

Chichester District Council

Development Plan Panel

Thursday 12 September 2013

Tangmere Strategic Location

1. Contact

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2. Recommendation

- 2.1 **That the Development Plan Panel recommends to the Cabinet that the Council meeting be recommended to resolve to use compulsory purchase powers to bring forward delivery of the strategic development locations if necessary.**

3. Background

- 3.1. The Tangmere Strategic Development Location is allocated for mixed development of 1,000 homes, community facilities and open space and green infrastructure in the *Draft Local Plan*. There are three landowners who were working together in a consortium to promote a successful development.

4. Risks to Delivery

- 4.1. Officers have been involved in continuing communications with the planning consultants representing the landowners. Whereas previously the advice was that the landowners had an agreed approach to implementation and delivery, officers have recently been made aware that there are disagreements over how the respective parties' land is valued.
- 4.2. It appears as though there is a situation where one of the landowners is claiming an enhanced value due to the need for access over a parcel of land. Other landowners are indicating that in this situation they will not bring their land forward for development. Discussions with the relevant land owners are continuing, however, the ability for officers to broker an agreement is relatively limited.
- 4.3. For the *Local Plan* to be found sound, the Council needs to demonstrate that the proposed sites are deliverable. If the landowners are in agreement, a simple statement will suffice. However, in the case of the absence of agreement, the Council needs to consider whether it would be prepared to use compulsory purchase powers. If so, this will need to be stated either in the *Draft Local Plan* or through another decision of the Council so that it can be referred to in the evidence submitted to the examination. The threat of the compulsory purchase of land can be sufficient to change the landowners' negotiating position.

- 4.4. Enacting compulsory purchase powers can be expensive in terms of officer time, legal advice and representation and statutory procedures, including a public inquiry. If successful, it is most likely that any purchase of land would have to be subject to an immediate guaranteed transfer to a developer, who would cover the purchase costs. This would necessitate a procurement process.
- 4.5. The alternative to a commitment to use compulsory purchase powers would be to withdraw the site from the *Draft Local Plan* and allocate a different site. However, this would have adverse consequences through a significant delay to the final adoption of the *Local Plan*.
- 4.6. Given the options set out in this report, it is recommended that the Development Plan Panel recommends to Cabinet for recommendation to the Council meeting that it resolves to use compulsory purchase powers to bring forward the delivery of the strategic development locations if necessary.

Minutes of the meeting of the **Cabinet** held in Committee Room One, East Pallant House, Chichester, West Sussex on Tuesday 8 October 2013 at 9.30 am

Members (7)

Mrs H P Caird (Chairman)

Mr J C P Connor	Mrs E P Lintill
Mr M A Cullen	Mrs C Purnell
Mr A P Dignum	Mr J Ransley

were present (7)

Officers Present for All Agenda Items

Mrs D Shepherd – Chief Executive

Mr P E Over – Executive Director of Support Services and the Economy

Mr P Coleman – Member Services Manager

474 Minutes

RESOLVED

That the minutes of the meeting of the Cabinet held on 3 September 2013 be signed as a correct record.

475 Urgent Items

There were no urgent items for consideration at this meeting.

476 Declarations of Interests

Mrs Purnell declared a personal and prejudicial interest as a member of Selsey Town Council in the item relating to the Targeted Support Project (minute 480 below), and took no part in the discussion or vote on this matter.

477 Public Question Time

No public questions had been submitted.

478 Recommendations from Development Plan Panel

The Cabinet considered the report and appendices circulated with the agenda (copy attached to the official minutes). Mrs Caird introduced the recommendations of the Development Plan Panel.

In relation to the draft *Five Year Housing Land Supply 2014-2019*, she referred to the Council's long-standing concern about the lack of a five-year land supply in the district, which was a material consideration in the determination of planning applications. Some changes in the method of calculation had been made as a result of challenges at planning appeals, and officers were now confident that the amended methodology would withstand scrutiny. However, the housing requirement for Chichester District in the South East Plan had been used as a baseline, as being the most up-to-date requirement that had been tested by examination. A recent court case had challenged such use of a Plan that had been revoked and suggested that Office of National Statistics (ONS) population projections should be used. It was, therefore, proposed to publish the document on an interim basis until the position had been clarified.

The Planning Policy Manager proposed that the document should be amended to add the fifty dwellings that had received planning permission on appeal at Beech Avenue, Bracklesham Bay. This would reduce the shortfall mentioned in paragraph 3.6 of the report from 1,006 to 956 homes. He considered it appropriate to publish the document on an interim basis so that it could be used as evidence in forthcoming planning appeals. However, he proposed to bring a further report to the Panel when the outcome of the court case referred to by Mrs Caird had been clarified and when Government guidance, currently in draft form, had been finalised. In reply to a question, he added that the consultant, G L Hearn, engaged by the Coastal West Sussex Strategic Planning Board, was working on revising the assessment of housing need based on the ONS population projections adjusted to reflect actual migration.

Mrs Caird further explained that there were disagreements between landowners about valuation of a parcel of land which formed part of the Tangmere Strategic Location. If unresolved through negotiation, the use of compulsory purchase powers might be necessary to avoid having to withdraw this site from the Local Plan, with attendant delay. The Panel had accepted that the use of compulsory purchase powers was a very serious step, and agreed that specialist advice should be sought, which could now be funded within the existing budget.

In relation to the consultation draft of a *Local Strategic Statement for Coastal West Sussex and Brighton & Hove*, Mrs Caird explained that officers of the Council had worked with officers from other local authorities represented on the Coastal West Sussex Strategic Planning Board to prepare the draft. This was an important document to help demonstrate compliance with the statutory duty to co-operate. The implications for Chichester District were set out in paragraph 3.15 of the report, including the contention that a housing shortfall in the Worthing and Brighton area should not be met in Chichester District.

In answer to questions from Mr Ransley, the Planning Policy Manager confirmed that officers were involved in discussions with Horsham District Council about development opportunities in the Billingshurst area, and that a memorandum of understanding was being developed between authorities represented on the Coastal West Sussex Strategic Planning Board and authorities to the north.

RESOLVED

- (1) That the *Five-Year Housing Land Supply 2014-2019* be approved for publication on an interim basis on Chichester District Council's web site subject to any changes subsequently agreed with the Cabinet Member for Housing and Planning.

- (2) That the general approach for Chichester District Council to use its compulsory purchase powers if necessary in order to bring forward delivery of the strategic development locations in the *Local Plan* be approved and that preliminary specialist advice be obtained.
- (3) That, in response to consultation, the content of the *Coastal West Sussex Local Strategic Statement* and its accompanying *Sustainability Appraisal* be supported.

479 Chichester District Parking Charges

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes). Mr Cullen introduced the report. He pointed out that car park charges were primarily a means of regulating a limited parking resource rather than raising income. However, the income raised was invested in maintaining and improving the car parks service, in retaining other Council services and in keeping the Council Tax down. It had become practice to review charges annually, and the proposals in the report were to apply from 1 April 2014. In drawing up the proposals, the views of the Chichester District Car Parking Forum had been taken into account. The proposals also reflected different circumstances and different methods of operation and payments in the various towns within the district. The proposals sought to strike a balance between costs to residents, the needs of local commerce and the importance of remaining competitive with other centres in the area. He pointed out that many charges would remain unchanged, including the charges for Sunday parking and the one and two hour rates in Chichester's long stay car parks and the one and four hour rates in the short stay car parks. Other increases were modest and, in response to customer feedback, a 30 minute tariff replaced the current 20 minute tariff, and holders of roving season tickets, which had not increased in price for four years previously, would be able to add a further three car registrations to their ticket at no extra charge.

The Assistant Director, Economy, pointed out that the estimated gross income figure of £197,000 quoted in paragraph 6.1 would be reduced by 20% in its contribution to budget because of the application of VAT.

Mrs Purnell asked for clarification of recent statements by the Secretary of State for Communities and Local Government to the effect that income from car parking could be used only for purposes related to traffic. Mr Cullen explained that the use of income from charges and fines for on-street car parking was restricted by legislation in this way. However, income from the District Council's off-street car parks was not regulated in this way and could be used to fund Council services and reduce the Council Tax.

Mr French (Chairman of the Chichester District Car Parking Forum) and Cabinet members confirmed that the Forum had been unanimous in its support for the proposals.

With the Chairman's permission, Mr Barrett (ward member for East Wittering) expressed concern at the ending of the free hour at the Northern Crescent car park, which was much used by patients attending a doctors' surgery. He compared this with the retention of the free hour in car parks in Midhurst and Petworth, and expressed concern that people would park in residential areas instead.

The Assistant Director, Economy, explained that it had seemed unfair that the 2% of users who paid charges should meet the whole cost of this car park and that a 20p charge was reasonable and considerably less than that payable at St Richard's Hospital. He confirmed that any deflection of parking to local streets would be monitored. Mr Cullen pointed out that the car park had existed before the surgery had opened.

Chichester District Council

CABINET

7 June 2016

Delivery of the Tangmere Strategic Development Location

1. Contacts

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2. Recommendation

2.1. The Cabinet is requested to:

- I. Instruct a Registered Valuer to undertake a valuation of the site, prior to further consideration of the potential to use compulsory purchase powers to facilitate development;**
- II. Instruct a specialist solicitor to advise on technical and legal matters relating to the compulsory purchase order process including the transfer of land and procurement of a preferred developer.**
- III. Subject to outcome of I. and II. above being satisfactory, to appoint consultants to prepare a masterplan for the site.**
- IV. To allocate a sum of up to £100,000 from the Planning Delivery Grant and General Reserve to fund the matters in I. to III. above.**

3. Background

- 3.1. The purpose of this report is seek approval to undertake further work in order to deliver the strategic development location at Tangmere. This includes preparatory work with a view to the Council using relevant compulsory purchase powers. A brief outline of the background to the development is outlined below and the policy framework is included in Appendix 1.
- 3.2. The site at Tangmere has been identified in the Chichester Local Plan: Key Policies (the Local Plan) as a Strategic Development Location (SDL) for the provision of 1000 homes and associated infrastructure including a school, open space and community facilities. The site is fundamental to the delivery of the housing proposed in the Local Plan and for the Council to be able to demonstrate an on-going five year housing land supply. The site is also identified for development in the Tangmere Neighbourhood Plan. The Neighbourhood Plan provides a series of policy principles which will provide the context for masterplanning.
- 3.3. Throughout the formulation of the Local Plan, the Council was assured by the landowners and developers that there was a commitment to jointly deliver the scheme and requisite infrastructure in a coordinated way through the production of a masterplan and subsequent planning applications. However, since the

Local Plan has been adopted and unlike the other strategic development locations there has been no progress in producing a masterplan which, in turn was expected to lead to the submission of a comprehensive outline planning application for the development as a whole. At this point in time the ability of the landowners and developers to work together to deliver the scheme has not been demonstrated and there is no confidence that the site will be delivered. Consequently, it is considered necessary to take steps to examine other methods to bring forward development of the site, including the potential use of a compulsory purchase order (CPO) by the Council.

- 3.4. Officers have been meeting regularly with the consortium of landowners and developers and their respective agents over a number of years. However, there is one landowner whose interests are not represented at these meetings, despite being invited to attend. Given the lack of progress being made, those meetings have presently ceased. Following a meeting held on 18 December 2015, a letter was sent to consortium members requesting detailed information about their intentions in developing the SDL. While the majority of parties responded to the letter and expressed support for joint working to deliver the SDL, not all of those with an interest in the site have responded. Of those that did respond, none were able to offer a timetable for delivery.
- 3.5. At its meeting on 8 October 2013, Cabinet resolved:
'That the general approach for Chichester District Council to use its compulsory purchase powers if necessary in order to bring forward delivery of the strategic development locations in the Local Plan be approved and that preliminary specialist advice be obtained'.
- 3.6. In light of the lack of progress made by the consortium in developing a masterplan, preliminary legal advice has now been obtained from a CPO specialist, and this outlines the need for further work to be undertaken, as outlined in section 5 of this report below.

4. Outcomes to be achieved

- 4.1. Greater understanding of the prospects for using CPO powers to bring forward delivery of the development identified for the Tangmere SDL in accordance with policies set out in the Chichester Local Plan and the Tangmere Neighbourhood Plan and masterplanning work.

5. Proposal

- 5.1. It is proposed that officers take all the necessary steps, including relevant preparatory work with a view to the Council using relevant compulsory purchase powers to ensure the delivery of the Tangmere SDL.
- 5.2. CPO powers are available to local authorities (and other bodies) for various uses where such action is considered to be in the public interest. CPOs are frequently employed to enable land to be acquired for the wider benefit of the community, usually to enable regeneration and development schemes that involve complex or multiple land ownerships, without which development could not be delivered. Officers have been clear with the development consortium, in various meetings, that the Council would wish to see the SDL delivered by the developers in a comprehensive and coordinated way as set out in the Local Plan. However, if the consortium cannot reach agreement to bring the site forward, then the Council has made it clear that it would be prepared to consider the use of CPO powers to deliver development on the land in question.

- 5.3. Legal advice obtained confirms that if development does come forward on a voluntary basis as part of a joint working approach with the developers/landowners, then there is no justification for exercising the Council's CPO powers over the whole of the land in question.
- 5.4. If the Council wishes to pursue the use of CPO powers for the purpose of delivering development on this site, guidance from the specialist solicitor has advised that there are a number of legal and technical considerations:
- Which CPO power should be relied on? The Council may rely on a number of statutory powers which must be relevant and applicable to the case at hand. The initial view is that a CPO for this site could be advanced on the basis of powers contained within the Town and Country Planning Act 1990 (for the economic, social or environmental well-being of the area in question), or the Housing Act 1985 (for a gain to the supply of housing accommodation), but further consideration of the express power to be relied upon will need to be carried out should a CPO be pursued.
 - The pursuit of a CPO involves state bodies interfering with private interests. As such, it is essential that there is sound justification for its use. The assembly of the land (by the CPO) should be demonstrably the last practical hurdle to the scheme coming forward. As such, the Council would be required to demonstrate that matters such as funding, resourcing, planning and other practical issues to the delivery of the scheme have been addressed and overcome (or can be addressed and overcome). The Council's Local Plan requires that the Tangmere SDL is subject to a comprehensive masterplanning exercise. With that in mind, although there is a cost implication, it is suggested that before considering the pursuit of a CPO, the Council should carry out that masterplanning exercise to both inform the process and demonstrate the deliverability of the Tangmere SDL in planning terms. This will also move the planning process forward and provide greater reassurance to subsequent developers that planning permission will be granted and assist with the timely preparation and determination of future planning applications.
 - In order to proceed with a CPO there needs to be an understanding of the costs involved, with the land assembly costs being a fundamental aspect of this assessment. Valuation of the site is therefore required before a CPO is progressed. It is recommended that a Registered Valuer is appointed to undertake this work.
 - It is likely that the Council will want to work with a partner to carry out the development of the site once the land has been acquired and there is a need for further investigation to be carried out on how the transfer of land may take place and how a preferred developer would be procured and appointed.
- 5.5. Officers will, as required by Government guidance on the operation of CPOs, continue to maintain a dialogue with the landowners / developers with a view to negotiating either delivery of the site without the need for intervention or an agreed purchase without the need for a formal CPO. However, it is appropriate to seek authority to assemble the evidence necessary for making a CPO at this stage, including the assessment of risks to the Council.

6. Alternatives that have been considered

- 6.1. The landowners and developers have been clearly advised that officers do not have sufficient evidence or confidence that development of the site is progressing satisfactorily. Three options were outlined as a possible way forward:
- That the consortium as a group provides the Council with reassurance and evidence that it is working together and is capable of delivering a comprehensive masterplan of the site with indicative timelines;
 - That the Council investigates CPO powers to facilitate comprehensive development;
 - That as part of the review of the Local Plan, the Council gives consideration to removing the SDL allocation as it cannot be demonstrated that it is deliverable.
- 6.2. The first option appears at this stage not to be achievable. The third option would require the Council to identify alternative land for the provision of 1000 homes in addition to increased housing numbers potentially required as part of the Local Plan Review. It may also mean that the Council may not be able to demonstrate an on-going 5 year housing land supply in the future. It is therefore considered that second option, i.e. investigate the making of a CPO, is the only realistic option in the absence of any significant progress from the consortium of land owners and developers.

7. Resource and legal implications

- 7.1. There is a need for on-going specialist legal advice on the CPO process together with the appointment of a Registered Valuer to carry out a site valuation exercise. Should Cabinet support the advice obtained concerning masterplanning of the site by the Council, suitable funding will also be required for this work. It is suggested that the remainder of the Planning Delivery Grant Reserve (approximately £25,000) could be used to part fund these costs and that a further sum of £75,000 be allocated from general reserves.

8. Consultation

- 8.1. The Council's Legal Service and an external legal specialist have been consulted about this complex matter.
- 8.2. The Local Member is aware of the investigatory work being undertaken in relation to the potential use of CPO powers.
- 8.3. The Development Plan and Infrastructure Panel considered the contents of the report and the amendment suggested to increase the available resources has been incorporated.
- 8.4.

9. Community impact and corporate risks

- 9.1. The primary intention of the Tangmere Neighbourhood Plan is to shape how and where the allocated 1000 new homes, and associated infrastructure, are delivered. The identification of the site for development is fundamental to the delivery of the Local Plan and Neighbourhood Plan strategy.
- 9.2. There may be a negative impact if the Tangmere Strategic Development Location is not delivered in line with the above plans and the five year housing land supply.

- 9.3. Use of the requested funding will provide further advice as to whether the use of CPO powers should or should not progress. Corporate risks associated with the implementation of CPO powers will be subject to a further report.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime & Disorder: The proposals in the masterplan should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	X	
Climate Change: The proposals in the masterplan should ensure that at the very least there is no negative impact for climate change and that there should be a positive impact by including mitigation or adaptation measures.	X	
Human Rights and Equality Impact: An equalities impact assessment will need to be undertaken on the proposals in the masterplan.	X	
Safeguarding and Early Help:		X
Other (Please specify): e.g. Biodiversity		X

11. Appendix

- 11.1. Appendix 1: Policy Framework and Five Year Housing Land Supply

12. Background Papers

None

Appendix 1: Policy Framework and Five Year Housing Land Supply

Policy Framework:

The development of the Tangmere SDL that will take place following the land assembly is supported by a comprehensive policy framework at both national and local level. These are considered below:

National

National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The main aims of the NPPF are to outline that the purpose of the planning system is to contribute to the achievement of sustainable development.

It explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role, contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being; and
- an environmental role, contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In relation to the development of the Tangmere SDL it seeks positive improvements in the quality of the built, natural and historic environment as well as improving people's quality of life by: Delivering a wide choice of high quality homes; Requiring good design; Promoting healthy communities; Meeting the challenge of climate change and flooding; Conserving and enhancing the natural environment.

The Chichester Local Plan: The Chichester Local Plan: Key Policies has been adopted by Council on 14th July 2015. The strategy of the Local Plan is to steer major development away from the most environmentally sensitive areas and towards locations that have the widest access to employment opportunities and community facilities, or where development can contribute to addressing an under provision of such facilities.

The Local Plan seeks to deliver 7,388 homes over the period 2012-2029, this equates to an average housing delivery of approximately 435 homes per year. The Local Plan identifies that this housing will be met from several sources:

- planning permissions and identified housing sites

- strategic development locations
- parish level housing
- small sites windfall allowance

New development is focused mainly in the east-west corridor between Southbourne and Tangmere. The Local Plan allocates land for large strategic housing or mixed use development at four locations, namely:

- West of Chichester – 1,250 homes
- Shopwhyke – 585 homes
- Westhampnett/North East Chichester – 500 homes; and
- Tangmere – 1000 homes.

These sites comprise the largest single element of planned housing delivery and are therefore critical to achieving the overall strategy for housing development.

Work is ongoing to deliver development at the Strategic Development Locations. It should be noted that of the four SDLs, that Tangmere is the only SDL that has not progressed with a masterplan or planning application.

Development at Tangmere is identified in Chichester Local Plan Policy 18 (Tangmere Strategic Development Location) as a suitable location to develop 1000 homes and an opportunity for its infrastructure and facilities to develop as a settlement hub. The identification of the site for development is therefore fundamental to the delivery of the Local Plan strategy.

The Tangmere Neighbourhood Plan: The Tangmere Neighbourhood Plan (TNP) is to proceed to referendum on 5 May 2016. It sets out a coordinated framework to deliver the 1000 homes as identified in the Local Plan (Policy 18). As it is delivering strategic development unusually representatives from the landowners/developers sat on the neighbourhood plan steering group and contributed to the shaping of the neighbourhood plan. It is intended that the neighbourhood plan acts as a concept statement for comprehensive masterplanning of the site as required by Local Plan Policy 7 (masterplanning).

The primary intention of the TNP is to shape how and where the envisaged 1,000 new homes, and their associated infrastructure, are delivered. The identification of the site for development is therefore fundamental to the delivery of the Local Plan and Neighbourhood Plan strategy.

Masterplanning the site: As outlined above the Tangmere Neighbourhood Plan acts as a concept statement to the comprehensive masterplanning planning of the site.

Five Year Housing Land Supply: The Council's most recent published assessment of five year housing land supply (5YHLS) is set out in a report titled 'Chichester Local Plan Area - Five Year Housing Land Supply 2016-2021 - Updated Position at 1 September 2015'. The figures show a potential housing supply of 3,408 net dwellings over the period 2016-2021, compared with an identified housing requirement of 2,987 net dwellings, giving a surplus of 421 dwellings (5.7 years housing supply).

Since the publication of the 5YHLS report, the Council has made some amendments to its housing supply figures, reflecting housing permissions recently granted, sites which the Council now accepts are unlikely to come forward for housing, and amendments to the projected delivery timescales for the Strategic Development Locations. The net effect of these changes has been to increase the projected housing supply slightly to 3,430 net dwellings, giving a surplus of 443 dwellings (5.7 year housing supply). These figures represent the updated 5YHLS position at 9 February 2016.

The 5YHLS position therefore currently shows a reasonably healthy surplus. However, the 5-year figures assume a substantial contribution from the SDLs. It is currently assumed that the first housing completions at Tangmere SDL will come forward from 2019-20, with the site then contributing around 100 dwellings per year for the remainder of the Plan period. Any further delay in Tangmere SDL being developed will therefore have major consequences for the 5YHLS position and would leave a serious gap in the projected housing supply.

Mrs Hardwick raised her concern about the Lynchmere proposal, stating that this piece of land was subject to regular flooding from the River Wey. As the site was originally omitted from the consultation Mrs Hardwick asked what additional information was provided for it to now be included. Mrs Flitcroft confirmed that the additional information related to access which was the reason the site had been originally discounted. The site access was shared with Thames Water and additional information provided by the landowner confirmed that access to the site was available. It has been demonstrated that 10 units could be sited on the site away from the floodzone. Adopted Local Plan policies in conjunction with the policies in the Site Allocation DPD would apply to any future planning application brought forward for consideration on this site.

Mr Dignum reminded all that this was the first stage in a long process of consultation and representations could be made. Statutory consultees including the Environment Agency will be able to raise any concerns in their response.

Mrs Hardwick requested that the consultation should allude to adequate flood protection for sites and abstained from the vote.

RECOMMENDED TO COUNCIL

- (1) That further public consultation be approved on the Site Allocation: Preferred Approach Development Plan Document, as set out in Appendix 1 to the report, for eight weeks from 28 July until 22 September 2016.
- (2) That authority be delegated to the Head of Planning Services to enable minor editorial and typographical amendments to be made to the document prior to its publication.

206 Delivery of the Tangmere Strategic Development Location

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

In response to a question from Mrs Keegan, Mr Allgrove replied that the Council had limited experience of CPO work as it was a rare occurrence hence the requirement to engage a specialist lawyer and valuation advice to include technical advice on the approach to procurement of a developer as part of the CPO process to minimise the risk to the Council.

Mr Finch considered it essential to go ahead with this CPO as important work had been carried out in identifying site allocations in the Local Plan and it was essential that these were capable of being implemented.

RESOLVED

- (1) That a Registered Valuer be instructed to undertake a valuation of the site prior to further consideration of the potential to use compulsory purchaser powers to facilitate development.

- (2) That a specialist solicitor be instructed to advise on technical and legal matters relating to the compulsory purchaser order process including the transfer of land and procurement of a preferred developer.
- (3) Subject to the outcomes of (1) and (2) above, that consultants be appointed to prepare a masterplan for the site.
- (4) That a sum of up to £100,000 be allocated from the Planning Delivery Grant and General Reserve to fund the matters in (1) and (2) above.

207 **Southern Gateway Masterplanning - Project Initiation Document (PID)**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report by saying that the Cabinet had agreed to support this project in principle at its meeting on 3 May. Amendments were made to two dates on pages 40/41 of the appendix pack where the quotation deadline date should read 10 June.

Mr Dignum highlighted the three elements of this project – 1) the masterplan which will define the future of the area; 2) that there are two bids being progressed to the Local Enterprise Partnership (LEP) and the Homes and Communities Agency (HCA) and 3) negotiations with all other parties including West Sussex County Council (WSCC), HCA and landowners e.g. Royal Mail and Sussex Police.

Mr Over advised that it was intended to have Heads of Terms agreed with those parties as soon as possible, failing which a CPO would need to be commenced.

Mrs Hardwick asked how flexible the PID would be as the timescale was tight with a number of variables and constraints. Officers responded, advising that the main output of the PID was that the masterplan would be adopted by December 2016, with outcomes that flow from the entire project listed later in that document. It repeats and expands on the information provided to the Cabinet at the last meeting. There would be some flexibility in the masterplan around the design and future use of buildings.

Mr Dignum advised that there needs to be flexibility at this stage as we have yet to receive confirmation of the Council's bids for funding. Mrs Shepherd advised that regardless of whether funding is available the master planning exercise needs to take place so that the Council has a scheme in place in order to apply for future funding.

Mrs Keegan wished to know when the overall costs from the Heads of Terms would be known. Mr Over expected to know the outcome of both bids at the latest by December 2016, however we will know before then whether the LEP bid has been forwarded to Government for approval or not. A bid for funding will also be made to WSCC for funding and research needs to be carried out on other available funding streams to bid for.

Chichester District Council

THE CABINET

11 July 2017

Delivery of the Tangmere Strategic Development Location

1. Contacts

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2. Executive Summary

The purpose of this report is to provide information on the progress made in bringing the Tangmere Strategic Development Location (SDL) forward for its allocated development on a co-operative basis, as well as to seek approval for exploring proposals for a Compulsory Purchase Order (CPO) to ensure its delivery and to set out a preliminary timetable for 'making' any CPO. It recommends the principle of CPO land acquisition using a development partner approach. The report seeks approval to commence the process for the selection of a development partner and outlines the need to prepare for compulsory purchase of relevant interests in the Tangmere SDL and the next steps in the process. It also recommends the retention of the legal adviser, the CPO advisor and surveyor (for non-legal advice).

3. Recommendation

3.1. **The Cabinet approves:**

- I. **That the use of the Council's compulsory purchase and associated powers (which at this stage are anticipated as likely to include but not be limited to those under the Town and Country Planning Act 1990 and the Local Government Act 1972) to facilitate comprehensive development at Tangmere SDL be supported in principle, subject to the Council being satisfied that the acquisition of each interest or right to be acquired is justified in the public interest;**
- II. **That in conjunction with the appointed CPO advisors, work commences on the selection process to identify a suitable development partner (master developer) to deliver a masterplan for the Tangmere SDL and a subsequent scheme that delivers the comprehensive development of the Tangmere SDL in accordance with the adopted Chichester Local Plan and 'made' Tangmere Neighbourhood Development Plan;**
- III. **That retention of Knight Frank (CPO Advisor), Citicentric (CPO Surveyor/non-legal advice) and Davitt Jones Bould (legal advice) to**

assist the Council in carrying out the above steps, subject to remaining within the overall approved budget provision for the project, be approved; and

IV. That the authorisation of officers to undertake the next steps as set out in section 6 of the agenda report be approved.

4. Background

- 4.1. This purpose of this report is to help facilitate the delivery of the Tangmere SDL by seeking authorisation to commence the necessary processes to select a development partner in association with the compulsory purchase of the site.
- 4.2. **Policy Background** The site at Tangmere is identified in the Chichester Local Plan: Key Policies (the Local Plan) as a Strategic Development Location (SDL) for the provision of 1,000 homes and associated infrastructure including a school, open space and community facilities. The site is fundamental to the delivery of the housing proposed in the Local Plan and for the Council to be able to continue to demonstrate housing land supply. The site is also identified for development in the Tangmere Neighbourhood Plan. The Neighbourhood Plan provides development and design guidance which will provide the context for masterplanning.
- 4.3. **Land Ownership and Site Promoters** Throughout the formulation of the Local Plan, the Council was assured by the landowners and site promoters that there was a commitment to jointly deliver the scheme and requisite infrastructure in a coordinated way through the production of a masterplan and subsequent planning applications. However, since the Local Plan has been adopted and unlike the other strategic development locations there has been slow progress in producing a masterplan which, in turn was expected to lead to the submission of a comprehensive planning application for the strategic development location as a whole.
- 4.4. At this point in time the ability of the landowners and site promoters to work together to deliver the scheme has not been demonstrated and it appears unlikely that the site will be delivered without public intervention. It is considered that it is now necessary to take steps to examine other methods to bring forward development of the site, including the use of a compulsory purchase order by the Council.
- 4.5. **Evaluation of the Council's position and delivery of the SDL** At its meeting on 7 June 2016, Cabinet resolved that a valuation of the site be undertaken prior to further consideration of the potential to use CPO powers to facilitate development. This has been completed by the Council's CPO advisors, Knight Frank.
- 4.6. Despite discussions taking place over the past few years, the landowners / site promoters have not submitted a masterplan or planning application for the comprehensive development of the Tangmere SDL. Whilst recent correspondence from the developers' consortium has indicated that a masterplan is being prepared and should be available in time for the Cabinet meeting, it is unclear at this stage whether it is being prepared and is supported by all interested parties.

- 4.7. Since the Local Plan examination, the Council has yet to receive any firm evidence that the landowners/promoters are willing and able to work together to deliver the site. Officers have, on numerous occasions, requested to be advised of any collaboration agreement or timetable for bringing the site forward for delivery of housing and infrastructure in accordance with the Local Plan. No such information has been received.
- 4.8. Initial legal and valuation advice from the Council's specialist advisors (Knight Frank and Citicentric) indicates that a potential CPO of the Tangmere SDL is viable. They have advised that the Council should commence a process to select a development partner (a master developer) for the whole site, with the intention that they be appointed before the Council commits to making a CPO, in order for the Council to minimise its risk. The Council would expect the master developer to underwrite the costs of the CPO.

5. Outcomes to be Achieved

- 5.1. The single outcome to be achieved from the recommendations contained in this report is appropriate development of the Tangmere SDL in accordance with the policies set out in the Chichester Local Plan and the Tangmere Neighbourhood Plan.

6. Proposal

- 6.1. It is proposed that officers take all the necessary steps to facilitate the delivery of the Tangmere SDL, including relevant preparatory work with a view to the Council pursuing a CPO for the whole site.
- 6.2. Advice received from the specialist advisers is that the Council should consider selecting a master developer for the whole site, with the intent that they are appointed before the Council finally makes a CPO. The Council would look to the master developer to underwrite the costs of the CPO.
- 6.3. There are a number of significant steps required to be taken in relation to the CPO process to achieve the delivery of the housing and associated infrastructure at the Tangmere SDL. These are:
 - i. Selection process of a development partner (as indicated above) culminating in the Council and the development partner entering into a development agreement;
 - ii. Preparation and submission of a masterplan by the development partner prior to a planning application that the Council (as the local planning authority) will determine;
 - iii. The development partner will seek to acquire the land by private treaty, but, failing that the Council will need to exercise its compulsory purchase powers. and
 - iv. If using compulsory purchase powers, the CPO would be used to acquire the land and/or necessary interests.
- 6.4. Given the complexity of the CPO process, it is proposed that a member briefing session is arranged, to be delivered by the Council's specialist legal/CPO advisors.

- 6.5. **Selection of a development partner** Approval is sought to formalise the commissioning of Knight Frank as CPO Advisor and Citicentric as CPO Surveyor. To assist in providing advice for this report, Knight Frank has already started 'soft marketing' to gauge interest in developing the Tangmere SDL via the Office Journal of the European Union (OJEU) and non-OJEU (development agreement) routes. This has confirmed their view that there are strategic developers and infrastructure specialists with the appropriate capacity and skills who will be interested in the scheme where the focus is on delivering a start on site as soon as possible. The advice is that the non-OJEU route will achieve the Council's aims, broaden the market appeal, save six to eight months in the selection process together with associated costs of a more prescriptive process. It is necessary to commence work now to prepare for and commence an appropriate selection process for a development partner before the end of this year.
- 6.6. This selection work will involve amongst other things assessing the infrastructure requirements, the costs and the viability of a potential scheme, and preparing a specification and the objectives, milestones and deliverables that would be required from the development partner.
- 6.7. The selection process is expected to take approximately 4 months, resulting in a development partner entering into a development agreement with the Council. The selection process will enable the Council to appoint a developer with a proven track record with appropriate financial backing to support the costs of development. It will also enable the Council to ensure any scheme is masterplanned and delivered in line with the requirements of the Local and Neighbourhood Plans.
- 6.8. Contracting with a development partner, following a suitable selection process, will ensure that the Council is best positioned to oversee the delivery of the Tangmere SDL, with less risk to itself. This will send a clear signal of the Council's over-riding ambition and commitment to the development of the Tangmere SDL to all interested parties including landowners, site promoters, developers, investors, service providers and the local community.
- 6.9. There are a number of benefits to this approach which are outlined in appendix 1.
- 6.10. Members will be aware that land ownership and site promoters can change and officers will keep the strategy under review with the objective of delivery of homes remaining the key point. If any circumstances change which warrant a change in or reconsideration of the CPO strategy, the Cabinet will be updated accordingly.
- 6.11. With this strategy in mind officers will continue with the process of dialogue with the landowners and site promoters. It is expected that dialogue with the landowners and promoters will be maintained during the course of procurement activity and the formulation period of the CPO process in an effort to reach an agreement and potentially work collaboratively through to delivery. This is consistent with Government guidance on the compulsory purchase process. This twin-track approach is considered the best means of the Council taking the delivery forward.

- 6.12. It should be noted that further Cabinet and Council approval will be sought for the making of a CPO and selecting development partners at the appropriate time.
- 6.13. **Preparation of planning application** In order to achieve comprehensive development, officers envisage an application for planning permission (prepared and submitted by the Council's selected development partner) to seek comprehensive development of the Tangmere SDL in line with the Local Plan and Neighbourhood Plan being submitted in Summer 2019.

Progression of CPO

- 6.14. **Extent of Land Subject to the CPO** The boundary of the land which will be subject to any Compulsory Purchase order will continue to be refined as detailed plans are drawn up and land is acquired by agreement. At this stage, it should be considered as that area of land which is required to deliver the objectives of the Local and Neighbourhood Plans (plan attached at appendix 2).
- 6.15. **Justification for the CPO** The Council has a range of compulsory purchase powers at its disposal. The exact power that may be relied upon will be confirmed prior to making any CPO, however, at the present time it is envisaged that the appropriate power is that under section 226 of the Town and Country Planning Act 1990 (as amended). This power is designed to facilitate development projects and to apply, the Council must be satisfied that the development is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.
- 6.16. Recent Government Guidance (October 2015) updates and replaces previous guidance from 2004 and sets out the stages and process for making a CPO. The guidance sets out that a CPO should only be made where there is a compelling case in the public interest and the purpose for which the CPO is made justifies the interference with the human rights of those affected.
- 6.17. The guidance also advises that resource implications for the proposed scheme need to be addressed, as well as a programme for delivery of infrastructure and remedial works and obtaining consents such as planning permission. The ability to deliver a comprehensive scheme, on the scale needed at the Tangmere SDL, will be at the forefront of the process of seeking a development partner.
- 6.18. In the circumstances and for the reasons set out above,(subject to confirmation of the proposed CPO power and the case behind it) it is considered that the Council will be able to demonstrate a compelling case that the acquisition of land at the Tangmere SDL will be in the public interest.
- 6.19. **Timescale to delivery** As set out above, the process for selecting a development partner is expected to take approximately four months. One of the aims relating to the selection process will be to ensure that a planning application is made within a reasonably short period after the development partner is selected, ultimately progressing to a target start on site in the first quarter of 2020) . The determination of a planning application of this scale is envisaged to take up to six months.

- 6.20. The CPO process from the point at which the Council makes the Order to the Secretary of State confirming the Order could take in the region of 12 to 18 months.
- 6.21. The three main elements to delivering the Tangmere SDL are the selection of a development partner, planning and compulsory purchase (if necessary). These should not be considered as separate and distinct from each other as each are interrelated and processes will overlap where appropriate and feasible. However, an approximate indicative timescale is outlined below, which is a cautious programme that does not allow for significant time savings:

Q4 2017	Commence marketing / selection of a master developer
Q1 2018	Procure master developer / commence CPO and masterplanning work
Q1 2019	Make CPO / Submit planning application
Q3 2019	CPO Inquiry (if required)
Q4 2019	Inspector decision on CPO
Q1 2020	Target start on site
Q3 2020	Long-stop date for start on site

7. Alternatives Considered

- 7.1. Officers have considered what alternative options are available to the Council in order to achieve a comprehensive development of the Tangmere SDL. The options are:
1. To continue as at present to encourage and support the submission of a comprehensive masterplan and planning application by the landowners and site promoters. As compulsory purchase remains a last resort, officers will therefore continue in their dialogue with all the relevant landowners and site promoters to seek development of the site as a whole through co-operation with the landowners and site promoters. If this does not prove possible, a CPO will be pursued.
 2. There is potential for the Council to pursue a CPO, financing the cost itself. However underwriting a CPO is costly. This option is the most risky to the Council and a potential risk to public funds.

8. Resource and Legal Implications

- 8.1. The Council has broad powers, (subject to any restriction or condition contained in any other enactment) to promote and secure the comprehensive development of the Tangmere SDL in accordance with section 1 of the *Localism Act 2011* (the general power of competence), the *Town and Country Planning Act 1990*, the *Local Government Act 1972* and a variety of ancillary and subordinate legislation relating to the functions of the Council.
- 8.2. More detailed implication of a CPO on Human Rights, Equalities and making a CPO are included in appendix 2.
- 8.3. **Financial Implications** There are significant financial and resourcing implications arising from the proposals in this report, and it will be necessary to prepare a detailed programme of work and resourcing plan to take the process forward.

8.4. At the Cabinet meeting on 7 June 2016 a sum of up to £100,000 was allocated from the Planning Delivery Grant and General Reserve to fund a registered valuer and specialist solicitor. So far approximately £22,700 has been spent on valuation and legal advice.

9. Consultation

9.1. The Council's Legal Service and external advisors including the CPO Solicitor have been consulted about this complex matter.

9.2. The local member has been made aware of the work being undertaken in relation to the use of CPO powers.

10. Community Impact and Corporate Risks

10.1. The primary intention of the Tangmere Neighbourhood Plan is to shape how and where the allocated 1000 new homes and associated infrastructure are delivered. The identification of the site for development is fundamental to the delivery of the Local Plan and Neighbourhood Plans.

10.2. There may be a negative impact if the Tangmere SDL is not delivered in line with the Local Plan strategy in terms of the Council's five-year housing land supply. If there is not a five year housing land supply the Council will be at risk of an increase in speculative planning applications and appeals.

10.3. There are potential strategic risks arising from the CPO process to deliver the Tangmere SDL, such as negative publicity. However, these have been weighed against the reputational risks to the Council of being perceived as failing to deliver the housing identified in the adopted Local Plan.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder The proposals in the masterplan and planning applications should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	x	
Climate Change Any masterplan or planning application should ensure that at the very least there should be no negative impact for climate change and that there should be a positive impact by including mitigation or adaption measures.	x	
Human Rights and Equality Impact An equalities impact assessment will need to be undertaken on the proposals in any CPO process and masterplan.	x	
Safeguarding and Early Help		x
Other		x

12. Appendices

12.1. Appendix 1: Benefits of the Council contracting with a development partner

12.2. Appendix 2: Plan of the Site

12.3. Appendix 3: Further information as part of Section 8 Resource and legal implications

13. Background Papers

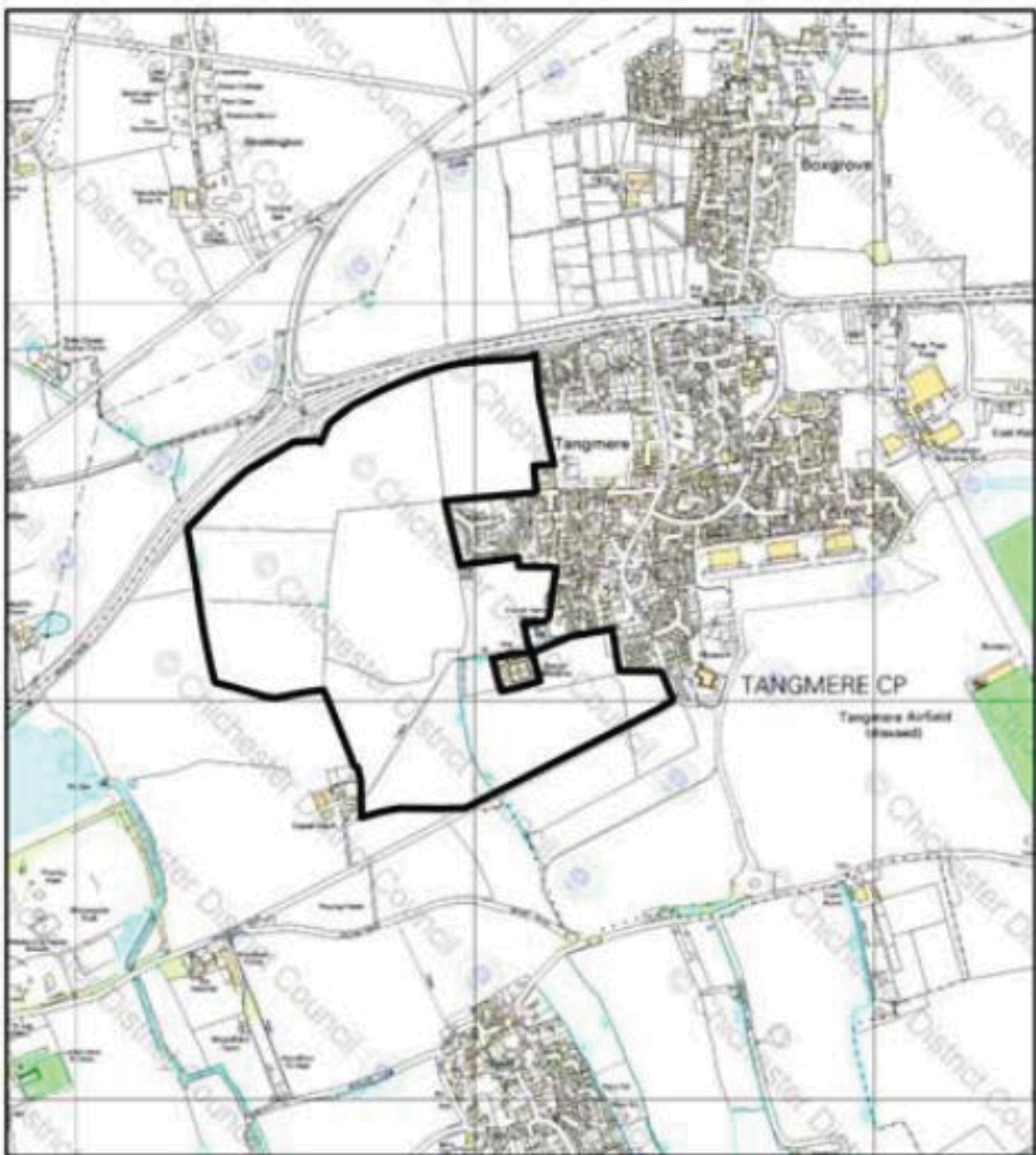
None




Appendix 1: Benefits of the Council contracting with a development partner

- The development partner would enter into a development agreement with the primary focus being on delivering homes and associated infrastructure. This would be achieved by the master developer having capital outlay on the land price and the costs of securing planning thus being incentivised to meet the target start on site date and no later than a long-stop date. If a start on site has not been achieved by the long-stop date the Council would have the remedy to exercise a buy-back at an agreed price. This provides a strong incentive to deliver infrastructure and serviced sites to house builders for housing delivery. In contrast, even if a developer obtains planning permission, delivery is not capable of being enforced by the Council and there is limited ability through planning to compel delivery and thereby contribute to the 5 year housing land supply;
- It would secure comprehensive development and allow the Council to drive forward delivery to secure the delivery of the Tangmere SDL which is compliant with the policies of both the Local and Neighbourhood Plan;
- The selection process would test a development partner's credentials, its experience and ability both to raise the necessary finance as well as to promote a masterplan and planning application acceptable to the Council. By using the proposed selection process, the Council can have some control over the development partner through a development agreement to meet certain milestones. If this process is not followed the Council may find itself with a development partner who has the potential to 'land bank' the site, thereby not delivering it in a timely manner;
- With numerous landowners and site promoters within the SDL, if negotiations are ultimately unsuccessful, exercising the Council's compulsory purchase powers would overcome the problems of land assembly to secure comprehensive development;
- The Council's costs relating to the Compulsory Purchase Order (CPO) would be met by the development partner under the terms of the development agreement.

Appendix 2: Plan of the Site

Map 12.8 Tangmere Strategic Development Location



 CHICHESTER DISTRICT COUNCIL 		
Location: Tangmere Strategic Development Location		
Description		
Scale: 1:13,000	Date: 08/04/2014	Author: Local Planning and Delivery
© Crown copyright and database rights 2012 Ordnance Survey 100018803		

Appendix 3: Further information as part of Section 8 Resource and legal implications

- 1.1. **Human Rights and Equalities:** A comprehensive process will be undertaken to secure the delivery of the development together with compliance with the appropriate statutory land acquisition and planning powers and duties. The process will be subject to compliance with the Equalities Act 2010 both in terms of accessibility to the procurement processes themselves and of the implementation and delivery of the Tangmere SDL. Proposals will be thoroughly impact assessed at each stage of the development and compliance built into the obligations required of any development partner selected to deliver the proposals.
- 1.2. Article 1 of the First Protocol of the European Convention on Human Rights protects the peaceful enjoyment of possessions (including land). The Convention states that no one shall be deprived of their possessions except in the public interest and otherwise as provided for by law. The Compulsory Purchase process enshrined in UK legislation has been found to be Human Rights Act - and Convention - compliant where the powers are exercised reasonably and where necessary to secure the control and use of property in the public interest.
- 1.3. It is considered necessary to secure the comprehensive redevelopment of the Tangmere SDL in order to secure social, environmental and economic benefits for the wider community of Tangmere and the District as a whole that would not otherwise be possible by piecemeal acquisition and development, and to achieve delivery of the site within the timescales necessary to secure the delivery of comprehensive levels of affordable housing in the local area.
- 1.4. Wherever possible, the Council will seek to acquire land by agreement or through the Council's development partner, however, the ability to compulsorily purchase land to secure development of the Tangmere SDL remains a lawful and appropriate/necessary option in the circumstances.
- 1.5. **Development Partner Selection Process:** The selection of a preferred developer will be procured in accordance with all prevailing UK and EU public procurement law and the Council's own Constitutional requirements in this regard.
- 1.6. It should be noted that up until April 2019 whatever EU processes are in place will remain.
- 1.7. **Compulsory Purchase Order – Making the Order:** The making of a Compulsory Purchase Order is a function which the Council may exercise.
- 1.8. Initial research points to the powers under Section 226 of the Town and Country Planning Act 1990 of most relevance in this case, although the specific power relied upon will be determined as part of the CPO preparation process. However, assuming the purpose of this Report the chosen CPO power, the power enables a Local Authority to exercise its compulsory purchase powers:
 - I. if it considers that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired (s.226(1)(a)); and
 - II. provided that it considers that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or

improvement of the economic, social or environmental well-being of its area (s.226(1A)); and

III. in respect of any land adjoining the primary land which is required for the purpose of executing works for facilitating its development or use (s.226(3))

- 1.9. The Council must therefore be satisfied on counts (i) and (ii) above when, and if, in due course it comes to make a resolution to make an Order.
- 1.10. **Compulsory Purchase Order – Confirmation of Order and Acquisition of the land:** If, following consideration of a further detailed report, the Council resolves to make a Compulsory Purchase Order (CPO), the Order must be submitted to the Secretary of State for confirmation, notified to those persons affected by it and advertised in the local press.
- 1.11. Any party who wishes to object to the making of a CPO at that point would have 21 days within which to do so from the date of notification. All statutory objectors have a right to be heard at a Public Inquiry although it is possible for the Secretary of State to deal with objections in writing. Although any Inquiry will be held on the earliest possible date, typically this could be 6 months after submission of the Order to the Secretary of State.
- 1.12. The Council cannot exercise its compulsory purchase powers until such time as the Compulsory Purchase Order has been confirmed by the Secretary of State or the Secretary of State permits the Council itself to confirm the Compulsory Purchase Order.
- 1.13. Following confirmation of a Compulsory Purchase Order the Council has 3 years within which to exercise the CPO powers. Qualifying interest owners will be entitled to compensation, the quantum of which will be assessed in accordance with the compensation code – established by the relevant Acts of Parliament, Statutory Instruments and decided case law.
- 1.14. Once the interests included in the CPO have been acquired, the site will benefit from the operation of Section 237 of the Town and Country Planning Act 1990, which (subject to the payment of compensation) overrides all existing third party rights that could prevent the development or use of the land from proceeding. The costs of compensation will be limited to the statutory basis as provided by section 237 of the 1990 Act (as amended).

RESOLVED

That the Head of Finance and Governance Services be authorised following consultation with the Cabinet Member for Finance and Governance Services to prepare and consult upon a draft 2018-2019 council tax reduction scheme options as proposed in appendix 1, to be brought back to the Cabinet in November 2017 for recommendation to the Council.

391 Delivery of the Tangmere Strategic Development Location

The Cabinet received and considered the agenda report and its two appendices (copies attached to the official minutes).

The report was presented by Mrs Taylor.

Mrs Flitcroft, Mr Allgrove and Mr Bennett were in attendance for this item.

Mrs Taylor summarised the report, which addressed how CDC proposed to secure via the use of compulsory purchase powers the delivery of one of the key strategic development location sites required to deliver the housing numbers stipulated in the *Chichester Local Plan: Key Policies 2014-2029* (CLP) and thereby ensure that CDC was able to demonstrate an ongoing five-year housing land supply. In doing so she referred in the report to paras 4.2 to 4.8 and the details of the complex CPO process as set out in section 6 (the indicative timescale was given in paras 6.19 to 6.21). Appendix 2 delineated the extent of the land currently expected to be the subject of a CPO. The public interest test which CDC must (and believed it would) satisfy and the relatively recently reissued government guidance on seeking a CPO were covered in paras 6.15 to 6.18. Appendix 1 identified the benefits of CDC contracting with a development partner. Sections 7, 8 and 10 considered the alternatives to the CPO process and the case for CDC now actively to pursue a CPO.

The officers did not wish to add to Mrs Taylor's introduction.

Mr Dignum drew attention to paras 6.4 (member briefing session) and 6.12 (reference to the Cabinet and the Council as progress was made). He said that notwithstanding the complexity of the process CDC was determined to secure the delivery of 1,000 homes and the associated infrastructure and development envisaged in the CLP.

There was no discussion but members supported the proposed use of the CPO process.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolutions set out below.

RESOLVED

- (1) That the use of Chichester District Council's compulsory purchase and associated powers (which at this stage are anticipated as likely to include but

not be limited to those under the Town and Country Planning Act 1990 and the Local Government Act 1972) to facilitate comprehensive development at Tangmere SDL be supported in principle, subject to Chichester District Council being satisfied that the acquisition of each interest or right to be acquired is justified in the public interest.

- (2) That in conjunction with the appointed CPO advisors, work shall commence on the selection process to identify a suitable development partner (master developer) to deliver a masterplan for the Tangmere SDL and a subsequent scheme that delivers the comprehensive development of the Tangmere SDL in accordance with the adopted Chichester Local Plan and 'made' Tangmere Neighbourhood Development Plan.
- (3) That it be approved that Knight Frank (CPO Advisor), Citicentric (CPO Surveyor/non-legal advice) and Davitt Jones Bould (legal advice) be retained to assist Chichester District Council in carrying out the above steps subject to remaining within the overall approved budget provision for the project.
- (4) That the officers be authorised to undertake the next steps as set out in section 6 of the agenda report.

[**Note** At the end of this item there was a short adjournment between 10:43 to 10.54]

392 **Pallant House Gallery - Revised Articles of Association**

The Cabinet received and considered the agenda report and its appendix in the first agenda supplement (copies attached to the official minutes).

The report was presented by Mrs Lintill.

Mr Hansford and Mr Hyland were in attendance for this item.

Mrs Lintill summarised the governance changes which had taken place within the Pallant House Gallery (PHG), in consequence of which there would need a revision of the PHG's articles of association. The draft document for approval was in appendix 1 and had been carefully scrutinised by officers (sections 5 and 8).

The officers did not wish to add to Mrs Lintill's introduction.

There was no discussion of this item.

Mr Dignum pointed out that the PHG had recently received a significant vote of confidence in being awarded £89,119 for a four-year period by the Arts Council England.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below.

Chichester District Council

THE CABINET

4 September 2018

**Tangmere Strategic Development Location -
Selection of a Development Partner**

1. Contacts

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2. Executive Summary

This report seeks the Cabinet's approval of a development partner to deliver the Tangmere Strategic Development Location (SDL) as identified in the adopted Local Plan and seeks delegated authority to enable completion of the associated Development Agreement with the selected development partner that will enable delivery of the SDL through recourse to a Compulsory Purchase Order (CPO) if required.

The report also proposes revisions to the timetable for a potential CPO.

3. Recommendation

3.1 That the Cabinet resolves to:

- (1) Appoint Countryside Properties (UK) Limited as the Council's development partner to take forward the development of the Tangmere SDL.**
- (2) Delegate authority to the Director of Planning and the Environment following consultation with the Cabinet Member for Planning Services to agree and sign the finalised Development Agreement.**
- (3) Instruct officers and the development partner to continue dialogue with the landowners/site promoters to facilitate development of the site without the need for a compulsory purchase order if possible.**
- (4) Agree the revised timetable for making the compulsory purchase order, if required, set out at paragraph 6.5 of the agenda report.**

4. Background

- 4.1 The process to begin the selection of a development partner was agreed at Cabinet (11 July 2017) as an appropriate route to enable the delivery of the Tangmere SDL. The Cabinet decision supported work on the Compulsory Purchase Order (CPO), a budget was allocated and CPO advisors were retained to help facilitate this process. Further background to the CPO process is set out in a previous report to Cabinet (7 June 2016). These reports explain the background to the issues relating to development of the Tangmere SDL and the CPO process. It should be noted that the existing landowners have still made no progress to bring the site forward for development.
- 4.2 An update report was considered by Council (6 March 2018) when it was resolved to allocate additional funding to enable a CPO (if required) and commence a process to select a development partner for the whole of the Tangmere SDL. It is intended that the development partner be appointed before the Council makes a CPO, in order for the Council to minimise its exposure to the financial risks. The Council is anticipating that the development partner will prepare a development masterplan and make a planning application for the whole site, but also underwrite the costs of the CPO, on the basis that the developer should then make profit on the eventual sale and disposal of the site.
- 4.3 **Selection of a development partner:** Officers in conjunction with the Council's advisors, Knight Frank and Citicentric, have been undertaking the selection of the development partner. This has involved the assessment of initial expressions of interest and inviting the best potential development partners to make a full submission. The selection process for the development partner is set out at appendix 1 and appendix 2 includes the initial marketing information.
- 4.4 Initially 13 companies expressed an interest in becoming the Council's development partner for the Tangmere SDL, the initial scoring is included in appendix 4. Three of the submissions met the criteria and scored much higher than the others and so were taken forward to detailed assessments and interviews. Appendix 3 of this report contains the questions which the selected bidders were expected to answer as part of the detailed submissions.
- 4.5 The assessment of the detailed submission was conducted in two work streams: Legal and Commercial. The Legal work stream focused on the Heads of Terms document issued with the Invitation to Submit. This is a document that provides the basis for the detail in the Development Agreement. The draft Heads of Terms document is included in Appendix 6. The Commercial work stream considered the bidders' proposals for the development opportunities, specifically looking at the delivery strategy.
- 4.6 The selection process for the development partner was therefore on the basis of the understanding of the Council's requirements, ability to work in partnership, strength of their delivery team and their financial offer. The selection of a development partner is not based on a scheme, but a partner who the Council believes can best deliver the comprehensive development of the Tangmere SDL, in accordance with the Local Plan and Neighbourhood Plan policies.
- 4.7 Countryside Properties scored the highest in the selection process and accordingly, is, in the opinion of officers and those external professionals who assisted in the

selection process, the preferred development partner for the Council to progress the development of the Tangmere SDL. The final scores are detailed in appendix 5.

- 4.8 The process of selecting a development partner is, subject to approval by Cabinet, complete. Following the Cabinet decision the selected development partner will be notified and work commenced to complete a Development Agreement.
- 4.9 The appendices to this report contain financial information which impact on commercial confidentiality about the Development Partner bidders. They also contain the scoring of the proposed bidders and the draft Heads of Terms and are therefore in Part II and not for publication.

5. Outcomes to be Achieved

- 5.1 Development of the Tangmere SDL, in accordance with the policies and concept design guidance set out in the Chichester Local Plan and Tangmere Neighbourhood Plan which will enable delivery of a significant number of new homes, community facilities, open space and a new school.

6. Proposal

- 6.1 This report proposes that Cabinet appoints Countryside Properties as the Council's development partner and that delegated authority is granted to enable the negotiation and completion of the associated Development Agreement.
- 6.2 Work on a masterplan by the selected developer partner will begin following the Cabinet's decision. This will include consultation with and input from Tangmere Parish Council and the local community. Detailed designs and a planning application for the whole site will be made following the masterplan work. Public consultation will be undertaken on planning applications as they come forward.
- 6.3 Although there are willing landowners who wish to develop the site at Tangmere SDL, the development partner will need to assess how the land required to progress the Tangmere SDL can be assembled by a process of negotiated acquisition. As advised in previous reports, if this cannot be achieved in an affordable and timely manner, the Council is prepared to use its Compulsory Purchase Powers to facilitate the land assembly process. In order to deliver the Tangmere SDL in accordance with Government guidance¹ on the use of CPO powers, work on the CPO will continue in tandem, while negotiations take place.
- 6.4 **Timetable:** It is proposed to amend the timetable as shown below. Changes have occurred due to the selection process for a development partner commencing in June 2018. This was due to the need for the advisors to be under contract to continue work and to ensure the process was carried out in a transparent way in order to avoid any grounds for a legal challenge.
- 6.5 The timetable if extended as proposed, provides the selected development partner with sufficient opportunity to attempt to negotiate delivery of the SDL with existing landowners without recourse to a CPO. For a CPO to be successful it has to be demonstrated (along with a number of other factors) that all reasonable efforts to progress the chosen scheme without recourse to CPO powers have been made. It is considered that the extra time afforded to the development partner to seek to bring

¹ Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion", published by Department for Communities and Local Government and any further relevant advice issued by the Government during the period of the project.

the land forward through negotiation will assist with demonstrating this, should CPO powers be required. It should also be noted that based on experience, it is considered likely that the CPO Inspector's decision will be 12 months from the start of the Inquiry, rather than 4 months.

Revised timetable:

Project	Previous completion date (end of)	Proposed completion date (end of)
Signing of development agreement	July 2018	October 2018
Masterplan completed	August 2018	April 2019
Statement of reasons (necessary for CPO – Davitt Boulton leading)	Statement of Reason (necessary for CPO – Davitt Jones Bould leading) – August 2018	April 2019
Council resolution to make CPO	September 2018	May 2019 (Council 23 May)
Planning application submitted	January 2019	October 2019
CPO inquiry to start	March 2019	December 2019
Resolution to grant planning permission	April 2019	March 2020
CPO Inspector decision	July 2019	December 2020
Vacant possession secured	November 2019	December 2020
Start on site	January 2020	December 2021

6.6 As part of the bidding process the development partner was required to comment on the timetable outlined by the Council. Countryside Properties has agreed in principle that the timetable as revised can be met. The project will be managed at Countryside Properties by a Project Manager with oversight by a Principal Planning Officer within the Planning Policy Team of the Council, with assistance from Knight Frank, Citicentric and Davitt Jones Bould.

6.7 **Project Management:** In order to progress the partnership effectively, a Project Team will be formed to ensure that the project is meeting its objectives. A monthly update will be provided by the Project Manager. It is proposed that delegated authority is given as outlined in the recommendations to enable the completion of the Development Agreement.

7. Alternatives Considered

7.1 The alternative to use of CPO powers is that development of the site by the consortium of landowners and developers takes place voluntarily. However, the Council has been working with the consortium for several years to facilitate a comprehensive development but without meaningful progress being made, including any evidence of effective collaborative working to deliver the scheme.

8. Resource and Legal Implications

8.1 **Finance Implications:** There are significant financial and resourcing implications arising from a potential CPO. However the preferred development partner has indicated they will reimburse the Council's costs, although these will be capped at a figure to be agreed, as part of the Development Agreement. The CPO process, if required, will be managed internally and will require use of the existing staff resources within the Planning Policy and Legal Teams.

8.2 Legal Implications:

- a) Tangmere SDL is an important element of the Council's Local Plan and previous reports have dealt with the risk of this site not proceeding and the impact that would have on the Council. The recommendations proposed are considered appropriate to progress the delivery of the Tangmere SDL and ensure the best chance of success for its delivery.
- b) There is a risk that the unsuccessful bidders will challenge the decision to appoint Countryside Properties. However, to mitigate the prospects of such challenge and provide the Council with a robust position to defend any such challenge, the Council has engaged external advisers to advise on any issues likely to arise and, following that advice, Knight Frank has designed and managed a robust selection exercise.
- c) The intention is to enter into a Development Agreement with Countryside Properties. Until such an agreement is completed, Countryside Properties is not formally committed to its role in delivering the Tangmere SDL. Officers and the Council's external advisers are engaged to progress this workstream, assuming the recommendations in this report are agreed.

9. Consultation

9.1 The Council's Legal Service team and external advisors, including the CPO Solicitor have been consulted extensively about this complex matter.

9.2 The Local Member and Cabinet Member for Planning Services have been made aware of the work being undertaken in relation to the selection of the development partner.

9.3 The owners of the land within the Tangmere SDL boundary have been kept aware of the Council's intentions and given opportunities to make submissions as part of the process. The Council continues to engage with these owners with a view to bringing forward the Tangmere SDL voluntarily and, if appointed, Countryside Properties will continue this work.

9.4 The Development Plan and Infrastructure Panel considered this report at its meeting on 30 August and any comments will be reported to Cabinet.

10. Community Impact and Corporate Risks

10.1 **Community Impact:** The development of the Tangmere SDL has the capacity to create a significant number of new homes of different tenures, as well as sport and leisure opportunities and a new school.

10.2 **Corporate Risks:** Under the proposal the Council will enter into a Development Agreement with Countryside Properties as the development partner. The Development Agreement will be finalised in accordance with the Heads of Terms (set out at Appendix 6), following advice from the Council’s solicitor and external advisors.

10.3 **Risk Management:** Risk management has been a key consideration in the selection process for the development partner. Countryside Properties demonstrated their approach to risk management through a robust risk management strategy. Whilst this will be put in place and owned by the development partner, risk management will form a standing item on the Project team meetings and therefore will be fully monitored and managed throughout the delivery of the Tangmere SDL development.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder: The proposals in the masterplan and planning applications should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	x	
Climate Change: Any masterplan or planning application should ensure that at the very least there should be no negative impact for climate change and that there should be a positive impact by including mitigation or adaption measures.	x	
Human Rights and Equality Impact: An equalities impact assessment will need to be undertaken on the proposals in any CPO process and masterplan.	x	
Safeguarding and Early Help		x
General Data Protection Regulations (GDPR)		x
Health and Wellbeing		x
Other (please specify)		x

12. Appendices – Confidential Part II Exempt Material Not for Publication

12.1 Appendix 1: Summary of Development Partner Selection Process

12.2 Appendix 2: Initial marketing information

12.3 Appendix 3: Questions and confidence scoring (blank)

12.4 Appendix 4: Letter (28 June 2018) from Knight Frank to Mike Allgrove containing the initial scoring assessment

12.5 Appendix 5: Tangmere SDL Stage 2 Score Sheets (summary)

12.6 Appendix 6: Draft Heads of Terms which are subject to further amendment in conjunction with the selected development partner

13. Background Papers

13.1 None

571 **Tangmere Strategic Development Location - Selection of a Development Partner**

The Cabinet received and considered the agenda report and its six confidential exempt appendices in the agenda supplement, the last of which had been revised and circulated in the second agenda supplement.

This item was presented by Mrs Taylor.

Mr Allgrove and Mrs Flitcroft were in attendance for this matter.

Mrs Taylor summarised the report with particular reference to sections 3, 4, 6 and 7. She outlined the process to select a development partner, the appointment of which was one of the recommendations in the report. She emphasised (as stated in sections 6 and 7) that while progressing the compulsory purchase order (CPO) option, CDC would continue to seek a negotiated solution if reasonably and timeously feasible with all the landowners. She drew attention to the revised timetable in section 6.5.

Mr Allgrove and Mrs Flitcroft did not add to Mrs Taylor's introduction.

Mrs Lintill enquired why the two lower scoring shortlisted bidders had been informed of the outcome prior to the Cabinet deciding at this meeting whether to approve the appointment of Countryside Properties (UK) Ltd (Countryside) and whether it was in fact necessary to make an appointment. Mr Allgrove explained that the Cabinet had previously authorised officers to seek a development partner and that bidders had at this stage been informed of the outcome of the scoring process. Mr Dignum felt that further clarification was necessary and so directed a short adjournment for officers to check the position.

[Note The Cabinet meeting was adjourned between 10:47 and 10:54]

Mrs Shepherd confirmed that the Cabinet was required to approve at this meeting the appointment of the proposed development partner. No contract had been signed with Countryside and it was open to the Cabinet if it wished to decline to make the appointment and leave officers to pursue one of the other bidders.

Mrs Taylor said that she had been present at the selection meeting in early August 2018 as an observer. The process had been conducted in a very thorough and robust manner. In her view Countryside had given the strongest, most well-prepared and detailed presentation. All three bidders had been informed that the appointment would require the Cabinet's approval.

Mr Wilding commented that it had not been easy to interpret the ownership details in the plan in exempt appendix 1.

Decision

The Cabinet voted unanimously on a show of hands to make the resolutions below.

RESOLVED

- (1) That Countryside Properties (UK) Limited be appointed as the Council's development partner to take forward the development of the Tangmere SDL.
- (2) That authority be delegated to the Director of Planning and the Environment following consultation with the Cabinet Member for Planning Services to agree and sign the finalised Development Agreement.
- (3) That officers and the development partner be instructed to continue dialogue with the landowners/site promoters to facilitate development of the site without the need for a compulsory purchase order if possible.
- (4) That the revised timetable be agreed for making the compulsory purchase order, if required, set out at paragraph 6.5 of the agenda report.

572 2017-2018 Treasury Management Out-turn

[**Note** For technical reasons there is no audio recording for this item and accordingly a fuller summary of the Cabinet member's introduction is provided]

The Cabinet received and considered the agenda report and its three appendices.

This item was presented by Mr Wilding.

Mrs Belenger was in attendance for this matter.

Mr Wilding said that the report (previously considered by the Corporate Governance and Audit Committee) summarised CDC's treasury activities during the last financial year. Performance was summarised against a benchmark of other district councils (appendix B) and a compliance report of performance against CDC's own treasury limits (appendix C).

CDC's treasury portfolio ranged between £50 and £70 m over 2017-2018. At the year-end just under £54 m of funds were under management (table 1). The £54 m figure comprised Capital Grants received in advance of spending £7.8 m (including the Community Infrastructure Levy and Housing Grants), Earmarked Reserves £24.3 m (set aside for planned future expenditure and which included the Asset Replacement Programme fund, New Homes Bonus and other funds), General Fund Reserve £14.8 m, section 106 receipts of £5.5 m to be spent in connection with new housing, and Cash Flow £1.6 m.

The most significant decision taken during the year was to invest a further £7.9 m in external pooled multi-asset and corporate bond funds - a summary of the CDC's external pooled investments was shown in table 2. Appendix A showed a graphical summary of the return and changes in capital values for these funds over the financial year. Whilst revenue returns on these investments remained between 3 and 4%, since the end of 2017 external pooled funds had declined in value by around 2% - the main reason was the upfront cost of purchasing Local Authority

Chichester District Council

Cabinet

3 March 2020

Council

3 March 2020

Tangmere Strategic Development Location – Chichester District Council (Tangmere) Compulsory Purchase Order 2020

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2. Executive Summary

This report updates the Council on progress made with regard to the development of the Tangmere Strategic Development Location (“**TSDL**”) and outlines proposals for the comprehensive, residential-led development of the TSDL, referred to in this report as “**the Scheme**”¹.

The purpose of the report is to enable consideration of the use of compulsory purchase powers and whether or not there is a compelling case in the public interest for doing so. On the basis of the analysis set out in this report, it is recommended that the Council makes a compulsory purchase order (“**Order**”) to facilitate the carrying out of the Scheme.

The extent of the interests and rights in land proposed to be acquired (“**Order Land**”) are set out in this report and a map of the Order Land is contained at Appendix B.

The report sets out the background to and need for the Scheme and information about the current ownership of the Order Land. It explains the relevant powers of the Council to acquire land compulsorily and the equivalent powers to acquire land and rights by agreement. It explains what the compulsory purchase process involves and where relevant makes reference to Government Guidance².

The report sets out relevant factors for the Council's consideration in determining whether or not to exercise compulsory purchase powers, including the Scheme's

¹ Terms and definitions used in this Report are defined in the Table of Definitions set out in section 12

² Guidance on Compulsory Purchase process and The Crichton Down Rules” – Ministry of Housing, Communities and Local Government (July 2019)

adherence to planning policy, its financial viability and prospects for delivery. It also includes matters for consideration in relation to the Council's Public Sector Equality Duty and the implications for the Human Rights of third parties who might be affected by the Order. It addresses the overall case for whether or not there is a compelling public interest case in making the Order.

3. Recommendation

The Cabinet recommends to Council that, following consideration of this report:

- (1) the Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix B, and in particular that the Council makes the Order;**
- (2) the Director of Planning and the Environment be authorised to settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;**
- (3) the Director of Planning and the Environment be authorised to negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;**
- (4) the Director of Planning and the Environment be authorised to implement the Order powers following confirmation of the Order, and so acquire title to and/or take possession of the Order Land; and**
- (5) Cabinet notes and approves the revised timetable identified in section 6 of the Report.**

4. Background: Planning Policy, the need for the Scheme and its benefits

Delivery of housing within the Local Plan area

- 4.1 Policy 4 of the Local Plan makes provision for the Council to deliver 7,388 homes over the period 2012-2029 (equivalent to c.435 dwellings per annum ("**dpa**"). This housing target falls short of the Council's objectively assessed need ("OAN") as identified in the 'Review of Objectively Assessed Housing Need in light of 2012-based Subnational Population Projections' (August 2014) which identifies an OAN for 560-575 dpa in Chichester District. Paragraph 7.4 of the Local Plan sets out that part of this identified housing requirement for the District has been met in the South Downs National Park, which lies outside the Local Plan area, and that housing delivery in the National Park area of the District averaged around 70 dpa. Based on this assumption, the remaining OAN for the Local Plan area was estimated to be 505 dpa. The Local Plan was unable to meet the full OAN of 505 dpa due to key infrastructure constraints, including uncertainty about transport and wastewater treatment infrastructure provision. The target of c.435 dpa was based on the level of

housing that could be realistically and sustainably delivered within the period, having regard to the identified constraints in the Local Plan area, the evidence base prepared to support the Local Plan and potential development capacity. It is therefore essential that, as a minimum, the Council meet the housing target identified in the Local Plan.

- 4.2 Of the 7,388 homes provided for in the Local Plan, 3,250 are to be provided at the Strategic Development Locations allocated at West of Chichester, Shopwyke, Westhampnett/North East Chichester and Tangmere. Delivery of housing on all of the Strategic Development Locations in the Local Plan (including the TSDL) is therefore essential to ensure that there is no shortfall in meeting the housing target set out in the Local Plan.
- 4.3 At 1,000 homes, the TSDL is the second largest allocation in the Local Plan and represents approximately 14% of the total housing need for Local Plan area for the period 2012-2029 and 31% of the total housing to be provided within the Strategic Development Locations. Development of the TSDL is therefore critical to delivery of the Council's housing target.
- 4.4 The East-West Corridor is the Council's main focus for new development in the Local Plan. The East-West Corridor has an emphasis on consolidating and enhancing the role of Chichester city as the District's main centre, whilst also developing the role of key settlements to its east and west, most notably Southbourne and Tangmere, to help to relieve pressure on the city and take advantage of access to jobs and services to the east and west of the District. It is proposed that the East-West Corridor (which includes the TSDL) will provide 6,156 homes during the Local Plan period.

The importance of the TSDL

- 4.5 The vision for the East-West Corridor proposes that the village of Tangmere will grow and develop its role as a 'settlement hub' by widening the range and improving the quality of public open space, leisure and community facilities for the local area. The vision seeks to significantly enhance the village's range of facilities to the benefit of the local community through the development of new homes and workspace.
- 4.6 Paragraph 2.7 of the Local Plan notes that Tangmere hosts a number of local businesses and has some dispersed community facilities including shops and a medical centre, but that it currently lacks many of the amenities and services normally associated with a settlement of its size.
- 4.7 Policy 18 of the Local Plan allocates the TSDL for mixed development, comprising 1,000 homes, community facilities, open space and green infrastructure. The TSDL is the only housing allocation at Tangmere in the Local Plan.
- 4.8 The Scheme therefore plays a significant role in addressing the need for new housing across the Chichester Local Plan area and makes a significant contribution to the objectives of the Local Plan. In particular: delivering the vision for the East-West Corridor; assisting with the need to relieve pressure on Chichester city; addressing local needs for both market and affordable housing; and providing enhanced amenities and services for existing and future residents of Tangmere;

- 4.9 The fact that the Council's adopted Local Plan, even in the event of comprehensive delivery, does not in fact meet its full OAN (for the reasons set out in Paragraph 4.1 above) means it is imperative that each and every allocated site comes forward. In this regard the housing trajectory set out in the Local Plan in 2015 envisaged that delivery of homes at the TSDL would commence from 2019/2020 onwards. Failure to deliver homes on the site within the Plan period would mean a very significant shortfall in housing delivery.
- 4.10 The need for new development at Tangmere is further emphasised by the Council's proposals in the Emerging Local Plan (details of which are set out below) to increase the quantum of development at the TSDL from 1,000 to 1,300 homes).

The Planning Policy Position

- 4.11 The NPPF contains a presumption in favour of sustainable development.
- 4.12 The strategic objectives of the NPPF are to support economic growth, achieve a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities. The NPPF also supports the highest standards of architectural and urban design.
- 4.13 The TSDL is allocated for development in accordance with the Local Plan, which was examined against the relevant provisions of NPPF (2012) and found to be sound. The Emerging Local Plan will be assessed against the most up to date version of the NPPF when submitted for examination. The development of the TSDL complies with the core principles of the NPPF and represents sustainable development in accordance with the prevailing national policy.
- 4.14 Paragraph 72 of the NPPF recognises that housing supply can sometimes be best achieved through planning for larger scale development, such as significant extensions to existing villages. The delivery of the Scheme will make a significant contribution to the housing supply for the Local Plan Area, as well as satisfying the NPPF's requirement for plans to deliver a sufficient supply of homes. Residential development on the TSDL also has an important role to play in contributing to the development and vitality of Tangmere village centre, in accordance with paragraph 85 of the NPPF. The policy objectives of comprehensive development of the TSDL, including securing the necessary infrastructure, community facilities, services, and open space provision accord with the NPPF's principle of promoting healthy and safe communities and underpin the content of the Masterplan Document, which are being carried forward into the outline planning application.
- 4.15 The land is currently allocated within the Local Plan, and has been a site formally allocated for residential housing development since the adoption of the Local Plan in 2015. Previous to this the site was identified for residential development in 2010 within the Council's "Focus on Strategic Growth Options" consultation document. This document considered the potential options for significant growth within the District and accordingly formed part of the early stages of preparation for the formulation of the Local Plan.
- 4.16 Specific policy considerations can be summarised as follows

- Policy 2 (Development Strategy and Settlement Hierarchy) of the Local Plan identifies Tangmere as being capable of accommodating further sustainable growth to enhance and develop its role as a settlement hub.
- Policy 4 (Housing Provision) states that strategic development locations are allocated in the Local Plan to accommodate 3,250 homes over the Local Plan period.
- The TSDL is identified within Local Plan Policy 18 for the delivery of 1,000 homes and associated infrastructure including a school, open space and community facilities.
- Policy 7 ('Masterplanning Strategic Development') confirms that development of the strategic locations identified in the Local Plan (including the TSDL) will be planned through a comprehensive masterplanning process, which will involve the active participation and input of all relevant stakeholders.

- 4.17 The Masterplan Document for the TSDL has been produced by Countryside Properties (UK) Ltd ("**Countryside**") (please refer to Section 4.35 below for further details on Countryside's role in respect of the TSDL) and endorsed by the Council as Local Planning Authority, in accordance with Policy 7, Policy 18 and emerging policies in the Emerging Local Plan. An outline planning application to be submitted by Countryside will seek permission for up to 1,300 homes and associated uses to reflect the proposed increase in the Emerging Local Plan, thus also ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The outline planning application is being prepared to comply with all other relevant policy requirements within the Local Plan. The Scheme will realise the objectives of relevant policy as contained in the Local Plan.
- 4.18 The Local Plan is currently under review. The Council consulted on the Chichester Local Plan Review 2016 – 2035 Preferred Approach between December 2018 and February 2019. The Emerging Local Plan currently contains proposals for at least 12,350 dwellings during the period 2016 – 2035, equivalent to c.650 dpa. The Emerging Local Plan also proposes to meet unmet housing need arising from that part of the District lying within the South Downs National Park. This comprises 41 dpa out of the total 650 dpa. At least 4,400 dwellings are proposed to come forward from strategic allocations, including the TSDL.
- 4.19 The Emerging Local Plan includes draft policies which are relevant to the TSDL. Draft Policy S3 (Development Strategy) includes Tangmere on a list of Strategic Development Locations to help achieve sustainable growth. Draft Policy AL14 (Land West of Tangmere) proposes to allocate land to the west of Tangmere for residential-led development of a minimum of 1,300 dwellings. Draft Policy S32 (Design Strategies for Major Development Sites) requires proposals for housing allocations and major development sites to be accompanied by a site-wide design strategy that includes a masterplan.
- 4.20 As above, the Masterplan Document for the TSDL has been produced by Countryside and endorsed by the Council, in accordance with draft Policy S32. The outline planning application will seek permission for up to 1,300 homes and associated uses in accordance with draft Policy AL14, and will have due regard to other detailed emerging policies as material considerations in the determination of the planning application, albeit that the Emerging Local Plan only carries limited weight at present. The Scheme would therefore realise the objectives of relevant policy as contained in the Emerging Local Plan.

- 4.21 The Tangmere Neighbourhood Plan was 'made' on 19 July 2016 and forms part of the development plan. The Neighbourhood Plan includes a concept statement for the development and is informing the master planning process. The vision of the Neighbourhood Plan is a "one village" concept to unite and integrate the existing Tangmere village with the new development. In line with Policy 2 (Strategic Housing Development) of the Neighbourhood Plan, this identifies the land as a Strategic Development Location and sets out the requirement for the provision of 1,000 new homes, new community facilities, a main village street, new open space and green infrastructure.
- 4.22 The Masterplan Document has been designed to comply with the requirements of the Neighbourhood Plan Policy 2 and also has regard to Policy 7 (Land to the West of Malcolm Road) given the Neighbourhood Plan's expectation that this land is considered as part of the TSDL masterplan. The Scheme will therefore realise the objectives of relevant policy as contained in the Neighbourhood Plan.

Benefits of Scheme

- 4.23 The Scheme will contribute to, and deliver extensive benefits in respect of, the economic, social and environmental wellbeing of the District. Taken as a whole, it will make a significant contribution to the Council's vision for its Local Plan Area and the Settlement Hubs within it (one of which is Tangmere). The Local Plan anticipates that the role of Settlement Hubs as key local centres is to provide a range of homes, workplaces, social and community facilities and the Scheme is a major contributor to those aspirations for Tangmere and its surrounding area.
- 4.24 In particular, as regards economic matters, the provision of the substantial new housing anticipated by the Scheme will not only create and support jobs in the construction sector but will also result in an increase in local population, bringing with it enterprise, labour, wealth and income all of which are necessary for economic prosperity. The resultant neighbourhood of approximately 2,800 residents (depending on the eventual outcome of the master-planning exercise and planning process) will contribute to the viability and vitality of Tangmere village centre and nearby town centres.
- 4.25 In terms of social issues, the District currently has a clear need for additional housing and a requirement to diversify housing tenures within Tangmere. Delivery of the Scheme on the Order Land will contribute very significantly towards meeting housing targets, providing both market and affordable units. The development of balanced and mixed residential housing stock will retain and attract a wide diversity of population, ensuring a mixed, balanced and sustainable community. Provision of infrastructure associated with the residential development, including the school, open space and community facilities, will also make a material contribution to social wellbeing and a sense of community. Part of the Council's Local Plan vision is to promote and provide sustainable communities served by appropriate infrastructure and facilities and the Scheme makes a significant contribution to that vision for Tangmere.
- 4.26 In terms of environmental wellbeing, the Scheme offers the opportunity for on-site habitat creation in accordance with the Local Plan. Wastewater from the Scheme will drain via the Tangmere Waste Water Treatment works, which discharges into

the Aldingbourne Rife, avoiding discharge into Chichester Harbour and the attendant environmental issues associated with it.

- 4.27 Further, the Scheme's delivery of modern, energy efficient homes in a well-planned development which incorporates open-space and sustainable drainage solutions will represent an environmental benefit. Such strategic development of land which has been identified for development through the Council's Local Plan process will also reduce pressure for development on other, less suitable sites.
- 4.28 Finally, the expansion of Tangmere, to include new housing and the provision of a range of community infrastructure will improve and enhance the sustainability of Tangmere as a Settlement Hub, reducing the need for residents to travel further afield for those facilities and services and providing the opportunity for the provision of substantially improved local public transport services and cycle connectivity to Chichester and other surrounding settlements.

Progress in delivering the Scheme to date

- 4.29 The Council has sought to encourage delivery of comprehensive development of the TSDL over a number of years, but no material progress has been made.
- 4.30 Throughout the formulation of the Local Plan (from its earliest stages in 2010 and thereafter), the Council was assured by the landowners and site promoters of the Order Land that there was a commitment to jointly deliver the residential development and the requisite infrastructure in a coordinated way, initially through the production of a masterplan and then a single subsequent outline planning application. However, no material progress was made prior to the adoption of the Local Plan in 2015, and since that date – unlike other strategic development locations allocated in the Local Plan which have been progressed, or are progressing – there has again been no material progress in terms of comprehensive delivery of the TSDL.
- 4.31 In this regard, the Council is aware that landowners have not been able to agree mutually acceptable commercial terms, which has proved a major barrier to development coming forward.
- 4.32 As a consequence, to date the only proposals to bring forward development at the TSDL by any of the existing landowners, have comprised suggestions that development be brought forward on individual land ownerships, on a piecemeal basis. For the reasons set out in this Report, such proposals are not acceptable, and would not be consistent with the Council's objectives. The Council believes that there are no credible alternatives to compulsory purchase to achieve delivery of the Scheme in accordance with the Local Plan.
- 4.33 Despite discussions between the Council and the landowners having commenced as early as 2010, when proposals for the development of what is now the TSDL were first considered, landowners and site promoters have not been able to work together to deliver development. Indeed, no meaningful proposals have been progressed, despite numerous assurances that a masterplan was in preparation and that all landowners were committed to progressing the TSDL in a policy compliant fashion.

