forming families) of the NA.'

The inaccuracy appears within the policy. It is suggested this may be resolved through deleting the direct reference to particular provision of +3 bedroom dwellings.

It is believed the second part of the policy (of amended) would represent a consistent and reflective high-level policy response to the HNA recommendations, which should be read in detail in conjunction with the LNP2 policy.

Suggested Revision to LYD H1;

2. Housing development should meet identified needs to enable the provision of a more balanced mix of housing types and sizes, particularly through the provision of: affordable rented properties, ~~dwellings with more than 3 bedrooms~~ and smaller and specialist housing for older and vulnerable people subject to viability.

9. Policy HC2

I am minded to recommend that the order of the three parts is changed to 2-3-1. This will ensure that it has a more positive focus. Does the Town Council have any comments on this proposition?

Response

Agree

10. Policy ET1

The intention of the third part of the policy is clear. However, has the Town Council considered its potential unintended consequences? Should any such proposals also be required to meet development plan policies?

Response

Agree

11. Policy ET2

The policy takes a positive approach and has regard to Section 7 of the NPPF. Furthermore, the criteria in the second part of the policy are both appropriate and locally-distinctive.

The first sentence of the third part of the policy reads as a process matter rather than as a land use policy. Is the intention of this part of the policy to support supermarkets where they can be sensitively accommodated into the existing townscape?

Response

This is the intention of the policy. Agree that the policy needs to be amended to be a positive statement. Potential amendment;

*'3. Proposals for new supermarkets or other large footprint developments will be **supported where they** ~~required to demonstrate that they can be sensitively accommodated into the existing townscape.~~ Where appropriate developer contributions will be sought from proposals within the town centre to assist in wider public realm proposals within this area.'*

13. Representations

Does the Town Council wish to comment on any of the representations made to the Plan?

I would find it helpful if the Town Council commented on the representations made by:

1. Forest of Dean District Council;
2. Robert Hitchins Limited;
3. Barratt David Wilson Redrow Homes (South Wales);
4. Gloucestershire County Council;
5. Hallam Land; and
6. NHS Property Services

Response

These are addressed in turn below.

1. Forest of Dean District Council

This representation is focused on the non-designated heritage assets.

Lydney’s Non-Designated Heritage Assets (NDHA).

As part of the Lydney Neighbourhood Development Plan review, the steering group considered which other buildings, apart from those identified by the FoDDC assessment of the Lydney built environment for their conservation area appraisal, would we identify as making a positive impact on the visual or historical social identity of Lydney. It was the cultural and historical significance of these buildings that was considered, rather than just their architectural value.

The steering group’s work on this topic was informed by the Historic England Advice Note 7 (Second Edition): Local Heritage Listing: Identifying and Conserving Local Heritage, and the advice set out on the Forest of Dean webpages.

<https://www.fdean.gov.uk/planning-and-building/historic-buildings-and-conservation-areas/non-designated-heritage-assets/>

The following buildings were considered to be of cultural and historical significance to Lydney. These have identified in addition to the ones already on the local heritage (NDHA) list for the Forest of Dean.

Heritage Asset	Overview	Selection Criteria Summary
1. <u>The Almshouses, Church Rd</u>	This building forms part of the World War 1 war memorial erected as part of the “Homes for Heroes” project, intended to provide homes for those returning from active service. They form an important part of the setting of the square containing the church, the old vicarage (both listed buildings) and the war memorial itself. The building is a good example of early social housing	<ul style="list-style-type: none"> ✓ Architectural Interest ✓ Group Value ✓ Historic association ✓ Landmark status ✓ Social or communal value

	by architects Kellard and Kellard, and is replicated in other developments in the town, in Tutnalls and Forest Rd.	
2. <u>The Cottage Hospital building. Grove Rd.</u>	Opened between 1907 and 1909, the hospital served a vital role during World War 1 as a nursing station for war wounded soldiers. Throughout its history, until its closure in 2024, the building served as a much loved and well supported community asset serving the needs of the local community.	<ul style="list-style-type: none"> ✓ Historic association ✓ Landmark status ✓ Social or communal value
3. <u>Larger Edwardian and early 20th Century houses. Grove Rd.</u>	Built to facilitate the move of wealthier families out of the main town, these houses chart the expansion of the town during the early 20th Century. They add to the importance of this area and have the potential to be an additional conservation area.	<ul style="list-style-type: none"> ✓ Architectural Interest ✓ Group Value ✓ Historic association ✓ Landmark status
4. <u>No's 2,3 and 4 Forest Rd.</u>	These buildings are another illustration of the expansion and gentrification of Lydney during the early 20th century and give a sense of quality along what was then a "new road".	<ul style="list-style-type: none"> ✓ Architectural Interest ✓ Group Value ✓ Historic association ✓ Landmark status
5. <u>Former Midland Bank. Newern St.</u>	A decent building in an otherwise uninspiring group of buildings.	<ul style="list-style-type: none"> ✓ Aesthetic merit ✓ Landmark status
6. <u>Raymonds Stores</u>	One of the best preserved traditional shops in the town with a good example of traditional shop frontage.	<ul style="list-style-type: none"> ✓ Historic association ✓ Landmark status ✓ Social or communal value
7. <u>The Swan, Newern St.</u>	An historic town pub in a prominent position opposite the junction with Forest Rd. The only pub remaining in the town that does not have the protection of either being a listed building or within a conservation area.	<ul style="list-style-type: none"> ✓ Aesthetic merit ✓ Landmark status ✓ Social or communal value
8. <u>Age Concern Building. Junction of Forest Rd and Newern St.</u>	Another traditional town centre shop frontage to an interesting building that used to house a reading library above.	<ul style="list-style-type: none"> ✓ Historic association ✓ Social or communal value

