



<b>Title of meeting:</b>	Cabinet
<b>Date of meeting:</b>	26 <sup>th</sup> July 2022
<b>Subject:</b>	Revised Local Development Scheme
<b>Report by:</b>	Ian Maguire, Assistant Director Planning & Economic Growth, Regeneration
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## **1. Purpose of report**

- 1.1. The purpose of this report is to detail 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 this report for the Local Development Scheme (LDS) and the Minerals and Waste Development Scheme.
- 2.2. To grant delegated authority to Assistant Director Planning & Economic Growth to make minor amendments to the LDS and Minerals and Waste Development Scheme 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 plan documents, the subject matter of those development plan documents and the geographical areas they cover and the timetable for the production and adoption of them. For Portsmouth City 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 8<sup>th</sup> March 2022 following approval by the Cabinet.

The Revised Portsmouth Local Plan Timetable

- 3.4 Additional time has been necessary to continue discussions with the Members Cross Party Working Group. Progress of the options has been made however due to the Local Elections in May the group was unable to meet for some time which has meant the March timetable has slipped. A further final meeting of the Cross-Party Working Group is scheduled to occur prior to the Cabinet meeting to consider this report meaning that 9 meetings will have been undertaken since 30<sup>th</sup> November 2021. Following those meetings it has been agreed that a spatial strategy will be pursued that maximise delivery within the emerging strategic sites identified across the city and that the Tipner West site will be progressed with a delivery of 1,250 homes in addition to substantial employment floorspace.
- 3.5 The outcome of the decisions on development at Tipner and the other options will require a full reassessment of the potential housing supply and related policies. The work programme for the Plan has a number of dependencies that will depend an agreed spatial strategy for the quantity and location of new development in the city; background evidence and assessment work (i.e. transport, infrastructure provision, sustainably appraisal and habitat regulations assessment) and engagement with other local authorities on unmet housing need cannot be progressed or finalised ahead of this.
- 3.6 A full review of the Local Plan timetable has therefore been undertaken; the estimated target date for the Council's Regulation 19 version of the Plan has been moved to Spring 2023, moving likely Submission of the Plan to late summer 2023. The timescales for the latter stages of the plan preparation (post 'Submission') will be outside of the Council's direct control.

Table 1. Updated LDS Timetable for the new Local Plan

<b>Timetable for Production of the new Portsmouth Local Plan</b>		
Preparation ('Reg. 18')	Issues and Options consultation	✓ July 2017
	Evidence base consultation ('Local Plan update')	✓ February 2019
	Consultation on a draft Local Plan	✓ September 2021
Publication ('Reg. 19')	Consultation on the proposed Local Plan for submission	Spring 2023
Submission ('Reg. 22')	Submission of Plan to Secretary of State	<i>Tbc*</i>



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	<i>Prior to the end of 2024</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 2021<sup>1</sup>. A timetable for the review has also been published by HCC since the LDS was last updated.
- 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 2025.

Table 2. Updated LDS Timetable for the new Hampshire Minerals and Waste Plan

<b>Timetable for Production of the new Hampshire Minerals and Waste Plan</b>		
Preparation	Evidence base preparation	Mar - Sept 2022

<sup>1</sup> Meeting details at:

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



('Reg. 18')	Consultation on the Draft Plan Update and Evidence	<i>Sept - Dec 2022</i>
Publication ('Reg. 19')	Consultation on the updated Plan to be submitted to the Secretary of State	<i>Jun - Oct 2023</i>
Submission ('Reg. 22')	Submission of Plan to Secretary of State	<i>February 2024</i>
Examination hearings ('Reg. 24')	Examination of the Plan by an appointed Inspector	<i>Autumn 2024</i>
Inspectors report ('Reg. 25')	Planning Inspector delivers his report on the Plan	<i>Spring 2025</i>
Adoption ('Reg. 26')	All authorities adopt the Plan, as modified by Planning Inspector	<i>Summer 2025</i>

### Reasons for revising the timetable

- 3.10 The original timetable has been subject to delay for several reasons.
- 3.11 The work on understanding the current capacity, forecasts for waste management and future policy direction for the plan has been complicated by the plethora of Government consultations on waste and other matters such as nature conservation and air quality. The outcomes of these consultations are likely to relate to the policies in the Plan and there is a need to ensure the Plan takes these outcomes into account where possible, and to ensure it is flexible where appropriate to allow for future national policy changes.
- 3.12 Natural England has recently provided advice on the potential for nutrient impacts on habitat sites and how this should be considered in decision making on planning. This advice will need to be taken into account to ensure the emerging Hampshire Minerals and Waste Plan is legally compliant.
- 3.13 Furthermore, the current international situation has elevated the political priority of the issues of energy prices and energy security. Hampshire has both existing oil and gas operations and the potential for new developments of these energy sources, with appropriate policy set out in the current adopted Minerals and Waste Plan. However, it is considered prudent to allow time to ensure the Plan is reflecting national policy including on climate change, which has also been subject to review as demonstrated in recent caselaw.

### 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 have a disproportionate negative impact on any of the specific protected characteristics as described in the Equality Act 2010. All projects/ plans within the Local Development Scheme would be subject to their own assessment if there was a potential positive or negative impact on any of the protected characteristics or the topic areas.

**6. Legal implications**

6.1 Legal comments are contained within the body of this report. The Regulations referred to in Table 1 and Table 2 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 There are no direct financial implications from the approval of the recommendations within this report. The cost of revising the Local Plan timetable was met from existing cash limited resources.

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:

<b>Title of document</b>	<b>Location</b>
Portsmouth Local Development Scheme (Mar 2022)	<a href="https://www.portsmouth.gov.uk/ext/development-and-planning/planning-policy/local-development-scheme">https://www.portsmouth.gov.uk/ext/development-and-planning/planning-policy/local-development-scheme</a>
Hampshire Minerals and Waste Local Development Scheme (December 2020)	<a href="https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan">https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan</a>

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

.....  
Signed by: