



**Economy, Planning and
Transport**

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Our Ref: Portsmouth Local Plan
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By email only

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Dear Andrew

**Pre-Submission Portsmouth Local Plan - Tipner West & Horsea Island East,
Portsmouth
Regulation 107(3) of the Conservation of Habitats and Species Regulations 2017 -
proposed request for IROPI Opinion**

**Portsmouth Harbour Special Protection Area
Portsmouth Harbour Ramsar site
Solent and Dorset Coast Special Protection Area**

I write further to your letter dated 22 September 2023 to inform you of the City Council's anticipated timetable for resubmission of a request for an opinion from the Secretary of State under regulation 107(3) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) ('**the IROPI opinion**'). The IROPI opinion will be sought in relation to the emerging Local Plan policy for Tipner West & Horsea Island East (the Site).

Under regulation 107(3), the City Council is entitled to seek an opinion from the Secretary of State on whether likely harm to the integrity of protected habitats sites is justified by imperative reasons of overriding public interest ('**IROPI**').

You will recall that on 25 April 2023, the City Council sought an IROPI opinion from the Secretary of State in relation to the Site. On 22 September, you advised that in the Department's view the request was premature and no opinion could be given in advance of:

- a finalised alternatives assessment;
- a completed assessment of the implications of the plan for the integrity of the sites concerned; and
- a proposed compensation strategy.

The City Council as the Local Planning Authority (LPA) has now completed its Habitat Regulations Assessment (HRA) in support of its Pre-Submission Portsmouth Local Plan consultation. This started today and will conclude on 03 September 2024. The Local Plan and its HRA can be reviewed at <https://www.portsmouth.gov.uk/newlocalplanevidence/>.

The HRA identifies that the adoption of Policy PLP3 of the Pre-Submission Local Plan (the strategic allocation at Tipner West and Horsea Island East) will have an adverse effect on the integrity of protected habitats sites on account of the loss of relatively small quantities of tidal, inter-tidal and terrestrial habitat. Chapter 8 of the HRA applies all three derogation tests namely alternatives, IROPI and compensation and concludes that there are IROPI justifying that adverse effect.

All the necessary information requested in your letter of 22 September last year is now available and presented in the HRA such that it is both legally and practicably possible for the Secretary of State to consider all the relevant information and issue an IROPI Opinion. With that in mind, the City Council intends to re-submit its formal request for an IROPI Opinion shortly after the conclusion of the consultation on the Pre-Submissions Local Plan on 03 September 2024.

Around the same date, the City Council intends to submit the Pre-Submission Local Plan for examination. To avoid duplication of consideration of the habitats impacts of Policy PLP3, the City Council intends to invite the Examination Inspector to defer consideration of those matters until after the Secretary of State has issued his IROPI Opinion. That way, the IROPI Opinion can inform the Inspector's approach to habitats issues relating to Policy PLP3. To support the timetabling of the Local Plan Examination, it would be helpful to have an indication as to the timeframe within which the Secretary of State would aim to issue the IROPI opinion. I would be very grateful if you can respond to this letter with an indicative timeframe.

Please note that we have copied the Planning Inspectorate into this letter and will be writing a separate letter to them on the matter. Do let me know if you have any questions or advice for the LPA in the interim period.

Your sincerely,



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cc. Matthew Giles, Plans Team, The Planning Inspectorate