

## Jacki Morris

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**From:** Sheila Cooper <sheila.ann.cooper41@gmail.com>  
**Sent:** 19 March 2026 19:50  
**To:** psc-waterquality@environment-agency.gov.uk  
**Cc:** Local Access Forum  
**Subject:** Application Reference: EPR/BP3720MH/A001  
**Attachments:** Pollution 14 Feb 2026 (1).jpg; W\_25\_1678-DOC\_25\_0051\_Condition\_15-1960603.png; EPR/BP3720MH/A001 (871 KB); Fwd: EPR/BP3720MH/A001 (893 KB); Deputation before Warwick District Council for GEORGE.docx; W\_25\_0778-Warwickshire\_Solihull\_and\_Coventry\_Local\_Access\_Forum-\_Sheila\_Cooper-1879963.pdf; Deputation to WDC Planning Committee 04 November 2025.pdf; Warwick District Council Planning Committee Meeting Tuesday 29 July 2025 \_ W\_25\_0778.docx.pdf; WSC LAF OBJECTION\_Reserved Matters Variation of Conditions Chesterton Gardens WD\_25\_0778\_18\_7\_25.docx (2).pdf



# LOCAL ACCESS FORUM

**18 March 2026**

**For the Urgent information of the Environment Agency:**

**Regulated facility type**

Sewage Treatment plant

**Regulated facility address**

Priors Meadow  
Common Road  
Leamington Spa  
CV31 1AY

**National grid reference discharge point**

SP 33365 63644

**Receiving environment**

Whitnash Brook

**Effluent type**

Trade site drainage

**Volume**

2,462 Cubic metres per day

**To Whom It May Concern**

Further to our Statutory Advice and Recommendation, dated 02 March 2026, for **REFUSAL** of the above application **Reference: EPR/BP3720MH/A001** - we wish to further enforce the reasons for our **OBJECTION** and recommendation to **REFUSE** the application for all the reasons stated previously and within this additional advisory communication.

We appreciate the extension to the deadline and are, therefore, reinforcing our weighty statutory advice to **REFUSE** the application for all the reasons as stated in our previous **OBJECTION**, within the Additional advice below and in the attached documents which include our **Objection** to Warwick District Council (WDC), dated **18 July 2025** on application **W/25/0778** which is self explanatory and our **DEPUTATION** on the same application **W/25/0778 (W/23/1766 - W/20/0617 - W/25/1678)** before the WDC Planning Committee held in the Town Hall Leamington Spa on 29 July 2025. Although approved by the Council, the Decision Notice on Variation 1 (which clearly included the addition, by **STEALTH** or '**DROPPING-IN**' of the Sewage Pumping Station actually admitted by an officer to be a **NEW** addition to the application), failed to actually name the Pumping Station 'as approved' only mentioning it, 'in passing' in a reference to 'landscaping around the pumping station'.

However, the **Sewage Treatment Plant** is referred to in the EA application: **Regulated facility type: Sewage Treatment plant** - but the Effluent is only named as **Trade Site Drainage** which does not accurately equate to the indicated daily volume of **2,462 Cubic Metres**.

**There was no democratic open and transparent Disclosure and, therefore, NO Public or Statutory Consultee Consultation and scrutiny on the Sewage Pumping Station as is required in planning law for a NEW MAJOR MATERIAL addition to an existing approval. Neither do we believe there has, therefore, been any formal consultations with Severn Trent on the viability and safety of such a proposal.**

**The Warwickshire Solihull and Coventry Local Access Forum are writing again to reinforce their previous weighty OBJECTION to:**

**EA Application: EPR/BP3720MH/A001.**

We further exercise our statutory advisory function to strongly **OBJECT and RECOMMEND REFUSAL of the above application** for an Environmental Permit from Bellway Homes Ltd on development land, in construction, at the address named above, **formerly known as Land South of Chester Gardens, Whitnash, Leamington Spa.**

We believe manipulation of planning due process and especially Sec 73 applications has resulted in where we are today. Additions of Major Material Additions, using section 73, applications to vary conditions, without scrutiny during Public and Statutory Consultee Consultation is legally required within NEW applications for any **MAJOR Addition. Failure to comply with planning law** leaves the Planning Authority wide open to legal challenge.

WDC as the Planning Authority consistently denied an Environmental Impact Assessment was required although an EIA has, on several occasions, been referred to in public documents. This has constantly proved to be a decision which has compromised fair and reasonable decision-making, as have, Secretary of State refusals to call-in certain applications for scrutiny on Land South of Chesterton Gardens.

Our correspondence on the proposed development on Land South of Chesterton Gardens is long and complicated and although only a tiny proportion is attached it requires reading to understand the difficulties which have negatively and cumulatively impacted Whitnash Brook, the Nature Reserve and the protected and irreplaceable habitats, ecosystems, ecology and biodiversity of the site which is situated in a flood zone and which is now the subject of increased, intensive episodes of flooding from intensification of weather events due to the effects of the Climate Change Emergency.

