

Title of meeting: Cabinet

Date of meeting: 11 February 2025

Subject: Local Development Scheme

Report by: Lucy Howard, Head of Planning Policy

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 LDS set out in Appendix 1 of this report is approved and to have effect from 12 February 2025.

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.

3.2 The current LDS was adopted by the City Council in January 2024. This new update serves two functions. Firstly, it responds to the letter¹ sent by the Secretary of State for Housing, Communities and Local Government to all local authority leaders in England including the leader of Portsmouth City Council. The letter asks Councils to review and update their timetables for getting an up-to-date plan in place by 06 March 2025. This updated LDS meets this requirement. It will be emailed to the Government and an online form completed with key dates.

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https://assets.publishing.service.gov.uk/media/6776bed7ea58060e4688ed02/Letter_from_the_Deputy_Prime_Minister_to_Local_Authority_Leaders_Mayors_and_Chief_Executives_-_Building_the_homes_we_need.pdf



- 3.3 The second function of this update is that it updates the timetable in Portsmouth to mirror two minor delays that were beyond the control of the City Council. The Pre-Submission consultation had been scheduled for spring 2024, but had to be delayed because of the General Election in July. The other delay is that the City Council is waiting for the Government to issue its opinion on Imperative Reasons of Overriding Public Interest (IROPI) in regards to the strategic site allocation of Tipner West & Horsea Island East. If a positive opinion is given, the Local Plan will immediately be submitted for examination.
- 3.4 A new National Planning Policy Framework (NPPF) was published in December 2024 along with a plethora of other documents including the results of the Housing Delivery Test. The letter from the Secretary of State, sent on the same day that the new NPPF was published, states that 'the plan-led approach is, and must remain, the cornerstone of the planning system.' The new NPPF set a deadline of 12 March 2025 for local plans to be submitted under the 2023 NPPF. It is essential that the City Council submits its Local Plan by that date or else it will need to re-do a substantial amount of work, which would obviously be very costly. The Council is held back from submitting by the delay from the Government in providing its IROPI opinion. Submission of the Local Plan without an opinion would be very high risk. If it was followed by a negative opinion after Submission the Council would have to ask the Inspector to pause the examination so the allocation could be removed from the Plan. If this pause was not granted, the Local Plan would need to be withdrawn under Regulation 27 at huge expense to the public purse.
- 4. Reasons for recommendations**
- 4.1 Following on from four Regulation 18 consultations, the City Council published its Pre-Submission Local Plan for consultation in summer 2024.
- 4.2 The City Council is ready to submit its Local Plan for examination now and is waiting for the Government to issue its opinion on IROPI in regards to the strategic site allocation of Tipner West & Horsea Island East. If a positive opinion is given, the Local Plan will immediately be submitted for examination. If a negative or holding opinion is given, then the Council will need to consider the way ahead carefully.
- 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, there has been a flurry of local plans submitted under the transitional arrangement 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. Due to the allocation of Tipner West & Horsea Island East and the linked derogations work, 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.

4.5 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.

4.6 The main risk to the LDS and the preparation of the new Portsmouth Local Plan is the long awaited IROPI decision from the Secretary of State. There are also risks resulting from national changes to the planning system.

4.7 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

4.8 In accordance with the 2024 NPPF, the City Council needs to commit to an early review of its Local Plan. This commitment is already set out in the Schedule of Additional Changes to the Local Plan that will be submitted for examination along with the Local Plan.

5. Integrated impact assessment

5.1 An Integrated impact assessment is not needed for the LDS. This is because the 2025 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)² 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 approval of the updated Local Development Scheme do not impact on Council financial resources. The cost of work associated with the Local Plan will be met from the existing cash limited budget.

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Signed by:

² <https://www.gov.uk/guidance/plan-making>

Appendix 1 - Timetable for Production of Local Planning Policies

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
Pre-Submission Portsmouth Local Plan	portsmouth.gov.uk/wp-content/uploads/2024/06/presubmission-portsmouth-local-plan-june-2024-aa-accessible.pdf
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

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

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Signed by: