

AGENDA SUPPLEMENT (1)

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 28 September 2022

Time: 3.00 pm

The Agenda for the above meeting was published on 20 September 2022. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, Senior Democratic Services Officer, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7 **Planning Applications (Pages 3 - 104)**

Slide presentation

7d **PL/2022/03938 - Plot D2, Land at Kingdom Avenue, Westbury**
(Pages 105 - 108)

Legal Opinion from Christophe Boyle QC

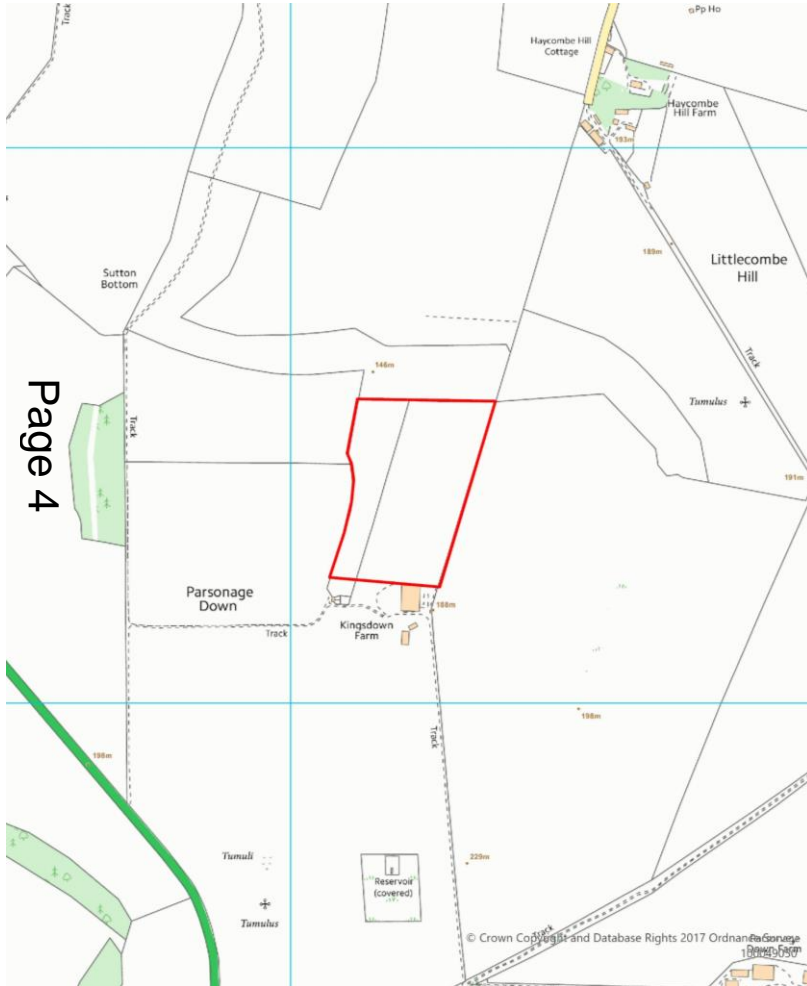
DATE OF PUBLICATION: 22 September 2022
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Western Area Planning Committee

28 September 2022

7a) PL/2022/01141 - Kingsdown Farm, Lords Hill, Longbridge Deverill, BA12 7DY
Variation of condition 3 (timescale for deposit of waste materials) on 17/09988/VAR
Recommendation: Approve subject to conditions



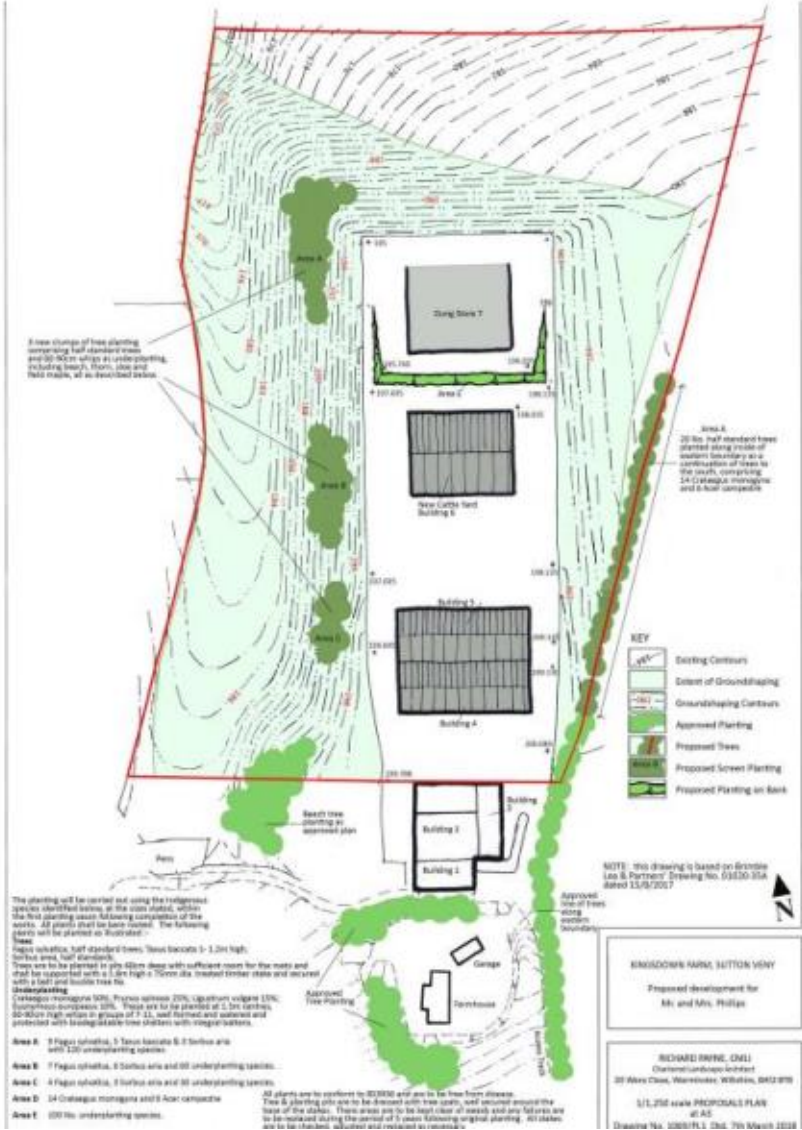
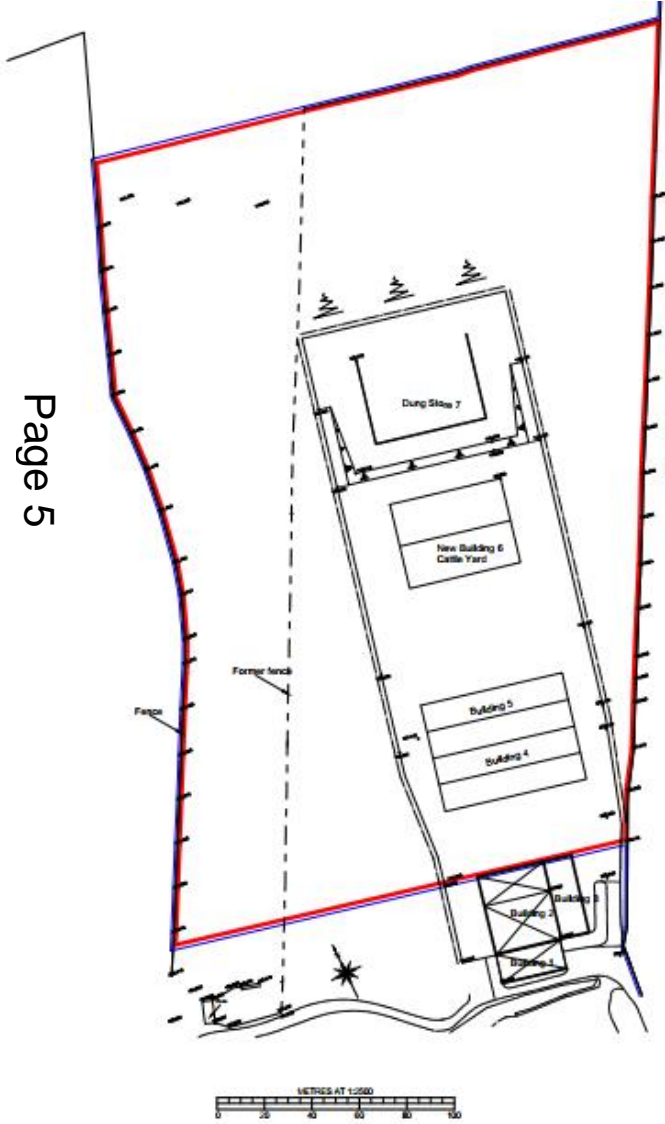
Site Location Plan



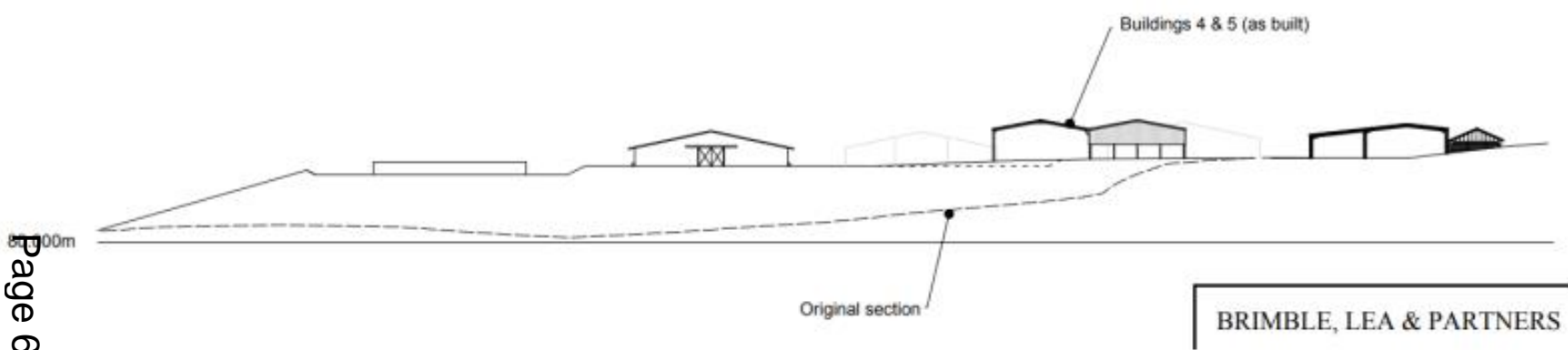
Aerial Photography

Site Plan and Landscape Plan approved under application 17/09988/VAR

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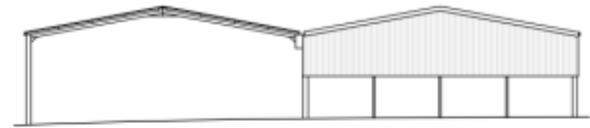
Approved cross section (17/09988/VAR) North to South through site



Elevations of approved buildings 4 and 5 (17/09988/VAR) both erected on site and photograph of building 4



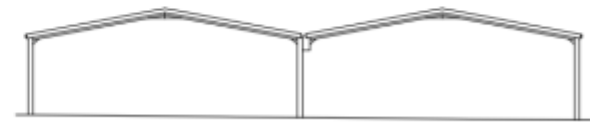
South Elevation 1:200



West Elevation 1:200



North Elevation 1:200

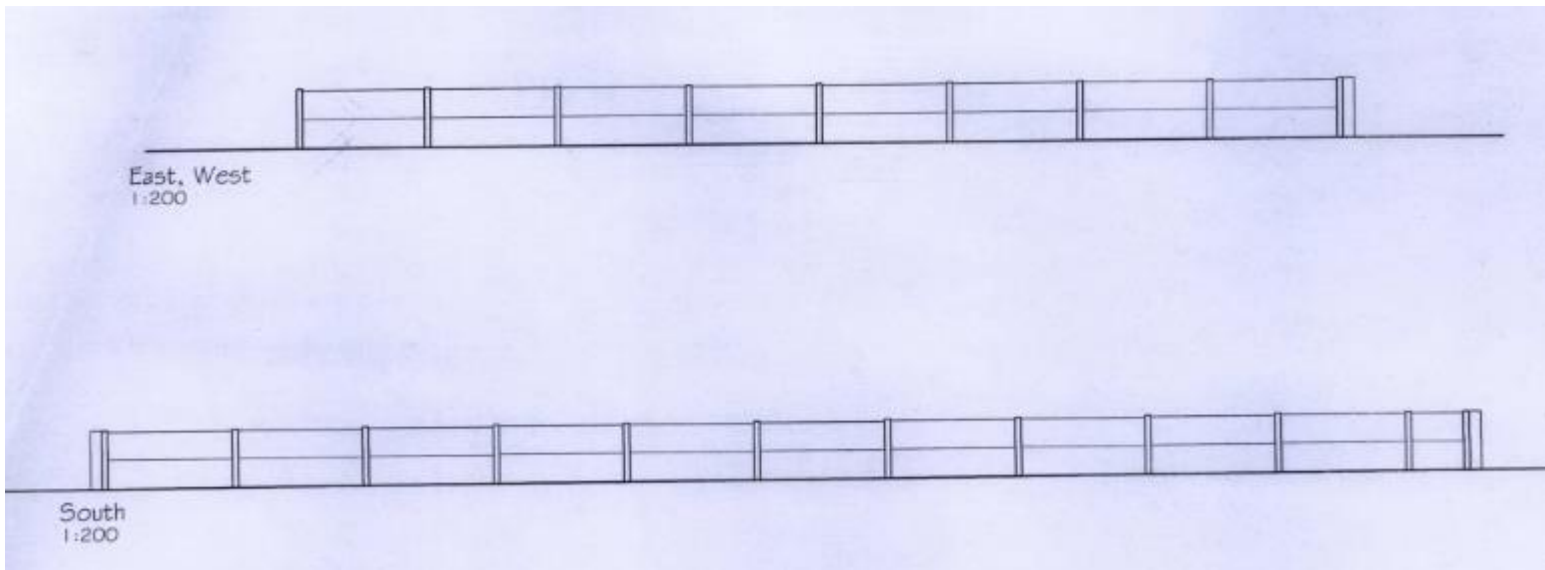
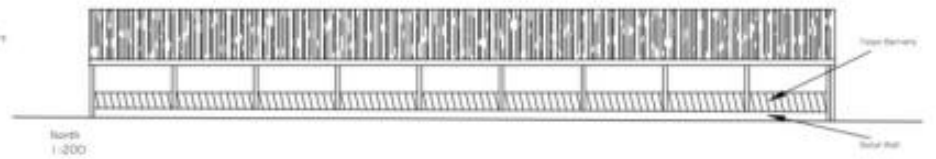
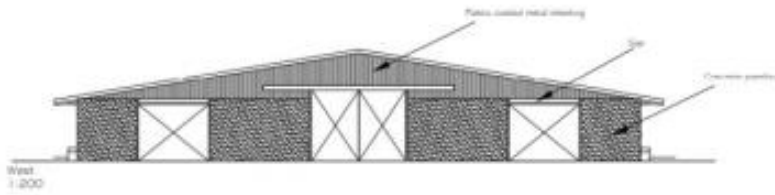
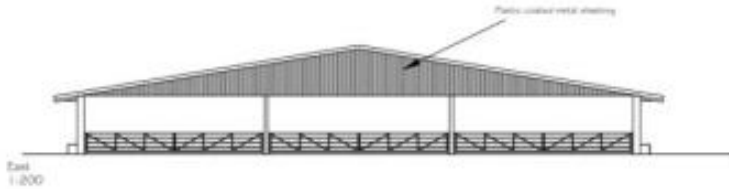


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Elevations of approved building 6 and 7 (approved under application 17/09988/VAR) - not yet constructed

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Relevant site history

- 17/09988/VAR – Application to vary Condition 10 to Planning Permission reference 17/03155/VAR to amend the approved plans in respect of buildings 4 and 5 – Approved

Note condition re-imposed requiring completion of earthworks by 27 June 2022

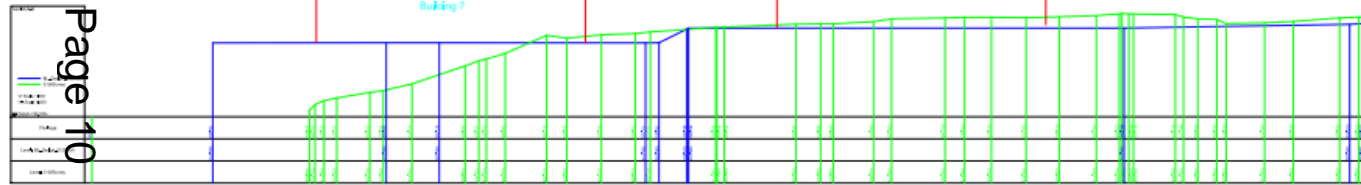
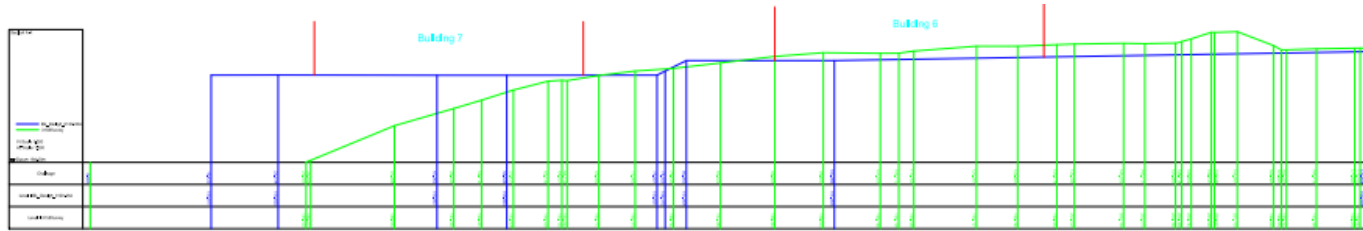
- Page 9
- 17/03155/VAR – Variation of Condition 9 pursuant to application W/10/02377/FUL (Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings) regarding timescale for the deposit of waste – Approved

Note condition imposed requiring completion of earthworks by 27 June 2022

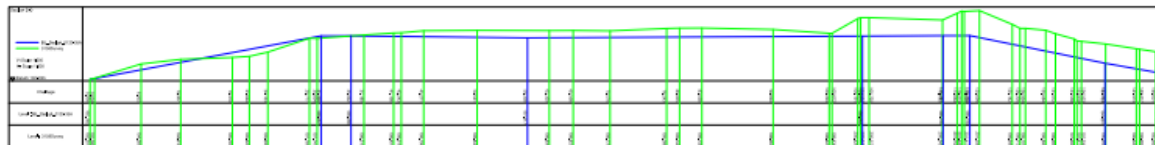
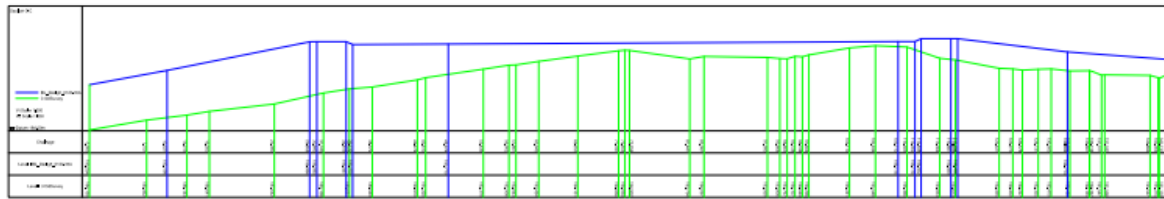
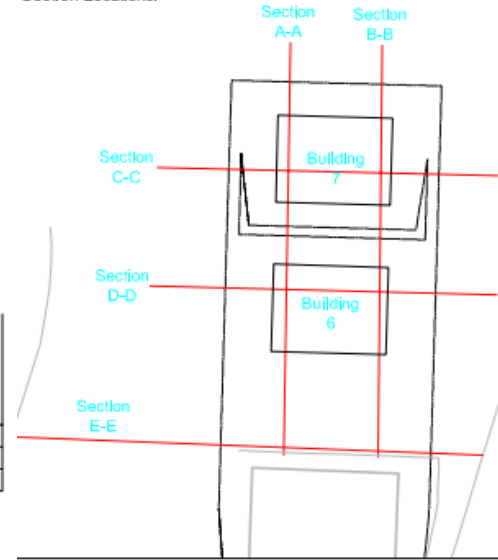
- W/10/02377/FUL – Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL) – Approved

Note – condition imposed requiring completion of earthworks by 20 October 2013

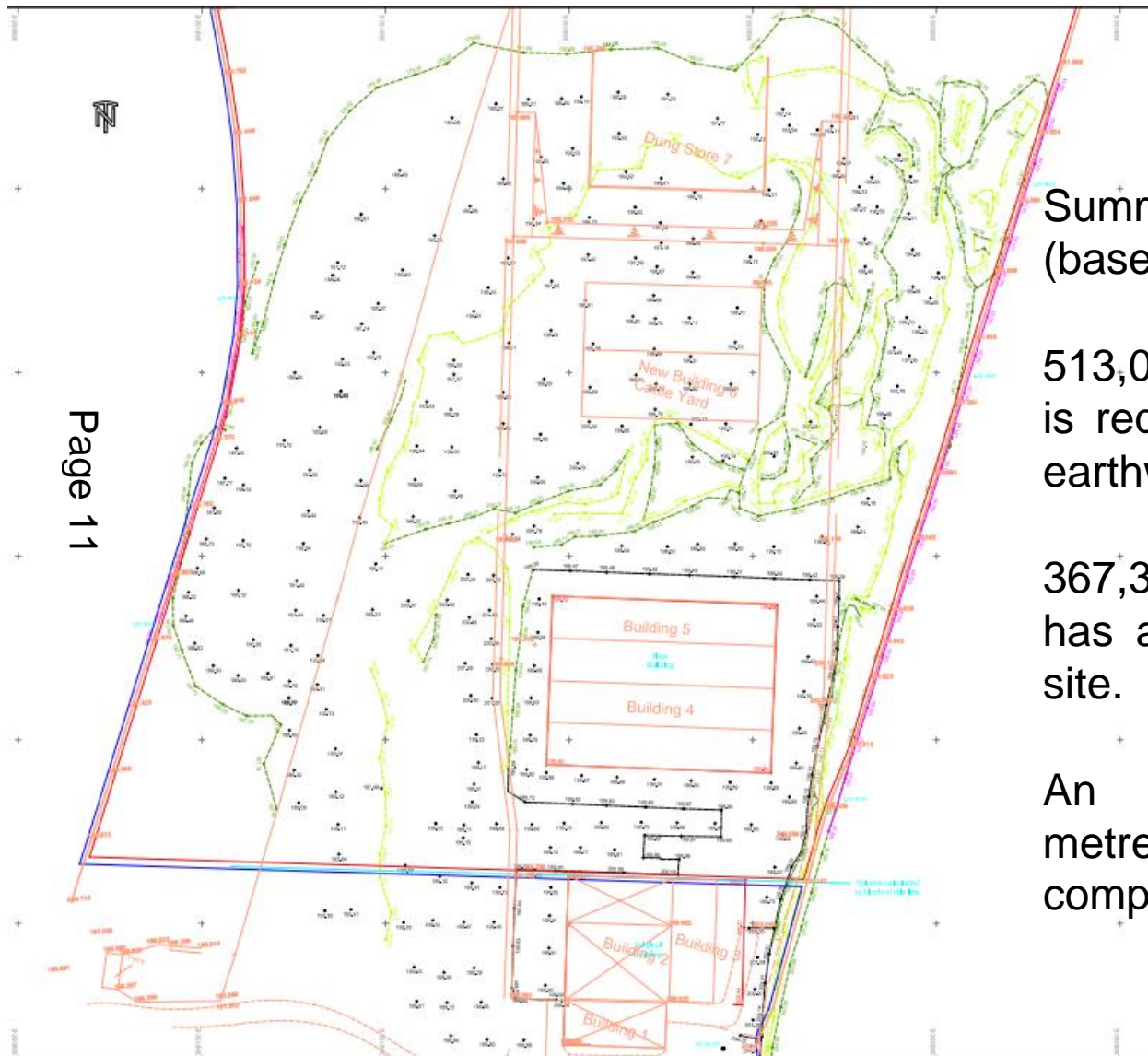
Cross sections through site detailing current land levels (green) with proposed/approved land levels (blue) and location of buildings 6 and 7 (based on 2022 survey)



Section Locations:



Detailed survey – existing/current land height levels with location existing/proposed buildings superimposed



Summary of earthwork volumes (based on 2022 survey) -

513,079 cubic metres of material is required for completion of the earthworks in total.

367,311 cubic metres of material has already been imported onto site.

An additional 145,768 cubic metres of material is required to complete the development.

Existing agricultural buildings 1, 2 and 3 and existing farmhouse



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Existing site viewed from access track to the south



Photograph of existing building 4



Profiled land to west of agricultural buildings looking towards Southwest



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Profiled land to west of agricultural buildings looking towards Lords Hill Barn and the A350 to West



Profiled land and views to the Northwest



Profiled land and views to North



Approved building 5 and views East

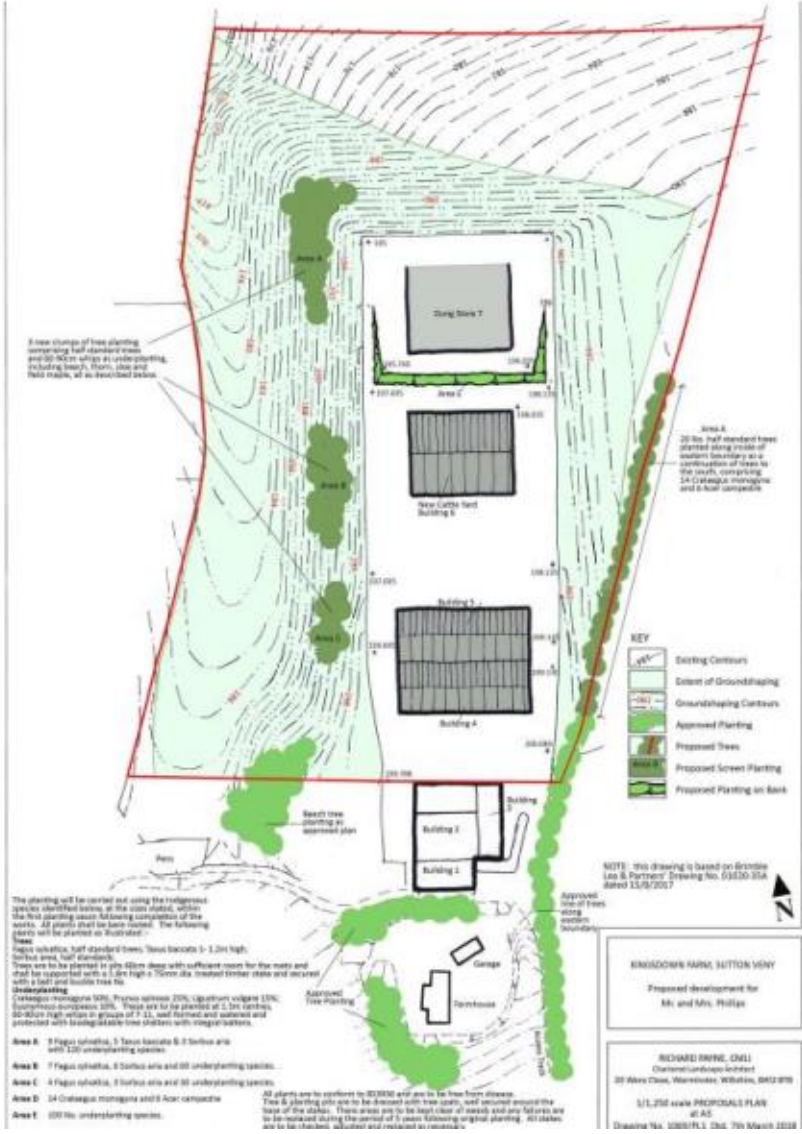
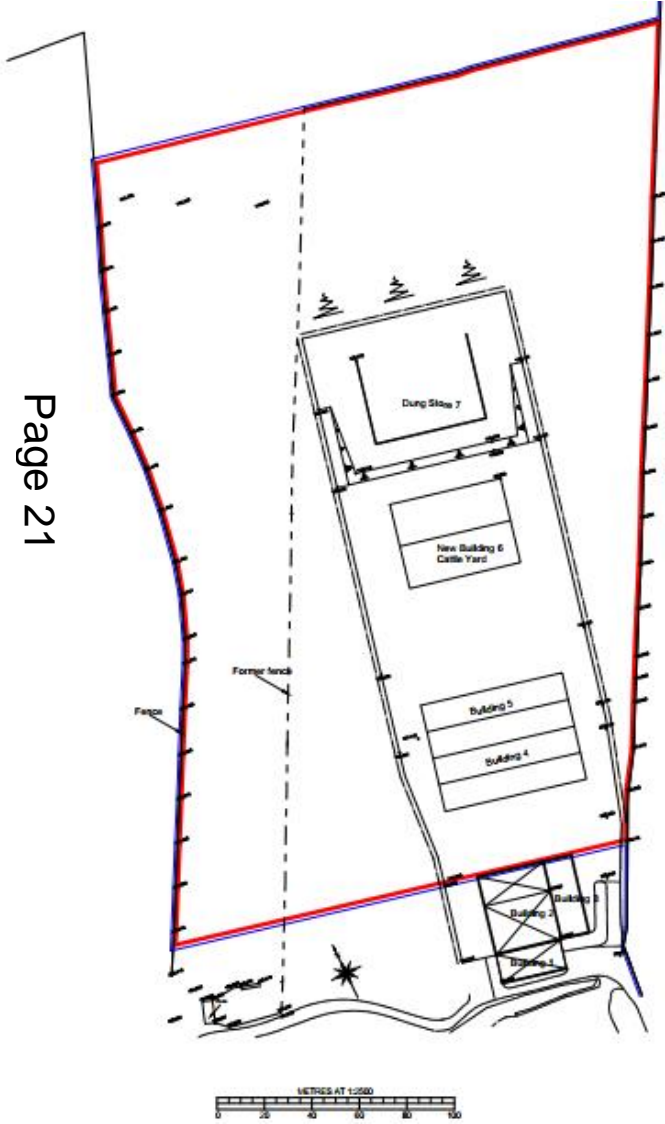


Approved buildings 4 and 5 and views to South



Site Plan and Landscape Plan approved under application 17/09988/VAR

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7b) PL/2022/02156 - 17A Horse Road, Hilpertown Marsh, Trowbridge, BA14 7PE

Replacement and raising of roof and associated vertical extension to create bedrooms on the first floor and replacement garage (resubmission of PL/2021/09030) and retrospective permission for a garden room single-storey infill addition to rear.

Recommendation: Approve subject to conditions

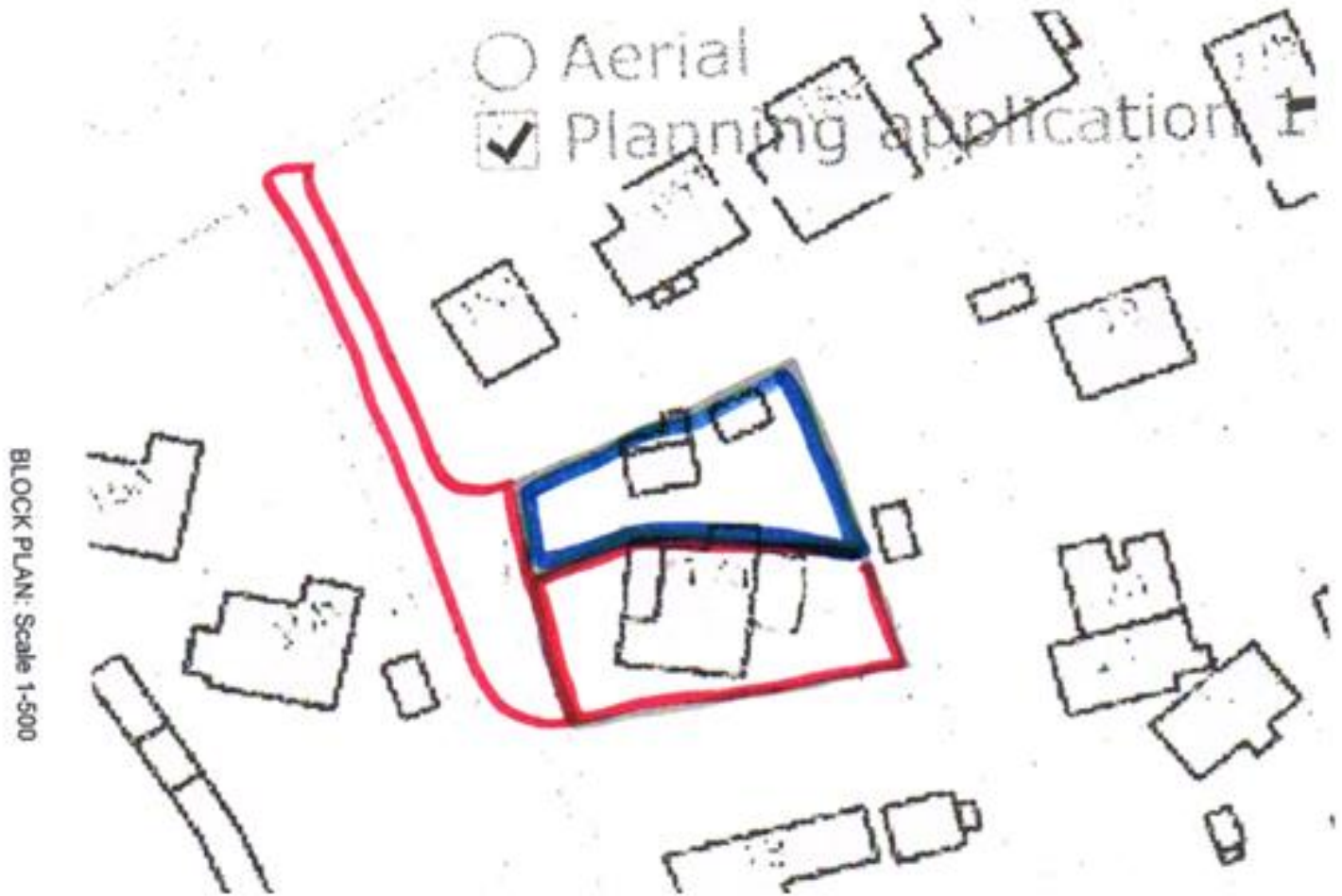


Site Location Plan



Aerial Photography

Application Site and Immediate Surroundings



The unlisted No. 17a Horse Road property is accessed via the unadopted lane and HILP6 PROW shown below – with local listed buildings hatched.



A selection of views of the subject property from the public domain (Horse Road various locations and viewpoints)



The 'existing' host property at No.17a Horse Road

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FRONT ELEVATION - EXISTING (Facing West)



SIDE ELEVATION - EXISTING (Facing North)



GROUND FLOOR PLAN - EXISTING



REAR ELEVATION - EXISTING (Facing East)



SIDE ELEVATION - EXISTING (Facing South)

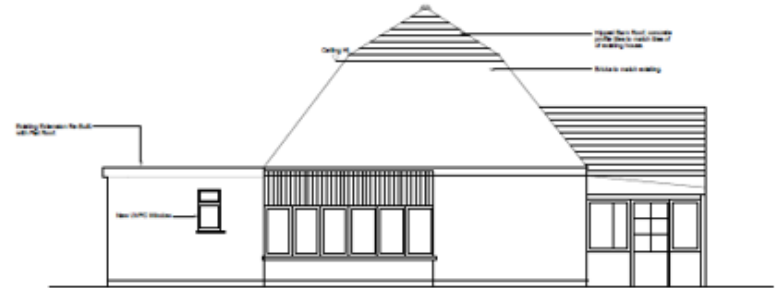


The consented extensions allowed under 20/02982/FUL – which approved the raising of the roof providing rooms on first floor and ground floor extension

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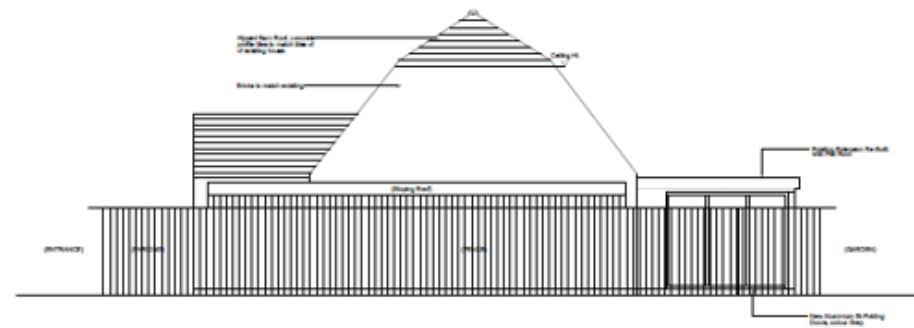
FRONT ELEVATION - PROPOSED (Facing West)



SIDE ELEVATION - PROPOSED (Facing North)



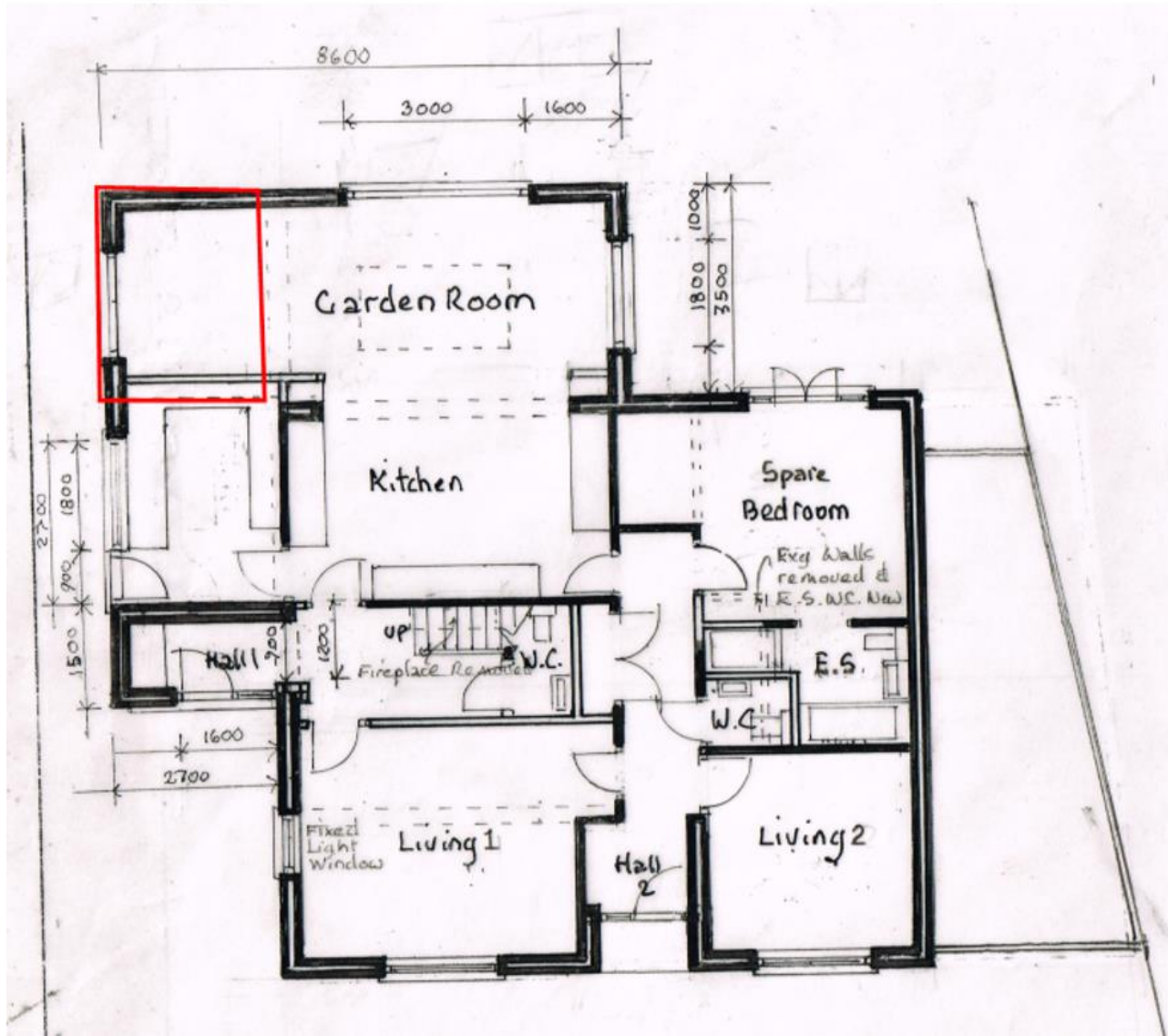
REAR ELEVATION - PROPOSED (Facing East)



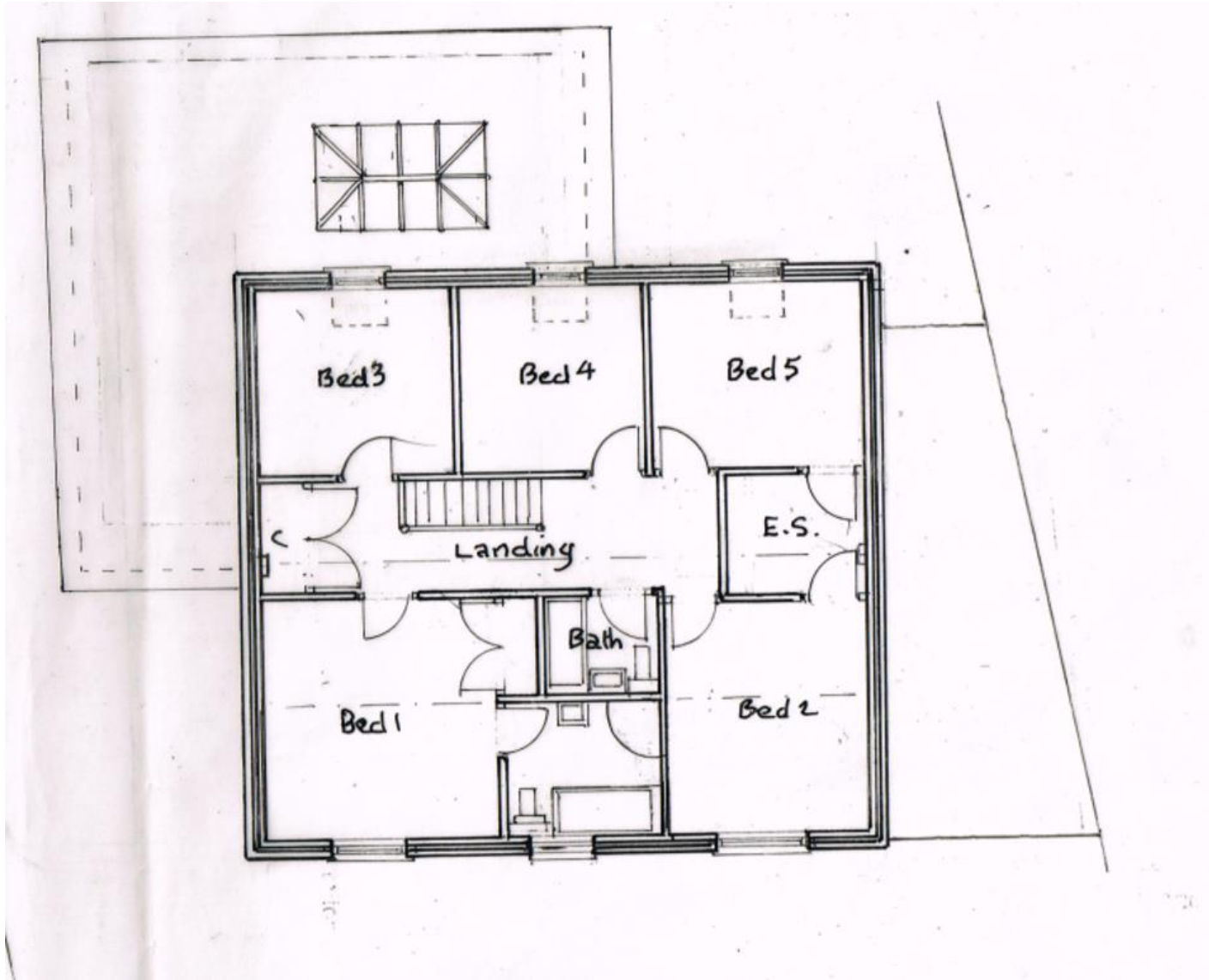
SIDE ELEVATION - PROPOSED (Facing South)

Proposed Ground Floor - The former conservatory on the east elevation and the store on the north elevation have both been demolished and replaced with an L-shaped single-storey extension, which is 2.3sqm larger than what was approved under the aforesaid 20/02982/FUL consented application, and that element (identified in red below) forms part of this application

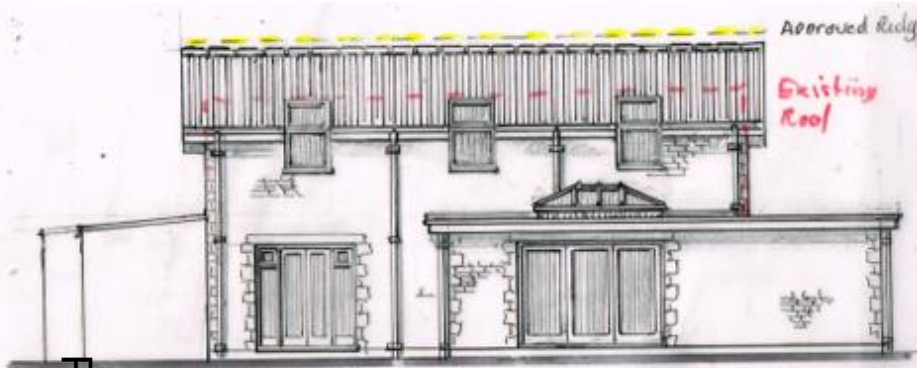
Page 28



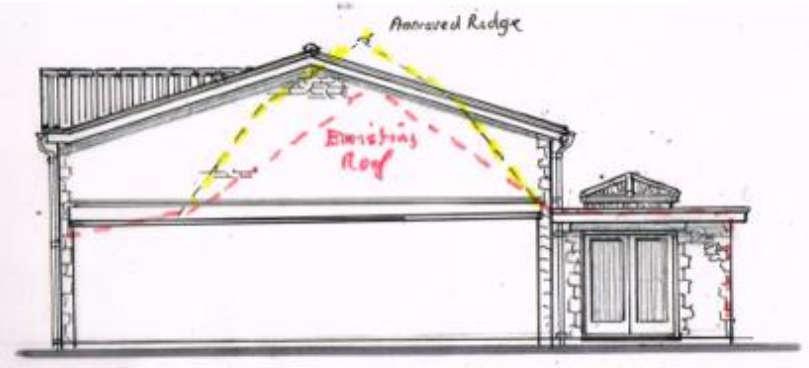
Proposed Upper Floor - The application also seeks planning permission for an upper floor extension (circa 1.1m higher than the existing ridge) to accommodate 5 bedrooms on the first floor with 2 bedrooms sharing an en-suite



Composite elevation plan shown the proposed elevations with the existing building (red dash) and extant approved extension (yellow dash)



East

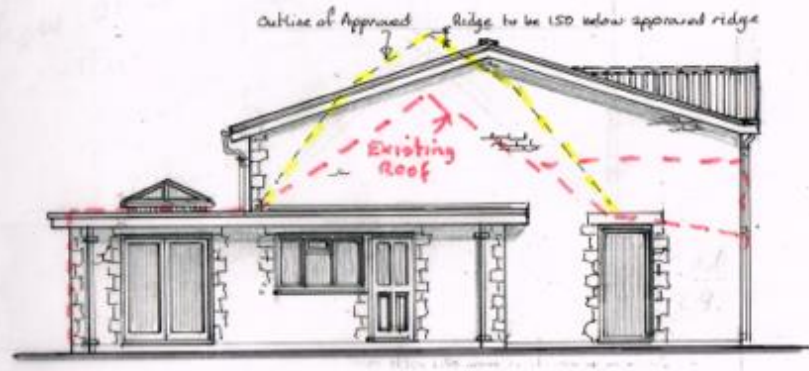


South



West

-- -- Approved
-- -- Existing roof



North

Proposed elevations

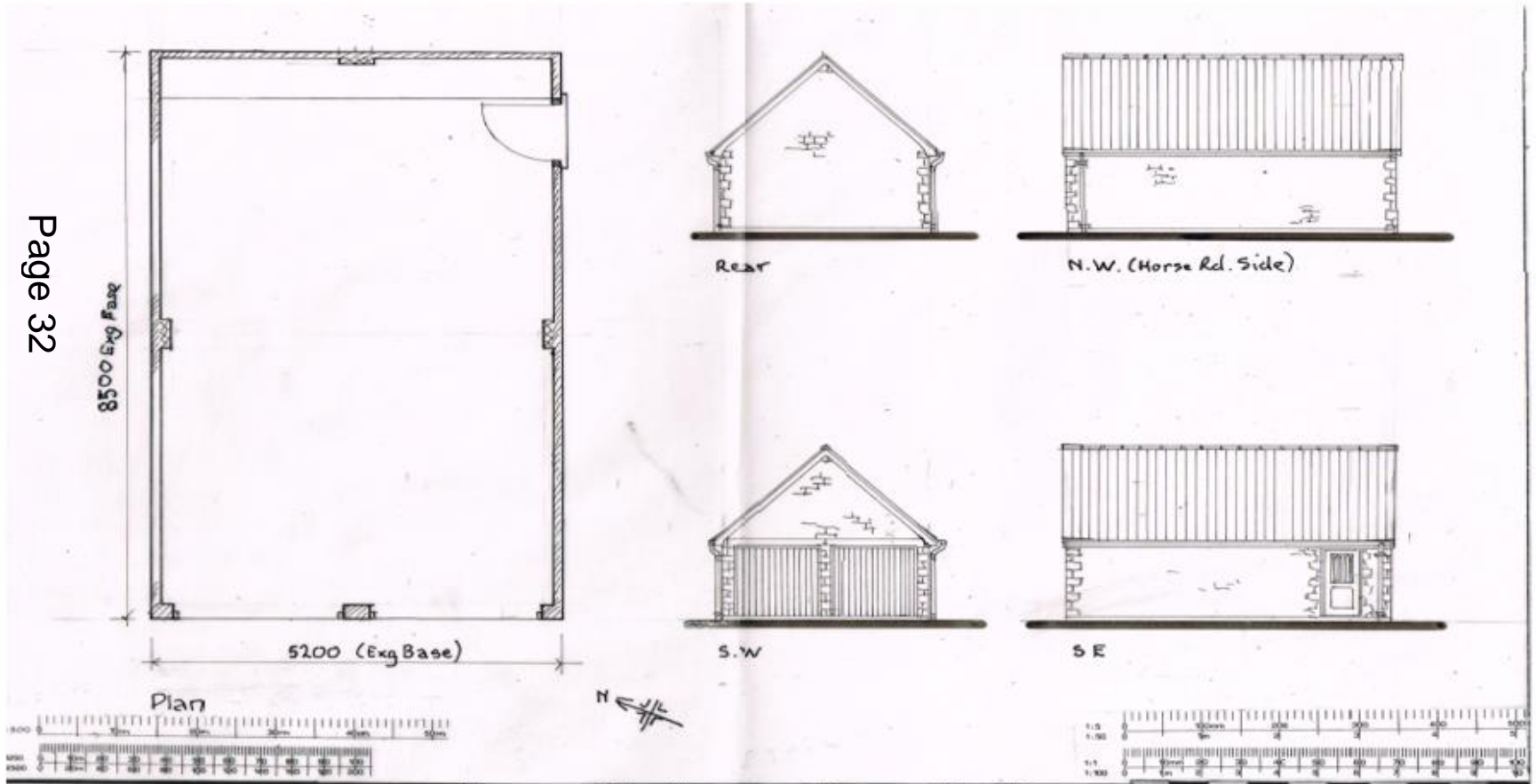
Proposed Block Plan with a 22m separation distance arc to neighbouring properties notated



Proposed Block Plan

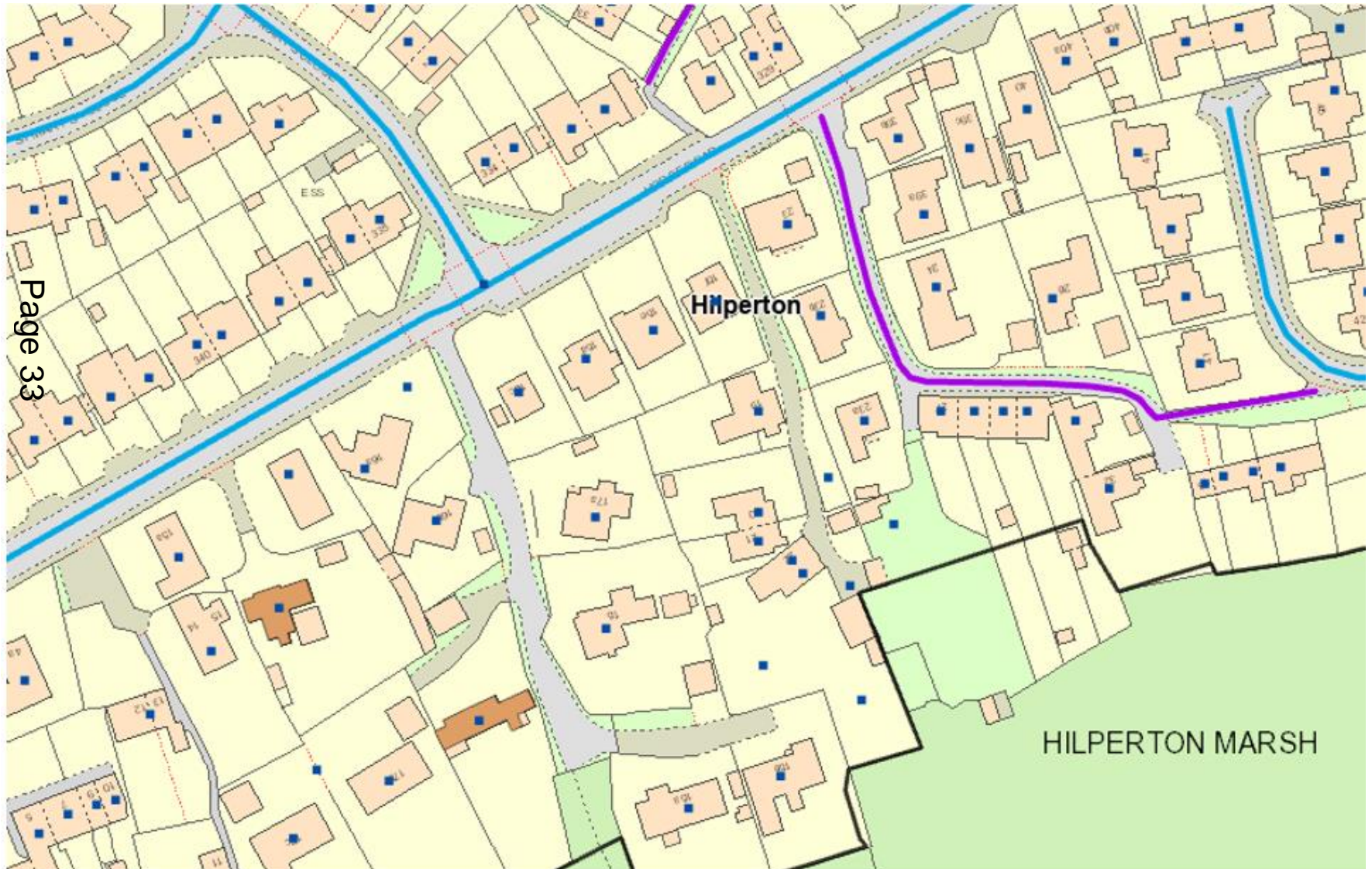
Proposed Replacement Garage Plans

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Proposed Replacement Garage Elevations

The following insert illustrates the plot arrangements on the south side of Horse Road and further south having a distinctly different characteristic and form when compared to the properties on the north side of Horse Road





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No.17A Horse

View of No.17A from the main Horse Road

Existing Garage – to be replaced.

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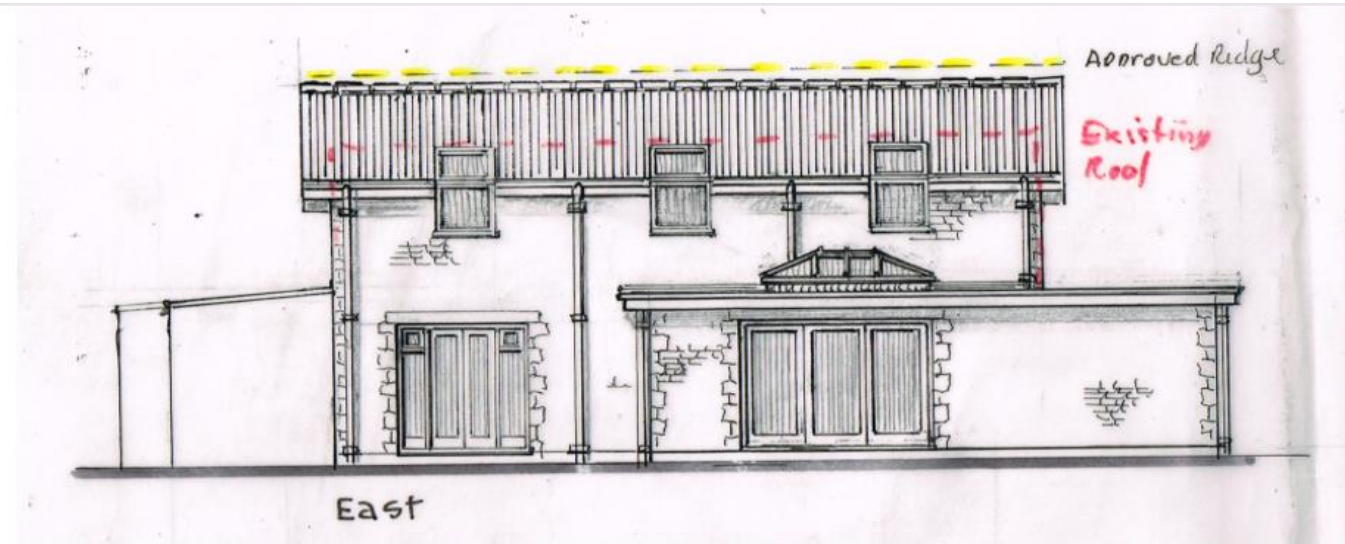
Aerial view picking up numerous outbuildings of varying sizes and positions within domestic curtilages in general locality





View of No.17a host property and neighbouring properties to the north (fronting Horse Road)

To mitigate against overlooking and loss of privacy to neighbours, the proposed upper floor windows on the east elevation would be 'combination' units, with obscured glazing for the lower vertical window section and unobscured glazing in the sloping element (an example of which is reproduced below the elevation)



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No.18C Horse Road

No.18D Horse Road

No.18E Horse Road

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View of No.18C, No.18D and No.18E from the site (with the proposed garage replacing the various outbuildings shown above)



View of site from No.20 and No.19 Horse Road access lane

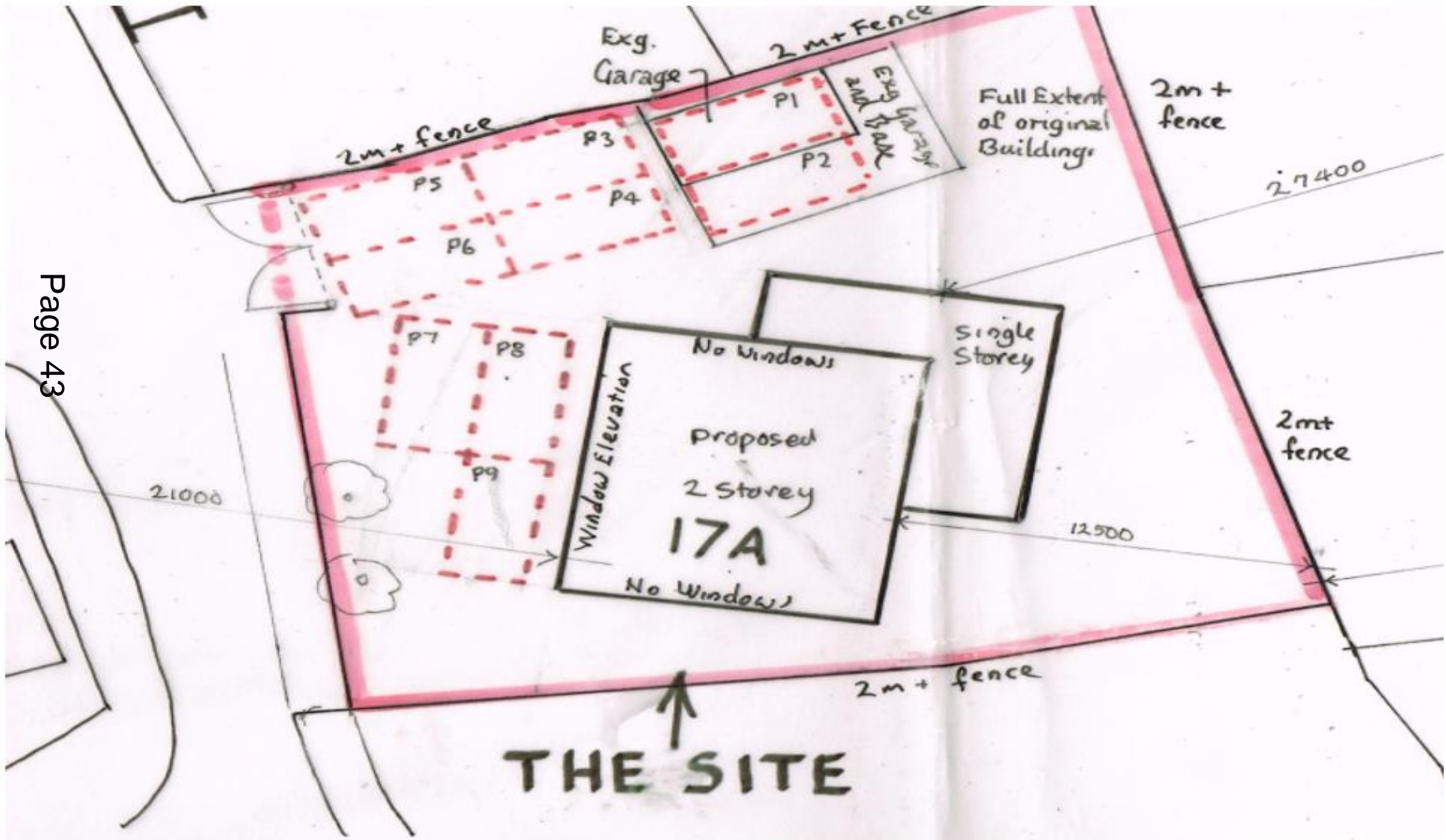


View of from No.20 and No.19 Horse Road from site



View of site from the grade II listed No.17 Horse Road

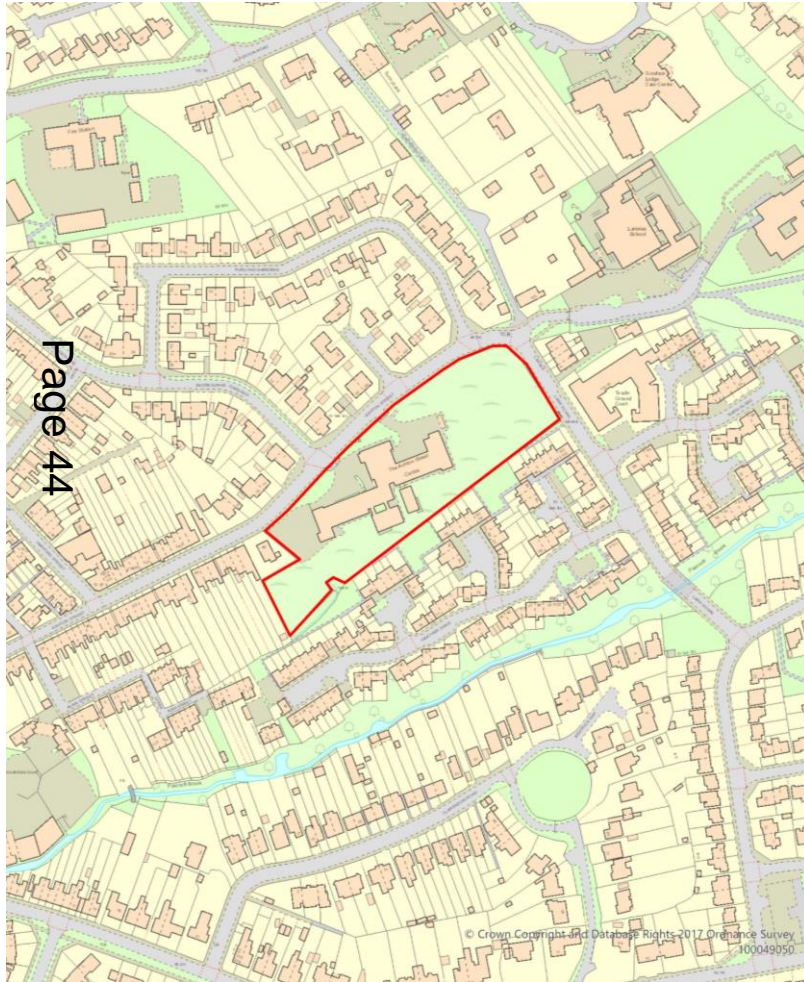
The insert below reveals that the site would have ample on-site provision for more than 3 car parking spaces (if the applicant needed more than 3 motor vehicles to be parked)



7c) PL/2021/09909 - Ashton Street Centre, Ashton Street, Trowbridge, Wilts, BA14 7ET

Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works.

Recommendation: Approve subject to conditions



Site Location Plan



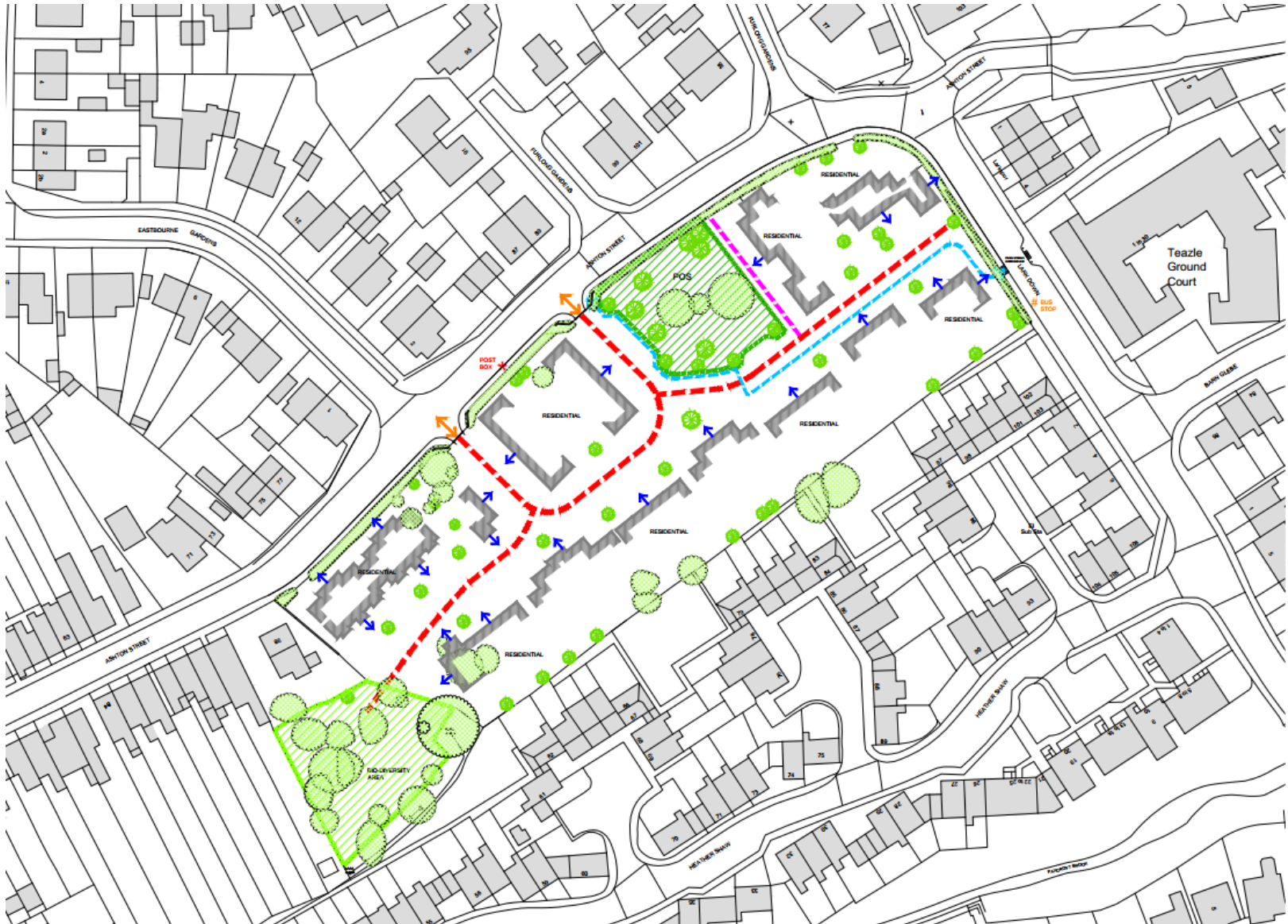
Aerial Photography

Existing Site Plan



Proposed Master Plan with outline of new buildings shown in grey and landscaping areas shown in green

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Proposed Context plan showing proposed buildings within existing urban form



Proposed Site Plan



Photos of Existing Site and Surrounds

Aerial View of Application Site



Application Site Entrance



Looking East across the application site



Looking West across the application site



Examples of existing residential housing along Ashton Street

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Furlong Gardens - North of application site





Lark Down – East of Application Site



Heather Shaw – South of Application Site



Alma Street – Southeast of Application Site

Materials

- Whilst the houses are widely varied as a whole, there are a number of details that are consistent throughout. These include:
 - Coursed rubble stone and render (sometimes painted/ whitewash)
 - Brick facades (buff/ orange / red in colour)
 - Plain, slate, clay, concrete tile roofs
 - Timber lintels on older cottages
 - Brick reveals in stone facades
 - Single pitch roofs, with some front gables

There are 10 housetypes with 1 flat block type

- Plots 1&2, 3&4 (linked 3 bed house):

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- Plots 5-7 (3bed semi-detached):



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- Plots 8-10 (3bed semi-detached-linked):

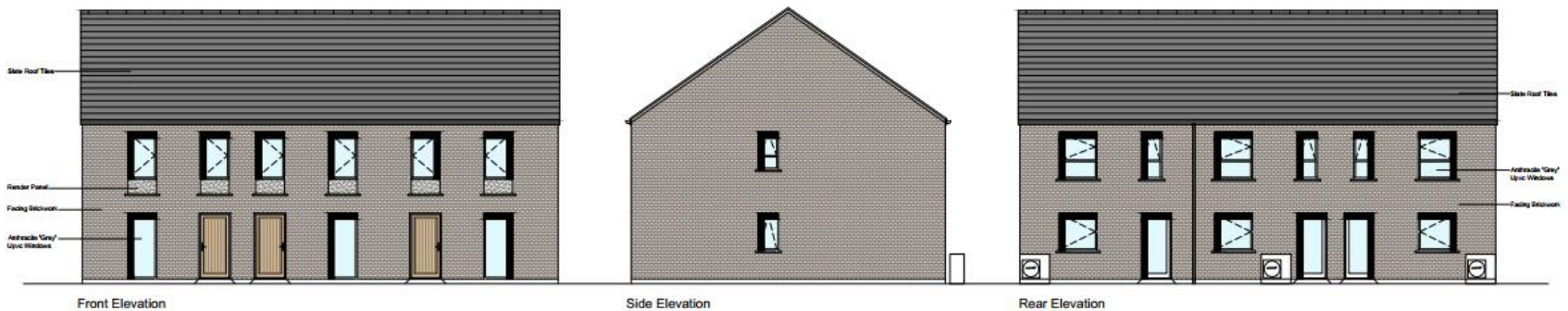


- Plots 11-13 (2 bed terrace):



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- Plots 14-16 (3 bed terrace):



- Plots 17-20 & 23-26 (2 bed terrace):



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- Plots 21 & 22(3 bed semi-detached):



- Plots 27 – 29 (2.5 storey 3bed terrace townhouse)



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- Plots 30-31 (2 bed terrace):



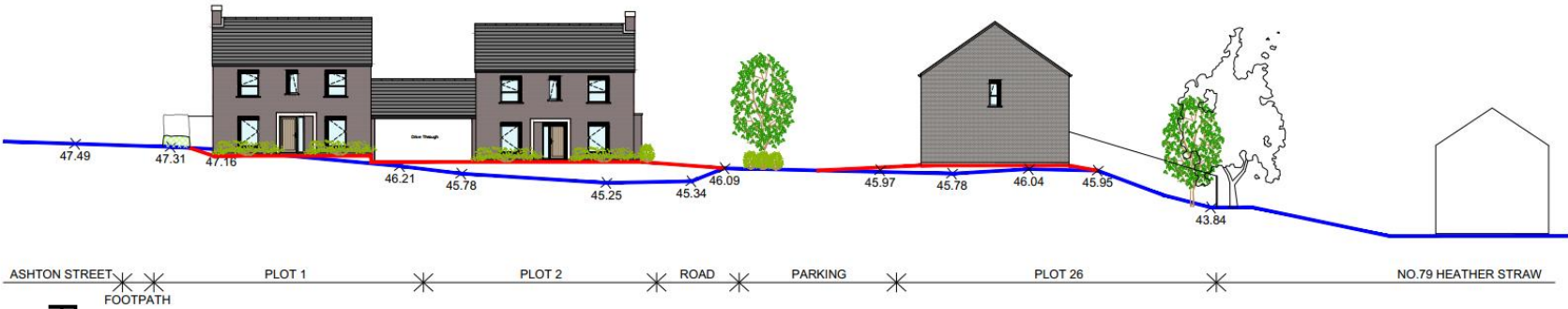
- Plots 33&34; 47&48 (2x1 bed apartments):



- Plots 35-46 (3 storey 2bed flats):



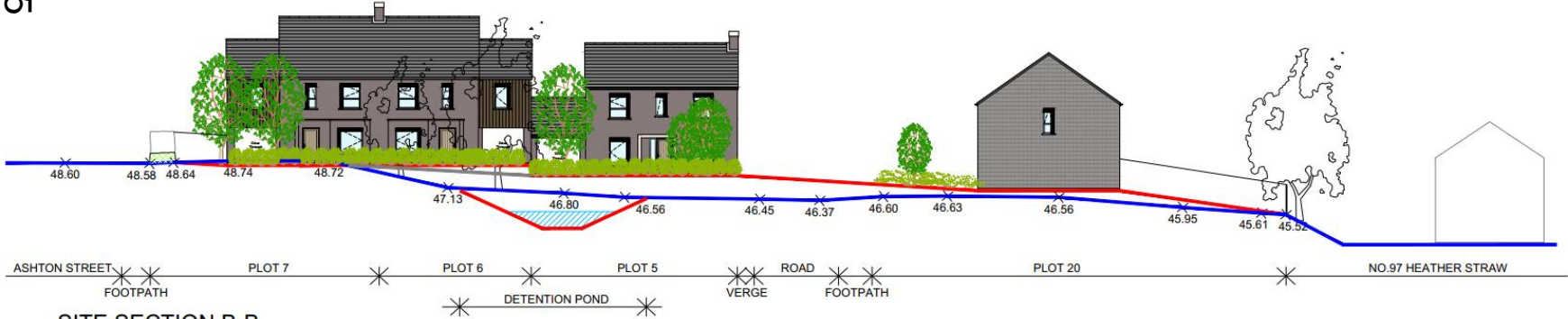
Proposed Sections



SITE SECTION A-A

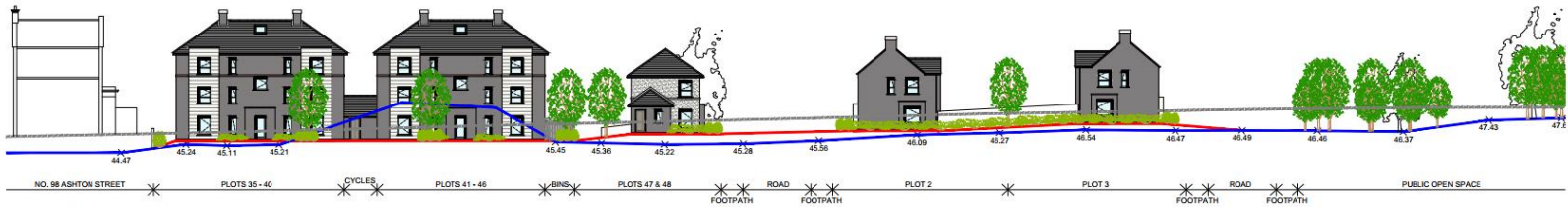
— EXISTING GROUND LEVEL
 — PROPOSED GROUND LEVEL

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SITE SECTION B-B

— EXISTING GROUND LEVEL
 — PROPOSED GROUND LEVEL



SITE SECTION C-C
 — EXISTING GROUND LEVEL
 — PROPOSED GROUND LEVEL
 — ASHTON STREET ROAD LEVEL

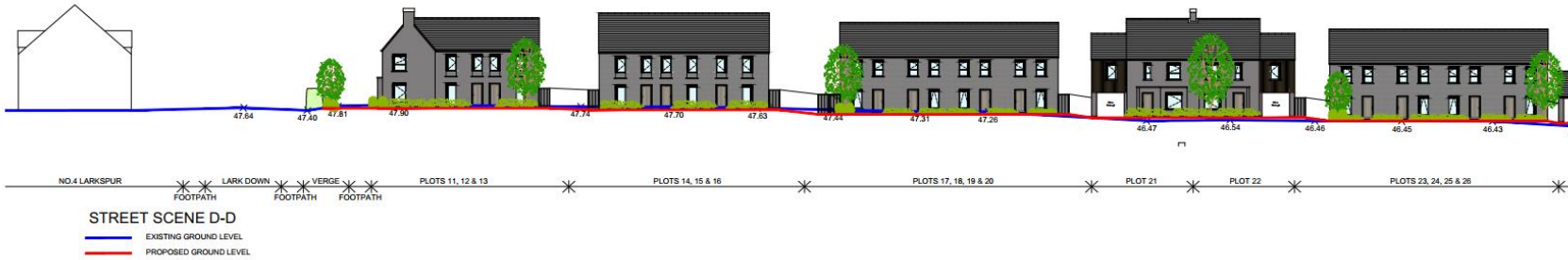


SITE SECTION C-C - continued
 — EXISTING GROUND LEVEL
 — PROPOSED GROUND LEVEL
 — ASHTON STREET ROAD LEVEL

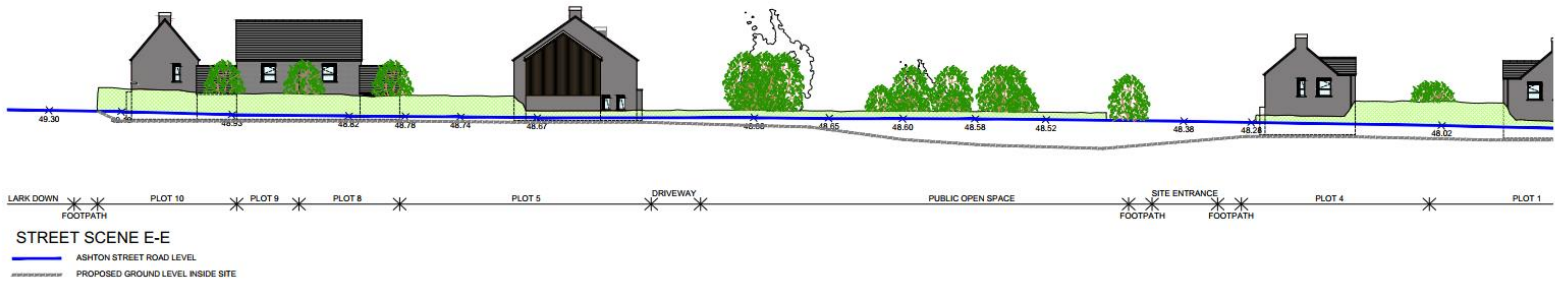
All drawings are copyright
 Report all discrepancies to project administrator
 Do not make drawings for construction purposes
 All dimensions to be checked on site
 Project Name
 Ashton Street Centre
 Ashton Street
 Trowbridge

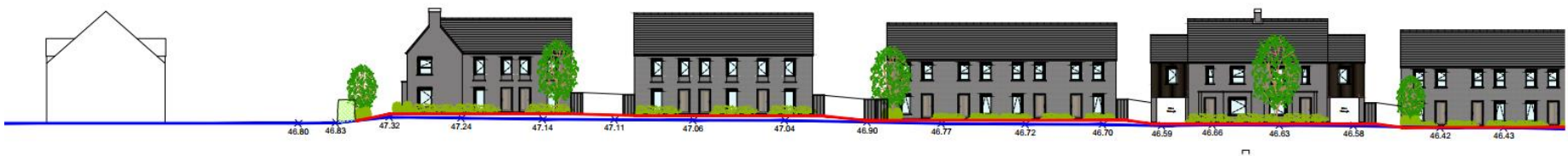
Ian Sullivan Architecture Ltd	
<small>101 Victoria Road, Swindon, Wiltshire SN1 3SD. 01753 670663 - E-mail: info@iansullivanarchitecture.co.uk</small>	
<small>Drawing No.</small> PROPOSED SITE SECTIONS	

Proposed Street Scenes



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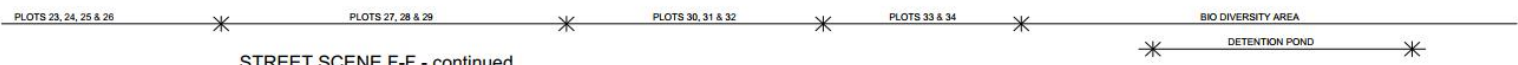




STREET SCENE F-F

EXISTING GROUND LEVEL
PROPOSED GROUND LEVEL

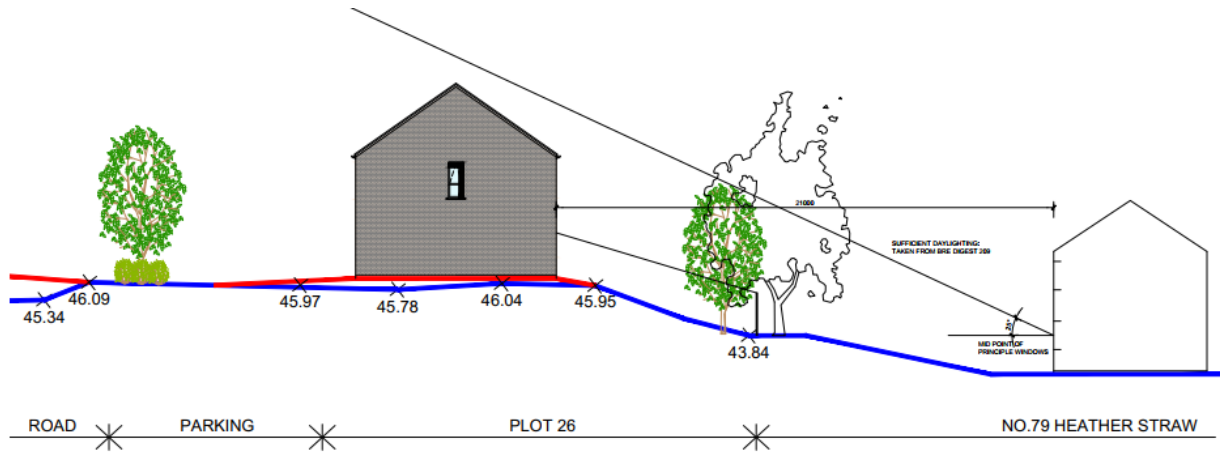
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STREET SCENE F-F - continued

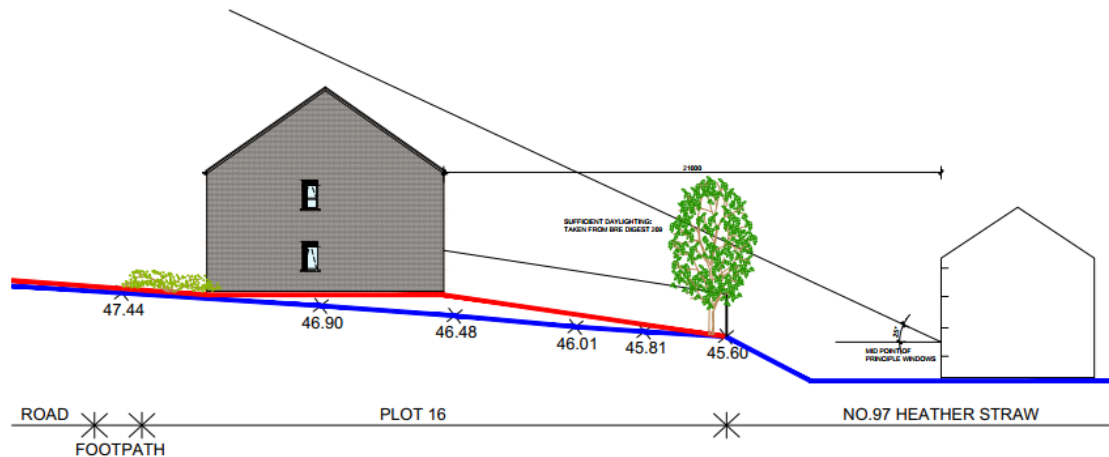
EXISTING GROUND LEVEL
PROPOSED GROUND LEVEL

Daylight Impact Sections



SITE SECTION A-A

- EXISTING GROUND LEVEL
- PROPOSED GROUND LEVEL

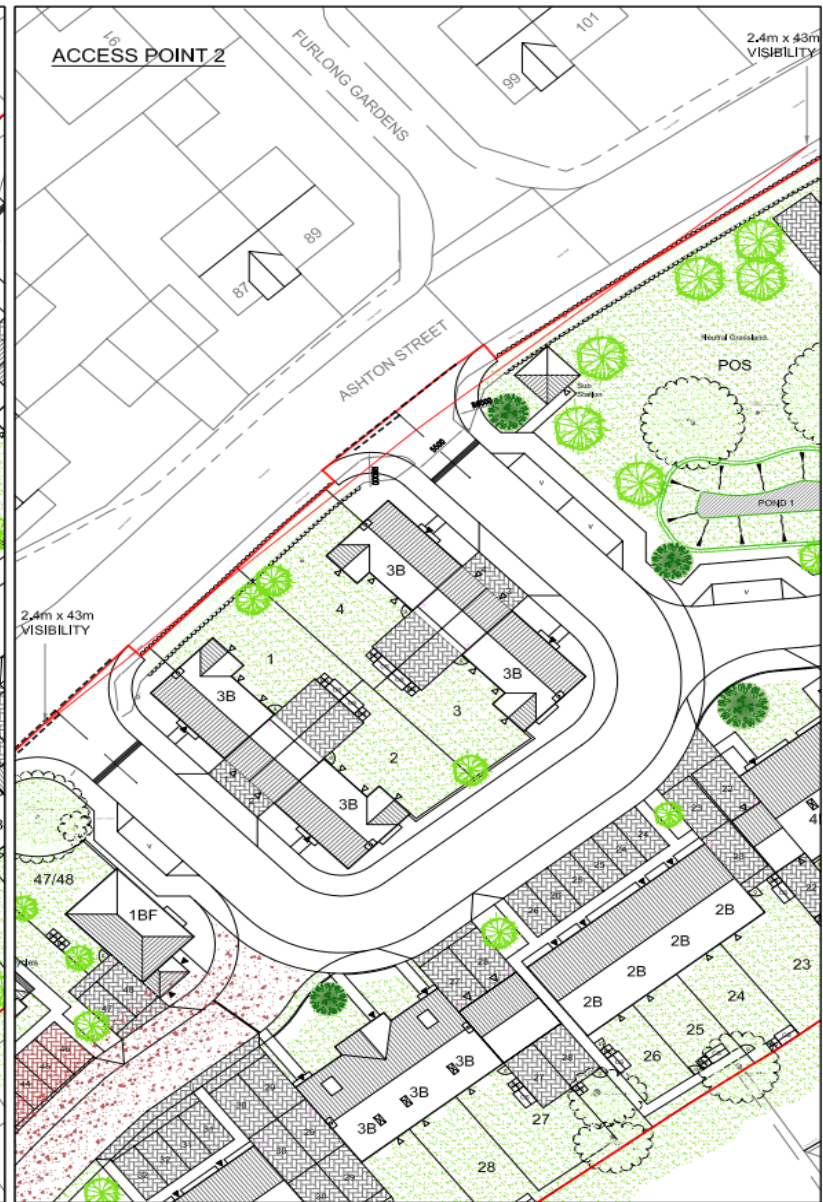


SITE SECTION G-G

- EXISTING GROUND LEVEL
- PROPOSED GROUND LEVEL

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Proposed Access



ECOLOGY

 Denotes Nest Box Locations

 Denotes Sparrow Terraces Locations

 Denotes Bat Tube Locations

 Denotes Insect Hotel / Mini-beast HQ Locations

 Denotes Sparrow Terraces Locations

 Denotes Bee Brick Locations

 Hedgehog holes of 13cm x 13cm to all garden fences between houses

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PLANT SCHEDULE

NATIVE TREE SPECIES

- T1 Acer campestre (Field Maple)
- T2 Ligustrum vulgare (Common Privet)
- T3 Agilana (Common Hawthorn)

ORNAMENTAL TREE SPECIES

- T4 Paspalum (Privet) (Climax Species)
- T5 Urban Yew (Plant Type)
- T6 Malus (Common Flowering Crab)

All tree planting to be in accordance with NERC Guidelines and Best Landscape Practice. Unseasoned trees should be planted in the autumn or winter months. All trees should be planted in the autumn or winter months. All trees should be planted in the autumn or winter months.

SHRUB PLANTING

SPECIES	Height / Spread	SUPPLY
Euonymus Alatus (Euonymus)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5
Amelanchier (Amelanchier)	2.0 - 3.0m	1.5

NATIVE HEDGE PLANTING

- H1 Hedera (Common Ivy)
- H2 Hedera (Common Ivy)
- H3 Hedera (Common Ivy)
- H4 Hedera (Common Ivy)
- H5 Hedera (Common Ivy)
- H6 Hedera (Common Ivy)
- H7 Hedera (Common Ivy)
- H8 Hedera (Common Ivy)
- H9 Hedera (Common Ivy)
- H10 Hedera (Common Ivy)
- H11 Hedera (Common Ivy)
- H12 Hedera (Common Ivy)

PLANTING NOTES

- All planting to be in accordance with the relevant British Standard, Code of Practice etc.
- Planting shall be installed to a minimum depth of 200mm to all areas of shrub & tree planting with a maximum depth of 300mm for all areas.
- Tree pits to be excavated to 1700mm above a 1500mm depth, in all cases with 200mm down and depth greater than 1500mm of 100% aggregate down to 100% depth with 100mm topsoil over 150mm depth. All areas shall be watered at least once daily for the first 14 days after planting. All areas shall be watered at least once daily for the first 14 days after planting.
- Tree pits shall be watered at least once daily for the first 14 days after planting. All areas shall be watered at least once daily for the first 14 days after planting.
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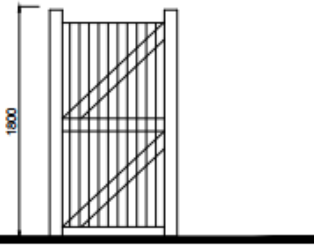
THREATS TO IMPLEMENTATION

All planting, watering & feeding to be undertaken after the final landscaping program. All planting, watering & feeding to be undertaken after the final landscaping program.

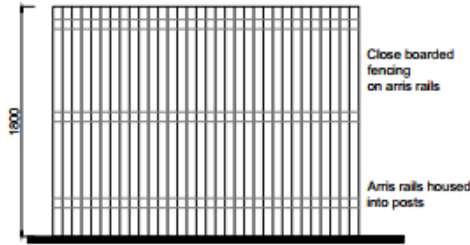


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 Ashton Stree
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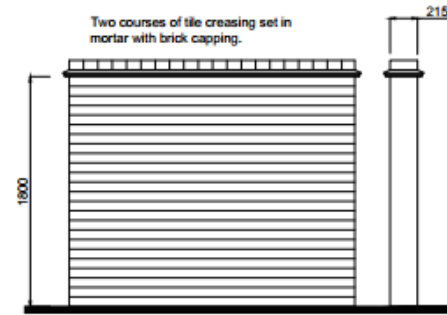
Boundary treatments



1800mm High Timber Access Gate



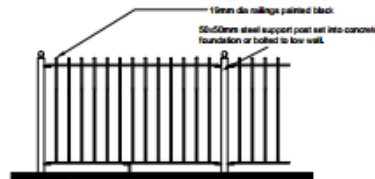
1800mm High Timber Close Board Fence



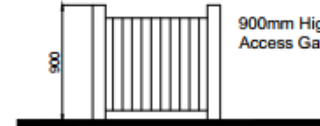
1800mm High Brick Screen Wall



900mm Timber Post and Rail



900mm High Railings



900mm High Timber Access Gate

CGI modelling images of proposed development



Examples of ecological features to be installed:



Bat Tube Locations (To be installed as per manufacturers design & details).



Insect Hotel / Minibeast HQ Locations (To be installed as per manufacturers design & details).



Nest Box Locations (To be installed as per manufacturers design & details).



Sparrow Terraces Locations (To be installed as per manufacturers design & details).



Hedgehog Fence Panel (To be installed as per manufacturers design & details).
(Hedgehog Fence Panel Gravel Board for use with slotted fence posts. Has a reinforcing strip along the top to strengthen the board).



Bee Brick Locations (To be installed as per manufacturers design & details).

CIL/S106

- CIL chargeable (CIL zone 2)
- S106 required and HoTs agreed for the following:
 - **Policy compliant Affordable Housing:** at 30% (14units) on a split between 60% affordable rent (8units) and 40% shared ownership (6units);
 - **Education contributions:**
 - Early years places = £105,132
 - Primary school places = £225,096
 - Secondary school places = £206,460
 - **Transport contributions**
 - Green Travel Plan (incl. £300 of travel vouchers)
 - bus stop improvements (£12.000)
 - a new footpath
 - Traffic regulation order contributions (£6,000)

Contd...

— **Open Space Management**

- The required on-site POS provisions
- Future management and maintenance of the Public Open Space, Surface Water Drainage Scheme infrastructure, structural landscaping and ecology buffer zones, as shown on LEMP

— **Recycling and Waste Facilities**

- £91 per dwelling = £4,368 for 48 dwellings.

Proposed Site Plan

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7d) PL/2022/03938 - Plot D2, Kingdom Avenue, Westbury, Wiltshire

Construction and operation of a 7.5mw gas peaking generation plant, to include an electrical substation, gas kiosk, gas engines, access, CCTV, lighting and associated works (Resubmission of 20/10440/FUL)

Recommendation: Approve subject to conditions

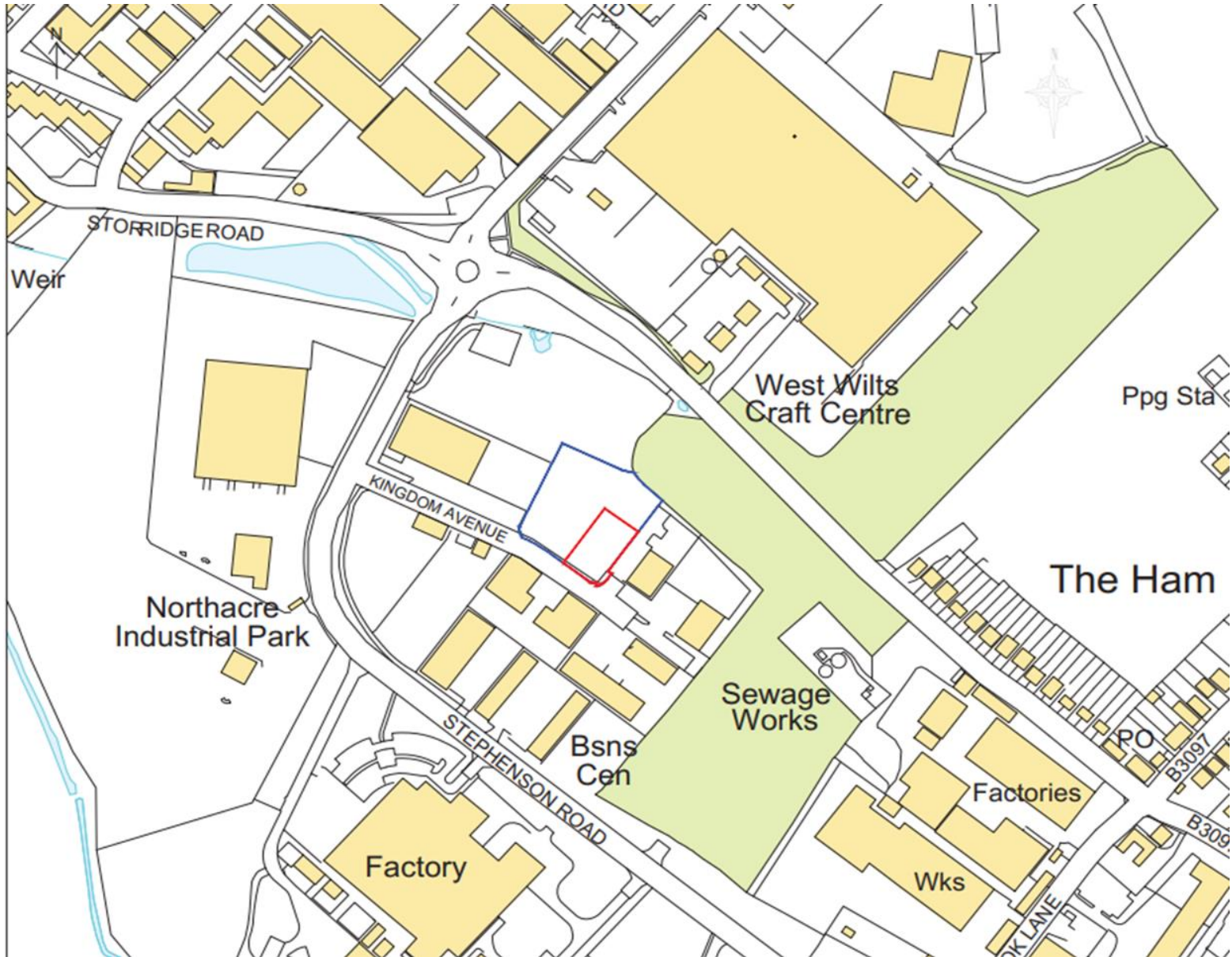


Site Location Plan



Aerial Photography

Site Location Plan



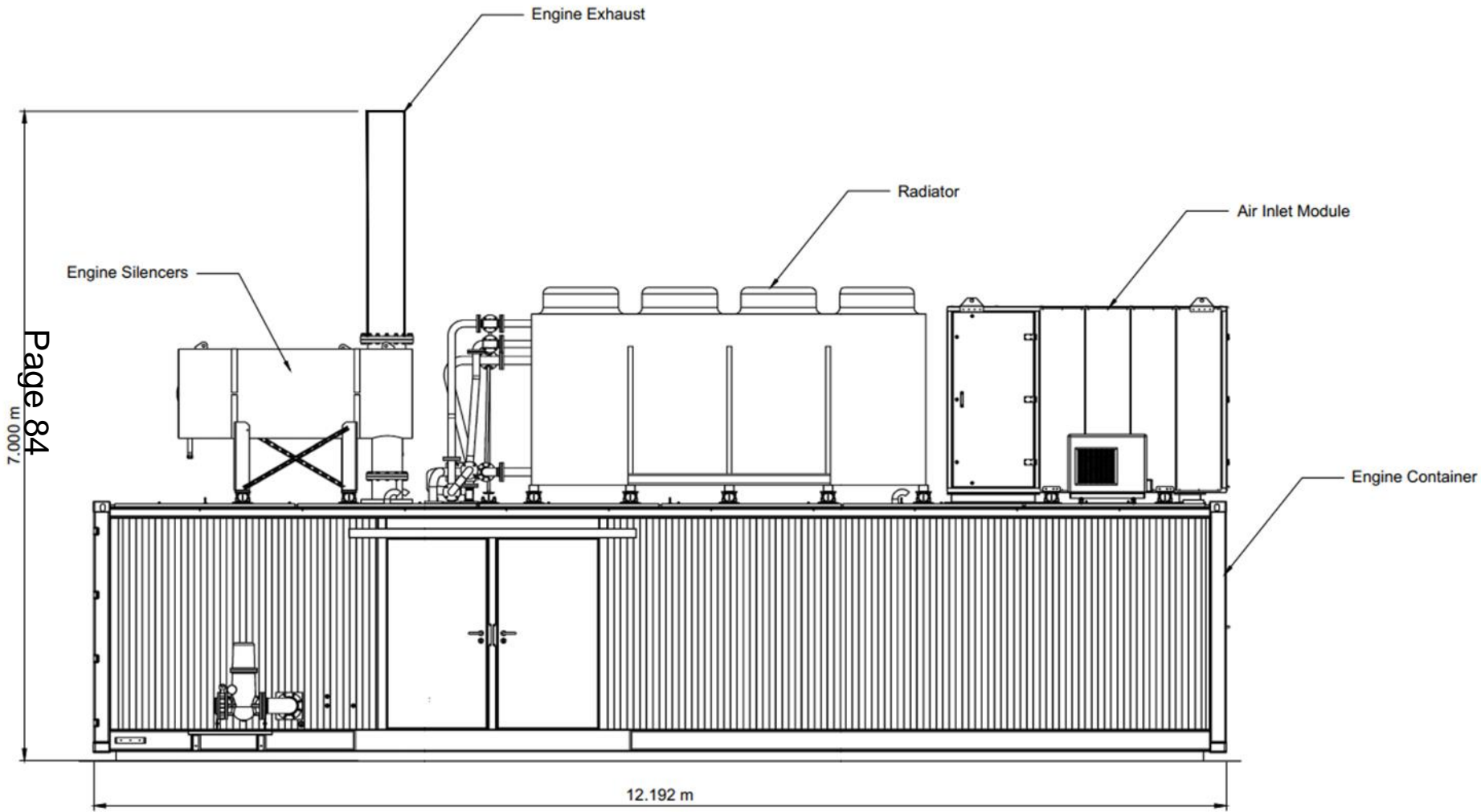
Existing Site Plan



Proposed Site Plan



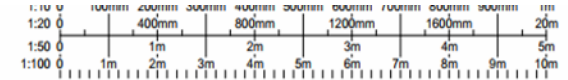
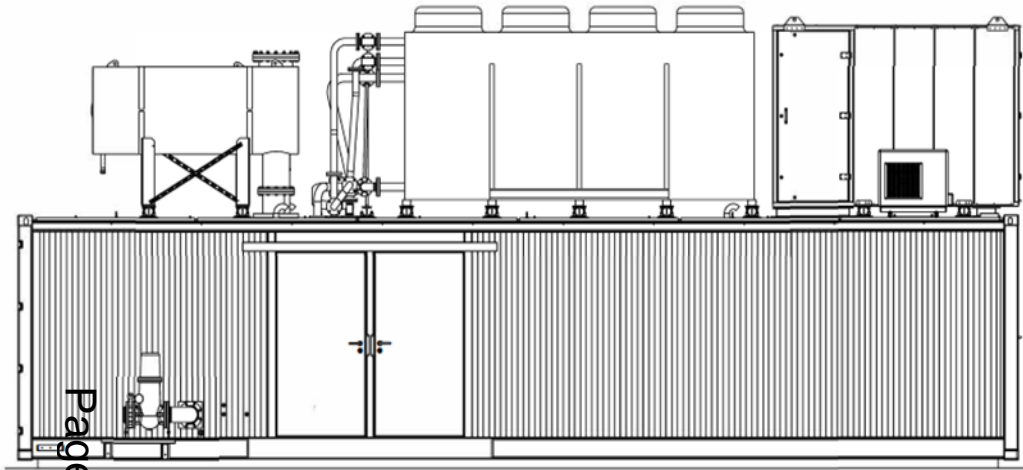
Proposed Gas Peaking Generation Plant Elevation – with stack



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7.000 m

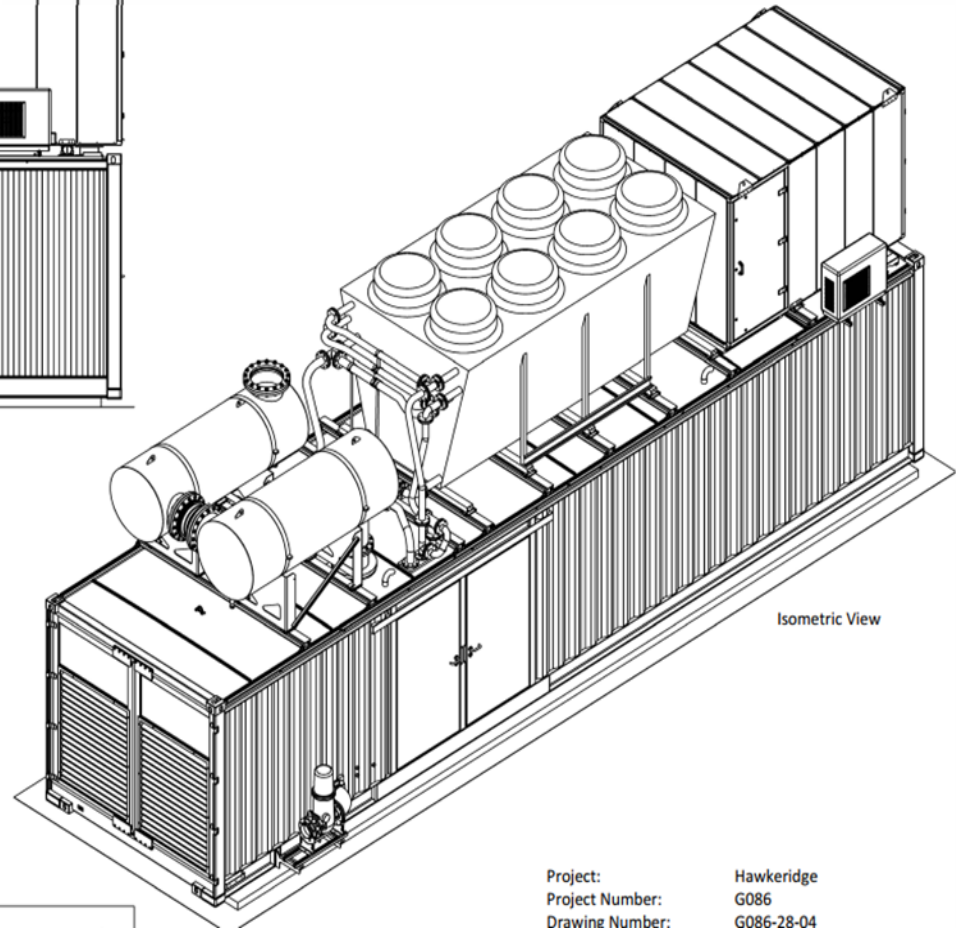
Gas Engine Elevation (with Stack)

Proposed Gas Peaking Generation Plant Elevation without stack and Isometric View



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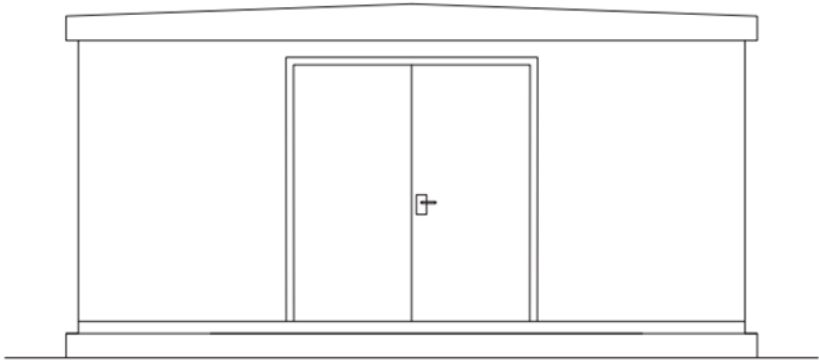
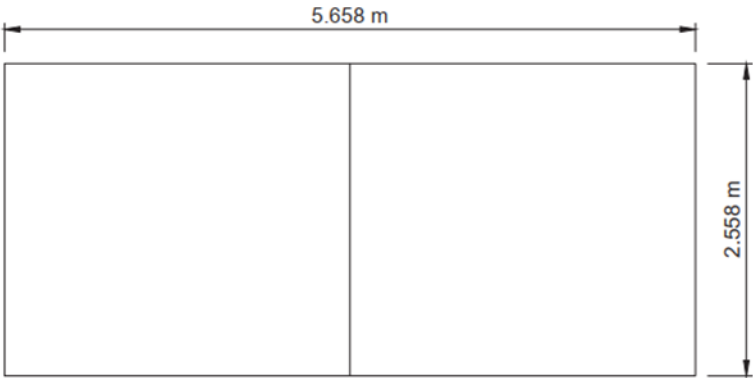
Elevation (without exhaust stack - please see drawing G086-28-05 showing exhaust stack)



Isometric View

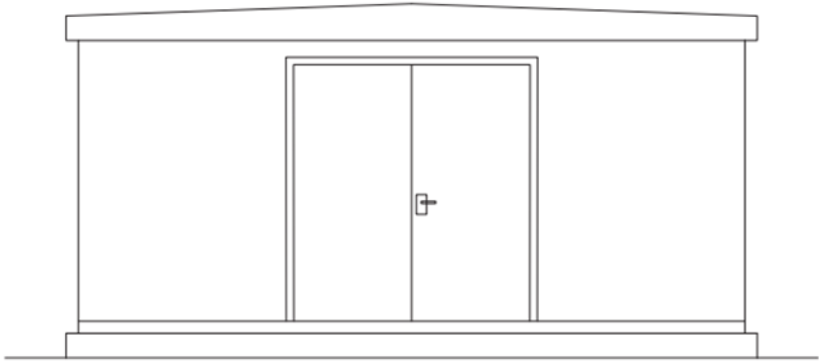
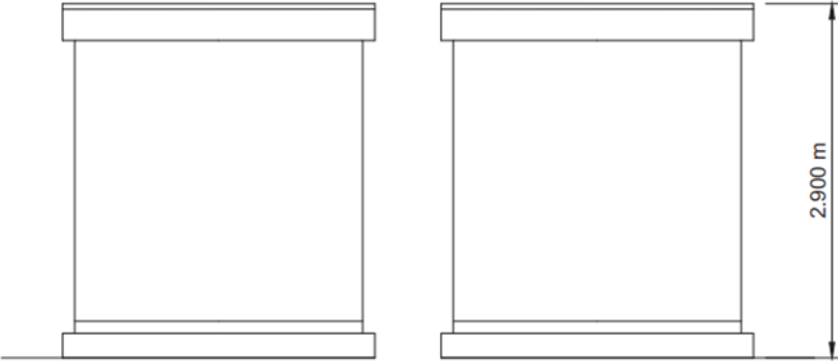
Project: Hawkeridge
Project Number: G086
Drawing Number: G086-28-04

Proposed Gas Kiosk Elevations

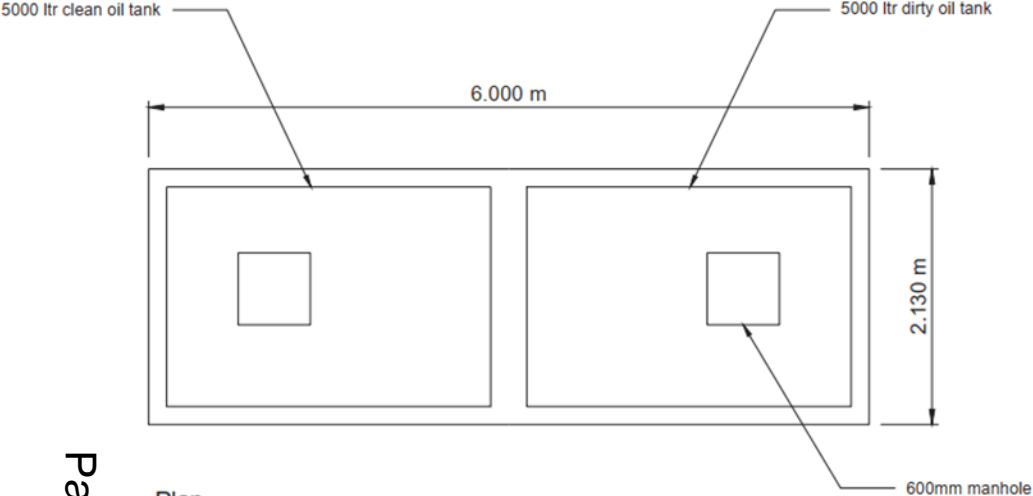


Front Elevation

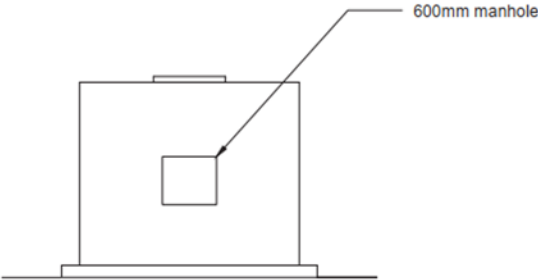
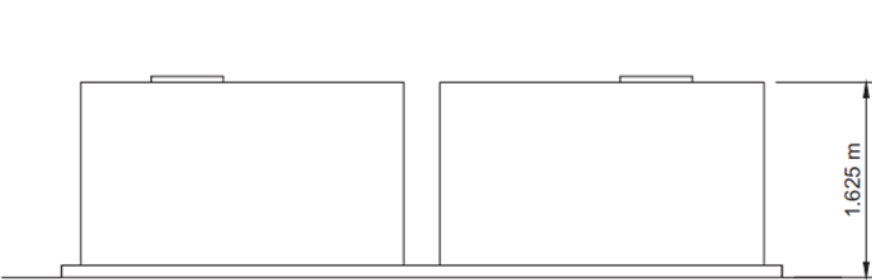
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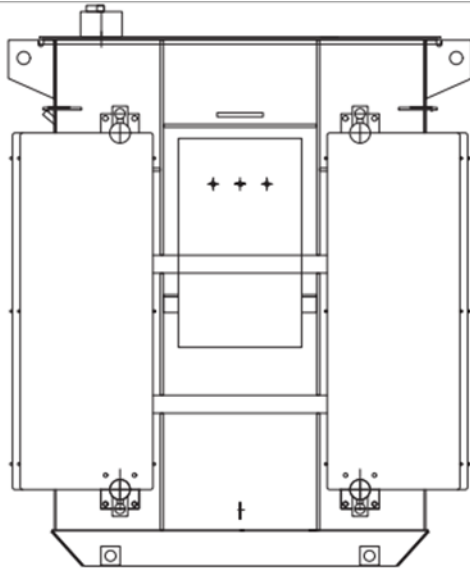
Proposed Oil Tank Plan and Elevations



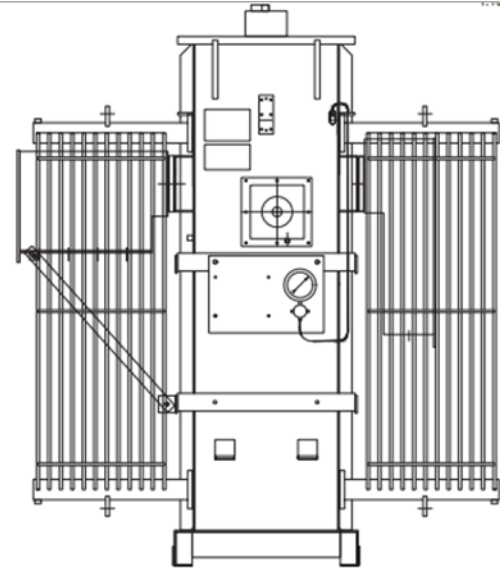
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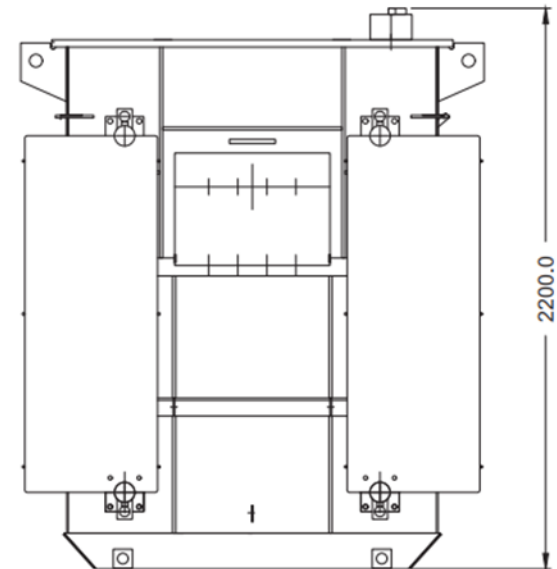
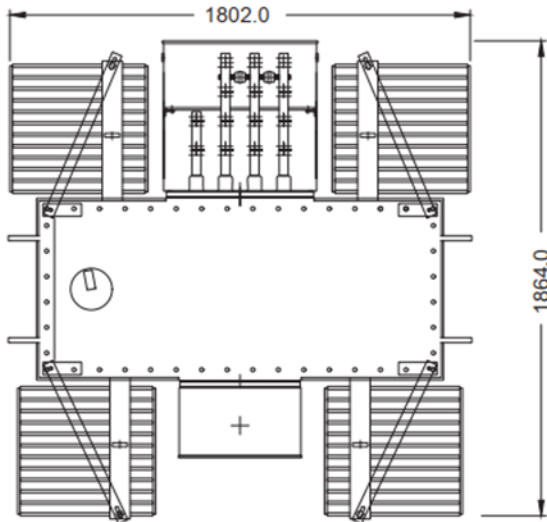
Proposed Transformer Plan



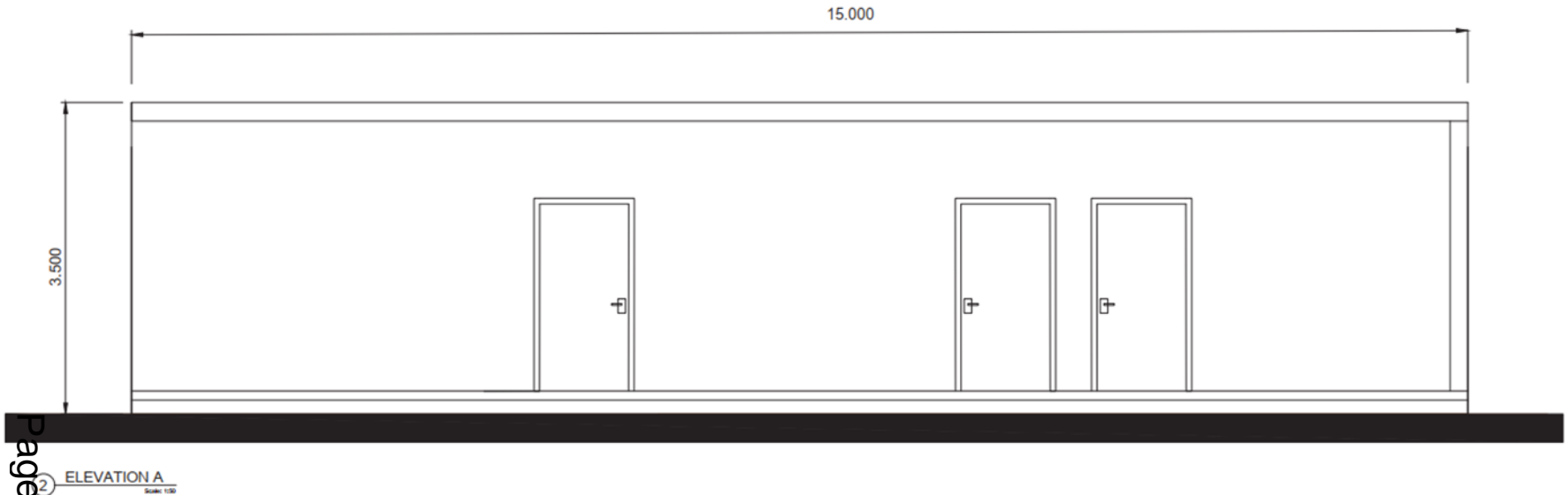
Elevation



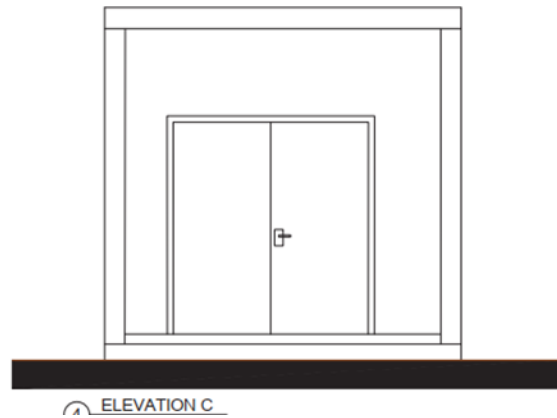
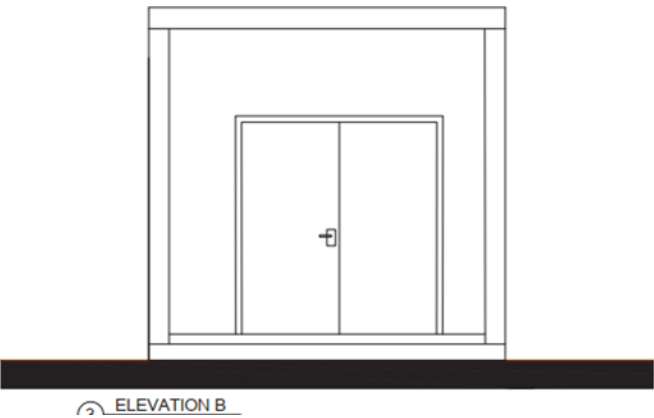
Elevation



Proposed Electrical Substation Elevations



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Revision	Rev. Date:	Revision Description:	DR

