

Nicola Spencer

From: Tybie House <[REDACTED]>
Sent: 05 June 2026 17:55
To: Neil Crowther
Cc: Karl Roberts
Subject: Re: A/44/26/PL - Application of National Standards

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Dear Mr Crowther,

Please accept my apologies for another email. If these emails are to be posted on the portal, as indicated by your earlier correspondence, I would be more than happy for them to be combined as a single representation.

In relation to the “new national standard” as alleged by Mr Cann during the meeting on 11 February 2026, we have been in communication with WSCC as LLFA, who also made reference to the assessment having been undertaken against “updated technical standards”.

We queried this directly with WSCC as follows:

“You refer to the assessment having been undertaken against updated technical standards. As I understand it, there have been no changes to the relevant national standards since the previous application was considered. The only material update appears to be ADC’s policy guidance regarding infiltration testing, which states that spring infiltration testing may only be relied upon where it represents the worst-case groundwater conditions.

[...]

In light of the above, could you please clarify:

- what is meant by the reference to ‘updated technical standards’”

WSCC’s response was:

“Perhaps ‘updated’ was unhelpful, [apologies] if it caused confusion. What I was [referring] to are: National standards for sustainable drainage systems (SuDS) - GOV.UK”

This is a significant clarification.

The National Standards for Sustainable Drainage Systems were updated in July 2025. They were therefore already in force when the previous application was considered and refused.

WSSC's clarification therefore appears to contradict the assertion made at the meeting on 11 February 2026 that there was a "new national standard" relevant to the assessment of the present application. It also appears to confirm that this application should be assessed by reference to the same relevant national standards as the previous application.

In those circumstances, no weight should be placed on any suggestion that the technical assessment of A/44/26/PL is justified by a non-existent post-refusal change in national standards. If ADC is now applying the same national standards in a materially different way, that distinction should be recorded transparently, rather than being presented as the consequence of a purported national change.

For the avoidance of doubt, our concern is to ensure the long-term sustainability and viability of the drainage solution for this site, for the benefit of all residents.

Kind regards,

Dr Tym Huckin BSc(Hons) FIAP MBCS

On 05/06/2026 16:18, Tybie House wrote:

Dear Mr Crowther,

I wish to make a record of my concern over the apparent relaxation in the interpretation of the National Standards against which this application is to be assessed, and the possible reason for that relaxation. My concern is that the interpretation of those standards appears now to be being approached differently because of the particular history of this site, rather than because of any material change in the standards themselves.

I state again that this is not an attempt to frustrate the application. It is an expression of the desire to see a fully lawful and technically sound application assessed by the LPA in full accordance with the regulations and with full, undiluted reference to the requirements of all applicable national standards.

In February, ADC informed us of "new national standards". My previous representation set out the national standards applicable to this application, and there does not appear to have been any new national standard introduced since the previous application was refused.

Today, in separate correspondence, the LLFA has also made reference to a "new national standard", namely the update to the SuDS standards. For the avoidance of doubt, that update was made in July 2025 and was already referred to in the previous application, which was refused for, among other matters, the lack of winter groundwater infiltration testing.

The LLFA stated in relation to the previous application that BRE365 requires testing to be undertaken in ground conditions which replicate the worst-case scenario. The applicant's own data appears to demonstrate that those worst-case conditions occurred in mid-February. As also shown previously, the ground conditions encountered during the April testing followed a particularly dry period. It is therefore difficult to reconcile how those April conditions can properly be said to replicate the conditions required by BRE365.

The concern is that, if this design is based on unreasonably favourable infiltration results, as appears to be the case, the real-world situation is likely to be significantly worse than the submitted design assumes. Over time, that could result in the system as proposed failing because of an inability to drain properly, with a detrimental effect on all residents of the site.

Given that the developer is a special purpose vehicle which may well have been dissolved by that point, the financing of any remedial solution would then fall directly on the landowners and residents. Those sums are unlikely to be insignificant.

Kind regards,

Dr Tym Huckin BSc(Hons) FIAP MBCS