

Title of meeting:	Cabinet
Date of meeting:	24 July 2019
Subject:	Local Plan and Tipner Consultation response and way forward
Report by:	Assistant Director of Planning & Economic Growth
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 The purpose of this report is to update Members on the outcomes of the consultation carried out in February and March on work to support the emerging Local Plan and specifically on work to promote a development option for Tipner. Key responses are highlighted and a way forward on the technical work is set out. In addition, progress on discussions with neighbouring authorities under the Duty to Cooperate is set out and a first stage Statement of Common Ground with Havant Borough Council is proposed.

2. Recommendations

- 2.1 Cabinet is recommended to

- 1. Note the issues raised in this report, and endorse the proposed approach the Local Plan set out in the Way Forward section of this report, including the work to address sustainability and ecological considerations and climate change; and**
- 2. Delegate to the Director of Regeneration, in consultation with the Leader and Cabinet Member for Culture and City Development, and the Director of Housing, Neighbourhoods and Buildings Services and Cabinet Member for Housing, authority to sign and keep updated a Statement of Common Ground with Havant Borough Council in line with this report.**

3. Background

- 3.1 The Local Planning Authority is preparing a new Local Plan for Portsmouth. The Plan will set out a planning strategy to meet future development needs in the city for the period to 2036. The Plan will set out details on the level of development which will take place in the city and where it will be located and identify the infrastructure needed to support this growth. It will contain planning policies that

will inform and influence the quality of development delivered in the city. These will be used to guide decision making on planning applications. Critical to this will be evidence to assess the impacts, viability and deliverability of development.

- 3.2 Members will be aware that Local Planning Authorities are required to prepare and keep updated a Local Plan which addresses the development needs of the area. Previous reports to Cabinet have outlined one key consideration for the Local Plan - the Government's Standard Methodology for assessing Local Housing Need. This has placed a new pressure on this and many other authorities to consider how a significant increase in new housing might be delivered. The following table sets out how that number derived from the government's methodology differs from the existing Local Plan figure and recent delivery -

**Comparison of housing numbers,
dwellings per annum and equivalent twenty year targets**

	Dwellings per annum	Twenty years (2016-2036)
Existing adopted Local Plan	584	11,680
Previous PUSH statement of need	740	14,800
Government Standard Method	867 ¹	17,340
Recent delivery (2012-2018)	543	10,860

- 3.3 The new Local Plan is not just about the delivery of housing. Nonetheless the onus has been placed upon the Council to do all it reasonably can to meet development needs within the city. Previous reports have noted that the Council already has evidence that the actual deliverable level of housing in Portsmouth is likely to be constrained by a number of factors, including the availability of land, impacts upon the environment, the capacity of infrastructure, deliverability of development and other site specific issues. That is still the case. However, Members should be aware that there is an ongoing expectation that Local Plans will consider such constraints and see if they can be overcome.

- 3.4 At the meeting of 5 February 2019 Cabinet noted progress being made on technical work for the Local Plan, and approved the publication of two sets of documents for concurrent 6 week consultations. They were-

A Tipner Strategic Development Area document. This set out the option of reclaiming land at West Tipner as part of the wider regeneration of Tipner and Horsea; and

A Local Plan Update paper which sets out some of the evidence on other issues across the city to inform the new Local Plan. The evidence studies and consultation documents (in no particular order) were as follows -

¹ As of April 2019

1. Consultation summary document
2. Housing Needs and Housing Targets Update
3. Housing and Economic Land Availability Assessment (HELAA)
4. Gypsy and Traveller Needs Assessment
5. Employment Land Study
6. Open Spaces Assessment
7. Transport Assessment Evidence Review
8. Retail Background Paper
9. Green Infrastructure Background Paper
10. An Assessment of Tree Cover in Portsmouth
11. Biodiversity Background Paper
12. Health Background Paper

3.5 The consultations ran from 11 February to Monday 25 March 2019.

4. The Consultation

4.1 The Local Plan evidence, and Tipner consultations ran from 11 February to 25 March 2019. The following measures were undertaken to publicise the consultation:

- a) Publication on the Council's website;
- b) Specific contact of statutory bodies, including neighbouring local authorities, Natural England, Highways England, Historic England and the Environment Agency ;
- c) Local press releases, and a formal notice in the Portsmouth News;
- d) Direct contact of all parties currently in the Planning Policy consultation database;
- e) Direct contact of all parties on the Action Portsmouth, Shaping Portsmouth and Portsmouth Together networks as well as the Council's Citizen's Panel; and
- f) Features on the Council's social media accounts (Facebook and Twitter).

4.2 In addition, paper copies of the main consultation materials were made available at all the libraries, community centres and housing offices within the city, and the civic offices.

4.3 The local plan evidence consultation was considered to be more technical in nature than the options for Tipner work. Therefore different approaches to engagement were undertaken.

- For the Local Plan evidence consultation, "drop in" sessions were held throughout the consultation period at Portsmouth Central Library, on 12 February, 20 February, and 14 March, 1pm - 5:45pm.
- To explain the Tipner consultation two exhibitions were held in the areas closest to the Tipner and Horsea area, at the Mountbatten Centre Function Room, and Port Solent Boardwalk, on 27 February and 9 March respectively.

4.4 Officers also met with neighbouring local authorities and key organisations such as Natural England. Finally, officers attended a meeting of the Milton Neighbourhood forum to explain the consultation.

4.5 Arrangements were made for comments to be submitted online, by email and by letter with the option of using a consultation form that could be downloaded from the Council's website or obtained from the Planning Policy Team and completed by hand.

5. Effectiveness of the consultation

5.1 As with previous rounds of the Local Plan process it is considered worth assessing the effectiveness of the process as we go along. Following feedback and consideration of the effectiveness of previous rounds of consultation, the following additional measures were taken as part of this round:

- Following a suggestion from the Portsmouth Residents Forum, materials were placed in Housing Offices in addition to libraries and community centres.
- Following the analysis of responses to the previous consultation, which highlighted a comparative lack of responses from younger people, schools were contacted and officers gave a presentation at the Portsmouth Academy, St Mary Road, with a view to developing an ongoing project to address planning the future of Portsmouth.

5.2 With regards to the Tipner consultation, in total, 169 persons attended the exhibitions. In total, 165 businesses, individuals and organisations responded during the consultation period. Given the fact that the consultation was at a high level discussion of the concepts, including the reclamation of land from Portsmouth Harbour, this is considered a reasonable outcome.

5.3 For the Local Plan technical evidence, less than 20 persons attended the "drop-in" sessions. In total, 26 businesses, individuals and organisations responded during the consultation period. This low level of response was expected, given the technical nature of the consultation. National Planning guidance recommends that local plan evidence is published as it becomes available. This has the advantage of enabling evidence to be tested before policies are proposed and can reduce the volume of material interested parties have to consider at any one time. However it is recognised that it is unlikely to attract as much interest - generally, people are more interested in what action the Council may take. Therefore the low level of responses to the technical evidence consultation is not necessarily an indication that the publicity arrangements were inappropriate. It is anticipated that future rounds of consultation, which propose council policy, will have wider relevance and lead to greater levels of participation.

5.4 Therefore the consultation process employed some new measures in an attempt to improve effectiveness. Overall the changes were considered positive.

5.5 The use of further "drop-in" sessions will need to be considered carefully. It is a resource-efficient way of ensuring people have access to officers should they wish consultation materials to be explained. However, the low level of numbers attending is noted. Future use of drop in sessions may be considered if it is appropriate to the materials which have been published.

6. Outcomes of the Tipner consultation

6.1 Some 344 individual representations were received from 165 respondents. A schedule summarising all the representations received is included in Appendix 1 of this report. The full representations (with personal details redacted) will shortly be placed on the Council's website.

6.2 Comments were received from a broad range of individuals and organisations. Although few people live in close proximity to the sites, factors such as the presence of two sailing clubs, the Harbour School, employment uses and the prominence and importance of Portsmouth harbour means that there were a number of responses from private individuals.

6.3 The summary sets out an initial council response to the comments received. However, some key responses to selected questions are set out below -

Issues and challenges - A number of respondents pointed out a wide range of issues and challenges relating to the sites, including environmental assets and constraints, flood risk, transport implications, land contamination, heritage assets and constraints, concerns over the received need for housing, infrastructure capacity, and development viability.

Super Peninsula Concept - While many saw the value in maximising the opportunity of the site, and noted previous reclamation schemes in the city, objections were received from ecologic groups. In particular, the impact upon the Portsmouth Harbour SAC and Ramsar site was highlighted and the legal tests required to justify any potential impact upon the site. Natural England objected to the Super Peninsula proposal and recommend that the Council progresses alternative options to meet housing need that are less environmentally damaging and more sustainable. It also explains the derogation and alternatives test which would be required to be met if the Super Peninsula option was to be pursued. The Environment Agency also raised a number of issues including the presence of contamination, and the potential impact upon the hydrology of the harbour

6.4 It should be noted that the Council is aware of the importance a relevance of ecological assets and constraints which are relevant to the future of the Tipner and Horsea sites. The issues was detailed in the Local Plan report considered by Cabinet on 5 February 2019. That report noted -

3.18 The significance of the impact land reclamation would have on the SPA should not be underestimated. Both European and domestic legislation afford the highest levels of protection to internationally designated sites, and the requirement to demonstrate "imperative reasons of overriding public importance"

(which applies in any case where a proposal is likely to adversely affect the integrity of a site) is a high hurdle. Whilst there have been a number of positive discussions around the principle of land reclamation there is no known national precedent for anything of this scale.

3.19 Ultimately, the question whether the statutory tests can be met is one which it may only be possible to answer once full details of the proposal are known. However, legal counsel has advised the Council should look to bring proposals forward through the Local Plan process rather by means of a speculative planning application. It is therefore considered necessary to consider the matter through the Local Plan process.

- 6.5 The issues raised in this consultation, and in particular the potential implications for the deliverability of the super peninsula concept including land reclamation from Portsmouth Harbour, are significant. Nonetheless it should be recognised that the Super Peninsula concept has emerged as a significant option to be considered in the Council's requirement to maximise the potential for development within the City to meet its own needs, but any development at this scale and location would need to meet the stringent legal and environmental requirements. On balance, it is considered that work should continue to address the deliverability of regeneration at Tipner, including any potential for land reclamation. Further work is required to address the complex issues, including legal and ecological considerations confirmed in the outcomes of this consultation before an appropriate strategy is determined. The ultimate shape, form and timing of the development of Tipner will evolve over time as the technical work progresses and the relative merits and deliverability of options are fully considered. Therefore it is likely this project will evolve in an iterative way with a range of possible outcomes.

7. Outcomes of the Local Plan Evidence consultation

- 7.1 In response to the consultation 64 responses were received from 26 respondents. A schedule summarising all the representations received is included in Appendix 2 of this report. The full representations (with personal details redacted) will shortly be placed on the Council's website.
- 7.2 Typically, responses were received from statutory bodies, such as Natural England, Sport England, and organisations such as the RSPB and Hampshire and Isle of Wight Wildlife Trust. Landowners of key sites also responded. The responses reflected the technical nature of this consultation.
- 7.3 Typically, the comments raised will feed into the evidence base and inform the drafting of the proposed new Local Plan. The summary sets out an initial council response to the comments received. However, some key responses to selected documents are set out below -

Employment land requirements - it is recognised there is a need to revisit the evidence on overall level of need for employment land, given the importance of this issue for the city.

Housing and Economic Land Availability Assessment - There is a need to consider further the deliverability of sites identified in this study, particularly since the revised statements in the National Planning Policy Framework.

Retail and Town Centres - though limited responses were received, it is recognised that the city centre in particular should be the subject of more focused work to set out a masterplan and vision for delivering it.

Health and Wellbeing - it is recognised that the new Local Plan will need a clear approach to air quality issues over the whole Local Plan period to 2036.

Biodiversity - There needs to be further discussion with Natural England regarding the potential for development to impact upon Solent Waders and Brent Geese sites.

7.4 In addition to the work set out above, there is also a need to develop the evidence base further, including specific work on development viability, infrastructure capacity and requirements. All of that further work will be the subject of future public consultation before the Plan is finalised.

8 Planning for Growth

8.1 Previous Cabinet reports on the new Local Plan have highlighted the need for cross-boundary working on strategic planning issues, and the requirement for Statements of Common Ground under the Duty to Cooperate. Statements of Common Ground document the extent to which progress has been made on cross boundary strategic planning issues, such as the delivery of housing, transport infrastructure, environmental impacts, and strategic infrastructure. They are intended to be published and updated on a regular basis. The Council will, where appropriate, seek to enter into Statements of Common Ground with neighbouring authorities and organisations such as Natural England, Marine Maritime Organisation, etc.

8.2 A PUSH Spatial Planning Position Statement was published in June 2016 which set out a development strategy for South Hampshire. At their meeting in February 2019, PUSH Joint Committee considered a report on the implications of the revised NPPF for the Position Statement and agreed that PUSH planners continue to work with the other planners within Hampshire and Isle of Wight on a Spatial Framework.

8.2 Therefore a review of the PUSH Position Statement is underway. Whilst it is considered this is the most appropriate mechanism for considering cross-boundary planning issues, it is the case that PUSH authorities are at different stages in their production of new Local Plans. Therefore it will be the case that statements of common ground will be required with individual authorities prior to the PUSH Position Statement refresh being finalised.

8.3 Given the close links between the City and Havant Borough, and the advanced progress of the Borough Local Plan, it is now appropriate time to prepare a Statement of Common Ground with Havant Borough Council. Officers are still negotiating the final form of wording, but the key aims are -

- The delivery of employment land at Dunsbury Park;

- The delivery of housing on land within Havant Borough owned by Portsmouth City Council to meet a range of housing needs, and clarifying wording in Havant's Local Plan to promote that;
- Agreeing that housing delivery in Havant over and above their local needs figure will go towards Portsmouth's unmet housing need; and
- A commitment to work together to consider how housing development can be brought forward to improve the housing supply position in both authority areas.

8.4 To enable this Statement to be finalised, Members are asked to delegate the signing of this and future Statements of Common Ground with other authorities to the Director of Regeneration, in consultation with the Leader and the Cabinet Member for Culture and City Development. Given the promotion of housing land in Havant, the Cabinet Member for Housing will also be consulted for this Statement. Once the Statement is signed it will be placed on the Council's website and kept updated as appropriate.

9. Way forward

9.1 In March 2019 the Council declared a climate emergency in Portsmouth. The Local Plan can be a key mechanism to address climate change mitigation and adaptation. Some of the evidence studies already published (e.g. Green Infrastructure Background Paper) set out significant measures to contribute towards those aims. The Plan itself will include policies to encourage moving to a low carbon economy.

9.2 Members should be advised, that when the draft Plan is prepared, it will be accompanied by a full Sustainability Appraisal and Habitats Regulations Assessment to demonstrate how sustainability considerations have informed the production of the Plan, and how the potential impact upon European designated sites for nature conservation have been addressed.

9.3 In line with the decision made by Cabinet in February 2019, a cross party Member working group has been established to feed into the production of the new Local Plan. Progress is being made, with technical evidence progressing and clear responses on the Tipner consultation highlighting the work required to be undertaken. Work is now underway to address the scope of work set out in this report. As the work progresses there may be a need to review the Local Plan timetable and Members will be kept informed.

9.4 In the short term, there is a recognised need to progress the thinking on the future of the city centre, including the Council's proposals for a new city centre road, the future of the former Tricorn site, a masterplan for the wider city centre and a strategy for delivering it. This is envisaged to be the next significant step in the production of the Local Plan and it is envisaged that it will be the subject of public consultation later this year.

10. Equality Impact Assessment

- 10.1 A preliminary Equality Impact Assessment (EqIA) was prepared to accompany the February cabinet paper. Following the results of the consultation, a full EqIA has been prepared, which forms Appendix 3 to this report.

11. Legal Implications

- 11.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), together with Part 2 of the Planning and Compulsory Purchase Act 2004 set out the principle procedure and substantive obligations in relation to the preparation and adoption of the Local Plan. These steps are reflected in the narrative of this report, including further Habitats Regulations Assessment work under the Conservation of Habitats and Species Regulations 2017.
- 11.2 The draft document may not be submitted to the secretary of state for independent examination unless it, and the procedural steps taken, complies with any relevant legal obligations, and the submitting authority thinks that the document is ready. On examination, the secretary of state, hearing representations and inquiring into the document, considers the soundness of the document. That is, that it is:
- i. Positively prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements (including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development).
 - ii. Justified: the most appropriate strategy when considered against the reasonable alternatives based on proportionate evidence.
 - iii. Effective: deliverable over its period and based on effective joint working and cross-boundary strategic priorities.
 - iv. Consistent with national policy: enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.
- 11.3 In order to minimise the risk of any legal challenge to the process adopted by the Council for the preparation of the Local Plan, members must, and must be seen to, have carefully considered and reviewed all of the representations received in response to the consultations undertaken in the course of preparing the plan.
- 11.4 In preparing and conducting the consultation, regard must be had to the public sector equality duty. This requires that in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. Director of Finance Comments

- 12.1 The specific recommendations within this report to note the summary representations and endorse the approach to completing the Local Plan do not directly have an adverse impact on Council resources. However it is likely that the technical work and legal support required to inform the final production of the Local Plan and support it through Examination, may require additional one-off funding.
- 12.2 The budgetary implications of taking the Local Plan to adoption will be assessed and monitored by the Assistant Director of Planning & Economic Growth in conjunction with the Director of Finance & Section 151 Officer.

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Signed by:
Assistant Director Planning and Economic Development

Appendices:

- Appendix 1 Tipner and Horsea Island Consultation Summary
- Appendix 2 Local Plan Evidence Consultation Summary
- Appendix 3 Equality Impact Assessment on Local Plan consultations

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Town and Country Planning (Local Planning) (England) Regulations 2012	http://www.legislation.gov.uk/uksi/2012/767/contents/made

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: