

Rebuttal of Addendum to Proof of Evidence of Katherine Waters (Sept 24)

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.

Introduction

1. The Addendum to the Proof of Evidence of Mrs Waters was received by email on 26th September 2024 and identified as ID22. This statement is issued as a very brief response to it. Many issues have been covered previously at the Inquiry and lack of comment on a specific paragraph does not amount to agreement.
2. As set out previously (ID 20 [3]), Inspector Coyne allowed the Appellant two weeks (to 5th July) to examine the veracity of Mr Rudkin’s claim about the presence of an historic drainage network. On 22nd July, the Inspector wrote to the parties as follows:

“While I note the Council’s objections to the submission of this information and their referral to the Holborn Studios judgement. It is my finding that this additional information does not represent a significant revision of the outline development proposal as originally submitted. Instead, I consider that the additional information comprises details of a further potential drainage option that could possibly be implemented at reserved matters stage.”

3. Ms Waters was then allowed until 26th September to submit a “proof in response to the now accepted additional drainage evidence”.
4. The following briefly addresses the four Sections in that Proof in order:

2.1 MRP Survey of Blackgreen Wood

5. [2.1.2] At no point did I purport to be an expert and at no point did I identify any ditch in the area surveyed as a watercourse. My time-limited walkover identified the presence of ditches, a boggy area and a catchpit.
6. [2.1.5] Photos were included to show where water drained from the Appeal Site and the presence of the bog and catchpit: all of which are included on SDP’s map, too.

2.2 Drainage Survey

7. [2.2.2] No inlet or outlet could be detected in the time available. All the ditches are presumed to be man-made.

8. [2.2.3] Just to clarify, the land to the south of the Appeal Site is under the control of the Appellant and shown within the blue line of the Location Plan [CD 1.28].
9. [2.2.6] The notation uses the term “drainage ditch” rather than “watercourse”. No ditch could be seen crossing the boundary fence, and the land from that point to Park Street was inaccessible.

2.3 MRP Sustainable Drainage Strategy Update

10. The circumstances behind the survey and its limited scope have been fully set out. A more detailed survey will be carried out at the Reserved Matters stage if the Appeal is Allowed. That would supersede both the non-expert assumptions I made having visited the Site and Ms Waters’ assumptions based on her expertise but without the benefit of a Site Visit.
11. [2.3.6] The reference to the watercourses on Lye Lane was to explain that neither they nor the similar watercourses on Park Street Lane are identified on the Council’s GIS map.
12. [2.3.7]. Fig. 1 incorrectly refers to “drainage ditches” along Park Street Lane. This is my mistake and should have read “watercourses” as I expressly stated in paragraphs 7, 10, 11 and 21.
13. [2.3.7] No connection into the watercourse on Park Street Lane could be positively identified from the pavement immediately north of the M25 and abutting Park Street Lane. Lack of access together with the width of the ditch at this point and the amount of undergrowth, prevented further investigation.
14. [2.3.8] In the time available it was not possible to survey the route to Hansard Brook and beyond, which may have identified the causes for and potential solutions to the existing flooding on land under the control of HCC.

2.4 GeoSmart Sustainable Drainage Assessment Update July 2024

15. The survey data was sent to GeoSmart. As set out in paragraph 24 of the MRP Sustainable Drainage Strategy Update, in the very brief time available to them, Geosmart conditionally accepted “*the potential of an alternative discharge solution*” (emphasis added).

16. The purpose of the illustrative Proposed SUDS Scheme layout (Fig. 2.2 in Ms Waters' Proof), was to show how and where water could be discharged downhill from the Site as opposed to being pumped uphill and along Lye Lane.
17. At [2.4.3], Ms Waters identifies that the swales were left out of the revised illustrative layout. At [2.4.4], Ms Waters queried the storage calculations.
18. Having put these points to GeoSmart, they updated the Assessment (attached as Appendix 1) and explained as follows:

"... please find attached the updated report. The swales are now shown in the existing positions from the previous revision.

To add a little more detail to our calculations:

The total runoff to the Site (the 2102 number) is the total volume generated based on a 6 hour event, assuming no storage is undertaken so assumes runoff from all permeable and impermeable surfaces on-Site.

The storage required calculation is a little more detailed, which includes the flow restriction (in this case the greenfield 1 in 1 year rate) which accounts for water leaving the Site as well as all runoff coming in during the critical storm duration (which in this case is 10 hours) and provides a storage value to achieve no flooding at this storm duration.

I've included the new schematic and the additional page of calculations to the new report (R3) but there are no other changes in content."

19. The same limitations, caveats and reliance on Grampian Conditions already examined and cross-examined before the Inquiry, in respect of an Outline Scheme, still apply.

Conclusion

20. The on-site evidence is unequivocal: a drainage system had been constructed onto land south of the Appeal Site into part of Blackgreen Wood that was subsequently designated as Ancient Woodland. 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. Nevertheless, the potential exists to restore the drainage network as part of a sustainable long-term solution.

21. To provide certainty that this option for Sustainable Drainage can be delivered, Conditions will be required, including a Grampian Condition if 3rd Party Land is needed.

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Appendix 1 – Sustainable Drainage Assessment Update, October 2024