



Notice of Meeting of

STRATEGIC PLANNING COMMITTEE

Thursday, 21 March 2024 at 10.00 am

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

To: The members of the Strategic Planning Committee

Chair: Councillor Tony Lock
Vice-chair: Councillor Andy Soughton

Councillor Steve Ashton	Councillor Mike Caswell
Councillor Simon Coles	Councillor Michael Dunk
Councillor Philip Ham	Councillor Edric Hobbs
Councillor John Hunt	Councillor Andy Kendall
Councillor Matthew Martin	Councillor Wes Read
Councillor Martin Wale	

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

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Tuesday, 19 March 2024**.

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, 13 March 2024

AGENDA

Strategic Planning Committee - 10.00 am Thursday, 21 March 2024

Public Guidance Notes for Planning Committees (Agenda Annexe)
(Pages 5 - 8)

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 9 - 12)

Click here to join the online meeting (Pages 13 - 14)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 15 - 22)

To approve the minutes from the previous meeting held on 19 October 2023.

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 (Pages 23 - 26)

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.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Friday 15 March 2024.

5 Local Nutrient Mitigation Fund Award (Pages 27 - 94)

To consider a report on funding via the Local Nutrient Mitigation Fund to increase the supply of phosphate mitigation projects to unlock impacted developments. The report also requests approval of the Council interim delivery strategy for the utilisation of this funding.

6 Quarterly Report on Planning Service Performance Q2 & Q3 (Pages 95 - 188)

To receive the Planning Service Quarterly Performance Report for Q2 and Q3 combined and note the contents.

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticservicessouth@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



Councillor reminder for declaring interests

The [Members Code of Conduct](#) deals with declaration of interests and participation at meetings.

Non participation in case of Disclosable Pecuniary Interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests**, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Non-Registrable Interest relates to –

- 1) an unpaid directorship on a company owned by your authority or
- 2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

*1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.

3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.

6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

**a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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Strategic Planning Committee 21 March 2024

Microsoft Teams meeting

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Minutes of a Meeting of the Strategic Planning Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Thursday, 19 October 2023 at 10.00 am

Present:

Cllr Tony Lock (Chair)
Cllr Andy Soughton (Vice-Chair)

Cllr Steve Ashton	Cllr Mike Caswell
Cllr John Hunt	Cllr Wes Read
Cllr Martin Wale	

In attendance:

Cllr Henry Hobhouse	Cllr Liz Leyshon
Cllr Sarah Wakefield	

Other Members present remotely:

Cllr Simon Coles (non-voting)	
Cllr Michael Dunk (non-voting)	
Cllr Andy Kendall (non-voting)	
Cllr Bob Filmer	Cllr Tessa Munt
Cllr Peter Clayton	Cllr Ros Wyke
Cllr Richard Wilkins	

18 Apologies for Absence - Agenda Item 1

It was noted that Councillors Simon Coles, Michael Dunk and Andy Kendall were in attendance virtually (on-line via Teams) (non-voting).

19 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Strategic Planning Committee held on 21 July 2023 be confirmed as a correct record.

20 Declarations of Interest - Agenda Item 3

Councillor Andy Soughton declared a personal interest for Agenda item 5: Application to upgrade footpath WN 27/4 and part of footpath WN 23/11 to bridleways from the A303, Queen Camel to Sparkford Hill, Sparkford as the landowners were known to him. He confirmed that he would retain an open mind during determination of the application.

21 Public Question Time - Agenda Item 4

There were no questions from members of the public.

22 Wildlife and Countryside Act 1981 Section 53 Schedule 14 - Application to upgrade footpath WN 27/4 and part of footpath WN 23/11 to bridleways from the A303, Queen Camel to Sparkford Hill, Sparkford - Agenda Item 5

The Rights of Way Officer introduced the report which was an application by the South Somerset Bridleway Association who claimed a bridleway was missing from points F to G on the map at Appendix 1 in the parishes of Sparkford and Queen Camel. Her presentation covered: the details of the application; description of the route; relevant legislation; a summary of the evidence; consultation responses and other submissions.

The Rights of Way Officer concluded that on the balance of probability, route G to F1 to F2 should be recorded as a bridleway and route F to F1 was correctly recorded as a footpath.

The Committee were then addressed by a local resident who said the application was not based on reason and that the footpath status had been examined many times before with no objection made during the Highway Agency examination of the nearby by-pass. They had not found it to be anything other than a footpath. She felt that common sense indicated a private common way serving the nearby kilns as there were many private routes taking stone from the quarry to the kiln. She concluded that there was no evidence of a public right of way, bridleway or public thoroughfare and the application should be rejected.

At this point, the Chair apologised for not allowing the circulation of a late submitted letter by the local resident as the Council's Constitution stated the circulation of documentation would only be permitted if submitted two working days prior to the meeting.

The Committee were then addressed by one of the Division Members. His comments included:

- The criteria which officers had worked to had been set by the Scrutiny Committee and it had failed to address the Halsburys Book of law and it had

- failed to look at the settlement and mortgage law which applied.
- Settled land was clear that the owner was not the tenant for life, and in both the 1920 and the 1929 sales document, this was settled land.
 - Land could not be dedicated as a footpath while there was a mortgage in place.
 - At point G on the map, there had been a lime kiln and the area that was shown as quarry was on the tithe map as belonging to the Reverend Bennett. This meant it was church land.
 - Conveyancing law was poor and often resulted in claims to the solicitor.
 - Cannot understand why we cannot see all the routes from the lime kiln.

The Rights of Way Officer responded to the local resident's comments regarding private access ways serving the nearby kilns and also the Division Member's comments regarding land held in strict settlement and historical land sales documents.

At the request of a Committee Member the Chair clarified the officer's recommendation.

Councillor Mike Caswell said the application had been presented to the Committee on 3 occasions and he had considered the information and therefore proposed that the officer's recommendations be confirmed and this was seconded by Councillor Martin Wale.

In response to questions from Members, the Rights of Way Officer advised that one document submitted showed evidence of mortgages on land but it only covered a small period of time and on specific areas of land.

At the conclusion of the debate, the Officer's recommendation, having being proposed and seconded was confirmed by 5 votes in favour, 0 against, and 2 abstentions.

Resolved:

That that the application which seeks to upgrade footpath WN 23/11 to a bridleway from the A303, Queen Camel to Sparkford Hill, Sparkford between F and F1 as shown on Appendix 1 be **REFUSED**.

It was further **AGREED** that:

- I. an Order be made, the effect of which would be to amend the Definitive Map and Statement to upgrade footpaths WN 27/4 and WN 23/15 from G to F2 as shown on Appendix 1 to bridleways

- II. if there were no objections to such an order, or if all objections were withdrawn, it be confirmed (subject to the order meeting the legal tests for confirmation).
- III. if objections were maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs

(Voting: 5 in favour, 0 against, 2 abstentions)

23 Progress Report: Phosphates and work undertaken to achieve nutrient neutral development in the Somerset Levels and Moors - Agenda Item 6

The Principal Planning Policy Officer advised that he would update Members on recent events on phosphates and nutrient neutrality, the anticipated legislative changes proposed in the Levelling Up and Regeneration bill. and the Council's £10m funding bid to the Nutrient Mitigation fund. He noted that his report also proposed amending the criteria for allocating River Tone P-Credits. He also advised that:

- Natural England had signed off the key changes to the Somerset Phosphate Budget Calculator and this would be uploaded to the Council's website together with an explanatory video.
- The River Axe would use the national phosphate calculator and there were regular meeting with the Environment Agency, Natural England and Wessex Water together with a Developers Forum scheduled for December 2023.
- Jurston Farm, Wellington had been a national test case. The planning appeal had been dismissed in 2022 and it had also been challenged at and dismissed by the High Court. The Court of Appeal would be next.

The Phosphate Planning Officer provided an update on the planning applications held in abeyance and seeking phosphate solutions on the River Brue, River Parrett, River Axe and River Tone (see presentation slides).

The Principal Planning Policy Officer noted the proposed changes to the Levelling Up & Regeneration bill which had been voted down in the House of Lords and the additional legislation expected in the upcoming Kings Speech. He also noted there was currently a duty on water companies to upgrade their Waste Water Treatment Works by 2030 for facilities serving over 2,000 people or households. He concluded by outlining the partnership funding bid to the Government's Nutrient Mitigation Fund of capital funding £9.63m and revenue funding £0.9m. He also noted a reply to the Council's lobbying letters to the Government and a letter which had been received from Care UK the previous day.

The Phosphate Planning Officer provided an update on the phosphate credit

scheme which had been operating for 12 months and was due for review. She said that the scheme still had 30 credits to be allocated and it was proposed to retain 10 credits for schemes of less than 10 dwellings and the remaining 20 would be for minor and major, but implementable schemes. The proposal would maximise the objective to facilitate development.

In response to questions from Members, the Principal Planning Policy Officer advised that:-

- the number of phosphate credits required for a development depended upon a range of factors, such as the Waste Water Treatment Works which the development fed into, rainfall, soil type and locality. Typically, the amount of homes a single credit unlocked was higher in a town than for a rural area.
- River Tone credits were exclusively for developments within the River Tone catchment area.
- One project linked to River Tone P-credits involved water efficiency measures which were being introduced into the former SWaT housing stock.
- Officers were passing on their knowledge of phosphate mitigation measures to third party providers.
- The cost of one P-credit was circa £55,000 but this equated to 1kg of phosphate removed per year. Many smaller developments would not require a whole P-credit (1kg/P/year) and they could acquire P-credits in tenths (e.g. 0.1).
- Private companies were offering to upgrade septic tanks to Package Treatment Plants (PTP's) and the Council's website would be updated shortly with information to residents on this issue.
- The national Phosphate calculator had an occupancy calculator rate of 2.4 people per dwelling.
- The Somerset Phosphate Budget Calculator was only for the river catchments which fed into the RAMSAR sites. The River Axe did not feed into this.
- Concerned residents could check the Council's website and contact or email officers for advice. Website: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/> or email phosphates@somerset.gov.uk

At the conclusion of the debate, the recommendations of the report were proposed by Councillor Andy Soughton and seconded by Councillor John Hunt and were agreed by 5 in favour, 0 against and 2 abstentions.

Resolved:

That the Strategic Planning Committee **NOTED:**

- a. The content of the report and the activity across the 3 affected river catchments which continued to unlock the delivery of housing and affected development which had been on hold due to the need to ensure nutrient neutrality.
- b. The anticipated legislative changes flowing from the Levelling Up and Regeneration Bill, (as summarised in paragraphs 33 to 38 of the report).
- c. The outcome of the Council's funding bid to the Government's Nutrient Mitigation Fund.

That the Strategic Planning Committee **AGREED:**

- d. An expansion to the criteria for River Tone P-credit allocation to allow for the allocation of remaining River Tone P-credits to prioritise all full planning applications, applications for the approval of reserved matters or discharge of conditions and Section 73 applications that relate to C3 housing development or traveller accommodation and are otherwise 'ready to proceed' in planning terms.
- e. That 10 River Tone P-credits are 'ringfenced' and can only be allocated to minor applications for housing development i.e. proposals for less than 10 dwellings.
- f. The River Tone P-credit scheme maintains the requirement that P-credits are allocated to planning applications for 'implementable development' (i.e. development that can be commenced within 3 months of planning permission being granted (unless otherwise agreed with the Local Planning Authority)).

(Voting: 5 in favour, 0 against, 2 abstentions)

24 Quarterly report on planning service performance - Agenda Item 7

The Assistant Director Strategic Place & Planning introduced the quarterly report from the planning committees to monitor decision making and workload levels. The report included information for Quarter 1 from April to June 2023. She provided a presentation and some of the key points included information about:

- Planning service performance information including:
 - Number of planning applications received by Area.
 - Reference to backlog of applications – some of which was due to phosphate issues but also difficulties in recruiting staff or staff retention.

- A recent survey by the RTPI said that 82% of Councils were experiencing issues in recruitment due to competitive salaries in the private sector.
- Minerals and waste applications – the two-year rolling figures for the percentage of decisions determined within the national target or agreed time.
- The levels of pre-application enquiries by Area.
- Appeal decisions and trends by Area.
- Enforcement cases figures – reminded that enforcement was a discretionary function and the authority had an adopted policy.
- 5 Year Housing Land Supply – corrected an inaccuracy in the report and clarified that the South area does not have a 5 Year Housing Land Supply.

During a short discussion the Assistant Director Strategic Place & Planning, and other officers responded to some points of detail raised, including:

- There were inconsistencies with the way data had been recorded across the legacy authorities prior to vesting day, so some trends were not available at the current time but they would be moving forward.
- There were currently five Local Plans from the legacy authorities and it would be some time before there was a single Somerset Plan. A housing delivery, Somerset wide plan would come together more quickly.
- A planning review was underway and proposed changes would be considered by the Constitution and Governance Committee in the new year. The Chairs and Vice Chairs for each of the planning committees were involved in the review, and other members could provide input and feedback by completing the questionnaires circulated at each planning committee meeting.

There being no further debate, members were content to note the quarterly report on the Planning Service Performance.

Resolved:

The Strategic Planning Committee **NOTED** the content of the Quarterly report on planning service performance.

(The meeting ended at 12.10 pm)

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CHAIR

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Statement to Strategic Planning Committee 21st March 2024 by David Orr

After the “financial emergency”, held-up housing across large parts of Somerset due to nutrient neutrality, must be one of the single most pressing issues in Somerset. The economic and social impacts are profound.

Whilst this is a well-written paper, I am disappointed that so many P mitigation initiatives haven't progressed with more urgency and are now at or near the implementation stage.

Summary of officer verbal reply

The Government confirmed the Nutrient Mitigation Funding on 19th December 2023 and £500k of the capital funding was received on 23rd February. This is an Interim Delivery Strategy in order to demonstrate committed spend to DLUHC to meet the requirements of the funding award. We anticipate receiving the balance of the funding (£9.1m) in the first quarter of 2024/25.

The paper hasn't covered the key strategic issue of a catchment-wide nutrient neutrality policy, nor has the promised relevant legal instruction and advice been disclosed. Why not?

Summary of officer verbal reply

Please can Mr Orr clarify what he means by a catchment wide nutrient neutral policy and what legal advice he is seeking on this specific matter. Officer also indicated that they were happy to meet with him after the committee meeting to discuss these matters further.

Wessex Water are a key strategic partner. Why aren't they here today to both contribute to policy discussion as subject matter experts and also, to take relevant questions?

Summary of officer verbal reply

This is an Interim Delivery Strategy, and we are already working closely with Wessex Water. If there are any questions raised today that require input from Wessex Water, representatives from Wessex Water have dialled in remotely to the committee meeting and are thus on hand to answer relevant questions.

Q1. For ongoing member assurance, will the council carried out nutrient neutrality performance benchmarking (number of P credits, cost of P credits, number of houses built etc) against other councils e.g. Wiltshire, Cornwall, Norfolk etc?

Summary of officer verbal reply

The monitoring and evaluation requirements of the Government funding are yet to be provided by DLUHC. Officers anticipate that performance benchmarking against other Council will be undertaken by DLUHC.

Q2. Wessex Water can increase P removal by increasing existing dosing of ferrous sulphate or by installing at a small treatment works a Package Treatment Plant. Should the Council use those methods as a baseline, to compare P credit generation

efficiency and net P credit costs to other new or technical solutions, like Reverse Osmosis? If newer technologies proved more expensive, can the bid funding be re-directed into these conventional but potentially less costly treatments?

Summary of officer verbal reply

We have discussed this as a potential measure with Wessex Water. Previously however our understanding is that Wessex Water are prohibited from taking additional funding for capital improvements outside of their agreed AMP. If the position changes we will of course explore this opportunity further. At the current time we are piloting the Reverse Batch Osmosis technology to understand the actual costs.

Q3. How many of each of social and affordable houses are currently held up?

Summary of officer verbal reply

We do not have specific figures to hand. Where sites meet certain thresholds there is an obligation to deliver affordable homes. There are a range of measures that hinder the ability to secure affordable housing, not just nutrient neutrality. For example, and economic viability and funding programmes.

Q4. How many homes does this P mitigation strategy aim to get built between now and 2030? Why isn't that key information of estimates of houses that can be built, in which District area and when included? This is the primary outcome of this strategy.

Summary of officer verbal reply

This is an Interim Delivery Strategy to meet the requirements of the Local Nutrient Mitigation Funding. This will be reviewed as the projects progress, and we have committed to report progress back to this committee within 6 months.

Q5. Getting back to a 5-year housing supply is a key community benefit to restore the primacy of local plans and bring order to speculative development. There is a table of the number of held-up houses by each former District area. Can you say whether releasing all of those held-up homes (via P mitigation) would restore a 5-year housing supply in each District area, or, if not, how far it would contribute?

Summary of officer verbal reply

5-year housing supply is impacted by a range of measures (not just nutrient neutrality) For example, measures associated with Housing Delivery Tests, windfall calculations, the age of the Local Plan allocation(s), build out rates on strategic sites. There are LPAs that are not impacted by nutrient neutrality that struggle to demonstrate a 5YHLS. The figures on 5YHLS are provided in the monitoring report to follow and is reviewed on an annual basis.

Q6. Reverse Osmosis is a well-established and longstanding technology used worldwide for desalination for drinking water. It is also used to extract lithium salts from old Cornish mines water. Salinity Solutions is an under-capitalised and risky start-up, who in a competitive bid process failed to secure a Cornish lithium extraction contract in 2023. Once the Reverse Osmosis 6-month trial completes, and presuming the P generation amounts and costs remain viable (they may not when transport and refining

costs are taken into account), will the Council move to a competitive bid process for Somerset-wide implementation for Reverse Osmosis?

Summary of officer verbal reply

The trial is seeking to test Reverse Batch Osmosis and not Reverse Osmosis, which we know is a proven technology but a costly one for P credit creation. Reverse Batch Osmosis is a more energy efficient technology and the pilot (funded from the Nutrient Mitigation Funding) will clarify the costs associated with using Reverse Batch Osmosis for P credit creation. The waiver covers the initial trial and should it demonstrate good value for money, the wider rollout of the technology.

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Report Title: Local Nutrient Mitigation Fund Award

Executive Member(s): Lead Member for Economy, Planning and Assets

Local Member(s) and Division: All within the affected river catchment areas of the Tone, Parrett, and Brue

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

Authors Kate Murdoch: Service Manager Plan Policy & Implementation

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Summary / Background

1. On 17 August 2020, all the planning authorities in Somerset Council (at that time the four District Councils and the County Council), as well as Dorset Council received an advice note from Natural England (NE) concerning the unacceptable levels of phosphates in the Somerset Levels and Moors Ramsar site (SL&M). As a result since then a large proportion of new development (particularly housing development) in the impacted area needs to demonstrate nutrient neutrality.
2. The Council has been awarded capital funding of £9.6m via the Local Nutrient Mitigation Fund to increase the supply of phosphate mitigation projects to unlock impacted developments. Funding is in two instalments. £0.5m was received at the end of February 24. The remaining £9.1m is due to be received in the first quarter of financial year 2024/25. This report seeks approval of the Council interim delivery strategy for the utilisation of this funding as set out in Appendix A.
3. The first and second parts of this report are for information. The first part updates the Strategic Planning Committee on recent work undertaken across the Authority area, to achieve nutrient neutral development whilst also supporting housing growth. The second part of the report updates Members on recent Government announcements and changes to legislation in relation to nutrient neutrality.

4. The third part of this report considers matters relating to the Nutrient Mitigation Fund. The Government's announcement in December 2023 confirmed that the Council has been awarded up to £9.6m for capital projects via the Local Nutrient Mitigation Fund. The conditions of the grant are that it must be replenished to deliver more phosphate mitigation projects in the catchment and continue to help support, where possible, the delivery of development in the affected river catchments (i.e. The Tone, Parrett, and Brue).
5. This funding will help pump-prime nutrient neutrality interventions within the river catchment area of the SL&M Ramsar site and ultimately secure the release of homes in Somerset and Dorset (within the environs of Sherborne), which are held up by the phosphates issue. Members are asked to agree the interim delivery strategy, enclosed as Appendix A.

Recommendations

4. That the Strategic Planning Committee notes:
 - a. The content of this report and the activity across the three affected river catchments that feed into the Somerset Levels and Moors (Tone, Parrett, and Brue) which continues to unlock the delivery of housing and affected development to ensure nutrient neutrality.
 - b. The recent legislative changes introduced by the Levelling Up and Regeneration Act 2023, (as summarised in paragraphs 37 to 39 of this report).

That the Strategic Planning Committee agrees:

- c. to delegate authority to the Head of Planning / Chief Planning Officer in consultation with the Chair of the Strategic Planning Committee to:
 - i. oversee the delivery of the interim delivery strategy including approving any documents (e.g. Section 106 agreements) needed to support implementation of the interim delivery strategy, enclosed as Appendix A.
 - ii. spend up to £9.6m from the Local Nutrient Mitigation Capital Funding to deliver nutrient mitigation schemes in line with grant conditions and promised outstanding government funding in financial year 2024/25 .
 - iii. commit to the spend of the Local Nutrient Mitigation Fund, on the delivery of nutrient mitigation with the indicative programme of spend as detailed in Table 4 of Appendix A; to this report.

Background to Report

8. The Council as Local Planning Authority is required under the Conservation of Habitats and Species (England and Wales) Regulations 2017 (as amended) (the Habitats Regulations) to ensure that any adverse impacts arising from development (either alone or in combination with other plans or projects) can be mitigated to avoid harm to internationally important nature conservation sites, which are protected by law. For the SL&M Ramsar site, as a designated site, this requirement applies at all stages of both plan-making and decision-taking on planning applications.
9. The Strategic Planning Committee considered an update report on the 19 October 2023 (available [here](#)). The Committee noted the work being undertaken to unlock the delivery of homes across 3 affected river catchments (i.e. River Tone, Parrett, and Brue) and the unfavourable condition of the River Axe Special Area of Conservation (SAC), which affects the environs of the Blackdown Hills and Chard. The Committee also resolved to agree an expansion to the allocations criteria for the Council run River Tone Phosphate Credit (P-credit) scheme. Furthermore, the Committee also noted the anticipated legislative changes flowing from the Levelling Up and Regeneration Bill; and the outcome of the Council's funding bid to the Government's Nutrient Mitigation Fund.

Update on Progress to Date

Across Somerset:

Progress on updating the Phosphate Budget Calculator

10. As set out in the October 2023 report, the Somerset Budget Calculator has been updated. The latest version of the Calculator allows the user to calculate their phosphate loading pre and post 2030, which is in line with the move towards Technical Achievable Limits (TAL) of 0.25mg/at Waste Water Treatment Works (WWTW's) which serve a population equivalent of over 2000, in phosphorus sensitive catchment areas by 2030. The web page has been updated, with a new video to accompany the calculator, a document summarising the main changes to the calculator, a letter from Natural England (NE) supporting the use of the calculator and advice on transitional arrangements as to when applicants should use the previous version of the calculator.

Regular Meetings with Key Stakeholders

11. Officers from all of the area planning teams, and Dorset Council continue to have regular monthly meetings with the Environment Agency (EA), NE, and Wessex Water officials.

12. The last agents / developer forum meeting was held on the 7 December 2023. The next meeting is scheduled for the 27 March 2024. Audio recordings of Developer Forum meetings are circulated to all those invited, as well as being uploaded onto the Somerset Council YouTube page, see the [Phosphates Webpage](#).

Legal Challenge to Nutrient Neutrality: Jurston Farm, Wellington

13. Details on the background to this case were reported to this committee in July 2023 (See paragraphs 17 to 19 of the Committee Report available [here](#)). Following a dismissed planning appeal, on the 30 June 2023, the High Court dismissed a challenge by CG Fry & Son to the operation of the Habitats Regulations. The judgment is available here: [High Court Judgment Template \(landmarkchambers.co.uk\)](#)

14. The Appellants have appealed this judgment, and the next stage is a hearing in the Court of Appeal which is scheduled for the 19/20 March 2024.

Third Party Phosphate Credit (P-credit) Schemes

15. Where applicants have their own phosphate mitigation solution, planning applications are progressing across all three river catchment areas. In addition, Officers continue to liaise with third party phosphate credit providers to create further P-credit solutions, details of which can be found on the Councils website [here](#).

16. The Council is also aware of several strategic residential development sites where developers are working to progress their own phosphate mitigation solutions, to facilitate their development.

River catchment area updates

17. A small part of Area North (former Sedgemoor DC area) is subject to nutrient neutrality advice with parts of the area falling within the Brue, Parrett, and Tone river catchments. Notwithstanding this, given that only a small part of the area is affected, the need for phosphate neutrality is not having such wide-ranging impacts on the delivery of development in Area North, compared with the other planning areas across Somerset Council, and as such a detailed update is not provided in this report.

River Axe

18. As set out in paragraph 9 above, a small geographical area of Somerset falls within this river catchment area, as does a small part of Dorset. For the River Axe, the lead

authority is East Devon District Council (EDDC). Using our collective experience of having made successful bids in Round 1, officers from Somerset and Dorset Council are assisting EDDC in submitting a Round 2 LNMF bid. The deadline for submitting an Expression of Interest is 26 April 2024. Further information is available on the Gov.UK website at [Local Nutrient Mitigation Fund Round 2: expression of interest - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/local-nutrient-mitigation-fund-round-2-expression-of-interest).

River Brue

19. This catchment covers the western half of Somerset East and parts of Somerset South area with 4 out of 5 of the main towns impacted in the Somerset East area.
20. At the time of drafting this report, approximately 16 planning applications (over 5 units) are held in abeyance seeking a phosphate solution equating to circa 800 dwellings.
21. The Council have signed off two third party P-credit schemes in the Brue catchment.
 - a. Yew Tree Farm, Walton. A scheme involving the closure of a pig farm generating 48 P-credits. Currently, 47.98 P-credits have been allocated releasing 453 dwellings.
 - b. A second phase of the Yew Tree scheme agreed December 2023. (7.46 P credits). Reservations have been made for schemes in East and South areas totalling 3.13 P-Credits for 51 dwellings.
 - c. Manor Farm, Prestleigh (farm closure/fallowing of land – agreed May 2023) generating 143 P-credits which is anticipated will unlock approximately 1400 dwellings. 35.3 P credits are reserved or allocated equating to 385 dwellings.
 - d. A second phase may come forward if all these are allocated.
22. With regard to 3rd Party P Credits, management plans are agreed with NE and secured via a S106 agreement. However, all P-credit sales/allocations are agreed between promoter and applicant. The LPA has no control on prioritising applicants or credit pricing. Agreed allocations are confirmed by a certificate provided to the LPA.
23. A limited number of applications have also been agreed to date with their own mitigation solutions (woodlands, PTP upgrades).

River Parrett

24. The majority of Area South is impacted by nutrient neutrality predominantly in relation to the River Parrett catchment area but with areas south and west of Chard impacted by the River Axe SAC catchment area.

25. The number of applications impacted by the issue remains constant as applications that have secured permission with phosphate solutions are replaced by new proposals for development. The headline figure of 4,500 dwellings awaiting a phosphate mitigation solution remains constant, however within this headline figure a number of measures have enabled applications to make progress either to S.106 or decision. As dwellings are released however new proposals are coming forward reflecting the more positive environment in relation to solution availability.
26. Area South Committee has resolved to approve 765 dwellings with a variety of nutrient neutrality solutions of which 435 had previously been presented to committee for approval prior to August 2020 and required re-determination.
27. In addition, 185 dwellings were approved by the former South Somerset District Council with nutrient neutrality solutions with S.106 awaiting completion.
28. Water efficiency and septic tank replacements are increasingly releasing consents from single dwellings to sites of up to 100 units. Additionally Area South are seeing "blended" solutions with applicants seeking to manage the majority of their impact by managed PTP's or multiple septic tank projects with the balance of need met by P-credits.
29. Across Area South there has been an increase in the number of providers of land use change credit proposals with a pipeline currently being progressed to S.106 Agreement.
30. En Trade has now completed 2 markets with the S.106 to release the 2nd market moving towards sealing. A further market round is proposed for Spring 2024.

River Tone

31. This catchment falls largely within the Somerset West area with the towns of Taunton and Wellington and its environs impacted.
32. At the time of drafting this report, approximately 111 planning applications are awaiting a phosphate solution. This includes c. 31 applications for major development, c. 3 applications for the discharge of conditions and 3 applications for the approval of reserved matters. Overall, this equates to circa 2600 dwellings.
33. As Members are aware, Somerset is one of only a handful of Councils across the country to have its own operational P-credit scheme, known as the 'River Tone P-credit scheme'. Round 3 of this scheme is currently in operation and prior to commencing this latest round, the scheme was reviewed and amended by this Committee in October 2023, as set out in the in the [Report to Committee](#).

34. Progress on the scheme is set out below:

- In Round 1: 9 planning applications are progressing to acquire River Tone P-credits equating to 11 dwellings. 12 planning applications have received planning permission (i.e. signing and completion of a Section 106 (S106) Agreement) with River Tone P-credits unlocking 30 dwellings.
- In Round 2: there are 6 planning applications progressing to acquire River Tone P-credits equating to 3.6 River Tone P-credits and 28 dwellings. 2 planning applications have received planning permission with Round 2 River Tone P-credits equating to 0.3 P-credits and 5 dwellings.
- At the time of writing there has been 1 no. application for Round 3 P-credits.

35. In addition to the Somerset Council River Tone P-credit scheme, there is 1 no. third party P-credit scheme (known as Flyboat Farm) currently operating in the River Tone catchment area. This scheme generates 60.15 permanent P-credits.

36. As noted above, planning applications have also progressed in the River Tone catchment area where the applicant has proposed their own phosphate mitigation solution (e.g. Staplegrove West strategic site).

37. Across the River Tone catchment area there has also been an increase in the number of planning applications seeking their own phosphate mitigation solutions through accepted mitigation measures e.g. septic tank to PTP upgrades.

Other Matters: Levelling up and Regeneration Act 2023

38. The Levelling Up and Regeneration Act 2023 (LURA) amends the Water Industry Act 1991 to apply nutrient pollution standards to sewage disposal works. There is a new duty on water companies to upgrade wastewater treatment works (WWTW's) to Technically Achievable Limits (TAL) in designated areas by 2030. This requirement applies where the WWTW's serves a population equivalent of 2,000 or more. The standards apply in England only and relate to discharges of treated effluent into areas which are nitrogen and phosphorus sensitive area. The SL&M Ramsar was designated a phosphorus sensitive area by central government on the 25 January 2024. Further information on the designation is available on the Gov.UK website at: <https://www.gov.uk/government/publications/notice-of-designation-of-sensitive-catchment-areas-2024/notice-of-designation-of-sensitive-catchment-areas-2024>

39. These upgrades to WWTW's can be considered to be 'certain' for the purposes of an assessment under the Habitats Regulations. This means that applicants will be able to factor in the 2030 improvements into their Phosphate Budget Calculations for new development thereby reducing the mitigation requirement from 2030

onwards. With regard to an indicative timeline for future actions by central government:

- March 24 onwards: further catchment area designations. WWTW's at this point in catchments designated must be upgraded within 7 years in the future. On line information from central government will be updated accordingly.
- April / May 24: Catchment permitting designations made and set out in online documents.
- April 25: Start of the next water company investment period (i.e. Asset Management Plan (AMP) 8). Delivery of upgrades to commences.

40. These upgrades will significantly reduce nutrient loads from WWTW's in designated catchments, while also reducing the average costs of nutrient mitigation for developers. However, until these upgrades are completed in 2030, high levels of mitigation will still need to be found and delivered.

Other Matters: Government Nutrient Mitigation Fund

The Successful Bid

41. On 19 December 2023, Somerset Council was notified that our bid to the Government's Nutrient Mitigation Fund had been successful and that we had been awarded £9.6m capital funding. The Council at the end of February 24 received £0.5m for this financial year. We anticipate the remaining £9.1m will be paid in the first quarter of financial year 24/25. As part of the conditions of the grant funding the Council is required to demonstrate the proposals to spend the grant funding before the end of March 2024. The Committee is therefore requested to agree the Interim Delivery Strategy which sets out this information.

The Council's Interim Delivery Strategy

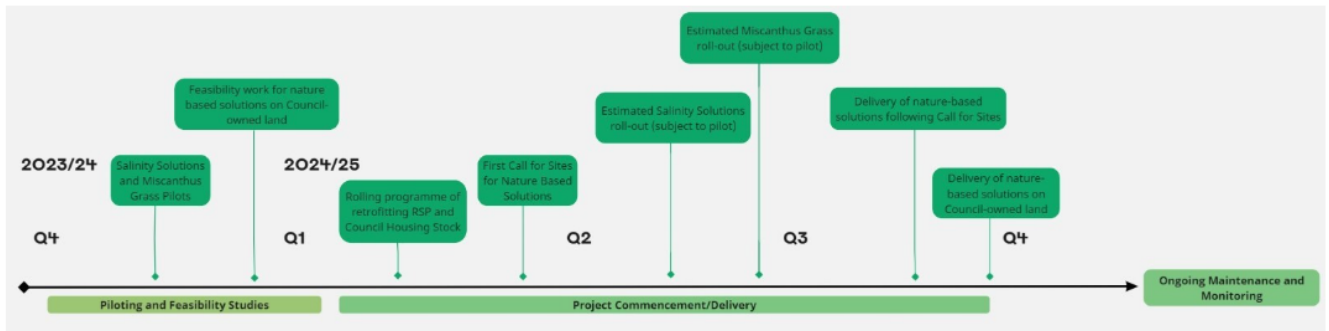
42. The Interim Delivery Strategy outlining how Somerset Council is proposing to use the grant funding awarded across the Somerset Levels and Moors catchment area is enclosed as Appendix A. It is intended to provide a high-level project plan setting out key interventions that the Council has identified to deliver, both temporary and permanent nutrient neutrality solutions, through several projects.

- Project One: Salinity Solutions.
- Project Two: Call for sites for Land/Nature Based Solutions.
- Project Three: Working with Registered Social Housing Providers and our Council Property Stock.
- Project Four: Opportunities for nature-based solutions on Council-owned land/assets.

- Project Five: Miscanthus Grass.
- Project Six: New technical innovations.

43. Table 1 below presents the key milestones and costs associated with each programme.

Table 1 Nutrient Mitigation Fund Interim Delivery Programme



Source: Appendix A Nutrient Mitigation Fund: Interim Delivery Strategy: Figure 2

44. The interim programme is based on best available information at the time of writing. It is proposed that this document will be updated within the next 6 months once further information on the projects, and notably their costs are known. A letter of support for the interim delivery programme from Dorset Council is enclosed as Appendix B.

45. In the interim, Officers will report on progress to the Strategic Planning Committee within the next 6 months. As set out in recommendation C(i to iii), for matters relating to the delivery and spend on projects associated with the Nutrient Mitigation Fund, it is proposed that delegated authority be given to the Head of Planning / Chief Planning Officer in consultation with the Chair of the Strategic Planning Committee.

Conclusion

46. Until such time as the SL&M's Ramsar site returns to a favourable condition, planning decisions will need to ensure affected developments are nutrient neutral. The recent changes to legislation will help to stop pollution at source. The LURA 2023 creates a new duty on water companies to upgrade WWTW's serving a population greater than 2,000 by 1 April 2030 (to TAL 0.25mg/l/P), in catchments of Habitats Sites identified by the Secretary of State as being in an unfavourable condition due to nutrient pollution. These upgrades will significantly reduce nutrient loads from WWTW's within the designated river catchment areas, while also reducing the average costs of nutrient mitigation for developers.

However, until these upgrades are completed in 2030, high levels of mitigation will still need to be found and delivered.

47. The council is committed to enabling a delivery programme to create P-credits in all three river catchment areas. A range of projects are being progressed which includes nature-based solutions on council-owned land, and upgrades to existing poorly performing septic tanks. A key feature of the Interim Delivery Strategy is the trialling of new technology (Reverse Batch Osmosis) by Salinity Solutions.
48. As set out in paragraph 62 below, the Council's governance and procurement processes have been adhered to.
49. Lastly, it is worth noting that Council-led schemes are one potential option that developers can use to achieve nutrient neutrality. All developers still have the option to find bespoke mitigation projects or to purchase P-credits from third party providers. Facilitating the private/third-party market of mitigation solutions helps to increase supply available to developers.

Links to Council Plan

50. The Council Plan 2023 to 2027 sets out the Key Priorities of the Council and is available on the Council website at: <https://www.somerset.gov.uk/council-and-democracy/somerset-council-council-plan-2023-2027/>
51. This report has links to various corporate priorities including:
 - a. Greener, More Sustainable Somerset
 - b. A Flourishing and Resilient Somerset
52. Following the creation of the new unitary Council, at the time of drafting this report, there is no Directorate and/ or department service plan. Such documents are expected in late spring / early summer 2024, after the appointment of the service managers which directly report to the Head of Planning / Chief Planning Officer. Consultation on these posts went live on the 29 January 2024 and ran to the 13 March 2024.

Financial and Risk Implications

53. The acceptance of the Local Nutrient Mitigation Fund grant will have financial implications for the Council. As a commitment, the fund has been added to the capital programme.
54. The Interim Delivery Strategy has been recorded on the Council Corporate risk register / risk management software (JCAD) and risks will be regularly monitored,

reviewed, and mitigated. At the time of drafting this report, the need for dedicated staff resource (e.g. programme and project managers) to deliver the Interim Delivery Strategy has been identified on fixed term contracts but not yet appointed. Measures to mitigate against risk(s) will need to be recorded and implemented which take account of DLUHC evaluation arrangements. At the time of drafting this report, these monitoring and evaluation arrangements have not been received from DLUHC.

55. This report also seeks approval for delegated authority to oversee and spend in line with grant conditions and expected monitoring arrangements set by central government (see Recommendation C (i to iii)). If not, the grant funding will be returned to central government.
56. In line with Council financial procedures, where possible, staff resources and costs to deliver the projects will be capitalised. As set out in Interim Delivery Strategy (Appendix A), revenue funding is supporting the Reverse Batch Osmosis trial. The aim is to fully recover these costs by income generated by the sale of P-credits in a Council-led scheme to developers. However, if the trial does not result in being a cost-effective approach, the wider roll out of this new technology will not proceed.
57. The detailed arrangements for selling and trading P-credits from have yet to be finalised. There is already a Council-led scheme covering the River Tone. It is a "not for profit" scheme. The aim is to utilise this experience and work up the detailed arrangements whilst the Salinity Solutions trial is progressing.
58. Subject to legal advice on a "not for profit" scheme, the sale of P-credits allows the council to recover the funding to invest the income generated into land use mitigation projects, across the affected river catchment areas, which in turn increases the supply of options. Without the required level of certainty that mitigation projects can be found and funded, the council, as LPA, will not be able to approve planning permissions, nor move forward with the Local Plan Review.

Legal Implications

59. The legal and policy background to the 'phosphates issue' have been set out in the body of previous reports and presentations to Members of the former Councils. A legal update on the LURA is given in this report (see paragraphs 38 to 40 above). The report also draws attention to legal matters associated with Jurston Farm, Wellington (see paragraphs 13 and 14 above). To assist applicants, template Section 106 Agreements have been prepared and are also available to view on the phosphates' webpage. This documentation has been produced in consultation with NE.

HR Implications

60. None related directly to the information parts of this report. With regard to the Council having been awarded revenue funding to set up the capital programme, this will be used to cover some staff resources on an interim basis with the aim that it is fully covered by charges associated with the council-led P-credit scheme.

Other Implications:

61. Recommendation C (i to iii) expands the delegated authority given to the Head of Planning / Chief Planning Officer, as set out in the Councils Constitution <https://democracy.somerset.gov.uk/ieListDocuments.aspx?CIId=137&MIId=104&Ver=4>

62. Procurement will be undertaken in line with corporate procedures,. To that end, enclosed as Appendix C is a redacted copy of the summary of the signed waiver for procuring Salinity Solutions to trial their new technology. This process involves background checks. This waiver covers the initial trial, and should the technology prove to be a successful cost-effective method, the roll out of the technology. At the time of writing this report, the Council legal department are working on contractual and indemnity insurance matters.

Equalities Implications

63. The Public Sector Equality Duty has the following aims which the authority must have due regard to:

- a. Eliminate discrimination, harassment, victimisation.
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

64. None of the above relate directly to this report.

Community Safety Implications

65. This can include:

- possible impact upon local crime rates.
- likely impact upon reoffending rates.
- ability for services to help prevent crime and disorder.
- Overall impact upon quality of life and wellbeing.
- Increase or reduce fear of crime.

- Impact on social isolation or exclusion.

66. None of the above relate directly to this report.

Climate Change and Sustainability Implications

67. Somerset Council has declared both a Climate and Ecological Emergency. Through that, the Council has committed to working towards making the whole county, including our own estate and operations, 'Carbon Neutral' by 2030 and to take positive action to reverse the damage on our natural habitats by man-made activity. We have also pledged to ensure that Somerset is resilient to, and prepared for, the effects of Climate Change.

68. The climate and sustainability implications of development proposals is a material planning consideration which will be assessed for each planning application which applies for P-credits.

69. As explained within the report, in light of NE letter of August 2020, concerning the unacceptable levels of phosphates present in the SL&M Ramsar site, nutrient neutral development does not make the situation any worse, but neither does it help to improve the situation.

70. The income generated from the sale of P-credits will be reinvested into land/nature-based solutions, land secured for phosphate strategic mitigation may also be used to meet other local and central government objectives unrelated to phosphates e.g. securing biodiversity net gain (BNG) , natural flood, management, carbon sequestration or public open space to avoid recreational pressures on other wildlife areas.

Health and Safety Implications

71. None related to this report.

Health and Wellbeing Implications

72. None related to this report.

Social Value

73. None related to this report.

Asset Management Implications

74. The management of interim phosphate solutions on SWT owned sites has passed to Service Director – Strategic Asset Management in the new Council to manage in the long term.

Data Protection Implications

75. None related to this report.

Background Papers and web links

Natural England Advice to LPAs on Nutrients in the Somerset Levels and Moors (17 Aug 2020): PDF of letter available at:

<https://somersetcc.sharepoint.com/sites/SCCPublic/Planning%20and%20Land/Forms/AllItems.aspx?id=%2Fsites%2FSCCPublic%2FPlanning%20and%20Land%2FSW%26T%20Natural%20England%20Advice%20to%20LPAs%20on%20Nutrients%20in%20the%20Somerset%20Levels%20and%20Moors%20%2817%20Aug%202020%29%2Epdf&parent=%2Fsites%2FSCCPublic%2FPlanning%20and%20Land&p=true&ga=1>

Somerset Levels and Moors: Background to phosphates

<https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/>

River Axe Special Area of Conservation

<https://www.somerset.gov.uk/planning-buildings-and-land/river-axe-special-area-of-conservation/>

Somerset Phosphate Budget calculator

<https://www.somerset.gov.uk/planning-buildings-and-land/phosphate-budget-calculator/>

Somerset Strategic Planning Committee: July 2023: Progress Report Phosphates:

<https://democracy.somerset.gov.uk/documents/s10992/Update%20Phosphate%20cttee%20report%207.7.23.pdf>

Somerset Strategic Planning Committee: October 2023 Progress Report: Phosphates:

https://democracy.somerset.gov.uk/documents/s15541/Phosphate%20cttee%20report%20October%2023%20Final_.pdf

Third Party Phosphate (P) Credit Schemes

<https://www.somerset.gov.uk/planning-buildings-and-land/potential-third-party-phosphate-mitigation-schemes-in-the-somerset-levels-and-moors-catchment-area/>

Developer Forum meeting: December 2023 available to listen to at:
<https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-guidance-template-documents-and-useful-information/>

Jurston Farm, Wellington G Fry & Son to the operation of the Habitats Regulations.
[High Court Judgment Template \(landmarkchambers.co.uk\)](https://www.landmarkchambers.co.uk/high-court-judgment-template/)

Levelling Up and Regeneration Act
<https://www.legislation.gov.uk/ukpga/2023/55/enacted>

Phosphorus sensitive areas: designation by central government
<https://www.gov.uk/government/publications/notice-of-designation-of-sensitive-catchment-areas-2024/notice-of-designation-of-sensitive-catchment-areas-2024>

Round 2 Local Nutrient Mitigation Fund
[.Local Nutrient Mitigation Fund Round 2: expression of interest - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/local-nutrient-mitigation-fund-round-2-expression-of-interest)

Somerset Council Plan 2023 to 2027
<https://www.somerset.gov.uk/council-and-democracy/somerset-council-council-plan-2023-2027/>

Somerset Council: Constitution
<https://democracy.somerset.gov.uk/ieListDocuments.aspx?CIId=137&MIId=104&Ver=4>

Appendices

Appendix A: Nutrient Mitigation Fund: Interim Delivery Strategy: (Revision date 12.03.2024)



Somerset Council -
Nutrient Mitigation

Appendix B: Letter of Support: Dorset Council (Dated 7 March 2024)



Redacted 20240307
- Somerset Council -

Appendix C: Waiver for procuring Salinity Solutions to trial their new technology



Redacted Summary
791 Waiver-Breach-F

Report Sign-Off (if appropriate)

Alison Blom-Cooper: Assistant Director Strategic Place and Planning
Kate Murdoch: Service Manager Planning Policy and Implementation

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**Somerset
Council**

Nutrient Mitigation Fund: Interim Delivery Strategy

Organisation	Somerset Council
Title	Local Nutrient Mitigation Fund – Interim Delivery Strategy
Authors	Emmeline Brooks (Phosphates Planning Officer) Paul Browning (Principal Planning Policy Officer) and Kate Murdoch (Area West Service Manager Planning Policy & Implementation)
Owner	Kate Murdoch (Area West Service Manager Planning Policy & Implementation)

Version History

Revision Date	Author	Version	Description of Revision
01.02.2024	E Brooks	DRAFT 1	
29.02.2024	E Brooks	DRAFT 2	Updates following ABC and KM review
05.03.2024	E Brooks	DRAFT 3	Updates following additional review. Table 5 added.
07.03.2024	E Brooks	Final Draft for Review	Updates to Provisional Capital Allocations following PB/KM review.
12.03.2024	P Browning	Final	Table 3 deleted following KM /PB review

Document Notification

Approval	Name	Date
	Alison-Blom Cooper	

Executive Summary and Purpose of this Report

The Government announced in December 2023 that Somerset Council has been awarded £9.6m to progress capital projects via the Local Nutrient Mitigation Fund (LNMF) to deliver nutrient neutrality solutions across the catchment area of the Somerset Levels and Moors Ramsar site. The funding will be recovered via the sale of phosphate credits and recycled to deliver additional nutrient mitigation projects.

This report is an Interim Delivery Strategy outlining how Somerset Council is proposing to use the grant funding awarded by the LNMF across the Somerset Levels and Moors catchment area. It is intended to provide a high-level project plan setting out key interventions that the Council has identified to deliver both temporary and permanent nutrient neutrality solutions through several projects.

The Strategy is based on best available information at the time of writing, however it is proposed that this document will be updated within the next 12 months once further information on the projects, and notably their costs are known.

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1. Background

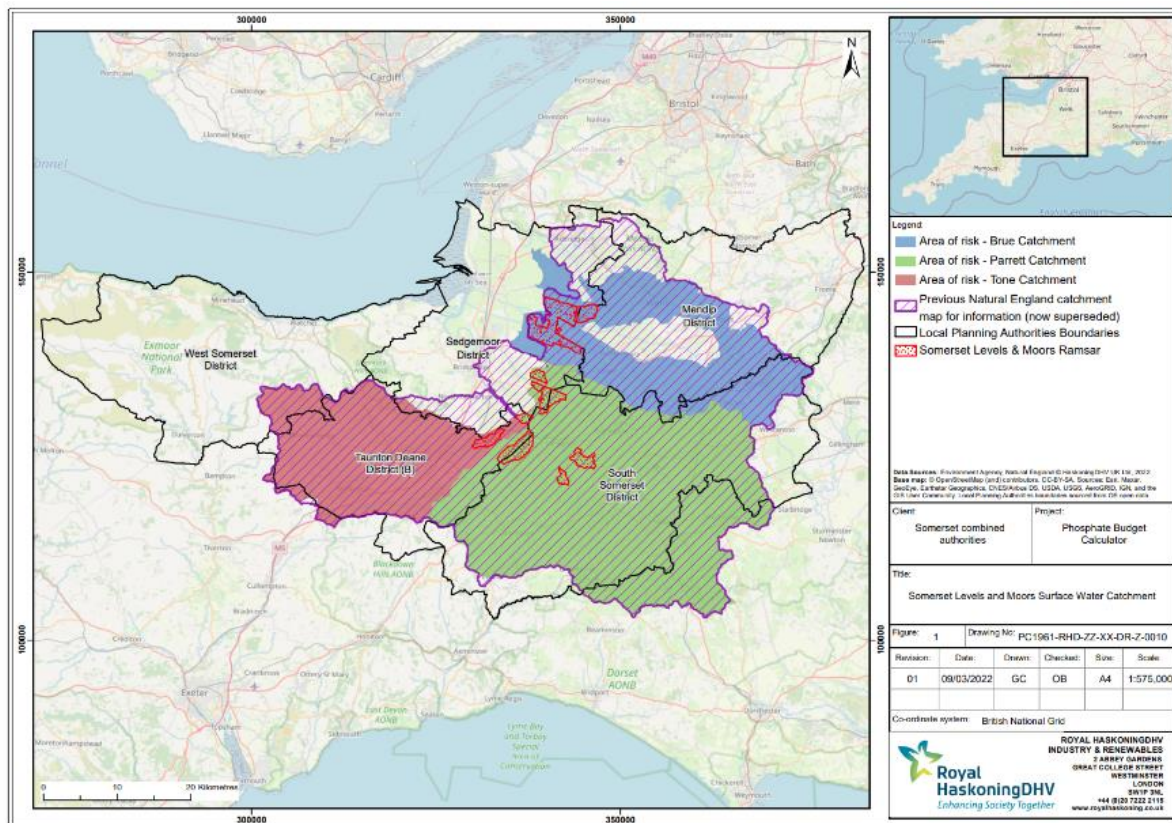
- 1.1 On 17 August 2020, all the local planning authorities in Somerset (at that time the four Districts and County Council), as well as Dorset Council received an advice note from Natural England (NE) 'the NE letter' concerning the unacceptable levels of phosphates in the Somerset Levels and Moors Ramsar site (SL&M).
- 1.2 As a result of the court Judgment (known as Dutch N¹), NE advised that, in light of the unfavourable condition of the SL&M, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities are required to undertake a Habitats Regulations Assessment (HRA) proceeding to an Appropriate Assessment (AA). The AA must demonstrate that a proposed development would be nutrient neutral in perpetuity before planning permission can be granted.
- 1.3 In light of the above, until such time as alternative solutions are found to improving water quality in the catchment area for the SL&M, Somerset Council, as a competent authority under the Habitats Regulations is not able to grant planning permission to certain proposed developments, unless they are able to demonstrate phosphate neutrality.
- 1.4 The types of development impacted by the NE's letter include:
- New residential units – including tourist accommodation, gypsy sites /pitches.
 - Commercial developments – where overnight accommodation is provided.
 - Agricultural Development – additional barns, slurry stores etc. where it is likely to lead to an increase in herd size.
 - Anaerobic Digesters.
 - Some tourism attractions.
- 1.5 As of the 16 March 2022, phosphate neutrality requirements also affect the catchment area of the River Axe Special Area of Conservation (SAC). Whilst this affects some parts of Somerset, East Devon District Council is the lead authority for phosphate neutrality in the River Axe SAC catchment area. As such, this Interim Delivery Strategy is focused on nutrient mitigation in the SL&M catchment area and does not relate to the River Axe SAC.

2. Impact of the Nutrient Neutrality Issue

¹ Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Other

- 2.1 At the time of writing, circa 70 Local Planning Authorities (LPAs) in England are now impacted by nutrient neutrality requirements.
- 2.2 Figure 1 below shows the area affected by phosphate neutrality requirements linked to the SL&M ('the affected area'). It covers a large area of Somerset and part of West Dorset and includes the river catchments of the Brue, Parrett and Tone².

Figure 1 Somerset Levels and Moors Surface Water Catchment Area



- 2.3 It is currently estimated that there are approximately 18,000 new homes to be delivered by 2032 which are located within the affected area. These dwellings will be required to demonstrate nutrient neutrality in order for planning permission to be granted. Table 1 below provides a breakdown of each of the circa 18,000 units by each planning area in Somerset as well as the area in West Dorset. It also shows the level of phosphate mitigation that will be required in order to bring forward these developments.

Table 1 Housing Delivery and Phosphate Mitigation requirements in the affected area

Planning Area	No. of Dwellings	Phosphate Mitigation Requirement (kg/P/year)
Area East (formerly Mendip District Council)	3,120	516.40

² As noted in section 1 of the report, this Interim Delivery Strategy relates only to the SL&M catchment area and does not cover the catchment area of the River Axe SAC.

Area North (formerly Sedgemoor District Council)	375	657.40
Area South (formerly South Somerset District Council)	3,927	1191.23
Area West (formerly Somerset West and Taunton Council)	10,112	29.21
Dorset	700	59.94
Total:	18,234	2454.18

- 2.4 The figures shown in Table 1 are as set out within the Somerset Solutions Report prepared by Royal Haskoning, on behalf of Somerset Council and published in March 2022³. Work is ongoing to update these figures, and to provide a breakdown of housing and phosphate mitigation requirements by catchment area.
- 2.5 There is now a statutory requirement within the Levelling Up and Regeneration Act (LURA) 2023 for water companies to upgrade their wastewater treatment infrastructure to the 'Technically Achievable Limit' (TAL) for nutrient removal (for phosphates this figure is 0.25mg/l⁴). These upgrades will significantly reduce phosphate mitigation requirements for proposed developments that utilise mains drainage systems.
- 2.6 Table 2 below presents a high-level estimate of likely phosphate mitigation requirements in each of the planning areas across Somerset (and the affected area in Dorset) once TAL upgrades have been completed⁵. These figures are also going to be subject to further update now that the Government has announced that the SL&M has been formally designated as a 'sensitive catchment area'⁶ to ensure that they reflect the locations where TAL upgrades will be taking place. The Government is due to publish a list of Wastewater Treatment Works (WwTW) within each sensitive catchment area that will be upgraded to TAL and at the time of writing, the Council's understanding is that this is expected by the 1 April 2024.

³ Available at: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-guidance-template-documents-and-useful-information/>

⁴ By way of comparison, Taunton WwTW is currently one of the best phosphate performing WwTW in the affected area and operates at 1mg/l

⁵ N.B. This is broad, high-level estimate based on a 65% reduction in phosphate mitigation requirements compared to the data shown in Table 1. Work is ongoing to update these figures and have this information by river catchment area.

⁶ DLUHC (2024) <https://www.gov.uk/government/publications/notice-of-designation-of-sensitive-catchment-areas-2024/notice-of-designation-of-sensitive-catchment-areas-2024>

Table 2 Estimated phosphate mitigation requirement in the affected area post-TAL upgrades (Post 2030)

Planning Area	No. of Dwellings	Estimated phosphate Mitigation Requirement (kg/P/year) post TAL upgrades
Area East	3,120	180.74
Area North	375	10.23
Area South	3,927	230.09
Area West	10,112	416.93
Dorset	700	20.98
Total:	18,234	858.96

N.B. these figures are estimates and not for reliance

3. Progress to Date

- 3.1 Since the receipt of the NE letter, Somerset Council (and prior to 1 April 2023 the County and the four District authorities) has been working to facilitate nutrient neutral development. This has included the following:
- Publication of the Somerset Phosphate Budget Calculator⁷
 - Publication of advice, guidance and template documents to assist applicants in developing their own solutions, and with phosphate credit schemes⁸
 - Lobbying central government on a range of matters, such as the funding and delivery of interim mitigation solutions, 5 Year Housing Land Supply, and the effect of Small and Medium-sized Enterprises (SMEs)⁹
 - Establishment of the one of the first LPA-led Phosphate Credit (P-credit) schemes in the country within the River Tone catchment area¹⁰.
 - Supporting private phosphate mitigation (P-mitigation) providers to establish third-party P-credit schemes that can be accepted by Somerset Council.
- 3.2 Bi-weekly meetings are also held with colleagues from Dorset Council to ensure consistency in approach.
- 3.3 As a result of the above, Somerset Council has been successful in ‘unlocking’ some development across the SL&M catchment area. Despite this, across all of the individual river catchment areas there remain planning applications currently being held, awaiting a phosphate solution. On a regular basis, updates on these numbers are reported to the Strategic Planning Committee. It should be noted at the time of drafting this

⁷ <https://www.somerset.gov.uk/planning-buildings-and-land/phosphate-budget-calculator/>

⁸ Available to view at: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-guidance-template-documents-and-useful-information/>

⁹ Correspondence with central government is available to view at: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/>

¹⁰ Details of the River Tone P-credit scheme underpinned by the former Somerset West and Taunton Council Interim Phosphates Mitigation Strategy is available at: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/somerset-west-and-taunton-interim-strategy/>

interim delivery strategy that Dorset Council, have not validated applications unless mitigation measures were proposed. Dorset Council has c. 14 homes in the SL&M catchment area that are pending a decision.

- 3.4 Notwithstanding the above, there is now available phosphate mitigation in each of the affected river catchment areas. The Council is aware of several strategic residential development sites where developers are working to progress their own phosphate mitigation solutions to facilitate their development.
- 3.5 In addition, there are several third-party mitigation schemes currently in operation across the SL&M catchment area with processes established with Somerset Council to allow developers to secure these credits. In addition, there is the Council-led phosphate mitigation scheme in operation in the River Tone catchment area. Table below demonstrates the current phosphate mitigation available across each of the affected areas arising from P-credits (third-party or Council-led). Somerset Council is aware of additional third-party schemes coming forward and these will be signposted on the Council's website when approved.
- 3.6 Please note, the number of houses released through these P-credits will vary depending on their location in the catchment area. 1 no. P-credit is equal to 1kg/year of phosphate removed, not 1 no. dwelling.

Table 3 Phosphate Mitigation available from P-credit schemes currently operating in the SL&M catchment area

	River Brue	River Parrett	River Tone
Known P-mitigation (Kg/year) arising from P-credits			
Third-party P-credit Schemes	190.78	213.80 (Temporary P-credits) 335.68 (Permanent P-credits)	60.15
River Tone P-credit Scheme (Somerset Council led P-credit scheme)	N/A	N/A	45-75.5
Total by river catchment area:	190.78	213.80 (Temporary) 335.68 (Permanent)	105.15 to 135.65
Total in SL&M catchment area:	631.61 to 662.11 (Permanent)		

- 3.7 The number of P-credits available in the River Tone catchment area is presented as a range. There are currently 45 no. P-credits available arising from the former Somerset

West and Taunton Council's Interim Phosphates Mitigation Strategy (now Area West), 11.3 no. P-credits have already been allocated to facilitate the delivery of 74 no. dwellings. As set out in the Standard Appropriate Assessment of the Interim Phosphates Mitigation Strategy, the strategy as a whole is expected to generate 75.5 no. P-credits¹¹.

4. Local Nutrient Mitigation Fund

- 4.1 In the Spring Budget 2023, central government announced grant funding for LPAs to deliver 'high quality, locally led nutrient mitigation schemes'¹² known as the 'Local Nutrient Mitigation Fund' (LNMF). In order to access this funding, LPAs were required to submit costed expressions of interest for projects or strategies for delivering nutrient mitigation to unlock housing delivery within nutrient-affected catchment areas.
- 4.2 Somerset Council submitted an expression of interest for the LNMF in May 2023. In December 2023, the Council received confirmation that it had been successfully awarded capital funding of £9.6m.
- 4.3 Section 5 below sets out a summary of each of the phosphate mitigation projects that the Council is seeking to progress. A high-level timetable and costs breakdown is provided at Section 6. It should be noted that this is an Interim Delivery Strategy. It provides a high-level project plan based on best available information at the current time. As the below projects progress, and more information becomes known there will be a need to revisit and update this Interim Delivery Strategy and the information on costs and delivery timescales herein.

5. Summary of Phosphate Mitigation Proposals

Project One: Salinity Solutions (Temporary/Bridging Credit Solution)

- 5.1 Somerset Council has been working in partnership with a private company, Salinity Solutions¹³ and Wessex Water to move forward an interim phosphate mitigation solution designed to remove phosphate loads entering the Somerset Levels and Moors Ramsar site.
- 5.2 The solution is modular units that can be attached to existing WwTW infrastructure. These modular units provide a secondary treatment process, using an energy efficient batch reverse osmosis treatment process, they provide a 95% phosphorus removal rate

¹¹ The Standard Appropriate Assessment is available to view on the Somerset Council Phosphates webpage: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/somerset-west-and-taunton-interim-strategy/>

¹² <https://www.gov.uk/government/calls-for-evidence/local-nutrient-mitigation-fund-call-for-evidence-and-expression-of-interest/local-nutrient-mitigation-fund-call-for-evidence-and-expression-of-interest>

¹³ <https://salinitysolutions.co.uk/>

from the existing WwTW (as well as a 95% nitrogen removal rate) to provide immediate P-credits to the catchment area.

- 5.3 This solution offers the potential to provide sufficient interim P-credits to unlock the housing requirement within the SL&M river catchment areas to 2030, when the upgrades to the WwTW serving the majority of the housing impacted will be upgraded to TAL (0.25mg/l/p)¹⁴. This interim measure ensures that housing delivery can proceed alongside a clear monitoring regime to ensure nature-based solutions come forward in the timescales required. It also provides sufficient time to progress the range of in-perpetuity measures and enables the in-perpetuity measures to mitigate at the new lower (0.25mg/l/p) permit level for the WwTWs, serving the majority of the developments currently awaiting a phosphate solution (further detail on in perpetuity solutions is provided below).
- 5.4 An initial two-week field trial was carried out by Salinity Solutions in Somerset in July 2023¹⁵ which demonstrated its efficacy. In order to test the technology further, now grant funding is secured, Somerset Council, Salinity Solutions and Wessex Water are currently in the process of beginning a six-month pilot of the technology. The aim of this pilot is to determine the longer-term maintenance and management requirements for a larger scale programme and to confirm the actual number of P-credits that can be generated and the full cost of the P-credits.

Project Two: Call for sites for land-based phosphate mitigation measures – in partnership with Farming and Wildlife Advisory Group South West (In Perpetuity Mitigation Solutions)

- 5.5 Working in partnership with the Farming and Wildlife Advisory Group South West (FWAG SW)¹⁶. Somerset Council will be launching a Call for Sites. The Call for Sites will cover the entirety of the SL&M catchment area (including the area within the Dorset Council administrative boundary).
- 5.6 The purpose of the Call for Sites will be to identify suitable site locations where land-based phosphate mitigation measures (e.g. wetlands, riparian buffer strips) can be delivered. The sites put forward through the Call for Sites process will be assessed by Somerset Council against an agreed, transparent criteria-based process. The proposals can be weighted to support targeted areas, and measures informed by the Council's monitoring of available P mitigation schemes, housing delivery and five-year land supply requirements. In addition, many of the land/nature-based solutions may also deliver additional benefits including natural flood management, biodiversity net gain

¹⁴ By way of comparison, Taunton WwTW, one of the most phosphate efficient WwTW's in the SL&M currently operates at 1mg/l/p

¹⁵ See: [P-Removal-CASE-STUDY.pdf \(salinitysolutions.co.uk\)](https://salinitysolutions.co.uk/P-Removal-CASE-STUDY.pdf)

¹⁶ [Farming and Wildlife Advisory Group South West Limited \(fwagsw.org.uk\)](https://fwagsw.org.uk)

or public access and Officers will assess and monitor these wider public benefits as part of the delivery programme.

Project Three: Working with Registered Social Housing Providers and our Council Housing and Property Stock to release P-credits to support the delivery of affordable housing (In Perpetuity Mitigation Solutions)

- 5.7 Nutrient Neutrality requirements have also impacted the delivery of affordable homes by both Somerset Council's Affordable Housing Delivery Partners (Registered Social Providers or RSPs), and our internal housing and property departments. Since the receipt of the NE letter in August 2020, Somerset Council has approved projects promoted by RSPs to retrofit water efficiency measures into retained rental stock where the housing service/RSP controls will prevent the tenant's capacity to alter domestic fittings. The LNMF gives Somerset Council the opportunity to work with RSPs and the Council's housing service and property team to accelerate these solutions and create P-credits to facilitate the delivery of affordable housing.
- 5.8 A secondary opportunity in parallel with the retrofitting project to unlock credits arises from the existence of a number of primarily rural affordable housing schemes, where landlords manage the disposal of foul waste by means of septic tanks. Since the receipt of the NE letter in August 2020, the retrofitting of poorly performing septic tanks with more phosphate efficient Package Treatment Plants (PTPs) has become an accepted phosphate mitigation solution, and in the last 3 years Somerset Council as the LPA, in consultation with NE, has approved a number of planning applications proposing this solution. Although each septic tank replacement, by a more efficient package treatment plant (PTP), will require an individual calculation of the likely credit release, typically 0.8 Kg of Phosphate credit is released per dwelling that replaces a septic tank with a PTP.
- 5.9 By reason of their engineered nature, the delivery of these types of measures (both retrofitting and PTP upgrades) enables quick and very repeatable solutions to be delivered, without the need for short term land use solutions taking productive land out of use.
- 5.10 Both the retrofitting programme and the PTP upgrade requires upfront funding to roll out a programme of work. Somerset Council is currently in the process of liaising with RSPs and housing and property colleagues to understand in more detail the forward pipeline of these upgrades and how they can be delivered now that funding is secured. Initially, Planning Officers have been in contact with Housing Officers regarding trialling a proposed septic tank to PTP upgrade at Castle View in Curland, which is

expected to generate 1.8kg/year of P-credit which can be allocated to other residential proposals in the locality.

Project Four: Opportunities for nature-based solutions on Council-owned land (In Perpetuity Mitigation Solutions)

- 5.11 In addition to the Call for Sites process, as described above, Somerset Council is also exploring opportunities to deliver nature-based solutions on Council owned land to facilitate the delivery of phosphate mitigation projects to unlock impacted developments.

Project Five: Miscanthus Grass (Temporary/Bridging Credit Solution)

- 5.12 Somerset Council has also been exploring potential opportunities associated with Miscanthus Grass in collaboration with a Miscanthus Nursery in Taunton¹⁷. There are opportunities to grow Miscanthus Grass on areas of fallowed land to provide temporary nutrient credits without the need to rely on fallowing land for nutrient mitigation, thereby improving cost effectiveness.
- 5.13 The Council is working with Miscanthus Nursery to identify a suitable trial site to confirm the level of phosphate removal (i.e. legacy phosphates in the soil) and phosphate mitigation in terms of an alternative fallowing land approach and/or buffer planting to reduce soil/nutrient runoff.

Project 6: New Technical Innovations

- 5.1 Phosphate mitigation is consistently being developed, particularly as the market for P-credits continues to mature and expand. This is an 'interim' Delivery Strategy and as described above is intended to be a high-level project plan for the LNMF across the SL&M. In light of this, in order to maintain flexibility, a sixth project has been included within this delivery strategy and a provisional cost allocation made (See section below) to allow Somerset Council to respond to new technical innovations that may come forward, and represent effective phosphate mitigation, with good value for money. If new technical innovations do come forward within the next 12 months, further detail will be provided in the next iteration of this Interim Delivery Strategy.

6. Interim Delivery Programme and Provisional Cost Allocations

- 6.1 Table and Figure 2 below set out an estimated timeframe for the roll out of the projects presented in section 5 above. Work has begun on piloting/trialling solutions (e.g. Salinity Solutions and Miscanthus Grass), with the first project roll-out expected to take place from Q2 of 2024/25.

¹⁷ <https://miscanthusnursery.co.uk/>

- 6.2 Table also presents a provisional capital allocation for each of the proposed mitigation projects. These figures are estimates, based on best available information at the time of writing, but these cost allocations will be updated within 12 months (in line with the Delivery Strategy update) when more information is known.
- 6.3 The information in Table 4 and Figure 2 is based on the assumption that the full funding allocation will be received from central government by 1 April 2024.

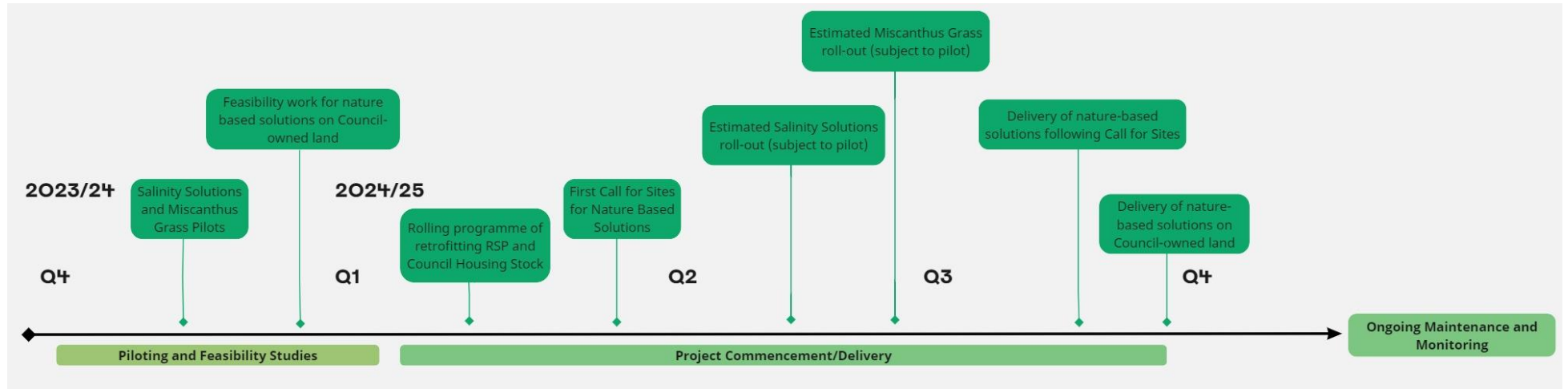
Table 4 Interim Delivery Programme and Provisional Capital Allocation

Proposed Project	Estimated Timeframe	Provisional Allocation (£)
Project One: Salinity Solutions	Pilot: Q4 2023/24	£2,000,000
	Roll out: From Q2 2024/25 ¹⁸	
Project Two: Call for sites for Land/Nature Based Solutions	First call for sites: Q1 2024/25 Delivery of projects not expected until Q3 or Q4 2024/2025	£3,500,000
Project Three: Working with Registered Social Housing Providers and our Council Property Stock	Rolling programme from Q1 2024/25	£1,000,000
Project Four: Opportunities for nature-based solutions on Council-owned land/assets	Feasibility work: Q4 2023/24 and Q1 2024/25 Delivery of projects not expected until Q3 or Q4 2024/2025	£2,000,000
Project Five: Miscanthus Grass	Pilot: Q1 2023/24 Roll out: From Q2 2024/25 ¹⁹	£620,000
Project Six: New technical innovations	TBC	£480,000
Total Capital Cost:		£9,600,000

¹⁸ Dependent on outcome of trial

¹⁹ Dependent on outcome of trial

Figure 2 Nutrient Mitigation Fund Interim Delivery Programme



7. Governance Arrangements

- 7.1 The implementation of the LNMF projects will be overseen by the Somerset Council Strategic Planning Committee.

8. Next Steps

- 8.1 This Interim Delivery Strategy will be presented to the Somerset Council Strategic Planning Committee on 21 March 2024. Work is ongoing to progress the projects set out Section 5 of this document and progress reports will be provided to the Strategic Planning Committee within 6 months, when further information on each of the projects, their costs and delivery is known. This Delivery Strategy will be updated within the next 12 months to meet the timescales for reporting to Government by March 2025.

END

Alison Bloom-Cooper,
Head of Planning/Chief Planning
Officer
Somerset Council
County Hall,
The Crescent,
Taunton,
TA1 4DY

Date: 7 March 2024
Ref: Somerset Levels and Moors Local Nutrient
Mitigation Fund
Officer: Michael Garrity
📞 01305 221000
✉️ planningpolicy@dorsetcouncil.gov.uk

Dear Alison,

Somerset Levels and Moors interim delivery strategy

This letter has been prepared after considering an 'interim delivery strategy' for the Somerset Levels and Moors habitat site prepared by officers at Somerset Council for a meeting of the Somerset Council Strategic Planning Committee (scheduled for the 21 March 2024).

In common with other freshwater habitat sites elsewhere in the south, and south west, of England the Somerset Levels and Moors habitat site has been assessed as being in an unfavourable condition because phosphorous pollution. The catchment of the River Parrett is hydrologically connected with the Somerset Levels and Moors and overlaps the administrative boundary of both council's areas. As a consequence nutrient pollution from development in Dorset Council area may have an adverse effect on the Somerset Levels and Moors habitat site.

Somerset Council act as the lead authority for responding to the nutrient pollution issue effecting the Somerset Levels and Moors, but both councils have worked closely and effectively since Natural England notified of the sites unfavourable condition in August 2020.

Officers welcome, and support, the work of Somerset Council to date in responding to this issue which includes:

- developing a catchment specific calculator which reflects local circumstances
- providing detailed advice and guidance to applicants and officers
- delivering council funded mitigation projects
- supporting third parties in developing and delivering mitigation projects

Both councils made bids for Local Nutrient Mitigation (LNMF) government grant in May 2023 (Dorset Council's bid related to Poole Harbour catchment where it acts as the lead authority). Officers welcomed the announcement by government in December 2023 that Somerset Council had been awarded £9.6 million to deliver a phosphorous mitigation delivery strategy which in turn would unblock housing delivery across the whole of the habitat site's catchment.

Officers at council support the 'interim delivery strategy' prepared by Somerset Council which includes a package of short-, medium-, and long-term mitigation measures. Officers note that measures include both 'grey water' solutions to reduce concentrations of phosphorous in wastewater alongside 'nature based' solutions which are likely to confer secondary public benefits (potentially including public access, net gains in biodiversity and natural flood risk management).

We recognise that the interim strategy will need to be reviewed and updated as projects are developed, and as part of this process we would encourage Somerset Council to ensure that the strategy supports delivery of mitigation, and new homes, across the whole catchment area. We are confident that the positive working relationship that has been established with officers at Somerset Council will allow engagement around these issues.

We look forward to continuing with the positive and effective working relationship with colleagues at Somerset Council around investment of the LNMF grant, and in collaborating more generally in responding to the challenges and issues raised in the local response to nutrient pollution of habitat sites.

Yours sincerely,

A solid black rectangular box used to redact the signature of Michael Garrity.

Michael Garrity
Head of Planning

SOMERSET COUNCIL WAIVER REQUEST/ BREACH NOTIFICATION

Before completing this form, please discuss with the Commercial and Procurement Team to ensure you are following the correct process.

Waiver Ref No. (Provided by C&P)	791	
Applicant's Name:	Kate Murdoch: Service Manager Planning Policy_& Implementation (Area West)	
Directorate and Service:	Climate and Place: Planning	
Title and purpose of Contract:	Trialling new technology developed by Salinity Solutions	
	Purpose: Trial Reverse Batch Osmosis modular unit to provide a secondary treatment process at poor performing Waste Water Treatment Works with catchment area. If proved successful, roll out of this new technology . In line with the purpose of the Nutrient Mitigation Fund, the money generated by the sale of P credits (ie kg's of phosphates removed) to be reinvested in nature based solutions eg wetlands.	
Is this a repeat waiver/breach? <i>If yes please include the previous waiver/breach reference number</i>	No If Yes, Include previous ref number here	
Name of supplier:	Salinity Solution's Ltd (https://salinitysolutions.co.uk/)	
Waiver/Breach period:	Start: 09/02/2024	End: 31/03/2030
Expected annual Spend and Total Spend expected over whole life cycle of Contract, including disposal (in £ less VAT):	Value of trialling new technology ████████ Feb 24 to July 24 Value of contract post July 24 (ie roll out new technology), currently unknown and dependent upon the out outcome of trial. If successful the end date of the waiver aligns with legal requirement to update Waste Water Treatment works by 2030 Spend is against external grant funding (capital and revenue) from central government in full.	

Previous spend under existing contract or waiver/breach for each financial year	There is no existing contract or waiver period. Please note: this waiver request involves for <u>both</u> revenue and revenue spend.	
Is this Capital or Revenue spend?	Revenue	
Is the budget available ?	Yes	
Previous contract/waiver/breach period		
If there is a previous contract, please provide reference number	n/a	
If the total contract value is over £100k (including any previous spend): <ul style="list-style-type: none"> Please confirm the credit check score obtained from Finance and their view on risk (please attach evidence) 	n/a	
If the total contract value is over £100k (including any previous spend): <ul style="list-style-type: none"> Have Insurance confirmed the levels and type of insurance required? If so, please state. Please note that if the waiver is approved or breach reported then you must send copies of the suppliers policies to C&P prior to contracting with the supplier.	Yes, contract is over £100k [REDACTED] [REDACTED] Not yet. To be advised / to be included within contract if the pilot is a success.	
Breach Notification?	Yes	
Waiver Category: <i>(Full CSOs can be found here LINK)</i>	B - Increased costs / loss of income	

Declaration of Interest

The Council must ensure that orders and Contracts are awarded on merit even where a waiver is sought, and at all times in accordance with the relevant Rules and that no special favour or conflict of interest should be shown to businesses run by, for example, friends, partners or relatives.

In signing this waiver the Applicant and all signatories hereby officially declare that no such relationship, referred to above, exists with the supplier(s) to be awarded business through this waiver process. In accordance with the Rules, I certify that the information given is accurate, to the best of my knowledge.

Required Signatory	Name & Position	Signature	Date
Applicant	Alison Blom-Cooper	[Signature]	06/02/2024
Budget Holder Approval <ul style="list-style-type: none"> £25k-50k – Tier 5 or above 	Mickey Green	[Signature]	06/02/2024

• Over £50k to £250k – Service Director /Executive Director			
C&P (Lead Officer) Approval, where applicable	[Name]	[Signature]	[Insert Date]
Procurement Strategic Manager Approval	Paul Skuse	[Signature]	07/02/2024
Service Director – Finance and Procurement (if over £100k)	Claire Griffiths	[Signature]	09/02/2024

Waiver Approved by C&P	<input checked="" type="checkbox"/>
Waiver Declined by C&P – Alternative route to be discussed and agreed with C&P	<input type="checkbox"/>
Breach – Signature denotes that Commercial and Procurement have determined that this procurement is a breach of Somerset Council’s CSO’s and/or Public Contract Regulations and that a waiver is not being granted.	<input type="checkbox"/>

Comments - C&P Use only

Strategic Manager to provide reasons for decision to approve or decline waiver.

Grant funding is received on the basis of using this supplier – decline of the waiver would mean that we cannot fulfil the grant funding conditions

Due Diligence to be obtained and provided to C&P prior to any contract award or Purchase order requisition:

Signed Decision Paper Choose an item.

Valid Insurance Documents Choose an item.

Completed Selection Questionnaire Choose an item.

Financial Credit Check Choose an item.

Waiver Application Guidance

The requirement to undertake a competitive tendering exercise under the Contract Procedure Rules and Standing Orders (the “Rules”) can be waived only where this request meets the specific circumstances set out in the Rules and only with the prior authority of a Strategic Manager from within the Commercial and Procurement Team (“C&P”).

If this approval is obtained, please seek a formal decision sign-off from appropriately empowered officer under the Council’s Scheme of Delegation.

All waivers, and the reasons for them, must be recorded using this form. The Officer applying for this waiver is responsible and accountable for making sure that the contents of the designated form are factually correct, and that appropriate signatures have been obtained.

The Applicant must ensure that all supporting documentation is retained for audit purposes. Please be aware that knowingly submitting incorrect information in order to obtain approval for a waiver will be considered as non-compliance to the Rules and dealt with accordingly which may include disciplinary action.

Waiver Category (Full CSO's can be found here [LINK](#))

Category A: Life or death – there is a significant chance that the life or health of officers, members or the public will be put at real risk;

Category B: Increased costs / loss of income – the Council will incur significant avoidable costs or lose significant income (significant shall be taken to mean material in the sense that it is either material to the project, the service or the Council);

Category C: Limited markets – supply of the product or service is demonstrably restricted to a single source of supply; or

Category E: Goods, Works or Services are urgently required because of a genuinely unforeseeable emergency. It must be noted that not allowing sufficient time to Tender shall not be considered an emergency.

Waivers will not be made retrospectively. Any such request will be deemed a breach and recorded as such.

Phosphates on the Somerset Levels & Moors

Briefing to Somerset Strategic Planning Committee
21 March 2024

Page 69

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

Kate Murdoch, Service Manager Planning Policy & Implementation (Area West)

Paul Browning, Principal Planning Policy Officer



Somerset
Council

Contact: phosphates@somerset.gov.uk

Purpose of the Report

- Provide the Strategic Planning Committee with an **update on recent work undertaken in relation to nutrient neutrality** in the Somerset Levels & Moors (SL&M) and River Axe SAC.
- Provide the Strategic Planning Committee with an update on **recent Government announcements and changes to legislation** in relation to nutrient neutrality.
- Provide the Strategic Planning Committee with an update on the **Local Nutrient Mitigation Fund** and the Council's award of £9.6m from central government to deliver phosphate mitigation projects in the SL&M.

Update on Progress to Date



Update on Progress to Date

Somerset Phosphate Budget Calculator

- The updated Somerset Phosphate Budget Calculator has been uploaded to the Phosphates Webpage.
- Following agreement from Natural England, the calculator is the single, agreed nutrient calculator for use across Somerset.
- The updated Somerset Phosphate Budget Calculator allows users to see their mitigation requirements now, and post-2030 Wastewater Treatment Work (WwTW) upgrades.

Update on Progress to Date

Stakeholder Engagement

- Officers from the Somerset Area Planning Teams, and Dorset Council continue to have regular monthly meetings with the Environment Agency, Natural England and Wessex Water.
- The next Somerset Developer Forum meeting is scheduled for 27 March 2024.

Update on Progress to Date

Jurston Farm, Wellington Appeal

- National 'test case' in relation to nutrient neutrality as previously reported to this Committee.
- A dismissed planning appeal in August 2022. The High Court dismissed a challenge by CG Fry & Son to the operation of the Habitats Regulations in June 2023.
- A Hearing in the Court of Appeal was held on 19 March 2024 and an outcome is awaited.
- Proceeding recording available at: <https://www.youtube.com/watch?v=oj19GbAaDcc> and <https://www.youtube.com/watch?v=R7ipBZSN7Dk>

Catchment Area Updates



River Axe Catchment

- The lead authority for nutrient neutrality in the River Axe catchment area is East Devon District Council (EDDC).
- Using our collective experience of having made successful bids in Round 1, officers from Somerset and Dorset Council are assisting EDDC in submitting a bid to Round 2 of the Local Nutrient Mitigation Fund.
- The deadline for this is 26 April 2024.

River Brue Catchment

- Approximately 16 planning applications are held in abeyance seeking a phosphate solution in the River Brue catchment area equating to circa 800 dwellings.
- The Council has agreed legal processes for two third-party phosphate credit schemes in the Brue catchment including:
 - **Yew Tree Farm, Walton:** Pig farm closure. Currently, 45.8 P-credits have been allocated releasing 453 dwellings. A second phase of this scheme A second phase of the scheme agreed December 2023. (7.46 P credits). Reservations have been made for schemes in East and South areas totalling 3.13 P-Credits for 51 dwellings.
 - **Manor Farm, Prestleigh:** Farm closure and fallowing of land generating 143 P-credits which is anticipated to unlock approximately 1400 dwellings. A second phase may come forward if all these are allocated.

River Brue Catchment

- Both the calculation of credits and management plans have been agreed with Natural England and secured via a Section 106 (S106) agreement.
- ^{Page 8} All P-credit sales/allocations are agreed between promoter and applicant. The LPA has no control on prioritising applicants or credit pricing. Agreed allocations are confirmed by a certificate provided to the LPA – this is the case for all third-party credit schemes across the SL&M catchment areas.

River Parrett Catchment

- There are approximately 4,500 dwellings seeking a phosphate solution in the River Parrett catchment area.
- To date:
 - Area South Committee has resolved to approve 765 dwellings with a variety of nutrient neutrality solutions of which 435 had previously been presented to committee for approval prior to August 2020 and required re-determination.
 - In addition, 185 dwellings were approved by former SSDC's Area Committees with nutrient neutrality solutions with S.106 awaiting completion.

River Parrett Catchment

- Details about the background to the EnTrade P-credit scheme were reported to this committee in July 2023.
- Page 80 EnTrade has now completed 2 markets with the S.106 to release the 2nd market moving towards sealing. A further market round is proposed for Spring 2024.
- There are a further 2 no. third-party P-credit schemes operating in the River Parrett catchment areas (Woodrow Farm and Badger Street) which are generating 273.35 permanent P-credits.

River Tone Catchment

- There are approximately 111 planning applications held in abeyance seeking a phosphate solution equating to circa 2600 dwellings in the River Tone catchment area.
- There is one third-party P-credit scheme currently in operation in the River Tone catchment area (Flyboat Farm) generating 60.15 P-credits.

River Tone Catchment

- Somerset is one of only a handful of Councils across the country to have its own operational nutrient credit scheme. To date:
 - **Round 1:** 9 planning applications are progressing to acquire River Tone P-credits equating to 11 dwellings. 12 applications have received planning permission with River Tone P-credits unlocking 30 dwellings.
 - **Round 2:** there are 6 planning applications progressing to acquire River Tone P-credits equating to 3.6 River Tone P-credits and 28 dwellings. 2 planning applications have received planning permission with Round 2 River Tone P-credits equating to 0.3 P-credits and 5 dwellings.
 - **Round 3:** There has been 3 no. applications for Round 3 P-credits.

Across the SL&M Catchment Area

- Planning applications are also progressing across all catchment areas where applicants have their own phosphate mitigation solutions with common sources of mitigation including septic tank to PTP upgrades and orchard planting.
- Officers continue to liaise with third party credit providers to aim to create further P-credit solutions across the catchment areas.

Legislative Updates



Levelling Up and Regeneration Act

- The Levelling Up and Regeneration Act received Royal Assent on 26 October 2023.
- The LURA contains a **statutory duty on water companies to upgrade Wastewater Treatment Works** (WwTW) in designated 'nutrient sensitive catchment areas' to the **Technically Achievable Limit** for nutrient removal by 2030. Applies to WWTW's which serve a population equivalent of more than 2,000.
- The **Somerset Levels and Moors was designated as a nutrient sensitive catchment area on 25 January 2024.**

Levelling Up and Regeneration Act

- Once we have confirmation from Defra of the WwTW's that are required to be upgraded to TAL, we will be able to **consider these upgrades to be 'certain' for the purposes for Habitats Regulations Assessment**. These are expected to be published by Defra on 1 April 2024.
- In practical terms, this means that **after 2030**, phosphate neutrality will still be required but **the level of mitigation required is likely to be significantly less** for proposed developments.



Local Nutrient Mitigation Fund (LNMF)

LNMF Overview

- At the end of May 2023, Somerset Council submitted a partnership funding bid to the Government's Nutrient Mitigation Fund.
- Page 88 In December 2023 confirmation received that Somerset Council has been awarded £9.6m capital funding – need to demonstrate committed spend by 31st March 2025 revolving fund and longer-term use for restoration of SL&Ms.
- Currently received £0.5m. Remainder promised in Q1 of financial year 24/25.
- Opportunities: - Revolving fund and longer-term use in delivery of nature-based solutions for restoration of SL&Ms Stacking benefits – water quality, flood management, Biodiversity Net Gain (BNG).

LNMF Interim Delivery Strategy

- The Committee Report contains an Interim Delivery Strategy for the LNMF.
- This sets out an indicative delivery programme, as well as provisional capital allocations for each of the mitigation projects that Somerset Council is currently looking to progress (see Table 5 and Figure 2 in the Strategy).
- An update on progress will be provided to the Committee within the next 6 months when more information on the delivery of the LNMF is known. Officers have committed to updating the Interim Delivery Strategy within the next 12 months.

LNMF Phosphate Mitigation Programme

Project 1	Salinity Solutions: 6-month trial – secondary effluent treatment process.
Project 2	Call for sites in partnership with the Farming and Wildlife Advisory Group (FWAG).
Project 3	Council housing and property stock and affordable housing partners – water efficiency measures and septic tank/PTP upgrades.
Project 4	Council owned land opportunities for nature-based solutions.
Project 5	Miscanthus Grass: Subject to an initial trial.
Project 6	New technical innovations.

Recommendations

That the Strategic Planning Committee notes:

- a. The content of this report and the activity across the three affected river catchments that feed into the Somerset Levels and Moors (Tone, Parrett, and Brue) which continues to unlock the delivery of housing and affected development to ensure nutrient neutrality. .
- b. The recent legislative changes introduced by the Levelling Up and Regeneration Act 2023 (as summarised in paragraphs 37 to 39 of the Committee Report).

Recommendations

That the Strategic Planning Committee agrees:

- Page 92
- c. to delegate authority to the Head of Planning / Chief Planning Officer in consultation with the Chair of the Strategic Planning Committee to:
 - i. oversee the delivery of the interim delivery strategy including approving any documents (e.g. Section 106 agreements) needed to support implementation of the Interim Delivery Strategy, (enclosed as Appendix A to the Committee Report).
 - ii. spend up to £9.6m from the Local Nutrient Mitigation Capital Funding to deliver nutrient mitigation schemes in line with grant conditions and promised outstanding government funding in financial year 2024/25.
 - iii. commit to the spend of the Local Nutrient Mitigation Fund on the delivery of nutrient mitigation with the provisional indicative programme of spend as detailed in Table 4 of the Interim Delivery Strategy.

Table 4 Interim Delivery Programme and Provisional Capital Allocation

Proposed Project	Estimated Timeframe	Provisional Allocation (£)
Project One: Salinity Solutions	Pilot: Q4 2023/24	£2,000,000
	Roll out: From Q2 2024/25 ¹⁸	
Project Two: Call for sites for Land/Nature Based Solutions	First call for sites: Q1 2024/25	£3,500,000
	Delivery of projects not expected until Q3 or Q4 2024/2025	
Project Three: Working with Registered Social Housing Providers and our Council Property Stock	Rolling programme from Q1 2024/25	£1,000,000
Project Four: Opportunities for nature-based solutions on Council-owned land/assets	Feasibility work: Q4 2023/24 and Q1 2024/25	£2,000,000
	Delivery of projects not expected until Q3 or Q4 2024/2025	
Project Five: Miscanthus Grass	Pilot: Q1 2023/24 Roll out: From Q2 2024/25 ¹⁹	£620,000
Project Six: New technical innovations	TBC	£480,000
Total Capital Cost:		£9,600,000

Thank You and Questions



Somerset
Council

Report - Strategic Planning Committee



Committee Date - 21 March 2024

Report Title: Quarterly report on planning service performance (Q2 & Q3 combined report)

Lead Officer: Paul Hickson, Service Director Economy, Employment and Planning

Author: Alison Blom-Cooper, Chief Planning Officer & Helen Vittery, Service Manager

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Introduction

1. The Council's constitution agreed on 22 February 2023 sets out the terms of reference for the Strategic Planning Committee. This includes consideration of quarterly officer reports from the area-based Committees to monitor decision making and workload levels. This report includes information for Q2 and Q3 of 2023/24.
2. Appendix 1 attached to the report sets out performance data for Q2 and Appendix 2 sets out performance data for Q3. The data also includes information on the volume of work received by each of the area teams and the waste and minerals 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 across Somerset, but the report provides the information on an area basis. 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 by area 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 thresholds¹ 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. 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 – Q2 and Q3 of 2023/24

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 for the previous 8 quarters, which form the basis for the reporting against the nationally set targets. Chart 1 shows the trend in terms of applications received and shows the volatility.

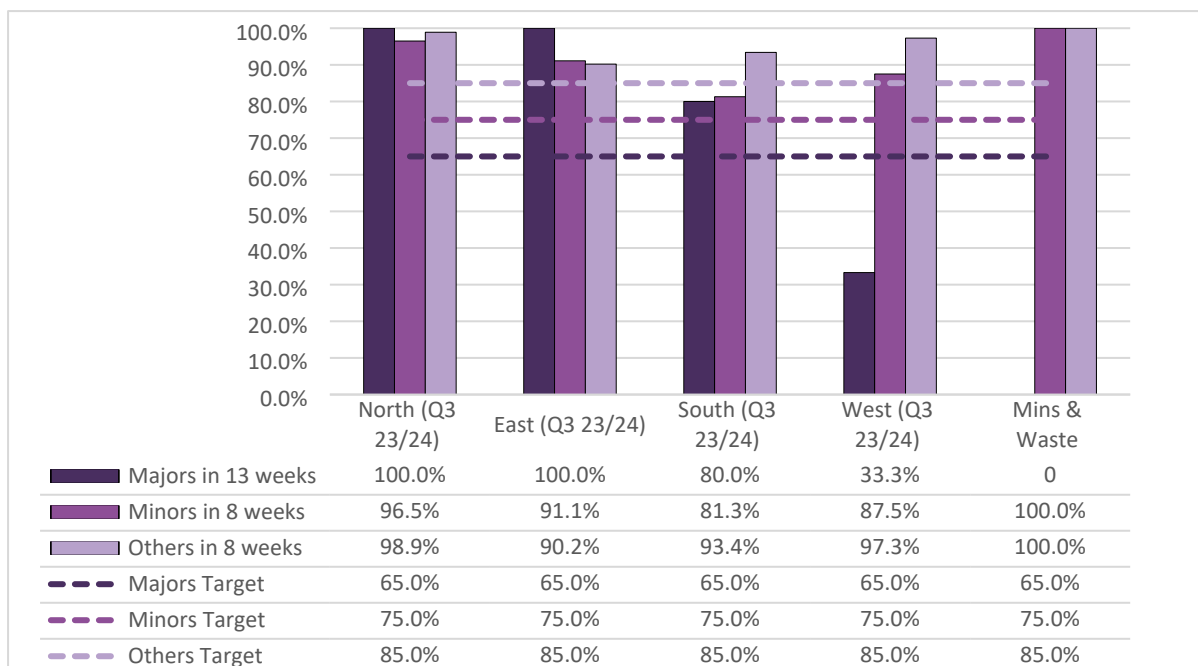
¹ Thresholds: The criteria for designation were updated in October 2022 set designation thresholds for the speed of decision making if an authority made less than 60% of decisions for major development within the statutory period or such extended period as agreed and less than 70% for non major development 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). 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)

8. Section 3 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/other applications. These should be compared with the nationally set targets of 65% for majors, 75% for minors and 85% for others. The chart below shows the data for the four areas which is the data published by DHLUC.

Chart showing the latest quarter data (Q2 of 2023/24) for Areas North, East, South and West showing percentage of applications determined in-time compared with the national targets



The trend data (as above) for the period of 8 quarters up to Q2 of 2023/24 set out in Section 3 of the Appendix A shows that for this period all targets have been met and there are no concerns.



The trend for data up to Q3 shows that performance in the West team has dropped for Major applications, but overall, the performance of the Council is above the targets and not flagged with DLUHC for concerns. It is however something that is being carefully monitored and is most likely as result of reduced staff and increased workload as highlighted as an emerging concern in previous reports.

9. Section 2 of each Appendix provides information of 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 how the area teams are managing the volume of work. 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 is monitored.
10. The reasons for a backlog were explained in the previous report. Attempts are still being made to fill the vacant posts with permanent staff, but the combination of uncertainty arising from the establishment of the unitary authority, salary levels and national shortage of professional planners has meant that it has not been possible to fill these posts yet.
11. A recent survey by the RTPI² shows that 82% of local authority planners said their employer had difficulties hiring planners in the last 12 months and 68% saw

² [RTPI | Interim State of the Profession 2023](#)

competitive salaries as a key difficulty for local authorities. It should also be noted that whilst the number of planning professionals in the UK has remained around the 22,000 mark, one quarter of planners left the public sector between 2013 and 2020 and increasingly we are therefore competing with the private sector.

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: 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 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.
14. The government uses the appeals performance as a proxy for the quality of decisions and for potential designation³. The calculation is based on the percentage of the total number of decisions made by the authority on major and non major⁴ 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.

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:

³ <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

⁴ 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

	Major	Non-Major
East (Mendip)	4.1%	0.7%
North (Sedgemoor)	1.2%	0.2%
South (South Som)	0%	0.2%
West (Som West & Taunton)	4.1%	0.9%
Minerals & Waste (County)	0%	0%

15. 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

16. The Council is undertaking a review of the Committee arrangements, scheme of delegation and terms of reference, which will be reported to the Governance Committee with any recommendations for amendments to the Constitution being agreed by Full Council. A date for this is to be confirmed.

Planning Enforcement

17. 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, with the exception of the former Taunton Deane area following a recent appeal decision. 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. As more solutions to the problem become available the number of additional homes granted planning permission will increase and over time the position is expected to improve.

Most recent Five-Year Housing Land Supply by Area for Q3
(Q2 data in appendix 1)

Combined Five Year Housing Land Supply Calculation	Years
Area North (Sedgemoor) - 2023	6.51
Area East (Mendip) - 2023	3.24
Area South (South Somerset) - Jan 2024*	2.98-3.10
Area West (Taunton Deane) - Feb 2024**	3.75
Area West (West Somerset) - 2023/24	8.29

* Inquiry session for appeal APP/E3335/W/23/3328322

**Appeal Decision APP/W3330/W/23/3329488, 14 Feb 2024

20. The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan making authorities published by DLUHC. The latest test results 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. Changes to HDT were published as part of the NPPF consultation in January 2023. 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 the following year. An action plan will be published for Area East in due course.

Background Papers

23. None

Appendices

- **Appendix 1: Q2 Planning Services Performance in Somerset**
- **Appendix 2: Q3 Planning Service Performance in Somerset**

Appendix 1: Planning Services Performance in Somerset Council – report to Strategic Planning Committee on 18 January 2024

This appendix sets out the performance data for the development management service in Somerset provided on a quarterly basis to the Strategic Planning Committee. It includes information on the volume of work received by each of the area teams and the waste and minerals team and reports the information published nationally on a quarterly basis on the meeting of the national targets.

It is important to bear in mind that the Government has three measures of application performance which the Council must remain within the stated thresholds. If we breach these thresholds the Council will be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for planning permission. This would mean that the Council does not get the fee income for that application but is still required to undertake the consultation. In addition the democratic right to determine the application is lost. The current thresholds to be met assessed are assessed against a two-year rolling period and are:

- [Majors applications](#) performance of at least 50%;
- [Minor](#) and [Other applications](#) performance of at least 70%
- Appeals lost (to be below 10% in both categories).

The information provided in this appendix also includes data 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. Finally the information provided includes the Five-Year Housing Land Supply and Housing Delivery Test position.

1. Number of planning applications received by Somerset Council by area from 2020/21 to Q2 of 2023/24

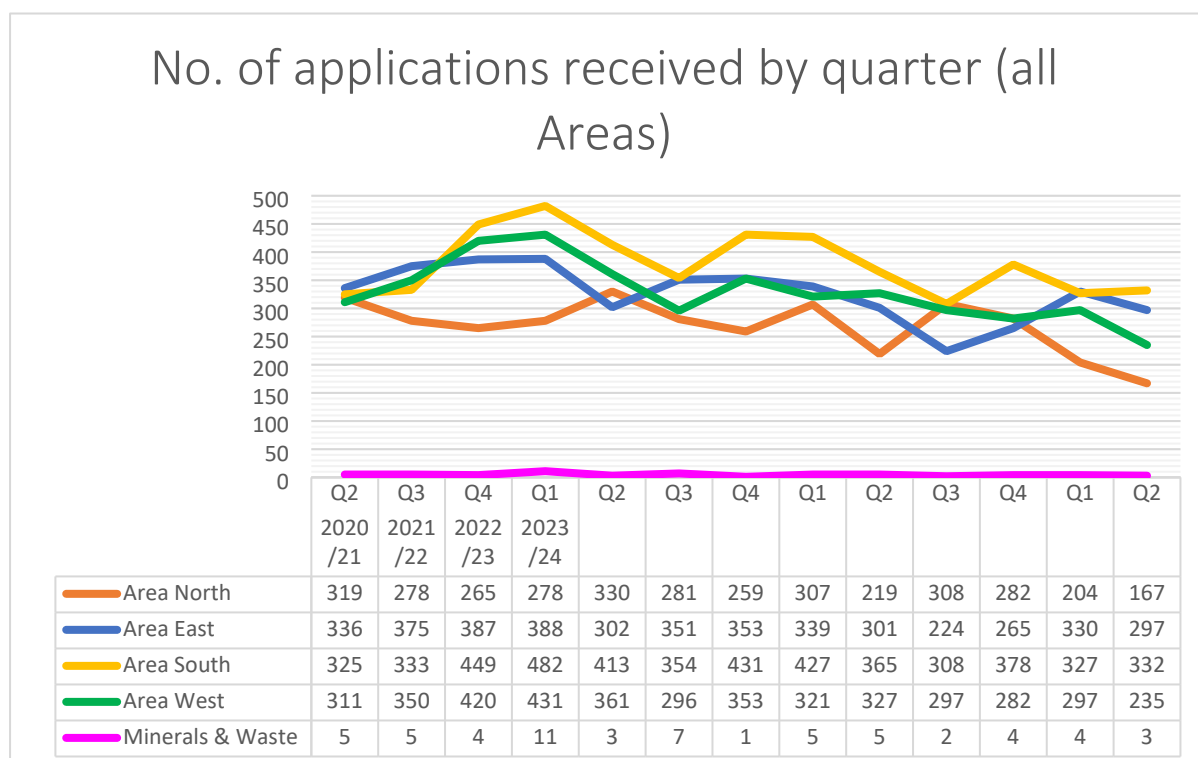
1.1 The following charts show the total number of planning applications received by quarter from Q2 2020/2021 to Q2 2023/2024 for each of the Area Teams (former district councils) and the Minerals and Waste Team. The data includes only PS1 applications ([Major](#), [Minors](#) and [Other](#) applications) and County Matters applications (Minerals, Waste and Other), which are recorded separately on CPS1 and CPS2 forms and which form the basis of the national data collected on a quarterly basis by Government.

1.2 Not included in these returns are other applications and processes which form a substantial volume of work. The data does not include discharge of conditions, approval of details, tree applications, non-material amendments (NMAs); pre-application enquiries, scoping and screening enquiries, post application work on Section 106 agreements.

Table 1: Number of planning applications received by quarter and included in the government returns from 2020/21 to Q1 of 2023/24 by area team

	2020/21					2021/22					2022/23					2023/24				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Area North	245	319	278	265	1107	278	330	281	259	1148	307	219	308	282	1116	204	167			371
Area East	302	336	375	387	1400	388	302	351	353	1394	339	301	224	265	1129	330	297			627
Area South	401	325	333	449	1508	482	413	354	431	1680	427	365	308	378	1478	327	332			659
Area West	331	311	350	420	1412	431	361	296	353	1441	321	327	297	282	1227	297	235			532
Minerals & Waste	5	5	5	4	19	11	3	7	1	22	5	5	2	4	16	4	3			7

Chart 1: Number of planning applications received by quarter for the area teams from Q2 of 2020/21 to Q2 of 2023/24



2. Number of applications on hand at the start, received, determined and on hand at the end of each quarter by area team from Q2 2020/21 to Q2 of 2023/24

2.1. The data for each of the area teams below shows the number of applications on hand at start of each quarter, those received, determined, withdrawn and on hand at the end from Q2 of 2020/21 to Q2 of 2023/24. Noting that this is only those applications included in the PS returns to government (PS1)¹ and therefore only a partial picture this information is useful because it shows how the teams are managing the volume of work. If the number of applications on hand at the end of each quarter is greater than the number of applications received then there is evidence of a backlog of applications and by looking over a period of time it is possible to ascertain trends.

Chart 2: Number of applications on hand at start, received, determined and on hand for each quarter for Area North from Q2 of 2020/21 to Q2 of 2023/24

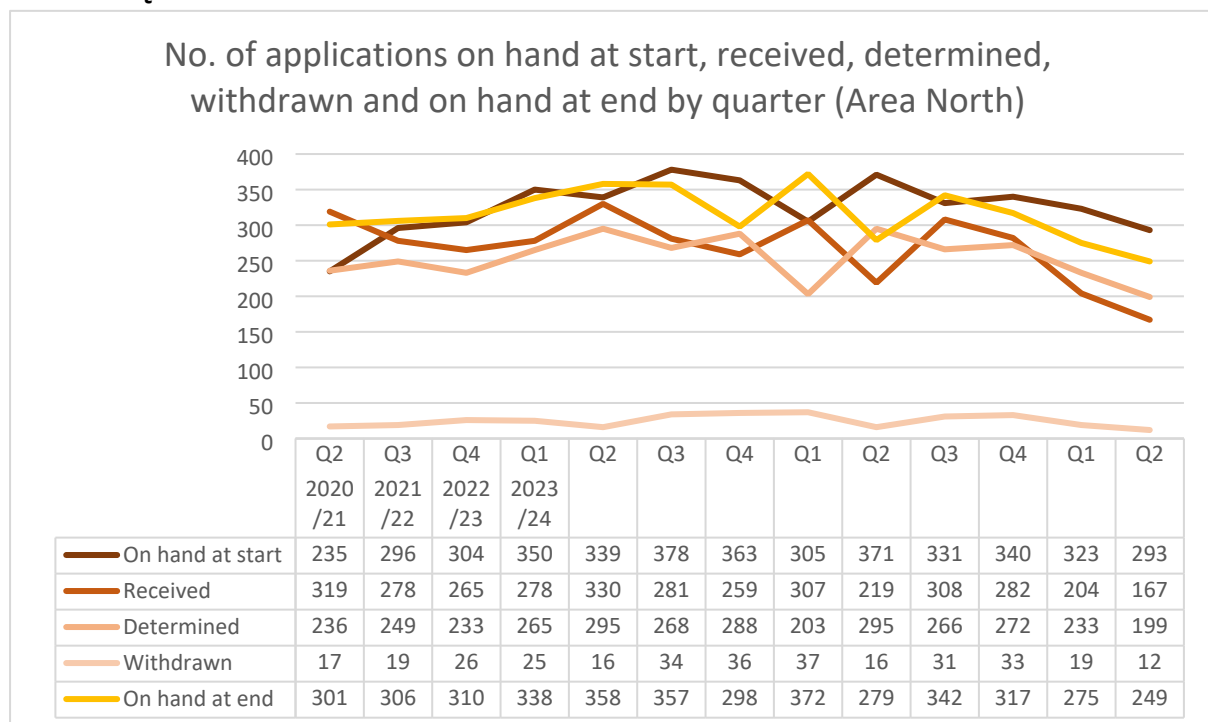


Chart 3: Number of applications on hand at start, received, determined and on hand for each quarter for Area East from Q2 of 2020/21 to Q2 of 2023/24

¹ PS1 applications include applications for planning permission, S73, listed building consent, adverts but do not include non material amendments, discharge of conditions, trees, prior approvals, hazardous substance consents, certificates of lawful development, screening and scoping opinions

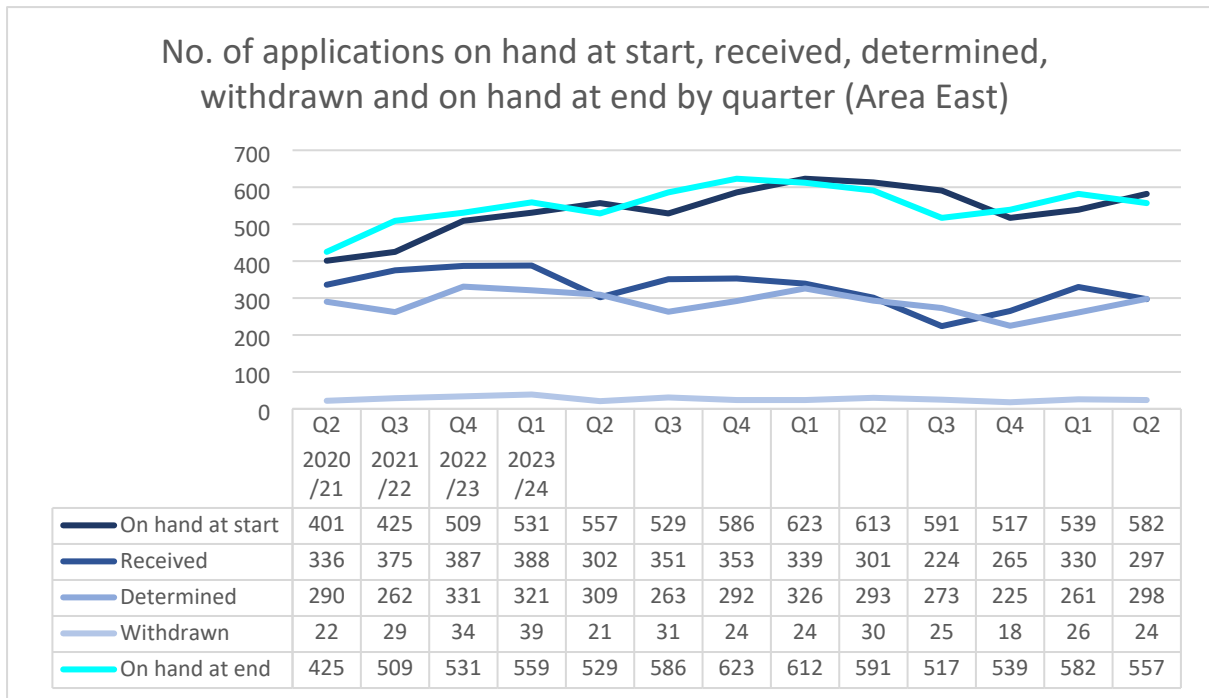


Chart 4: Number of applications on hand at start, received, determined and on hand for each quarter for Area South from Q2 of 2020/21 to Q2 of 2023/24

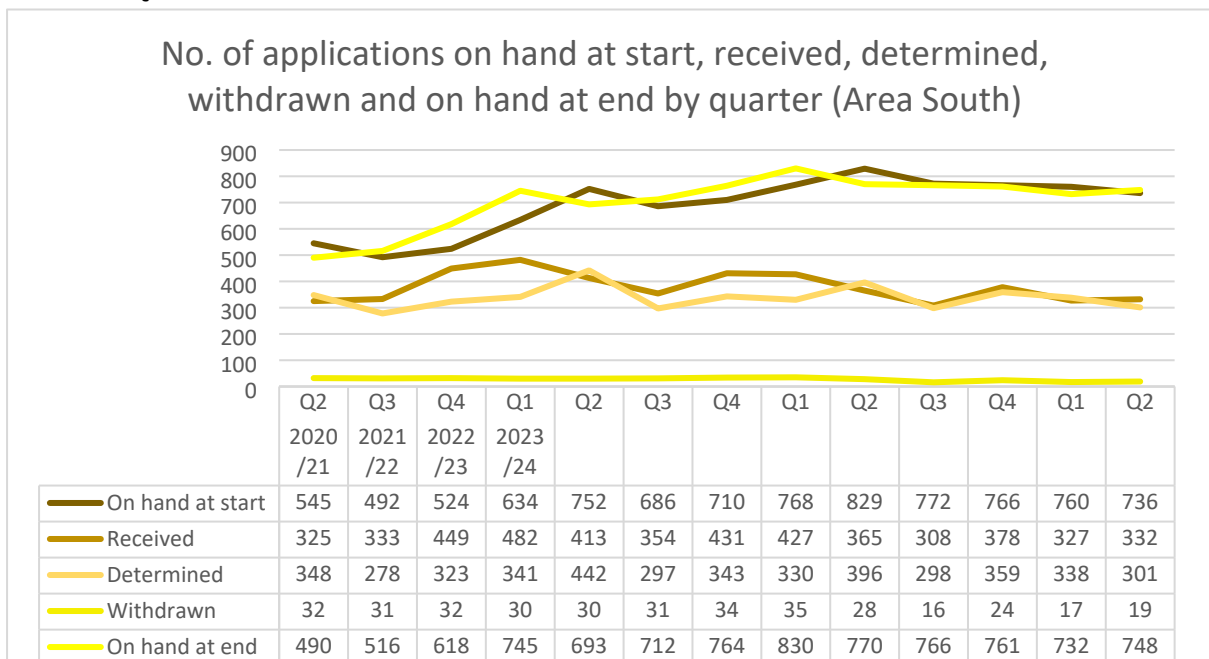


Chart 5: Number of applications on hand at start, received, determined and on hand for each quarter for Area West from Q2 of 2020/21 to Q2 of 2023/24

No. of applications on hand at start, received, determined, withdrawn and on hand at end by quarter (Area West)

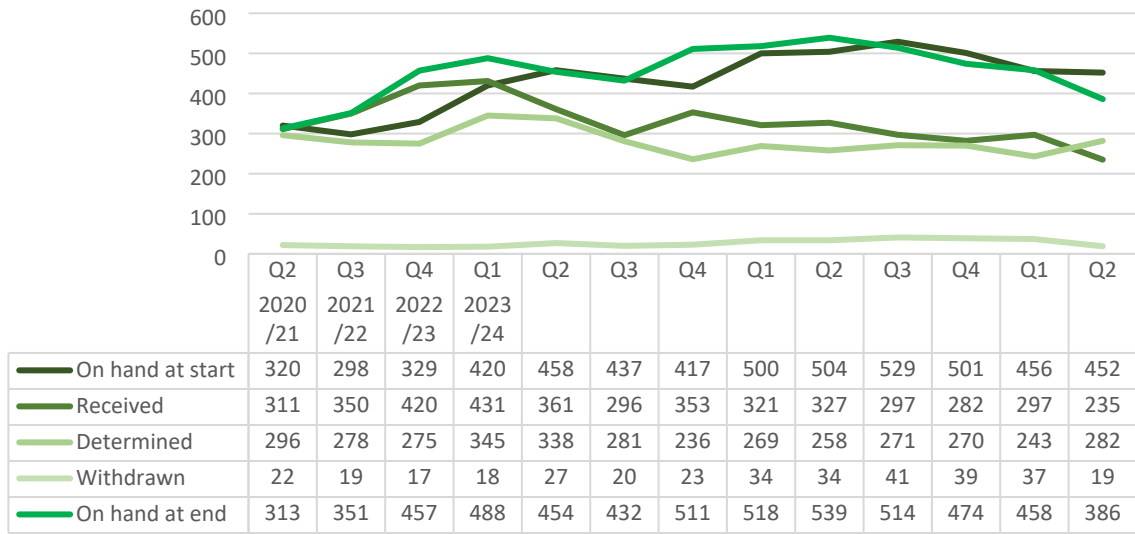
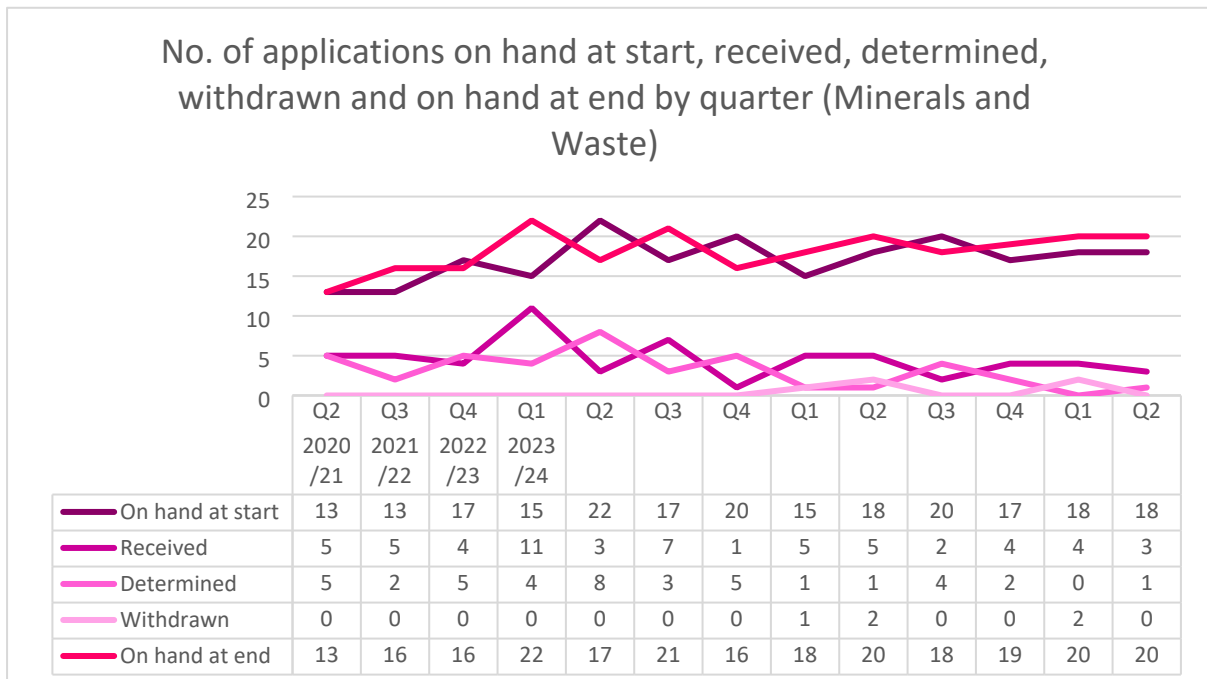


Chart 6: Number of applications on hand at start, received, determined and on hand at end for each quarter for Minerals and Waste from Q2 of 2020/21 to Q2 of 2023/24



3. Number of major, minor and other applications and percentage of decisions determined within the national targets

3.1 The performance of local authorities in determining applications is measured nationally and reported quarterly via statistical returns to the Department for Levelling Up, Housing and Communities. The data reported records the extent to which planning applications are determined within the targets and includes those subject to bespoke timetables set through Planning Performance Agreements and/or extension of time agreements. The Government has set targets for the determination of planning applications as follows:

- Determine 65% of [major applications](#)² within 13 weeks (or 16 weeks in the case of EIA development);
- Determine 75% of [minor applications](#)³ within eight weeks;
- Determine 85% of [other applications](#)⁴ within eight weeks

3.2 Where the local planning authority are not adequately performing in relation to the determination of major⁵ and non major⁵ development the authority can be designated. For unitary authorities both district and county matter applications will be assessed separately. The Government's approach to measuring the performance of authorities was introduced by the Growth and Infrastructure Act 2013 and is based on assessing performance on the speed and quality of their decisions on applications for major and non-major development. Where an authority is designated as underperforming applicants have the option of submitting their applications directly to the Planning Inspectorate for determination.

3.3 The data for percentage of decisions in time against national targets displayed below is separated into Major, Minor and Other decisions and based on the national targets and should be considered against the target of 65% of major applications determined within 13 weeks for Major applications (or with an extension of time or agreed planning performance agreement) and a target of 75% of minor applications within 8 weeks (or with agreed extension of time) and 85% of other applications within 8 weeks (or with agreed extension of time).

² Major applications – 10 or more dwellings, site area of 0.5 hectares or more, floorspace of 100sq metres or more or development on a site having an area of 1 hectare or more

³ Minor applications – 1- 9 dwellings, floorspace is less than 1,000 square metres

⁴ Other applications – householder development

⁵ Major (district) and non-major development definition: [Planning Applications \(s62A\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-applications-s62a)

3.4 The data below for majors determined within 13 weeks includes applications with an EIA, which are determined within a longer timeline of 16 weeks.

Chart 7 Data for Q2 of 2023/24 for all Areas showing percentage of applications determined in-time compared to the national targets

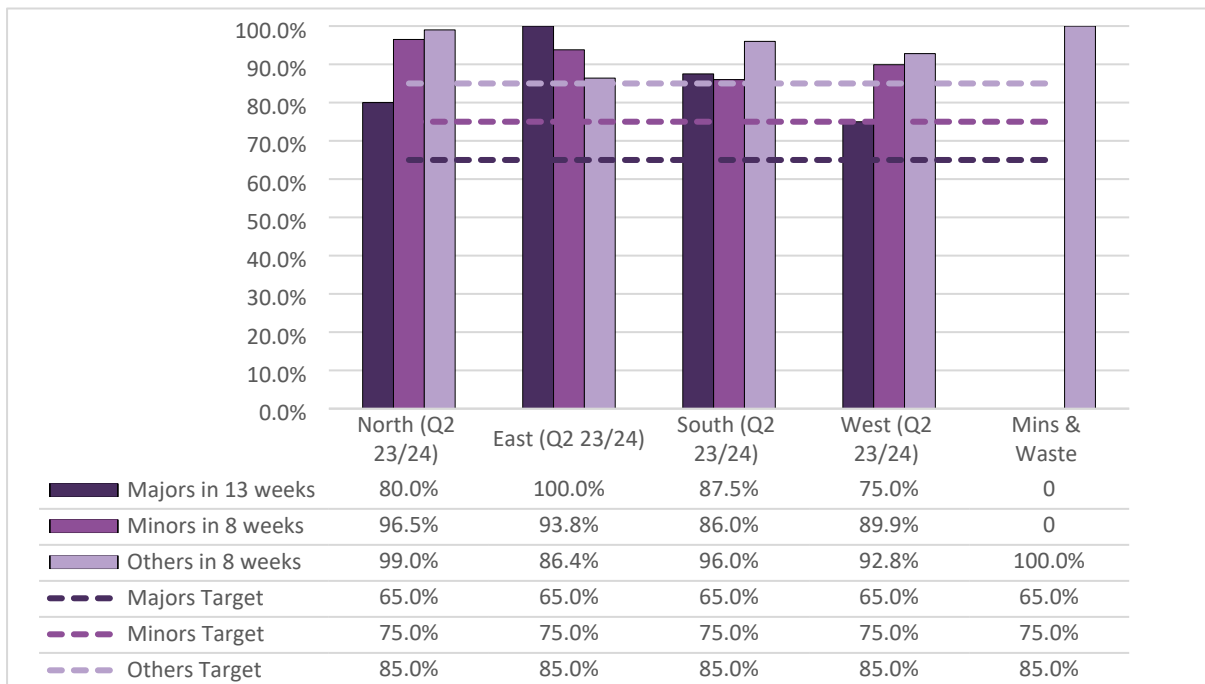


Table 2: Number of decisions and percentage meeting the national targets for Major, Minor and Other decisions in Area North from Q2 of 2020/21 to Q2 of 2023/24

	2020/21				2021/22					2022/23				2023/24			
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Major decisions	10	6	11	27	13	7	8	18	46	10	10	8	9	37	19	5	24
Major decisions % in 13 weeks	100	100	100	100	100	100	100	94.4	97.8	100	100	100	100	100	100	80	95.8
Minor decisions	90	87	80	257	96	104	102	94	396	70	98	103	110	381	95	86	181
Minor decisions % in 8 weeks	96.7	94.3	92.5	94.6	94.8	93.3	93.1	92.6	93.4	91.4	92.9	94.2	95.5	93.7	92.6	97	94.5
Other decisions	136	156	142	434	156	184	158	176	674	123	187	155	153	618	119	108	227
Other decisions % in 8 weeks	94.9	93.6	84.5	91.0	93.6	99.5	96.2	96.6	96.6	95.9	98.9	98.1	98	97.9	95.8	99	97.4

Chart 8: Number of major, minor and other decisions and percentage meeting the national targets for Area North from Q2 of 2020/21 to Q2 of 2023/24 by quarter

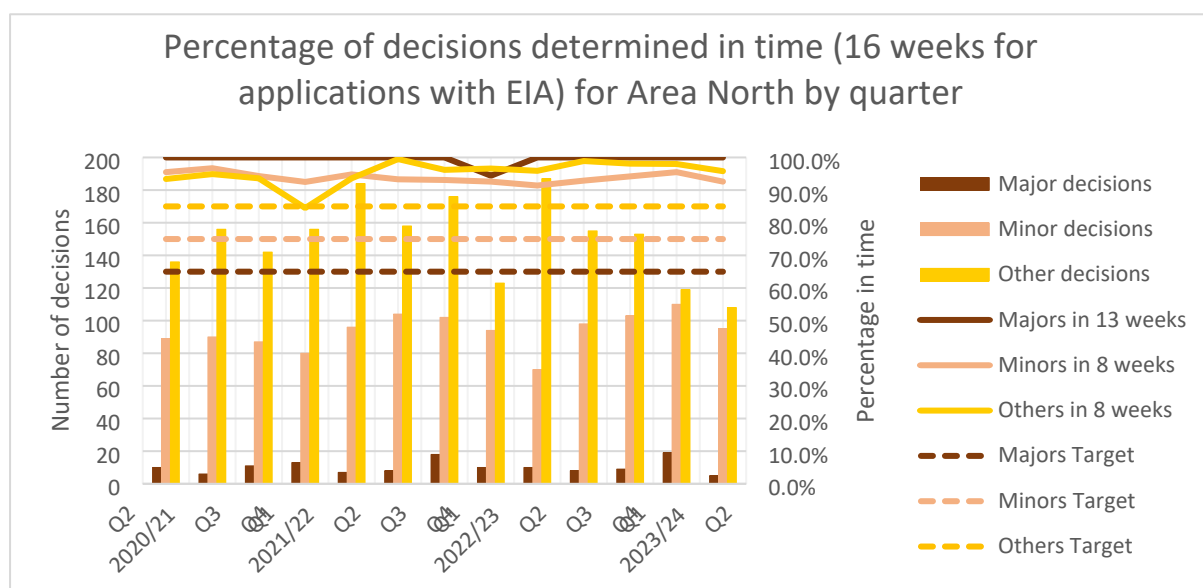


Table 3: Number of decisions and percentage meeting the national targets for Major, Minor and Other decisions in Area East from Q2 of 2020/21 to Q2 of 2023/24

	2020/21				2021/22					2022/23					2023/24		
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Major decisions	14	7	13	34	9	14	8	3	34	11	8	7	9	35	6	10	16
Major decisions % in 13 weeks	92.9	100	76.9	88.2	33.3	92.9	87.5	100	76.5	100	100	57.1	100	91.4	100	100	100
Minor decisions	99	74	104	277	97	86	64	82	329	97	92	98	85	372	88	97	185
Minor decisions % in 8 weeks	69.7	73	69.2	70.4	74.2	80.2	81.3	86.6	80.2	86.6	87	84.7	88.2	86.6	80.7	94	87.6
Other decisions	177	181	214	572	215	209	191	207	822	218	193	168	131	710	167	191	358
Other decisions % in 8 weeks	90.4	89.5	93	91.1	91.6	94.7	96.9	93.2	94	88.5	87.6	88.1	85.5	87.6	86.2	86	86.3

Chart 9: Number of major, minor and other decisions and percentage meeting the national targets for Area East from Q2 of 2020/21 to Q2 of 2023/24 by quarter

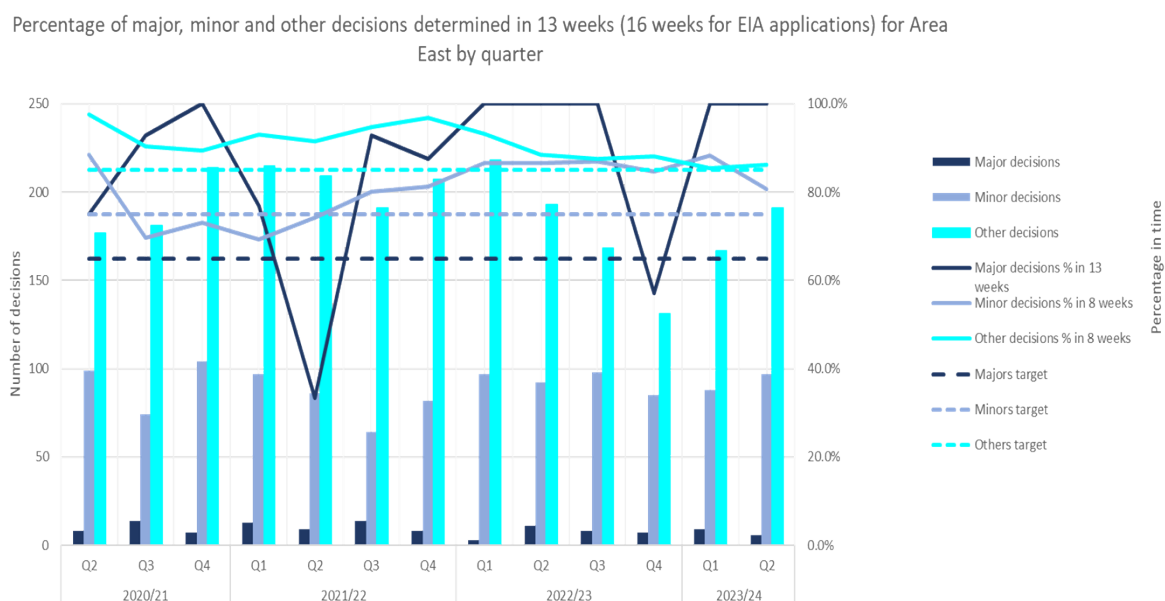


Table 4: Number of major, minor and other decisions and percentage meeting the national targets in Area South from Q2 of 2020/21 to Q2 of 2023/24

	2020/21				2021/22					2022/23					2023/24		
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Major decisions	14	6	15	34	7	7	3	14	31	7	8	12	17	44	10	8	18
Major decisions % in 13 weeks	100	83.3	60	82.4	100	71.4	100	78.6	83.9	85.7	75	91.7	82.4	84.1	50	88	66.7
Minor decisions	150	94	95	339	110	134	104	81	429	92	110	115	112	429	132	114	246
Minor decisions % in 8 weeks	91.3	88.3	83.2	88.2	71.8	75.4	84.6	96.3	80.7	92.4	80.9	73.9	75	80	81.1	86	83.3
Other decisions	184	178	213	575	224	301	190	248	963	231	278	171	230	910	196	178	374
Other decisions % in 8 weeks	94.6	93.3	91.1	92.9	86.2	87	87.9	94	88.8	93.9	93.9	84.2	87	90.3	91.3	96	93.6

Chart 10: Number of major, minor and other decisions and percentage meeting the national targets for Area South from Q2 of 2020/21 to Q2 of 2023/24 by quarter

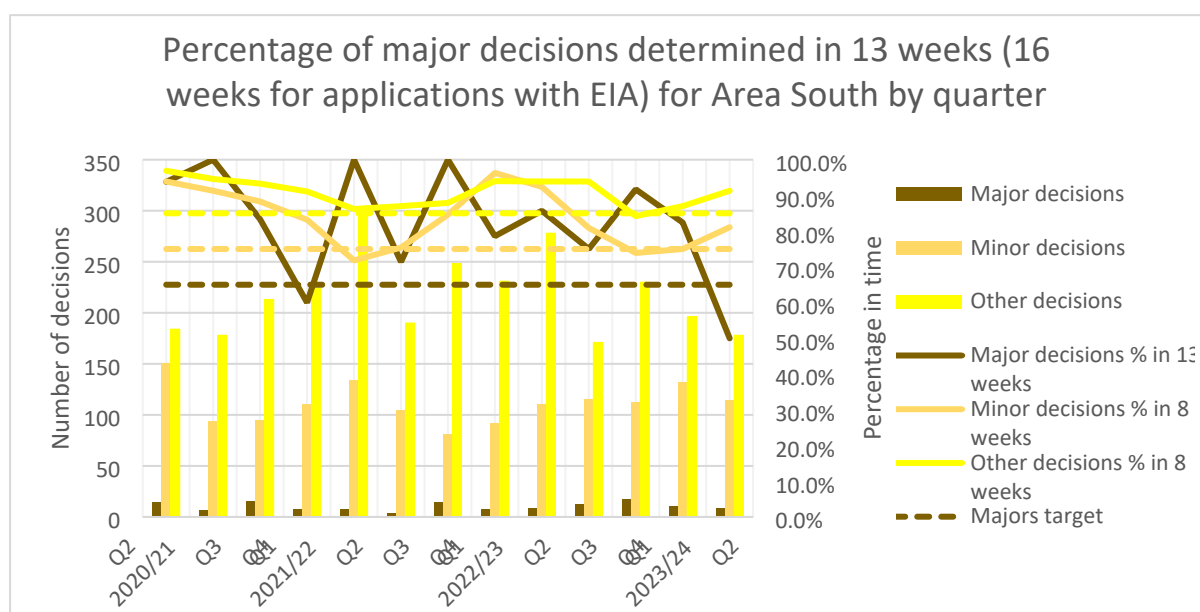


Table 5: Percentage of decisions meeting the national targets for Major, Minor and Other decisions in Area West from Q2 of 2020/21 to Q2 of 2023/24

	2020/21				2021/22					2022/23					2023/24		
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Major decisions	11	5	9	25	5	7	4	3	19	6	9	8	8	31	9	8	17
Major decisions % in 13 weeks	72.7	40	100	76.0	100	71.4	50	66.7	73.7	83.3	77.8	75	75	77.4	66.7	75	70.6
Minor decisions	97	72	73	242	76	86	70	55	287	91	61	79	82	313	63	79	142
Minor decisions % in 8 weeks	77.3	83.3	80.8	80.2	80.3	81.4	80	78.2	80.1	69.2	77	69.6	64.6	69.6	68.3	90	80.3
Other decisions	188	201	193	582	264	245	207	178	894	172	188	184	180	724	171	195	366
Other decisions % in 8 weeks	83.5	90	91.7	88.5	90.2	86.9	81.2	79.2	85	75	80.9	86.4	82.8	81.4	80.1	93	86.9

Chart 11: Number of major, minor and other decisions and percentage meeting the national targets for Area West from Q2 of 2020/21 to Q2 of 2023/24 by quarter

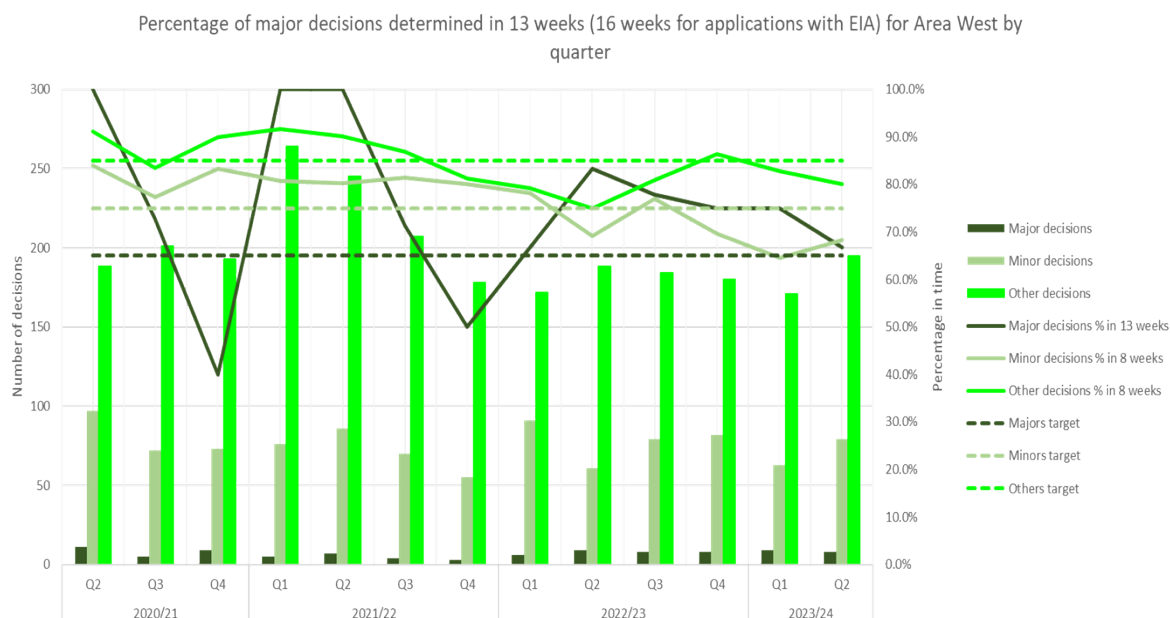


Table 6: Percentage of decisions for major applications in time with national targets for County Matters on a two-year rolling average compared to England average

Majors Determined	Two year rolling figure: 24 months to the end of September 2023
England	91.3
Somerset Minerals and Waste (New Data – Quarter 1 only)	100

3.5 The two-year rolling figures for percentage of decisions determined within the national target or agreed time are shown in Table 7 for all Areas and for County Matters. The data reflects the previous 24 months up to the end of June 2023 – the data for the former Districts is no longer published nationally so this has been prepared for internal purposes only. The published data is now Somerset wide and is for the first quarter of 2023/24 only and so does not reflect the previous 24 months and will not do so the first quarter of 2025/26. The threshold for designation by government is not making 50% or more decisions on major applications in time or 70% of minor or other applications in time.

Table 7: Two-year rolling period figure vs. England average for decisions determined within national target or agreed time to end of September 2023

All Areas rolling annual % vs. rolling annual % for England for 24 months to end of September 2023	Major decisions (% within 13 weeks or within agreed time)	Minor decisions (% within 8 weeks or within agreed time)
England	87.2	86.1
Somerset (New Data – Quarters 1 & 2 only)	84.2	89.3
Area East (Mendip – Historic only to end March 23)	89.1	89.2
Area North (Sedgemoor – Historic only to end March 23)	98.4	96.4
Area West (Somerset West and Taunton – Historic only to end March 23)	73.7	80.2
Area South (South Somerset – Historic only to end March 23)	82.0	87.9

4. Number of prior approval applications and other applications not included in the national performance data

4.1 Due to differing computer systems in operation and differences in the recording of applications for the discharge of conditions, this data is not included in the

information in order to ensure consistency. The applications in this data set therefore relate the non PS1 data including adverts and tree applications.

4.2 The data in the tables below set out Prior Approval and other applications received by Area and not included in the government returns. This data set is not relevant for Minerals and Waste.

Table 8: Number of Prior Approvals and other applications received by quarter for Area North from Q2 of 2021/22 to Q2 of 2023/24

	2021/22				2022/23					2023/24		
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Prior Approval apps.	33	22	19	74	26	19	17	28	90	17	24	41
Non-PS applications (adverts and tree applications)	76	76	63	215	66	28	45	73	212	46	45	91

Chart 12: Number of Prior Approvals and other Non-PS applications received by quarter for Area North from Q2 of 2021/22 to Q2 of 2023/24

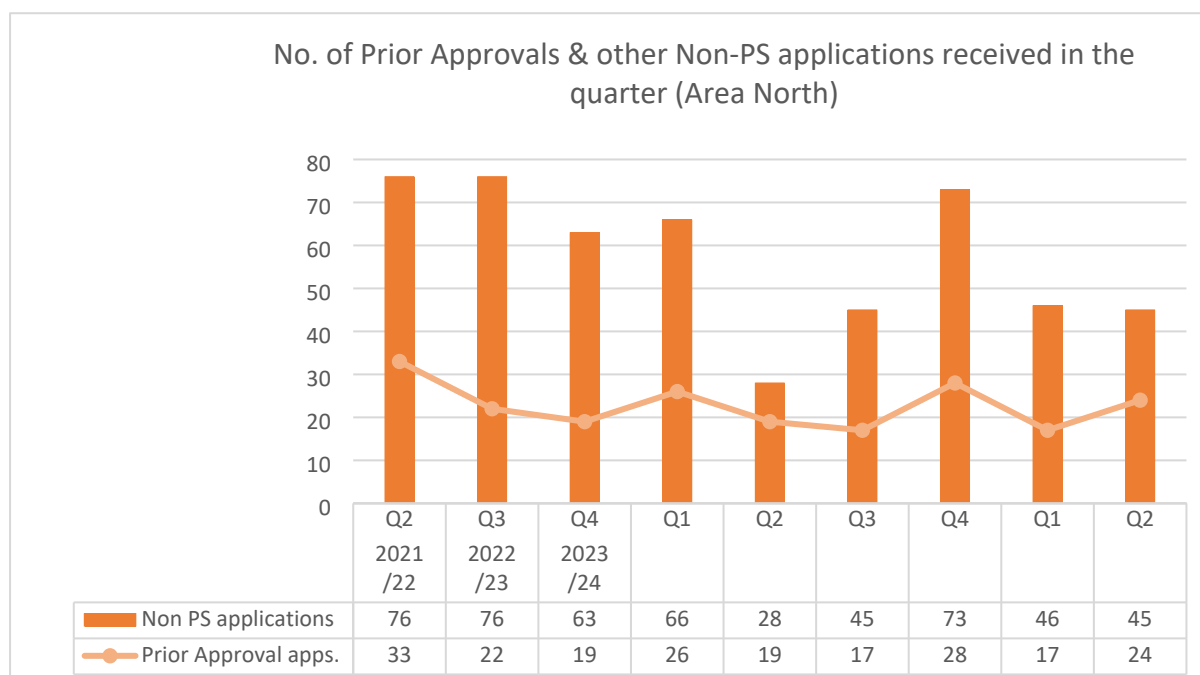


Table 9: Number of Prior Approvals and other applications received by quarter for Area East from Q2 of 2021/22 to Q2 of 2023/24

	2021/22				2022/23				2023/24			
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Prior Approval apps.	43	25	19	87	18	18	31	22	89	34	27	61
Non-PS applications (adverts and tree applications)	184	152	141	477	151	164	178	147	640	163	183	346

Chart 13: Number of Prior Approvals and other non-PS applications received by quarter for Area East from Q2 of 2021/22 to Q2 of 2023/24

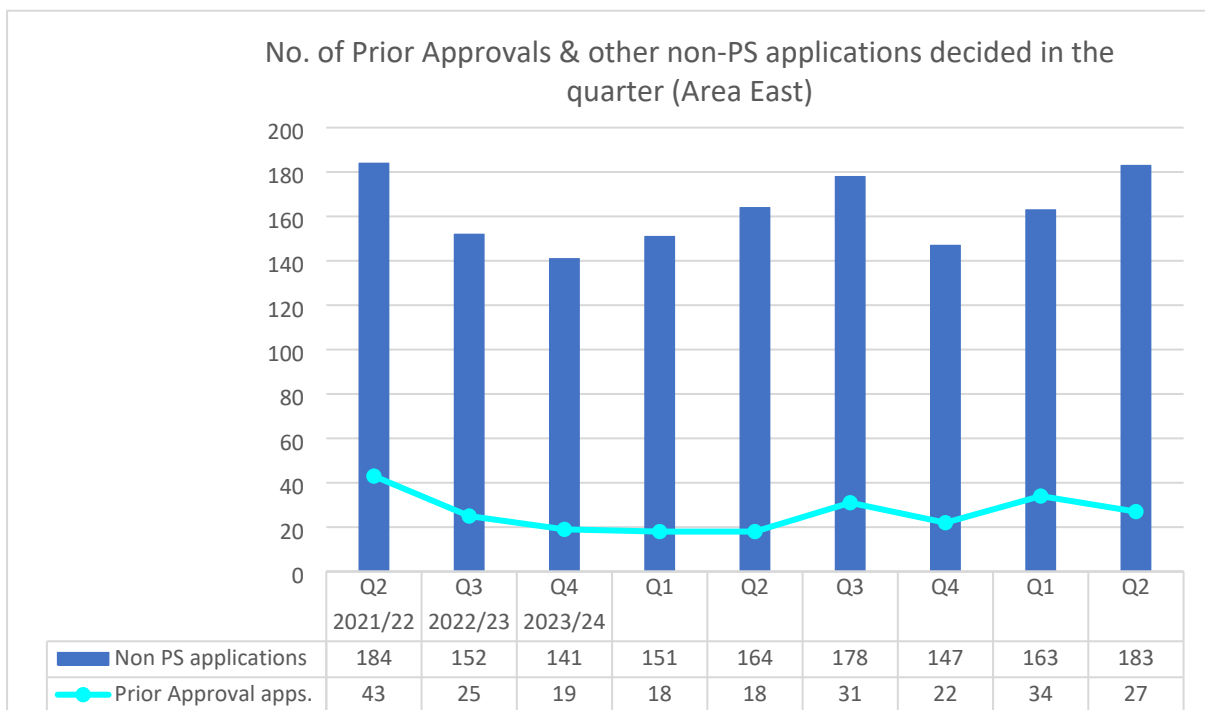


Table 10: Number of Prior Approvals and other non-PS applications received by quarter for Area South from Q2 of 2021/22 to Q2 of 2023/24

	2021/22				2022/23				2023/24			
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Prior Approval apps.	28	13	35	76	19	23	17	20	79	23	18	41
Non-PS applications (including adverts and tree applications)	193	188	239	620	207	224	255	296	982	159	159	318

Chart 14: Number of Prior Approvals and other non-PS applications received by quarter for Area South from Q2 of 2021/22 to Q2 of 2023/24

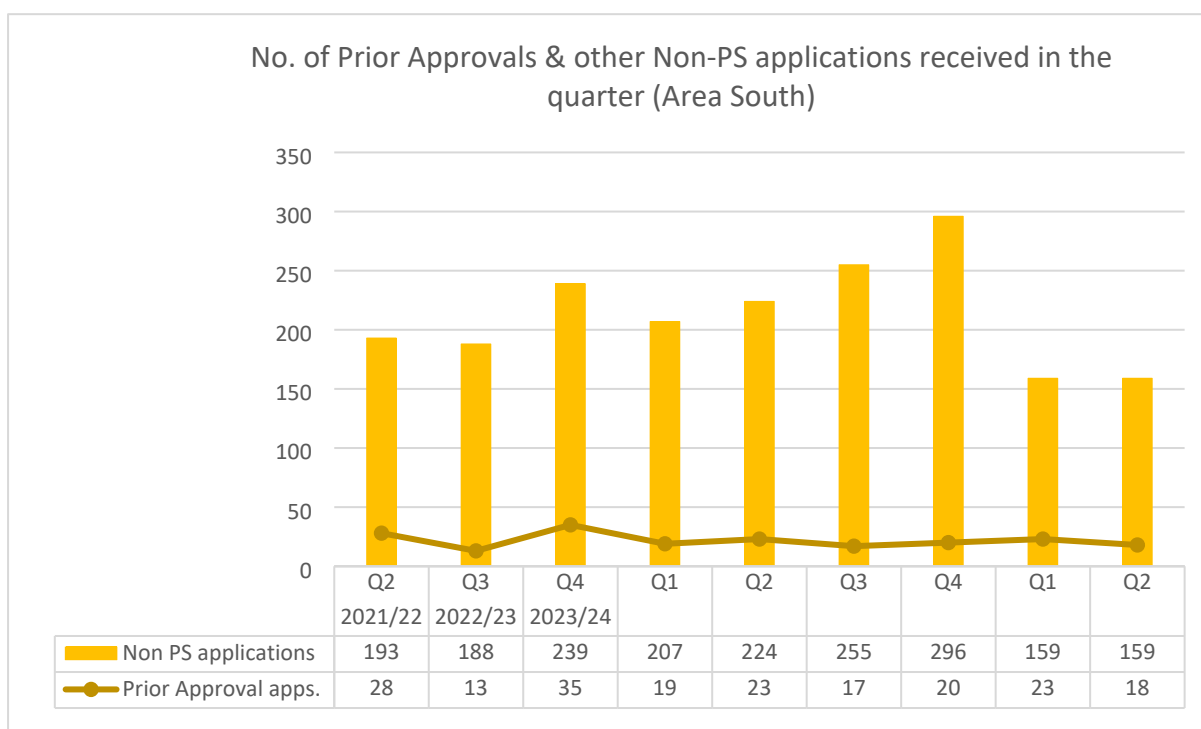


Table 11: Number of Prior Approvals and other non-PS applications received by quarter for Area West from Q2 of 2021/22 to Q2 of 2023/24

	2021/22				2022/23					2023/24		
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Prior Approval apps.	20	6	11	37	18	9	12	11	50	21	27	48
Non-PS applications (listed buildings, adverts and tree applications)	119	107	123	349	114	108	89	110	421	71	113	184

Chart 15: Number of Prior Approvals and other non-PS applications received quarter for Area West from Q2 of 2021/22 to Q2 of 2023/24

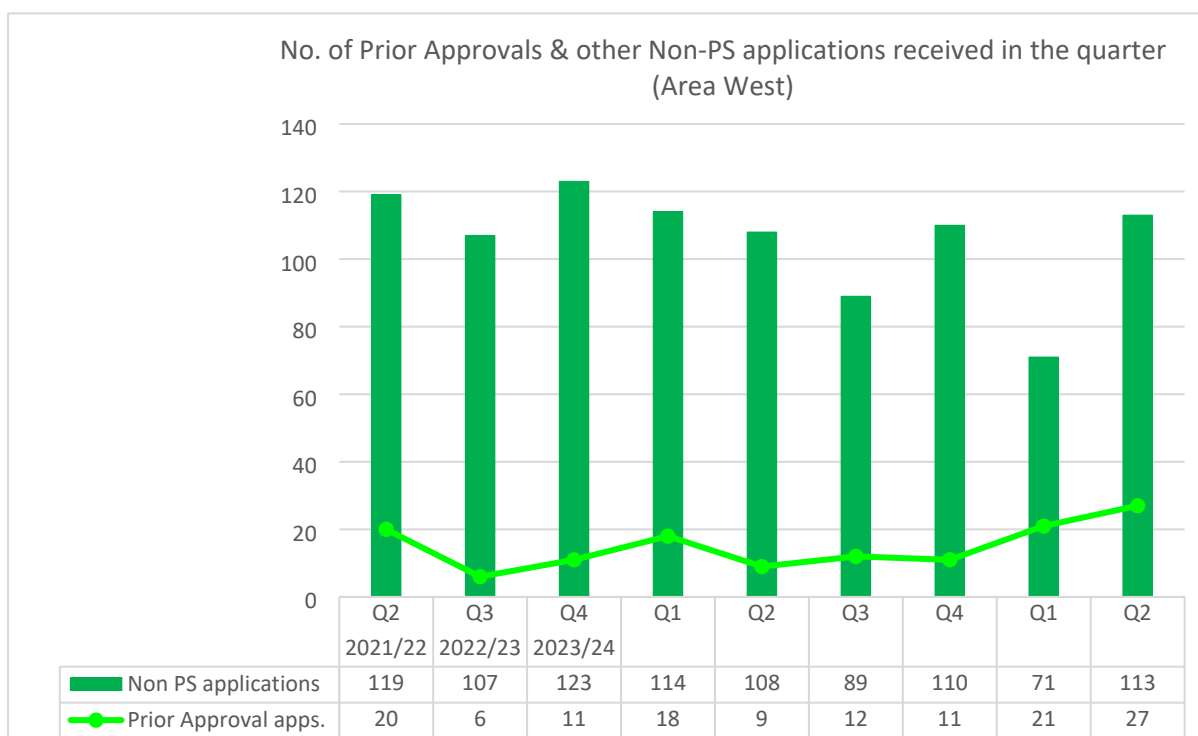
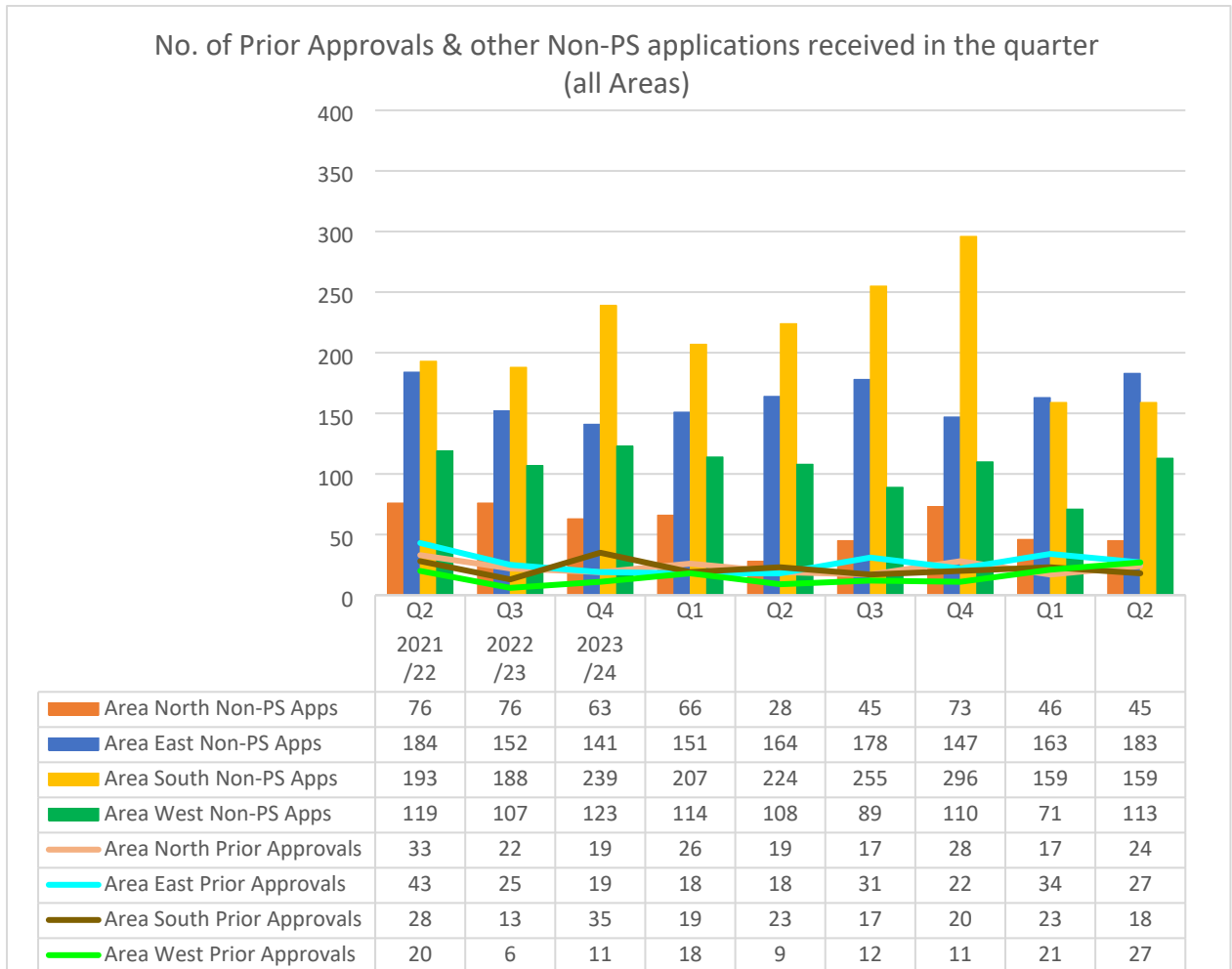


Chart 16: Number of Prior Approvals and other non-PS applications received quarter for all Areas from Q2 of 2021/22 to Q2 of 2023/24



5. Number of pre-application enquiries

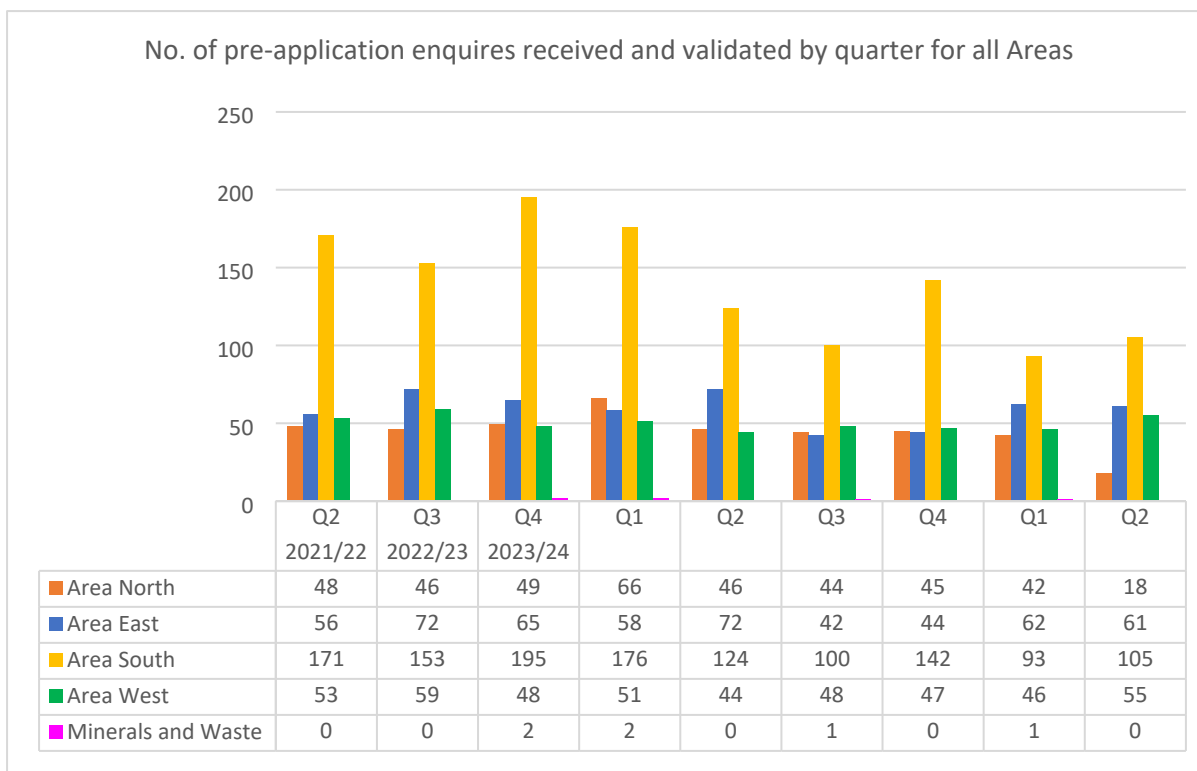
5.1 The data sets out pre-application enquiries received by Area and for Minerals and Waste. This is set out in Table 12 below.

5.2 Data includes pre-applications received and valid as this reflects the volume of work. The data does not include 'DO I' for Area West which operated a service for simple requests to advise as to whether planning permission was required.

Table 12: Number of pre-applications received by quarter for all Areas from Q2 of 2021/22 to Q2 of 2023/24

	2021/22				2022/23					2023/24		
	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Total
Area North	48	46	49	143	66	46	44	45	201	42	18	60
Area East	56	72	65	193	58	72	42	44	216	62	61	123
Area South	171	153	195	519	176	124	100	142	542	93	105	198
Area West	53	59	48	160	51	44	48	47	190	46	55	101
Minerals and Waste	0	0	2	2	2	0	1	0	3	1	0	1

Chart 17: Number of pre-applications received for all Areas by quarter from Q2 of 2021/22 to Q2 of 2022/23



6. Total number of appeal decisions and percentage of appeals where the decision was allowed by the Planning Inspectorate

6.1 This section sets out the total number of appeal decisions received on an annual basis and the percentage that have been dismissed/allowed. The data below provides details on the number of appeals heard by way of written representatives, hearings and inquiries.

6.2 For context, the overall national average is 61% dismissed calculated using [National Government's Casework Database](#) by dividing the number of appeals dismissed by the total number of appeals. Figures for percentage dismissed higher than 61% are therefore exceeding the national average. Those cases dismissed are where the Inspector agrees with the Council's decision meaning that officer and member decisions are being supported.

Table 13: Total appeal decisions split by number of written reps, hearings, inquiries and the percentage dismissed/allowed on an annual basis for Area North

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	15	1	0	10	62.50%	6	37.50%	16
2020/21	26	1	0	20	74.07%	7	25.93%	27
2021/22	21	1	0	17	77.27%	5	22.73%	22

2022/23	17	2	0	13	68.42%	6	31.58%	19
2023/24 (Q1 & Q2)	10	0	0	7	70.00%	3	30.00%	10

Chart 18: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area North annually from 2019/20 to Q2 of 2023/24

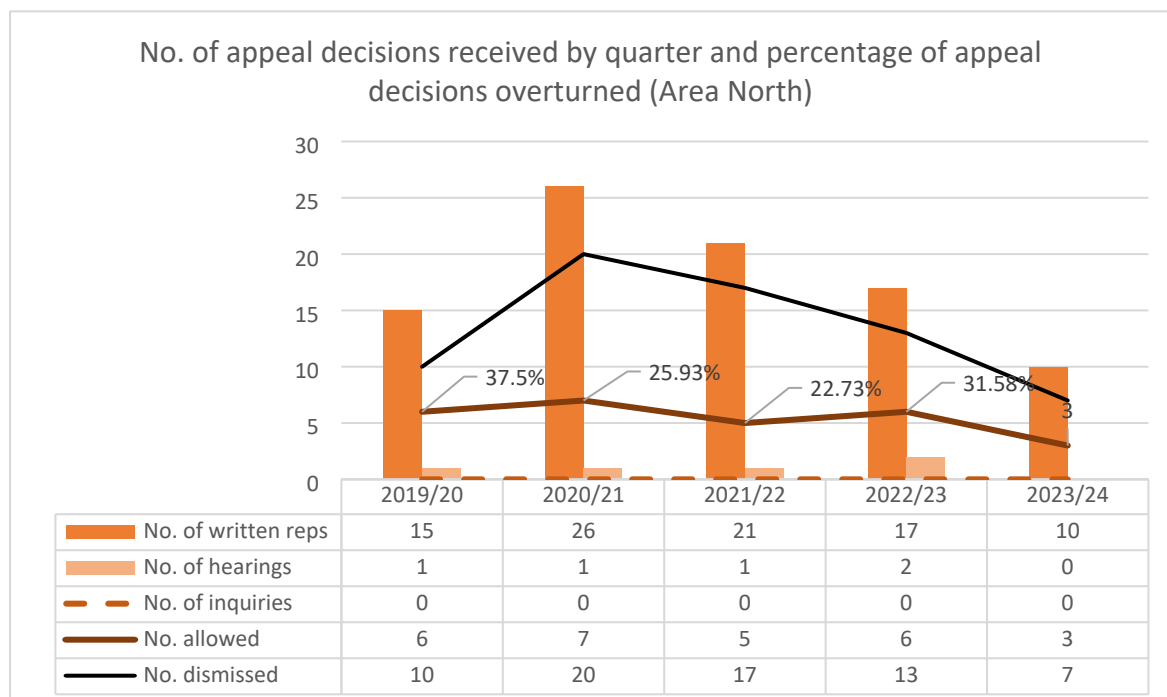


Table 14: Total appeal decisions split by number of written reps, hearings, inquires and the percentage dismissed/allowed on an annual basis for Area East

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	48	1	2	28	54.90%	23	45.10%	51
2020/21	54	3	0	29	50.88%	28	49.12%	57
2021/22	23	5	1	15	51.72%	14	48.28%	29
2022/23	18	4	2	14	58.33%	10	41.66%	24
2023/24 (Q1 & Q2)	11	3	3	10	58.82%	7	41.18%	17

Chart 19: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area East annually from 2019/20 to Q2 of 2023/24

No. of appeal decisions received by quarter and percentage of appeal decisions overturned (Area East)

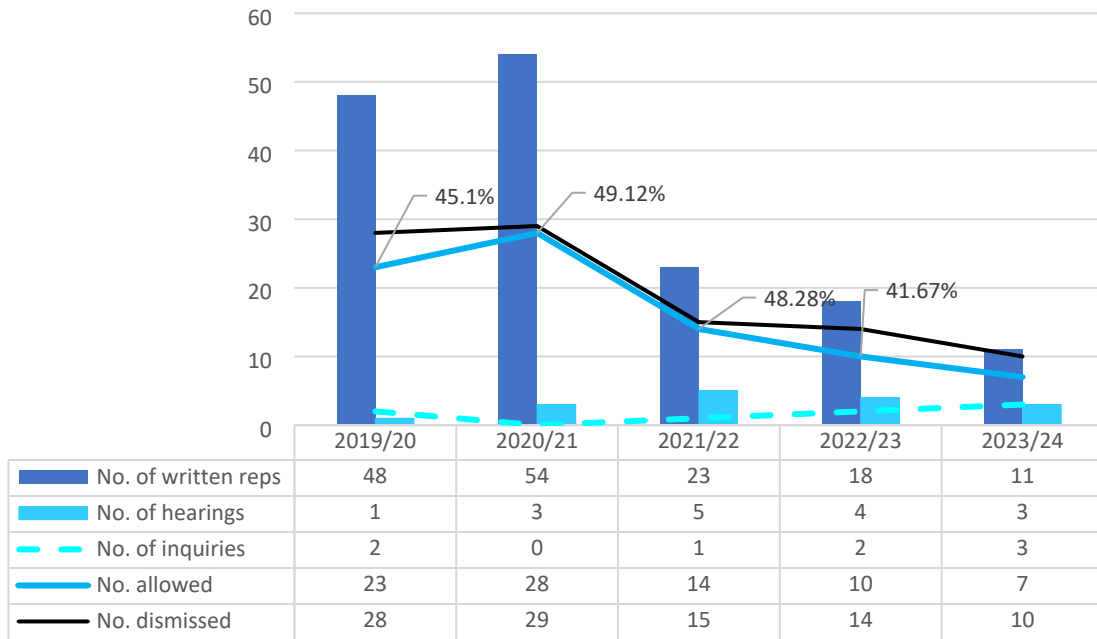


Table 15: Data showing total appeal decisions split by number of written reps, hearings, inquires and the percentage allowed on an annual basis for Area South

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	44	1	0	29	64.44%	16	35.56%	45
2020/21	41	1	0	30	71.43%	12	28.57%	42
2021/22	24	1	1	21	80.77%	5	19.23%	26
2022/23	9	1	1	7	63.64%	4	36.36%	11
2023/24 (Q1 & Q2)	12	0	0	7	58.33%	5	41.67%	12

Chart 20: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area South annually from 2019/20 to Q2 of 2023/24

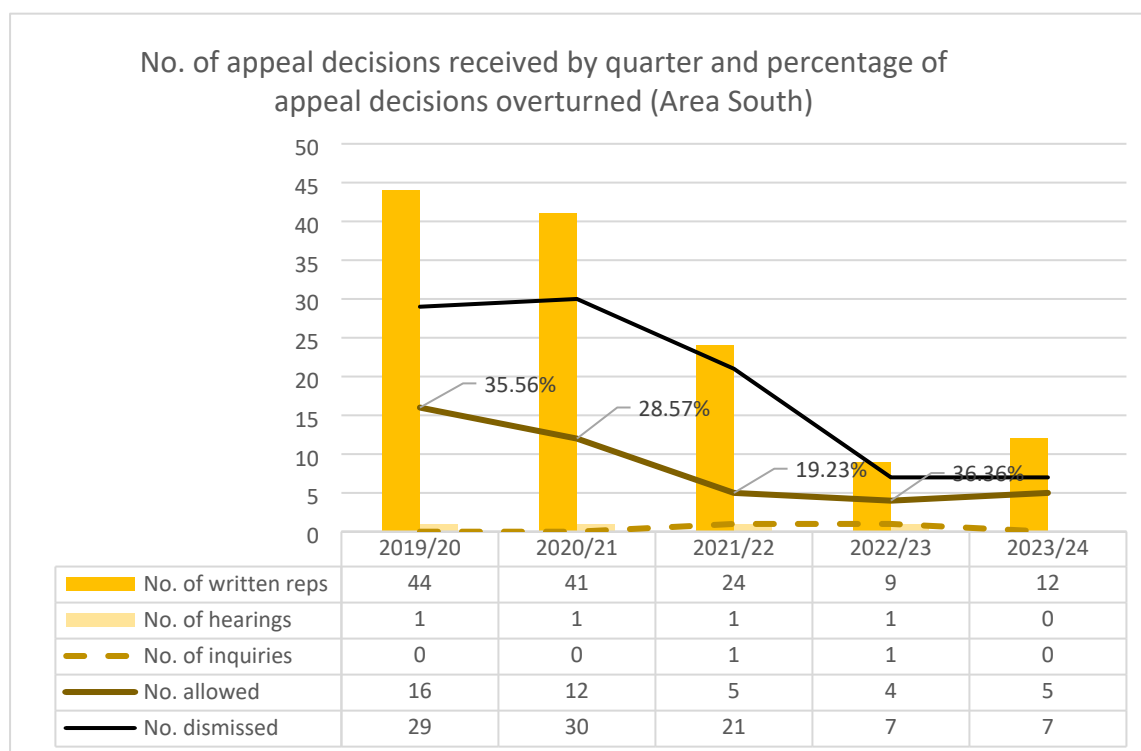


Table 16: Data showing total appeal decisions split by number of written reps, hearings, inquires and the percentage allowed on an annual basis for Area West

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	53	5	1	32	54.24%	27	45.76%	59
2020/21	48	4	0	27	51.92%	25	48.08%	52
2021/22	57	1	2	26	43.33%	34	56.67%	60
2022/23	27	1	2	20	66.67%	10	33.33%	30
2023/24 (Q1 & Q2)	13	0	0	12	92.31%	1	7.69%	13

Chart 21: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area West annually from 2019/20 to Q2 of 2023/24

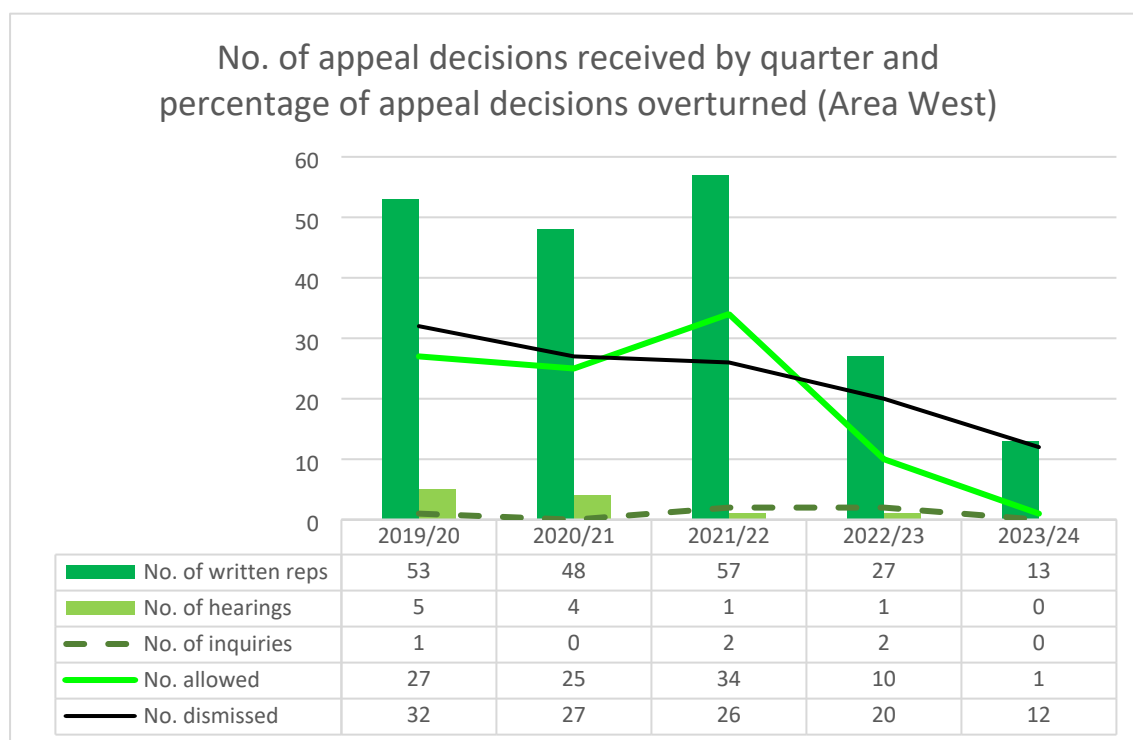
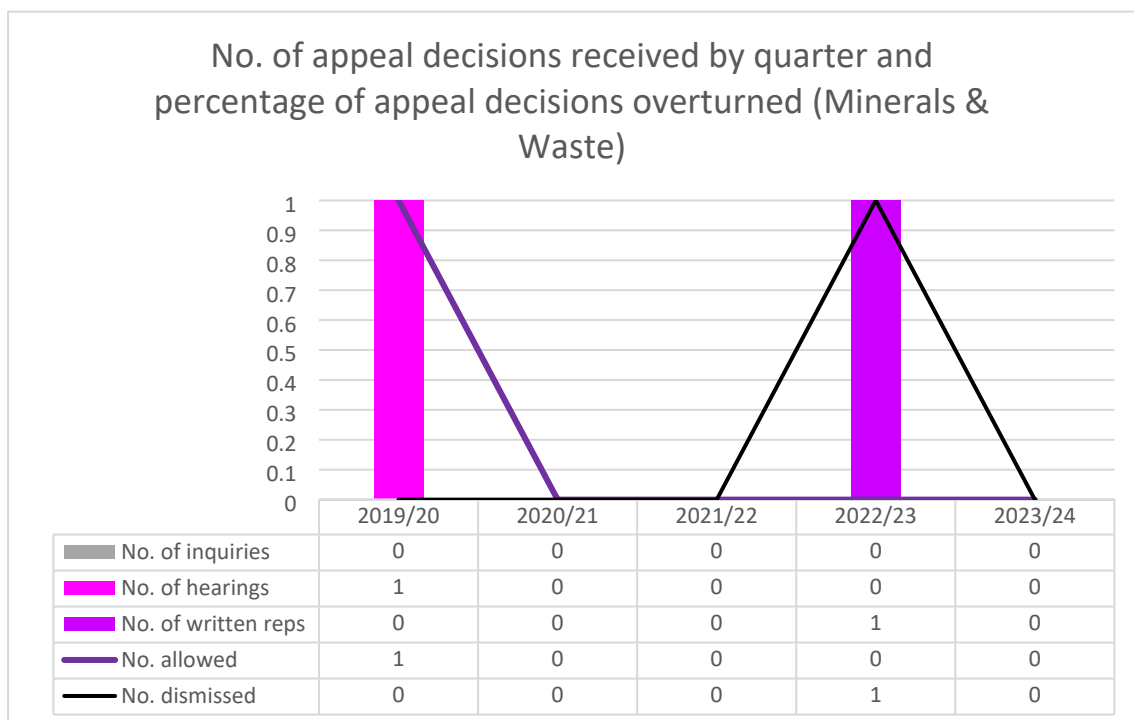


Table 17: Data showing total appeal decisions split by number of written reps, hearings, inquires and the percentage allowed annually for Minerals & Waste

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total Decisions
2019/20	0	1	0	0	0.00%	1	100.00%	1
2020/21	0	0	0	0	0.00%	0	0.00%	0
2021/22	0	0	0	0	0.00%	0	0.00%	0
2022/23	1	0	0	1	100.00%	0	0.00%	1
2023/24 (Q1 & Q2)	0	0	0	0	0.00%	0	0.00%	0

Chart 22: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Minerals & Waste annually from 2019/20 to Q2 of 2023/24



6.3 Minerals and Waste have only received two appeals since 2019/20 with one allowed and one dismissed.

7. Enforcement

7.1 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 that will be given to complaints and is essential given the high number of allegations of breaches of planning control received each year. Some complaints 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.

Enforcement cases on hand at the end of each quarter and cases resolved/closed in each quarter

7.2 For the purposes of this report the figures for number of cases on hand at the end of each quarter are the number that were on hand from the date the report was run as at 30 September 2023.

7.3 The report for enforcement cases on hand can only be run at one point in time. The information cannot be backdated. Future reports will include data for enforcement cases on hand for each quarter as they will have been recorded.

Table 18: Number of enforcement cases on hand at the end of the quarter for all Areas as at 30 September 2023

	30 September 2023
Area North	234
Area East	132
Area South	352
Area West	239
Minerals and Waste	52

Chart 23: Number of enforcement cases on hand at the end of the Q2 of 2023/24 for all Areas i.e 30 September 2023

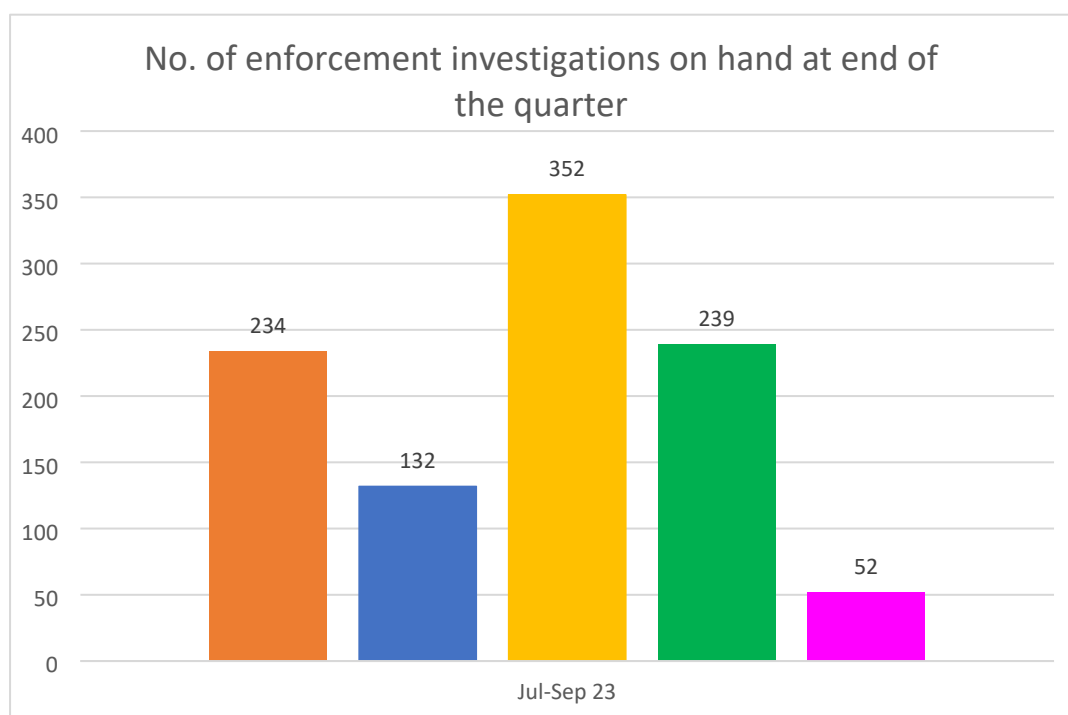
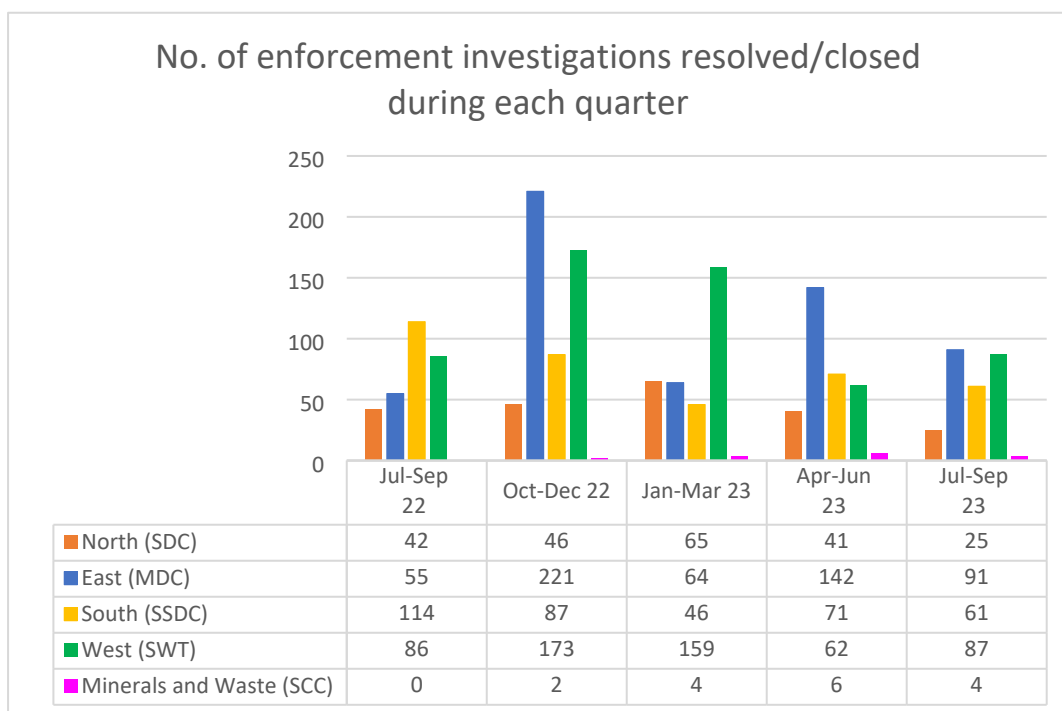


Table 19: Number of enforcement cases resolved/closed during each quarter for all Areas from July 2022 to September 2023

	Jul-Sep 22	Oct-Dec 22	Jan-Mar 23	Apr-Jun 23	Jul-Sep 23
Area North	42	46	65	41	25
Area East	55	221	64	142	91
Area South	114	87	46	71	61
Area West	86	173	159	62	87
Minerals and Waste	0	2	4	6	4

Chart 24: Number of enforcement cases resolved/closed during each quarter for all Areas from July 2022 to September 2023



8. Five Year Housing Land Supply and Housing Delivery Test results

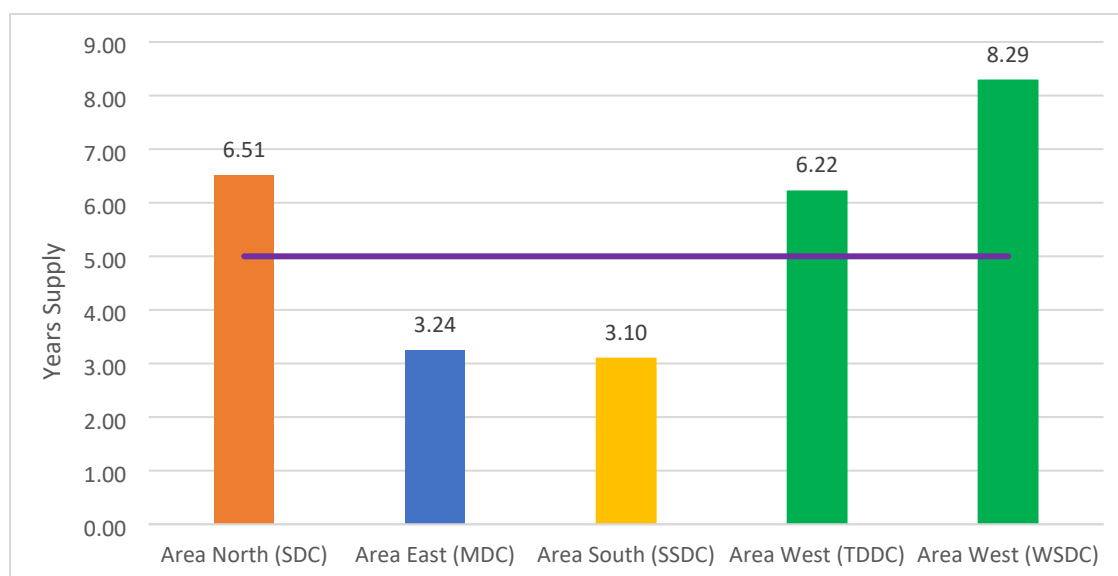
8.1 Somerset Council sets out the Five Year Housing Land Supply (5YHLS) by the former District Council Local Planning Authority areas in Table 20 below with Area West split into the former Taunton Deane and West Somerset areas as these are the relevant adopted local plans.

8.2 The 5YHLS calculation (number of years supply) is based on the ‘Total Deliverable dwellings’ divided by the annual average ‘5 Year Requirement’ rate. In accordance with Paragraph 73 of the NPPF the Council is required to identify and update annually a supply of specific deliverable sites with an appropriate buffer. The purpose of the 5 year housing land supply (5YHLS) is to provide an indication of whether there are sufficient sites available to meet the housing requirement. As the planning policy which covers the former Somerset West Area is more than 5 years old the Local Housing Requirement is calculated based on the Standard Method with a buffer set by the Housing Delivery Test Measurement results.

Table 20: Five Year Housing Land Supply Calculations by Area

Combined Five Year Housing Land Supply Calculation	Years
Area North (Sedgemoor) - 2023	6.51 ⁶
Area East (Mendip) - 2023	3.24 ⁷
Area South (South Somerset) - 2023	2.98-3.10 ⁸
Area West (Taunton Deane) - 2023	6.22 ⁹
Area West (West Somerset) - 2023	8.29 ¹⁰

Chart 25: Five-Year Housing Land Supply results by Area with target



⁶ [5 Year Land Supply Somerset Planning North Area 2023-2028 Position at 1st April 2023](#)

⁷ [Mendip District Statement on Five Year Housing Land Supply – January 2023](#)

⁸ [South Somerset District Council Five-Year Housing Land Supply Paper November 2022](#) and up-coming appeal

⁹ [Strategic Housing & Employment Land Availability Assessment Somerset West and Taunton Area 2023](#) and up-coming appeal

¹⁰ [Strategic Housing Land Availability Assessment Somerset West and Taunton 2023](#)

Note: Area South figure is the upper of the range from Table 23

Table 21: Area North Five Year Housing Land Supply Calculation

Housing Supply & Delivery Data	Data from 2023
5 Year Requirement 2020-2025	3,598
Total Deliverable Supply 2020-2025	4,686
5 Year Requirement - annual average (a)/5	720
No. of Years Supply (c)/(b)	6.51 (4,686/720)

Table 22: Area East Five Year Housing Land Supply Calculation

Housing Supply & Delivery Data	Data from Jan 2023
5 Year Supply Requirement (20% buffer)	3,414
Total Deliverable dwellings	2,215
5 Year Requirement (annual rate)	683
No. of Years Supply	3.24 (2,215/683)

Table 23: Area South Five Year Housing Land Supply Calculation

Housing Supply & Delivery Data	Data from Jan 2023
Basic Housing Requirement (annualised)	675
Basic Housing Requirement over five year period	3375 (675 x 5)
Total Deliverable Supply 2023-2028	2,018 - 2,096 (range agreed for up-coming planning appeal)
No. of Years Supply	2.98 - 3.10 (2,018/675 and 2,096/675)

Table 24: Area West (Taunton Deane) Five Year Housing Land Supply Calculation

Housing Supply & Delivery Data	Data from Jan 2023
5 Year Requirement 2020-2025	2,967
Total Deliverable Supply 2020-2025	3,690
5 Year Requirement - annual average (a)/5	594
No. of Years Supply (c)/(b)	6.22 (3,690/594)

Table 25: Area West (West Somerset) Five Year Housing Land Supply Calculation

Housing Supply & Delivery Data	Data from Jan 2023
5 Year Requirement 2020-2025	583
Total Deliverable Supply 2020-2025	970

5 Year Requirement - annual average (a)/5	117
No. of Years Supply (c)/(b)	8.29 (970/117)

Local Housing Requirement vs. predicted delivery over next five years	
<i>Area</i>	<i>Shortfall/surplus including Buffer</i>
Area North (Sedgemoor) – data for 2021 to 2026	5 year supply of deliverable sites 4,686 minus LHR 3,598 = +1,088 dwellings (surplus)
Area East (Mendip) – data for 2023 to 2028	5year supply of deliverable sites 2,319 minus LHR 3,414 = -1,999 dwellings (shortfall)
Area South (South Somerset) – data for 2023 to 2028	5year supply of deliverable sites 2,215 minus LHR 3,717 = -976 dwellings (shortfall)
Area West (Taunton Deane) – data for 2023/24 to 2028/29	5year supply of deliverable sites 3,690 minus LHR 2,967 = +723 dwellings (surplus)
Area West (West Somerset) – data for 2023/24 to 2028/29	5year supply of deliverable sites 970 minus LHR 583 = +387 dwellings (surplus)

Housing Delivery Test

- 8.3 The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan making authorities published by DLUHC. The latest test results were published on 19 December 2022 for the period up to 2021/22. Changes to HDT were published as part of the NPPF consultation in January 2023.
- 8.4 The Housing Delivery Test compares the net homes delivered over 3 years to the homes required over the same period. Housing requirements are set by the Local Plan where less than five years old from adoption, or the national standard method in the NPPF. From the day following the publication of the Housing Deliver 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 development¹¹, 20% buffer on housing requirement in 5YHLS and publish an action plan.

8.5 The following data summarises the number of homes delivered and Housing Delivery Test result for each Area.

Table 26: Housing Delivery Test results 2017/18-2021/22 for Area North

Year	No. of homes delivered	Housing Delivery Test
2017/2018	508	102%
2018/2019	1,013	122%
2019/2020	594	116%
2020/2021	529	128%
2021/2022	712	110%

Table 27: Housing Delivery Test results 2017/18-2021/22 for Area East

Year	No. of homes delivered	Housing Delivery Test
2017/2018	685	124%
2018/2019	510	127%
2019/2020	384	126%
2020/2021	321	98%
2021/2022	344	76%

Table 28: Housing Delivery Test results 2017/18-2021/22 for Area South

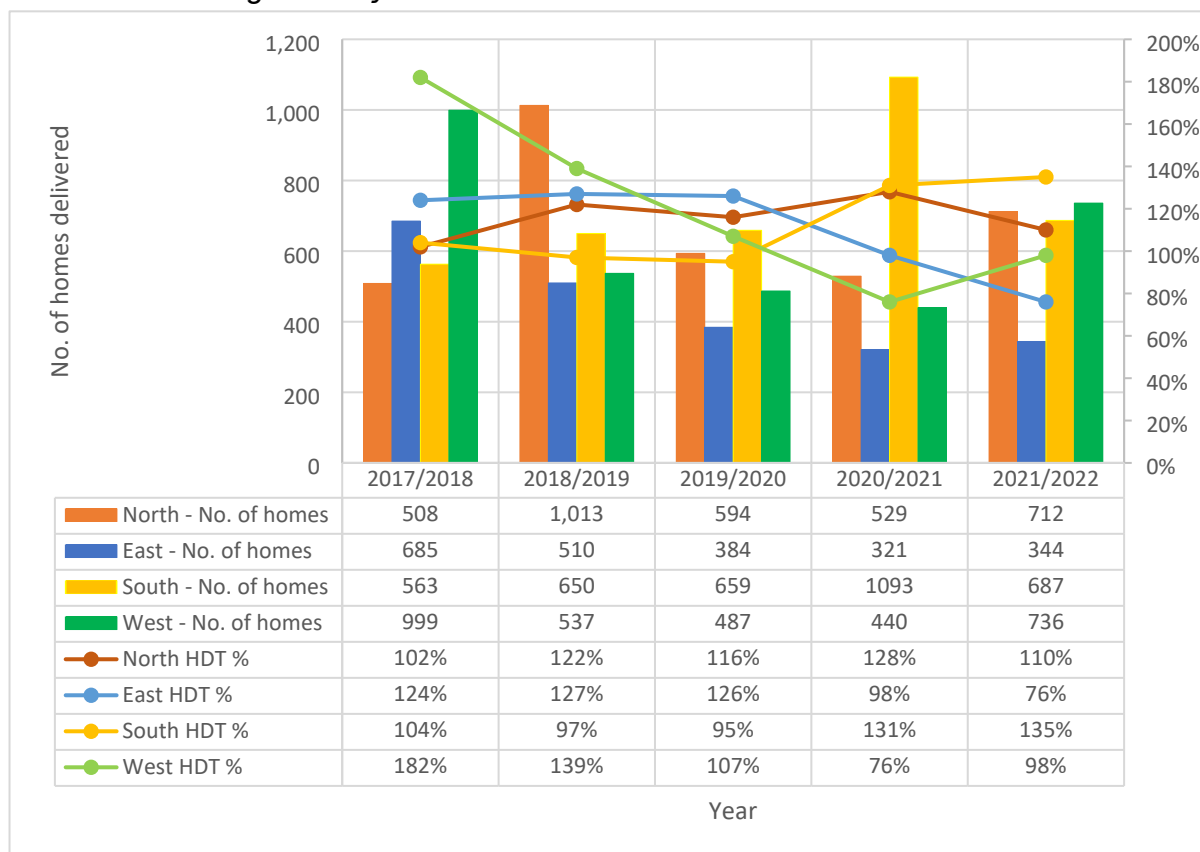
Year	No. of homes delivered	Housing Delivery Test
2017/2018	563	104%
2018/2019	650	97%
2019/2020	659	95%
2020/2021	1093	131%
2021/2022	687	135%

Table 29: Housing Delivery Test results 2017/18-2021/22 for Area West

Year	No. of homes delivered	Housing Delivery Test
2017/2018	999	182%
2018/2019	537	139%
2019/2020	487	107%
2020/2021	440	76%
2021/2022	736	98%

¹¹ Paragraph 11 of the National Planning Policy Framework

Chart 26: Housing Delivery Test results 2017-2022 for all Areas



Housing Delivery Test Action Plans

- 8.6 Where an LPA's HDT measurement falls below 95% they are required to produce an Action Plan. The purpose of the Action Plan is to identify the reasons for under delivery, to explore ways to reduce future risk and set out measures to improve delivery.
- 8.7 Under-delivery in Somerset East reflects the impact on phosphate requirements and lack of any mitigation solutions until early 2023. Phosphate constraints have delayed implementation of major allocations and rural windfall. The overall level of supply has fallen as development sites agreed pre-phosphates constraints have been built out. An Action Plan for Area East will be produced in due course.

Definitions

Major Development

10+ dwellings / over half a hectare / building(s) exceeds 1000m²
Office / light industrial - 1000+ m² / 1+ hectare
General industrial - 1000+ m² / 1+ hectare · Retail - 1000+ m² / 1+ hectare
Gypsy/traveller site - 10+ pitches
Site area exceeds 1 hectare

Minor Development

1-9 dwellings (unless floorspace exceeds 1000m² / under half a hectare
Office / light industrial - up to 999 m² / under 1 hectare
General industrial - up to 999 m² / under 1 Hectare
Retail - up to 999 m² / under 1 hectare
Gypsy/traveller site - 0-9 pitches

Other Development

Householder applications
Change of use (no operational development)
Adverts
Listed building extensions / alterations
Listed building demolition
Application for relevant demolition of an unlisted building within a Conservation Area
Certificates of Lawfulness (191 and 192)
Notifications
Permissions in Principle (PiP) and Technical Detail Consent (TDC)

PS2 Applications

Full Planning Permission Applications (including Householder applications)
Outline Planning Permission Applications
Reserved Matters Planning Permission Applications
Listed Building Alterations Applications
Listed Building Demolitions Applications
Conservation Area Consent for Demolition Applications
Permission in Principle Planning Applications
Technical Details Consent Applications (these follow on from Permission in Principle Applications)
Advertisement Consent Applications
Telecommunications Full Planning Applications (these are Full Telecommunications Planning applications, not to be confused with Telecommunications Notifications/Prior Approvals) – others may include this within Full Planning Permission Applications

Non-PS Application types

Removal of Hedgerows

Works to Trees

Works to Trees in a Conservation Area

High Hedges Applications

Hazardous Substances Consent

Hazardous Substances Deemed Consent

Modification/Discharge of Planning Obligations

Non Material Amendments

Scoping Opinions

Screening Opinions

Discharge of Conditions (but we cannot quantify these)

Appendix 2: Planning Services Performance in Somerset Council – report to Strategic Planning Committee on 21 March 2024

This appendix sets out the performance data for the development management service in Somerset provided on a quarterly basis to the Strategic Planning Committee. It includes information on the volume of work received by each of the area teams and the waste and minerals team and reports the information published nationally on a quarterly basis on the meeting of the national targets.

It is important to bear in mind that the Government has three measures of application performance which the Council must remain within the stated thresholds. If we breach these thresholds the Council will be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for planning permission. This would mean that the Council does not get the fee income for that application but is still required to undertake the consultation. In addition the democratic right to determine the application is lost. The current thresholds to be met assessed are assessed against a two-year rolling period and are:

- [Majors applications](#) performance of at least 50%;
- [Minor](#) and [Other applications](#) performance of at least 70%
- Appeals lost (to be below 10% in both categories).

The information provided in this appendix also includes data 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. Finally the information provided includes the Five-Year Housing Land Supply and Housing Delivery Test position.

1. Number of planning applications received by Somerset Council by area from 2020/21 to Q3 of 2023/24

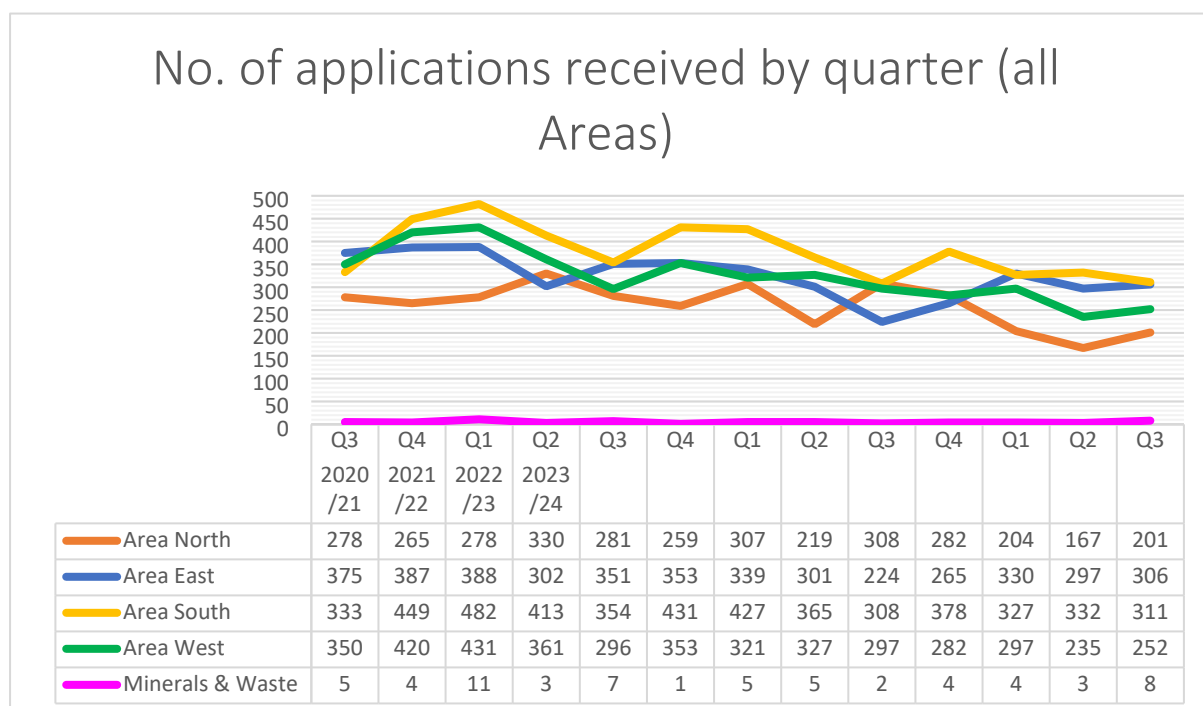
- 1.1 The following charts show the total number of planning applications received by quarter from Q3 2020/2021 to Q3 2023/2024 for each of the Area Teams (former district councils) and the Minerals and Waste Team. The data includes only PS1 applications ([Major](#), [Minors](#) and [Other](#) applications) and County Matters applications (Minerals, Waste and Other), which are recorded separately on CPS1 and CPS2 forms and which form the basis of the national data collected on a quarterly basis by Government.

1.2 Not included in these returns are other applications and processes which form a substantial volume of work. The data does not include discharge of conditions, approval of details, tree applications, non-material amendments (NMAs); pre-application enquiries, scoping and screening enquiries, post application work on Section 106 agreements.

Table 1: Number of planning applications received by quarter and included in the government returns from 2020/21 to Q3 of 2023/24 by area team

	2020/21					2021/22					2022/23					2023/24				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Area North	245	319	278	265	1107	278	330	281	259	1148	307	219	308	282	1116	204	167	210		581
Area East	302	336	375	387	1400	388	302	351	353	1394	339	301	224	265	1129	330	297	306		933
Area South	401	325	333	449	1508	482	413	354	431	1680	427	365	308	378	1478	327	332	311		970
Area West	331	311	350	420	1412	431	361	296	353	1441	321	327	297	282	1227	297	235	252		784
Minerals & Waste	5	5	5	4	19	11	3	7	1	22	5	5	2	4	16	4	3	8		15

Chart 1: Number of planning applications received by quarter for the area teams from Q3 of 2020/21 to Q3 of 2023/24



2. Number of applications on hand at the start, received, determined and on hand at the end of each quarter by area team from Q3 2020/21 to Q3 of 2023/24

2.1. The data for each of the area teams below shows the number of applications on hand at start of each quarter, those received, determined, withdrawn and on hand at the end from Q3 of 2020/21 to Q3 of 2023/24. Noting that this is only those applications included in the PS returns to government (PS1)¹ and therefore only a partial picture this information is useful because it shows how the teams are managing the volume of work. If the number of applications on hand at the end of each quarter is greater than the number of applications received then there is evidence of a backlog of applications and by looking over a period of time it is possible to ascertain trends.

Chart 2: Number of applications on hand at start, received, determined and on hand for each quarter for Area North from Q3 of 2020/21 to Q3 of 2023/24

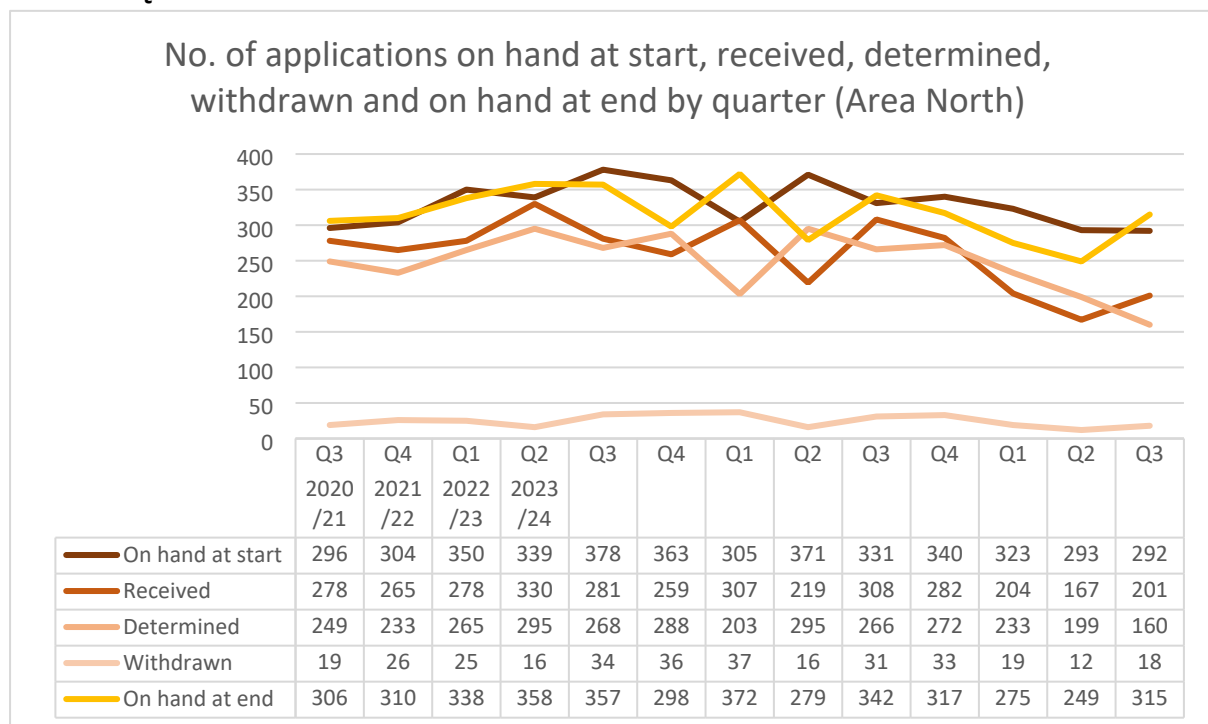


Chart 3: Number of applications on hand at start, received, determined and on hand for each quarter for Area East from Q3 of 2020/21 to Q3 of 2023/24

¹ PS1 applications include applications for planning permission, S73, listed building consent, adverts but do not include non material amendments, discharge of conditions, trees, prior approvals, hazardous substance consents, certificates of lawful development, screening and scoping opinions

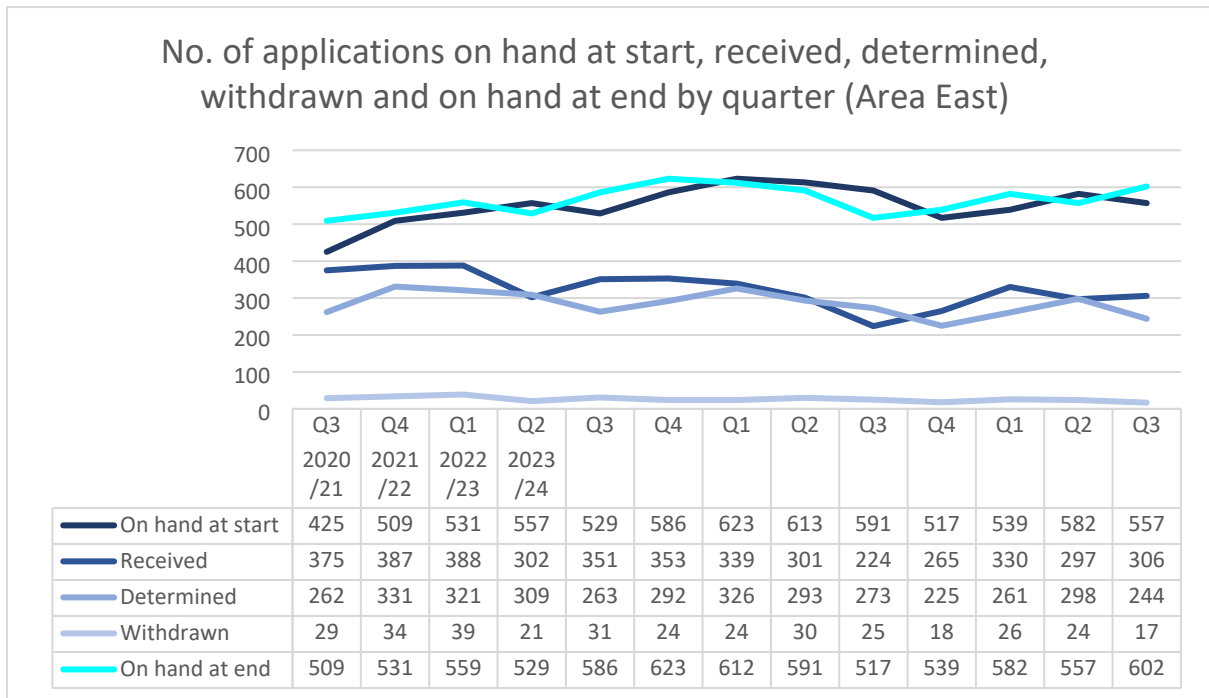


Chart 4: Number of applications on hand at start, received, determined and on hand for each quarter for Area South from Q3 of 2020/21 to Q3 of 2023/24

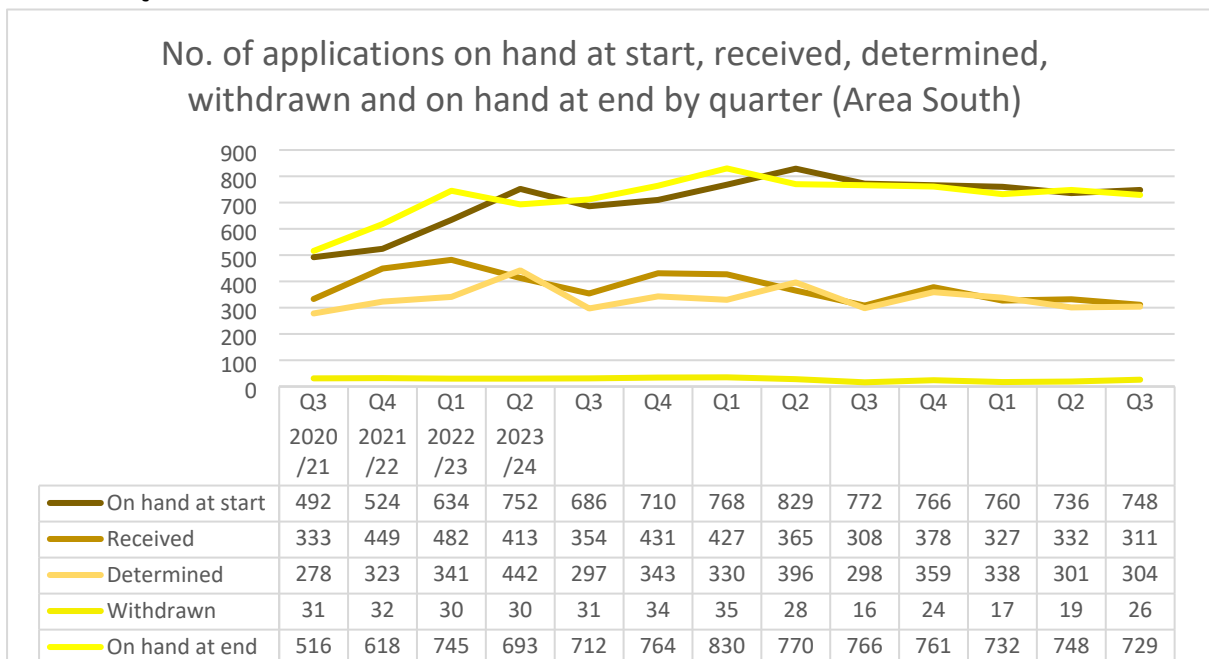


Chart 5: Number of applications on hand at start, received, determined and on hand for each quarter for Area West from Q3 of 2020/21 to Q3 of 2023/24

No. of applications on hand at start, received, determined, withdrawn and on hand at end by quarter (Area West)

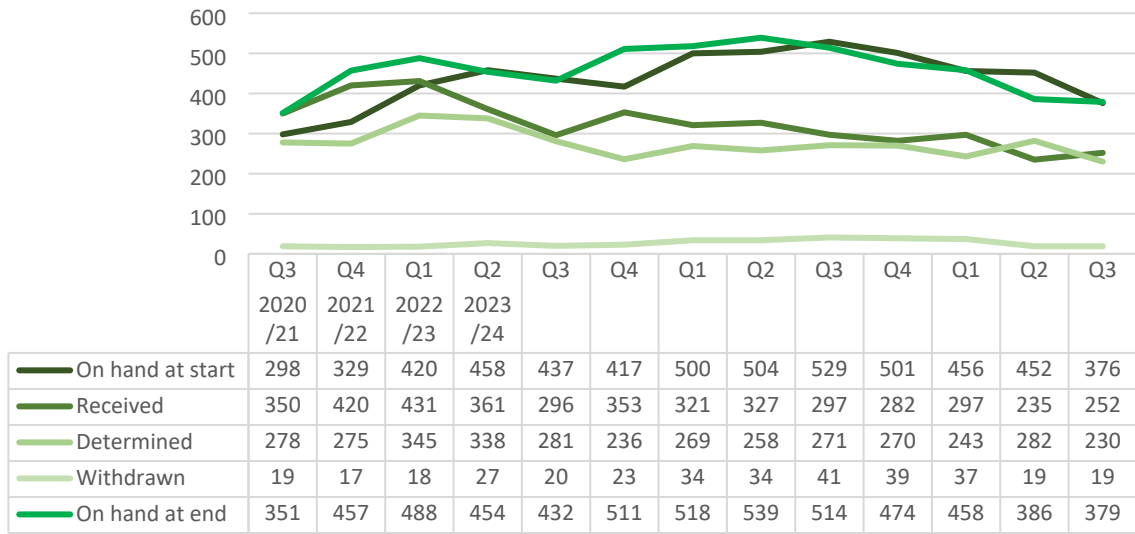
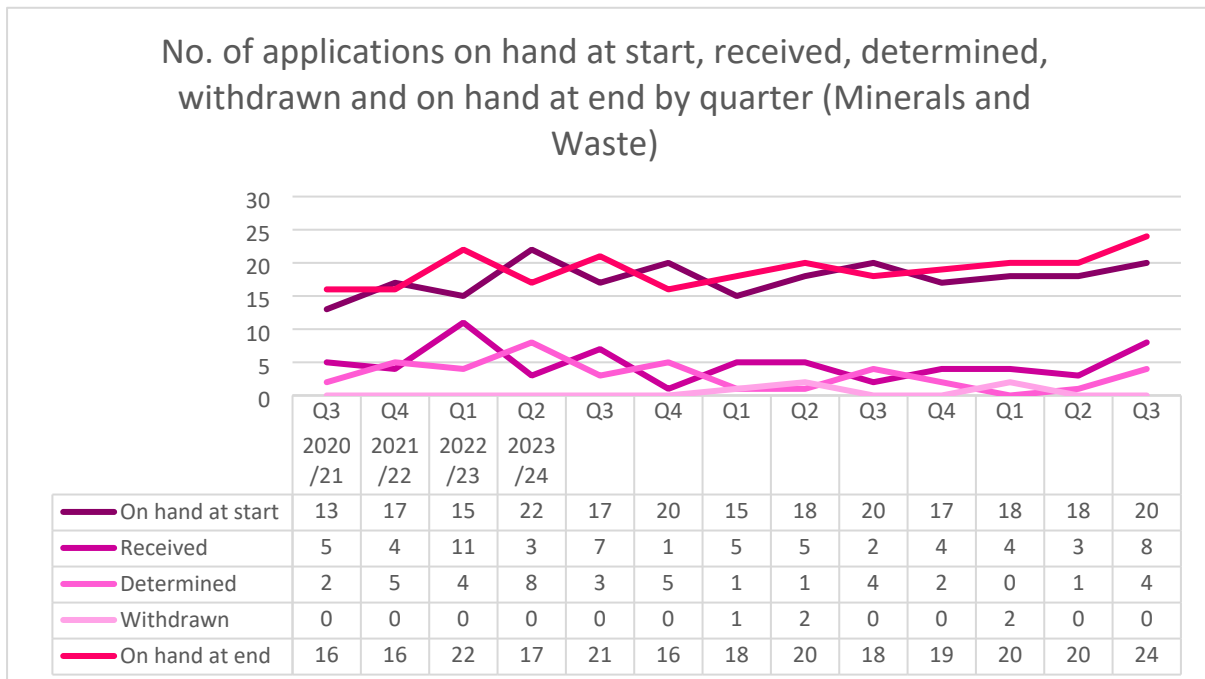


Chart 6: Number of applications on hand at start, received, determined and on hand at end for each quarter for Minerals and Waste from Q3 of 2020/21 to Q3 of 2023/24



3. Number of major, minor and other applications and percentage of decisions determined within the national targets

3.1 The performance of local authorities in determining applications is measured nationally and reported quarterly via statistical returns to the Department for Levelling Up, Housing and Communities. The data reported records the extent to which planning applications are determined within the targets and includes those subject to bespoke timetables set through Planning Performance Agreements and/or extension of time agreements. The Government has set targets for the determination of planning applications as follows:

- Determine 65% of [major applications](#)² within 13 weeks (or 16 weeks in the case of EIA development);
- Determine 75% of [minor applications](#)³ within eight weeks;
- Determine 85% of [other applications](#)⁴ within eight weeks

3.2 Where the local planning authority are not adequately performing in relation to the determination of major⁵ and non major⁵ development the authority can be designated. For unitary authorities both district and county matter applications will be assessed separately. The Government's approach to measuring the performance of authorities was introduced by the Growth and Infrastructure Act 2013 and is based on assessing performance on the speed and quality of their decisions on applications for major and non-major development. Where an authority is designated as underperforming applicants have the option of submitting their applications directly to the Planning Inspectorate for determination.

3.3 The data for percentage of decisions in time against national targets displayed below is separated into Major, Minor and Other decisions and based on the national targets and should be considered against the target of 65% of major applications determined within 13 weeks for Major applications (or with an

² Major applications – 10 or more dwellings, site area of 0.5 hectares or more, floorspace of 100sq metres or more or development on a site having an area of 1 hectare or more

³ Minor applications – 1- 9 dwellings, floorspace is less than 1,000 square metres

⁴ Other applications – householder development

⁵ Major (district) and non-major development definition: [Planning Applications \(s62A\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282222/Planning_Applications_(s62A)_-GOV.UK.pdf)

extension of time or agreed planning performance agreement) and a target of 75% of minor applications within 8 weeks (or with agreed extension of time) and 85% of other applications within 8 weeks (or with agreed extension of time).

3.4 The data below for majors determined within 13 weeks includes applications with an EIA, which are determined within a longer timeline of 16 weeks.

Chart 7 Data for Q3 of 2023/24 for all Areas showing percentage of applications determined in-time compared to the national targets

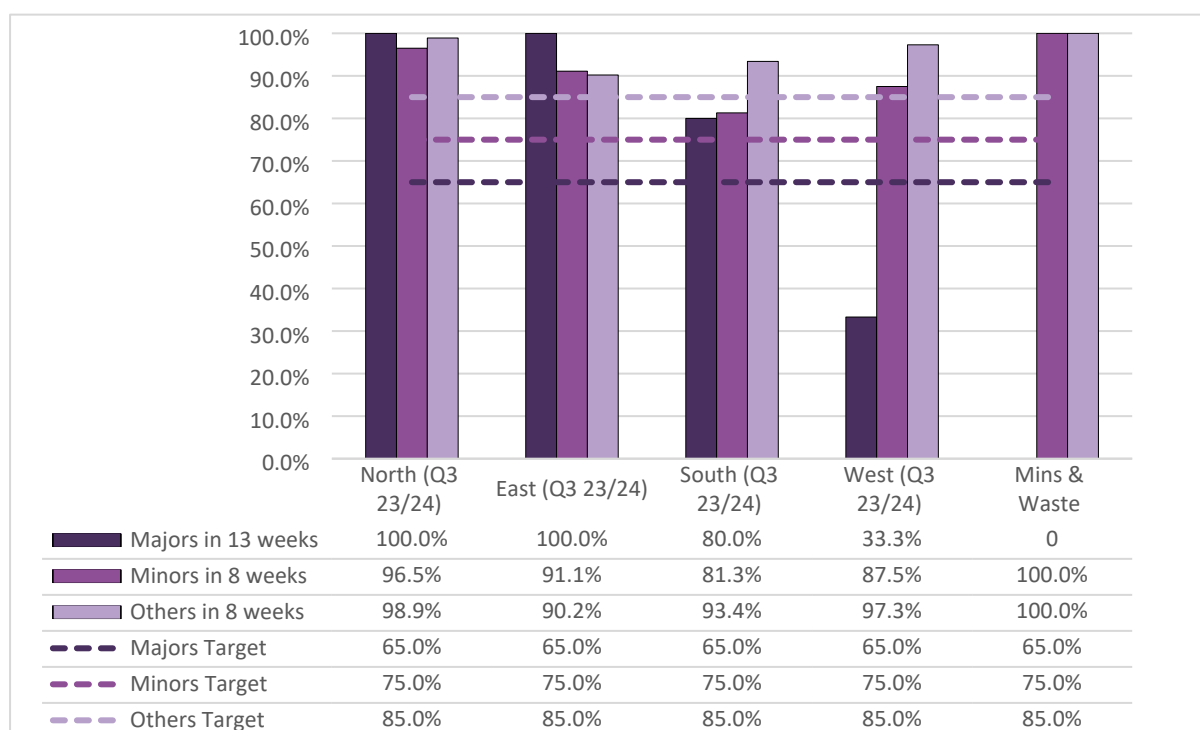


Table 2: Number of decisions and percentage meeting the national targets for Major, Minor and Other decisions in Area North from Q3 of 2020/21 to Q3 of 2023/24

	2020/21			2021/22					2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total

Major decisions	6	11	42	13	7	8	18	46	10	10	8	9	37	19	5	12	36
Major decisions % in 13 weeks	100	100	100	100	100	100	94.4	97.8	100	100	100	100	100	100	80	100	97.2
Minor decisions	87	80	346	96	104	102	94	396	70	98	103	110	381	95	86	58	239
Minor decisions % in 8 weeks	94.3	92.5	94.8	94.8	93.3	93.1	92.6	93.4	91.4	92.9	94.2	95.5	93.7	92.6	96.5	96.5	95
Other decisions	156	142	556	156	184	158	176	674	123	187	155	153	618	119	108	90	317
Other decisions % in 8 weeks	93.6	84.5	91.5	93.6	99.5	96.2	96.6	96.6	95.9	98.9	98.1	98	97.9	95.8	99	98.9	97.8

Chart 8: Number of major, minor and other decisions and percentage meeting the national targets for Area North from Q3 of 2020/21 to Q3 of 2023/24 by quarter

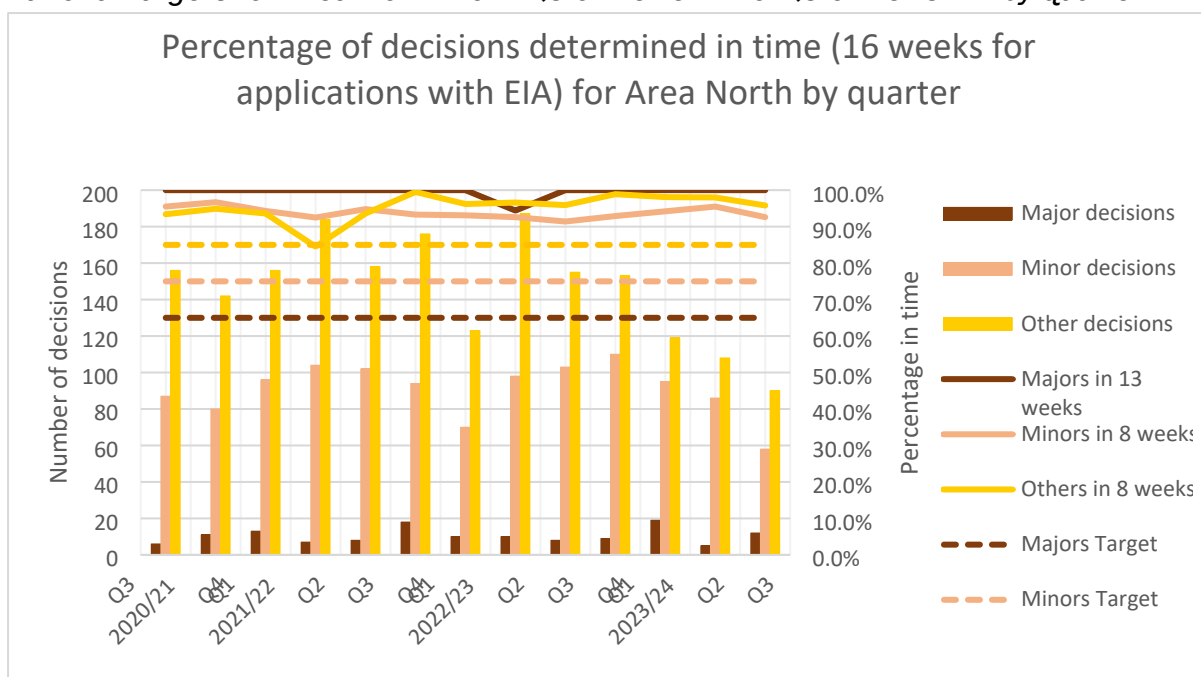


Table 3: Number of decisions and percentage meeting the national targets for Major, Minor and Other decisions in Area East from Q3 of 2020/21 to Q3 of 2023/24

	2020/21			2021/22					2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total

Major decisions	7	13	42	9	14	8	3	34	11	8	7	9	35	6	10	11	27
Major decisions % in 13 weeks	100	76.9	87.8	33.3	92.9	87.5	100	76.5	100	100	57.1	100	91.4	100	100	100	100
Minor decisions	74	104	363	97	86	64	82	329	97	92	98	85	372	88	97	90	275
Minor decisions % in 8 weeks	73	69.2	79.4	74.2	80.2	81.3	86.6	80.2	86.6	87	84.7	88.2	86.6	80.7	94	91.1	88.7
Other decisions	181	214	740	215	209	191	207	822	218	193	168	131	710	167	191	143	501
Other decisions % in 8 weeks	89.5	93	89.8	91.6	94.7	96.9	93.2	94	88.5	87.6	88.1	85.5	87.6	86.2	86.4	90.2	87.4

Chart 9: Number of major, minor and other decisions and percentage meeting the national targets for Area East from Q3 of 2020/21 to Q3 of 2023/24 by quarter

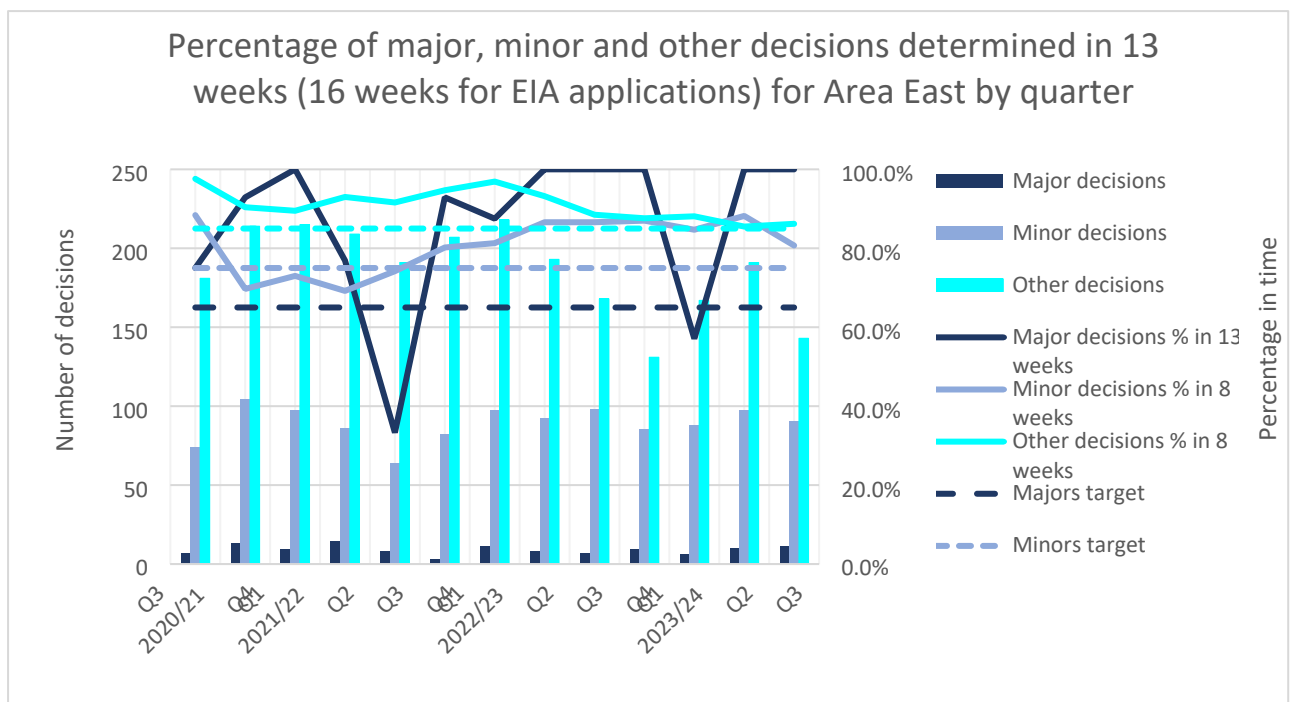


Table 4: Number of major, minor and other decisions and percentage meeting the national targets in Area South from Q3 of 2020/21 to Q3 of 2023/24

	2020/21			2021/22					2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Major decisions	15	15	51	7	7	3	14	31	7	8	12	17	44	10	8	10	28
Major decisions % in 13 weeks	60	60	88.2	100	71.4	100	78.6	83.9	85.7	75	91.7	82.4	84.1	50	88	80	71.4
Minor decisions	95	95	520	110	134	104	81	429	92	110	115	112	429	132	114	112	358
Minor decisions % in 8 weeks	83.2	83.2	91.9	71.8	75.4	84.6	96.3	80.7	92.4	80.9	73.9	75	80	81.1	86	81.3	82.7
Other decisions	213	213	766	224	301	190	248	963	231	278	171	230	910	196	178	182	556
Other decisions % in 8 weeks	91.1	91.1	97.2	86.2	87	87.9	94	88.8	93.9	93.9	84.2	87	90.3	91.3	96.1	93.4	93.5

Chart 10: Number of major, minor and other decisions and percentage meeting the national targets for Area South from Q3 of 2020/21 to Q3 of 2023/24 by quarter

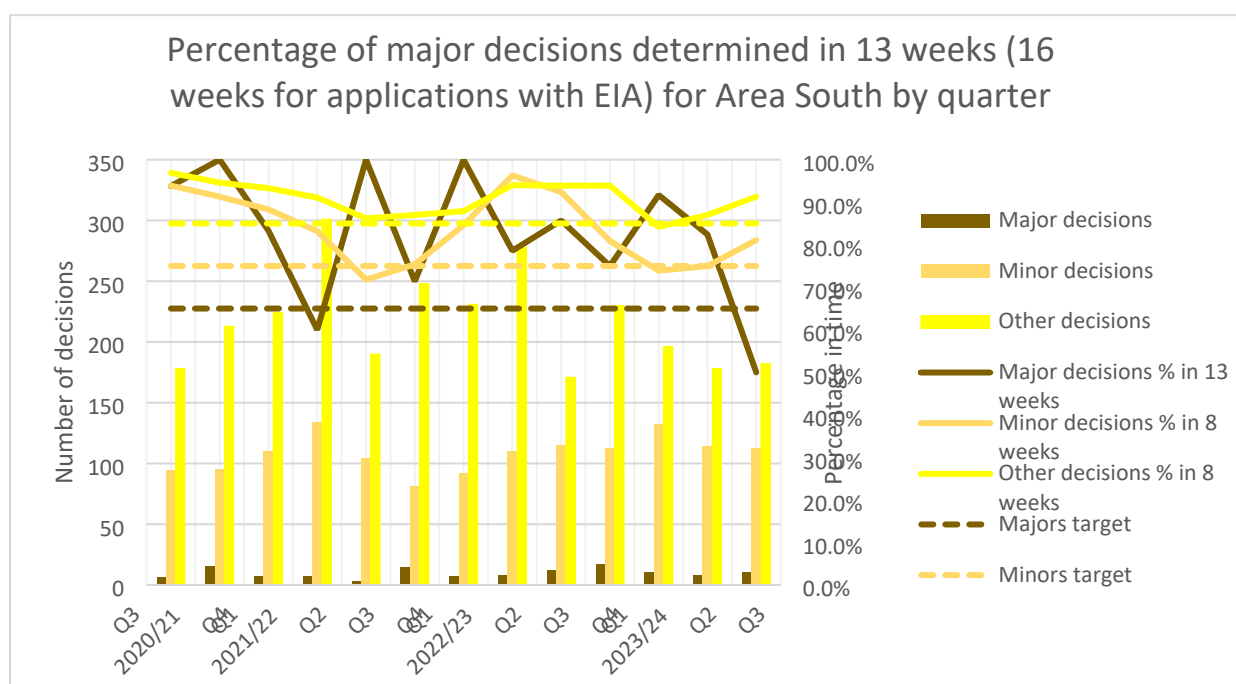


Table 5: Percentage of decisions meeting the national targets for Major, Minor and Other decisions in Area West from Q3 of 2020/21 to Q3 of 2023/24

	2020/21			2021/22					2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Major decisions	5	9	32	5	7	4	3	19	6	9	8	8	31	9	8	3	20
Major decisions % in 13 weeks	40	100	75.6	100	71.4	50	66.7	73.7	83.3	77.8	75	75	77.4	66.7	75	33	65
Minor decisions	72	73	317	76	86	70	55	287	91	61	79	82	313	63	79	80	222
Minor decisions % in 8 weeks	83.3	80.8	74.7	80.3	81.4	80	78.2	80.1	69.2	77	69.6	64.6	69.6	68.3	90	87.5	82.9
Other decisions	201	193	753	264	245	207	178	894	172	188	184	180	724	171	195	147	513
Other decisions % in 8 weeks	90	91.7	85	90.2	86.9	81.2	79.2	85	75	80.9	86.4	82.8	81.4	80.1	92.8	97.3	89.9

Chart 11: Number of major, minor and other decisions and percentage meeting the national targets for Area West from Q3 of 2020/21 to Q3 of 2023/24 by quarter

Percentage of major decisions determined in 13 weeks (16 weeks for applications with EIA) for Area West by quarter

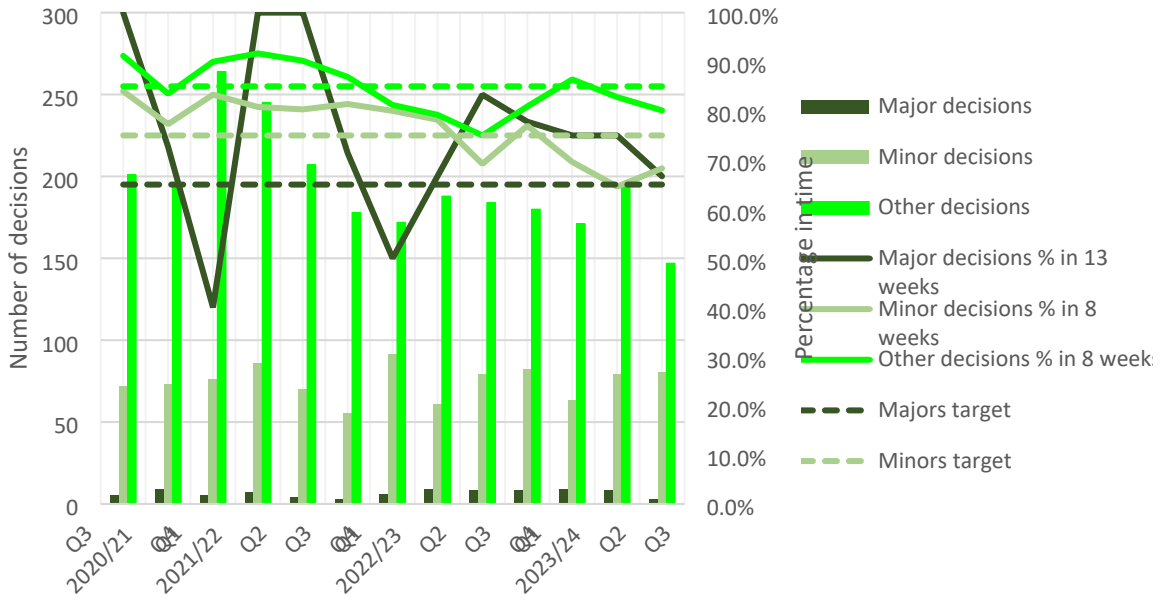


Table 6: Percentage of decisions for major applications in time with national targets for County Matters on a two-year rolling average compared to England average

Majors Determined	Two year rolling figure: 24 months to the end of September 2023
England	91.3
Somerset Minerals and Waste (New Data – Quarter 1 only)	100

3.5 The two-year rolling figures for percentage of decisions determined within the national target or agreed time are shown in Table 7 for all Areas and for County Matters. The data reflects the previous 24 months up to the end of September 2023 – the data for the former Districts is no longer published nationally so this has been prepared for internal purposes only. The published data is now Somerset wide and is for the first quarter of 2023/24 only and so does not reflect the previous 24 months and will not do so the first quarter of 2025/26. The threshold for designation by government is not making 50% or more decisions on major applications in time or 70% of minor or other applications in time.

Table 7: Two-year rolling period figure vs. England average for decisions determined within national target or agreed time to end of September 2023

All Areas rolling annual % vs. rolling annual % for England for 24 months to end of September 2023	Major decisions (% within 13 weeks or within agreed time)	Minor decisions (% within 8 weeks or within agreed time)
England	87.2	86.1
Somerset (New Data – Quarters 1 & 2 only)	84.2	89.3
Area East (Mendip – Historic only to end March 23)	89.1	89.2
Area North (Sedgemoor – Historic only to end March 23)	98.4	96.4
Area West (Somerset West and Taunton – Historic only to end March 23)	73.7	80.2
Area South (South Somerset – Historic only to end March 23)	82.0	87.9

4. Number of prior approval applications and other applications not included in the national performance data

4.1 Due to differing computer systems in operation and differences in the recording of applications for the discharge of conditions, this data is not included in the

information in order to ensure consistency. The applications in this data set therefore relate the non PS1 data including adverts and tree applications.

4.2 The data in the tables below set out Prior Approval and other applications received by Area and not included in the government returns. This data set is not relevant for Minerals and Waste.

Table 8: Number of Prior Approvals and other applications received by quarter for Area North from Q3 of 2021/22 to Q3 of 2023/24

	2021/22			2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Prior Approval apps.	22	19	108	26	19	17	28	90	17	24	19	60
Non-PS applications (adverts and tree applications)	76	63	281	66	28	45	73	212	46	45	26	117

Chart 12: Number of Prior Approvals and other Non-PS applications received by quarter for Area North from Q3 of 2021/22 to Q3 of 2023/24

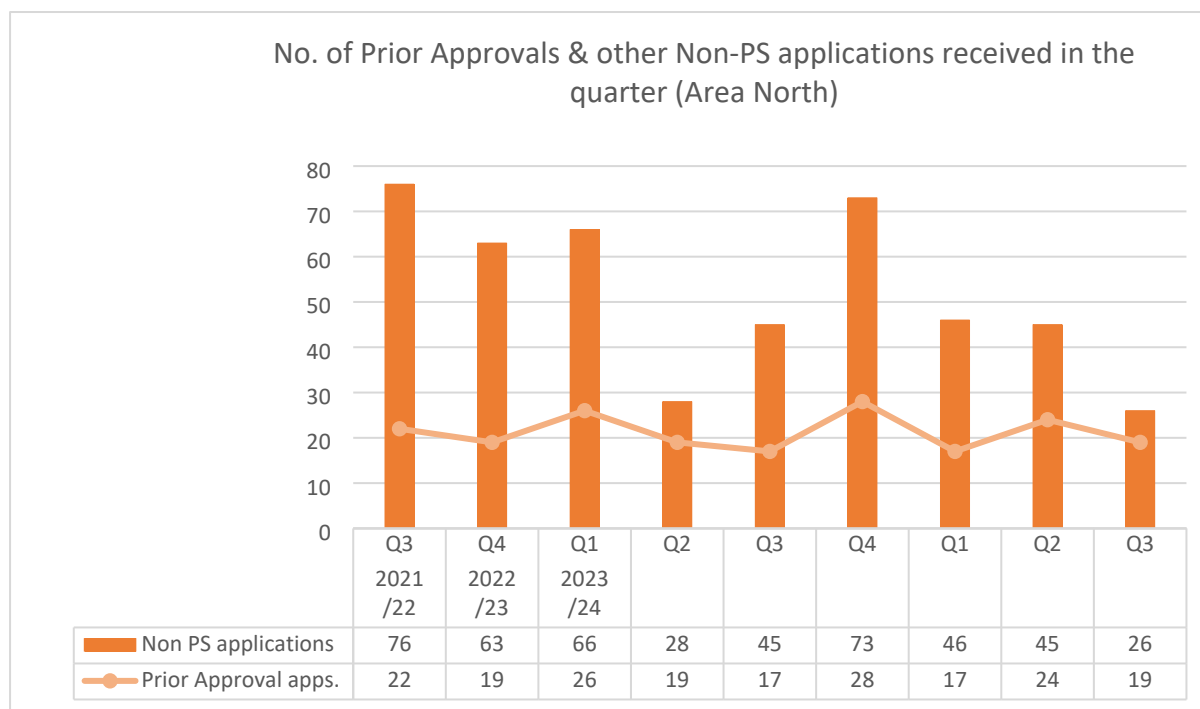


Table 9: Number of Prior Approvals and other applications received by quarter for Area East from Q3 of 2021/22 to Q3 of 2023/24

	2021/22			2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Prior Approval apps.	25	19	121	18	18	31	22	89	34	27	17	78
Non-PS applications (adverts and tree applications)	152	141	700	151	164	178	147	640	163	183	111	457

Chart 13: Number of Prior Approvals and other non-PS applications received by quarter for Area East from Q3 of 2021/22 to Q3 of 2023/24

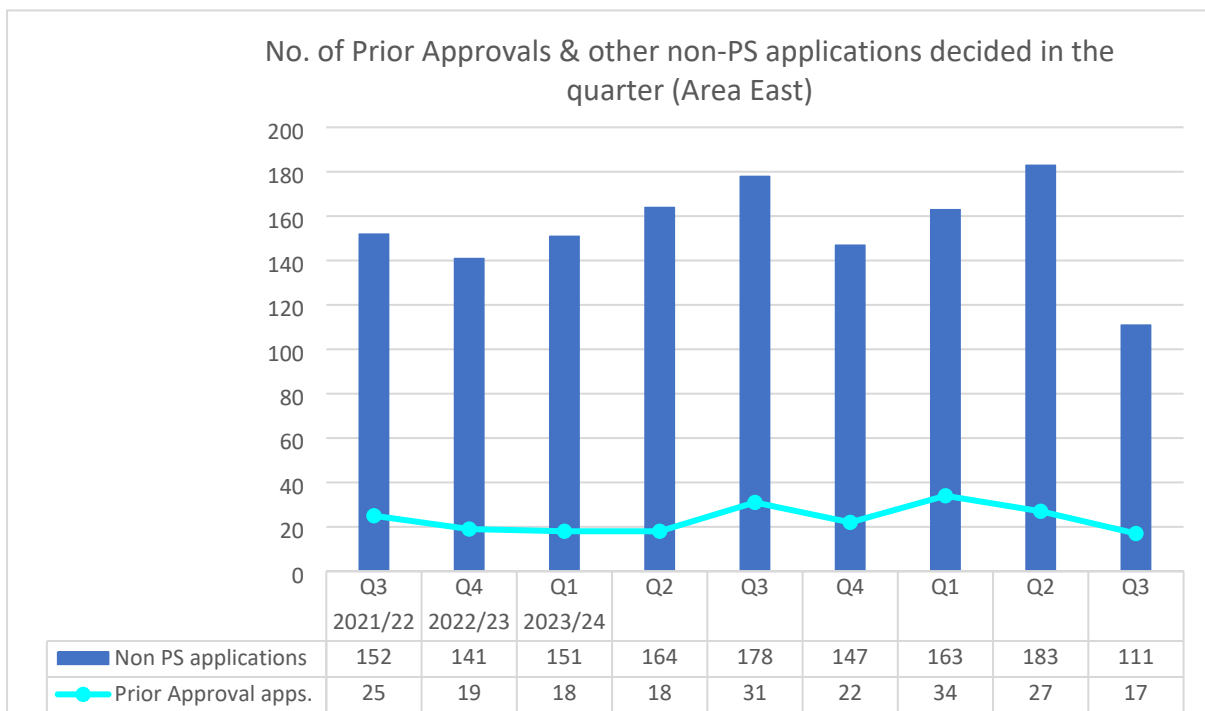


Table 10: Number of Prior Approvals and other non-PS applications received by quarter for Area South from Q3 of 2021/22 to Q3 of 2023/24

	2021/22			2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Prior Approval apps.	13	35	100	19	23	17	20	79	23	18	20	61
Non-PS applications (including adverts and tree applications)	188	239	2111	207	224	255	296	982	159	159	196	514

Chart 14: Number of Prior Approvals and other non-PS applications received by quarter for Area South from Q3 of 2021/22 to Q3 of 2023/24

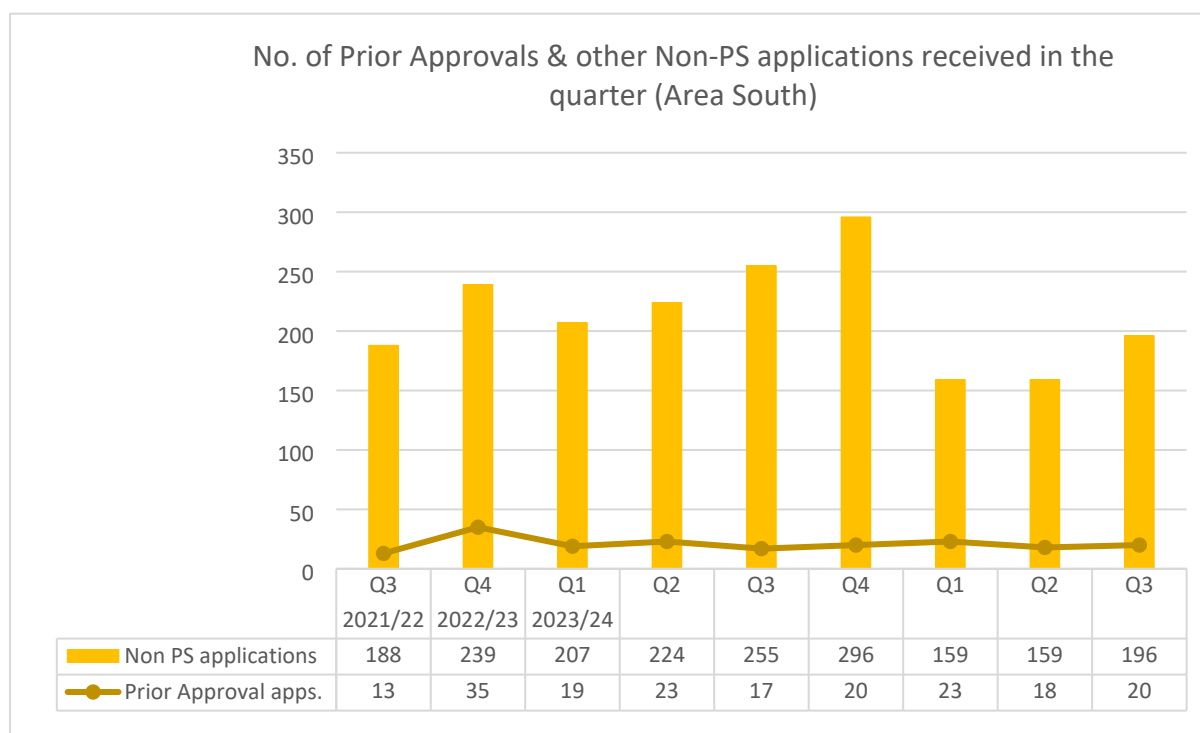


Table 11: Number of Prior Approvals and other non-PS applications received by quarter for Area West from Q3 of 2021/22 to Q3 of 2023/24

	2021/22			2022/23				2023/24				
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Prior Approval apps.	6	11	46	18	9	12	11	50	21	27	28	76
Non-PS applications (listed buildings, adverts and tree applications)	107	123	394	114	108	89	110	421	71	113	68	252

Chart 15: Number of Prior Approvals and other non-PS applications received quarter for Area West from Q3 of 2021/22 to Q3 of 2023/24

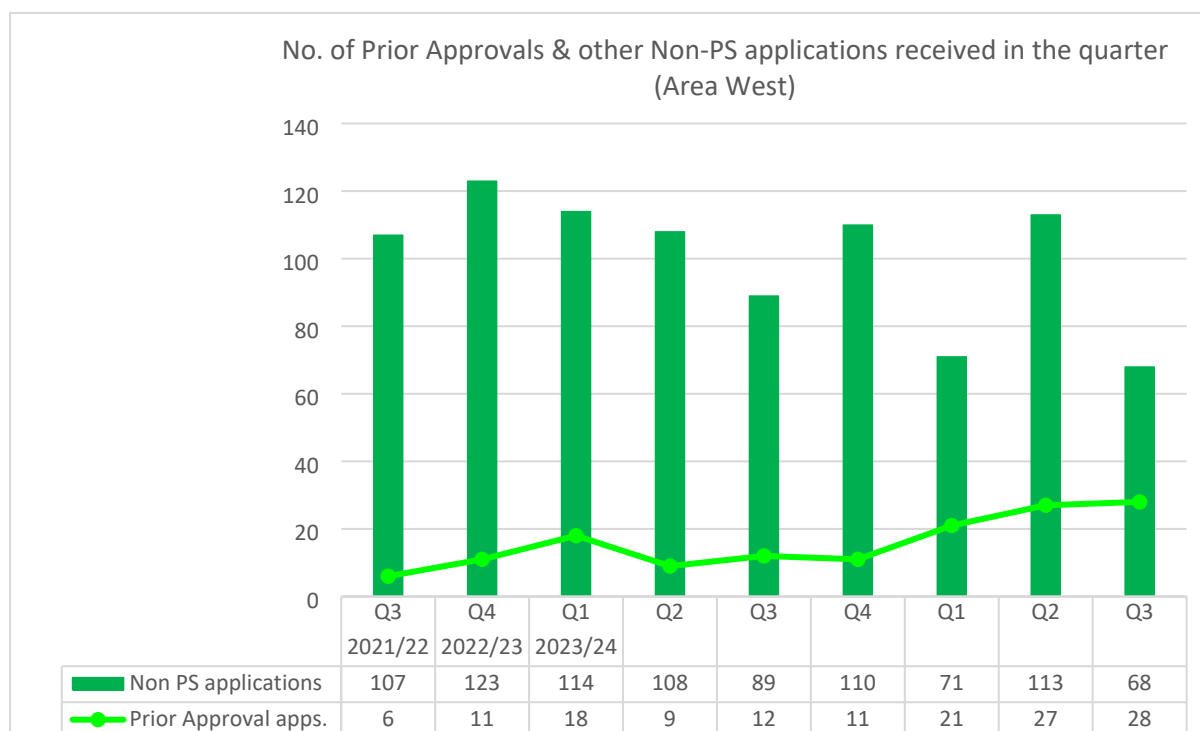
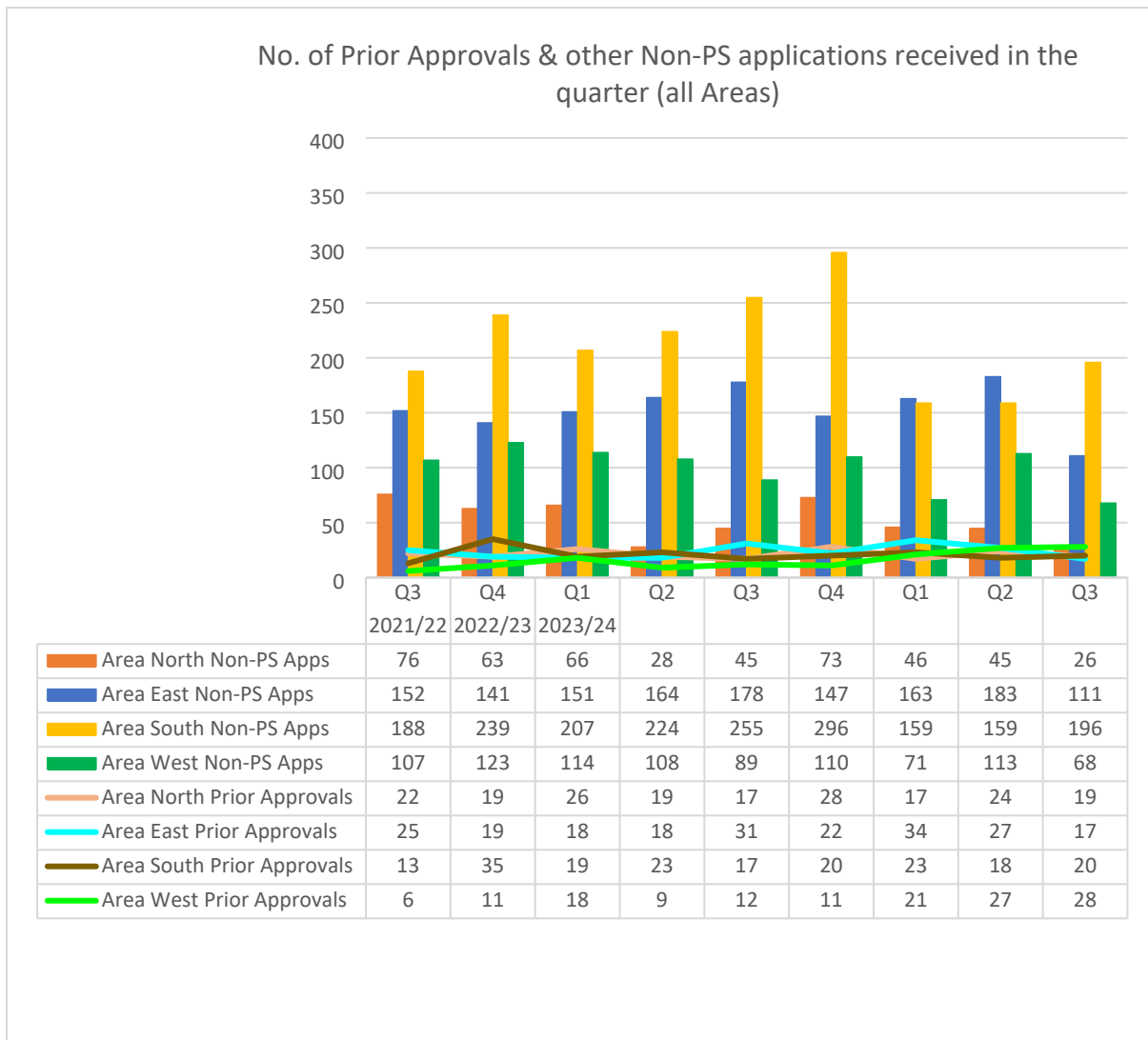


Chart 16: Number of Prior Approvals and other non-PS applications received quarter for all Areas from Q3 of 2021/22 to Q3 of 2023/24



5. Number of pre-application enquiries

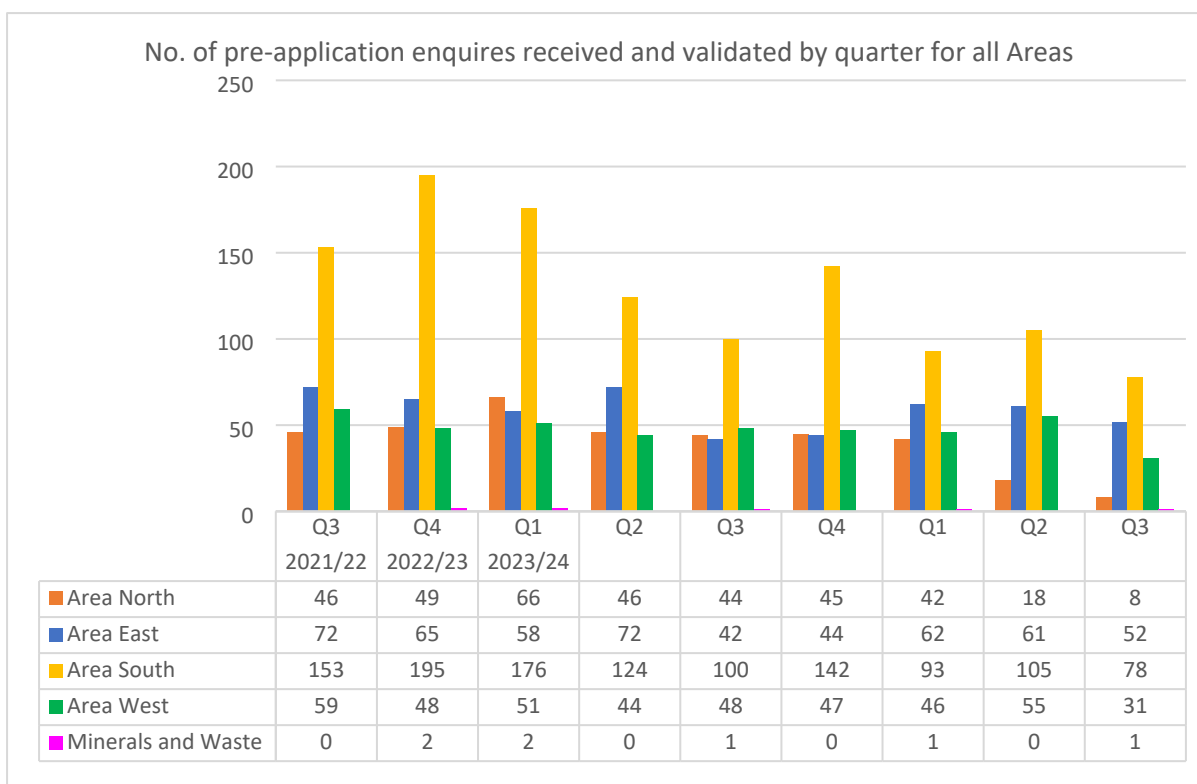
5.1 The data sets out pre-application enquiries received by Area and for Minerals and Waste. This is set out in Table 12 below.

5.2 Data includes pre-applications received and valid as this reflects the volume of work. The data does not include 'DO I' for Area West which operated a service for simple requests to advise as to whether planning permission was required.

Table 12: Number of pre-applications received by quarter for all Areas from Q3 of 2021/22 to Q3 of 2023/24

	2021/22			2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Area North	46	49	143	66	46	44	45	201	42	18	8	68
Area East	72	65	193	58	72	42	44	216	62	61	52	175
Area South	153	195	519	176	124	100	142	542	93	105	78	276
Area West	59	48	160	51	44	48	47	190	46	55	31	132
Minerals and Waste	0	2	2	2	0	1	0	3	1	0	1	2

Chart 17: Number of pre-applications received for all Areas by quarter from Q3 of 2021/22 to Q3 of 2022/23



6. Total number of appeal decisions and percentage of appeals where the decision was allowed by the Planning Inspectorate

6.1 This section sets out the total number of appeal decisions received on an annual basis and the percentage that have been dismissed/allowed. The data below provides details on the number of appeals heard by way of written representatives, hearings and inquiries.

6.2 For context, the overall national average is 61% dismissed calculated using [National Government's Casework Database](#) by dividing the number of appeals dismissed by the total number of appeals. Figures for percentage dismissed higher than 61% are therefore exceeding the national average. Those cases dismissed are where the Inspector agrees with the Council's decision meaning that officer and member decisions are being supported.

Table 13: Total appeal decisions split by number of written reps, hearings, inquiries and the percentage dismissed/allowed on an annual basis for Area North

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	15	1	0	10	62.50%	6	37.50%	16
2020/21	26	1	0	20	74.07%	7	25.93%	27
2021/22	21	1	0	17	77.27%	5	22.73%	22

2022/23	17	2	0	13	68.42%	6	31.58%	19
2023/24 (Q1 - Q3)	16	0	0	11	68.75%	5	31.25%	16

Chart 18: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area North annually from 2019/20 to Q3 of 2023/24

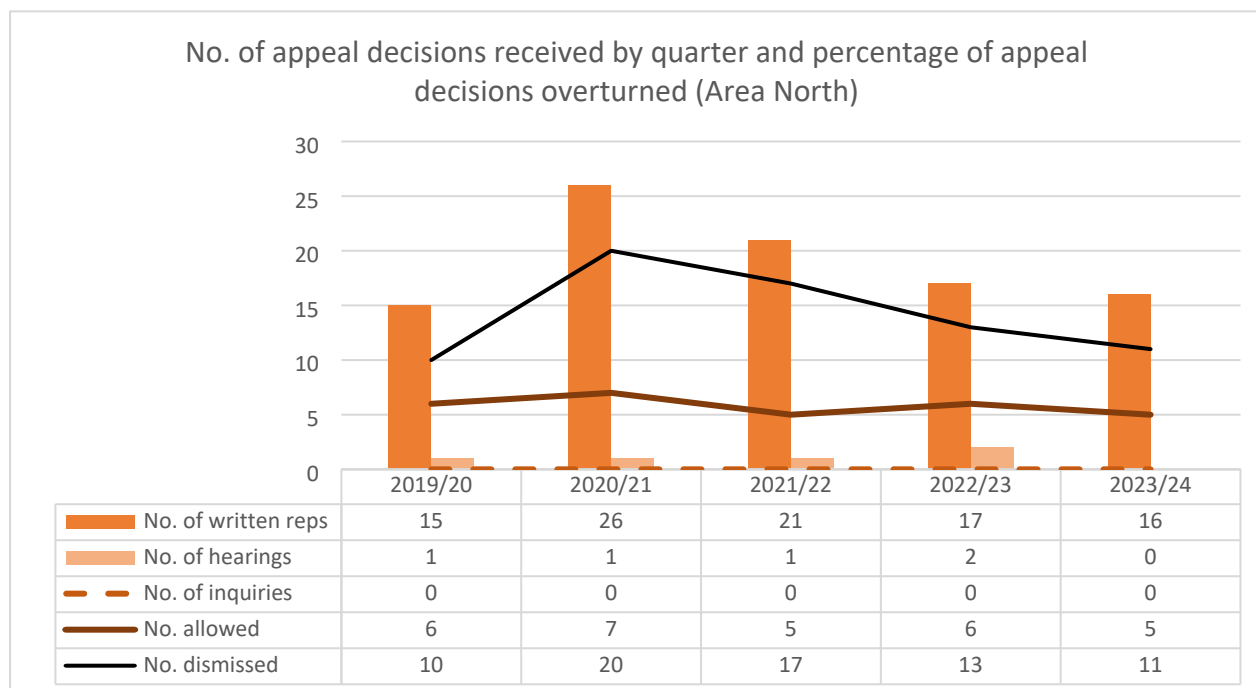


Table 14: Total appeal decisions split by number of written reps, hearings, inquires and the percentage dismissed/allowed on an annual basis for Area East

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	48	1	2	28	54.90%	23	45.10%	51
2020/21	54	3	0	29	50.88%	28	49.12%	57
2021/22	23	5	1	15	51.72%	14	48.28%	29
2022/23	18	4	2	14	58.33%	10	41.66%	24
2023/24 (Q1 - Q3)	18	4	5	15	55.56%	12	44.44%	27

Chart 19: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area East annually from 2019/20 to Q3 of 2023/24

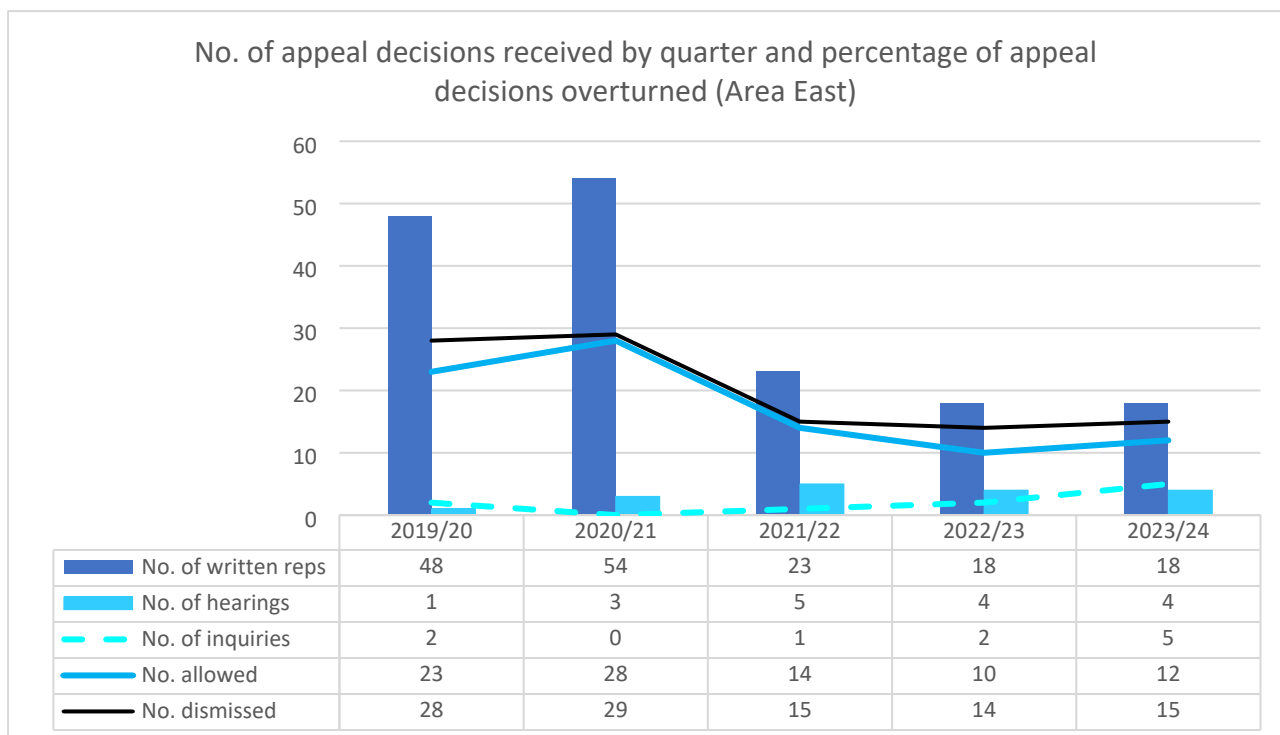


Table 15: Data showing total appeal decisions split by number of written reps, hearings, inquires and the percentage allowed on an annual basis for Area South

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	44	1	0	29	64.44%	16	35.56%	45
2020/21	41	1	0	30	71.43%	12	28.57%	42
2021/22	24	1	1	21	80.77%	5	19.23%	26
2022/23	9	1	1	7	63.64%	4	36.36%	11
2023/24 (Q1 - Q3)	21	2	0	17	73.91%	6	26.09%	23

Chart 20: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area South annually from 2019/20 to Q3 of 2023/24

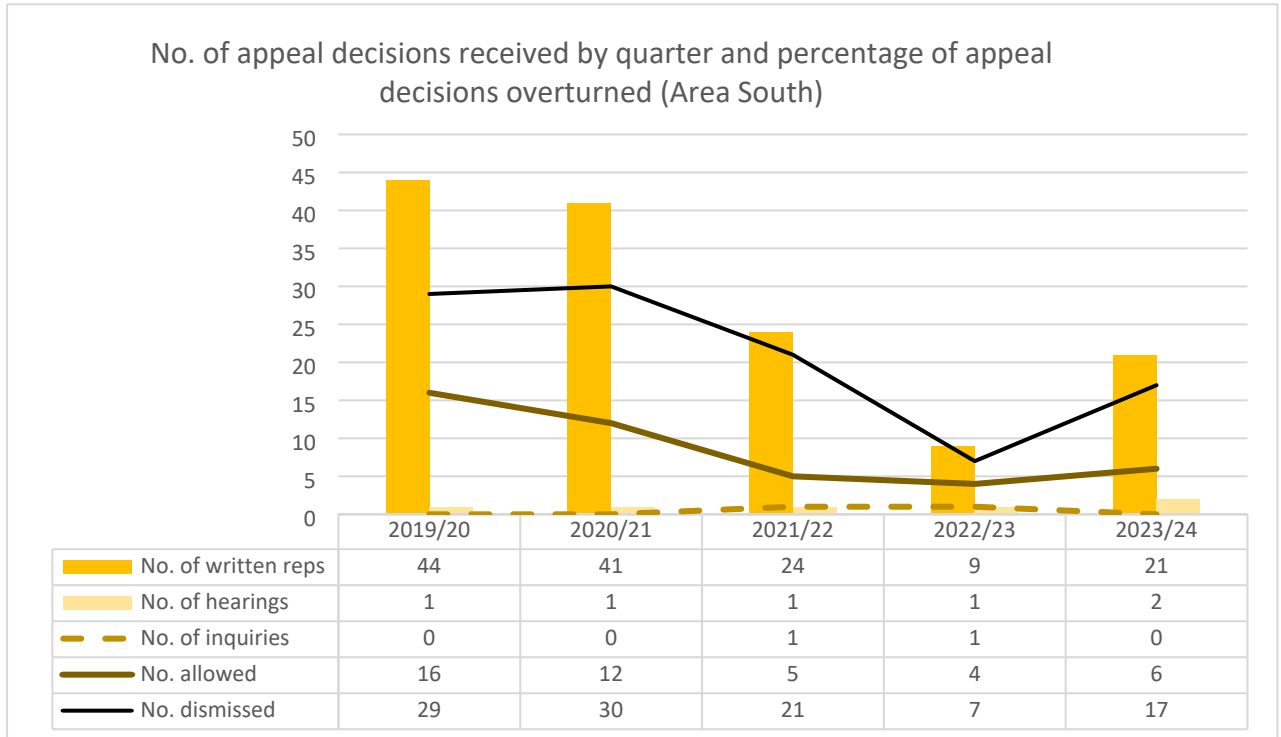


Table 16: Data showing total appeal decisions split by number of written reps, hearings, inquires and the percentage allowed on an annual basis for Area West

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	53	5	1	32	54.24%	27	45.76%	59
2020/21	48	4	0	27	51.92%	25	48.08%	52
2021/22	57	1	2	26	43.33%	34	56.67%	60
2022/23	27	1	2	20	66.67%	10	33.33%	30
2023/24 (Q1 - Q3)	21	0	0	18	85.71%	3	14.29%	21

Chart 21: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Area West annually from 2019/20 to Q3 of 2023/24

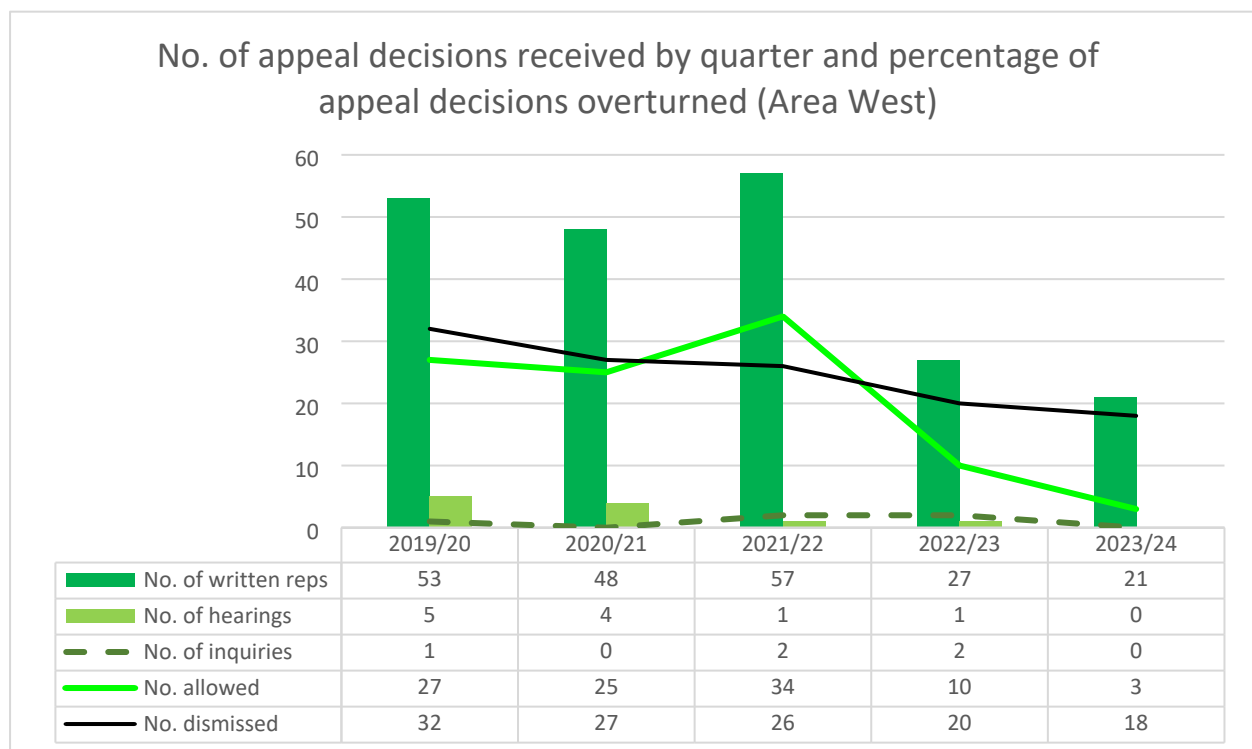
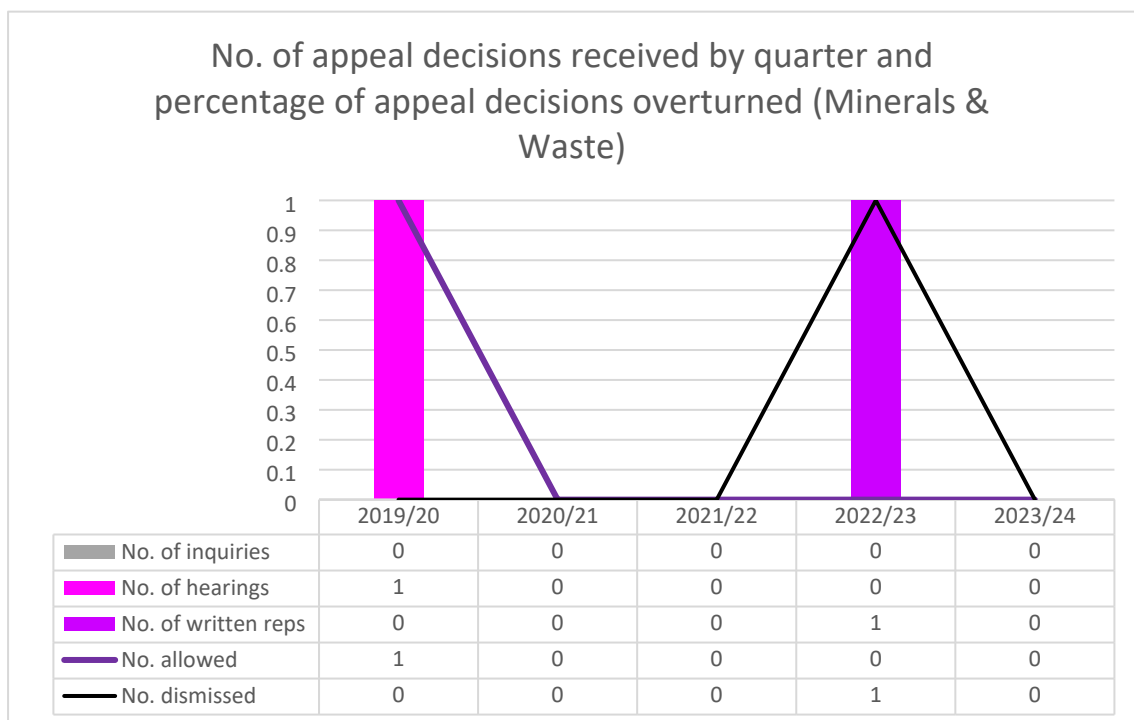


Table 17: Data showing total appeal decisions split by number of written reps, hearings, inquires and the percentage allowed annually for Minerals & Waste

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total Decisions
2019/20	0	1	0	0	0.00%	1	100.00%	1
2020/21	0	0	0	0	0.00%	0	0.00%	0
2021/22	0	0	0	0	0.00%	0	0.00%	0
2022/23	1	0	0	1	100.00%	0	0.00%	1
2023/24 (Q1 - Q3)	0	0	0	0	0.00%	0	0.00%	0

Chart 22: Number of appeal decisions received by quarter and percentage of appeal decisions allowed for Minerals & Waste annually from 2019/20 to Q3 of 2023/24



6.3 Minerals and Waste have only received two appeals since 2019/20 with one allowed and one dismissed.

7. Enforcement

7.1 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 that will be given to complaints and is essential given the high number of allegations of breaches of planning control received each year. Some complaints 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.

Enforcement cases on hand at the end of each quarter and cases resolved/closed in each quarter

7.2 For the purposes of this report the figures for number of cases on hand at the end of each quarter are the number that were on hand from the date the report was run as at 31 December 2023.

7.3 The report for enforcement cases on hand can only be run at one point in time. The information cannot be backdated. Future reports will include data for enforcement cases on hand for each quarter as they will have been recorded.

Table 18: Number of enforcement cases on hand at the end of the quarter for all Areas as at 31 December 2023

	31 December 2023
Area North	241
Area East	95
Area South	334
Area West	136
Minerals and Waste	52

Chart 23: Number of enforcement cases on hand at the end of the Q3 of 2023/24 for all Areas i.e 31 December 2023

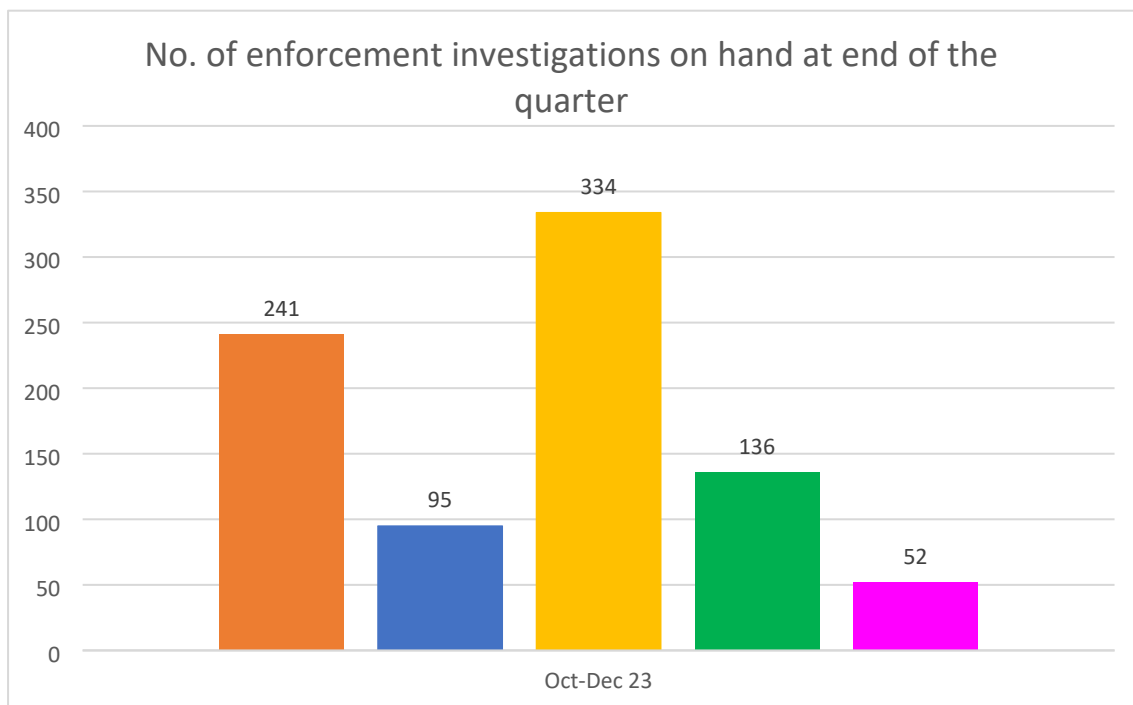
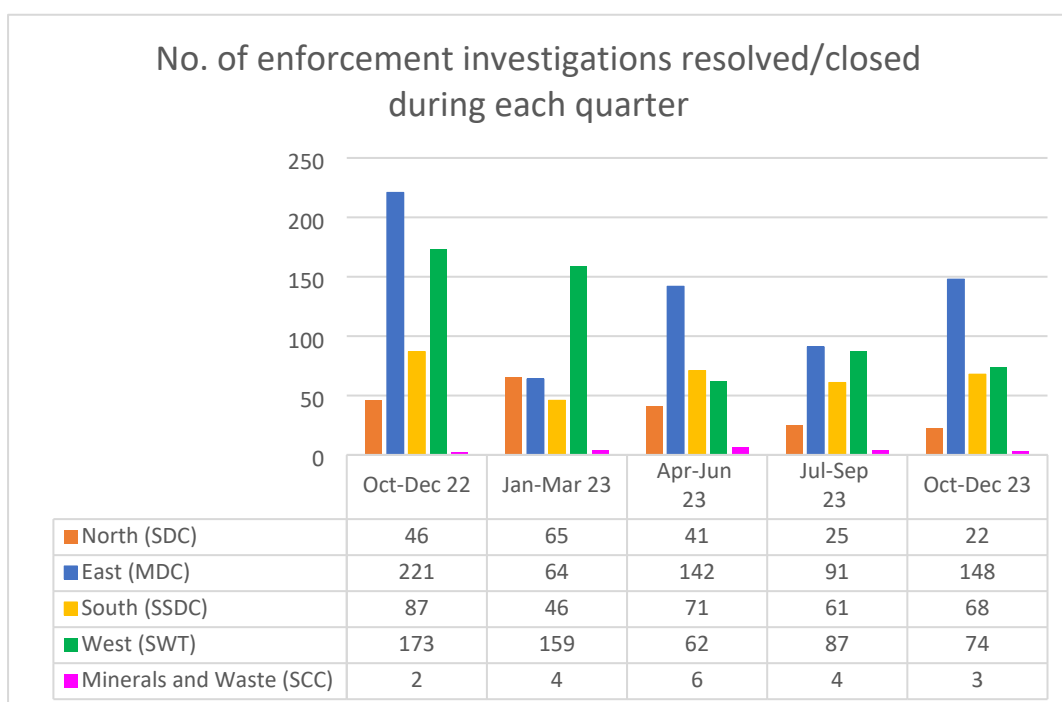


Table 19: Number of enforcement cases resolved/closed during each quarter for all Areas from July 2022 to September 2023

	Oct-Dec 22	Jan-Mar 23	Apr-Jun 23	Jul-Sep 23	Oct-Dec 23
Area North	46	65	41	25	22
Area East	221	64	142	91	148
Area South	87	46	71	61	68
Area West	173	159	62	87	74

Minerals & Waste	2	4	6	4	3
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Chart 24: Number of enforcement cases resolved/closed during each quarter for all Areas from October 2022 to December 2023



8. Five Year Housing Land Supply and Housing Delivery Test results

8.1 This section 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, with the exception of the former Taunton Deane area following a recent appeal decision.

8.2 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. As more solutions to the problem become available the number of additional homes granted planning permission will increase and over time the position is expected to improve.

Most recent Five Year Housing Land Supply by Area

Combined Five Year Housing Land Supply Calculation	Years
Area North (Sedgemoor) - 2023	6.51
Area East (Mendip) - 2023	3.24
Area South (South Somerset) - Jan 2024*	2.98-3.10
Area West (Taunton Deane) - Feb 2024**	3.75
Area West (West Somerset) - 2023/24	8.29

* Inquiry session for appeal APP/E3335/W/23/3328322

**Appeal Decision APP/W3330/W/23/3329488, 14 Feb 2024

8.3 The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan making authorities published by DLUHC. The latest test results 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.

8.4 Changes to HDT were published as part of the NPPF consultation in January 2023. From the day following the publication of the Housing Deliver 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.

8.5 The sanctions apply until the release of the next HDT results the following year.
An action plan will be published for Area East in due course.

8.6

Definitions

Major Development

10+ dwellings / over half a hectare / building(s) exceeds 1000m²
Office / light industrial - 1000+ m² / 1+ hectare
General industrial - 1000+ m² / 1+ hectare · Retail - 1000+ m²/ 1+ hectare
Gypsy/traveller site - 10+ pitches
Site area exceeds 1 hectare

Minor Development

1-9 dwellings (unless floorspace exceeds 1000m² / under half a hectare
Office / light industrial - up to 999 m²/ under 1 hectare
General industrial - up to 999 m²/ under 1 Hectare
Retail - up to 999 m²/ under 1 hectare
Gypsy/traveller site - 0-9 pitches

Other Development

Householder applications
Change of use (no operational development)
Adverts
Listed building extensions / alterations
Listed building demolition
Application for relevant demolition of an unlisted building within a Conservation Area
Certificates of Lawfulness (191 and 192)
Notifications
Permissions in Principle (PiP) and Technical Detail Consent (TDC)

PS2 Applications

Full Planning Permission Applications (including Householder applications)

Outline Planning Permission Applications
Reserved Matters Planning Permission Applications
Listed Building Alterations Applications
Listed Building Demolitions Applications
Conservation Area Consent for Demolition Applications
Permission in Principle Planning Applications
Technical Details Consent Applications (these follow on from Permission in Principle Applications)
Advertisement Consent Applications
Telecommunications Full Planning Applications (these are Full Telecommunications Planning applications, not to be confused with Telecommunications Notifications/Prior Approvals) – others may include this within Full Planning Permission Applications

Non-PS Application types

Removal of Hedgerows
Works to Trees
Works to Trees in a Conservation Area
High Hedges Applications
Hazardous Substances Consent
Hazardous Substances Deemed Consent
Modification/Discharge of Planning Obligations
Non Material Amendments
Scoping Opinions
Screening Opinions
Discharge of Conditions (but we cannot quantify these)

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Planning Services Performance

Strategic Planning Committee

21 March 2024

Page 173

Alison Blom-Cooper
Head of Planning



Somerset
Council

Planning Services Performance

- This presentation sets out performance information provided on a quarterly basis to the Strategic Planning Committee in line with the Council's constitution
- It includes information on the volume of work received by each of the area teams and the waste and minerals team and reports the information published nationally on a quarterly basis on the meeting of the national targets.
- The data in the presentation, extracted from the Appendix documents, includes the position as at the end of Q3 of 2023/24 and future reports will continue to disaggregate the information as well as providing the overall position.

Introduction to Planning Services Performance

The presentation will cover the following:

- ✓ Planning applications received by Somerset Council by area from 2020/21 to Q3 of 2023/24;
- ✓ Major, minor and other applications determined within the national targets for Q3 of 2023/24;
- ✓ Pre-application enquiries;
- ✓ Appeal decisions;
- ✓ Enforcement cases on hand and resolved/closed;

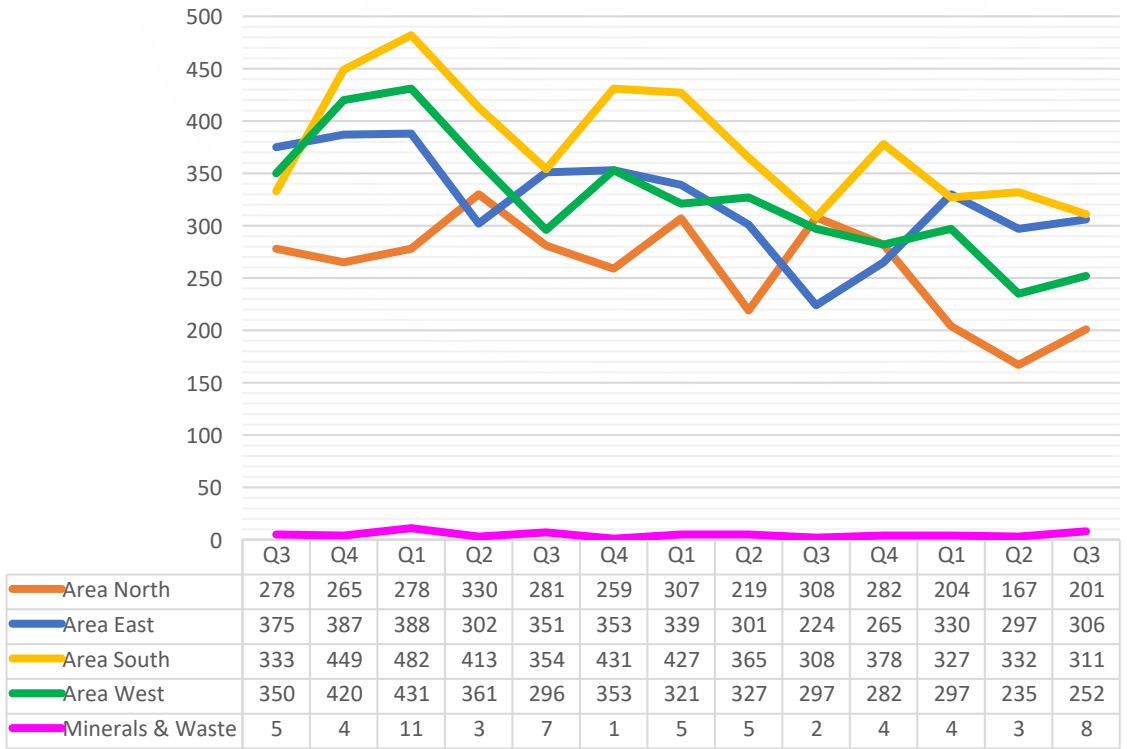
Number of planning applications received by Somerset Council by area from 2020/21 to Q3 of 2023/24

All Areas

Table 1: Number of planning applications received by quarter and included in the government returns from 2020/21 to Q3 of 2023/24 by area team

	2020/21					2021/22					2022/23					2023/24				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Area North	245	319	278	265	1107	278	330	281	259	1148	307	219	308	282	1116	204	167	210		581
Area East	302	336	375	387	1400	388	302	351	353	1394	339	301	224	265	1129	330	297	306		933
Area South	401	325	333	449	1508	482	413	354	431	1680	427	365	308	378	1478	327	332	311		970
Area West	331	311	350	420	1412	431	361	296	353	1441	321	327	297	282	1227	297	235	252		784
Minerals & Waste	5	5	5	4	19	11	3	7	1	22	5	5	2	4	16	4	3	8		15

No. of applications received by quarter (all Areas)



Major, minor and other applications determined within the national targets for Q3 of 2023/24

All Areas

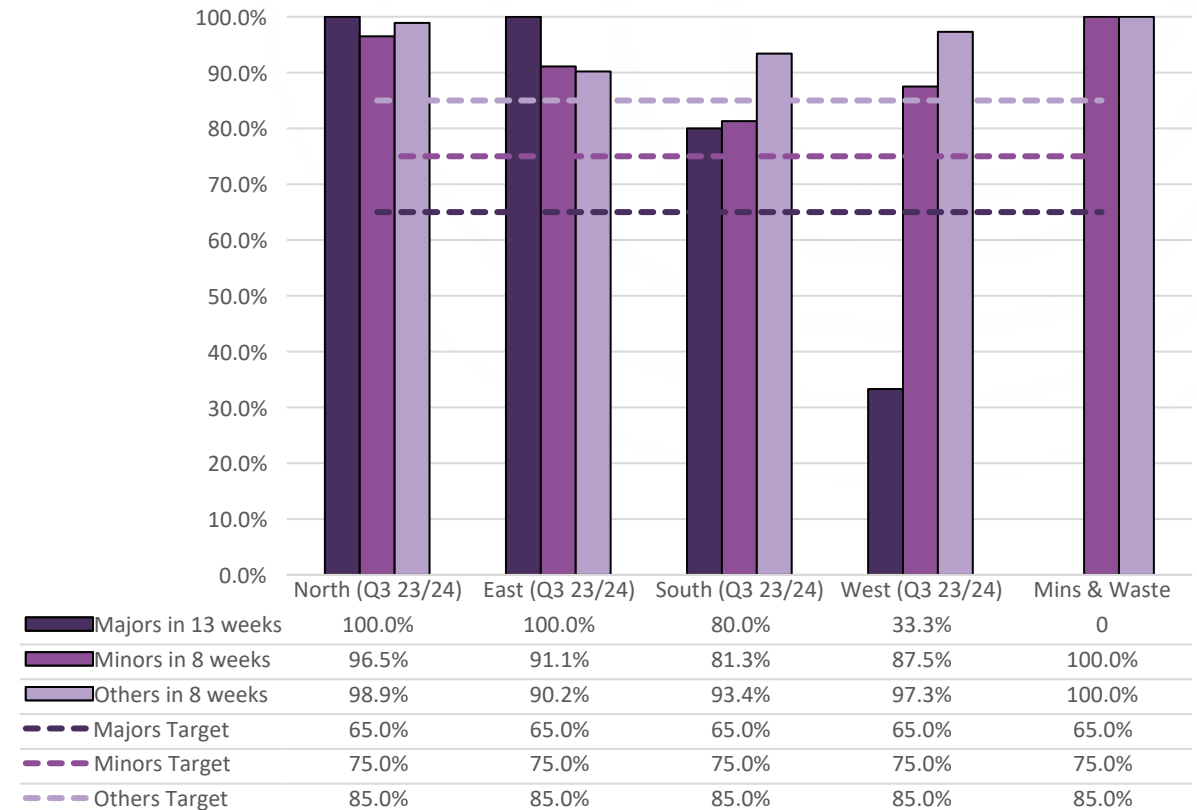
The performance of local authorities in determining applications is measured nationally and reported quarterly via statistical returns to the Department for Levelling Up, Housing and Communities. The Government has set targets for the determination of planning applications as follows:

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Determine 65% of major applications within 13 weeks (or 16 weeks in the case of EIA development);

- Determine 75% of minor applications within eight weeks;
- Determine 85% of other applications within eight weeks

The diagram shows the performance for the last published quarter i.e., Q3 of 2023/24.



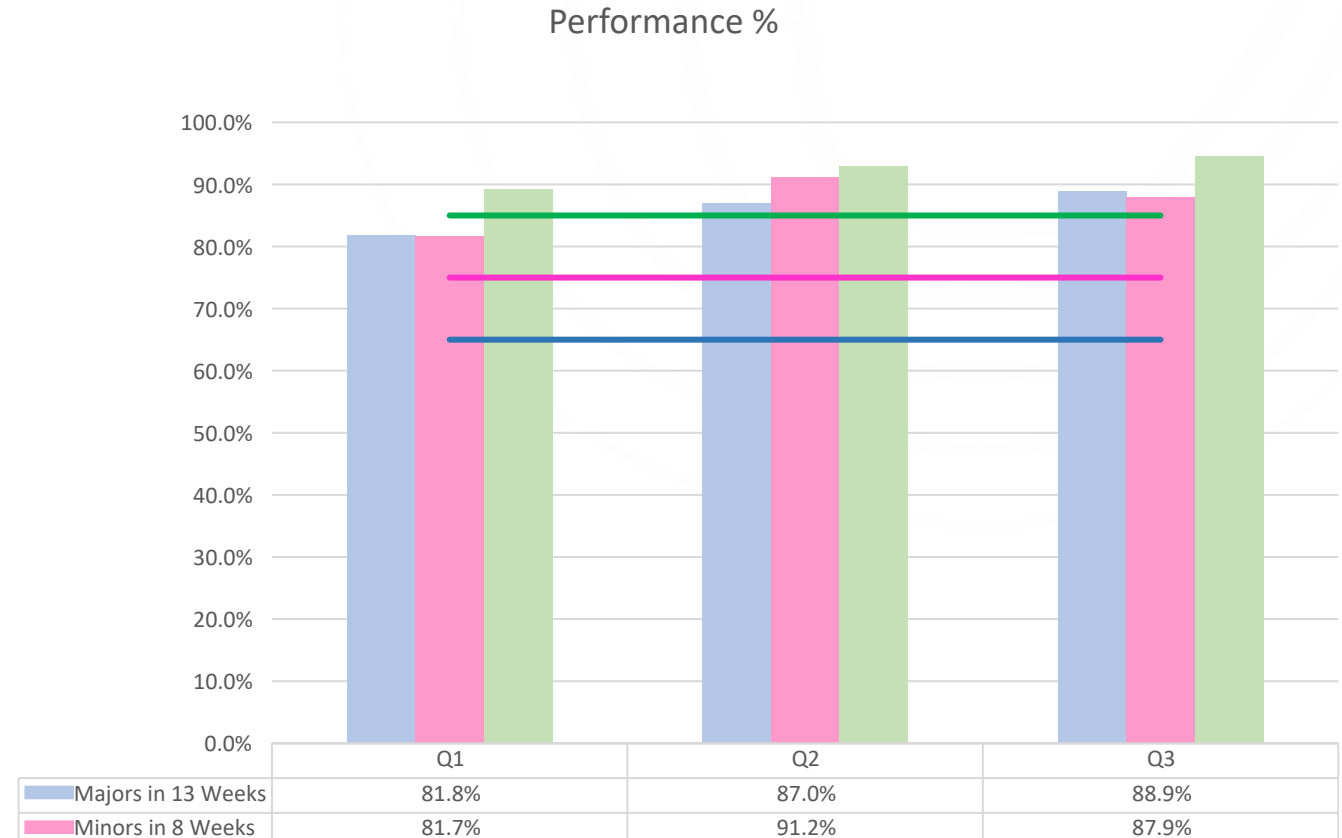
Unitary Authority Major, minor and other applications determined within the national targets for Q3 of 2023/24

All Areas

The performance of local authorities in determining applications is measured nationally and reported quarterly via statistical returns to the Department for Levelling Up, Housing and Communities. The Government has set targets for the determination of planning applications as follows:

- Determine 65% of major applications within 13 weeks (or 16 weeks in the case of EIA development);
- Determine 75% of minor applications within eight weeks;
- Determine 85% of other applications within eight weeks

The diagram shows the performance for the whole Unitary Authority last published quarter i.e., Q3 of 2023/24.



Two year rolling figures

Minerals & Waste and All Areas

- The two-year rolling figures for percentage of decisions determined within the national target or agreed time.
- The Somerset wide figure is for Q1 to Q3 of 2023 (previously legacy Authorities to make up 8 quarters).
- The threshold for designation by government is 50% on major applications & 70% of minor or other applications ‘in time’ over this period.

Majors Determined	Two year rolling figure: 24 months to the end of December 2023
England	91.6
Somerset Minerals and Waste (New Data - Quarters 1 to 3 only)	85.7

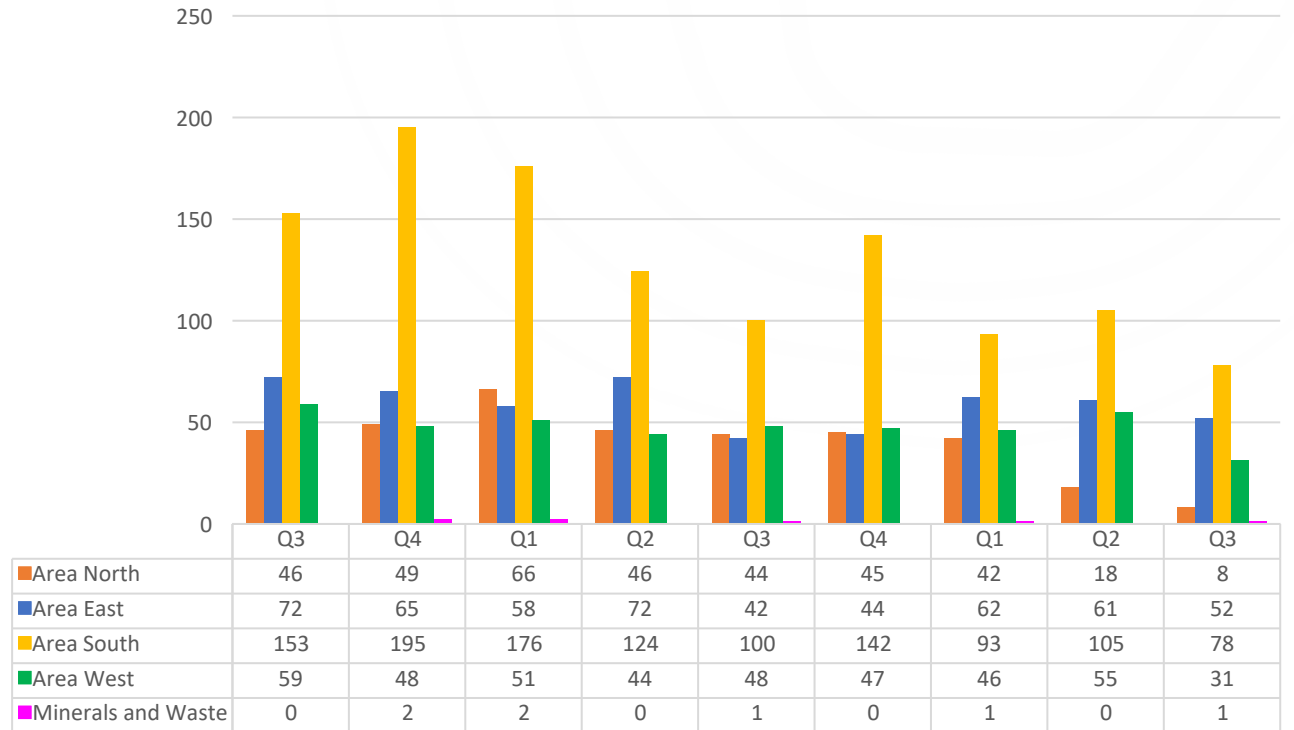
All Areas rolling annual % vs. rolling annual % for England for 24 months to end of December 2023	Major decisions (% within 13 weeks or within agreed time)	Minor decisions (% within 8 weeks or within agreed time)
England	87.7	86.8
Somerset (New Data - Quarters 1 & 2)	85.7	90.3
<i>Area East (Mendip - Historic only to end March 23)</i>	89.5	88.5
<i>Area North (Sedgemoor - Historic only to end March 23)</i>	98.2	96.5
<i>Area West (Somerset West and Taunton - Historic only to end March 23)</i>	76.5	79.3
<i>Area South (South Somerset - Historic only to end March 23)</i>	81.0	87.9

Pre-applications enquiries

All Areas

Page 180	2021/22			2022/23					2023/24			
	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Area North	46	49	143	66	46	44	45	201	42	18	8	68
Area East	72	65	193	58	72	42	44	216	62	61	52	175
Area South	153	195	519	176	124	100	142	542	93	105	78	276
Area West	59	48	160	51	44	48	47	190	46	55	31	132
Minerals and Waste	0	2	2	2	0	1	0	3	1	0	1	2

No. of pre-application enquires received and validated by quarter for all Areas

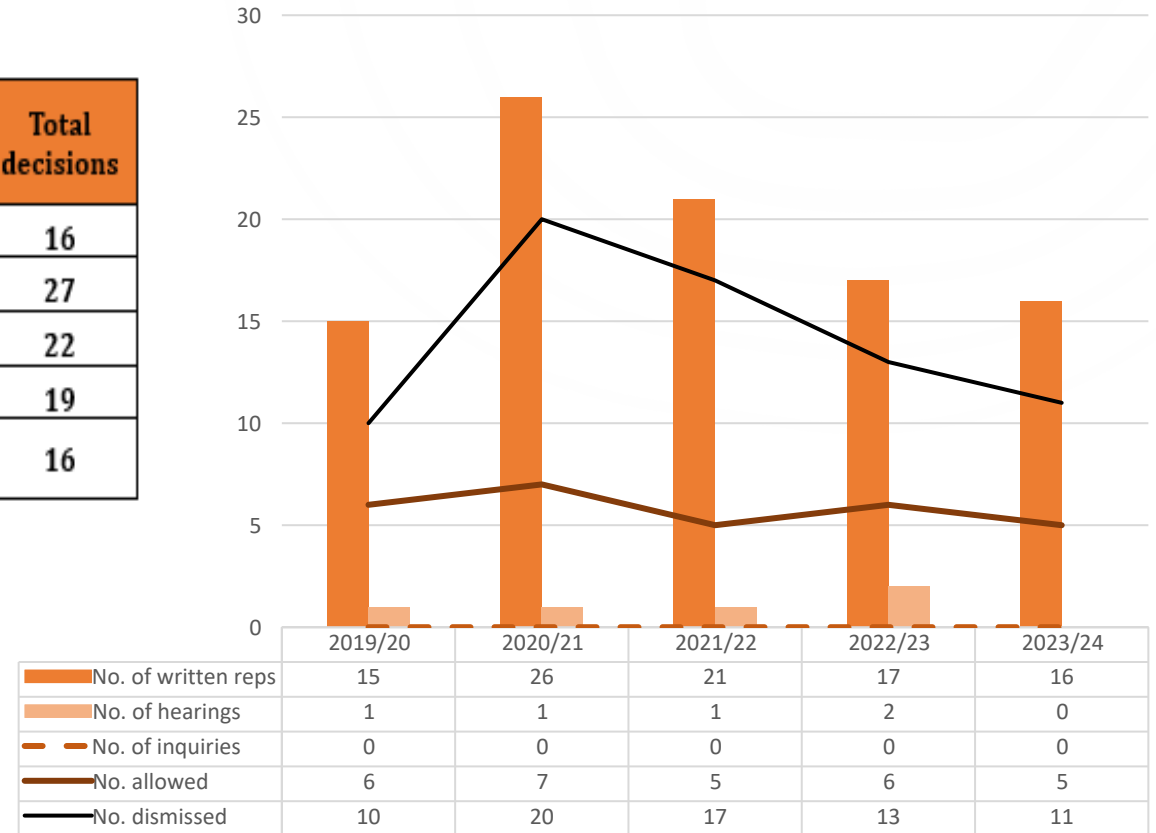


Appeal decisions

Area North

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	15	1	0	10	62.50%	6	37.50%	16
2020/21	26	1	0	20	74.07%	7	25.93%	27
2021/22	21	1	0	17	77.27%	5	22.73%	22
2022/23	17	2	0	13	68.42%	6	31.58%	19
2023/24 (Q1 - Q3)	16	0	0	11	68.75%	5	31.25%	16

No. of appeal decisions received by quarter and percentage of appeal decisions overturned (Area North)



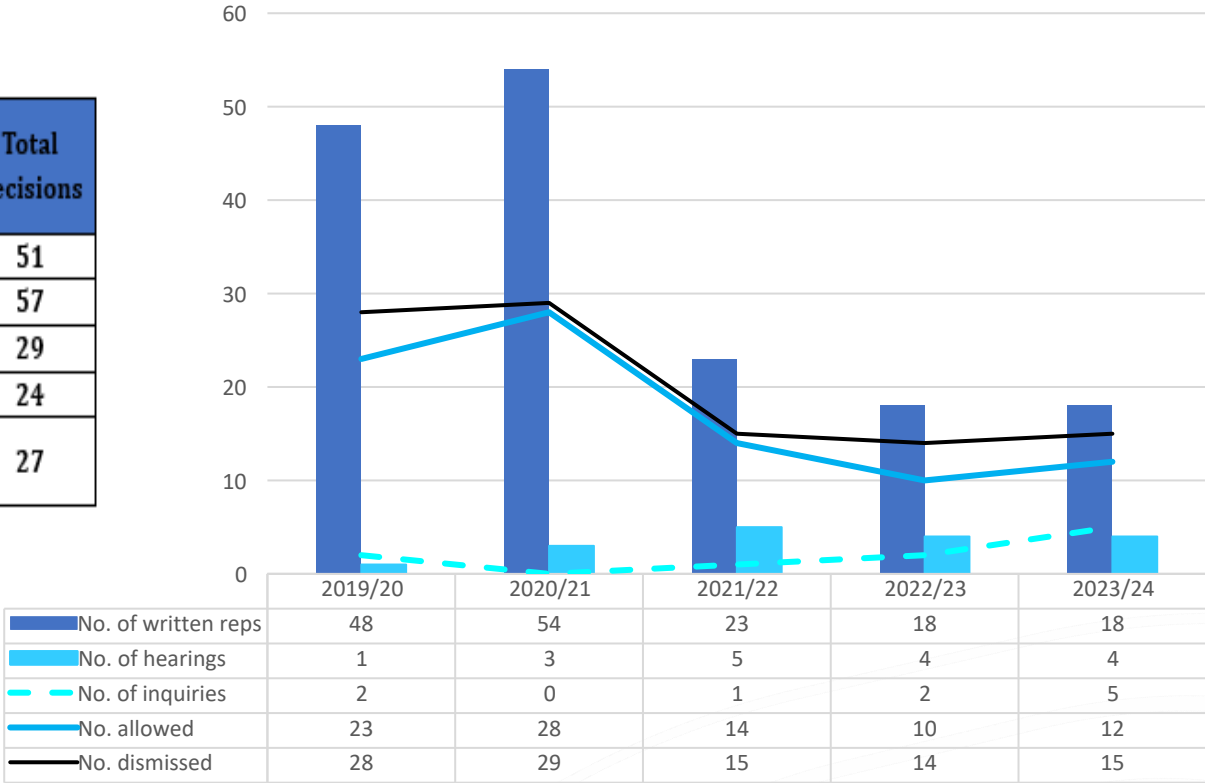
Appeal decisions

Area East

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	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	48	1	2	28	54.90%	23	45.10%	51
2020/21	54	3	0	29	50.88%	28	49.12%	57
2021/22	23	5	1	15	51.72%	14	48.28%	29
2022/23	18	4	2	14	58.33%	10	41.66%	24
2023/24 (Q1 - Q3)	18	4	5	15	55.56%	12	44.44%	27

No. of appeal decisions received by quarter and percentage of appeal decisions overturned (Area East)



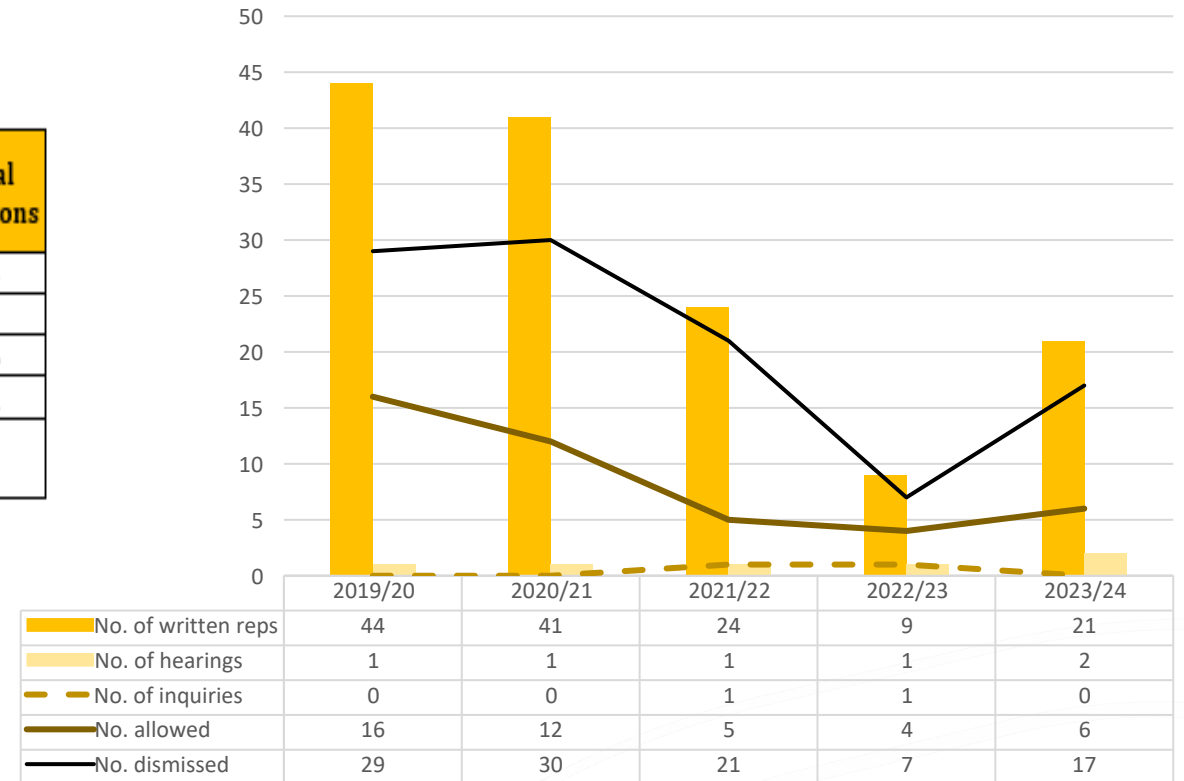
Appeal decisions

Area South

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	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	44	1	0	29	64.44%	16	35.56%	45
2020/21	41	1	0	30	71.43%	12	28.57%	42
2021/22	24	1	1	21	80.77%	5	19.23%	26
2022/23	9	1	1	7	63.64%	4	36.36%	11
2023/24 (Q1 - Q3)	21	2	0	17	73.91%	6	26.09%	23

No. of appeal decisions received by quarter and percentage of appeal decisions overturned (Area South)

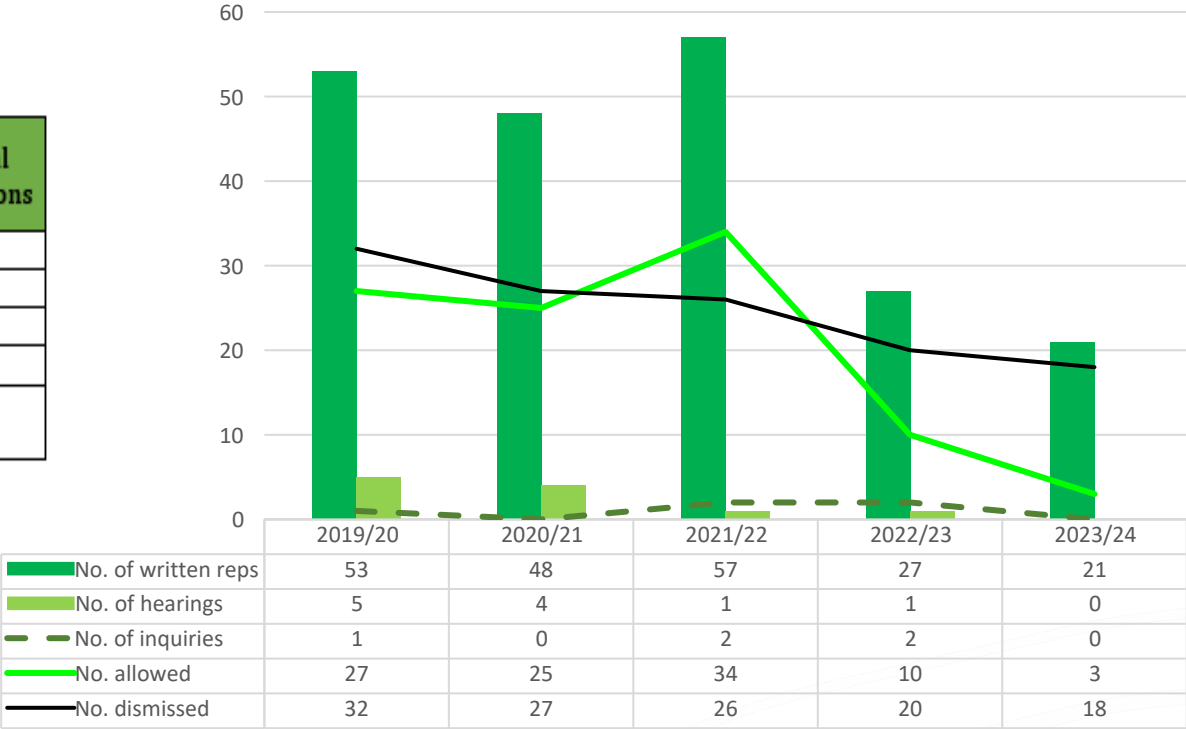


Appeal decisions

Area West

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total decisions
2019/20	53	5	1	32	54.24%	27	45.76%	59
2020/21	48	4	0	27	51.92%	25	48.08%	52
2021/22	57	1	2	26	43.33%	34	56.67%	60
2022/23	27	1	2	20	66.67%	10	33.33%	30
2023/24 (Q1 - Q3)	21	0	0	18	85.71%	3	14.29%	21

No. of appeal decisions received by quarter and percentage of appeal decisions overturned (Area West)



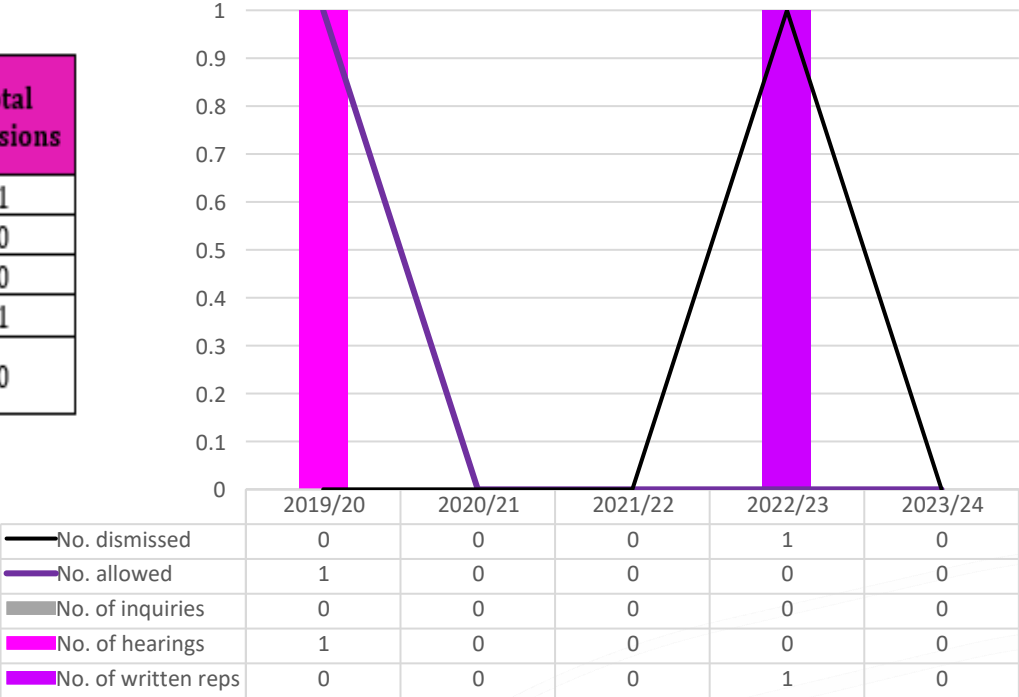
Appeal decisions

Minerals & Waste

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No. of appeal decisions received by quarter and percentage of appeal decisions overturned (Minerals & Waste)

	No. of written reps	No. of hearings	No. of inquiries	No. dismissed	% dismissed	No. allowed	% allowed	Total Decisions
2019/20	0	1	0	0	0.00%	1	100.00%	1
2020/21	0	0	0	0	0.00%	0	0.00%	0
2021/22	0	0	0	0	0.00%	0	0.00%	0
2022/23	1	0	0	1	100.00%	0	0.00%	1
2023/24 (Q1 - Q3)	0	0	0	0	0.00%	0	0.00%	0



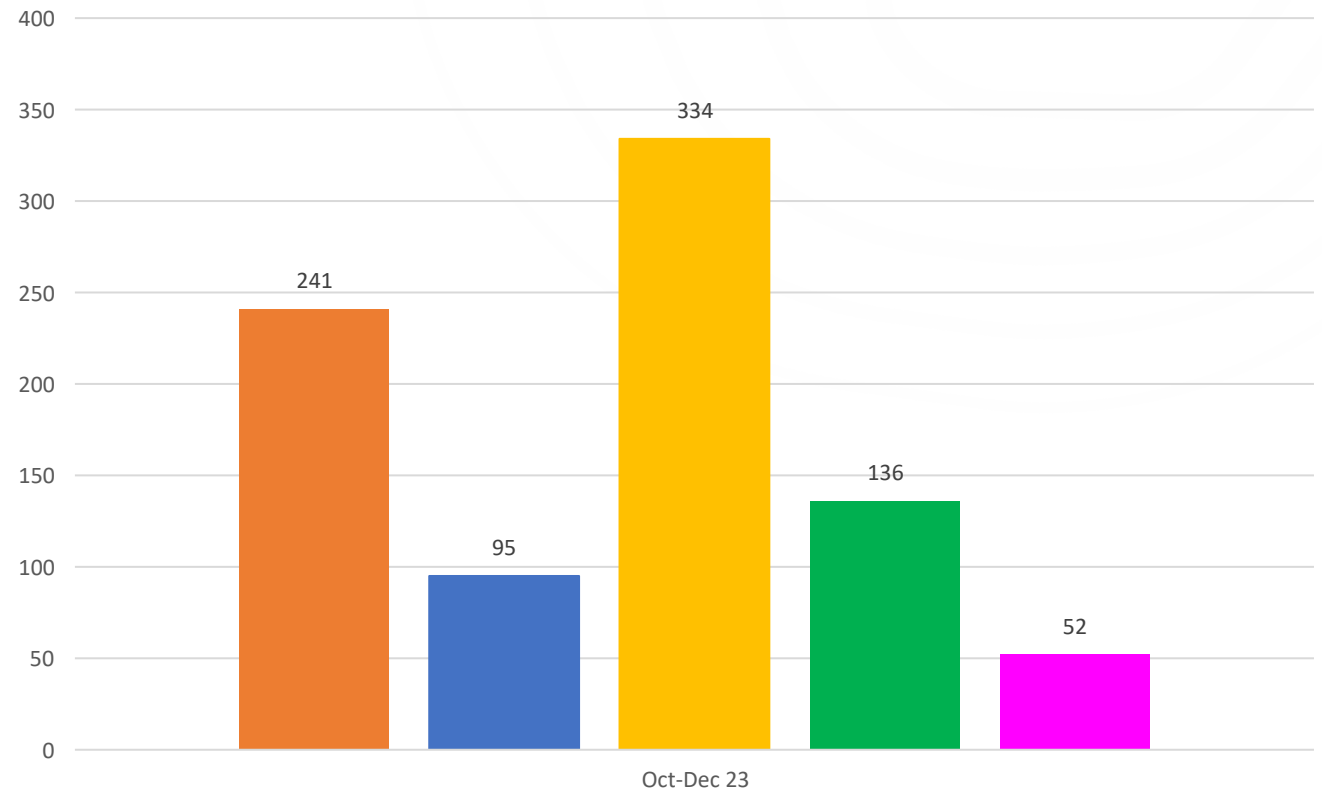
Enforcement cases as of 30 December 2023

All Areas

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	31 December 2023
Area North	241
Area East	95
Area South	334
Area West	136
Minerals and Waste	52

No. of enforcement investigations on hand at end of the quarter

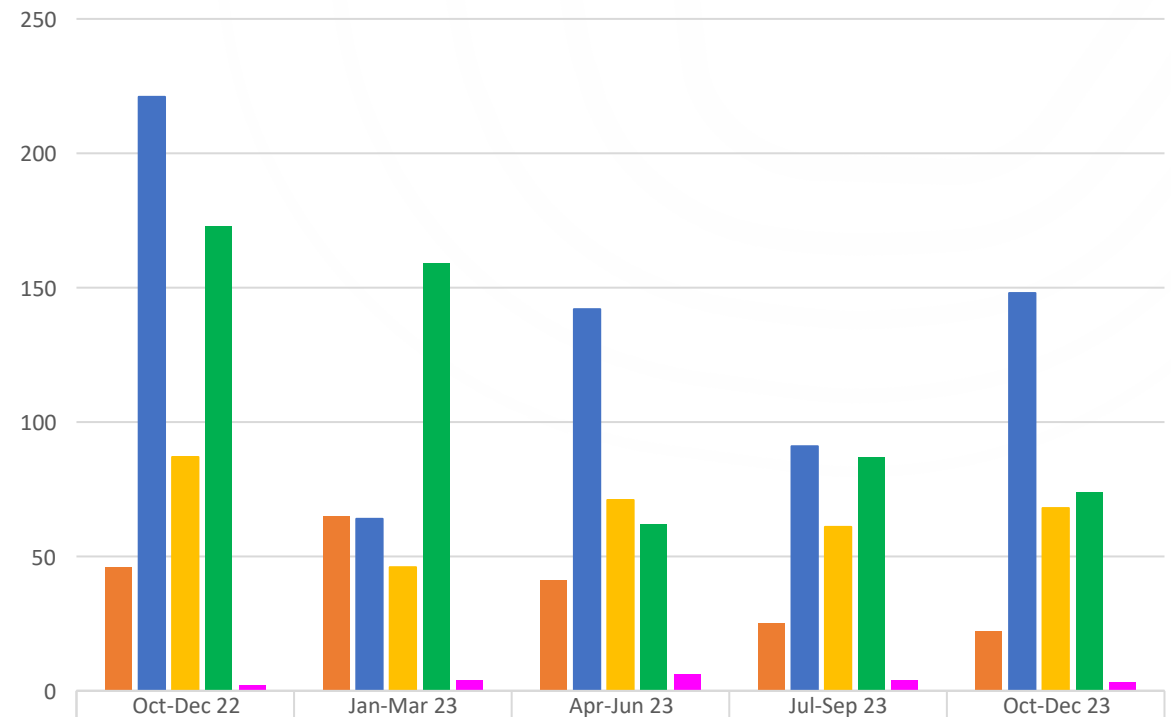


Enforcement cases resolved/closed

All Areas

	Oct-Dec 22	Jan-Mar 23	Apr-Jun 23	Jul-Sep 23	Oct-Dec 23
Area North	46	65	41	25	22
Area East	221	64	142	91	148
Area South	87	46	71	61	68
Area West	173	159	62	87	74
Minerals & Waste	2	4	6	4	3

No. of enforcement investigations resolved/closed during each quarter



North (SDC)	46	65	41	25	22
East (MDC)	221	64	142	91	148
South (SSDC)	87	46	71	61	68
West (SWT)	173	159	62	87	74
Minerals and Waste (SCC)	2	4	6	4	3



Somerset
Council