



Title of meeting: Cabinet/Full Council

Date of meeting: 15 May 2024 (Cabinet) & 28 May 2024 (Full Council)

Subject: Pre-Submission Portsmouth Local Plan

Report by: Lucy Howard, Head of Planning Policy

Cabinet Member: Councillor Hugh Mason, Planning Policy & City Development

Wards affected: All

Key decision: Yes

Full Council decision: Yes

1. Purpose of report

1.1 The purpose of this report is to introduce the draft Pre-Submission Portsmouth Local Plan (Appendix 1) and recommend Members approve it for consultation in line with the recommendations set out below. The report also introduces four draft supporting documents that will form part of the consultation process namely the Sustainability Appraisal and its Non-Technical Summary (Appendix 2), the Habitat Regulations Assessment (Appendix 3), the Policies Map (Appendix 4) and the Integrated Impact Assessment (Appendix 5).

2. Recommendations

- 2.1 It is recommended that the Cabinet agree to recommend to Full Council that it:
1. Approve the draft Pre-Submission Portsmouth Local Plan and its Policies Map for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that are deemed necessary prior to the start of the consultation being agreed by the Assistant Director of Planning & Economic Growth in consultation with the Portfolio Holder for Planning Policy & City Development.
 2. Approve the draft Sustainability Appraisal and Habitats Regulations Assessment including derogations supporting the draft Pre-Submission Local Plan for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that are deemed necessary prior to the start of the consultation being agreed by the Assistant Director of Planning & Economic Growth in consultation with the Portfolio Holder for Planning Policy & City Development.
 3. Delegate authority to the Assistant Director of Planning & Economic Growth in consultation with the Portfolio Holder for Planning Policy & City Development to make any minor changes arising from the consultation and submit the Pre-Submission Local Plan to the Secretary of State for Levelling Up, Housing and Communities under regulation 22 of the Town and Country Planning (Local

Planning) (England) Regulations 2012 for examination along with the Pre-Submission representations and the core document library.

4. Note that if major changes are required to the Pre-Submission Local Plan that a further public consultation and decision by the City Council will be required.
5. Note that the final Local Plan will be brought back to Full Council prior to formal adoption following the independent examination undertaken by an inspector appointed by the Secretary of State.

3. Background

3.1 This report introduces the draft Pre-Submission Portsmouth Local Plan (subsequently referred to as the Local Plan) along with four key supporting documents. It recommends that the draft Local Plan is recommended by Cabinet to Full Council for approval for public consultation starting in mid-June for a period of six weeks in line with our Statement of Community Involvement, Local Development Scheme and the Local Plan Regulations subject to any comments made by Cabinet being addressed.

3.2 Work has been underway on the Local Plan for several years. This has involved a considerable amount of public engagement with the local community and key stakeholders. All rounds of consultation have been in line with the Statement of Community Involvement and the Local Plan Regulations. The following consultations have taken place and all the responses were analysed and helped inform this Pre-Submission version of the Local Plan:

- Issues and Options (2017)
- Local Plan Evidence Base (2019)
- Tipner Strategic Development Area (2019)
- Portsmouth Local Plan 2038 Regulation 18 Consultation Document (2021)

3.3 There have also been bespoke consultations on specific aspects of the Local Plan, such as the Infrastructure Delivery Plan (2021) and the Viability Assessment (2020).

3.4 Following the Regulation 18 consultation in 2021, all Members of the Council were invited to the following reasonably well attended Member workshops on the Local Plan:

- 23 February 2023: priorities for the Local Plan, greening the City: green infrastructure & biodiversity net gain, climate change and housing: density, types, mix and affordable
- 03 March 2023: Houses in Multiple Occupation, Portsmouth City Centre strategic site and Cosham strategic site
- 08 March 2023: Economic development and priorities for the Local Plan
- 19 July 2023: Initial findings of the Housing and Economic Development Needs Assessment
- 27 September 2023: Feedback from advisory meeting with the Planning Inspectorate, nutrient neutrality, biodiversity net gain, housing need and the duty to cooperate
- 25 October 2023: Houses in Multiple Occupation
- 01 November 2023: Development strategy, levels of development and allocations
- 23 January 2024: National changes to planning, housing & employment targets, allocations and HMOs

- 3.5 The feedback from these All Member meetings has been used to inform the policies in the draft Local Plan particularly in regard to Houses in Multiple Occupation (HMO), greening the City and the climate change emergency.
- 3.6 There are weekly planning briefing meetings between the Portfolio Holder and the Assistant Director of Planning and Economic Growth, which include discussions on the Local Plan. Since July 2023, an invitation has been extended to these weekly meetings to the portfolio spokesmen of all the political groups represented at the Council.
- Local Plan briefings for Members by political groupings took place as follows:
- 20 February 2024: Liberal Democrats
 - 27 February 2024: Portsmouth Independents Party
 - 14 March 2024: Labour
- 3.7 The Local Plan is supported by a robust and extensive evidence base, which will be published in full as part of our Core Document Library when we start the consultation in June. The studies are referenced where relevant below and include a Transport Assessment, a Strategic Flood Risk Assessment, a Development Viability Assessment, a Housing and Economic Development Needs Assessment (HEDNA) and a Housing and Economic Land Availability Assessment (HELAA). Some documents such as the HELAA have been prepared iteratively since the 2012 Portsmouth Plan was adopted. These will remain on our website for reference as archive documents.
- 3.8 We have had two advisory meetings with the Planning Inspectorate (PINS) on the Local Plan. The first one was in August 2023 and following on from the meeting we identified further small housing sites, reduced the number of strategic policies and decided on our list of topic papers. The second meeting was in January 2024 when the Local Plan was close to being finalised and our Inspector did not flag up any issues that she thought made the Plan unsound. Following on from the meeting we followed her advice on the Tipner West allocation, our nutrients budget and duty to cooperate.
- 3.9 The original intention was for the Pre-Submission Local Plan to be considered by Members at Cabinet and then Full Council in March this year. A decision was taken to make a short, temporary pause so that we could discuss the strategic site of Tipner West with Government in regard to their expectations under City Deal. An officer meeting took place on 02 April between civil servants from several Government departments and senior officers from the City Council including the Chief Executive. This was followed up with a more detailed officer meeting with the Local Plan Delivery team at the Department for Levelling Up Housing and Local Communities (DLUHC) on 10 April. Both meetings focused on viability and the exploration of further funding to close the viability gap. There was also discussion on nature conservation designations and the Habitat Regulations Assessment work that is being carried out for the site. The outcome of both meetings was to continue making progress with the Local Plan and the allocation of Tipner West. The short pause also gave officers time to make some small changes to the draft Local Plan following on from discussions with Members and the Tipner Regulatory Panel and newly prepared evidence based studies.
- 3.10 The Local Development Scheme (LDS) is the timetable for the production of all the City's planning policy documents including the Local Plan. The Local Plan has been prepared in accordance with the current LDS, which was approved by Cabinet on 09 January 2024.

- 3.11 The Government is proposing to introduce a new system for the preparation of Local Plans. Very little is known about how this system will work. The Government confirmed last year that the deadline dates for progressing local plans under the current system are 30 June 2025 for submission to the Secretary of State and 31 December 2026 for adoption. This is a big incentive to move forward at a pace with the Local Plan. If the Pre-Submission consultation is approved and goes ahead on schedule, the intention is to submit the Plan for examination in autumn. This is comfortably before the June 2025 deadline.
- 3.12 Once adopted the Local Plan will replace the following development plan documents and all their policies:
- The Portsmouth Plan (Core Strategy) adopted in 2012
 - Saved Policies from the Portsmouth City Local Plan 2001-2011 adopted in 2006
 - Southsea Town Centre Area Action Plan adopted in 2007
 - Somerstown and North Southsea Area Action Plan adopted in 2012

4. Reasons for recommendations

- 4.1 Once adopted, the Local Plan will be the statutory development plan for Portsmouth and it will guide development in the City up to 2040. The planning system in this country is plan-led and statute states that decisions on planning applications must be taken in accordance with the development plan unless material considerations indicate otherwise. Accordingly this Local Plan will be central to the determination of planning applications in Portsmouth.
- 4.2 The Local Plan seeks to achieve the Imagine Portsmouth 2040 Vision, which the Council adopted in 2021. The Local Plan is about implementing this Vision through both its allocations and its City wide policies. The development strategy for the Local Plan seeks to implement the Vision. It is an ambitious development strategy in order to deliver positive outcomes for everyone with a vested interest in the City whilst addressing the twin climate and biodiversity emergencies. Although the strategy is aspirational, it recognises that the capacity for growth in the City is limited by land supply, flooding and nature conservation designations. There is a key diagram, which shows the island geography of the City and the strategic sites with icons to show which objectives of the Vision they will achieve. It also shows the main open spaces, key infrastructure and our neighbouring local authorities; the key diagram forms figure 1.

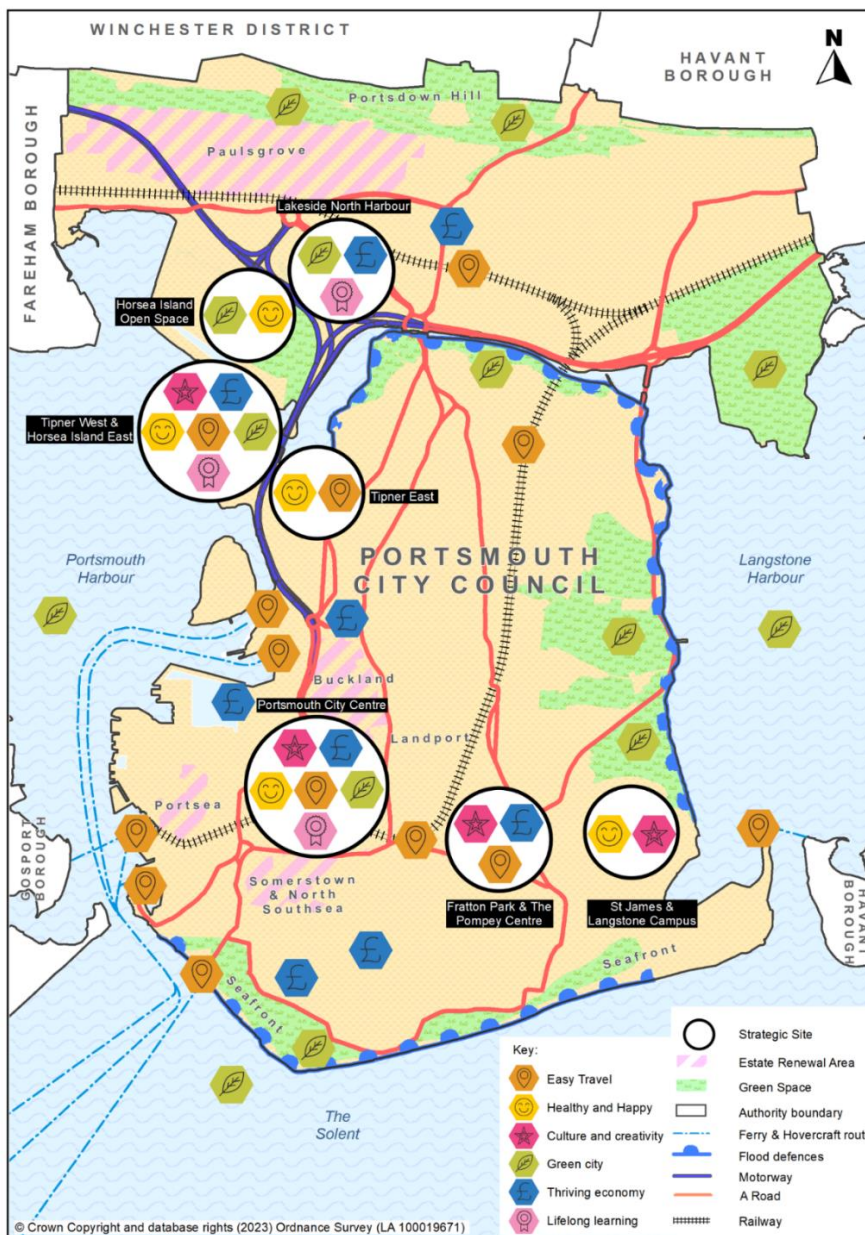


Figure 1: Key diagram

- 4.3 The plan period for the Local Plan is 2020-2040. This is in line with the Vision and national policy that requires strategic policies to look ahead over a minimum fifteen year period from adoption. It is anticipated that the Local Plan will be adopted in 2025-6.
- 4.4 There are nine chapters of policies in the Local Plan followed by a monitoring chapter. The following part of this report will go through each chapter in turn and flag up the main areas of interest with the policies.
- 4.5 **Core Policies:** provide the overarching framework for evaluating all development proposals in the City and are mission critical for achieving the Vision. They relate to design and the climate emergency. It should be noted that in December 2023 the Government issued a Written Ministerial Statement preventing local energy efficiency standards for buildings that go beyond current or planned buildings regulation. This has

prevented the City Council from including more ambitious targets for energy efficiency in this Local Plan in line with its Climate Change Strategy. Following feedback from Members at a Local Plan Progress meeting, text was added to this chapter stating that the Council is disappointed by this decision and encourages the Government to bring in the necessary changes to the energy efficiency building regulations at the earliest possible opportunity. It should be noted that the High Court is to hear a legal challenge by two campaign groups to the Written Ministerial Statement claiming that it failed to take into account key principles introduced by the Environment Act. We will consider making minor modifications to our climate emergency policies once a decision has been made in the High Court.

