

Lydney Neighbourhood Development Plan 2014-2024

**A report to the Forest of Dean District Council on
the Lydney Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by the Forest of Dean District Council in August 2015 to carry out the independent examination of the Lydney Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 17 August 2015.
- 3 The Plan proposes a wide range of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on policies that seek to bring about the sensitive regeneration of the town.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Lydney Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
23 September 2015

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Lydney Neighbourhood Development Plan 2014-2024 (LNP).
- 1.2 The plan has been submitted to the Forest of Dean District Council (FDDC) by Lydney Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the LNP is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the plan and, where necessary, recommends modifications to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the LNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the LNP would then be used to determine planning applications within the plan boundary and sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the appropriate legislative and procedural requirements.
- 2.2 I was appointed by FDDC, with the consent of the Lydney Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the FDDC and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am Assistant Director – Economic, Environment and Cultural Services at Herefordshire Council and I have over 30 years' experience in various local authorities. I am a chartered town planner and have experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.
- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the LNP is submitted to a referendum; or
 - (b) that the LNP should proceed to referendum as modified (based on my recommendations); or
 - (c) that the LNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 As part of this process I must consider whether the submitted LNP meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted LNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.9 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council has prepared a comprehensive screening report and undertaken a screening opinion. This process establishes whether the LNP would require a Strategic Environmental Assessment (SEA) under the provision of the SEA Directive and UK regulations. I am satisfied that LDC followed the required process in consulting with English Heritage, the Environment Agency and Natural England. The screening report helpfully reproduces the response that was received from Natural

England. The District Council was also commissioned to undertake a Habitats Regulations Assessment of the LNP. The resulting assessment is both thorough and comprehensive. The report identifies likely significant effects (section 6) and then goes on to identify mitigation measures to avoid, reduce or cancel potential or likely significant effects. The various changes to the Plan required for mitigation have been incorporated into the submission plan. Appropriate consultation has been undertaken with the statutory bodies.

2.7 These process resulted in the following conclusions:

- SEA – the Plan will not result in significant environmental effects.
- Habitats Regulations Assessment – with the incorporation into the Plan of the various mitigation measures there are no likely significant effects as a result of the LNP on European designated nature conservation sites

2.8 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. Both the screening report and the habitat regulations assessment reports are well-reasoned, accurate and address the issues in a proportionate and professional way. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted LNP is compatible with this aspect of European obligations.

2.9 In a similar fashion I am satisfied that the submitted SNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted SNP does not breach, nor is in any way incompatible with the ECHR.

2.10 In examining the LNP I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.11 Having addressed the matters identified in paragraph 2.10 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted LNP.
- the LNP Basic Conditions Statement.
- the LNP Consultation Statement (and appendices)
- the LNP SEA & HRA Screening Reports.
- the representations made to the LNP.
- the adopted Forest of Dean Core Strategy.
- the submission version of the Forest of Dean Allocations Plan (August 2015)
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Ministerial Statements

3.2 I carried out an unaccompanied visit to the Plan area on 17 August 2015. I looked at the vitality of the town centre and how the proposed town centre policy would operate. I looked at the relationship of the town to the areas proposed for new residential development in the Core Strategy. I also looked at the area around the railway station and the harbour and saw first-hand the separation of these areas from the main body of the town. My site inspection is covered in more detail in paragraphs 5.7 to 5.10 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the LNP could be examined without the need for a public hearing. I advised the FDDC of this decision early in the examination process.

3.4 As part of this examination I agreed with the District Council and the Town Council that I would examine the wider context of the Plan and the neighbourhood development plan policies as set out in its Section 2. The comprehensive and on-going projects set out in Section 3 of the Plan are related non-land use matters. They are correctly positioned within a separate part of the plan itself. However it is clear that they will operate in a complementary way with the main body of land use policies.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This statement is very thorough and comprehensive. Its introductory pages (p.3-7) provide a very clear overview of the process and set the scene for the remainder of the document. It is supported by a range of appendices and which provide a very significant level of detail.
- 4.3 Consultation and public engagement has fundamentally underpinned the Plan's production. An extensive series of public engagement events have been held since May 2012. Representatives of local groups were invited to join the steering group in September 2012. There was a public meeting in January 2013 and later that month the plan area was designated. The degree and variety of community engagement has been exemplary throughout the process that has led up to the submission of the Plan. A Facebook page has been established and newsletters were sent to local residents and businesses. Radio interviews have been conducted and newspaper adverts have alerted local residents to the various meetings. Surgeries have been held in the town centre and members of the Steering Group attended the local church summer fete event.
- 4.4 It is also clear that there has been considerable liaison between the Town Council and the District Council on the Plan. Other public bodies have also been involved in supporting its preparation. This collaborative approach is good practice. It is reflected in the relationship between the LNP, the adopted Local Plan Core Strategy and the emerging Allocations Plan.
- 4.5 Appendix Four of the Consultation Statement is particularly informative in setting out the number of visits to the Town Council's website during the consultation exercise on the draft plan in late 2013. Appendix Six is also extremely helpful in the way it sets out how the Plan evolved between the pre-submission and submission phases. It helps to demonstrate that the Town Council and the Steering Committee have been responsive to public comment.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the LNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. On this basis I am fully satisfied that the consultation process complies with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted plan was undertaken by the District Council for a six week period from 17 June to 29 July 2015. This exercise generated comments from the following persons or organisations:

- Ruth Richardson
- The Forestry Commission
- Gordon McDonald
- Highways England
- Sport England
- Rachel Reeves
- Jeremiah Dalziel
- MMC2 Land & Regeneration
- Network Rail
- Gloucestershire County Council
- Severn Trent Water
- Historic England
- The Coal Authority
- Gladman Developments
- Environment Agency
- Robert Hitchins Limited
- Naas Farm Trust

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Lydney. It includes the built up part of the town and the area to the south of the A48 occupied by the railway station, industrial areas and the historic harbour. It also includes the rural hinterland of the town to the west and to the north east. The Plan area has a range of environmental designations. The Severn Estuary European Marine Site is a designated Ramsar site, a Special Area of Conservation and a Special Protection Area. Lydney Cliff to the south east of the town is a Site of Special Scientific Interest and a Regionally Important Geological Site. The area to the south and west of the Harbour is a Strategic Nature Area. The Plan area also intersects the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation. Lydney Town Marsh and Sidings is a Key Wildlife Site as identified by the Gloucestershire Wildlife Trust. These designations have featured heavily in the preparation of the plan and the associated environmental assessment work.
- 5.2 The built up area of the town has a pleasant and bustling character. High Street/Hill Street/Newerne Street form the principal shopping streets and run through the heart of the town. There are a variety of retail and other related uses along these roads. In close proximity to each other the Forest of Dean Railway and the River Lyd run in a north-south direction across this principal road access. Part of the town centre and land to the south is a designated conservation area. Elsewhere within the main part of the town there are a variety of residential and employment buildings and which reflect its rapid expansion since the late nineteenth century. Modern residential development is now proceeding to the east of the town. The form of the town is heavily influenced by its topography. In particular there is steeply sloping land to the north and west of the town centre. The area to the south of the A48 is both distinct and separate from the main town. The historic harbour has direct and prominent access to the Severn Estuary. It is an iconic feature of the town and quite properly features in the photographs in the Plan. There are several industrial units between the A48, the railway and the harbour itself.

Development Plan Context

- 5.3 The development plan context is both comprehensive and up-to-date. It has provided a clear framework for the preparation of the neighbourhood plan and it is clear that there has been overlap and collaboration between the work of the FDDC on its planning policy documents and the preparation of the LNP by the Town Council.
- 5.4 The Forest of Dean Core Strategy was adopted in February 2012. All the policies in this Plan are strategic policies of the development plan (see paragraph 2.5 of this report). The core strategy has a range of general and area specific policies. The range of general policies is neatly summarised in the Basic Conditions Statement and there is a useful series of cross references to the LNP policies. The Core Strategy

also provides an overarching positive context for the future of Lydney. Its Policy CSP. 12 indicates that support will be given to development to the east of the town for a new neighbourhood. In addition the policy also supports mixed development along the axis between the harbour and the town centre. Within this identified Area Action Plan area Policy CSP.13 identifies the range and mix of uses that will be supported.

- 5.5 During my examination of the LNP the FDDC submitted its Allocations Plan for independent examination on 28 August 2015. The Allocations Plan shows how the proposals in the Core Strategy will be implemented. This Plan has a detailed section on Lydney. It usefully updates the position on the relationship between residential allocations and commitments in the east of the town. It also clarifies how the proposed Area Action Plan in the Core Strategy has been incorporated into this Allocations Plan. The Plan contains a suite of related policies – policies AP38 to 41 relate to the town centre, policies AP42 and 46 relate to the Harbour, and policies AP 43 to 45 and 48 to 50 relate to other specific areas. Policy AP47 sets an overarching approach for the area to the east of Lydney.
- 5.6 There are clear overlaps between the Allocations Plan and the LNP. It is anticipated by FDDC that the Allocations Plan will be adopted in June 2016.

Site Visit

- 5.7 I carried out an unaccompanied visit to the Plan area on 17 August 2015. I walked along the length of High Street and Hill Street and looked in detail at the community and commercial facilities both generally and in relation to the suite of policies proposed in the Plan. I also walked through Bathurst Park and saw both the range of facilities and its relationship with the River Lyd. I then drove to the railway station and on to the harbour. I looked in particular at the area identified for recreational uses in Policy LYD HAR1. On the day of my visit there were several groups of visitors at the harbour.
- 5.8 It was very clear from the visit that there is much interest and diversity in the plan area. In a relatively small area there is a rich variety of environments ranging from a bustling town centre to open countryside and from industrial units to a historic harbour adjacent to the Severn Estuary. I was better able to understand the purpose of Policy TRAN 2 after my visit.
- 5.9 I also looked at the area around the railway station and its relationship to the depot of the Forest of Dean Railway.
- 5.10 Thereafter I drove along the A48 to understand the setting of the town in its wider context and to see some of the newly constructed dwellings on its eastern flank.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this part of the report. It is a well-presented, informative and concise document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.9 of this report have already addressed the issue of conformity with the European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Lydney Neighbourhood Plan:

- the promotion of a plan led system– in this case the relationship between the neighbourhood plan and the adopted Forest of Dean Core Strategy.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- conserving heritage assets (the Harbour is an important asset).
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling (here with a focus on the town centre and accessibility).
- taking account of and supporting local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development and which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support strategic needs set out in local plans and set out positively to support local development that is outside the strategic elements of the Local Plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning guidance including the Planning Practice Guidance and the recent ministerial statements.

6.7 Having considered all the evidence and representations submitted as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the

future of the plan area and promotes sustainable growth. It includes a range of policies to bring growth and investment into the town. There is a particular focus on the regeneration of the town centre and the introduction of recreational facilities at the Harbour.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with the required level of precision and clarity. The majority of my recommended modifications in Section 7 relate to such matters. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan will contribute to sustainable development in Lydney. In the economic dimension the Plan sets out a very clear focus on the regeneration of the town centre. The plan also takes account of the significant residential development proposed in the town in the Core Strategy. It also seeks to ensure that new developments have full access to broadband facilities. In the social role it includes policies to support housing for elderly people and for the development of footpaths, cycle routes and wildlife corridors. The Plan is rich in its promotion of the environmental dimension. It positively seeks to protect the wide range of environmental designations that I have summarised in paragraph 5.1 of this report. It has specific policies on the natural environment and on water management.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider District in paragraphs 5.3 to 5.6 of this report.
- 6.12 It is clear that the submitted LNP seeks to supplement the strategic detail already included in the adopted Core Strategy. Its policies conform to both the overall approach of that Plan and to Policies CSP. 12 and 13 in particular. The emerging Allocations Plan provides further detail on the principles set out in the Core Strategy. Plainly that Plan will be subject to its own examination. However it is clear that there are strong and positive overlaps between it and the submitted LNP.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases I have recommended changes to the text to reflect proposed modifications to policies.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is concise and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The community and the Town Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 In other cases I have recommended modifications to policies that reflect my own observations on my visit to the plan area or that reflect the comments of those who have commented on the plan and have suggested changes to ensure that policies comply with the basic conditions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended any modifications.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

Section 1 of the Plan – Vision for Lydney

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They identify the Plan area and describe the Plan making process. They provide a very helpful background to key characteristics of the town and set out a very clear and reasoned vision for the Plan area.
- 7.9 The format, layout and quality of the Plan are all exemplary. It has been professionally designed and has an attractive balance of text, photographs and maps. It reflects extremely well on the town as a whole and those who have been involved in its preparation.
- 7.10 The Introduction to the Plan is both effective and thorough. It makes detailed and helpful reference to the adopted Forest of Dean Core Strategy and the future emergence of the Allocations Plan. It is clear to me that the LNP has been produced to be complementary to the adopted Core Strategy. This is good practice. Map 1.1 helpfully relates the various core strategy sites to the Plan's settlement boundary

(Policy LYD ENV1). Whilst this approach is helpful the clarity of the Plan would better accord the basic conditions if its text indicated the status of the various sites as shown on the plan, and identified the sites on the map in a matter of fact way. The reference to dates in the submitted version will cause the Plan to become outdated very quickly. In summary I recommend the following modifications to the text on p4 and to map 1.1 on page 5

Include additional supporting text at the end of the final paragraph on p.4 to read:

The Plan acknowledges the identification of these sites in the definition of the settlement boundary for the town.

On map 1.1 on p.5 identify the various sites by title or location without any reference to specific sizes or anticipated planning permission dates.

Policies in General

7.11 The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers will have clarity on the policies in the LNP. The policies are usefully grouped into the following sections:

- Protecting the Environment
- Housing
- Town Centre Improvements
- General Policies
- Water Management
- Internet connectivity
- Highways and Pedestrian Infrastructure
- Lydney Harbour

This approach makes it easy for users to navigate themselves around the plan. This is further emphasised by the use of different colours for the policies in the various sections.

Section 2 Policies for Sustainable Growth

Policy LYD ENV1

7.12 The policy sets out to establish a strong presumption against any development taking place outside the settlement boundary. Whilst this policy sits within the 'Protecting the Environment' section of the Plan the supporting text to this policy (and to policy ENV2) covers a wide range of planning policy, sustainability and biodiversity issues. The text sets out an objective to retain the separation of the town from other settlements and to protect the intervening countryside. Whilst this approach is acceptable in principle the prescriptive approach in the submitted Plan does not accord with either national policy or Core Strategy policies. The supporting text could also be clearer by referring to the countryside between the town and other

settlements rather than using the expression 'open space'. This has a different meaning in planning policy documents. For these reasons I recommend the following modifications in order that the policy can meet the basic conditions and that the supporting text can be both complementary and clear.

Modify policy to read:

Location of New Development

Development proposals will be supported within the settlement boundary as identified in map 1.4 or elsewhere in the prevailing development plan subject to those proposals being in accordance with Policies CSP.12 and CSP.13 of the adopted Core Strategy and other policies in this neighbourhood development plan.

Development proposals outside the settlement boundary will be considered against the principles set out in the adopted Forest of Dean Core Strategy in general, and its policy CSP. 4 in particular.

Amend supporting text in fourth paragraph of p.17 by replacing 'open space' with 'countryside'.

Policy LYD ENV2

- 7.13 This policy sets out to ensure that planning applications respect the natural environment and terrain in the Plan area. Plainly this is an important and relevant approach given the nature of the Plan area. I recommend that the policy is modified so that it provides the type of clarity required by the NPPF. This will also ensure that developers have the appropriate policy context for the submission of planning applications throughout the Plan period.

Modify the policy to read:

Development proposals will be required to demonstrate how they respect the natural environment of the Plan area. In appropriate circumstances development proposals should be designed to enhance natural features within application sites.

Policy LYD HOUS1

- 7.14 This policy identifies a brownfield site to the north of Hill Street and to the west of Forest Road for the provision of residential accommodation for the elderly. The policy is underpinned by public consultation. The site is centrally located and offers considerable opportunities for good and ready access for its future residents to the town centre. The site is adjacent to a watercourse known as the Cut, and is in close proximity to the River Lyd. In its comments on this policy the Environment Agency usefully advise that the site is located outside the high risk floodplain and lies within Flood Zone 1.

7.15 I have looked carefully at the representation made by the Environment Agency on this policy and the broader issue of potential flood risks. Given the location of the site I am satisfied that the policy is both appropriate, is capable of meeting the basic conditions and that important environmental and other safeguards can be applied in the policy. Clearly it will be for the District Council to determine any planning applications that come forward on the site having considered all the material planning considerations. I recommend modifications to the policy below to ensure that it meets the basic conditions and includes the necessary environmental safeguards:

Modify policy to read:

Proposals for residential accommodation suitable for elderly persons' needs in the area off Hill Street and Forest Road and as shown on map 1.5 will be supported subject to the following criteria:

- **they are of a design, scale and mass that respect the location of the site in general, and its proximity to the River Lyd in particular; and**
- **their design makes allowance for safe and convenient pedestrian movement in general and to the town centre in particular; and**
- **their design and layout safeguards the ecological importance of the site and its surroundings; and**
- **they are able to demonstrate that potential flood risk issues will be managed in an appropriate way both in general, and with specific reference to occupants of the development; and**
- **they provide satisfactory vehicular access and car parking arrangements.**

Include additional supporting text to read:

The site's location is such that appropriate safeguards will need to be included to protect future occupants of the buildings from possible flood risk. A criterion is included in policy LYD HOUS1 to this effect. Applications may need to be accompanied by a site specific flood risk assessment. This matter is important both in its own right and given that the site is identified for occupation by elderly persons.

