

**Appendix 4 - Officer’s recommendations in response to Leckhampton with Warden Hill Parish Council Comments and Requested Amendments Post-Examiner’s Report on the Leckhampton with Warden Hill Neighbourhood Plan**

Following receipt of the Examiner’s Report on 28 November 2025, the Examiner has recommended a series of modifications to the Leckhampton with Warden Hill Neighbourhood Plan (the Plan). The Parish Council has subsequently submitted comments and requested amendments in relation to the Examiner’s findings on the following policies:

- **LHW3 – Managing and Enhancing Local Green Space**
- **LWH4 – Green Infrastructure**
- **LWH5 – Conserving and Enhancing Valued Landscape**

These comments and requested amendments follow a virtual Microsoft Teams meeting between representatives of the Parish Council and Council Officers. During the meeting, Officers provided advice on the statutory role of the Examiner and how the Council is required to consider the Examiner’s recommendations in order to comply with the Neighbourhood Planning (General) Regulations 2012 and the Basic Conditions that neighbourhood plans must meet.

The table below presents:

1. The relevant extract from the final Examiner’s Report,
2. The Parish Council’s comments and requested amendments, and
3. Officer recommendations, informed by both Planning Policy and Legal Services.

In reviewing the Parish Council’s submissions, Officers have considered the following options:

- **Accept the Examiner’s recommended modifications**
- **Accept the amendments requested by the Parish Council** where doing so would not conflict with the Examiner’s recommended modifications, the basic conditions, or wider legal or policy requirements.

Abbreviations used in the following table:

LHWHPIC	Leckhampton & Warden Hill Parish Council
CBC	Cheltenham Borough Council
NDP	Neighbourhood development Plan
CP	Cheltenham Plan
LGS	Local Green Space
LCA	Landscape Character Area
Cotswolds NL	Cotswolds National Landscape

Examiner's Report	Leckhampton & Warden Hill Parish Council Comment and Requested Amendments	CBC Officer Recommendations
<b>LWH3 – Manging and Enhancing Local Green Space</b>		
<p>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 partners (which should include the local planning authority and any landowners) and look at this issue comprehensively with relevant partners and against applicable policy, could be included in the Plan as a community aspiration if so desired.</p>	<p>To include text in the final version of the NDP relating to the importance of the LGS locally leading to the aspiration of the production of the management plan.</p> <p>Insert text saved from the supporting text into 'Profile of the Neighbourhood Area after para 36, as follows:</p> <p>“The designation of Local Green Space in the Adopted Cheltenham Plan 2020 established strong protection against development in a defined area of Leckhampton Fields, shown on Figure 11. Policy for managing development in Local Green Space should be consistent with those for Green Belts.</p> <p>The local community within the Neighbourhood Area want to manage and enhance the Leckhampton Fields Local Green Space to promote its use and importance as a resource for green infrastructure and as an important component of locally valued landscape.</p> <p>Leckhampton with Warden Hill Parish Council will work with local volunteer groups to develop a management plan to manage and improve the Leckhampton Fields Local Green Space to achieve clear objectives, including to:</p> <p>Protect the Local Green Space from inappropriate development.  Promote recreational use of the Local Green Space.  Promote biodiversity within the Local Green Space.  Promote pedestrian access to and within and across the Local Green Space.  Improve understanding of the history, features and value of the Local Green Space.”</p>	<p><b>Officer's recommendation:</b> Accept the Examiner's recommended modifications.</p> <p>It is considered that retaining supporting text when the policy is recommended to be deleted would serve no purpose to the NDP, and subsequent weight to decision making. The assessment by the Independent Examiner concluded that this element of the NDP did not meet the basic conditions or other legal requirements.</p> <p>Officers are supportive of LHWHPC aspiration to produce a management plan for the LGS. However, the Examiner regards this as an aspiration rather than a development and use of land policy. Officers concur that setting this out within the NDP would not be the appropriate mechanism to facilitate the management plan.</p> <p>Should LHWHPC progress to prepare a management plan, then once concluded this could be capable of being a material consideration in the context of any future planning application. The relevant policy which would apply and have full weight is CP Policy GI1: Local Green Space.</p>

**LWH4 – Green Infrastructure**

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.

The proposed amendments submitted by LWWHPC to sites 6 and 17 in advance of the Examination do reflect the post-development position based on consented plans agreed through discharge of conditions and now being implemented on site. On this basis, can the sites be retained?

To be deleted and reviewed after completion of development.

**Officer’s recommendation:** Accept the Examiner’s recommended modifications.

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.

9 – It was not the intention to prevent the proper planning of a committed development site. Can the site be retained with the deletion of the words “Should this development not take place, this area should be protected from harm by any other development.”? (these were additional words proposed by LWWHPC prior to the Examination and can be removed).

LWWHPC requests this site is retained. The Examination Report does not recognise that the local interest in designating this site as a component the green infrastructure network rests on its historic uses as traditional orchard and market gardens.

These uses have been identified as part of the tapestry of land uses in the area that provide a special character. The accumulation of these character elements along with built development and open views to the Cotswold National Landscape, have led to the area being described as a Valued Landscape. The Examination Report has also contented that Valued Landscape in the area is not defined and so cannot be regarded.

The Neighbourhood Plan contends that all development sites have a role to play in ensuring that, as much as possible, elements of special character are retained to sustain the Valued Landscape in the area.

**Officer’s recommendation:** Accept the Examiner’s recommended modifications.

Officers acknowledge the Parish Council’s comments about what was intended. Even if parts of this area make a contribution to the green infrastructure network, this area is now in effect a committed development site (ref. 21/02750/FUL). There is ongoing engagement with the applicant (New Dawn Homes Ltd) who are expected to build out the scheme (ref. 25/01031/CONDIT which has a resolution to permit subject to Section 106).

<p>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.</p>	<p>13 -The details of how the site makes a contribution to the Green Infrastructure Network is set out in the site entry. The additional words proposed by LWWHPC prior to examination resulted from discussion and agreement with the site promoter and as such provides a framework for safeguarding important green infrastructure whilst supporting development in accordance with clear principles. Can this site be retained?</p> <p>LWWHPC requests that this site is retained for the same reasons as outlined above in relation to Area 9. In this case, specific discussion took place with the developers to agree a position with a more specific area of land identified for green infrastructure provision. It is not clear to LWWHPC why this site cannot be retained to ensure that green infrastructure objectives are met.</p>	<p><b>Officer's recommendation:</b> Accept the Examiner's recommended modifications.</p> <p>The supporting text for area 13 does not support the area's role as being part of the green infrastructure network.</p>
<p>In addition, Area 8 is the school site. This should be reassessed at a later date once the development has been completed.</p>	<p>8 – The school development has been completed and therefore the post-development position is clear and consistent with the site entry. On this basis, can the site be retained?</p> <p>As previously noted, the school development has been completed. Wording of the entry would need to be edited reflect the post-development completed and available Green Infrastructure components within the site.</p>	<p><b>Officer's recommendation:</b> Accept the Examiner's recommended modifications.</p> <p>The development is complete policy LWH4 will have no applicability to this area.</p>
<p><b>LWH5 – Conserving and Enhancing Valued Landscape</b></p>		
<p>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.</p> <p>Paragraph 168 of the supporting text also helps to</p>	<p>The neighbourhood plan does not seek to designate a specific area of Valued Landscape because it is contended that it already exists in the area, defined through strategic plans and decisions by Inspectors and the Secretary of State that though undesignated that the area is Valued Landscape under the NPPF. The Statement on Valued Landscape in Appendix 3 of the Plan provides a history of how this has come about. The LCA also provides a planning policy context and</p>	<p><b>Officer's recommendation:</b> Accept the Examiner's recommended modifications.</p>

<p>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 explains that Policy LWH5 sets policy to implement these recommendations where appropriate.</p>	<p>basis for the existence of Valued Landscape.</p>	
<p>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.</p> <p>With the passage of time, the LCA is based on a Study Area which, in my view, needs reviewing and updating as a result of this and other more recent appeal decisions.</p>	<p>A specific feature of Valued Landscape in this area is the complex relationship between open land, market garden land, historical development and new development, acting together to form a valued landscape and setting for the national landscape with which it has a strong visual relationship. This has been noted repeatedly by local plan and appeal inspectors and was reflected in allocation policies including the allocation of land south of Shurdington Road which the LCA took into account.</p> <p>New development does not remove Valued Landscape considerations. The design of development should be undertaken with Valued Landscape principles in mind. CBC is asked to consider the point that the LCA Study is not compromised by the Miller permission as the development was known about. Also, the concept of Valued Landscape in this area is not founded on land entirely free from development but allows for new development to contribute to the character features which support the valued landscape, as you walk through the area and as you view it from the National Landscape. This point was made previously.</p> <p>If CBC does agree with this point, then the LCA would not be out of date and so wholesale deletion of all references to the study and to the very existence of Valued Landscape would not be remotely necessary.</p>	<p><b>Officer's recommendation:</b> N/A. However, officers response to comment by LHWHP as follows.</p> <p>Officers acknowledge that the Miller Homes development, Land at Shurdington Road, was indicated within the LCA Study Report but note that at the time the site did not have formal planning permission and that the report was commissioned in 2022. The NPPF states that all policies should be underpinned by up-to-date evidence. The Examiner has set out that the evidence needs reviewing.</p> <p>The Parish Council may want to note that a Landscape Character Assessment, and Landscape &amp; Visual Impact Assessment will be undertaken as part of the evidence base for the Strategic and Local Plan (SLP), and this could feature in the future review of any Neighbourhood Development Plan</p>

<p>Therefore there can be no designation 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.</p>	<p>If the above is accepted – Valued Landscape already exists + New development sits within and can contribute to the maintenance of this specific Valued Landscape – then there is no need to update the LCA or have it reflected in each new planning permission/development as it occurs. Does CBC agree with the proposition that Valued Landscape exists within the Leckhampton with Warden Hill Neighbourhood Area?</p> <p>Does CBC agree that the broad extent of Valued Landscape is known, even whilst acknowledging that it is not designated in strategic policies with a boundary shown on a map?</p> <p>If so, there can be no objection to the principle of referring to Valued Landscape in the NDP. LWWHPC requests that it should be able to refer to Valued Landscape in the NDP given its importance as a character feature in the area. If accepted, specific use of the phrase can be addressed on a case-by-case basis.</p>	<p><b>Officer’s recommendation:</b> Accept the Examiner’s recommended modifications.</p> <p>Officers acknowledge that the NPPF (2023) refers to valued landscape, but this is not defined. The Examiner is clear that there can be no designation of land as a valued landscape until a review of the Study Area can take place. Officers are of the view that there is no reason to deviate from the Examiner’s recommendation.</p>
<p>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.</p> <p>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”. It is therefore difficult for me to judge which recommendations remain wholly valid or whether different ones would now come to the fore.</p>	<p>If the above is accepted – that there is no need to update the LCA for the reasons given - then there is no need for a site-by-site reassessment of the study area and, at 3 years old, the assessment would not be out of date. The concept and principle would endure beyond each individual decision.</p>	<p>As per Officers’ earlier comments within this document, the NPPF states that all policies should be underpinned by up-to-date evidence. The Examiner has set out that the evidence needs reviewing.</p>

