



Warwickshire
County Council



Solihull
METROPOLITAN
BOROUGH COUNCIL



Coventry City Council

LOCAL ACCESS FORUM

For the attention of:

Sean O'Bryne

Planning Development Management Team
Ministry of Housing Communities and Local Government
Third Floor, Fry Building
2 Marsham Street
LONDON SW1P 4DF

11 January 2026

Dear Mr O'Bryne

This letter constitutes formal advice from the Warwickshire Solihull and Coventry Local Access Forum (WSC LAF) in relation to the Statutory Consultee Reform Consultation. The Secretary of State for Housing, Communities and Local Government is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its function.

We attach a copy of the DEFRA Guidance on Local Access Forums in England issued by the Secretary of State for Environment, Food and Rural Affairs which took effect on 19 March 2007 and remains valid today.

We, and Warwickshire County Council (WCC), the appointing local highway authority and in our case, participating local authorities, Solihull Metropolitan Borough Council (SMBC) and Coventry City Council (CCC) and all those within the area of the WSC LAF, including Warwick District Council (WDC), North Warwickshire Borough Council (NWBC), Nuneaton and Bedworth Borough Council (NBBC) and Rugby Borough Council (RBC), operate in accordance with the provisions of the CROW Act 2000 and the Local Access Forums (England) Regulations 2007.

Forum members contribute their experience and knowledge, as unpaid volunteers, for the benefit of their local communities which makes it vital that members are given the support and assistance they are entitled to, in law, to undertake their advisory role as effectively as possible.

We are statutory consultees on only a few bizarre matters which are no longer relevant. Although a statutory advisory body we are not offered Statutory or Non-Statutory Consultee status, in areas where our experience and knowledge can be used to best advantage for the benefit of local authorities in our area and the public, their taxpayers.

The passage of time and significant changes made, over consecutive years, to the National Planning Policy Framework have made the advisory role of Local Access Forums, while aiming to influence section 94(4) bodies and effectively contributing to the quality and robustness of decision-making, unwelcome.

We aim to provide independent, constructive and informed advice, which on occasions, may need to be of a cautionary, challenging or even critical nature.

Our remit includes advising on the improvement of public access to land for the purpose of open-air recreation, and the enjoyment of the area. The Interpretation Act 1978 defines 'land' to include buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land and as to other matters as may be prescribed. It also includes;

- The needs of land management
- Desirability of conserving the natural beauty of the area for which it is established, including flora and fauna and geological and physiographical features of the area and
- Guidance given from time to time by the Secretary of State and
- On access issues in respect of land use management and
- On access implications of individual planning applications
- The likely impact and options for minimising possible adverse effects of planning policies and development proposals in respect of future public access to land.

Sadly, local authorities do not recognise or accept, the value of such advice. 'Having regard' to our advice is a legal requirement but a LA does not have to accept it. Advice which influences, at an early stage in the decision-making process, before options are narrowed down, can give an early warning of a potential problem or identify a possible solution. In this way we could, if our advice was positively received and valued, be effective in saving unwanted costs to the public purse.

Our guidance suggests the advantages of a proactive approach, however, to follow this guidance we need to be notified, at an early stage, to be able to intervene with advice given from a position of experience and knowledge.

Sadly, some local authorities are openly hostile and obstructive in accepting or 'having regard' to our advice. This has resulted from an embedded culture of non-acceptance and unwillingness to stand by their legal requirements to assist and support the Forum; a failure to provide volunteer training, advertising for new members and providing an experienced willing secretary, timely publishing of supporting documents and correspondence, and basic IT needs are only some of the issues which make our work difficult and tedious; many meetings have been attended and promises made but have never been appropriately fulfilled.

Our appointing authority does, however, provide a conference room for our three-monthly meetings which includes tea and coffee refreshments, but very little else.

The Guidance suggests a '*selective approach*' will be adopted in deciding whether to include forums on the consultees list for a '*particular matter*' so as not to overburden us. We would rather be '*overburdened*' than miss responding to an important consultation. Finding out about a public consultation, up against a deadline puts us, as volunteers, in an unwelcome position especially where research and discussion is required. To miss a deadline is even more irritating.

In the Guidance to LAFs, suggesting forums should be included in a forthcoming consultation by a section 94(4) body or by Government and stating relevant advice will **always** be considered by such bodies, is sadly naïve and misplaced; it has rarely, if ever, happened. Without formal notification, especially as volunteers, it is vital we are formally considered and notified as either statutory or non-statutory consultees.

The WSC LAF has asked, formally, on numerous occasions, to be included on our local authority's Statutory or Non-Statutory Consultee Lists, without success. As volunteers we do not have the time to sift through numerous websites whether it be planning applications or other important and varied consultations. We can only be successful and effective as a statutory advisory group if we are given the support and assistance by the local authorities, as laid down in the fabric of the CROW Act 2000 and confirmed in the DEFA Guidance for Local Access Forums. We have found, over many years, that very few, if any, officers of all seniorities, have read the Guidance.

They make judgements and interpret our role purely on how they perceive our advice will compromise agendas. They do not want to be advised or informed on any issue which may be '*difficult*' to accept and which requires answering detailed questions or justifying flawed premises.

The Guidance is clear in stating, forums will often advise on matters where public access is

just one of a number of considerations and perhaps not the most important consideration. Even if the advice is not followed it will have served a useful purpose and will have ensured that any final decision was properly informed and helped the decision-maker address any adverse consequences arising from the decision.

Our experience paints a different picture. We feel strongly if statutory advisory bodies, like the WSC LAF are not accepted either as a statutory or non-statutory consultee and consulted at the earliest possible time in any process, decision-making will suffer increasingly from widespread failures to follow due process, the constitution and codes of conduct.

CIPFA and Solace published 'Delivering Good Governance in Local Government: Framework – Addendum, covering the annual review of governance and the annual governance statement in May 2025. We attach a copy to our covering email for information.

Given our disappointing experiences while attempting to formally advise local authorities over many years, the contents of the above Addendum, although deeply concerning, does not surprise.

We quote from page 6:

"Unfortunately, governance has not been fit for purpose in all authorities. Governance reviews following Section 114 reports and reports in the public interest or other interventions, have highlighted governance weaknesses as well as financial concerns. Although not present in every case the following have been noted.

- *A culture that allows for widespread failure to follow due process, the constitution and codes of conduct*
- *Leadership that has lost sight of an authority's role and function as a leader of place and provider or enabler of services*
- *Poor understanding of risk or inadequate management of risks*
- *Weaknesses in internal controls*
- *Weak oversight and challenge from those charged with governance*
- *Dysfunctional relationships between senior officers and members*
- *Reduced capacity and/or capability in critical areas*
- *Poor data quality or flawed information used in decision-making*
- *Limited oversight of arm's length arrangements such as trading companies and joint ventures through a failure to put in place appropriate governance, risk and control arrangements*
- *A lack of self-assessment and commitment to continue improvement*
- *A lack of transparency and/or openness to external challenge".*

We also quote from page 5:

"The quality of governance arrangements is of paramount importance to enable authorities to make decisions with high-quality information and with a good understanding of risk. Robust and trusted decisions are built from engagement with communities and stakeholders and with a focus on public interest. In addition, they need confidence that their governance supports the effective implementation of those decisions and that they have sufficient assurance to inform their understanding. Ensuring adequate capacity, capability and leadership are fundamental, together with focus on long-term planning rather than short-term fixes. In short, all seven principles of the Governance Framework must be fit for purpose".

The WSC LAF has been advising on two long running planning applications, one for 5+ years and another since early 2023, both have gone through poorly conducted public consultations, planning refusals, calling-in and withdrawal, only to be resubmitted. The longest running approved, at appeal, in 2021, although several reincarnations of the application had taken place between then and now. The historic approval has recently been sold to a third-party builder who has set about applying to vary every previous Condition including two put in place to mitigate road safety issues caused by a single access and egress route through an existing estate before crossing a bridleway and public footpath; the

only access to the site for ALL traffic. The second, a solar farm on Green Belt productive agricultural land in UK food production was refused in 2024 and resubmitted in 2025 with only minor changes. It was recently approved by the Local Authority who is the landowner, landlord, decision maker and in a partnership with the energy provider. No independent trigger was initiated in spite of obvious pecuniary and non-pecuniary conflicts of interest and clear perceptions of pre-determination and bias appearing in various council reports. A cross-boundary associated application awaits determination in early in 2026.

After too many years, both of the above applications still await a final planning conclusion.

The decision notice for the recent 2025 approval, published two days ago, runs to 46 Conditions, all of which involve important issues which should have been resolved at consultation and/or within reports and technical documents published, by the developer, within the re-submitted application. Furthermore, no evidence has been submitted which confirms a National Grid connection exists. We believe this is planning lunacy and shows local planning authorities and developers putting the proverbial cart before the planning horse.

All the issues, now in Condition format, were drawn to the attention of the local planning authority by affected local residents, statutory consultees, objectors, interested parties and local councillors, during the public consultation, in formal objections or in deputations given at committee. We now live in hope that common sense will prevail and the adjacent local authority will accept formal advice to refuse the irrevocably flawed application with embedded serious conflicts of interest supported by a lack of risk management and assessment.

Any downgrading of the Statutory Consultees Referrals will only add to already compromised planning due process which is responsible for eye watering losses to the public purse. The longest running application referred to above was approved at appeal with the planning inspector also awarding costs against the local planning authority for 'unreasonable behaviour'. The cost to the public purse of over 100K on top of all the other associated costs were paid by the taxpayer during 5+ years of questionable planning due process and is ongoing in 2026.

We attach a copy of our recent deputation before the Planning Committee (recorded and archived), where the application was approved 7 to 1. As it is a cross-border application so we will do it all again before the adjacent Council when it comes before the Planning Committee, in due course.

