



Notice of Meeting of

PLANNING AND TRANSPORT POLICY SUB-COMMITTEE

Thursday, 25 January 2024 at 2.00 pm

John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

To: The members of the Planning and Transport Policy Sub-Committee

Chair: Councillor Ros Wyke

Councillor Dixie Darch
Councillor Bill Revans
Councillor Richard Wilkins

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services Team democraticservicesteam@somerset.gov.uk.

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This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Wednesday, 17 January 2024

AGENDA

**Planning and Transport Policy Sub-Committee - 2.00 pm Thursday, 25 January
2024**

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

Click here to join the online meeting (Pages 7 - 8)

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting (Pages 9 - 12)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

5 Planning and Transport Policy Sub-Committee Forward Plan (Pages 13 - 14)

To note the Forward Plan.

6 Community Infrastructure Levy (CIL) relief policies (Pages 15 - 46)

To approve the introduction of a discretionary Social Housing Relief and an Exceptional Circumstances Relief.

7 Application for Exceptional Circumstances Relief - Cokerhurst Farm, Wembdon, Bridgwater (Pages 47 - 62)

To approve CIL Exceptional Circumstances Relief.

8 Wellington Station - Forward-funding of Access Road (Pages 63 - 72)

To approve the temporary use of CIL funding.

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

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When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

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Minutes of a Meeting of the Planning and Transport Policy Sub-Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Tuesday, 19 December 2023 at 10.00 am

Present:

Cllr Ros Wyke (Chair)
Cllr Bill Revans
Cllr Dixie Darch

In attendance:

Cllr Sarah Wakefield

Other Members present remotely:

Cllr Mike Rigby

1 Apologies for Absence - Agenda Item 1

No apologies were received.

2 Declarations of Interest - Agenda Item 2

Councillors present at the meeting declared the following personal interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

SOMERSET COUNCILLOR	CITY, TOWN AND/OR PARISH COUNCIL
Mike Rigby	Bishop's Lydeard and Cothelstone Parish Council
Ros Wyke	Westbury-sub-Mendip Parish Council

3 Public Question Time - Agenda Item 3

Public Questions were received from:-

- David Redgewell – Public Transport
- Roger Foxwell – Local Transport Plan

The questions and responses provided are attached to the minutes in Annexe A.

4 Planning and Transport Policy Sub-Committee Forward Plan - Agenda Item 4

The Head of Planning, Alison Blom-Cooper, introduced the Forward Plan.

The Sub-Committee discussed the forward plan and the following points were raised:-

- Mendip Local Plan Part II Site Allocations Review would be added to the February meeting.
- Clarification was given that the two CIL reports for the January meeting would be merged into one report.
- Nexus LDO would be added as a provisional item to the February meeting.
- Six-monthly update on the Somerset Local Plan would be added to the February meeting.
- Councillors queried the timescales for all the Neighbourhood Plans items listed on the forward plan.

The Head of Planning advised that the Sub-Committee was responsible for approving the local plans and clarified that once the referendum had taken place, officers had 8 weeks to take the local plans to the Sub-Committee for decision.

Resolved that the Planning and Transport Policy Sub-Committee noted the Forward Plan.

5 Local Transport Plan - Programme Timescales and Governance - Agenda Item 5

The Strategic Manager for Highways and Transport, Mike O'Dowd-Jones, introduced the report which sought the agreement from the Sub-Committee on the proposed timescales and internal governance processes for the Local Transport Plan.

The Sub-Committee discussed the report and the following points were raised:-

- Councillors were pleased to see an integrated approach to the report.
- Concern was raised that Government guidance had not been received, but councillors assumed that officers would continue with the work and amend any details, if required, once the guidance had been received.
- Councillors were pleased to see that carbon reduction had been included.
- Councillors queried what area was covered by 'a place-based approach'.

The Strategic Manager for Highways and Transport advised that the place-based approach would operate in a functional way and that the county would be divided and grouped into different types of place.

- Councillors queried funding and how much had been inherited from the District Councils with Local Cycling and Walking Infrastructure Plans (LCWIPs).

The Strategic Manager for Highways and Transport advised that some work had been carried out on larger towns and that the District Councils had worked on rural plans and that officers would work on integrating those plans. The Service Manager for Transport Policy added that a report had been taken to Active England which identified that 49% of Somerset's population was covered by a LCWIP and that they had commissioned a piece of work for the whole county, focusing on rural connectivity, which was based on the LCWIP. Principle of strategic network planning. Clarification was given that the funding needed to be committed by December 2024.

Resolved that the Planning and Transport Policy Sub-Committee:-

- a) Approved the Local Transport Plan programme timescales outlined in Appendix A; and
- b) Approved the governance process, as set out in Appendix B.

6 Mendip Local Plan Part II Site Allocations Review - Update Report - Agenda Item 6

The Principal Planning Policy Officer, Andre Sestini, gave the Sub-Committee a verbal update on the Mendip Local Plan.

The Sub-Committee discussed the item and the following points were raised:-

- The Principle Planning Policy Officer gave the following update:-
 - Officers had applied to vary the court order to request the timetable be extended.
 - Rather than bringing a written report to the Sub-Committee, officers had met with legal counsel and deemed it be more prudent to use the time to prepare the application ready to submit to court before the end of December 2023.
 - The sites listed were more than expected.
 - Officers had to re-digitise the maps which had led to delays.
 - 140 sites had been assessed following a thorough process.
 - 90% were deemed to have an impact on the Sites of Special Scientific Interest.
 - The consultation would start after the report had been taken to the February meeting.

- Councillors had attended two of the workshops on the site allocations and had found them to be a very helpful and an open exercise. Officers were praised for making the workshops transparent.
- Concern was raised on the cost of taking the application to court.
The Head of Planning advised that the cost was unknown yet.
- Councillors queried what the plan was to engage with City, Town and Parish Councils and the Local Community Networks (LCNs).
The Head of Planning advised that there was a set guide on who was included in the consultation document, but they were happy to review and look to include LCNs.
- Councillors highlighted that it would be a good opportunity to use this process as a guide on how other consultations would engage with consultees, especially for when the Local Plan goes out to consultation.
- Councillors requested that officers shared the consultation document with councillors for input and that they could include the LCNs.

Resolved that the Planning and Transport Sub-Committee noted the verbal update.

(The meeting ended at 10.45 am)

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CHAIR

Planning and Transport Policy Sub-Committee of the Executive - Forward Plan			
Thursday 25 January 2024 at 2pm	Report deadline = 16 Jan		
CIL - policy on discretionary relief	Expected		Nick Tait
Consideration of an application for CIL exceptional circumstances relief for land at Cokerhurst Farm, Wembdon, Bridgwater	Expected		Nick Tait
Update on Wellington Station and proposals for delivery of the access road	Expected		Sarah Poval/Kate Murdoch
Wed 14 Feb 2024 - 2pm	Report deadline = 5 Feb		
Wells Neighbourhood Plan to be Made	Expected	Feb-24	
Biodiversity Net Gain Guidance	Expected	Feb-24	Graeme Thompson
Mendip Local Plan Part II Site Allocations Review - Update Report	Expected	Dec-23	Andre Sestini
Ruishton & Thornfalcon Neighbourhood Plan to be Made	Expected	Jan-24	Ann Rhodes
Local Plan 6 monthly update report	Expected		Laura Higgins
Tues 16 Apr 2024 - 10am	Report deadline = 5 Apr		
Kingston St Mary Neighbourhood Plan to be Made	Provisional as Examination likely to commence Jan 2024	Apr-24	Ann Rhodes
Local Transport Plan – draft for consultation	Provisional (LDS says Spring 2024)	Apr-24	Matthew Prince

Outcome of the review of the Minerals Plan	Provisional (LDS says Early 2024)	Apr-24	Helen Vittery
Ilminster Neighbourhood Plan to be Made	Provisional - as referendum date is TBC	Jan-24	Jo Wilkins
Thu 20 Jun 2024 - 2pm	Report deadline = 11 Jun		
Puriton Neighbourhood Plan to be Made	Provisional as Submission has been made, therefore Examination likely by Feb 24, referendum Spring 2024	Jun-24	
Mendip Local Plan Part II Site Allocations Review - Reg 19 publication version	Provisional - Scheduled for publication in July	Jun-24	Andre Sestini

**Decision Report – Planning and Transport
Policy Sub-Committee**

Decision Date – 25/01/2024

Key Decision – yes

Confidential Information – no



Community Infrastructure Levy (CIL) relief policies

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning and Assets

Local Member(s): N/A

Lead Officer: Alison Blom-Cooper, Head of Planning/Chief Planning Officer

Author: Nick Tait, Service Manager, Planning Policy

Contact Details: nick.tait@somerset.gov.uk

Summary / Background

1. The report provides a summary of the current position in respect of the Community Infrastructure Levy (CIL) across Somerset Council and seeks to provide consistency of approach in terms of any discretionary relief by setting out single common policy wording. It also sets out proposed criteria to be used when assessing applications for discretionary CIL relief in order again to provide a consistent approach. It seeks to delegate approval for applications for discretionary CIL relief of up to £500,000 to the Head of Planning/Chief Planning Officer in consultation with the Lead Member, applications above this threshold to be approved by the Planning and Transport Executive Sub-Committee. Finally, the report sets out the current priorities for any CIL spend.
2. CIL takes the form of a charge per square metre of net additional floor space (new build or extensions). The money raised through CIL is used to help deliver prioritised infrastructure that is needed to support the growth proposals set out in the relevant development plans of the charging Authorities. It is for individual Authorities to determine the rates of CIL and the types of development it is charged against.
3. Currently CIL is charged across three parts of Somerset, the former Sedgemoor District (SDC), South Somerset District (SSDC), and Taunton Deane Borough (TDBC) areas. CIL was not charged across the former West Somerset Council area, hence it only applies to part of the former Somerset West and Taunton area. There is no CIL provision in the former Mendip District area. The individual rates

and types of development it applies to vary across the three areas based upon specific local viability evidence that was subject to an independent examination (see appendix 1 CIL Summary).

4. Whilst the rates and types of development can only be changed through a full review of CIL, there is an opportunity to ensure consistency across the various charging areas in respect of any discretionary relief that might be offered and how applications for such relief might be consistently considered. For example, Exceptional Circumstances Relief operates in the former SDC and TDBC area, but not in the former SSDC area. Social Housing Relief only operates within the former TDBC area. The purpose of the report is therefore to provide appropriate mechanisms for the determination of these and any future CIL relief applications. It is important to note that any application for CIL relief will be considered as being an exception and the suggested criteria for assessing any such applications emphasise that the benefits must be at least of similar value to the value of the CIL relief. Reduction to the assumed CIL income has implications for the identified spending priorities set out in the Infrastructure Funding Statements as it reduces available funding although in many cases the infrastructure required to make development acceptable will have been secured via s.106 agreement directly. It also will reduce the value of any meaningful proportion that is passed to Parish and Town Councils to assist with funding local infrastructure priorities.
5. Finally, individual charging areas set out the priorities for any spend of CIL linked to the infrastructure requirements identified in adopted local plans or other development plan documents. The report provides a summary of current and emerging priorities.

Recommendations

6. That the Planning and Transport Policy Sub-Committee:
 - a. approves the introduction of discretionary Social Housing Relief (SHR) for former SDC and SSDC areas and criteria for assessing discretionary SHR (Appendix 2).
 - b. approves an Exceptional Circumstances Relief (ECR) policy applicable across all three charging areas as set out in Appendix 3, including criteria for assessing applications for relief.

c. authorises the Head of Planning/Chief Planning Officer to give formal notice that the above reliefs are available in the former SDC, SSSC and TDBC areas from 25th January 2024 and the Council will begin accepting claims for such relief pursuant to the notification requirements of Regulations 49B and 56 of the Community Infrastructure Levy Regulations 2010.

d. agrees that applications for CIL relief to the value of £500,000 and above shall be determined by the Planning and Transport Policy Sub-Committee.

e. agrees that applications for CIL relief below the value of £500,000 shall be delegated to the Head of Planning/Chief Planning Officer in consultation with the lead Member for Economic Development, Planning and Assets.

f. notes the current CIL infrastructure spending priorities and will consider priorities and requests for spend on specific schemes at a future meeting.

Reasons for recommendations

7. As referred to above, there are currently inconsistencies across the CIL charging areas in respect of the approaches to discretionary CIL relief. Whilst the CIL charging areas, rates, and types of development included can only be changed through a full review including examination, there is an opportunity to introduce consistency in respect of discretionary CIL relief including introducing a single consistent policy and the broad criteria to be used when assessing any such applications.

Other options considered.

8. Consideration was made as to whether the approval of ECR and other CIL relief was delegated to officers. The legal advice was that it did not explicitly fall within the Chief Planning Officer's delegation in respect of CIL and that existing financial delegation focused on expenditure. However, the previous District Council's had delegated decisions on CIL relief to their Chief Planning Officer (or equivalent). Given the lack of clear delegated powers to the Chief Planning Officer and the explicit role of the Planning and Transport Policy Sub-Committee to '*to oversee matters on behalf of the Council arising from the Planning Act 2008 and subsequent legislation in connection with the Community Infrastructure Levy...*' it is appropriate that the Sub-Committee consider the above issues and also if so minded, provide the appropriate delegations to the Chief Planning Officer in consultation with the Lead Member for Economic Development, Planning and Assets.

Links to Council Plan and Medium-Term Financial Plan

9. CIL is an important source of funding for infrastructure necessary to mitigate the impact of new development. Funding is also secured through s.106 agreements. The report seeks to provide some flexibilities in respect of relief from some or all CIL liability where this will enable development that delivers infrastructure or other priorities secured through alternative means to come forward. Support that enables greater provision of affordable housing directly contributes to the Council's priority for a fairer, ambitious Somerset. Providing exceptional circumstances relief where this is demonstrated to be necessary for development to proceed, also supports projected housing delivery that adds to the future Council Tax base and wider regeneration.

10. The granting of CIL relief under the agreed circumstances, will reduce the total amount of funding available to deliver the identified priorities. This though is balanced against the wider benefits of the development as a whole including whether contributions have been secured through a s.106 agreement instead, or whether the CIL relief will enable additional affordable housing to be delivered by way of public grant.

Financial and Risk Implications

11. The approval of any CIL relief will reduce the projected CIL income. However, schemes that are unviable will not proceed meaning that there would be a greater shortfall of CIL, implications for future housing delivery and Council Tax growth assumptions, and less affordable housing for those on the Council's housing waiting list. ECR can only granted where there is a s.106 agreement in place and no other relief has been granted. In most cases the provisions of the s.106 agreement is of equal or greater value to that of the CIL relief.

Please enter risk description					
Reduced CIL receipts available for spend on identified infrastructure priorities.					
Likelihood	5	Impact	3	Risk Score	15
Applications for CIL relief will only be approved where there is demonstrable benefit that outweighs the reduction in CIL. ECR applications will only be considered where there is a s.106 agreement in place that secures infrastructure or other investment that is at least equal to the value of any CIL relief and the Council is satisfied that paying the full levy would have an unacceptable impact on the viability of the development.					

Legal Implications

12. The functions of the new Planning and Transport Policy Executive Sub-Committee include:

- To oversee matters on behalf of the Council arising from the Planning Act 2008 and subsequent legislation in connection with the Community Infrastructure Levy (CIL), including the approval of draft stages of the CIL Charging Schedule for consultation and to recommend the approval of the CIL Charging Schedule to Full Council.
- To agree infrastructure priorities and approve Community Infrastructure Levy and s106 spending priorities to support the development of the area and infrastructure funding bids

Whilst the wording 'to oversee matters on behalf of the Council arising from the Planning Act 2008 and subsequent legislation in connection with the Community Infrastructure Levy...' does not explicitly refer to relief or exemptions the role of the Executive Sub-Committee is not limited to matters of expenditure only. It is intended that the Sub-Committee deal with CIL matters that are not required to be dealt with by Full Council.

13. The Officer Scheme of Delegation does not refer directly to decisions on CIL ECR, the Chief Planning Officer having delegation to:

- *Make decisions on all matters relating to Community Infrastructure Levy expenditure in accordance with priorities set by the Planning Policy Sub Committee and enforcements*
- *Determining applications for S.106 agreement expenditure in accordance with priorities determined by the Planning Policy Sub-Committee*

14. The Community Infrastructure Levy Regulations make a number of provisions for charging authorities to give relief from the levy. Some types of relief are compulsory, whereas others can be offered at the charging authority's discretion. Examples of the latter include discretionary chart reliable relief, social housing relief and exceptional circumstances relief.

15. The Regulations set out a number of mandatory criteria if the Council chooses to offer discretionary relief. These are explained in more detail below. In addition to these mandatory criteria, the Council may apply further criteria, provided these

have been published in policies setting out what is required to qualify for each relief.

16. The report proposes several changes to CIL relief in order to ensure consistency across all charging areas within Somerset. It does not propose any changes to the CIL charging schedule itself in terms of rates or geographical areas, and as such does not require approval from Full Council. The Sub-Committee as detailed above also have the appropriate authority to determine applications for CIL relief including ECR. The report seeks to delegate decisions for relief below £500K to the Chief Planning Officer in consultation with the Lead Member consistent with financial delegation thresholds for non-key decisions.
17. All decisions for ECR will need to be consistent with UK Subsidy Control and this will need to be set out clearly on a case by case basis.

HR Implications

18. There are no HR implications.

Other Implications:

Equalities Implications

19. There are no direct equalities impacts arising from the recommendation to include CIL relief in a consistent manner across the relevant charging areas. Individual applications for CIL relief will need to consider whether the reduction on CIL would have an impact on protected groups or whether enabling development to proceed will have positive benefits.

