

Lydney Neighbourhood Development Plan 2

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear vision for the neighbourhood area which is underpinned by distinctive objectives.

The presentation of the Plan is very good. The difference between the policies and the supporting text is clear. The Plan makes good use of various maps and high-quality photographs. The colour-coded sections provide a very clear structure for the Plan.

The Plan is underpinned by a package of background documents. In several cases the documents directly inform the relevant policies. This is best practice.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Town Council and the District Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

Question for the District Council

Is the review of the Local Plan still working towards the timetable identified in the Local Development Scheme 2025?

Questions for the Town Council

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

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?

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?

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?

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)?

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?

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?

Policy ENV6

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

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?

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?

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?

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?

Policy ET4

This is a well-considered new policy.

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:

- Forest of Dean District Council;
- Robert Hitchins Limited;
- Barratt David Wilson Redrow Homes (South Wales);
- Gloucestershire County Council;
- Hallam Land; and
- NHS Property Services

Protocol for responses

I would be grateful for responses to the questions raised by 21 May 2026. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

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Independent Examiner

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