A root and branch Review and Reform of Planning Due Process is long overdue with applications constantly coming before Planning Committees with vital omissions, critical inaccuracies and unanswered questions persisting. NEW technical drawings and information with potential cumulative safety repercussions, NEVER seen before, were presented during the planning committee meeting referred to above.

At committee the application remained a purely conceptual, financially speculative application; previously refused in 2024 and resubmitted with few, if any, material changes and no special or exceptional circumstances demonstrated; no lessons had been learnt but, in spite of all of the above, approval was granted.

Some applications come before the planning committee for determination but many are sadly decided using delegated powers. Too many remain conceptual and purely financially speculative. Without substantial changes in policy to prevent manipulation and unsound interpretation of policy, planning due process, will remain seriously flawed at continuing unacceptable cost to the public purse.

We ask and advise the Secretary of State, the Minister and the Planning Development Management Team to think again before reducing the numbers of statutory consultee referrals. We also formally advise giving serious consideration to adding Local Access Forums to the Statutory or Non-Statutory Consultee Referrals List for the reasons as stated and described above. Removing statutory consultee referrals only adds exponentially to the lack of professional, knowledgeable and independent comment within consultation responses where inaccuracies, omissions and anomalies exist and can be identified leaving

due process wide open to unsound delegated decision making which will only exacerbate the already unwanted public perceptions of incompetent and questionable planning decision-making.

We also ask you to ensure that independent professional training is sourced, available and mandatory for all councillors and particularly members of local authority planning committees to prevent flawed determination by councillors who think it enough to quote, 'parrot-fashion' in meetings 'that as yet they haven't made up their minds' which gives a perception of 'orchestrated responses'. We refer you again to the CIPFA and SOLACE *'Delivering Good Governance in Local Government: Framework – Addendum, covering the annual review of governance and the annual governance statement published in May 2025.*

We were disappointed not to see Local Access Forums named in your consultation and also surprised not to see other organisations, including the British Horse Society, the Open Spaces Society and the Ramblers Association also omitted as all provide informed and knowledgeable consultation responses, when and if consulted.

We came across this consultation by luck and would have been annoyed to miss giving our statutory advice to the Secretary of State and the Review.

Question 33 – we strongly advise the Government to consider expanding the criteria to accept new statutory and non-statutory consultees.

We do not believe that reviewing NPPF Policy on, what appears to be an annual basis, mitigates the issues surrounding unsound due process and, therefore, the costly extended timelines in planning decision-making; neither does it help to reduce the overwhelming costs to the public purse. Flawed interpretation and manipulation of NPPF Policy to suit developers' preferred outcomes has become a 'cost cow' for agents and developers alike at the expense of the public purse, adversely affected residents and sound and timely decision-making. Increasing financial profit is what it is all about for developers and often local authorities with commercial interests. Sight has been lost on what unsound decision-making, purely for profit and NOT for Net-Zero and mitigation of the climate emergency, is having on the environment, biodiversity and UK food production. There is little, if anything altruistic about unsound decision-making for profit.

The Warwickshire Solihull and Coventry Local Access Forum, in relation to experience learnt the hard way, do not agree with many of the review proposals.

We respectfully ask and advise that NO moratorium is placed on the creation of new statutory consultees.

We do, however, agree that there must be sufficient funding and organisational capacity and competence to ensure that organisations, including planning authorities, can respond within deadlines in all cases.

In discarding/reducing input from substantial numbers of statutory consultee, you will remove the only independently sourced comment from those with special insights into their particular fields of expertise and, most importantly, those with no conflicts of interest.

We believe that ongoing **independent** professional training for local authority councillors and the employment of competent and experienced officers should be a priority. Working from home has directly and negatively affected the capacity for shared experience and, therefore, the capability for professional growth and sound decision-making. A lack of openness and transparency has become an embedded culture. Local Authorities are accountable to the public and other stakeholders for ensuring they have a sound system of governance in place.

We quote again from 'Delivering Good Governance' and respectfully ask that if you only read and understand the serious message delivered in this document, our response will have been worthwhile.

"The quality of governance arrangements is of paramount importance to enable authorities to make decisions with high quality information and with a good understanding of risk.

Robust and trusted decisions are built from engagement with communities and stakeholders and with a focus on public interest. They need confidence that their governance supports the effective implementation of those decisions and that they have sufficient assurance to inform their understanding. Ensuring adequate capacity, capability and leadership".

We regret not having had more time to respond to the consultation but hope, in referring you to our unwelcome experiences they are used to ensure changes in policy provide robust and positive reform.

We request an acknowledgement of receipt; if we can be of any further assistance, please do not hesitate to contact us using the details below.

Yours sincerely

A handwritten signature in black ink that reads "Sheila Cooper". The signature is fluid and cursive, with a large, sweeping initial 'S' and 'C'.

Sheila Cooper

Acting Chair of the Warwickshire Solihull and Coventry Local Access Forum

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