

Sustainable Drainage Strategy Update – Response to Council’s Initial Response

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.

1. The Council's "**Initial Response to Further Evidence Submitted by the Appellant**" was received, as directed, on 19th July 2024. Given its title and content, it is reasonable to provide the following comments to inform the Inspector ahead of anticipated discussions when the Inquiry resumes. Numbers in bold and square brackets relate to the paragraph numbers in the Council's submission.
2. **[1]** Noted.
3. **[2]** A clear explanation was given to the Inquiry on Day 6 and, after discussion, the Inspector granted a 2-week window for the Appellant to explore whether there may be an "Option C" in respect of sustainable drainage. In other words, the Appellant was required to check whether what Mr Rudkin believed existed did actually exist.
4. **[3]** Noted.
5. **[4]** As stated in my email of 19th June, I was advised, that day, that "*a pipe was installed to drain surface water to the river*". The evidence subsequently provided clearly demonstrates that there was indeed a formal drainage system, including a catchpit and drainage ditches from the land which formerly hosted a cricket pitch into the woodland to the south. The Council's suggestion that the Appellant failed "*to identify any drainage pipe of the kind which Mr Rudkin believed to exist, or any evidence of a drainage system associated with a cricket pitch*", flies in the face of the obvious evidence before the Inquiry. The Council or Hertfordshire County Council (HCC) as the LLFA, could have seen this for themselves but made no request to visit the site during the 4-week window.
6. References to the drainage network existing before the Ancient Woodland was designated and the need to cross Third Party land, are clearly set out in the Conclusion to MRP's Sustainable Drainage Strategy Update.
7. The potential route is into a formal watercourse on Park Street Lane within land under the control of HCC. This is as an alternative, or 'Option C' as it was referred to on Day 6, to draining into a watercourse on Lye Lane.
8. The watercourse on Park Street Lane feeds into a system which leads to the River Ver, precisely as Mr Rudkin believed. No new ditches or culverts are proposed to the existing network – albeit clearly in need of repair and maintenance – that currently provides

sustainable drainage for Park Street and beyond. It is unclear why restoring an historic link into that network should be regarded as “interfering”.

9. **[5] and [6]** Demonstrating the presence of the former drainage network is not a substantial amendment to the scheme, it is an additional off-site option to be considered at the Reserved Matters Stage. The additional consultation proposed by the Council would be disproportionate for a potential third option, particularly as it requires no changes to the Agreed Conditions. Consequently, information demonstrating that there may be an Option C is not unfair to any party.
10. **[7]** The differences in approach between HCC and the Appellant have already been put before the Inquiry in evidence and cross-examination. The presence of an historic drainage network does not appear to be in any Council or consultee records and was not made known to me or GeoSmart until 19th June.
11. **[8 (1)]** The explanation given on Day 6 was honest and given in good faith. Mr Rudkin’s belief has been demonstrated to be true. It would be unreasonable to deny the fact that a third option for sustainable drainage may exist.
12. **[8 (2)]** No additional consultation is needed for Option C. As with Option A, further evidence and consultation will be required at the Reserved Matters Stage when full details of layout and landscaping will also be known which will inform the final drainage strategy.
13. **[8 (3)]** HCC appears to acknowledge the fact that the potential route to Park Street Lane is just that, potential, when it states: *“If that route were taken ...”*. This is an appropriate comment because the Option C route might not be taken. It is an alternative which can be considered alongside other options at the Reserved Matter stage to ensure the most appropriate drainage strategy is delivered.
14. **[8 (4)]** Noted. A claim for costs associated with the sustainable drainage issue since Day 6 is not unreasonable.

Conclusion

15. Following Mr Rudkin’s unexpected intervention, the Appellant was invited by the Inspector to consider whether news of a potential Option C was credible. The documents subsequently provided by the Appellant demonstrate that there is indeed a potential

Option C. This new information does not equate to a substantial amendment to the scheme but, instead, provides a third potential sustainable drainage strategy option to be considered in detail at the Reserved Matters stage.

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