



# LOCAL ACCESS FORUM

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**Planning Committee Meeting 29 July 2025**

**W/25/0778**

Following our objection to the above application we are formally exercising our statutory advisory duty and function to advise the Council they need to withdraw the application or approve with only the minor variation of Condition 1.

The attempt to approve, by stealth, a **NEW MATERIAL**, major technical construction: a raw sewage pumping station, groundworks, infrastructure, power cabinets and connection to an existing sewer within a flood zone with increasingly prolonged flooding episodes, without a **NEW** application, supporting documents, design statements, assessments and safety reports on the possibility of unlawful discharges of raw sewage into the sensitive habitats of Whitnash Brook, without a public consultation, is shameful and undemocratic.

Only applications for minor changes to existing conditions can be submitted for variation.

Local authorities are required to publicly consult with residents and stakeholders ensuring all have an opportunity to comment on **NEW** planning proposals. Ignoring regulations by 'inserting' a **NEW** technical material change, with the potential for negative impacts into an application to vary minor conditions can risk legal challenge.

The officer recommendation clearly states the application seeks variation of Condition 1 relating to house types and minor alterations to facilitate changes.

The section attempting to justify the material NEW addition of the pumping station, infrastructure and sewer connection clearly states and we quote:

**‘Whilst officers note that there was NOT AN IDENTIFIED pumping station on the earlier approved scheme due to the levels changes, a pumping station would have been necessary’**

The pumping station and substantial infrastructure was introduced, by stealth, at the bottom of page 19 of 22.

The excuse given as ‘the fall on the site’ is untrue as the following confirms:

***Officer Recommendation to Committee: 16 April 2024 - W/13/1746 - page 2***

***“The site is predominately flat with no significant change in levels”***

This was inaccurate and disproved by an historic report produced by A C LLOYD showing the fall on the site. We quote:

***Flood and Risk Assessment and Drainage Strategy - A C LLOYD -Project Reference: 040060***

***2.3 Site Levels: A topographical survey has been carried out. The area slopes gently down to the south and southeast from around 68m AOD to 56.5m AOD over the length of the site, the lowest point being adjacent the watercourse to the southeast of the site. It is proposed that post development site levels will remain broadly the same as existing.***

This statement is unequivocal the pumping station is a NEW major material construction and requires an application and legally required public consultation.

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**I tried to raise this Point of Order but was shut down by the Chairman.**

Point of Order:

The Warwickshire Solihull and Coventry Local Access Forum are exercising their right to raise a point of order as we believe application W/ 25/0778, in its present form and with officers recommendation for approval, is in breach of planning law.

Section 73 of the Town and Country Planning Act 1990 allows applications to vary or remove minor conditions attached to an existing planning approval. It is not, however, intended to allow for substantial NEW material technical and construction changes, with potentially wider negative impacts, to be approved without a new planning application and public consultation.

A Section 73 application is not designed to introduce fundamentally new elements without scrutiny and comments raised during public consultation.

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**Second Point of Order:**

**I did not raise this Point of Order**

The officer's attempt to discredit the WSC LAF's objection is a direct accusation of wrongdoing. It is dangerous to quote from a document one has clearly not read in its entirety; (The DEFRA Guidance for Local Access Forums is available for inspection by anyone who asks for a copy).

The remit of Forums is wide ranging and comprehensive. This includes all public rights of way, including bridleways, public footpaths, lanes, roads and highways.

Forums can also advise the Secretaries of State of all Government Departments, and executive bodies such as the Planning Inspectorate and the Highways Agency.

Forums can formally advise any County, Unitary, District or Borough Council within the area of the forum.

Forums can advise on public access to land in the area 'for any lawful purpose'. The term land is not defined in the CROW Act so the definition in the Interpretation Act 1978 applies. This stipulates that land includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land.

Section 94(6) of the Countryside and Rights of Way Act 2000 requires forums to have regard to:

- the needs of land management
- Desirability of conserving the natural beauty of the area for which it is established including the flora, fauna and geological and physiographical features of the area
- Guidance given from time to time by the Sec. of State
- Forums may advise local authorities and National Park Authorities on access issues in respect of land use in planning matters.
- Forums can give advice on the recreational and access implications of individual planning applications.

The false accusations, made in writing and published, that the WSC LAF, a statutory advisory body, is in breach of its function, role, duty and remit is unacceptable. The false accusations bring into question the integrity and reputation of the LAF and require an urgent, formal written and published apology.

The unwelcome and unwanted actions of Warwick District Council will be referred to the Head of Legal Services in Warwickshire County Council, as a formal complaint.

