

To:	David Cox	From:	James Playfair
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Planning App Ref:	PL/2023/07503
Service Ref:	Drainage
Date:	14 April 2026

PROPOSAL

Removal/variation of conditions

Variation of conditions 5, 6 and 7 of 15/11604/OUT - To become compliance conditions relating to the installed surface water drainage scheme and its associated maintenance regime

SITE LOCATION

Westbury and District Hospital, The Butts, Westbury, Wiltshire, BA13 3EL

SUMMARY OF THE CONSULTEE POSITION

Object	
Holding Objection: Further information required	X
Support	
No comment	
No objection	
No objection subject to conditions	
Consultation not required	

APPLICATION DOCUMENTS REVIEWED

- 260405 CH to WC Planning Callaway Gardens
- Backhouse Drainage Response Note
- Email from Mr and Mrs Knowles – April 2206

ASSESSMENT OF THE PROPOSAL

Context

It should be noted that our comments below are reliant on the accuracy and completeness of the design presented and we do not take any responsibility for incorrect data or interpretation made by the authors. Wiltshire Council and their consultants (AtkinsRéalis) take no responsibility for design or construction defects.

It is noted that concerns have been raised with regards to Health and Safety of drainage features, whilst we have reflected comments below it should be noted that under the Construction (Design and Management) Regulations 2015 (CDM), statutory duties relating to health and safety sit with the Client and the appointed duty holders (including the Principal Designer and Principal Contractor), who are responsible for planning, managing and coordinating construction works in a manner that secures health and safety throughout the project lifecycle. The Lead Local Flood Authority are not CDM duty holders in their capacity as statutory consultees and do not exercise control over construction activities or site operations. Accordingly, any advice or comments provided by the LLFA through the planning process to the LPA do not transfer, dilute or override the responsibilities of the Client, Designers or Contractors under CDM. Responsibility for compliance with CDM, and for the prevention of health and safety incidents during construction, operation and decommissioning therefore, remains entirely with the relevant duty holders.

The surface water drainage issues raised by residents fall into two categories.

1. Issues relating to the non-provision of a formal cut off swale behind house numbers 47 to 61
2. Issues caused by the overland flows from the adjacent farmer's field and recreation ground

The LLFA and the applicant reviewed each of the residents' concerns during a Teams meeting on 25 February. Following a site visit to clarify several matters, the applicant issued responses, which are set out in the *Backhouse Response Note*. The LLFA noted that the applicants' responses were in some cases vague but also could find no evidence to support or reject the claims relating to the SW drainage (specifically at the rear of the properties) was inadequate and not working as intended as follows:

1. There must be adequate interception as separate comments confirm incoming flows to the basin and water being held in the basin. There are no known customer complaints from residents backing on to the agricultural land.
2. It is unclear what issues are occurring. There are no known issues impacting properties at the edge of site. Runoff from upstream is intercepted and directed to a series of basins and the final bund at the lower edge of site.

In March 2026, residents have provided additional information which further emphasises the above problems – this has resulted in our additional consultation from the LPA.

1. A photo (Figure 1) has been provided showing waterlogging of Mr Heath's garden which he believes that is partially attributable to the lack of a swale along the rear of plots 25 to 32. There is obviously built planters shown within the garden which may contribute, however we cannot rule out flows incoming from the back of the retaining wall.



Figure 1

2. A video has been supplied showing that the runoff from the farmers field entering the attenuation basin in a manner which could cause the back to erode and collapse.
(Figure 2 shows the location of the runoff from the field, with this inlet photographed in Figure 3).

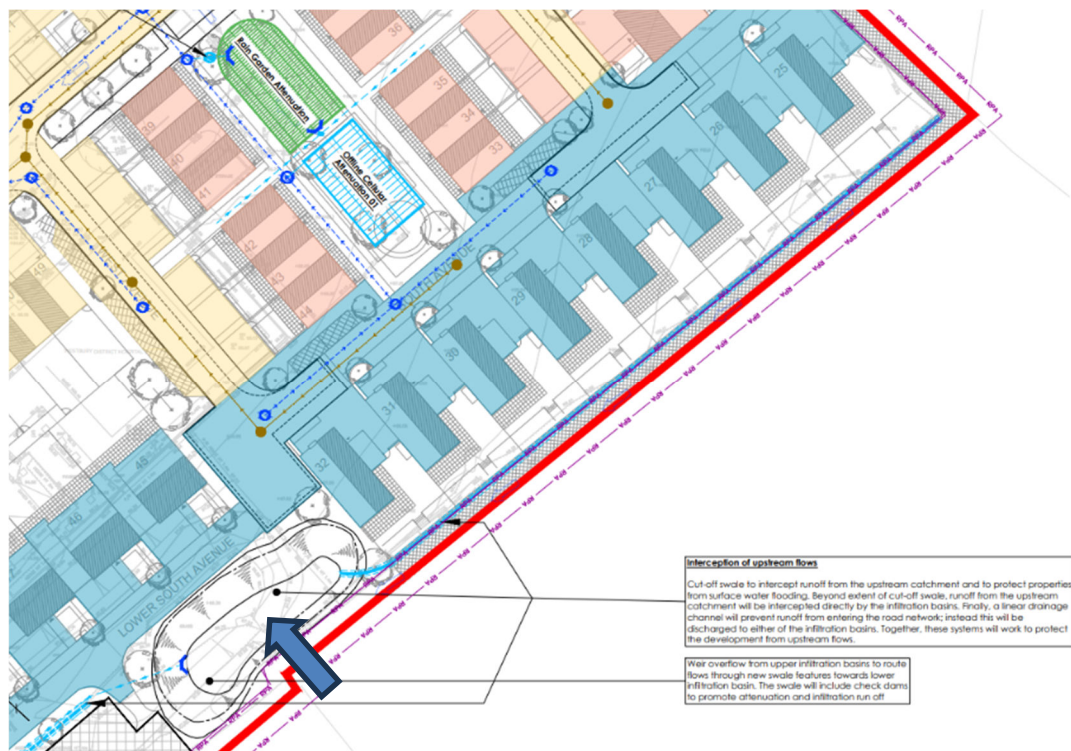




Figure 3

3. It is highlighted that the submitted video does not show any obvious flow from the direction of the unconstructed swale (shown as a blue arrow in Figure 4), although the photos would indicate a flow path likely forms along this line.



Figure 4

It is believed that the runoff from adjacent fields was linked to the direction of the furrows and the level of vegetation (the field had recently been harvested). Photos from both Mr Heath and Backhouse show that no formal swale exists to the rear of the properties. Backhouse concluded in the Backhouse Drainage Response Note that there 'must [therefore] be adequate interception' due to lack of complaints from residents however recent resident correspondence casts doubt on this statement.

Assessment

Following a review of the more recent information supplied in April 2026, we believe that the responses from Backhouse are not sufficient and that they should provide additional detail in order to demonstrate that the drainage has been constructed in accordance with the design, and undertake additional investigations and remedial actions for the identified performance issues (including waterlogging and provision of the private swale as shown on their plans).

The direct runoff into the attenuation pond is of concern for two reasons:

1. The amount of sediment that it appears to be introducing into the pond, which will reduce the operational volume available within the basin and increase maintenance burden.
2. The non controlled entry of flow into the basin, with the potential for bank erosion that could ultimately lead to over time to more sediment being carried downstream and adversely affect the stability of the embankment.

With respect to the raingarden, there are concerns regarding drop off into the raingarden and how the health and safety of this feature has been considered in relation to pedestrian movements. Photos have also been submitted questioning the structural integrity of the raingarden with unsupported edge restraint shown. This could be addressed by the applicant through provision of detailed as-built records recording what has been constructed, and where there is deviation from what has been previously proposed that either justification or remediation plans are provided.

Comments have been raised by residents on the function of the raingarden and the role of marginal planting. Marginal planting refers to vegetation placed around the edge of a surface water feature, such as a pond or rain garden, in areas that may become wet during rainfall but are dry most of the time. It is commonly used to soften edges, improve appearance, and provide additional biodiversity benefits. National and industry guidance recognises that planting, including marginal planting, can be a beneficial design choice. The SuDS Manual (CIRIA C753) and the National Standards for Sustainable Drainage Systems both encourage designers to maximise wider benefits such as amenity and biodiversity where practical. However, these documents are performance-based and do not require marginal planting as a mandatory element of a rain garden's design.

