

Cheltenham Borough Council

Cabinet – 24 February 2026

Leckhampton with Warden Hill Neighbourhood Plan – Decision on Examiner’s Recommendations and Progression to Referendum

Accountable member:

Cllr Mike Collins, Cabinet Member Planning and Building Control

Accountable officer:

Tracey Birkinshaw, Director of Planning & Building Control

Ward(s) affected:

Leckhampton with Warden Hill

Key Decision: Yes

Executive summary:

The Leckhampton with Warden Hill Neighbourhood Development Plan (the Plan) underwent an examination following the appointment of an Independent Examiner in July 2025. The examination has now concluded, and the Examiner’s final report has been received. The Examiner has found that, with proposed modifications, the Plan meets the necessary ‘basic conditions’ and recommends that it can go forward to referendum.

In accordance with the relevant legislation, Cheltenham Borough Council (the Council) as the local planning authority (LPA) must now consider what action to take in response to the Examiner’s recommendations and also to satisfy itself that the Plan meets the necessary ‘basic conditions’.

The Council has a neighbourhood planning protocol, revised in March 2025, which sets out that at the 'Approval of Neighbourhood Plan or Order for referendum' stage, it is for Cabinet to decide whether it accepts the examination report in full or part, and that the Plan can proceed to referendum. Officers recommend acceptance of the Examiner's recommendations in full.

The Council will be required to publish a decision statement following consideration of the Examiner's report. If the recommendation is accepted, this will confirm that the Plan can go forward for a public vote in a referendum as the penultimate stage in the plan-making process. An updated version of the Plan incorporating the Examiner's recommended modifications will be produced for the referendum.

Leckhampton and Warden Hill Parish Council have presented officers with comments on the Examiners report and suggested amendments, a report setting out the officers' recommendations to these is provided at Appendix 4.

Recommendations: That Cabinet:

- 1. accepts the Examiner's recommended modifications on the Leckhampton with Warden Hill Neighbourhood Development Plan;**
- 2. agrees that a 'referendum version' of the Plan be produced (incorporating the Examiner's modifications, together with consequential and other minor corrections for accuracy), and can proceed to a referendum;**
- 3. delegates authority to the Director of Planning and Building Control, in consultation with the Cabinet Member for Planning and Building Control, to prepare the decision statement for publication.**

1. Implications

1.1 Financial, Property and Asset implications

The Council as the local planning authority will organise, hold and pay for the referendum. Financial support for neighbourhood planning is available at different stages of the process. The referendum cost is estimated to be £20k and the MHCLG funding is expected to be available before the expenditure is committed. As a result, this stage of the process should have no impact on the general funds.

Signed off by: Ela Jankowska – Finance Business Partner **Date:**09.02.2026

1.2 Legal implications

Under Regulation 17a and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended), the local planning authority must decide what action to take in response to the Examiner's recommendations, and as soon possible after making a decision, must publish a decision statement and their reasons for it.

Signed off by: Alison McKane, Deputy Monitoring Officer

alison.mckane@cheltenham.gov.uk

1.3 Environmental and climate change implications

The Leckhampton with Warden Hill Neighbourhood Development Plan highlights concerns about flood risk and the need for mitigation and adaption to future climate, which forms part of the climate pathway. It also provides neighbourhood-level insight into walking and cycling connections that could improve sustainable travel at local level. Following the Examination, these policies have been retained.

Signed off by: Maizy McCann, Climate Officer

Maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Key priority 2: Quality homes, safe and strong communities
- Key priority 3: Reducing carbon, achieving council net zero, creating biodiversity
- Key priority 5: Taking care of your money

1.5 Equality, Diversity and Inclusion Implications

Annex 3 of the Leckhampton with Warden Hill Neighbourhood Development Plan sets out the demographic, social and economic profile of the local community. This includes data on age, gender, ethnicity, country of birth, household language, religion, belief and vulnerability. This data is then summarised within the neighbourhood profile section of the plan. The plan has a number of policies, some of which will contribute to wider social objectives. These links are summarised in table 2 of the Basic Conditions Statement.

In addition, the Basic Conditions Statement sets out that the plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights including the prohibition of discrimination. The statement also sets out that all reasonable attempts were made to ensure that all Leckhampton with Warden Hill Parish residents, including those living outside the

Neighbourhood Area but within the Parish, and all relevant stakeholders, were given the opportunity to contribute to and comment upon the plan

1.6 Performance management – monitoring and review

The submitted Neighbourhood Development Plan contains a section on monitoring and review. Amongst other aspects, it refers to monitoring local conditions so that information supporting policies in the Neighbourhood Plan remain up to date.

2 Background

2.1 The Leckhampton with Warden Hill Neighbourhood Development Plan (the Plan) has been produced by Leckhampton with Warden Hill Parish Council. All of the consultation requirements under Regulation 14 and 16 of the Neighbourhood Planning Regulations (2012) (the Regulations), as amended, were undertaken respectively by the Parish Council and the Council. In accordance with Regulation 17 of the Regulations (2012), the Plan was submitted for examination following the appointment of an Independent Examiner by the Council, in collaboration with the Parish Council in July 2025.

2.2 The appointed Examiner considered whether the Plan meets the ‘Basic Conditions’ and set out their considerations in a report. The Examiner was able to make one of three recommendations. These were that the plan can;

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

2.3 The examination of the Plan has now concluded, and the Examiner’s report was received on 28 November 2025. The Examiner has recommended to the Council that, subject to modifications, the Plan meets the basic conditions and other statutory requirements and recommends the Plan can go forward to a referendum.

2.4 Most of the recommendations relate to textual modifications, to varying degrees, to the policies of the Plan, supporting text and supporting figures. These recommendations relate to matters of clarity and precision to ensure that the Plan fully accords with national policy, national guidance and the basic conditions.

2.5 The Examiner has recommended deleting policy LWH3 - ‘Managing and Enhancing Local Green Space’ and its supporting text from the Plan. Her reasoning is that the policy does not meet the basic conditions because little justification has been submitted for the move away from the National Planning

Policy Framework (NPPF) or the Cheltenham Plan (CP); and that local green space is covered by non-strategic CP policy GI1 in any case.

2.6 The Examiner has noted that there are numerous references to 'Valued Landscape' throughout the Plan. This includes policy LWH5 – 'Conserving and Enhancing Valued Landscape'. The Examiner has considered that the policy cannot be retained in the Plan at this point in time without further work to clarify, update and support such a policy. She has stated that 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, the recommendation is the deletion of Policy LWH5 and its supporting text and all references to 'Valued Landscape' including that within Appendix 3 are deleted from the Plan.

2.7 Furthermore, policy LWH4 – Green Infrastructure, identifies 19 areas as green infrastructure sites that should be positively considered in new proposals for development. The Examiner has recommended that six areas are deleted from the identified sites listed. These recommendations are to ensure that the intent and clarify of the policy will meet the basic conditions in regard to national policy and guidance, and to ensure it is in general conformity with JCS policy INF3 – Green Infrastructure and will help to achieve sustainable development.

2.8 The Parish Council have made comments and requested amendments following the receipt of the Examiners' report and her recommended modifications. These comments and requested amendments can be found in Appendix 4.

2.9 In summary, the Parish Council have requested to:

- retain supporting text to policy LWH3 under preamble of the Plan,
- retain 3 areas of green infrastructure sites recommended to be deleted, and
- retain but amend elements of policy LWH5 on Valed Landscape which the Examiner recommended to be deleted.

2.10 Planning Policy and legal officers have reviewed the comments and requested changes presented by the Parish Council and Appendix 4 of this Cabinet Report provides the officers recommendations in respect in respect of each. Should Cabinet support the recommendations of officers set out in Appendix 4 when read alongside the Examiners Report, Cabinet are being asked to accept the Examiner's recommended modifications on the Leckhampton with Warden Hill Neighbourhood Development Plan, this would then enable the Borough Council to proceed to a referendum

2.11 In accordance with Regulations 17A and 18 of the Neighbourhood Planning

Regulations (2012) (as amended), the Council must decide what action to take in response to the recommendations of an examiner, including whether to extend the area in which the referendum is to take place. The Plan area differs from the existing Parish boundary which was extended after the Plan area had been designated. Following a request received from the Parish Council, the Examiner has recommended that the referendum be held for the whole of the existing Parish rather than the Plan area.

2.12 In addition, the Council must publish a decision and their reasons within a statement and the Examiners report on their website, either within 5 weeks of receiving the report or by a prescribed date agreed with the Parish Council. The Council agreed with the Parish Council that this date would be 27 February 2026.

