

STATEMENT OF COMMON GROUND (and Areas of Disagreement)

Portsmouth City Council (Local Planning Authority)

and jointly the

Royal Society for the Protection of Birds (RSPB)

and Hampshire and Isle of Wight Wildlife Trust (HIWWT)

in respect of the strategic site allocation at:

TIPNER WEST & HORSEA ISLAND EAST

(Draft Policy PLP3)

Pre-Submission Portsmouth Local Plan

February 2025



Contents

Chapter 1: INTRODUCTION	3
Chapter 2: SITE DESCRIPTION, CONSTRAINTS AND BASELINE EVIDENCE	10
Chapter 3: POLICY CONTEXT AND BACKGROUND TO THE ALLOCATION OF THE SITE IN THE PRE-SUBMISSION LOCAL PLAN	33
Chapter 4: DRAFT POLICY PLP3 – TIPNER WEST AND HORSEA ISLAND EAST	57
Chapter 5: THE IMPACT OF THE ALLOCATION ON HABITATS AND HABITAT REGULATIONS ASSESSMENT (HRA)	65
Chapter 6: HRA DEROGATION STEP 1: ALTERNATIVE SOLUTIONS.....	75
Chapter 7: HRA DEROGATION STEP 2: IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST (IROPI).....	92
Chapter 8: HRA DEROGATION STEP 3: COMPENSATORY MEASURES	101
Chapter 9: FUTURE WORKING	111
Appendix 1: Minor Modifications to Draft Policy PLP3 Tipner West and Horsea Island East.....	112

Chapter 1: INTRODUCTION

1.1 Status, purpose and structure of this Statement of Common Ground (SCG) and Areas of Disagreement (AoD) document.

- 1.1.1 This Statement of Common Ground (SCG) and schedule of Areas of Disagreement (AoD) is a jointly agreed statement between **Portsmouth City Council (PCC)** as the Local Planning Authority (LPA), the **Royal Society for the Protection of Birds (RSPB)** and **the Hampshire and Isle of Wight Wildlife Trust (HIWWT)** (hereafter "**RSPB/HIWWT**"), in their capacity as guest members of the Tipner West Regulatory Panel ("the Panel") and with regard to draft policy PLP3 (Tipner West and Horsea Island East) of the Pre-Submission Portsmouth Local Plan ("the Plan"). For ease, this document will hereafter be referenced as the 'SCG' noting that it also sets out AoD.
- 1.1.2 The purpose of this SCG is to set out areas of agreement and disagreement between the LPA and RSPB/HIWWT in respect of the proposed site allocation under policy PLP3 and supporting evidence thereto, including the Habitat Regulations Assessment (HRA). It is intended to provide the Local Plan Examining Inspector with a clear statement on the position of the parties with respect to key planning considerations and evidence base relevant to the Tipner West and Horsea Island East strategic allocation.

Document Structure

- 1.1.3 The document comprises a series of topic-led tables, setting out key statements relating to land use planning considerations relevant to the Tipner West strategic allocation, including matters such as site features, designations and HRA (see contents page above). The contributing organisation has worked closely with the LPA to identify whether or not they '**Agree**' or '**Disagree**' with that statement. A further column enables the contributing organisation(s) - in this case both RSPB and HIWWT - to state that they take '**No Position**' on the particular topic or associated statement. Where a statement is Agreed, this is colour-coded Green to assist easy identification of areas of agreement. Similarly, with regard to the 'Disagree' column, where the contributing organisation has marked this as applicable, the column is also colour-coded, to identify the prospect of such a point of disagreement being resolved, as follows:

Unlikely	
Possible	

- 1.1.4 The colour-coding is added to enable the Examination Inspector and other readers to get a quick appreciation of topics that are agreed or disagreed and having regard to the overall length of the document and number of statements within it.

- 1.1.5 An additional 'Notes' column is incorporated within each table to enable the contributing organisation to provide any further clarification with regard to the position that they have taken on the particular statement. Furthermore, at the end of each Topic section, there is scope for a more comprehensive supplementary topic-wide comment to be provided.
- 1.1.6 This SCG has evolved through a programme of regular engagement between the LPA and the RSPB/HIWWT through meetings of the Regulatory Panel and direct dialogue between the parties, covering the period prior to Regulation 19 Consultation for the Plan and up to the commencement of formal Examination of the Plan.
- 1.1.7 This SCG does not fetter the independent status of the RSPB and HIWWT as non-statutory wildlife organisations and charities and their respective locus as such in the proposed Local Plan Examination hearings, but the parties have agreed to enter into this SCG jointly having regard to their shared objectives in the conservation of wildlife across the UK.

The Tipner West Regulatory Panel

- 1.1.8 The Tipner West Regulatory Panel was established in January 2021 to act as a coordinated consultation body to consider matters relating to the Tipner West and Horsea Island East project, as promoted by PCC as landowner and developer (“**the Promoter**”). Its members comprise the following statutory consultees and non-statutory interest groups:

Statutory consultees:

- Natural England (NE)
- Environment Agency (EA)
- Marine Management Organisation (MMO)
- Historic England (HE)

Non-statutory interest groups:

- Royal Society for the Protection of Birds (RSPB); and
- Hampshire and Isle of Wight Wildlife Trust (HIWWT).

1.1.9 The Panel was established in line with the Coastal Concordat¹, which seeks to streamline the multiple consenting processes for coastal developments in England. There are five high level principles in the Coastal Concordat:

- i. Applicants seeking regulatory approval should be provided with a first point of entry into the regulatory system for consenting coastal development, guiding them to the organisations responsible for the range of consents, permissions and licences which may be required for their development.
- ii. Regulators should agree a single lead authority for coordinating the requirements of Environmental Impact Assessments or Habitats Regulations Assessments.
- iii. Where opportunities for dispensing or deferring regulatory responsibilities are legally possible and appropriate, they should be taken.
- iv. Where possible, at the pre-application stage, competent authorities and statutory advisors should agree the likely environmental and habitats assessment evidence requirements of all authorities at all stages of the consenting process.
- v. Where possible, regulators and statutory advisors should each provide coordinated advice to applicants from across their respective organisations.

The Panel was established to deliver on these principles with respect to the proposed strategic allocation of Tipner West and Horsea Island East. To this end, a "Working Protocol"² was prepared which reflects the Concordat principles and supports the Panel in providing a clearly defined and coordinated regulatory body for the purposes of engagement with the Promoter.

¹ <https://www.gov.uk/government/publications/a-coastal-concordat-for-england/a-coastal-concordat-for-england-revised-december-2019>. The Concordat was originally an agreement between the Department for Environment, Food and Rural Affairs (DEFRA), the Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)), the Department for Transport (DoT), the Marine Management Organisation (MMO), the Environment Agency (EA), Natural England (NE) and the Local Government Association Coastal Special Interest Group. It applies to the consenting of projects that span the intertidal area in estuaries and on the coast and require multiple consents including both a marine licence and a planning permission from the local planning authority.

² <https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/Tipner-West-Regulatory-Panel-working-protocol-vFINAL-2024.pdf>

1.1.10 The strategic site allocation, supported by draft policy PLP3, relates to the site identified in Fig.1 below:

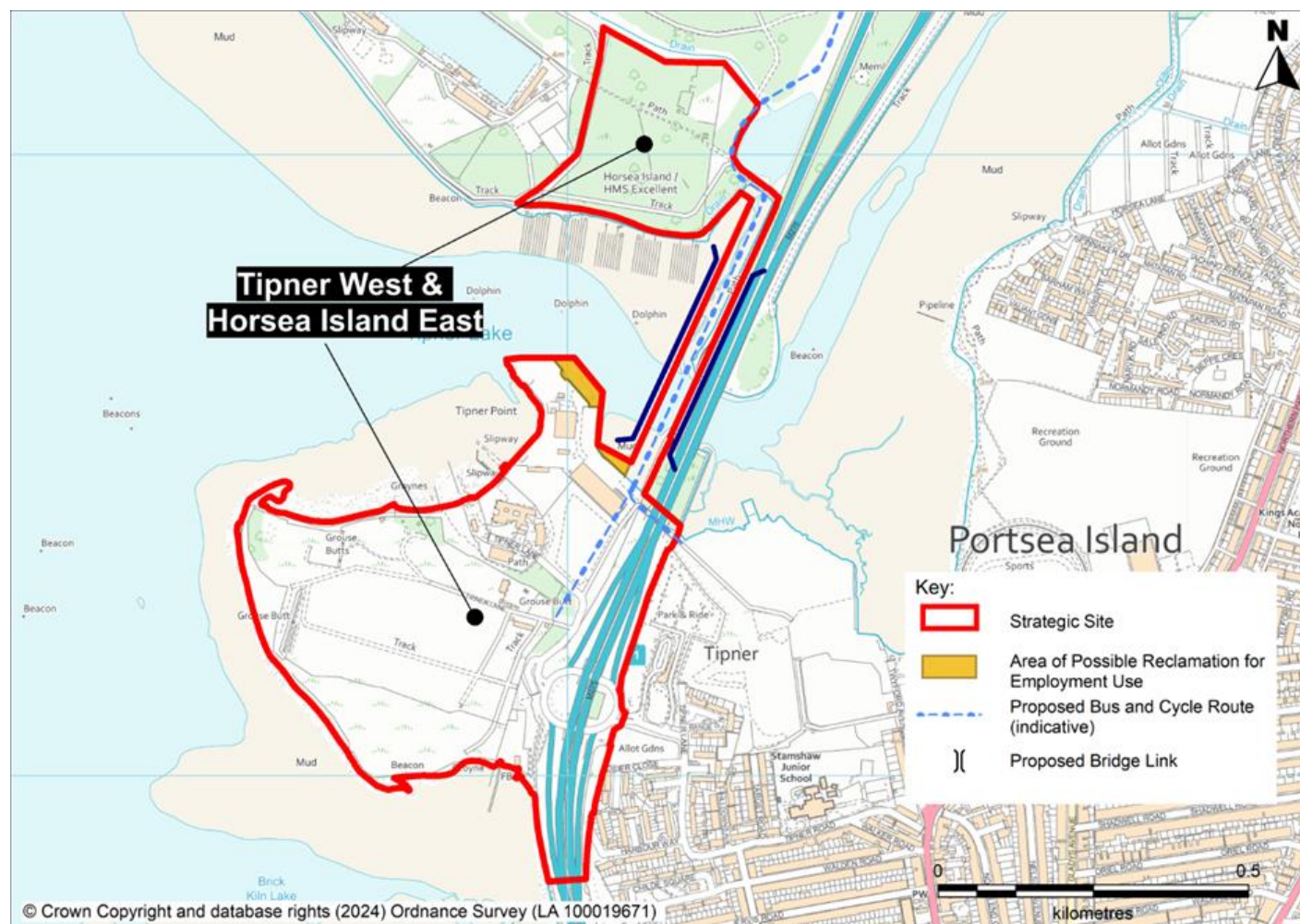


Figure 1: Tipner West and Horsea Island East (Policy PLP3)

1.2 The parties to this SCG

1. *RSPB*

- 1.2.1 The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.15 million³. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise.

2. *Hampshire & Isle of Wight Wildlife Trust (HIWWT)*

- 1.2.2 Hampshire & Isle of Wight Wildlife Trust (HIWWT) is an independent charity founded in 1961 and, together with 46 others, we are part of The Wildlife Trusts, the largest grass roots nature conservation federation in the UK with 900,000 members. Locally, across Hampshire and Isle of Wight we have over 27,000 members and we currently manage 5,000 hectares of land for wildlife, primarily nature reserves of local, national, and international importance.

3. *PCC as Local Planning Authority (LPA) and Competent Authority (CA)*

- 1.2.3 The City Council is the LPA for the purposes of Plan-making, planning applications made under the Town and Country Planning Acts and is also Competent Authority as defined under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.2.4 The City Council is also the Promoter, through 'Tipner Regeneration Project' (TRP), which is the 'developer' arm of the City Council tasked with delivering the site and is not party to this SCG. A separate SCG will be entered into between the LPA and the Promoter.

³

<https://www.rspb.org.uk/about-the-rspb/about-us/how-the-rspb-is-run/annualreport/>

- 1.2.5 Having regard to the decision in *London Historic Parks and Gardens Trust v Secretary of State for Housing, Communities and Local Government* [2020] EWHC 2580 (Admin), the Council has put handling arrangements in place to ensure functional separation between the two arms of the Council to ensure transparent, fair and proper decision making and for the avoidance of any conflicts of interests. Regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) states that where the relevant local planning authority is also the same legal person “*bringing forward the (relevant) proposal for development*” 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*”.
- 1.2.6 The two arms of the Council, as both LPA and Applicant, have therefore signed up to a set of Handling Arrangements (January 2023). These set out the relevant Officers and Members of the Council for LPA and Applicant alongside a series of governing obligations and administrative protocols to ensure that the aims of Regulation 64(2) are met and kept under review. These handling arrangements were updated in May 2024 to ensure that they reflect all relevant Officers and Members and are fit for purpose for LPA development management and plan-making functions, but are reviewed and updated regularly.

1.3 Engagement by RSPB/HIWWT with the Regulatory Panel

#	Statements	Agree	Disagree*	No position	Notes
1.3.1	1. A representative of RSPB/HIWWT attended all Panel meetings since the first meeting held in March 2021 (HIWWT since Sept 2021) unless, as made clear in meeting Minutes⁴, such representative offered apologies. 2. The RSPB/HIWWT have engaged in the Panel meetings positively and proactively in line with the agreed Working Protocols.	x x			
1.3.2	The RSPB/HIWWT are a signatory to the Tipner West Working Protocol (as amended May 2024).	x			
1.3.3	The RSPB/HIWWT agree that the minutes of Panel meetings are a true and accurate reflection of the matters discussed in those meetings.	x			

⁴ https://www.portsmouth.gov.uk/wp-content/uploads/2024/11/TW08_Reg_Panel_minutes_of_all_meetings_Nov_2024.pdf

Chapter 2: SITE DESCRIPTION, CONSTRAINTS AND BASELINE EVIDENCE

#	Statements	Agree	Disagree*	No Position	Notes
2.1	The physical site and its location, including levels and hydrogeology 1. The Tipner West and Horsea Island East allocation is located immediately adjacent to the M275 motorway at the northwest part of Portsea Island and is bounded on three sides by Portsmouth Harbour. Tipner West is a peninsula located on the western side of Portsea Island. Horsea Island East is located on the mainland coast. 2. Tipner West is currently partly derelict and contains a number of unrelated land uses including a former Ministry of Defence Firing Range, boatyards, recycling, storage and a special educational needs school. The site has been subjected to historically polluting uses. The site is approximately 24ha in area and 700m at its widest. It fronts Portsmouth Harbour on its north, western and southern sides, backing on to the M275 flyover to its east. A subway connects the site to Tipner East. 3. The current land uses include the following, including assumptions regarding plans for cessation and/or relocation:	x x x			

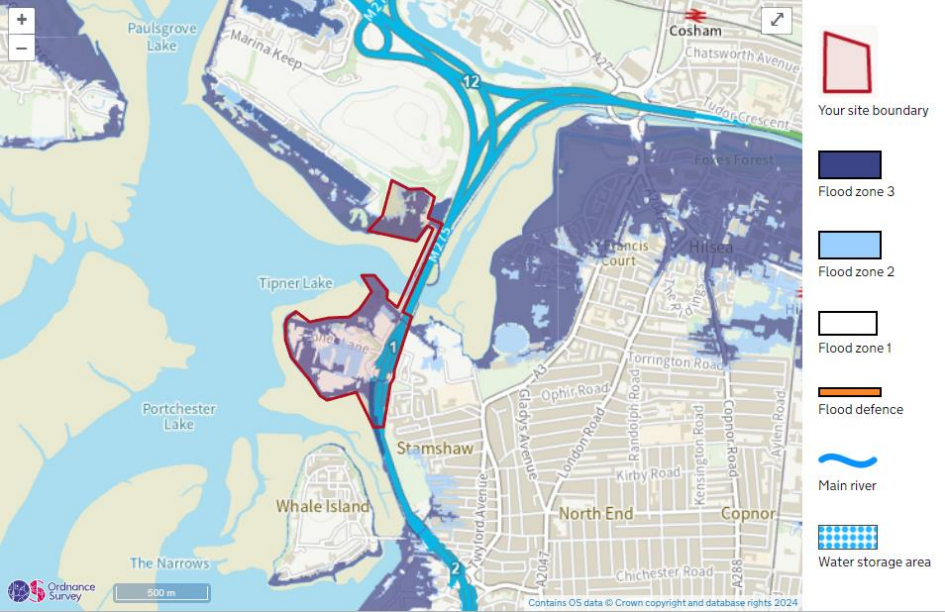
#	Statements		Agree	Disagree*	No Position	Notes
	Existing Uses on the Site	Description/assumptions regarding the relocation of these uses				
	The Harbour School	The Harbour School is a local authority- controlled SEN school. To be relocated with PCC support.				
	Nautical Seamanship Training Corps	It is assumed that this land will be vacated prior to commencement of development.				
	Portsmouth Harbour Cruising Club	To be relocated with PCC support				
	Tipner Boating and Angling Club	To be relocated with PCC support				
	Tipner Ranges	The former MoD Firing Range was decommissioned in October 2020 and was transferred to PCC ownership as part of the City Deal. It is recognised as a site of ‘Primary importance’ in the Solent Waders and Brent Goose strategy.				
	John Pounds Yard (Including TJ Waste Facility)	Commercial Yard and Waste Facility acquired by PCC in January 2024.				
4. Horsea Island East (HIE) is approximately 7.5ha and is not currently accessible by public highway. It comprises largely self-seeded vegetation over made-up ground, of former historic military use in particular in association with D-Day landing craft. HIE is currently				x	(4-10) The site descriptions each contain site features the	

#	Statements	Agree	Disagree*	No Position	Notes
	inaccessible by vehicles. A sub-base for a private track through the Veolia landfill site (proposed to be Public Open Space) runs down to the northern boundary of HIE (This may be proposed as a secondary construction haul road, accessible from Port Solent). 5. The southern inter-tidal area immediately south of HIE is a scheduled monument, comprising five grid-iron slipways. Immediately west of HIE is an operational MoD facility, HMS Excellent, including diving school and (former) torpedo testing lake. The M275 flyover forms its eastern boundary with a former landfill site to the north (proposed Public Open Space). Existing development at Port Solent lies just beyond to the north-west and further growth is allocated here in the Pre-Submission Local Plan. 6. The primary access to Tipner West is via Tipner Lane, a single carriageway road of good quality, which varies between 5.5m and 7m in width and is subject to a 20mph speed limit. Tipner Lane feeds directly onto the M275 Tipner roundabout (J1 M275), which provides north and southbound access and egress from the motorway. Tipner Park and Ride is also accessible from the M275 Tipner roundabout at J1 and located to the east of the junction. Access to the residential area of Stamshaw further east beyond the Park and Ride is restricted to vehicles by barriers. The M275 is one of the three vehicular corridors into and out of Portsmouth. The M275 connects the M27 and A27 in the north with Portsmouth City Centre approximately 5km to the south.			x x	RSPB/HIWWT is unfamiliar with. Although we have no reason to disagree with the descriptions, we have commented 'no position'.

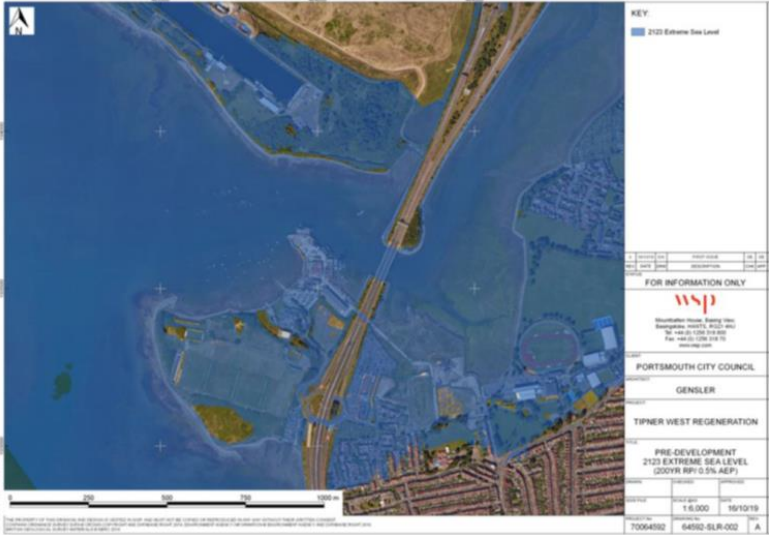
#	Statements	Agree	Disagree*	No Position	Notes
	7. Geological mapping indicates that the Tipner West site is underlain by superficial deposits of River Terrace Deposits in the central and southern half of the site and Raised Marine Deposits around the western and southern perimeter of the firing range, beneath the former landfill and Portsmouth Harbour Cruising Club. The site does not lie within a groundwater source protection zone (SPZ). The site is not under agricultural use, nor does it have a history of agricultural use			x	
	8. The site has low to moderate potential for archaeological remains of all periods, based on previous studies within the vicinity of the site. The site lies partially within three archaeological alert areas (AAAs), identified by the City Council as having archaeological interest/ potential (on advice from its Archaeological Services provider Hampshire County Council), The areas are part of the ALERT layer on the city Council's Geographical Information System (GIS).			x	
	9. The site also encompasses an intertidal and marine environment and, as such, will have potential for alluvial deposits which could contain well-preserved (due to waterlogging) organic remains dating to the Holocene and later, including paleo environmental remains, hulked and wrecked vessels, and river infrastructure. As stated in national policy, non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets (NPPF footnote 72).			x	

#	Statements	Agree	Disagree*	No Position	Notes
	10. With regard to designated heritage assets, there are four Grade II listed buildings on the Tipner West site. These relate to the military history of the site, the buildings having been used for the storage of munitions/gunpowder. These are expected to be incorporated and restored as part of the development proposals for the site and consideration will need to be given to their setting. On the Horsea Island East site, the grid-iron slipways are scheduled monuments. See 2.2.1 below for more detail on heritage assets.			x	
2.2	Site constraints, issues and opportunities including: <i>Description of flood risk</i> 1. The Environment Agency online Flood Map for Planning (Rivers and Seas)⁵ indicates that the Tipner West portion of the site is located in Flood Zones 1, 2 and 3. The majority of the HIE is located within (tidal) Flood Zone 3 (Fig.2). Land in (tidal) Flood Zone 1 is assessed as having less than 0.1% annual exceedance probability (AEP). Land in (tidal) Flood Zone 2 is assessed as having between a 0.5% and 0.1% AEP, and (tidal) Flood Zone 3 is assessed as having an AEP of greater than 0.5%.			x	(1) The RSPB/ HIWWT defer to EA on flood risk matters.

⁵ <https://flood-map-for-planning.service.gov.uk/>

#	Statements	Agree	Disagree*	No Position	Notes
	 Figure 2: Flood Zones (Environment Agency) (i) Portsmouth's sea-levels are predicted to rise by around 70cm over the next 70 years⁶. (ii) The site currently represents a weak-spot in island-wide defences, particularly in comparison to the North Portsea and Southsea coastal defence schemes. (iii) The existing coastal defences at the allocation site are in poor condition.				

⁶ Taken from North Solent SMP

#	Statements	Agree	Disagree*	No Position	Notes
	(iv) The 2011 Portsea Island Coastal Strategy Study⁷ estimated that defences on Horsea Island East may fail within 5-10 years, and defences on Tipner West may fail within 10-15 years. (v) Due to a lack of maintenance over recent years, and the current poor condition of flood defences on both sites, there is an increasingly high risk that these defences could fail imminently. (vi) A 1 in 100-year climate change event could flood a significant part of Tipner East and Stamshaw, including over 200 homes, as shown in Fig 3.  Figure 3: 2123 Extreme sea level (0.5% annual exceedance probability) Pre-development scenario (WSP 2021)				

⁷ <https://coastalpartners.org.uk/project/portsea-island-coastal-strategy/>

#	Statements	Agree	Disagree*	No Position	Notes
	vii) Any increase in land mass through reclamation and/or any associated flood defence measures or dredging has the potential to cause funneling of water that results in a scouring effect on the designated D-Day Slipways and potentially also habitats forming parts of the statutory designated sites. This needs further investigation through coastal hydrodynamic modelling to understand potential water behaviour scenarios, their impacts on coastal structures and habitats, and options for erosion management. 2. <i>Description of contaminated land;</i> (i) On the Tipner West landmass, geotechnical assessment⁸ has identified that there are marginal exceedances for metals (notably zinc), PAHs, and inorganic contaminants. There are also low to moderate levels of asbestos and lead within the areas of made ground. Site survey has identified no radiological contamination above measured background levels. Surveys within the Listed Buildings have not been undertaken to date but there are risks of explosive residues. Ground gas classification is currently 'Characteristic Situation 1'⁹.			x	(2) The RSPB/HIWWT defer to EA on contamination issues. However, we note that the statement in point (i) does not appear to be consistent with the HRA which refers to unacceptable

⁸ See <https://www.portsmouth.gov.uk/newlocalplanevidence>

⁹ See <https://www.portsmouth.gov.uk/newlocalplanevidence>

#	Statements	Agree	Disagree*	No Position	Notes
	(ii) On Horsea Island East, geotechnical assessment has identified marginal exceedances for metals and inorganic analytes plus asbestos, PAHs and lead within areas of soft landscaping. Some risks of ground gas identified. However, overall, sources of contamination on HIE are limited. Nevertheless, proposals for development or creation of new inter-tidal or other natural habitat will be susceptible to leachate contamination which will require mitigation. (iii) Both Tipner West and HIE have a moderate to high risk of UXO due to the military history of the site. (iv) Further surveys are required on the former TJ Waste site and areas where access was previously not possible at last survey (2021). 3. <i>Description of the Portsmouth Harbour Waterbody</i> (i) The Portsmouth Harbour Water Body, as defined in Environment Agency catchment data, is 16.57m2 in area and currently classified as: <u>Moderate Ecological Status</u>¹⁰. It is Moderate-High for Biological quality elements, Moderate-High for Physico-chemical quality elements, 'Supports good' for Hydromorphological supporting elements, Moderate or less for Supporting Elements (surface water).				risk from contamination. Would like to see further information to better understand the severity of contamination and risk to human health and ecological interests.
				X	(3) The RSPB/HIWWT defer to EA on water quality issues.

¹⁰ <https://environment.data.gov.uk/catchment-planning/WaterBody/GB580705140000?cycle=3>

#	Statements	Agree	Disagree*	No Position	Notes
	(ii) <u>Specific pollutants</u> are known to be High for Arsenic, Chromium(vi), Copper, Iron, Un-ionised ammonia and Zinc.				
	4. <i>Description of internationally, nationally, and locally designated habitats sites on the site and adjacent to, or impacted by, the site.</i> (i) The statutory & non statutory nature conservation sites including those of international, national and local importance within the vicinity of the allocation site boundary are shown in Figure 4 and Table 1 below, including details of citation species and habitats:	x			

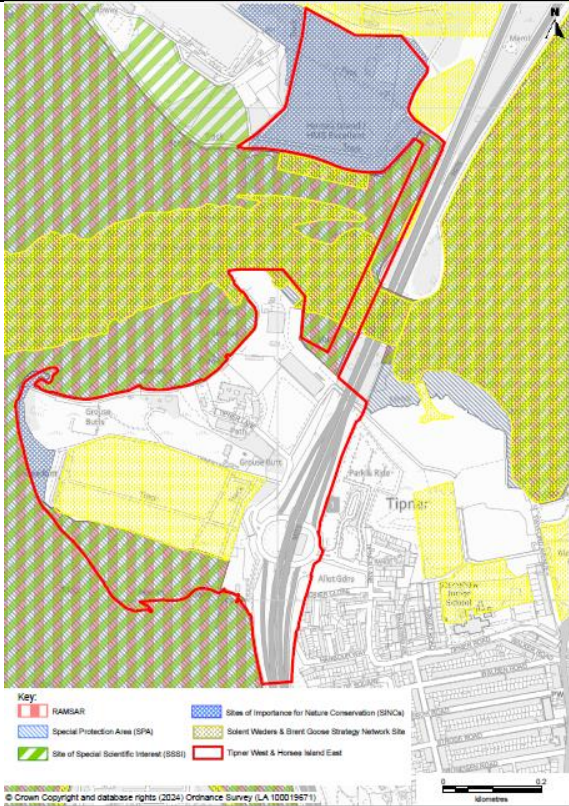
#	Statements	Agree	Disagree*	No Position	Notes
	 Key: - RAMSAR - Special Protection Areas (SPA) - Sites of Special Scientific Interest (SSSI) - Sites of Importance for Nature Conservation (SINCs) - Solent Wetlands & Brent Goose Strategy Network Site - Tipner West & Horse Island East © Crown Copyright and database rights (2024) Ordnance Survey (LA 100019671)				

Figure 4: Statutory and Non-Statutory Designated Wildlife Sites

#	Statements		Agree	Disagree*	No Position	Notes
	Habitat Designation	Primary Citation Habitats and Species				
	(a) Portsmouth Harbour SPA	Dark bellied brent goose, <i>Branta bernicla bernicla</i> Black-tailed godwit, <i>Limosa limosa islandica</i> Dunlin, <i>Calidris alpina alpina</i> Red-breasted merganser, <i>Mergus serrtor</i> <u>Current Status:</u> Black-tailed godwit - Unfavourable recovering Red-breasted merganser and Dunlin - Unfavourable declining Dark bellied brent goose - unfavourable No Change				
	(b) Portsmouth Harbour Ramsar	Ramsar criterion 3 - The intertidal mudflat areas possess extensive beds of eelgrass <i>Zostera angustifolia</i> and <i>Zostera noltei</i> which support the grazing dark-bellied brent geese populations. The mud-snail <i>Hydrobia ulvae</i> is found at extremely high densities, which helps to support the wading bird interest of the site. Common cord-grass <i>Spartina anglica</i> dominates large areas of the saltmarsh and there are also extensive areas of green algae <i>Enteromorpha</i> spp. and sea lettuce				

#	Statements		Agree	Disagree*	No Position	Notes
		<i>Ulva lactuca</i>. More locally the saltmarsh is dominated by sea purslane <i>Halimione portulacoides</i> which gradates to more varied communities at the higher shore levels. The site also includes a number of saline lagoons hosting nationally important species. Ramsar criterion 6 – species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation); Species with peak counts in winter: • Dark-bellied brent goose, 2105 individuals, representing an average of 2.1% of the GB population (5-year peak mean 1998/9-2002/3). Current Status: TBC				
	(c) Solent and Dorset Coast SPA	Sandwich tern (Breeding) Common tern (Breeding) Little tern (Breeding) Current Status: TBC				

#	Statements		Agree	Disagree*	No Position	Notes
	(d) Chichester and Langstone Harbour SPA	<i>Branta bernicla bernicla</i> ; Dark-bellied brent goose (Non-breeding) <i>Tadorna tadorna</i> ; Common shelduck (Non-breeding) <i>Anas penelope</i> ; Eurasian wigeon (Non-breeding) <i>Anas crecca</i> ; Eurasian teal (Non-breeding) <i>Anas acuta</i> ; Northern pintail (Non-breeding) <i>Anas clypeata</i> ; Northern shoveler (Non-breeding) <i>Mergus serrator</i> ; Red-breasted merganser (Non-breeding) <i>Charadrius hiaticula</i> ; Ringed plover (Non-breeding) <i>Pluvialis squatarola</i> ; Grey plover (Non-breeding) <i>Calidris alba</i> ; Sanderling (Non-breeding) <i>Calidris alpina alpina</i> ; Dunlin (Non-breeding) <i>Limosa lapponica</i> ; Bar-tailed godwit (Non-breeding) <i>Numenius arquata</i> ; Eurasian curlew (Non-breeding) <i>Tringa totanus</i> ; Common redshank (Non-breeding) <i>Arenaria interpres</i> ; Ruddy turnstone (Non-breeding) <i>Sterna sandvicensis</i> ; Sandwich tern (Breeding) <i>Sterna hirundo</i> ; Common tern (Breeding) <i>Sterna albifrons</i> ; Little tern (Breeding) Waterbird assemblage (Non-breeding)				

#	Statements		Agree	Disagree*	No Position	Notes
		Current Status: TBC				
	(e) Chichester and Langstone Harbour Ramsar	The site comprises two large, interconnected sheltered estuarine basins providing extensive intertidal mud and sand flats with eelgrass <i>Zostera</i> spp. beds, large areas of mixed saltmarsh and extensive cord-grass <i>Spartina</i> swards in an advanced state of degeneration. Fringing habitats include shingle spits, saline, brackish and freshwater lagoons, coastal grazing marsh and deciduous woodland. The site supports important overwintering populations of migratory waterfowl. Peak counts of wintering water birds regularly exceed 20,000 individuals, including internationally important numbers of <i>Branta bernicla bernicla</i>, <i>Charadrius hiaticula</i>, <i>Pluvialis squatarola</i>, <i>Calidris alpina</i>, and <i>Limosa limosa</i>. Several other species occur in nationally important numbers, notably <i>Tadorna tadorna</i> and <i>Tringa totanus</i>. Current Status: TBC				
	(f) Solent and Isle of Wight Lagoons Special Area of Conservation (SAC)	1150 <u>Coastal lagoons</u> * Priority and qualifying features The Solent on the south coast of England encompasses a series of Coastal lagoons, including percolation, isolated and sluiced				

#	Statements		Agree	Disagree*	No Position	Notes
		lagoons. The site includes a number of lagoons in the marshes in the Keyhaven – Pennington area, at Farlington Marshes in Chichester Harbour, behind the sea-wall at Bembridge Harbour and at Gilkicker, near Gosport. The lagoons show a range of salinities and substrates, ranging from soft mud to muddy sand with a high proportion of shingle, which support a diverse fauna including large populations of three notable species: the nationally rare foxtail stonewort <i>Lamprothamnium papulosum</i>, the nationally scarce lagoon sand shrimp <i>Gammarus insensibilis</i>, and the nationally scarce starlet sea anemone <i>Nematostella vectensis</i>. The lagoons in Keyhaven – Pennington Marshes are part of a network of ditches and ponds within the saltmarsh behind a sea-wall. Farlington Marshes is an isolated lagoon in marsh pasture that, although separated from the sea by a sea-wall, receives sea water during spring tides. The lagoon holds a well-developed low-medium salinity insect-dominated fauna. Gilkicker Lagoon is a sluiced lagoon with marked seasonal salinity fluctuation and supports a high species diversity. The lagoons at Bembridge Harbour have formed in a depression behind the sea-wall and sea water enters by percolation. Species diversity in these lagoons is high and the fauna includes very high densities of <i>N. vectensis</i>.				

#	Statements		Agree	Disagree*	No Position	Notes
		Current Status: Coastal Lagoons - 100% Favourable				
	(g) Solent Maritime SAC	1130 <u>Estuaries</u> The Solent encompasses a major estuarine system on the south coast of England with four coastal plain estuaries (Yar, Medina, King's Quay Shore, Hamble) and four bar-built estuaries (Newtown Harbour, Beaulieu, Langstone Harbour, Chichester Harbour). The site is the only one in the series to contain more than one physiographic sub-type of estuary and is the only cluster site. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime of four tides each day, and for the complexity of the marine and estuarine habitats present within the area. Sediment habitats within the estuaries include extensive estuarine flats, often with intertidal areas supporting eelgrass <i>Zostera</i> spp. and green algae, sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours. Unusual features include the presence of very rare sponges in the Yar estuary and a sandy 'reef' of the polychaete <i>Sabellaria</i>				

#	Statements	Agree	Disagree*	No Position	Notes
	<i>spinulosa</i> on the steep eastern side of the entrance to Chichester Harbour. 1320 <u>Spartina swards (Spartinion maritimae)</u> Solent Maritime is the only site for smooth cord-grass <i>Spartina alterniflora</i> in the UK and is one of only two sites where significant amounts of small cord-grass <i>S. maritima</i> are found. It is also one of the few remaining sites for Townsend's cord-grass <i>S. x townsendii</i> and holds extensive areas of common cord-grass <i>Spartina anglica</i>, all four taxa thus occurring here in close proximity. It has additional historical and scientific interest as the site where <i>S. alterniflora</i> was first recorded in the UK (1829) and where <i>S. x townsendii</i> and, later, <i>S. anglica</i> first occurred. 1330 <u>Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</u> The Solent contains the second-largest aggregation of Atlantic salt meadows in south and south-west England. Solent Maritime is a composite site composed of a large number of separate areas of saltmarsh. In contrast to the Severn estuary, the salt meadows at this site are notable as being representative of the ungrazed type and support a different range of communities dominated by sea-purslane <i>Atriplex portulacoides</i>, common sea-lavender <i>Limonium vulgare</i> and thrift <i>Armeria maritima</i>. As a whole				

#	Statements		Agree	Disagree*	No Position	Notes
		the site is less truncated by man-made features than other parts of the south coast and shows rare and unusual transitions to freshwater reedswamp and alluvial woodland as well as coastal grassland. Typical Atlantic salt meadow is still widespread in this site, despite a long history of colonisation by cord-grass <i>Spartina</i> spp. Current Status: Coastal Lagoon: Favourable (100%) Sandbanks: Unfavourable No Change (100%) Mudflats and sandflats: Unfavourable No change (70%); Unfavourable Declining (30%) Estuaries: Unfavourable No change (70%); Unfavourable Declining (30%)				
	(h) Solent and Southampton Water SPA	A046a <i>Branta bernicla bernicla</i>; Dark-bellied brent goose (Non-breeding) A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding) A137 <i>Charadrius hiaticula</i>; Ringed plover (Non-breeding) A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding)				

#	Statements		Agree	Disagree*	No Position	Notes
		A176 <i>Larus melanocephalus</i>; Mediterranean gull (Breeding) A191 <i>Sterna sandvicensis</i>; Sandwich tern (Breeding) A192 <i>Sterna dougallii</i>; Roseate tern (Breeding) A193 <i>Sterna hirundo</i>; Common tern (Breeding) A195 <i>Sterna albifrons</i>; Little tern (Breeding) Waterbird assemblage Current Status: TBC				
	(i) Solent and Southampton Water Ramsar	The area covered extends from Hurst Spit to Gilkicker Point along the south coast of Hampshire and along the north coast of the Isle of Wight. The site comprises of estuaries and adjacent coastal habitats including intertidal flats, saline lagoons, shingle beaches, saltmarsh, reedbeds, damp woodland, and grazing marsh. The diversity of habitats support internationally important numbers of wintering waterfowl, important breeding gull and tern populations and an important assemblage of rare invertebrates and plants. Qualifying species: Black-tailed godwit , <i>Limosa limosa islandica</i>				

#	Statements		Agree	Disagree*	No Position	Notes
		Dark-bellied brent goose, <i>Branta bernicla bernicla</i> Eurasian teal , <i>Anas crecca</i> Current Status: TBC				
	(ii) <u>Other statutory</u> designated sites forming part of the proposed allocated site comprise the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI was designated to protect salt-marsh, mudflats and tidal creeks and the associated flora and fauna, including eelgrass, green algae and sea lettuce and feeding grounds for dark-bellied brent geese, grey plover, dunlin and black-tailed godwit. (iii) Other statutory designated sites within 10km of the proposed allocated site are Portsdown SSSI. This designation protects around 69ha of rich chalk grassland and associated flora and fauna, including downland butterflies, bees, beetles, crickets, hawthorn, flax and other wildflowers. (iv) <u>Non-statutory</u> designated sites forming part of the proposed allocated site include the Horsea Island SINC and the Tipner Ranges (part) SINC. Horsea Island supports nationally rare species of Divided Sedge, county-scarce Narrow-leaved Bird's Foot Trefoil and the white-letter hairstreak butterfly which lives amongst the elm on the site.					

#	Statements	Agree	Disagree*	No Position	Notes
	(v) Non-statutory designated sites potentially impacted by the development, beyond the proposed allocated site, include the Hilsea Lines SINCC, East of Lakeside Local Wildlife Site (LWS), Urchins Copse LWS, Portchester Paddock LWS, Castle Shore Park LWS, James Callaghan Drive LWS and Paulsgrove Chalk Pit LWS. These relate to habitats of woodland, grassland, fresh, brackish and salt water supporting rare species of flora and fauna including Pale flax, narrow-leaved Bird's-Foot Trefoil and a variety of invertebrates. (vi) Significant parts of the allocated site are also identified as support areas within the Solent Waders and Brent Goose Strategy network, which aims to conserve the brent goose and wading bird populations within and around the SPA and Ramsar sites of the Solent. Within the allocated site there are the following supporting sites: • P60 Primary Support Area - Tipner firing range • P76 Primary Support Area - western side of M275 flyover (within proposed bridge corridor) • P48C - Core Area - partial overlap with northern extent of Horsea Island East.				
	Description of other relevant site constraints. <i>Foul and surface water sewage infrastructure</i> 5. It is believed that there is a sewage connection at The Harbour School but no connection to the former firing range. There are no dry			x	The RSPB/HIWWT defer to EA on

#	Statements	Agree	Disagree*	No Position	Notes
	weather waste water discharges on site; however, there are seven surface water discharges and 29 storm alleviation points. Surface water, for impermeable surfaces on Tipner West, is discharged to Tipner Lake through a head wall on the northern shore. It is understood that there is no sewage connection on Horsea Island East and the water drainage network is unknown.				waste-water issues.
2.3	1. Site levels, including surveyed inter-tidal and sub-tidal bathymetry (i) The existing Tipner West site ranges from +2m to +3m AOD. Levels generally rise from north to south. (ii) Existing sea defences largely comprise gabion basket stepped walls with shingle beach and earth bund design. The height of this bunding is highest along the southern boundary (>+4.5mAOD) although falls to circa +2.8m AOD at the south-eastern extent. (iii) The southern perimeter of HIE has a flood defence level of circa +4.5mAOD, falling to +2m to +3mAOD along the eastern edge.			x	
	Supplementary Comments:				

Chapter 3: POLICY CONTEXT AND BACKGROUND TO THE ALLOCATION OF THE SITE IN THE PRE-SUBMISSION LOCAL PLAN

#	Statements	Agree	Disagree*	No position	Notes
3.1	Allocation in Portsmouth Local Plan (2012)				
	1. Tipner was identified as a strategic site in Portsmouth's Core Strategy (adopted January 2012) known as The Portsmouth Plan ¹¹ .	x			
	2. The strategic allocation (PCS1) incorporated only part of the Tipner West landmass, specifically excluding the Tipner Firing Range which was in MoD use at the time.	x			
	3. The allocation also incorporated Tipner East, including the former greyhound stadium, and Junction 1 of the M275 which was anticipated to require upgrading alongside improved transport links and Park and Ride facility.	x			
	4. An indicative masterplan was published with the policy and at the time, residential development was under consideration on Horsea Island East, linked by a new bridge to Tipner. This would link up with strategic development at Port Solent, including a new Country Park (policies PCS2 and PCS3).	x			
	5. Together, the strategic allocation was proposed to deliver a total of 1,250 homes and 25,000sqm employment space alongside	x			

¹¹ <https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/the-portsmouth-plan-adopted-2012/>

#	Statements	Agree	Disagree*	No position	Notes
	connectivity improvements, local shopping, health and community facilities with improved open space provision. 6. The supporting text to the policy recognised the significant land contamination, flood risk and nature conservation challenges.	x			
3.2	Southampton and Portsmouth City Deal (2013) 1. The City Deal ¹² is a joint agreement between Portsmouth and Southampton City Councils, Hampshire City Council and the Solent LEP with the UK Government, signed in November 2013.	x			
	2. The City Deal recognised that the development of Tipner West and Horsea Island East (together with Port Solent), with an emphasis on marine and maritime employment, as foreseen in the adopted development plan would create an opportunity to meet the sector demand, whilst at the same time help to unlock funding for enabling infrastructure, site decontamination plus much needed employment and housing opportunities across the Solent.	x			
	3. The City Deal noted that “With a population of 1.3m and over 50,000 businesses operating in the area, the Solent Local Enterprise Partnership is one of the UK’s key engines of growth.	x			

¹² <https://www.gov.uk/government/publications/city-deal-southampton-and-portsmouth>

#	Statements	Agree	Disagree*	No position	Notes
	As a functional economic area its economic output equates to £48.5bn (gross value added per annum of £23.7bn) and it supports 485,000 full-time equivalent jobs. At the heart of its economy are the two cities of Southampton and Portsmouth and their associated ports. Together these two cities provide nearly 39% of high-skilled jobs in the Solent and contribute 37% of its total economic output". 4. In Portsmouth, the key sites identified by the City Deal as being suitable for marine, maritime and advanced manufacturing were located at Tipner West and Horsea Island.	x			
	5. The City Deal also recognised that, despite the opportunities the site offered for regeneration, its development was restricted by multiple ownerships and/or the need for land remediation and enabling infrastructure. As such, the grant was provided to overcome these barriers and unlock the site and to make the site ready for private sector investment.	x			
	6. To unlock these sites and facilitate the land assembly, funds were provided by the City Deal to support the delivery of enabling infrastructure and by leveraging significant local and/or private investment.	x			

#	Statements	Agree	Disagree*	No position	Notes
	7. The City Deal was underpinned by grants to Southampton and Portsmouth Councils (£48.75m to PCC) to help them to achieve their shared long term visions, as key economic assets within the Solent sub-region, by delivering the following: : • Maximising the economic impact of marine and maritime assets in the area; • Unlocking critical employment sites to enable the marine, maritime and advanced manufacturing sectors of the region's economy to expand; • Providing new housing to support the growing workforce; • Ensuring people have the right skills to access employment in those growing sectors; • Providing effective support to their small and medium enterprises to enable them to grow, including marine and maritime small and medium enterprises.	x			
	8. The City Deal included funding to facilitate a land transfer at Horsea Island East and the Firing Range at Tipner West from the Ministry of Defence to PCC.	x			
	9. This land transfer would enable additional further public and private investment to support the delivery of these objectives and has now been completed.	x			

#	Statements	Agree	Disagree*	No position	Notes
	(including links to the proposed Horsea Country Park), potential re-use of heritage assets and potential for tall buildings. 3. The following represent the key comments (including objections) that were submitted in response to the consultation: (i) RSPB/HIWWT In respect of the Tipner proposals, the RSPB raised serious concerns regarding potential impacts on the Portsmouth Harbour SPA and its supporting habitats given its close proximity, noting that the draft plan failed to identify the presence of this designated site nor least the implications of it for future development of the Tipner sites. Similarly in respect of the proposals for Port Solent and Horsea Island, the RSPB raised serious concerns regarding the potential impacts on the designated wildlife sites due to their close proximity, and raised further concerns due to the lack of acknowledgement of the presence of important supporting wader and Brent Goose feeding sites within the proposed strategic site boundary. The RSPB concluded that they expected to see a comprehensive analysis of the impacts of these emerging development proposals (including any mitigation measures to protect the SPA/SSSI) in the next draft of the local plan, and would expect the removal of any strategic site	x			

#	Statements	Agree	Disagree*	No position	Notes
	proposals that failed to meet the tests of the Habitats Regulations. With regards to the Port Solent and Horsea Island allocation, HIWWT raised concerns that sites within this strategic site allocation had been identified as being part of the 'core network' of sites used by overwintering waders and brent geese. Sites in this plan and those in neighbouring authorities have been identified as being of importance for over wintering waders and brent geese and any assessment should look to consider potential adverse impacts in combination with other plans or projects.				
3.5	Local Plan Evidence Base consultation (2019)¹⁴ 1. In February 2019, the LPA consulted on the emerging evidence base to support its evaluation of key issues identified in the 2017 Issues and Options Consultation and to facilitate the publication of a first draft Local Plan for Regulation 18 Consultation later in the year. 2. The consultation noted that the commissioned Employment Land Study identified Tipner and Horsea as a key opportunity for marine and maritime industries and at least 55,000sqm should	x x			

¹⁴ <https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/Local-Plan-Update.pdf>

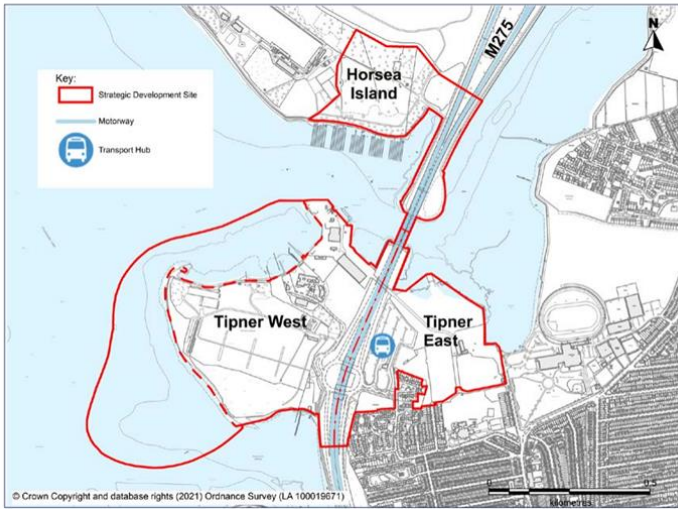
#	Statements	Agree	Disagree*	No position	Notes
	be an initial target in line with the City Deal. In addition, a Transport Evidence Review identified in particular the Tipner-Horsea bridge link proposals and work required to potentially deliver this. 3. The Housing and Employment Land Availability Assessment (HELAA) identified a potential housing capacity at Tipner West and Tipner Firing Range of 1,200 homes. 4. The following represent the key comments (including objections) that were submitted in response to the consultation: (i) RSPB/HIWWT The RSPB reiterated concerns for the emerging development proposals at Tipner (including Horsea Island) due to the proximity of the designated wildlife sites, highlighting particular concerns regarding proposals for development at Tipner West and the Tipner Firing Range. The RSPB referred the Council to their more detailed responses to the Issues and Options (2017) consultation and to the parallel Tipner Strategic Development Area consultation (2019).	x x			

#	Statements	Agree	Disagree*	No position	Notes
3.6	Tipner Strategic Development Area consultation (2019)¹⁵  © Crown Copyright and database rights (2019) Ordnance Survey (LA 100019671) Key: - Tipner & Horsea Area of Search - Existing Roads - Proposed New Road - No through route for private vehicles - Indicative potential land reclamation - A - Employment, with supporting residential - B - Marine Employment, including supporting residential - C - Community Uses, including school and local retail - D - Residential - E - Residential - F - Housing, Employment & Habitat Creation Figure 5: Tipner Strategic Development Area 1. As part of the preparation of the current Plan, a consultation was carried out focusing solely on a Tipner Strategic Development Area (2019), setting out the Council's views on the various options for the site and identifying where further work would be necessary to	x			

¹⁵ <https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/Tipner-Strategic-Development-Area.pdf>

#	Statements	Agree	Disagree*	No position	Notes
	support the Council's evidence base, as a first stage towards establishing the most appropriate site boundary and land uses for the area. The consultation put forward the concept of significant reclamation from Portsmouth Harbour (circa 27ha) to deliver an innovative new community, including up to 2,200 homes and a 30,000sqm marine employment hub. 2. The following represent the key comments (including objections) that were submitted in response to the consultation: (i) RSPB/HIWWT The RSPB objected in the strongest possible terms to the proposals put forward in the consultation, in particular the super-peninsula option involving substantial reclamation of Portsmouth Harbour SPA/Ramsar for new housing. Whilst recognising the pressures on the Council to deliver new housing at the predicted scale needed, the RSPB raised serious doubts that such damage could be justified and suggested that the constraints of land availability, flood risk and nature conservation interests in Portsmouth warranted a reduction in the housing targets, in accordance with the NPPF. The RSPB explained the importance of Portsmouth Harbour to vast numbers of wintering birds, including supporting habitat within the proposed allocation site, and broadly set out the substantial legal challenges that would be involved for an exception development to go ahead under the Habitats Regulations. The RSPB strongly refuted claims that the development would	x			

#	Statements	Agree	Disagree*	No position	Notes
	have a positive effect on the designated wildlife sites and raised concerns that the development would instead lead to a permanent loss of the internationally important wildlife that forms part of Portsmouth City's identity and for which the Council has a responsibility to protect. HIWWT objected to the proposals on the basis of: loss of Ramsar, SPA and SSSI habitat likely to ensue from proposed development. The supporting land outside of the designated area (as identified by the SW&BGS) could also be degraded. The Regional Habitat Creation Scheme struggled to address the loss of saltmarsh habitats across the Solent; compensating habitat losses would therefore prove challenging. There is no detail of the proposed mitigation and compensation measures with only impacts on Brent Geese mentioned; the Portsmouth Ramsar site is designated for a range of important species and habitat types. HIWWT noted that the Council would have to demonstrate the lack of feasible alternatives and IROPI. HIWWT challenged the approach of trying to deliver unrealistic housing numbers in an environmentally constrained area that will inevitably be faced with challenges in the future. The delivery of new houses should be informed by robust and up-to-date information, (such as ecological network mapping) and delivered regionally rather than trying to squeeze more into already over-developed areas. HIWWT insisted that the Council should be looking to deliver their housing allocation in a more sustainable and less environmentally damaging location. Given the predicted increase in sea level, and				

#	Statements	Agree	Disagree*	No position	Notes
	the adverse effect that will have on the sensitive nature conservation sites, it would not be possible to demonstrate that the proposals can be mitigated or compensated, since there are no suitable areas in the region where new SPA habitat could be created. Impact on waders such as Curlew and Redshank which both feed in proposed reclamation area had not been considered and there would be no suitable alternative. Impact of reclamation on other parts of the harbour were not proposed to be studied.				
3.8	Regulation 18 Consultation (2021)¹⁶ 7.2 Tipner (Policy S2) Figure 26 – Tipner  Fig 6: Policy S2 Tipner allocation (Reg.18 Consultation, 2021)				

¹⁶ <https://www.portsmouth.gov.uk/wp-content/uploads/2021/09/207.9-Local-plan-2021-document-FULL-ACCESSIBLE.pdf>

#	Statements	Agree	Disagree*	No position	Notes
	1. The responses to the 2019 Tipner-specific consultation fed into the three options proposed in the most recent Regulation 18 Local Plan published in 2021. This put forward three options for Tipner (Note: the draft policy S2 incorporated both Tipner East and Tipner West, with HIE – see Figure 6). 2. These options were: - Option 1: An Innovative Sustainable Community (including significant reclamation)(3,500 dwellings, 58,000sqm marine employment, 19,000sqm other commercial/retail/community floorspace); - Option 2: Regeneration of Existing Area (no reclamation), similar to the 2012 Local Plan (800 homes, 25,000sq m employment); or - Option 3: Maintain in current condition. 3. The following represent the key comments (including objections) that were submitted in response to the consultation: (i) RSPB/HIWWT The RSPB and HIWWT submitted a joint response to the Reg 18 consultation. On the topic of Tipner West, RSPB/HIWWT strongly objected to Option 1 (the super-peninsula) due to the substantial damage it would cause to the Portsmouth Harbour SPA/Ramsar and the likelihood that it would fail to meet the	x x x		x	(1) The RSPB/HIWWT select 'No position' as we have seen no evidence of our responses having been fed into the three options proposed in the Reg 18 consultation.

#	Statements	Agree	Disagree*	No position	Notes
	exception tests under the Habitats Regulations, therefore also leaving the soundness of the Portsmouth Plan in question. RSPB/HIWWT stated that they considered the super-peninsula to be an outdated approach that undermined the Council's commitment to tackle the dual climate and biodiversity emergencies, when instead the Council should be recognising the value of the natural coastal habitats like those at Tipner West, not just for their role in supporting international important wildlife, but also for their multiple additional functions such as reducing flood risk and coastal erosion, storing carbon and improving the health and wellbeing of local communities. RSPB/HIWWT made it clear that they were not opposed to a sustainable development on the Tipner West site, providing it is within the site's environmental limits and does not encroach onto the statutory designated sites. They did not feel that either of the other options presented in the Reg 18 consultation offered a realistic or viable alternative to the Council's strongly favored Option 1 and urged the Council to properly consider alternative, sustainable development options for based on intelligent design principles that respect and protect the exceptional wildlife within and surrounding the Tipner West site. They also raised concerns that the Council was not being transparent about the interdependencies between the marine employment development and the housing development				

#	Statements	Agree	Disagree*	No position	Notes
	proposed at Tipner West, and reminded the Council of the opportunity available to all local authorities to put forward an exception case to the Government's standard method derived housing targets if they could not be delivered without causing significant harm to the designated wildlife sites.				
	4. In response to the consultation, the Council received 8,995 proforma petition comments, coordinated by HIWWT and the RSPB specifically objecting to Option 1 but offering their support for development at Tipner West that protects wildlife and does not involve reclaim or damaging the designated wildlife sites.	x			
	5. The 2021 Regulation 18 Consultation also asked a specific question seeking suggested alternative options for development of the site.	x			
	6. Three additional options were put forward in responses, being: - As a Container Park for use by the International Port; - Enlargement of the existing land-mass of the site by downgrading the M275 to a A-road (and hence reducing pressure to reclaim from the Harbour); and - As a Nature Reserve.			x	(6) The RSPB/HIWWT state that they cannot verify this information.
	7. The Council also considered an option '2B' which would 'update' the adopted 2012 allocation to be more reflective of the City Deal,	x			

#	Statements	Agree	Disagree*	No position	Notes
	increasing the number of homes to 1,250 and marine employment to 58,000sqm. 8. In December 2021, a PCC Promoter report was presented to Cabinet and, subsequently, to Full Council, providing a summary of the current status of the Tipner West and Horsea Island East project including a summary of the Regulation 18 Consultation outcomes. Full Council agreed to pause the Tipner West project at this meeting to allow for further consideration of alternative solutions and to review the financial viability of each of the identified options, including by commissioning an updated summary of Council expenditure to date.	x			
3.9	Full Council's abandonment of the super-peninsula proposal (2022) 1. Following this decision to pause and review the 'Super Peninsula' project, the RSPB/HIWWT and HIWWT jointly published alternative proposals for the development of the Tipner West and Horsea Island East site, supported by specially commissioned concept images as part of their '<i>Don't Cross the Line</i>' campaign¹⁷. 2. The RSPB/HIWWT / HIWWT campaign indicated support in principle for new residential and commercial development at the draft allocated site, but expressly excluded any development of (or	x x			

¹⁷ <https://www.hiwwt.org.uk/tipner>

#	Statements	Agree	Disagree*	No position	Notes
	reclamation from) the SPA/Ramsar designated sites, including the terrestrial SPA/Ramsar south of the former firing range. 3. Several conceptual images were created one of which shown in Figure 7 below:  <i>Concept images by Influence Landscape Architects which demonstrate a proposed development which does not cross the line into protected habitats for nature.</i> Figure 7: Concept image from RSPB/HIWWT/HIWWT (2021) 4. At the October 2022 Full Council meeting¹⁸ (i) Option 1 (the 'super peninsula' concept) and Option 3 (Maintain) were both <u>ruled out</u> by the City Council.	x			
		x			

¹⁸ <https://democracy.portsmouth.gov.uk/documents/s41717/Tipner%20West%20Report.pdf>

#	Statements	Agree	Disagree*	No position	Notes
	(ii) Option 1 was ruled out largely by reason of significant objection to its environmental impact. (iii) Option 3 was ruled out because it would have cost the Council at least £50m to maintain the existing site, through shoring up flood defences, and to repay City Deal grant funding, without any revenue-generating development or housing or economic growth at all. (iv) it was resolved to end all further work on the Option 1 'super peninsula' ('Lennox Point') project and to adopt a new set of Guiding Principles for delivery of the development at Tipner West and HIE.				
3.10	Council's adoption of Guiding Principles and Overarching Project Objective 1. The original Guiding Principles agreed by Full Council at its October 2022 meeting¹⁹ were as follows: <i>(1) Rules out the 'Significant Land Reclamation' Option (Option A) - original 'Lennox Point' masterplan.</i> <i>(2) Rules out 'Do Minimum' Option (Option D)</i>	x			

¹⁹ <https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=146&MIId=4966>

#	Statements	Agree	Disagree*	No position	Notes
	<i>(3) Prioritise the protection of the land south of firing range</i> <i>(4) Provide a minimum of 1,250 homes which maximises affordable housing & 58,000 sqm of employment space. (Minimum affordable housing at 30%)</i> <i>(5) Satisfies the terms of the City Deal</i> <i>(6) Satisfies the requirements of the regulatory bodies including Natural England and the Environment Agency</i> <i>(7) Maximises local job creation</i> <i>(8) Minimises costs and impact on City Council finances & services to the public</i> <i>(9) Minimises land reclamation to meet the principles listed above and provide bio-diversity net gain of 10% as a minimum.</i> 2. Following consultation with the Regulatory Panel in August 2023 (as recorded in Panel Minutes²⁰) and further review by Officers and Members, these Guiding Principles were updated in October				
		x			(2) Please also refer to the RSPB/HIWWT supplementary comments below.

²⁰ See CDL: <https://www.portsmouth.gov.uk/newlocalplanevidence>

#	Statements	Agree	Disagree*	No position	Notes
	2023²¹ and combined with an Overarching Project Objective, as follows: <u>Guiding Principles</u> 1. Develop options that have regard to the Conservation Objectives of the SPA/Ramsar Sites in respect of their bird populations and other qualifying features, subject to the procedures set out within the Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitats Regulations). 2. Deliver nature-focused place-making to contribute to Greening of the City, in line with the City Vision 2040, which achieves more than the statutory biodiversity requirement. 3. Provide a minimum of 814 homes and maximum of 1,250 homes & a minimum of 58,000 sqm of marine focussed employment space (Minimum affordable housing at 30%) alongside enabling infrastructure to satisfy the terms of City Deal. 4. Maximise local job creation. 5. Minimise costs and impact on City Council finances & services to the public. 6. Seek to continue to work in partnership with Royal Society for the Protection of Bird (RSPB), Hampshire & Isle of Wight Wildlife Trust (HIWWT), Ministry of Defence and Historic England to				

²¹ <https://democracy.portsmouth.gov.uk/documents/s48227/Report%20-%20TRP%20Principles.pdf>

#	Statements	Agree	Disagree*	No position	Notes
	<i>develop proposals that are capable of satisfying the regulatory requirements of Natural England (NE), the Marine Management Organisation (MMO) and the Environment Agency (EA).</i> <i>7. Minimise land reclamation to meet the principles listed above.</i> <u><i>Overarching Project Objective</i></u> <i>"To deliver sustainable growth in the Solent economy by providing (a) a marine employment cluster comprising 58,000 sqm of employment floorspace (b) between 814 and 1,250 homes to support the growth in marine employment and (c) critical infrastructure including flood defences. This will be done through nature-focused place-making and will achieve more than the statutory biodiversity requirements."</i> 3. In March 2024, the Overarching Project Objective was amended at the Promoter request to remove specific quantum of development and to reduce duplication where already referenced as part of the Guiding Principles. It was amended to read as follows: <u><i>Overarching Project Objective (amended)</i></u> <i>"To create a marine employment hub in the Solent region with access to deep water, and of sufficient scale to enhance and expand the marine business cluster, along with critical infrastructure, and sufficient housing to help enable delivery of</i>				

#	Statements	Agree	Disagree*	No position	Notes
	<i>the development as well as support the growth in the marine workforce."</i> 4. The Panel members were not consulted on the proposed update to the March 2024 Overarching Project Objective. 5. The Project Overarching Objective forms one component of the <u>Plan-level Overarching Objective</u> for the purposes of HRA. See 3.1.11.	x x			
3.11	Pre-Submission Local Plan (2024) 1. The RSPB/HIWWT have continued to raise concerns, and object to, the proposed strategic site allocation policy (PLP3) within the Pre-Submission Portsmouth Local Plan. A copy of the Regulation 19 response for both organisations is attached to this SCG. 2. The RSPB has also provided a written response to the HRA Supplement of October 2024.	x x			

#	Statements	Agree	Disagree*	No position	Notes
	<i>Supplementary Comments</i> Further to section 3.3 Southampton and Portsmouth City Deal (2013) The RSPB/HIWWT do not believe that a marine employment development at Tipner West that would lead to direct loss and damage to the SPA/Ramsar site was foreseen at that time at the point at which the City Deal grant was approved by the Government. Nor do RSPB/HIWWT believe that it was a stipulation of the funding that the proposed development should be delivered at any cost to protected wildlife sites (or other interests), or that the funding would have to be returned to the Government if it were shown that the desired scheme could not be delivered without adverse effects. Further to section 3.10 Council's adoption of Guiding Principles and Overarching Project Objective Following the original publishing of and later revisions to the Guiding Principles, the RSPB/HIWWT advised the Council that a number of the principles were not considered to be consistent with the Habitats Regulations, and if not amended could lead to the selection of development options for Tipner West that would potentially conflict with this legislation. Unfortunately that advice was not followed, resulting in the Council selecting two preferred options for the Tipner West development, both of which involve direct damage to the SPA/Ramsar site.				

#	Statements	Agree	Disagree*	No position	Notes
	With regard to 3.10(2), the RSPB note that although the Regulatory Panel was invited to comment on the revised Guiding Principles, these comments were not taken on board by Council Members when agreeing the final version, despite the RSPB highlighting their serious concerns regarding the reference to reclamation and a specific request to a change to the wording regarding ' <i>working in partnership with the RSPB/HIWWT</i> '				

Chapter 4: DRAFT POLICY PLP3 – TIPNER WEST AND HORSEA ISLAND EAST

#	Statements	Agree	Disagree*	No position	Notes
4.1	Site-wide requirements 1. Draft policy PLP3 states the site is allocated for mixed use development of the following uses and large-scale infrastructure : a) A marine hub with a working quayside and up to 58,000 m² of marine employment floorspace (class E(g) offices, research and development, light industrial, B2 general industrial and B8 storage or distribution); b) A new community with between 814 and 1,250 residential dwellings (class C3); c) A bridge between Tipner West and Horsea Island East for the use of sustainable transport modes only; d) Flood defences along the peninsula edges of Tipner West and Horsea Island East in line with robust climate change scenarios; e) Shops selling essential goods, including food, where the shop's premises do not exceed 280 m² (class F2a); and f) Meeting places for the principal use of the local community (class F2b).		x		While the RSPB/HIWWT have no in principle objection to any of these site-wide requirements, based on the current information available it does not appear possible to deliver the full scale of development set out under site-wide requirements a), b) and (potentially also) c) without adverse effects on the

#	Statements	Agree	Disagree*	No position	Notes
					SPA/Ramsar. Therefore, the RSPB/HIWWT regretfully object to the specified site-wide requirements unless the impacts can be avoided or satisfactorily mitigated.
4.1.3	Development quantum 1. The proposed lower quantum of residential development, being 814 homes, reflects the residual sum of homes referenced and assumed as part of the City Deal grant award in 2013, and accounting for extant planning permissions as follows: • City Deal 2013 assumed delivery of 2,370 homes across Tipner East, Tipner West, Horsea Island and Port Solent. • 1,056 homes benefit from extant planning permission (or resolution to grant permission) at Tipner East, as set out in draft strategic site allocation and policy PLP4; • 500 homes are assumed to be delivered at Port Solent as set out in draft strategic site allocation PLP11		x		(1-4) The RSPB/HIWWT do not object to the lower quantum of housing based on our understanding that it would not lead to adverse effects on the SPA/Ramsar (although question whether this figure is in line with current Option A

#	Statements	Agree	Disagree*	No position	Notes
	2. The quantum range above 814 homes, as expressed in draft policy PLP3 (that allows between 814-1,250 homes), allows additional residential development where still compliant with policy.		x		housing numbers). However, based on current available information, it does not appear possible to deliver the upper range of housing (1,250 homes) or the full quantum of marine employment floorspace (58,000 sqm) without adverse effects on the SPA/Ramsar. Therefore, we regretfully object to the quantum contained in Policy PLP3 unless the impacts can be avoided or satisfactorily mitigated.
	3. The quantum of 58,000 sq m marine employment floorspace responds to the express quantum set out in the City Deal award.		x		
	4. The RSPB/HIWWT has no in-principle objections to the development quantum contained in Policy PLP3.		x		

#	Statements	Agree	Disagree*	No position	Notes
	4. The increased reliance upon public transport, walking and cycling routes will help to promote improved air quality within the City and existing transport corridors and support the Council's climate change objectives. 5. Subject to detailed design and assessment, the favoured bridge route alignment is one abutting the existing M275 flyover structure as identified in the draft policy allocation site plan.	x x			compensatory habitat in respect of the bridge, implying that adverse effects (as a result of direct damage) are anticipated and acceptable (consistent with the HRA). The RSPB/HIWWT strongly disagree with this approach and consider that adverse effects from the bridge can and should be avoided or mitigated.
4.1.5	Deep water access 1. The RSPB/HIWWT notes that deep water access to the proposed marine hub will require dredging works within the immediate vicinity of the proposed marine hub quaysides (north site of the Tipner West landmass).		x		(1&2) The RSPB/HIWWT require significant further detail on the proposed

#	Statements	Agree	Disagree*	No position	Notes
					comments below.
	3. Accordingly, the plan-level HRA is not anticipated to identify and assess the level of detail which would typically only be identified at the time of a future planning application and having regard to the 'staged approach', with 'increased specificity' at each stage of the planning process.		x		The RSPB/HIWWT agree that the application-level HRA would be expected to include additional detail, but consider that the plan-level HRA should nevertheless include as much detail as is available at that time and support Natural England's advice regarding the need for suitable compensatory measures to be demonstrably secured at the plan stage in

Chapter 5: THE IMPACT OF THE ALLOCATION ON HABITATS AND HABITAT REGULATIONS ASSESSMENT (HRA)

#	Statements	Agree	Disagree*	No position	Notes
5.1	Relevant legal framework and tests; 1. The relevant legal framework for the assessment of the impacts of a land use plan on a European site is Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended)²². That framework requires the competent authority to consider the impacts of the draft Plan in three stages: screening, appropriate assessment, and (where applicable) derogation.	x			
5.2	Screening of likely significant effects on: 1. On behalf of the LPA, AECOM has produced a Regulation 19 Habitat Regulations Assessment of the Local Plan dated April 2024 ("the Plan HRA").²³ 2. The Plan HRA includes an assessment of the impact of the Tipner West and Horsea Island East strategic site allocation (Policy PLP3) within the Local Plan.	x x			

²² <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

²³ https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/PLP_HRA-2024_FINAL.pdf

#	Statements	Agree	Disagree*	No position	Notes
	3. The screening assessment concludes that likely significant effects of draft Policy PLP3 on Habitats Sites cannot be excluded and screens it in for appropriate assessment. 4. The RSPB/HIWWT does not take issue with the screening of likely significant effects in the Plan HRA.	x x			
5.3	Appropriate assessment of proposals on: <i>National Site Network (SPA/SAC/Ramsar):</i> 1. The Plan HRA conducts an Appropriate Assessment ('AA') of the impacts of the Local Plan on Habitats Sites through: • Recreational pressure (in Habitats sites and functionally linked habitat); • Loss of functionally linked habitat; • Water quality; • Water quantity, level and flow; • Visual and noise disturbance from construction • Atmospheric pollution; and • Coastal squeeze. 2. AA is also conducted in relation to impacts specific to draft Policy PLP3, namely:	x x			

#	Statements	Agree	Disagree*	No position	Notes
	- Direct habitat loss from the Portsmouth Harbour SPA / Ramsar and Solent & Dorset Coast SPA - Impacts of Tall Buildings / Structures on Flight Lines and Sight Lines				
5.4	Recreational pressure (in Habitats sites and functionally linked habitat) 1. Taking into account the bespoke mitigation solutions provided for the Tipner West & Horsea Island East (PLP3) and Fraser Range (PLP13) allocations, and the provision of recreational open space at Horsea Island through strategic allocation PLP9, the AA concludes that the existing Bird Aware Solent Recreation Mitigation Strategy (SRMS), the requirements in Policy PLP43 for contributions to the SRMS, and Policy PLP39, are, collectively, adequate to protect the integrity of Habitats sites in the Solent from recreational pressure.		x		The RSPB/HIWWT disagree in relation to recreational disturbance to functionally linked habitat/land (FLL), which we consider is poorly assessed in the HRA. We would also like greater assurance that the provision of open space at Horsea Island will be in place and accessible (via bridge) ahead of

#	Statements	Agree	Disagree*	No position	Notes
					occupancy of new housing at Tipner, including mitigation for loss of FLL at Horsea Island.
5.5	Loss of functionally linked habitat; 1. The AA concludes – in relation to Policy PLP3 – that the policy will result in the loss of functionally linked habitat. However, it concludes that: • there is sufficient suitable and available land in the wider area capable of delivering necessary mitigation; and • PLP3(6)(b) requires a project level HRA to demonstrate that any mitigation for loss of functionally linked habitat will be delivered. 2. Consequently the AA concludes that the draft Plan will cause no adverse effects on the integrity of the designated sites from the loss of functionally linked habitat.		x x		The RSPB/HIWWT have not seen evidence of suitable sites for replacement of FLL lost or damaged as a result of the Tipner West proposals. The issue should not be deferred to application stage; suitable replacement habitat must be identified ahead of adoption of the LP otherwise residual adverse effects may be under-

#	Statements	Agree	Disagree*	No position	Notes
					estimated. We also consider that the HRA should consider in-combination disturbance to FLL.
5.6	Water quality; 1. The screening assessment identified the risk of eutrophication of Habitats Sites from an increase in wastewater associated with new development in the draft Plan. 2. The AA concludes that existing measures, together with draft Policy PLP44 (Nutrient Neutrality in International Nature Designations), are sufficient to ensure there will be no net nutrient input to the Solent from planned development.			x	The RSPB/HIWWT defer to EA/NE on this issue.
5.7	Water quantity, level and flow 1. Portsmouth Water's WRMP²⁴ highlights that the supply of development in the region (including growth in Portsmouth City) does not involve any increases to licensed groundwater abstractions or the			x	The RSPB/HIWWT defer to EA/NE on this issue.

²⁴ <https://www.portsmouthwater.co.uk/news/publications/water-resources-planning/>

#	Statements	Agree	Disagree*	No position	Notes
	Langstone Harbours SPAs/Ramsars and the Solent and Southampton Water and Solent and Dorset Coast SPAs. 2. The AA concludes that the requirement in Policy S10 (Coastal Zone) of the draft Plan to comply with relevant Shoreline Management Plans (which have themselves been subject to HRA) ensures that there will be no adverse effects on the integrity of the relevant Habitats Sites. The PCC Plan-level and Project level HRA must consider the in-combination effects upon coastal squeeze alongside the relevant SMP and associated compensation strategies.				defer to EA, noting that the Agency have previously advised PCC that there is a potential need to increase the compensation requirements for coastal squeeze if the Tipner West sea defences are upgraded above the standard included in the North Solent SMP HRA.
5.11	Direct habitat loss from the Portsmouth Harbour SPA / Ramsar and Solent & Dorset Coast SPA 1. The AA concludes that Policy PLP3 will have an adverse effect on the integrity of Portsmouth Harbour SPA/Ramsar site because delivery of the Policy will: inevitably involve the dredging (and consequent loss) of approximately 2.1ha of intertidal habitat to provide deep water access to the marine hub;		X		Although the RSPB/HIWWT agree that working on a worst-case scenario basis is appropriate, we do not agree that the HRA has satisfactorily assessed the

#	Statements	Agree	Disagree*	No position	Notes
	- probably involve the placing of piers in (and consequent loss of) approximately 0.3ha of intertidal habitat loss for construction of the bridge; and - possibly involve up to 0.5ha of subtidal habitat loss if reclamation is required for the viable and feasible delivery of the marine hub, and up to 3.6ha of terrestrial habitat loss from land to the south of the firing range if that land is required for the viable and feasible delivery of the development. 2. Although not all of these impacts are inevitable and they will all need to be reassessed in an HRA at the planning application stage, the AA proceeds on the “realistic worst case” basis that all these impacts will result from draft Policy PLP3. 3. As a consequence, Policy PLP3 of the draft Plan may only be approved if it passes the statutory derogation tests.		x x		full scale/nature of the impacts therefore these figures for direct loss of habitat may not represent the worst-case scenario in terms of the full adverse effects. We also do not agree that the loss of 2.1ha of intertidal has been justified to demonstrate that it is strictly inevitable, nor that the probable and possible loss of additional habitat cannot be avoided due to dredging. Therefore, for the sake of

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	to the east and the Solent & Southampton Water SPA/Ramsar site to the west), and therefore determine whether adverse effects may occur in respect additional sites beyond the Portsmouth Harbour SPA/Ramsar site. We also consider that the HRA's approach to the loss of SPA functionally linked land (i.e. Solent Wader and Brent Goose Sites) within or adjacent to the Tipner West allocation site is inadequate to rule out further adverse effects at the plan stage. Additionally, hydrodynamic modelling will be necessary at the project stage to determine the full effects of the proposed dredging and land-take from the marine habitats, which may reveal additional impacts affecting the integrity of the Portsmouth Harbour SPA/Ramsar site. HRA Supplement: unfortunately the additional information on the function of the SPA/Ramsar site habitat that may be lost does not resolve the above concerns. Furthermore, following the additional information, the RSPB/HIWWT are seriously concerned by the apparent misidentification of the ecological function of the Land South of the Firing Range, which we believe would have been included in the SPA/Ramsar site due to its once critical role as a high tide wader roost, not just as a Brent Goose feeding/roosting area. Natural England's SSSI condition assessment for this unit (Unit 17 – Tipner Range) supports this view, stating that '<i>This unit is important as a high tide roost for Brent geese and other wading birds</i>' [emphasis added]. We believe this has an important bearing on the compensatory needs of the scheme, as well as potentially the overall balance of the case for IROPI.				

Chapter 6: HRA DEROGATION STEP 1: ALTERNATIVE SOLUTIONS

#	Statements	Agree	Disagree*	No position	Notes
6.1	The legal test for alternative solutions 1. To constitute a genuine alternative solution, the alternative must: • achieve the same overall objective as the original proposal • be financially, legally and technically feasible • be less damaging to the relevant Habitats site and not have an adverse effect on the integrity of any other Habitats site 2. Government guidance²⁵ states that this might include considering whether the proposal could: • happen at a different location • use different routes across a site • change its scale, size, design, method or timing 3. EU guidance²⁶ further clarifies that: • the 'do nothing' option should be considered as part of the alternatives test; and • economic criteria cannot override ecological criteria at this stage	x x x			

²⁵ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#derogation>

²⁶ [Managing Natura 2000 sites: The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC](#)

#	Statements	Agree	Disagree*	No position	Notes
6.2	The overall objective 1. The overall objective against which alternative solutions are to be assessed is described in the introductory text to PLP3 and in the Project Objective. 2. The introductory text to Policy PLP3 provides: <i>“Tipner West & Horsea Island East is allocated as a strategic site, because its development as a new marine hub with a new bridge to the mainland is key to the regeneration of Portsmouth. Furthermore the new sea defences and land decontamination will benefit the northern part of Portsea Island... The site is allocated along with Tipner East, which forms Policy PLP4, and together they will form a new gateway to the City...</i> <i>There is deep water access at Tipner West and the principal driver behind this allocation is the creation of a new marine hub, which will create new jobs in this key sector of the City's economy. New homes will be provided as a form of enabling development for the marine hub and the enhancement and re-use of the heritage assets on the site. There will be a new bridge linking not only the two halves of the site, but the wider communities of Paulsgrove and Port Solent to the City Centre. The development will deliver urgently required sea defences for the northern part of Portsea Island and site de-contamination.”</i>		X X		In the RSPB/HIWWT's view, the creation of the marine hub is the key objective against which alternatives (and IROPI) should be assessed.

#	Statements	Agree	Disagree*	No position	Notes
	3. The Project Objective is: <i>“To create a marine employment hub in the Solent region with access to deep water, and of sufficient scale to enhance and expand the marine business cluster, along with critical infrastructure, and sufficient housing to help enable delivery of the development as well as support the growth in the marine workforce”</i>		x		
6.3	Package deal 1. The delivery of the package of benefits in Policy PLP3 (including critical infrastructure in the form of sea defences, and the delivery of site decontamination) is dependent on cross-subsidy through enabling housing development.		x		The RSPB/HIWWT disagree that housing is the only option to subsidise – see supplementary comments below.
	2. The viability assessments prepared by the Promoter indicate a significant viability gap, such that public subsidy beyond that provided by the City Deal is likely to be required to deliver Policy PLP3.			x	

#	Statements	Agree	Disagree*	No position	Notes
	3. When considering alternative solutions, it is relevant to consider the impact of any disaggregation of parts of the package on the viability of the whole.		x		RSPB/HIWWT refer to their detailed Reg 19 responses and note that, at this stage, economic criteria cannot override ecological criteria. The Council refers to its summary response to RSPB/HIWWT's Reg 19 response which is included at Annex 4 to the IROPI request made to the Secretary of State for Housing Communities and Local Government
6.4	Sea defenses				
	1. The Tipner West & Horsea Island East strategic allocation enables, and requires the delivery of, works to bolster existing sea defences.			x	

#	Statements	Agree	Disagree*	No position	Notes
	2. The delivery of sea defences is part of the overall objective of Policy PLP3. They can be delivered without causing harm to the integrity of the Portsmouth Harbour SPA/Ramsar site and are necessary to protect that site from harm.		x		The RSPB/HIWWT consider this is not a key objective & defences are not necessary to protect the SPA/Ramsar.
	3. The improved sea defences will: • provide protection from inundation of Tipner West; and • provide protection from inundation to the Stamshaw area of Portsea Island.			x	(3) The RSPB/HIWWT consider there is a need for further evidence espec. Re: alternative options to protect Stamshaw.
	4. It is important to protect Tipner West from inundation because there is a risk of leachate contamination to Portsmouth Harbour. Such contamination would be likely to cause harm to the integrity of the Portsmouth Harbour SPA/Ramsar site.			x	(4) The RSPB/HIWWT request sight of contamination evidence.

#	Statements	Agree	Disagree*	No position	Notes
	5. It is not reasonable or prudent for there to be no active intervention to bolster existing sea defences and the 'do nothing' option would not deliver on the overall objective.		x		(5&6) The RSPB/HIWWT consider that the overall objective could be delivered on different site.
	6. The 'do minimum' and 'managed realignment' options addressed in the Plan HRA are not reasonable alternatives because they will not prevent inundation of Tipner West and will not deliver on the overall objective.		x		
	7. The only reasonable alternative to delivery of the sea defences through Policy PLP3 is delivery through an alternative funding mechanism.		x		
	8. The LPA has advised that the estimated cost of strengthening or replacing the existing sea defences at Tipner West and Horsea Island East could amount to £35m.			x	(8) The RSPB/HIWWT request supporting information & EA's advice.
	9. The Council has advised that it does not have funds available to deliver the sea defences from its core budget.			x	
	10. The Council has advised that it has no current mechanism to raise funds for the sea defences through the CIL and any new mechanism			x	

#	Statements	Agree	Disagree*	No position	Notes
	would be unlikely to be raise sufficient funds early enough in the plan period.				
	11. The signatories to this SCG are not aware of any external source of funds likely to be available to the Council to fund delivery of the necessary flood defences.		x		The RSPB/HIWWT consider that an alternative development (eg wholly housing) at Tipner West could deliver the necessary flood defences.
6.5	Site decontamination 1. The Tipner West & Horsea Island East strategic allocation enables, and requires the delivery of, site de-contamination, as summarised in part 2.2(3) of this SCG. 2. The delivery of site decontamination is part of the overall objective of Policy PLP3. It can be delivered without causing harm to the integrity of the Portsmouth Harbour SPA/Ramsar site and is necessary to protect that site from harm. 3. Site decontamination is important to prevent the risk of leachate contamination to Portsmouth Harbour. Such contamination would be likely to cause harm to the integrity of the Portsmouth Harbour SPA/Ramsar site.			x x x	(1-3) The RSPB/HIWWT have not had sight of the decontamination information. However, they do not consider that this issue is relevant to the alternatives assessment, particularly given it is stated that decontamination

#	Statements	Agree	Disagree*	No position	Notes
					can be delivered without causing harm to the SPA/Ramsar.
	4. It is not reasonable or prudent to do nothing to remedy the existing contamination of the site and failure to deliver site decontamination would not deliver on the overall objective.		x		(4-7) The RSPB/HIWWT consider that an alternative development (eg wholly housing) at Tipner West could deliver the decontamination and the key objective (marine hub) could be delivered at an alternative site.
	5. The only reasonable alternative to delivery of site decontamination through Policy PLP3 is delivery through an alternative funding mechanism.			x	
	6. The Council has advised that the costs of decontamination works would be approximately £15m.			x	

#	Statements	Agree	Disagree*	No position	Notes
	7. The Council has advised that it does not have funds available to deliver the decontamination works from its core budget.			x	
	8. The signatories to this SCG are not aware of any external source of funds likely to be available to the Council to fund delivery of site decontamination.		x		The RSPB/HIWWT consider that an alternative development (eg wholly housing) at Tipner West could deliver site decontamination.
6.6	Marine employment hub				
	1. The Tipner West & Horsea Island East strategic allocation seeks to deliver a marine employment hub with access to deep water and of sufficient scale to enhance and expand the marine business cluster.	x			
	2. Delivery of the marine hub is central to the overall objective of Policy PLP3.	x			
	3. The 'do nothing' option does not deliver on the overall objective so is not a reasonable alternative solution.		x		(3) The RSPB/HIWWT consider that the objective could be delivered on different site.

#	Statements	Agree	Disagree*	No position	Notes
	4. The LPA has conducted a reasonable search for alternative sites and has reached a reasonable conclusion that there are no clearly preferable alternative sites to deliver the marine hub.		x		(4 & 5) The RSPB/HIWWT refer to their detailed Reg 19 responses. The LPA refers to its response to the RSPB/HIWWT reg 19 response, as set out in Annex 4 of its IROPI Opinion request.
	5. The LPA has considered disaggregation of the components of the marine hub and their provision at more than one unconnected sites and has reasonably concluded that disaggregation would not deliver on the overall objective of Policy PLP3.		x		
	6. Policy PLP3 does not specify the layout and design of the marine hub within the site. Save for the inevitable dredging of inter-tidal habitat to provide deep water access, it is not inevitable that delivery of the marine hub will cause further harm to the integrity of the Portsmouth Harbour SPA/Ramsar site. Questions of alternative layout, heights, density and form, including alternatives to any reclamation of inter-tidal habitat, are project-level considerations.		x		
					(6) The RSPB/HIWWT do not consider that the full impacts of the predicted SPA/Ramsar loss have been fully assessed, in particular the functional importance of the habitats affected (see our Reg 19 responses for further detail). We have also not

#	Statements	Agree	Disagree*	No position	Notes
					seen any evidence to support the need for the level of dredging that the HRA assessment is based on. We do not consider it appropriate to defer significant uncertainty re adverse effects to project-level.
6.7	Bridge 1. The overall objective of Policy PLP3 includes the creation of a new gateway to Portsmouth with a new bridge linking the two halves of the city and providing sustainable transport between Paulsgrove and Port Solent and the City Centre. 2. The 'do nothing' alternative would fail to deliver on the overall objective of Policy PLP3 and would fail to address the needs identified in the Council's <i>Tipner-Horsea Bridge Transport Position Paper</i> (June 2023) ²⁷ .		x x		(1&2) The RSPB/HIWWT consider that the alternatives should be assessed against the key project objective.
	3. The LPA has considered reasonable alternatives to the alignment of the bridge and has reached the reasonable conclusion that there are no clearly preferable alignments.		x		(3) The RSPB/HIWWT note that para 8.54 of the PLP

²⁷ See CDL [City Deal: Southampton and Portsmouth - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/city-deal-southampton-and-portsmouth)

#	Statements	Agree	Disagree*	No position	Notes
	4. Policy PLP3 does not specify the design of the bridge. It is not inevitable that delivery of the bridge will cause harm to the integrity of the Portsmouth Harbour SPA/Ramsar site. Questions of alternative designs, including alternatives to the need to pile supporting piers into inter-tidal habitat, are project-level considerations.		x		HRA states that the Council's commissioned reports have confirmed that: <i>"the optimal alignment would be for a structure that runs immediately parallel to the M275 flyover (and physically connected to it), minimising environmental impact and optimising construction and cost efficiencies."</i> (4) The RSPB/HIWWT further note that the PLP HRA confirms (para 8.51) that: <i>"Different designs of bridge are</i>

#	Statements	Agree	Disagree*	No position	Notes
					<i>available, some of which could avoid any direct loss of habitat."</i> Therefore, in our view, PLP3 should specify that the final design must avoid harm to the protected wildlife sites as we consider there is no case for a derogation under the Habitats Regulations.
6.8	Enabling development in the form of housing 1. The overall objective includes housing as enabling development as well as to support the growth in the marine workforce.			x	The RSPB/HIWWT consider that the alternatives should be assessed against the key project objective.
	2. On account of a significant financial viability gap, the delivery of sea defences, site decontamination, the marine hub, and the bridge, depends on cross-subsidy from housing.		x		(2&3) The RSPB/HIWWT consider that alternative means

#	Statements	Agree	Disagree*	No position	Notes
	3. The 'do nothing' alternative would increase the viability gap and would mean that Policy PLP3 would not be delivered. 4. The LPA has considered the alternative of providing housing elsewhere to cross-subsidise development on the site and has concluded reasonably that this would not deliver on the overall objective of PLP3 because: • It is unlikely that there is capacity within the PfSH sub-region to accommodate an additional 830 – 1250 homes; • It is almost certain that, even if there was such capacity, it would not enable delivery on a single site or even on two or three large sites. As a result, the efficiencies of delivery on a single large site would be lost, with consequences for the level of cross-subsidy able to be generated. • In order to generate a cross-subsidy, any housing delivered on alternative sites would need to be delivered by the same developer. The promoter of the PLP3 site does not currently own sufficient suitable land across the PfSH sub-region to deliver the required housing. • Housing at the PLP3 site is likely to carry a sales premium on account of the waterside location and co-location with the marine hub, which would not be the case with alternative		x x		to finance the development need to be more thoroughly explored – see supplementary comments below. (4) The RSPB/HIWWT do not consider these matters have been thoroughly assessed/ evidenced and note that there appear to be many assumptions.

#	Statements	Agree	Disagree*	No position	Notes
	sites across the PfSH sub-region, with consequences for the level of cross-subsidy able to be generated. 5. Disaggregation of housing from the marine hub element of Policy PLP3 would also fail to deliver on the overall objective of Policy PLP3 which includes the co-location of housing with the marine hub to support the growth of the marine workforce. 6. Policy PLP3 does not specify where housing should be sited within the allocation boundaries. It is not inevitable that the delivery of between 830 and 1250 homes on the site will cause harm to the integrity of the Portsmouth Harbour SPA/Ramsar site. Questions of housing layout, typologies, heights, density and form, including alternatives to the siting of housing on terrestrial habitat, are project-level considerations.		x x		(5) The RSPB/HIWWT consider that additional evidence is needed to demonstrate no alternative funding options. (6) The RSPB/HIWWT consider that the upper limit seems unlikely not to cause harm based on the Council's options information. The RSPB/HIWWT do not consider it appropriate to defer substantial matters concerning the scale of adverse effects to the project level.

#	Statements	Agree	Disagree*	No position	Notes
6.9	Conclusion on alternative solutions 1. The Plan HRA concludes that there are no alternative solutions that will deliver on the overall objective of Policy PLP3 without causing harm to Habitats sites.		x		The RSPB/HIWWT refer to their detailed Reg 19 responses. The Council refers to its summary response to RSPB/HIWWT's Reg 19 response which is included at Annex 4 to the IROPI request made to the Secretary of State for HCLG.
<i>Supplementary Comments</i> As per the RSPB/HIWWT's Reg 19 responses: we do not consider that the disaggregated elements currently subjected to alternatives assessment are all key project objectives. Inclusion of indirect benefits (such as flood defences) and elements that do not necessarily lead to adverse effects (such as site decontamination) do not in our view assist the alternatives assessment. It is critical that all less damaging options to the key project objective (i.e the marine hub) are considered in the alternatives assessment, regardless of their possible increased economic costs (in line with EU guidance). We therefore consider that the alternatives assessment needs to take a broader and deeper look at the full range of less damaging options for delivering the marine hub, including: • an assessment of alternative locations compared against the current Tipner West project parameters; • alternative means of delivering the project objective such as modifications to existing marine sites;					

#	Statements	Agree	Disagree*	No position	Notes
	• alternative design options to avoid/reduce impacts; alternatives to the full tide deep water access; • alternative options for enabling development or other funding streams (e.g. getting a delivery partner onboard to support financing the marine hub; or alternatives land uses for the now redundant Horsea Island site, such as delivery of Biodiversity Net Gain for other local developments); and • delivery of the proposals across more than one site. The Council considers that it has conducted an adequate alternatives assessment, which has included consideration of all of these matters, save for alternative design options. Alternative approaches to design, scale, density, massing, and layout across the two parts of the Site will need to be addressed at the planning application stage under criterion 2(g) of Policy PLP3 and in the project-level HRA required by criterion 6 of Policy PLP3.				

Chapter 7: HRA DEROGATION STEP 2: IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST (IROPI)

#	Statements	Agree	Disagree*	No position	Notes
7.1	Legal test 1. To constitute imperative reasons of overriding public interest (IROPI) for the purposes of section 107 of the Conservation of Habitats and Species Regulations 2017, the need for the proposal must be: • Imperative: it is essential that it proceeds; • In the public interest: it delivers a public interest benefit, not just benefits for private interests; and • Overriding: the imperative public interest must outweigh the harm, or risk of harm, to the integrity of the Habitats site that is predicted by the appropriate assessment.	x			
7.2	The need for a marine hub 1. There is a social and economic need for a marine employment hub in the Solent region to support the growth of the marine, maritime and advanced manufacturing sectors and to provide employment and economic growth in the region. 2. The existence of that need is well-established and supported by a strong evidence base.²⁸		x x		(1&2) The RSPB/HIWWT consider that the evidence base needs updating and strengthening.

²⁸ See summary of, and reference to, that evidence in Appendix 6 to the Council's request for an IROPI opinion to the SSHCLG

#	Statements	Agree	Disagree*	No position	Notes
	3. The City Deal was concluded in part to ensure that need was met. 4. The overall objective of Policy PLP3 includes the delivery of a marine employment hub at the Tipner West and Horsea Island East site to meet the existing social and economic need. 5. That is an imperative reason of public interest for the purposes of section 107 of the Conservation of Habitats and Species Regulations 2017.		x x x		(3&4) The RSPB/HIWWT consider that an opportunity for the creation of a marine hub in the Solent has been identified, but not a clear social or economic need for that specific development. (5) The RSPB/HIWWT consider that an identified need is not automatically an imperative reason of public interest.
7.3	The need for flood defences / site decontamination 1. There is a social, environmental and economic need to provide improved flood defences at Tipner West and Horsea Island East. 2. The existing sea defences are at risk of failure in the near future. 3. Should the existing sea defences fail, there would be a direct loss of existing land uses on the site, including the Harbour SEN school, five		x		The RSPB/HIWWT consider that the need for flood defences and site contamination at Tipner West are not relevant to the IROPI test as they are not the key

#	Statements	Agree	Disagree*	No position	Notes
	Grade 2 Listed Buildings and terrestrial SPA/Ramsar habitat. There would also be significant flooding caused to homes within Stamshaw and Tipner East. 4. Should the existing sea defences fail, there is also a real risk that contaminants in the ground on Tipner West would leach into Portsmouth Harbour and pollute designated nature conservation sites. This could have significant adverse impacts on the integrity of Habitats Sites and the ecological status of the Portsmouth Harbour Water Framework Directive waterbody. 5. The need to improve flood defences and deliver site decontamination is an imperative reason of public interest for the purposes of section 107 of the Conservation of Habitats and Species Regulations 2017.				project objective, plus these works do not necessarily lead to adverse effects (beyond coastal squeeze already assessed as part of North Solent SMP) and we consider there are alternative means of funding the delivery of the defences.
7.4	The need for improved sustainable transport connectivity 1. There is a need for improved connectivity, by sustainable modes of transport, between Paulsgrove and Port Solent and the City Centre. 2. That need is well established and supported by a strong evidence base.²⁹		x		The RSPB/HIWWT do not consider that the need for improve sustainable transport connectivity is relevant to the IROPI test as it is

²⁹ <https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/portsmouth-local-plan-evidence/>

#	Statements	Agree	Disagree*	No position	Notes
	3. The bridge required by Policy PLP3 would meet that need and provide significant public benefits through: (i) public transport connectivity improvements in line with the Portsmouth Transport Strategy (LTP4) and Imagine Portsmouth 2040 Vision; (ii) lifestyle and healthy living improvements including downward pressure upon air pollution levels; and (iii) support for the achievement of the Council's climate change targets. 4. The need to deliver those benefits constitutes an imperative reason of public interest for the purposes of section 107 of the Conservation of Habitats and Species Regulations 2017.				not the key project objective, plus the improvements don't necessarily lead to adverse effects and we consider there are alternative means of funding the delivery of the bridge.
7.5	The need for housing to enable the development and provide accommodation for a growing marine workforce 1. Unmet housing need in Portsmouth is significant. Based on the standard methodology, as of December 2023, the need for new homes in the City is 899 dwellings per year. 2. Policy PLP16 of the Pre-Submission Local Plan sets a housing target of 13,603 new homes to be completed in the City up to 2040, which is 680 new homes each year.		x		The RSPB/HIWWT do not consider that Portsmouth's housing need is relevant to the IROPI test as it is not the key project objective, plus the delivery of housing at Tipner West would not

#	Statements	Agree	Disagree*	No position	Notes
	3. There is therefore an annual unmet need of 219 homes per year. 4. The allocation of between 814 and 1250 homes in Portsmouth is an imperative reason of public importance, considered independently. 5. The allocation of between 814 and 1250 homes in Portsmouth is an imperative reason of public importance considered as the necessary enabling development to allow the delivery of the other benefits of the development.				necessarily lead to adverse effects. The RSPB/HIWWT also note that the marine hub increases the local housing need, so there would be limited or no net contribution to local housing needs from the proposed allocation as a whole.
7.6	The degree of harm 1. To determine whether the imperative reasons of public importance are 'overriding', it is necessary to identify the extent of harm to the integrity of the relevant nature conservation sites resulting from the adoption of Policy PLP3.	x			
	2. The reasonable worst-case scenario from the adoption of Policy PLP3 is that there will be the direct loss of: (i) 2.1ha of intertidal habitat from dredging for the marine hub; (ii) 0.3ha of intertidal habitat for the bridge piers; (iii) up to 0.5ha of subtidal habitat from land reclamation for the marine hub; and		x		(2&3) While the predicted area of direct loss may be accurate, the RSPB/HIWWT do not consider that the full adverse effects have yet to

#	Statements	Agree	Disagree*	No position	Notes
	(iv) up to 3.6ha of terrestrial habitat from development on land south of the firing range. 3. The functional importance of the habitat types that may be lost through the delivery of Policy PLP3 are set out in section 2 of the HRA Supplement.				be identified, nor the ecological function fully and correctly identified of the land that may be lost. Therefore these figures may not represent the worst case scenario in terms of total potential area of SPA/Ramsar damage.
	4. The Portsmouth Harbour SPA/Ramsar site includes approximately 740.52ha of intertidal flats and approximately 264.74ha of subtidal habitat.	x			
	5. The reasonable worst-case habitat loss due to Policy PLP3 therefore equates to: (i) 0.4% of the available inter-tidal habitat resource and (ii) 0.19% of the available subtidal habitat resource. 6. As for the reasonable worst-case loss of terrestrial habitat, the loss would amount to approximately 5% of the primary support area resource within c. 1.5km of the development.		x x		(5-7) The RSPB/HIWWT consider that a simple area comparison is an inappropriate method of weighing up IROPI. Point 6 is considered to be

#	Statements	Agree	Disagree*	No position	Notes
	7. While any permanent loss above the trivial requires compensatory provision: (i) the scale of loss that will inevitably result from the adoption of Policy PLP3 is a very small amount of the total available resource. (ii) the scale of loss that may result from the reasonable worst-case scenario is also a small amount of the total available resource. (iii) The habitat to be lost is not functionally unique, irreplaceable, or incapable of compensation.		x		particularly flawed in terms of the HRA, as it compares the loss of what the RSPB/HIWWT understand to be a functionally scarce feature <u>within</u> the SPA/Ramsar (i.e. a substantial area of high tide roost habitat) with similar habitat <u>outside</u> of the SPA/Ramsar site boundary. Point 7(iii) also highlights the incorrect assessment of the ecological function of the terrestrial land in the context of the SPA/Ramsar (i.e. our understanding is that it was designated as a critical high tide roost, which is functionally rare

#	Statements	Agree	Disagree*	No position	Notes
					within the SPA/Ramsar site boundary).
7.7	The cumulative IROPI balance on whether the imperative reasons and public benefits put forward override the anticipated harms identified. Weighing the imperative reasons of public importance cumulatively against the degree of harm that will <u>inevitably</u> be caused to the integrity of the Portsmouth Harbour SPA/Ramsar site by the adoption of Policy PLP3, the imperative reasons of public importance are considered to be overriding. Weighing the imperative reasons of public importance cumulatively against the degree of harm that will be caused in <u>realistic worst-case scenario</u> to the integrity of the Portsmouth Harbour SPA/Ramsar site by the adoption of Policy PLP3, the imperative reasons of public importance are still considered to be overriding.		x		See supplementary comments below.
Regulatory Panel Member Supplementary Comments (where requested): As per the RSPB/HIWWT's Reg 19 responses: we consider that the creation of a marine hub is the only matter that is relevant to the IROPI assessment. The other issues included are merely secondary benefits to any large-scale regeneration scheme at Tipner West, for which less damaging alternatives exist. Regarding the case put forward for the creation of a marine hub at Tipner West, we are seriously concerned that the evidence base used to support the main component of the Tipner West development may no longer be valid, particularly following widespread economic and societal changes as a result of the global Covid pandemic and the UK's departure from the European Union. Nevertheless, based on the apparent need previously identified, we find it difficult to discern an imperative or overriding public need that the marine hub would fulfil, or indeed the exceptional problem that the marine hub would solve. Finally, the failure to properly assess the functional role of the habitat that would be lost in a species and ecosystem context (as well as the full range					

#	Statements	Agree	Disagree*	No position	Notes
	of potential adverse effects as yet without clear mitigation identified) has resulted in the deeply flawed approach to the weighing up of the perceived public interests of the Tipner West proposals against the percentage area of loss of the overall Portsmouth Harbour SPA and Ramsar site. In summary, we do not consider that a successful case of IROPI has been made. HRA Supplement: the additional information provided in the HRA Supplement deepens our concerns that the ecological function of the areas of SPA/Ramsar that could be lost have not been fully or (in the case of the terrestrial land) correctly identified. Despite its current unfavourable condition, we believe that the terrestrial land (AKA the Land South of the Firing Range (LSFR)) may represent a potentially significant terrestrial high tide wader roost within the boundary of the Portsmouth Harbour SPA/Ramsar site. Natural England's SSSI condition assessment for this unit (Unit 17 – Tipner Range) supports this view, stating that '<i>This unit is important as a high tide roost for Brent geese and other wading birds</i>' [emphasis added]. We therefore believe it should be considered functionally scarce in the context of the SPA/Ramsar site, potentially altering the balance of the case for IROPI under the 'realistic worst-case scenario'. The additional cited references in the HRA Supplement to a broad Government statement and other national and regional reports for the marine industry do not change our opinion that the proposed marine employment hub is neither imperative nor of overriding importance to the public at a greater than local level.				

Chapter 8: HRA DEROGATION STEP 3: COMPENSATORY MEASURES

#	Statements	Agree	Disagree*	No position	Notes
8.1	Terrestrial 1. It is anticipated that the development allocation could result in the loss of up to 3.6ha of terrestrial SPA/Ramsar habitat, currently land south of the firing range on the Tipner West landmass.		x		While the predicted area of direct loss may be accurate, the RSPB/HIWWT do not consider that the full adverse effects have yet to be identified, nor the ecological function fully and correctly identified of the land that may be lost. Therefore the figure for terrestrial loss may not represent the worst case scenario in terms of total potential area of SPA/Ramsar damage. We also do not agree that the loss of terrestrial SPA/Ramsar habitat has been justified.

#	Statements	Agree	Disagree*	No position	Notes
	2. The quantitative and qualitative levels of compensatory habitat will be informed principally by way of professional judgement, but at the plan stage at least – this may also be informed through use of a bespoke 'SPA Metric' tool that accounts for matters of habitat function, condition, creation timeframes and difficulties although does not account for habitat distinctiveness. 3. The methodology of such a Metric continues to be refined in consultation with Panel members. 4. Terrestrial compensation will comprise the creation of undisturbed semi-natural terrestrial grazing land. The HRA Supplement indicates that in the order of 4.84ha – 9.68ha of compensatory terrestrial habitat may be required. Such habitat cannot be within the existing SPA/Ramsar designated site.		x x x		(2) The RSPB/HIWWT do not agree with the use of the SPA Metric and do not agree that it accurately performs any of the listed functions. (3) The RSPB/HIWWT records that there has been no recent consultation with the RSPB/HIWWT (4) The RSPB/HIWWT do not consider that the assessment has correctly assessed the ecological function of the terrestrial SPA habitat and nor consequently have appropriate compensatory needs been determined.

#	Statements	Agree	Disagree*	No position	Notes
	5. A proposed minor modification to Policy PLP3.6.a requires the project level HRA to be accompanied by: (i) A scheme of compensatory measures to be implemented on a timescale that ensures the overall coherence of the national site network; (ii) A monitoring and adaptive management strategy which ensures the long-term effectiveness of the scheme of compensatory measures; and (iii) Evidence of sufficient funds to deliver, monitor, maintain and adapt the compensatory measures.	x			(5) This proposed modification is welcomed by the RPSB/HiWWT, but this is not an acceptance that all such compensation details can be deferred to the project stage.
	6. Based upon available information supplied by the Council's site promoter team on suitable and available parcels of land, and the mechanism in policy PLP3 (6)(a) to secure appropriate compensation at the planning application stage: (i) the promoter team has identified significantly more than 9.68ha of land that could be used to compensate the loss of terrestrial habitat; (ii) significantly more than 9.68ha of that identified land is available and capable of being made to be suitable to compensate for the potential loss of land south of the firing range on the Tipner West landmass at reasonable cost, and within a timescale that ensures the overall coherence of the national site network;		x		(6) The RSPB/HiWWT consider that, based on the redacted information shared by the Council, sufficient suitable terrestrial compensatory habitat has not been confirmed as available to compensate for the correct ecological function of the terrestrial Land South of the Firing Range.

#	Statements	Agree	Disagree*	No position	Notes
	(iii) it is very likely adequate compensation can be secured at the planning application stage; and (iv) no harm can be caused to the European sites without the provision of such compensation.				
8.2	Intertidal 1. It is anticipated that the development allocation could result in the net loss of approximately 2.1ha of intertidal habitat, by way of dredging of the Tipner Lake channel to facilitate deep water access to the proposed marine hub and associated quayside. This will become sub-tidal habitat. The placement of bridge piers may result in the net loss of approximately 0.3ha of intertidal habitat.		x		While the predicted area of direct loss may be accurate, the RSPB/HIWWT do not consider that the full adverse effects have yet to be identified, nor the ecological function fully and correctly identified of the land that may be lost. Therefore the figure for intertidal loss may not represent the worst case scenario in terms of total potential area of SPA/Ramsar damage.

#	Statements	Agree	Disagree*	No position	Notes
					We also do not agree that the loss of intertidal SPA/Ramsar habitat has been justified.
	2. The quantitative and qualitative levels of compensatory habitat will be informed principally by way of professional judgement, but the RSPB/HIWWT recognise that – at the plan stage at least – this may be informed through use of a bespoke 'SPA Metric' tool that accounts for matters of habitat function, condition, creation timeframes and difficulties although does not account for habitat distinctiveness.		x		(2) The RSPB/HIWWT do not agree with the use of the SPA Metric and do not agree that it accurately performs any of the listed functions.
	3. The methodology of such a Metric continues to be refined in consultation with Panel members.		x		(3) The RSPB/HIWWT record that there has been no recent discussion with RSPB/HIWWT.
	4. The potential loss of intertidal habitat will primarily affect waders such as dunlin and black-tailed godwit (who use the habitat for foraging and feeding), brent geese (who use the habitat for feeding and roosting) and red-breasted merganser (who use it for feeding or roosting in periods of high water). It will also affect plunge diving terns who use the habitat for foraging.	x			

#	Statements	Agree	Disagree*	No position	Notes
	5. Inter-tidal compensation is likely to comprise the conversion of agricultural land (currently unsuitable for SPA birds) to inter-tidal habitat including both saltmarsh and intertidal sediment (littoral mud/ muddy sand/ mixed sediment). The HRA Supplement indicates that in the order of 9.12ha – 18.25 of inter-tidal compensatory habitat may be required. Such habitat cannot be within the existing SPA/Ramsar designated site.		x		(5) The RSPB/HIWWT do not consider that adequate assessment of the full intertidal compensatory needs has been carried out.
	6. A proposed minor modification to Policy PLP3.6.a requires the project level HRA to be accompanied by: (i) A scheme of compensatory measures to be implemented on a timescale that ensures the overall coherence of the national site network; (ii) A monitoring and adaptive management strategy which ensures the long-term effectiveness of the scheme of compensatory measures; and (iii) Evidence of sufficient funds to deliver, monitor, maintain and adapt the compensatory measures.	x			
	7. Based upon available information supplied by the Council's site promoter team on suitable and available parcels of land, and the mechanism in Policy PLP3.6.a to secure appropriate compensation at the planning application stage: (a) the promoter team has identified significantly more than 18.25ha of land that could be used to compensate the loss of inter-tidal habitat at the site;		x		(7)(a)-(c) Based on the redacted information the RSPB/HIWWT have seen, we do not have confidence that suitable and timely compensatory measures for

#	Statements	Agree	Disagree*	No position	Notes
	(b) significantly more than 18.25ha of that identified land is available and capable of being made to be suitable to compensate for the potential loss of inter-tidal habitat at the site at reasonable cost, and within a timescale that ensures the overall coherence of the national site network; (c) it is very likely adequate compensation can be secured at the planning application stage; and		x		intertidal losses could be delivered.
	(d) no harm can be caused to the European sites without the provision of such compensation.	x			
8.3	Sub-tidal 1. It is anticipated that the development allocation could result in the net loss of approximately 0.5ha sub-tidal habitat by reason of potential reclamation to support the functioning of the proposed marine hub.		x		While the predicted area of direct loss may be accurate, the RSPB/HIWWT do not consider that the full adverse effects have yet to be identified, nor the ecological function fully and correctly identified of the land that may be lost. Therefore the figure for subtidal loss may not represent the worst case scenario in

#	Statements	Agree	Disagree*	No position	Notes
					terms of total potential area of SPA/Ramsar damage. We also do not agree that the loss of subtidal SPA/Ramsar habitat has been justified.
	2. The quantitative and qualitative levels of compensatory habitat will be informed principally by way of professional judgement, but at the plan stage at least – this may be informed through use of a bespoke 'SPA Metric' tool that accounts for matters of habitat function, condition, creation timeframes and difficulties although does not account for habitat distinctiveness.		x		(2) The RSPB/HIWWT do not agree with the use of the SPA Metric and do not agree that it accurately performs any of the listed functions.
	3. As there will be a net gain of subtidal habitat as a result of delivering Policy PLP3 (on account of the deep water dredging), no actual compensation for loss of subtidal habitat is required provided the specific characteristics of the sub-tidal habitat created as part of delivery of PLP3 would be suitable for red-breasted merganser. This is technically feasible at reasonable		x		(3) The RSPB/HIWWT strongly question the quality of the indirectly created sub-tidal habitat in the dredged channel, which is likely to be

#	Statements	Agree	Disagree*	No position	Notes
	cost but will depend on detailed design at the planning application stage.				subject to disturbance from potentially frequent boat movements and additionally subject to potential contamination from disturbed sediments.
Supplementary Comments: As per the RSPB/HIWWT's Reg 19 responses: We do not consider that the full impacts of the adverse effects to be compensated have yet been determined and the basic objectives, target features, ecological processes and functions to be compensated remain unclear. In addition, we have serious concerns about the suitability of using the SPA compensation metric used to calculate the necessary compensation. HRA Supplement: the additional information provided in the HRA Supplement deepens our concerns that the ecological function of the areas of SPA/Ramsar that could be lost have not been fully or (in the case of the terrestrial Land South of the Firing Range (LSFR)) correctly identified, which has serious consequences for the proposed compensation. The redacted details presented to the RSPB/HIWWT for the potential compensation sites currently identified limits our ability to assess their individual suitability. However, based on the information provided, we have the following concerns: – Only three of the ten identified potential compensation sites are classed as 'available', with only one of those currently in the Council's ownership, and all three presenting potential conflicts with the designated wildlife sites or their features. – No (or limited) technical assessments appear to have been undertaken to assess the capability of the identified sites to compensate for the current predicted losses, or the costs involved. – Many of the identified sites are a considerable distance from Portsmouth Harbour. This is concerning, particularly in the case of the potential need to replace a wader roost in respect of the LSFR.					

#	Statements	Agree	Disagree*	No position	Notes
	- A large number of the potential compensation sites partly or wholly coincide with functionally linked Solent Wader & Brent Goose Strategy sites, which could significantly restrict their potential for intertidal habitat creation without impacting on current SPA/Ramsar site interests. - It seems unlikely that many of the potential compensation sites identified would be suitable for replacing the loss of a high tide wader roost of comparable size to LSFR within close proximity to SPA/Ramsar site. We consider that replacement of such a feature in Portsmouth Harbour is essential. - We question whether some of the identified sites would have any value in delivering the necessary compensatory functions, if it is agreed that the LSFR should be treated as a wader roost. In summary, we are firmly of the view that very limited confidence can currently be placed in the HRA and HRA Supplement's conclusions regarding the ability to secure suitable compensatory measures and we strongly disagree with the Council's view that further details of the compensation can be deferred to the planning application stage. The Council maintains that its HRA and HRA Supplement provide a high degree of confidence that suitable and adequate compensation can be secured in accordance with regulation 109 of the Habitats Regulations.				

Chapter 9: FUTURE WORKING

#	Statements	Agree	Disagree*	No position	Notes
9.1	The parties to this SCG commit to working collaboratively to address points of disagreement/no position/reserved judgement with a view to narrowing the same as far as possible.	x			
<i>Supplementary Comments:</i> RSPB/HIWWT – Despite the obvious difference in the respective positions of the RSPB/HIWWT and the Council, we nevertheless welcome the Council’s ongoing commitment to engage us in discussions regarding the Tipner West regeneration via the Regulatory Panel. To date we have dedicated significant charity resources to engaging constructively with the Council. However, we do so in the belief that a nature-positive solution can still be agreed for the redevelopment of Tipner West; namely a development that delivers towards local employment and housing needs without causing unjustified damage to the highly protected nature conservation sites in the surrounding area.					

Signatures



Carrie Marchbank
Senior Casework Officer
Royal Society for the Protection of Birds
14 February 2025



Hannah Terrey
Director of Advocacy and Engagement
Hampshire & Isle of Wight Wildlife Trust
14 February 2025



Lucy Howard
Head of Planning Policy
Portsmouth City Council
14 February 2025

Appendix 1: Minor Modifications to Draft Policy PLP3 Tipner West and Horsea Island East

Schedule of Changes to the Pre-Submission Portsmouth Local Plan for Submission in regards to

Policy PLP3: Tipner West & Horsea Island East

Text changes are shown as underlined additions and deletions are shown as ~~struck through~~.

Paragraph / Policy	Text / graphic change	Reason for change
Table 4.1	Tipner and HIE: • Flood defences • Land decontamination • New bridge • <u>Conservation of heritage assets</u>	In response to rep from Historic England
4.6	There is deep water access at <u>very close to</u> Tipner West and the principal driver...	Clarity and in response to rep from site promoter
4.6	New homes will be provided as a form of enabling development for the marine hub and the enhancement and re-use of the heritage assets on site. <u>The housing will assist in meeting housing need in Portsmouth, and will provide associated socio- economic benefits. The co- location of housing and employment uses will provide sustainability benefits.</u> There will be a new bridge...	Clarity and in response to rep from site promoter
4.9	The coastline of Tipner West and a significant portion of Horsea Island East lies within Flood Zone 3. The north west corner of Horsea Island east lies within Flood Zone 1. Tipner West is covered by the North Solent Shoreline Management Plan (SMP) (section 5aPI01). The Portsea Island Coastal Strategy Study (PICSS) was developed to build on policies set out in the North Solent SMP. In addition to the North Solent SMP, Horsea Island East is also covered by the Portchester <u>Portchester</u> to Emsworth FCERM Strategy. These plans and strategies provide recommendations for flood management measures that should be implemented to protect residents from flooding. Further information can be found in the SFRA Level 2.	Typo

4.15	They are all members of a Regulatory Panel the purpose of which is to align consultation processes and avoid duplication in relation to the HRA and Environmental Impact Assessment. The Working Protocol ^{FN1} and the minutes of all the Panel's meetings ^{FN2} are published <u>on the Core Document Library</u> in a background paper ⁵⁸ .	Clarification
New footnote for 4.15	https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/Tipner-West-Regulatory-Panel-working-protocol-vFINAL-2024.pdf	Add link to evidence base.
New footnote for 4.15	https://www.portsmouth.gov.uk/wp-content/uploads/2024/05/Tipner-West-Regulatory-Panel-Index-of-Meeting-Minutes-Advice-Summary-and-Actions.pdf	Add link to evidence base.
4.15 footnote 58	https://www.portsmouth.gov.uk/newlocalplanevidencedocw https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/Tipner-West-Regulatory-Panel-working-protocol-vFINAL-2024.pdf	Updated link in footnote
4.16 footnote 59	https://www.portsmouth.gov.uk/newlocalplanevidencedocj https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/Topic-Paper-version-FINAL.pdf	Updated link in footnote
PLP3(1)(a)	A marine hub with a working quayside and up to 58,000 m2 of marine employment floorspace (Class E(g) offices, research and development, light industrial, B2 general industrial and , B8 storage or distribution <u>or other economic uses that are functionally linked to marine employment</u>).	Clarity and in response to rep from site promoter
PLP3(2)(a)	Create a new landmark gateway to the City of Portsmouth to be demonstrated through a conceptual site-wide masterplan with an accompanying design code framework that delivers beautiful <u>high quality</u> place-making and has regard to the National Model Design Code;	Clarity and in response to rep from site promoter
PLP3(2)(b)	Divide criterion (2)(b) into two separate criteria and re-number the following criteria: b) Break down the barriers, both physical and perceived, created by the M275 motorway and Portsbridge Creek. This will be achieved through the design of both buildings and spaces to create excellent connections with new development at Tipner East and the wider area. (c) <u>Deliver a design, scale and massing that</u> of the scheme needs to responds sensitively to the significance of Portchester Castle including its setting, taking into account its dominance in Portsmouth Harbour and the contribution made by views to and from the Castle to its significance;	Clarity and in response to rep from Historic England and site promoter

PLP3: Tipner West & Horsea Island East (2)(k) footnote 61	https://www.portsmouth.gov.uk/newlocalplanevidencedocu https://www.portsmouth.gov.uk/wp-content/uploads/2024/06/Portsmouth-Local-Plan-TA-Strategic-Transport-Assessment-Draft-23.05.2024-ISSUE-NO-TRACKS.pdf	Updated link in footnote
Footnote 62	https://www.portsmouth.gov.uk/newlocalplanevidencedocu – https://www.portsmouth.gov.uk/wp-content/uploads/2024/07/IDP-2024-Final-for-Reg-19-1.pdf	Updated link in footnote
PLP3(2)(q)	q) Mitigate and/or remediate contamination from current and historic uses; and	Clarity and in response to rep from site promoter
PLP3.6.a	a) provide sufficient evidence for the local planning authority to conclude, in consultation with Natural England and Secretary of State, that all three derogation tests have been passed. <u>As regards compensation, the LPA will expect any applicant for planning permission to engage in early consultations with the LPA and Natural England in the development of a compensation strategy, and will require the HRA to be accompanied by:</u> (i) <u>A scheme of compensatory measures to be implemented on a timescale that ensures the overall coherence of the national site network;</u> (ii) <u>A monitoring and adaptive management strategy which ensures the long-term effectiveness of the scheme of compensatory measures; and</u> (iii) <u>Evidence of sufficient funds to deliver, monitor, maintain and adapt the compensatory measures.</u>	Clarity on the requirements for the planning application on compensation
PLP3.9	New criterion added to the end of the policy: <u>A Safeguarded Infrastructure Assessment will be required to be submitted, in support of a future planning application. This should have regard to the minerals and waste infrastructure, safeguarded under the currently adopted Hampshire Minerals and Waste Plan (2013) (HMWP)</u>	In response to rep from HCC as Minerals & Waste Authority
4.20	Any offices provided on the site would be incidental to these uses and should be functionally linked to the <u>marine employment activities hub</u>	Clarity and in response to rep from site promoter
4.27	"... This should be informed by the SFRA level 1 and 2 and must incorporate detailed site specific wave overtopping calculations along with suitable calculations for freeboard <u>Regard should also be had to the potential impact of any new flood defences, land reclamation and bridge design on the nearby designated D-day slipways, through scouring caused by the funnelling of water.</u>	In response to rep from Historic England

	<u>Addressing this will require further investigation through coastal hydrodynamic modelling to better understand potential water behaviour scenarios, their impacts on coastal structures, options for erosion management and other appropriate mitigation measures.</u>	
4.28	<u>To the extent necessary to ensure that the proposed development will be sufficiently flood resistant and resilient for its lifetime,</u> financial contributions may be sought where more vulnerable uses within the site will benefit from the development of future flood defence improvements. <u>appropriate if not provided as part of the development proposals.</u>	Clarity and in response to rep
4.36	Non-breeding bird surveys between October and March (typically two survey seasons <u>under suitable habitat management conditions</u>) will be required to inform the detailed design of the offsetting mitigation habitat that will be provided to ensure no adverse effect on integrity.'	In response to RSPB rep
4.38	A new paragraph 4.38 is added as follows: <u>The allocation site is also the subject of minerals and waste safeguarding policies in the adopted Hampshire Minerals and Waste Plan (October 2013) which will need to be considered as part of any development proposals."</u>	In response to rep from HCC as Minerals & Waste Authority
Table 4.2	Replacement text for the 'timescale' column: Open for business when the first homes and business premises are occupied. <u>Local shops and community facilities are to be built and made available for use before the first occupation of homes and business premises within the relevant phase of development.</u>	In response to rep from site promoter