Policy LYD CEN1

7.16 This policy sets out to underpin the broader work that the Town Council is undertaking with the District Council to promote a vibrant and attractive town centre. The town centre is clearly defined in map 1.6. This policy is entirely appropriate. I have recommended modifications below to ensure that its purpose is clear to the development industry and to comply with the basic conditions. I have also made the distinction between elements of the policy in the submitted version that are properly policy matters and those that are supporting text.

Modify policy to Read:

Planning applications within the town centre, as shown in map 1.6, will be supported where they can demonstrate that they contribute positively to its economic sustainability, its vitality and its viability. Where appropriate the built heritage of existing properties should be preserved or enhanced.

Proposals for new supermarkets or other large footprint developments will be 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.

Add the following supporting text at the end of the existing text on p.25:

Policy LYD GEN1 provides a supportive context for new development proposals in the town centre. The Plan actively supports a wide range of initiatives and development proposals that would increase footfall and help the town centre to consolidate its focal point in the town. In appropriate circumstances the planning application process will provide an opportunity for developer contributions to be secured towards the wider package of measures being promoted in the town centre.

Policy LYD GEN1

- 7.17 This policy addresses the issue of water management in the Plan area. This matter is particularly important given the route of the River Lyd within the town and the development of the historic core adjacent to this natural feature. I was able to see the extent of the River when I walked through Bathurst Park on my visit to the town.
- 7.18 I can see from the representations and the evolution of the Plan that this policy has been helpful underpinned by comments from the Environment Agency. This is good practice. My recommended modifications as set out below simply separate out the supporting text comments from the policy itself.

Modify policy as follows:

Retain first sentence

Remove second sentence to supporting text

Retain third sentence

Remove remainder of the policy to supporting text

Add the following supporting text to the end of the existing text on p.27:

Policy LYD GEN 1 sets out a policy basis for addressing water management in the Plan area. Include thereafter the removed text from the policy as set out above and in that order.

Amend supporting text on lines 10/11 of page 26 to replace 'the Local Planning Authority' by 'a range of organisations'.

Policy LYD GEN 2

- 7.19 This policy sets out the Plan's expectations for Broadband connectivity. This approach will assist in both the social and economic dimensions of sustainable development and a policy of this nature is entirely appropriate.
- 7.20 The policy is very prescriptive on the quality of connectivity required. A prescriptive policy may be difficult to achieve in the short term and may quickly become out of date as the telecommunications industry constantly changes to respond to new technologies and market demands. Whilst I can see that the Plan indicates that the policy should be reviewed every three years there is no guarantee that this will take place. In this context there would be a lack of clarity for both the District Council and the development industry around the determination of planning applications in the town. It is also clear from the Core Strategy and the emerging Allocations Plan that the key opportunities for broadband installation will be in the new residential development sites. On this basis I recommend modifications to the policy that will provide greater flexibility, ensure its applicability over the Plan period and which will have a primary focus on the new residential development that will take place in the Plan period.

Modify policy to read:

All new residential development in the Plan area should be served by a superfast Broadband connection installed on an open access basis.

Elsewhere in the Plan area all other new buildings shall also be served with this standard of connection when available unless it can be demonstrated through consultation with the service provider that this would not be either possible, practical or economically viable.

Policy LYD TRAN1

- 7.21 This policy sets out to ensure that new development that takes place in the Plan period does not detrimentally affect the free and safe flow of traffic on the town's roads. It sits within the context provided by the supporting text and which describes both existing conditions on the highway network and the range of proposals that are being pursued both generally and with the highways authority in particular.
- 7.22 A policy of this type is entirely appropriate both in general, and given the level of growth being promoted in the Core Strategy. My recommended modifications below address technical corrections to the supporting text in the submitted plan and propose a clearer form of wording to the policy itself so that it can meet the basic conditions. In summary I recommend the following changes:

Modify policy to read:

New developments will be required to demonstrate how their layout in general and the design of their access roads in particular will ensure the free and safe flow of traffic within the proposal itself and within the wider highway network. New developments will be expected to integrate with the surrounding highway network.

Amend text on p.30 third paragraph in right hand column by removing the second sentence and its replacement with 'These documents will be assessed by the District Council and with the assistance of the relevant highways authority.'