Community Safety Implications

20. There are no direct community safety implications from the report. As this relates to CIL relief, any such implications would be considered on a case-by-case basis when an application for relief is submitted.

Climate Change and Sustainability Implications

21. As the recommendations primarily relate to CIL relief, any such implications would be considered on a case-by-case basis when an application for relief is submitted. The suggested criteria for considering applications for ECR include whether it would support the delivery of sites allocated or supported by the

adopted local plan, and therefore the overall sustainable spatial strategy of the plan. Climate change and sustainability implications will also have been considered as part of the development management planning process.

22. Current CIL spending priorities do directly support the Climate change strategy identifying spend on sustainable transport and active travel for example. Flood mitigation measures, a key element of climate change adaptation, are specifically identified in two of the current infrastructure lists and for the former SDC area, a minimum of 20% of CIL receipts are ring fenced for the Bridgwater Tidal Barrier.

Health and Safety Implications

23. As the recommendations primarily relate to CIL relief, any such implications would be considered on a case-by-case basis when an application for relief is submitted. Health and safety issues will also have been considered as part of the development management process.

Health and Wellbeing Implications

24. As the recommendations primarily relate to CIL relief, any such implications would be considered on a case-by-case basis when an application for relief is submitted. Health and safety issues will also have been considered as part of the development management process. The current infrastructure lists include potential CIL expenditure that supports active travel, public open space and sport and recreation provision, all of which support health and wellbeing.

Social Value

25. Discretionary affordable housing relief will potentially enable additional affordable housing to be delivered. CIL funding priorities include projects and priorities that specifically provide for increased social value. However, social value will be specifically considered through the individual applications for CIL relief.

Scrutiny comments / recommendations:

26. The proposed decision has not been considered by a Scrutiny Committee.

Background

Discretionary Social Housing Relief

27. Mandatory CIL social housing relief is available to most social rent, affordable rent, and intermediate rent dwellings, provided by a local authority or private registered provider, and shared ownership dwellings secured through a planning obligation.
28. Charging authorities also have the option to include additional discretionary social housing relief to affordable housing that is secured over and above the agreed planning obligation, known as additionality. This could apply for example to schemes where Homes England funding is secured to enable 'market housing units' to be acquired by the Registered Provider and converted to affordable housing. If the scheme is 100% affordable housing the attributable grant rate can cover both the S106 Planning Obligation AH and 'Additionality' homes therefore bringing in a larger amount of public subsidy.
29. There are restrictions on the loan to value ratio where grant can be applied and without Social Housing Relief it will be potentially unviable to convert market units to affordable housing. Homes England audit the use of grant funding with valuations required to ensure the Registered Providers meet the requirements of the Capital Funding guide and do not use public sector monies to inflate values.
30. Currently discretionary Social Housing Relief is only offered within the former Taunton Deane charging area and therefore extending this across all the charging areas will both provide consistency and also potentially secure additional public funding and delivery of affordable housing where this is consistent with existing policy and priorities. It should be noted that such relief does reduce the total CIL receipts available to provide infrastructure, but this is balanced by advantages of bringing in larger public funding and therefore improved delivery of affordable housing.
31. Appendix 2 sets out discretionary Social Housing Relief Policy and a draft template for consideration of discretionary Social Housing Relief on additional affordable housing. The following broad principles would be used when considering specific requests,
 - There is an evidenced Local Affordable Housing need
 - The affordable housing is being delivered through an approved Council Affordable Housing Delivery Partner
 - In the case of 100% Affordable Housing Schemes local community support of the development delivering increased affordable homes is clearly evidenced.

33. Regulation 49A of the CIL Regulations sets out the notification requirements for SHR that include issuing a statement giving notice that this is available. This will be relevant to the former SDC and SSDC area that currently does not have such relief. The former TDBC area currently has SHR and therefore has already complied with these requirements. However, for clarity the updated policy will be notified across all charging areas as set out under the regulations.

Exceptional Circumstances Relief (ECR)

34. There is a need to establish the criteria for assessing applications for exceptional circumstance relief and currently there are three such applications requiring a decision.
35. Additionally for consistency it is proposed to extend ECR to the former SSDC area and to introduce an updated policy that would apply across all three charging areas. The proposed policy is based upon the current policies within the former SDC and TDBC and reflects the requirements of the CIL Regulations. Appendix 3 sets out the proposed policy wording.
36. Any application for ECR can only be granted where a s106 exists in relation to the planning permission permitting the development and the Council considers that paying the full levy would have an unacceptable impact on the development's viability. To ensure that any relief is based on an objective analysis, an independent viability assessment will be required. To qualify for this relief there needs to be an existing S.106 agreement in place and the development must not have benefited from any other form of CIL relief or exemption. Applications for ECR will generally be determined against the following broad principles.
- The site should normally be included within the Council's 5 Year Housing Land Supply, or allocated in an adopted local plan, or identified in other adopted plans and strategies such as development briefs, regeneration strategies and vision documents – this ensures that key sites necessary to deliver the Council's strategy and priorities; and
 - The planning benefits of the proposal such as delivery of infrastructure priorities, support for identified regeneration schemes, restoration of heritage assets where there is public benefit (including those on the Buildings at Risk Register), delivery of community/public assets or benefit, provision of affordable housing, etc are considered equal or greater benefit than the value of any ECR granted; and

- The s.106 agreement has a direct financial impact on development viability as evidenced by the viability report.
 - Sites should not be artificially sub divided so that early phases are unviable and benefit from ECR whilst later stages generate higher returns.
 - Exceptional circumstances will normally exclude matters that should reasonably have been considered or anticipated at the planning stage such as for example ground conditions, phosphate neutrality, or Biodiversity Net Gain.
 - If a Planning Committee or an Inspector on appeal has already considered viability supported by an independent viability assessment including any assumed ECR, relief will be granted unless there are relevant changes in circumstances since the time of the Committee decision.
 - All ECR must be compatible with UK subsidy Control legislation.
 - Applications will be determined with 3 months or an otherwise agreed timescale following confirmation of receipt.
39. Consideration of ECR is based upon independently assessed viability evidence and the application of the broad principles above. It is suggested that ECR requests of a value below £500,000 should be delegated to the Head of Planning/Chief Planning Officer in consultation with the Lead Member for Economic Development, Planning & Assets for decision, consistent with the Council's current financial scheme of delegation. Applications of £500,000 and above would be a key decision and therefore the Planning and Transport Policy Sub-Committee would make any decision on these.
40. Regulation 56 of the CIL Regulations sets out the notification requirements for ECR that include issuing a statement giving notice that this is available. This will be relevant to the former SSDC area that currently does not have such relief. Both the former SDC and TDBC areas currently have ECR and therefore have already complied with these requirements. However, for clarity the updated policy will be notified across all charging areas as set out under the regulations.

Current CIL spending Priorities

41. CIL spending priorities were previously set out under the Regulation 123 List, but this requirement has now been deleted and effectively replaced by Regulation 121A(1)(a) that requires the infrastructure funding statement to include a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL. This is known as the ‘infrastructure list’. With the amendments to the CIL Regulations the Council will now also have more opportunity to use CIL to address funding shortfalls and ‘top-up’ projects that have not secured all the required funding for their delivery. This can now include combining CIL money with financial contributions secured through other funding mechanisms, including Section 106 legal agreements.
36. The tables below summarise the priorities listed in the current infrastructure lists and further details can be found within the individual IFS at ([Infrastructure Funding Statements \(somerset.gov.uk\)](https://www.somerset.gov.uk/infrastructure-funding-statements)). These are provided for information but will be subject to further discussion at a future meeting to ensure that they reflect both local plan requirements and Council priorities. This will also be in the context of a clear funding deficit and a need therefore to make choices in respect to the various competing calls on CIL funding. Funds will only be allocated to projects once these are received and any decisions should they be considered regarding forward funding secured against projected CIL funds would be subject to Executive approval within the context of the overall financial position of the authority.

Former SDC Charging Area:

Infrastructure Topic	Funding scheme/area	Planned Delivery
Flood Risk Management	Bridgwater Tidal Barrier * Burnham-on-Sea and Highbridge Tidal Flood Defence	2024 - 2027 Throughout plan period
Transport and public realm	Environmental improvements to walking, cycling and public transport infrastructure and public realm across the District	Throughout plan period
Education	Does not include infrastructure required to support the delivery of the following sites allocated in the Local Plan; B2 Land at West Bridgwater, B3 Land at East	Throughout plan period

	Bridgwater, and BH1 Land South of Brue Farm	
Off-site outdoor sport and recreation	Specific sites and schemes that are identified in the play area audit and other relevant strategies	Throughout plan period
Off-site green infrastructure	Meads Eco Park	Throughout plan period

* A minimum of 20% of CIL receipts are ring fenced for the Bridgwater Tidal Barrier as part of the agreed partnership funding contribution.

Former SWAT (TDBC) charging area

Infrastructure Topic	Planned Delivery
Cycle & Pedestrian Improvements	2023-2025
Contribution towards the new primary school at Orchard Grove, Comeytrowe	2022-2026 onwards
Taunton Town Centre Regeneration	2022-2026 onwards
Surface Water & Flood Risk Mitigation	2023-2026 onwards
Community Development	
Wellington Station access road (forward/loan funding)**	2024-2025

** Subject to a separate report and therefore to be confirmed.

Former SSSC Charging Area

Infrastructure Topic	Funding scheme/area	Planned Delivery
Strategic Fund	Public realm works, Yeovil refresh	2023-2024

Appendices


- **Appendix 1 Community Infrastructure Summary**
- **Appendix 2 Criteria for assessing discretionary Social Housing Relief**
- **Appendix 3 Exceptional Circumstances Relief (ECR) policy**

Assurance checklist (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	11/01/2024
Communications	Peter Elliott	11/01/2024
Finance & Procurement	Nicola Hix	15/01/2024
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Mickey Green	11/01/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member	Cllr Ros Wyke	5/01/2024
Consulted:	Councillor Name	
Local Division Members	N/A	
Opposition Spokesperson	Cllr Mark Healey	11/01/2024
Scrutiny Chair	Cllr Dimery	11/01/2024

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or
www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)						
Version		Date Completed	10/01/2024			
Description of what is being impact assessed						
Introduction of CIL relief						
Evidence						
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics , Somerset Intelligence Partnership , Somerset’s Joint Strategic Needs Analysis (JSNA) , Staff and/or area profiles ,, should be detailed here						
Local Plan: Equalities Impact Assessment						

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

As there are no direct impacts from the report no further consultation has taken place. Specific impacts are assessed on individual application for CIL relief.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Gender reassignment	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sexual orientation	<ul style="list-style-type: none"> • 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> • 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> • 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
Completed by:	Nick Tait			
Date	10/01/2024			
Signed off by:				
Date				
Equality Lead sign off name:				
Equality Lead sign off date:				
To be reviewed by: (officer name)				
Review date:				

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Appendix 1: Summary of Current Community Infrastructure Levy Charging within Somerset

1.0 Background to CIL

1.1 The Community Infrastructure Levy (CIL) takes the form of a charge per square metre of net additional floor space (new build or extensions). The money raised through CIL is used to help deliver prioritised infrastructure that is needed to support the growth proposals set out in the relevant development plans of the charging Authorities. It is for individual Authorities to determine the rates of CIL and the types of development it is charged against.

1.2 The CIL charging areas and rates are determined based upon detailed financial viability evidence and tested through Examination. As well as the approved charging schedule, Authorities are also able to introduce various exemptions and deferred payment schedules to support and promote growth.

1.3 CIL spend was previously listed under Regulation 123, this list could identify specific infrastructure projects or alternatively identify more generic areas of infrastructure spend. This regulation has now been deleted and spend priorities are set out in the individual Authorities Infrastructure Funding statements (IFS). CIL needs to be spent within the CIL charging areas identified and independently examined (although regulations do provide opportunities for some cross boundary spend delivering infrastructure projects that directly support development).

1.4 A proportion of CIL is given to Town and Parish Councils (meaningful proportion) as set out in Regulation 59 of the CIL Regulations. For areas where there is no neighbourhood plan in place, 15% of CIL receipts from development within that Town/Parish area are given up to a maximum of £100 per Council tax dwelling per annum. This rises to 25% where a neighbourhood plan is in place.

1.5 Within Somerset there are three geographical areas that currently operate CIL, these are the former Sedgemoor District Council, South Somerset District Council and the former Taunton Dean Borough Council area which fell within Somerset West and Taunton. Each of these areas have adopted different charging rates and exemptions, and these are briefly set out below.

2.0 Former Sedgemoor District Council (SDC)

2.1 SDC adopted CIL charging from 1st April 2015. The Charging Schedule confirms two charging zones for residential development, rural and urban with differing rates, as well as charges for supermarkets and retail warehouses, and hotel development.

2.2 Relief - There is CIL relief for affordable housing (mandatory) and self-build. Exceptional circumstances relief is also accepted. The Exceptional Circumstances Policy is in accordance with Regulation 56(1) of the CIL Regulations. Any claim can only be granted where an independent viability assessment demonstrates that the CIL amount if levied in full would have an unacceptable impact on the economic viability of the development. To qualify for this relief there needs to be an existing S.106 agreement in place and the development has not benefited from any other form of CIL relief or exemption.

2.3 Payment of CIL - An instalment policy applies where payment of CIL is over £15,000.

3.0 South Somerset District Council (SSDC)

3.1 SSDC adopted CIL charging from 3rd April 2017. The Charging Schedule confirms that it applies to all residential development except for specific allocated sites at Yeovil and Chard, large out of town retail development and extensions of more than 100sqm.

3.2 Relief - There is CIL relief for social housing (mandatory) and self-build.

3.3 Payment of CIL - An instalment policy applies where payment of CIL is over £16,000.

4.0 Former Taunton Deane Borough Area (TDBC)

4.1 TDBC adopted CIL Charging from 1st April 2014. The charging area does not include the former West Somerset District area. The Charging Schedule confirms that it applies to all residential development (including rural workers, holiday lets, and student accommodation), residential annexes, residential extensions over 100sqm, and new retail floor space of 100sqm or more. CIL is not charged on residential development in Taunton Town Centre and Wellington settlement limit.

4.2 Relief - There is CIL relief for charitable organisations, self-build, and social housing (mandatory and discretionary). Exceptional circumstances relief is also accepted.

4.3 Payment of CIL - An instalment policy applies where payment of CIL is over £16,000.

5.0 Comparison of CIL rates and payments

5.1 CIL Charging Rates - for comparison purposes all of the below do not include indexation.

Type	SDC	SSDC	SWAT
Residential development (General)	-	£40.00	-
Residential (Urban)	£40.00	-	£70.00
Residential (Rural)	£80.00	-	£125.00
Supermarkets and retail warehouses	£100.00	£100.00	£140.00
Hotels	£10.00	-	-

5.2 Payment of CIL - the table below summarises arrangements for the collection of CIL.

Areas	Single Payment	Two Payments	Three Payments	Four payments	Instalment (%)	Payment days
SDC	Less than 15	15-50k	50-100k	Over 100k	25 50 100	60-720
SSDC	Less than 16	-	16-60k 60-300k	300-750k Over 750k	20 40 50 60 100	60-1800
SWAT	-	Less than 16K	16-50k 50-500k 500k-1M Over 1M	-	25 50 100	60-1440

5.4 There are several differences in deferred payment of CIL schedules, particularly around the number of payment days and instalments. Instalment policies do improve the overall viability of development enabling CIL payments to be spread more evenly rather than being frontloaded. This benefit may mean that there would be less justification to agree to exceptional CIL relief and so in the longer term the CIL value would be greater, be it collected over a longer period.

6.0 CIL spending Priorities

6.1 As referred to above, these are now set out in the individual Infrastructure Funding Statements (IFS). CIL spending priorities are based on the necessary infrastructure needed to support delivery of the individual local plans and so will also be based upon the former District Council areas. These priorities will therefore differ depending upon the geographic area, for example delivery of strategic tidal flood defences is a key priority in the former SDC area.

7.0 Conclusion and areas for discussion

7.1 The above CIL rates and chargeable areas were originally set out and agreed through examination in accordance with the CIL Regulations 2010. The infrastructure priorities for those areas and the resultant viability of development informed the areas, rate of charge and exemptions.

7.2 As each of the CIL charging areas collect contributions to deliver infrastructure necessary to support growth within these areas, CIL funds remain ringfenced for these purposes to meet the tests set out in the regulations.

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Appendix 2: Somerset Council Discretionary Social Housing Relief Policy and draft template for consideration of discretionary Social Housing Relief on additional affordable housing

Regulation 49A Discretionary Social Housing Relief Policy

Somerset Council hereby gives notice that discretionary social housing relief from the Community Infrastructure Levy (CIL) is available in the former Sedgemoor District (SDC), South Somerset District (SSDC), and Taunton Deane Borough (TDBC) areas in accordance with Regulation 49A of the Community Infrastructure Levy Regulations 2010 (as amended).

Somerset Council as the CIL collecting authority will begin accepting claims for discretionary social housing relief from 25 January 2024.

In accordance with CIL Regulation 49A, dwellings must meet all of the following criteria in order to qualify for discretionary social housing relief:

- If sold, the dwelling must be sold for no more than 80% of its market value, as required by CIL Regulation 49A(2)(a);
- The liability to pay CIL in relation to the dwelling must remain with the person granted discretionary housing relief, as required by CIL Regulation 49A(2)(c);
- The dwelling should be sold in accordance with the council's own published policy on discretionary social housing relief, as set out below.