A raingarden is defined by what it does rather than how it looks. Its primary purpose is to collect, slow and manage surface water runoff close to where it falls. Provided the feature is appropriately sized, safely constructed and capable of storing, treating and discharging water in accordance with agreed standards, it can function effectively with or without marginal planting. While marginal planting is often desirable and can add value, its absence does not mean that a rain garden is non-compliant or unacceptable in planning terms.

We are commenting on the hydraulic function and therefore the council's landscape / urban design teams may need to also be consulted in changes to the appearance or specific planting within the raingarden. Raingardens were modelled within the hydraulic design without losses – this is a conservative approach and ultimately provides additional attenuation capacity within the network; this is acceptable from a hydraulic perspective.

Despite previous comments from the LLFA, full survey and as-built records of the constructed drainage features currently have not been provided.

RECOMMENDATION

Holding objection as further information required

The following documents/information are required:

1. In the meeting on 25 February 2026, the applicant stated that all drainage assets had been handed over to and accepted by the maintenance company. The applicant is to provide copies of that formal acceptance and supporting pre-handover inspection information to be provided for context. In addition, inspection and maintenance records which demonstrate when maintenance has been carried out (and what has been completed) should also be supplied.

In parallel we also advise the LPA should contact the maintenance company to ensure that they have adopted the drainage (and to understand maintenance completed to date) if there is any ambiguity here.

2. The applicant shall submit a complete set of as-built drawings and sections for the installed surface water drainage scheme (including CCTV survey of piped drainage and a topographical survey of the basins), and these shall explicitly demonstrate (by cross-sections where relevant) that the attenuation tank has the required minimum cover of 250mm–300mm in landscaped/pedestrian areas (particularly where the basin side slopes are adjacent to / potentially interacting with the tank). Where the as-built information confirms any change compared with the originally approved/previously agreed drainage scheme, the applicant shall provide: (i) a clear planning/drainage justification for the change, and (ii) updated hydraulic modelling/calculations and a short statement confirming that the as-constructed scheme meets the approved performance requirements (or details of remedial works proposed to achieve compliance). The applicant should work with the LPA to agree the appropriate submission route for any revised details.
3. Rain garden (as-built design and construction package): The applicant shall submit the as-built design documentation and construction details for the rain garden as installed, including (as a minimum) plan(s), long section(s) and cross section(s) showing levels, side slopes, base and freeboard, any liner/media build-up, inlet/outlet/overflow details, edge restraint/retaining details, and confirmation of how safe pedestrian movements/fall risks have been addressed. Where the rain garden differs from the originally approved/previously agreed details, the submission shall also include a clear planning/drainage justification for the change and confirmation (with supporting calculations where necessary) that attenuation and conveyance performance remains compliant.
4. The applicant is to construct a lined swale, as stated would be provided in the design (Preliminary Drainage Layout PDL-101), to capture runoff from the fields and transfer it into the pond. The lining would prevent seepage into the ground and through the gabion wall into gardens
5. The applicant is to provide a formalised inflow and bank remediation works (to remediate against the clear rutting / localised erosion which is shown in both the residents and applicants photos) on the basin identified above, to be signed off by a suitably qualified geotechnical engineer, from the swale into the pond to prevent bank erosion.
6. The applicant shall provide a detailed overland flow assessment safely and wholly demonstrating how overland flow originating offsite are intercepted by the constructed drainage features with details provided of any further remedial works to be completed (this may require additional topographical survey in order to establish the overland flow

paths). The assessment shall quantify incoming flows and demonstrate that the as-constructed drainage design has sufficient capacity for this, or provide details of how any shortfall will be addressed.

7. The applicant shall submit a CAD version, including a topographical survey of the as-built finished surfaces, such that the LLFA can independently review overland / exceedance flows on site
8. The applicant should assess the constructed raingarden in accordance with CDM 2015 and ensure that the potential risk for falls from height into the raingarden have been appropriately mitigated. This may require additional consultation with the council's urban design team.
9. An assessment of sedimentation of the basin should be completed (given the current uncontrolled entry) and remedial measures for silt capture and updates to the maintenance strategy shall be provided. This is so that there is not a reduction in useable volume within the basin.