2.13 The Council has a neighbourhood planning protocol which was first published in 2015 and updated in March 2025. This protocol sets out that at the 'Approval of Neighbourhood Plan or Order for referendum' stage, it is for the Cabinet to decide whether it accepts the recommendations made by the Examiner in their report in full or part, and that the Plan can therefore proceed to referendum. In line with the conclusions and recommendations of the examiner, a decision statement in respect to the Leckhampton with Warden Hill Neighbourhood Development Plan will be produced. The decision statement will include all modifications recommended by the examiner.

3 Reasons for recommendations

3.1 The Examiner's report and the recommended modifications have been considered by officers. The Examiner has concluded that modifications to the Plan are necessary to help ensure that the Plan is clear and precise and provides a practical framework for decision making as required by national policy and guidance, as well as to meet the other basic conditions.

3.2 The Council can decide to deviate from the recommendations made by the Examiner because of new evidence, a new fact or a different view about a fact, but in doing so must invite representations and may have to refer the issue to a second independent examination. Officers have considered the comments and amendments sought by the Parish Council post receipt of the Examiner's final report. However, officers consider that there is no new evidence submitted, no new fact or a different view that should be taken about a particular fact which would warrant deviating from the Examiner's recommendations.

3.3 Any deviation will also require a decision statement outlining the Council's rationale and reasonings that must be fully explained in planning policy terms. Officers do not see any clear reasoning or rationale in planning policy terms to deviate from the Examiner's recommended modifications.

3.4 With the incorporation of the recommended modifications suggested by the Examiner, the Council is satisfied that the Plan meets the necessary legal requirements.

4 Alternative options considered

4.1 The Council can propose making a decision that differs from the recommendations of the Examiner. In those circumstances the Council must notify prescribed persons of the proposed decision (and the reason for it) and invite representations. The prescribed persons are the following;

- i. the qualifying body (the Parish Council)
- ii. anyone whose representation was submitted to the examiner and
- iii. any consultation body that was previously consulted

4.2 Any representations must be submitted within 6 weeks first inviting representations. The Council as the local planning authority may, if it considers it appropriate to do so, refer the issue to a second independent examination. Officers consider that there are no justifiable reasons to deviate from the Examiner's recommended modifications. Seeking further representations and potentially requiring a second independent examination would also delay the process for enabling the Plan to proceed to the next stage.

5 Consultation and feedback

5.1 The Plan has already been consulted on, including at Regulation 14 and 16 stages. If the Council decides to deviate from the Independent Examiner's recommendations, they must invite representations from those interested in the Plan and may refer the issue to independent examination. The costs arising from any further consultation/examination would need to be borne by the Borough Council.

6 Key risks

6.1 As set out in Appendix 1.

Report author:

Tracey Birkinshaw, Director of Planning and Building Control.

Appendices:

1. Risk Assessment

2. Equality Impact Assessment – Screening
3. Leckhampton with Warden Hill Neighbourhood Plan 2022-2031 Independent Examiner’s Report
4. CBC Officer Comments in Response to the Parish Council Comments and Requested Amendments Post-Examiner’s Report on the LWHNDP

Background information:

[Localism Act 2011](#)

[The Neighbourhood Planning \(General\) Regulations \(2012\) \(as amended\)](#)

[Neighbourhood Planning Protocol \(2025\)](#)

[Leckhampton with Warden Hill Neighbourhood Plan 2022 – 2031](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the Cabinet does not accept the recommended modifications of the Examiner in full, and suggest their own modifications, then the Council will need to invite further representations for at least 6 weeks and may require a second examination at a further cost to the Council	Director of Planning and Building Control	3	2	6	Avoid the risk	Close	The risk will be mitigated by the Cabinet decision	

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Tracey Birkinshaw	Service Area: Planning and Building Control
Title: Director of Planning and Building Control	Date of assessment: 27 January 2026
Signature:	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Leckhampton with Warden Hill Neighbourhood Development Plan

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:	To accept the recommended modifications of the Independent Examiner as set out in their report on the Leckhampton with Warden Hill neighbourhood plan, and for the Plan to go forward to a referendum
Objectives:	See above

Outcomes:	To go forward to a referendum in the Leckhampton with Warden Hill parish
Benefits:	The wider community within the Neighbourhood Plan area

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	No
Do you expect the impacts to be positive or negative?	No impact expected
Please provide an explanation for your answer:	
<p>The decision will only determine whether the Leckhampton with Warden Hill Neighbourhood Plan can go forward to referendum where local residents can vote in favour of the plan being made part of the development plan for the Borough. The Neighbourhood Plan can only be formally made at a full Council meeting</p>	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	