

HATCH BEAUCHAMP PARISH COUNCIL

Clerk to the Parish - Helen Chadwick
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23 September 2026

To: Bill Cotton
Chief Planning Officer

Councillor Mike Rigby
Lead Member for Economic Development, Planning and Assets

Copied to:

- Councillor Sarah Wakefield
- Councillor Gwil Wren, Chair, Scrutiny Committee
- Alyn Jones, Monitoring Officer

Subject: Objection to Proposed Exceptional Circumstances Relief for West of England Developments (Taunton) No 2 Ltd for Land West of Station Road, Hatch Beauchamp

Dear Mr Cotton and Cllr Rigby,

Hatch Beauchamp Parish Council, on behalf of the community it represents, formally objects to the proposed decision to grant full Community Infrastructure Levy Exceptional Circumstances Relief to West of England Developments (Taunton) No 2 Ltd. The Parish Council has concerns regarding the evidential basis, transparency, governance, legal compliance and fairness of the proposed decision, including whether it satisfies Somerset Council's published ECR Policy and the applicable statutory framework.

The Parish Council supports the delivery of affordable housing within the village and does not seek to reopen the planning merits of the development. This objection relates solely to the proposed granting of full ECR and the resulting loss of infrastructure funding intended to mitigate the impact of development on the local community. For clarity, the Parish Council understands that a final decision has not yet been made and asks Somerset Council not to proceed with, approve or implement full relief until the issues in this letter have been properly addressed.

1. Lack of Evidence of Exceptional Circumstances

Somerset Council's adopted Exceptional Circumstances Relief (ECR) Policy makes clear that relief should only be granted where genuine exceptional circumstances exist, where it is expedient to grant relief, and where the full CIL liability would have an unacceptable impact on the viability of the development. The policy also states that matters which could reasonably have been anticipated during the planning process would not normally constitute exceptional circumstances.

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To date, neither the Parish Council nor local residents have been provided with any evidence explaining what specific exceptional circumstances are said to justify the proposed grant of relief in this case.

Planning permission was granted approximately 18 months ago. The Parish Council therefore asks the Council to explain what prevented lawful commencement during that period, including the timing of the Section 106 Agreement, discharge of pre-commencement conditions and any other relevant constraints.

If changes in build costs, financing costs or market conditions formed part of the justification, the Parish Council asks the Council to explain why those matters were regarded as exceptional rather than foreseeable commercial risks, particularly given the period that elapsed following the grant of planning permission.

The Parish Council therefore requests publication of the documents and decision rationale listed in section 4 below.

2. Viability Concerns

The viability appraisal submitted in July 2024 indicated:

- Net Development Value of approximately £2.79 million.
- Development profit of approximately £418,502.
- Profit on Gross Development Value of 15%.
- Provision within the appraisal for a CIL liability of approximately £132,678.

The July 2024 appraisal appears to have included the full CIL liability while reporting a development profit of approximately £418,502, equivalent to 15% of Gross Development Value. That does not, by itself, determine the current viability position, but it makes a transparent reconciliation with any assessment supporting 100% relief essential. The Parish Council therefore requests a clear reconciliation between that appraisal and the updated assessment being relied upon to support the proposed relief.

Please provide a table identifying each material assumption that changed between the July 2024 appraisal and the assessment accepted by the Council, together with the financial effect of each change.

We understand that an updated viability assessment has subsequently been submitted to Somerset Council. However, neither this updated viability assessment nor the independent review required in the Council's ECR policy has been published on the planning portal.

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The Parish Council also asks whether alternative options were considered before proposing to award 100% relief, including whether a marginal adjustment to the scheme could have preserved some CIL contribution while maintaining delivery of affordable housing.

3. Loss of Community Benefit

The purpose of CIL is to ensure that development contributes towards the infrastructure required to support growth.

The granting of ECR removes funding that would otherwise be available to support local infrastructure and community facilities. The Parish Council understands that this decision removes both Somerset Council's share of CIL receipts and the neighbourhood portion that would ordinarily be payable to Hatch Beauchamp Parish Council.

This loss is particularly concerning given that Somerset Council continues to face substantial financial pressures and local communities are increasingly dependent upon developer contributions to support infrastructure, recreation facilities and essential services.

As part of the original planning proposal, the community was due to benefit from developer contributions, including funding towards local play facilities. The Parish Council supports appropriate play provision but a second standalone play area would create a long-term maintenance, inspection, insurance and replacement liability while delivering less value than enhancements to the existing facility. The existing village play area is approximately 0.2 miles from the proposed development and has recently benefited from significant investment.

The Parish Council therefore requests the Council's assessment of the public-interest balance, including how the benefits of facilitating delivery were weighed against the loss of infrastructure funding to Somerset Council and the neighbourhood area.

4. Fairness and the Rural Exception Site Context

The Parish Council is also concerned that granting 100% relief would produce an unfair and disproportionate outcome for the local community, even if the supporting viability assessments have been prepared and reviewed correctly.

The development is a rural exception site where the provision of affordable housing was central to the justification for allowing development. The Parish Council supports the delivery of affordable homes and recognises their importance to the village. However, that support should not mean that the community must accept the effects of development while losing the infrastructure contribution ordinarily intended to help mitigate those effects.

Rural exception sites are permitted because they address an identified local housing need in circumstances where development might not otherwise be supported. In the Parish

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Council's view, that exceptional planning context makes it particularly important that the wider consequences for the host community are considered transparently and given appropriate weight before any decision is made.

A full exemption would mean that the community accommodates the additional development and associated pressure on local infrastructure while receiving none of the CIL contribution that would ordinarily help address those pressures. This is particularly significant for a small rural community with limited infrastructure and fewer alternative sources of funding.

The Parish Council therefore asks the Council to explain why a complete exemption, rather than partial relief, phased payment or another proportionate arrangement, would represent a fair public-interest outcome. Please identify the weight given to the rural exception status of the site, the reasons development was permitted in this location, the identified need for affordable housing, the infrastructure effects of the development, the loss of the neighbourhood portion of CIL, the limited resources and infrastructure available to the village, and the principle that the community should not bear the impacts of development without an appropriate contribution towards mitigation.

The Parish Council also asks whether the Council has considered the cumulative effect of the planning obligations, affordable-housing requirements and proposed CIL relief when assessing the overall balance of public benefits and burdens.

4. Transparency and Governance

We are concerned that the proposed decision appears to be progressing under delegated officer authority and may be recorded as a non-key decision under delegated powers, despite the significant financial and community implications and the fact that the supporting information relied upon to justify this proposed financial concession has not been published.

The absence of the updated viability appraisal, independent assessment, officer report and proposed decision rationale prevents meaningful scrutiny and undermines public confidence.

To enable proper scrutiny, the Parish Council requests the following documents and confirmations:

- A copy of the Exceptional Circumstances Relief application.
- A copy of the updated viability assessment.
- A copy of the independent viability review.
- The officer report supporting the granting of relief.

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- The proposed decision notice and reasoning demonstrating how full relief would comply with Somerset Council's ECR Policy.
- Confirmation of who would authorise the relief and under what delegated authority.
- Confirmation that all required consultation will take place before any final decision is made.
- Confirmation that development has not yet commenced.
- Confirmation of the viability benchmark applied and whether the independent review concluded that payment of any CIL would make the scheme undeliverable.
- Details of the qualifications, appointment process and instructions provided to the independent assessor.

These documents and confirmations were requested through Environmental Information Regulations request reference **24652311** and should now be published in the interests of transparency and accountability.

5. Compliance with the Subsidy Control Act 2022

Somerset Council's ECR Policy expressly requires that any relief granted must be consistent with the provisions of the Subsidy Control Act 2022.

As part of the requested disclosure above, the Parish Council asks Somerset Council to disclose the subsidy-control analysis undertaken, identify the applicable statutory route, exemption or other basis being relied upon, and explain how the proposed relief would comply with the Subsidy Control Act 2022 and the Council's adopted policy.

As part of the requested disclosure above, the Parish Council asks Somerset Council to confirm:

- Confirmation that a Subsidy Control Act assessment has been or will be undertaken before any final decision is made.
- Confirmation that the cumulative subsidy position of West of England Developments (Taunton) No 2 Ltd, and any associated entities, has been or will be reviewed before any final decision is made.

6. Scrutiny and Public Accountability

The Parish Council notes that the Somerset Council Scrutiny Committee Corporate and Strategic reviewed the South West Audit Partnership (SWAP) Internal Audit Report relating to Section 106 and Community Infrastructure Levy arrangements on 13 July 2026 and that the report expressed concerns regarding the fair allocation of CIL funding and the impact of such decisions on smaller communities.

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The removal of a substantial developer contribution from Hatch Beauchamp would appear directly relevant to those concerns. The Parish Council therefore respectfully requests that the Chair of the Scrutiny Committee considers whether the proposed decision should be examined further in the interests of transparency, accountability and public confidence.

Given the reported concerns about ensuring smaller communities receive a fair share of developer contributions, we believe the proposed waiver of a significant liability in its entirety merits scrutiny and public explanation before any final decision is made.

7. Potential Disqualifying Event

The Community Infrastructure Levy Regulations 2010, Section 57 and Somerset Council's ECR Policy state that a chargeable development ceases to be eligible for ECR if, before commencement: charitable or social housing relief is granted on the same development, or an owner makes a material disposal of a material interest. Relief also falls away if the development has not started within 12 months of the decision.

We therefore request confirmation that Somerset Council considered the following matters and if they constituted a disqualifying event under its adopted policy and, if not, the reasons why the policy was considered not to apply.

- whether the June 2026 land sale transfer from joint ownership to a company wholly owned by the developer was a material disposal of a material interest before commencement
- whether mandatory or discretionary social housing relief has been or will be granted on the five affordable dwellings. We presume that the Council would not treat 100% ECR as a way around that rule by wrapping affordable and market floorspace into one claim.

8. Consistency and Relevant Previous Viability Decisions

The Parish Council notes that West of England Developments has previously relied on viability evidence in Somerset to seek reductions to developer obligations, including at Longforth Park, Wellington, where an Independent Financial Viability Assessment concluded that full policy-compliant affordable housing and section 106 contributions were not viable. While that case did not involve a CIL waiver because the applicable CIL rate was £0, it appears relevant to whether there is a wider pattern of viability-based requests by the developer or associated entities.

We therefore ask Somerset Council to confirm whether this previous viability case, or any other applications for relief, viability concessions, or subsidy-control assessments involving West of England Developments or associated entities, have been or will be considered

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before determining the Hatch Beauchamp ECR application. We also ask whether any precedent or pattern of decision-making will inform the outcome.

Conclusion

The Parish Council remains unconvinced that the criteria required by Somerset Council's Exceptional Circumstances Relief Policy have been demonstrably met, and objects to the proposed decision to grant full relief.

In particular, we have not seen evidence that:

- Genuine exceptional circumstances exist.
- The development would be rendered unviable by payment of the full CIL liability.
- The Subsidy Control Act requirements have been satisfied.
- No disqualifying event has occurred.
- The public benefits of granting full relief would outweigh the loss of infrastructure funding and the unfairness to the host community, particularly given the rural exception site context.
- The decision-making process has been conducted in a transparent and accountable manner.

Accordingly, Hatch Beauchamp Parish Council formally objects to the proposed decision and requests that Somerset Council does not approve, rely upon or implement full ECR unless and until the concerns in this letter have been properly addressed, the supporting documentation has been published, and the matter has been considered through an appropriate scrutiny route.

We look forward to receiving your response before any final decision is made.

Yours faithfully,



Mrs P Fowler

Chair, Hatch Beauchamp Parish Council