



**Cotswolds  
National  
Landscape**

Planning Policy Team  
Planning: Place and Growth  
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6 March 2024

Dear Sir/Madam,

### **Leckhampton with Warden Hill Neighbourhood Plan Regulation 16 Consultation Response.**

Thank you for consulting the Cotswolds National Landscape Board<sup>1</sup> on the Regulation 15 Submission version of the Leckhampton with Warden Hill Neighbourhood Development Plan (LWHNDP).

'Relevant authorities', including both Cheltenham Borough Council and Leckhampton with Warden Hill Parish Council, have a statutory duty under Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023<sup>2</sup>, which came into effect on 26 December 2023, to seek to further the statutory purposes of the National Landscape.

Further information on this 'duty to seek to further the purpose' is provided in Appendix 1 below. As outlined in Appendix 1, relevant authorities are expected to be able to demonstrate that they have fulfilled the duty and should be able to clearly show how they have considered furthering the purpose of AONB designation in their plan-making. This includes having regard to the potential impacts of development both within and outside of an Area of Outstanding Natural Beauty ('AONB') on the AONB.

The Board wishes to commend Leckhampton with Warden Hill Parish Council on advancing their Neighbourhood Plan to Regulation 16 stage and supports the Vision and Objectives of the LWHNDP.

As shown at Figure 13, the Leckhampton with Warden Hill Neighbourhood Area overlaps with the Cotswolds National Landscape in a small area south of Church Road around St Peter's Church and Leckhampton Court. The Neighbourhood Area boundary also sits adjacent to the National Landscape boundary further west along Church Lane as well as along Leckhampton Road/Leckhampton Hill to the southeast. As such, the area of the Leckhampton with Warden Hill Neighbourhood Area that is not located within the National Landscape itself lies within its setting.

Land within the setting of the Cotswolds National Landscape can make an important contribution to maintaining its natural beauty. Where development within the setting of the National Landscape is poorly located or designed, it can do significant harm to this natural beauty. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the setting of the National Landscape will therefore need sensitive handling that takes these potential impacts into account and the Board's Position Statement on 'Development in the Setting of the Cotswolds AONB' ([link](#)) expands on this issue.

#### **Cotswolds Conservation Board**

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

[cotswoldsaonb.org.uk](http://cotswoldsaonb.org.uk)

*Chairman:*  
**Brendan McCarthy**  
  
*Vice Chair:*  
**Rebecca Charley**

Other relevant Board policy and guidance which should be considered either in the LWHNDP itself or within its evidence base includes:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2023-2025 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCTs) 18 Settled Unwooded Vale, 2 Escarpment and 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 18 ([link](#)), including Sections 18.1, LCT 2 ([link](#)) including Section 2.1 and LCT 7 ([link](#)) including Section 7.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds National Landscape Board Position Statements ([link](#)) particularly, in this instance, with regards to Housing Position Statement ([link](#)), Development in the Setting of the AONB ([link](#)), Tranquillity ([link](#)) and Landscape-Led Development ([link](#)).

In developing Policy LWH5 (Conserving and Enhancing Valued Landscape), the Parish Council has undertaken extensive evidence gathering and commissioned landscape appraisals from independent specialist consultants. The LWHNDP sets out this policy based on a 2022 evaluation of Landscape Value and technical update of an earlier 2017 Landscape and Visual Appraisal (LVA) to consider recent allocations, decisions and developments to establish a current baseline.



We support Policy LWH5 relating the conservation and enhancement of the Valued Landscape within the Neighbourhood Area and the setting of the CNL, in particular parts b) and c) and consider that this policy seeks to further the conservation and enhancement of the CNL's natural beauty (i.e. the statutory purpose of designation).

Our only further comment relates to paragraph 12 and the reference to the *"Cotswold Area of Outstanding Natural Beauty Management Plan, 2018-2023 (relating to the Cotswold National Landscape)"*. This should be updated to *"Cotswolds National Landscape Management Plan, 2023-2025 (relating to the Cotswold National Landscape)"*. This revised Management Plan was endorsed by Cheltenham Borough Council in August 2023.

Therefore, the Board considers that the LWHNP meets the basic conditions set out at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 in respect of the conservation and enhancement of the natural beauty of the Cotswolds National Landscape.

If you have any queries regarding this response, please do not hesitate to get in touch.

Yours sincerely,

  
Planning Officer

## APPENDIX 1: NATURAL ENGLAND ADVICE REGARDING THE STATUTORY DUTY ON RELEVANT AUTHORITIES, SECTION 245 OF THE LEVELLING UP AND REGENERATION ACT 2023

Before the 26 December 2023, Local Planning Authorities (LPAs) had a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape under Section 85 of the Countryside and Rights of Way Act 2000. This statutory duty has since been superseded by Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 which came into effect on 26 December 2023 and introduces a new statutory duty on LPAs to *seek to further* the statutory purposes of the National Landscape.

Natural England has issued the following advice in respect of the new duty to seek further the statutory purposes of the National Landscape:

*Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty ("National Landscape") in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.*

*It is anticipated that the government will provide guidance on how the duty should be applied in due course.*

*In the meantime, and without prejudicing that guidance, Natural England advises that:*

- the duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;*
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.*
- The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.*

## NOTES:

1. The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances. Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
2. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023.  
<https://www.legislation.gov.uk/ukpga/2023/55/enacted>