

Title of meeting: Cabinet

Date of meeting: 9 January 2024

Subject: Local Development Scheme

Report by: Ian Maguire, Assistant Director of Planning & Economic Development

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 The purpose of this report is to introduce the updated Local Development Scheme (LDS), which sets out the timetable for the preparation of development plan documents in Portsmouth.

2. Recommendations

2.1 To resolve as the Local Planning Authority that the updated Local Development Scheme set out in Appendix 1 of this report is approved and to have effect from 10 January 2024.

3. Background

3.1 The LDS sets out the timetable that Portsmouth City Council will follow in the preparation and adoption of planning policy documents. The main planning policy document that the Council is currently preparing is the new Portsmouth Local Plan. The City Council is also working with the other Hampshire Authorities on the Partial Review of the Hampshire Minerals & Waste Local Plan. The timetable for this Plan is published on Hampshire County Council's website. There is one made Neighbourhood Plan in Portsmouth, the Milton Neighbourhood Plan. Other neighbourhood plans may come forward in due course. There are a number of adopted Supplementary Planning Documents (SPD) in Portsmouth. A Parking SPD is being prepared to follow on from the new Parking Strategy and the timetable for this SPD is set out in the LDS.

3.3 The current LDS was adopted by the City Council in July 2023. This new update reflects a slightly amended timetable to allow further work on sites allocated in the Plan including the strategic site of Tipner West & Horsea Island

East. Pragmatic updates have also been made on other matters such as the enactment of the Levelling Up and Regeneration Act.

- 3.4 The amendments to the timetable for the Local Plan are not considered to be material and primarily reflect that while the progress of the Regulation 19 'Pre-submission' Local Plan has preceded in accordance with the July 2023 LDS it is now suggested that the actual consultation period be delayed until after the May 2024 elections to ensure no overlap with the pre-election period.
- 3.5 The Levelling Up and Regeneration Act¹ (LURA) was made law on 26 October 2023. When the relevant secondary legislation and regulations are issued, they will make significant changes to the system of plan making in England. Changes to the National Planning Policy Framework² (NPPF) were published on 19 December 2023 along with a plethora of Government documents on planning including a Written Ministerial Statement³ and the Housing Delivery Test⁴. The Written Ministerial Statement states that 'It is only through up-to-date local plans that local authorities can deliver for communities, protect the land and assets that matter most, and create the conditions for more homes to be delivered.' These national announcements and publications do not mean that we need to make any changes to this LDS, but they do re-emphasise the need to progress in a timely fashion with a new local plan for the City. The key dates deadlines that were announced last year and were repeated by the Government on 19 December are that local planning authorities are to submit local plans for examination under the current framework by 30 June 2025 and need in general to be adopted by 31 December 2026. Local plans that miss this deadline will need to start afresh under the new system. This would inevitably be very costly for the City Council.

4. Reasons for recommendations

- 4.1 Following on from three Regulation 18 consultations, the City Council is now moving ahead with its Pre-Submission Local Plan. This includes following the updated Guiding Principles adopted by the City Council in October 2023 for development on Tipner West and Horsea Island East, which will be allocated as a strategic site in the Pre-Submission Plan. Officers are also working on final evidence gathering for City-wide studies including housing and employment need, transport and biodiversity net gain. Members and especially the Portfolio Holder for Planning Policy and City Development have been involved in the preparation of the Local Plan throughout.
- 4.2 The Pre-Submission Local Plan will be considered by Members at Cabinet on 05 March 2024 and then Full Council on 19 March 2024. Subject to approval by Members the Pre-Submission consultation will start after the local elections in

¹ <https://www.legislation.gov.uk/ukpga/2023/55/enacted>

² https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

³ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-19/hcws161>

⁴ <https://www.gov.uk/government/publications/housing-delivery-test-2022-measurement>

May 2024, the consultation running for six weeks. The consultation will focus on matters of legal compliance and soundness.

- 4.3 Providing that no matters are raised that the Council consider go to the heart of soundness or legal compliance, then the Portsmouth Local Plan will be submitted for examination. After that, the timetable for the examination is in the hands of the Planning Inspectorate rather than the City Council. Due to imminent changes in the plan making system brought in by the Levelling Up & Regeneration Act, there is likely to a flurry of local plans submitted for examination to avoid the changes. This may well result in delayed examinations.
- 4.4 Assuming that the examination in public goes well, the Inspector is likely to make a number of main modifications that the City Council will need to consider and then consult on. The Inspector will then produce their final report on the Portsmouth Local Plan and the Council will decide whether to adopt its new Local Plan.
- 4.5 The main risk to the LDS and the preparation of the new Portsmouth Local Plan is national changes to the planning system. The Levelling Up and Regeneration Act (LURA) was made law on 26 October 2023. When the relevant secondary legislation and regulations are issued, they will make significant changes to the system of plan making in England. Changes to the National Planning Policy Framework (NPPF) were expected in autumn 2023 to support LURA. The key change that impacts on plan making in Portsmouth is the deadline of 30 June 2025 for the City Council to submit its new Local Plan for independent examination under the existing legal framework. All independent examinations of local plans must be concluded, with plans adopted by 31 December 2026. These plans will be examined under the current legislation. Local Plans that miss this deadline will need to start afresh under the new system. This would inevitably be very costly for the City Council.
- 4.6 Four development plan documents will be superseded by the adoption of the Portsmouth Local Plan. They are as follows:
- Southsea Town Centre Area Action Plan (AAP)
 - Somerstown and North Southsea AAP
 - Portsmouth Plan Core Strategy
 - Portsmouth City Local Plan saved policies

5. Integrated impact assessment

- 5.1 An Integrated impact assessment is not needed for the LDS. This is because the 2023 LDS is an update to a previous document. The principle of preparing a new Local Plan for Portsmouth is well established and is not a new initiative.

6. Legal implications

6.1 An LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). Paragraph 003 of the Planning Practice Guidance Paragraph (Reference ID: 61-003-20190315)⁵ states that it must specify, among other matters, the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their LDS on their website.

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. The cost for any 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:

Appendix: Local Development Scheme timetable

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	https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/local-development-scheme/
Southsea Town Centre Area Action Plan	https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/development-and-planning-southsea-town-centre-area-action-plan.pdf
Somerstown and North Southsea Area Action Plan	https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/development-and-planning-somerstown-and-north-southsea-area-action-plan.pdf
Portsmouth Plan Core Strategy	https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/The-Portsmouth-Plan.pdf
Portsmouth City Local Plan saved policies	https://www.portsmouth.gov.uk/wp-content/uploads/2021/12/Portsmouth-City-Local-Plan-Accessible-except-colours.pdf

⁵ <https://www.gov.uk/guidance/plan-making>

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

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Signed by: