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| Title of meeting: | Cabinet Member for Planning Policy and City Development |
| Subject: | National updates to planning and their implications for Portsmouth City Council |
| Date of meeting: | 01 February 2024 |
| Report by: | Lucy Howard, Head of Planning Policy |
| Cabinet Member: | Councillor Hugh Mason, Cabinet Member for Planning Policy and City Development |
| Wards affected: | All |

1. Requested by

- 1.1 This report was requested by the Cabinet Member for Planning Policy and City Development in response to the large number of Government updates to planning published in December 2023.

2. Purpose

- 2.1 The purpose of this report is to update Members on the Government updates to planning published by the Government in December 2023 and advise them on the implications for planning in Portsmouth.

3. Information Requested

- 3.1 A large number of documents were published by the Government in December 2023. The main documents (with hyperlinks) that will be discussed in this report are:

- [Written Ministerial Statement](#)
- [New NPPF](#)
- [Government response to 2022 consultation](#)
- [Updated Planning Policy for Traveller sites](#)
- [Housing Delivery Test 2022 results](#)
- [Planning Skills Delivery Fund](#)
- [Planning - Local Energy Efficiency Standards Update - Written Ministerial Statement](#)

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- [Nutrient Neutrality and Local Nutrient Mitigation Fund update](#)

3.2 This report sets out the key points of these documents and flags up the implications for Portsmouth City Council in regard to the emerging Portsmouth Local Plan, development management and finances. A table forming appendix 1 to this report sets out a detailed analysis of all the documents. Officers will be happy to provide more detail at the February meeting.

3.3 Overarching messages

3.4 The main focus of all the documents is about increasing housing delivery. An important vehicle for doing this is by reforming the system of plan making and dates were confirmed for the progressions of local plan under the old system that have clear implications for the City Council. The Written Ministerial Statement launched on 19 December 2023 states that 'this Government is committed to building more homes; more quickly, more beautifully and more sustainably' and retains the national target of building 300,000 new homes each year in England. This has not happened since the 1960s. Another theme is a continuing emphasis on beauty, which is now mentioned twenty times in the National Planning Policy Framework (NPPF). There were very few initiatives on generating economic growth with the only change in the NPPF being that commercial buildings in the countryside should be beautiful. There were some disappointing changes in regard to the climate emergency that prevent local planning authorities from being ambitious in their targets for tackling climate change. There were a number of penalties for poor performance in determining planning applications and the Housing Delivery Test results mean that the presumption in favour of sustainable development still applies in Portsmouth. Finally, there were a number of possible future changes identified such as the removal of extensions of time for planning applications, but no timeline was given for these changes.

3.5 Plan making

3.6 The dates for progressing local plans under the old system were confirmed as 30 June 2025 for submission and 31 December 2026 for adoption. Very little is known about the new system of plan making and how to prepare for it. This is a big incentive to forward at a pace with the Portsmouth Local Plan. Cabinet agreed the new Local Development Scheme in January and the Pre-Submission version of the Plan will be presented to Members in March to approve for consultation. After the consultation has taken place, the intention is to submit the Plan for examination in autumn, which is comfortably before the June 2025 deadline.

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- 3.7** An advantage of adopting the Local Plan under the old system is that our many Supplementary Planning Documents (SPD) will remain in force until we adopt a new style local plan, which is unlikely to be before 2030.
- 3.8** The Government issued a direction to seven of the worst authorities in terms of plan-making, requiring them to publish a plan timetable within 12 weeks of the publication of the new NPPF (Amber Valley, Ashfield, Basildon, Castle Point, Medway, St Albans and Uttlesford). This would be followed up by further interventions to ensure plans are put in place.
- 3.9** **Housing**
- 3.10** The Housing Delivery Test results were published and the measurement for Portsmouth was 38%; only seven local authorities in the country had lower scores than ours. The consequence is that the presumption in favour of sustainable development continues to apply for decision making in the City and we will need to publish a Housing Action Plan this year.
- 3.11** The Government's approach to housing development is to focus it on brownfield sites in our urban areas. Local authorities with green belts are no longer required to review their green belts as part of their local plans and agricultural land is given more protection. Local authorities that adjoin cities are not expected to meet unmet need arising in the cities unless it is through voluntary agreement. With land supply being limited in cities it is likely that housing delivery will decrease rather than increase as a result of the national changes.
- 3.12** There are a number of important changes for Portsmouth. The new NPPF states that 'the outcome of the standard method is an advisory starting-point for establishing a housing requirement.' This means that the housing target set in a local plan can be lower than the housing need figure calculated using the standard methodology provided that it is robustly evidenced. Subject to approval by Members this is very likely to be the case put forward in the Portsmouth Local Plan, which is likely to have a housing target lower than the standard methodology number of 899. We have plenty of evidence to justify this with a limited land area that is constrained by flooding, contamination and nature conservation designations.
- 3.13** The new NPPF offers a number of incentives to get a local plan in place. A newly adopted local plan no longer needs to prove a five year housing land supply for five years after adoption as this will have been proved at the time of its examination. The NPPF also introduces a new four year housing land supply when a local plan with a policies map and allocations reaches pre-submission.

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- 3.14** There were a number of disappointing decisions on the climate emergency. A separate Written Ministerial Statement bans any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation unless very high policy tests are set. We are seeking advice on this at the moment, but it is likely that the sustainable construction standards drafted for the Local Plan on energy efficiency may need to be deleted. A number of climate related changes proposed in the 2022 consultation on matters such as carbon assessments and climate change adaptation have been deferred to some unknown time in the future.
- 3.15** In terms of the biodiversity emergency, a £12 million fund for local nutrient mitigation was announced for the South Hampshire authorities. A date has finally been announced for mandatory biodiversity net gain of 12 February 2024. All developments above a set threshold approved after this date will have to deliver 10% biodiversity net gain.
- 3.16** **Development Management**
- 3.17** The Government is looking to clamp down on extension of time agreements, the voluntary agreements between applicants and the council to elongate the determination period of applications which is often necessary to secure amendments or improvements to applications, with the intention of constraining their use. There will be a consultation that will ask about banning them for householder applications, limiting when in the process they can apply and prohibiting repeat agreements. If this were to be rolled out it would impact on performance and necessitate the refusal of applications that could have been improved through negotiation.
- 3.18** The Planning Inspectorate will start reporting on Member decisions against officer recommendation that are allowed at appeal and award costs to the appellants if there are no reasonable grounds for overturn. The Government stripped two further LPAs of their planning powers for having too many decisions overturned at appeal, taking the total number of councils subject to the designation penalty up to three (Fareham, Chorley and Uttlesford).
- 3.19** **Finance**
- 3.20** The Written Ministerial Statement states that 'planning is a noble profession and its role in making our communities work for every citizen is vital.' Funding from the Planning Skills Delivery Fund was announced for a number of local authorities including the City Council, which received £100,000.

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3.21 Previously announced increases in planning fees (35% for majors and 25% for other applications) came into force in December 2024.

Signed by (pp) (Director)

Appendices:

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 |
|---|----------------------------|
| <ul style="list-style-type: none"> • Written Ministerial Statement • New NPPF • Government response to 2022 consultation • Updated Planning Policy for Traveller sites • Housing Delivery Test 2022 results • Planning Skills Delivery Fund • Planning - Local Energy Efficiency Standards Update - Written Ministerial Statement • Nutrient Neutrality and Local Nutrient Mitigation Fund update | <p>Hyperlinks in table</p> |