

## Nicola Spencer

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**From:** [REDACTED]  
**Sent:** 21 May 2026 22:44  
**To:** Neil Crowther  
**Cc:** Karl Roberts; Dawn Hudd; Beccy Cooper MP; Paul Cann  
**Subject:** A/44/26/PL (BC11823)

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Dear Mr Crowther

Notwithstanding the other issues raised previously, there is a significant aspect of this application process which is causing concern.

Application A/115/25/PL contained infiltration testing for SA1 which was carried out in April 2025, and this application was rejected. In the officer's report it is stated that one of the reasons was "*Adequate winter infiltration testing has not been supplied.*"

This same infiltration testing data has been used again for application A/44/26/PL.

In a meeting we attended at ADC offices in February, Paul Cann tried to allay our concerns over this by stating there was a "*new national standard*" that allowed spring testing to be used. We have been asking ADC for details of this new standard for over two months, and this has not been forthcoming, which should be simple if the evidence exists. Our meeting was recorded, so we have unequivocal proof that the statement was made.

For the avoidance of doubt, below is a table containing the principal regulations, guidance and standards relevant to surface-water drainage, together with their relevant issue dates and their relevance to the situation.

| Document / standard / guidance                                                                                                       | Issue / publication date | Relevance                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CIRIA R156 — Infiltration drainage: manual of good practice</b>                                                                   | <b>Jan 1996</b>          | Industry good-practice guidance for the design, construction, maintenance and field testing of infiltration drainage systems. It is expressly referenced in ADC's current infiltration-testing guidance as an alternative testing methodology to BRE DG365.                  |
| <b>BS EN ISO 22282-2:2012 — Geotechnical investigation and testing: geohydraulic testing / water permeability tests in boreholes</b> | <b>2012</b>              | Specialist permeability-testing standard relevant where borehole permeability testing is relied upon. Its relevance is limited in this context because ADC's current guidance focuses on BRE DG365 or CIRIA R156 methodology unless an alternative approach has been agreed. |

| <b>Document / standard / guidance</b>                                                     | <b>Issue / publication date</b>                                                                                      | <b>Relevance</b>                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BS 8582:2013 — Code of practice for surface-water management for development sites</b> | <b>30 Nov 2013</b>                                                                                                   | UK code of practice for the planning, design, construction and maintenance of surface-water management systems for development sites. It is relevant to developers, designers, local authorities and drainage approval processes.                                                             |
| <b>Planning Practice Guidance — Flood risk and coastal change</b>                         | <b>Published 6 Mar 2014; major flood-risk/SuDS revisions 25 Aug 2022; last updated 17 Sept 2025</b>                  | National planning guidance relevant to flood risk, drainage strategy, the drainage hierarchy, SuDS, climate-change allowances, maintenance/adoption arrangements and prevention of increased off-site flood risk.                                                                             |
| <b>Defra — Non-statutory technical standards for sustainable drainage systems</b>         | <b>23 Mar 2015</b>                                                                                                   | Previous national technical standards for SuDS in England. Relevant to SuDS flood-risk management and the technical framework applicable before the 2025 national standards were introduced.                                                                                                  |
| <b>BS 5930:2015+A1:2020 — Code of practice for ground investigations</b>                  | <b>BS 5930:2015 published 31 Jul 2015; A1 amendment published 31 May 2020</b>                                        | Relevant to competent ground investigation, including investigation methodology where groundwater conditions and ground permeability are fundamental to drainage design.                                                                                                                      |
| <b>BS EN 1610:2015 — Construction and testing of drains and sewers</b>                    | <b>30 Sept 2015</b>                                                                                                  | Relevant to the construction and testing of buried gravity drains and sewers, including drainage infrastructure outside buildings.                                                                                                                                                            |
| <b>Approved Document H — Drainage and waste disposal, 2015 edition</b>                    | <b>Effective 1 Oct 2015</b>                                                                                          | Building Regulations guidance. Part H3 requires rainwater to discharge by priority to an adequate soakaway or other infiltration system, then to a watercourse, and only then to a sewer.                                                                                                     |
| <b>CIRIA C753 — The SuDS Manual</b>                                                       | <b>Dec 2015</b>                                                                                                      | Main UK industry guidance for the planning, design, construction, operation and maintenance of SuDS. It replaced the earlier CIRIA C697 SuDS Manual.                                                                                                                                          |
| <b>Environment Agency — Flood risk assessments: climate change allowances</b>             | <b>Published 19 Feb 2016; peak-rainfall allowances updated 10 May 2022; page clarified/updated 27 May 2022</b>       | National guidance for developers and LPAs preparing or assessing flood risk assessments, including the application of peak-rainfall intensity allowances in drainage design.                                                                                                                  |
| <b>BRE Digest DG365 — Soakaway design</b>                                                 | <b>24 Feb 2016</b>                                                                                                   | Principal UK soakaway and infiltration design guidance. It covers soakage trial pit testing, calculation of soil infiltration rates, rainfall design values and soakaway sizing. It is expressly referenced in Condition 28 of A/64/21/PL and in ADC's current infiltration-testing guidance. |
| <b>BS EN 752:2017 — Drain and sewer systems outside buildings</b>                         | <b>European standard 2017; UK implementation 2018; current version incorporates corrigenda Oct 2019 and Feb 2022</b> | Relevant to the functional requirements for drain and sewer systems outside buildings, including systems conveying surface water from roofs, paved areas and other external areas to a point of discharge.                                                                                    |

| <b>Document / standard / guidance</b>                              | <b>Issue / publication date</b>                                                                                                                          | <b>Relevance</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CIRIA C768 — Guidance on the construction of SuDS</b>           | <b>Dec 2017</b>                                                                                                                                          | Construction-stage SuDS guidance. Relevant where installed drainage is being assessed against design intent, construction quality, implementation requirements and long-term performance.                                                                                                                                                                                                                                                  |
| <b>FEH13 rainfall model / FEH Web Service</b>                      | <b>Released via FEH Web Service in 2015</b>                                                                                                              | Rainfall model commonly used for design rainfall estimation before FEH22. Relevant to historic drainage design assumptions and pre-FEH22 submissions.                                                                                                                                                                                                                                                                                      |
| <b>FEH22 rainfall DDF model</b>                                    | <b>Released Dec 2022</b>                                                                                                                                 | Updated rainfall model described by UKCEH as superseding FEH13. Relevant to any 2026 retrospective or as-built drainage submission unless a reasoned alternative is justified.                                                                                                                                                                                                                                                             |
| <b>NPPF — National Planning Policy Framework</b>                   | <b>Original version published 27 Mar 2012; relevant 2021 version published 20 Jul 2021; current version published 12 Dec 2024 and amended 7 Feb 2025</b> | National planning policy framework. The July 2021 version was relevant to the original permission period, while the current version is relevant to the present retrospective/as-built application.                                                                                                                                                                                                                                         |
| <b>Defra — National standards for sustainable drainage systems</b> | <b>First published 19 Jun 2025; updated 30 Jul 2025</b>                                                                                                  | Current national SuDS standards for England. Not available for the original 2021 design, but relevant to a 2026 current/as-built assessment. The standards reinforce the need for groundwater levels to be confirmed through site investigation during high-groundwater periods, and state that attenuation should generally be incorporated at multiple points rather than concentrated in a single attenuation feature unless justified. |

The table above does not identify any update to a relevant national standard, nor any new national standard, issued after the refusal of A/115/25/PL, which would support Mr Cann’s statement.

The only document that seems to have been updated is the ADC guidance note on infiltration testing, updated 24 October 2025, shortly after the decision for A/115/25/PL was published. This states very clearly:

*“Infiltration tests must be strictly compliant with those described within the most current BRE publication DG 365, “Soakaway Design”. This document is commonly referred to as BRE DG 365. Alternatively testing can be completed strictly in accordance with CIRIA R156. The testing methods described within these are clear and this guidance note is not intended to replicate it.*

*We do highlight that the method stipulates that trial pits must be,*

- *located in the area where an infiltration feature is proposed,*

- set at least 1m above the expected peak groundwater level[i],
- undertaken at the expected base level of the proposed infiltration feature[iii],
- **tested in winter or spring[iii],**
- filled with the corresponding head of water to mimic the proposed design,
- observed from full[iiv] to empty, or near empty[v],
- tested three times in quick succession[vi].”

Footnote [iii] states:

***“Winter (December to February) is preferred and encouraged. Where a designer can demonstrate that ground conditions which replicate 'worst case design conditions' are present outside of this period, then agreement to testing at that time must be sought in advance.”***  
[emphasis added]

This states very clearly that winter testing is preferred and encouraged, unless it can be proven that the worst case happens outside of this period. By the applicant’s own testing, submitted with this application, the “*worst case design conditions*” have been proven to be February when the high groundwater level peaked. This should therefore be determinative of the question whether April 2025 testing can properly be treated as representative of worst-case design conditions. That issue is material because A/115/25/PL was refused on the basis that adequate winter infiltration testing had not been supplied. It is also material because Condition 28 of the original permission A/64/21/PL expressly required “*winter Percolation testing to BRE 365*”, and there appear to have been no subsequent updates to any relevant national standard which depart from, dilute, or supersede that requirement. That testing should have been carried out as a pre-commencement requirement, before any dwellings were constructed.

In light of the refusal reason on A/115/25/PL, the wording of Condition 28 on A/64/21/PL, ADC’s current infiltration-testing guidance, and the applicant’s own groundwater monitoring showing February as the relevant high-groundwater period, please could ADC explain the basis upon which April 2025 infiltration testing now appears to be considered adequate for A/44/26/PL, if that is ADC’s position?

I repeat that we have no objection whatsoever to a lawful, robust and evidentially sound application being made to regularise this site. Our concern is that, for the reasons set out above, the present application does not appear to meet that description. If permission is granted without this issue being properly resolved, there is an obvious risk that any future drainage failure or groundwater-related flooding will be traced back to concerns which were expressly raised before the application was determined.

Kind regards

Dr Tym Huckin BSc(Hons) FIAP MBCS