Policy Statement on Discretionary Social Housing Relief

Subject to compliance with CIL Regulations 49A(2)(a) and 49A(2)(c), dwellings meeting the following criteria are eligible for discretionary social housing relief:

i) Dwellings which fall outside of the scope of CIL Regulation 49, but which otherwise fall within the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework (NPPF), including:

- Shared equity homes
- Homes sold at a discounted market rate of 20% or more.

ii) Dwellings which are let at a discounted market rent not exceeding Local Housing Allowance rates

Procedure

In order to qualify, claims for discretionary social housing relief must be made by submitting a completed CIL 'Claiming Exemption or Relief' form to Somerset Council, with appropriate supporting evidence as specified on the form. Relief will only apply where claims are granted by the council prior to the commencement of the chargeable development.

When considering specific requests for discretionary Social Housing Relief the following broad principles will be used:

- there is an evidenced Local Affordable Housing need; and
- the affordable housing is being delivered through an approved Council Affordable Housing Delivery Partner; and

- in the case of 100% Affordable Housing Schemes local community support of the development delivering increased affordable homes is clearly evidenced.

Claims for discretionary social housing relief must also comply with the procedure for claiming Social Housing Relief set out in CIL Regulation 51. This includes the following requirements:

- The person claiming relief must be an owner of the site of the chargeable development who has assumed CIL liability (and retains liability until commencement of the chargeable development)
- A commencement notice must be submitted to the council prior to the commencement of the chargeable development.

Where a dwelling granted social housing relief from CIL (including discretionary social housing relief) ceases to meet the criteria for social housing relief within the seven year clawback period this will be a ‘disqualifying event’, and CIL will become liable

Draft Internal Request: Seeking in principle support to apply CIL- Social Housing Relief on ‘Additional’ Affordable Homes

Organisation	Somerset Council
Title	Internal Request to seek in principle support to CIL- Social Housing Relief on ‘Additional Affordable Housing Add in Planning Policy area scheme falls within
Author	Name – Planning Obligation or Housing Enabling Team
Owner	Name – Planning Obligation or Housing Enabling Team

Background

The Planning Obligation and Housing Enabling team work closely together when applications for CIL – Social Housing Relief are received with a detailed process in place.

CIL – Social Housing Relief is applicable to qualifying Affordable Housing (AH) secured through AH planning obligations. This internal request is seeking support in principle to allow CIL – Social Housing Relief to AH secured over and above the agreed planning obligation, known as ‘additionality’, on a scheme specific basis.

Grant funding administered through Homes England would be utilised by the approved housing provider to enable ‘market housing units’ to be acquired by the Registered Provider and converted to affordable housing. If the scheme is 100% affordable housing the attributable grant rate can cover both the S106 Planning Obligation AH and ‘Additionality’ homes therefore bringing in a larger amount of public subsidy.

There are restrictions on the loan to value ratio where grant can be applied and without CIL – Social Housing Relief it will be potentially unviable to convert market units to affordable housing. Homes England audit the use of grant funding with valuations required to ensure the Registered Providers meet the requirements of the Capital Funding guide and do not use public sector monies to inflate values.

When considering such requests, the following broad principles will be used:

- there is an evidenced Local Affordable Housing need; and
- the affordable housing is being delivered through an approved Council Affordable Housing Delivery Partner; and
- in the case of 100% Affordable Housing Schemes local community support of the development delivering increased affordable homes is clearly evidenced.

Any CIL- Social Housing Relief claim including planning obligation and additionality affordable homes would still be required to be submitted through the existing CIL-Social Housing Relief claim process.

SCHEME DETAILS	
Planning Application	
Application status	Pre-Application / Under Determination / Determined
Number of dwellings	
Affordable Housing Planning Obligation requirement	
Details of Additionality Request	
(Include AH numbers, mix and tenure if known, Is it a 100% AH scheme or are there other options for amount of additionality to consider)	
Housing Enabling Comments	
(include housing need, local community profile, Neighbourhood Plan considerations)	
Planning Obligations / CIL officer Comments	
(include level of CIL agreed and indicative change if CIL-SHR applied, including split between Council and Parish)	

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APPENDIX 3 Exceptional Circumstances Relief Policy

In accordance with regulation 56 of the Community Infrastructure Levy Regulations 2010 (as amended), Somerset Council gives notice that it is offering discretionary Exceptional Circumstances Relief in its area.

Somerset Council will be offering this relief from 25th April 2024.

Anyone wishing to claim this discretionary Exceptional Circumstances Relief must follow the procedure set out in Regulation 57 of The Community Infrastructure Levy Regulations 2010 (as amended).

Who is eligible for discretionary exceptional circumstances relief?

To qualify for relief under Regulation 55 the claimant must be an owner of a material interest in the land.

How to apply for Exceptional Circumstances Relief

Exceptional Circumstances Relief (ECR) is subject to the landowner of the application site submitting an ECR Claim to the Council in accordance with Regulation 57 of the CIL Regulations (2010), as amended.

The ECR Claim must be submitted, and an approval in writing by the Council received before any works commence on site. An ECR Claim will lapse where development commences before the Council has notified the claimant of our decision.

To be eligible to make an ECR Claim, a planning obligation under S106 of the Town & Country Planning Act (1990) (as amended) must have been entered into in respect of the planning permission which permits the development.

The ECR Claim must be submitted on the "Form 11: Exceptional Circumstances Relief Claim Form" which is available on the Planning Portal:

https://ecab.planningportal.co.uk/uploads/1app/forms/form_11_exceptional_circumstances_relief_claim.pdf

All relevant parts of Form 11 must be completed in full, including the Declaration. The Form must be accompanied by:

- An assessment of the economic viability of the development carried out by an independent person appointed by the claimant with the agreement of Somerset Council. If the viability assessment has been undertaken by a person not jointly agreed with Somerset Council, this will need to be independently reviewed with any additional costs met by the claimant.
- An explanation of why, in the opinion of the claimant, the levying of the full CIL liability would have an unacceptable impact on the economic viability of the development.
- An apportionment assessment where there is more than one owner of the development land;

- Proof that the relief, if granted, would comply with the requirements of the Subsidy Control Act 2022; and
- A declaration that all owners of the relevant land have been provided with a copy of the completed claim form and advised that copies of the accompanying documents are available on request.

Decisions on ECR Claims

The Council will provide a decision on the Claim as soon as practicable but within 3 months unless otherwise agreed. We strongly advise that an ECR Claim is submitted as soon as possible to ensure that your project is not delayed.

The Council is only able to grant ECR where all the following criteria apply:

- 1) There appears to the Council to be exceptional circumstances to justify ECR
- 2) The Council considers it to be expedient to grant ECR
- 3) The Council considers that levying the full CIL liability would have an unacceptable impact on the viability of the development
- 4) The grant of ECR is consistent with the provisions of the Subsidy Control Act 2022

When assessing whether it is expedient to grant ECR applications will generally be assessed against the following criteria:

- The site should normally be included within the Council's 5 Year Housing Land Supply, or allocated in an adopted local plan, or identified in other adopted plans and strategies such as development briefs, regeneration strategies and vision documents – this ensures that key sites necessary to deliver the Council's strategy and priorities; and
- The planning benefits of the proposal such as delivery of infrastructure priorities, support for identified regeneration schemes, restoration of heritage assets where there is public benefit (including those on the Buildings at Risk Register), delivery of community/public assets or benefit, provision of affordable housing, etc are considered equal or greater benefit than the value of any ECR granted; and
- The s.106 Agreement has a direct financial impact on development viability as evidenced by the viability report.
- Sites should not be artificially sub divided so that early phases are unviable and benefit from ECR whilst later stages generate higher returns.
- Exceptional circumstances will normally exclude matters that should reasonably have been considered or anticipated at the planning stage such as for example ground conditions, phosphate neutrality, or Biodiversity Net Gain.
- If a Planning Committee or an Inspector on appeal have already considered viability supported by an independent viability assessment including any assumed ECR, relief

will be granted unless there are relevant changes in circumstance since the time of the Committee decision

Disqualifying Events

A development will cease to be eligible for ECR if any of the following Disqualifying Events occur before development commences:

- 1) A claim for any other kind of CIL relief or exemption for the same development is granted
- 2) Before development commences, an owner of all or part of the application site makes a material disposal (meaning transfer or legal estate or grant of a lease for more than 7 years)
- 3) The development does not commence within 12 months of the grant of an ECR Claim

If a Disqualifying Event occurs, the landowner must notify the Council within 14 days beginning on the day the Disqualifying Event occurs. Failure to notify the Council of a Disqualifying Event may result in a surcharge being levied of 20% of the CIL liability or £2,500 (whichever is the lower amount). The landowner must also send a copy of the notification to any other landowners within the application site.

Any queries regarding ECR claims or any of the content of this guidance note should be directed to the S106/CIL Monitoring Officer by calling 0300 123 2224 or emailing planningobligations@somerset.gov.uk .

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Decision Report – Planning and Transport Policy Sub Committee



Decision Date – 25 January 2024

Key Decision – Yes

Application for Exceptional Circumstances Relief – Cokerhurst Farm, Wembdon, Bridgwater

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning and Assets.

Local Member(s) and Division: Councillor Duddridge, Councillor Slocombe (Bridgwater West), Councillor Bolt, Councillor Caswell (Cannington)

Lead Officer: Alison Blom-Cooper Head of Planning/Chief Planning Officer

Author: Nick Tait

Contact Details: nick.tait@somerset.gov.uk 01278 435220

Summary / Background

1. Somerset Council North (former Sedgemoor District Council) offered Exceptional Circumstances Relief (ECR) from the Community Infrastructure Levy (CIL). More recently the Planning and Transport Policy Executive Sub-Committee considered a report recommending an updated and consistent ECR Policy for the three charging areas within Somerset Council. This policy includes criteria against which to assess applications for ECR.
2. The developer of the Cokerhurst Farm site, part of the western strategic housing allocation in the adopted Sedgemoor Local Plan for 1,200 homes, has applied for 50% ECR. This is on the basis that the approved development is delivering early years and primary education on-site secured through a s.106 agreement, rather than through CIL, and will also fund entirely a new junction that will additionally enable further development to the south promoted by a different housebuilder to come forward. An independent Viability Assessment has been completed by a company called JLL and has been independently reviewed on behalf of the Council by Ki-an. The report concluded that given the value of obligations secured through s.106, even with a 50% reduction in CIL the site could only provide 11.6% affordable housing compared to a policy target of 30%.

3. Further to the review, an additional contribution for off-site highway works (signalisation of Dunball roundabout) was identified resulting in a further reduction in the affordable housing to 7.11%. Planning consent was granted in August 2023 therefore based on an assumed 50% reduction in CIL with a s.106 agreement securing significant off-site highway contributions, an on-site serviced site for a new primary school, financial contributions for early years and primary education, and 7.11% affordable housing in addition to other provisions for community facilities and public open space.

Recommendations

4. The Planning and Transport Policy Sub-Committee agrees
 - a. that 50% CIL Exceptional Circumstances Relief for land at Cockerhurst Farm, South of Wembdon Hill and North of Quantock Road, Bridgwater (Planning Reference 51/19/00003) be approved.

Reasons for recommendations

5. Granting of ECR consistent with the Development Committee's considerations when resolving to grant planning permission, will enable development to finally commence. It is necessary to have any application for ECR approved prior to a commencement of development to avoid the application being disqualified. Officers are in regular discussions with the developers, and it has been confirmed that a start on site will be made as soon as the ECR application is approved, this is likely to be in February 2024. This site is a critical strategic site allocated in the local plan. Commencement of this major strategic site will be an important milestone supporting delivery in line with assumptions set out in the current 5 Year Housing Land Supply.

Other options considered

6. There is no other realistic option to consider. The viability evidence has been independently reviewed and confirms that ECR is necessary to enable this site to come forward.

Links to Council Plan and Medium-Term Financial Plan

7. Council Plan link - A fairer, ambitious Somerset. The approval of ECR will ensure that this strategic housing site commences development. It will deliver a range of house types and whilst the first phase has a reduced affordable housing

component, subsequent phases are likely to provide higher proportions. The scheme will also deliver a serviced site and financial contributions for a new primary school.

- 8. Medium Term Financial Plan -. Delivery of new housing will add to the overall assumed Council Tax base. The proposal secures a site and contribution for a new primary school and still secures significant CIL contribution that will be used to deliver other infrastructure priorities.

Financial and Risk Implications

- 9. Collection of a reduced amount of CIL results in less CIL funding available for other strategic infrastructure projects and (potentially) less funding passed to the Town or Parish Council for local infrastructure and community projects. However, in this case significant infrastructure and financial contributions are secured through a s.106 agreement. These include a new light-controlled junction, contributions to Dunball roundabout, education contributions of over £8m, a serviced site for the new primary school, a serviced site for a community facility, on-site open space and formal play areas, and affordable housing. The first phase of 238 dwellings would also still have a CIL liability of over £600,000. It is clear therefore that the value of secured s.106 contributions is significantly greater than the value of the ECR.

Please enter risk description					
Reduced CIL receipts available for spend on other identified infrastructure.					
Likelihood	5	Impact	2	Risk Score	10
S.106 agreement secures direct investment into infrastructure, in particular early years and primary school education that are normally secured by CIL, as well as a range of other infrastructure. The value of the S.106 is significantly greater than the ECR and there will still be a significant amount of CIL available for other infrastructure and the local contribution. Granting the ECR will enable the site to come forward quickly, thus securing the wider investment.					

Legal Implications

- 10. The former Sedgemoor District Council area had an existing ECR policy. Somerset Council has now extended ECR relief to cover all charging areas within

Somerset and has also set out additional guidance as to how applications for CIL relief will be assessed. This is set out in an updated ECR policy.

Any application for ECR must be consistent with the Subsidy Control Act. s.7(2) which states that ‘an activity is not to be regarded as an economic activity if or to the extent that it is carried out for a purpose that is not economic.’ For example: Public Infrastructure – Hospitals, Flood Defence, Highways, Schools (not classed as public task). For the provisions of Subsidy Control to apply there must be economic activity and in that circumstance CIL relief would be regarded as a subsidy as it represents the forgoing of revenue that would otherwise be due.

As the relief is necessary to provide education infrastructure (secured through a s.106 agreement), this is not an economic activity. Therefore, the CIL relief is not considered to be subsidy and the provisions of the Subsidy Control Act do not apply.

HR Implications

11. There are no HR implications.

Other Implications:

Equalities Implications

12. Cokerhurst Farm is part of the B2 Land at West Bridgwater strategic housing allocation in the adopted Sedgemoor District Local Plan. Granting ECR will enable commencement of this strategic site in early 2024 and ensure that a comprehensive package of infrastructure is delivered that includes a new school, serviced site for a community centre, public open space, and affordable housing. Policy B2 was subject to an EIA as part of the local plan examination process, this concluded that the proposal had no impact on protected groups.

Community Safety Implications

13. There are no direct community safety implications from the report. Community safety implications will also have been considered as part of the development management planning process.

Climate Change and Sustainability Implications

14. There are no direct climate change or sustainability implications from the report. The site itself is allocated through the adopted local plan that was subject to a detailed sustainability appraisal. Sustainability and climate change have also been considered as part of the Development Management process and includes active travel routes, sustainable drainage, locally accessible services and new primary school, and extensive new landscaping and tree planting.

Health and Safety Implications

15. There are no direct health and safety implications from the report.

Health and Wellbeing Implications

16. There are no direct health and wellbeing implications from the report. Health and wellbeing form part of the wider sustainable development considerations considered as part of the Development Management process.

Social Value

17. This is not applicable to the report and recommendations. Social value is secured through the development management process where possible, for example using local labour agreements.

Scrutiny comments / recommendations:

18. The proposed decision has not been considered by a Scrutiny Committee.

Background

19. The application for ECR relates to an approved hybrid scheme for up to 675 homes with 238 homes being in full, a primary school, neighbourhood centre and two new access points on to A39. The first phase is required to deliver the main access into the site that will also serve development to the south of the A39 that is subject to a separate planning application. In addition, the scheme has a requirement to provide a serviced site for a new primary school, a serviced site for community facilities, a contribution towards the improvements to Dunball roundabout, and contributions toward early years, primary, and secondary education.
20. Within the former Sedgemoor District Council Local Plan area most infrastructure is secured through CIL including contributions towards the

provision of education. Except for two specific allocated sites in the adopted local plan, all education contributions are secured through CIL. The exceptions are the two strategic allocations at Bridgwater that include specific on-site provision. In these cases, early years and primary education provisions are secured through s.106 and provided on-site.

21. This represents a greater and more secure education contribution for the LEA than CIL but has clear impacts on the overall viability of development given that this represents a significant additional charge over and above other infrastructure and CIL payments. In the case of this scheme, the value of the education contribution secured through s.106 is £3.687m. Effectively without any reduction in CIL, the development is being asked to pay twice for the same infrastructure.
22. As referred to above, the s.106 secured additional contributions for other infrastructure in addition to primary school funding, the key components considered as part of the viability were therefore,
 - Primary Education £3,687,984
 - Early Years Education £580,250
 - Three way signalled Junction additional costs £3.687m
 - Travel Plan Co-ordinator £303,296
 - Bus service £600,000
 - Contribution towards Dunball roundabout £865,652*

*This requirement was added after the review of the viability resulting in a further reduction in affordable housing.

23. As part of the negotiations with the developers in advance of the consideration by Committee viability was raised as a significant issue given in particular the requirement to fund on-site education provision in addition to CIL. A viability report was prepared that was independently reviewed on behalf of the Council. The submitted viability report assumed that CIL relief of 50% would be granted on the basis that early years and primary education contributions were secured directly by s.106 and to maintain an acceptable though reduced level of affordable housing for the first phase.
24. The viability review tested a range of scenarios given that there were uncertainties around potential third party contributions to the principal junction and that until an application for CIL relief was considered, it was not certain that this would be granted. It concluded that the scheme was not viable with a policy

compliant 30% affordable housing. The scenario that was considered to be the most realistic was -

Assuming 50% CIL reduction and NO contribution from adjoining developer for

Junction. *The benchmark land value met with 11.6% Affordable housing provision based on a 50/ 50 tenure split and a total 78 Affordable Homes for the first phase.*

25. Whilst this scenario was viable it resulted in only 11.6% affordable housing compared to a policy target of 30% although there would be a review mechanism that would increase this should contributions for the junction ultimately be secured. It was this scenario that was considered by Development Committee when they resolved to grant permission subject to a s.106 agreement.
26. After this as part of a wider funding strategy to deliver improvements to Dunball roundabout/J.23 required by National Highways to enable continued growth in and around Bridgwater, an additional off-site highway contribution of £865,652 was agreed. When this additional financial requirement was added to the viability appraisal, in order to maintain the scheme viability to the level previously agreed, the affordable housing component had to be reduced further to 7.11%. It was accepted that the first phase did have a disproportionate infrastructure burden and that subsequent phases might be able support higher levels of affordable housing.
27. Planning consent was finally issued on 8th August 2023 on the assumed basis that ECR of 50% would be granted and that affordable housing of 7.11% was secured with the provision of an uplift clause should third party contributions towards the main junction be secured or any of the off-site financial contributions were not needed.
28. The Council now has a new ECR policy that includes criteria against which to assess any applications. Whilst this ECR application can be determined against the existing ECR policy that applied to the former SDC area, it has also been assessed against the new policy as follows.
 - Is the site included within the Councils 5 Year Housing Land Supply and/or allocated in an adopted local plan – **Yes.**


- The planning benefits of the proposal are considered equal or greater benefit than the value of any ECR granted – **Yes**, as detailed above the scheme secures for example £3.7m for primary education and £865k for off-site highway works.
 - The s.106 agreement has a direct financial impact on development viability as evidenced by the viability report - **Yes**.
 - Sites should not be artificially sub divided – **No**, the site is phased logically but there is a requirement for significant front loading of infrastructure.
 - Exceptional circumstances would normally exclude matters that should reasonably have been considered at the planning stage – **Yes** the primary reasons are related to s.106 on-site education provision and additional off-site highway contributions that were not anticipated in the local plan.
 - If Development Committee have already considered viability supported by an independent viability assessment including any assumed ECR, relief will be granted – **Yes**, as detailed above viability was fully considered and 50% ECR was assumed as part of this.
 - All ECR must be compatible with UK subsidy Control legislation – **Yes**, as the relief is necessary to provide education infrastructure that is not an economic activity this would not be considered subsidy.
29. The ECR request therefore meets all the policy criteria and the recommendation above is that a reduction of 50% be approved.

Report Sign-Off (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	11/01/2024
Communications	Peter Elliot	11/01/2024
Finance & Procurement	Nicola Hix	15/01/2024
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Mickey Green	11/01/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member	Cllr Ros Wyke	5/01/2024
Consulted:	Councillor Name	
Local Division Members	Cllr Duddridge, Cllr Slocombe (Bridgwater West), Cllr Bolt, Cllr Caswell (Cannington)	11/01/2024
Opposition Spokesperson	Cllr Mark Healey	11/01/2024
Scrutiny Chair	Cllr Dimery	11/01/2024

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or
www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council					
Version		Date Completed	10/01/2024			
Description of what is being impact assessed						
CIL ECR for land at Cokerhurst Farm, Bridgwater, part of policy B2 of Sedgemoor adopted local plan						
Evidence						
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics , Somerset Intelligence Partnership , Somerset’s Joint Strategic Needs Analysis (JSNA) , Staff and/or area profiles ,, should be detailed here						
Sedgemoor Local Plan Equalities Impact Assessment						

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

No additional consultation. The report seeks ECR in order to enable delivery in conformity with policy B2 of the local plan. The EIA was independently examined through the local plan public local inquiry.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Gender reassignment	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sexual orientation	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	•	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
Completed by:	Nick Tait			
Date	16/01/2024			
Signed off by:				
Date				
Equality Lead sign off name:				
Equality Lead sign off date:				
To be reviewed by: (officer name)				
Review date:				

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Decision Report - Executive Decision

Decision Date – 25 January 2024

Key Decision – yes



Wellington Station – Forward-funding of Access Road

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning and Assets and Councillor Richard Wilkins, Lead Member for Transport and Digital

Local Member(s) and Division: Cllr Marcus Barr; Cllr Andrew Govier

Lead Officer: Mike O’Dowd-Jones – Service Director for Infrastructure and Transport

Author: Sarah Povall – Principal Planning Policy Officer

Contact Details: sarah.povall@somerset.gov.uk

Summary / Background

1. The project to re-open Wellington Station is part of a wider project to create a Devon and Somerset Metro network. This includes restoring rail access to Cullompton station too.
2. The vision for a Devon and Somerset Metro service, is to provide sustainable transport options for residents of these communities. This will enable reductions in carbon emissions, reductions in congestion and air quality concerns and cutting commuting times. This positive impact will be seen particularly in relation to the key centres of Exeter and Taunton as well as opening up economic opportunities for the towns of Cullompton (and Culm Garden Village) and Wellington.
3. In October 2021, Somerset West and Taunton Council was successful in securing £5m funding from the Department for Transport’s Restoring Your Railway Fund, following the successful submission of the Strategic Outline Business Case at the beginning of 2021. The funds have been administered by Network Rail, with specific outputs and milestones agreed between the Department for Transport and Network Rail.
4. Following this, in October 2023, the Minister of State for Rail confirmed that the “project will be funded to delivery, subject to future updates to the project business case”.

5. Network Rail and the Department for Transport require certainty about the delivery of the access road and associated infrastructure to facilitate the development of the new railway station in Wellington by September 2025, in order to commit this funding to deliver the station. The basic operation requirement is that:
 1. The road up to basecourse will be in place by the time the station construction commences.
 2. The road will be adopted as a Public Road by the time the Station is due to open in 2025.

6. The Council is currently considering an application from the developer for “Longforth Farm”, which sits adjacent to the proposed station. This development proposal includes residential and employment uses, along with the access road and associated infrastructure to the new station. As the developer is unable to guarantee delivery of the access road and associated infrastructure by 2025, this Report sets out the role Somerset Council may need to play in taking over control of the delivery of the access road and associated infrastructure, including: designing the road, submitting the detailed planning application, procuring a contractor and managing the construction of the road.

7. In order for the Council to fund this, it is proposed that Community Infrastructure Levy (CIL) funding is used to provide cashflow to finance the project which would be fully recovered from the development of sites surrounding the proposed new station.

Recommendations

The Planning and Transport Policy Sub Committee agrees

- a. The temporary use of Community Infrastructure Levy (CIL) funding, if required, to provide cashflow to allow the Council to deliver the access road to the station and associated infrastructure, which would be fully recovered from the development of sites surrounding the proposed new station.

- b. Agreement to the S106 and Heads of Terms for forward funding the access road and associated infrastructure is delegated to the Chief Planning Officer and Service Director for Infrastructure and Transport, in consultation with the Director for Legal Services.

Reasons for recommendations

8. In order for Network Rail to meet the timetable to deliver the new station in Wellington by September 2025, and draw down funding from the DfT's Restoring Your Railways fund, both Network Rail and the Department for Transport (DfT) need surety that the access road will be delivered.
9. This is a once in a generation opportunity to secure funding for major rail infrastructure investment in Somerset. There is extreme competition amongst other schemes to secure funding from the limited pot available from DfT. The opening of the station in Wellington has gained significant momentum over the past couple of years, with considerable support from Network Rail, GWR, DfT, the Secretary of State and our own Member of Parliament. Further support from the Council to facilitate securing the funding through the Restoring our Railways programme and the delivery of the station may be necessary, to prevent preference being given to another scheme instead.

Other options considered

10. Detailed conversations have taken place with the developer of the site about prioritising the delivery of the access road as part of the current application for planning permission for the site surrounding the station, but the developer has been unable to agree when the road and associated infrastructure will be constructed in relation to phasing of the rest of the site.
11. Network Rail has been in discussion with DfT about options for forward-funding the access road, which has concluded that DfT will be unable to support forward-funding.

