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## Quarterly report on planning service performance (Q4 and Q1 combined report)

Executive Member: Lead member for Economic Development, Planning and Assets

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### Introduction

1. An update to the Council's constitution was agreed on 22 May 2024 and sets out the revised terms of reference for the Strategic Planning Committee. As before this includes consideration of quarterly officer reports from the area-based Committees to monitor decision making and workload levels. This report includes information for Q4 of 2023/24 and Q1 of 2024/25.
2. Appendix 1 attached to the report sets out performance data for Q4 of 2023/24 and Appendix 2 sets out performance data for Q1 of 2024/25. The data also includes information on the volume of work received by each of the area teams and the minerals and waste team and reports the information published nationally on a quarterly basis on the meeting of the government targets. Whilst historically information has been collected in the former District areas it is now collected on a Somerset wide basis. This report includes that information and the information on an area basis so that it can be compared with historic performance. In addition, information is provided on the applications and other areas of work not reported in the national statistics, in order to provide a more rounded picture of the workload. Information is also included on enforcement complaints, appeals, five-year housing land supply and the Housing Delivery Test position.

### Recommendation

3. The Strategic Planning Committee is asked to note the content of this report.

### Reasons for recommendations

4. The report is brought to members to provide an understanding of the volume of work in the service and the performance of the Council in meeting the national targets.

## Financial and Risk Implications

5. The Government measures application performance on a quarterly basis. If the Council does not remain within the thresholds<sup>1</sup> set by Government, then it could be designated as a poorly performing authority and developers would then have the option of applying directly to the Planning Inspectorate for planning permission (referred to as 'designation'). The regular monitoring of performance will enable this risk to be actively managed.

## Legal Implications

6. There are no legal implications of the recommendation.

## Planning Performance – Q4 of 2023/24 and Q1 of 2024/25

### Development Management

7. Section 1 of each Appendix sets out the number of planning applications received by Somerset Council, by area and for the Minerals and Waste team, and Section 3 sets out the performance against the nationally set targets, which are reported quarterly to MHCLG.

In addition to the quarterly returns which measure whether the Authority meet the national targets for Major, Minor and Other applications, MHCLG review the performance of the Authorities to determine if they should be designated as poor performing. This assessment considers the speed of decision making, as well as the quality of decision making (appeal outcomes). If Authorities fail to meet the thresholds set, they can be designated, which means that applicants can apply direct to the Planning Inspectorate for the determination of their planning applications<sup>2</sup>.

Currently the Council is above the thresholds and is not at risk for speed of decision making.

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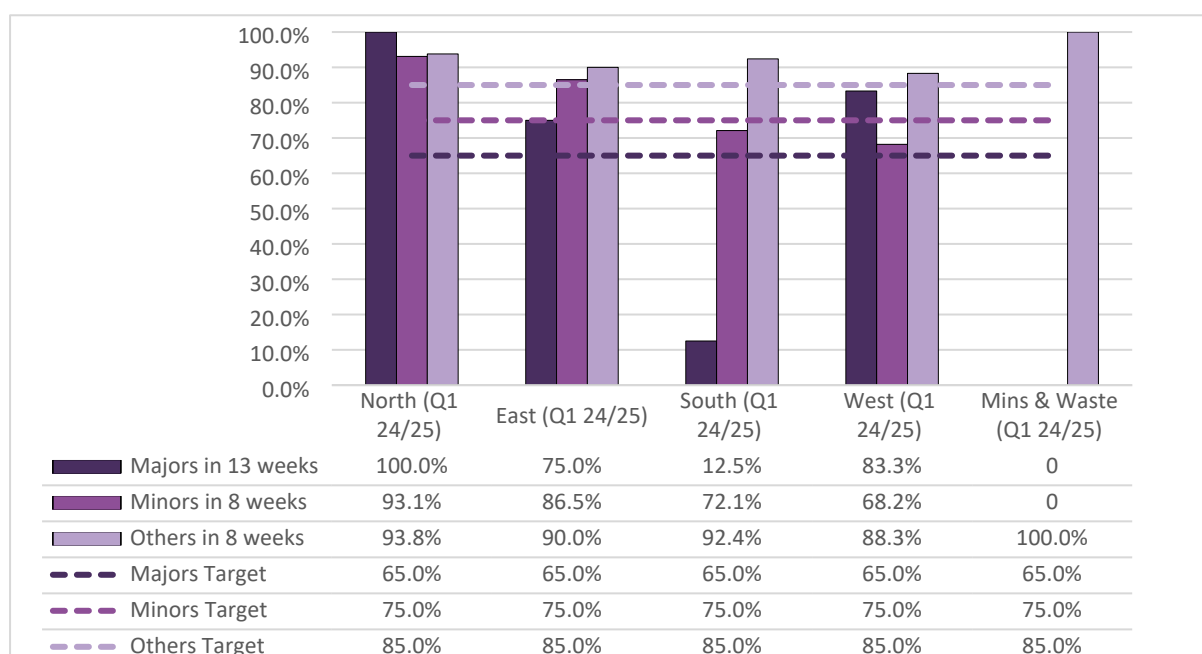
<sup>1</sup> Thresholds: The criteria for designation were updated in October 2022 set designation thresholds for the speed of decision making if an authority made less than 60% of decisions for major development within the statutory period or such extended period as agreed and less than 70% for non major development for the period between October 2021 and September 2023. [Improving planning performance: Criteria for designation \(updated 2022\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144447/improving_planning_performance_criteria_for_designation_updated_2022.pdf). Tables were published on 7 September 2023 – see [Planning applications in England: April to June 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/planning-applications-in-england-april-to-june-2023)

<sup>2</sup> Thresholds: The criteria for designation were updated in October 2022 set designation thresholds for the speed of decision making if an authority made less than 60% of decisions for major development within the statutory period or such extended period as agreed and less than 70% for non major development for the period between October 2021 and September 2023. [Improving planning performance: Criteria for designation \(updated 2022\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144447/improving_planning_performance_criteria_for_designation_updated_2022.pdf). Tables were published on 7 September 2023 – see [Planning applications in England: April to June 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/planning-applications-in-england-april-to-june-2023)

8. Section 3 of each appendix shows the percentage of major, minor and other applications which are determined within the national target times of 13 weeks for major applications and 8 weeks for minor and other applications. These should be compared with the nationally set targets of 65% for majors, 75% for minors and 85% for others.

Chart 1 below shows the percentage of applications determined against the national targets for each team during Q1. Chart 2 shows the trend data for Somerset Council (since vesting day) and the overall performance.

*Chart 1 showing the latest quarter data (Q1 of 2024/25) for all teams showing percentage of applications determined in-time compared with the national targets*



The data above for the period Q1 of 2024/25 shows that for this period, not all of targets have been met in all areas and as such there are some local concerns, which are being monitored and will be addressed.

Chart 2 Overall Performance for Somerset Council (combined) to show trend

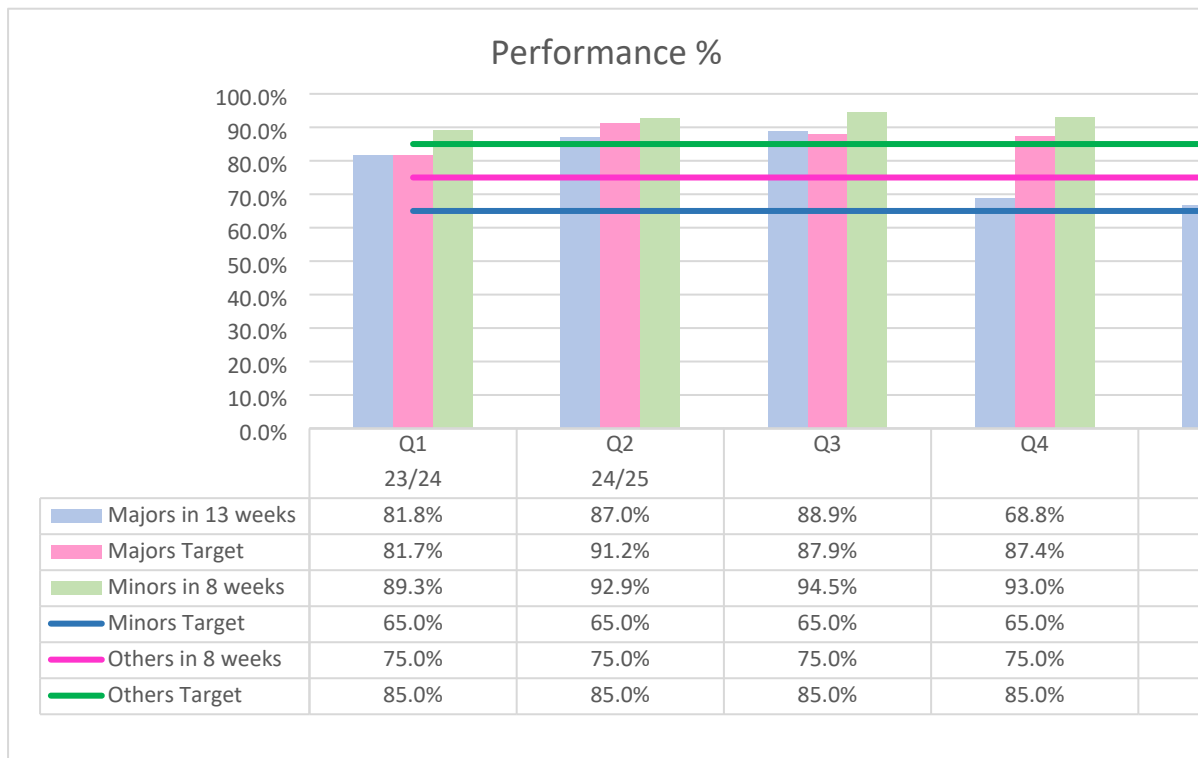


Chart 2 shows the trend data for the wider planning service since April 2023. Whilst chart 1 identifies concerns in some areas, chart 2 clearly shows that the Council is currently meeting all national targets.

It is clear that the trend shows a decline in performance, but the service and particularly the South team has had serious staff recruitment and retention issues over the last 3-6 months.

In the last year across the service, there have been 30 leavers – many at the principal planning officer level (and also a number of long-standing agency staff in South area). The recent recruitment for principal planning officers has resulted in the appointment to two of the vacancies across the service and there is a continued reliance on agency staff. In addition, the ecology service and legal services have also had a shortage of staff which has led to delays in assessing nutrient neutrality mitigation, securing S106 agreements and the issuing of decision notices. There is as a direct result an increased workload for remaining staff and whilst there are plans in place to stabilise the service through further recruitment and the use of retention allowances it will take time to realise results.

- Section 2 of each Appendix provides information on the number of applications on hand at the start of each quarter, the number received during the quarter, the number determined in each quarter and the number on hand at the end of the quarter. Noting that this is only those applications included in the returns to government it is useful as a gauge as to the backlog of work in the system.

Where there are more applications on hand at the end of the period than determined during it, this is evidence of a building backlog and something that the service continues to monitor.

10. The reasons for a backlog were explained in a previous report, but for most areas Q1 has seen a reduction in the backlog. This has been attributed to the Action Plan that the service has implemented and in particular the two-week firebreak at the beginning of June and is important in the move to stabilising the service and reducing officer caseloads.
11. Further work is being undertaken with external support to work with the team on extracting data from the 6 systems so there is a better understanding of the reasons from the backlog and to further develop the action plan to address the issues the service currently faces.

### **Other applications and pre application advice not included in the national data**

12. Section 4 of each appendix provides information on the other applications which are not included in the national statistics: these include prior approvals, adverts and tree applications. Due to differing computer systems in operation across the Council it has not been possible to include the discharge of conditions applications which make up a considerable volume of work. Section 4 also provides information on pre-application enquiries. This gives an indication of the other work case officers are handling.

### **Appeal decisions**

13. Section 6 of each appendix provides information on the number of appeal decisions by area/minerals and waste team and the percentage of appeals where the decision was allowed by the Planning Inspectorate by year. The figures shown for the Legacy Authorities relate to those decisions prior to April 2023 and the figure for Somerset Council is the combined figure since April 2023.
14. The government uses the appeals performance as a proxy for the quality of decisions and for potential designation<sup>3</sup>. The calculation is based on the percentage of the total number of decisions made by the authority on major and non major<sup>4</sup> decisions that are then subsequently overturned at appeal once nine months have elapsed following the end of the assessment period. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions.

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<sup>3</sup> <https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation>

For quality of decision making the measure used is the percentage of decisions that are overturned at appeals – the threshold set for major and non major development is 10% for the period from April 2021 to March 2023

<sup>4</sup> Non major decisions include, minor dwellings, minor office and industry, retail and service, traveller caravan pitches, other minor developments, change of use and householder developments

If the percentage overturned at appeal is more than 10% of the total number of decisions the authority meets the threshold for designation. The table below shows the figures for the most recent reporting period:

*Most recent appeal data as published 13 June 2024 by MHCLG:  
P152 (majors) and P154 (non-majors) for the period July 21 – June 23*

	Major	Non-Major
East (Mendip)	1.6%	0.8%
North (Sedgemoor)	2.9%	0.1%
South (South Som)	0.0%	0.4%
West (Som West & Taunton)	2.2%	0.7%
<b>Somerset Council (combined data since April 2023)</b>	0.0%	0.2%
Minerals & Waste (County)	0.0%	n/a

*Please note that the data for the legacy Authorities was prior to April 2023 and will eventually disappear, being replaced by Somerset Council data, as the rolling review period moves.*

- Therefore all former authorities are below the current thresholds for potential designation. It is also worth bearing in mind that the number of majors can be relatively small so that one or two applications can make the difference between meeting or not meeting the threshold.

## Committees

- The Council undertook a review of the Committee arrangements, scheme of delegation and terms of reference, which was agreed by Full Council on 22 May 2024. This is now being used and will continue to be reviewed as requested by Full Council.

## Planning Enforcement

- Local Planning Authorities have a discretionary power to take enforcement action where unauthorised development has taken place and it is considered expedient to do so. The Government advice urges negotiation in the first instance to try to resolve enforcement issues except in the most serious cases and local planning authorities are advised to act in a proportionate way appropriate to the level of harm caused by the development. The Council recognises that effective enforcement is an important means of maintaining integrity and public confidence of the development management process. In February 2023 the Council adopted an enforcement policy. [SCC - Public - Somerset Planning Enforcement Policy.pdf - All Documents \(sharepoint.com\)](#). This sets out the priority level (see page 10) that will be given to cases referred and is essential given the high number of allegations of breaches of planning control received each year. Some cases will require no further investigation because we identify that planning

permission already exists for the work, that planning permission was not required or that enforcement action is not proportionate to the level of harm caused by the breach. Others will be resolved by way of negotiation in accordance with the government advice.

18. Section 7 of each appendix provides information on enforcement cases in hand and the number resolved/closed during each quarter.

### **Five Year Housing Land Supply and the Housing Delivery Test**

19. Section 8 of each appendix provides information on the Council's Five-Year Housing Land supply position and Housing Delivery Test results. This is by area with Area West split into the former Taunton Deane and West Somerset areas as the position relates to the relevant adopted local plans. Areas North and West can currently demonstrate a five year land supply, The supply position in Areas East, West and South has been affected by the need to ensure developments are nutrient neutral in the Somerset Levels and Moors catchment areas and in the case of South and West the River Axe catchment area.

#### *Most recent Five-Year Housing Land Supply by Area*

<b>Combined Five Year Housing Land Supply Calculation</b>	<b>Years</b>	<b>Date</b>
Area North (Sedgemoor) - 2024	6.28	April 2024
Area East (Mendip) - 2023	3.24	October 2023
Area South (South Somerset)	2.98-3.10	January 2024
Area West (Taunton Deane) - 2024	6.06	April 2024
Area West (West Somerset) - 2024	9.92	April 2024

\* |

20. The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan making authorities published by MHCLG. The latest test results for the Housing Delivery Test measurement were published on 19 December 2023 for the period up to 2021/22. These results show that Area South is at 135%, Area North is at 110%, Area West is at 98%, Area East was at 76%. Data for the past 5 years is shown in Appendix 2 Section 8.4 and Tables 26-29.
21. From the day following the publication of the Housing Delivery Test measurement where delivery of housing has fallen below the housing requirement the following consequences apply:
  - Below 95% - publish an action plan,
  - Below 85% - 20% buffer on housing requirement in 5YHLS and publish an action plan,

Below 75% - application of presumption in favour of sustainable development, 20% buffer on housing requirement in 5YHLS and publish an action plan.

22. The sanctions apply until the release of the next HDT results .

### **Background Papers**

23. None

### **Appendices**

- **Appendix A: Q4 2023/2024 Planning Service Performance Data**
- **Appendix B: Q1 2024/25 Planning Service Performance Data**