

# **Portsmouth Local Plan: Regulation 19 Pre-Submission consultation**

**9 July - 3 September 2024**

## **Contents of this guidance:**

- 1. Frequently asked questions about the Portsmouth Local Plan consultation, including what, where, when and how.**
- 2. How do I complete the consultation response form?**

## **1. Frequently asked questions**

### **What is the Local Plan?**

The Local Plan is the statutory development plan for Portsmouth that will guide development in the City up to 2040. The Local Plan allocates sites for development and sets targets for new homes and jobs up until 2024. It also introduces City-wide policies on design, regeneration, greening and the climate emergency.

### **What is the Portsmouth Pre-Submission Local Plan stage of consultation?**

This is a final technical public consultation on the draft Local Plan before it is submitted for independent examination by the Government.

The Council are asking whether the plan complies with all relevant legislation, complies with the Duty to Cooperate and meets the tests of soundness set in national planning policy.

The publication of the Pre-Submission Local Plan is carried out in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and is often referred to as the Regulation 19 Plan or Regulation 19 stage.

## What documents have been published?

- The Portsmouth Pre-Submission Local Plan - the statutory development plan for Portsmouth that will guide development in the City up to 2040.
- The Portsmouth Local Plan Pre-Submission Policies Map - this shows the sites that have be allocated for housing, employment, open space and other uses. It also shows designations that are included in the Local Plan, such as nature conservation areas and town centres.
- The Sustainability Appraisal (SA) - this report assesses the effects that the Pre-Submission Local Plan has on environmental, social and environmental objectives, and examines reasonable alternatives to the Local Plan's proposed policy approaches. It is a legal requirement.
- The Habitats Regulations Assessment (HRA) - this report identifies any aspects of the Pre-Submission Local Plan that would cause Likely Significant Effects on, or adverse effects on the integrity of internationally designated nature conservation sites. It is a legal requirement.
- The Consultation Statement - this document explains how the Council has consulted on the preparation of the Local Plan. It is a legal requirement.

## When is the Portsmouth Pre-Submission Local Plan consultation?

We are running an eight week public consultation from 9 July to 3 September 2024 at 23:59.

## Who can take part in this consultation?

Anyone with an interest in Portsmouth can take part in the consultation.

## How can I take part in this consultation?

The quickest and easiest way to input into the consultation is to visit our webpage at [portsmouth.gov.uk/localplan](https://portsmouth.gov.uk/localplan) to complete an online form.

Alternatively, you can send your comments by email to [policyconsultations@portsmouthcc.gov.uk](mailto:policyconsultations@portsmouthcc.gov.uk) or write to us at Planning Policy, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth PO1 2AU.

You can **view the Pre-Submission Local Plan and complete a paper response form** at the following deposit points:

- Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth PO1 2AU
- Central Library, Guildhall Walk, Portsmouth PO1 2DX
- Cosham Library, Spur Road, Cosham, Portsmouth PO6 3EB
- Carnegie Library, Fratton Road, Portsmouth PO1 5EZ
- Southsea Library, 19-21 Palmerston Rd, Southsea, Portsmouth, Southsea PO5 3QQ

You can attend a **drop -in event where you can view the documents and talk to Council officers about the Local Plan:**

- Saturday 13 July 10 am to 1 pm at Cosham Library, Spur Road, Cosham, Portsmouth PO6 3EB
- Tuesday 16 July 12 pm to 3 pm at the Central Library Guildhall Walk, Portsmouth PO1 2DX

## **How can I ask questions and talk to planning officers about the Local Plan?**

Please attend one of our drop -in events (details above).

You can also send us an email to ask a question, to [policyconsultations@portsmouthcc.gov.uk](mailto:policyconsultations@portsmouthcc.gov.uk) OR call the team during office hours on **07990 138226**

## **What do you mean by this being a technical public consultation?**

In line with national planning legislation, this consultation focuses solely on legal compliance, compliance with the Duty to Cooperate and the tests of soundness. This Pre-Submission (Regulation 19) stage of the Plan is informed by earlier consultation and engagement, as detailed in the Council's Consultation Statement<sup>1</sup>. These earlier stages enabled the public to input on a wide range of issues facing the City, including the vision for the City's development, and the proposed approaches to address issues.

The Local Plan's progress to Pre-Submission (or Regulation 19) stage means that the Local Plan published now is the Plan the Council intends to submit to the Government for independent examination, and ultimately adopt as the City's statutory Development Plan.

## **What is legal compliance?**

There are various legal requirements that the Council must comply with when preparing a Local Plan. For a Local Plan to be legally compliant it needs to meet all legal and procedural requirements. These include:

- Whether the process of community involvement for the Plan in general accordance with the Council's Statement of Community Involvement (SCI). The SCI can be found on the Council's website at <https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/statement-of-community-involvement/>
- Whether the Plan complies with all other relevant requirements of the Planning and Compulsory Purchase Act (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended (the 'Regulations').
- Whether the plan meets other legislative requirements such as:
  - the Conservation of Habitats and Species Regulations 2017 (to which the Habitat Regulations Assessment relates);

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<sup>1</sup> [https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/FINAL\\_Consultation-Statement\\_Reg\\_22.pdf](https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/FINAL_Consultation-Statement_Reg_22.pdf)

- the Environmental Assessment of Plans and Programmes Regulations 2004, transposed into national law EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA), to which the Sustainability Appraisal relates.