<p>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.</p> <p>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.</p>	<p>This would not be required if the above is accepted.</p>	<p>See above comments</p>
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<p>Nothing in my approach should be taken as indicating that 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.</p> <p>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”.</p> <p>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.</p> <p>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.</p>	<p>If the above is accepted, then some land within the plan area is Valued Landscape and not merely worthy of being a valued landscape.</p>	<p>See above comments</p>
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<p>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 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 date and appropriate reflecting and responding to both the planning context and the characteristics of the area, I recommend Policy LWH5 and its supporting text and all references to “Valued Landscape” are deleted from the Plan.</p>	<p>Deletion of policy LWH5 would not be required if the alternative view of the facts set out above is accepted.</p> <p>However, if the alternative view of the facts is not accepted, then it is suggested that the Policy LWH5 could still be retained with the removal of references to specific locations in the area (R1 to R18) in Table 3 and Figure 13. Without the reference to specific locations directed or implied (apart from R9 reference to Lotts Meadow within the LGS, which could be edited), the policy would seek to apply general principles within Valued Landscape settings and it would be for applicants to consider and act on this as may be relevant to the specific site.</p> <p>The LCA study would be able to remain as a supporting document to the plan but would not be directly linked in policy terms. LWWHPC suggested an amended approach so that Table 3 could be retained with changes as suggested.</p> <p>If the policy could be retained, then it could be set out without reference to valued landscape (and with only a few amendments), as follows:</p> <p>“POLICY LWH5 – Conserving and Enhancing Local Landscape Character  In conjunction with LWH4 of this Neighbourhood Plan, where appropriate, new developments within the Neighbourhood Plan Area should satisfy the following principles to:  Preserve essential Landscape Character features within the Neighbourhood Area, including layout of public roads, rights of way, the field pattern, vegetated character of highways.  Maintain and enhance the contribution of Landscape within the Neighbourhood Area to the setting of the Cotswold National Landscape.</p>	<p><b>Officer’s recommendation:</b> Accept the Examiner’s recommended modifications.</p> <p>Officers consider that this would in effect be introducing a new policy which has not been publicly consulted upon in accordance Neighbourhood Planning Regulations and has not been assessed by an Independent Examiner as to whether or not this policy now meets the basic condition or other legal requirements.</p> <p>The Council will continue to work collaboratively with the Parish Council in any future review of the NDP in light of the evidence base for the SLP.</p>
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Ensure new development does not significantly reduce the visual link between the Local Green Space and the Cotswold Escarpment.

Incorporate landscape and ecological improvement proposals to protect, maintain and enhance the landscape and wildlife value of watercourses, hedgerows and trees and existing green corridor connections between Local Green Space and surrounding environs.

Focus on opportunities for biodiversity net gain from new development on improvements and extensions to priority habitats including orchards and semi-improved grasslands

Provide a sufficient level of green infrastructure to maintain the strategic role of green infrastructure in providing a green setting for the Cotswold National Landscape.

Complement management principles for the Leckhampton Local Green Space in the provision of external landscaping, planting and biodiversity enhancement, where relevant.

Consider opportunities for provision of educational signage and interpretation to improve understanding about the history and character of the Neighbourhood Area.”

Delete the section on “Valued Landscape” and Policy LWH5	This would not be necessary if the above is accepted.	See above comments
Consequential amendments will be needed to delete the reference to Policy IWH5 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 entireties [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”	<p>If the above is accepted, then text references could be reviewed between LWWHPC and CBC to ensure that references to Valued Landscape are consistent with the approach set out.</p> <p>In the worst case where none of these points set out above are accepted, it is suggested that some references to Valued Landscape need to be retained in the NDP, particularly in relation to Inspector and Secretary of State decisions referring to Valued Landscape as this is clearly an important consideration to guide decisions on new development proposals. The specific approach to where this could be done could be agreed following the Examination with CBC officers if that is acceptable.</p>	<p><b>Officer’s recommendation:</b> Accept the Examiner’s recommended modifications.</p> <p>The Examiner is clear as to why they consider references to Valued Landscape should be deleted.</p>
Remove Appendix 3 from the Plan	This would not be necessary if the above is accepted.	See above comments