



Portsmouth
CITY COUNCIL

**Economy, Planning and
Transport**

Mr Matthew Giles
Plans Team
The Planning Inspectorate

Civic Offices
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By email only:
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Our Ref: Portsmouth Local Plan
09 July 2024

Dear Matthew

**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 am writing to inform you of a matter which is relevant to the timetabling of the Examination in Public of the Portsmouth Local Plan.

Full Council approved the Local Plan for Pre-Submission consultation and submission for Examination at its meeting held on 28 May 2024. The Regulation 19 consultation started today and will conclude on 03 September 2024. The Council's intention is to submit the Local Plan for Examination in Public in autumn in line with its Local Development Scheme. The Local Plan and its HRA can be reviewed at <https://www.portsmouth.gov.uk/newlocalplanevidence/>.

As you may know, the Habitat Regulation Assessment (HRA) for the Local Plan has identified that Policy PLP3 of the Pre-Submission Local Plan (the strategic allocation at Tipner West & 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. As a result, the Plan can only be adopted with PLP3 intact if the statutory derogation tests of alternatives, overriding public interest (IROPI) and compensation are met. Chapter 8 of the HRA applies all three derogation tests and concludes that there are IROPI justifying that adverse effect.

Pursuant to regulation 107(3) of the Habitats Regulations (2017), the Council is entitled to seek an opinion from the Secretary of State on whether they agree there are IROPI in this case. I attach a copy of a letter issued today to DLUHC, which indicates an intention to seek such an opinion at around the same time the Local Plan is submitted for Examination.

As the Secretary of State has a statutory responsibility for issuing such opinions under the 2017 Regulations, the Council considers it would be desirable to avoid duplication of effort by both the Examination Inspector and the Secretary of State considering in parallel the habitats issues arising in respect of Policy PLP3. Accordingly, the City Council proposes that consideration of habitats issues relating to this specific site in the Examination in Public is deferred until after receipt of the Secretary of State's IROPI opinion. That way, the Examination Inspector's consideration of, and public engagement on, the matter can be informed by the Secretary of State's statutory opinion. In the City Councils' view this will ensure a proportionate use of resources and a more efficient process.

With that in mind, the attached letter to DLUHC invites the Department to provide an indicative timeframe within which the Secretary of State would aim to provide an IROPI opinion. The City Council hopes that an indication of that timeframe will enable the Examination Inspector to timetable consideration of PLP3 habitats issues accordingly.

Do let me know if you have any questions or advice for the LPA in the interim period. We will send you a copy of the formal request in due course.

Your sincerely,



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cc. Andrew Lynch, Planning Casework Unit, Department for Levelling Up, Housing and Communities