Furthermore, the failure to submit a NEW Planning Application for the Sewage Pumping Facility ensures significant and cumulative safety implications surrounding the sewage pumping station adjacent to public allotments, have not been appropriately and publicly scrutinised. The proposed radical changes to the design of the surface and sewage drainage system on the site has increased the need for a disproportionate number of internal 'roads' for access and maintenance which together with the need for access to the allotments seriously affects the safety of the users of the public recreational amenities and traffic dangerously close to a children's play area with possible catastrophic repercussions. The children's playground is ALSO dangerously and stupidly close to the proposed **DEEP and WET SUDS** and proposed outfall for the proposed foul water and trade effluent **DISCHARGES of 2,462 Cubic Metres each day** into Whitnash Brook which is close to the Nature Reserve, public footpaths network and bridleway which ALL form part of the recreational access green amenity for local residents and **ALL USERS** of the Public Rights of Way.

The CLEAR AND OBVIOUSLY huge dangers to the Health, Safety and Wellbeing of local residents and **ESPECIALLY YOUNG CHILDREN** who play in and around the immediate area of the proposed DISCHARGE OUTFALL, Whitnash Brook and the wider recreational area, cannot and should not be lost on the Environment Agency as they debate their decision.

Warwick District Council additionally failed to publicly **DISCLOSE** the submission of Ballway's application to the Environment Agency for a PERMIT to daily discharge **2,462 Cubic Metres of 'Trade EFFLUENT'** into Whitnash Brook. Although the Application describes the SITE as a **REGULATED FACILITY 'SEWAGE TREATMENT PLANT'**, neither the negatively affected Local Residents nor Members of the Public and Statutory Consultees were given the legally required notification or awarded the expected duty of care from the Local Authority and given details of the **PUBLIC CONSULTATION** and, more especially, the deadline for **OBJECTIONS**. We found out about the application purely by chance.

**We believe there should have been a Joint Fair and Reasonable DUTY of CARE between WDC, as the Planning Authority and the Environment Agency, to inform locally affected residents, other interested parties and importantly Statutory Consultees of the application and consultation deadline. We believe, therefore, the Local Authority breached its duty of care when failing to appropriately notify ALL previous objectors of the submission of an EA Permit application.**

This is something, Warwick District Council have failed to accept or recognise as a Fair and Reasonable expectation by their locally affected residents and taxpayers.

Warwick District Council's approval by STEALTH or 'DROPPED-IN' inclusion of a MAJOR MATERIAL ADDITION into a section 73 application for the MINOR variation of Conditions 1 of application W/25/0778 (W/23/1766 - W/23/1746 - W/20/0617 - W/25/1678) as referred to above. This breach of planning law, we believe, has resulted in ALL of the above. In addition, the Council also approved RELOCATION of the Sewage Pumping Station using Delegated Powers and again without public and statutory consultee consultation.

NO DECISION to approve a Major Planning Application without public and statutory Consultee consultation and, therefore, scrutiny can be deemed legal leaving the Planning Authority wide open to legal challenge. By-Passing or manipulating DEMOCRATIC PROCESSES is unlawful especially where officer recommendations apply 'significant pressure' on planning committees based on purely financial considerations by referencing the impact the outcome of a decision may have, on Council finances if the decision is REFUSED. We believe this amounts to predetermining a decision based purely on the financial implications of the decision outcome; predetermination/bias is also unlawful and also leaves any such decision wide open to legal challenge.

**Archived Recording of Planning Committee Meeting 10 March 2026 Directed at Members. Towards the end of the meeting under appeal and enforcement decisions; passage cut and pasted below.**

List of Current Planning, Enforcement and Tree Appeals March 2026

*Headline: 1 April 2025 – 9 March 2026: Proportion of Planning Appeals allowed contrary to WDC Decision: 43% (23 out of 53 decisions received – 2 of those appeals were part allowed, and part dismissed). Performance on Quality of Decision Making: This is measured by the government as the number of appeals allowed for major developments as a proportion of the total number of major decisions made. If the proportion exceeds 10%, Councils are at risk of being taken into Special Measures. For the period 1 April 2023 – 31 March 2025, based upon which the government will shortly be considering whether there are any Council's which should be placed in Special Measures, Officers calculate that 8% of major planning decisions were allowed on appeal. However, the initial DCLG assessment is higher, potentially putting the Council at risk, and further clarification is being sought in that regard. For the current period 1 April 2025 – present, out of 25 decisions on major applications, there have been 6 refusals of planning permission - 3 of which were decisions made by Planning Committee contrary to the Officer recommendation. One of those decisions is currently at appeal, however the remaining cases may also yet be subject to an appeal. In addition, 1 appeal against non-determination has been allowed. Therefore currently, for this period, the number of major planning decisions allowed as a proportion of the decisions made is 4%, however dependant on the outcome of any appeals, that proportion could increase".*

Whitnash Brook is already showing serious signs of distress; we attach a photograph which clearly confirms this.

In exercising our statutory advisory duty and function the Warwickshire Solihull and Coventry Local Access Forum advise and recommend that the Environment Agency **REFUSE** the application. We ask them to seriously consider the cumulative negative environmental impacts the discharge of such vast amounts of toxic effluent from the site will have. The toxicity and chemical components of the trade effluent and foul water discharges we can only guess at due to the lack of public notification and consultation to enable experienced and knowledgeable scientific reporting which would have provided answers to vital questions. The failure to notify ALL previous objectors and Statutory Consultees and other interested parties is unprincipled. The negative and cumulative impacts on sensitive ecologically rich habitats surrounding a protected local watercourse, already under increased stress from intensification and more prolonged flooding events caused by the effects of the climate emergency, are a disaster waiting to happen; the negative impacts environmentally

downstream in the Rivers Leam and Avon are equally concerning and will only add to the already adverse impacts observed during prolonged flooding events in the wider area.

Common sense tells us that where a large housing development is concerned the sewage and surface drainage infrastructure should be designed and constructed as one of the first major constructions on site to ensure the issues recently observed during unlawful approval of a 'Dropped-In' Major Material Addition, the Sewage Pumping Facility, into an already approved application, without a legally required NEW application and, therefore, without consultation or scrutiny, is a recipe for disaster.

Please do not allow failures in planning due process to cause disastrous consequences for the local natural environment, Whitnash Brook, the Nature Reserve and recreational access amenities for existing and future residents and ALL users of the Public Rights of Way network on Land South of Chesterton Gardens.

Please REFUSE the above application for an Environment Agency Permit to prevent the discharge of vast amounts of polluted foul waste water and toxic trade effluent into a sensitive protected local watercourse and recreational amenity and to prevent irreparable and preventable damage to irreplaceable habitats, ecosystems, ecology and biodiversity and those downstream in two significant local rivers.

REFUSAL of the Environment Agency Permit will allow the scrutiny and investigation of planning due process surrounding the development including causation.

The WHO, WHY and HOW this situation has arisen after 5 years of proposed development decision-making under Warwick District Council, as the Planning Authority's, Watch and A C Lloyd and latterly Bellways as professional developers. How has the clearly grossly inadequate provision of sewage, surface drainage and site trade effluent disposal been allowed to go undetected after so long?

The clear and obvious catastrophic dangers of the proposal to discharge 2.462 Cubic metres of polluted toxic trade effluent and foul sewage effluent into the sensitive and protected Whitnash Brook, the Nature Reserve, adjacent to Public Rights of Way including footpaths and a bridleway and the surrounding wider recreational green amenities adjacent to public allotments and a children's play area is unconscionable.

Forensic scrutiny of the planning history of proposed development on Land South of Chesterton Gardens is crucial to learn from historic mistakes.

We repeat the unwelcome and unwanted cost to the public purse to date is eye watering and ongoing within a financial climate where every penny spent should be questioned to ensure it is well spent.

The applications referred to in this OBJECTION referenced below only form a small number of the total numbers of applications, appeals, withdrawals and Call-Ins attached to the development:

W/20/0617 - W/23/1766 and W/231746 - W/25/0778 - W/25/1678

The long term negative and debilitating effects on residents and users of the multi-user recreational access Public Rights of Way will continue to affect the health, safety and wellbeing of ALL existing residents and those in the wider community; they are the ultimate losers. They have lived stoically alongside the unwanted and unwelcome safety issues surrounding construction upheaval caused by the SINGLE access route through local roads and the existing narrow estate roads to enter the site

down an existing cul-de-sac to finally cross the active and much used multi-user bridleway and public footpath into the development. The disruption to the safe use of the multi-user recreational public right of way/bridleway has been immense. With the adverse implications of the Environment Agency issuing a Permit for the discharge of vast amounts of polluted toxic trade and foul water waste into one of the most appreciated and irreplaceable protected areas Whitnash Brook, the Nature Reserve and other much enjoyed green sites together with the probable massive adverse repercussions to the ecology and biodiversity they have come to love and enjoy, is the FINAL BLOW. Any failure to acknowledge the proposed discharge of 2,462 Cubic metres of liquid toxic pollutants each day into a FLOOD ZONE experiencing increasingly frequent episodes of prolonged flooding would only add to the lunacy of the proposal.

The failure of Warwick District Council, as the Planning Authority, to NOTIFY locally affected residents and ALL previous OBJECTORS, other interested parties and Statutory Consultees, of the application, the proposal and the consultation deadline, has been reprehensible.

The Warwickshire Solihull and Coventry Local Access Forum respectfully ask the Environment Agency to **REFUSE** application: **EPR/BP3720MH/A001** for all the weighty material environmental considerations catalogued above.

A formal acknowledgement of receipt of this **OBJECTION** is requested. We ask to be kept apprised of the passage of the application through due process and also to be notified of the Environment Agency DECISION as soon as possible.

Yours faithfully

A handwritten signature in black ink that reads "Sheila Cooper". The signature is written in a cursive style with a large, decorative initial 'S'.

**Sheila Cooper**

Planning Representative Warwickshire Solihull and Coventry Local Access Forum

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