Wiltshire Council

RIVER AVON SPECIAL AREA OF CONSERVATION

Phosphorus Neutrality Mitigation Contribution for the RIVER AVON SPECIAL AREA OF CONSERVATION CATCHMENT

AGREEMENT UNDER S.111 of LOCAL GOVERNMENT ACT 1972

Please submit a signed copy of this agreement with your planning application or on request from the Council. Failure to do so could delay the determination of your planning application or discharge of condition.

Guidance notes for this agreement are available on the Council's website and should be referred to before completing the form below.

To Development Management
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8 JQ

1. Application Details

Date	13th February 2025
Application reference number: (if known)	PL / 2023 / 09745
Address of property	Land Adjoining 84 Westleigh Warminster Wiltshire BA12 8NJ
Description of development	3 bedroom, Detached House. New Build.
Full Name(s) of applicant(s) (add contact name if applicant is an organisation)	Jamie Young & Kim Young

Correspondence address of applicant	4 Greenway Gardens, Trowbridge Wiltshire BA14 7NL
Amount of Phosphorus Burden for Mitigation (kg/TP/yr) within the River Avon Catchment	0.06 kg/TP/yr of phosphorus mitigation
Phosphorus Neutrality Mitigation Contribution [Number of kg/TP/yr x £38,500	The phosphorus mitigation fee is £2,310. (£38,500 x 0.06)
Phosphorus Neutrality Mitigation Administration Fee 5% of Phosphorus Burden Mitigation Contribution	Phosphorus mitigation administration charge is £115.50 (5% of £2,310)
Section 111 Legal Fee	£275.00
Total Fee	£2700.50

2. Applicant's agreement

2.1 I hereby acknowledge and agree that:

2.1.1 I will pay the Phosphorus Neutrality Mitigation Contribution, Phosphorus Neutrality administration fee and the section 111 administration fee towards the delivery of the mitigation measures set out in Phosphorus Mitigation Strategy for the River Avon Special Area of Conservation 2024on receipt of the relevant invoice and prior to determination of the Application or discharge of condition.

2.1.2 I have read the Phosphorus Mitigation Strategy for the River Avon Special Area of Conservation *July 2024 as may be amended from time to time)* and I am making this payment as contribution to mitigation of the significant effect of the development set out in the Application on the River Avon Special Area of Conservation as referred to by the Strategy.

2.1.3 This contribution has been made pursuant to Conservation of Habitats and Species Regulations 2017 (as amended) and Section 111 of the Local Government Act 1972.

2.1.4 I have been informed of the opportunity to complete a unilateral planning obligation in accordance with Section 106 Town and Country Planning Act 1990 to make the Phosphorus Neutrality Mitigation Contribution when development commences, and I have chosen to make the direct payment as an expeditious alternative to relying on such a unilateral planning obligation.

2.2 I understand that:

2.2.1 No refund of this Phosphorus Neutrality Mitigation Contribution will be made unless the Application does not receive approval (whether or not with conditions) or is withdrawn.

2.2.2 In respect of any refund including where the Application is withdrawn, I acknowledge that:

2.2.2.1 The total amount refunded will be the sum of the original Phosphorus Neutrality Mitigation Contribution payment less the administration fee.

2.2.2.2 No interest will accrue to be refunded.

2.2.2.3 No refund will be made until the period for appeal has passed without an appeal being made or an appeal has been dismissed or six months has elapsed since the date of withdrawal.

2.2.2.4 If an appeal against refusal is made and is allowed by the Planning Inspectorate no refund will be made.

2.2.3. Refunds will only be made if a request for a refund is received in writing (sent to cilands106@wiltshire.gov.uk) and made within 12 months of the date of determination of the application (but not before the period set out under 2.2.2.3) or within 12 months of the date of any appeal decision, whichever is the later.

2.2.4 If the planning permission is varied by a section 73 application or amended, then the contribution may be used to cover the *River Avon Mitigation Strategy (July 2024)*, due for that application.

3. Wiltshire Council's Agreement

3.1 In consideration of the Applicant's agreement, Wiltshire Council will apply the Phosphorus Neutrality Mitigation Contribution in accordance with the River Avon Mitigation Strategy (July 2024, as may be amended from time to time).

3.2 For the avoidance of doubt, this Agreement does not: (i) constitute advice on the merits of the Application or the viability of the development referred to in the Application, (ii) guarantee that the Application will be successful or that objections or conditions will not be made, or (iii) bind or commit Wiltshire Council in any way in respect of any planning application.

4. General

This legally binding agreement shall be governed by the laws of England and each party submits to the exclusive jurisdiction of the English courts.

Signature of applicant

[redacted]

(digital signature is acceptable)

Application reference number PL/2023/09745

Received on behalf of Wiltshire Council

By Teresa Cain for and on behalf of Terry Holmes, Solicitor to the Council, Wiltshire Council (authorised officer)

Of Legal Services (name of department)

on 1 August 2025 (date)

This receipt signifies the agreement on behalf of Wiltshire Council to this s.111 Agreement.

A copy signed by both the applicant and on behalf of the Council will be sent to the applicant. Please retain the copy for your records as it is an important legal document.