Remove reference to Highways Agency document in Appendix One

Policy LYD TRANS 2

- 7.23 This policy provides a context for the development of footpath and cycle links in the Plan area. There is a focus on improving the connectivity between the town centre, the railway station and the harbour area. I have already commented on the separation between these areas in the findings of my visit to the plan area. The creation of such links will contribute significantly towards the promotion of sustainable development.
- 7.24 As included in the submission plan the policy suggests that there is a detailed programme for the delivery of schemes in general, or for the routes as shown on map 1.8 in particular. However I was not provided with any evidence to this effect, and such schemes are not included in the list of projects in the plan. Nevertheless the approach as set out in principle is entirely appropriate and with revisions the policy will meet the basic conditions. In proposing the modifications below I have separated supporting text from the policy. In summary I recommend the following modifications:

Modify policy to read:

Proposals to develop a signposted network of public rights of way connecting the town centre, the railway station, the harbour and leisure areas will be supported

Include additional supporting text on p. 32 to read:

Policy LYD TRANS 2 sets out a supportive policy context against which any proposals that may need planning permission can be assessed. Indicative routes are shown on map 1.8. A mixture of developer contributions and project specific funding will be sought throughout the Plan period to bring schemes forward. Insert here the final paragraph of the policy itself as included in the submitted plan.

Policy LYD Trans 3

- 7.25 This policy takes a similar approach to the previous policy. In this case it supports the development of wildlife corridors adjacent to public rights of way. The policy is usefully underpinned by the details in Appendix Two of the Plan.
- 7.26 The policy is entirely appropriate to the circumstances of the Plan area. Subject to modifications on its wording it meets the basic conditions. The modification also makes a distinction between the formation of wildlife corridors in general, and the Plan's expectations for how existing or new footpaths should be incorporated into new development in particular.

Modify policy to read:

Proposals to develop a network of wildlife corridors alongside public rights of way will be supported.

Where revisions to existing rights of way are necessary to accommodate planned development alternative alignments should avoid the use of estate roads for the purpose wherever possible. Proposals that include appropriately designed and surfaced footpaths through landscaped or open areas will be supported

Insert additional supporting text at the end of the existing text immediately after the policy to read:

In assessing proposals of this nature developers will also be expected to have regard to the potential impact of the construction of rights of way on protected sites and species. In doing so planning applications should demonstrate how they comply both with national planning policy and the policies in the Forest of Dean Core Strategy.

Policy LYD HAR 1

- 7.27 This policy provides a context for the development of small scale recreational development on a defined parcel of land at the Harbour. This policy is entirely appropriate. I saw from my visit to the Plan area that there were no such facilities at this very cherished and well-used area.
- 7.28 I recommend a series of modifications to this policy to provide clarity on the size of acceptable proposals, to identify the relevant controls that would be applied to new development and to make an appropriate distinction between policy and supporting text. In summary I recommend the following modifications:

Modify policy to read:

Proposals for recreational development in the Harbour area as shown on map 1.9 will be supported subject to the following criteria:

- **their scale is of an appropriate nature; and**
- **their design and massing respects the wider setting of the Harbour in general and its designation as a scheduled ancient monument in particular; and**
- **their design respects the ecological importance of the Harbour area; and**
- **their design incorporates appropriate measures to safeguard against the impact of potential flooding.**

Insert new supporting text to read:

Policy LYD HAR 1 provides a supportive context for the development of recreational facilities at the Harbour area. It identifies the criteria against which planning applications will be assessed. The development of recreational facilities should help to ensure the long term preservation, restoration and interpretation of this important and iconic feature in the town both for the local community and for visitors. Clearly the dynamics of the wider restoration will change over time. Any proposals in the Harbour area as shown on map 1.9 for business uses of an appropriate nature and scale will be considered on their merits and against the policies in place at that time.

8 Summary and Conclusions

- 8.1 The Plan sets out a wide range of policies to guide and direct development proposals in the period up to 2024. It addresses a specific set of issues that have been identified and refined by the wider community. It positively promotes sustainable growth. It seeks to enhance the role and function of the town centre.
- 8.2 Following my independent examination of the Plan I have concluded that the Lydney Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 Whilst this report has recommended a range of modifications to its various policies the Plan remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to the Forest of Dean District Council that subject to the incorporation of the modifications set out in this report that the Lydney Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 17 January 2013.
- 8.6 I would like to thank all those who have assisted me in a variety of ways during this examination. I am particularly grateful to officers at both the District Council and the Town Council who have responded to my requests for information and clarification throughout this period in a timely and courteous way.

Andrew Ashcroft
Independent Examiner
23 September 2015