

8 July 2026

Dear Ms McDonald

26/1244/DOC (discharge of condition 16 attached to planning permission 24/02606/FP) and application 25/1241/DOC (discharge of condition 9 attached to that permission)

The Energy and Sustainability Statement submitted in support of the above applications purports to demonstrate an appropriate strategy for addressing surface water drainage to avoid flooding and ensure that surface water does not discharge into the highway. The part of that Statement dealing with surface water drainage is set out in full below:

“4.3 Sustainable Urban Drainage Systems (SuDS)

The site currently consists of a large ‘brownfield’ area of hardstanding. As such, the area of permeable surface will increase post-development relative to pre-development, with a potential decrease in surface water run-off.”

Whilst it may be true that the area of permeable surface will increase post development, the “potential” decrease in surface water run-off should not be assumed. The pre-existing area of hardstanding is neither sealed nor unbroken, and gullies (which according to the s278 application to HCC Highways are to be removed) drain surface water away from the site.

Paragraph 4.3 goes on:

“However, to minimise any potential impact on local infrastructure and to ensure the risk of flooding elsewhere is minimised, SuDS will be implemented in accordance with The SuDS Manual, 2015. All external hard landscaping areas will consist of permeable paving or other permeable surfaces. As part of the arrangements for dealing with surface water measures will be taken to ensure no surface water discharges onto the highway, so meeting the requirements of planning Condition 9.”

This does not satisfy the condition. It is not sufficient to say that “measures will be taken” without specifying those measures. Nor is it sufficient to say that the developer will - in some unspecified way - implement SuDS. Principal 10 of SuDS provides that:

*“All appropriate planning applications should demonstrate **how** [emphasis added] the national standards have been met in the site design.”*

Drawing no. 6607-EAS-S278-C-400- "General Arrangements" submitted in respect of application 26/01241/DOC is a plan showing the outline of what appears to be an attenuation pond (though it is not marked as such) in the north-eastern corner of the site.

As noted by Ardent in its Flood Risk Statement submitted in support of planning application 24/02606/FP ("the most recent Ardent Report"), and as detailed in the Surface Water Management Plan, this area of North Hertfordshire is predominantly underlain by chalk formations which are themselves overlain by deposits of clay and silt. These upper layers both cap the underground aquifers and inhibit surface water drainage.

I am, as you are aware, concerned by the risk of surface water flooding and discharge both onto my property and the highway. I am particularly concerned because the proposed attenuation pond is to be sited immediately adjacent to my listed property, Tuthill Manor, and its access lane, which is also the only access to the water tower (which serves the whole of Therfield and parts of Royston) and a public footpath. This lane is at a lower level than the application site, is banked on both sides and has no surface water drainage. Drainage problems would therefore cause my access lane to flood, potentially preventing access to my property and to the water tower (which requires daily routine maintenance), and making the public footpath impassable.

As noted in paragraph 3.9 of the most recent Ardent Report, guidance from Hertfordshire County Council as Lead Local Flood Authority provides:

"3.9 A surface water drainage assessment should be carried out to demonstrate that the proposed development will not create an increased risk of flooding from surface water to the development site and the surrounding area. It should be carried out in accordance with the National Planning Policy Framework and the Practice Guide.."

For reasons which are unexplained, planning officers did not insist on such an assessment, despite the fact that the results of recent, previous surface water drainage assessments on this site were non-compliant (see below).

When it comes to management of Flood Risk, the applicants' Energy and Sustainability Statement refers the Council to the most recent Ardent Report (see paragraph 4.1 of the Energy and Sustainability Statement).

That Report states as follows:

“[This report] has been prepared with specific reference to the requirements of the National Planning Framework (NPPF – December 2023) and the Planning Practice Guidance (March 2014 – flood risk section updated in August 2022). The report demonstrates that the site can be suitably redeveloped whilst complying with the requirements of the NPPF in terms of Flood Risk.”

This may be a conclusion that could be reached from the generalisations relating to the broader geographic area which are included in the Report, but is a surprising and unsubstantiated conclusion having regard to Ardent's knowledge of the results of actual on-site testing on which Ardent has previously reported for its client, Quanta and which have been provided to NHDC planning.

Whilst Ardent refers to a test on a borehole carried out more than 100 years ago on a site outside the development site elsewhere in Therfield, to support its positive conclusion that groundwater flooding is unlikely on the site, Ardent is entirely silent with respect to the Flood Risk and Surface Water Assessment which it carried out quite recently on the site itself, which showed that the proposal for surface water drainage using an attenuation pond would be non-compliant with the requirements of the NPPF.

You will recall that one of the grounds for refusal of the 2020 planning applications for residential development of this site was as follows:

“The Flood Risk and Surface Water Assessment carried out by Ardent Consulting Engineers reference 196660- 04 Rev A dated April 2020 submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.”

Southern Testing, which prepared the Soakaway Investigation and Contamination Risk Assessment Report (Report dated 19 March 2020) contained in Appendix F of the Ardent Flood Risk and Surface Water Assessment referred to above stated:

“BRE soakage tests were carried out in four of the pits (TP1, P2, TP4 and TP5). The results obtained were found to be noncompliant.”

When an application was later brought forward for three houses on the site (as opposed to the 18 proposed in 2020) Hertfordshire CC as Lead Local Flood Authority was not a statutory consultee as the development was for fewer than 10 houses and therefore a “minor application” in their terms, however so concerned were they about flood risk and drainage that they nevertheless wrote to the planning case officer to clarify their concerns, stating as follows:

“because the application is a minor application we were not able to object to the application as we have done previously...For clarification, if the application was “major” we would have objected as we did before ...we therefore do not wish to give the LPA the impression that the concerns raised have been overcome.”

But Ardent did not, in the most recent Ardent Report to which the Energy and Sustainability Statement directs the Council, and on which it invites it to rely, refer at all to the recent, previous report Ardent itself prepared relating to the site, setting out details of the soakaway testing which had been carried out on the site and the fact that the results of that testing were non-compliant. Ardent relies instead for its positive conclusion in relation to surface water drainage on generalisations relating to the broader geographic area.

Principal 7 of SuDS provides that:

“Development design should take account of...any flood risk assessments..”

An attenuation pond is not an appropriate design where recent soakaway tests on site indicate that the proposal for surface water drainage will not work.

Before the planning conditions are discharged the applicants should be required, in accordance with the guidance from HCC as LLFA, to specify their proposals for surface water drainage and to demonstrate through a surface water drainage assessment

carried out in accordance with the NPPF and the Practice Guide - if they can - that the conditions on the site are suitable for the drainage solutions they propose and will not lead to discharge onto the highway (public road and public footpath) or onto my property.

Regards

Lynne Bogie

Tuthill Manor

Therfield