- 4.6 **Strategic sites:** the following strategic sites are allocated in chapter 4: Tipner West & Horsea Island East, Tipner East, Lakeside North Harbour, Portsmouth City Centre, Fratton Park & the Pompey Centre, St James' & Langstone Campus and Horsea Island Open Space. These are all mission critical for achieving the 2040 Vision.
- 4.7 The first strategic site allocated in the Local Plan is Tipner West & Horsea Island East. This is a complex site with a long planning history. Once built it will form part of a new gateway for the City with a new marine hub, homes, flood defences and a bridge. Three options were proposed for the development of the site in the Regulation 18 Local Plan consultation in 2021 one of which was a super-peninsula. This would have involved the reclamation of a considerable amount of land from Portsmouth Harbour, which is protected by multiple layers of nature conservation designations. The decision was made by Full Council in 2022 to abandon that scheme along with the do-nothing scenario for the site. The allocation in the Pre-Submission version of the Local Plan is a very much reduced form of development and only allows for a small amount of reclamation to create the marine employment hub, and only if such reclamation is shown to be necessary to make the development viable or feasible. The policy requires that except for the minimum dredging necessary to establish and maintain deep water access to the marine hub, the loss of protected habitats should be avoided. If that is not viable or feasible, such loss should be minimised to that required to enable the viable and feasible development of the site in line with the development quantum set out in both the Local Plan and City Deal whilst protecting the integrity of all the nature designations.
- 4.8 A Habitat Regulations Assessment (HRA) has been conducted in respect of the Local Plan. The objective of the HRA is to identify any aspects of the Local Plan that would cause Likely Significant Effects on, or adverse effects on the integrity of, internationally and nationally designated nature conservation sites. The HRA concluded that the Tipner West & Horsea Island East allocation will have adverse effects on the Portsmouth Harbour SPA / Ramsar site, because it will inevitably result in the loss of 0.2ha of inter-tidal protected habitats and (depending on the layout and quantum of development in any future planning application, and depending on evidence of viability and feasibility) may result in the loss of up to 0.5ha intertidal, 0.5ha subtidal, and 3.6ha terrestrial protected habitats. As a result, the policy can only be adopted if certain statutory derogation tests are met. Those tests require there to be: i) no feasible alternative solutions to the allocation; ii) imperative reasons of overriding public interest (IROPI) for the allocation to proceed; and iii) sufficient compensatory habitats available to ensure that there is no residual impact on the integrity on the Habitats sites.
- 4.9 This is the first time that a local planning authority has relied on the derogation tests to justify the adoption of a strategic allocation in a local plan, although the derogation tests have been relied on for some of the recent coastal defence schemes in South

Hampshire. The authors of the HRA conclude that the derogation tests are all met. In particular, they conclude that the imperative public interest benefits of the allocation clearly override the risk or certainty of adverse effects on the integrity of the Portsmouth Harbour SPA and Ramsar Site. However, the authors of the HRA note that, as elected representatives, Council Members' views of the public interest carry particular weight and they will ultimately need to endorse or reject this judgement, having regard to the expert evidence in the HRA. Full details are set out in section 8 of the HRA.

- 4.10 Portsmouth City Centre is the biggest allocation in the Local Plan and is recognised as a focal point for new development and regeneration for the City and the sub-region. This reflects the commitment of the Council to the regeneration of the City Centre in order to create a thriving, attractive, and vibrant environment for its residents, businesses and visitors. The allocation is for new homes, offices and a significant green space. Although a total of 20,000 m² of new offices are allocated there will only be a small net gain of 1,546 m² due to losses of out of date office stock.
- 4.11 Cosham Town Centre is not allocated as a strategic site although it was identified as a potential site in the Regulation 18 Plan. This is because there were no definite development plans for the area. This does not stop planning applications coming forward in the future; any such applications will be determined under City-wide policies.
- 4.12 **Site Allocations:** the following sites are allocated in chapter 5: Land West of Portsdown Technology Park, Port Solent, St John's College, Fraser Range, The News Centre and Somers Orchard. They will all deliver multiple benefits for the City particularly new jobs and homes. The largest of these allocations is Somers Orchard, which will be built on the site of the former Horatia and Lemington Houses and will provide many more homes on site particularly new affordable homes for the City.
- 4.13 **Homes:** delivering good homes to meet the needs of the City's growing population is a key component of the Local Plan. The policies in chapter 6 set the target for housing provision in the City along with requirements for different types of homes including affordable homes, HMOs and Gypsies and Travellers. All the policies are supported by a robust evidence base particularly the Housing and Economic Land Availability Assessment prepared in-house and the Housing and Economic Development Needs Assessment prepared by Icen.
- 4.14 Our housing need using the Government's standard methodology algorithm is 899 homes per year. Our housing supply includes new homes to be built on our allocated sites, sites already permitted, sites that come forward through windfall and HMOs. Our supply comes to 680 homes per year. There is therefore a shortfall of 219 homes per year in the City. This is because of our constrained island geography with issues of flooding, contaminated land and nature designations reducing the number of new homes that can be built. The fact that our housing target does not meet our need is not inconsistent with national planning policy. The December 2023 updates to the National Planning Policy Framework indicate that the outcome of the standard methodology for determining housing need is only an advisory starting point for working out a Local Plan housing target. The Fareham Local Plan sets aside 800 homes in its Local Plan to help meet the unmet housing need in the City and we are talking to our other neighbours in South Hampshire about meeting the rest.
- 4.15 The Local Plan requires 30% of new homes on sites that deliver ten or more new homes to be affordable. Furthermore, it requires 70% of the new affordable homes to be affordable rent and 30% to be other affordable routes to home ownership including

shared ownership. The policy does not include a particular form of affordable housing favoured by the Government called First Homes. This is because our Local Plan evidence and our Housing colleagues considered it to be a model of affordable housing that does not work in the City. A whole plan viability assessment is in the final stages of preparation and forms an important part of the evidence base to support the Local Plan particularly the policy on affordable homes. The draft policy requires developments of more than ten dwellings to provide 30% of the new homes as affordable. The new viability evidence states that this will be extremely challenging in the City, and is therefore at risk to careful scrutiny and potential modification at the Examination stage. This is because although house prices have increased by a broadly similar amount to build costs, viability has declined for three main reasons:

- The additional costs of Option 1 of the Future Homes Standard and the Accessible and Adaptable standards likely to be introduced in the medium term.
- The new requirement by Building Regulations for flatted development of more than 18 metres in height to have a second staircases. This increases the overall cost of a scheme without increasing the saleable area.
- The need to include the costs of Birds Aware (£600 to £900 per unit) and nutrient neutrality (£2,500 per unit of costs). When combined with the current rates of CIL (£179.39 per sqm) the financial contributions typically sought from market housing is typically between £18,000 and £19,000 per unit.

4.16

HMOs have been much discussed at All Member Local Plan workshops. A map showing the concentration of HMOs across the City forms figure 2 of this report. Officers have done extensive research on HMOs including a review of every Local Plan in England and their HMO policies where relevant. The proposed HMO policy in the Portsmouth Local Plan is one of the most restrictive in the country and includes best practice from a number of other Local Plans such as Brighton & Hove and Dover where HMOs are also a significant issue. The new policy recognises the potential for negative social, environmental and amenity impacts of high concentrations of HMOs on local communities. It seeks to support mixed and balanced communities by only allowing new HMOs when less than 10% of residential properties within a 50-metre radius of the area surrounding the application property are in existing use as an HMO. The policy will also only allow new HMOs when they do not result in a non-HMO property being 'sandwiched' between HMO properties and does not result in three or more HMO properties in a row. More stringent concentration tests have been discussed with Members and have been tested through the Sustainability Appraisal as reasonable alternatives. The draft Sustainability Appraisal SA states that if a lower percentage test were to be set in policy that 'it is likely that the negative effects would be experienced more widely across the city' where HMO concentrations are currently lower. The SA notes that HMOs form an important element of housing supply, generally providing affordable housing options for those on lower incomes, those who do not wish to live independently and those who need short-term tenancies in an area such as contractors.

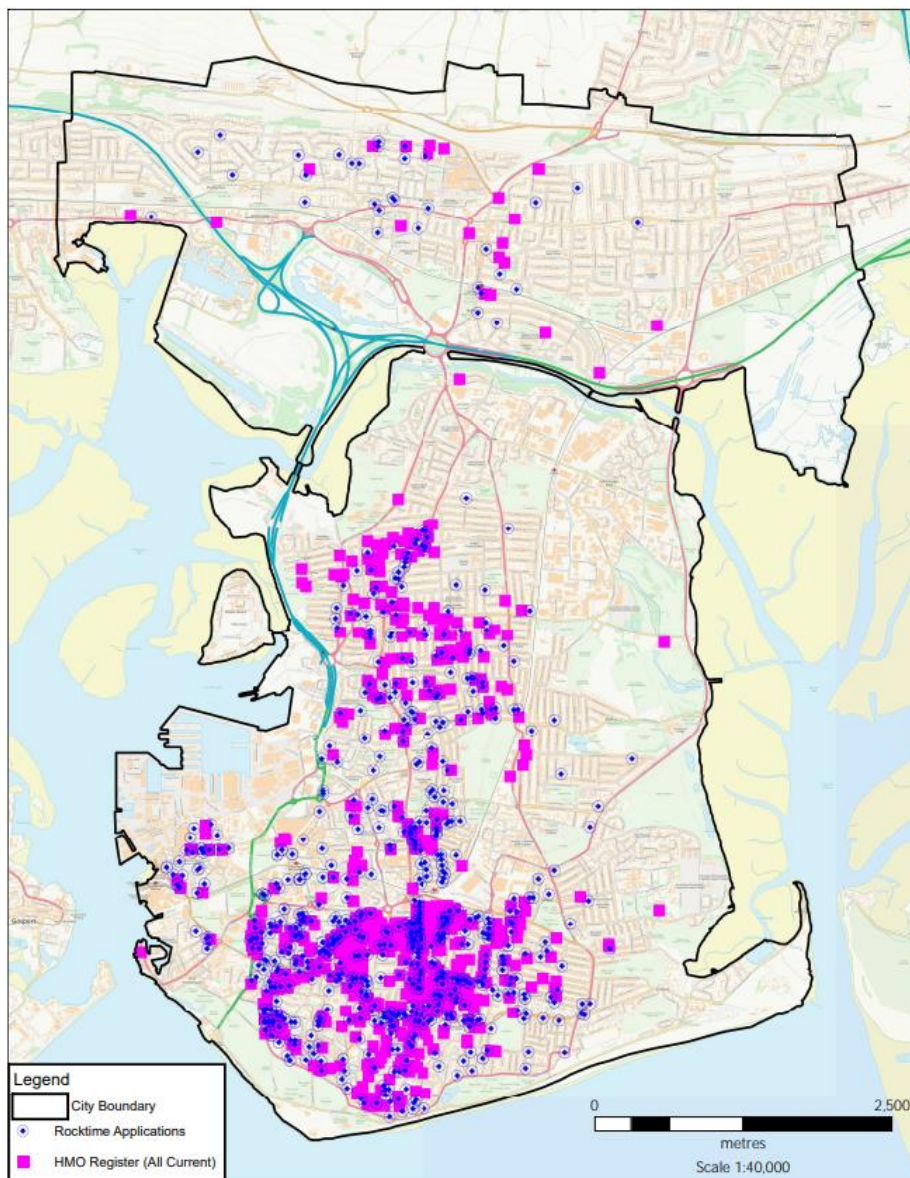


Figure 2: The distribution of HMOs in Portsmouth

- 4.17 **Thriving Economy:** The Economic Development and Regeneration Strategy sets ambitious targets for the City, which the Local Plan seeks to deliver. In terms of offices the need is quite low with the big increase in homeworking since the pandemic. However, there is what is called the flight to quality and business parks like Lakeside are very much in demand. In terms of manufacturing we think that Portsmouth is bucking the trend with its established specialisms in marine and maritime engineering. The employment target in the Local Plan is for 138,429 m2 of new employment floorspace divided up into offices, R&D, manufacturing and warehousing. In the same way as housing, this will be met mainly through Local Plan allocations along with completions and permissions. The two main employment allocations are for new offices at Lakeside and a new marine hub at Tipner West.
- 4.18 **Climate Emergency:** The City Council declared a climate change emergency in March 2019. This was in response to the serious impact that climate change will have on the

City and the lives of its inhabitants. The Council then adopted a Climate Emergency Strategy that sets out how it intends to meet the objectives of the Climate Emergency Declaration. Portsmouth's low lying coastal location means that the City is susceptible to flood risk not only from tidal inundation, but also surface water, rising ground water levels and possible wastewater infrastructure overflow during extreme weather events. The flooding policy is supported by a sub-regional evidence based study on flooding and a more localised study that looked at individual allocations. Recommendations from the studies were carried through to the policy requirements of individual allocations. Officers have worked closely with the Environment Agency, Southern Water and Coastal Partners on the evidence base and policies on flooding.

- 4.19 Greening the City:** The City Council declared a nature emergency in February 2022. The Local Plan brings in a number of measures to green the City most notably by requiring all major development to provide or contribute to green infrastructure, identifying a Green Grid with areas of potential for greening and designating and protecting demonstrably special Local Green Spaces.
- 4.20** The City's location between the Solent, the Harbours and the Chalk Downland combined with the urbanisation of the majority of the City's area has created a diverse mosaic of habitats that supports many rare and important wildlife species. Many of these are recognised through international, national and local nature conservation designations. They form essential components of ecological networks, helping species to adapt to the impacts of climate change and other pressures. The Local Plan has a number of specific policies to protect these designations. The policies relating to international designations, for example nutrient neutrality, are supported by the Habitat Regulations Assessment.
- 4.21 Infrastructure:** All types of infrastructure are required to support growth in the City. Portsmouth, like other towns and cities across the UK, faces a number of urgent challenges to growth and sustainable development relating to its existing infrastructure including limited public transport options, a fragmented walking and cycling network and poor air quality contributing towards above average incidences of health issues. From these challenges, there are opportunities for the development of sustainable and well-designed infrastructure facilities, services and systems and their surrounding spaces. These are required so that communities can thrive and to ensure progression towards meeting the Portsmouth vision and objectives.
- 4.22** The transport policies are supported by a Transport Study, which uses the Sub-Regnal Transport Model. Recommendations from the study were incorporated into the policy requirements of individual allocations. Officers have worked closely with the City Council's transport officers and Highways England on both the evidence and the policies. We have also prepared an Infrastructure Delivery Plan, which will be published as part of our Core Document Library in June. This assesses the infrastructure capacity and needs of the City and provides an overview of the way infrastructure is planned and the organisations involved in its delivery. It also looks at costs and likely funding mechanisms for infrastructure and forms the bases for assessing contributions that would be sought to meet the needs for new development.
- 4.23 Heritage:** Portsmouth is an island city with an historic environment that is both extensive and diverse geographically and through time with 463 listed buildings, 25 conservation areas and three registered historic parks. There is a full suite of heritage policies, which have all been reviewed by Historic England.

5 Supporting documents

- 5.1 **Policies Map:** The draft Policies Map accompanies the Local Plan. It is a spatial expression of Local Plan, Neighbourhood Plan and Minerals and Waste Plan policies. The Policies Map illustrates the policies in map form. When using the Local Plan, reference should be made to the Policies Map when the policy makes clear there are location-specific or area-specific policy requirements. The overall Policies Map illustrates the following policies:
- All allocations (Policies PLP3 to 15) and the estate renewal area (Policy PLP23)
 - All City-wide policies that are location specific such as areas for tall building (Policy PLP1)
- 5.2 There are three inset maps illustrating the following policies:
- All centres identified in the Town Centre Hierarchy (Policy PLP28)
 - Residential density zones (Policy PLP21)
 - Milton Neighbourhood Plan (made 2022)
- 5.3 The draft Policies Map which accompanies the Pre-Submission Portsmouth Local Plan is published as a pdf. Once the Local Plan is adopted an interactive version will be made available on the City Council's website.
- 5.4 **Habitat Regulations Assessment (HRA):** The objective of the HRA is to identify any aspects of the Local Plan that would cause Likely Significant Effects on, or adverse effects on the integrity of internationally designated nature conservation sites. The assessment is undertaken alone and where necessary in-combination with other plans and projects. Under the Conservation of Habitats and Species Regulations 2017 (as amended), an Appropriate Assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or 'in combination' with other projects. Should the HRA identify potential adverse effects, it also advises on appropriate policy mechanisms for delivering mitigation. Due to the allocation of Tipner West and Horsea Island East, it has not proved possible to avoid or mitigate all adverse effects on integrity. Therefore a further stage of the HRA has been carried out to assess the Tipner West and Horsea Island East allocation against statutory derogation tests, which must be passed before the Local Plan can be adopted.
- 5.5 The City boundary comprises several international sites designated for their nature conservation interest namely: the Portsmouth Harbour SPA / Ramsar, the Chichester and Langstone Harbours SPA / Ramsar, the Solent & Dorset Coast SPA and the Solent Maritime SAC. Further European sites lie within 10 km of the City's boundary, including the Solent & Isle of Wight Lagoons SAC and the Solent & Southampton Water SPA / Ramsar. The wider Solent area is generally regarded as a region of significant ecological value and sensitivity. Given the urban nature of southern Hampshire, an extensive evidence base relating to potential impact pathways has been developed. Furthermore, there are well-established issues, for example, recreational disturbance and functionally linked habitat loss for which strategic mitigation measures have already been developed including Bird Aware Solent.
- 5.6 **Sustainability Appraisal (SA):** The purpose of a SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of the Local Plan. Both the Local Plan and its SA

meet the requirements of the Strategic Environmental Assessment Directive. The Plan sets out an appropriate strategy for development in Portsmouth taking into account the reasonable alternatives. The policies and sites identified in the Local Plan have been appraised against sustainability objectives on an iterative basis. These iterations identify how emerging policies help to achieve the relevant social, environmental and economic objectives, and recommend how sustainability could be improved. These recommendations have been taken into account in the drafting of this Local Plan.

6 The way ahead

- 6.1** If Full Council were to approve the draft Pre-Submission Local Plan for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, the consultation would start in mid-June and last for six weeks in line with the Statement of Community Involvement. The Local Plan and its Policies Map would be published alongside the SA, HRA and the core document library. This includes all the evidence supporting the Local Plan including the Transport Assessment, the Duty to Cooperate Statement and the Viability Study.
- 6.2** In line with the Local Plan Regulations the pre-submission consultation will focus on specific questions of soundness and whether it meets legal and procedural requirements. The tests of soundness include consideration of whether the Local Plan is positively prepared, justified, effective and consistent with national policy.
- 6.3** We will log and summarise the main issues arising from the representations. We will consider all those representations and determine whether to make amendments to the Local Plan. Any major amendments, including those that go to the heart of soundness or legal compliance will trigger a further round of public consultation. In the absence of any major amendments, the Council will submit the Local Plan, including any minor amendments, along with the core document library to the Planning Inspectorate for examination on behalf of the Secretary of State.
- 6.4** The examination of the Portsmouth Local Plan will commence on the submission of the plan. The examination will include public hearings, but the majority of matters arising will be addressed through written representations. The examination will focus on matters of soundness and legal compliance. It is likely that the Inspector will recommend main modifications to make the plan sound and legally compliant. We will consult on these modifications.
- 6.5** Following examination, the City Council as both Competent Authority and Local Planning Authority will need to finalise and submit the HRA, including the derogations documentation to the relevant Secretary of State as the Appropriate Authority. The Secretary of State then has 21 days in which to consider the derogations material and decide whether to prohibit adoption of the Local Plan. The Appropriate Authority may prohibit adoption either indefinitely or for such period as may be specified in the direction. If that were the case, the City Council would have to consider its options carefully.
- 6.6** If the Local Plan is found sound at examination and the Secretary of State does not prohibit the adoption of the Local Plan, the City Council will then then decide whether to adopt the Local Plan. Any challenge to the adoption of the Local Plan by way of Judicial Review (JR) would need to be brought within six weeks.

6.7 There are big advantages to Portsmouth having a newly adopted Local Plan. The Council will have a new set of up to date and robust policies to determine planning applications by. Newly update national policy offers a number of incentives to get a local plan in place. For example, 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.

7. Integrated impact assessment

7.1 As part of the preparation of the Local Plan, an Integrated Impact Assessment (IIA) has been completed. The categories and questions in the assessment are based on the Council's priorities and strategies. The IIA consists of an Equalities Impact Assessment (EIA) and consideration of the impact of the Local Plan on a number of issues in Portsmouth including crime, air quality and economy.

7.2 To complete the IIA, a comprehensive Health Impact Assessment (HIA) of the Plan has first been undertaken, with its findings informing the IIA. The HIA is an assessment of each policy in the Local Plan against the health and wellbeing impact assessment framework, considering the positive and negative potential impacts that policy could have on health and wellbeing in the City.

7.3 The approach to developing the health and wellbeing impact assessment framework is set out in the Health and Wellbeing Background Paper 2021, with the framework centring around four key themes of: healthy housing; transport and accessibility; social infrastructure; and healthy environment. To assist with the completion of the IIA, the health impact assessment framework has been modified to include an assessment of the potential impacts of the Local Plan on the nine protected characteristics. The combined Health and Equality Impact Assessment of the policies in the draft Local Plan was completed in January 2024, indicating the areas of strength where policies would positively contribute towards health and wellbeing improvements and identifying any gaps for further consideration. As a result, a number of changes to the Plan were made. This included revisions to the policies to further reduce inequality and improve accessibility, health and wellbeing outcomes in Portsmouth. The completed IIA explains the impact of both the Plan taken as a whole and its individual policies, how any negative impacts would be mitigated, and how the impact of the Plan will be measured.

6. Legal implications

6.1 The Council must prepare the Local Plan in accordance with the Planning and Compulsory Purchase Act 2004 ("PCPA") and The Town and Country Planning (Local Planning) (England) Regulations 2012.

6.2 Under s19(1) of PCPA the Council must prepare development plan documents in accordance with the Local Development Scheme. The local plan is a development plan document.

6.3 In preparing the Local Plan the Council must have regard to the National Planning Policy Framework and any guidance published by the Secretary of State and other relevant documents specified in s19(3) PCPA.

6.4 The Council must carry out a Sustainability Appraisal (s19(5) PCPA) and must comply with the Conservation of Habitats and Species Regulation 2017.



- 6.5 Under s20 PCPA the Council must submit the local plan for independent examination.
- 6.6 Prior to submitting the local plan to the Secretary of State for examination the Council must carry out consultation on the documents that it proposes to submit for examination for a minimum period of six weeks in accordance with Regulation 19 The Town and Country Planning (Local Planning) (England) Regulations 2012.

7. Director of Finance's comments

7.1 The recommendations within this report to approve the draft Pre-Submission Portsmouth Local Plan and its Policies Map and the draft Sustainability Appraisal and Habitats Regulations Assessment, do not directly have an adverse impact on Council resources. It is anticipated that the costs required to inform the final production of the Local Plan, as presented within this report will be met from the existing cash limited budget.

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Signed by:

Appendices:

- 1. Draft Pre-Submission Portsmouth Local Plan
- 2. Sustainability Appraisal and its Non-Technical Summary
- 3. Habitat Regulations Assessment
- 4. Policies Map
- 5. Integrated Impact Assessment

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
Statement of Community Involvement	Statement of Community Involvement (portsmouth.gov.uk)
Local Development Scheme	Portsouth-LDS-10-01-24-accessible.pdf
National Planning Policy Framework	National Planning Policy Framework (publishing.service.gov.uk)

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

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Signed by: