



Wiltshire Council
Lead Local Flood Authority

25th September 2026

Dear Ms Austin

PL/2026/04290- ELM GROVE RESIDENTIAL DEVELOPMENT, TROWBRIDGE

We write in response to the revised LLFA consultation response dated 19th September 2026 regarding the discharge of Condition 9 relating to surface water drainage.

At the outset, we note that a significant proportion of the comments relate to compliance with the National Standards for Sustainable Drainage Systems (SuDS) published in June 2025, particularly Standards 2, 3 and 4 concerning interception storage, source control measures and water quality treatment. We appreciate that the comments in relation to the greenfield run off rates have now been withdrawn, however whilst we acknowledge the publication of the 2025 National Standards, it is important to recognise that the drainage strategy forming the basis of this development, and the associated planning submission, pre-date their publication by a considerable margin. The outline planning permission and supporting Flood Risk Assessment and Drainage Strategy (AW Water Engineering dated 13/10/20) and the Flood Risk Addendum to this document, originally submitted in March 2024 and finally updated in August 2024 to reflect revisions to the architectural layout) were prepared, assessed and approved in accordance with the national and local policy framework that existed at that time.

Outline planning permission 19/11459 was granted in October 2022. The Reserved Matters approval issued under PL/2022/09425 in December 2024 approved the layout and engineering design the development, including the location, form and spatial requirements of the surface water drainage infrastructure. Whilst Condition 9 requires detailed drainage information to be approved prior to commencement, it cannot properly be interpreted as permitting the fundamental redesign of elements already approved through the Reserved Matters permission. It is a well-established principle that planning conditions must fairly and reasonably relate to the development permitted and cannot be applied so as to frustrate, sterilise or substantially nullify the permission itself. The additional requirements now sought by the LLFA are wholly dependent on the 2025 National standards, which were published after the Reserved Matters approval had been issued. Whilst those standards are capable of being material considerations, they do not provide a basis for reopening matters already approved through the planning permission, nor can they justify changes of such magnitude that the approved drainage layout, land take and development design would require substantial revision. The remaining scope of Condition 9 is therefore limited to the detailed design (anchored to the approved RM details), implementation, phasing, operation and maintenance of the approved drainage strategy rather than its wholesale reconsideration.

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Accordingly, it is our position that the discharge of conditions application should be assessed against:

- The approved outline and detailed consent and associated drainage strategy;
- The planning policies and technical standards in force at the time the application was submitted and determined;
- The specific requirements of Condition 9 itself.

The condition does not require compliance with future iterations of drainage guidance published subsequent to the grant of planning permission, nor does it require the redesign of an approved drainage strategy to satisfy policy requirements introduced several years after the principle of development was established.

In particular, we note the requests regarding:

- Interception of the first 5mm of rainfall;
- Demonstration of compliance with National Standard 2;
- Additional source control SuDS features such as rain gardens, tree pits and permeable paving;
- Revised water quality assessments prepared specifically against National Standard 4.

These requirements stem principally from the 2025 National Standards rather than from any requirement imposed by the outline planning permission or Condition 9 itself. Whilst interception storage and source control measures have long been recognised as examples of good practice, they did not form a mandatory requirement against which this development was designed, approved or conditioned and has previously been acknowledged by the LLFA in 2024 correspondence. This is evident in our response to LLFA comments in October 2024 specifically in relation to water quality and our calculations demonstrating minimum 9 minute detention times in order to offer some measures for water quality.

Furthermore, the drainage strategy was accepted in principle during the outline planning process, including the use of attenuation wetlands and associated watercourse improvement works. The LLFA's own consultation response recognises that a number of key elements remain acceptable in principle, including:

- The proposed discharge destinations;
- The principle of the wetland basins;
- The agreed discharge rates established through the outline planning process;
- The proposed watercourse improvement works and culvert arrangements, subject to detailed design information.

Notwithstanding the above, we acknowledge the LLFA's concerns regarding confirmation that the detailed drainage design accords with the approved strategy and performs as intended.

Owing to the scale of the development it has been split over three phases, phase 1 having benefited from condition 9 sign off previous. This submission relates to the remaining phases.

We therefore include:

- Updated hydraulic modelling reflecting the current detailed design; please bear in mind these have received Technical Approval from adopting authorities. We have split these between Phase 2 and Phase 3
- Clarification regarding basin geometry and storage volumes;
- Additional technical information relating to culvert construction and operation; 1960_2593-TA1_OWC DITCH CULVERT AND IMPROVEMENT WORKS LAYOUT

- Confirmation regarding Network Rail approvals and third-party drainage arrangements where applicable.
See extract from AW Engineering FRA Appendices E-G

However, we respectfully submit that requests for substantial redesign of the drainage strategy solely to demonstrate compliance with standards introduced in 2025 are not necessary or reasonable in the context of a condition discharge application for a scheme that was conceived, assessed and approved under an earlier policy framework.

We have demonstrated, as stated as a reason for Condition 9, that

No development shall commence until a scheme for discharge of surface water from the site, including sustainable drainage systems, exceedance flow routes and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority/Lead Local Flood Authority. This scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development. The development shall be carried out in accordance with the approved details.

We comply with the condition reasoning which refers to Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

We therefore request that the LLFA's review is undertaken with reference to the approved planning permission, the wording of Condition 9, and the drainage standards and guidance applicable at the time the drainage strategy was developed and approved.



John RA Curtis Bsc IEng MICE

Director
For and on behalf of JRC Consulting Engineers Ltd