

COMMENTS on application 2026/01447 Approval of Conditions 5-6 Development Back Drove West Winterslow SP5 1SX submitted by Rivendell Developments.

It has been brought to our notice that the Applicant is applying to obtain Discharge of Conditions outstanding in regard to the above development.

Although it is unusual to respond to application of this type in this instance it is considered necessary. The NPPF refrains from giving any guidance on this and National Planning Guidance also appears not to address this matter. If this comment cannot

be considered please advise

The application relates to Conditions 5 and 6 2025/02053 Variation of Conditions stemming from the initial application 2021/01914 relating to the development.

Condition 5 *can be summarized that, structural work for the retention of the Highway[WSL094], requiring an agreement regarding responsibility for maintenance ,to be submitted and approved by the Local Planning Authority, prior to the occupation of any dwelling*

The applicant advises that

'The retaining structure has been constructed in accordance with the details agreed with the Highways Structures Team which has since been inspected by Alex Howson, Rights of Way and Countryside Officer.

Future maintenance will be the responsibility of the owners on the property. This responsibility will be included in the form of a positive covenant on the property, ensuring the longevity of the retaining structure.

The submission makes no reference to the 'details of the agreement etc. 'being submitted and agreed in writing by the Local Planning Authority 'as required by the condition. Without acceptance of the agreement this condition cannot be complied with

With due respect to Mr Howson's ability to inspect the Drove retaining wall, it is placing a great responsibility on him not being part of the Highways Structures Team or either party inspecting the foundation of the stanchions.

Condition 6 *in summary, this requires that the highway [WSL094] is maintained at 5 metres width through the site measured equal distance from the centreline of the Drove. It goes on to state that details of reinstatement works etc shall be submitted and approved by the Authority prior to the reinstatement taking place and completed prior to the occupation of the dwellings.*

The submission makes the assumption that the making good of the Drove relates only to the section running through the site.

Addressing the question of reinstatement, we remind ourselves that this relates to a variation of condition application including the installation of a pumping main, and drainage, requiring major disturbance to the length of the Drove from The Street to the application site. Therefore it is considered the intention of condition 6 infers the whole of the Drove affected by the drainage

works. Details of the reinstatement works proposed required being submitted to the Authority prior to commencement; it is assumed that submission has formed the basis of the works undertaken.

The applicant indicates that the entire length of the application site has been re graded and compacted with a Type 1 MOT stone; this has been done and approved by Mr Howson

Acknowledging Mr Howson acceptance of the works, this was at a moment in time only. The site agent advised that the Developer had a 12 month warranty on the Drove reinstatement works .It would be appreciated if this could be confirmed. Manhole covers are proud of the surface and assurance that the collection of water run-off from paved areas is satisfactory.

Regarding the remainder of WSL094 this was resurfaced by the sub-contractor

Referring now to the width of the highway attention is drawn to the section at the commencement of Plot 2 where I consider the 5metre width has not been achieved and that a section of Plot 1 intrudes into the Highway, only by a small amount, but that is not a question of judgement but a question of law directed by the Modification Approval. Furthermore at this point the ground slopes down into plot 1 with no protection. [See Photo 1 red line marks the 5m width]

On the other side in the same area, the ground has been raised but retained by a timber gravel board with a drop off situation of approximately 250mm, again unprotected. [See Photo's 2-3]

Moving back toward The Street, the drain line from the beginning of the site to the North West up to the Car Barn has compacted by vehicle movement, this will need to be rectified. [See photo 4 pre start photo's 5-8 as at present] Also we were informed the grass area would be reseeded

From the Car Barn back to the entrance to Glebe Cottage . This is the area where large vehicles parked whilst waiting access to the site and larger vehicle were unloaded with fork trucks rutting the ground, whilst it is appreciated a tarmac area has be replaced the remainder has been left, it was requested a small puddle area was left for the house martins 'mud' area

From Glebe Cottage entrance to The Street . From the outset the grass bank was gouged out by large vehicles gaining access. An attempt has been made to reform the bank with topsoil placed by digger bucket, we were informed by the site agent this would be turfed?.

Recently Wiltshire Council put up 3 poles [one already broken] with tape between to 'keep people/vehicles off the bank while it reseeds'. It is questionable if it has been seeded.

At Glebe Cottage end of the bank there is a connecting manhole between pumping main and gravity drain, the trench line has started to compress. [See photo 9 pre start, 10 at start, 11-13 as at present]

We would appreciate being advised whether condition 6 relates to the Drove from the site to The Street, the delegated report for 2025/02053 does not restrict the reinstatement to the site only

Mr C.M & DR [Mrs] E.A Burrows Kingsdown The Street West Winterslow SP5 1RY

























