



TECHNICAL NOTE

Date: 28th October 2025

File Ref: CEB/VL/P25-3473/03TN

Project: Cowards Lane, Codicote

Subject: Response to Lead Local Flood Authority Comments for the Proposed Development at Cowards Lane, Codicote

1.0 INTRODUCTION

- 1.1 This Technical Note provides a formal response to the Lead Local Flood Authority (LLFA) letter on the 24th October 2025.
- 1.2 The Technical Response document provides details regarding the drainage concerns for the proposed development at the Land on The South Side of Cowards Lane, Codicote, Hertfordshire (Application No. 25/01766/OP).

2.0 RESPONSE TO COMMENTS

Comment One – Drainage Hierarchy

LLFA Comment:

"...deep borehole soakaways are no longer part of the drainage hierarchy and all other options for surface water drainage must be investigated and ruled out prior to the acceptance of deep infiltration."

- 2.1 The LLFA have raised concerns over the use of deep bore infiltration to discharge surface water from the development. They have referred to the new National Standard for SuDS, which

was published in July 2025, which states that: *"The use of deep-bore infiltration features is not considered to follow a 'SuDS Approach' and shall be by exception and an agreement in principle with the relevant risk management authority provided to the approving body"*.

- 2.2 We acknowledge the LLFA's position regarding the use of deep bore soakaways and note that they are not commonly referenced in national guidance documents for surface water management. However, they are a valid means to discharge surface water when all other methods are not compatible and when the site-specific conditions such as the suitable geology and infiltration rates are present. Deep bore soakaways can provide an appropriate and effective method to sustainably discharging surface water.
- 2.3 We agree with the LLFA that the use of deep bore soakaway is not typically used to infiltrate surface water because they are not actively promoted in national guidance documents for surface water management. However, they are a valid means to discharge surface water, when there is acceptable geology, infiltration rates, and where there are no other sustainable means to discharge surface water.
- 2.4 The submitted FRA and SUDS document, with the technical note response in September 2025, demonstrates that there are no other sustainable solutions to discharge surface water. We have however summarised the reasons why deep bore infiltration for this development is an acceptable choice below.
- 2.5 The SuDS discharge hierarchy is shown below alongside the reasons why the site cannot comply with each disposal method, higher up the hierarchy:
- Infiltration to Ground
 - The submitted site ground investigation with FRA and SUDS report demonstrates that the upper layers of geology on the Site are impermeable clay, which is not conducive to infiltration. The impermeable geology is located at the depth which typical shallow infiltration devices would occur, making it impossible for these devices to be functional.
 - Furthermore, BRE 365 was undertaken to demonstrate that upper geology on the Site does not have suitable infiltration rates to support infiltration. The recording of the BRE 365 showed that the hardly any water was infiltrated over the length of test. This meant the BRE365 were deemed to fail, and the traditional infiltration is not possible on the Site.
 - The geology below the clay was chalk and was shown to be suitable and able to support deep bore soakaways in line with the published documentation on their design.
 - Discharge to Surface Water Body
 - The Site has no above ground surface waterbodies. There are no lakes, ponds, rivers or ditches with established hydrological connections downstream on the Site.
 - Discharge to Surface Water Sewer

- The Site has no direct connection to a surface water sewer, and the nearest surface water sewer is on the High Street, which is approximately 350 m away.
- To reach the surface water sewer, surface water would need to be collected on the Site and then pumped up to Cowards Lane, and then along the road to the High Street to connect to the surface water sewer.
- Discharge to Combined System
 - The Site has no direct connection to a combined sewer.
 - There are no combined sewers in Codicote.
 - This is not a viable option due to the lack of a combined sewer infrastructure in the area.

2.6 The National Standard for SuDS guidance then progresses onto to explain when pumping is acceptable. The national standards states:

"The use of pumping within surface water drainage systems shall be by exception only and agreed with the approving body due to the associated carbon, energy and maintenance implications, and the risks associated with failure and exceedance."

And that:

"The need for pumping should be assessed against the use of a lower priority final destination which is achievable by gravity."

2.7 The use of a sewered solution would mean pumping to reach the surface water sewer due to Cowards Lane being higher than the Site levels. A pumped solution for SuDS is inherently unsustainable, as mentioned in the National Standards for SuDS and should be avoided due to the energy and maintenance requirements to maintain it.

2.8 Pumped solutions should only be utilised if all other options are exhausted. We have demonstrated that another suitable means to discharge surface water which uses gravity, deep bore soakaways.

2.9 The submitted FRA and SuDS report has demonstrated the viability of deep bore soakaways on the Site, through on-site testing, meaning there is a proven alternative solution to using a pumped sewered connection.

2.10 The LLFA should be aware that there is a precedence of deep bore soakaways being accepted in Codicote. The nearby developments off Oak Drive discharge surface water via deep bore soakaways (Reference 18/02722/FP (Ashill/Taylor Wimpey) – Appeal Reference 3273701).

2.11 Given the above context, there is no reason why the LLFA should be resistant to the proposal of deep bore soakaways, as this is the only sustainable, gravity based system available for the site to discharge surface water.

Comment Two – Discharge Connection via Third Party Land

LLFA Comment:

“Whilst we note that the watercourse to the south of the site is not within the red line boundary of the site, connection of surface water drainage could be made through third-party land if agreed with the relevant landowner. We recommend this is explored before discharging by deep-bore soakaway, as above.”

- 2.12 As part of the SuDS Assessment requirement, we must show a viable surface water discharge connection in accordance with the drainage discharge hierarchy. As explained in our response to comment one, there is no viable watercourse or above ground waterbody connection on the Site. This is acknowledged by the LLFA.
- 2.13 The LLFA should be aware that for this to be successful, a full legal agreement, in perpetuity, has to be agreed at this stage of planning as the third party landowner could otherwise easily remove the right to discharge after planning permission is approved. As if no agreement is in place, and the third party landowner removed their approval to use their land, the development would have no approved means to discharge surface water.
- 2.14 Our submitted documents to date state that a connection via third party land was investigated but was not viable, due to the landowner not wishing to engage.
- 2.15 The third party landowner has no responsibility or obligation to give a development permission to use their land. They have the right to refuse, and do not need to provide a reason as to why.
- 2.16 Please see attached a document from our lawyers stating that this was investigated and the third party landowner was contacted several times over this matter. Despite the teams attempts with the landowner, they were unwilling to discuss the matter. We hope this will resolve the LLFA comments on this matter.
- 2.17 To conclude, discharge via deep bore soakaway is landowner achievable and sustainable solution to discharge surface water, without the use of pumps.

Comment Three – Half Drain Time

LLFA Comment:

“We note that the proposed storage does not meet the requirements for a half drain time under 24 hours. If an appropriate half drain time cannot be achieved, then calculations should be provided to show that the storage can retain an appropriate subsequent storm event

- 2.18 The LLFA's comments on the half drain time for the proposed deep bore soakaways are intriguing, as there are only a few documents regarding the design of these devices.
- 2.19 For traditional soakaways, the half drain time is required to be under 24 hours for the 1 in 30 year (3.3% AEP) event according to BRE365 requirements. This is reiterated in the National Standards for SuDS. There is no published requirement for half drain time to be under 24 hours for any other rainfall event. The LLFA have not stated what return period they are requesting the half drain time to be under 24 hours, but we assume they are referring to the 1 in 30 year event and are following the advice in these published documents.
- 2.20 It should be noted that these rules for half drain times originate from the BRE365 design procedure, to ensure that a soakaway can drain sufficiently two back-to-back ten year storms. There are no set rules or guidance published for half drain times for deep bore soakaways.
- 2.21 The submitted drainage calculations as part of the original FRA and SuDS report shows that the half drain time, from full to half full, is within 24 hours for the 1 in 30 year event. This is a matter of coincidence, rather than purposely applying the traditional BRE 365 soakaway guidelines, as the LLFA would seem to infer in their comments.

Comment Four – Construction Management Plan

LLFA Comment:

"A high-level assessment of how water quantity and water quality will be managed during the construction phase is required. Identifying high level assumptions of a construction management plan, such as the need to discharge to a sewer or watercourse with appropriate pollution measures. This can be conditioned if the previous objections are addressed."

- 2.22 The inclusion of a construction management plan was raised by the LLFA in their last correspondence, and we responded that we would accept a condition on this matter.

3.0 SUMMARY

- 3.1 This technical note responds to the LLFA comments from the 24th October 2025 for the proposed development off Coward's Lane in Codicote. This document outlines, with the other documents already submitted and presented to the LLFA, that the only sustainable discharge route for surface water is via deep bore soakaways.
- 3.2 We hope the provided information and additional clarity in this technical note is sufficient to remove the objections raised or have appropriate conditions regarding detailed drainage design work applied.

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Approved by: Graham Sinclair, MSc DIC, BSc (Hons), C.WEM, MCIWEM

Enclosures: Letter from Project Lawyer

ENCLOSURES

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and

Alex Howard
North Herts Council

28 October 2025

Dear Sirs

RE: 25/01766/OP – Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access) – Land on the South Side of Cowards Lane, Codicote

We act for Hawridge Strategic Land Limited in connection with the above.

We write further to Alex Jones' letter to Alex Howard dated 24 October 2024 in connection with the strategy for drainage of surface water in relation to the above proposed scheme. Specifically we address the point raised in numbered point 2 in that letter, which reads as follows:

Whilst we note that the watercourse to the south of the site is not within the red line boundary of the site, connection of surface water drainage could be made through third-party land if agreed with the relevant landowner. We recommend this is explored before discharging by deep-bore soakaway, as above.

Our client has made efforts to contact adjoining landowners, including the owner through whose land the watercourse referred to passes, by letter and by personal approach, but the respective landowners have not engaged and so it has not been possible for our client to establish any contact and therefore any dialogue.

The development site does not benefit from any rights to connect or discharge into any watercourses or other surface water drainage infrastructure on third party land, and without such pre-existing rights, or the agreement of the relevant landowner(s) now to the grant of such rights, there is no ability for the development site to drain drainage to third party land and therefore other drainage solutions must be considered.

We trust that this information assists in considering and determining the application.

Yours faithfully

Browne Jacobson LLP

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