

15th May 2026

Jemma Foster
Senior Planning Officer
Wiltshire Council
Via Planning Portal

Dear Jemma,

Town & Country Planning Act 1990 – Subject to Contract – Proposed Deed of Variation to S106 Agreement on Planning Permission 19/11459/OUT

Site: Elm Grove Farm, Drynham Road, Trowbridge, BA14 0PL

I write to seek your agreement in principle to the making of a Deed of Variation (DOV) to the above S106 agreement.

As explained below, certain circumstances have changed since the grant of the outline permission which require minor variations to the S106, so that we can progress with the development in an agreed form.

Given that we are within 5 years of the signature of the agreement (October 2022) the most straightforward way to deal with this would be through an agreed DOV (as opposed to a S106A application).

The changes required are:

1. Changing Rooms / Community Facility Provision – The S106 requires delivery of changing rooms to a prescribed specification. We have agreed an alternative function and layout through the latest RM and through discussions with the Town Council. Consequently, there is a need to substitute the “Changing Rooms” obligation with reference to a Multi-Use Community Facility instead. This is necessary to reflect the agreed position with Trowbridge Town Council and revision of the “Changing Rooms Specification” to correspond with the new internal layout and building function approved under RM approval PL/2025/08175.

2. Removal of Biodiversity Contribution/ Updating the S106 to reflect that all required biodiversity net gain is provided within the RM site boundary. - The approved RMs show no net bio-diversity loss and the Council has confirmed no off-site payment is required (as per the attached correspondence). We are advised that this needs to be set out in a DOV to the S106 to ensure the position is clear and no payment is due. As such we are seeking revision to the defined “Biodiversity Contribution” and the corresponding payment trigger wording to reflect the position that, with no net loss, there is no contribution to pay.

3. Allotment arrangements - We are in the process of finalising arrangements with the Town Council to transfer the allotments, playing pitches and community facility. Once completed, the Town Council will own and manage these facilities. The S106 provides a mechanism for the playing pitches and community facility to be managed either by a management company or an agreed alternative, however, this is not included for the allotments. The wording in respect of the long term management of the allotments needs minor variations to reflect this.

4. Public Art Contribution – Schedule 5 currently sets out a developer commissioned scheme approach, capped at a £300 per dwelling value. We have exchanged correspondence with the Public Art Officer as there has been a change in policy which means that there is a preference from the Council for a contribution based mechanism for delivering public art. We propose a revision to a financial contribution-only mechanism, enabling the Council to manage and distribute the public art budget. We would be supportive of this subject only to no increase in the overall financial liability for the developer (i.e. £300 per dwelling as is currently specified in the S106).

Next Steps

At this stage I would be grateful for your consideration of the changes set out above.

Should you be willing to support any or all of the changes (in principle) please respond accordingly and advise as to whether you would be willing to instruct your solicitors to engage with ours to progress a DOV. We would be willing to draft the DOV and cover the authority's legal fees to review and complete the document.

If you have any queries I would be happy to set up a call, otherwise I look forward to hearing from you.

Yours sincerely



Paul Williams
Senior Planning Manager