

Tipner West Regulatory Panel - Minutes of all Meetings held 2021-2025



Environment
Agency



Marine
Management
Organisation



Historic England



Portsmouth
CITY COUNCIL

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Note:

All the minutes of all the Reg Panel meetings have been agreed with all its members. Prior to publication of this document all members were consulted on whether they would like any confidential matters redacted from the minutes. This has been duly actioned and therefore certain sections of this document have been redacted.

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel - Meeting 1**
 Date: **30th March 2021 @ 12pm**
 Location: **Remote Meeting via Microsoft Teams**

Attendees:

Panel	Apologies	Promoter Team (PCC Strategic Developments)	Apologies
Nick Lloyd-Davies (NLD) - PCC		Megan Carter (MC) - PCC Regen	
Eze Ekeledo (EE) - PCC	x	Gavin Hall (GH-Savills) - Savills	
Gary Christie (GC) - PCC		Jim Beavan (JB) - Savills	
Hannah Goldsmith (HG) - PCC		Simon Fife (SF) - Savills	
Mark Stratton (MS) - PCC (Coastal Partners)		Alex Blake (AB) - Savills	
Laura Lax (LL) - EA		Mike Ward (MW) – Marina Projects Ltd	
Jonathan Shavelar (JS) - NE	x		
Louise Montgomery (LM) - NE	x		
Graham Horton (GH) - NE			
Amy Kitching (AK) - NE			
Adam Tillotson (AT) - MMO	x		
Jamie Short (JS-MMO) - MMO			
Fergus O'Dowd (FD) - DfT			
Colin Dunn (CD) - DfT			
Heather Richards (HR) - RSPB			
Andrew Dodd (AD) - RSPB			
Carrie Marchbank (CM) - RSPB	x		

No.	Agenda Item	Who	Minutes, Advice, Actions	Due By
1	Introductions	NLD	Apologies were noted. All Panel attendees introduced themselves and their particular roles as pertinent to the development project. NLD stated that he hoped that the Panel would be able to meet in person at the earliest opportunity and for this to potentially be preceded by a Panel site visit, subject to the lifting of Covid-19 restrictions. LL said that she was lead Environment Agency representative but would coordinate relevant specialist attendees for future meetings subject to the expected topics for discussion. CD said that DfT would not be minded to attend future Panel meetings due to concerns about the need to remain completely impartial and in view of their quasi-judicial function on behalf of the Secretary of State. They could attend to provide advice on matters of procedure associated with the TWAO, but as the Panel was expected to hear presentations from the promoter team and provide comment/advice, CD said that he and FD would unfortunately feel unable to contribute and would therefore need to leave the Panel meeting following discussion over the Protocol (item 2). HR confirmed that she would be attending on behalf of both RSPB and the HIWWT. This was due to resourcing issues for the Trust but going forward HIWWT may attend specific meetings depending on topics being discussed. MC indicated that the applicant team may be able to assist with HIWWT resourcing and this would be explored. [ACTION 1 - MC] GH explained that he had already had involvement in the project. in view of his focus upon coastal matters but other colleagues would also be attending subsequent meetings, noting apologies. MS explained similarly that other environmental colleagues at Havant and forming part of the Coastal Partners group may attend in future as required.	Next Panel meeting
2	Panel Working Protocol	NLD	NLD referenced the draft Protocol circulated prior to the meeting, noting that it still required completion. LL said that she would ensure EA input by Friday 16th April. NLD asked for any other observations/additions to be made in the same timeframe. [ACTION 2 - NLD]	Next Panel meeting

No.	Agenda Item	Who	Minutes, Advice, Actions	Due By
			GH suggested that the DfT representatives could be provided with copies of the meeting minutes to maintain involvement/awareness of the Panel's activities, even if not directly contributing or part of the Panel. MC stated that the Panel, as reflected in the draft Protocol, would continue to refer to the project as Tipner West at this pre-planning stage. The recently announced name change to Lennox Point remained a marketing tool for the time being. NLD highlighted the remit of the Panel as set out in the draft Protocol which was agreed (copy current draft attached to these Minutes).	
3 & 4	Background to the Scheme Consenting Process	GH - Savills	GH - Savills talked through a series of background presentation slides outlining progress to date in terms of draft Local Plan allocation, masterplanning and site investigations (on-going). LL queried if the previous Regulation 18 consultation included the full extent of reclaimed land (from Portsmouth Harbour) as currently proposed. GH - Savills indicated that he was certain it did. NLD advised it was also his understanding. [POST MEETING NOTE: The reclamation did not form part of the Council's 2017 Draft Local Plan Issues and Options consultation but was the subject of a specific Tipner and Horsea Consultation in February 2019.	
5	HRA Alternatives Methodology	GH - Savills & MW	GH - Savills outlined the required HRA Derogation steps required for the project having regard to the likely significant effects of the development upon the national network SPA habitat designations and Ramsar site. GH talked through presentation slides in respect of intended approach to the assessment of alternative solutions to the delivery of housing, which would include the consideration of sites dismissed as part of the call for sites (SHLAA). A long list was in preparation. Regard was also being had to suggested alternative solutions from third parties, for example a report by Walter Menteth. MW talked through slides in respect of the alternatives for a Marine Employment Hub as currently proposed. Reference was made to a Marina Projects report which considered sites identified through the LEP Waterfront Assets Register.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Due By
			NLD asked for these slides to be shared after the meeting alongside the relevant reports. [ACTION 3 - NLD]. NLD suggested that for future meetings, presentation material be shared in advance with the Panel to assist in the provision of advice/comment at the meetings. This was agreed.	ASAP
6	Q&A	All	MW noted that for the marine studies, the catchment was restricted to the Solent region. It was also discussed following a query on this from GH/AD that there was rationale for this, but this may not have been expressed in the presentation and would be covered fully in any submission to include reference to why the boundary was drawn towards the Solent and whether the project team needed to consider wider opportunities that might exist elsewhere, around the Thames estuary at Dartford for example. AD agreed that it was essential to recognise different markets and different catchments as this was important to fully understand and apply both the search for alternative solutions and the IROPI test. AD noted that 'Alternative Solutions' was the appropriate term for HRA purposes as it included not just locations, but alternative means to meet the public interest objectives of any plan or project. NLD said that subsequent Panel meetings should consider in a lot more detail the methodologies adopted to date by the applicant team for the purposes of HRA Derogation steps to ensure that the methodology could receive full agreement. HR stated that sites for housing should also not just be restricted to within PCC. GH - Savills stated that the search would extend beyond PCC boundaries, having regard to drive time and other relevant factors. HR stated that the table comparing marine sites, as provided in the presentation, should also be produced for the purposes of housing sites. <i>[The applicant team left the meeting at this point]</i>	
7	Panel Discussion	All	GH stated that there was no further information gleaned from the presentations to date and it felt as if presentations were currently 'circling around' the issues. NLD stated that it was partly inevitable that the first Panel session would be a little like this, with the need for more extensive introductions and background discussion.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Due By
			The Panel agreed that in future, material should be provided to members at least five working days in advance. In addition, a schedule of topics for future Panel meetings, potentially for all of 2021, should be produced. LL stated that it was encouraging to note that the applicant team clearly understand and recognise the importance of the derogation process. LL asked if the Panel would also address matters such as flood risk and ground contamination. NLD explained that in his opinion it should and this was agreed. JS stated that MMO had already been in discussion with the applicant team for some time, not least in relation to site investigation licences, but that the MMO endorsed the points already made about insufficient detail having been provided to date. HR expressed frustration at the lack of detailed data or new information. Reiterated previous point by AD that the project must be broken into its component parts to ensure a robustness to the public interest test. There was clearly a significant amount of work yet to be done in terms of the housing alternatives. AD added that as part of this work, it would be important to be clear on the level of public interest being claimed for the different elements of the proposed scheme (e.g. housing, marine employment etc) as this would be important to framing the alternative solutions and IROPI discussions, especially whether the public interest could be met in different, less damaging ways. Therefore, it would help to clarify whether the different public interests/needs being met were local, regional or national level. AD queried if RSPB could raise questions in advance of Panel sessions. NLD agreed and said that these could be included in draft Agendas which would be circulated for comment in advance anyway. Disappointment at the absence of DfT from future discussions was raised and it was agreed that the opportunities for onward engagement would be further explored. [ACTION 4:NLD]	Prior to next meeting ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Due By
			<u>Panel Specific Comments:</u> 1. Advance Panel member input to future meeting agendas requested. 2. A schedule of Panel meetings for 2021 to be prepared so that attendees can plan in advance preferred contributors. 3. There remains a significant deficit in engagement on the detailed methodologies around alternatives assessment, for both housing and marine elements. Relevant material should be shared with the Panel. The applicant team must also consider breaking down the development proposals into sub-parts as each may warrant a wider catchment search for alternative solutions. 4. Future meetings must consider the methodology for selecting the area of land for reclamation from Portsmouth Harbour and for the Bridge options (linking TW to Horsea Island East). 5. Presentation material from applicants to be provided to Panel members 5 working days in advance in future. 6. The Local Nature Partnership would be approached to identify whether or not they would wish to contribute a panellist or if happy with current membership.	Prior to next meeting ASAP (NLD)

Meeting Closed: 1:45pm

Date of Next Meeting: Thursday 27th May, 9am-12pm

Anticipated Panel Focus Topics:

- **Review of Land Reclamation Optioneering Process undertaken by applicants**
- **Review and agreement upon Qualifying Features and implications of the development upon the SPA/Ramsar Conservation Objectives (HRA Stage 2)**
- **HRA - Scheme Alternative Solutions - continued**

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel - Meeting 2**
 Date: **27th May 2021 @ 9am-12pm**
 Location: **Remote Meeting via Microsoft Teams**

Attendees:

Panel	Apologies	Promoter Team (PCC Strategic Developments)	Apologies
Nick Lloyd-Davies (NLD) - PCC		Megan Carter (MC) - PCC Regen	
Eze Ekeledo (EE) - PCC		Gavin Hall (GH-Savills) - Savills	
Gary Christie (GC) - PCC		Jim Beavan (JB) - Savills	
		Simon Fife (SF) - Savills	
Mark Stratton (MS) - PCC (Coastal Partners)	x	Alex Blake (AB) - Savills	
Hilary Crane (HC) - PCC (Coastal Partners)		Simon Burchett (SB) -WSP	
Laura Lax (LL) - EA		Owen Peat (OP) - WSP	
Adam Cave (AC) - EA		Glenn Wilson (GW) - Gensler	
Jonathan Shavelar (JS) - NE		Louise Martland (LM) - Environment Bank	
Zara Ziauddin (ZZ) - NE		Emma Davies (ED) - F&G	x
Graham Horton (GH) - NE		Alex Thompson (AT) - WSP	
Amy Kitching (AK) - NE	x		
Jamie Short (JS-MMO) - MMO			
Carrie Marchbank (CM) - RSPB			
Heather Richards (HR) - RSPB			

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions	NLD	Apologies were noted. All Panel attendees introduced themselves and their particular roles as pertinent to the development project. NLD noted that progress was being made in supporting HIWWT attendance at subsequent meetings and this would hopefully be resolved very shortly.	
2	Approval of Minutes and Review of Actions	NLD	NLD ran through previous Minute actions which had all been completed. The Minutes were approved. NLD noted that the approximate topics for Panel sessions in 2021 had been circulated and was largely agreed but that this would remain fluid. In particular it was noted that there would need to be a September meeting arranged to ensure all topics were addressed (in this instance, hydrology and flood risk). <i>[Post meeting note: The planned next Panel meeting on 29th July needs to be re-arranged. Alternative dates will be circulated for agreement.]</i>	GH - Savills - ASAP
3	Panel Working Protocol - Sign Off	NLD	NLD referenced the draft Protocol circulated prior to the meeting, noting that it still required signature from the EA and also RSPB. NLD noted that the current draft needed to be tweaked to add some nature conservation site designations. <i>[Post meeting note: the latest version is attached with these draft minutes. EA and RSPB to sign and return to NLD]</i> HR expressed disappointment that the previously referenced marine employment alternatives assessment report had not been circulated to panellists. GH advised that an updated report was in preparation with a wider scope and timings for making this report available would be confirmed imminently. Action: GH-Savills to supply updated marine employment alternatives report	LL/HR - By next meeting GH Savills - ASAP
4	Applicant Presentations:			

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	Land Reclamation Options and Assessment Methodology	SB/SF /OP	Presentation slides had been provided to panellists in advance of the meeting (dated March 2021). SF talked through the methodology for <u>land reclamation</u> options. HR queried if the weighting scoring was potentially incorrect, having regard to the Step 4 Scoring Approach. It was stated that the greater the scores, the greater the importance of the criterion, yet the scores for risks had the most severe marked as '1', the least severe as '6'. SF stated that the scoring criteria would be reviewed. Action: SF to report back to Panel on the scoring weighting methodology. NLD noted that one of the Step 3 scoring criteria referenced 'consultee response' but wasn't sure that actual consultee engagement on this study had been undertaken to date? GH advised that there had been some engagement with DEFRA family on these points. GH added that, by way of overall synopsis, the area of reclamation is essentially that which avoids the deep water channel. CM queried the wider parameters of the project in its justification for the extent of reclamation being sought. The interdependencies of housing/employment were not clear. Which elements were essential? GH stated that the consultant team were considering how the project could be disaggregated and would report on this further. CM asked if the marine employment development could be delivered on the existing landmass, without any reclaim? GH stated that it could, but it was considered that the housing and employment needs of PCC and necessary for a viable new community could not be delivered simply upon the existing land-mass and that these arguments would be set out in due course. AC stated that it was good to see the level of detail set out in the scoring matrices, but asked if alongside this detailed coastal process modelling, for example, was being done? SB stated that coastal modelling was certainly being done and as set out under the EIA Scoping report and subsequent Scoping Opinion. He noted that the optioneering process set out today remained relatively high level at this stage and would be refined.	SF - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	HRA Stage 1 screening outcomes and Stage 2 approaches including BNG Metric update		SB talked through the <u>Edge Treatment</u> slides and advised the Panel that the platform level would be raised above +3.8m 'water compatible' level in any event. The preliminary flooding model video was shown. [Post meeting note: Please supply PDF copy of 'maximum extent' flood model image as this is not always apparent.] LL asked if the development life of 50 years for water compatible areas was appropriate? SB stated that this was considered to be acceptable. LL stated that this would be okay so long as justified by the applicant. SB stated that a similar approach taken at Fawley Waterside which was noted. AC asked if engineers responsible for this assessment were in contact with relevant ecologists and in particular having regard to the SE corner of the site. For example, could there be greater utilisation of vertical edge treatments to minimise the wider intrusion associated with deeper and shallower rock revetments? SB stated that the applicants were still considering these options and also having regard to cost. The current strategy was aimed at minimising risks of over-topping and absorbing tidal energy as effectively as possible. AC said that consideration should be given to greening-up all such features, softening rock revetments, tidal terraces. HC said she would be able to provide some examples from recent sea defence work. SB added that the engineering team were also looking at carbon neutral concrete as part of the options. NLD asked what the next stages were? SB stated that the methodologies for flood modelling and coastal processes would be shared with the Panel in advance of the next session. OP talked through the presentation slides, advising that there remained significant work yet to be done. Likely Significant Effects (LSE) were still being considered and they were in contact with ZZ. OP also pointed out that, apart from marine surveys, land-based mammal surveys were also happening, not least in respect of bat populations. OP added that qualifying habitats had been observed, but to date no Sandwich or little terns. Populations of black-tailed godwit had grown.	SB - ASAP HC - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	HRA Stage 3 Assessment – Approach and Methodology		At the request of HR, OP briefly shared evidence of detailed bird surveys and methodologies since at least 2009 including the night survey work. HR asked if these data / reports could be shared as it would allow RSPB and other relevant parties to assist in making this data robust and identify any data gaps or additional sources of data. OP stated that the bird survey data would be supplied in due course as a Stage 1 report. NLD asked that this be shared at the earliest opportunity. AC asked what other data was being used apart from the applicant team's own surveys? OP advised that other stakeholders were being approached and was happy to be supplied with any available data. HC recommended that the applicant team look at the Vantage Point Survey methodology developed as part of the Solent Bird Studies. OP advised that this was being used. HR advised that it was good to see some of the survey data under consideration and the methodologies but that this should be shared as a priority as the RSPB could advise upon and input to this. GH queried the potential outfall points having regard to nutrient levels. OP advised that the foul outflow would be due east at Budds Farm WTW. LM talked through the Metric Overview slides. CM and HR expressed some concern at the reliance upon metrics. LM advised that it was not the case that the metrics process would undermine or seek to 'short cut' the HRA process. The applicant was committed to fully capturing the evidence base. The metrics were also being developed bespoke to the project. An updated report in relation to the metrics would be shared in advance of the next panel session. AB presented the slides outlining the Stage 3 alternative solutions assessment methodology. GH queried how many jobs would be created. In addition, it was stated that the approach to assessment needs to dis-aggregate the overall project elements to ensure a full and robust assessment. For example, if boat hoists could be available for	OP - Prior to next meeting

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			use across the Channel or in the Thames Estuary, does this suggest it is essential to have at Tipner? The search radius should therefore be widened relative to each core component of the project. GH-Savills stated that based upon work done to date as part of the Marine Employment Alternatives report it was considered sufficient to focus upon the Solent sub-region. CM stated that the legislation requires alternative solutions to meet the need. As such, are the applicant team looking just at locations or are they genuinely looking at alternative ways to provide what the project is providing? Is there a different way to deliver what is being proposed e.g. increasing the capacity of other boat hoist facilities? AB stated that the team were continuing to look at all alternative solutions but this was a work in progress. GH-Savills added that the search was currently site-based having regard to the need to meet the pressing need for a modern marine hub and having regard to a range of criterion which will be provided in an updated report in due course. HR asked about the 1000 homes (which are understood to be in addition to Portsmouth's calculated housing needs) suggested to be needed to support the marine hub. Would these be tied to the marine hub, in terms of occupancy? Could workers not already be reasonably sourced from within the City and local area. GH-Savills stated that it was not currently envisaged that such homes would need to be tied to marine hub workers. NLD stated that the LPA could consider planning controls on tying occupancy, but this would need extremely clear and strong justification in planning terms. AC suggested that such a tie would be appropriate if the quantum of housing was to be argued as essential to support the operation of the marine hub at the scale proposed.	
5	Q&A	All	Q&A was incorporated into above sections. <i>[The applicant team left the meeting at this point]</i>	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
6	Panel Discussion	Panel	HC stated that it was essential to have early sight of any evidence reports/surveys before the panel is able to agree/sign off elements of work. The Alternatives case appeared to be too heavily Solent-focused and needs to consider wider options e.g. potential to deliver elsewhere along the south coast / Thames Estuary / east coast before focusing on the 8 short list sites. It would be useful to see the UK Government policy statement on the need for the marine employment / hoist facilities as this is key to defining the objectives of the project/possible solutions for the alternatives test. LL agreed that not enough information was being shared. The EA are willing to consider and review detailed background reports to assist the applicants in their assessment work. AC added that, whilst there has been some contact with the applicant team, this was relatively limited and he was yet to have sight of detailed reports, modelling data, survey data. It was reasonable to begin to discuss the compensatory habitat options as finding such as large area of compensatory habitat is not without its challenges and that any compensatory habitat would need to be delivered and functioning before the damage occurs to the existing designated sites. JS stated that he considered the assessment methodologies outlined were generally positively received as being precautionary in their approach and assessment of risks. However, there is concern about the alternatives case at present. Key questions include: Is there at least a regional demand for what is proposed, or indeed a national demand? Could the employment be delivered without the housing? The metrics are a good start but must be habitat focused and bespoke to the site. GH noted that many of the points made in the presentations were not saying anything the regulators didn't already know in terms of assessment process. There is a real and urgent need to have sight of the detail. The more time that elapses, the more that time available for full consideration of such detail (when supplied) becomes compressed. There is a vast amount to consider including all compensatory sites. A full understanding of impacts/habitat losses was not yet understood. The need to dis-aggregate the project for robust alternatives assessment remains.	

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			AC stated that he did not feel able to agree the ZOI at this meeting. Rather, the ZOI, alongside other key elements of the Environmental assessment/HRA, needs to be provided with the supporting evidence to allow any decisions to be robustly assessed. ZZ said she had been in discussions with OP in terms of coastal modelling. HR noted that there appeared to be extensive bird survey data, back to 2009, but that still none of this has been shared. The RSPB could assist in commenting upon/adding to this data. In terms of the marine reports, RSPB were disappointed not to have sight of these yet. The Alternatives case remains very light and unsatisfactory at the current time. CM agreed, stating that the RSPB were very pleased to be sharing this platform with the regulators to make these shared points. She added that the proposed metric shouldn't be just a 'sausage machine' that produces a figure for habitat compensation that has no real bearing on the needs of the SPA species affected - this approach shouldn't replace the need for a thorough assessment of impacts using accepted methods. <u>Panel Specific Comments:</u> <u>Coastal Partners –</u> - Attached are some slides demonstrating the Ecological Enhancements we have included/are including as part of our Coastal Partners' FCERM projects (in relation to my action under item 4). For further information on these, the applicant team can contact either the North Portsea Island project manager [REDACTED] or our Environmental Enhancements lead [REDACTED]. They are both giving a presentation at the NCE Future of Floods event On 24th June – information here: https://floods.newcivilengineer.com/2020_programme. - It is essential to start seeing the detailed reports and surveys behind the PowerPoint slides before the panel is able to agree/sign off elements of the applicant's work. - The Alternatives case appears to have jumped straight in at a Solent level and needs to consider wider options such as the potential to deliver the facilities elsewhere along the south coast / Thames Estuary / east coast before focusing	

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			on the 8 short list sites in the Solent. It would be useful for the panel to see the UK Government policy statement on the need for the marine employment / hoist facilities as this is key to defining the objectives of the project/possible solutions for the alternatives test. <u>RSPB:-</u> • It is essential to understand the project parameters and interdependences between the different elements of the scheme. • Important to breakdown the scheme objectives before consideration of IROPI. It is essential to recognise different markets and different catchments for elements of the scheme in order to fully understand and apply the IROPI test • The justification for the housing and detail supporting this, and the scale and scope of the assessment of alternatives needs is critical. • Importance of looking at different strategies to meet the need and not just look at where the whole project could be delivered in a different location in terms of alternatives. • It is important to have the detail of the adapted DEFRA metric to understand the justification for this approach and so we can consider the appropriateness of this approach. We are concerned that the habitat figure will not relate to the SPA species needs and the functionality. <u>Natural England</u> • Just want to emphasise the need to see the detailed results soon. If they are not ready to be shared yet than that is fine. But I'm concerned that we risk compressing the time needed to digest, discuss and agree matters relating to impacts, mitigation measures, Compensation measures etc. Need to leave ample time to discuss these matters as the impacts are substantial and complex. <u>Environment Agency</u> • In order for us to be able to provide meaningful technical input to the meetings we strongly advise the applicant shares a greater level of	

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			detail with us, and at the earliest possible opportunity, and certainly in advance of meetings where the subject matter will be discussed.. Without this we don't feel that we are currently able to offer anything further than the generic guidance, and don't believe the applicant will gain the best possible outputs from engagement with us. • Whilst we will continue to work on and provide advice and guidance regarding this project, we still feel that there are significant hurdles to overcome in justifying the large reclamation that is proposed, which as we've previously stated is contrary to our National Tidal Encroachment Policy . Discussion to date has focused heavily on the HRA. The need to fully assess the scheme against the Water Framework Directive should not be overlooked. • Please note the comments that Adam made regarding agreement around the zone of influence/and agreeing other key points during the assessment process, which are documented in the notes above. • Please also be aware that any flood modelling that needs to be checked by the Environment Agency has a significant lead in time and therefore needs to be provided to us well in advance of any deadlines that need to be met. <u>MMO</u> • Endorse all of the above comments	

Meeting Closed: 12pm

Date of Next Meeting: 9th September 10am-1pm

Anticipated Panel Focus Topics:

- FOCUS TOPIC: Waste (including dredging and deposition)
- Feedback from regulators to applicant (*where data supplied sufficiently in advance - see email on 23/8*):
 - EIA Scoping Opinion response
 - Site Promotion Report for draft Local Plan
 - Approach to Shadow HRA and Alternatives

- Baseline EIA Chapters
- Updated DEFRA Metric Note

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel - Meeting 3**
 Date: **9th September 2021 @ 10am-1pm**
 Location: **Remote Meeting via Microsoft Teams**

Attendees:

Panel	Apologies	Promoter Team (PCC Strategic Developments)	Apologies
Nick Lloyd-Davies (NLD) - PCC		Megan Carter (MC) - PCC Regen	x
Eze Ekeledo (EE) - PCC		Gavin Hall (GH-Savills) - Savills	
Gary Christie (GC) - PCC		Matt Lindon (ML) - Savills	
Laura Lax (LL) - EA		Charles McClea (CMC) - Savills	
Adam Cave (AC) - EA		Alex Blake (AB) - Savills	
Hilary Crane (HC) - PCC (Coastal Partners)		Simon Burchett (SB) -WSP	
Jonathan Shavelar (JS) - NE	x	Rob Hares (RH) - WSP	
Zara Ziauddin (ZZ) - NE	x	Daniel Hoare (DH) - WSP	
Graham Horton (GH) - NE		Louise Martland (LM) - Environment Bank	
Amy Kitching (AK) - NE	x	Sue Charlton (SC) - Environment Bank	
Jamie Short (JS-MMO) - MMO		Alex Thompson (AT) - WSP	
Carrie Marchbank (CM) - RSPB		Andy Indoe (AI) - WSP	
Charlotte Bartlett (CB) - RSPB		Georgia Cooke (GCK) - WSP	
Jonathan Cox (JC) - HIWWT		Matthew Venn (MV) - WSP	
		Emma Davies (ED) - F&G	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions	NLD	Apologies noted as per above.	
2	Approval of Minutes and Review of Outstanding Actions	NLD	NLD ran through actions from 27th May meeting. Most completed, noting the following remaining outstanding: • Additional evidence in respect of marine employment alternatives will follow in due course; • The weighting scoring for the land reclamation options has been corrected but the outcomes remain essentially unchanged to those previously set out; • Copies of maximum extent flood imaging (sequenced over time) to be provided in lieu of access to modelling; • Updated wintering bird data for 20/21 awaited; - CB asked if this could be mapped. GH to supply.	GH GH SB GH
3	Applicant Presentation: • Waste Strategy (including dredging and deposition)	WSP	GH initially provided update to the Panel on the project programme. Planning application and TWAO currently scheduled for submission in summer 2022. However, this is influenced by progress with the draft Local Plan and outcomes of Reg 18 Consultation, commencing in September. Promoter consultation due to commence in November thru December. AT, MV and AI presented. NLD requested copy of slides to be circulated. Action #1: Copy of slides to be circulated. Following the domestic waste presentation (MV) which was noted, AI outlined the proposed coastal works, land platform and sections. AI explained that material for deposition would be brought by boat. A two-stage process of deposition would take place, initially on a segregated location on the existing landform, then its final placement. The material to be supplied from Crown Estate active dredge sites, whilst dredged material associated with the development site works/channel within Portsmouth Harbour is anticipated to be taken to the Nab Tower deposition site south east of the IoW.	AT

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	Regulator Feedback to applicant documents:		AI explained that the area of land reclamation currently comprises 1-3m of soft and compressible sediment and measures are likely to be required to strengthen deposition material as part of its placement, for example, with cement. All such works will require an Environmental Permit and appropriate Marine Licencing, in particular having regard to avoidance of leachate. NLD queried if there would be a marine-off-loading-facility (MOLF). AI indicated that this was not currently envisaged as deep water berthing already exists at the site. CM asked the likely duration of such deposition works, to deliver the land reclamation being sought. AI advised that this wasn't yet known, but would likely comprise 24 hour operations. At least 2 bulldozers would be required plus significant quantum of excavators, plus compaction plant operating in separate cells/compounds on site at a time. The precise sequencing and duration of works depends on evaluation of GI which is not yet available following the recent completion of the marine surveys. CM asked if it was months or years? AI indicated it could be up to 12 months but this cannot be confirmed as site phasing needs to be established too. JC asked if the developers were utilising ecosystem services as a strand of the mitigation for the loss of sequestered carbon that would be released as part of the dredging and deposition works. He also queried if the impact of the loss of intertidal habitat in terms of carbon sequestration was being scoped in? CMC stated in response to the second question that was indeed the case, as confirmed in the EIA Scoping response report. AC asked how the marine environment would be managed/protected during such works, including water quality. CMC advised that there was marine-specific chapters in the EIA and this would all be set out as per the response to the EIA Scoping Opinion. SB stated that there were a wide range of options to ensure the optimal construction process was undertaken and that when the GI results were available greater clarity on this sequencing of works and mitigation would be available for sharing and discussion.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	○ EIA Scoping Opinion response ○ Baseline EIA Chapters ○ Site Promotion Report for draft Local Plan ○ Approach to Shadow HRA and Alternatives ○ Updated DEFRA Metric Note		GH introduced the discussion over the various promoter documents supplied to the Panel in advance of the meeting, being: • Site Promotion Report for Portsmouth Local Plan Review (Savills - Aug 2021), including appendices being: ○ Site location plan ○ Marine Market Baseline and Literature Review ○ Marine Employment Alternatives ○ Marine Sector Market Summary ○ Summary of Planning History ○ Review of PCC Emerging local Plan 2017 and 2019 Reg 18 Issues and Options Consultation responses ○ Spatial Masterplan Framework ○ SPA Metric Briefing Note ○ Summary of Wintering Bird Surveys 2019/20 and Disturbance Factors. • Baseline Environment Report (Savills - Aug 2021) • Approach to Shadow HRA and Alternatives (Presentation - Environment Bank) • EIA Scoping Opinion Response Table (Savills/WSP/Marina Projects, Aug 2021) • SPA Impact Assessment - Interim Technical Report (Environment Bank, 23.8.21) CMC stated that overall, the promoters were endeavouring to comply with the EIA Scoping Opinion, accepting the recommendations therein. The EIA boundary cannot be confirmed yet as the HRA compensation site negotiations have not yet concluded. The Scoping Opinion and response will be reviewed when the full extent of the EIA 'red line' is known. GH stated it was good to hear that the Scoping Opinion was being observed. NLD added that the PCC Health Development Manager Bethan Mose wanted to remind the applicants to review all of her comments raised in the consultation response to the EIA Scoping report and work towards HIA.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			CMC explained that the baseline environment report is a summary document and the views of the Panel are sought as to anything that might be considered to be missing or incorrect. JC asked if there was more detailed baseline data that could be shared. GC indicated that a 'cloud' sharing portal could be set up to facilitate sharing of documentation specifically for the purposes of the Panel. Action#2 Sharing Portal to be established for Panel Members to receive and exchange confidential documents JC noted that Tern survey data appeared confined to June/July but that the opportunity should be taken to survey breeding flocks over Sept/Oct period too. CMC agreed that this would be actioned if possible. Action #3 - Additional surveys of Tern species over Sept/Oct period to be considered and actioned if possible. CM said that RSPB have recent data on breeding pairs although less available on feeding Terns. JC noted that there is not a great deal of survey data available for the vicinity of Portsmouth Harbour. HC queried in terms of the flood risk summary if the EIA chapter would consider extreme modelling scenarios. SB stated that this was the case and that this data would be forwarded to HC. Action #4 - Extreme flood event scenario modelling data (as currently available) to be forwarded to HC. CM advised that RSPB were still going through the significant amount of documentation supplied. What's critical is that the EIA chapters recognise the interdependencies across topic areas. Concerned that the scheme was being progressed at significant pace towards potential submission with limited time available to fully consider EIA findings. GH - Savills noted that the EIA findings were not available yet as the assessments are only just starting once we get to a design freeze. There will be the usual time to review findings pre- and post-submission. CM added that there remained confusion over the project objective vis-à-vis housing/employment. GH - Savills stated that the marine hub employment/job creation was the primary objective for the project-level HRA whilst the LPA draft Local Plan objective may be expressed more	GH - ASAP CMC - ASAP SB - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			widely across housing/employment needs. NLD stated that he recognised that there was a need to ensure as much consistency as possible between the need case by both promoter and the LPA (as Plan-Making Authority). LM talked through the updated DEFRA Metric slides. LM advised that direct discussions between Environment Bank and NE, RSPB and HIWWT were taking place to refine the metric.	
5	Q&A	All	HC noted that the Metric Briefing note appeared to show some of the Harbour being of 'low function value'. LM stated that this should be 'Medium' but would check. <u>Action #5</u> GH was pleased to see close proximity disturbance recognised. Also wondered if there was scope for an intermediate category between 'Medium' and 'High'? CM expressed some continued concern about the Metric-based approach. There didn't appear to be reference to the SSSI. Nor did the metric consider land function. The HRA and approach to compensation cannot rely upon a quantitative and ratio-based approach. CM agreed to supply examples of good qualitative HRA. <u>Action #6</u> NLD stated that he assumed that the metric will be further adapted? LM advised that it formed part of the HRA 'toolkit' and that it was not a number-led approach. JC suggested a technical, focused meeting to work further on the HRA methodology. He noted for example that there had been little, if any, reference to the Ramsar designation. Compensatory habitat should be outside the zone of impact and ideally the impacted SPA/Ramsar boundaries. GH-Savills advised that negotiations were well advanced (whilst remaining commercially sensitive) but that the comments of JC were very much reflected in the approach being taken by the promoter team.	LM - for next Panel CM - Done

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			JC asked about the approach to Biodiversity Net Gain (BNG). LM stated that this would be delivered side by side with the delivery of compensatory habitat as well as on-site. CB asked if LM could share any further background survey data as this needs to be fully understood. Action #7: LM advised that she would look at what could be released. AC stated that the EA were keen to fully assess the impacts and that, whilst recognising commercial confidentiality issues, time was passing and there was a need to commence discussions on compensatory habitat soon. He was aware that sizes of significant hectareage were under consideration. GH-Savills confirmed that this information and the site-specific approach to compensatory habitat would be progressed very shortly. The sites would form part of the TWA0 submission to DfT. AC noted that compensatory habitat would need to be secured and in place by the time of the direct impact occurring. GH-Savills said that a copy of the project programme would be circulated. Action #8 JC requested copies of previous Panel Minutes and presentations. Action #9 AB noted that legal advice had been provided to the promoter team stating that the methodology being put forward for the shadow HRA and approach to alternatives was acceptable. The assessment must be weighed against the defined project objective(s). The previously distributed slides contained a RAG table which is to be replaced on legal advice and it would be wrong for there to be a 'beauty parade' of sites governed by a RAG approach. AB stated that there would also be a further update on the marine employment alternatives in November this year. AB said that these updated documents would be supplied as soon as possible. Action #10 <i>[The applicant team left the meeting at this point]</i>	LM to review what is able to be released - ASAP GH-Savills - ASAP NLD - Done AB- next Panel meeting

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			CB reiterated the concerns about lack of clarity on the project objective/need case. Supported the provision of a data 'hub' for the Panel and Promoter and LPA to share. HC noted that she hadn't yet been consulted by WSP on flood risk and coastal process matters and asked that the important role (and skill set) of Coastal Partners be reiterated to the promoter team. <u>Action #12</u> JC stressed again the need for more focus by the promoter team on the Ramsar designation. <u>Panel Specific Comments:</u> <u>Coastal Partners</u> – - No additional comments to add beyond those that Coastal Partners has already provided directly to WSP on the flood modelling approach and the coastal processes modelling approach. <u>Natural England</u> - No further comments to those as minuted. <u>Environment Agency</u> - Documents provided are useful for information about the current state of play but we don't have any comments to feed back as they don't seem to contain new information. They are all quite 'high level' and on some of the topics such as WFD classification there is a lack of detail. The Panel needs to start agreeing a way forward which can then hopefully lead to the assessment of the impacts of the proposal.	NLD - Done

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			<u>MMO</u> No comments to add to those as minuted and made by other panellists. Please have regard to minor comments on the EIA Scoping Response table (circulated with these draft minutes). <u>RSPB</u> We appreciate the additional information supplied by the development team regarding the Tipner West proposals. However, despite the additional information, the needs case for the development as a whole and the dependencies between these two key elements of the scheme remains unclear. - In our view there remains a general lack of clarity concerning the project objectives for the scheme as a whole. This is particularly important when it comes to the consideration of the derogation case, i.e. 'alternative solutions' and 'imperative reasons of over-riding public interest' (IROPI) under the Habitats Regulations. The outlined methodology for the proposed alternatives assessment (Approach to Shadow HRA and Alternatives) reinforces these concerns – in particular the apparent disjointed approach to site selection based principally on the marine employment development, with the housing development element appearing to be introduced at a later stage, based on more local needs. - We further note inconsistencies between the alternative scenarios for housing set out in the Approach to Shadow HRA and Alternatives (P11) and those in the Site Promotion Report (para 6.37). We consider that the broad approach set out in the Site Promotion Report is more appropriate than that described in the Approach to Shadow HRA and Alternatives document. However, in the case of the 'split development' and 'dispersal' options, the alternatives for the delivery of up to 3,500 houses elsewhere should be thoroughly assessed by the relevant local authorities through the local plan process. - In relation to the wider delivery of new housing in Portsmouth City, we note the recent letter (16 August 2021) to the Leader of Portsmouth City Council from the then	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Secretary of State for Housing, Communities and Local Government confirming that the Government does not expect every local authority to be able to meet its housing need in full, and that land supply considerations and environmental constraints should be taken into account when setting a target for new housing. This is highly relevant to the assessment of alternative solutions and IROPI, and we hope there will be an opportunity to return to these important matters at a future Regulatory Panel meeting. - The Site Promotion Report provides some helpful additional detail on the Tipner West proposals, but crucially does not, in our view, clearly set out the need for the development as a whole. We are concerned that the Report places undue weight on the Southampton and Portsmouth City Deal as justification for the scheme (see para 6.39 concerning IROPI). We are also concerned that a significant amount of the information (in particular regional-level marine/maritime strategic needs assessments) referenced within the Site Promotion Report appears to be quite dated. It is therefore unclear to what extent recent economic and social changes, including those linked to Brexit and the Coronavirus pandemic, have been reflected in the justification. We anticipate that significant further work will be forthcoming on the question of need and the related IROPI case. - Notwithstanding these wider issues, we remain keen to have sight of the detailed bird survey methodology and data collected to-date in order to identify any gaps and to allow us to fully understand the ecological baseline against which the impact assessment will be made. However, the summarised data shared to date (including that presented in the Environmental Baseline Report, August 2021) do confirm the high importance of Tipner West and the surrounding area for a range of SPA species as well as many other avian and non-avian priority species. - Timing is now also a significant concern in respect of the significant additional work necessary (such as agreement with the statutory and other stakeholders of substantial compensatory measures) ahead of the planned deadline for the main application in Summer 2022. We are also very concerned about the timing of the application in relation to the Portsmouth Local Plan, which is unlikely to reach	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			submission stage until after the application is submitted (despite the ambitious Local Development Scheme timetable for the local plan). - Finally, we have a number of concerns regarding the proposed metric for determining compensation requirements (SPA Impact Assessment: Interim Technical Report). In summary, we consider the proposed metric to be flawed and in need of fundamental revision before it could be relied on to determine compensatory requirements for the habitats and species that will be impacted by the proposals. We are therefore extremely concerned that the results are already being used to identify and secure potential compensatory habitat and consider it would be wise for the Tipner West development team to develop alternative qualitative approaches to the assessment of compensatory requirements as a matter of urgency. SPA Impact Assessment: Interim Technical Report, 23 August 2021 We set out below our key concerns regarding the proposed metric for determining compensation requirements as set out in the SPA Impact Assessment: Interim Technical Report. Please note that these concerns have also been shared with Environment Bank following a recent meeting between Environment Bank, the RSPB and the Hampshire and Isle of Wight Wildlife Trust (28 Sept 2021). Our main concerns are as follows: • Although the method is presented as a mathematical framework it has basic mathematical flaws that mean it can't be used to compare before and after states. The outputs of the model can only be judged in their own terms – i.e. is the compensation satisfactory when looked at under a more sound method. • There are numerous assumptions, decisions and judgements embedded in the metric which have no apparent connection to the ecological reality 'on the ground'. • We have yet to see the full baseline survey methods and results or the impact assessments which have fed into the metric. However, our understanding is that these are largely still incomplete, and therefore the outputs of the metric are potentially subject to considerable change. • The metric appears to lack any granularity regarding individual species sensitivity (which should be informed by the detailed impact assessment work).	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			• The 'precautionary' assumption of 'good' baseline condition does not reflect the current SSSI condition assessments and actually works to reduce the compensation requirements. • There is a broad implicit assumption that all marine/aquatic features are tradeable against each other, and similar for all terrestrial features. Also that important habitat in poor condition is fully tradeable against unimportant habitat in good condition. • There is no apparent scientific basis for the assumptions around 'one step change' in condition after impact, '50% impact', buffer zone areas, etc. • The function criteria overlap broadly and the condition criteria are not given at all, therefore creating considerable grey areas. Our more detailed points are set out in our comments contained within the Interim Technical Report. These have also been shared directly with Environment Bank. We will continue to work constructively with Environment Bank in an effort to, so far as is possible, resolve our concerns regarding the SPA metric. However, we consider it would be wise for the Tipner West development team to develop alternative qualitative approaches to the assessment of compensatory requirements in parallel with this work <u>HIWWT</u> • No further comments	

Meeting Closed: 1pm

Date of Next Meeting: October 22nd 2021 @ 1pm-4pm

Anticipated Panel Topics: (TBC)



MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 1**
Date: **24th January 2023@ 10.30am-12pm.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA)	Megan Carter (MC) - Tipner Regeneration
Lucy Howard (LH) - PCC (LPA)	Charlotte Hunter (CH) - TRP
Tom Bell (TB) - PCC (LPA)	Simon Fife (SF) - Savills
Hilary Crane (HC) - Coastal Partners	Robin Henderson (RH) - Savills
Laura Lax (LL) - EA	Gavin Hall (GH) - Savills
Linda Brewis (LB) - MMO	Alison Hogan (AH) - EPR
Alex Stevenson (AS) - MMO	Ben Kite (BK) - EPR
Graham Horton (GHn) - NE	
Mary Andrew (MA) - NE	
Heather Richards (HR) - RSPB	
Carrie Marchbank (CM) - RSPB	
Sienna Somers (SS)- HIWWT	
David Allwright (DA) - HIWWT	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Apologies	NLD	Apologies from Louise Forsyth and Iain Bright (Historic England)	NLD -

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			NLD reminded the Panel of key elements of the formerly agreed Working Protocol for the Panellists and its establishment pursuant to the Coastal Concordat and principles thereof. NLD asked panellists to review the Protocol (circulated with agenda) as part of review of these minutes and return to NLD with any suggested updates/amendments, given passing of time since the previous full Panel meeting in 2021.	ASAP
2	PCC Full Council Decision	MC	MC reminded the Panel of the previous Lennox Point project having been paused in December 2021 and that a revised set of project principles had since been agreed at Full Council on 11th October 2022 where a range of options for the site were considered. Each of the principles are in no priority order and are as follows: • Rules out the 'Significant Land Reclamation' Option (Option A) - original 'Lennox Point' masterplan. • Rules out 'Do Minimum' Option (Option D) • Prioritise the protection of the land south of firing range • Provide a minimum of 1,250 homes which maximises affordable housing & 58,000 sqm of employment space. (Minimum affordable housing at 30%) • Satisfies the terms of the City Deal • Satisfies the requirements of the regulatory bodies including Natural England and the Environment Agency • Maximises local job creation 11 October 2022 • Minimises costs and impact on City Council finances & services to the public • Minimises land reclamation to meet the principles listed above and provide bio-diversity net gain of 10% as a minimum. MC also advised of some changes to the promoter consultant team. EPR have joined as the new strategic ecologist, they will be inputting into the masterplan and engaging with the Reg panel stakeholders. They will be working together with WSP, who are carrying out the ecology surveys, to ensure nature is at the forefront of the masterplanning process for the site. BDP architects replace Gensler, also highly qualified in nature-led development projects.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			MC highlighted the Handling Arrangements recently signed between the LPA and Promoter Team, ensuring a clearly set out series of rules of engagement for the project, recognising that PCC are both Promoter and LPA. This is in line with best practice and pursuant to the 2017 EIA Regulations and associated case law. [A copy of these are circulated with these Minutes] Extensive governance arrangements are put in place for the PT, including Working Group, Delivery Board, Portfolio Board and Cross-Party Working Groups, to ensure appropriate Councillor and Portfolio Holder oversight of the project.	
3-5	- Updated Project Brief and Overarching Objective - Guiding Principles - High Level work programme	PT	SF advised that there are proposed 4 Regulatory Panel sessions in 2023, with a view to a planning application, TWA0 and Marine Licence application being submitted in February 2024. GH pointed out that there would however be direct engagement between PT and the consultant team with the regulators, as required. NLD expressed some concern that, in view of the extensive number of issues to be addressed prior to submission, that 4 Panel sessions prior to submission (including this one) would likely be insufficient and that any substantive discussion should be put through the Panel. GH advised that the timeframes to submission were such that it was hoped the current schedule of 4 meetings would be sufficient, noting that there would be a Full Day session in July and ongoing discussions and workshops with individual consultees during the preparation of the application(s). SF talked through the overarching objectives for the project, noting that the project remained focused upon the delivery of a new marine employment hub, as had been the case for Lennox Point, but that this project would now put biodiversity protection and the SPA/Ramsar at its heart. MC alluded to the Portsmouth 2040 Vision and how the scheme would also respond to this. Project timings to be approximately as follows: - March 2023 - masterplan optioneering to be presented to Members - Summer 2023 - Concept masterplan to be presented to Members	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Public Exhibition of proposals - September 2023 - Detailed Masterplan to be ready - February 2024 - Submit planning/TWAO/Marine Licence applications NLD noted that the PT programme did not appear to show dates for the Local Plan and that this was a governing factor for any planning application. LH advised that the Local Plan Reg 19 submission was anticipated for November 2023 whereby it would then carry significantly more weight for decision-making purposes. GH explained that these dates had not previously been available so this was helpful and the PT would be working hand in glove with the Local Plan to inform the Local Plan allocation as it emerged and as the masterplanning progressed in the period up to November 2023. It was essential for the PT to engage with the emerging Local Plan and ultimately all parties of the Panel would need to input to the Examination.	
6	Key Workstreams	PT	MC highlighted key workstreams as being land assembly (PCC not yet in full ownership of all of the site), Enabling Works (being the consenting processes including EIA and HRA) and Masterplanning. NLD asked if a list of planned surveys could be supplied? MC confirmed this could be done. Action: MC to supply schedule of planned/on-going site surveys. NLD also asked if EIA Scoping would be re-visited. GH confirmed this would be the case and submission request in circa April 2023. GHn asked what the scheme would actually look like - is there to be reclamation at all? And would a biodiversity metric approach to HRA be adopted as previously pursued with Environment Bank? MC said that the scheme would be very different from Lennox Point with minimal, if any, reclamation. Architects were currently stress testing the site options. SF explained that the priority is for the scheme to be deliverable in line with the Full Council principles. It would not be led by unmet housing need. The previous work on the biodiversity metric would potentially be pursued as this remained sound, but this was being reviewed by the new Strategic Ecologists at EPR.	MC - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			LL welcomed 'minimal if any' reclamation and the new focus upon biodiversity LB confirmed no comments at this point in time, pending more detail. CM concerned at any reference to reclamation and remained opposed to this. Reclamation of any of the SPA/Ramsar would be a mistake and would not have RSPB support. No justification yet made for this. SS concurred with RSPB view and reiterated that the NGOs 'red line' includes the absence of development from the southern area of Tipner West (south of firing range and within SPA/Ramsar) Useful to hear the timeframes but cannot add more comment at this stage pending more detail. HC noted that sea defence work should ensure appropriate tie in with any agreed schemes for Tipner East and welcomed that Tipner West PT are engaging with the Tipner East project. LH advised early consideration of Biodiversity Net Gain was essential as this would form a core part of the new Local Plan.	
7	AOB	All	None <i>[At this point the Promoter Team left the meeting]</i>	
8	Panel Discussion	Panel	NLD requested panellist feedback on the information set out by the PT. <u>HIWWT</u> SS said it was good to hear of the timelines but disappointed that the masterplan may not be seen for sometime yet. Unsure how feedback on this would be facilitated? Essential that the principles for development remain the focus and that the Panel doesn't get too bogged down in details of methodology etc. DA agreed with SS. Iterative engagement on masterplan development was necessary. It is essential to understand planned development footprint as early as possible. NLD noted that this should align with emerging EIA findings and mitigation strategies. DA added that timeline appears extremely challenging.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			<u>RSPB</u> HR felt that there was an element of déjà vu with what they were hearing - she was concerned that the PT were progressing at pace with the masterplanning of the site without proper regulator engagement, identifying environmental impacts and constraints and designing from this on an iterative basis. CM noted that the development principles don't necessarily tally with the legal requirements of the Habitat Regulations and the project remains 'development-led'. But willing to wait and see what is presented. <u>EA</u> LL shared these concerns, that she was concerned detail would not be shared before scheme development progressed towards a point of freeze. It was felt that lessons from LXP had not necessarily been learned. The PT needed to work with the Panel to ensure a robust submission. <u>NE</u> GH shared concerns of masterplanning surging ahead without evidence of this being informed by EIA/HRA. Considered it inevitable that the programme for a scheme such as this would slip, as is the case for similar large scale projects. He was not therefore overly concerned about the Programme at this point. Overall, not necessarily concerned about there being just 4 meetings for 2023, but the proof would be in what is presented by the PT and NE remained keen to work proactively and constructively. Very pleased to have RSPB and HIWWT on the Panel. MA said that she felt more meetings would be required and to ensure EIA/HRA demonstrated an understanding (and response to) functional linkages between land and marine elements. Overall, GH said that the PT needed to optimise use of the Panel for the benefit of the project. <u>MMO</u> Pending more detail, LB didn't feel able to give any specific advice at this stage.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			<u>Coastal Partners</u> HC said that she was pleased to hear the 'nature-led' focus for the new scheme. Keen to see early design work and advised that for the PT to get the most benefit from the Panel it is important that information for review & feedback is shared with sufficient time in advance of Panel meetings to allow us to consider and provide best input and advice. Shared concerns about the pace of the programme and the level of planned engagement with regulators.	

Meeting Closed: 12.30pm

Date of Next Meeting: 30th March 2023 @ 1.30pm

Anticipated Panel Topics:

- Introductions
- Refresh of Overarching Objective
- The issues and background evidence / research results:
 - o Site context including SPA
 - o Marine employment / infrastructure
 - o SPA resilience
 - o General employment
 - o Housing to support marine employment
 - o Affordable housing
 - o Supporting uses
 - o Deprivation / regeneration
 - o Sustainable / balanced community / self-containment / co-location
- Initial thoughts on Project Definition:
 - o Key considerations
 - o Implications for scale/massing/quanta/mix
- Discussion / next steps
- AOB

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 2**
 Date: **25th May 2023@ 9.30am-11:30pm.**
 Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA)	Megan Carter (MC) - Tipner Regeneration
Lucy Howard (LH) - PCC (LPA)	Charlotte Hunter (CH) - TRP
Tom Bell (TB) - PCC (LPA)	Megan Dunsmoir (MD) - TRP
Hilary Crane (HC) - Coastal Partners	Robin Henderson (RH) - Savills
Laura Lax (LL) - EA	Gavin Hall (GH) - Savills
Linda Brewis (LB) - MMO	Rebecca Brookbank (RB) - EPR
Alex Stevenson (AS) - MMO	Owen Peat (OP) - WSP
Graham Horton (GHn) - NE	Simon Fife (SF) - Savills
Heather Richards (HR) - RSPB	
Carrie Marchbank (CM) - RSPB	
Sienna Somers (SS)- HIWWT	
David Allwright (DA) - HIWWT	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes	NLD	Apologies from Mary Andrew (NE), Alex Stevenson (MMO), Louise Forsyth and Iain Bright (Historic England), Adam Cave (EA), Tom Bell (LPA). Previous Minutes agreed.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
2	Promoter Team Presentation and Discussion • Refresh of Overarching Objective (OO • Reminder of project principles • Marine employment implications and infrastructure/housing requirements • SPA resilience • Site Context including SPA: - Qualifying Features and Relevant Designations and Habitats - Survey scope and methodology - Survey Programme and Baseline Evidence (including non-HRA habitat/species survey results) - WSP reports • Initial thoughts on implications of above for Project Definition • Consenting Mechanisms	GH, SF, OP, RB	GH introduced the presentation slides, reference made to the survey data supplied via Box. <i>[NLD notes that the presentation slides did not strictly follow the agenda items listed, but largely incorporated them, excepting the notable additional slides on Mitigation/Compensation Strategy]</i> GH outlined the working draft of the Project Objective. The presentation slides were then run through continuously by the project team. OP outline the baseline extreme sea level modelling 2023 & 2123. Noted risks to Pewit Island from sea-level rise. OP talked through the National Site Network and International designations and bird distributions, noting a significant concentration in Tipner Lake and concentrations around the Tipner West southern and northern bays. OP outlined SPA bird population resilience, noting since designation increases in Black-tailed godwit, generally static Brent Goose levels, but decrease in Merganser and Dunlin, stating this is for non-site-specific reasons. General fluctuation across the harbour. Brent Geese and Dunlin appearing to favour the centre of the harbour increasingly, showing a shift away from Tipner West intertidal and terrestrial, which illustrated fluctuation in usage of areas within the harbour. NLD queried apparent absence of survey data land south of the firing range. OP explained that this was not the case. There was survey data available but this only reiterated very limited reliance by the conservation species on that land and that the supplied illustrations were a reliable representation. However, further surveys would also be supplied to Box, for the Panel. GH added that he would set up a notification alert for panellists when new documents are added. SF outlined a series of slides relating to the importance of marine employment and infrastructure for the UK and Solent, employing nearly 90,000 people, with the Solent ranked in the top 3 of jobs in marine clusters UK-wide, notably marine leisure, national defence, shipping and ports. SF reiterated key points from Marina Projects Limited (MPL) and Savills research reports (2023) showing a big shortfall on supply relative to demand across the Solent, noting Tipner as a 'Tier 1' site.	GH - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			LH requested sight of the relevant reports mentioned. <i>[Post-meeting note - these have been supplied as they were the same evidence forming part of the Savills Promotion Report for LXP]</i>. SF outline the need for housing to support marine employment, citing a PCC unmet housing need of 2,383 homes. A slide showing relatively high levels of deprivation across western Portsea Island and including Tipner was outlined. The aspiration for a sustainable maritime community was set out. SF concluded that housing is a critical component in the delivery of a successful maritime community, critically needed for the Solent. Work remains at an early stage, environmental studies continue, spatial scenarios continue to be explored with a view to selecting a preferred option around June 2023. The scale of the project will however be significantly smaller than before, its precise scale and configuration is not yet known, some direct impacts will be unavoidable (citing bridge, dredging channel) and land reclamation <i>may be</i> necessary to ensure a deliverable scheme. RB briefly outlined potential project effects that could be addressed by way of impact avoidance/mitigation and those which might trigger derogation. Those effects identified for possible avoidance/mitigation were: • Pollution effects • Loss of off-site supporting habitat (within Tipner but outside SPA boundary) • Noise/light disturbance • Habitat fragmentation • Water quality including sedimentation • Recreational disturbance • Marine activity disturbance • Mortality Possible effects identified as giving rise to possible triggering of the HRA derogation steps cited as: • Deep water dredging impacts upon intertidal dynamics and habitat composition • Habitat loss (built development, land reclamation, Public Open Space (POS, bridge, coastal squeeze)	

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			• Bridge overshadowing • Unmitigated recreational disturbance causing functional loss RB outlined that the broad mitigation/compensation strategy would comprise the following key elements: • Focus to be at/near the SPA/Ramsar site impacted • Upgrades to coastal defences • Prioritise provision of high tide roosting habitat • Island recharge • Strengthen the SWBGS network; and • Develop a modified Metric to work alongside the BNG Metric, to be discussed further at the next Panel meeting. With regard to consenting strategies, GH indicated that it was looking increasingly likely that there would need to be a TWAO.	
			<i>[End of Presentation]</i> LL expressed a wish to have early sight of flood risk assessment and mitigation proposals as these have not yet been touched on. Advance notice will be required to get suitable EA attendees at the relevant meeting. NLD suggested that this be added to the earliest possible next Reg Panel session. MC indicated that she would in any event ask for a separate discussion to be held on this between the TRP and the EA. NLD noted that it was important for such matters to be considered by the Panel, having regard to the extensive in-combination effects. LH took the opportunity to explain that the draft Local Plan would be presented to Members for agreement in Sept/Oct this year, with consultation on the submission draft thereafter. LH indicated that Horsea Country Park would now be identified as Public Open Space.	NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			NLD confirmed that the Reg 107 Request for an IROPI Opinion had been sought from DLUHC and was awaited. Hope to get response by mid August for the Local Plan PINS Advisory Meeting. NLD asked when the LPA could expect an updated EIA Scoping Opinion request. GH indicated this would be around July. NLD stated that this would be considered in conjunction with DfT as previously (and with EA/NE/MMO), overseen by NLD. NLD asked if data held by RSPB/HiWWT could be supplied to supplement the baseline data bank? OP noted that approaches had already been made to both groups, but stressed that they already had 7-8 years' of data. HC noted that Coastal Partners Solent Bird Studies GIS data could be shared.. Action: GH agreed to provide for space via the Box sharepoint for this to be done. NLD added that there was a notable recording of Barbastelle bat on Horsea Island East, along the southern perimeter of the woodland. It would be important to investigate through further survey ideally if there are roosts present, or to advise as to the likely commuting routes for this very rare and sensitive species. The presence of other internationally rare species were noted in the surveys including the Stiletto Fly and short snouted seahorse which would require particular attention in the EIA.	GH - ASAP
7	AOB	All	[At this point the Promoter Team left the meeting]	
8	Panel Discussion	Panel	NLD requested panellist feedback on the information set out by the PT. <u>LPA Comments</u> NLD expressed continued concern at the lack of tangible engagement on the detail or optioneering. The previously expressed concerns of the Panel in having limited Panel engagement in the detail before a final option was selected are considered to still apply. Concerned at the time spent outlining the case for the marine hub/employment need/deprivation as this was not the best use of the Panels' time (more of a planning matter).	

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			In terms of the detail of the presentation slides, the LPA would make the following specific comments: a) The Project Objective in "...seeking to improve the long term resilience of the Portsmouth Harbour SPA and Ramsar site" is a positive objective. However, significant work is required to demonstrate to the Panel that the project will actually deliver this, having regard to the combined adverse effects noted later on in the presentation. b) It's therefore essential that the details of site optioneering are shared with the Panel as soon as possible, with a summary of the wider viability constraints and metric-informed assessment of adverse effects set out so that the Panel members can jointly understand the rationale behind the TRP option selection. If this is better understood, the potential for genuine 'longer term resilience' will be clearer. At present, these objectives remain in something of a vacuum. c) Slide 6 on 'Baseline 3' is not readily understood and requires further explanation. d) With regard to slide 8 and the bird distribution, the LPA would note the continued strong reliance by the SPA conservation species, notably the Brent Geese, upon the southern and northern bays. The survey data supplied confirms significant foraging in these locations, reliance upon the terrestrial supporting habitat (notably on the firing range) and west of Horsea Island - in addition to Tipner Lake as you note. The LPA does not agree with comments made during the meeting suggesting that Brent Geese were demonstrably shifting away from Tipner West. This needs to be further evidenced in discussions and the views of Panel members are sought on this. e) With regard to slide 20 "Applying the mitigation hierarchy" it's very difficult for the Panel to be able to comment in any detail on this without sight of site development options. Whilst the LPA wouldn't necessarily disagree with the adverse effects highlighted, again, it is not considered reasonable to present this to the Panel and expect comment, without some indication of the emerging development	

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			proposals for the site. The LPA would however note that impacts associated with the construction of flood defences are absent from these lists for derogation - this should be included. The reference to 'unmitigated recreational disturbance' causing 'functional loss' of SPA habitat (and hence derogation) is, whilst no doubt precautionary, something that could potentially be mitigated to a significant extent but such management details are yet to be explored. There are some good examples of controlled public access at other projects, such as at the RSPB project at Wallasea Island. f) Slide 21 indicates a changed strategy to that of the LXP project, now being to focus compensation strategy close to the Tipner site, within Portsmouth Harbour and immediate SPA/Ramsar environment. It's considered that this could be a premature decision, in the absence of understanding details of the site development proposals or indeed the updated Metric? Again, it is very difficult for the Panel to comment in isolation of this information. Whilst optioneering is on-going in the background, it is recommended that the Panel be fully engaged in this process so that it can guide and inform critical decisions. <u>NE (GHn)</u> Not much to say on the presentation. Keen to get to into the detail. Still very high level. Would ask that any documentation provided, especially in bulk (referencing the numerous survey reports supplied) should be accompanied by some specific questions/requests for NE comment in future as it is difficult to know what the promoters are seeking. <u>EA (LL)</u> Not much to say either. Really need to see some details of proposals. Want to know when flood risk will be considered and discussed with the Panel. We need to agree the methodology and need to line up the relevant EA expertise.	

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			<u>MMO (LB)</u> Nothing particular to note. Interested to hear the update. <u>COASTAL PARTNERS (HC)</u> Interested to hear the update. CP need to be part of the flood risk assessment discussions alongside the EA to prevent separate duplicate discussions on this topic. It's noted that RB referred to 'upgrade to coastal defences' as part of the mitigation/compensation strategy. However, it is considered that such improvements are more likely to give rise to adverse effects to the SPA/Ramsar (eg. through coastal squeeze) that in themselves will require mitigation/compensation. OP queried whether they had any further information becoming available in relation to the Regional Habitat Creation Programme. HC responded that they did and that Ed Rowsell was shortly planning to publish new information, which could be shared with all. <u>RSPB (CM/HR)</u> Agree with comments made. Would need to see details of what actually is proposed. How much reclamation is being considered? Can NLD provide a copy of the submitted IROPI Opinion request? <i>[Post-meeting note: NLD has now supplied to all panellists]</i>. Was concerned at some areas of the site appearing not to have been surveyed. Concerned at possible over-reliance upon the metric, but can't comment more until details are provided. The RSPB does not have time to review so many survey reports and need to be guided by the promoter team, as noted by Graham Horton. Presentation:	

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			- Slide 3 – While the project objective to improve long-term SPA resilience is commendable, the application must focus first and foremost on the specific impacts arising from the proposals, and on avoiding, mitigating and (as a last resort) compensating those effects. - Slide 17 – We continue to strongly advise against any land reclamation or other direct land-take from the SPA for the purpose of increasing the development area. Such direct land-take will be robustly challenged by the RSPB and the Wildlife Trust and is therefore not likely to be compatible with a ‘deliverable scheme’. - Slide 21 – Unclear how upgrading coastal defences will mitigate/compensate impacts of the development. Although presumably already accounted for by the SMP, upgraded coastal defences will generally lead to adverse effects on the SPA/Ramsar due to increased coastal squeeze of intertidal habitats on the seaward side. Baseline survey data: - We would caution any attempts to draw conclusions about distribution trends from the baseline wintering bird data, and would strongly advise that further low tide counts are undertaken this winter to given greater confidence in current usage of the harbour by the Portsmouth Harbour SPA/Ramsar/SSSI species and the relative importance of areas impacted by the proposals. - In addition, we would advise that any ecological baseline survey data that will be >3 years old at the point of application should be considered a priority for further survey. - As highlighted previously, we also consider that post-breeding surveys of feeding terns should also be undertaken in order to identify any change in use of the affected area across a wider period that the terns are present in the Solent. <u>HIWWT (SS/DA)</u> No specific comments to those raised previously. Concerned that there will be very limited time to review the proposals before they are finalised.	

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			The priority remains the previously specified 'red lines' from RSPB/HIWWT. The Trust do not want to see any development on the SPA. Would be keen to see the Metric proposals. Critical that the bigger picture of the project is outlined without further delay. The significant financial constraints on the project are understood, but concerned that a 'final' version will be presented without genuine opportunity for input. The Wildlife Trust are willing to offer a site visit to Farlington Marshes or other Trust sites (eg. Lymington and Keyhaven, Barton Meadows, to explain scope for visitor management/mitigation measures in close proximity to SPA habitat to aid consideration of a strategy for Tipner.	NLD/SS - ASAP

Meeting Closed: 11.30am

Date of Next Meeting: 29th June 2023 @ 11.30am -3pm

Anticipated Panel Topics:

- Impact Assessment Metrics and Methodology
- Provisional identification of adverse effects for AA purposes
- Development Proposals

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 3**
Date: **29th June 2023@ 11.30am-3:30pm.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies - PCC (LPA) - <i>NLD</i>	Charlotte Hunter - TRP - <i>CH</i>
Lucy Howard - PCC (LPA) - <i>LH</i>	
Tom Bell - PCC (LPA) - <i>TB</i>	Gavin Hall - Savills - <i>GHall</i>
Hilary Crane - Coastal Partners - <i>HC</i>	
Laura Lax - EA - <i>LL</i>	Simon Fife - Savills - <i>SF</i>
Adam Cave - EA - <i>AC</i>	Adam Darby - BDP - <i>AD</i>
Linda Brewis - MMO - <i>LB</i>	Rebecca Brookbank - EPR - <i>RB</i>
Alex Stevenson - MMO - <i>AS</i>	Owen Peat - WSP - <i>OP</i>
Jonathan Shavelar - NE - <i>JS</i>	
Graham Horton - NE - <i>GH</i>	Giles Pritchard - Pritchard Architecture
Mary Bell - NE - <i>MB</i>	
Louise Forsyth - Historic England - <i>LF</i>	
Heather Richards - RSPB - <i>HR</i>	
Carrie Marchbank - RSPB - <i>CM</i>	
Jack Rhodes - RSPB (guest) - <i>JR</i>	
Sienna Somers - HIWWT - <i>SS</i>	
David Allwright - HIWWT - <i>DA</i>	
Hannah Terrey - HIWWT (guest) - <i>HT</i>	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes	NLD	Apologies from Megan Carter (TRP), Lucy Howard (PCC-LPA), Alex Stevenson (MMO), Jonathon Shavelar (NE), Alex Bellisario (HE), Ian Maguire (PCC-LPA), Robin Henderson (Savills), Ben Kite (EPR) NLD advised that Mary Bell (NE) would be joining at 12:30pm. Hilary Crane would need to leave at 12:30. NLD ran through outstanding actions from the May Panel meeting Minutes and these were noted as completed. It was noted that it was still the intention to have a site visit to one of the HIWWT sites to consider management of public access. Minutes were agreed. NLD confirmed that advance papers had been supplied via the Savills Box sharepoint which included a development options Matrix, Advance questions for the Panel, a copy of the presentation slides and Environmental survey tracker. NLD suggested that Panellists raise any queries on the first part of the meeting (Metric) as and when, raising a hand. For the second half of the meeting, it was suggested that the promoter team be allowed to present each grouping of options in turn, before inviting comments.	
2	Promoter Team Presentation and Discussion a) Impact Assessment Metrics and Methodology b) Development Options	GH, RB, OP,	<u>Part (a) Impact Assessment Metrics and Methodology</u> RB talked through the slides in respect of the Metric methodology, being key principles, overarching assessment framework and metric functionality. CM noted that there were some gaps in Tern data. In terms of Grey Plover, should there be compensation for these too - to defer to NE views on this. RB advised that the Metric relates to SPA qualifying species. But there is scope for the compensation to address Plover as appropriate. But do not want to skew the Metric by including non-SPA species. OP confirmed no grey plover identified in survey data to date. GH stated that HRA metric should just cover SPA species but Grey Plover could potentially be addressed in wider mitigation proposals.	

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			AC queried - how is interchange from Langstone and other nearby SPA to be recorded? GH noted that it has been previously identified that there was limited interchange. OP noted that the main interchange is in relation to Terns. But connectivity will be looked at. HR queried ringed Plover on citation for Solent and Southampton Water? OP confirmed this would be looked at. RB stated that focus for the metric must be on Portsmouth Harbour SPA habitat since this is where the impact is going to be. NLD requested RB to demonstrate the workings of the Metric on the current spreadsheet model. NLD asked if the Metric had been discussed with NE or largely an EPR update to the former Environment Bank metric. RB advised that NE input to the Environment Bank metric and would therefore be invited to input to the current model. GHall noted that the condition category for terrestrial land lost perhaps should change to good to align with others, following discussions with Natural England. However, the point was that the model remained under discussion and needed further refinement. RB outlined how the metric worked for assessing impacts and compensation. RB outlined that a separate session could be held to explain again how the metric would work in practice. Action: Separate session to be explored for metric working. <i>[HC left the meeting at this point; MB arrived]</i> GHall stated that he would be keen to agree the basis of the metric as soon as possible. MB queried the condition assessment basis and if it would be precautionary? RB confirmed this to be the case given the Hab Regs requirement to restore habitat function, compensating for worst case scenarios. AC stated that habitat would ordinarily be started as 'good' - generally applied. Nuance between SPA function metric and BNG metric. Also good to look at target times as some habitats will take longer, eg saltmarsh v grassland. RB stated that the SPA Metric would be used to assess the SPA points gained by compensation being delivered but there would be overlap of the two metrics. AC noted that it would be important to avoid double counting, eg	GHall/RB - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Horsea Island being POS? GH confirmed that this POS/Country Park was not part of the development proposals. HIE has been allocated for development for some time. CM concerned about the Metric. It should not be the only basis for assessment under HRA. Had previously stated in LXP discussions that it should only be used alongside professional judgement and other qualitative considerations. JR stated that there are two key flaws. First that certain things ought not to be 'tradeable' against one another eg. foraging/roosting. Second, there are ordinal scores being multiplied together that do not have even separation. So multiplications make no mathematical sense. NLD asked if other metrics could be cited that address this point? JR said that this is the reason DEFRA have said that the Metric is not suitable for protected sites. SS - echo views expressed by RSPB. NLD asked if RB wanted to comment on points raised by JR. RB confirmed that there are trading rules within the metric and issues around the scoring will be noted and explored further. RB said that GIS could be used to draw out how different areas are used to refine function scoring. JR keen to look at this further, but was key reason for DEFRA to decide against use of metric for protected areas. Not a suitable method at present for quantifying. GHall confirmed that the metric would be used alongside professional qualitative judgement. The metric is a tool to assist overall assessment. NLD confirmed that there were a series of questions already put out to Panellists where further comment could be made on this matter. <i>[break for lunch]</i> Part (b) Development Options AD introduced the early design concept slides and hierarchy of development needs.	

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			GP talked through Heritage slides. NLD confirmed that the LPA had also prepared an advice note for use by PCC Property and Strategic Development services, in assessing the current condition of the heritage assets on the site and identifying potential options for their use going forward. LF stated that she was happy with what has been set out by GP. LF stated she was concerned that there were suggestions in early drawings that the Listed Wall might be demolished? This would be substantial harm and should be clarified urgently. Furthermore a statement of significance must be agreed at the earliest opportunity as the approach to site layout should be informed by an agreed understanding of significance. LF added that HE content for the listed buildings to be contained within the marine hub - whether public access or not - the priority was re-use and repair and enhancement. Baseline enhancement also essential to understand the relationship of development with the Scheduled Monument at HIE. .This should consider impacts of coastal scouring and Alex Bellisario from HE would be able to supply some names of specialists to do this. GHall said that WSP do have this specialism but the names would be useful to have. LF was concerned about previous WSP work in this area and would expect to see significant improvement in this as a priority. CH confirmed this was a priority for the project team. LL stated that as there was to be a flood prevention strategy meeting soon, the outcomes from this would necessarily inform the masterplanning. NLD asked if the EA had been previously engaged in the sea defence work with the LXP project - LL confirmed that there had been no engagement on that issue at all previously so this was essential. GH confirmed this would happen. CM - tensions forming around housing densities. A low rise scheme cited as protecting nature sensitivities, but this also adds pressure to protected habitat by pushing built footprint outwards. Similarly, height constraints to protect the setting of Portchester Castle could have consequences for natural heritage - both are important and a balance must be very carefully struck. RSPB do not	

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			necessarily have a problem with high-rise on parts of the site (away from inter-tidal). OP said that the project team has a growing set of data on species flight-lines which will also inform heights. MB noted the 'wetland' area shown on the terrestrial SPA and suggested that this may face constraints by reason of proximity of development in the future. <u>Options 1-4</u> AD talked through the 4 options headed "<i>Interpretation of HIWWT Proposals: Marine and terrestrial SPA/Ramsar retained</i>". [Copy of options attached to minutes]. GHall pointed out that in respect of Option 4, the reclamation on the east side of the marine hub and listed buildings was proposed principally by reason of mitigating the level change between the new development platform and that of the listed buildings, to provide greater separation between the listed buildings and the level change, protecting their established setting whilst at the same time maintaining an improved area of working quayside for the marine hub. LF stressed that without a baseline understanding of the scheduled monument and a scouring model, it was premature to consider and compare options especially those involving land reclamation and the impacts these may have on the SM. However, LF reiterated that Historic England were not concerned about the listed buildings being incorporated into the proposed marine hub or indeed the changes in levels discussed and agreed that flexibility was needed given the site's constraints. GH and AC/LL advised that they would wait until the end of all option presentations before commenting. CM stated that the options were not strictly a reflection of the HIWWT/RSPB proposals for the site. RSPB had made previous assumptions that the main landmass would be capable of higher density development, eg. to allow for 1250 homes. She confirmed that RSPB would have identified a green buffer within the blue housing zone, but otherwise looked broadly in line with the HIWWT/RSPB proposals.	

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			SS advised that HIWWT did not want to go on record supporting any of the options but noted that Options 1-3 were broadly aligned with the proposals that they had put forward. GHall outlined the possible site red line, explaining changes in particular relevant to the road alignment running east and north of Horsea Island East, by reason of MoD concerns. OP outlined the HIE designations, noting the grassland designated SINC on HIE. SS noted that the Tipner Range is also a SINC and SWBGS site and the terrestrial SPA is also SSSI. OP stated that the plan is relatively generic in its mark-up and not intended to pick up every designation as it becomes too cluttered. OP notes the emerging saltmarsh habitat within the HIE site. GHall talked through HIE general site context including the Scheduled Monument and potential for further WW2 assets to be identified on site in the future. Confirmed that MoD have increased the risk site from 4 to 5, being one of only 6 x UK sites with this classification. Development of HIE would result in the loss of the SINC and also cannot have water access due to the scheduled monument. TB confirmed that HIE was currently a draft employment allocation. He wanted to talk to the promoter team about the site, including bus routes and use of the bridge. NLD reiterated the importance of the bridge for the city transportation purposes and the pressure for development land across the city generally, so the removal of HIE from potential allocation for development would need very careful consideration. GHall suggested it would be appropriate to have a separate meeting between the promoter team and LPA to explore the status of HIE. Action: GHall to organise meeting with LPA regarding future of HIE. DA noted concern for meeting time running out. ED talked through the costs of developing HIE as per presentation slide which were advised show poor viability for the site and significant qualitative benefits in placing all of the Marine Hub on the single Tipner West land mass.	GH - ASAP

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			<u>Option 5&6</u> - <i>"Terrestrial SPA/Ramsar retained and reclamation from the marine SPA"</i> AD talked through the two options, suggesting reclamation might be more feasible to the west of TW than to the northern bay. Using HIE for POS was suggested as a means to enhance density on the main TW landmass. GHall stated that these options were not favoured by the promoter team. <u>Options 7-9</u> - <i>"Development terrestrial SPA/Ramsar, provide enhanced terrestrial and marine SPA at HIE"</i> AD talked through these options. GHall noted the issue of potential functional loss of the terrestrial SPA/Ramsar being a key factor for these options. <u>Options 10-11</u> - <i>"Develop terrestrial SPA/Ramsar, provide enhanced terrestrial and marine SPA at HIE and reclamation"</i> AD outlined these two options, involving reclamation along the western edge of the TW landmass and using HIE as compensatory habitat. <u>Options 12-13</u> - <i>"SPA/Ramsar partially retained, marine employment on HIE."</i> GHall advised that these were additional options involving partial loss of the terrestrial SPA and reclamation to the west, potentially allowing a retained and improved terrestrial SPA/Ramsar habitat whilst retaining HIE for employment development. OP returned to briefly outline options for habitat creation at HIE, noting existing saltmarsh evolving at the site. A 7ha site, adjacent existing SPA/Ramsar and SSSI. Very preliminary sketch, not detailed assessment done to date. Concept would be that the inlet east of the slipways would provide for opening up intertidal creeks within the site. NLD asked to pause this for future discussion given the importance of seeking Panellist views on the options in time remaining.	

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3	Discussion	All	Panel comments on Metric and options <i>[Note that specific written answers to submitted promoter questions are also be provided by Panellists- these minutes do not directly reference these separate responses]</i> <u>Natural England</u> Supportive of metric approach in principle, subject to precautionary principle being applied. Really useful to review and understand viability and the need to achieve a certain sq footage. NE will never be supportive of losing SPA but the law allows that to happen if relevant tests are met, and so it is determining which impact, if inevitable, is optimal. Concerns over wetland on land South of Firing range (LSFR) as buildings to north could impact it. Very difficult to identify any preference. On balance, it might be better to have a really good compensation site than a poorly managed SPA site (LSFR) even if restored. Keen to engage on design options for compensation. Amount of reclamation on options 12 & 13 raises issues. [DA asked for view of NE if LPA were to firstly restore the favourable status of the terrestrial SPA, what would be their view?] GH stated that NE needs persuading that LSFR could ever be well managed to achieve the number of birds with housing around it, whilst HSIE provides good separation. <u>Environment Agency</u> Support the approach to using the metric. Keen to understand how to deal with existing biodiversity on compensation sites. Would endorse NE position on the optioneering. Cannot yet express a preference. Would like to understand approach to flood risk and flood risk management eg land raising (meeting set up). Keen to reduce the amount of hard defence and to understand impact of ground conditions on optioneering. Struggling to understand how good HIE could actually be as a habitat site but this needs to be explored in a lot more detail.	

