

Title of meeting: Planning Policy and City Development Portfolio Meeting

Date of meeting: 13th August 2020

Subject: Revised Local Development Scheme

Report by: Ian Maguire, Assistant Director Planning & Economic Growth, Regeneration

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1. The purpose of this report is to outline the revisions to the Local Plan timetable set out in the Local Development Scheme (LDS) necessitated by Covid-19 delays.

2. Recommendations

- 2.1 To approve the revised Local Plan timetable set out in the Local Development Scheme (LDS)
- 2.2. To grant delegated authority to Assistant Director Planning & Economic Growth to make minor amendments to the LDS and Development Plan Document timetables as necessary.
- 2.3 Note the progression of other Portsmouth Development Plan Documents and Supporting Planning Policy documents.

3. Background

- 3.1. The Local Planning Authority is preparing a new Portsmouth Local Plan to guide the future development of the city. The Plan will set out details on the level of development that will take place 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 by guiding decision making on planning applications. Critical to the development of the Local Plan is sound evidence to assess the need, impact, viability and deliverability of development.
- 3.2. A Local Development Scheme (LDS) is required under Section 15 of the *Planning and Compulsory Purchase Act 2004* (as amended). The LDS must specify the development plans, the subject matter of those plans and the

geographical areas they cover and the timetable for the production and adoption of the plans. For the Council is this primarily the new Portsmouth Local Plan.

- 3.3. Local planning authorities have an obligation to keep the LDS up to date and publish it on their website. Portsmouth's LDS was last updated on 29th November following approval by Cabinet Member for Culture & City Development.
- 3.4. The coronavirus (Covid-19) was first reported in China in December 2019 and was declared a pandemic in March 2020. The pandemic and social distancing requirements had immediate implications for local authorities and local plans, including the ability of authorities to comply with the objectives in their Statements of Community Involvement (SCIs), such as holding face-to-face community consultation events or providing physical documents for inspection. To enable plan making to continue, the government updated *National Planning Policy Guidance*¹ and brought into force new amendment regulations² to make the provision to temporarily allow community engagement to take place by 'any means that are reasonably practicable'.
- 3.5. These new provisions will be reflected in the Council's consultation strategies, which will include using online engagement measures to their full potential as well as appropriate methods to engage 'digitally excluded' residents. The Council's SCI will be reviewed to reflect these changes (as well as those affecting Development Management procedures) in due course.

4. **Reasons for recommendations**

The Revised Portsmouth Local Plan Timetable

- 4.1 It recommended that the Local Plan timetable in the Local Development Scheme is amended, moving the dates for the key milestones of the project forward by approximately six months from those in the current LDS (Nov 2019); see Table 1 below for the proposed timetable and the revised Local Development Scheme document in Appendix A. The Covid-19 pandemic has required that the timetable of the local plan be reviewed. The direct impact of the pandemic on the Council's ability to continue its pace of work while focussing on critical priority services and on the Council's contractors while managing within the restrictions created has been significant. As noted above the ability to continue with effective public engagement has also required review. The Local Plan team is also undertaking a review of all relevant existing evidence and undertaking additional evidence gathering in response to the impacts on Covid-19 which are likely to affect both the evidence underpinning the emerging Plan and peoples attitudes and opinions to many key policy matters within it. It should also be noted that during this period the Government has made a number of changes to the planning system, as detailed below, and announced an intention for further, systemic changes that will need to be incorporated in the Plan moving forward.

¹ DCLG (updated May and July 2020) *National Planning Policy Guidance on Plan-making*, paras. 76-80.

² *The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020*

- 4.2 During spring/ summer 2020, further important evidence gathering was undertaken on the deliverability of the Plan's key draft strategic sites, including new evidence on the potential levels of housing delivery for the Council's *Housing and Economic Land Availability Assessment* (HELAA) of the plan period. Further work was also carried out on the implications of the viability assessment and transport modelling of the Local Plan's draft proposals.
- 4.3 Whilst there has been some degree of evitable disruption to usual working practices, associated council projects and consultancy work from Covid-19, it is considered appropriate to also allow additional time to review the draft Plan in light of the pandemic. A review would ensure that the draft Local Plan to be published for consultation ('Reg 18' stage) would reflect the current situation regarding Covid-19 and make some consideration of how wider socio-economic changes may affect the city over a 15 year period, so far it is possible to do so at this time. In addition to a number reactive changes to planning guidance in response to Covid-19, the Government has also announced significant changes to Permitted Development Rights³ and *The Use Classes Order 1987* (as amended)⁴. These changes will affect how the Council will plan for the delivery of quality new homes and the development of the city's main centres, including the regeneration of Portsmouth City Centre.

Table 1. Updated Timetable for production

Timetable for Production of the new Portsmouth Local Plan		
Preparation ('Reg. 18')	Issues and Options consultation	✓ July 2017
	Evidence base consultation ('Local Plan update')	✓ February 2019
	Consultation on a draft Local Plan	Early 2021
Publication ('Reg. 19')	Consultation on the proposed Local Plan for submission	Spring/ Summer 2021
Submission ('Reg. 22')	Submission of Plan to Secretary of State	Autumn 2021
Examination hearings ('Reg. 24')	Examination of the Plan by an appointed Inspector	<i>Winter 2021 (tbc)</i>
Inspectors report ('Reg. 25')	Inspectors Report on whether the plan is legally compliant and sound	<i>Spring 2022 (tbc)</i>
Adoption ('Reg. 26')	Formal adoption of the plan by the council	<i>Summer 2022 (tbc)</i>

- 4.4 The proposed six month delay to the timetable would also potentially allow the draft Plan to incorporate of the outcomes of other key Council projects due in draft form in the autumn, including the 'Imagine Portsmouth' visioning work, the delivery strategy for the City Centre Masterplan and the masterplanning work for the future of the Portsmouth International Port.

³ Demolition of buildings and their replacement with new housing (SI2020/756) and upward extensions to residential properties (SI2020/755) for applicable development. Due to come into force on 31st August 2020.

⁴ *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020*. Due to come into force on 1st September 2020.

- 4.5 The revised timetable could result in the adoption of the Local Plan in summer 2022; a broad estimate since the latter stages of the timetable post 'Submission' of the Plan are subject to the Planning Inspectorate's resource availability. This shift into 2022 would also necessitate a change to the overall plan period (which was previously 2016 - 2036). This is because the *National Planning Policy Framework*⁵ requires strategic policies to look ahead over a minimum 15 year period from adoption, in order to anticipate and respond to long-term requirements and opportunities (with some exceptions relating to town centre development). In accordance with the revised timetable, the new Portsmouth Local Plan will need to be supported by a sound evidence base up to at least 2037/38, as appropriate. The Local Plan evidence base is also shared as part of the development of other Council projects, including the *Local Transport Plan 4*, the *Air Quality Local Plan* and any updates to the *Economic Development and Regeneration Strategy*.
- 4.6 The Council continues to work together positively with neighbouring authorities in the sub-region through the Partnership for South Hampshire (PfSH) on a joint evidence base on strategic cross boundary matters, as a part of the Duty to Co-operate, which is able to accommodate each authorities' differing plan periods. Further individual discussions with neighbouring authorities will also need take place on housing need and other key matters.
- 4.7 It should be noted that current projections suggest that social distancing will still be in place during the next public consultation on the Local Plan, the 'Reg 18' draft in the winter (early 2021), as well as for consultation on any supporting planning documents in 2020. The majority of the engagement on the draft documents is likely to therefore take place online, with support from other engagement methods as appropriate. However, further progression of the Local Plan could be affected if the Council are unable to satisfactorily carry out meaningful engagement with all residents.
- 4.8 As noted above the Government has also announced further reforms to the planning system 'to introduce a new approach that works better for our modern economy and society'⁶, which may lead to further delays to the Local Plan timetable.
- 4.9 The second recommendation of this report, to allow amendments to the LDS, would enable plan making to continue with adjusted timetables during this period of uncertainty and change, as detailed above, and to amend the timescales as needed for the latter stages of the plan preparation (post 'Submission') which will be outside of the Council's direct control.

The Hampshire Minerals and Waste Plan and other Planning Policy Documents

⁵ MHCLG (Feb 2019) *National Planning Policy Framework*, para. 22.

⁶ <https://www.gov.uk/government/news/pm-build-build-build> and <https://www.telegraph.co.uk/politics/2020/08/01/radical-necessary-reforms-planning-system-will-get-britain-building/>

- 4.10 The Council, as a Unitary Authority, is also the minerals and waste planning authority for the Portsmouth area, with a statutory duty to prepare a Local Plan to guide the need for and location of development for minerals and waste management. The Council undertakes this role through the Hampshire Minerals and Waste Plan (HMWP) Partnership, to ensure minerals and waste matters are planned for on a county-wide basis, with Hampshire County Council, Southampton City Council, New Forest National Park Authority and the South Downs National Park Authority ('the Hampshire authorities').
- 4.11 *The Hampshire Minerals and Waste Plan (HMWP) 2013* forms part of the Development Plan for Portsmouth, alongside the adopted Portsmouth Local Plan (2012). Following a 5-year audit of the HMWP in 2018, the Hampshire authorities agreed that the HMWP remains effective for the time being but that the Plan should be reviewed again in 2020, when there may be more clarity around some key supply and demand issues.
- 4.12 While much of the preparation, review and monitoring of the HMWP is conducted by Hampshire County Council through the Partnership agreement, the Council will need to be involved in steering the direction of any review of the HMWP, and to approve key decisions and/ or documents for consultation and adoption as required. The current timetable is outlined in section 3.2 of the LDS and will be updated once further details are available.
- 4.13 A new section of the LDS (section 3.3.) has been added to outline the other planning policy documents that are currently developed. These documents will ensure there is a co-ordinated, plan-led approach to regeneration in the city and appropriate planning guidance whilst the new Local Plan is being prepared. The progression of the Seafront Masterplan Supplementary Planning Document, for instance, will guide any proposals for redevelopment at the seafront following the grant of planning permission for the Southsea Flood defences works.

5. Integrated impact assessment

- 5.1 An integrated impact assessment is not required as the recommendations do not directly impact on service or policy delivery. Any changes made arising from this report would be subject to investigation in their own right.

6. Legal implications

- 6.1 Legal comments are contained within the body of this report. The Regulations referred to in Table 1 are the *Town and Country Planning (Local Planning) (England) Regulations 2012*, which provide the statutory framework for the production of a local plan as envisaged by the *Planning and Compulsory Purchase Act 2004*.

7. Director of Finance's comments

- 7.1 The recommendations within this report regarding the updated LDS timetable do not impact on Council financial resources. It is anticipated that the costs for any

external technical work required to inform the final production of the Local Plan will be met from the existing cash limited budget.

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Signed by:

Appendices: Appendix A: Revised Local Development Scheme (August 2020)

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
Local Development Scheme (Nov 2018)	https://www.portsmouth.gov.uk/ext/development-and-planning/planning-policy/local-development-scheme
Statement of Community Involvement (2017)	https://www.portsmouth.gov.uk/ext/development-and-planning/planning-policy/statement-of-community-involvement
Updated National Planning Policy Guidance on Plan-Making	https://www.gov.uk/guidance/plan-making#covid19

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

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Signed by: