

1 Officer notes for administration of Handling Arrangement Protocols:

All significant development proposals that require planning permission should be subject to Planning Performance Agreements ('PPA'), which would be published on the LPAs public website, to ensure transparent and efficient decision making. That PPA will include the necessary steps to agree and publish appropriate Handling Arrangements in line with the following model drafting.

**Portsmouth City Council
Handling Arrangements for PCC development proposals at
Tipner West and Horsea Island East**

1. Introduction and context

- 1.1 Following Full Council decisions on the 11th of October 2022, the administration agreed a set of principles to bring forward a new masterplan for development on Tipner West and Horsea Island East. In Winter 2024/2025, Portsmouth City Council ("PCC") proposes to submit a planning application for the development of the Tipner West and Horsea Island East site (as allocated in the emerging Portsmouth Local Plan 2040) to deliver *inter alia* a new community of between 814 and 1250 dwellings (comprising at least 30% affordable housing), a new marine hub comprising 58,000sqm of employment floorspace, flood protection, essential infrastructure, convenience retail, community uses, parking and landscaping.
- 1.2 PCC has two separate roles in relation to this planning application and any subsequent application or reserved matters applications for the Scheme ("**the Application**"):
- (i) PCC is the primary landowner¹ of the site and is the promoter of the Application ("**the Promoter**") and
 - (ii) PCC is the determining body for the Application as local planning authority ("**the LPA**") and Competent Authority because the Application site is located within PCC's administrative boundaries.
- 1.3 The LPA has put these handling arrangements in place to ensure:
- (i) Functional separation between the Promoter's team ("**the Promoter Team**") and the LPA's team ("**the LPA Team**") for the purposes of determining the Application, including compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("**the EIA Regulations**") (as amended); and
 - (ii) Transparent, fair and proper decision making; and
 - (iii) the avoidance of any conflicts of interests
- 1.4 This Protocol applies to officers and members in both the LPA Team (see Table 1) and the Promoter Team (see Table 2).
- 1.5 Officers and members acting for the LPA or the Promoter must read and adhere to this Protocol.
- 1.6 At all times, efforts are made to ensure a functional separation between the Promoter Team and the LPA Team. However, it is acknowledged under this Protocol that it is necessary for there to be continued dialogue pre-and post-planning application between the LPA and Promoter, as there would be with any other third-party applicant.
- 1.7 The development is EIA development because it is development likely to have significant effects on the environment as set out through **the EIA Regulations**. Regulation 64(2) of the Regulations has effect where, as here, the relevant local planning authority is also the same legal person "bringing forward the (relevant) proposal for development". In these circumstances, the authority is required to "make appropriate administrative arrangements to ensure that there is a functional separation, when performing any duty under these Regulations, between the persons bringing forward a proposal for development and the persons responsible for determining that proposal".

¹ The Council owns most of the Tipner West and Horsea Island East site with the exception of some isolated areas at some of the site edges where other freehold title exists, including for the MoD and The Crown.

2. The LPA Team

2.1 The LPA's Team Representative is Nick Lloyd-Davies.

2.2 The team of officers who will handle the Application for the LPA are:

Table 1

Job Title	Name of the officer	Role
Assistant Director of Planning and Economic Growth	Ian Maguire	LPA Chief Planner
Head of Development Management	TBC	LPA Deputy Chief Planner
New Neighbourhoods Team Leader	Nick Lloyd-Davies	Representative and likely Planning Case officer
Head of Planning Policy	Lucy Howard	Planning Policy
Principal Planning Officer	Tom Bell	Planning Policy
Principal Highway Engineer	Steven Flynn	Highways officer (highway authority)
Contaminated Land Team Leader	Jeff Downing	Contaminated Land advice
Arboricultural Officer	Andrew Knight	Arboricultural advice
Environmental Protection Officer - Air Quality	Redouan Sadak	Environmental Protection - Air Quality
Environmental Protection Officer – Noise	Lorraine Astill	Environmental Protection– Noise
Senior Coastal and Drainage Engineer	Harvey Cable	Coastal and Drainage Engineering
Principal Architect	Andrew Malbon	Landscape/Design Service
Public Health Principal	Dan Williams	Public Health/HIA
Principal Solicitor	Juliet Gill	Legal Advisor
Senior Ecologist	Frances King-Smith	Ecology Team
Principal Conservation and Design Officer	Ben Cracknell	Conservation and Design advisor
HCC County Archaeologist	David Hopkins	HCC County Archaeologist
Coastal Partners	Hilary Crane	Coastal Environment Project Engineer, Havant BC

2.3 Members of the Council that sit on the Planning Committee, and standing deputies that may be called upon to sit on that Committee, will form the decision-making body to determine the application for planning permission and should be considered to part of the LPA team for the purposes of these Arrangements as may be appropriate.

3. The Promoter Team

3.1 The Promoter Team's Representative is Kevin Hudson.

3.2 The team of officers who will handle the Application on behalf of the Promoter are:

Table 2

Name	Position and Role	Contact Deals
Kevin Hudson	Head of Development	M: 07535 664072 Email: kevin.hudson@portsmouthcc.gov.uk
Leanne Rook	Tipner West Project Manager	M: 07794550016 Email: leanne.rook@portsmouthcc.gov.uk
Rachel ter Horst	Strategic Lead - Regeneration	Email: rachel.terhorst@portsmouthcc.gov.uk
Iwona Defer	Senior Solicitor, Legal Advisor	T: 023 9268 8957 Email: iwona.defer@portsmouthcc.gov.uk
Gavin Hall	Savills, Lead Consultant	M: 07968 550 414 Email: GHall@savills.com
Bruce Hartley-Raven	Savills -HRA	M: Email: bruce.hartleyraven@savills.com
Robin Henderson	Savills, TCPA	M: 0797 626 8955 Email: robin.henderson@savills.com
Matt Lindon	Savills Associate EIA Consultant	M: 07866 916079 E: matt.lindon@savills.com
Dan Jestico	Savills, Director - Sustainable Design	M: 07929659514 E: dan.jestico@savills.com
Charles McClea	Savills, EIA Strategy	M: 07812 650 586 Email: CMcClea@savills.com
Emma Davies	Atkins Realis	M: 07771 656621 Email: emma.louise.davies@atkinsrealis.com
Simon Williams	Rosehill Associates, Viability Consultancy – Application and Local Plan	M: 07973 601 671 Email: sjq@rosehilladvisors.co.uk
Adam Darby	BDP, Masterplanning Lead	M: 0117 929 9861 Email: adam.darby@bdp.com
Raul Usach	BDP, Senior Architect	T: 0117 300 6050 E: raul.usach@bdp.com
Justin Sherlock	WSP, Infrastructure and Engineering Support	M: 07920 247432 Email: Justin.Sherlock@wsp.com
Ian Fielding	WSP Technical Director	M: 07747 648156 Email: ian.fielding@wsp.com
Owen Peat	WSP Associate Director, Ecology	M: 07824 473232 E: owen.peat@wsp.com
Steve Timms	Hoare Lea, Utilities	M: 0 7977 632 750 Email: stevetimms@hoarelealea.com

Mike Ward	Marina Projects, Marine Consultancy	M: 07860 296943 Email: mikeward@marinaprojects.com
Rebecca Brookbank	EPR, Ecologist	E: rebeccabrookbank@epr.uk.com
Alison Hogan	EPR, Ecologist	E: alisonhogan@epr.uk.com

4. Managing the Pre-Application Enquiry and Processing the Application

4.1 PCC has put in place the following practical arrangements to maintain functional separation between the Promoter and the LPA during its processing and consideration of the Application:

(1) Functional separation / structuring for The Promoter Team and LPA Teams

- 4.2 This section applies equally to The LPA Team and The Promoter Team. The LPA Team and Promoter Team must be identified as separate internal 'entities' within PCC with the necessary resources such that they are always all able to act impartially and objectively in relation to the Application for the Scheme.
- 4.3 The Promoter Team and the LPA Team must have robust information barriers in place to prevent the other team having the ability to access relevant information in relation to the Application.
- 4.4 The LPA Team will store all documentation in separate filing systems (be it electronic or paper) to the Promoter Team and regard it as confidential – documentation will only be disclosed in the usual course of business between the respective teams.
- 4.5 Officers in the LPA Team and Officers in the Promoter Team will maintain functional separation with practical arrangements in place when sharing parts of the same office space with officers in the Promoter team.
- 4.6 The LPA Team and the Promoter Team will not share a 'post in/post out' box for written correspondence (be it electronic or physical in/out tray).
- 4.7 Officers on the LPA Team and the Promoter Team will not share the same administrative support staff.
- 4.8 Individuals on the Promoter Team and the LPA Team may have working relationships on other matters with officers on the other team (i.e. outside of the Application for the Scheme) and those relationships are not required to cease as result of this Application for the Scheme or this Protocol. This means that, for instance, in terms of PCC's internal structuring there can be a hierarchical superior in the LPA Team in relation to an individual in the Promoter Team, and vice versa.
- 4.9 Should any meetings progress on to matters that are not intended for sharing between the two teams, the relevant representatives shall be invited to leave the meeting.

(2) The LPA Team's obligations

- 4.10 LPA will keep these handing arrangements under review.
- 4.11 Officers on the LPA Team are responsible for determining the Application or are consulted on the Application. The LPA's planning case officer will consider and reach a recommendation on the Application submitted by the Promoter in line with the Development Plan unless other material considerations indicate otherwise². The LPA will (as with all applications) disregard any financial or other benefits to PCC as owner of the Application site.

² S70 (2) The Town and Country Planning Act 1990 and s38 (6) The Planning and Compulsory Purchase Act 2004.

- 4.12 The LPA will consider the Application in accordance with the planning legislation, EIA Regulations and the Conservation of Habitat and Species Regulations 2017 (as amended) as may be relevant.
- 4.13 The drafting and finalisation of the officer's report will be the responsibility of the LPA Team (and its advisors).
- 4.14 The LPA Team and the Promoter Team are separate entities. Officers listed in Table 1 for the LPA Team cannot be part of the Promoter Team.
- 4.15 No individual acting or assisting in the discharge of the LPA Team's functions shall be involved in the work on the Application on behalf of the Promoter. However, it is recognised that, as with any application, officers in the LPA Team will provide comments on documents submitted by the Promoter as part of the Application process and may request amendments to such documents.
- 4.16 It is recognised under this Protocol that it is necessary for there to be continued dialogue pre-and post-planning application between the Promoter and the LPA. Such dialogue will be carried out as follows:
- The LPA will communicate and engage with the Promoter in the same way as it would with any other third party developer or applicant;
 - The LPA officer will be clear at the outset of all meetings with any officer of the Promoter as to individual officer's roles in the meeting (i.e. as LPA or Promoter). Additional meetings involved third parties, such as the Regulatory Panel, shall also require the LPA officer to make clear these distinct roles to all present
 - The LPA Team will keep a record/minutes of all meetings between the LPA and Promoter relating to the Application, though the Promoter team may be asked to prepare these records/minutes;
 - Officers should leave a meeting if discussions move on to matters that should not be shared
- 4.17 At the request of the Promoter's Representative the LPA's Planning Case Officer may arrange presentations, meetings and discussions for Members of the Planning Committee, including standing deputies, with the Promoter Team. The LPA Planning Case officer shall be present at such meetings and the LPA will retain minutes of such events.
- 4.18 The LPA will present the Application to Members at the Planning Committee Agenda Briefing and the Planning Committee. (Please note: The Promoter, like other third party applicants, must not attend the Members' Agenda Briefing).
- 4.19 If required, the LPA team will use separate consultant teams to advise it on the Application, should consultant support be required. The LPA shall not use the same consultants engaged by the Promoter on the Application without robust separation of functions within those consultants being approved by representatives of the LPA team and Promoter team. The consultant's name, job title and role must be added the list of individuals in Table 1 for the LPA Team.
- 4.20 If required the LPA will establish project management arrangements in accordance with the agreed and published Planning Performance Agreement which will be kept under regular review;
- 4.21 Where necessary, the LPA will liaise with the Council in respect of wider corporate activity and resourcing matters relating to Application.

(3) Promoter Team's obligations

- 4.22 The Promoter's role is as landowner and promoter of the Application. No individual involved in the promotion of the Application on behalf of the Promoter shall act or assist in the discharge of the LPA Team's functions as local planning authority.
- 4.23 The Promoter Team and the LPA Team are separate entities. Officers listed in Table 2 for the Promoter Team cannot be part of the LPA Team.
- 4.24 The Promoter shall provide information to the LPA Team, as any other applicant would, through formal channels as necessary for the Application.

- 4.25 Officers on the Promoter Team must not give any instructions to any individual on the LPA Team discharging its local planning authority functions.
- 4.26 The Promoter Team will not share information (such as commercial agreements and or other confidential bidder/developer information) with the LPA Team unless it is of a nature a third party applicant would normally expect to share with a local planning authority (such as project financial viability information) and where it is clear any necessary agreement between the parties has been obtained.
- 4.27 Any presentations to, meetings or discussion with Members who are members of the Planning Committee or standing deputies who may be called to sit on that committee, by the Promoter must be arranged by the Planning Case officer or Representative of LPA Team, who must be present at any such events and ensure minutes are taken and retained.
- 4.28 The Promoter Team, like other third party applicants, should not attend the Members' agenda briefing for Planning Committee.
- 4.29 The Promoter, like other third party applicants, may make a deputation to the Planning Committee in accordance with PCC's standing orders in the Constitution.

(4) Governance and Best Practice

- 4.30 This Protocol recognises that the PCC's Constitution sets out PCC's governance arrangements and best practice measures. Officers on the Promoter Team and the LPA Team must act in accordance with them in particular:
- the Code of Conduct in respect of Councillors and Planning Applications,
 - the Employee Code of Conduct and
 - Protocol on Councillors - Officer Relations

and required standards of practice and ethics relevant to their profession, eg. RTPI Code of Professional Conduct.

5. Responsibility for administering the Protocol

- 5.1 Tim Ratledge, the Regeneration Business Manager within PCC, known as “the Administrator”, will have responsibility for administering the Protocol and ensuring that each member of the PCC Promoter Team and the LPA Team is issued with a copy of the Protocol.
- 5.2 The Administrator will ensure that the lists of names in Table 1 and Table 2 is updated on an ongoing basis and following notification from the Representatives of the Promoter Team and the LPA Team.
- 5.3 If any additional individuals are required to be added, the Representatives will ensure that they are provided with a copy of the Protocol such that they can comply with paragraph 5.5. This will be the case, for instance, when a case officer is appointed in respect of the LPA Team.
- 5.4 The Administrator will re-circulate the Protocol to the Promoter Team and LPA Team on a quarterly basis for the duration of the Protocol for information and as a reminder that officer must comply with it.
- 5.5 Statement of acknowledgement of the Protocol – Each member of the Promoter Team and the LPA Team (and any additional members – see paragraph 5.3) must read the Protocol and then send an email to the Administrator with the following statement:

“I have read and understood the Protocol and will abide by the relevant terms of the Protocol and the PCC Promoter Team’s / PCC LPA Team’s [delete as appropriate] obligations”.

6. Amendments to the Protocol

- 6.1 It may necessary from time to time for amendments to be made to the Protocol. Amendments can only be made if the Representatives agree.

- 6.2 If there is a material amendment to the Protocol, the Administrator will issue the revised version of the Protocol to each member of the Promoter Team and the LPA Team, all of whom must comply once more with paragraph 5.5.

7. Duration

- 7.1 The Protocol will be in place for as long as the Promoter is promoting the Scheme and the LPA is the relevant decision-maker in relation to the Application.

8. Determination of the Application

- 8.1 The Application will be determined by the Planning Committee, or otherwise the Secretary of State (in the case of call-in or appeal)

Members of the Planning Committee, shall comply with the:

- the Councillors Code of Conduct
- the Code of Conduct in respect of Councillors and Planning Applications
- the Protocol on Councillors - Officer Relations

- 8.2 Members of the Planning Committee, in conjunction with the Monitoring Officer or Deputy Monitoring Officer or the Principal Planning Solicitor, will keep under regular review, the need or otherwise for a Member to recuse him or herself from participating in the determination of the Application.

9. Publication

- 9.1 These handling arrangements will be published on the planning register for this Application.

Signed on behalf of Local Planning Authority:

Nick Lloyd-Davies

Name: Nick Lloyd-Davies

Position: New Neighbourhoods Team Leader

Date: 24th May 2024

Signed on behalf of the Promoter:

Kevin Hudson

Name: Kevin Hudson

Position: Head of Development

Date: 24th May 2024