Links to Council Plan and Medium-Term Financial Plan

12. Delivery of the new railway station in Wellington in turn helps to deliver the following vision and priorities set out in the Council Plan 2023-27:
 - a. A greener, more sustainable Somerset – to support Somerset to become a carbon neutral place, responding to the climate and ecological emergency. The new railway station in particular responds to the priority around transport interventions:

Transport is another key contributor to our carbon footprint. Active and sustainable travel options, including walking and cycling and encouraging modes of transport that use clean energy will help reduce air pollution and greenhouse gas emissions and give a

wider range of options for local journeys. Alongside this an effective public transport system that meets the needs of more of our residents will be an integral part of our drive to net zero

- b. A flourishing and resilient Somerset – in promoting opportunities for investment, delivery of the new station in Wellington:

Businesses need excellent transport and digital connections to access markets, distribute their goods and services and have access to their workforce. We will influence and drive support for improving connectivity to those parts of our county that need it the most.

Financial and Risk Implications

- 13. There is significant risk that, without this solution for forward-funding the road and associated infrastructure, the DfT might not have confidence in the deliverability of the scheme for a new station in Wellington to agree the funding.
- 14. There is a risk that the current CIL income projections might not be realised, as developers on strategic sites in Taunton pursue conversations about viability. The risk is however within the Council’s control, as it is the Council’s responsibility to determine what asks will be prioritised over others in viability negotiations. This is therefore not seen as a significant risk.
- 15. Given some of the identified CIL funded capital projects, it is possible that there maybe a CIL funding shortfall to cover the costs of the programme.
- 16. The proposal under consideration is to agree the role of the Council in forward funding and delivering the access road, if required. The funds would be fully recovered within a timeframe that would be subject to a contractual arrangement and agreed between the Council and other parties. This contract would specify the timeframe for paying back – typically this could be specified as “within x number of years or completion of x number homes”. There is a low risk associated with reclaiming the funding.
- 17. Finally, for clarity, the forward-funding from CIL would not be provided for completion of the access road, if DfT funding for station is not granted. The purpose of this proposal is to demonstrate certainty to the DfT about deliverability and that this mechanism for the delivery of road is available, if required.

Likelihood	3	Impact	3	Risk Score	9
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Legal Implications

18. The Community Infrastructure Levy (CIL) can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (as set out in [section 216\(2\) of the Planning Act 2008](#), and [regulation 59](#), as amended by the [2012](#) and [2013 Regulations](#)). This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan).
19. The Regulations set out that Local Authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed.
20. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

HR Implications

21. None

Other Implications:

Equalities Implications

22. The recommendation is to approve a funding mechanism and as such there are no direct Equalities implications of this report. For the delivery of the station itself, Network Rail is required to work with a Built Environment Accessibility Panel to make sure they follow the principles of inclusive design and carry our Diversity Impact Assessments to evaluate how inclusive our spaces will be.

Community Safety Implications

23. There are no immediate Community Safety Implications.

Climate Change and Sustainability Implications

24. Supporting the delivery of the station will specifically address climate change mitigation and adaptation and promote sustainability. Somerset Council have declared both a Climate and Ecological Emergency.

Health and Safety Implications

25. There are no specific health and safety implications.

Health and Wellbeing Implications

26. There are no immediate Health and Wellbeing implications.

Social Value

27. Forward funding an access road for a new railway station in Wellington has the potential to generate substantial social value by improving connectivity, fostering economic development, promoting environmental sustainability, engaging the community, ensuring safety, enhancing public spaces, and prioritising affordability and accessibility.
28. Improved Accessibility and Connectivity:
- Positive Impact: This improved accessibility can lead to increased mobility and convenience for residents and visitors.
 - Social Value: A well-connected transportation network encourages public transportation usage, reduces traffic congestion, and enhances overall urban mobility.
29. Economic Development:
- Positive Impact: The construction of the railway station and associated access road can stimulate economic development in the surrounding areas. Businesses, especially those reliant on transportation and tourism, may see increased opportunities and growth.
 - Social Value: Economic development can lead to job creation, increased local business activities, and improved living standards for the community.
30. Environmental Considerations:
- Positive Impact: A well-designed transportation system can contribute to environmental sustainability by encouraging the use of public transportation over private vehicles. This can lead to a reduction in carbon emissions and improved air quality.
 - Social Value: A healthier environment positively impacts public health and well-being, contributing to an overall improved quality of life for residents.
31. Community Engagement and Inclusion:

- Positive Impact: Involving the community in the planning and decision-making process for the access road can enhance social cohesion and promote a sense of ownership among residents.
 - Social Value: Inclusive planning ensures that the transportation infrastructure meets the diverse needs of the community, including considerations for pedestrians, cyclists, and individuals with mobility challenges.
32. Safety and Well-being:
- Positive Impact: A well-constructed access road with proper safety features contributes to overall public safety. This includes pedestrian-friendly pathways, proper signage, and efficient traffic management.
 - Social Value: Ensuring the safety of residents and commuters promotes a sense of well-being and confidence in using the transportation infrastructure.
33. Public Spaces and Urban Design:
- Positive Impact: Integrating the access road with thoughtful urban design can create attractive public spaces and contribute to the overall aesthetics of the area.
 - Social Value: Well-designed public spaces enhance the overall living experience, providing residents with places for recreation, social interaction, and community engagement.
34. Affordability and Accessibility for All:
- Positive Impact: Consideration for affordable transportation options and accessibility features ensures that the benefits of the new railway station are accessible to all members of the community, regardless of income or physical abilities.
 - Social Value: A commitment to affordability and accessibility promotes social equity and inclusivity, preventing transportation improvements from disproportionately benefiting certain demographic groups.

Scrutiny comments / recommendations:

35. The proposed decision has not been considered by a Scrutiny Committee.

Background

36. The Network Rail programme for delivery of the new railway station in Wellington, adjacent to Longforth Farm, has been agreed with the Department

for Transport (DfT). The timetable sets out that entry into service will be in September 2025.

37. A critical requirement to facilitating the delivery of the new station is the access road, which sits in the proposed Longforth Farm development. The planning application for Longforth Farm is currently being considered by the Council.
38. The developer has confirmed they can't realistically guarantee that: the basecourse will be in place by the time the station construction commences; or that the road will be adopted as Public Road by the time the Station is due to open in 2025. In addition, it is likely that the developer will sell off land parcels after they have achieved outline planning consent for their proposed development.
39. As such, Somerset Council believes that the best way of achieving surety about delivery of the access road to secure the new station, is for the Council to take control of delivery of the access road, if required.
40. In taking on this role, Somerset Council as Planning, Transport and Highway Authority will need to design the road, submit the detailed planning application, procure a contractor and manage the construction of the road. In addition, Somerset Council would have to take the cost risk (funding and finance) on design and construction. This would also give Network and ultimately DfT confidence that the access road will be delivered to help support their business case development and decision-making.
41. This would require the Council to agree the transfer of land required for the permanent works of the public highway formally at some point prior to construction commencing. We are seeking to agree 'step in rights' for Somerset Council in the S106 to be able to deliver the road as backstop and to agree the transfer of land by mutual agreement.
42. At the current time, we estimate the costs of design and planning for the access road will be approximately £500k; and the construction of the road between £3.5m and £4m. Detailed costings will be prepared to inform the necessary legal agreements. In order for the Council to forward fund the access road, it is proposed that Community Infrastructure Levy (CIL) funding is used to provide cashflow to finance the project. This would be fully recovered through the S106 to be agreed with the developer of the Longforth Farm site and the Council.
43. It is recommended that the decision to agree the S106 for forward funding the access road is delegated to the Chief Planning Officer and Service Director for

Infrastructure and Transport, in consultation with the Director for Legal Services.

44. The current workstreams are being worked on to help us take on the delivery role, include the following components:

- We are negotiating 'step in rights' in the S106 for the Developers Outline planning application for Longforth Farm which would allow Somerset Council to take ownership of the land necessary to deliver the public road, if necessary.
- We have informally agreed a contribution from the Developer for design costs – this will need to be formalised through a legal agreement but should be reflected in the viability assessment as Developers costs.
- Full recovery of the CIL will be agreed as part of the s106.

Background Papers

45. None

Appendices

46. None

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	11/01/24
Communications	Peter Elliot	15/01/24
Finance & Procurement	Jason Vaughan	17/01/24
Workforce	Dawn Bettridge	11/01/24
Asset Management	Oliver Woodhams	15/01/24
Executive Director / Senior Manager	Mickey Green / Alison Blom-Cooper	11/01/24
Strategy & Performance	Alyn Jones	12/01/24
Executive Lead Member	Richard Wilkes / Ros Wyke	5/01/24
Consulted:	Councillor Name	
Local Division Members	Cllr Marcus Barr; Cllr Andrew Govier	15/01/24

Opposition Spokesperson	Cllr Diogo Rodrigues Opposition Spokesperson for Transport and Digital	15/01/24
Scrutiny Chair	Cllr Martin Dimery for Scrutiny Climate & Place Committee	12/01/24