

Cheltenham Borough Council

Full Council – 22 June 2026

To formally ‘make’ the Leckhampton with Warden Hill Neighbourhood Plan 2022 – 2031

Accountable member:

Cllr Paul Baker, Cabinet Member Planning and Building Control

Accountable officer:

Tracey Birkinshaw, Director of Planning & Building Control

Ward(s) affected:

Leckhampton and Warden Hill

Key Decision: Yes

Executive summary:

Leckhampton with Warden Hill Parish Council has drafted a Neighbourhood Plan (the Plan) which they submitted to Cheltenham Borough Council (the Council) in 2023 for public consultation. Following consultation, the Plan underwent examination by an Independent Examiner in July 2025 who subsequently recommended that the Plan could go forward to a referendum subject to modifications. A ‘referendum version’ of the Plan was produced incorporating the recommended modifications made by the Examiner.

The referendum was held on 7 May 2026. In order for a neighbourhood plan to be ‘made’ (adopted) by Cheltenham Borough Council, it needs to gain approval of the majority of voters (more than 50%) in the area.

The Plan received the required majority ‘Yes’ vote, achieving 3005 ‘Yes’ votes to 464 ‘No’ votes. Therefore, a majority vote in favour for the Council to use the Plan to help decide planning applications in the designated neighbourhood area. Following the

positive result of the Referendum, the Council must 'make' the neighbourhood plan as part of the statutory Development Plan so it can be brought into legal force under Section 38A (4) of the Planning and Compulsory Purchase Act 2004.

The Council will be required to publish a decision statement after deciding to 'make' the Plan and this must be publicised on the website.

Recommendations:

1. Council is asked:

- a) To 'make' the Leckhampton with Warden Hill Neighbourhood Plan at Appendix 3, as part of Cheltenham Borough Council statutory Development Plan following the outcome of the positive referendum result;**
 - b) To delegate authority to the Director of Planning and Building Control, in agreement with the Qualifying Body (Parish Council), to correct any minor errors such as spelling, grammar, typographical formatting, and clarify policy mapping that do not materially affect the substantive content of the Plan;**
 - c) To delegate authority to the Director of Planning and Building Control, to prepare the decision statement for publication.**
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1. Implications

1.1 Financial, Property and Asset implications

This stage of the process should have no impact on the general funds for the Council.

A decision to make the Plan will ensure that the Parish Council qualifies for the increased neighbourhood share of the Community Infrastructure Levy (CIL), which increases from 15% to a full 25%.

Signed off by: Ela Jankowska – Finance Business Partner  **Date:** 04.06.2026

1.2 Legal implications

Pursuant with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (the Act 2004) (as amended), a local planning authority is required to 'make' a Neighbourhood Plan 'if more than half of those voting having voted in favour of the plan'. Section 38A(6) of the Act 2004 stipulates that a local planning authority is not to be subject to the duty under subsection 38A(4) if they consider that the making of the

plan would breach or would be otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). Officers have reviewed and raised no concerns with regard to this matter. Therefore, the Council can proceed to 'make' the Plan in compliance with the legislative requirements

Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended), prescribes the date for making a neighbourhood plan as 'the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held. As such, the Council are required to 'make' the Plan within 8 weeks from the date of the referendum (7 May 2026).

Under Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the local planning authority must produce a decision statement and publicise this together with the Plan on their website after 'making' a neighbourhood plan under section 38A(4) of the 2004 Act.

Signed off by: Alison McKane, Interim Deputy Monitoring Officer

alison.mckane@cheltenham.gov.uk

Date: 01/06/2026

1.3 Environmental and climate change implications

The plan gives consideration to local flooding, climate adaptation, sustainable transport, and green infrastructure on a local level. The positive associated co-benefits have been detailed in the Climate Impact Assessment Tool, attached as appendix 3.

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 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 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) as amended (the Regulations), were undertaken respectively by the Parish Council and the Council. In accordance with Regulation 17 of the Regulations 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 examination of the Plan concluded following receipt of the Examiner's report on 28 November 2025. The Examiner recommended to the Council that, subject to modifications, the Plan meets the basic conditions and other statutory requirements and recommended the Plan can go forward to a referendum.

2.3 Following a Cabinet meeting on 24 February 2026, the Council resolved to accept the Examiner's recommended modifications of the Plan and that the Plan can proceed to a referendum. At this meeting it was also agreed to produce a 'referendum version' of the Plan incorporating the Examiner's modifications together with consequential and other minor corrections for accuracy. Subsequently, the 'referendum version' of the Plan was published on the Council's website on 25 March 2026 together with other key important documents the Council must provide at the referendum stage.

2.4 The local referendum was held on Thursday 7 May 2026 for the entire area of the Leckhampton with Warden Hill Parish Council. Local residents within the referendum area were asked: “Do you want Cheltenham Borough Council to use the Neighbourhood Plan for Leckhampton with Warden Hill to help it decide planning applications in the neighbourhood area?.” A majority of voters (more than 50%) in the referendum area required for the Plan to be formally ‘made’ and subsequently used by the Council as the local planning authority in decision making purposes.

2.5 A total of 3586 residents participated in the referendum. Of these, 3005 residents voted in favour (Yes) of the Plan, and 464 residents voted against (No), and 117 votes was rejected. The voter turnout was 51.6%. The formal declaration of the poll result can be viewed here <https://www.cheltenham.gov.uk/about-the-council/elections-and-voting/election-results/>

2.6 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 ‘Adoption of Neighbourhood Plan or Order’ stage, it is for Council to decide whether to formally ‘make’ (adopt) the Plan and then publicise their decision together with the adopted Plan in accordance with Regulations 19 and 20 of the Regulations. In line with this and the referendum result, a decision statement in respect to the Plan will be produced.

3 Reasons for recommendations

3.1 In accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to ‘make’ the Plan given that more than 50% of those participating in the referendum poll voted in favour of the Plan. The Council is not subject to the above duty if it considers that the making of the Plan would break retained EU obligations, or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3.2 The Council has previously considered that the Plan meets the necessary basic conditions and other legal requirements, including the retained EU obligations, or any of the Convention Rights. Officers consider that there is no new evidence submitted, no new fact or a different view that has been presented following the referendum result that would warrant the Council to deviate from this.

3.3 Pursuant to the Planning and Compulsory Purchase Act 2004 (as amended) and the Regulations the Plan should be brought into full legal force, be formally ‘made’ (adopted) as part of the Development Plan for Cheltenham Borough Council and as such be used for determining planning applications in the Leckhampton with Warden Hill neighbourhood designated boundary area alongside national and other local planning policy.

3.4 By formally making the Plan as part of the Councils Development Plan, the Leckhampton with Warden Hill Parish Area will benefit from 25% of the revenue from CIL arising from the development that takes place within the neighbourhood plan area. The Plan has also enabled the Parish Council to play a much stronger role in shaping the areas in which they live and work by putting in place planning policies that will help support deliver their vision for new development.

4 Alternative options considered

4.1 There are narrow circumstances where the Council is not required to formally make the Plan if the majority of those who vote in the referendum are in favour of the Plan being made. Section 38A(6) of the Act 2004 stipulates that the Council as the local planning authority can decide not to make the Plan if they consider that it would breach or would be otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

4.2 Since the Plan was submitted to the Council for public consultation in 2023, Officers have been satisfied that the retained EU and human rights obligations have been met and note that no concerns were raised by the Independent Examiner during the Plan examination stage. For this reason, it is considered that formally making the Plan is the only realistic option available.

5 Consultation and feedback

5.1 The Plan has already been consulted on, including at Regulation 14 and 16 stages, and has therefore met the necessary statutory consultation process.

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. Climate Impact Assessment Tool
4. Leckhampton with Warden Hill Neighbourhood Plan 2022 - 2031

Background information:

[Localism Act 2011](#)

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

[The Planning and Compulsory Purchase Act 2004](#)

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

[Leckhampton with Warden Hill Neighbourhood Plan Appendix 1-3 & Annexe 1-6](#)

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
	The Council as the local planning authority has a duty to support Parish Councils in the development of neighborhood plans. If Council decide not to 'make' the Plan following the positive referendum result than it would mean that the Council would be in breach of their legal duty.	Director of Planning and Building Control	3	2	6	Avoid the risk	Close	The risk will be mitigated by the Council 'making' the Plan.	03 July 2026

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: XX XXXX 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 'make' the Leckhampton with Warden Hill Neighbourhood Plan, as part of the Councils statutory Development Plan, following the positive result of local referendum poll
Objectives:	See above

Outcomes:	To 'make' the Leckhampton with Warden Hill Neighbourhood Plan
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 be formally made as part of the development plan for the Borough following a positive referendum result where residents within the Parish area voted to approve the Plan.</p>	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should conduct 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	

Please move on to Stage 2 if required ([intranet link](#)).