

Sustainable Drainage Strategy Update

Appeal Inquiry – APP/B1930/W/24/3338501

Bricket Wood Sports and Country Club, Paintball Site and Bricket Lodge, Lye Lane, St Albans AL2 3TF

Outline application (access sought) for the demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

Background

1. The Outline Application was informed by a Flood Risk Assessment (FRA) (CD 1.8) and Sustainable Drainage System (SDS) (CD 1.9) by GeoSmart.

2. Under “summary of discharge routes”, the SDS stated (CD 1.9 [p.2]):

“OS mapping indicates that there is a drainage ditch approximately 260 m north-west of the Site, and consequently discharge to surface water feature is proposed for the Site, subject to confirmation of the capacity and connectivity of the watercourse and agreement from local landowners.”

3. Under Section 7 “Run-off Destination”, the SDS stated (CD 1.9 [p.29]):

“A drainage ditch is located approximately 80 m south of the southern boundary of the Site. However, as the drainage ditch is located to the south of the M25, discharging surface water runoff to this feature would require drainage pipework to cross the highway. Therefore, discharge into this feature should not be considered”.

4. However, on 19th June 2024, I was informed that when the cricket pitch was laid in the 1960’s a formal drainage system was introduced which drained eastwards to the River Ver. This information was brought to the attention of the Inspector and Council at the earliest opportunity. On 20th June, Inspector Coyne allowed the Appellant two weeks (to 5th July) to examine the veracity of this claim and the potential to inform the SDS. Hertfordshire County Council, as the LLFA, would then have a further 2 weeks (19th July) to respond.
5. An on-site survey was carried out by SDP Surveys on 26th June and the presence, routes and nature of three ditches were subsequently set out in a Drainage Ditch Survey Plan submitted to GeoSmart on 28th June.
6. Enquiries were made to St Albans Council for details of planning applications from the 1960s relating to the former cricket ground on Lye Lane. However, following extensive searching by Officers it was agreed that no records could be located.

The potential route to the River Ver

7. The Survey provided compelling evidence to support the claim that an historic drainage system existed expressly to drain water from the Appeal Site to the watercourse on Park Street Lane and from there to Hansard Brook and the River Ver (see Fig. 1 below)

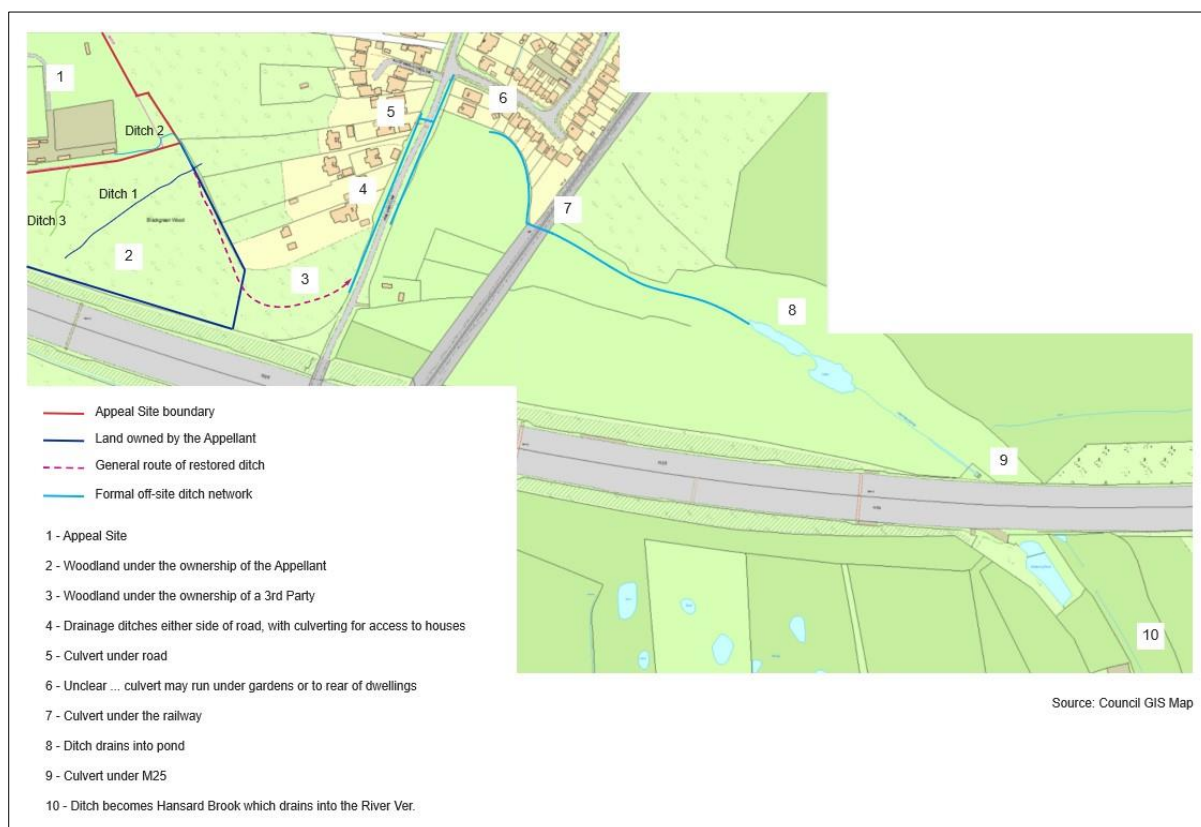


Fig. 1 – the potential drainage route to the River Ver if the ditch network is restored.

8. However, it is equally clear that the drainage system has not been maintained. The catchpit close to the Appeal Site boundary was filled with mud, so that water backed up and pooled to cause localised flooding. This blockage has clearly created the bog that exists today. It is also reasonable to conclude that it has led to the ditch network drying up to the point of ineffectiveness towards the south of the woodland and the claimed link to Park Street Lane.
9. Instead of, as has been suggested, continuing south along the eastern boundary of the woodland and then east to Park Street Lane, what limited water that may occasionally flow today along Ditches 1 and 2 appears to have found a new route into the rear garden of 222a Park Street Lane. This change of flow appears to have been exacerbated by the lack of

maintenance of the original network and the re-engineering of land along the rear boundaries of the residential curtilages.

10. The repair of the pipe network on the Appeal Site, the restoration of the catchpit and the reinstatement of the ditch system has the potential to, once again, drain water to the watercourse on highways land along Park Street Lane.
11. Like the watercourses along either side of Lye Lane, the culverted watercourses along Park Street Lane do not feature on the Council's GIS Map. However, they are more substantial than those on Lye Lane and include numerous culverts for access to houses and beneath land under the control of Hertfordshire County Council as the highways authority – see Photos 1 – 4 below):



Photo 1 – western side of Park Street Lane by the “Welcome to Park Street” picket gates, looking southwards. Whilst, because of its overgrown nature, the drainage ditch is unclear from this photograph, on the ground its presence is obvious.



Photo 2 – culverting on western side of Park Street Lane



Photo 3 – culverting on western side of Park Street Lane



Photo 4 – culverting on eastern side of Park Street Lane approaching Maplefield to the north

12. The precise route of drainage from Park Street Lane via Maplefield to the culvert under the Abbey Line railway is unclear (see item 6 in Fig. 1 above). However, the route from the railway line to the culvert under the M25 and from there into Hansard Brook and the River Ver appears obvious.

Issues on Park Street Lane

13. As can be seen from Photos 1-4, some parts of the ditches on Park Street Lane are overgrown and in need of clearing and ongoing maintenance. Further, it was noted that a storm drain on the western side of Park Street Lane was completely blocked (See Photo 5 below).



Photo 5 – Blocked storm drain on Park Street Lane

14. In the time available it was not possible to survey the precise route, nature and efficacy of the drainage system from Park Street Lane to the River Ver. However, it is important to note that the Inquiry has already been presented with evidence of flood risk in the area.

Flood Risk in the Area

15. Fig 2.3 of Ms Waters' Proof of Evidence (CD 9.3 [p.8]), is reproduced below (as Fig. 2)



Fig. 2 – Figure 2.3 from Ms Waters’ Proof (CD 9.3)

16. The Long-Term Flood Risk Map illustrates three things of note:

- (i) Low-risk of flooding at the south-east corner of the Appeal Site, which is likely to be a result of the blocked catchpit (see paragraph 8 above and paragraph 11 & Photo 3 of the “Survey of Blackgreen Wood”);
- (ii) Low-risk of flooding from the woodland into the rear gardens of houses on Park Street Lane, which may be a result of the historic drainage system no longer working effectively; and
- (iii) High-risk of flooding on the junction of Park Street Lane and Maplefield, where the precise route and nature of the culverting is unclear within a context of poorly maintained ditches and blocked storm drains (see paragraphs 13-14 above).

17. Further investigation of the drainage network on Park Street Lane and beyond to demonstrate its suitability is required, which is considered to be covered by (current) Condition 18 of the Proposed Conditions.

Ancient Woodland

18. Most of Blackgreen Wood north of the M25 is under the control of the Appellant and is currently used for paintballing. Consequently, numerous buildings, bridges, nets, defence

works and ditches can be seen throughout the Ancient Woodland and Local Wildlife Site (see Photos 6-8 below).



Photo 6 – paintballing paraphernalia within Blackgreen Wood



Photo 7 - paintballing paraphernalia within Blackgreen Wood



Photo 8 – paintballing paraphernalia within Blackgreen Wood, including a bridge over one of the ditches

19. Blackgreen Wood is subject to statutory protection by a TPO (Ref: 1666). Government Guidance¹ instructs decision-makers that they should only approve sustainable drainage schemes in Ancient Woodlands if:
- they do not affect root protection areas
 - any change to the water table does not negatively affect ancient woodland or ancient and veteran trees
20. However, the circumstances that apply here support the restoration of the 1960s' sustainable drainage scheme because:
- (i) First, the sustainable drainage scheme is not being introduced to the Site, it already exists but has clearly become ineffective through lack of maintenance over the decades;
 - (ii) Secondly, the blocked catchpit has led to localised flooding and the creation of a bog where none should exist;
 - (iii) Thirdly, the lack of maintenance appears to have led to the creation of a new ditch – and potential flood risk – into the rear garden of 222a Park Street Lane; and
 - (iv) Fourthly, rather than “*negatively affect*” the Ancient Woodland, if the Appeal is allowed (in part because of the reasonable prospect of a suitable SDS), the removal of the paintballing activities and associated paraphernalia² will have a significant positive impact on the Ancient Woodland and Local Wildlife Site.

Third Party Land

21. The part of the Blackgreen Wood that sits between 228 Park Street Lane and the M25 is under the ownership of a third party (Item 3 in Fig. 1 above) and, so, an appropriate legal agreement will be required to restore the final 90 metres or so of the ditch network before it enters the formal watercourse on Park Street Lane.

¹ “Ancient woodland, ancient trees and veteran trees: advice for making planning decisions”

² Assured through a covenant in the Section 106

22. Importantly, one of the intentions of the restoration of the ditches will be to cease the flow of water into the rear gardens of 222a Park Street Lane and its neighbours.

GeoSmart’s Sustainable Drainage Strategy update, July 2024

23. GeoSmart were provided with SDP’s Drainage Ditch Survey, details of the survey, details of the local context from the Council’s GIS map, and photographs of the Site and along Park Street Lane.
24. As a consequence, and within the limited time available, GeoSmart chose to update its Sustainable Drainage Strategy (CD 1.9, February 2022). The front-page recommendation for surface water remains “Discharge to watercourse” but the text expressly references the potential of an alternative discharge solution:

“A potential discharge route from the drainage ditches to the watercourse on Park Street Lane has been provided in Appendix E, following remedial works and confirmation from third party landowners.”

25. Further, the revised SDA now includes the following on page 3:

“However, surveying of drainage ditches in the area (SDP Surveys, 2024; Appendix D) has found a number of drainage ditches within the vicinity of the Site which may be suitable for discharge, potentially into the watercourse on Park Street Lane before connecting to the River Ver. It is noted that the current ditches are overgrown and are in poor condition and remediation of the existing drainage ditches is recommended prior to discharge. A potential discharge map to the River Ver can be found in Appendix E.”

Conclusion

26. It is clear that a drainage system had been constructed from the Appeal Site into the woodland immediately to the south, most likely in the 1960s. Much later, this part of Blackgreen Wood was designated as Ancient Woodland and then a Local Wildlife Site. Only some of that drainage network is now visible beneath the fallen trees, leaves and other detritus and the three ditches that have been surveyed clearly do not function as intended.

27. Nevertheless, there is a reasonable prospect of restoring the drainage network to discharge into a watercourse on Park Street Lane and from there into the River Ver.
28. To provide certainty that this option for Sustainable Drainage can be delivered, detailed Conditions, including a Grampian Condition to restore a ditch on 3rd Party Land will be required.

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