9. <u>The Victoria Centre</u>	A much loved community building, formerly a fire station, now providing meals, community activities and support to mainly elderly people.	<ul style="list-style-type: none"> ✓ Historic association ✓ Landmark status ✓ Social or communal value
10. <u>Former Fleece Inn/</u> 11. <u>former Bridge Inn</u>	Of social history interest only.	<ul style="list-style-type: none"> ✓ Social or communal value
12. <u>Oakfield, Hill St.</u>	Sandwiched between the former police station and the large semi-detached Victorian villa (already listed as being of interest) this building forms part of that group of large detached buildings of quality.	<ul style="list-style-type: none"> ✓ Architectural Interest ✓ Group Value
13. <u>The Community Centre. Naas Lane</u>	The former Victorian school, largely in its original form deserves to be mentioned and protected as it is not listed nor in a conservation area.	<ul style="list-style-type: none"> ✓ Historic association ✓ Landmark status ✓ Social or communal value
14. <u>Christian Fellowship building. Swan Rd.</u>	An active solace of worship in the original Methodist church building. This building is neither listed nor in a conservation area, but deserves recognition for the role it has played in the spiritual life of the town.	<ul style="list-style-type: none"> ✓ Social or communal value
15. <u>United Reform Church, Tutnalls St.</u>	Of early 20th Century design, the building remains an active place of worship. Opened in 1907 as a Congregational Chapel, affectionately known as “the Congs”, the church has charted the changes and developments in the non-conformist traditions within the town, and represents important landmarks in its social history.	<ul style="list-style-type: none"> ✓ Historic association ✓ Landmark status ✓ Social or communal value

NDHA already identified (in the Lydney Character Appraisal 2005) on the FODDC NDHA list² are included as the first 11 bullets on page 39 of the draft Plan (NB – corrections to make the list more accurate in red or crossed out):

² Mapped here:

https://experience.arcgis.com/experience/3c35bf1b0e10483582657b70cf57933d/page/Page#data_s=id%3A1f785666f64f4103af78155a2f1c1c40-192fd08b5a6-layer-73%3A119

1. Raglan House, High Street.
2. Lydney Town Hall
3. The former Police station and magistrates court
4. West Field House (opposite the Town Hall)
5. **Cross Bank House, (19-21) High Street**
6. ~~Former Lloyds bank building, The Cross.~~
7. 3-5 Hill Street (former British Legion Building)
8. 4-~~6~~**5** Hill Street
9. Cross Keys Inn, Church Road
10. Bathurst Estate Cottages (**nos. 17,19,21 & 23**), Church Road.
11. **Lydney Methodist Church, Springfield Road**

2/3/4 Robert Hitchins Limited / Barratt David Wilson Redrow Homes (South Wales) / Hallam Land

These representations are addressed together as there are commonalities in all three that can be addressed together to avoid repetition.

- All three representations seek to promote a site for allocation.

Representation 3 asserts that the LNDP2 must include allocation. This is incorrect. Government guidance confirms:

The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement....Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.
MHCLG Neighbourhood Planning Guidance Paragraph: 104 Reference ID: 41-104-20190509

<https://www.gov.uk/guidance/neighbourhood-planning--2#evidence-to-support-a-neighbourhood-plan>

- All three representations express concerns about the sequencing of the LNDP2 in relation to the emerging Local Plan. This is addressed in the Basic Conditions statement that was submitted with the LNDP2.

Representation 3 also comments extensively on the Design Code, much of which relate to the land they are promoting. We have no comments to make in response.

Where representations 2-4 address specific policies in the Neighbourhood Plan we have no comments to make in response.

5. Gloucestershire County Council

Officers comments and suggestions to strengthen the plan and make it more accurate where necessary are supported where the examiner thinks appropriate and necessary.

6. NHS Property Services

Proposed Modification to Supporting Paragraphs (as below) are supported where the examiner thinks appropriate and necessary.

“Where healthcare facilities are formally declared surplus to the operational healthcare requirements of the NHS or identified as surplus as part of a published estates strategy or service transformation plan, this will be considered as meeting the requirement/s of Part 1 of Policy LYD HC2.”

We also suggest adding in the text below to the support paragraphs in response to the representation:

Where new or improved health facilities are proposed as part of development proposals, we would urge the Council to clearly set out the need for engagement with the local Integrated Care Board (ICB) or successor body to ensure the healthcare service needs in the locality are suitably and sustainably met. As local health commissioners, the ICB are the sole responsible body for the planning and commission for healthcare infrastructure provision. This would enable the local ICB to accurately and suitably assess and determine where there is an identified need for improved or new healthcare facilities and, in turn, would ensure health needs are met at the right place at the right time.