



Title of meeting:	Cabinet
Date of meeting:	27 th July 2021
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. To purpose of this report is to outline and seek approval for the revisions to the Local Plan timetable set out in the Local Development Scheme (LDS).

2. Recommendations

- 2.1 To approve the revised Local Plan timetable set out in the Local Development Scheme (LDS). The revised LDS to have effect from 27th July 2021.
- 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 new Local 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 supporting 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 this is 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 20th August 2020 following approval by the Planning Policy and City Development Portfolio holder.

The Revised Portsmouth Local Plan Timetable

- 3.4 A draft of the new Local Plan for consultation was prepared in early 2021. Following internal review and discussion, it was requested that supporting evidence was expanded upon to help explain the proposed approach in key policy areas and some additional options (reasonable alternatives) were drafted for consultation. This coincided with the withdrawal a strategic site submission by the site promoter, necessitating a review of the housing supply options and trajectory in order to meet the Government's housing need targets for Portsmouth for the plan period. Spring 2021 also saw a number of national policy changes and consultation proposals which needed to be taken account of in the draft document, including: the Class E to residential (C3) prior approval permitted development right¹, First Homes guidance², proposed changes to Article 4 Directions³ and a draft National Model Design Code⁴.
- 3.5 Reviewing the work programme following the above has highlighted that more time will be needed between the Reg 18 and Reg 19 consultation stages to present the summary of Reg 18 consultation comments and PCC's proposed response to Cabinet, before the preparation of the final Reg 19 draft of the new Local Plan. Prior to the Reg 19 consultation, the team will also need to ensure there is sufficient deliverability evidence for the proposed Strategic Site Allocations, that any issues/ options arising from the Reg 18 consultation have been fully addressed and that plan preparation has met all legal requirements (such as the Duty to Co-operate).
- 3.6 It is therefore recommended that the Local Plan timetable in the Local Development Scheme is amended to move the dates of the key milestones of the project forward by approximately six months from those in the current LDS (Aug 2020); see the revised Local Development Scheme document (Appendix A) and updated schedule in Table 1 below.

¹ *The Town and Country Planning (General Permitted Development Etc.) (England) (Amendment) Order 2021* effective from 1st August 2021.

² MHCLG (Apr 2021) Government response to the First Homes proposals and NPPG on First Homes (MHCLG, May 2021).

³ MHCLG (Jan 2021) National Planning Policy Framework Draft text for consultation

⁴ MHCLG (Jan 2021) National Model Design Code



Table 1. Updated LDS Timetable for the new Local Plan

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 Summer 2021
Publication ('Reg. 19')	Consultation on the proposed Local Plan for submission	Summer 2021 Winter 2021
Submission ('Reg. 22')	Submission of Plan to Secretary of State	Autumn 2021 Spring 2022
Examination hearings ('Reg. 24')	Examination of the Plan by an appointed Inspector	<i>Tbc*</i>
Inspectors report ('Reg. 25')	Inspectors Report on whether the plan is legally compliant and sound	<i>Tbc*</i>
Adoption ('Reg. 26')	Formal adoption of the plan by the council	Summer 2022 <i>Prior to the end of 2022</i>

* Timetabling subject to resource availability at the Planning Inspectorate.

The Hampshire Minerals and Waste Plan

3.7 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 (HCC), Southampton City Council, New Forest National Park Authority and the South Downs National Park Authority ('the Hampshire authorities').

3.8 *The Hampshire Minerals and Waste Plan* (HMWP) 2013) forms part of the Development Plan for Portsmouth, alongside the adopted Portsmouth Local Plan (2012). An initial review of the Hampshire Minerals and Waste Plan was undertaken in 2018, five years' since the date of adoption; it concluded that the HMWLP did not require review at that time and should be reviewed again in 2020. When this was revisited, the HMWLP was still deemed to be sufficiently supporting minerals and waste planning in the area but a review of all policies indicated that a partial update was needed to ensure full compliance with the NPPF and the National Planning Policy for Waste (NPPW). The decision to undertake the review of the HMWLP was approved by all partnership authorities, including Portsmouth City Council at a Full Council meeting in March 2021⁵. A timetable for the review has also been published by HCC since the LDS was last updated.

⁵ Meeting details at:
<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=146&MId=4270&Ver=4>

3.9 While much of the review of the HWMP will be conducted by Hampshire County Council through an existing 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 timetable is outlined in section 3.2 of the LDS: it includes a first stage public consultation period in the Autumn with the overall aim of progressing the review through to adoption in 2023.

4. Reasons for recommendations

4.1 The Council is required to keep the LDS up to date and publish it on their website. The suggested change to the timetable(s) would reflect progress in the preparation of the Portsmouth Local Plan and the Review of the Hampshire Minerals and Waste Plan during the last year.

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 Section 15 of the *Planning and Compulsory Purchase Act 2004* (as amended) requires the local planning authority to prepare and maintain a Local Development Scheme. It also requires the local planning authority to revise the Local Development Scheme at such time as they consider appropriate. The updated Local Development Scheme is to be made available to the public, together with the changes made and details of compliance with the timetable.

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 (July 2021)

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
Portsmouth Local Development Scheme (Aug 2020)	https://www.portsmouth.gov.uk/ext/development-and-planning/planning-policy/local-development-scheme
Hampshire Minerals and Waste Local Development Scheme (December 2020)	https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan
The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 - Explanatory memorandum	https://www.legislation.gov.uk/uksi/2021/428/memorandum/contents
MHCLG (April 2021) Government response to the First Homes proposals National Planning Policy Guidance on First Homes (May 2021):	https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-first-homes-proposals-in-changes-to-the-current-planning-system
National Planning Policy Framework and National Model Design Code: consultation proposals	https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals

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

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Signed by: