

[REDACTED]

Cheltenham Bourgh Council

References:

1. [NPPF 2024](#)
2. [NP Roadmap](#)
3. [National Model Design Code](#)
4. [Key Stages](#)
5. [Levy](#)

I wish to make the following comments on the Leckhampton with Warden Hill
Neighbourhood Plan (**NP**) as part of the schedule 16 consultation.

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The Cheltenham Bourgh Council (CBC) must reject the plan for 3 reasons:

1. I believe it is unlawful.
2. No longer required.
3. The implications are not fully understood by the Public, Parish Council (**PC**) or
CBC.

Effectively this plan would revert the Parish back to its 2016 Parish boundaries. The **NP**
area is not the same as the Parish. The difference between the Neighbourhood Planning
Area and The LHwWH Parish boundaries has not been fully explained to the Public.
Neither have the implications of 2 areas and the effect on CIL allocations. There has been

no risk assessment or discussion on the alternatives. The **NP** simply duplicates the Local Plan and has no cost benefit to Cheltenham.

1. An application for a neighbourhood plan is like any other planning application. Except, that there are no time limits. Any other application would time out after 5 years.

Significant sums have been spent on this plan. This plan has been in planning for at least 10 years and is still not final. Whilst this might be a failing in planning law the Cheltenham Borough Council must consider the implication of time on a Neighbourhood Plan (NP) within the context of the current Cheltenham Plan/s.
2. The **NP** was conceived in 2012, and the application was approved in 2014 and authority given to a body "The Parish Council". There have been significant changes in the Plan Area since 2014 which makes this plan redundant and thus should be rejected.
 - The local plan of 2017 recognised the concerns of the Parish and the inspectors report of 2016, local plans changed again in 2021. The Joint Core Strategy changed to accept that Leckhampton MD4 was not part of it.
 - The Group framing the **NP** have challenged **every development** in Leckhampton since 2014 without any success.
 - The MD4 450 (Plus) houses will have been approved and built to plan before the plan can be ratified by referendum and CBC. The best estimate plan will become effective 2028.
 - **The legal body framing the plan ceased to exist in 2017.** Whilst the Leckhampton with Warden Hill parish name remained the area of responsibility changed. Thus, the current body has no legal authority to make a plan. The surveys made prior to 2017 were made to the wrong group of Parishioners. The

differing areas make understanding of the plan impossible when coupled with the CIL regulations. This has not been explained to the public.

- Interests in lobby groups have not been declared by PC and Borough Councillors.
- CBC has a responsibility to monitor the plan making. The 2 areas of have key challenges which make the **NP** unlawful.
 - i. **Discrimination**. The plan was conceived when there were no houses in the available areas. The 450 houses bring with it approximately 1000 voting members of the Parish who are directly affected by the Plan but have had no say in it. Also, members of the Parish who adjoin (Myself) the development areas have no vote whilst other living over 2 km away do.
 - ii. The plan **discriminates** against the residents of Cheltenham who live outside the area, but within the Parish (Myself) who will need to deliver 10% more CIL to a Leckhampton **NP**. Whereas in the past CIL has been allocated in line with the Local Plan approved by **CBC**. CIL is not new money just a mandatory reallocation.
 - iii. The anomaly of the 2 areas means that some Councillors have a pecuniary interest depending on whether you live in or out of the NP Area. Interests which have not be declared at Council Meetings.
 - iv. Few understand the rules governing CIL, evidenced by, but the **NP area** has **£9825.35** which the PC has been unable to spend since 2017. What will they do with another 15%?
- There have been severe anomalies in the creation of the Plan.
 - i. Prior to 2019 no plans were released for public comment thus the public were not fully involved throughout the making of the plan.

- ii. Notification was spasmodic with some residents and owners directly adjoining the land not being informed and no notifications were issued. There was **discrimination** during the consultation with minority groups being ignored. [REDACTED]
 - iii. Naysayers were given no resources to put alternatives.
 - iv. Undue influence on the planning process was exerted by the pressure Group [LEGLAG](#), who were against any development. Indeed, LEGLAG interference caused the schedule 14 consultation to be repeated, and no legal action taken by the PC to recover the additional costs.
 - v. Endue pressure and influence from CBC Cabinet Member whose sole aim appeared to have been to stop development.
 - vi. The making of the plan has not considered the alternatives. This is a requirement when making a NP. The alternative is the Local Plan and proper planning scrutiny to develop Cheltenham.
 - vii. The financial rules require that CIL be spent within the area allocated. Parish funds remain from before the 2017 boundary change, **£9825.35**. So, the Parish will continue with 2 CIL accounts one for each area. It also begs the question what will they find to spend it on? The **NP** does not answer that question.
- At the **Parish Council meeting on Thursday 3rd February 2022** the Council voted unanimously **not to include** the lack of infrastructure requirements of the developments in MD4. Thus, the Parish Council lacked any form of objectivity in the planning process. The result is that there is no infrastructure to support 1200 new residents. Those infrastructure requirements were, for example: Doctors Surgery, sustainable transport links and local shop. The current Surgery is

outside the **NP** area. The links to the Centre are out of the **NP** area. Any shop or surgery within the **NP** area has already been **ruled out by the PC and Councillor Horwood**. This begs the questions what infrastructure and where is it required? In my view, “Cheltenham”.

- The plan contains reference the local area in particular Cycle Ways. These have been provided by the developers within the NP area but again the connecting network needs to be in the **Local Plan**. The additional CIL can only be spent in the **NP area**.
- The NP plan will inflict additional planning cost and hurdles to a vast number of priorities in Warden Hill which currently have no restrictions beyond existing planning rules. Some of The Leckhampton area has a protected status whereas Warden Hill does not! The downside has not been explained to the public.
- The understanding of the “Areas” is complex. [See the example below:](#)

3. **Conclusions.** The making of this plan was unlawful and discriminatory. It is too late the boat has sailed development has almost finished. There will be a 2 tier Parish with 3 different planning rules. CIL monies need to be spent on the surrounding areas (Cheltenham) this is confirmed within the NP. Further action on the plan in a time of austerity is inexcusable. Good money sent after bad! Given the **NP** Boundaries this plan needs to be agreed by Tewkesbury District (neighbouring) and Cotswold District (District Land Included in the Plan), again wasting money.

4. **Alternatives:**

- To properly designate areas of green space in Leckhampton.
- Influence CBC to spend CIL connecting Leckhampton to Cheltenham.
- Parish Council to objectively engage with the CBC planners in the proper development of Cheltenham including Leckhampton.

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Example:

The CIL grant is to allow for improvements in infrastructure within the area of development. Currently, with no NP that is, “Cheltenham”, and “the Current Parish”, the Parish receive 10%.

The developer is delivering infrastructure within the NP area the diagram 1 shows a 3.5m cycle and footway “Improvements” to the PROW through the site. The NP plan recognises that the NP area has little or no sustainable transport links to Cheltenham. The proposed amendment to the NP para 5 agrees that infrastructure is required outside of the NP Area. If the **NP** is approved by CBC the **NP** CIL rises to 25% and this cannot be used outside of the **NP** area.

The anomalies created by the Parish Boundary and the Neighbourhood Plan (NP) (Old 2017 Parish) Boundary are best illustrated by this diagram which relates to the Miller development and its connection to Merlin Way.

The Blue line is the **NP** North Boundary



The Red line is the Miller development North Boundary



The connection to Merlin way is a narrow PROW and cycles are **not permitted**. The river floods at this point and thus impassable at those times. The NP agrees that an upgrade to connect is essential, but the cost would fall to the 10% of the CIL (Not the addition 15%) because it is not within the **NP** area or with assistance from Cheltenham CIL. GCC highways will not fund **new work** to change this from a PROW to a cycle path and footway.

Flood control is also essential “is that infrastructure”? The Environment Agency would say the owner should fund any changes but who is the owner? The new Miller housing estate?