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			<u>MMO</u> [Comments to be sought separately] <u>Coastal Partners</u> [Comments to be sought separately] <u>RSPB</u> Fundamental concerns about the use of a metric as previously raised. Should use professional judgement and not just rely on quantification (see comments earlier) Strongly disagree with NE as 'moving the SPA' is not compatible with the Habitats Regulations. Want to see SPA well managed in current location. Options 1-3 are the only options they will consider and cannot support anything else as the case will fail and set a damaging national precedent for loss of unfavourable SPA to development. Option 4 is out of the question as still crossing a red line but we are not the gatekeepers - it's the case you make to government There are real questions as to whether or not City Deal can ever be delivered. It is possible to manage recreational pressure close to sensitive areas and this must be explored. <u>HIWWT</u> Share the fundamental concerns of the RSPB with use of the Metric. Can't support any options, it is what is least objectionable. Agree fully with RSPB. Issue taken with the 9 Principles used to screen the options and therefore the basis of the optioneering comparison that resulted. The screening criteria are highly arbitrary, in particular the assumed 'non-significance' of reclamation less than 27ha. Options 1-3 are less objectionable and potentially within the legal red lines. But we are not here to support an option. The other options 4 and onwards are moving into	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			difficult legal territory and we are concerned at the continued uncertainty by this project being perpetuated. It's all SPA and should be restored and protected equally as legally required. Can't expect HIWWT to accept that SPA can simply be moved at random. The same principle applies for Listed Buildings - if they were allowed into disrepair, it shouldn't mean that they make way for re-development. The meeting should have spent more time interrogating the options so has not been the best use of time. <u>Historic England</u> Wish to be helpful in the process. Supportive of an option that ensures the long term sustainable future of the listed buildings and ancient monuments, with or without public access. Urgently need to see the baseline Statement of Significance that has underpinned the optioneering. Need to consider setting, context and impact to listed buildings. Happy in principle with marine employment in or around the listed buildings, subject to detail. Public access is preferential but repair and bringing back into sustainable use is priority. Essential to consider tidal scouring from dredging and impact of proposals on Scheduled Monument (slipways). Secondly, a Landscape and Visual Impact Assessment with Zones of Theoretical Visibility, wireframes and photomontages would help with assessing appropriate massing.	
7	AOB	All	ED talked through some of the residential margins from each house type having regard to the infrastructure costs of the development, to demonstrate the significant increased positive margin for houses relative to flats/maisonettes. Aiming to create homes for the local market. Would be 30% affordable housing. There are also on-costs incurred by the Building Safety Act (post-Grenfell). These are all making development above 7 storeys essentially non-viable. Also advised that employees of a marine employment hub would have greater demand for 2/3 bed houses rather than flats/maisonettes.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			SS noted that options 2-3 state 'No' to viability? What is the data? ED confirmed that the basis of viability for Option 1 applies equally to options 2-3. SS asked for the assumed mix? ED indicated that it is 40% apartments/60% homes. SS asked if viability would change with changed mix? ED confirmed this would be the case but if more flats, there would be an exponential need for more land and thereby reclamation. A separate session should be arranged to run the Panel through the change between DAelling types and land/reclamation need. NLD noted that the Panel were requested to respond to the 27 specific questions raised by the promoter team at the earliest opportunity [ideally by Friday 7th July), if necessary focusing on certain key questions time permitting. OP noted that a further discussion could perhaps be held to consider further surveys needed eg. bats, Terns. Need to avoid seasonality problems.	NLD/ED - ASAP NLD - ASAP

Meeting Closed: 3.30pm

Date of Next Meeting: 15th August 2023 - time and format TBC

Anticipated Panel Topics: TBC

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Interim Meeting 3a**
Date: **26th July 2023 @10:00-11:30.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies - PCC (LPA) - <i>NLD</i>	Kevin Hudson - TRP - <i>KH</i>
Adam Cave - EA - <i>AC</i>	Gavin Hall - Savills - <i>GHall</i>
Graham Horton - NE - <i>GH</i>	Simon Fife - Savills - <i>SF</i>
Mary Bell - NE - <i>MB</i>	Rebecca Brookbank - EPR - <i>RB</i>
Carrie Marchbank - RSPB - <i>CM</i>	Owen Peat - WSP - <i>OP</i>
Jack Rhodes - RSPB (guest) - <i>JR</i>	Emma Davies - F&G for TRP - <i>ED</i>
Sienna Somers - HIWWT - <i>SS</i>	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions	NLD	Apologies from Lucy Howard and Tom Bell (PCC), Louise Forsyth and Alex Bellisario (Historic England), Laura Lax (EA), Hilary Crane (Coastal Partners), David Allwright (HIWWT), Heather Richards (RSPB). Kevin Hudson (Head of Development) introduced himself to the Panel advising he is replacing the former project lead Megan Carter. NLD explained that this interim Panel meeting was pursuant to discussions and requested actions from the previous June meeting (#3), to provide further	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			information about the promoter team's development of a bespoke Metric for use in project assessment and also for F&G (on behalf of the promoter team) to explain more about the viability constraints and market factors affecting potential scheme selection.	
2	Promoter Team Presentation and Discussion Impact Assessment Metrics and Methodology	RB	RB outlined a draft EPR report "<i>TRP SPA Metric Review</i>" which outlines the work undertaken by EPR in reviewing the previous iteration of the former Environment Bank bespoke metric created for the LXP project. <i>[A copy of this report is due to be circulated imminently and Panellist comments would ideally be added to these Minutes]</i> The document contains a review of the existing guidance for assessing impact and compensatory measures, including the DEFRA "Best practice guidance for developing compensatory measures in relation to Marine Protected Areas"(July 2021). This identifies a hierarchical approach to guide the selection of compensation measure, beginning with like for like measures as first level, with subsequent steps requiring an increase in the extent of compensation required. This can be described as: i) Address same impact at same location; ii) Same ecological function at different location; iii) Comparable ecological function at same location; and iv) Comparable ecological function at different location. With regard to the use of ratios in determining quantum of compensation, 1:1 is stated to be in exceptional circumstances only and should be considered on a case by case basis. Factors considered should be the extent of impact, the environmental value and function of the affected feature, the value and function of the compensatory measures, location, speed of creation and longevity/management for future success.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Reference was also made to the DEFRA Biodiversity Metric and guidance thereto. User guidance indicates that the use of the metric: • can measure biodiversity loss and gain in a consistent and robust way; • can predict the likely effectiveness of creating new or enhanced habitats; • should be used in combination with appropriate professional advice; • can assess scale of impacts and required compensation; and • balance robustness with simplicity. In addition, RB noted that the guidance adds that the metric outputs should not be seen as absolute, should not be a substitute for expert ecological advice and does not override planning policy and legislation, including the mitigation hierarchy outlined above. The report recognises that to date the metric has not been used in a designated site context and that the guidance for Defra Metric v.2 states that a metric should not be used in such cases. However, Defra Metric v.3.1 appears to relax this position, to help provide 'indicative picture' of biodiversity value, supported by bespoke advice and in addition to indicate quantum of replacement habitat. [Post Meeting Note: RSPB have noted that this statement ('appears to relax this position') is not considered to be accurate, noting "<i>The position is set out fully in the explanatory notes to the Environment Act (paras 1750 & 1751)</i>". As the EPR report notes, the guidance itself was condensed between v2 and v3 because v2 was a consultation draft and much of this fundamental information was then set out in primary legislation". RB explained that nonetheless, subject to securing as much agreement as possible on the metric components/methodology, EPR consider the metric therefore still be a useful tool as part of wider professional assessment, supported by the latest Defra guidance. RB proceeded to outline previous Environment Bank work on the metric and talk through the methodology as adapted by EPR in consultation with the Panel. [Rather than repeating this in these minutes, Panellists are referred to the document itself to review].	

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			NLD noted that the RSPB and HIWWT had previously expressed strong reservations about the use of the Metric but that the clarifications on existing guidance appeared to suggest the use of a bespoke metric could have application alongside other considerations in any assessment. JR said that the RSPB disagreed with the use of a bespoke metric that uses the same structure as that of the Defra Metric. RB proceeded to explain how development site options 1,5,6,9,11 and 13 had been subject to both viability testing and, subsequently against the modified metric and the assumptions thereto. It was indicated that having regard to the need for development to meet the Full Council 9 Principles, including optimal viability and minimal funding gap, Option 11 scored best overall. NLD asked for a reminder of Option 11, which RB explained involved 1142 homes with development of land south of the firing range and approximately 5ha of reclamation, with compensatory habitat at Horsea Island East. RB stated that this was a preferred option for the promoter team at the current time. NLD noted that as far as the LPA was aware, no preferred development option had yet been selected as the next stage of more detailed option assessment has not yet taken place, in consultation with the Panel. RB confirmed that no option had yet been selected, but that she is highlighting the high level outputs of assessment of options against the FC Principles, viability and City Deal and that the Metric has assisted this process in quantifying the current function and condition of habitat and in particular informing compensation, including options outside Portsmouth Harbour. In sum, RB noted the continued concerns of RSPB/HIWWT on use of the Metric but also agreement in principle by NE/EA on the use of a Metric for the purposes outlined. RB added that the Metric will continue to be refined by the promoter team, noting concerns raised about the use of ordinal scores. JR reiterated RSPB concerns on this point and how such scores have no granularity in 'real world'	

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			conditions, how DEFRA maintain concern about the use of a Metric for designated sites and referencing other points raised in the RSPB's responses to the June Regulatory Panel meeting. NLD stated that as far as the LPA was concerned, it considered there to be potentially a role for the metric in guiding the assessment of impact and compensation quantum, having regard to other historical projects having adopted something of a 'finger in the air' approach. JR stated that he didn't feel this was the alternative as professional judgement based upon evidence would be more robust than reliance upon a flawed mathematical tool. GH commented that the key point is that the Metric works alongside all of the ecological judgement and professional opinion, so on this basis Natural England do not object to its use as part of the assessment process. RB referred to the next steps being outlined on page 15 of the draft report, being: i) GIS analysis of the most recent WSP bird survey data to review the SPA function classifications previously proposed by the Environment Bank, in particular the relative representativeness for SPA qualifying species considered individually and collectively. ii) Further consideration of the categorical approach to metric scoring and whether GIS analysis can be used to review the SPA function scoring parameters in the context of 'real world' habitat function. iii) Review of the SWBGS data and site classification process, linked to the review of SPA function categories previously proposed by Environment Bank. iv) Further research on case study examples, including experience gained by Regulatory Panel organisations, to sense check the relevance of the Defra Metric habitat creation multipliers in an SPA context. v) Formulation of trading rules to ensure that, where appropriate, only 'like for like' or better can be accepted as compensation; and	

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			vi) Use of the metric alongside appropriate sensitivity testing of metric input parameters to hone parameters with the greatest influence on metric outputs and to ensure that the precautionary principle is mindfully employed as part of the parameter selection process. GH noted that each element of the use of the metric, assessing scoring, involves some professional judgement too, so this professional input runs throughout the process. CM - starting to understand how the Metric might be used but RSPB maintains its concern about the extent of its use and mathematical flaws. If there is to be so much professional judgement anyway, what does the metric actually deliver? JR added that it remains very questionable as to the risks of churning all the professional judgement through a flawed metric calculator. This risks losing the context of the original objective data. AC shares some of the reservations made by JR adding that there is a further problem in that so much time is spent on discussing this metric, whilst the Panel is not seeing more of the professional assessment and 'real world' evidence. SF responded that a benefit of a metric, especially at development optioneering, is that it actually applies a degree of consistency in decisions made. NLD concluded that it appeared to be the case that broadly use of the metric was supported by the statutory regulators in the manner proposed. CM expressed concern that the metric was already feeding into the selection of options and that a number of the options have already fallen away. There was significant surprise that Option 11 was indicated in the EPR report as somehow having a lesser impact on the SPA relative to other options eg. Option 1 with no direct land take from the SPA. RB stated that the metric has not been used to inform option selection to date but the report is simply looking at its potential role going forward. The reference to Option 11 in the report factors in other considerations of project viability and deliverability, noting City Deal requirements and the PCC Full	

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			Council Principles. GH added that the metric has had no input to the viability work either and that the options selected for further consideration by the LPA have been based upon these Principles only. CM stated she was keen to see the costings information but asked if the costs associated with compensation were included, and if so, based on the metric? GH stated that the metric had not been applied at this stage and that professional judgement had informed estimates of compensation quantum/cost in each option scenario. JR urged the promoters to avoid tying themselves in knots around the metric and it could undermine all of the other good evidential and professional work being done. RB recognised the comments from JR and would only use the metric if it helps the project. AC stressed that, to avoid misunderstanding, the EA's position remains that such compensatory habitat must be in place before the SPA harm is caused.	
3	Project Viability	ED	Faithful+Gould presented an overview of the financial modelling used to appraise the various options. The current financial modelling uses a “serviced land” value approach, whereby the master developer ie. Portsmouth City Council, undertake the primary infrastructure works and prepare serviced land plots which are sold to developers to deliver the residential and commercial accommodation. This is a standard industry approach. The values and primary costs included in the model were shared with the panel (subject to strict commercial in confidence restrictions) and how these are used to generate a serviced land value. The serviced value is then used to pay for the site wide infrastructure. Faithful+Gould emphasised there is a baseline infrastructure cost, excluding any reclamation costs, to cover land raising, sea defences and utilities infrastructure that is substantial given the location and nature of the site. The financial modelling includes for the infrastructure to the marine employment zone – this includes slipways, lifting hoists, dredging, access bridge and pontoons. Included in the infrastructure is an allowance for habitat compensation, which adjusts according to the requirements of each option. To date option numbers 1, 5, 9, 11, 12 and 13 have been modelled and the initial results of this modelling were shared with the group	

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			AC noted that a significant component of the viability deficit was reclamation. ED confirmed that broadly this amounted to £7m per hectare reclaimed. AC queried if the numbers included assumed costs of compensation? ED confirmed this to be the case, but of course an estimate having regard to previous work done for LXP. AC noted that there have been dramatic market changes recently in terms of expectations for BNG and costs may be higher than expected. CM concurred with AC comments and expressed a wish to see the compensation figures. SS noted that the viability picture outlined demonstrates the significant difficulties facing development of this site. Interested to understand how viability interplays with the case for IROPI. NLD referred to the submitted Reg.107 IROPI Opinion request which contained commentary on viability in this context, albeit at Local Plan level.	
4	Post Meeting Panel comments (if any)	All	<u>Panel comments on Metric and Viability Presentations</u> <u>Natural England</u> No additional comment <u>Environment Agency</u> No additional comment <u>MMO</u> No additional comment <u>Coastal Partners</u> Did not attend as metric and viability not within Coastal Partners remit. <u>RSPB and HIWWT</u> Overarching comments on the Tipner SPA metric (as set out in our earlier email of 4 July 2023)	

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			To summarise, the RPSB's basic-level concerns with the proposed SPA metric are: • There is a fundamental problem with using a metric of this type to quantify SPA requirements, because the scoring system used is on an ordinal scale: the gaps between the 2-4-6-8 function scores, 1-2-3 condition scores and 0.1-through-1 difficulty scores are not even ones, so for example an area with a V High=8 function score is not in truth 33% more valuable than a High=6 site and 400% more valuable than a Low=2 site. In mathematical terms these different scores cannot be meaningfully multiplied together and so the 'Unit' outcome is not in any proportion to the on-the-ground reality. This is one of the reasons Defra have stated their Biodiversity Metric cannot be applied to protected areas. • Many of the functions included in the 'function' score are non-fungible, i.e. they can't be traded off against each other. It would not be ecologically valid to trade e.g. roosting sites against foraging areas or intertidal for subtidal ones. This can be seen clearly in the extreme case that if all areas of the SPA were converted to the 'Very High' function category (currently defined as 'recorded roost site for qualifying species') then the relevant populations would in fact collapse from lack of forage sites. This makes it invalid to compare, rank and score these functions in the way that the proposed metric does. • More broadly we're concerned that the Promoter team have a view that a metric of some sort is objective, while ecological analysis and design would be subjective. In truth this proposed metric is highly subjective in its assumptions and score allocations, and then multiplies these assumptions. This is likely to be true of most metrics, hence why we would strongly favour a professional ecological judgement-based approach to determining compensatory needs. Comments on the EPR report (dated 10 Aug 2023, <i>received and reviewed post-meeting</i>) Para 1.4 We believe it is misleading to characterise alternative approaches to determining SPA compensation as being 'based solely on professional judgement, which led to the identification of an impact to compensation 'ratio''. Professional judgement is at the	

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			heart of all ecological impact assessment, besides which there is an growing body of research evidence and practical experience of habitat creation underpinning such expert judgement when it comes to compensatory requirements. Furthermore, as we have previously stated (in our comments on the earlier draft metric report), in our experience SPA compensation schemes have long since moved away from a simple hectare-based 'ratio' approach. We would therefore be interested in any further justification for the statement that the Tipner SPA metric is 'considered to provide an improved quantitative approach'. Para 2.3 We consider that the SPA metric as currently designed breaches these Defra principles by not focussing on replacing the same ecological function, as well as allowing a score for subtidal habitat 'created' on the footprint of destroyed intertidal interest. Para 2.5 Again, the SPA metric losses the important focus on ecological function, which is highlighted strongly in the Defra compensation guidance being quoted. Paras 2.12-19 Defra's warnings in paras 2.12, 2.14 & 2.15 are strong ones and closely reflect our concerns about the use of the SPA metric. The statements in paras 2.18 & 2.19 (& 2.48) to justify the use of the metric are not consistent with these Defra guidance points. Figure 2 & para 2.32 It is unclear whether the reference under para 2.32 to "Terrestrial SPA function assumed to be 'High' on the basis of restoration duty" has been applied to the land south of the area of terrestrial SPA south of the Firing Range, which is categorised as "Low SPA function" on the Environment Bank map reproduced in Figure 2. In addition, it is unclear whether the SPA Metric work is treating SPA Functionally Linked Land (FLL) within the Tipner Firing Range as if it were SPA. Figure 2 (& Table 1 which identifies 7ha of SPA loss against Option 1) suggests that it is being	

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			considered equivalent to SPA. For the purpose of the options assessment, it is extremely important that a clear distinction is made between the loss of SPA and the loss of this area of FLL. This is because, based on our current understanding of its usage by the SPA birds, loss of the Tipner Firing Range (although undesirable and requiring replacement) would not trigger the derogation tests (i.e. no alternatives and IROPI) and therefore should be assessed very differently in terms of risk/deliverability of development options that involve loss of this area and those that additionally involve loss of habitat from within the SPA boundary. The SPA Metric work currently appears to blur this important difference. Para 2.34 This para requires updating to reflect the new minimum housing requirement for Tipner West (i.e. 814 homes). When this is applied (and the above distinction made between compensation requirements of the FLL as opposed to habitat within the SPA), it is clear that Option 1 would result in the least amount of harm to the SPA. Paras 2.37 & 2.38 We do not agree with the logic behind paras 2.37 and 2.38 – there have been too many assumptions put into the algorithm by this point for it genuinely to add utility to the decision-making. The metric is not able to challenge these, only to echo them back. We consider that the consultants should have tried to check this, but no analysis, sensitivity testing etc. needed to justify these statements appears to have been carried out. Para 2.40 The ‘benchmark’ test described in para 2.40 is inadequate as it only looks at overall area ratios and not loss of ecological function. Para 2.45 We would like it clarified that the RSPB concerns set out under para 2.45 were originally sent to Environment Bank in 2021. Para 2.47	

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			We would be grateful for further information on how each of the exercises listed under para 2.47 will be approached, and the respective timescales envisaged.	

Meeting Closed: 11.45am

Date of Next Meeting: 15th August 2023 @10am via Teams

Anticipated Panel Topics: TBC

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 4**
Date: **15th August 2023@ 10.00am-12:30pm.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies - PCC (LPA) - <i>NLD</i>	Charlotte Hunter - TRP - <i>CH</i>
Lucy Howard - PCC (LPA) - <i>LH</i>	Megan Barnard - TRP - <i>MBd</i>
Tom Bell - PCC (LPA) - <i>TB</i>	Julie Knight -
Hilary Crane - Coastal Partners - <i>HC</i>	Gavin Hall - Savills - <i>GHall</i>
Laura Lax - EA - <i>LL</i>	Simon Fife - Savills - <i>SF</i>
Adam Cave - EA - <i>AC</i>	Robin Henderson - Savills - <i>RH</i>
Linda Brewis - MMO - <i>LB</i>	Owen Peat - WSP - <i>OP</i>
Jonathan Shavelar - NE - <i>JS</i>	Ian Fielding - WSP - <i>IF</i>
Graham Horton - NE - <i>GH</i>	Emma Davies - F&G - <i>ED</i>
Mary Bell - NE - <i>MB</i>	
Heather Richards - RSPB - <i>HR</i>	
Carrie Marchbank - RSPB - <i>CM</i>	
Sienna Somers - HIWWT - <i>SS</i>	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes	NLD	Apologies from Alex Stevenson (MMO), Louise Forsyth (HE), David Allwright (HIWWT), Kevin Hudson (TRP), Rebecca Brookbank (EPR) NLD talked through the actions arising from the Meeting #3 Minutes, noting that these had now been addressed, notably meeting with the MoD about Horsea Island East (HIE). NLD noted that the consultants acting as liaison between MoD and the TRP Promoter team (Evolution Security) had confirmed in such meeting that the MoD were not in fact resistant to development at HIE but simply that any development should be controlled/designed to ensure avoidance of direct line of sight into the facility (HMS Excellence); indeed, the a developed and managed site might indeed be preferable to the status quo. Non-residential development could therefore be permitted subject to height restrictions (eg. two storey) and care with regard to window positions. OP confirmed that additional surveys in respect of bats and Terns, as also alluded to in the meeting minutes, were to be undertaken when appropriate to do so.	
2	Proposed Updated PCC Project Principles	LH	LH outlined proposed changes to the formerly approved 9 x Development Principles as set down by Full Council in November 2022. A copy of these draft revisions (as presented to the Panel) are attached to these Minutes. The following comments were raised (by Principle): Principle #1 - CM noted that specific reference to just 'birds' was too limiting given also the Ramsar site interests whose qualifying interests are broader in habitat coverage. LH and JF noted that a balance needed to be struck between achieving 'Plain English' understanding of the wording and the need to be technically correct. CM felt that reference to avoiding loss of protected areas would probably be the most straightforward solution. SF noted the possibility of footnotes. NLD noted that the document contained rationale alongside the Principles themselves and hopefully this would be sufficient. GH pointed out that the use of the word "Achieve" at the beginning of Principle 1 could cause problems for the project especially if reclamation is to be proposed -	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			notwithstanding compensation that might come forward, on the face of it any project with reclamation could be said to fail the 'Achieve the Conservation Objectives' Principle. Principle #2 - CM broadly welcomed the Principle wording. But queried what 'Greening the City' means. Could more be added to the rationale. Action: TB to add some further words to the rationale to explain what this means. SS said 'Greening the City' remains vague, noting that development may come right up against designated site boundaries (and potentially inclusive of) and green infrastructure will be essential. Difficult to reconcile 'Greening' with the extent of development proposed. HR noted that simply referencing 10% BNG is not ambitious enough in the context of 'Greening the City' whilst recognising the constraints facing development of this site. Other LPAs are pursuing say 20%. LH noted this and explained that the impact of development upon the designated sites (and compensation where needed) probably took priority over the specific % of BNG at Tipner. AC noted that a scheme of this scale should nonetheless be ambitious and meeting the statutory requirement of 10% was not enough. AC stated that the EA has a 20% ambition. Principle #3 - GHall explained that the minimum homes figure of 814 was the residual number of homes sought for delivery through the City Deal (2,370), recognising permissions since granted for development at Tipner East and the continued draft Local Plan proposals for allocating 500 homes at Port Solent. CM queried if HIE couldn't be developed for marine employment, would it still be necessary to have 58,000sqm on Tipner West? GHall explained that the 58,000sqm figure has been identified as providing a critical mass for a successful marine hub. It would operate more successfully if located solely on the TW site (circa 7.2ha) than if split with HIE [note: refer to reasons previously outlined in presentations (Reg Panel #3)]. SS asked if the requirements of City Deal were a contractual/legal expectation? NLD noted that he understood that there were contractual documents relating to the funding but that he had not had sight of this. GHall confirmed this to be his understanding too. But in any event Government do follow up on delivery of the City	TB - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Deal and have recently sought (and obtained) an update from PCC on the current position. CM asked if it was possible to share the contractual details of the Deal? NLD considered this unlikely. GHall added that in any event it is necessary to have a minimum number of homes to support the delivery of the marine hub and to help secure optimal project viability (or to minimise the viability deficit as far as possible). The Marine Hub requires this enabling development. HR asked if housing could be placed on another site? If, for example, there was a loss of 10% level of housing delivered, would this mean a 10% return of the grant funding? GHall not aware that this would be required but likely require explanation and negotiation with Government if the terms of the Deal were not met. The expectation would be that the development would be on-site. ED explained that in any event, City Deal exists to address market failure, that the Government wishes to see a new regionally significant marine hub but due to the significant infrastructure and enabling works required, grant funding has been required. The on-site housing is needed to enable and complement the marine hub and the cross-subsidy of housing delivery alongside delivery of the marine hub are essential to attract investment. Principles #4 and #5 - no comments. Principle #6 - HC queried if the list of regulators should include the LPA? LH noted that the Principles are intended for the whole Council, including both Promoter and LPA arms. As such the LPA would be expected to follow them as much as the Promoter team. It was not necessary to add the LPA into the Principle therefore. CM expressed some concern about the words "working in partnership with RSPB/HIWWT" [REDACTED]. Action: CM to discuss with colleagues and also HIWWT and revert with suggested wording. Principle #7 - CM noted that this would fundamentally contradict Principle #1 which seeks to 'Achieve the Conservation Objectives' - reclamation would fail to do this, notwithstanding derogation. Principle #7 therefore mis-directs and Principle #1 should suffice in this regard.	CM - ASAP

Commented [CH1]: Who is ED? Not on list of attendees

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Overarching Objective (OO) SF explained the current draft Overarching Objective wording for the Project being: <i>"To deliver sustainable growth in the Solent economy by providing a marine employment cluster providing 58,000sqm of employment floorspace with associated housing and infrastructure accommodating between 814 and 1,250 homes at Tipner West and Horsea Island East, whilst remaining consistent with the Vision for Portsmouth of Greening the City and achieving biodiversity net gain."</i> SS noted that it failed to pick up on Principle #1. GHall noted that Principle #1 covers the legal tests pursuant to the Habitat Regulations and would need to be addressed anyway. NLD noted that the wording of the OO was intrinsically more generic. LH and CM noted that the OO needed to encapsulate the need to protect the special interests of Portsmouth Harbour up front, rather than as something of a 'tag on'.	
2	Promoter Team Presentation and Discussion (a) Second stage option screening criterion (b) Sea Defences Strategy Update	GHall, SF	<u>Part (a) - Second Stage Option Screening Criterion</u> SF and GHall outlined the draft Matrix, shared with the Panel via the Savills Box sharepoint prior to the meeting, outlining each proposed criterion in turn, the options to be assessed against them plus for the Elements tab. GHall explained the purpose of the 'Elements' tab, being to break down the various components that appear on the Options being presented, as no single Option is anticipated to be fixed/final at this stage. NLD explained that the LPA wished to have Panellist input to completing the Matrix, enabling the LPA to garner all comments and inputs before reaching any sort of conclusion on the way forward. [post meeting note: To clarify, the LPA is happy to receive Panellist comments on the Options/Elements either by way of direct input to the Matrix spreadsheet itself or otherwise separately by email/letter having regard to time/resource constraints. The LPA wishes	

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			<i>Panellist feedback on the Elements in particular before the promoter team progress to the next stage of option selection]</i> GHall has indicated that no particular scoring is proposed currently. Even though there is reference to the Metric (which has scoring) this is balanced against professional judgment also. GH asked for clarification as to what was being sought of the Panellists. NLD asked if either Panellists could populate the matrix cells themselves or otherwise provide comment to the LPA separately. GH confirmed that on the face of it, the criterion presented appeared to be acceptable. MB suggested that the Navigation criteria should go under Socio-Economic, rather than Environmental considerations? This was agreed by GHall. AC queried the approach to the Biodiversity Metric Impact criteria? GHall referred to the guidance in Column F of the matrix. AC said that ordinarily the EA would review the outputs of work produced by the Promoters/Developers. The EA would not normally input to such documents directly. NLD agreed to raise with the Chief Planner [<i>refer to notes in italics above</i>]. SF noted that it was important to have meaningful feedback. OP stressed that, with the various Elements, some may suit some regulators more than others. But advice wherever possible on these Elements, however presented, would be welcomed. AC expressed concern that several criterion cannot be answered as the detailed evidence in some instances has not yet been presented. It is for the promoter team to outline this. LB confirmed that the MMO did not have any particular comment to make on the criterion and would be happy to provide comments on a populated version. CM confirmed that the RSPB would be more comfortable with commenting on a pre-populated version. But in any event, the RSPB had doubts about the criterion proposed, which she felt was confused. The use of the Metric was still considered inappropriate and should be replaced with a professional judgement approach. Furthermore, presentation of compensation options was premature and shouldn't be in this Matrix. The question of compensation	

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			should come for consideration later - the focus should be the development options. HR added that the description for row 5 (Biodiversity Metric Impact) should be clearer, with an explanation as to what it comprises (ie. in assessing impact upon the SPA). By breaking down the options into various components, it would now need to show how these impact upon deliverability of the scheme. Some elements might be absolute show-stoppers. NLD asked HR if the Elements was potentially getting too fragmented and if, for purposes of HRA, focus should remain on the Project Options? HR felt that for the Elements, it wasn't clear how each could be delivered in isolation as the linkages shown between the Elements (in the Options) have been removed. This is especially true for compensation, as its impossible to 'grade' a particular compensation Element without knowing what it stems from. NLD asked if any criterion were missed out? CM stated that the criterion "Biodiversity Metric Impact" should instead be "Impact upon Statutory Designated Sites" or similar. GH noted that the promoters are trying to weigh so many competing demands. Not convinced that this is the best way to progress decisions on the project. Suggest narrowing it down to perhaps 2-3 options and have one that avoids SPA harm completely (as far as possible), another with reclamation and perhaps another at a mid-point. This might be much easier to assess. NLD explained that it might be very difficult to fundamentally shift the approach to option selection at this point as PCC is part-way through a 'roadmap' of option selection, reducing from 13 to 6 and time was running out for final selection. However, the points raised were understood. CM wondered if there could be a RAG or weighting approach? GHall stated that the Promoter team wanted to move away from scoring as this was something considered flawed in the first stage sift. RAG rating can be difficult if there is a perceived imbalance in the criterion being put forward (eg, too many on socio-economic) and hence a skewed RAG scoring.	

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			SF stated that eventually the selected option would ultimately go through formal HRA process in any event. AC noted that not all criterion can necessarily be equal. But on balance it is probably better to 'bit the bullet' and move forward to undertaking HRA for the options, pursuing professional assessment sooner rather than later. SS confirmed that HIWWT would struggle with time and resource to populate such a matrix. Also noting that some options have increased from 650 homes to 815 - how has this been achieved as it differs from the first stage sift, so there was an inconsistency? There is a fundamental difference in how these options are presented. NLD explained that this has happened to reflect City Deal numbers. GHall and ED said that the viability position of these options in terms of deliverability is being looked at currently and how this might be achieved in terms of density. GH considered that it might be more straightforward to simplify the questions, for the Council to answer in the first instance: - Does all the marine employment have to be on one place, or not? - What is the amount of housing to be delivered? - Are we going to build on the SPA? - How much viability gap can the Council tolerate? In answering these questions, the option coming forward might be easier to identify and select? The Panel are being asked to comment on small components of different options, but surely the most important questions are the more fundamental ones I've alluded to. These are difficult leadership questions. SS added that this reflects on PCC leadership too. GH feels that the Panel cannot provide the answers on these key points which are highly political. NLD asked if HC had comment on this, whether this matrix was appropriate for optioneering purposes or more so on a final option. HC said that Coastal Partners would use such a matrix when undertaking short list option appraisal for our coastal schemes, and would pre-populate it before circulating to consultees for comment. This should be the approach	

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			taken and a RAG could be applied at a high level (eg. Does the option/element meet legal requirements and the project principles for this criterion: Yes/No/Partly). This could give an indication of options/elements that mostly score red and should therefore be sifted out vs options that mostly score green and would therefore be strong contenders for leading option. HC reminded that the list of policy documents should include the North Solent SMP and the Portsea Island Coastal Strategy Study (PICSS). Option descriptions were confusing, eg. Option 6 had two quantum of homes listed. Option 1 referred to compensation off-site but from what impacts? NLD advised that he was minded that compensation should now be removed from the matrix. <u>Part (b) - Sea Defences Strategy Update</u> IF outlined a series of slides updating the Panel on what has been discussed to date with the Environment Agency/Coastal Partners and LLFA. <i>[These slides are on the Box sharepoint]</i>. NLD noted the absence of images at this stage. IF confirmed that this was not provided yet as the preferred sea defence design remained under discussion. HC confirmed that Coastal Partners had been engaged in these discussions, noting that a revetment solution would have a greater impact on available development footprint than a vertical sea wall for example. NLD noted that any assessment on options would have to be caveated upon the detail of matters such as sea defence design and other detailed engineering, especially if these works have footprint implications.	
	AOB	NLD	CM asked if the IROPI Opinion had yet been received. NLD confirmed that this had not happened yet. LH noted that a Draft Local Plan Advisory Meeting	

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			with PINS is scheduled for the next day and it was hoped to have the IROPI Opinion for that meeting but unfortunately this had not been possible.	
3	Further Post-Meeting Advice	All	<u>Panel comments on [Note that specific written answers to submitted promoter questions are also be provided by Panellists- these minutes do not directly reference these separate responses]</u> <u>Natural England</u> . Thank you for sending circulating these minutes, and please find below our comments on the options and elements matrix. These comments are generally quite high-level as the amount of information available makes it challenging to comment in a meaningful way. We have provided views on these matters in previous rounds of correspondence and these comments still stand. <i>Options</i> As previously indicated Natural England cannot support any loss to areas of designated sites, which is applicable to options 4, 6, 9, 11 & 13. Option 1 does not result in direct loss although consideration of impacts to the terrestrial SPA south of the firing range should be incorporated into the project design. It may be extremely challenging to provide adequate compensation, particularly for those options which involve greater loss. Option 13 includes c.4.5ha of reclamation and yet could provide only 55 more homes than Option 1, which does not involve reclamation. If these options are progressed I would ask that further information is provided on this aspect. Detailed impact assessment of coastal processes would be required for options that include reclamation into Portsmouth Harbour. 'Compensation' is referenced within Option 1 although this does not result in direct loss. It is understood that this reference will be removed from the matrix.	

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			As discussed during the Regulatory Panel #4, the housing numbers for some options differ to those within the previous options matrix dated 16.6.23 in order to reflect the City Deal figures. The viability of these options is being worked up. I would advise that assessments of impacts are based on finalised housing figures for each option to enable accurate environmental assessment. Elements <i>Land Mass</i> Natural England cannot support any loss to designated sites. Should an option be progressed which involves direct loss, comprehensive compensatory measures would be required to satisfy (in part) the derogations tests. <i>Compensation</i> As a general principle it is preferable to local compensation close to the point of loss where possible to increase certainty in its intended ecological functions. Compensation should be tailored to reflect the nature of losses incurred in order to protect the coherence of the ecological networks. We would be happy to comment in more detail on the relevant environmental aspects of the proposals once further details are provided. <u>Environment Agency</u> No further comment <u>MMO</u> No further comment	

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			<u>Coastal Partners</u> <i>Screening criteria</i> The screening criteria that are most relevant to Coastal Partners' remit, and therefore the focus of this response, are criteria 3, 8 and 9. • Criterion 3: Response to strategic planning policy and national/regional marine policy (published documents only) * - In addition to the documents listed, Coastal Partners suggests that this list of policy documents should also include the North Solent SMP (NSSMP, 2010) and the Portsea Island Coastal Strategy Study (PICSS, 2011). • Criterion 8 (Provision of Flood and Coastal Defences) and Criterion 9 (Impact on Coastal Processes) – agree these are valid criteria to use in the screening exercise and we have no comment on their wording. <i>Options / Elements</i> • Some options would benefit from clarification e.g. Option 1 indicates that compensation would be required even though it does not include reclamation or development of the terrestrial SPA – what aspects of the appropriate assessment for this option are indicating the need for compensation? Is it the footprint of defences / capital dredge for the maritime employment access and/or the bridge? Also, Option 6 indicates it would result in 815 homes but then also indicates it would result in 1,142 homes – requires clarification of which number is correct for this option. • Assessment against criterion 3 (policy): ○ The following options and elements are consistent with the NSSMP and PICCS policy of Hold the Line (HTL) for this frontage: Option 1, LM1, LM4 and LS1. ○ The following options and elements are not consistent with the NSSMP and PICCS policy for this frontage as they represent Advancing The Line (ATL) rather than HTL: Options 6, 11, 13, LM3, LM5 and LM6. ○ The following options and elements include some minor reclamation, and therefore a case may be able to be made that they are consistent with the NSSMP and PICCS policy of Hold the Line (HTL) for this frontage if the minor reclamation is deemed necessary and	

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			unavoidable to deliver a technically and economically viable HTL development option: Options 4 & 9, LM2, E1, E2, E3 and LS2. - Assessment against criteria 8 and 9 (defences and coastal processes) – it is not possible to comment on these criteria without information on the proposed defences design, Flood Risk Assessment and coastal processes assessment (eg hydrodynamic modelling results for each option). - Compensation elements – it is not possible to comment on the suitability of these elements until a draft Appropriate Assessment has been undertaken and it is clear what adverse effects that the compensation needs to address. <u>RSPB & HIWWT</u> The RSPB and Hampshire & Isle of Wight Wildlife Trust remain concerned that the scoring matrix does not provide a robust, balanced or objective basis against which to select a deliverable and legally compliant development option for Tipner West. Many of the categories are broad or ambiguous, with considerable scope for interpretation; making it extremely difficult for the Council to draw meaningful conclusions from the expert views received. We have additional concerns regarding the description of the options and the approach to assessing separate 'elements' of the development options. We have set out our concerns below, where possible making suggestions for changes in order to improve the robustness of the overall assessment process. Category 1 – Guiding Principles Compliance As previously stated, we do not consider that the at times ambiguous, conflicting, and in part legally questionable principles are appropriate to include as a category in the options matrix. A number of the principles are also already included as separate categories within the options matrix and therefore removing this category would help prevent any double-counting or otherwise skewing of the results in that respect. The Guiding Principles are only really appropriate to be applied as a high-level guide to determine to what degree the different development options meet the Council's aspirations, which is an entirely different matter to selection of a sustainable and legally compliant scheme. Category 5 – Biodiversity Metric Impact	

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			We assume this category has been included as a surrogate for assessing the scale of impact on the SPAs/Ramsar site. However, we do not consider it an appropriate or valid replacement for a clearer and more informative assessment of the area of direct and indirect damage to these protected areas. Much work remains to be done to determine the precise compensatory requirements of the various options, and – particularly given our concerns regarding the SPA metric – we do not consider that the metric outputs comprise a reliable or robust means of assessing the relative impact of the different development options on the statutory protected wildlife sites. The options assessment should clearly demonstrate that Option 1 would have the least impact on the SPAs/Ramsar site; and, importantly, is the only option for which there could be any confidence of avoiding the need to satisfy the derogation tests of 'no alternative solutions' and 'imperative reasons of over-riding public interest' (IROPI). While they have varying scales of impact on the SPAs/Ramsar, every other option has substantial financial, legal and reputational risks associated with the need to satisfy the derogation tests under the Habs Regs. There is no certainty of being able to deliver the schemes legally as we still do not believe that the Council will be able to satisfy the tests necessary to take forward Options 4, 6, 9, 11 and 13. Category 6 – Impact on Locally Designated Ecological Sites Although a welcome inclusion, it is important that the assessment matrix does not inadvertently apply equal or greater weight to the protection of (non-statutory) locally designated wildlife sites than to (statutory) nationally/internationally designated wildlife sites by setting out areas of loss of local wildlife sites, whereas damage to national/international wildlife sites is obfuscated due to assessment only by proxy of the SPA metric score. Both categories should be assessed by the same means, with the SPA/Ramsar category additionally highlighting those options that would most likely need to satisfy the derogation tests as a result of adverse effects on the integrity of the international sites. Category 7 – Compensation Proposals This is an important category which should have significant weight in the options assessment. However, we are concerned that the compensation requirements for each of the options require substantially greater work, as well as consultation with the Regulatory Panel. We do not consider that the SPA metric outputs or the simplistic	

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			'opportunities' mapping for Horsea Island or the Land South of the Firing Range offer a replacement for the detailed assessment of the ecological requirements of the impacted species/habitats and the identification of appropriate locations and design of compensatory measures in order to protect the integrity of the wider network of SPAs/Ramsar sites. Please see our further comments on the compensation options included in the Elements matrix. The options assessment should highlight that Option 1 is the only option that is unlikely to entail any SPA/Ramsar site compensation requirements, along with the associated 'risk of delivery due to complexity, suitable site availability, precedents, deliverability, cost impact and certainty of delivery' correctly identified for assessment in the matrix. We would also like to highlight that loss of SPA supporting site (or 'functionally linked land') within the Tipner Firing Range should be considered as part of the mitigation package, rather than under the compensation proposals. This is an important distinction as, based on the agreed policy approach set out in the Solent Waders and Brent Goose Strategy, the loss of this category of supporting site would not lead to an adverse effect on site integrity, and therefore could be replaced without the need to satisfy the Habs Regs derogation tests. Category 14 - Implications for Climate Change (GHGs) Due to retaining the natural functioning of the intertidal and terrestrial habitats, particularly if they are restored to favourable condition, Option 1 would provide the most carbon sequestration to support the Council's ambitions to become net zero by 2030. Mudflats are naturally accreting habitats: they build up and bury sediment and organic material that builds up when animals and plants die and settle from the water column. As the mudflats build up, they bury organic material deeper and deeper in the mud, where there is little or no oxygen, and it becomes preserved and locked away. This carbon sequestration function makes mudflats highly efficient carbon sinks, routinely contain 5-10% organic matter, similar to that of marsh systems. Due to the substantial loss and disturbance of the intertidal mudflats in Options 4, 6, 9 11 and 13, the proposed developments could release carbon currently locked away and reduce the habitats' ability to store more, counter-acting Portsmouth's attempts to reach net-zero.	

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			Category 15 - Delivery of Homes We cannot provide an accurate assessment of this as we have yet to see the updated housing figures for 815 homes compared to 650 homes (cited in the earlier options descriptions). However, Option 1 provisionally is the only option that meets the current minimum housing requirements, without breaching any of the Council's principles or needing to satisfy the Habs Regs derogation tests for the purpose of expanding the developable area into the SPA/Ramsar. Category 18 - Placemaking Option 1 retains the terrestrial SPA on Land South of the Firing Range, which would be a great asset to the new community. This space could provide important visual access to green space – providing many health and wellbeing benefits to the residents. Cleverly designed paths around the inner edge of the development could provide additional important areas for recreation and access to nature, while minimising the impact on sensitive wildlife, such as the wintering birds. This could also be an important area for nature-based educational activities. Evidence also shows that homes built around nature can increase their value and provide a better quality of life for the residents. Options Further work is required to clarify the key features of the different options. For example, Option 1 refers to off-site compensation, yet no SPA/Ramsar site compensation is likely to be required for this option. Similarly, Option 6 refers to both 815 Homes and 1,142 Homes. We would also like to see more accurate summary descriptions of the different options. In particular, we feel it is misleading to characterise Option 1 as <i>'the 'Do Minimum' stance put forward by RSPB/HIWWT'</i> when our challenge to the Council actually included the full quantum of development understood to be required at that time, demonstrating that a higher quantum of housing could be achieved, without direct loss of SPA/Ramsar. Furthermore, 'Do minimum' previously referred to providing no houses at Tipner West in Portsmouth City Council papers – an option that was ruled out by Council members. We therefore feel that this terminology could be confusing for members and could misrepresent the option as something less favourable than reality. It is important that each of the options are carefully and objectively described, and from that point of view we consider that it is not helpful to attach the RSPB/HIWWT's	

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			previous 'visioning' work to any of the options; besides which, none of the current options are an accurate representation of the challenge we put forward to illustrate what could be achieved within the environmental limits of the site. Elements We have reservations regarding the validity or value of assessing the individual development 'elements' separately. With respect to the three 'compensation options', it is impossible to assess their relative merit in isolation. Without any reference to assessment of the ecological impacts of each of the development options, the compensation options are essentially meaningless. Despite which we are doubtful of any potential for delivery of compensation on Land South of the Firing Range, given its existing status as SSSI/SPA/Ramsar and the dire need for the reinstatement of regular habitat management in order to restore favourable condition to this part of the designated sites (compensation must be above and beyond the duty to restore favourable condition and must not impact on existing designated interests, leaving little capacity for the creation of compensatory habitat/features). Furthermore, we have yet to see any information that would indicate whether or not Horsea Island could support any of the necessary compensatory habitats/features for even the development options involving more limited direct damage to the SPAs/Ramsar site. These questions should all be addressed through a Habitats Regulations Assessment of the options, which we strongly recommended is progressed as soon as possible.	

Meeting Closed: 12.30pm

Date of Next Meeting: 14th September 2023 - 9:30am - 12pm

Anticipated Panel Topics: TBC

Proposed Draft Revised Principles – 04 August 2023

1. Achieve the Conservation Objectives of the SPA/Ramsar Sites in regard to their bird populations (both within Portsmouth Harbour and on land south of the Firing Range) in line with the procedures set out within the Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitats Regulations).	Ongoing discussions with the statutory and non-statutory nature conservation bodies have clarified that all SPA/Ramsar - both terrestrial and marine - should be treated equally, and direct loss avoided where possible and at worst minimised. This is in accordance with the procedures set out by the Habitats Regulations. Therefore at Tipner West the terrestrial SPA/Ramsar (e.g. land south of the firing range) should be treated equally to any marine SPA (e.g. Portsmouth Harbour), and in line with the Habitats Regulations which state that impacts to any SPA/Ramsar should be avoided; or, if there is no viable alternative, impact should be minimised in meeting the project's stated principles/ objectives (the latter being defined terms by the HRA). Removing reference to particular areas of the SPA (eg the land south of the firing range) and instead focussing on the Conservation Objectives provides flexibility to the project, but does not pre-judge the outcome of the early stages of the Habitats Regulations Assessment (HRA) process. The Conservation Objectives for Portsmouth Harbour SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and • The distribution of the qualifying features within the site. The qualifying features are: • Branta bernicla bernicla; Dark-bellied brent goose (Non-breeding) • Mergus serrator; Red-breasted merganser (Non-breeding) • Calidris alpina alpina; Dunlin (Non-breeding) • Limosa limosa islandica; Black-tailed godwit (Non-breeding) The Portsmouth Harbour Ramsar Site is described as <i>"a large industrialized estuary consisting of a saltmarsh, vast expanses of mudflats, and tidal creeks on the south coast. The mudflats, supporting extensive beds of eelgrass, green algae, and sea lettuce, provide feeding grounds for internationally important numbers of wintering Dark-bellied Brent Geese. A unique and</i>	3, 6 & 9
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	high quality flora and fauna occur at the site. Nationally important numbers of Gray Plover, dunlin, and Black-tailed Godwit are supported. Set in an urban area, there is a major port facility, and large-scale military activities occur at the site". Ramsar site no. 720. The key designation criteria for the Ramsar site are: • Beds of eelgrass <i>Zostera angustifolia</i> and <i>Zostera noltei</i> of the intertidal mudflats. High numbers of the mud-snail <i>Hydrobia ulvae</i>. 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 <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. • Over wintering numbers of Dark-bellied brent goose, <i>Branta bernicla bernicla</i> occurring at levels of international importance.	
2. Bring forward a scheme that contributes to Greening of the City, in line with the City Vision 2040, making space for biodiversity and wildlife with a minimum 10% biodiversity net gain preferably onsite or, to the extent not possible, offsite in line the Environment Act 2021.	Members are keen to develop a scheme focused around nature, and which ties back to the principles within the City Vision 2040 and the emerging Local Plan. The Environment Act 2021 will shortly require a minimum of 10% Biodiversity Net Gain on or off-site.	9
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	The City Deal sought a total number of homes in the Tipner/Horsea Island/Port Solent Area (2,370). Based on the proposed Local Plan allocation at Port Solent and the increased delivery at Tipner East there is, arguably, only 814 homes left to deliver to meet the terms of the 'Deal' at Tipner West (TW) and Horsea Island East (HIE). 1,250 was the combined figure in the diagram accompanying the City Deal for HIE and TW. Whilst Members suggest a minimum of 1,250 homes, it is the view that this needs to be	4 & 5

	altered to a maximum figure in order to define a scope of the HRA work, and allow a boundary to the Local Plan allocation to be agreed. The affordable housing % remains the same, but reference to 'maximising affordable housing' is removed as this could imply provision of 100% affordable housing, which would make the scheme financially non-viable and deviate from the scheme's original principles of a new community of mixed housing provision. The quantum of employment floorspace remains constant. It is proposed that this is focussed on marine employment to reflect the spirit of the Council resolution, City Deal and market demand. Enabling infrastructure refers to key city infrastructure, such as the proposed bridge link to Horsea Island, and other necessary infrastructure to deliver the proposals.	
4. Maximise local job creation	This principle remains unchanged	7
5. Minimise costs and impact on City Council finances & services to the public	This principle remains unchanged	8
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 develop proposals that are capable of satisfying the regulatory requirements of Natural England (NE), the Marine Management Organisation (MMO) and the Environment Agency (EA)	This reflects the collaborative and inclusive manner of working to develop a scheme for Tipner West, whilst recognising the regulatory roles of NE, MMO and the EA in the consenting process.	6

7. Minimise land reclamation to meet the principles listed above	This principle remains unchanged	9
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MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 5**
Date: **28th September 2023@ 9.30am-11:30am.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies - PCC (LPA) (NLD)	Kevin Hudson – TRP (KH)
Tom Bell - PCC (LPA) (TB)	Courtney Vychodil – TRP (CV)
Lucy Howard - PCC (LPA) (LH)	
Ben Cracknell PCC (LPA) (BC)	
Laura Lax – EA (LL)	Gavin Hall – Savills (GHall)
Adam Cave – EA (AC)	Robin Henderson – Savills (RH)
Graham Horton – NE (GH)	Simon Fife – Savills (SF)
Mary Bell – NE (MB)	Charles McClea – Savills (CMcC)
Linda Brewis – MMO (LB)	Rebecca Brookbank – EPR (RB)
Alex Stevenson – MMO (AS)	Owen Peat – WSP (OP)
Louise Forsyth - Historic England (LF)	Emma Davies – AtkinsRealis (ED)
Heather Richards – RSPB (HR)	
Carrie Marchbank – RSPB (CM)	
Sienna Somers – HIWWT (SS)	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

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1	Introductions and Agreement of Previous Minutes	NLD	Apologies from Alex Stevenson (MMO), Linda Brewis (MMO), Hilary Crane (Coastal Partners), Mary Bell (NE), Louise Forsyth (HE), David Allwright (formerly of HIWWT), Kevin Hudson (TRP), Julie Knight (TRP), Leanne Rook (TRP) [NLD omitted to seek agreement of the minutes for the July Panel meeting. However, there have been no comments or concerns raised to the Minutes as previously circulated and by way of these Minutes, those for the July meeting are deemed to be agreed.]	
2	Promoter Team Presentation	GHall,	NLD explained that the updated screening matrix had been placed on the Savills Box sharepoint, appreciating that only a limited period of time had been available for Panellists to review. NLD advised that the PCC Promoter team were aiming to identify a preferred option in November. It was recognised that there was some optioneering fatigue setting in. Nevertheless, NLD explained that the LPA had noted the concerns raised in Panel responses and had advised the promoter team to note these concerns, notably around reliance upon the bespoke SPA Metric. The LPA position was that the metric could serve benefit as an informative tool at least at this optioneering stage, but that going forward into formal HRA, any use of it must have regard to the significant concerns raised and that professional expert judgement should be take precedence in the assessment process. With regard to the comments made about the Screening Matrix sifting criteria, NLD advised that whilst the concerns made by Panellists around the inclusion of compensation proposals within the options/elements at this stage, the LPA view was similarly that there was some merit in considering the element of compensation at this optioneering stage as inevitably, the prospect of utilising Horsea Island East for this purpose, had immediate implications for the allocation of land uses. It was recognised that at formal HRA, the sequential derogation process would need to be followed and it was clear that compensatory habitat at HIE (if pursued) would only form part of the overall compensation strategy. Therefore, the LPA had concluded it was appropriate to keep these elements in the matrix.	

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			LH added that the LPA considered this optioneering stage to be a very important for the Council notwithstanding the time needed to review the matrix, which was undoubtedly a laboured process. Grateful for Panellist input to this. (a) <u>Second Stage Options Screening</u> GHall introduced the latest version of the screening matrix. In addition, advised that indicative options for Land South of the Firing Range (LSFR) and Horsea Island East (HIE) have been drawn up and are for discussion later on in the meeting. GHall reminded the Panel of the differences between the 7 main options for the project, all options providing 58,000sqm employment and between 815-1250 homes. Noted that Option 14 has been added only recently, to allow for habitat enhancement to LSFR (terrestrial SPA/Ramsar) alongside compensation habitat at HIE, which combination had not yet been shown. Furthermore, GHall explained that it was not necessarily the case that the final option would be any one of those currently shown and this was why Elements were also identified for comment. GHall proceeded to explain the Option Variants, the main difference being in the dwelling mixes for each and associated implications for public open space and parking quantum and total dwelling numbers achievable. With regard to the Elements, the assessment commentary was purely focused upon the specific element as shown, not the site-wide option. (b) <u>Habitat Creation Options for Land South of the Firing Range and for Horsea Island East.</u> GHall immediately proceeded to explain two separate drawings. The first being one for the potential capacity for employment development of HIE, recognising limitations by reason of parking, restricted building heights (due to proximity to MoD site), FRAP, separation from the scheduled slipways, and access.	

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			NLD asked about the density assumptions, which appeared to exclude FRAP zones, despite there being acknowledged possibility of the FRAP being part of the public open space 'offer' for the development, referencing the 'streets to the sea' noted in the Matrix. GHall confirmed, with AD, that such streets would actually lead to the FRAP zones, not <i>into</i> them. GHall outlined the potential coastal edge treatments for HIE. NLD asked for these drawings to be placed on the Box sharepoint. GHall agreed, noting however that these were purely exploratory and did not form part of the formal optioneering evidence under consideration in the Matrix. NLD noted this, but as the drawings had been shown in the meeting, they should be provided to Panellists. GHall then talked through a conceptual drawing for LSFR, noting lessons learned from the Southmoor Nature Reserve site visit in the summer. Explained the potential provision of a hedge treatment to the southern edge of a public footpath (north of LSFR and flood defences) to manage access and minimise disturbance, referencing a cross section through the site. It was explained that public access barriers might also extend partly into the water to prevent public attempts to access the SPA/Ramsar. SS asked if the identified public footway would head northwards beyond its westernmost extent? GHall confirmed that this was envisaged. GH confirmed this was useful to see and felt that it had potential to work. It might be possible to provide some public viewpoints between the hedge and the drawing upon first look would appear to suggest something feasible and a means by which functional loss could be avoided by design and management. RB noted that, in time, the LSFR could become flooded and this would deter public access in any event. CM noted that this proposal was very similar to the visioning work done by RSPB. So in principle it is welcomed. It appears to provide a clear linkage between the terrestrial and inter-tidal SPA/Ramsar and for the public to enjoy the benefit of this.	

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			NLD asked if public access to the south or through the LSFR had possibilities. CM considered that this would probably be difficult given the limited size of the site and the balance of management and maintenance costs, eg. Through creation of boardwalks. SS confirmed that this could be expensive, from HiWWT experience, noting health and safety issues. RB noted that whilst this could potentially work, there is potential, for financial viability reasons therefore to require possible reclamation of the inter-tidal area to the west of the Tipner peninsula. Therefore, did the Panel have a view on whether there was a trade-off to be made between the terrestrial and inter-tidal areas of SPA/Ramsar? NLD replied that he felt Panellists would conclude that there could not be such a trade-off. CM added that all SPA/Ramsar faced the same statutory hurdles. RB noted that ultimately 'something had to give' to enable to project to be delivered. SS replied that it was incumbent upon the PCC Promoter team to robustly explore optimising density on the available non-SPA/Ramsar landmass. LH noted that it was essential for the promoter team to thoroughly explore the detailed feasibility of enhancement proposals for LSFR and delivering functional habitat alongside the development platform. This has to be explored fully before the potential for reclamation of inter-tidal SPA/Ramsar be considered. NLD agreed, noting that the promoter team have to date largely assumed functional loss of the terrestrial SPA/Ramsar, but that the drawing provided today and rationale explained by GHall, appeared to show promise and the functional loss was not inevitable. NLD noted that there would be place-making benefits in enhanced habitat at LSFR with viewpoints for the new community. LH added that there is already public access, NLD noting however that this is unmanaged currently. OP added that a Solent-wide overview for SPA/Ramsar gain/loss might be a better way to tackle this issue in due course. GHall returned to the screening matrix at this point and provided an overview of the assessment text input by the promoter team. <u>[Nb: Panellists may wish to review the</u>	

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			<u>meeting recording in this regard, rather than this being set out verbatim in these Minutes].</u> Changes to the sifting criteria were explained, in response to the previous Panel meeting, including: moving 'Navigation' to Socio-Economics group of criterion, increase in planning policy detail (including SMP), referring 'Impact upon SPA' and not just the Metric in isolation (and further notes in this regard). The other criterion were briefly summarised. GHall explained why commentary on the Principles was limited, this being that the majority were met by each option in any event. The main variable assessments related to Principles 4, 5 and 7. However, data was not yet provided in respect of Principle 5 (financial). BC queried if heritage protection was one of the Principles. GHall confirmed that heritage matters would be captured in the Regulatory compliance Principle – LH confirmed that the principles were very high level. NLD added that heritage was a specific criteria in this matrix. SS wasn't clear where the justification was for losing previous options (from stage 1)? NLD advised that the LPA had provided written recommendations in this regard and that this advice would be shared with the Panel. <u>Action: NLD to share with Panel members relevant LPA written advice to promoter team in respect of the option selection.</u> NLD asked if the metric calculations in the matrix had been based upon an updated/refined metric in the interim? RB advised that there had been no changes to the Metric since previously presented to the Panel. GHall pointed out that due to the specific focus of each Element (eg. Land mass, heritage), there was a corresponding increase in the number of criterion not being relevant to that particular element, and hence some empty cells. NLD noted that it was likely many of the populated matrix cells would be written on the back of technical evidence that might not have yet been shared in any sort of detail with the Panel and as such Panellists would no doubt need to caveat responses on this basis. Furthermore, it was disappointing not to see financial viability data	NLD - ASAP

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			provided, as this was a relevant consideration for the Panel in noting how each option compared in terms of relative viability. GHall confirmed that detailed technical evidence was only partially available and much of the assessment text was provided by way of professional judgement at this stage. SS asked how the options would be selected going forward. GHall advised that the assessment cells would be shaded based upon a hierarchy of compliance (or not) with the relevant sifting criteria. This would be necessary to assist Members in identifying more easily which options are more/less compliant. The cells would not be RAG-coloured as this was too definitive. There would not be weighting as Members are likely to want to 'weight' issues in their own minds when selecting an option for the promoter team to progress. GHall added that the aim was quickly to get down to 3 or 4 options from the current 7. GH asked to check what was being asked of the Panel. Was it (a) to consider the accuracy or not of the assessment text provided and (b) to advise as to preferable options? It was difficult to do this without some key information, eg. Financial viability, but equally NE wished to be as helpful as possible. GH indicated that the NE response would likely consider relative impacts upon the SPA/Ramsar as a means of indicating preference. It would then clearly be for the Council to make a decision. GHall recognised that NE would not wish to fetter their position with regard to formal HRA stage and also bearing in mind the very wide range of factors likely to inform Members' decisions on this. LH felt it would be very helpful to have Panellists express a preference, caveated as necessary, to assist this process as the Council is at a stage where choices must be made. NLD considered that this was preferable, but recognised that some Panellists may simply be unable or unwilling at this stage to provide any sort of ranking. Nevertheless, a 'position statement' from the relevant organisations would be helpful. KH stated that the promoter team were not necessarily seeking a ranking from Panellists. GH reiterated that NE wished to be seen as helpful to the process and certainly not to reach a position where fingers were pointed at NE later on suggesting that this has not been the case.	

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			GHall advised that comment on the Elements might be easier for the Panel as it might be that a combination of these might end up being selected as part of a hybrid option. NLD enquired if financial viability data was going to be available imminently, for Panel consideration, prior to any option being selected by the Council? ED stated that the promoter team were still refining the financial viability. ED didn't consider that the Panel members were not best placed to comment on such data and that it's expertise should be focused upon the environmental issues. Deadline for Panel comments was agreed to be Tuesday 10th October. <i>[the promoter team left the meeting at this point]</i> <u>Post Meeting Comments by Regulators</u> SS advised that she felt the process of optioneering was not working particularly well and there was a lack of clarity as to whether or not HiWWT comments had been incorporated into the Matrix, for example there were inconsistencies over what was being described as the 'Do Minimum' option. NLD said that he would ensure that a copy of the LPA advice to the promoters was circulated, as this would help to clarify how Panellist comments had been pulled together and weighed by the LPA in its formal advice. Action: NLD to circulate to Panel copy of LPA written advice to promoter team. <i>[post-meeting note: this has been actioned]</i> SS said it was not helpful for the promoter to refer to the 'RSPB/HiWWT' option - each option should be considered objectively. NLD said that he had endeavoured to incorporate a change requested by the RSPB, to replace 'working in partnership' with 'actively/positively engage with', [REDACTED]. Unfortunately, upon receipt of the suggested words, a decision had been taken by Members to confirm the proposed wording and no further changes were possible. CM expressed her disappointment and concern at this. CM stated that she echoed comments made by SS. Serious concerns about the process. Appears to be little substance in how each option and criteria is assessed. The continued inclusion of the bespoke SPA metric remained a	

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			concern as this was intended to focus upon compensation requirements and not really appropriate for assessing development impact on the SPA. CM added that she noted the promoter team placing a lot of weight on the SMP and pointed out that this was policy, not legislation. NLD noted that in discussions with Coastal Partners, there did not appear to be resistance to a review of Hold the Line position in respect of the terrestrial SPA, if this meant it could be enhanced. CM added that there were potentially different weights to be applied across the criterion, but information was too lacking to be properly informed. For example, the reasoning for the 2-storey limitation at HIE and MoD position on this. CM in conclusion felt that it would be most appropriate for an HRA to be undertaken for each of the remaining options, although not to the full project-level detail for an application. Important to have a better understanding on the financial viability as this was clearly key in terms of understanding deliverability. HR noted that the alternatives aren't necessarily to be limited to the red line of the site and in practice should go much wider. It was now getting very difficult to grapple so many options and it was important to move forward to much more detail, for example on just a couple of options. GH stated that NE were keen to move forward to the detail and the brief discussion around options for LSFR was an example of how this Panel could positively contribute. NE were keen to be helpful to the project and as such would be willing to provide a steer on the options/elements, on a 'without prejudice' basis. JS queried the timing of the decision on selected option and felt that this process remained too high level. It would have been better had there been a focus on fewer options with more detailed technical assessment. LL explained that there wasn't much to add from the EA at this stage. Resourcing remained a key issue and this was a large amount of detail to be asked to consider in a short period of time, having only received the Matrix on Monday. Easier probably to explain which options are 'not favoured' rather than express a positive preference at this stage.	

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			BC noted that there had been limited discussion on the heritage matters but stressed the importance of this alongside the environmental/HRA matters that have been a primary focus for the other Panellists.	
	AOB	NLD	NLD confirmed that he would supply a copy of the DLUHC response on the Reg.107(3) IROPI Opinion request as soon as possible, pending internal review. Action: NLD to circulate DLUHC letter in response to LPA Reg.107(3) IROPI Opinion request. <i>[Post meeting note - this has since been circulated]</i>	NLD - ASAP
3	Further Post-Meeting Advice	All	<u>Panel comments</u> <i>[Note that specific written answers to submitted promoter questions are also be provided by Panellists- these minutes do not directly reference these separate responses]</i> <u>Natural England</u> We have provided our views to Portsmouth Council to help with the identification of a preferred solution to take forward to more detailed discussions. Our views given here are without prejudice to any advice that NE may give at a later date or when formally consulted on the proposed scheme. I would also like to note that many of the aspects of the proposed Options and Elements have very little in the way of detailed accompanying information which makes it difficult to balance the trade-offs against each other. Nonetheless I hope that this information is helpful and trust that you'll get in touch should you wish to discuss or require any further clarifications. Options: In line with Natural England's previous advice, it will be difficult for us to support any scheme which causes the loss of any part of the Portsmouth Harbour or Solent and Dorset Coast Special Protection Area (SPA). However we do recognise that there is a route to take such proposals forward through the Habitats Regulations if there are no other alternatives and the scheme has Imperative Reasons of Overriding Public Interest (IROPI) and appropriate Compensation can be secured. On this basis we	

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			understand and accept that PCC may still choose to take forward a scheme which NE does not 'support'. On that basis ohowur preferred option is Option 1. This option appears to result in no direct loss of SPA and although there are likely to be disturbance effects on the part of the terrestrial and intertidal parts of the SPA it may be possible that with a good access management scheme, in the manner previously described, to rule out an adverse effect on the SPA. All of the other shortlisted Options have more significant impacts upon the SPA and so it is difficult for NE to 'support' these as such. However, in order to be helpful we have tried to order the Options in a way to show PCC which we consider have the greatest risk of harm to the SPA and which have less risk to the SPA, noting that it is difficult to evaluate all of the Options with the information available particularly when trying to compare the loss of one part of the SPA with another part. • On that basis we consider that Option 6 poses the largest risk to the SPA given the large amount of reclaim required. • Next we would place Option 11 and Option 13. These options have smaller reclaims (than 6) but in the case of Option 11 also result in the building upon the terrestrial part of the SPA. It is difficult with the information provided to distinguish between these 2 options so we have grouped them together. • Next we would place Option 9 which has a smaller reclaim but builds upon the terrestrial part of the SPA. • Finally, Options 14 and 4 appear to have the smallest amount of reclaim but also maintain the presence of the terrestrial part of the SPA. It is difficult with the information provided to distinguish between these 2 options so we have grouped these together. Elements: Applying a similar process we have the following order for the Land Mass elements. Largest risk to the SPA is LM3,	

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			Then LM5 & LM6, Then LM2 & LM4, Then LM1 Compensation - We recognise that this aspect needs further exploration and is only really possible once we know the details of the Compensation proposed however at face value we would suggest an order of: Least preferred: C1- solely based on that as a point of principle that it would be preferential to have the Compensation as close to the site as possible. C2/C3 – Dependent on the details Employment – this is not part of our remit and we are unable to offer a view as to the merits of where to place the employment space so we have no views about preference. There may be some considerations of additional boat movements in the HRA depending on the preferred layout but that is unlikely to be a significant issue from a HRA perspective. Heritage – This is also not part of our remit so we are unable to offer a view about preference. There may be an option to draw recreational pressure away from the terrestrial part of the SPA if the heritage buildings were open & used commercially (as a café/restaurant for example) which might be beneficial but we also realise that this might also mean that a reclaim is required in order to provide the necessary quay space so we consider it likely that further consideration of the trade-offs is needed before we could come to an informed judgement. <u>Environment Agency</u> Our general view is that the matrices are high level and lacking in detail. The criteria and scoring seem quite arbitrary without explanation and there is no clear assessment i.e. RAG rating of options. This type of matrix assessment for optioneering is commonplace and therefore we are disappointed that as it stands the detail to allow robust assessment is lacking.	

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			In terms of coastal processes again there is very little detail and therefore it is difficult to comment on the assessment and the likely impacts. We would suggest the use of the Clearing Waters for All guidance, to consider what the impact of each activity is likely to be on the estuary. The options with reclamation are most likely to have an impact on the hydromorphology of the estuary, but it is difficult to make any judgement without further information/assessment. We have no comments to make from a flood risk perspective as there is no detail on climate change and very little information on the provision of Flood and Coastal Defences for us to comment on. <u>MMO</u> No comment received. <u>Historic England</u> As before it would be our preference that Horsea Island East (HIE) remains undeveloped and options promoting this site as either public open space or an ecological compensation site are perused. However, thank you for your confirmation that in the event that HIE is developed, the nature of this development will be commercial and research marine business units and access to the water will not be required from this site but will be provided on the Tipner Peninsula. Naturally therefore our preference would be to peruse development proposals of either 9, 11 or 14. Option 6 may also be a consideration subject to the below caveats. In regards to the Listed Buildings on the site, it is essential that an ongoing and sustainable use is secured for them which considers their ongoing maintenance need. Whilst options 9, 11 and 14 all illustrate connectivity with the public open space we are also content that sustainability and viability may mean that they are part of the marine employment offer and therefore would not be publicly accessible. We would however advise that opportunities for	

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			public access, understanding and interpretation are sought after during the overall master planning. <i>Reclamation</i> Option 4, 6, 9, 11, 13 and 14 all illustrate elements of reclamation, some more significant than others. We raise the same point as previously raised that reclamation can lead to alterations in tidal patterns, scour and deposition and all of which has the ability to have a negative impact on the WWII slipways on HIE. We acknowledge that areas of limited reclamation are unlikely to have as significant an impact. Designs with reclamation considered should be supported by tidal models so that we may understand the nature of this impact. We would be most concerned about models which illustrate a funnelling of the water resulting in increased velocity and scour. We would also like to reiterate that reclamation such as that outlined would require a thorough archaeological mitigation strategy during the works or prior to, depending on the reclamation strategy employed. Obviously the larger the reclamation proposed (such as option 6) the more significant the risk to the archaeological resources. <i>Taller buildings</i> Details of maximum heights have now been put forward within the options matrix. Option 14 outlines a maximum of 11 storeys, 1 and 4 outlines a maximum height of 10 and with the remainder of the options bringing forward a maximum of 8 storeys. Options 1, 4 and 14 place those taller building(s) on the SW edge of the landmass, whilst options 9 and 11 place these in the SW corner of the Marine employment zone. The remainder outline a maximum of 8 storeys but are non-descript on their placing (we are presuming that all tall buildings are on the Tipner Peninsular in all cases rather than HIE). As of yet details of the numbers of tall buildings within each scheme have not been presented. We would like to understand the rationale behind the placement of all tall buildings towards the South/Southwest of the site. It will be	

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			important that potential masses and heights go through a screening programme, looking at the potential impact from key heritage assets identified within the built heritage assessment and the slipways. We would also like to understand how these taller buildings interact with the magazines, they are going to be quite overbearing particularly for schemes 9 and 11 where they are proposed to be located within the marine employment zone and thus are closer. We will be unable to comment on this aspect until we have more detail on the proposed heights and masses and thus, will be able to take a more informed view on the impacts. <i>Heritage Elements</i> H1 and H2 refer to the current options suggested for the magazines, H1 illustrates no access but potentially some 'views' from public open space whilst H2 incorporates the magazines into public open space. As above we would want to understand the sustainability of all options we will also need to understand the nature of the proposed interventions to make these buildings useable, particularly if they are to be considered for public use. We note that we are awaiting details on the nature of the change in levels required for the scheme and how they interact with the magazine, also how the Grade II listed walls fits in with those levels. H3 – H5 are all for the use of Horsea Island East, as above with our preference of the options matrix, we would like to see Horsea Island East remaining undeveloped in some form. H4 would allow full access to the slipways with opportunities for the design of the public open space to draw on the areas military history however public access would also allow for a degree of public interaction with the site which its not previously had – I am not clear on how sensitive and vulnerable elements of the slipways are, hopefully Reider and his team will tease this out. H5 allocates this space as an ecological compensation site which will mean there is no public access and potentially a reduced public benefit.	

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			Part of the development of the site includes provision for a new bridge, within the meeting it was suggested that the purpose of this was to facilitate a new access to and from Portsmouth. This access was likely to be only for public transport and would likely include a public right of way and cycle path to new green space at the former landfill site. If so this could provide an excellent opportunity to allow the public to see the whole site sitting in the landscape (in a way in which they wouldn't at ground level or that is currently not possible). This would allow for overall views of the site, across to Portchester and up to Portsdown Hill giving a really lovely view of Portsmouth Harbours rich and varied maritime and defensive history. This could be an important and welcome addition to all options but if there is no public access to HIE it may be key in bringing the slipways into the public repertoire. <i>Heritage Assets</i> We would like to see an innovative interpretation strategy for the site which goes beyond interpretation boards. This could include a heritage trail, digital opportunities and ways of engaging younger audiences through play trails. If done well this could be a design principle that draws on the sites military history and its connectivity with Portsmouth harbour to create a sense of place for Tipner peninsular. <i>Site Layouts for HSIE</i> This document [<i>in reference to the slide presented</i>] presents development proposals for HSIE, as above this would not be our preference. However, you confirmed within our meeting that access to the water would not be allowed from HSIE but via the new bridge and on the Tipner Peninsular. The design within this document places development set back from the slipways and outlying dolphins. There is no specified height to these buildings and we would need that detail before commenting further on the principle of this kind of development.	

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			<u>Coastal Partners</u> Not present. <u>RSPB & HIWWT</u> The RSPB and Hampshire & Isle of Wight Wildlife Trust (HIWWT) still hold serious concerns about the Tipner West options assessment process and are rapidly losing confidence in the ability of this process to identify a legally compliant, nature-positive and ultimately deliverable option. We refer the Council back to our comments of 29 August 2023 (following Regulatory Panel Meeting #4), the majority of which remain. Our main concerns can be summarised as follows. 1. We consider that the assessment matrix lacks the necessary clarity, objectivity and supporting evidence to allow robust, meaningful assessment of the different options under consideration. There is confusion regarding the weight placed on issues within the optioneering issues that could present showstoppers (e.g. SPA damage) and those that have been scoped in but there is likely to be a solution to (e.g. Hold the line policy, MOD concerns). 2. Far too many of the options involve direct damage to the SPA/Ramsar, which based on our knowledge and experience of development cases across the UK is unjustifiable (and certainly unprecedented) for a scheme of this nature and therefore carries a high risk of failure under the Habitats Regulations, causing further uncertainty and delay. 3. The options matrix fails to identify this substantial risk (still confusing impact on the international sites with the SPA compensation metric outputs), and therefore fails to make a clear distinction between the only option that is likely to be compliant with the Habitats Regulations (Option 1) and all of the other options which would require an unprecedented derogation case and costly compensation. 4. We believe that the options assessment process as a whole is in severe danger of leading the Council down a blind alley in terms of selecting a preferred option that	

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			involves direct damage to SPA/Ramsar habitat, which in our view is highly likely to fail the no alternatives and IROPI tests under the Habitats Regulations. 5. The RSPB and HIWWT visioning challenge to the Council indicated that sufficient housing could be delivered within the existing Tipner West and Horsea Island land mass (outside of the SPA/Ramsar) to fully meet the Council's City Deal objectives. If Option 1 is not considered financially viable, the Council should urgently explore options for increasing housing density within the undesignated land mass to help close the funding gap, avoiding costly compensation requirements, and providing far greater certainty re legal compliance and therefore re delivery. As stated previously, we consider that undertaking a Habitats Regulations Assessment of the options would help draw out many of the issues raised above and help to identify a deliverable scheme for Tipner West.	

Meeting Closed: 11.45am

Date of Next Meeting: 6th November 2023 - 1pm - 3pm

Anticipated Panel Topics:

- **PCC Preferred development option(s) for full HRA**
- **Development red line, working areas, FRAP and EIA boundaries**
- **DLUHC response to PCC-LPA Regulation 107(3) IROPI Opinion request**

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 6**
Date: **23rd November 2023@ 1pm - 3.30pm.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies - PCC (LPA) (NLD)	Kevin Hudson – TRP (KH)
Tom Bell - PCC (LPA) (TB)	Julie Knight – TRP (JK)
Lucy Howard - PCC (LPA) (LH)	Tom Southall - TRP (TS)
Ben Cracknell PCC (LPA) (BC)	Rachel ter Horst - TRP (RtH)
Laura Lax – EA (LL)	
Adam Cave – EA (AC)	Gavin Hall – Savills (GHall)
	Bruce Hartley-Raven – Savills (BHR)
Mary Bell – NE (MB)	Ian Fielding – WSP (IF)
Linda Brewis – MMO (LB)	Alison Hogan – EPR (AH)
Amy Adams - Coastal Partners (AA)	Owen Peat – WSP (OP)
Emma Howarth - Coastal Partners (EH)	Emma Davies – AtkinsRealis (ED)
Heather Richards – RSPB (HR)	Raul Usach - BDP (RU)
Carrie Marchbank – RSPB (CM)	Adam Darby - BDP (AD)
Sienna Somers – HIWWT (SS)	Alistair Atkinson - WSP (AAt)

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes	NLD	Apologies from Graham Horton (NE), Alex Stevenson (MMO), Hilary Crane (Coastal Partners), Robin Henderson (Savills), Jonathan Shavelar (NE), Alex Bellisario (HE). NLD and GHall introduced new attendees, Emma Howarth and Amy Adams (both for Coastal Partners, on behalf of Hilary Crane). Noted that Louise Forsyth (HE) would no longer be a member of the Panel. GHall introduced Bruce Hartley-Raven as replacement to Simon Fife on project HRA, Raul Usach (BDP), Alison Hogan (EPR) and Alistair Atkinson (WSP). The minutes of the previous Regulatory Panel were confirmed as agreed. <i>[Note: Alex Bellisario had provided written HE comments on the slides and questions, in advance of the meeting]</i>	
2	Local Plan Update and Reg 107(3) IROPI letter from DLUHC	LH/NLD	LH updated the Panel on Local Plan progress. The draft pre-submission reg 19 Local Plan is now 'frozen' for the purposes of the HRA which is now being progressed by Aecom. There is an advisory meeting with PINS in mid December. Local Plan goes to Full Council on 19th March 2024 prior to purdah period pre-local elections. Consultation will begin after the local elections. Likely to finish around 27th June. With regard to the Reg 107(3) IROPI Opinion request from DLUHC, LH expressed the LPA's disappointment with the DLUHC letter of 22nd September, in being unwilling at this stage to provide a formal Secretary of State Opinion, due to the absence of full details of alternative solutions and compensation strategy under the HRA derogation. NLD noted that it was nevertheless helpful to have an indication set out in the letter that housing and the other reasons (eg. flood risk, contamination leachate) outlined in the LPA Reg 107 Statement of Case were capable of being IROPI. The LPA considered some limited weight could be attached to this advice and this would be helpful in taking the site allocation forward. GHall confirmed that the promoter team concurred with this analysis, noting that the 'prematurity' argument raised by DLUHC had been anticipated. AC noted that he was not surprised at the response. AC noted that, having undertaken a number of derogations, it is clear that there should be a	

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			reasonable understanding of the sequential elements of the derogation including the broad compensation strategy and indication of its feasibility of delivery. CM concurred with AC, noting that the key point going forward must be a robust alternative solutions assessment. RSPB have gone through a number of derogations and would be happy to provide some details of the cases made for IROPI and derogation steps generally. NLD and LH confirmed that this would be welcomed. CM added this might be more difficult for Local Plan HRA work, but would endeavour to do so. MB agreed with CM and AC in stating that the more information supplied, and as early as possible, the better and that NE would be happy to consider and comment on this to assist matters. GHall stated that the Reg Panel programme is currently planning to outline the compensation strategy in the February 2024 meeting. The optioneering process has taken some time but now that two development options are being considered the promoter team are able to justify progressing the compensation work in more detail, including discussion with landowners. The relative impacts of the two site options (to be outlined in part (2)) are under consideration against the bespoke SPA metric and more traditional approaches using professional judgement.	
2	Promoter Team Presentation • Remaining two site development options and next steps • Coastal Defences and SuDS options.	GHall/IF /AAt	<i>Remaining two site development options and next steps</i> GHall explained that the programme for selection of a final preferred development option for the site had been further reviewed. Following the optioneering assessments undertaken this year, Regulatory Panel and LPA advice, the deferral of this meeting from the previous scheduled date of 6th November - and following a Cross Party Steering Group meeting held on Monday 13th, the project would no longer be presented to Cabinet of 28th November. A special Cabinet will now be held on 4th December and it will not now be selecting a single development option. This is to allow for further consideration of project viability, IROPI and continued engagement with key stakeholders. There will also be public engagement undertaken to update members of the public of progress.	

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			There are two remaining options (Options 14(2) and 9(2)), also referred to as Options A and B respectively and there will be a longer period of time before a final development option is selected to allow for further detailed review. GHall reminded the Panel of the updated Project Principles and Overarching Objective (OO), as considered by Full Council on October 17th. With regard to the OO, a particular issue for consideration is how to measure compliance with this, in particular the second element relating to nature-based placemaking. To this end, the project team are currently considering assessment of the project against the Building for a Healthy Life design toolkit, endorsed by Homes England. GHall proceeded to recap on the latest round of optioneering from the 6 remaining Options considered at the September meeting (Options 1(1), 4(1), 6, 9(1), 11, 13 and 14(1) - including equivalent variant versions), resulting in a reduction to just 3 final options, being Options 9(2), 11 and 14(2). GHall noted that of these three options, each provide for: • flood protection works; • 58,000sq m of marine employment; • Dredging; • Facilitation of new bridge; • At least 814 homes; • 30% affordable housing; and • Retention of Listed Buildings and Scheduled Slipways Further key matters for consideration now include: • Location of land uses; • Future use of HIE; • Access to and use of listed buildings; • Extent of reclamation required to support the marine hub; • Balancing land need against environmental impact • Compensatory habitat; and • Deliverability and viability.	

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			GHall noted that the each of the three options remaining assumed all development focused upon the Tipner West landmass, with no marine development on HIE. Note that the former option 11 (now referenced Option C) has been discounted as the financial opportunity cost of pursuing this compared to option B was limited (ie. the gain in homes was not sufficiently financially an improvement on Option B given the additional adverse environmental impact of reclamation). MB queried that the slide was suggesting 'no reclamation' for Options A and B. GHall clarified that the slide noted in brackets that this statement (excl emp) - excluded reclamation for the marine employment purposes. GHall proceeded to talk through the indicative land use plans for Options A and B respectively (please refer to the presentation slides). Option A effectively focuses all residential development on the former firing range and retains land south of the firing range (LSFR) as restored SPA/Ramsar habitat. Option B would extend residential development onto LSFR, enabling a slight southward increase to the depth of the marine hub curtilage and an improvement to the marine hub yard space with compensation at HIE for the loss of the LSFR. CM noted that the proposed 0.5ha of reclamation for the marine hub remained a not insignificant amount of reclamation from the SPA and that the alternative solutions to this would need to be robustly set out. ED and GHall explained that the need for the reclamation was principally to deliver the necessary space on the east side of the listed buildings to allow for boat movement and proper functionality to the quayside. NLD queried the reasons for no longer showing proposed reclamation to the west of Tipner Point. GHall advised that negotiations continued with the boat clubs (who would have benefited from this reclamation) but that the implications from such works may ultimately outweigh the benefits, not least with regard to the assessment of alternative solutions and so needed to be properly considered as an alternative. GHall noted that for Option B, it would be potentially easier to deliver public access to the immediate locality of the retained listed buildings on site by reason of the more optimal marine hub footprint and enabling a pedestrian route that does not compromise the proposed FRAP. Nevertheless, an opening may need to be formed	

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			within the listed wall to enable public access to the western side of the listed buildings and this detail would need to be explored further with the Conservation Officer. GHall advised that Option A currently has a most viable solution of 732 homes, falling short of the 814 minima. Option B optimal viability position is 930 homes based upon current viability assessment work. SS asked what the viability gap was between Option A and B? ED advised that Option A was short of Option B by approximately £50m. The actual deficit of Option A was approximately £90m-100m. CM asked if there were embedded cost savings in these calculations, accounting for the use of existing PCC land at HIE for compensatory habitat? Presumably PCC have not accounted for the cost of using this land for compensation under Option B, given that it is already within the Council's ownership. But has the future development value of HIE been considered under Option A? ED explained that the costs and restrictions associated with developing HIE (MoD restrictions, Scheduled Monument, infrastructure) were such that its development value was so limited, that it effectively has a negative development value. So to not develop it would be a net financial gain for the project. GHall added that these relative compensation costs have been factored into the assessment of each option (including former Option C) and cost of land purchase where necessary. Next steps for the promoter team will be further assessment of the two options, including viability testing. An update paper is to be presented to Cabinet and Full Council in December, with the aim of identifying an optimal masterplan solution for consultation in the first half of 2024. GHall highlighted that a key purpose of this meeting was to seek to see if the development and retained SPA/Ramsar land in Option A (14(2)) could be made to work harder and more efficiently to combine, for example, some uses in the FRAP or SuDS in the SPA/Ramsar to enable the cost differential between the two options to be reduced so that there would be more opportunity for Option A (14(2)) to be deliverable	

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			given the current viability gap between them both. Compromises by Reg Panel members might enable the LSFR to be retained. <i>Coastal Defences and SuDS options.</i> AAt presented the slides for this part of the presentation. This relates to the options for the form of coastal defences and for the delivery of a sustainable drainage system across the Tipner West site. <i>These slides are accessible on the Savills Box sharepoint and it is not proposed to repeat this here.</i> AAt referred to the specific list of questions issued to the Panel ahead of the meeting. AC asked if Laura Lax had been aware that there would be flood risk matters discussed at this meeting. NLD confirmed that she was, but due to the deferral of this Panel meeting, it had been difficult to re-arrange at short notice and secure the specialist attendees from the EA. However, the questions and slides have been made available and there would be some time allowed for the EA to provide a response to these. ED explained that feedback was needed at the earliest opportunity to meet project timeframes. AAt suggested a focused meeting with the EA specialists could be an opportunity? This was agreed, for attendance by EA, Coastal Partners and the LPA. AC added that the flood risk information has been requested by the EA for a long time. <i>[LL joined the meeting at this point]</i> AAt explained that, broadly, the residential component of the project would be built at a higher level (more vulnerable +4.8ODN) than the marine employment (less vulnerable +3.8ODN) LL noted that the lifetime for less vulnerable was 70-75 years now - need to check this. Also, is +300mm freeboard? If so, this is likely to be seen as an absolute minima and would need very clear justification. LL added that this information would undoubtedly inform the viability assessment and that the EA had been seeking this information over a considerable period. Nonetheless, LL would liaise with colleagues regarding a technical meeting for next week. Action: LL to identify availability of technical flood risk colleagues for a	LL - asap

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			technical meeting during w/c 27th Nov. <i>[post meeting note - meeting arranged for Thursday 30th Nov at 11:30]</i> NLD noted that it was necessary to carefully consider the balance between preventing public access to the northern bay shoreline and enabling public access to the exterior of the listed buildings. BC stated that he understood the issue being flagged in the presentation was essentially about controlling public access to the beach. But it would be welcome enhancement to enable public access to the western side of the listed buildings, even if this required the formation of an opening in the listed wall. CM stated that the RSPB would always be very wary of public disturbance to bird populations and it can be very difficult to control public movement, especially dogs. It also needs to be considered to what extent would restrictions divert public movements to other parts of the SPA. NLD noted that a carefully conceived design and management strategy would need to be identified. ED clarified that for Option A (14), there was not currently assumed public access up to the listed wall due to the need for a widening of the marine hub footprint (due to retention of LSFR), whereas this was possible for Option B. BC asked why it could not be assumed that public access might still be possible atop the sea defence. ED agreed that this could certainly be explored. BC stated that a path ought still to be achievable. GHall noted that this had crossover to other considerations such as use of the FRAP, crime prevention etc. KH stated that all of these matters would be considered, but ultimately detailed design will be required and public finances must always be a key factor in decisions. However, public access was in principle supported, not least due to the very use of public funds associated with the project. AA continued to talk through the sea defence design options and cross sections and the pros/cons of footprint extent. The opinion of the Panel was therefore to be sought as set out in the questions supplied. LL noted that agreement needed to be reached with the EA as to the climate change allowances for the flood assumptions. It was likely that, due to residential, a higher threshold would likely be required. GHall explained that there remained a challenge, not least in terms of cost, that, cheaper rock revetment may have more ecological impact whilst at the same time can deliver some ecological potential by design. Hard vertical sea defence is more	

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			costly and may have a consequent on the viability of the project as a whole and ultimate scheme selection. NLD invited Coastal Partner attendees to comment, as it was felt that they should join a technical sea defence meeting in view of their expertise. EH stated that rock revetment can provide longevity, but with a sea wall there are betterment opportunities, eg, textured sea walls, public footways. Would be willing to attend a meeting. AAt explained the potential sea defences around each part of the TW landmass, before proceeding to sections of the LSFR and potential SuDS feature associated with a vertical sea wall. HC noted LLFA concern that he would not wish to see sea-water ingress through the sea wall. LL added that any draining surface water would need to be sufficiently clean if it is to be released to the sea or saltmarsh/brackish habitat on LSFR. AAt acknowledged that appropriate tide lock was essential. <i>SuDS Drainage</i> The slides outlined an intention to integrate SuDS with biodiversity and with buildings working harder too. NLD noted that this would be the sort of approach favoured by Building for Healthy Life framework. AAt added that a development layout incorporating 'green routes to the sea' would help in the channelling of water away from the development. NLD asked what timeframe was preferred for answers to the questions raised. ED explained that, pending the technical meeting next week, it was hoped to have a set of agreed parameters for the sea defences. GHall stated that ideally written responses to the questions by COP Thursday 30th would be ideal, so that responses could be fed back to Cabinet the following week. ED added that the project team were clearly seeking to reduce infrastructure costs and any savings could be beneficial for minimising potential pressure on land-take. NLD noted that this was raised via Question 6. GHall decided to amend Q6 to make this point clearer. Action: GHall to re-issue the list of Questions to reflect this. <i>[post-meeting note, this has been placed on the Savills Box sharepoint]</i>	GHall - asap

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			LH asked if Ben Edmonds from the LPA Policy team could attend the technical meeting next week. AC stated that the EA understood the promoter team 'trade off' issue re sea defence design/cost, but that these weren't necessarily mutually exclusive. Would rather see a vertical wall that does not encroach on the SPA/Ramsar and this could identify a sea defence solution. AAt explained that the approach of the slides today was to try and work through the options and get a feeling for the Panel position. AC added that, what would actually happen with inundation of LSFR and how would this sit with the approach to defences? This must also be considered. MB wanted to query questions 7 and 8. With regard to SuDS, any such water would need to be sufficiently clean if this is to be directed to LSFR. Also, is there an indication as to how long it would take for LSFR to flood over time and would it be completely inundated or saltmarsh? In addition, if LSFR were to be left un-defended, would there be a risk of it becoming an island by reason of erosion. How would this impact the use of this part of the SPA by birds? GHall noted that the terrestrial SPA is the highest part of the site. Estimated that by 2053, the edge of the terrestrial SPA starts to become an island, whereas complete inundation around end of the century. AAt stated that LSFR might be the only dry land by the end of the century. NLD noted that presumably there must be a design solution to manage the future of LSFR. GHall noted that this all adds to overall project costs. OP confirmed that any water discharge to the LSFR would be clean water. For LSFR, this would likely comprise a series of seawater channels over time, not necessarily a clearly defined 'island'. However, formation of saltmarsh would provide a valuable contribution to the wider Solent intertidal saltmarsh network, which is lacking at the current time. The principle is to create a 'pathway' to habitat creation over time. The new 'watery' environment would also act to dissuade public from trying to access the SPA. NLD asked if RSPB/HiWWT had examples of such schemes - (being the managed retreat of flood defences for new saltmarsh habitat creation) - and how public access could be managed, noting the Southmoor example. CM said that she would consult with colleagues, but there remained a critical policy/legal component first of all, this being the need to restore and protect the	

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			original function of the LSFR i.e. the reason it was included in the SPA/Ramsar boundary. NE should be able to advise on its original function, but the RSPB's understanding is that, historically, LSFR was an important high-tide roost. If this is confirmed by NE, any habitat creation will need to continue to support this function. Some saltwater and/or freshwater habitat creation could be compatible with this, but it will be critical to model the timeframe for any scheme that leaves LSFR un-defended - if the land would be lost within 10-20 years, this would clearly undermine the integrity of the SPA and a case would need to be made for this. Nevertheless there appear to be habitat creation options that could be explored alongside this. NLD asked if RSPB had a preference for soft or hard sea defence for TW. CM noted that a vertical defence would appear to reduce net loss of SPA/Ramsar. SS agreed to consult with team at Farlington noting there have been difficulties with managing water ingress. Agreed with CM that limiting public access was critical. MB added that Natural England have issued a Green Infrastructure Framework and this would be a useful reference point. She would provide a link to this in the meeting chat. In addition, MB wanted to emphasise that the integrity/coherence of the national site network should always be the primary starting point. IF noted that a Reg Panel was scheduled for w/c 11th December and to discuss bridge design options? NLD agreed that the meeting programme should certainly be reviewed and updated. <i>[the promoter team left the meeting at this point]</i> <u>Further Comments by Regulators</u> LL expressed some frustration that there was such a short time period for turnaround comments. EA have been saying for a considerable time that the flood defence strategy would have potentially significant cost implications for the project. The detail is unlikely to be agreed in next week's proposed meeting. Grant Harris in the Flood Risk team would be invited to attend. However, agreement will not be given due to promoter time constraints. The EA have been asking for this detail for at least a couple of years. AC would also be keen to join the technical	

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			meeting next week, as he covers the ecological aspects around the sea defence options. LL advised that the EA would welcome a focused technical meeting with the EA and promoter team flood risk specialists as this is so critical. NLD agreed to ensure the meeting is recorded for sharing with other Panel members. MB happy not to attend the flood risk meeting but will alert colleagues to ensure the questions can be answered. In terms of options, whilst the Option 1 would have been preferred, Option A(14) is preferred over Option B(9) due to retention of LSFR. MB noted that having regard to the indicative land use masterplans, there could be some merit in the proposed area of POS (shown at the western edge of the site) in focusing pedestrian activity in one area, rather than the 'streets to the sea' concept which might draw more people to the coastline in more locations, giving rise to more bird disturbance, especially on the more sensitive southern edges of the site. NLD noted that the indicative western POS could be too exposed to SW winds and it may be preferable to move this into the site more, to provide some protection from built form. MB considered that this could indeed be preferable, in also taking human activity further from the coastal edges (ie. people visit the park rather than the coastal edge). MB wanted to clarify the position re levels and the relative prominence of people along the sea defences as a result vis-à-vis disturbance to birds. NLD noted that this should certainly be a factor in the technical discussions later in the week or more detailed design discussions that follow on from that. CM noted it was useful to get details on the competing factors between the options. Some concern that greater weight appears to be placed upon matters such as heritage, more so than the SPA. The position of RSPB/HIWWT remains that they cannot support either option in principle. Any direct SPA loss should be completely avoided as even 0.5ha remains a significant amount of direct loss but if it is to be put forward, it would require a robust assessment of alternative solutions. HR queried if all design options had been explored, eg. spanned walkways. BC noted that he did not consider that heritage was necessarily being preferenced over SPA matters but that the governing factor seemed to be the vision the promoters had for the marine hub. What were the assumptions for the marine hub?	

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			NLD agreed to supply previous information supplied by the promoter team in terms of the Solent-wide studies (eg, by Solent LEP) stipulating what the proposed marine hub should be aiming to deliver (having regard to existing sub-regional, regional or indeed national deficits). Action: NLD to provide BC with background material on the marine hub research. LH noted that it was more likely the marine hub would be serving needs of manufacturing, Royal Navy, BAE and other customers. MB added that the firing range is a SWBG primary support site and mitigation must be addressed. It has not been explored today. SS said that she would be happy to provide contacts within HIWWT that could be invited to join suitable future meetings, to address the SWBG mitigation options. Queried next Panel focus. NLD said that, at present, this is to be the draft energy strategy and also bridge design options, but this is yet to be confirmed. HC (LLFA) noted that the SuDS strategy appears broadly okay. However, concerned about the possibility of sea defences possibly resulting in sea water ingress to the site (via the SuDS outlets) and this would need to be avoided.	NLD- ASAP
	AOB	LH	LH highlighted to the Panel that, in due course, Statements of Common Ground would need to be prepared and there will need to be some consideration as to whether this is framed as a 'Regulatory Panel' SoCG or remain separate, or hybrid of the two. This will need to be discussed.	
3	Further Post-Meeting Advice	All	Panel comments <i>[Note that specific written answers to submitted promoter questions are also be provided by Panellists- these minutes do not directly reference these separate responses]</i>	

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			<u>Natural England</u> See answers to questions below. <u>Environment Agency</u> In response to the general question and Q6. We maintain the position that we have had and shared from the outset, which is that we oppose tidal encroachment. This is in keeping with our National Policy for Encroachment on Tidal Rivers and Estuaries - Environment Agency Intranet - EA2242 Encroachmentfinalv2.pdf - All Documents (sharepoint.com). Therefore, the least damaging option, will always be favoured. This is in keeping with the mitigation hierarchy principle of avoid, mitigate, compensate. Q6. Jumps to loss of intertidal but the objective can be met by going back into “development land” yet this appears to be discounted. The need to ensure that there is an appropriate buffer between the development and the protected site should not be underestimated. How this buffer is incorporated should be based on robust ecological assessment/rational as highlighted in the NE comments. The questions refer to 8m as a flood risk requirement. I have 16m in my head (Grant to clarify). Ultimately, I would assume it will be for the applicant to demonstrate the defence can be maintained now and into the future. There are several questions relating to edge treatment and therefore I would direct them to the estuary edge guidance once more - Home - Estuary Edges <u>MMO</u> No further comment yet received <u>Historic England</u> <u>[advice received pre-meeting]</u>	

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			The below should be read in association with my previous email dated 9th October as this will provide more detail on what we would be looking to see and further questions that I have. It will not come as a surprise that I am fairly positive about both options A and B. I am pleased to see that HIE will remain as a SPA/Ramsar which I think will safeguard the D-Day slipways, whilst there will be no public access to them physically the new bridge will allow a viewing point which arguably will give the viewer a better appreciation for the structures and their scale rather than being able to physically stand with them. The proposals to leave the site untouched will also preserve any of the building platforms/bases that are present in the area behind the slipways – I think it was Gavin who raised whether these could potentially be considered of equal significance to the monument. We have been speaking for quite a while now about reclamation and what that could mean for changing hydrological patterns and thus increased scour of the sediment around the slipways. Both options require reclamation but this is now relatively small scale – due to its position reclamation in this area will narrow the channel and thus there is still some potential for scour so we will still need these models but it is largely my expectation that there is likely to be minimal impact. In terms of the numbers of homes, option A is presented as 815 with option B being 950. From the master plan it would appear that the difference in homes is made up with using large ‘blocks’ and less open public space (or at least the open space would appear to be more linear). My question would be how does the massing look in each of the options the artists impressions suggest blocks of between three and five stories but we have been speaking about higher buildings too – are higher buildings still on the table? In terms of the Magazines, the green space adjacent to them, this provides some kind of view of them. Did you ever get anywhere with ideas of access to any of them which I know Ben was keen to see in some form?	

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			I think one of the final things I am yet to see detail on is the bridge. <u>Coastal Partners</u> See attached answers to questions. <u>RSPB & HIWWT</u> See attached answers to questions. In addition the following queries have been made: 1. We would also be grateful to be pointed to the most up-to-date business case for the marine hub, in particular the rationale behind the 58,000sqm figure. 2. Have all development options for Horsea Island east have been fully explored? Is there really no positive development value at all?	

Meeting Closed: 3.30pm

Date of Next Meeting: 14th December 2023 - 10am - 11.30am

Anticipated Panel Topics: Project Energy Strategy

Regulator Answers to Questions

COASTAL PARTNERS ANSWERS TO QUESTIONS - 23RD NOVEMBER 2023 - TIPNER WEST REGULATORY PANEL

Questions for November Reg Panel

1) Do you agree with the principle of the coastal defence standard of protection? 200 year design level

- **More vulnerable: +4.5m ODN (100yr lifetime e.g. residential dwelling + 300mm raised threshold)**
- **Less vulnerable: +3.8m ODN (50yr lifetime e.g. marine employment and leisure land uses)**

It would be helpful to understand where these levels have been derived from, including whether any flood modelling has been undertaken for the site and which climate change allowances were used (i.e. higher central or upper end) and justification for these. Please note that a 300mm freeboard is generally the minimum that would be considered acceptable, ordinarily we would like to see this higher and in many cases, this can be up to 600mm.

Furthermore, the National Planning Policy Framework now advises the lifetime of 'less vulnerable' developments to be 75 years instead of 50 years. It should also be clarified whether the marine employment area would comprise water compatible development or a combination of water compatible and less vulnerable uses, as this will also have implications on the mitigation required.

At the adjacent Tipner East redevelopment site, the coastal defence crest levels were agreed to be +5.25m ODN with a 100-year lifetime. As the Tipner West site is more exposed than Tipner East and therefore susceptible to greater wave overtopping, an assessment on overtopping would be required.

An operation and maintenance plan for the defences would also need to be produced and submitted in support of any planning application, demonstrating how the defences would be funded, operated, and maintained over the duration of the development's lifetime and who will be responsible for doing so.

Within the Flood Risk Assessment (FRA) supporting this application, we would expect to see the following:

- All sources of flood risk shown to affect the site throughout the duration of the development's lifetime;
- Existing ground levels at the site, in mAOD
- Finished floor levels, in mAOD, with evidence that these have been set with the design tide level in mind;
- Flood resistance and resilience measures proposed to be incorporated;
- Flood Warning & Evacuation Plans for the development, throughout the development's lifetime.

2) Are we using the correct future site levels?

Please see above.

3) Do you agree with the principle of trying to direct public access away from the northern and southern beaches but make it easier to access the sea on the western edge?

This approach seems sensible; however, consideration should be given to how this will be implemented in practice for all occupants and users of the site, and how emergency egress points can be incorporated in the defence line if required.

- 4) The development will be set back a minimum of 8 m from the defence line, the ability to maintain the defences in the future will be a key design criteria– Is this approach acceptable?**

It is important that sufficient space is provided for both vehicular and heavy plant access for maintenance of the defences. The emergency and maintenance and operation plans to be submitted in support of the application should demonstrate how the 8m width is acceptable.

- 5) We are proposing that this 8m zone can be used for Pedestrian and vehicle access/ POS/ promenade? Is this acceptable?**

Please see the above. The Emergency Plan should also set out if the 8m zone will be closed in a flood, any trigger levels for this, and who will be responsible for doing so, over the lifetime of the development.

- 6) The key principle is to minimise the footprint of the defences and therefore, the loss of any land, either beach or developable land. This will minimise the loss of habitat and therefore any compensation needed but may have cost implications. Do you agree with this approach, or would you rather have larger defences which could provide future habitat as the sea level rises, acknowledging that this would require a greater level of compensation, but may see savings in cost?**

Ideally we would like to see the most sustainable approach taken, which provides maximum benefits the environment, however the primary objective of the flood defences should be to reduce the risk to people and property. There are enhancement opportunities with any defences, such as tidal pools, textured seawalls etc. – please see the [North Portsea Island Flood & Coastal Erosion Risk Management Scheme](#) and the [Southsea Coastal Scheme](#) for examples. Coastal Partners would be happy to provide further details on how these can be incorporated.

- 7) In Option 14, we intend to leave the flood defences for the SPA as they are and allow the area to flood over time, with a bund to protect the development behind the SPA. Is this an acceptable solution? The alternative is that we create enhanced flood defences on the SPA boundary around the coastline?**

Providing the bund provides the sufficient protection to the site for the duration of the development's lifetime, then this could be acceptable.

- 8) In Option 14, we are looking to create shallow freshwater areas for the brent geese to use, within the SPA. This would require linking the SUDS from the site to a route draining to the sea, through the SPA? The habitat could then transition to salt marsh, is this acceptable in principle. If so, we can develop up the detail to share with you in future?**

Coastal Partners defer to Natural England for comment.

RSPB and Hampshire & Isle of Wight joint response 30 November 2023

General Question: Do you have any overall comments on A (14) or B (9) as we move forwards? A excludes development on land south of the firing range. Both require some reclamation (circa 0.5ha) around Tipner Point for marine employment and dredging of the northern channel around Tipner Point to enable the marine employment hub and both will facilitate the bridge linking to Horsea Island.

The RSPB and Hampshire & Isle of Wight Wildlife Trust remain of the view that the proposed development should and could be built without the need for any direct land-take from the SPA/Ramsar site in order to increase the land available for development. It is therefore disappointing that both options now selected for further evaluation involve between 0.5 and 4ha land-take, and as a result we are unable to support either option.

Nevertheless, we commit to continuing to offer our advice to the Regulatory Panel with the aim of ensuring that impacts are reduced to a minimum and, where adverse effects are concerned, transparently justified and appropriately compensated. Our comments from hereon are, however, made without prejudice to our position above and with the understanding that the Council will be required to robustly demonstrate that there are no less damaging alternative solutions and imperative reasons of overriding public interest (as well as securing the necessary compensatory measures), for which we have yet to see a convincing case.

Of the two remaining options, Option A (14) clearly has a far lesser impact on the SPA/Ramsar site as a result of the retention of the area of terrestrial SPA/Ramsar to the south of the firing range. While we recognise the increased costs to the project of retaining this parcel of land, we consider that doing so creates significant opportunities for the sustainability and placemaking of the overall scheme. Not only could the land be relatively easily restored to again provide a highly valuable roost site for the SPA/Ramsar site birds, additional features such as freshwater habitats could (subject to Natural England's advice) be incorporated into its design that would also benefit the designated site interests. Retaining this land would also create a natural buffer between the development and the intertidal area to the south, reducing disturbance to further areas of the SPA/Ramsar and potentially also reducing flood-risk. The land would additionally offer the new community a greater sense of connection to high quality semi-natural greenspace, in a development where access to substantial open spaces will inevitably be limited.

Regarding the proposed 0.5ha of SPA/Ramsar reclamation around Tipner Point included in both Options A and B, we understand that this is considered necessary to facilitate the use of the proposed boat yard and for access around the listed buildings. Given this, we question whether alternative solutions to achieving these functions have been thoroughly explored, such as spanned walkways. While impacts to the SPA/Ramsar may not be totally avoided by such a design, it would be highly preferable to the total loss of what would still be a significant area of the protected sites.

In summary, without prejudice to our position above, of the remaining two options as currently presented, the RSPB and Hampshire & Isle of Wight Wildlife Trust would strongly favour Option A (14), and consider it presents a far greater chance of successful delivery, subject to clear justification for the 0.5ha area of SPA/Ramsar reclaim for the marine employment hub. However, we would urge the Council to consider alternative designs for Tipner Point so that direct loss of SPA/Ramsar can be

completely avoided, substantially increasing the likelihood of the final scheme satisfying the Habitats Regulations.

1. Do you agree with the principle of the coastal defence standard of protection? 200 year design level

- **More vulnerable: +4.5m ODN (100yr lifetime e.g. residential dwelling + 300mm raised threshold)**
- **Less vulnerable: +3.8m ODN (50yr lifetime e.g. marine employment and leisure land uses)**

No comments.

2. Are we using the correct future site levels?

No comments.

3. Do you agree with the principle of trying to direct public access away from the northern and southern beaches but make it easier to access the sea on the western edge?

In order to protect the SPA/Ramsar wintering bird populations, all efforts should be made to prevent direct access onto the intertidal around the development (and, as far as possible, additional sensitive areas in proximity to the development where people may alternatively choose to visit the shore).

Evidence shows that penetration of people and dogs into the intertidal zone is the greatest cause of disturbance to birds feeding on the mudflats and saltmarsh habitats¹. Whereas regular movement of people along linear coastal paths away from the intertidal zone is generally better tolerated by the wintering waterbirds.

⁽¹⁾ Stillman, R. A., West, A. D., Clarke, R. T. & Liley, D. (2012) Solent Disturbance and Mitigation Project Phase II: Predicting the impact of human disturbance on overwintering birds in the Solent. Report to the Solent Forum.)

Therefore, opportunities should be explored to offer residents and other visitors to the site a strong visual connection towards the harbour through the location of areas of public open space and paths around the edge of the development, while ensuring effective separation from the intertidal zone. For example, providing a path along the seawall, with features to ensure people and dogs remain along this route rather than accessing the intertidal, could be an attractive alternative to accessing the beaches, particularly where opportunities can be provided for connecting with circular routes through parts of the development.

4. The development will be set back a minimum of 8 m from the defence line, the ability to maintain the defences in the future will be a key design criteria– Is this approach acceptable?

No comments.

5. We are proposing that this 8m zone can be used for Pedestrian and vehicle access/ POS/ promenade? Is this acceptable?

No comments.

6. A) The key principle is to minimise the footprint of the defences and therefore, the loss of any land, either beach or developable land. This will minimise the loss of habitat and therefore any compensation needed but may have cost implications. Do you agree with this approach, or would you rather have larger defences which could provide future habitat as the sea level rises, acknowledging that this would require a greater level of compensation, but may see savings in cost?

Our preferences for the sea defences are that 1) their footprint avoids (insofar as is possible) any direct loss of SPA/Ramsar site, and 2) their design should enable effective restrictions of people to the intertidal in order to help control recreational disturbance to the wintering bird populations. This would suggest that vertical wall defences are likely to be the preferred design, or rock revetments where it would not impinge on the SPA/Ramsar. Nevertheless, the design of any defences should consider opportunities for incorporating wildlife features/habitat as part of the structures, as well as ensuring that they avoid or minimise direct damage to protected wildlife sites.

B) If the project spent less on coastal defences, this may provide the ability to develop on a lesser extent of land and afford the potential to therefore avoid Land South of the Firing Range. Do you have any views on this potential approach?

As we understand it, the lower cost sea defence designs would either lead to an increased loss of SPA/Ramsar due to their larger footprint, and/or increased access from the development to the shoreline, leading to greater recreational disturbance to the SPA/Ramsar birds. Therefore, saving costs on this element of the development in order to reduce the need for land-take from the SPA/Ramsar elsewhere would not appear to result in a net benefit to the SPA/Ramsar. Nevertheless, where it is possible to construct sections of lower cost defences without leading to loss of SPA/Ramsar or facilitating access of people and dogs onto the intertidal, we would have no objection to these design options. Although we would strongly urge that every effort is made to explore potential funding opportunities for coastal defences, to allow inclusion of designs that minimise loss and disturbance to the SPA/Ramsar and to reduce pressure to extend the wider development into the protected areas.

7. In Option 14, we intend to leave the flood defences for the SPA as they are and allow the area to flood over time, with a bund to protect the development behind the SPA. Is this an acceptable solution? The alternative is that we create enhanced flood defences on the SPA boundary around the coastline?

Natural England's advice should be sought on the historic function of the land to the south of the firing range, in terms of the SPA/Ramsar interest, in order to inform its future management. Our understanding is that it was included in the SPA/Ramsar site due to its importance as a high tide roost site, a feature that has become increasingly rare in Portsmouth Harbour largely due to development and disturbance. Therefore, provided that flood risk modelling shows that suitable habitat above high water will exist for the foreseeable future (e.g. for at least the next 100 years) without the need for enhanced flood defences, we cannot see any benefit to upgrading the current coastal defences around this part of the site. However, a bund between the northern boundary of this parcel of land and the development could, if appropriately designed, help assist in maintaining a barrier to prevent access onto the terrestrial SPA/Ramsar site. We would therefore support this proposal, in principle, subject to the necessary assessment of impacts on the SPA/Ramsar site.

8. In Option 14, we are looking to create shallow freshwater areas for the brent geese to use, within the SPA. This would require linking the SUDS from the site to a route draining to the sea, through the SPA? The habitat could then transition to salt marsh, is this acceptable in principle. If so, we can develop up the detail to share with you in future?

Subject to Natural England's advice on the appropriate functionality of the land to the south of the firing range in respect of its role within the Portsmouth Harbour SPA/Ramsar site, we have no objection to the principle of the creation of areas of freshwater habitat and/or a transition of parts of the land to saltmarsh or other intertidal habitats. However, based on our understanding that the site historically acted as an important high tide roost site, we would seek assurances that sufficient land remains available (for the foreseeable future) above mean high water in order to provide suitable high tide roosting habitat for the SPA/Ramsar waterbirds. We defer to the Environment Agency and Natural England with regard to the linking of SUDS to the site, as they are better placed to advise on any water quality issues this may present and the feasibility of this proposal.

ENVIRONMENT AGENCY ANSWERS

1. Do you agree with the principle of the coastal defence standard of protection? 200 year design level (this needs to include the latest climate change allowances (UKCP18) for the lifetime of the development plus a relevant freeboard ([freeboard guidance](#))
 - More vulnerable: +4.5m ODN (100yr lifetime e.g. residential dwelling + 300mm raised threshold) (we accepted ground levels of 4.6m AOD for Tipner East and would be appropriate for Tipner West. A relevant freeboard will need to be applied (see link above) to determine appropriate finished floor levels. These ground levels should include all access/egress roads)
 - Less vulnerable: +3.8m ODN (50yr lifetime e.g. marine employment and leisure land uses (A lifetime of 75 years is required for commercial development, not 50 years)
2. Are we using the correct future site levels? (see advice above)
3. Do you agree with the principle of trying to direct public access away from the northern and southern beaches but make it easier to access the sea on the western edge?
4. The development will be set back a minimum of 8 m from the defence line, the ability to maintain the defences in the future will be a key design criteria– Is this approach acceptable? (Development set back a minimum of 8m from the defences would be acceptable, but this must not have any permanent structures that would restrict the access of maintenance, repair or replacement equipment in any way)
5. We are proposing that this 8m zone can be used for Pedestrian and vehicle access/ POS/ promenade? Is this acceptable? (Pedestrian and vehicle access would be acceptable, but vehicle parking is unlikely to be acceptable due to access required as above)
6. A) The key principle is to minimise the footprint of the defences and therefore, the loss of any land, either beach or developable land. This will minimise the loss of habitat and therefore any compensation needed but may have cost implications. Do you agree with this approach, or would you rather have larger defences which could provide future habitat as the sea level rises, acknowledging that this would require a greater level of compensation, but may see savings in cost? (as above, the coastal defences standard of protection required level is for a 1:200 year design flood event plus the latest climate change allowance and a relevant freeboard that take all residual risks into account, e.g. waves, wind direction etc. It is for applicant to determine which of the climate change allowances, either the Higher Central or the Upper End, is appropriate for site-specific flood risk assessment of this site and the lifetime of the development)

B) If the project spent less on coastal defences, this may provide the ability to develop on a lesser extent of land and afford the potential to therefore avoid Land South of the Firing Range. Do you have any views on this potential approach? (as above, any defences must ensure the development is safe for its lifetime)

7. In Option 14, we intend to leave the flood defences for the SPA as they are and allow the area to flood over time, with a bund to protect the development behind the SPA. Is this an acceptable solution? The alternative is that we create enhanced flood defences on the SPA boundary around the coastline?
8. In Option 14, we are looking to create shallow freshwater areas for the brent geese to use, within the SPA . This would require linking the SUDS from the site to a route draining to the sea, through the SPA? The habitat could then transition to salt marsh, is this acceptable in principle. If so, we can develop up the detail to share with you in future?

NATURAL ENGLAND ANSWERS

General Question: Do you have any overall comments on A (14) or B (9) as we move forwards? A excludes development on land south of the firing range. Both require some reclamation (circa 0.5ha) around Tipner Point for marine employment and dredging of the northern channel around Tipner Point to enable the marine employment hub and both will facilitate the bridge linking to Horsea Island.

Natural England cannot support any proposals which would result in loss to designated sites. We have provided our views to Portsmouth Council to help with the identification of a preferred solution to take forward to more detailed discussions. Our views given here are without prejudice to any advice that NE may give at a later date or when formally consulted on the proposed scheme. I would also like to note that many of the aspects of the proposed Options and Elements have very little in the way of detailed accompanying information which makes it difficult to balance the trade-offs against each other. Nonetheless I hope that this information is helpful and trust that you'll get in touch should you wish to discuss or require any further clarifications.

As previously stated, our preferred option is Option 1 that does not involve any loss to designated sites. Of Options A (14) and B (9), Option 14 maintains the terrestrial part of the SPA south of the firing range. On this basis, Option 14 would be preferable to Option 9.

2) Do you agree with the principle of the coastal defence standard of protection? 200 year design level

- More vulnerable: +4.5m ODN (100yr lifetime e.g. residential dwelling + 300mm raised threshold)
- Less vulnerable: +3.8m ODN (50yr lifetime e.g. marine employment and leisure land uses)

Natural England would defer to colleagues in the Environment Agency and Coastal Partners who are better placed to advise on this aspect.

2) Are we using the correct future site levels?

Please see question 1 above.

9) Do you agree with the principle of trying to direct public access away from the northern and southern beaches but make it easier to access the sea on the western edge?

We would support measures to reduce disturbance to qualifying features along the coastline and using the intertidal areas. This will be required as part of the avoidance and mitigation strategy and so will be a key consideration as part of the project design.

10) The development will be set back a minimum of 8 m from the defence line, the ability to maintain the defences in the future will be a key design criteria– Is this approach acceptable?

Please see question 5 below.

11) We are proposing that this 8m zone can be used for Pedestrian and vehicle access/ POS/ promenade? Is this acceptable?

We recommend that opportunities to incorporate Green Infrastructure into the whole design are explored, and the 8m set-back could present an opportunity for this. However, conflict between user types could occur (eg between vehicles and walkers) and so careful design should prevent and minimise this. Setting back the development from the coast could reduce disturbance impacts to qualifying bird species on the intertidal.

The HRA will need to assess whether this 8m zone is sufficient or not to avoid impacts to the SPA. It will need to consider potential impacts such as lighting, noise, over-shadowing on the SPA, and visual disturbance from people and pets.

12) The key principle is to minimise the footprint of the defences and therefore, the loss of any land, either beach or developable land. This will minimise the loss of habitat and therefore any compensation needed but may have cost implications. Do you agree with this approach, or would you rather have larger defences which could provide future habitat as the sea level rises, acknowledging that this would require a greater level of compensation, but may see savings in cost?

As above, Natural England cannot support any loss to designated sites. It is unlikely that artificial sea defences could replace the natural designated habitats present. Adequate compensation for any loss to designated sites would need to be provided.

13) In Option 14, we intend to leave the flood defences for the SPA as they are and allow the area to flood over time, with a bund to protect the development behind the SPA. Is this an acceptable solution? The alternative is that we create enhanced flood defences on the SPA boundary around the coastline?

The Shoreline Management Plan (SMP) indicates a 'Hold the Line' (HTL) position for this area across the three epochs. If defences around the terrestrial SPA are to be maintained in line with the SMP, the impacts this could have on the use of the area by birds should be fully understood. For instance, the construction of sea defences could reduce the open sightlines that waders and wildfowl prefer.

We request modelling work/evidence to demonstrate how the SPA terrestrial habitat would change over the lifetime of the development if seawards defences were not maintained. How would the provision of supporting habitat in this area change with increased inundation over time? Results from the Solent Dynamic Coast Study may be of use in addressing this point.

Currently the EA'S Habitat Compensation and Restoration Programme (HCRP) may be providing compensation for the SMP's 'Hold the Line' position until 2105 (i.e. incorporating compensation for potential loss of intertidal habitats). However, if the sea defences seawards of the terrestrial SPA are not maintained, intertidal habitats may form on the terrestrial SPA and this compensation for intertidal habitats may no longer be required. It might be appropriate to reconsider whether the HTL position within the SMP policy should be realigned behind the terrestrial SPA, with a predicted loss over time of the terrestrial SPA habitat instead.

We advise that discussions are held between the EA/Coastal Partners as to how this potential change in the balance of losses and gains, i.e. gain in intertidal vs loss terrestrial SPA habitat, is addressed and picked up. The terrestrial SPA habitat will need to be compensated as it loses its ability to support SPA birds,

however, discussions will need to take place to determine the best mechanism to deliver this compensation (i.e whether the developer should provide all of this, or possibly the HCRP could provide some).

Natural England in principle try to support natural processes as these underpin many habitats and not to retain potentially uneconomical sea defences that are protecting terrestrial/ freshwater/ coastal grazing marsh sites, but instead look at mitigating and compensating the losses in more sustainable locations.

The project should assess all its impacts over the lifetime of the proposal. Whilst the terrestrial SPA may retain its supportive role for a period of time this is likely to decline in quality and quantity and will be lost at some point in the future. This loss of terrestrial SPA is likely to be an AEOI, and therefore compensation will be needed to address this loss.

In all cases, the development needs to ensure all impacts are avoided, mitigated, and compensated. Any assessment should include both direct and indirect impacts to the terrestrial SPA, including recreational disturbance from the nearby development.

14) In Option 14, we are looking to create shallow freshwater areas for the brent geese to use, within the SPA. This would require linking the SUDS from the site to a route draining to the sea, through the SPA? The habitat could then transition to salt marsh, is this acceptable in principle. If so, we can develop up the detail to share with you in future?

Any changes to the land south of the firing range should demonstrate that this is aligned with the conservation objectives of Portsmouth Harbour SPA, namely ensuring that the integrity of the site is not adversely impacted for the qualifying features.

Any SuDS affecting the site should assess potential changes to both water quality and flow. Decreased water quality could lead to deterioration of habitats via the increase in nutrients and/or other pollutants. Increases in flow (which may increase further over time due to climate change) could cause significant scour to habitat in the SPA and may also hinder natural saltmarsh development, resulting in loss to SPA grassland habitat.

One way to avoid these impacts could be to implement the SuDS landwards of the terrestrial SPA. Habitats such as reedbeds could improve water quality and increase greening of the site, and could also help with protecting the SPA if it provided a further setting back of the development.

General Comment:

We would recommend that the Green Infrastructure Framework is used at all stages of the design process, and would support measures that could make these proposals an exemplar scheme in terms of its GI provision.

The GI Framework is available here:

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2023 - Meeting 7**
Date: **14th December 2023@ 10am - 12pm.**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA)	Kevin Hudson (KH) - PCC - TRP
Tom Bell (TB) - PCC (LPA)	Julie Knight (JK) - PCC-TRP
Lucy Howard (LH) - PCC (LPA)	Gavin Hall (GH) - Savills
Ben Cracknell (BC) - PCC (LPA)	Robin Henderson (RH) - Savills
Owen Hughes (OH) - PCC (Energy Services)	Ian Fielding (IF) - Savills
Kristina Downey (KD) - PCC (Carbon management)	Dan Jestico (JD) - Savills
Antonia Craze (ACr) - PCC (Senior Energy Officer)	Bruce Hartley-Raven (BHR) - Savills
Hilary Crane (HC) – Coastal Partners	Alistair Atkinson (AA) - WSP
Laura Lax (LL) - EA	Owen Peat (OP) - WSP
Adam Cave (AC) - EA	Steve Timms (ST) - HoareLea
Mary Bell (MB) - NE	Emma Davies (ED) - AtkinsRealis
Megan Stroudley (MS) - MMO	Adam Darby (AD) - BDP Architects
Heather Richards (HR) - RSPB	Raul Usach (RU) - BDP Architects
Carrie Marchbank (CM) - RSPB	
Sienna Somers (SS) - HIWWT	
Holly Gray (HG) - HIWWT	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes	NLD	Apologies from Harvey Cable (LLFA), Alex Bellisario (Historic England), Graham Horton (NE) NLD talked through the outstanding meeting actions which had been completed. The minutes of the previous Regulatory Panel from November were confirmed as agreed, noting that outstanding written comments/answers to the specific Promoter questions raised, were pending from NE and MMO and that these would be added in due course and a final version of the Minutes issued with these incorporated. <i>[Nb: This has now been done. No comments from MMO]</i> MB advised that NE would normally defer to the EA/Coastal Partners with regard to the questions raised about sea defence standards. Would be useful to know how the EA's Habitat Compensation and Restoration Programme (HCRP) ties in with the situation at Tipner, in particular with proposals for breach of the HTL policy around the terrestrial SPA/Ramsar. Newly created intertidal habitat (through the breaching of existing defences and seawater inundation) might reduce compensation requirements in the context of the HCRP. At the same time, there would be SPA compensation due to the loss of terrestrial habitat for SPA species. There is a careful balance of losses/gains that needs to be considered. AC advised that the SMP Hold the Line policy would have assumed retention of the terrestrial SPA and accounted for in the HCRP. However, the potential creation of intertidal habitat over time may reduce this compensation requirement.	
2	Promoter Team Presentation - Project Update - Project Energy Strategy - Associated Questions for the Panel	GHall	<i>Project Update</i> GH provided an initial project update, explaining that a report had gone to Cabinet on 4th December and Full Council on 14th December where a decision had been taken to defer selection of a final masterplan approach for the site until further assessment of the two remaining options (options 9 and 14 (hereafter known as Options 'B' and 'A' respectively) had been concluded by the project team, with particular regard to:	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			i. Financial viability ii. Stakeholder engagement (inc with Reg Panel, local community) iii. The case for IROPI GH confirmed that stakeholder engagement would comprise an 'update' to the project, how it has progressed to date. GH added that updates to the Reg Panel programme for 2024 were due to be discussed at the Working Group meeting on 18th December. CM noted that, in respect of the financial deficit of the project made clear in the paper put to Cabinet and Full Council, the City Deal suggests that circa £87m was anticipated to be 'levered in' by the Council (eg. via CIL, business rates, s106). ED noted this was the case, but was not aware of any such funding having been secured or required from other developers to date. GH noted that the promoter team will continue to be sourcing funding to reduce the viability gaps. However, with regard to CIL, it would be a 'zero-sum' situation for the project as costs would be incurred either directly (for infrastructure) or indirectly (via CIL). GH added that as things stand, the viability gap between options A and B has increased in recent modelling, with option A becoming relatively more costly. However, the negative viability of Option B has been gradually reducing with further analysis. Some cost savings are of course common to both schemes but this all needs further study, as per the report to Full Council. NLD noted that further discussions are expected with Government shortly to review alternative grant sources and possibly review of City Deal. GH added that the circa £87m noted in City Deal should not be regarded as 'match funding' but was listed as anticipated 'inward investment' as a consequence of the City Deal 'pump priming' the Tipner West development to move forward and be developed. ED stated that she did not expect s106 monies from other sites in PCC to be providing any materially significant sums to Impact the viability position for the project, eg. from s106 for Tipner East. CM queried the potential for City Deal funds to be repaid and noted that the City Deal documents supplied by PCC were relatively generic in their wording and there did not appear to be any obvious obligation to repay sums if the project does not proceed as envisaged.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			GH confirmed that the City Deal would be discussed with Government in the New Year and it was appropriate for the Council to assume a reasonable expectation that the Government might want such funding repaid in the event that the project does not proceed. There has not been any precise figure cited as to what this potential repayment sum might be. KH agreed that the City Deal document was 'light touch', unlike traditional funding agreements. However, the potential to repay unused sums had to be treated as a reasonable project risk. <i>Project Energy Strategy</i> ST talked through the presentation slides "Tipner West Energy Strategy" (<i>available to Panel members on the Savills Box Sharepoint, alongside the meeting recording</i>). ST confirmed that the strategy is now governed by the principle of avoiding fossil fuels. Energy strategy now is principally via electrical source, which in turn is via a non-carbon means of generation. Key focus must be on renewable sources. Building Regulations Part L is a primary basis for the strategy alongside the Future Homes Standard (DLUHC) which comes into effect in 2025. Therefore two key options: 1. Localised heat pumps on a block by block basis 2. Centralised heat pumps with a district heating network. ST talked through the Pros and Cons of each heat pump option. The current proposal is considered to be based upon option 2 – a centralised system providing heat and cooling to all buildings. Energy would be derived from Sea Water heat pumps and PVs on each building block would supplement this renewable energy source. The Sea water extraction unit would be sited off the northern edge of Tipner Point, serving an Energy Centre (Nb: shown south of the on-site heritage assets). The size of unit at Tipner would be roughly twice the size of that shown on the presentation slides (at Bristol site shown). LH asked for the name of the scheme in Bristol. Action: ST confirmed this would be provided.	ST – ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			LH asked if the proposals had had regard to the habitat designations? ST confirmed this was the case. ST advised that the proposed sea water heat pump at Tipner would be an 80-90% 'heat-led' energy source, the water being taken from the sea being returned, on average, at a lesser temperature (a reduction of circa 4°C to the temperature as extracted). In summer months, this would have a cooling effect which could also be beneficial ecologically. NLD noted that this would no doubt need to be addressed in both EIA and HRA. AC. NLD asked if the pumps were tidal dependent. ST said this was not the case, but they should be submerged at all times (which by location at north of Tipner Point, it should remain so). AC noted that there are similar schemes already at Gunwharf Quay and the international ferry port. More detail should be provided in respect of screens at the intakes (and possibly outfalls too) and associated impingement mitigation measures. ST added that the volume of intake and outfall sea-water is extremely modest in comparison to the volume of the Harbour waters. MB noted that any impacts upon the designated sites must be mitigated and, as necessary compensated. She also queried how far out the unit would extend into the harbour? ST confirmed it would typically be around 2m deep. LH queried the nature of screening. AC advised this would be primarily around preventing eels entering the system. ST advised that most units have in-built screens and mechanical cleaning systems. AC added that there might need to be a secondary screen, having regard to the Eel Regulations. Various advice was provided in the meeting chat: The Eels (England and Wales) Regulations 2009 (legislation.gov.uk) ; https://www.gov.uk/guidance/safe-passage-for-eels; And with regard to screening: https://www.gov.uk/government/publications/screening-for-intake-and-outfalls-a-best-practice-guide; https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence OH asked if the promoters had been in contact with the DMO (<i>Distribution Market Operator</i>) with regard to grid connection? This would be a big connection with big	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			demands. ST advised that there were discussions with SSE ongoing - there would be a 132Kv substation within the site, to step down to 11Kv ring main around the site, with separate substations around the site. OH asked if wind had been explored? ST advised that, for a development of this scale, the turbine would be too big – would need to be a city-wide project to be worthwhile. SS noted that future details on this should engage with <u>Tim Ferrero</u> from the Trust as he has energy and marine expertise. Action: To Note LH advised that wind has been explored with the MoD, with regard to Portsdown Hill, but that this would give rise to interference with MoD communications and as such a city-wide wind generation project was unlikely. KD advised that she was aware the MoD were still exploring this option, perhaps on a small/medium scale. LH noted that a City-wide study had been undertaken on the feasibility of wind power generation and that this report would be shared. TB shared a copy of this on the meeting chat. Action: NLD to add to Savills Box Sharepoint [23.01.24: this has now been done] CM highlighted that wind turbines would of course bring their own potential harms to bird life, as already well documented. <i>Sustainability Framework</i> DJ outlined the second part of the presentation. The framework represents the evaluation of sustainability integration into the project. The categories for this were 'signed off' by PCC on 27th March. The project progress will be regularly monitored against the framework matrix. The Framework would be focused upon delivering the Council's 2040 Vision. The Framework categories (and 62 metrics) were outlined: • Energy and Carbon • Water • Ecology • Resource Use • Health and well-being • Mobility; and • Placemaking.	ALL NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Framework Scoring for holistic performance of the project options would be as follows: 0 = No data 1 = Minimum Compliance 2 = Better than minimum 3= Exemplary DJ advised that the framework was an 'evolving toolkit'. NLD asked about the 27th March 'sign off' - DJ advised that this was by the promoter team only. Action: NLD also asked for the draft Framework and Matrices to be placed on the Savills Box sharepoint. LH stated that the LPA would need to comment on the Framework. LH noted the scoring categories and asked why there is not a negative score for scoring in this scenario. This is the approach used for Sustainability Assessment. DJ responded saying that the scoring remained a relative scale. LH added that whilst this was accepted, it was not allowing for any negative findings and this was potentially misleading. DJ agreed that, if negative impacts are identified, the scoring process might need to be adjusted. CM added that it was important for there to be an allowance for negative scores especially given the risks associated with harms to designated sites. DJ replied that the options were all unweighted at present but didn't disagree with the points being raised. GH stressed that the current purpose of the Framework scoring was to ensure that a final development option selection would be made that incorporates optimal sustainability and ensures that all options considered have 'pushed the boundaries' in these terms. NLD asked ST if the energy solution for the site would be available for wider connection (beyond TW site)? ST advised this could be made possible, although loading assumptions were currently based upon the TW development only. If this were to be offered, it would almost certainly require larger plant within the harbour. GH added that such a consideration would need to be addressed in cumulative assessment as part of EIA.	DJ/GH - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			LH/TB confirmed that the draft Local Plan would be encouraging decentralised energy networks within the City.	
	Update from Technical EA Flooding and Sea Defence modelling meeting of 30/11/24	IF	IF explained that it had been a positive meeting. The platform levels were broadly agreed together with a range of hard/soft sea defences. The marine employment land use modelled lifetime of development was extended to 75 years at request of the EA. The principle remained that sea defence design would seek to ensure that people would be steered away from the more sensitive habitats/bays to minimise disturbance. However, the wave modelling would be needed in the first instance to inform the preferred sea defence approach. NLD asked when the modelling outputs would be expected. AA couldn't say at this point in time. NLD noted there remained uncertainty around the approach to the heritage buildings for example. IF added that coastal surveys were still on-going early 2024 and this was needed to input to the wave modelling. <i>The Promoter team left the meeting at this point.</i>	
3	Panel Discussion		SS (HIWWT) noted that the matters under discussion at the meeting today were not a focused area of expertise for the Trust. Concurred with LH and CM about the Framework assessment scoring and the need for negative scores. HC (Coastal Partners) didn't have comments to add on behalf of Coastal Partners. Keen to see outputs from the further coastal surveys and wave modelling in due course as the sea defences were the CP focus. Agreed that the implications of the sea water heat pump plant on such defences would need to be understood. LL/AC (EA) said the EA didn't have particular further comment to those already made. Felt that the presentation from ST on the sea water pumps was generally well made. It would be important for the promoters to demonstrate that they have considered all key legislative requirements, such as abstraction licensing etc to save EA time outlining	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			these in these meetings. LL reiterated that she remained concerned that the promoters would be bringing vast amounts of information to the EA/Reg Panel in 2024 prior to submission and that short turnarounds from EA colleagues would be requested, which would be unlikely to be met in view of other commitments. HR (RSPB) added that there should be a precautionary approach to all assessments. There will be cumulative/in-combination impacts and everything remains relatively high level. MB (NE) stated that in principle the commitment towards renewable energy was welcomed. The sea heat pumps option would need to assess construction and operational effects upon the habitat sites.	
4	AOB	LH	LH stated that in early 2024 the drafting of Statements of Common Ground would need to be prepared for the Regulation 19 Submission Local Plan and that the Panel members would be approached shortly.	
5	Further Post-Meeting Advice	All	<u>[None for this meeting]</u>	

Meeting Closed: 12pm

Date of Next Meeting: 28th March @10:30am

Anticipated Panel Topics:

- PROPOSED PANEL ONLY SESSION - LPA update on Reg 19 Local Plan and HRA. Q&A Session. Local Plan Statement of Common Ground kick-off.

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2024 - Meeting 1**
Date: **28th March 2024@ 10.30am - 12.15pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	NOT IN ATTENDANCE
Tom Bell (TB) - PCC (LPA)	
Lucy Howard (LH) - PCC (LPA)	
Ben Cracknell (BC) - PCC (LPA)	
Ian Maguire (IM) - PCC (LPA)	
James Riley (JR) (Aecom)	
Laura Lax (LL) - EA	
Adam Cave (AC) - EA	
Mary Bell (MB) - NE	
Marc Turner (MT) - NE	
Linda Brewis (LB) - MMO	
Megan Stroudley (MS) - MMO	
Amelia Clarke (ACk) - MMO	
Hilary Crane (HC) – Coastal Partners	
Nicola Reid (NR) - Coastal Partners	
Johanna Short (JSt) - Historic England	
Heather Richards (HR) - RSPB	
Carrie Marchbank (CM) - RSPB	
Hannah Terrey (HT) - HIWWT	
Holly Gray (HG) - HIWWT	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting and new attendees were introduced, notably MC, ACk, JSt, HT, JR and IM. Apologies were noted from Guy Robinson (Historic England) and Jonathon Shavelar (EA). With regard to the Minutes of the previous Panel meeting from December 2023, NLD noted that as most, if not all, actions were with the project promoter team (absent today), these would be addressed when they are next present. The Minutes were otherwise agreed.	
2	Regulatory Panel programme and Project Update (NLD)	NLD	NLD advised that PCC remained in discussion with Government departments regarding potential additional central funding to bridge the existing viability gap in the project. The current position was neatly summarised in the promoter team report to PCC Cabinet and Full Council of 5 th and 19 th March respectively, including on-going survey work and technical assessment updates. CM enquired if any additional foraging tern surveys were planned for this year as per the RSPB and HIWWT's previous advice. NLD said that he would enquire with the promoter team. [Action: Enquire as to status of latest promoter team Tern surveys] NLD stated that until the funding discussions with Government had provided some clarity and other workstreams on project assessment of alternative solutions and IROPI case, there remained no confirmation of subsequent Regulatory panel meeting dates and topics for discussion. A date was in the calendar for 23 rd April but it seemed unlikely at this point in time that the promoter team would attend in April. LH advised that it would be appropriate in any event that the first draft Statement of Common Ground (SOCG) for the Local Plan would be circulated for/at that meeting and that this would certainly make use of the allotted meeting time (discussed in part 3 of the meeting, below).	NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			NLD advised that an updated version of the Panel's Working Protocol had been circulated for review and signature. Any Panellists that have not yet reviewed and returned with edits/signatures were requested to do so by end of 5 th April. [Action: Panel Members to ensure they have reviewed the recently circulated updated Working Protocol document and returned to NLD by 5/4/24]	ALL - ASAP
3	Regulation 19 Pre-Submission Local Plan - Local Plan programme - Outline of draft Tipner policy - Statement of Common Ground draft structure - Discussion	LH	LH talked through the current timeline for the draft Local Plan. This being: 15th May - Cabinet approval sought 28th May - Full Council approval sought 18th June - 30th July - Reg.19 Consultation Period. - September/October - Reg.22 submission of draft LP for Examination. Panel Members were reminded that they had been supplied with advance sight (in confidence) of the draft LP, SA and HRA documents on 29th February. CM and HR queried the approach to functionally-linked habitat sites as identified in the Solent Waders and Brent Goose Strategy, notably in respect of criterion (7) of the draft policy. The policy as currently worded asks developers to provide evidence that such sites would 'not be lost'. However, it is clear from engagement in pre-application discussions with the promoter team that it is almost inevitable that some functionally-linked sites would be lost to development, notably the Primary Support Area (P60) which covers the entirety of the existing firing range and is shown to be developed in both remaining development options for the site. CM stated that the draft policy appears to question the importance of site P60 suggesting it is subject to confirmation by survey, whereas it is already clear from promoter surveys that it has ongoing importance as a primary support site. CM added that such a policy would also be expected to be more definitive in stipulating expectations of mitigation for such losses. HR noted also that PCC had contributed financially to the data gathering costs associated with updating of the SWBGS and the document should be assumed to carry significant weight. Other Local Plans do make express reference to functionally linked sites and an expectation for mitigation as necessary. LH agreed that the wording in policy PLP3(7) would need to be reviewed and amended (Action: LH).	LH - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			LH agreed with CM/HR comments and that the LPA recognised that P60 was almost certainly likely to be lost to development under current proposals for development and recognising site viability constraints. AC noted that there needed to be a good degree of evidence that alternative mitigation habitat existed and could provide equivalent or enhanced levels of supporting habitat to support the citation species. LH proceeded to briefly outline the draft framework of the Statement of Common Ground which was circulated to Panel Members on 18th March. LH confirmed that there would be a separate SOCG with PCC as the site promoter, and also a separate SOCG with Natural England. The purpose of the SOCG is to provide clarity to everyone involved, particularly the LP Examination inspector, on what we agree about and what we don't agree about. The structure is lengthy by necessity and comprises 10 parts, starting with the purpose of the document, the draft policy, the SA and the HRA with separate sections on each part of the HRA and its derogation tests. LL stated that it was slightly unusual to receive a draft pre-Reg.19 consultation, as normally the EA comments from Reg 19 would then feed into the SOCG for Examination. But no specific objection in principle to this early engagement, recognising the complexity of the Tipner West site. The framework appeared to be broadly acceptable but the EA are likely to provide more detailed comment after Reg.19. LH noted this and accepted that the SOCG would continue to evolve. Any EA SOCG relating to the rest of the Local Plan would contain a suitable clause explaining that a separate SoCG is in place for the Tipner West allocation. HR noted that a SOCG would normally include space for agreement of baseline evidence and assessment methodologies. NLD agreed that it would be prudent for this to be added in. Action: NLD to amend draft Statement of Common Ground framework to incorporate baseline evidence and assessment methodologies. <i>[post-meeting note; this has been done]</i> CM noted that Natural England had indicated that they were not willing to join a Regulatory Panel SoCG and wanted to better understand this? This would	NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			mean that the other Panel members would not necessarily have sight of the position of NE until the bespoke SOCG was finalised and made public, which would be regrettable as a Panel-wide SOCG would facilitate transparent engagement across all Panel members through the drafting process. MT in response stated that NE simply wanted to ensure that it's position was entirely clear but that he would be willing to keep open the possibility of a Panel-wide SoCG if this can nonetheless 'draw out' the position of individual Panel members, so as not to compromise the clear stance of each Regulator. This would be critical in particular at the Examination stage. NLD agreed to continue to progress a SoCG on the basis of all Panel members' positions being set out therein, but would understand the right for each Member to seek instead a bespoke bipartisan SOCG if subsequently deemed preferable by any Panel members. NLD was conscious that all Regulators had engaged with the LPA through the Panel since 2021 and having regard to the Coastal Concordat, which indicated the merit in joint-working on coastal projects. NLD noted that Jonathan Shavelar of NE had indicated that there were some chapters of the draft SOCG that NE would not consider falling within their remit, but felt that there could certainly be a way for capturing this in the Panel-wide document. CM strongly requested that NE consider joining the Panel-wide SOCG drafting, at least in the first instance, as RSPB would wish its input to be made in the context of understanding the statutory regulator positions. LH requested a show of hands from the Panel members to confirm agreement to the framework, subject to its amendment to include reference to baseline evidence and assessment methodologies as flagged by the RSPB. LL noted that it had to be assumed that the document would continue to evolve, but was satisfied with the structure in principle at this point in time. All parties agreed to the framework on this basis.	
4	Habitat Regulations Assessment (HRA) and Sustainability Assessment (SA)	JR/NLD	NLD suggested that each Panel member comment in turn on the HRA/SA and raise any questions for JR/NLD as co-authors of the HRA.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	Feedback from Panellists and Q&A		Natural England - MT stated that he had no significant comments, that the devil will be in the detail at project-stage. He noted that this was the first Local Plan to be subject to a Derogation under the Habitat Regulations. Any comments forthcoming from NE would require Director-Level sign off. Environment Agency - AC noted that there remained significant absence of clarity on the quality and quantity of compensatory habitat identified, noting that the HRA indicated that the LPA was broadly satisfied (at the strategic plan-making stage) that such compensatory habitat would be available for the project and equivalent Plan allocation. Reliance upon broad indications of hectarage was not enough certainty as the quality of such habitat may not be suitable or its proposed use for inter-tidal compensation could compromise other Solent-wide strategies. MMO - LB advised no comment at this stage. HE - JSt stated that she had not had sight of the documents. Action: NLD to supply JSt with the draft HRA/SA/Local Plan. <i>[post meeting note: this has been supplied]</i> RSPB - CM concerned that the HRA appears to continue to place undue reliance upon use of the bespoke SPA Metric and not enough on evidence-based professional assessment. The RSPB remain concerned about any use of the metric in particular around impact assessment. The HRA appears light on consideration of indirect effects. In addition, not enough reference to the SWBGS and mitigation and would have expected more discussion on this. JR referred CM to section 6.1.5 of the HRA which discussed mitigation and the role of Horsea Island Open space in addressing recreational pressure. Also the project team were intending to not wholly rely upon Bird Aware Strategy but also bespoke management strategies for the site. CM asked if there would still be time for tweaks to the HRA? JR confirmed that there would be scope for tweaks prior to formal consultation. LH added that whilst wholesale changes cannot be added, PCC could tweak the	NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			documents, so it would be useful to have RSPB comments so PCC could consider these. Action: CM to provide interim RSPB comments ASAP to assist PCC in considering tweaks to the HRA/SA/Local Plan. CM expressed some concern about the use of the RSPB/HiWWT illustration in the HRA. It would be preferable for permission to have been sought for this to be used. In addition, the inclusion of the RSPB/HiWWT option in the context of just the 2 possible options outlined in the HRA would be slightly misleading as the visuals were published during the wider optioneering process undertaken by the Panel during 2023. Finally, CM added that if copies of Reg Panel minutes are to be made public, the RSPB/HiWWT would wish to review these beforehand to ensure that no sensitive information has been shared and having regard to the confidentiality clauses of the Reg Panel Working Protocol. NLD and LH agreed that it would be appropriate to offer all Panel members an opportunity to review the Minutes and identify any possible text for redaction before publication. Action: NLD to circulate all Panel Minutes to the Panel members for review and identification of possible text for redaction. <i>[post-meeting note; this has been done]</i> HiWWT - HT confirmed that the Trust would reiterate the points raised by RSPB at this point in time.	CM - ASAP NLD - ASAP
5	AOB		NLD confirmed that he was awaiting full suite of signatures on the updated Working Protocol. JSt advised that this would probably need to go to Guy Robinson to agree. Action: NLD to forward draft Working Protocol to Guy Robinson for signature. <i>[post-meeting note; this has been done]</i>	NLD - ASAP

Meeting Closed: 12.15pm
Date of Next Meeting: TBC
Anticipated Panel Topics:

- Project Programme Update (via LPA)
- Reg 19 Local Plan - Statement of Common Ground - first draft

MINUTES, ADVICE SUMMARY AND ACTIONS - (PARTS 1&2)

Meeting Title: **Tipner West Regulatory Panel 2024 - Meeting 2**
Date: **4th July 2024@ 2pm - 4pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	Rachel ter Horst (RtH) - PCC
	Gavin Hall (GH) - Savills
Lucy Howard (LH)- PCC (LPA)	Owen Peat (OP) - WSP
Ben Cracknell (BC) - PCC (LPA)	
Nicola French (NF)- PCC (Consultant to LPA:Ecology)	
Laura Lax (LL) - EA	
Guy Robinson (GR) - Historic England	
Heather Richards (HR) - RSPB	
Carrie Marchbank (CM) - RSPB	
Hannah Terrey (HT) - HIWWT	
Philip Box (PB) - HIWWT	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
MEETING PART 1				
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting and new attendees were introduced, being NF, PB and GR. Apologies were noted from Jonathon Shavelar, Marc Turner and Mary Bell (NE), Adam Cave (EA), Hilary Crane and Nicola Reid (Coastal Partners), Johanna Short (HE), Tom Bell (LPA), Kevin Hudson, Leanne Rook and Bruce Hartley-Raven (PCC Promoter Team). With regard to the Minutes of the previous Panel meeting from March 2024, NLD ran through the actions therefrom, which had all been actioned. The Minutes were agreed.	
2	Promoter project update	GH	GH advised that the promoter team wished to provide a brief update on the background work that they are undertaking to determine the development option for the site, taking into account continued funding discussions with Government and the project viability deficits and project-level HRA studies notably on the alternative solutions and IROPI cases. In addition, they had been asked by Cabinet and Full Council to undertake some community engagement. Meetings with Governments had been attended by the project team (including the Chief Executive of the Council) with representatives at DLUHC and the Dept for Business and Trade. Further meetings were expected to be held, probably including meetings with Homes England. The meetings have confirmed continued Government commitment to City Deal notwithstanding the recognised financial constraints. Government representatives were made aware of progress with the draft Local Plan and the Plan-level HRA with the project work progressing beneath (and pursuant to) progress on the strategic plan-level framework. GH advised that work was also progressing on ensuring the evidence base was up to date. But inevitably the project timetabling was moving forward in line with the Local Plan and in the context of a plan-led system. Planned community engagement had been delayed due to local - and then general - elections and to avoid running alongside Reg.19 Consultation too, so there has been a delay in this aspect.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Project masterplanning is expected to recommence in the Autumn at which point a schedule of Regulatory Panel engagement will be put into place. GH advised that it was not determined at this stage if there would be a Transport and Works Act Order application. In any event, Council members were keen to keep the project moving forward. A submission would probably be in approximately a year, in 2025. GR stated that he was pleased to hear that the project was proceeding within the plan-led policy framework. He noted that whilst there had been some earlier discussion around the heritage settings assessment earlier in the year, it was assumed this would be held over until the current option evaluation and Government discussions are concluded? GH confirmed that detailed discussions around masterplanning impacts upon listed buildings would need to wait until the strategic-scale Reg.19 consultations have been done. GH confirmed that Johanna Short has replaced Alex Bellisario on the Panel, but that he was engaging in the context of the Local Plan and in particular Statement of Common Ground. CM queried a reference made to a decision by Council on the 'developable area' of the site. Was this in relation to heritage buildings, for example? RtH confirmed that this was purely in respect of the high level option selection between Options 9 and 14. As soon as this decision is taken the detailed survey and other planning work to support a submission will pick up. CM asked if there was any clarity around the City Deal and potential need to repay some of the grant if a smaller scale is proposed? RtH confirmed that there was no indication of this, as City Deal has progressed across both Southampton and Portsmouth and Government recognise the constraints at Tipner and why it is moving forward at a slower pace. GH indicated that the message from the civil servants in these discussions was one of consistent support for City Deal, notwithstanding potential change to political masters.	
3	Local Plan Reg 19 Update	LH	LH confirmed Reg 19 consultation would run from 9 th July to 3 rd September, an eight week period to recognise the summer holiday period.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			A Core Document Library would be made public too providing the key evidence base for the pre-submission Plan. LH added that the LPA would be submitting a letter to both DLUHC and PINS at the commencement of Reg 19 Consultation, advising them that the LPA intended to re-submit a Reg.107(3) IROPI Opinion request when the Examination into the Plan commences. This was considered to be a prudent step, as the HRA for the pre-submission Plan was now completed, dealing in particular with the assessments of alternative solutions and also compensation strategy that were not available at the time of the last IROPI Opinion request in April last year. The re-submission is also considered a prudent step to get early clarity on the likely position of the Secretary of State on the case for IROPI pertaining to the draft site allocation and avoid wasted time and effort on this aspect during the Examination, bearing in mind that final adoption of the Plan would be dependent upon a positive outcome from the required Derogation Notice submission to the SoS. CM asked how central the IROPI decision of the SoS would be on the overall standing of the Plan? Would the whole Plan be at risk of failing? LH explained that the loss of Tipner would have a significant hit on the employment figures for the City, for example. Perhaps less so on housing as the Plan is following a capacity-based approach to its housing allocations. However, if the IROPI opinion response was negative, then it is likely the Examination would be paused to allow for the site allocation to be removed from the Plan. The key will be to ensure a timely response from DLUHC to the Reg.107 request GR stated that he was grateful for the 8 week Reg.19 consultation period. He queried the Topic Paper? LH explained the Core Documents, of which the Topic paper would be a part. Other documents include a Key Changes Document, Duty to Cooperate. GR requested GIS data layer information for the site allocations, which LH agreed to supply. Action: LH to supply GR with GIS data layers. <i>[post meeting note: this has been completed.]</i> LH added that information from the Historic Environment Records had informed these layers. HT advised that the HIWWT (with RSPB) would be engaging with its supporters with a view to securing submission of responses to the	LH - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			Consultation. HT asked if there would be an online form? LH confirmed this would be the case. HT advised that they would probably direct their supporters to the online consultation link. LH advised that the many members of the public may not fully grasp some of the documents eg. tests of soundness. LL requested a copy of their submission once the online form has been completed as sometimes this isn't automatically provided? Action: LH to enquire as to how best a copy can be provided and whether this would be automatically generated. <i>[Post meeting note: LH confirmed that paper copies of submissions can be generated upon request and posted or emailed out.]</i> HR noted that the on-line response form and set questions can be somewhat limiting in terms of providing the full answer/response that RSPB and others may wish to provide. LH advised that the questions are framed around the Reg 19 legal tests of soundness and Duty to Cooperate.	LH - ASAP
4	Ecology site visit (18/6) - feedback of key observations, baseline data condition assessment and BNG considerations plus Surveys Update	NLD/NF	The site visit was held on 18th June to inform the newly appointed LPA ecology consultant, Nicola French of Holbury Consultancy Services. NF explained that one of the key take-aways from the site visit was the complexity of the site, the issues and challenges faced by both parties in delivering potential development on the site. It was key that a comprehensive range of survey data had already been completed and understanding of the site was significant. The HRA issues had been carefully considered and understood. A particular issue coming into focus now is BNG and the Environment Act - the implications of this should not be underestimated. BNG will be significant in its own right, notwithstanding the HRA issues. NLD asked if the promoter team had this in mind? GH confirmed that BNG was very much under consideration. It has been factored into initial financial modelling, including allowance for potential off-site mitigation. NF noted that the cost will be significant, as well as confidence as to its delivery. It would be applied to off-site compensation sites too, so potentially significant mitigation costs should be assumed.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			NF confirmed that she had provided comments on the updated habitat surveys scope and was cautious about potential planning application submission in summer 2025 as the survey window was very narrow. Many ecologists are already booked up. GH advised that this was understood. Equally, the promoter team needed to weigh the totality of costs, especially in relation to compensation sites where the relevant sites and not yet secured and the areas of search significant - abortive costs must be minimised. CM queried if other surveys, including wintering bird surveys, will definitely be undertaken? Rth advised that this remained dependent upon concluding the current project viability and other assessment work to secure the necessary Cabinet go-ahead to proceed to application. However, it was appropriate for discussions to continue between NF and OP in this regard and determine what would be necessary as soon as this Cabinet approval is secured. NLD suggested that the updated survey scope be circulated to the Panel for comment. GH advised this would be acceptable. CM asked if previous queries raised by the RSPB in terms of outstanding survey work, eg, breeding terns, wintering birds. OP advised that the updated scope had had regard to previous comments via the Panel and there would be for example, breeding Tern survey, barbastelle bats survey. However it was also pertinent to note that whilst it is important to keep survey data up to date, some data is now so extensive (eg. 10 years for wintering birds) that it is questionable what is to be gained by adding further to this broad spectrum of information. <u>Action: NLD to circulate ecology survey scope (with NF comments) for Panel review.</u> <i>Promoter representatives leave meeting at this point</i>	NLD - asap
MEETING PART 2				
5	Review of draft Regulatory Panel Statement of Common	NLD	NLD introduced the draft SCG which had been circulated prior to the meeting, outlining the proposed framework and the rationale for the way it was laid out, including the need to incorporate both Panel-wide comments (agreement to be	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
	Ground for submission stage Local Plan		sought on all matters wherever possible) but also recognising that some issues may warrant separate Panel member comments, or no comment at all in some instances (eg. Historic England would not have comment to make on ecology-specific matters). It was suggested that if a statement is agreed by all Panel members (party to the SCG), then 'PANEL' could be written in the 'Agreed' column. Conversely, if only one party agreed, then the initials of each organisation would be used and applied to each column accordingly. NLD confirmed that Natural England were wishing to enter into a separate SCG with the LPA and were not therefore party to this draft. NLD confirmed that a contents page needed to be added. He then talked through each chapter, highlighting some areas still to be completed. LH advised that the SCG needed to be complete in time for formal Reg.22 submission to the Secretary of State. The Reg.19 Consultation closes on 2nd September. It would make sense to get the SCG completed by the end of September. NLD invited comments by each organisation: <u>EA</u> LL agreed that end of September was possible, but time needed to be allowed for likely review/amending of the document which would involve quite a bit of back and forth. There would be a pause during 3 weeks in August due to annual leave. Broadly agreed with the structure as supplied, but it was just a question of time and resourcing. NLD suggested that it would be prudent for each organisation to send to him their specific tracked comments/changes. He would then compile a master document for subsequent circulation, which could then be reviewed and amended from thereon. <u>RSPB</u> HR felt there were areas that the RSPB would not comment on and the 'No position' column could be utilised. The document structure is broadly agreed. There will be some points which require more granularity to the comments.	

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			NLD indicated that in this instance it might be possible to use the 4th column "Action needed to confirm position" or otherwise utilise the separate "supplementary comments" section at the end of each section. He would be content to receive further suggested changes to the structure if needed. CM noted that there were sometimes various separate statements within one row of the document. Should the RSPB respond to the statements as a 'group' or to each individual statement? Some rows had a 'catch all' concluding statement that says <i>"The signatories do not take issue with these observations and conclusions"</i> (or similar) at the end of a collection of separate statements, so this was a little confusing. CM also noted that as there were in some instances many statements within a single table row, that any words added into the right hand columns were at risk of regularly falling out of alignment with the statement with which they are referencing. This would only worsen as more gets added to the document. This might require the formation of bespoke rows for each statement. <u>HIWWT</u> PB noted that the current SCG did not appear to have any statements regarding BNG and the Environment Act. No further comment at this stage but would provide a populated version in due course. Action: NLD to check this and add some statements relating to BNG. <u>HE</u> GR was happy to work with the framework as no two SCGs are the same from experience. Will likely be focused upon sections 4 and 5. GR noted that Heritage matters also appeared in the site description section (2) and questioned if there was some merit in placing heritage matters in one place. Action: NLD to review if there was merit in placing all heritage matters within a single section. GR added that heritage matters should not necessarily be purely described as constraints, as they can also be seen as opportunities. This was noted.	NLD - asap NLD - asap

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			NLD advised that HE should also have a look at the section on HRA IROPI, as there were some heritage aspects to the IROPI case that should be considered. <u>MMO</u> [not present at meeting] <u>Action:</u> NLD to advise of timeframes. LH advised that there should be an earlier 'first response' date to allow for subsequent back and forth of edits/amends. NLD suggested end of July for first drafts. There was some hesitation about this, given the need for the Panel organisations to complete their Reg.19 responses at the same time. LH felt that it might be preferable to the Panellists to focus on Reg.19 first, and then populate the SCG 'off the back' of that. CM suggested however, that there could well be some merit in Panellists having some understanding of each others' positions against the statements in the SCG, so was not averse to an end July date. This could assist Reg.19 responses, even if the SCG comments were only partially completed. LL advised that it would not be possible to provide anything by end of July but would prioritise doing sections where there is crossover with other Panellists areas of focus. CM indicated however that flood risk comments would be useful. LL indicated that she was reliant upon other specialist colleagues' availability. NLD agreed that, if it helped, separate sections could be supplied on an intermittent basis. He would circulate to other Panel members for their information, but still with a view to the LPA pulling together a composite master version at the earliest opportunity. GR indicated end July would be achievable for HE. Would be pragmatic to populate sections as far as possible by end of July. PB indicate that mid August would be better for the HIWWT. LH confirmed that the LPA would accept a pragmatic approach for submission of SCG inputs with a view to review at a follow up Regulatory panel meeting to be arranged for mid September. <u>Action:</u> NLD to arrange Regulatory Panel meeting for mid September.	NLD - asap NLD - asap

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			Meeting closed.	
6	AOB		None	

Meeting Closed: 4pm

Date of Next Meeting: TBC

Anticipated Panel Topics: Local Plan Reg.19 feedback; Statement of Common Ground; Development Option selection.

MINUTES, ADVICE SUMMARY AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2024 - Meeting 3**
Date: **24th October 2024 @10.30am -12:30pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	NOT IN ATTENDANCE
Lucy Howard (LH)- PCC (LPA)	
David Hodges (DH) - PCC (LPA)	
Nicola French (NF)- PCC (Consultant to LPA:Ecology)	
Hilary Ferres (HF) - Coastal Partners	
Jonathan Shavelar (JS) - NE	
Laura Lax (LL) - EA	
Rebecca Long (RL) - EA	
Adam Cave (AC) - EA	
Guy Robinson (GR) - Historic England	
Alex Bellisario (AB) - Historic England	
Heather Richards (HR) - RSPB	
Carrie Marchbank (CM) - RSPB	
Hannah Terrey (HT) - HIWWT	

[Note: A Recording of this meeting is available and has been shared on the Savills Box sharepoint, subject to confidentiality clauses as set out in the Regulatory Panel Working Protocol.]

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MEETING PART 1				
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting. Apologies received from Tom Bell (TB), Marc Turner (MT), the MMO team, Nicola Reid (NR), Phillip Box (PB). Alex Bellisario was attending in place of Johanna Short (JSt) for HE, and will likely continue in place of JSt going forward, alongside GR. NLD introduced PCC new Head of DM, David Hodges who would attend on an optional basis going forward. Rebecca Long (RL) attended as Biodiversity specialist for the EA, and will attend in place of AC at future meetings. NLD expressed thanks to AC and JSt for their respective contributions to the Panel. With regard to the Minutes of the previous Panel meeting from July 2024, NLD ran through the actions therefrom. All had been actioned, but NLD queried if the promoter's ecology survey scope had been circulated as he had not received comments. <i>[Post-meeting note: these were circulated to Panel members on 21st August, but unfortunately the email had not included RSPB and HIWWT, so this has now been shared for their comment].</i> The Minutes were agreed.	
2	Local Plan Reg 19 Responses - summary and next steps to submission.	NLD/LH	NLD advised that a summary of the Panel organisation comments could be found in the appendix of the Reg 107(3) IROPI Opinion request, recently circulated. However, this summarised comments in relation to habitat matters only, so the HE comments were not summarised. The formal Consultation Statement will be released upon formal Reg.22 submission of the Local Plan which is anticipated to be the end of November. NLD highlighted that one of the main issues set out in responses related to the compensation strategy as pertaining to the draft allocation for TWHIE and concerns being expressed about the level of detail as set out in the HRA. Issues raised by the RSPB and HIWWT were more wide ranging with regard to, inter alia, the assessment of adverse effects, the use of the SPA Metric, the case for IROPI and compensation strategy. LH advised that all of the representations had now been logged and that close to 7,000 of these were	

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			the template objection derived from the 'Don't Cross the Line' RSPB/HIWWT campaign. GR advised that the HE position in its Reg.19 response (as pertaining to Tipner West and Horsea Island East) was focused upon two key areas, firstly the potential risks posed to the setting of heritage assets, in particular Portchester Castle, from the tall building policy applied to the Tipner West site; and, secondly relating to the need for hydrodynamic modelling to be referenced in policy, so that potential harms (eg. from dredging works, reclamation) to the Scheduled D-Day Slipways could be fully assessed as part of future planning applications. CM noted that both of the issues raised by HE had implications for the protected habitat areas as well as the heritage assets, eg, effects to flight lines, impacts from inter-tidal and sub-tidal works. LH noted that PCC does not have a lot of available land for development and as such there is a need to build at high densities wherever possible and this will always need to be carefully balanced against these considerations. AB advised that HE were not objecting to tall buildings in principle, but HE will need to work closely with PCC on this matter and with regard to detailed proposals in due course. NLD noted that this also highlights the point that we must remain cognisant of the distinction between addressing such matters at the strategic plan-level and at the project/planning application level. So highlighting the Tipner West landmass as suitable for tall buildings does not mean that tall buildings would be able to be placed anywhere on the site - this will be determined through planning applications, supported by project level HRA, EIA, heritage setting assessments etc.	
3	Reg 107(3) IROPI Opinion request (2 nd submission)	NLD/LH	NLD confirmed that a second Reg107(3) IROPI Opinion request had now been submitted to MHCLG as a follow up to that submitted in May 2023. This was now accompanied by the now completed HRA of Feb 2024, a complete copy of the Pre-Submission Local Plan (including PLP3), and some updated evidence with regard to the need for a marine hub. MHCLG had also been supplied with a copy of the HRA Supplement (Oct 2024) which provides	

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			further information on the compensation site strategy, although MHCLG now accepted that this was not a pre-requisite for issuing an IROPI Opinion, as the compensation stage of the derogation test would follow any passing of the IROPI test in any event. NLD noted that a key matter was one of timing associated with the issue of an IROPI Opinion by the SoS. The LPA considered that the timing of the request was appropriate and prudent for the reasons set out in the written document. However, it was noted the letter from RSPB/HIWWT sent to PINS expressing concern that, were such an Opinion to be issued prior to Examination of the Local Plan, this might prejudice full examination and debate around IROPI. CM asked if MHCLG had provided any formal indication that they would consider this second Reg 107 request? LH confirmed this was the case and that this was now on the Council website. CM advised that she understood the reasons for the request at the current time, although the RSPB feel that an IROPI Opinion issued at this time would undermine the ability for full discussion on this key matter at Examination. It was accepted that the Reg 107 process was untested in the UK but that any decision would set a significant precedent. HT wished to reinforce the point made by CM and the Trust was concerned that the SoS would not necessarily have a fully rounded view of the issues before issuing such an Opinion. NLD noted that the SoS would however have sight of both the summary - and full - Reg 19 comments of the Panel. NLD confirmed that PCC would advise Panel members of the IROPI Opinion as soon as possible after this is received and considered. CM confirmed that RSPB/HIWWT had received a brief reply from PINS to their letter of 17th September 2024, which was effectively an acknowledgement of receipt and that this would be passed on to the Inspector when he/she is appointed for the Examination.	
4	HRA Updates and HRA Supplement	NLD/NF	NLD summarised the reasons for the HRA Supplement, as circulated prior to the meeting. This was essentially to provide further information on the shortlist of compensation sites, as anticipated in the HRA issued earlier in the year. The HRA Supplement sought to provide more detail on the nature of the compensation sites whilst mindful of the need to retain commercial	

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			confidentiality where such sites remain in third party ownership currently. Such additional information included matters of existing land use, indicative land area, distance from the TWHIE site, availability, cost of habitat creation (high/med/low), timeframe for delivery (in time ranges from 0-2 years up to 5-10 years and beyond) and any competing constraints. The HRA presented this information in tables but in a number of instances, including site mapping, information was currently redacted. NLD advised that the Examination Inspector may take a view on the redactions but the PCC were in any event intending to issue these details to the Inspector and/or Natural England upon request. NLD added that the HRA Supplement contained a further 'due diligence' report for the shortlisted sites, considering other policy constraints in force within neighbouring development plans or, for example, the SWBGS. One consequence of the due diligence work had been to reduce the high level figure of 400ha 'available' compensation land (as set out in the HRA) to a lower level of circa 110ha, but that this would still more than cover the assessed requirement of 14-28ha as set out in the Supplement. The amount of compensation continued to be informed through the SPA Metric, but further work had been done to incorporate considerations of habitat function, habitat value as well as in-combination effects with losses arising from the Shoreline Management Plan. NLD added that the HRA Supplement also discussed the question of the level of detail required at Plan- and Project-level HRA as this was considered to be an important distinction to be explored. Finally, NLD referred to the proposed minor modification to PLP3, to incorporate more express requirements upon applicants to provide details of compensation strategy at the planning application stage, including details of delivery and long term maintenance. NF explained that, working closely with Aecom, the HRA Supplement has provided a further layer of ecological information, beyond the outputs of the Metric. For example, to ensure the compensation sites would maintain the coherence of the national site network. JS noted that NE considered the HRA Supplement to be a really positive step forward and that it does address a lot of the things raised in NE's Reg 19	

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			response. The next step would be to review with the NE Legal team and that this would be on the 5th November. AC asked if there were other supporting reports or detailed appraisals underpinning the summary assessments in the HRA Supplement? NLD advised that each site had been under consideration by the PCC Promoter consultant team for a considerable period of time, including in association with the former Lennox Point project. The LPA were aware that sites had been visited by the promoter team. There was also the due diligence work undertaken by the LPA as part of the HRA Supplement, and overall the key was to deliver sufficient confidence that these sites were capable of delivering the necessary compensation. AC wondered if it was possible to provide more of a breakdown of each site's technical assessment? NLD advised that he would need to enquire with the PCC Promoter team further details of such assessments, but such reports were likely to be for internal promoter use and commercially sensitive. Action: NLD to enquire with the PCC Promoter team the extent of technical assessments for each compensation site and report back to the Panel. CM noted the RSPB's frustration at the limited time available to review the HRA Supplement and wondered how their comments would best be provided, whether via Statement of Common Ground or other means. NLD queried whether or not responses by email would be suitable in the first instance, directed to him. LH advised that the draft Plan was so close to entering the formal Examination phase, that such commentary would need to follow that process going forward. CM considered that the Panel's purpose was to work together to identify areas of agreement as far as possible and it was not necessarily the best approach to wait for the formal process. NLD suggested that the Panel minutes have traditionally included an 'Advice' section from Panellists and that it would make sense therefore to seek to provide interim summary comments on the HRA Supplement into the Minutes of this meeting, which could then be published on the Core Document Library alongside other Reg Panel minutes that are already there. This would be beneficial for the Inspector.	NLD - asap

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			NF noted that it would be appropriate to provide a means to enable Panel members to respond. LH advised that it would be up to the Examination Inspector going forward to determine how new information is shared and considered. CM said that the RSPB would be supportive of NLD's suggestion to contribute a response to the HRA Supplement within the meeting minutes/advice. LH noted that the SCG is intended to be a one-stop-shop, so it would be inadvisable to have responses on such key matters going back and forth in email. NLD therefore proposed that the draft Minutes would be issued with placeholders for each Panel organisation to input their high level response to the HRA Supplement and this could then be issued and published on the CDL and provide further evidence base for respective SCGs. This was agreed.	
5	Statements of Common Ground	NLD	NLD advised that he now needed to push these towards agreement as soon as possible. Some were close to completion already. It was regretted that the Panel-wide SCG did not ultimately progress as hoped. NLD suggested that a separate HE SCG be produced, extracting HE comments from the former Panel-wide draft document, the latter would now be retained for the RSPB and HIWWT SCG only (as significant work had already been undertaken by the two organisations on that template document). AB stated that she supported a bespoke PCC-HE SCG. NLD advised that this would be issued no later than Friday 8th November but hopefully sooner. Action: NLD to issue to GR/AB separate draft HE-PCC SCG utilising existing inputs from the Panel-wide draft SCG.<i>[Post-meeting note: It has now been confirmed that a separate HE-PCC SCG is already nearing completion via the PCC Conservation and Design Officer, Ben Cracknell and that this includes anything in relation to the TWHIE site and policy PLP3.]</i>	NLD - by 8.11.24

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6	AOB	ALL	NLD noted that he would consider carefully the timing of the next Reg Panel meeting, recognising the Local Plan priorities but also the absence of recent attendance by the PCC Promoter team. NLD would let Panellists know in due course. CM asked when the Examination hearings might take place? LH advised that there are many Local Plan examinations in progress. LH considered that it might be April/May 2025, based upon other on-going examinations eg at Chichester. LH advised that there were so many variables at play influencing the date of the next Reg Panel, including the pending Reg 107(3) IROPI Opinion from MHCLG. LL noted that it would be prudent to provide place-holder dates in calendars to assist Panel members in planning diaries. Action: NLD to place 'holding' Reg Panel dates into Calendars for next few months. Meeting closed.	NLD - asap

PANELLIST ADVICE/COMMENT

NE

[The HRA Supplement remains under review by NE at the time of finalisation of these minutes.]

EA

Response to HRA Supplement (AECOM, October 2024)

We have reviewed the HRA Supplementary Information (dated October 2024) provided. As stated in section 3.10, Regulation 109 of the Habitats Regulations states that the LPA must be satisfied that a suitable package of compensation can be achieved in practice and will be secured at planning application stage before any adverse effects occur. The document concludes PCC, as the LPA, has a high level of confidence that sufficient land has been identified in appropriate locations to compensate for habitat losses from Portsmouth Harbour SPA/Ramsar and Solent and Dorset Coast SPA

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	through delivery of Policy PLP3. It is understood that the LPA has also met with relevant planning authorities, statutory consultees and other organisations to ascertain the extent, if any, of any competing claims on each site. Given that PCC, as the LPA has high confidence in both the availability of the compensatory land and the deliverability of the compensatory package, the Environment Agency is able to confirm that our previous concerns regarding Soundness and Legal Compliance have been addressed. Natural England is the statutory authority regarding HRA. PCC should continue to work with them to ensure the concerns they previously raised are satisfied and that the information provided gives assurance that an adequate compensation scheme can be delivered. <u>RSPB</u> RSPB comments on Portsmouth Draft Local Plan IROPI Opinion Request (Reg 107(3)) and HRA Supplement IROPI Opinion Request (1 October 2024) We understand that the Council submitted its formal IROPI opinion request to MHCLG following the Ministry's agreement to provide an opinion ahead of the examination of the Portsmouth Local Plan, providing that further information on impacts, alternatives and compensation, as well as the Local Plan consultation responses, were submitted along with the request. We note that the Regulation 19 responses of NE, EA, HIWWT and the RSPB have been submitted to MHCLG with the IROPI opinion request. We are grateful that our response is one of the few that have been included in the submitted information, but question whether, and if so when, the remaining Reg 19 responses (including the 6,913 objections following the RSPB and HIWWT 'Don't Cross the Line' campaign) will be made available to the Ministry. We were previously assured by the Council that the Government would be able to access all responses on the Council's website, but these do not yet appear to have been uploaded. We trust that all Reg 19 responses and the Reg Panel's comments on the HRA Supplement will be made available to MHCLG as soon as possible in order to inform the Secretary of State's (SoS) opinion. This is especially important given that it appears unlikely that the SoS will now have the benefit of the planning inspector's impartial consideration of the habitats issues following the examination of the Draft PLP, which as you are aware the RSPB and HIWWT have raised serious concerns about due to the importance of the Tipner West policy for the future protection of our most important wildlife sites. <i>HRA Supplement (October 2024)</i> <i>Supplement to HRA Ch 7</i> Function of the habitat that may be lost We welcome further assessment of the potential adverse effects of the Tipner West allocation on the Portsmouth Harbour SPA/Ramsar site, having highlighted concerns in our Reg 19 response about the adequacy of the HRA impact assessment as a foundation for the derogation tests. Unfortunately, despite the additional information, our concerns remain unchanged. In particular:			

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	- Details on the functional role of the areas of designated habitat directly affected by the proposals remain lacking. Of particular concern, there appears to be a worrying lack of clarity regarding the function of the Land South of the Firing Range (LSFR). Our understanding is that this area would have been included in the Portsmouth Harbour SSSI and SPA/Ramsar site due to its once critical role as a high tide wader roost, not just as a Brent Goose feeding/roosting area as suggested in the HRA Supplement. This matter has a particularly important bearing on the nature of the compensatory needs of the scheme, given the potentially widely differing compensatory options for replacing terrestrial Brent Goose habitat compared to a high tide waders roost, which we comment further on below. We strongly recommend that NE's advice is urgently sought to clarify this important matter. We also strongly urge the Council to fulfil their legal duties as owner of this site, and to undertake appropriate management in order to restore its interests and thereby avoid any doubt of its value and function to the SSSI, SPA and Ramsar site wintering bird populations. - Although some effort has been made to assess the relative level of use of different areas of the protected sites by the qualifying species, no information has been supplied to indicate how categories such 'moderate', 'high' and 'optimal/sub-optimal/low functional potential' have been defined and how these relate to the SPA populations concerned. We would be grateful for further information explaining how these categories have been defined. <i>In combination effect of coastal squeeze</i> The additional information on the effects of coastal squeeze from Policy PLP3 in-combination with the North Solent Shoreline Management Plan (NSSMP) still does not address the point raised by the Environment Agency that the NSSMP does not account for the loss of coastal squeeze resulting from an increase in the current standard of sea defences at Tipner West. This must be considered as part of the compensation calculations and we therefore urge the Council to discuss the matter further with the Environment Agency. With regards to the comment at paragraph 2.12 that creation of intertidal habitats at Tipner West as a result of potential no active intervention (presumably referring to the coastal defences surrounding the LSFR) could reduce coastal squeeze pressure, we would highlight that such benefits need to be balanced against the potential loss of function of the designated habitats behind the current defences. This again relates back to our concern that it is essential to identify the original function of the LSFR, and to restore it to favourable condition without further delay. <i>Supplement to HRA Ch 8 IROPI the marine employment hub</i> The additional cited references to a broad Government statement about the economic contribution of the maritime sector to the UK economy, a UK 'health' report on the status of the maritime industry post-Covid, and other regional studies and vision 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. We remain concerned that, rather than forming part of a robustly-evidenced strategic plan based on essential need, the proposed Tipner West marine employment hub is instead an opportunity, based on potentially outdated assessments of the UK marine market. <i>IROPI overriding balance</i>			

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	We note the reassurances given that the HRA authors had regard to the additional information presented in the HRA supplement concerning Chapter 7. However, it is notable that paragraph 3.3 states that the report authors' understanding of the SPA/Ramsar site habitat that is predicted, in a worse-case scenario, to be lost is that it "is not functionally unique, irreplaceable or incapable of compensation". This highlights the serious consequences of a failure to adequately understand the true function of the habitat affected, in particular the LSFR which – despite its current unfavourable condition, due to lack of management by the Council – we believe may represent a potentially significant terrestrial high tide wader roost within the boundary of the Portsmouth Harbour SPA/Ramsar site. Therefore if the site were in favourable condition it would be considered functionally scarce in the context of the SPA/Ramsar site, and potentially alter the balance of the case for IROPI. See our further comments on the importance of correctly identifying the ecological function of the LSFR below. <i>Compensation</i> <i>What is required to satisfy regulation 109 of the Habitats Regulations?</i> We note the various case law referenced in support of the level of detail presented by the HRA on compensation, but note that each of the highlighted cases concern the assessment of adverse effects and mitigation thereof, and not the high bar that is the derogation tests, including the need to demonstrate that the necessary compensatory measures can and will be provided. <i>The type and amount of compensatory habitat required</i> We remain deeply concerned by the reliance on the mathematically flawed SPA metric, which we believe gives false confidence in the predicted compensatory requirements. We note an increase in the overall predicted area of compensatory habitat needed from an estimated 10-14.5ha in the HRA to an estimated 14-28ha in the supplement, following an update to the difficulty and lead-in times of creating intertidal habitats, and question whether such errors might have been apparent earlier were this information not obscured by the use of the metric. We kindly request sight of the updated metric and the worked calculations that have resulted in the current estimate of compensatory habitats required. <i>Sub-tidal habitat</i> We note that the compensation figures no longer include the creation of sub-tidal habitat, as this is considered to be indirectly compensated by the dredging of the approach channel and the consequent change from intertidal to sub-tidal habitats. We question whether there has been any consideration of the disturbance effects of boat movements within this new area of subtidal habitat, particularly given the stated importance of round-tide access. We question also what assessment has been made of the quality of this habitat and the potential effects of contamination from disturbed contaminants known to exist within the harbour's sediments. <i>Terrestrial habitat</i> As highlighted above, we are extremely concerned that the functional role of the LSFR has not been properly assessed and consequently the proposed compensation may fail to replace a key function for which this area was originally included in the Portsmouth Harbour SPA/Ramsar site, namely a high tide wader roost. It is apparent from the additional information presented in the HRA Supplement that it is believed that the loss of the			

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	LSFR would only require replacement habitat for foraging/roosting Brent Geese. Yet Natural England's SSSI condition assessment for this unit (Unit 17 Tipner Range) states that 'This unit is important as a high tide roost for Brent geese <i>and other wading birds</i>' [emphasis added]. The HRA, April 2024 (para 8.126) also mentions the scarcity of terrestrial habitat within the Portsmouth Harbour SPA when considering the LSFR, yet fails to appreciate the significance of this fact and instead considers this scarce terrestrial part of the SPA alongside other <u>undesigned</u> Brent Goose sites around the Harbour. To the best of our knowledge, no terrestrial sites of sole importance to foraging/roosting Brent Geese have to-date been included in the Solent SPA sites' boundaries, as a consequence of the historic approach to site designation. This situation is now changing and some such sites are likely to be included as extensions to the SPAs in the near future (see our comments below regarding the SPA Review). However, in our opinion, we can be reasonably certain that the LSFR would not have been included in the Portsmouth Harbour SPA due only to its importance to Brent Geese, and was most likely designated due to its function as an important high tide wader roost. Therefore, although there may be some overlap between sites that are suitable for feeding Brent Geese and sites that could also support roosting waders, by selecting compensatory sites based only on the needs of Brent Geese, there is a high chance that they will not be additionally suitable for roosting waders. This is particularly the case where compensation sites are further away from the intertidal areas and comprise arable farmland. From what we can determine from the redacted information provided, 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 within close proximity to SPA/Ramsar site. Indeed, we question whether some of the identified sites (in particular sites 08, 09 and 10) would have any value in delivering the required compensatory functions, if it is agreed that the LSFR should be treated as a wader roost as opposed to Brent Goose foraging/roosting habitat. See our further comments on this matter below. <i>The potential compensation sites</i> We welcome the provision of additional details concerning the identified potential compensation sites, although the redactions limit our ability to assess individual site suitability. Nevertheless, it is clear from what we can extrapolate that the additional information does not address the majority of our previous concerns (as set out in our Reg 19 response) or give us the confidence that suitable and timely compensatory measures could be delivered in respect of the worse case scenario for Policy PLP3. Based on the information provided, we have the following additional concerns. We note that the total potential area of compensatory land has now been reduced from c400ha to 338ha. Of this, only three sites – 02, 04 and 05 (with 05 actually being a sub-area of 04) totalling 110ha (which we assume does not include any double-counting of the sub-area site) are confirmed as available and without any competing claims or other planning constraints. Although we note that there may still be conflicts with the designated sites or their features in respect of each of them. This substantial reduction in the potentially available compensatory habitat raises questions as to the eventual area of land that will be confirmed available and suitable once further technical assessments (and land-owner negotiations) have been carried out to 1) clarify the full ecological			

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			functions of the habitat that will be lost or damaged as a result of the development 2) determine the capability of the sites identified to replace those specific functions, and 3) assess the costs involved. In respect of costs, it is of concern that no reference has been made of the need for any new sea defences to protect land or properties behind sites that have been identified as suitable for the creation of new intertidal habitats (and that do not benefit from higher ground behind them). Nor has any information been provided to indicate that detailed assessments have been undertaken to confirm that the proposed habitat to be created on each site is technically feasible given their topography/ height differential, substrate, past uses etc, which will be particularly important in the case of intertidal habitat creation. We further note from the limited information that is presented, that a great many of the identified sites (including the confirmed available sites 04 and 05) 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. At present only one of the 'available' compensation sites appears likely to have the potential to recreate a wader roost within relatively close proximity to Tipner West: that being Site 02, which is described as a shingle recharge that could provide a 0-5ha high tide roost in Portsmouth Harbour SPA/Ramsar site. Yet despite this potential opportunity to create a new roost site in a potentially suitable location, and on land that is believed to be available and not subject to any completing claims or planning constraints, we question what assessment has been made of the longevity of such a proposal and the ability to undertake the recharge without leading to domino effects (i.e. damage) to any of the four statutory sites that it falls within. Navigational factors will also need to be considered. Sadly we fear these factors could place significant limitations on the suitability of Site 02 as a replacement roost site. Based on our understanding of the function of the LSFR within the Portsmouth Harbour SPA/Ramsar site, we consider it essential that the package of potential compensatory sites includes more than one 'available' option for the creation of a wader roost of similar scale within close proximity of the LSFR, ideally within or immediately adjacent to the current boundary of the SPA/Ramsar site. Portsmouth Harbour SPA/Ramsar site has in the past suffered devastating losses to its historic wader roosts, leaving the SPA/Ramsar birds with few remaining undisturbed areas of any real size. Therefore, we feel it is essential that the Tipner West proposals do not remove what may be the last potential roost of any scale within the SPA/Ramsar site boundary. Finally, as mentioned above, we are concerned that a large number of the potential compensation sites (5 out of the 10 sites) partly or wholly coincide with SWBGS sites (with a further site located wholly within the Portsmouth Harbour SPA/Ramsar site). Paragraph 3.49 asserts that "Delivery of intertidal habitat adjacent to or within the SWBGS portions of these sites [with specific ref to 'available' Sites 04 and 05] is likely to enhance the value of those sites to waders and brent geese as high tide roosts". It is difficult to see how a change from arable or improved grassland to intertidal habitats is likely to enhance the value for foraging Brent Geese, nor how the conversion of terrestrial land to intertidal is likely to enhance its value as a high tide roost. Furthermore, we would caution that some of these functionally linked SWBGS sites (in particular Core and Primary sites) could well become extensions to the Solent SPAs following the forthcoming publication of the Government's proposals for implementing the recommendations of JNCC's most recent SPA Review, therefore the domino effect must be very carefully considered in these cases as well as for any sites that are already within the statutory wildlife sites' boundaries.	

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	<i>Securing compensation at the project level</i> As a small positive, we support and welcome the additional wording proposed for Policy PLP3 concerning the LPA's requirements for the compensation proposals at application stage, as set out in Appendix E <u>HIWWT</u> The Trust agrees and fully aligns itself with the comments made by the RSPB. <u>HE</u> No further comments to add.			

Meeting Closed: 12:30pm

Date of Next Meeting: TBC

Provisional Panel Topics: Local Plan Examination, SCGs, IROPI Opinion, Promoter update

MINUTES AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2025 - Meeting 1**
Date: **1st April 2025@2pm -4pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	Kevin Hudson (KH)
Lucy Howard (LH)- PCC (LPA)	Rachel ter Horst (RtH)
Ian Maguire (IM) - PCC (LPA)	Leanne Rook (LR)
David Hodges (DH) - PCC (LPA)	
Ben Edmonds (BE) - PCC (LPA)	
Guy Mason (GM) - PCC	
Nicola French (NF)- PCC (Consultant to LPA:Ecology)	
Hilary Ferres (HF) - Coastal Partners	
Nicola Reid (NR) - Coastal Partners	
Jonathan Shavelar (JS) - NE	
Laura Lax (LL) - EA	
Guy Robinson (GR) - Historic England	
Alex Bellisario (AB) - Historic England	
Carrie Marchbank (CM) - RSPB	
Hannah Terrey (HT) - HIWWT	

[Note: A Recording of this meeting is available]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting. Apologies received from Rebecca Long (EA), Marc Turner (NE), Linda Brewis (MMO), Heather Richards (RSPB) NLD alluded to the previous Panel meeting from October 2024 and the actions from that meeting which were focused upon matters relating to the (then) pending aspiration for submission of the Local Plan in March 2025. The work done by all Panel members in preparing Statements of Common Ground were very much appreciated and would remain largely fit for purpose (subject to review/amends) with the new submission timetable. The previous meeting minutes were confirmed as agreed.	
2	Regulatory Panel remit and Working Protocol	NLD	NLD talked through the existing Panel Working Protocol, last signed around April 2024, as aspects of this require updating to reflect the likely change in some aspects of the proposed site allocation and development proposals, following the receipt of the Reg 107(3) IROPI Opinion from MHCLG. In addition, some of the wording in relation to consenting (eg. TWAO) may need removing. Furthermore, the Regulators and guest Panel attendees will be asked to review their organisation-specific clauses in the protocol, to ensure these are up to date. Action: NLD to circulate updated Working Protocol for review and agreement.	NLD - by next Meeting
3	Local Plan - IROPI Opinion - summary and discussion around implications	NLD	NLD asked if any members of the Panel had not seen a copy of the MHCLG IROPI Opinion letter and all had had sight of it. NLD alluded to the recent PCC Press release outlining the decision. NLD presented some slides outlining a summary of the IROPI decision as interpreted by PCC. NLD noted that PCC considered the MHCLG Opinion letter to be poorly written, and erroneous in many respects and difficult to fully understand the reasoning behind the decision. Nevertheless, PCC concluded that overall, the Secretary of State appeared to be of the opinion that IROPI	

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			did not exist for a regionally-significant marine hub at Tipner, because it was not of sufficient national interest and did not deliver upon the key IROPI tests of public safety or human health. The sea defences had not been a 'leading' component of the IROPI case, whilst other IROPI grounds cited were 'not significant' IROPI grounds. LH noted that notwithstanding the late arrival of the Opinion letter, one working day prior to anticipated submission of the draft Plan on 4th March, its receipt prior to submission had potentially saved the Council significant sums of money and wasted resourcing. NLD confirmed that as a consequence, the Local Plan could not be submitted on 4th march. IM noted that whilst the letter could have been a lot clearer, the SoS decision was now understood, notwithstanding the lack of clarity on the reasoning. PCC-LPA need to get some further clarity from Government on their reasoning to facilitate determining next steps, not least with regard to implementation of City Deal and associated funding negotiations. CM agreed that the letter could have been set out more clearly. Nevertheless it was clear that the marine hub was not considered to benefit from IROPI and that the letter did allude to some of the socio-economic aspects of this, notwithstanding the reference only to two of the IROPI 'tests'. CM advised that the RSPB and HIWWT were glad that a clear line had been drawn by Government, but appreciated that PCC were continuing to engage positively with the RSPB/HIWWT. NLD noted (in presentation) that PCC-LPA now considered that the IROPI decision now also ruled out: • Associated dredging for deep water access to a marine hub; • Associated reclamation; and • Development of the terrestrial SPA/Ramsar. However, it was noted that tidally-restricted access remained a possibility and that this would be explored as part of continued exploration of the suitability of this site for meeting the needs of the maritime sector. IM noted that PCC were nevertheless seeking clarifications from Government with regard to the Opinion letter, so the interpretations outlined by NLD remained officer-level interpretations only at this stage and hopefully further	

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			clarifications would be received from MHCLG in due course. Council members will need to be fully briefed and ultimately it is Members that will determine the next steps for this site.	
4	Local Plan - Next Steps (NLD/LH/BC) i. <u>Tipner/Horsea Island East Allocation</u> ii. <u>Plan-wide issues</u>	NLD/LH	(i) <u>Tipner/Horsea Island East Allocation</u> NLD explained that a working sub-group has been set up to try and determine the next steps for the allocated site, including land uses and extents, bridge design, sea defences and pursuing a 'people and nature' strategy going forward. This would need to conclude deliberations in time for a Member workshop planned for mid-May. This process needs conclusion swiftly as amendments will be required to the Local Plan evidence base and other supporting documents for submission in 2025. Whilst the focus will remain upon residential and employment uses, this would have regard to interest expressed by stakeholders such as Portsmouth International Port, the MoD, the University, for example. It was recognised that there would still be mitigation required for loss of supporting SWBGS habitat on the firing range and that the possibility of Horsea Island East fulfilling this function remained on the table. LH explained that the PCC housing need figure had changed as the deadline for submission of the local Plan under the 2023 version of the NPPF could not now be met, so the new methodology outlined in the 2024 NPPF would be applied. This increased the PCC housing need figure from 899pa to 1016pa, neither of which PCC could meet. Employment and housing targets will need to be adjusted to reflect the changes at Tipner. An updated 'call for sites' had already been instigated. NLD confirmed that the sea defences and protection against contamination leachate to the harbour will remain priorities in connection with delivery of the site. With regard to options for the land south of the firing range (LSFR), the LPA had met with Coastal Partners to discuss the options for managed realignment (MR) - allowing natural or engineered adaptation of this existing terrestrial	

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			SPA/Ramsar to an inter-tidal habitat - and what implications this might have in terms of HRA vis-à-vis the NSSMP. The NSSMP has the benefit of a positive IROPI decision from Government, premised upon 'Hold the Line' policy. Nevertheless, NLD noted that a proposal for MR could give rise to beneficial consequences for the environment, including reduced coastal squeeze pressures and, potentially reduce pressure for compensatory habitat pursuant to the SMP. LH stated that the LSFR could potentially be identified as Local Green Space, which would have the same protection as Green Belt. NLD noted that whatever is proposed for LSFR didn't mean there had to be a change to the red line, as the wording of the site allocation policy would address what would be acceptable/not acceptable on the site. CM flagged a concern that Local Green Space would conflict with SPA function and protections. LH advised that such a designation does not necessarily need public access. LH referred to more details about local green space within the evidence base supporting the draft Local Plan, under the heading "Greening the City" and a link would be provided. [Noted as Action: this is the link: Greening the City - Portsmouth City Council] CM queried if a Local Green Space or indeed SPA/Ramsar would be shown on the proposals map. TB confirmed that this was not normally the case. CM asked if the red line could be amended to exclude LSFR. NLD noted that works for MR might include engineering operations and it would be prudent to incorporate this within the overall allocation. IM added that exclusion of LSFR from the red line of the site allocation remained on the table, but it was also worth bearing in mind that policy could reference future management strategies, for example. LH asked if RSPB would prefer to see LSFR excluded from the red line and CM indicated that this would be preferable. LH opinion was that robust and clear policy wording ought to be sufficient to provide enough assurance, whilst keeping the site within the red line as part of a holistic policy for the allocation. NLD noted that it was beneficial for the site red line to follow the 'Hold the Line' alignment of the NSSMP, which may help to minimise HRA/Derogation complications.	NLD/LH - asap (DONE)

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			RtH noted that it was important for policy allocations to be approached on a consistent basis. LH noted that the allocation for St James Hospital included playing fields, supporting habitat areas, coastal zone habitat. NLD noted that inclusion within the framework of the policy allocation would provide some reassurances in terms of positive planning for the use and protection of the LSFR and having regard to the Council's statutory duties over the SPA/Ramsar land in its control. NLD added that the design approach to the bridge would be explored again with particular regard to exploring engineering scope to avoid direct effects upon Tipner Lake (by reason of supporting pier(s)). But there remained many positive strategic planning reasons to continue to safeguard delivery of the bridge through the policy. NLD noted that City Deal remains in place and ran through the presentation slide outlining the continued intent to deliver upon City Deal, within the new constraints imposed by the IROPI Opinion. There remained significant financial deficit and funding discussions would continue with Government to bring forward the site pursuant to City Deal. LH added that it should be remembered that Members will have the final say on these decisions. <i>[GR joined the meeting at this point]</i> NLD talked to the Development Options slides, reviewing the original Options (9) and (14) derived from the optioneering engagement with the Panel in 2023. It was noted that as part of this optioneering process, there had been some discussion around Managed realignment at the time and the approach towards LSFR as relevant to the former Option 14. NLD wanted to clarify with Coastal Partners about the creation of intertidal habitat being a 'legal requirement' as noted in the Derogation Notice for the NSSMP and compensation schemes. HF explained that the legal requirement comes from the NSSMP HRA requirements. The requirements coming out of the NSSMP HRA fed into the Habitat Compensation & Restoration Programme (HCRP) which has targets for intertidal habitat creation. However, whilst delivery of intertidal	

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			compensatory habitat addresses the SMP coastal squeeze losses (and associated pressure on compensation), it does create, in some cases (where there are landward designated habitats, as is the case at LSFR), 'secondary' compensation requirements as often the creation of intertidal habitat results in the loss of / impacts to terrestrial SPA/Ramsar habitat (which also then needs compensating). NLD noted that MR would likely be explored further / taken forward at a project level. CM note that most of the inter-tidal losses through the NSSMP had been compensated at Medmerry Reserve. HF acknowledged that Medmerry addressed a lot of the short term (Epoch 1 to 2025) SMP compensation requirements. However, there remains a shortfall of 20ha of saltmarsh required for epoch 1, and significantly more (in the hundreds of hectares) for the following two epochs (2026-2055 and 2056-2105). HF provided a link to further information on the Solent and South Downs HCRP and the outstanding compensation requirements: https://southerncoastalgroup-scopac.org.uk/hcrp/. CM noted that in light of this, the delivery of inter-tidal at LSFR would be a drop in the ocean relative to this overall quantum of compensation sought pursuant to the SMP. Returning to site options, NLD went through the possible assumptions going forward (see <u>slide 9</u> of presentation) and that these were not fixed at this stage. RtH noted that the approach to Harbour School remained unclear and strategic discussions were being held. There were considerations around optimising site value and the nature of education provision across the city. NLD went through 4 initial drawn-up options for discussion (slides 10-13). He also referenced an example of successful interaction between public access and wetland habitat for SPA species, at the RSPB's newly created Wallasea Island bird reserve in the Crouch Estuary and how it demonstrated the	

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			possibility of walkways both around and within such habitat, notwithstanding the significant disparity in site area relative to LSFR. Discussion turned to possible uses for the Listed Buildings on the site. BC said that this was a critical consideration and it did depend upon what the market might be prepared to offer. BC noted that repair costs were likely to be significant. KH said that it was always intended that the listed buildings would be retained and restored as part of the marine hub, although the viability of commercial/community uses had not been actively pursued to date. BC stressed the importance of care being taken to avoid 'crowding' the listed buildings with new development of excessive scale or massing. Furthermore, any scheme layout will need to avoid setting implications upon Portchester Castle. RtH noted that unless there is an end occupier lined up, the occupation will be market driven. The policy must just ensure that it builds in flexibility to accommodate a range of uses whilst ensuring the historic fabric is protected and restored as required. TB asked the RSPB/HIWWT thoughts were on the potential approach to be taken to LSFR, if they had a preference. CM stated that there is a strong duty on the Council to restore the site in line with the SSSI condition assessment - clearing scrub, litter. It was included in the SPA as it was an important high tide roost and the priority must be to restore it's condition in the first instance. The RSPB are not averse to realignment which might be cost-effective. The site may be capable of accommodating public access but it remains a small site and the 'Don't Cross the Line' images had only really anticipated public access along the northern boundary of LSFR with the development area. It might be sufficient for public to have 'perceived' access by way of views from a raised development platform to the LSFR. IM added that decisions in this regard will be increasingly informed by cost-saving considerations in view of the increased constraints on site development options now.	