Revisions Schedule

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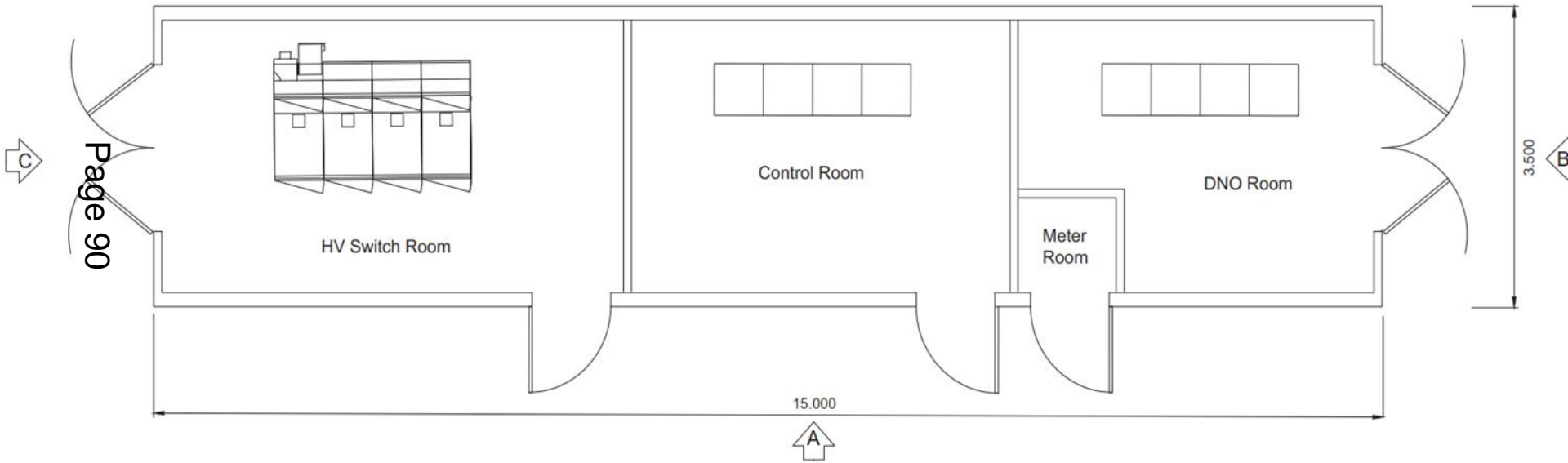
Project Number:

Project Title:

Client(s):

Project Issue Date:

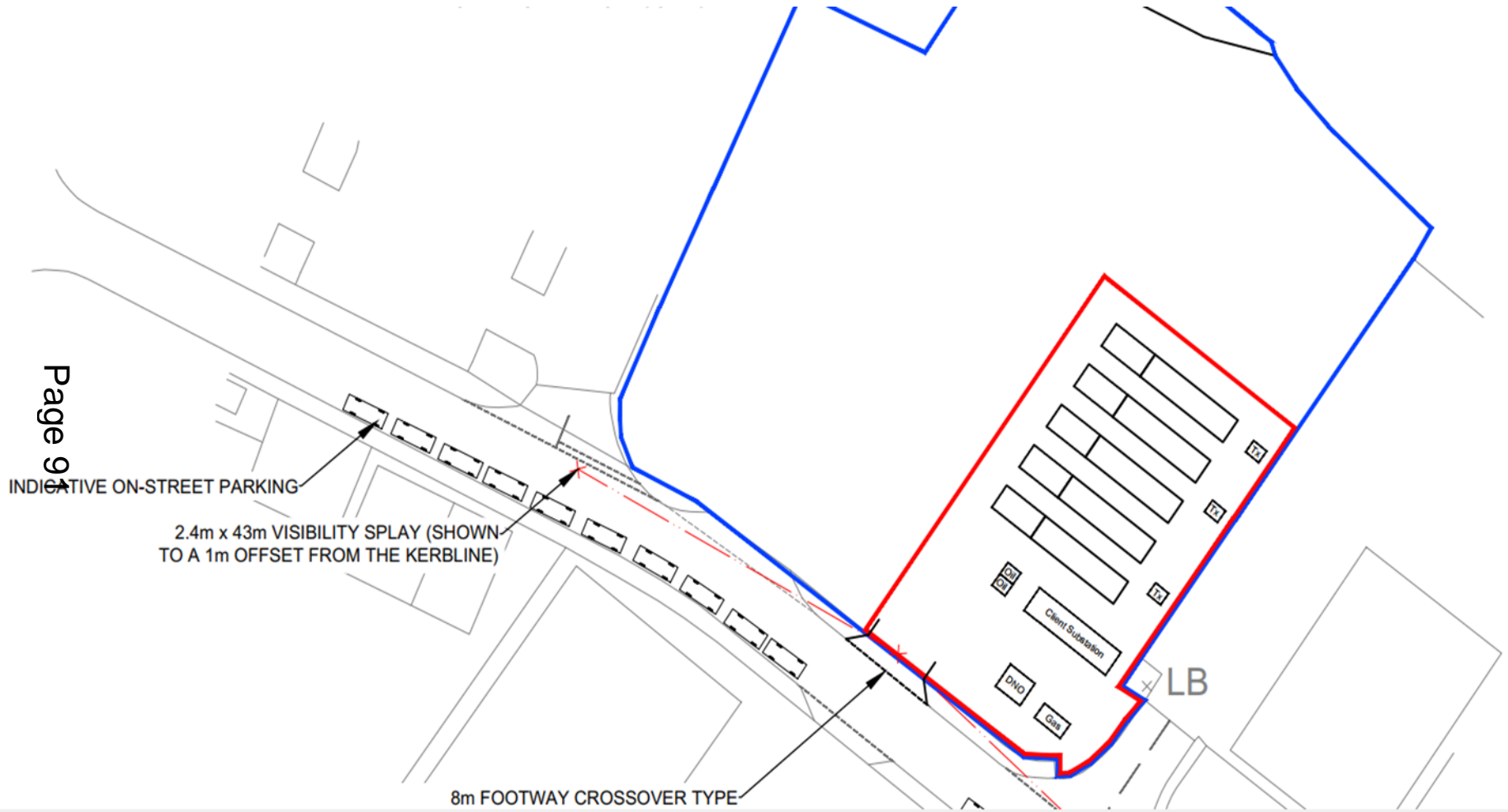
Proposed Electrical Substation Plan



1 PLAN LAYOUT

Scale: 1:50

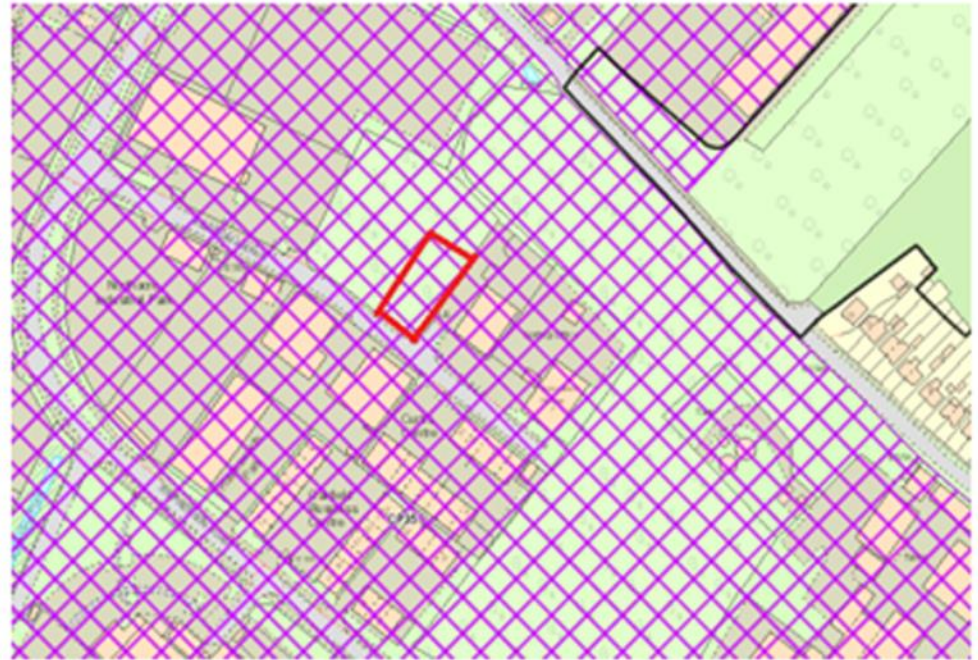
Proposed Site Plan with Access and Visibility Splay



Swept Path Analysis Plan



Site Location within the Brook Lane and North Acre Trading Estate



Google 2022 aerial image of the application site (red outline) and the outline of the WCS Core Policy 35 (existing employment site – Brook Lane and Northacre Trading Estate) shown as the yellow line



Google Street View Image of the site looking south east with the Sorting Office in the middle, the Welton Bibby & Baron building to the left and Triple Eight Supplies Ltd to the right



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Google Street View Image of the site looking north west from the Junction with the Sorting Office with Theraposture Ltd to the left and ALH systems behind



Photo of the 'Curtis Centre' from the junction to the Sorting Office – comprising of 13 units



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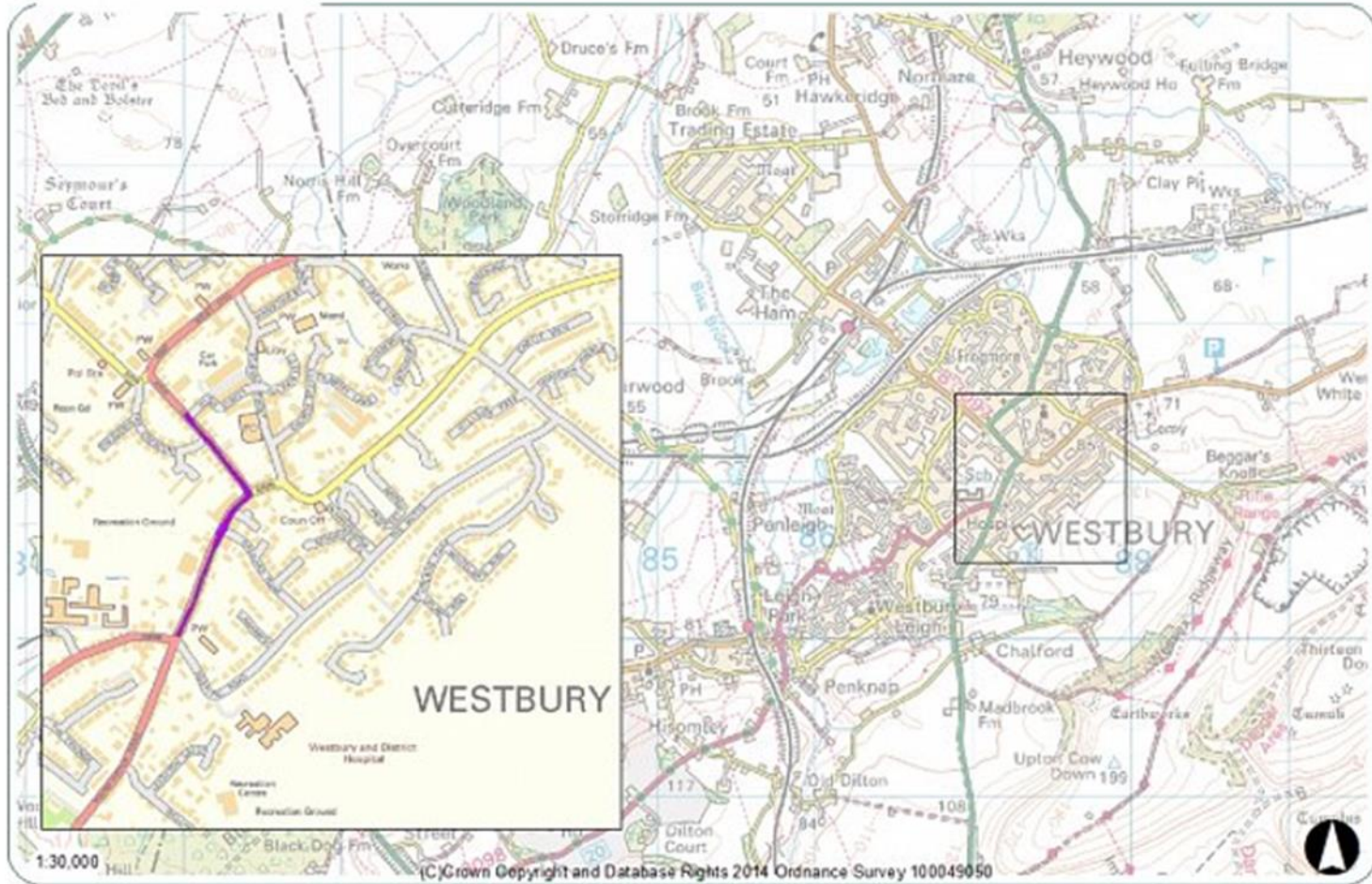
Photograph of the Theraposture Ltd unit opposite the site



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Westbury's AQMA – Air Quality Management Area

Westbury Air Quality Management Area



Headline bullet points from Counsel Opinion

- The predicted NO₂ impacts in the Westbury AQMA is **not concerned** with the Council's carbon-neutral pledge.
- The Council is **not required** to use the DEFRA Toolkit to calculate financial contributions based on the NO₂ increases expected within the AQMA for Westbury
- **Neither** the adopted Development Plan (*WCS*) or the NPPF prescribes the methodology to be used when assessing any financial contribution to mitigate against the impacts on the AQMA
- The Council may consider that the DEFRA Toolkit is **not an appropriate** model for the purpose of calculating a financial contribution in respect of mitigating the impact on the AQMA
- The Council **is entitled to require** payment within the Air Quality Strategy, Action Plan or a bespoke set of measures, if it is satisfied that without those mitigation measures, the development would have an unacceptable impact on air quality such that planning permission should be refused

Headline bullet points from Counsel Opinion

- Those **measures will vary** with different levels of impact, and devised on the basis of the best available evidence
- There **needs to be a connection** between any monies sought and the mitigation measures to be undertaken and that the monies are attributed to a set project to deliver mitigation and be relevant to the predicted impact.
- It is also appropriate for the relevant measures **to form part of a package** with other contributions being pooled to enable the mitigation to be delivered
- The developer should be asked to make **a proportionate contribution** to that package rather than point to a specific identified measure within that package
- As set by the CIL Regs and planning law, a developer can only be required to make **a fairly and reasonably related contributions** to deliver mitigation measures **which are necessary and relevant** to the predicted development impact, and without which planning permission would otherwise be refused.

The Council's commitment to make the Council carbon neutrality by 2030

Overview

In February 2019 we resolved to acknowledge a climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030. A Global Warming and Climate Emergency Task Group was set up to gather evidence and come up with recommendations on achieving net zero. Our Cabinet subsequently committed to also make the council carbon neutral by 2030.

A new carbon reduction strategy will be prepared to enable us to meet these commitments.

The plan will be evidence and data led and a baseline assessment will be undertaken to assist in identifying needs and determining priorities.

It is proposed that the plan will include a community led approach which engages, empowers, enables and communicates with Wiltshire communities and businesses.

Carbon reduction will be a key theme in the council's recovery from COVID-19.

Proposed Site Plan



Western Area Planning Committee

28 September 2022

**IN THE MATTER OF
THE TOWN AND COUNTRY PLANNING ACT 1990**

**AND IN THE MATTER OF
LAND AT KINGDOM AVENUE,
WESTBURY.**

OPINION

1. I am asked to advise Wiltshire Council in respect of three questions arising from consideration of an application for gas-fired electricity generation units at Kingdom Avenue, Westbury. I set these questions out below.

Given the Council's resolution to seek to make Wiltshire carbon neutral by 2030, paragraph 186 of the NPPF, core policy 55 of the WCS and the Council's Air Quality Strategy 2019-2024, is the Council required to rely upon the DEFRA Toolkit to calculate the financial contribution required from the Developer based on the NO2 increases expected within the AQMA for Westbury as a result of this development?

2. No. The Council is not required to use the DEFRA Toolkit.
3. First, I would observe that the predicted NO2 impacts in the Wesbury AQMA is not concerned with the Council's carbon-neutral pledge.
4. Secondly, for the question of air quality impact, neither adopted development plan nor the NPPF is directory as to what methodology may be used to assess any financial contribution to mitigate adverse impacts on the AQMA.

5. Thirdly, far from being obliged to use the DEFRA Toolkit, the Council may consider that the Toolkit is not apt for the purpose of calculating a financial contribution in respect of mitigating impact on the AQMA. This is because the calculation through the Toolkit may be entirely unrelated to the necessary mitigation measures identified to respond to the increased NO₂ levels predicted in the Westbury AQMA (either too high, or, indeed, too low). By Reg 122 of the CIL Regulations, any contribution sought and secured in the s.106 obligation must meet the statutory test of necessity.

If the Council is not required to rely upon the DEFRA Toolkit calculations but nevertheless seeks to require payments of a financial contribution – can the Council do so, relying upon the requirements of CP 55 and paragraph 186 of the NPPF and rely upon the calculation based upon individual contribution being the sum of £23,333.31 or is it open to the Council to seek a contribution for this development taking into consideration the Council’s Air Quality Strategy 2019-2024?

6. The Council is entitled to require a payment to contribute to the mitigation strategy within the AQS, or other Action Plan, or a bespoke set of measures, if it is satisfied that, without those mitigation measures, the development would have an unacceptable impact on air quality such that planning permission would be refused. What those measures will be will potentially vary with different levels of impact, and should be devised on the basis of the best available evidence.
7. I do not comment on the actual calculation of the sum mentioned; I merely observe that the principle is to identify the mitigation measures required to mitigate the additional NO₂ contribution within the AQMA, and then costed, with a fairly related contribution to those costs being sought. I understand that is the approach that has been taken

If the Council seeks a contribution – would the Council then be required to set out exactly what measures will be undertaken using the contribution?

8. Only within reason.
9. First, there needs to be a connection between the monies sought and the mitigation measures to be undertaken, just as there needs to be a connection between the mitigation measures and the impact otherwise predicted. For example, it would be inappropriate,

if the impact concerns NO2 to institute mitigation in respect of, say, Particulates. To that extent, therefore, it must be identifiable that the monies will go to measures relevant to the predicted impact.

10. Secondly, however, it is perfectly appropriate for the relevant measures to be a package, with contributions from a number of sources being pooled to enable that package to be delivered. The development would be asked to make its proportional contribution to that package, rather than need to point to a specific identified measure within that package that its contribution will be spent on.
11. The overriding principle in play is that the development is only being required to pay a fairly related contribution to a set of mitigation measures which are relevant to the impact otherwise predicted, and without which planning permission would have to be refused.

CHRISTOPHER BOYLE QC

11th February 2022

Landmark Chambers,
180 Fleet Street,
London,
EC4A 2HG.

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