### **What is the Duty to Cooperate?**

All local planning authorities, including Portsmouth City Council, are under a Duty to Cooperate with neighbouring authorities and with other prescribed bodies (defined in planning regulations) on strategic matters that cross administrative boundaries. This helps to ensure that the Council's Local Plan has been positively prepared and is justified. Strategic matters include a number of issues, including (but not limited to) meeting housing need, transport and environmental protections.

The Council has a duty to engage constructively, actively and on an ongoing basis on cross boundary strategic matters. The Council has prepared an Interim Duty to Cooperate Statement<sup>2</sup> which describes in detail how the Council has complied with this duty.

### **What does 'soundness' mean?**

Local Plans must be prepared in accordance with the National Planning Policy Framework (NPPF)<sup>3</sup>. The NPPF states that a Local Plan is 'sound' if it meets the following tests:

- **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

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<sup>2</sup> The Interim Duty to Cooperate Statement will be available on the Council's website shortly

<sup>3</sup>

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

## **What will happen to my response or representation?**

Where representations are made by email, you will receive an acknowledgement of receipt. Where representations are made through the online form, there will be a screen after you submit your response showing your response has been received. We are unable to acknowledge representations sent by post, due to the cost involved and the need to make effective use of Council resources.

After the consultation closes on 3 September 2024, all responses received will be read and reviewed to ensure that they have been made in the proper way (as outlined in Section 2 of this guidance). We call these comments 'duly' made'. Responses will be processed within a few weeks, and then published on the Council's website.

We will not be able to respond individually to your response, but we will publish a summary of the main issues raised in responses to the consultation.

## **What are the next steps?**

The Council will publish a summary of the main issues raised in the consultation. It will then submit the Pre-Submission Local Plan along with its Core Document Library and all the representations made on the Pre-Submission Plan to the Secretary of State for examination.

The Government will appoint an Inspector to undertake an independent examination of the Local Plan. The Inspector, following independent examination, will make recommendations to the Council on what happens next for the Local Plan. Further detail on the examination process can be found at <https://www.gov.uk/guidance/local-plans>.

The Council's website will be kept up to date as the Local Plan progresses.

## **2. How do I complete the consultation response form?**

Part A of the form should be used to submit your response, or representations. Please use a separate sheet for each representation, or matter, that you would like to respond about.

The response form asks you to state which part of the Local Plan and its Policies Map Sustainability Appraisal and Habitat Regulations Assessment your representation relates to.

The response form then asks whether you consider that part of the Local Plan and its Policies Map, Sustainability Appraisal and Habitat Regulations Assessment is:

- a. Legally compliant
- b. Sound
- c. Complies with the Duty to Cooperate

The meaning of these terms are explained in Section 1 of this guidance and also on page 2 of the response form.

The response form then asks you to provide detail on the reasons why you consider the Local Plan, its Policies Map, Sustainability Appraisal and Habitat Regulations Assessment to be legally compliant, sound and in compliance with the Duty to Cooperate. Please be as precise as possible.

The response form then asks you to clearly set out the changes, or modifications, to the Plan that are needed to make the Portsmouth Local Plan legally compliant or sound in respect of the matters identified under questions 2 and 3. Please be as precise as possible. Please note that non-compliance with the Duty to Co-operate is incapable of modification at Examination.

You are asked to explain why each modification you proposed will make the Local Plan legally compliant or sound. You are asked to provide all the evidence and supporting information (succinctly) to support your representation and proposed modifications.

The form then asks whether you consider it necessary to participate in examination hearing sessions, and to explain why you consider this necessary. This is to help the Local Plan Inspector organise the independent examination (see 'What are the next steps' in section 1 for more detail).

There is no requirement to attend the examination if you do not wish to. All representations submitted as part of the Regulation 19 stage consultation will be considered by the Local Plan Inspector and are given equal weight, irrespective of whether the respondent attends the Examination.

Part B of the response form collects your personal details. This only needs to be completed once by each person responding to the consultation.

Part C of the form is diversity monitoring and is an optional section of the form, asking questions including age, sex, ethnicity and disability. This section only needs to be filled in once.

### **Can I respond anonymously?**

No. Anonymous or confidential responses without a name, and postal address or email address, cannot be accepted. This is because responses (representations) are considered as part of a formal, public examination of the Local Plan. The Local Plan Inspector, appointed on behalf of the Government, needs to know who has made representations to enable fair and effective examination.

## Your privacy and data protection

Portsmouth City Council is the data controller of any personal data you provide in the Local Plan consultation response form. It will only be used for the purpose of preparing the Portsmouth Local Plan and will only be held for as long as necessary for this purpose. Your comments and your name will be published on the City Council's website. We will make every effort to remove other personal details including telephone numbers, postal and email addresses and signatures prior to being uploaded. All representations received at this Pre-Submission stage will be sent to the Secretary of State for consideration at the Public Examination undertaken by an independent Planning Inspector appointed by the Planning Inspectorate (PINS).

For full details of how the council collects and uses personal data, please see the full [Data Protection privacy notice - Portsmouth City Council](#)<sup>4</sup>

Having read this information, **if you have any further questions about how to fill in the response form or any general queries about the consultation** please call us on 07990 138226 or email [policyconsultations@portsmouthcc.gov.uk](mailto:policyconsultations@portsmouthcc.gov.uk).

Thank you.

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<sup>4</sup> <https://www.portsmouth.gov.uk/services/council-and-democracy/transparency/data-protection-privacy-notice/>