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			NF noted that the last condition assessment, as noted on the NE 'Magic' website, was circa 2013 and there had been a programme of scrub clearance at the time, which did not proceed, for reasons that are not clear. RtH noted that it was not necessarily the case that 'cost savings' were the priority consideration. It was about identifying what are the short, medium and longer term priorities and to be focused on the appropriate level of investment at each stage, as well as the opportunities arising. NLD added that understanding the sequencing of the delivery of the site will be key, across the Plan period. JS wanted to acknowledge the many helpful comments raised by Panellists. He wanted to highlight that whilst it was noted residential development may continue to be pursued on the site, this remained something relatively uncommon especially in the Solent. NE welcome the positive approach to 'people and nature' going forward. NLD outlined the next steps in determining the specific changes required to the draft local plan site allocation policy (slide 15). (ii) <u>Plan-wide Issues</u> LH confirmed that the deadline of 4th March had not been met due to the IROPI opinion. The next submission deadline is 12th June 2026. There will be a Local Plan Addendum produced to reflect key changes stemming from the IROPI Opinion. There will be adjustments made to housing and employment numbers, for example. A report will go to Members on 29th April to discuss the new Local Development Scheme. Consultation planned towards the end of the year. LH added that there are additional local government reorganisations at play too, which could be another factor affecting how matters proceed. Furthermore, Statements of Common Ground will be reviewed.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
5	Promoter Team Update, including Ecology Surveys	NLD	KH advised that the promoter team were working closely with the LPA as part of the optioneering review. In terms of ecology surveys, KH advised that there were no active ecology surveys at the current time and there were significant costs, so further City Deal spend would require clear authorisation and clear direction from Members. This will hopefully be achieved in the next couple of months or so.	
6	AOB	ALL	LH noted that the sub-group will be progressing in the next weeks and the LPA will reach out to Panel members as required. Meeting closed.	
SUPPLEMENTARY PANELLIST ADVICE/COMMENT				
None at this meeting.				

Meeting Closed: 4pm

Date of Next Meeting: 10th June 2025 @2pm

Provisional Panel Topics: Update on Local Plan site allocation proposals, Guiding Principles, Cabinet decisions.

MINUTES AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2025 - Meeting 2**
Date: **10th June 2025@2pm -4pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	[Not in Attendance]
Lucy Howard (LH)- PCC (LPA)	
David Hodges (DH) - PCC (LPA)	
Tom Bell (TB) - PCC (LPA)	
Ben Edmonds (BE) - PCC (LPA)	
Ben Cracknell (BC) - PCC (LPA)	
Nicola French (NF)- PCC (Consultant to LPA:Ecology)	
Amy Adams (AA) - Coastal Partners	
Jonathan Shavelar (JS) - NE	
Laura Lax (LL) - EA	
Carrie Marchbank (CM) - RSPB	
Hannah Terrey (HT) - HIWWT	

[Note: A Recording of this meeting is available]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting. Apologies received from Linda Brewis (MMO), Heather Richards (RSPB) NLD alluded to the previous Panel meeting from April 2025 and associated actions which had been completed. The Minutes were agreed.	
2	Regulatory Panel Working Protocol	NLD	Further to the April meeting, the Working Protocol had been updated and circulated, with few changes. The amended Protocol was agreed for signature, dated 10 th June 2025. It was agreed that a copy of the accompanying Handling Arrangements would be re-circulated with the updated Working Protocol. Action: NLD to circulate updated Panel Working Protocol and copy of existing Handling Arrangements.	NLD- before next meeting
3	Local Plan - IROPI Opinion Update	LH	LH recounted the latest steps since receipt of the IROPI Opinion on 28 th February. The response of Government Legal Department (GLD) to the Council's Pre-Action Protocol (PAP) letter was received on 9 th May 2025 where the MHCLG IROPI Opinion letter of 28 th February was <u>formally withdrawn</u> (pending re-consideration). These documents are available on the Council website Here In summary, the Council's PAP letter had raised three grounds for potential legal challenge: (1) The Secretary of State misdirected herself in law by applying the wrong test to circumstances where no priority habitats or species are likely to be affected. (2) The Secretary of State failed to give adequate reasons for her opinion that each of the grounds relied on by the City Council, individually and cumulatively, did not constitute IROPI. (3) The Secretary of State's opinion was irrational because it was based on flawed reasoning and failed to have regard to obviously material considerations.	

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			The GLD did not accept ground (1), as it was considered the SoS had not constrained her considerations to those applicable to just priority habitats and species, as clearly wider economic matters had also informed her decision. However, the Council's grounds (2) and (3) were accepted as warranting withdrawal of the letter for reconsideration. HT flagged the Trust's concern that the IROPI Opinion appeared to be under re-consideration, not just 'clarifications' and wondered what PCC might do if a positive Opinion were to be subsequently issued. LH noted that the LPA could not continue changing its position as progress was needed on the Local Plan. It would therefore continue with its planned Local Plan Addendum, with a site allocation for Tipner West that would avoid triggering HRA Derogation. LH explained that there would be a new Regulation 19 Consultation on the Local Plan Addendum in the Autumn this year with a view to submission for Examination in June 2026. HT queried the implications of the Planning and Infrastructure Bill, which would appear to provide a mechanism by which adverse effects under the Habitats Regulations could potentially be mitigated at the national level through the proposed Environmental Delivery Plans (EDPs), potentially sidestepping the HRA Derogation stage. LH advised that this was noted, that PCC would need to take a view on this but for now, it had to maintain its current strategy given the timescales associated with getting the Bill enacted as legislation and the overriding need to progress the Local Plan to Examination and subsequent adoption. NLD noted that, notwithstanding the potential Local Plan as amended by the proposed Addendum, it may well be possible for developers to make use of the EDP provisions enacted through the proposed new legislation. LH noted it was also critical for the Local Plan to proceed as there are many other policies, unrelated to Tipner, that needed to be progressed to adoption, such as in relation to affordable housing, HMO etc. CM expressed surprise that the Council had submitted a Pre-Action Protocol (PAP) letter to Government, in response to the IROPI Opinion, considering that this had not been made clear. CM added that the RSPB were aware that PCC were seeking 'clarifications' but were not happy that the submission of a	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			PAP had not been explicitly referenced in previous discussions. The RSPB did not wish to remain in the Regulatory Panel as a 'greenwash' 'partner' in Panel discussions, if such matters were not wholly transparent. It was surprised that PCC had been challenging the IROPI decision as aggressively as set out in the PAP letter, which did not correspond with the recently stated intentions by the LPA for the Addendum to take a more nature-friendly way forward. NLD advised that the PAP letter was judged by the LPA to be the best mechanism by which to get the clarifications so lacking from the original IROPI Opinion, a letter that all parties appear to agree was poorly set out and reasoned. The PAP letter secured recognition from GLD that the IROPI Opinion should be reviewed and reconsidered accordingly. It was in fact a means to avoid the time and expense of Judicial Review, by engaging GLD on points of legal clarification. Nevertheless, the LPA considered the RSPB and HIWWT input to the Panel meetings to be extremely valuable, challenging and critiquing key issues around nature. LH noted that the PAP letter has been made public. HT stated that the letter from the Cllr Pitt to the MHCLG Secretary of State was nevertheless relatively aggressive, indicating a reluctance to move away from the previous development proposals. NLD noted that there was potentially more leeway for Members to take a more emotive tone in correspondence (relative to the LPA officers), but that the LPA and Members continue to work closely together and there is great disappointment at the IROPI decision given the inevitable reduction in homes and employment opportunities. CM stated that IROPI was of course one of 3 steps of the HRA Derogation and that alternative solutions and compensatory measures yet remained to be satisfactorily addressed. NLD pointed out that as part of the LPA's IROPI Opinion request, the LPA had, (as requested through pre-submission discussion with Natural England and the response of MHCLG to the first Reg.107 Opinion request) provided more plan-level HRA details on both alternative solutions and compensatory measures and it was notable that the latest IROPI Opinion letter had been silent on these points. LH noted that it was possible to conclude that MHCLG	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			had accepted the evidence put forward, certainly for step 1 (alternative solutions) as the steps were intended to be sequential, although it was equally recognised that Reg 107 was aimed solely at the question of IROPI. CM indicated that RSPB resources were constrained and as such its ability, and that of the Trust, to regularly attend the Panel sessions was somewhat of an exception to other national workstreams but that they would continue to attend going forward. NLD concluded that this was a better position for the Panel and for onward consideration of proposals for Tipner West, having regard to the Coastal Concordat and importance of positive and proactive engagement by the LPA.	
4	Local Plan Addendum	NLD/LH	<i>PLP3 Allocation - Optioneering Summary and Outcomes and policy changes</i> NLD presented the slides (copy attached to these Minutes) which summarised the process of land use optioneering for Tipner West and Horsea Island East, following the receipt of the negative IROPI Opinion letter. Meetings held between April and May had been wide ranging, across a wide range of stakeholders, internal and external to PCC. Three possible site options had been identified as an end result of this process and referred to a cross-party Members workshop held on 20th May. Some of the key conclusions from sub-group discussions had been: • Limited, if any, operational viability for a marine hub of regional significance, by reason of absence of deep water access and limited reclamation; • Development density should range between the 96dph previously adopted by the PCC Promoter team (which had been informed by detailed market analysis) and 120dph as set out in the 'High Density' policy applicable at Tipner West; • Primary office uses would not be appropriate for the site, not least by reason of sequential test considerations; • Infrastructure assumptions and other development parameters from previous PCC Promoter viability assessments (Options 9 and 14 from optioneering in 2023) should be carried through to existing financial modelling - eg. energy	)

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			centre, multi storey car park, dwelling:parking ratios, housing mixes) in order to secure a reasonable high level viability figure in this short time frame; • Policy to align with the Shoreline Management Plan 'Hold the Line' policy to avoid opening up Plan-level derogation stage. Managed realignment may be referenced as an option to be pursued at the project level; • Bridge delivery to be de-coupled from the policy, save for necessary safeguarding of bridge 'landing points' at both Tipner West (PLP3) and Horsea Island Open Space (PLP9). The bridge remains a Council-wide commitment and is assumed to come forward during the later stages of the Plan period, via separate funding sources unrelated to the Tipner West development, including CIL. • Horsea Island East development to be removed from the allocation having regard to the significant cost of developing the site, de-coupling of the bridge from PLP3, and other considerations including setting of the Scheduled Monument and neighbouring MoD site. • Harbour School assumed to be relocated as part of the site allocation; • Listed Buildings to be re-purposed and restored (as far as reasonably practicable) as part of development proposals; • Site allocation red line boundary amended to remove bridge corridor and HIE. Land use options presented to Members comprised: Option 1 - A residential-led option of circa 973-1171 homes and 18,386sqm of employment (Class E(g)(ii)(iii), B2, B8) - high level indicative residual viability gap of -£107m Option 2 - An employment-led option of circa 347-433 homes and 58,000sqm employment (to match City Deal employment quantum) - high level indicative residual viability gap of - £174m Option 3 - A balanced residential/employment mix of circa 702-877 homes and 34,000sqm employment - high level indicative residual viability gap of -£126m. NLD advised that Officers had recommended Option 1 to Members, with potential for Option 3, but cognisant of the significant viability deficits identified. Members in the May 20th workshop had broadly favoured Option 1 whilst some had seen market	

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			potential for a larger employment site as envisaged through Option 3, whilst all Members dismissed Option 2. NLD advised that, following subsequent discussions with the Chief Planner (Ian Maguire), it was agreed that policy PLP3 would go forward on the basis of 1,000 homes and 20,000sqm employment. It was also noted by NLD that the policy would not now include bespoke Guiding Principles and Overarching Objective which had been previously included in the context of the prior need for HRA Derogation, in particular as a 'benchmark' to consideration of alternative solutions assessment (Step 1 of the Derogation stage). JS highlighted that previous suggestions of land south of the firing range becoming designated Local Green Space (LGS) remained a concern for Natural England due to the risks that this might pose from recreational disturbance to protected habitats and species. LH advised that LGS could still be designated without public access, but the concerns of JS were noted and would be factored into the assessment by Officers. <i>Bridge strategy</i> LH reiterated that the bridge remained critical infrastructure in the PCC Infrastructure Delivery Plan and remained a City Council commitment, not least in the Local Transport Plan and the walking and cycling strategies. It also remained critical for delivering safe access to Port Solent and reducing congestion at Portway roundabout. The policy plans for PLP3 and PLP9 would indicate the route of the bridge and possible safeguarding 'landing points' for the bridge on both sites, this safeguarding to be captured in the policy wording. Technical studies were in the process of being commissioned by the PCC Infrastructure team, to ascertain the optimal design approach and to identify if there were feasible design options that could avoid direct insertion of supporting piers (and associated direct habitat loss) in Tipner Lake and what the costs of these options would be. <i>Recreational disturbance mitigation</i> LH noted that initial discussions had been held with both Aecom (HRA consultants) and Natural England with regard to the recreational disturbance mitigation for Tipner	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			West, having regard to the delivery of a bridge serving HIOS (PLP9) in the later stages of the Plan period and its de-coupling from policy PLP3. LH noted that early housing delivery at Tipner West could reasonably rely upon existing established 'Bird Aware' mitigation strategy. However, it was necessary to further explore to what extent the HRA could rely upon future resident access to HIOS (by car via existing road network) or if there was a threshold of occupancy beyond which further bespoke mitigation would be required. With regard to previous suggestions of a 'SANG' form of mitigation (Suitable Alternative Natural Greenspace), familiar in the Thames Basin Heaths and also used at Welborne Garden Village, LH noted that it remained a novel form of mitigation for the Solent and did not appear well suited to Tipner. CM noted that different approaches have been taken to SANG and recognised that these were prevalent to larger sites. For Tipner it was necessary to consider not just where people 'could go' but also 'likely to go' eg. Alexandra Park. It would be useful to commission a piece of work to ascertain what these options might be for residents. Consultants such as Footprint Ecology could be a helpful contact in this regard. CM would encourage the use of pocket parks as part of this wider strategy. JS agreed - Bird Aware is generally set up for in-combination impacts across the Solent. At Tipner West, bespoke avoidance and access management steps would be an appropriate focus. Would support a bespoke study to consider likely recreational disturbance arising from PLP3. LH noted that recreational disturbance at present was typically unregulated, not least dog-walking. NLD noted that the policy would require bespoke recreational mitigation strategies through the policy and secured through a combination of legal agreement and conditions. CM cautioned against over-reliance upon strategies that seek only to prevent access to sensitive areas. If residents feel they do not have access to attractive areas close to them (eg. at LSFR), then there may be great risks of unregulated access and associated disturbance.	

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			LH reiterated the importance for PCC and the Panel members to continue to work together on this issue. NF queried if there was an update on site surveys as it was recognised there had been a pause to these, but seasonal windows were closing and it was important for ecologists to be commissioned in good time by the promoter team to ensure a robust data set is maintained, in particular for Winter Bird surveys. <i>Other City Deal sites – Horsea Island Open Space (PLP9), Port Solent (PLP11)</i> LH noted that some of the changes with regard to the bridge had been referenced already, notably for HIOS. Reference to the bus routes serving Port Solent would be highlighted. The main point remains the safeguarding around delivery of the bridge. <i>Next steps</i> Next Reg Panel to be advised. LH confirmed that PCC-LPA were writing the amended policies, to be done by August. The Addendum would go to Members in the Autumn, but a potential Panel meeting in late July was suggested as possible so that the amended policy wordings could be reviewed. Action: NLD to confirm next Reg Panel meeting. CM queried if there had been on-going discussions with Government around City Deal funding and if such funding might be clawed back? LH pointed out that there was no longer a bespoke 'City Deal' team within Government. NLD noted that there were on-going meetings with Homes England and that the new Strategic Authority may have funding to support strategic sites. NLD also recalled that the question of City Deal 'clawback' had been flagged by the PCC Promoter team in previous meetings with Government (in 2024) and felt that there had been a suggestion that such clawback was unlikely.	
6	AOB	ALL	Meeting closed.	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
SUPPLEMENTARY PANELLIST ADVICE/COMMENT				
None at this meeting.				

Meeting Closed: 4pm

Date of Next Meeting: TBC

Provisional Panel Topics: Local Plan Addendum - draft policy revisions, Promoter team update.

MINUTES AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2025 - Meeting 3**
Date: **28th August 2025 @ 1030am- 12pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	Kevin Hudson (KH)
Lucy Howard (LH)- PCC (LPA)	
Tom Bell (TB) - PCC (LPA)	
Ben Cracknell (BC) - PCC (LPA)	
Nicola French (NF)- PCC (Consultant to LPA:Ecology)	
Hilary Ferres (HF) - Coastal Partners	
Jonathan Shavelar (JS) - NE	
Laura Lax (LL) - EA	
Jemma Colwell (JC) - EA	
Carrie Marchbank (CM) - RSPB	
Hannah Terrey (HT) - HIWWT	

[Note: A Recording of this meeting is available]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting. Apologies received from Alex Bellisario (HE), Linda Brewis (MMO), Amy Adams (Coastal Partners), Heather Richards (RSPB), David Hodges (PCC-LPA) NLD alluded to the previous Panel meeting from June 2025 and associated actions which had been completed. <u>Action: NLD agreed to circulate the updated Panel Working Protocol in case some had not received this.</u> The Minutes were agreed.	NLD - ASAP
2	Local Plan Addendum and new draft Tipner West policy PLP3	LH/NLD	LH provided an update on the draft Local Plan Addendum which had been shared with Panel members ahead of the meeting. The Addendum and associated evidence base has been prepared in a six month period since the first IROPI Opinion, which is swift. The LPA has added a Preface to the Addendum to explain its structure and the reasons for its preparation. As part of the Pre-Submission consultation a consolidated updated Pre-Submission Plan will be prepared. Submission will also importantly precede proposed Mayoral elections and local elections in May 2026. Updated HRA and SA are nearing completion and the Appropriate Assessment is concluding that any identified adverse effects upon the SPA/Ramsar sites can be mitigated and that Stage 3 Derogation is not now required. LL queried the Reg 19 timeframes. LH advised that this would commence in November and run for 6 weeks. Papers for Cabinet (25th September) and Full Council (14th October) approval of the Addendum for consultation will be available from 17th September on the Council website. CM considered the draft policy is much improved and there is much to welcome. Noting a few typo corrections, CM added that RSPB would wish to see a commitment in the policy to the restoration to favourable condition of land south of the firing range (terrestrial SPA/Ramsar). CM also noted that the draft supporting text for the Tipner West policy had made specific reference to the possible need for project-level Derogation, which seemed an unnecessary reference (and something absent from other site allocation supporting text). The Habitats Regulations would need to be complied with by any	

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			developer taking forward sites at the project-level so it was unusual for the text supporting draft policy PLP3 to make specific reference, given the amendments made to the policy, precluding adverse effects that can't be mitigated. Action: LH and NLD agreed that the supporting text would be reviewed. NLD added that additional wording was already being added to the draft policy to require applicants to submit a management and monitoring strategy for LSFR and this would provide a 'tool' to secure such improvements, notwithstanding the City Council statutory obligations relating to this designated habitat. JS agreed that it was important for the policy to secure appropriate management and monitoring measures for the terrestrial SPA/Ramsar at Tipner West. CM noted that the RSPB would be keen to see the updated HRA when ready. CM was keen to understand the mitigation approach to the potential loss of functional supporting habitat on the firing range eg. at Horsea Island? JS noted that Natural England were satisfied that this mitigation could be addressed at the project level and noted that the existing Pre-Submission Plan had already addressed this satisfactorily (PLP42). JS agreed that identifying this mitigation was important as it can be difficult to find suitable replacement habitat. LH confirmed that the HRA would be published alongside other Cabinet/Full Council papers on the 17th September.	NLD - ASAP
3	Local Plan - IROPI Opinion - Updated version received 31 st July 2025	NLD/LH	NLD talked through the presentation that summarised both the first and most recent IROPI Opinions (dated 28th February and 31st July respectively). <i>[The presentation slides accompany these distributed Minutes.]</i> CM stated that the RSPB are pleased that the original negative Opinion still stands but with clearer weighing of the reasoning, which is welcomed. With regard to the paragraphs 46 and 47 relating to adverse effects arising from construction/post-construction disturbance and recreational disturbance respectively, CM considered that these concerns read as in reference to the alone/site-specific adverse effects from PLP3, not the wider in-combination impacts that are addressed by the existing strategic mitigations in place (eg. Bird Aware). The details of site-specific bespoke mitigation measures for	

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			these adverse effects are not yet known and, as such, it is considered this is why the Secretary of State has highlighted outstanding concerns on this point. JS stated that he also considered that these paragraphs were alluding to 'alone' impacts but he could not immediately recall the extent of detail on mitigation set out in the HRA to address these adverse effects. NLD stated that the LPA were concerned that the wording of these paragraphs is not clear in its reference to site-specific 'alone impacts', not least due to the reference to city-wide housing and employment sites being delivered over a 15 year timeframe, many such sites being adjacent to the SPA/Ramsar. CM stated that, having been involved in the setting up of the Solent Bird Aware Mitigation strategy, it was always intended to address the wider in-combination effects and not site-specific bespoke measures. Therefore, she remained of the opinion that the Secretary of State was likely referring, in paras 46-47, to these bespoke measures which it seems she did not have enough detail on. JS noted that paragraph 46 was focused on visual and noise disturbance and that this suggested a reference to site-specific bespoke measures that remained unclear. LH stated that she considered the paragraph 46 to be referring to the city-wide housing and employment site over the Plan period. NLD added that generally, the Secretary of State has not had evident regard to mitigation which she should have done prior to issuing an IROPI Opinion. These Panel comments will be taken on board in assessing whether or not further clarifications would need to be sought by the City Council.	
4	Tipner West Recreational Mitigation Strategy Study (Holbury Consultancy)	NF	NF ran through her presentation slides outlining the work completed to identify opportunities for bespoke recreational mitigation measures for Tipner West. <i>[A copy of these slides is distributed with these Minutes and it is not considered necessary to repeat the content here.]</i> JS noted that with regard to controlling public access to the inter-tidal areas, that there are local examples of sea walls with what appear to be possible emergency access steps for health/safety reasons which might undermine	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			attempts to control/avoid disturbance. HF stated that designers need to provide 'egress' steps in sea walls should anyone get stranded on the inter-tidal areas. It was agreed that these can be designed carefully in terms of placement in less publicly active parts of the sea wall, or directed in such a way that they face away from more sensitive habitat areas. Other examples include flood boards that deter people from attempting to walk down the steps, but don't preclude egress in an emergency. BC noted that signage could also be used to make people well aware such steps for emergency egress only. These are issues of detail and will need to be addressed in due course as part of project design. CM stated that the RSPB/HIWWT had previously agreed that bespoke measures could be possible on the Tipner West site, including areas of pocket parks, green buffers etc that are attractive as alternatives to the foreshore. Attractive walks through the development can certainly be designed to attract users. It would be useful to understand visitor behaviour from local residential areas - there could be merit in a local postal survey to understand their choices. It is possibly likely that people may not be willing to walk to Hilsea Lines from the site. CM also noted that Alexandra Park may be a supporting habitat site for Brent Geese. NF confirmed that it is a Primary Support Area and that her report recognised that this needed to be taken into account. CM thanked the LPA for exploring SANG and recognised that the linear path approach, linking to the England Coast Path, would be positive and could potentially have value as alternative open space. SANG guidelines could be helpful with regard to the design approach for green spaces (eg. around dog-off-lead areas) even if a bespoke SANG approach was not feasible in this location. . JS noted that an access-management approach was appropriate in avoiding alone impacts from recreational disturbance. He added that the design of any egress steps would be key to the function of the access management mitigation strategy. NLD noted that the draft policy PLP3 was now also including more detailed design requirements relating to the sea defences, that reference wayfinding	

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			measures, public lookout areas, and many of the other points addressed in the Holbury Study.	
5	Statements of Common Ground	LH/NLD	NLD advised that the LPA will want to update these so that they relate to the Addendum. LH stated that she accepted that the SCGs would need to align with the comments Panel members make in response to the Reg.19 Consultation. LL confirmed that the EA would wish to finalise a SCG only after/alongside completion of Reg.19 response. LH confirmed that this was acceptable. NLD advised that he may commence first draft templates in the meantime. LH advised that SCGs would not need to be submitted until formal submission of the Plan in March 2026. CM noted that the RSPB considered a SCG may not now be necessary, given that the RSPB/HIWWT may no longer be objecting to the Plan as amended through the Addendum. LH noted that following discussion with PINS, she considered that a SCG was still necessary, in particular given the strong objections raised to the previous draft policy. But the SCG could be very succinct.	
6	PCC Promoter Update	KH	KH stated that the Promoter team are working alongside the Local Plan team to identify the way forward for the Tipner West strategic allocation. The site remains a challenge financially. He noted and agreed that a project level HRA would be required and if necessary address unmitigated adverse effects through a Derogation should this be required. Funding discussions with Government continue with Homes England and other third party developers and marine/maritime businesses. KH added that there would be a FRAP zone, as previously discussed at Panel and that this might not extend around the whole site given the operational needs for the marine employment and access by boats not requiring dredging and the need to have regard to the setting of the Listed Buildings. KH added that the sea wall may not be uniformly a vertical wall, as previously presented to Panel and that any public walkway access through to the subway (under	

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			M275) must be cognisant of possible boat movements on to the Tipner West site, so the overall sea wall is unlikely to be uninterrupted and may vary in its design across the site perimeter.	
7	AOB	ALL	LL queried if it was necessary to discuss the recent questions around flood cells vis-à-vis modelled flooding showing risk to residential homes in Stamshaw. Following a meeting between the EA, Coastal Partners, PCC's Coastal lead Guy Mason and the LPA, it was agreed that there had been a misunderstanding as there exist 'Tipner' and 'Stamshaw' flood cells (# 5 and #6 respectively), the former being impacted by modelled flooding in sea-level rise scenarios and floodwaters from an un-defended Tipner West. Meeting closed.	
SUPPLEMENTARY PANELLIST ADVICE/COMMENT				
None at this meeting.				

Meeting Closed: 12:00pm

Date of Next Meeting: 25th November 2025 @ 2pm

Provisional Panel Topics:

MINUTES AND ACTIONS

Meeting Title: **Tipner West Regulatory Panel 2025 - Meeting 4**
Date: **25th November 2025 @ 2pm**
Location: **Remote Meeting via Microsoft Teams**

Attendees:

Regulator/LPA/Non-Statutory Interest Groups - Coastal Concordat	Promoter Team (PT)
Nick Lloyd-Davies (NLD) - PCC (LPA) (Chair)	Kevin Hudson (KH)
Lucy Howard (LH)- PCC (LPA)	
Tom Bell (TB) - PCC (LPA)	
Ben Cracknell (BC) - PCC (LPA)	
Nicola French (NF)- PCC (Consultant to LPA:Ecology)	
David Hodges -PCC (LPA)	
Laura Lax (LL) - EA	
Carrie Marchbank (CM) - RSPB	
Zeno Wijten (ZW) - RSPB	

[Note: A Recording of this meeting is available]

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
1	Introductions and Agreement of Previous Minutes/review of actions	NLD	NLD opened the meeting. Apologies received from Marc Turner (NE), Alex Bellisario (HE), Linda Brewis (MMO), Hilary Ferres (Coastal Partners). NLD introduced Zeno Wijten (Senior Conservation Officer, RSPB SE) who will now attend alongside CM, in place of Heather Richards. NLD alluded to the previous Panel meeting from August 2025 and associated actions which had been addressed. One of the actions had been for PCC-LPA to review reference to HRA derogation stage in the supporting text to policy PLP3 (Tipner West), as this had previously been noted by CM to be an unusual reference where no derogation was anticipated now and none of the other site allocations had express reference to the derogation stage. PCC-LPA had agreed to remove reference to HRA derogation stage from the policy, referencing only the need for HRA in line with other policies. CM referenced the last meeting's AOB, where there had been discussion around the Flood Cells and risks of flooding to homes in Stamshaw as a consequence of Tipner West sea defences failing in modelled climate change scenarios. NLD noted that previous modelling, as referenced in the HRA supporting the 2024 Pre-Submission Local Plan, had identified potentially 208 homes in Stamshaw as being at risk. LH said that a meeting earlier this year between PCC and the EA had clarified that the 208 homes were actually in Tipner Flood Cell rather than Stamshaw Flood Cell (causing the confusion) although the houses are sited in the locality of Stamshaw. NLD added that this modelling needed updating to reflect development and new sea defences at Tipner East ('Victory Quay'). The Minutes were agreed.	
2	Local Plan Addendum Reg.19 Consultation	LH/NLD	LH provided a brief summary of the new Local Plan Addendum consultation which commenced on 18th November 2025 and will run over Christmas to 8th January. It contains 8 brand new policies, which replace those in the 2024 Pre-Submission Local Plan which had been consulted upon last year. LH noted that Reg.19 consultation letters should now be with Panel members and guest organisations and this was confirmed. LH advised CM that a number of people, having previously submitted the standardised objection from RSPB/HiWWT (under the 2024 "Don't Cross the Line" campaign), had now contacted PCC complaining that they were	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			receiving correspondence about the Local Plan Addendum and asking why their details were on the PCC data records, some being of the impression that they had 'never' written to PCC previously. As they had added their name and address as part of the RSPB/HIWWT campaign submissions to PCC, this is why their details remain on the PCC database. So LH suggested to CM that the RSPB issue an email to relevant RSPB members explaining that they had made a legal representation and why they were receiving further communication from PCC. CM agreed to investigate whether this would be possible and discuss with HIWWT who hosted the campaign on behalf of both organisations. NLD suggested that PCC draft some words to assist CM in this and this was agreed. Action: LH/NLD to draft words for RSPB/HIWWT to issue to their members explaining why they were receiving communication from PCC on the Local Plan Addendum and explaining it would be optional whether or not they wish to reply. [This action completed at time of writing, 1.12.25] CM agreed that she would like to see people's objections remain on record for the purposes of Examination and through to adoption, notwithstanding changes to policies set out in the Addendum. LH noted that perhaps RSPB/HIWWT supporters hadn't been made fully aware that their submissions as part of the campaign were deemed part of a statutory/legal process and involved going on to a database. CM agreed that this would be something important for the charities to take away and inform future campaigning. NLD ran through a series of presentation slides, summarising the key changes in respect of policies PLP3 (Tipner West), PLP9 (Horsea Island Strategic Open Space) and PLP11 (Port Solent), as contained within the consultation Local Plan Addendum. <u>[A copy of these slides will be circulated with these Minutes.]</u> LL asked about the approach to be taken in responses to the new Addendum policies bearing in mind the EA have already commented on the Tipner West policy PLP3 in the 2024 consultation. NLD stated that the Examination Inspector would be provided with copies of responses to both the 2024 and	LH by 1/12/25 NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			2025 consultations. LH advised that it would be best for consultees to treat the consultations entirely separately as the Addendum policies are entirely new. CM asked what PCC would do if a positive IROPI Opinion was provided by MHCLG between now and submission? LH stated that there was no formed view on this currently, but it remains extremely difficult for the LPA to progress the Plan in, what has been termed, an 'IROPI vacuum'. CM asked if PCC would revert to the previous iteration of policy PLP3. NLD advised that it was more likely that a new policy would need to be prepared, as the previous policy was aligned to the 2023 NPPF, but also there were aspects of the new draft policy PLP3 that PCC would be likely to wish to carry forward, eg. on recreational disturbance mitigation measures. CM observed that the safeguarded land for the bridge at Horsea Island Strategic Open Space (HISOS, policy PLP9) would appear to give rise to direct impacts to Core Area P75 as identified in the Solent Waders and Brent Goose Strategy (SWBGS) and also wondered at what stage the supporting habitat impacts of delivering HISOS would be assessed through HRA? NLD responded, noting that there was a planning permission granted in 1998 for landscaping/recontouring of the land, but suspected that proposals for the land are likely to be changed from those originally envisaged and a new planning application may be required. TB advised that Veolia are not expected to vacate/transfer the site to PCC until 2035 as things stand, partly due to on-going monitoring of gas-levels and ensuring public safety. There is no up to date scheme for the site but a fresh planning application with associated HRA may be required at that time. CM asked if the remediation proposals would deal with protection of supporting habitat sites? NLD referred CM to the HRA accompanying the Local Plan Addendum and the assessment in respect of the HISOS site. TM advised that it was not possible to confirm without checking if the remediation associated with the 1998 permission had had regard to the SWBGS and mitigation for functional habitat. CM noted that the Solent Brent Goose Strategy was probably in place at that time. Action: NLD to provide CM with details of 1998 planning permission for the HISOS site. [Post meeting note: there was temporary permission granted under ref:A*29932/AM, granted	NLD - ASAP

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			<i>15.12.98, which can be viewed on the Council website planning application search portal Here. There is an extensive planning history, including extensions to any temporary permissions previously granted. Please contact NLD for further information]</i> CM noted that the safeguarding area for the bridge as shown in the new PLP9 allocation appeared to sit partly within Core Area P75 of the SWBGS. Records suggest it has historic use by waders. CM asked if there are any recent surveys of usage of the Core Area. NLD considered that PCC had endeavoured to avoid direct impingement upon functional supporting habitat sites, such as P75, but that this would be checked. Action: NLD to check if safeguarding area for the bridge directly affects Core Area P75 and to advise the Panel. <i>[Post meeting note - the safeguarding area does extend partially into the eastern edges of the balancing pond (P75). However, this is a safeguarding area only and project-level HRA would need to consider and mitigate any impacts to these identified supporting habitat sites at detailed design stage, having regard to the mitigation requirements set out in draft policies PLP9 and PLP42, with reference to the Solent Waders and Brent Goose Strategy. There is no pre-judged construction design for the bridge at the Plan-stage. In addition, the location of bridge viaduct piers - and the evidenced effects upon the usage of Core Area P75 by SPA citation species - would be addressed at the project stage. It will be necessary to survey more recent usage of this area by birds and the condition of the site, eg. water quality contaminants, phragmites etc and the potential for enhancement as part of a bridge development project.]</i>	NLD - ASAP
3	PCC Promoter Update	KH	KH advised the Panel that the PCC promoter team retained a responsibility to manage the City Deal funding and, to this end, were committed to assisting the LPA through the process of getting the Local Plan adopted. This included supporting any necessary fee charging by the statutory Panel organisations. If any funding for attendance at Reg panel was required, they should make contact with him (or via Nick).	

No.	Agenda Item	Who	Minutes, Advice, Actions	Who - Due By
			LL noted that as Reg Panel meetings have latterly been solely focused upon LPA matters (Local Plan), attendance by the EA was part of its statutory function, so no Discretionary Advice payments were being sought. However, if the project level work picks up again, the EA will review the position. KH added that by way of update, the PCC Promoter team remains in 'pause' mode on the project. The next action may be focused around delivery of the sea defences at Tipner West. <i>[KH departed the meeting at this point]</i>	
4	Local Plan - IROPI Opinion update	NLD/LH	NLD advised that as things stand there is no lawful IROPI Opinion issued by MHCLG. The Government are continuing to review the Council's IROPI Opinion request with a view to issuing an updated (3rd) iteration. PCC have in the meantime responded to an enquiry from MHCLG about the new version of policy PLP3 (as contained in the Addendum) and whether or not this could constitute an alternative solution to the previous iteration of policy PLP3 (which triggered the HRA Derogation stage). NLD advised that PCC had replied to MHCLG explaining that they did not consider the new draft policy PLP3 to constitute an alternative solution because it proposed a materially different development for Tipner West that did not meet the previously set out project objective of the Council to deliver a marine hub at Tipner West. In addition, the new version of PLP3, by reason of the reduced quantum of development proposed, would result in a significant worsening in the financial viability of the project, creating additional delivery pressures. The Council's response had been placed in the Core Document Library, details available on the Council's website. CM noted that in the latest Council response to the 2nd iteration of the IROPI Opinion, the Council had sought clarification from MHCLG as to how a revised policy PLP3 with less habitat loss might be able to demonstrate IROPI? <i>[Post-meeting - this relates to para 49.c of the Council's PAP letter dated 4th September 2025, available here: Compendium-of-Key-Tipner-West-Correspondence v1.pdf]</i> NLD responded that the Council was endeavouring to get more granularity on the Government's IROPI Opinion, bearing in mind the significant IROPI case	

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			put forward by PCC and the different elements of harms caused (for example dredging, reclamation, land south of firing range) to aid formulation of the new policy response. This was prudent bearing in mind the significant viability constraints for the project. CM considered that the Government would be unlikely to provide a view on which specific areas of SPA loss might be acceptable, as the derogation process requires the Council to demonstrate least damage in order to deliver a viable project, which Government then weighs impact vs public benefit of. NLD replied that it was incumbent for PCC to explore all avenues that would facilitate development of the site with minimisation of viability deficit, bearing in mind City Deal grant. LH also noted that there was regular dredging of the Harbour, for example, so it was not unreasonable to explore this aspect further with Government. CM noted that the Council's response to the Government-issued IROPI Opinions had perhaps been unduly litigious which was potentially drawing out the process and perhaps direct meetings with Government would be more beneficial. LH agreed that meetings would be helpful, but that it was very difficult to secure such meetings. NLD added that the Council was acting in the interests of the Local Plan more widely and to optimise the prospects for implementing City Deal for the benefit of the City.	
5	Statements of Common Ground	NLD/LH	NLD advised that draft amended template SCGs would be issued shortly, recognising that Panellists would want to prepare their Reg.19 responses in the first instance. The SCGs prepared as part of the 2024 Pre-Submission Local Plan would be made available to the Examination Inspector, but in line with earlier discussion in this meeting, it was prudent to treat the new Addendum policies entirely separately to the 2024 iteration and that SCGs dealing with the new Addendum would therefore be very helpful. LH queried if a Panel-wide SCG might be appropriate way forward? LL advised that the EA would prefer, as previously, to enter into a separate SCG as this clearly sets out the EA position. NLD confirmed that the anticipated deadline for completion of SCGs would be mid February 2026.	

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			CM advised that the RSPB continued to have resourcing constraints, but that between CM and ZW, and assuming the SCG can be simplified this time around, they would do their best to agree a new SCG.	
6	AOB	ALL	NLD confirmed that a set of meeting dates would be arranged for 2026. Potentially a meeting in late January could be appropriate, when Panellists have issued their Reg 19 responses. NLD also asked if the Panel were aware of the Solent Gateway 2 project in Southampton (a live NSIP project with PINS), because there were jetty proposals directly within the SPA/Ramsar and presumably a Derogation case required. LL advised that EA were looking at this but the national team were dealing with it as an NSIP. Confirmed that the proposal was in the Ports NPS. CM advised that the RSPB had provided a response to the public consultation and she could provide a copy to PCC. Action: CM to provide a copy of the RSPB response.<i>[post-meeting note: this has been provided]</i> NF noted that the previous scheme 'Dibden Bay' which had been refused, was pre-<i>Sweetman</i> case, so mitigation was a focus of the HRA in seeking to reduce Likely Significant Effects. Meeting closed.	CM - asap
SUPPLEMENTARY PANELLIST ADVICE/COMMENT				
None at this meeting.				

Meeting Closed: 3:30pm

Date of Next Meeting: Tuesday 27th January @2pm

Provisional Panel Topics: TBC