

Cheltenham Borough Council

**Leckhampton with Warden Hill
Neighbourhood Plan
2022 - 2031**

Independent Examiner's Report

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28 November 2025

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Summary

I have been appointed by Cheltenham Borough Council to carry out the independent examination of the Leckhampton with Warden Hill Neighbourhood Plan.

The Plan generally seeks to support a local community in a caring and thoughtful way. It sets out a number of challenges for the local community including an ageing population and accessibility to local services. Its seven policies cover a variety of topics that aim to connect some of the issues and challenges recognising the overlap between policy aims and outcomes.

It has however been necessary to recommend a number of modifications to help ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance and meets the other basic conditions.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Cheltenham Borough Council that the Leckhampton with Warden Hill Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area, I note that the Plan area differs from the existing Parish boundary which was extended after the Plan area had been designated. I have received a request from the Parish Council that I should recommend the referendum be held for the whole of the existing Parish. There is merit in this not least to reinforce a sense of local community. I therefore recommend that the referendum be held in the Parish, rather than the Plan, area.

Ann Skippers MRTPI
Ann Skippers Planning
28 November 2025



1.0 Introduction

This is the report of the independent examiner into the Leckhampton with Warden Hill Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Cheltenham Borough Council (CBC) with the agreement of the Parish Council to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner and the examination process

Role of the Examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, those European Union (EU) obligations now assimilated into UK law
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans. It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check² whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.³

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case CBC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

³ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

Examination Process

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).⁴

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁵

The fact that a modification would be of benefit is not a sufficient ground in itself to recommend it. So, for example, the fact that a policy could be added to or strengthened does not justify a modification unless this is necessary for the reasons given above.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁶

Often representations suggest amendments to policies or additional policies and, as in this case, the allocation of sites and have submitted extensive information to support this aim. As explained above, where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required and plans do not have to contain site allocations or address housing supply.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸

After careful consideration of all the documentation and the written representations made and an unaccompanied site visit on 30 July 2025, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so.

⁴ Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid para 040 ref id 41-040-20160211

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

In February 2025, the Parish Council decided to put forward a number of amendments to the Plan following the first submission (Regulation 16) period of consultation. I accepted these proposed amendments and a further period of consultation was held between 14 March until 30 May 2025.

The Parish Council made comments on both stages of consultation and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular John Spurling and Daniel O'Neill at CBC.

The Government published a new NPPF on 12 December 2024. Transitional arrangements set out in the document⁹ explain that the policies in the updated NPPF will only apply to those neighbourhood plans submitted from 12 March 2025 onwards. As a result, this examination uses the NPPF updated in December 2023. It is noted that the Plan refers to the July 2021 version of the NPPF.

How to read this report

The report considers the submitted Plan alongside the proposed amendments put forward by the Parish Council in February 2025. The proposed amendments seek to update the Plan and respond to representations made during the first submission stage period of consultation. The proposed amendments were consulted upon during a second period of submission consultation.

Some of the proposed amendments put forward by the Parish Council are fairly straightforward matters of updates. I have only recommended modifications to the Plan where I consider they need to be made so that the Plan meets the basic conditions and the other requirements I have identified. Other amendments put forward by the Parish Council are found in Annex 1 to my report. For the avoidance of doubt, these are matters which I do not need to recommend on, but I would have no objection to adjustments of the text to accommodate these points.

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics*** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these issues as primarily matters of final presentation and do not specifically refer to all such modifications, but have an expectation that a common sense approach

⁹ NPPF December 2024, para 239

will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

Work began in 2012/2013 with a Concept Statement and Local Green Space application; this was followed by a survey to homes for over 50s in Warden Hill in 2014. A consultation survey on the priorities for the Plan was carried out in 2015.

Two periods of pre-submission (Regulation 14) consultation were carried out. The first period was held between 1 September until 15 November 2021. All residents in the Parish were directly contacted. Two events were held. The consultation was publicised through posters, banners and social media. The comments received resulted in a revised Plan.

The second period of pre-submission consultation was held between 18 November 2022 until 20 January 2023. Leaflets were distributed to all households and again the consultation was publicised using a variety of methods. An event was also held. I note that RPS on behalf of Miller Homes was able to submit a representation until 11 April 2023.

I consider that the consultation and engagement carried out has been sufficient.

Two periods of submission (Regulation 16) consultation were held. The first period was held between 29 January until 12 March 2024. After this period, the Parish Council decided to put forward amendments to the Plan. This resulted in a second period of submission consultation. This was held between 14 March until 30 May 2025.

I have considered all of the representations received during both periods of submission consultation and taken them into account in preparing my report.

4.0 Compliance with matters other than the basic conditions

Qualifying body

Leckhampton with Warden Hill Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is the area approved by CBC on 15 September 2015 and shown on page 1 of the Plan. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. It should be noted that this area is not the same as the boundaries of the Parish which were altered in 2018.

Plan period

The Plan period is 2022 until 2031. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. The requirement is therefore satisfactorily met.

- **Include plan period on the front cover of the Plan**

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰

5.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

¹⁰ PPG para 004 ref id 41-004-20190509

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.¹¹

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹² They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹³

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.¹⁴ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁵

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁶

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁷

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁸ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁰ It continues that

¹¹ NPPF para 13

¹² Ibid para 28

¹³ Ibid

¹⁴ Ibid para 29

¹⁵ Ibid

¹⁶ Ibid para 31

¹⁷ Ibid para 16

¹⁸ PPG para 041 ref id 41-041-20140306

¹⁹ Ibid

²⁰ Ibid para 040 ref id 41-040-20160211

the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement clearly sets out how the Plan's policies correspond to the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²² This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²³

The three overarching objectives are:²⁴

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁵

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how each Plan policy helps to achieve each of the objectives of sustainable development as outlined in the NPPF.

²¹ PPG para 040 ref id 41-040-20160211

²² NPPF para 7

²³ Ibid para 8

²⁴ Ibid

²⁵ Ibid para 9

General conformity with the strategic policies in the development plan

The development plan consists of a number of different documents; the Joint Core Strategy 2017 (JCS), the Cheltenham Plan 2020 (CP) and the saved policies of the Cheltenham Borough Local Plan 2006.

The JCS covers strategic housing, employment and infrastructure requirements across the JCS area. The JCS was adopted in December 2017. CBC consider all the policies in the JCS to be strategic in nature.

The CP provides the local-level development strategy for the borough. It supports the level of growth set out in the JCS by providing specific policy guidance for new development in the area and makes smaller-scale local allocations. The CP was adopted on 20 July 2020. CBC consider that the policies in the CP are non-strategic in nature. However, I refer to these policies on occasion when they gave further context to my discussion.

The LP 2006 contains a number of saved policies.

The Gloucestershire Waste Core Strategy and the Gloucestershire Waste Local Plan also form part of the development plan, but are not directly relevant to this examination.

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out the relationship between the policies of these various development plan documents and the Plan policies.

Emerging policy at Borough level

Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council are producing a Strategic and Local Plan (SLP). The SLP will provide an overarching planning strategy, shared policies covering all three councils, and local policies covering matters of local importance. The SLP is at a relatively early stage.

European Union Obligations

Strategic Environmental Assessment

A Determination Statement on the need for SEA and HRA dated November 2022 has been prepared by CBC. In turn this refers to a Screening Opinion on the need for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Statement of Reasons document dated November 2022 prepared by CBC. The Screening Opinion in turn refers to information prepared by Andrea Pellegram Ltd and dated 13 June 2022. All concluded that the Plan was unlikely to have significant environmental effects.

Consultation with the statutory bodies was undertaken. Responses from the Environment Agency, Historic England and Natural England were received. All concurred with the conclusions of the Screening Opinion.

I have treated the Determination Statement and the Screening Opinion Statement of Reasons together to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.²⁶

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I have no reason to disagree with the conclusions of the Determination Statement and consider that the requirements in respect of SEA have been met.

Habitats Regulations Assessment

The same Determination Statement and Screening Opinion Statement of Reasons refer to HRA. They conclude that no likely significant effects are predicted, either alone or in combination with other plans and projects.

Natural England concurred with the findings of the Screening Opinion.

The Determination Statement concludes that Appropriate Assessment (AA) is not required.

Taking into account the distance from, the nature and characteristics of the European sites and the nature and contents of the Plan, I have no reason to disagree with the conclusion of the Determination Statement and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a comprehensive statement in relation to human rights and equalities. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

PPG establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.²⁷ CBC has not raised any concerns in this regard.

²⁶ PPG para 028 ref id 11-028-20150209

²⁷ Ibid para 031 ref id 11-031-20150209

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented to a good standard and contains seven policies. There is a message from the Chair, a list of acronyms and abbreviations and a helpful contents page at the start of the Plan.

Neighbourhood Planning Area

This section usefully explains that the Parish area has been extended as a result of an amendment in 2018 and is larger than the approved designated area for the Plan.

The Role and Scope of the Neighbourhood Plan

This section sets out detailed information about neighbourhood plans in general and this one in particular.

It includes a section that details the soundness requirements for local plan rather than neighbourhood plan examinations. In the interests of accuracy, this should be deleted.

A reference is made to the Cotswolds Area of Outstanding Beauty Management Plan 2018 – 2023. Whilst this was current when the Plan was submitted, this document has now been superseded. It does not form part of the development plan. The reference should therefore be removed.

At this juncture, I note that the southeastern part of the Plan area lies within the Cotswolds National Landscape (NL). The Parish Council has considered the duty amended by the Levelling-up and Regeneration Act 2023²⁸ on relevant authorities in respect of their functions which affect land in NLs. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes. Guidance²⁹ issued by the Government gives further information about how the duty should be applied. As a result, I recommend that additional wording be incorporated into the Plan and thank the Parish Council for helpfully providing me with some appropriate wording.

- **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...”**

²⁸ Levelling up and Regeneration Act 2023 s245

²⁹ Guidance issued 16 December 2024

- Delete the reference to the Cotswolds AONB Management Plan in paragraph 12 on page 4
- 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.

- Update references to “AONB” in paragraph 14 on page 5 of the Plan and elsewhere in the Plan to *“National Landscape”*

Consultation with the Community

This section details the engagement carried out with the local community over a sustained period of time and signposts the reader to further information in other documents.

Profile of Neighbourhood Area

This is an informative section about the history and present attributes of the Parish. Some natural updating may be needed including references to the Census 2021. I regard these as matters of final presentation.

Key Challenges, Vision and Objectives

The vision for the area is:

“By 2031, the Leckhampton with Warden Hill Neighbourhood Plan Area will look and feel better than it does today. Essential valued landscape and visual characteristics of the area, and areas of tranquillity, will remain in place. The area will be greener, more sustainable and better protected from flood risk. More people will be able to find a home that meets their needs. More people will work locally. They will be able to walk and cycle to a good network of local shops and community facilities. People will be able to live healthier lives.”

The vision is underpinned by five objectives. Objective 2 refers to a site allocation MD4 which is now under construction and therefore this objective is no longer needed.

Both the vision and the other objectives are clearly articulated. They are based on a comprehensive discussion in this chapter of the Plan about the challenges and opportunities facing the local community.

The Parish Council has also put forward some amendments to the objectives and these are found in Annex 1 of this report.

- **Delete objective 2**

Shopping and Community Facilities

The Plan rightly considers that the availability of shops and other services is an integral part of promoting a good quality of life for local residents. It also helps to maintain a healthy lifestyle as well as promoting local accessibility in relation to tackling climate change and local issues of air quality for instance.

The Plan’s stance has regard to the NPPF. In supporting a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.³⁰ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities, particularly where this would reduce the community’s ability to meet day to day needs.³¹

Policy LWH1 – Grocery Shops and Community Facilities has a number of different elements to it. The first element refers to community facilities and JCS Policy INF4 and non-strategic CP Policy CI1.

One of the ambitions of the JCS is a thriving economy. JCS Policy INF4 refers to social and community infrastructure. Local shops are referenced in the supporting text. Any

³⁰ NPPF para 88

³¹ Ibid para 97

change of use of a community facility has to show why it is no longer required and, if appropriate, where alternative replacement facilities will be provided. New residential development creating a need for community facilities is expected to provide such provision either on-site or through off-site contributions. Finally, any provision should be centrally located.

Non-strategic CP Policy CI1 stipulates that development will only be permitted where adequate community infrastructure capacity exists, or where additional capacity is capable of being provided as part of the development without unacceptable impacts on people or the environment. Such capacity will be secured through planning obligations.

Policy LWH1 refers to Table 2, found on page 27 of the Plan. Table 2 lists a number of community facilities identified as being of particular importance to the local community. These include Churches, Village Halls and schools. These facilities seem to me to have been identified logically.

Policy LWH1 sets out a regard for JCS Policy INF4 and non-strategic CP Policy CI1 indicating that the facilities listed in Table 2 are identified as priorities for retention and improvement. For me, there is little need to refer to the two higher tier policies. I appreciate that their stance aligns well with key objectives of the Plan. However, the Plan can stand on its own two feet.

The last part of this first element of the policy refers to Use Classes F1 and F2 indicating that development away from these uses will only be permitted when there is suitable alternative provision. The Use Classes Order is however more robust on this matter as it, respectively, only allows temporary changes of use or no permitted changes.

Therefore I recommend some modifications to the first element of Policy LWH1 to ensure it is clearly written and unambiguous, does not unnecessarily duplicate other policies and serves a clear purpose for this Plan area in line with national policy and guidance. This includes referring to community facilities in general as well as those identified in Table 2.

The second and third elements of the policy refer to applications for prior approval via Use Class MA and applications for changes of use from Use Class F2. Both elements in effect add a further provision to the Use Classes Order which is not acceptable to do as this goes beyond the remit of the Plan.

The fourth element of Policy LWH1 supports the enhancement of existing shops; this is not controversial.

The last element of the policy seeks to ensure that residents of larger development schemes have access to a grocery store within 800m of the development. This latter part of the policy has attracted opposition from the development industry. In essence, the concern is that this is not evidence based and will limit the number of sites coming forward, affect the viability of sites and therefore hinder the central aim of the planning system to achieve sustainable development.

I note that JCS Policy INF4 specifically states that new residential development creating a need for community facilities is expected to provide such provision on-site or through off-site contributions and that such provision should be centrally located. Furthermore the supporting text to JCS Policy INF4 states that everyone should have access to facilities to meet their everyday needs. I see grocery shops as, at least, partly fulfilling everyday needs and forming part of a balanced community.

So, in my view the requirement of the policy aligns well with the intentions of the NPPF, JCS Policy INF4 and non-strategic CP Policy CI1 and is supported by the work in this chapter of the Plan which sets out in considerable detail using 1000m, 800m and 500m radii on the retail provision available to the local population. I have however added a reference to viability and site specific considerations to ensure that these issues are properly considered as part of the requirement and this should help to address the concerns of the development industry.

I otherwise note that the approach taken is generally welcomed by various consultees including National Highways and the Public Health and Employment arms of Gloucestershire County Council (GCC).

With the modifications set out below, Policy LWH1 will meet the basic conditions by having regard to national policy, being in general conformity with development plan policies and JCS Policy INF4 in particular and helping to achieve sustainable development in this local community.

- **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*

and site specific considerations.”

- **Update supporting text to reflect that MD4 has now been consented and to update any references to the NPPF as necessary**

Walking, Cycling and Sustainable Travel

The Plan explains the importance of setting out objectives for more sustainable transport and active travel in the Plan area and of course beyond it, given that connections to walking and cycling routes for instance are a vital part of this. To this end Appendix 1 of the Plan contains a Transport and Travel Plan. This is well written and considers priorities and their delivery whilst recognising that the Parish Council will have to work with other partners to achieve many of its goals.

The NPPF promotes sustainable transport indicating such issues should be considered early on in the plan-making process to, amongst other things, address any potential impacts, ensuring that environmental impacts can be taken into account including mitigation of any adverse effects and ensuring that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.³²

The NPPF is clear that planning policies should protect and enhance public rights of way (PROW) and access taking opportunities to provide better facilities for users.³³ The NPPF seeks to enable and support healthy lifestyles including through the protection and enhancement of PROW including through adding links to existing networks.³⁴

Such networks can also help with providing opportunities and options for sustainable transport modes.³⁵

The NPPF states that planning policies should aim to achieve healthy, inclusive and safe places including through clear and legible pedestrian and cycle routes and the promotion of opportunities for social interaction through such connections within and between neighbourhoods³⁶ and to ensure an integrated approach to considering the location of housing, economic uses and community facilities.³⁷

One of the ambitions in the JCS is a healthy, safe and inclusive community; promoting sustainable transport is a strategic objective to help to achieve this. JCS Policy SD4 on design requirements includes reference to movement and connectivity indicating that new development should be designed to integrate with existing development and prioritise movement by sustainable transport modes.

JCS Policy INF1 refers to the transport network and, amongst other things, refers to the

³² NPPF para 108

³³ Ibid para 104

³⁴ Ibid

³⁵ Ibid paras 108, 110

³⁶ Ibid para 96

³⁷ Ibid para 97

provision of connections for walking, cycling and passenger networks.

In order to address these issues, **Policy LWH2 – Transport Plan, Walking and Cycling** refers to a partnership working approach and the Transport and Travel Plan. The first element of the policy sets out five aims including improved traffic management and enhanced walking and cycling links.

The second element of Policy LWH2 sets out support for various routes.

The Parish Council has put forward some amendments to the text of the policy. These make the policy clearer as to the status of the Transport and Travel Plan and the routes identified. I recommend some different, and other, modifications to ensure the policy has regard to national policy and guidance in relation to its clarity.

Furthermore I recommend that Appendix 1 is renamed to avoid confusion with Transport and Travel Plans that we are perhaps more familiar with in relation to development management.

I note that the approach taken is generally welcomed by various consultees including National Highways and the Public Health and Transport/Active Travel arms of GCC.

The Parish Council has put forward amendments to paragraph 148 of the supporting text and suggested a new paragraph. These are included in Annex 1 of this report.

With these modifications, Policy LWH2 will meet the basic conditions by having regard to the NPPF, is in general conformity with the development plan and especially those policies referred to above, and will help to achieve sustainable development.

- **Change the title of Policy LWH2 to “*Local Sustainable Transport Priorities*”**
- **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**

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.”

- **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]**

Local Green Space

Policy LWH3 – Managing and Enhancing Local Green Space seeks to set out how Local Green Spaces (LGS) will be managed at a local level indicating the type of development that may be found to be acceptable. This Plan does not seek to designate any LGSs.

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁸ The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.³⁹ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁴⁰

³⁸ NPPF para 105

³⁹ Ibid

⁴⁰ Ibid

The NPPF sets out three criteria for green spaces.⁴¹ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

With regard to the management of development in LGSs, the NPPF is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁴²

Non-strategic CP Policy GI1 refers to LGS. This CP policy designated the Leckhampton LGS and its extent is shown on Figure on page 36 of the Plan. Non-strategic CP Policy GI1 sets out that development will not be permitted within a LGS unless there are very special circumstances which outweigh the harm to the LGS. The policy continues that particular attention will be paid to the views of the local community in assessing any development proposals that affect a designated LGS.

The Plan explains that the Parish Council would like to work with others to develop a management plan for the LGS.

Policy LWH3 sets out a number of specific elements such as benches, signposts and other development that would be supported in the LGS. It may be the case that some of these elements do not require planning permission. In other cases, the policy wording may, however inadvertently, limit the development that might be acceptable under Green Belt policy. In any case the NPPF and non-strategic CP Policy GI1 set out the policy for managing development in this LGS. Little information has been submitted to support a move which might be different from the stance in the NPPF or the CP.

The second element of Policy LWH3 refers to development sites adjoining LGSs seeking consideration of the adjacent LGSs in relation to their history, landscape and rural character and the objectives developed as part of the management plan. This is arguably unnecessary as any development would take account of its context in any case and the management plan has not yet been developed as I understand it.

Therefore, having considered the matter carefully, Policy LWH3 does not meet the basic conditions because little justification has been submitted for the move away from the NPPF or the CP; the LGS is covered by non-strategic CP Policy GI1 in any case and the second element would occur anyway.

The desire to produce a management plan for the LGS is clearly of great importance to the local community. It is, however, in my view, an aspiration rather than a development and use of land policy. I see this mechanism as being the more appropriate way for managing the future of this particular LGS given it is designated through the CP. For that reason I recommend the policy and supporting text be deleted from the Plan, but the desire to produce a management plan in association with

⁴¹ NPPF para 106

⁴² Ibid para 107

partners (which should include the local planning authority and any landowners) to look at this issue comprehensively could be included in the Plan as a community aspiration, if so desired.

- **Delete Policy LWH3 and its supporting text (paragraphs 149 – 155 inclusive)**

Green Infrastructure

The NPPF states that policies should contribute to and enhance the natural and local environment including through the protection of valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside and, minimising impacts on, and providing net gains for, biodiversity.⁴³

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.⁴⁴

The NPPF's glossary defines green infrastructure (GI) as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

As part of its drive to promote healthy and safe communities, the NPPF recognises the provision of safe and accessible GI can enable and support healthy lifestyles.⁴⁵

The NPPF indicates that plans should take a proactive approach to mitigating and adapting to climate change, taking into account long-term implications and support appropriate measures to ensure that communities are resilient to climate change impacts.⁴⁶

As part of this drive, new development should be planned in ways that, amongst other things, utilise GI as appropriate adaptive measures.⁴⁷

One of the ambitions in the JCS is to have a sustainable natural, built and historic environment. JCS Policy SD9 encourages new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of GI.

JCS Policy INF3 refers to GI; it conserves and enhances both strategically and locally important networks and seeks to improve the quantity and quality of these assets, improve linkages and design improvements that supports the cohesive management of GI. Amongst other things, it refers to strategic allocations and the delivery of connectivity through the site.

⁴³ NPPF para 180

⁴⁴ Ibid para 185

⁴⁵ Ibid para 96

⁴⁶ Ibid para 158

⁴⁷ Ibid para 159

Non-strategic CP Policy CI1 only supports development where adequate community infrastructure capacity exists or where additional capacity is capable of being provided satisfactorily. It indicates that obligations may include GI, amongst other things.

The Plan rightly recognises the multi-faceted role of GI. A survey of GI has been carried out for the Plan area. Appendix 2 details the identified sites and they are shown on Figure 12 on page 39 of the Plan. There is little information about how the survey has been carried out or the criteria used for identification of the sites. Nevertheless Appendix 2 is a comprehensive document. I was able to see these areas or understand their context when I visited the area.

As part of the proposed amendments put forward to Appendix 2 by the Parish Council, Area 7 is to be deleted from Figure 12 and various amendments are put forward to Areas 6, 9, 13 and 17.

I accept the deletion of Area 7 from the GI list as proposed by the Parish Council.

In relation to Areas 6 and 17, both form part of the strategic site of MD4 and will be planned as part of the comprehensive development area. This is not to say these areas do not make important contributions to the GI network, but that, given the stage of development of this strategic site, they may be better incorporated into any “list” at a later stage once they can be reassessed.

With regard to Area 9, I understand planning permission has now been granted for 30 dwellings. The Appendix as proposed to be amended by the Parish Council recognises that permission has been granted, but still seeks the area to be protected from any other development. This is not an appropriate mechanism to do this and to include the area within the “list” could prevent the proper planning of what is now in effect a committed development site.

With regard to Area 13, the justification for this area’s inclusion appears to relate to detail over what development on the site should or should not do rather than any reasons for its importance as part of any GI network.

In addition, Area 8 is the school site. This should be reassessed as the development has been completed.

Modifications are accordingly made in relation to each of the specific areas identified in Appendix 2. I am satisfied that the other areas identified in Appendix 2 are of sufficient merit to warrant inclusion on this “list”.

Policy LWH4 – Green Infrastructure refers to Appendix 2 and Figure 12. The policy requires new development to consider these areas positively. It continues that, where possible, new development should contribute to GI through the provision of new GI or enhancement of existing GI. The last element of the policy seeks support for the maintenance and improvement of GI through developer contributions where appropriate.

Whilst I accept there is some overlap with JCS Policy INF3 which arguably sets out more detail, Policy LWH4 can be regarded as a local interpretation of that policy, particularly given the identification of specific areas regarded as particularly important by the local community.

With some modification to help with intent and clarity, the policy sets out to achieve the aims of the NPPF. Therefore with these modifications, the policy will meet the basic conditions. It has regard to national policy and guidance, is in general conformity with JCS Policy INF3 in particular and will help to achieve sustainable development.

Paragraph 161 on page 39 of the Plan refers to a number of development plan policies. In the interests of clarity, a reference is added to this paragraph.

- **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.”

- **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).

- **Delete Areas 6, 7, 8, 9, 13 and 17 from Figure 12 on page 39 of the Plan and from Appendix 2**

Valued Landscape

This chapter is titled “Valued Landscape” and there are numerous references to “Valued Landscape” throughout the Plan including in the vision and objectives.

There is one policy in this section: **Policy LWH5 – Conserving and Enhancing Valued Landscape**. The policy is criteria-based setting out principles that new development

should follow in the Plan area. The supporting text to the policy discusses work carried out principally by Lepus Consulting Ltd, an established and respected environmental planning practice.

The work carried out by Lepus consists of a Landscape Character Assessment Update (LCA) of September 2022 that updates an earlier Landscape and Visual Appraisal undertaken in 2017. The LCA is included as Annex 4 of the Plan. There is also a Statement on Valued Landscape in Appendix 3 of the Plan.

The LCA describes its purpose as:

- “To identify, conserve and inform the management of the distinctive landscape characteristics of the study area;
- To inform the development of the NP and provide evidence for landscape and character policies;
- To identify the special landscape qualities of the area to help ensure that new development proposals are of an appropriate design and complement the existing local character;
- To be used by developers and their architects to help them understand the local character; and
- To inform decision makers in relation to planning applications.”⁴⁸

The LCA is based on a Study Area which is reproduced in Figure 13 on page 45 of the Plan. The Study Area essentially covers all the Plan area except the established built up areas. The Study Area includes part of the Cotswolds NL to the southeast and all of the LGS designated in the CP.

Valued landscape is specifically referred to in the NPPF⁴⁹, but is without definition in the NPPF. The title of the chapter and policy refer to “Valued Landscape”.

Firstly, it is not clear to me whether the Plan seeks to designate an area as valued landscape. The use of the phrase as a proper noun suggests a designation to me. However, there is nothing in the Plan to suggest it seeks to designate a specifically identified area and no map identifies it as such and the policy does not cross refer to any map.

Paragraph 168 of the supporting text also helps to reinforce my suspicion that no specific area is intended for designation by indicating that Figure 13 identifies the broad locational applicability of the recommendations. The recommendations referred to are found in the LCA; these are reproduced in the Plan as Table 3. Paragraph 168 then

⁴⁸ LCA page 8

⁴⁹ NPPF para 180

explains that Policy LWH5 sets policy to implement these recommendations where appropriate.

Nevertheless, plainly the LCA's Study Area is more than a starting point. The LCA was undertaken in 2022 and predates an appeal decision on land south of A46 Shurdington Road that was determined by the Secretary of State on 27 February 2024.⁵⁰ With the passage of time, the LCA is based on a Study Area which, in my view, would benefit from a review as a result of this and other more recent appeal decisions.

Therefore there can be no designation of a specific area of land as a Valued Landscape until a review of the Study Area can take place. Those references to "Valued Landscape" should therefore be deleted from the Plan in the interests of clarity.

Secondly, given that the LCA would benefit from a further update which has simply resulted from the passage of time, its recommendations must be viewed with some degree of caution. This is particularly the case given the LCA took a broad brush approach treating the Study Area as a single entity and concluded that the area is "highly valued".⁵¹ It is therefore difficult for me to judge which recommendations remain wholly valid or whether different ones would now come to the fore.

So the question now is whether the policy is appropriate to retain in the Plan given that I have found that the LCA on which it largely relies needs review. Regrettably, I have concluded that the policy so largely relies on the LCA work, it would not be possible to do this through modification and it would not be appropriate for me to rewrite it and much of the chapter.

In reaching this conclusion, I am mindful that there are a number of policies already in place that seek to conserve and enhance landscape and ensure due consideration is given in the determination of any planning applications. The NPPF states that the natural and local environment should be enhanced including through the protection of valued landscapes and sites of biodiversity or ecological value and soils in a manner commensurate with their statutory status or identified quality in the development plan and through recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services.⁵²

PPG recognises that land in the setting of NLs can also make an important contribution, particularly where there are long distance views are important or where the adjoining land has landscape character that is complementary to that within the NL.⁵³ This is very much the case here.

A number of development plan policies also refer to landscape. Of most relevance are JCS Policies SD4, SD6, SD7 and INF3.

⁵⁰ APP/B1605/W/22/3309156

⁵¹ LCA page 67

⁵² NPPF para 180

⁵³ PPG para 042 ref id 8-042-20190721

Nothing in my approach should be taken as indicating that at least some of land in the LCA Study Area is not likely to be worthy of being a valued landscape. In fact, I find the contrary to be the case.

The LCA shows that the area in general scores highly against the criteria in the widely used Landscape Institute TGN 02-21 guidance on assessing landscape value outside national designations. The LCA concluded that the area is “highly valued”.⁵⁴

In addition, the Inspector in the aforementioned appeal accepted that the land covered by the LGS was valued landscape at the time of the appeal.⁵⁵

Furthermore, the representation from the Cotswolds NL Team clearly regards the general area as falling within the setting of the NL and robustly supports Policy LWH5.

There is therefore a weight of evidence to support the work carried out on this Plan on this general area. My site visit also reinforced this where I could see and understand the landscape in its context including as part of the setting to the NL.

However, this does not alter my judgment that this chapter and Policy LWH5 cannot be retained in the Plan at this point in time without further work to clarify, update and support such a policy. In order to meet the basic conditions in respect of having regard to national policy and guidance insofar as evidence should be up to date⁵⁶ and appropriate reflecting and responding to both the planning context and the characteristics of the area,⁵⁷ I recommend Policy LWH5 and its supporting text and all references to “Valued Landscape” are deleted from the Plan.

- **Delete the section on “Valued Landscape” and Policy LWH5**
- **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 are 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*”**
- **Remove Appendix 3 from the Plan**

⁵⁴ LCA page 67

⁵⁵ APP/B1605/W/22/3309156 para 111

⁵⁶ NPPF para 31

⁵⁷ PPG para 041 ref id 41-041-20140306

Local Heritage

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁵⁸ It continues⁵⁹ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

In relation to non-designated heritage assets, the NPPF states that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁶⁰

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁶¹

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁶² There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁶³

In this case, a list of Non-designated Heritage Assets has been produced by the Parish Council. The list has been compiled based on CBC's Index of Buildings of Local Interest Supplementary Planning Document (SPD) adopted in 2007 and Historic England's published guidance. It has taken a logical approach and supports the designation of these locally important buildings, areas and structures.

JCS Policy SD8 sets out that the built, natural and cultural heritage will continue to be valued and promoted for their contribution to local identity, quality of life and the economy. Development should make a positive contribution to local character and distinctiveness. In relation to non-designated heritage assets, Policy SD8 conserves and enhances these appropriate to their significance and for their contribution to local character, distinctiveness and sense of place.

Non-strategic CP Policy HE1 refers to buildings of local importance and non-designated heritage assets. It protects such assets from demolition or substantial alteration unless it can be shown that all reasonable steps have been taken to retain the building, its retention would be demonstrably impracticable and the public benefits of any scheme outweigh the building's retention. Development that affects a non-designated heritage asset, including its setting, is required to have regard to the scale of any harm or loss to the significance of the asset.

⁵⁸ NPPF para 195

⁵⁹ Ibid para 205

⁶⁰ Ibid para 209

⁶¹ PPG para 040 ref id 18a-040-20190723

⁶² Ibid

⁶³ Ibid

Policy LWH6 – Non-Designated Heritage Assets seeks to designate and then protect or enhance the locally identified heritage assets in Appendix 4.

I note that there is some duplication in Appendix 4 with repetition of the assets identified from page 10, but the earlier entries have an area identified on the map insets. The latter should be removed to avoid any confusion.

Two of the proposed areas for inclusion as non-designated heritage assets have maps which I found quite hard to decipher on the ground and therefore require more precision as to the boundaries of these areas. A modification is made that will address this concern.

The Plan explains that Appendix 4 will be regularly updated and so is a ‘living’ document. The intention of a ‘living document’ such as Appendix 4 is understood. However, if Appendix 4 is amended, there would be no mechanism to judge whether any asset included in the future on such a list is actually of merit. Given that the policy usefully refers to CBC’s Index of Buildings of Local Interest, there is a route to including other assets through CBC or indeed by reviewing the Plan. A modification is therefore made to this effect to the wording of Appendix 4.

In order for Policy LWH6 to meet the basic conditions, a modification to its wording is made. This is to ensure that it has regard to the NPPF in how such assets will be considered in relation to planning applications where harm may be caused.

With this modification, Policy LWH6 will meet the basic conditions by having regard to the NPPF, adding local detail to, and being in general conformity with the strategic policy of the development plan referred to above and helping to achieve sustainable development.

It would also be useful to ‘future-proof’ Annex 5 of the Plan which refers to designated heritage assets. A modification is made to this effect.

- **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.”

- **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

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.”

- **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]**
- **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]**
- **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.*”**

Flood Risk

Policy LWH7 – Protection of dwellings against Future Flooding and Climate Change seeks to ensure that new development takes into account the history of flooding in the area and proposes appropriate measures.

The NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.⁶⁴ It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁶⁵

The NPPF continues that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).⁶⁶ Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.⁶⁷

One of the strategic objectives of the JCS is to meet the challenges of climate change and it specifically refers to flooding. JCS Policy SD3 refers to sustainable design and construction including the need for water efficiency and taking account of water quality. JCS Policy INF2 refers to flood risk management.

Policy LWH7 is a detailed policy which sets out a number of criteria for new development.

⁶⁴ NPPF para 157

⁶⁵ Ibid

⁶⁶ Ibid para 165

⁶⁷ Ibid

CBC's Flood Risk Officer and the LLFA have made a number of detailed comments. In relation to criterion a) there is uncertainty about how the detailed and technical figures cited have come about. The Flood Risk Officer advises that the requested design rainfall scenarios should not be attached to a return period/probability as rainfall depths are likely to differ from industry approved hydrological guidance and the scaling factors require greater justification. The latest guidance, I understand, is a 40% increase for rainfall, but as this is guidance this may well change over time.

The Lead Local Flood Authority has also raised similar issues pointing out that the LLFA takes guidance for design storm events from the Flood Estimation Handbook indicating this is considered the industry standard for these matters, and Environment Agency guidance on climate change allowances.

Although the Plan states that the community has undertaken its own work to develop locally specific information, no detailed information has been submitted to justify the stance of this criterion and as the figures are likely to change over time, criterion a) should be deleted.

Turning now to criterion b), with some changes to help with the practical application of this policy, this criterion can be retained albeit in a different format.

Criterion c) is acceptable.

The Parish Council has suggested some amendments to criteria d) and e) which I incorporate in the interests of further precision.

The final criterion f) is modified to take account of the comments received from the Flood Risk Officer.

The Parish Council has put forward some amendments to paragraphs 185, 187, 188, 189 and 190 of the supporting text. Bearing in mind the representations referred to above, I have recommended some further changes to the supporting text in the interests of clarity.

With these modifications, Policy LWH7 will meet the basic conditions by having regard to national policy, being in general conformity with the JCS and helping to achieve sustainable development.

▪ **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.**

- 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.”
- Amend paragraph 185 on page 50 to read:

“There are four main catchments on the scarp of Leckhampton Hill. The largest feeds into Hatherley Brook. To the east of this are two smaller catchments, one above Leckhampton Village and the other above Old Bath Road from run-off flows into Moorend Stream and thence into Hatherley Brook. Further to the east there are catchments below Hartley Hill from which the runoff flows into the River Chelt. To the west of the Hatherley Brook catchment there is a smaller catchment from which runoff flows into a stream at Brizen Farm. This catchment played a large part in flooding Warden Hill in July 2007. 2011-installed flood defences along the A46 are designed to protect properties should flows overtop the A46. The part of this catchment west of Farm Lane is now the site of the new development of 377 houses being built by Redrow. This development will alter the runoff in future storms.”
 - Amend paragraph 187 to read:

“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]
 - 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

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."

Monitoring and Review

This section indicates that the Plan will be reviewed regularly and I welcome this even though monitoring and review of neighbourhood plans is not currently mandatory.

Annexes and Appendices

There are six annexes and four appendices. I have referred to these as relevant and appropriate throughout this report. Any modifications have been incorporated at the relevant places in my report.

7.0 Conclusions and recommendations

I am satisfied that the Leckhampton with Warden Hill Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Cheltenham Borough Council that, subject to the modifications proposed in this report, the Leckhampton with Warden Hill Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. The boundaries of the Parish were altered in 2018. This means that the Plan covers a smaller area than the now well established Parish boundaries. I consider the referendum should cover the current Parish area to allow all residents of the Parish to vote in the referendum not least in the interests of community spirit and cohesion and to reinforce a sense of local community. I note that the Parish Council has requested me to include the extended area in any referendum.

I therefore consider that the Leckhampton with Warden Hill Neighbourhood Development Plan should proceed to a referendum based on the current Leckhampton with Warden Hill Parish boundary.

Ann Skippers MRTPI
Ann Skippers Planning
28 November 2025

Appendix 1 List of key documents specific to this examination

Leckhampton with Warden Hill Neighbourhood Plan Regulation 15 Submission June 2023 including six Annexes and four Appendices

Basic Conditions Statement June 2023 (updated 4 January 2024)

Consultation Report June 2023

Determination Statement - Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) November 2022 (CBC) including the Request for Screening Opinion prepared by Andrea Pellegram Ltd and dated 13 June 2022

Screening Opinion on the need for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Statement of Reasons November 2022 (CBC)

Saved Policies of the Cheltenham Borough Local Plan Second Review adopted July 2006

Joint Core Strategy Gloucester, Cheltenham and Tewkesbury 2011 – 2031 adopted December 2017

Cheltenham Plan adopted July 2020

Index of Buildings of Local Interest SPD adopted 28 June 2007 (CBC)

Cotswolds National Landscape Management Plan 2025 – 2030 (Cotswolds NL Management Board)

List ends

Annex 1 Amendments Proposed by the Parish Council

Paragraph and page number	Proposed amendment [new text shown in bold italics]
Table 1, page 6	<p>Add a new social objective to the row on Policy LWH7 and revise the existing environmental objective for Policy LWH7 that read:</p> <p>New social objective: <i>“Less flood damage improves domestic insurability and improves mental wellbeing.”</i></p> <p>Revised environmental objective: “Improvements in local flood avoidance and resilience measures will contribute to environmental benefits through the avoidance of flooding. <i>Sustainable/natural flood risk management schemes can also contribute to biodiversity/habitat under environmental objectives.</i>”</p>
Para 59, page 13	<p>Update paragraph 59 to read:</p> <p>“Significant housing allocations have been made within the Neighbourhood Area. Cheltenham Local Plan site allocation MD4 <i>has recently secured detailed planning consent for 350 homes (application reference APP/B1605/W/ 22/33091563)</i>. Through this, the Neighbourhood Area is making a contribution towards meeting housing needs across Cheltenham...” [remainder of paragraph retained unchanged]</p>
Table 2, page 27	<p>Amend the third and fourth columns for Leckhampton Village Hall to read:</p> <p>“Multi-use venue which is used by 11 local clubs, available for hire, <i>attracting 25,000 visits per annum</i>. Parking off street provided.”</p> <p>“Retain in community use. <i>Update facilities to promote accessibility and safe use.</i>”</p>
Para 148, page 34	<p>Add the following text to existing paragraph 148 and add a new paragraph 149:</p> <p>“Significant housing developments should directly provide key route connections. <i>Strategic priorities for the provision of sustainable transport are set out in the Adopted Joint Core Strategy (2017), which provides a strategic policy framework for transport and sustainability. JCS Strategic Objective 7, Policy SD4 (vii), Table SD4b (Ease of Movement), Policy INF1 (1 i-iii) and Policy INF4 (3) provide principles to guide the consideration of walking and cycling</i></p>

networks at a neighbourhood level or in development proposals. Cheltenham Plan policy MD4 requires pedestrian and cycle links within the allocation site and to key centres.”

“The Joint Core Strategy and Cheltenham Plan provide a strategic policy context for the identification of local priorities for improvements to movement networks, particularly through walking and cycling within the neighbourhood plan area. The neighbourhood plan objective is to set out local priorities to improve the environment for walking and cycling to access key local services. It identifies the location of key local destinations for existing and new residents and identifies routes local people use. It is important that these are given appropriate regard in decision making and investment programmes.”