

## **Cheltenham Borough Council**

### **Leckhampton with Warden Hill Neighbourhood Plan –**

#### **Decision Statement in accordance with Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended)**

### **1. Summary**

- 1.1 Following an independent examination of the Leckhampton with Warden Hill Neighbourhood Development Plan (the Plan), Cheltenham Borough Council (the Council) recommends that the Plan is modified in accordance with the Examiner's recommendations (as set out in Appendix 1 of this Decision Statement) and then proceeds to a local referendum.
- 1.2 The Examiner has found that, subject to the recommended modifications, the Plan meets the necessary 'basic conditions', and other statutory requirements. The Examiner further recommends that the referendum area should be held for the whole of the existing Leckhampton with Warden Hill Parish, rather than the Plan area.
- 1.3 Providing more than 50% of those taking part in the Referendum vote in favour of the Plan being made part of the Development Plan for the local area, the Council must proceed to make the plan part of its Development Plan.

### **2. Background**

- 2.1 On 15 September 2015, Leckhampton with Warden Hill Parish Council were granted designation of a neighbourhood area covering the Parish under section 61G of the Town and Country Planning Act 1990. Although the Parish boundaries were enlarged in 2018, the Parish Council as the Qualifying Body decided to progress with a Neighbourhood Plan, on the basis of the existing neighbourhood area.
- 2.2 Leckhampton with Warden Hill Parish Council carried out a pre-submission consultation of the Plan, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations), from 1 September to 15 November 2021. A second pre-submission consultation was held from 18 November 2022 to 20 January 2023.
- 2.3 Following submission of the Plan, the Council publicised the Plan and invited representations in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) from 29 January 2024 to 12 March 2024. After this consultation, the Parish Council decided to put forward amendments to the Plan. This resulted in the Council carrying out a second Regulation 16 consultation from 14 March 2025 to 30 May 2025.

2.4 In accordance with Regulation 17 of the Neighbourhood Planning Regulations (2012) (as amended), the Plan was submitted for examination following the appointment of an Independent Examiner by the Council, in collaboration with the Parish Council in July 2025. The examination has now concluded, and the Examiner's report was received on 28 November 2025.

2.5 The appointed Examiner considered whether the Plan meets the 'Basic Conditions' and set out their considerations in a report. The Examiner was able to make one of three recommendations. These were that the Plan can:

- i. go forward to a Referendum unchanged; or
- ii. go forward to a Referendum with modifications; or
- iii. not go forward.

2.6 The Examiner recommended to the Council that, subject to modifications, the Plan met the basic conditions and other statutory requirements and recommended that the Plan can go forward to a referendum with modifications. Furthermore, the Examiner recommended that the referendum be held for the whole of the existing Parish rather than the Plan area, following a request received from the Parish Council.

### **3. Decision**

3.1 In accordance with Regulations 17A and 18 of the Neighbourhood Planning (General) Regulations 2012, the Council as the local planning authority (LPA), must decide what action to take in response to the Examiner's recommendations. The Council's neighbourhood planning protocol sets out that it is for Cabinet to decide whether it accepts the Examiner's recommendations in full or in part, and that the Plan can therefore proceed to referendum.

3.2 Having considered each of the recommendations made in the Examiner's report and the reasons for them, the Council decided to make the modifications to the Plan as recommended by the Examiner. These modifications are considered necessary to ensure that the Plan meets the 'basic conditions' and other legal requirements.

3.3 Following a Cabinet meeting on 24 February 2026, the Council decided:

- i. To accept the Examiner's recommended modifications on the Leckhampton with Warden Hill Neighbourhood Development Plan; and;
- ii. To agree that a 'referendum version' of the Plan be produced (incorporating the Examiner's modifications, together with consequential and other minor modifications for accuracy), and can proceed to a referendum.

## Appendix 1: Examiner’s Modifications

Section/Policy of The Plan	The Plan Page no./other reference	Recommended Modifications
The Role and Scope of the Neighbourhood Plan	Paragraph 8, pg. 4.	Delete the sentence and subsequently a) – d) points in paragraph 8 on page 4 of the Plan that starts “Key elements of this examination will...”
See above	Paragraph 12, pg. 4.	Delete the reference to the Cotswolds AONB Management Plan in paragraph 12 on page 4
See above	Paragraph 13, pg. 5.	Add a new sub section after paragraph 13 on page 5 of the Plan titled “Cotswolds National Landscape” and add the following seven new paragraphs: “Part of the Cotswolds National Landscape (NL) designation lies within the southeast part of the Leckhampton with Warden Hill Neighbourhood Area and is also immediately adjacent to it along the eastern part of the southern border of the area covered by the Neighbourhood Plan. In landscape terms the Cotswolds escarpment provides a high-quality backdrop to the Neighbourhood Area and the area covered by the Neighbourhood Plan plays an important contribution to the setting of the NL. The requirement for neighbourhood plans to reflect NL designations is set in legislation with the 2023 Levelling Up and Regeneration Act (s245) and subsequent 2024 Government guidance, placing a duty on those bodies preparing a neighbourhood plan to further the purposes of the NL. Therefore, this Neighbourhood Plan must consider how the duty has been met. Since its inception in 2012, local volunteers have sought to create a Neighbourhood Plan that recognises, protects and enhances the unique characteristics of the Neighbourhood Area in relation to the Cotswolds National Landscape. It has placed the role that development within the Neighbourhood Area plays in affecting the National Landscape at the heart of the Neighbourhood Plan. This is evident in the discussion of key challenges for the Neighbourhood Plan which overall seeks to positively support key outcomes sought in the Cotswolds National Landscape Management Plan 2025-2030 prepared by the Cotswolds National Landscape Management Board.
See above	Paragraph 14, pg. 5.	Update references to “AONB” in paragraph 14 on page 5 of the Plan and elsewhere in the Plan to “National Landscape”
Key Challenges, Vision and Objectives		Delete objective 2
Policy LWH1		Amend Policy LWH1 to read: “Community Facilities Local, social, community, health and recreational facilities play a valuable role in meeting the needs of the local community. All such facilities will be protected from change of use to other non-community uses unless there is no proven need for the facility or an equivalent replacement facility is provided in an accessible location. The facilities listed in Table 2 are especially important to the local community. Proposals for their change of use or redevelopment will not generally be supported. Proposals which enhance or improve these facilities will be generally supported. Grocery Shops Applications for development to improve existing shops will be supported in principle.

		New residential development on sites larger than 1 hectare should not normally be permitted unless suitable local grocery shop provision exists or is to be provided within 800 metres of the development site subject to viability 19 and site specific considerations.”
See above		Update supporting text to reflect that MD4 has now been consented and to update any references to the NPPF as necessary.
Policy LWH2		Change the title of Policy LWH2 to “Local Sustainable Transport Priorities”
See above		Revise Policy LWH2 to read: “Development proposals should seek to improve walking and cycling connectivity throughout the Leckhampton with Warden Hill Neighbourhood Area and promote sustainable travel. Where appropriate to the type and scale of development, this should include positive consideration of opportunities to help deliver the following recommendations set out in the Sustainable Transport Priorities for Leckhampton with Warden Hill Parish document in Appendix 1, including: • The development of improved walking and cycling connections and cycle racks at key destinations • Improved traffic management including lower speed limits • Reallocation of priority on highways to cyclists and pedestrians • Support for the retention of key local facilities in sustainable locations and • Better provision and distribution of public transport routes, services and 21 stops. Improvements to key walking and cycle routes identified as community priorities within the Neighbourhood Plan area indicatively shown on Figure 10 which are particularly encouraged are: a) Improved routes and crossing facilities from Leckhampton across A46 highway to the edge of the Neighbourhood Plan Area in the direction of St James Primary School and Bournside. b) Improved routes along Farm Lane and crossing facilities from Leckhampton (in the vicinity of Kidnappers Lane) across the A46 highway to Salisbury Avenue Neighbourhood Centre and Warden Hill Primary School. c) Improved facilities along the A46 within the Neighbourhood Area in the direction of Shurdington. d) From High School Leckhampton to school catchment residential areas to the north, also connecting to the local GP surgery at Moorend Park Road. e) From High School Leckhampton towards and across Leckhampton Road to school catchment areas to the east. f) From High School Leckhampton across Church Road to Collum End Rise, The Close and areas to the south east via Kidnappers Lane.”
See above		Rename Appendix 1 Transport and Travel Plan to “Sustainable Transport Priorities for Leckhampton with Warden Hill Parish” [consequential amendments to references to the Transport Plan in the Appendix should also be changed]
Policy LWH3		Delete Policy LWH3 and its supporting text (paragraphs 149 – 155 inclusive)
Policy LWH4		Amend Policy LWH4 to read: “The role and function of green infrastructure identified in Figure 12 and in Appendix 2 should be positively considered and taken into account, where appropriate, in new proposals for development. Where feasible, every opportunity should be taken for new development to contribute to local green infrastructure provision either through onsite provision or through the enhancement of existing provision. The protection and enhancement of green infrastructure will be encouraged to be supported through developer contributions as appropriate to the type and scale of the proposal.”
See above	Paragraph 161, pg. 39.	Amend paragraph 161 on page 39 of the Plan to read: “Strategic policies in local plans provide general policy support for the retention of existing open/green spaces of different kinds (see policies GE1 and GE2 in saved policies from the 2006 Local Plan, and from the Cheltenham Plan Policies D1 Design, D3 Private Green Space, Para 16.3 incidental green space,

		CI1 b) developer contributions, CI2 Sports and Open Spaces provision in new residential development). Local Green Space has specific protection also (see Cheltenham Plan Table 7, site 14).
See above	Figure 12, pg. 39. Appendix 2	Delete Areas 6, 7, 8, 9, 13 and 17 from Figure 12 on page 39 of the Plan and from Appendix 2
Policy LWH5		Delete the section on “Valued Landscape” and Policy LWH5
See above		Consequential amendments will be needed to delete the reference to Policy LWH5 in Table 1 on page 6; replace the words “Valued Landscape and a...” in paragraph 36 on page 10 with “...the...”; delete paragraphs 78 and 79 on page 16 in their entirety [a new paragraph setting out the factual context of landscape in the Plan can be inserted with the agreement of the local planning authority]; change the words “Valued Landscape” in objective 3 on page 18 and paragraph 156 on page 38 to “landscape”; change the words “...strategic Valued Landscape” in paragraph 157 on page 38 to “landscape”
See above		Remove Appendix 3 from the Plan
Policy LWH6		Amend the second paragraph of Policy LWH6 to read: “Weight should be given to this list in planning decision-making and development proposals should protect or enhance these non-designated heritage assets. Proposals for any works that would cause harm to a non designated heritage asset must be supported by an appropriate analysis of the significance of the asset to enable a balanced judgment to be made having regard to the scale of any harm or loss and the significance of the heritage asset.
See above	Appendix 4, pg. 1.	Amend the last paragraph on page 1 of Appendix 4 to read: “So following the local Index list, this Appendix includes a further list of buildings, structures, monuments, sites, places, areas or landscapes of local importance as specified in Policy LWH6. We anticipate this list will be 31 reviewed from time to time by the local community as part of its work with the local planning authority or as part of a future review of the Neighbourhood Plan.”
See above	Appendix 4, pg. 10	Remove the duplication from Appendix 4 from the bottom of page 10 of the Appendix onwards [thereby retaining the section with the areas identified on map insets]
See above	Appendix 4.	Revise the maps for areas 7 and 8 to make the boundaries more precise and ‘readable’ on the ground [this work should be carried out in conjunction with the local planning authority and not result in larger areas which would require further consultation to be carried out]
See above	Annex 5.	Add a sentence to Annex 5 that reads: “Up to date information about designated heritage assets should always be sought from Historic England or another reliable source.”
Policy LWH7		Amend Policy LWH7 to read: “Proposals for new development must have regard to the following criteria on specific local flood risk matters: a) Floodable open land should be preserved between Church Road and the A46 along both Hatherley Brook and Moorend Stream to be able to hold back sufficient flood water. 33 b) Any development on the scarp of Leckhampton Hill or on the land below the scarp must not divert water flows in a way that creates an additional flood risk to other residential areas. This includes diverting springs and underground water flow on the Leckhampton Fields as well as surface flow. c) The use of permeable materials on external surfaces and the installation of water butts should be secured

		where appropriate to the type and scale of development. d) New development should take every available opportunity to incorporate tree planting. Tree planting would be particularly supported in Warden Hill. e) Developer contributions for tree planting off site, for advice and guidance to householders on improving flood resilience and for natural flood management schemes, would be supported.
See above	Paragraph 185, pg. 50.	“Proposals for new development must have regard to the following criteria on specific local flood risk matters: a) Floodable open land should be preserved between Church Road and the A46 along both Hatherley Brook and Moorend Stream to be able to hold back sufficient flood water. 33 b) Any development on the scarp of Leckhampton Hill or on the land below the scarp must not divert water flows in a way that creates an additional flood risk to other residential areas. This includes diverting springs and underground water flow on the Leckhampton Fields as well as surface flow. c) The use of permeable materials on external surfaces and the installation of water butts should be secured where appropriate to the type and scale of development. d) New development should take every available opportunity to incorporate tree planting. Tree planting would be particularly supported in Warden Hill. e) Developer contributions for tree planting off site, for advice and guidance to householders on improving flood resilience and for natural flood management schemes, would be supported.
See above	Paragraph 187.	“Hatherley Brook overflows onto area land at the corner of Farm Lane and Church Road and onto the land east of the brook in the Local Green Space. It also overflows Kidnappers Lane and along the course of the brook across consented housing site located to the east of the A46. The brook has a gully with a depth of about 2.5 metres over most of its course between Church Road and the A46 and a width of about 50 metres, providing significant storage volume. The floodwater flow... “ [remainder of paragraph retained unchanged]
See above	Paragraphs 188, 189 and 190.	Replace existing paragraphs 188, 189 and 190 with two new paragraphs that read: “Significant rainfall occurs during major storm events, often onto already saturated ground above impermeable lias clay across the area. New 34 development proposals should consider the overall wider catchment and mitigation measures such as balancing ponds should be designed with due consideration given to pre-event saturated ground and successive rainfall events. Any reprofiling of land to facilitate development should be undertaken carefully to avoid impacts on existing development, particularly to the west of the A46. Local community knowledge is not scientific in nature but does provide first-hand information about what has happened previously in storm events in relation to run-off from Leckhampton Hill and from Warden Hill into and across the Neighbourhood Area. This can sometimes confound the models within Flood Risk Assessments and, through dialogue with the local community, local experience should be taken into account in the preparation of mitigation strategies in support of new development.”

