

### **Quarterly report on planning service performance**

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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 is the first of those reports. As the Committees have only been functioning since May of this year, this report looks at the workload position inherited from the 4 district and county planning authorities for 2022/23 which will provide baseline information going forward.
2. Appendix A attached to the report sets out performance data which will be provided on a quarterly basis to the Strategic Planning Committee. 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 from Q2 of 2023/24 it will be collected across Somerset but officers will also continue to provide 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 thresholds 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 – 2022/23**

#### **Development Management**

7. Section 1 of the Appendix sets out the number of planning applications received by Somerset Council by area and for the Minerals and Waste Team from 2019/20 to 2022/23 and which form the basis for the reporting against the nationally set targets. 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 for Q4 of 2022/23 which is the latest published data by DHLUC.

*Chart showing the latest quarter data (Q4 of 2022/23) for Areas North, East, South and West showing percentage of applications determined in-time compared with the national targets*



The trend data for the period from 2019/20 to 2022/23 set out in Section 3 of the Appendix shows that Areas East, North and South have consistently met all three targets and Area West has met the target for major decisions for the entire period and in 2022/23 have been slightly below the target for minor and other decisions. For minor decisions this has been primarily the impact of the need for phosphate mitigation solutions to be agreed. The rolling annual average for the 24 months to end of March 2023 is shown in Table 17 and confirms that all of the former Districts/County were above the thresholds used by Government for the designation as a poorly performing authority.

8. Section 2 of the 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. At the end of Q4 of 2022/23 i.e March 2023 Table 2 shows that Area East had on hand roughly twice the number of applications received (539 on hand compared to 265 determined); Table 3 shows that Area North had on hand only slightly more than the number of applications received/determined; Table 4 shows that Area West had 474 on hand compared

to 282 received; Table 5 shows that area South had 761 applications on hand compared to 359 determined. Where the number of applications on hand at the end of each quarter is greater than the number of applications determined this provides evidence of a backlog.

9. The reasons for a backlog are numerous but include the fact that a large number of minor applications have been held up by the need to identify a phosphate mitigation solution and by recruitment and retention issues and turnover of agency staff. This has been a particular problem in the West area where the Service Manager post has been vacant for a year and partially covered by an interim working three days per week. In addition one of the team leader posts and 3 other posts are covered by agency staff. In South area there are currently 5 vacant posts: Team Leader, 1 senior, 1 planning officer and 2 x planning assistants. These are currently covered by 11 contractors currently providing the equivalent of 6.6 FTE. The Minerals and Waste Team currently has vacancies for 1 Planning Officer and 1 x Apprentice Planning Officer. Attempts have been made to fill the posts permanently 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.
10. A recent survey by the RTPI<sup>1</sup> shows that 82% of local authority planners said their employer had difficulties hiring planners in the last 12 months and 68% saw 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**

11. Section 4 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.

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<sup>1</sup> [RTPI | Interim State of the Profession 2023](#)

## Appeal decisions

12. Section 6 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.
13. The government uses the appeals performance as a proxy for the quality of decisions and for potential designation<sup>2</sup>. The calculation is based on the percentage of the total number of decisions made by the authority on major and non major<sup>3</sup> decisions that are then subsequently overturned at appeal once nine months have elapsed following the end of the assessment period. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions. The latest data published covers the period for the 24 months to the end of December 2021 (and subsequent appeal decisions to the end of September 2022). If the percentage overturned at appeal is more than 10% of the total number of decisions the authority meets the threshold for designation. The Government wrote on 10 April 2023 to 10 authorities at risk of designation<sup>4</sup>. None of the predecessor authorities received a letter.
14. Based on this indicator the published tables for this period<sup>5</sup> up to September 2022,<sup>6</sup> show the former Somerset County was at 0% for majors; the former South Somerset was at 1.2% for majors and 0.3 for non majors; the former Somerset West and Taunton was at 1.9% for majors and 1.2% for non majors; the former Mendip was at 3.4% for majors and 3.4% for non majors and Sedgemoor was at 3.6% for majors and 0.2% for non majors. 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

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<sup>2</sup> <https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation>

<sup>3</sup> Non major decisions include, minor dwellings, minor office and industry, retail and service, traveller caravan pitches, other minor developments, change of use and householder developments

<sup>4</sup> [Letter from the DLUHC Secretary of State to local planning authorities at risk of designation - GOV.UK \(www.gov.uk\)](#)

<sup>5</sup> Tables were published on 15 June 2023 – see [Live tables on planning application statistics - GOV.UK \(www.gov.uk\)](#)

15. In the first quarter of 2023/24 the Area Planning Committees for East, North, South and West had meetings in May and June. Area East had 4 applications on the agenda in May and 8 in June; Area North had 7 applications in May and 4 in June. Area South had 4 applications in May and 3 applications in June – on both of those occasions the Committee ran out of time and was not able to deal with all the items. Area West had 4 applications on the agenda in May and 6 applications in June. One of the applications on the June Committee was deferred as a large amount of last minute representations had been received and there was insufficient time to consider them and update members on the content. As a result it has been agreed that no information received after 12 noon, two working days prior to Committee will be accepted and the letters advising those making comments on the application of the Committee date have been amended to reflect this.
16. The Strategic Planning Committee met for the first time in June and considered 1 application and an update of the staffing position in the Minerals and Waste Team.

## **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 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. Others will be resolved by way of negotiation in accordance with the government advice.
18. The Council currently has 8.8 enforcement officer posts in the 4 area teams (of which two are currently vacant) and 1.5 posts in the minerals and waste team. Section 7 provides information on enforcement cases in hand and the number

resolved/closed during each quarter. Nationally published data by DHLUC for the year ending March 2023 for the former District Councils shows Mendip issued 11 enforcement notices and served 8 planning contravention notices; South Somerset issued 10 enforcement notices, 2 stop notices and 3 temporary stop notices; and served 14 planning contravention notices and 4 breach of condition notices. Somerset West and Taunton issued 11 enforcement notices, 1 temporary stop notices and issued 1 breach of condition notice. Sedgemoor issued 3 enforcement notices and served 7 planning contravention notices and 6 breach of condition notices.

## **Member training**

19. Member training has been made available to all members of the Council. Training took place in April prior to the first Area Planning Committees scheduled in May 2023. In addition training was provided to the Chairs by Nina Pindham of Counsel on 21 April 2023. All members and substitutes sitting on one of the Committees are required to undertake training and all members and substitutes have met this requirement for 2023/24. A future training programme is being planned.

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

20. Section 8 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, West and South can currently demonstrate a five year land supply. The supply position in Areas East, West and South has been affected by the need to ensure developments are nutrient neutral in the Somerset Levels and Moors catchment areas and in the case of South and West the River Axe catchment area. 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 (please see update report on Phosphates on this agenda)

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

<b>Five Year Housing Land Supply</b>	<b>Years</b>
Area East (Mendip) as at 2022	3.76
Area North (Sedgemoor) as at 2021	6.94
Area West (Taunton Deane) as at 2023	5.16

Area West (West Somerset) as at 2023	7.9
Area South (South Somerset) as at 2022	3.7

21. The Housing Delivery Test is an annual measurement of housing delivery i.e housing completions and was introduced by the Government in 2018. It is dependent on the development industry to build out schemes granted planning permission. The latest results were published in January 2022 for the period up to 2020/21. Data shown in Section 8.5 and Tables 26-29 for 2021/22 is based on local monitoring and includes the results for each of the former Districts. The test means that where there is under delivery of homes the presumption in favour of sustainable development applies where there have been insufficient homes built over the previous three year period (currently set at less than 75% of the housing requirement), irrespective of whether an LPA can demonstrate a five year supply of deliverable housing sites. For those authorities where housing delivery is less than 95% of the housing requirement an action plan should be prepared to assess the cause of under delivery and identify actions to increase delivery in future years. If housing delivery was less than 85% of the housing requirement in addition to preparing an action plan a 20% buffer is added to the calculation of the five year housing land supply. If housing delivery was less than 75% of the housing requirement the presumption applies in addition to preparing an action plan and applying a 20% to the five year housing land supply. The sanctions apply until the release of the next HDT results the following year. For the former Taunton Deane and West Somerset Areas the figures in Appendix 1 have been updated to show the position if the HDT up to 2022/23 was based on the current criteria.
22. The latest nationally published results were for 2020/21 and show that Area South was at 131%, Area North was at 128%, Area West was at 76%, Area East was at 98%. In accordance with the requirements Area West published an action plan.

## **Background Papers**

23. None

## **Appendices**

- Appendix A: Planning Services Performance in Somerset