- 4.34 The Council has, on various occasions, requested to be advised of any collaboration agreement or timeframe for bringing forward the entire TSDL for delivery of housing and infrastructure in accordance with the Local Plan. At the date of this Report, the Council is not satisfied that the landowners are willing and able to work together to deliver the comprehensive development of the TSDL within any acceptable timeframe. In this regard, as noted above, the Council's housing trajectory as contained in the Local Plan anticipated delivery of dwellings at the TSDL from 2019/20 onwards. In view of this position, the Council considers the TSDL to be a stalled development site.
- 4.35 As a result of the lack of progress made by the existing landowners (and referenced in sections 4.29 to 4.34 above), the Council has sought to make use of compulsory purchase powers available to it and explored appointing a development partner to progress the development of the TSDL. The Council conducted a competitive tender process to select such a development partner in 2018 and subsequently entered into a Development Agreement with Countryside Properties (UK) Limited ("**Countryside**") on 5th February 2019. Accordingly, Countryside has been appointed to bring forward and facilitate the residential-led development of the TSDL.
- 4.36 The land required to deliver the residential-led development of the TSDL has been identified and is referred to in this Report as "**The Order Land**". The Order Land comprises all the land required for the Scheme in order to maintain its viability, affordability and deliverability. Ownership of the entirety of the Order Land is necessary to enable the Scheme to proceed.
- 4.37 In accordance with a strategy agreed with the Council, Countryside has sought to acquire the various interests in the Order Land by agreement and will continue to do so in parallel with any Order made by the Council.
- 4.38 Countryside has contacted landowners and interested parties within the Order Land to acquire interests by private treaty agreement, or to reach an agreement which establishes the basis on which a future transaction will be undertaken. As at the date of this Report, no agreement has been reached with owners of the Order Land for the voluntary acquisition of any of their land interests.
- 4.39 The Order Land comprises an area of approximately 76 hectares, located to the west of the village of Tangmere, West Sussex, south of the A27. The land is shown coloured pink on the draft Order Map.
- 4.40 The Order Land is predominately used for agricultural purposes, and is separated into fields.
- 4.41 The Order Land does not include any areas designated for nature conservation, Sites of Special Scientific Interest, Special Areas of Conservation or Special Protection Areas. No part of the Order Land comprises an Area of Outstanding Natural Beauty or Local Landscape Area, and the land does not include any World Heritage Site, Registered Battlefield, Listed Buildings or Registered Parks or Gardens.
- 4.42 The Schedule to the Order (attached as Appendix C) identifies those parties understood to have an interest in the Order Land. The Schedule has been prepared

based on information gathered through inspection of Land Registry title documents, site inspections and enquiries, and the responses to notices issued under sections 172-179 of the Housing and Planning Act 2016.

5. Outcomes to be Achieved: Use of Compulsory Purchase Powers

- 5.1 The purpose being sought by the Council in considering making the CPO under the powers conferred by Section 226(1)(a) of the 1990 Act is to facilitate strategic housing delivery and associated development on the TSDL and, in conjunction with its development partner, to use the Order Land to bring forward the Scheme delivering the economic, social and environmental well-being benefits set out in this report.
- 5.2 The Scheme will comprise a residential-led, mixed use development comprising up to 1,300 homes, an expanded village centre (comprising units suited to A1, A2, A3, A4, A5 and B1(a) uses), community facilities, education facilities, open space and green infrastructure. Although not yet finalised, the maximum quantum of development proposed as part of the Scheme is:-
- Units suits to A1, A2, A3, A4, A5 and B1(a) uses – up to 1,000 sqm;
 - C3 (residential) – up to 1,300 dwellings;
 - D1 (education) – 2.89 ha primary school plus early years provision; and
 - D2 (assembly and leisure) – approximately 1,100 sqm

It is proposed to deliver 30% of the new homes in the form of affordable housing, in accordance with the Local Plan.

6. Proposal for Order and its Justification

- 6.1 This Report sets out the background to and need for the Scheme, as well as the basis on which it is considered that the compulsory purchase of the Order Land is justified, it being considered that there is a compelling case in the public interest to do so. A Statement of Reasons has been prepared for the Order in accordance with the Guidance and a copy of this is provided at Appendix F.
- 6.2 Under Section 226(1)(a) of the 1990 Act, a local authority may be authorised to acquire compulsorily any land within its area, if it considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The power under section 226(1)(a) is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals within its Local Plan or where strong planning justifications for the use of the power exist.
- 6.3 A local authority must not exercise the power under section 226(1)(a) of the 1990 Act unless it considers that the development, re-development or improvement is likely to contribute to the achievement of one or more of the following objectives:
- (a) the promotion or improvement of the economic well-being of its area;
 - (b) the promotion or improvement of the social well-being of its area; and
 - (c) the promotion or improvement of the environmental well-being of its area.

Need for Order to ensure Scheme delivery

- 6.4 Policy 7 (Masterplanning Strategic Development) of the adopted Local Plan emphasises the need for the strategic development locations to come forward comprehensively, stating that:

“Development of the strategic locations identified in the Local Plan will be planned through a comprehensive masterplanning process. Preparation of masterplans will involve the active participation and input of all relevant stakeholders, including the Council, landowners, developers, the local community, service providers and other interested parties. Masterplans will be developed in consultation with the Council prior to the submission of a planning application.”

Supporting paragraph 7.33 of Policy 7 also states that:

“The strategic development locations will be planned and designed to a high standard as sustainable mixed communities, well integrated with existing settlements and neighbourhoods. The strategic developments also offer opportunities to expand and enhance local infrastructure and facilities for the wider Plan area. To achieve these objectives, development will be planned in a coordinated way through a comprehensive masterplanning process...”

- 6.5 Policy 18 (Tangmere Strategic Development Location) confirms that development will be masterplanned in accordance with Policy 7.
- 6.6 The TSDL is allocated for development in the Local Plan and is a proposed allocation in the Emerging Local Plan. The Neighbourhood Plan provides a set of development principles for the TSDL that have informed the Masterplan Document. Between them, these documents identify various infrastructure requirements that the TSDL is expected to deliver, both on- and off-site, including:
- On-site primary school provision;
 - New or expanded community facilities (possibly including a new village centre) providing local convenience shopping (referred to as the ‘Village Main Street’ in the Neighbourhood Plan);
 - Small-scale business uses;
 - Green links to the South Downs National Park and Chichester City;
 - Primary road access from the slip-road roundabout at the A27/A285 junction to the west of Tangmere providing a link with Tangmere Road (referred to as the ‘North-South Link Road’ in the Neighbourhood Plan);
 - Provision for improved more direct and frequent bus services between Tangmere and Chichester city, and improved and additional cycle routes linking Tangmere with Chichester city, Shopwyke and Westhampnett;
 - Provision for the expansion or relocation of the Tangmere Military Aviation Museum; and
 - New public open space including a Community Orchard / Garden / Allotment and a new Public Park comprising sufficient space to include a children’s play area, recreational area, sports pitches and an outdoor sports pavilion.
- 6.7 It is imperative that development comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development, and to guarantee that such infrastructure be delivered in a

cohesive and co-ordinated manner. Comprehensive development is also necessary if best and most efficient use is to be made of the TSDL, and delivery of residential development maximised.

6.8 Piecemeal development would be prejudicial to the proper future development of the TSDL, and would not accord with the policies in the adopted Local Plan.

Concerns in this regard include the following:

- Highways and Access: There is a need to ensure a coordinated and connected approach to the delivery of the North-South Link Road, which, by its nature, will need to traverse land controlled by all three current principal landowners. Piecemeal development may result in the delivery of sections of road in different manners, or not at all. A co-ordinated approach is fundamental to the delivery of the Scheme given the lack of potential vehicular connection points into the existing village and the constrained nature of Malcolm Road;
- Public Transport: A comprehensive approach to development is required to enable the proper integration of public transport opportunities into the TSDL, in particular enabling the extension of existing bus services into the site in a practical and commercial manner;
- Public Open Space: Comprehensive development is also required to ensure adequate provision of open space, education and community facilities across the site as a whole. The Neighbourhood Plan requires parts of the TSDL to be provided as open space (including sports pitches and allotments, which includes the relocation of existing allotments onto the TSDL to facilitate the expansion of the Tangmere Military Aviation Museum) and the failure to deliver these is a significant risk to the comprehensive delivery of the TSDL;
- Services: Capacity of incoming services to serve the wider Scheme and not just individual developed parcels is required, this would be at risk were there delivery on a piecemeal basis by different developers;
- Sustainable Drainage Systems (“SuDS”): the provision of SuDS drainage may not be delivered appropriately in the event of piecemeal development. Any independently delivered drainage strategy in the absence of a comprehensive drainage strategy may result in a higher proportion of the TSDL being required for retention basins and subsequent inefficient use of land, which would, in addition to conflict with the Local Plan, not align with the relevant requirements of the NPPF;
- EIA: A comprehensive outline application for the Scheme will require an Environmental Impact Assessment (EIA) as the project meets the spatial criteria within Schedule 2 10 (b) of the Town and Country Planning (EIA) Regulations, 2017 (as amended). Given the degree of functional interdependence required due to the TSDL’s allocation, if the site were to come forward via piecemeal development, a separate EIA could be required for each individual parcel / planning application, to guard against ‘salami-slicing’. In this circumstance any planning applications for individual parcels that were not accompanied by an Environmental Statement would be subject to further delays to allow for an EIA to be undertaken;
- Transport Assessment: Similar to the EIA process, if the development were to come forward via separate piecemeal applications, the Transport Assessments for each application would need to assess the cumulative impact of the development as a whole, and the prospect of these coming forward under a single agreed methodology is unlikely.

- 6.9 A piecemeal approach could render some parcels unviable, resulting in the risk that the TSDL fails to come forward in its entirety and fails to provide the necessary infrastructure required. By taking a piecemeal approach, it is highly unlikely the TSDL would deliver the 1,000 homes identified in the Local Plan, or the increased requirements of the Emerging Local Plan (when adopted).

Scheme Delivery and Viability

- 6.10 As set out at section 4.35 above, through a competitive tender process, Countryside was selected as the Council's development partner to bring forward and facilitate the residential-led development of the TSDL. Under the terms of the Development Agreement entered into between the Council and Countryside, Countryside have agreed to underwrite the Council's professional and other legal and administrative costs associated with pursuing a Compulsory Purchase Order, capped at £300,000.
- 6.11 Countryside is a major housebuilding and urban regeneration company with over 60 years' experience. The company has a track record in delivering large scale residential led schemes in London and the South East, the Midlands and the North West of England. This has included several garden village developments providing between 1,000 and 3,600 residential units, including where compulsory purchase powers have been exercised to bring forward and deliver schemes.
- 6.12 In the year 1st October 2018 to 30th September 2019 Countryside completed on a total of 5,733 homes comprising a mix of private, affordable and PRS (Private Rented Sector).
- 6.13 Countryside, as the main trading entity of Countryside Properties PLC ("CPPLC") can call on its parent company for further lending support if necessary. In February 2016, CPPLC raised £130 million of new capital as part of its initial public offering and secured a Group revolving credit facility of £300 million, which is available until May 2023. As at 30 September 2019, the net assets of CPPLC were £899.1 million and for the financial year ended 30 September 2019, CPPLC delivered adjusted revenue of £1,422.8 million and adjusted operating profit of £234.4 million.
- 6.14 Therefore, Countryside's strong financial position provides the company with the flexibility necessary for implementing compulsory purchase order projects such as the Scheme.
- 6.15 Officers are satisfied that Countryside has sufficient resources and can obtain sufficient funding for both acquiring the Order Land and implementing the Scheme, both presently and during the compulsory acquisition process.
- 6.16 A development agreement between the Council and Countryside was completed on 5th February 2019 and this provides an indemnity for the Council's costs of bringing and making the Order, the acquisition of the land and the payment of compensation, together with securing planning permission and implementing the Scheme within an agreed programme. It also requires Countryside to prepare an outline planning application for the delivery of the TSDL, which is currently being prepared.
- 6.17 Officers have considered the financial viability of the Scheme and the Council has obtained external, independent viability advice from a firm of leading real estate

practitioners in order to satisfy itself that the Scheme is and remains viable. Officers have reviewed this advice and are satisfied that the Scheme is financially viable.

Planning Position and Timetable

- 6.18 Planning permission has not yet been granted in respect of the Scheme. As outlined further below, Countryside anticipate submitting an application for outline planning permission in respect of the Scheme, in April 2020. The outline planning application will seek permission for up to 1,300 homes and associated uses as required by Policy 7 and Policy 18 of the Local Plan, thus ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The Emerging Local Plan proposes to allocate the site for 1,300 homes, and the outline application will seek permission for this number of homes in accordance with draft Policy AL14 and draft Policy S32. It is anticipated that the application will be compliant with planning policy at both a national and local level and therefore at this stage, there is no reason to believe that planning permission will not be forthcoming.
- 6.19 A Planning Performance Agreement was signed between the Council and Countryside on 15th May 2019. This provides for the provision of pre-application advice, masterplanning preparation and the timely consideration of an outline planning application for the Scheme.
- 6.20 Pre-application intrusive and non-intrusive surveying works over the extent of the TSDL were undertaken by Countryside during Spring and Summer 2019.
- 6.21 Following the Council's endorsement of the Masterplan Document in January 2020, it is anticipated that the outline planning application for the Scheme will be submitted in April 2020, with the intention to target a resolution in September 2020.
- 6.22 Once the CPO has been confirmed, the Council will take possession of the entirety of the Order Land within 6 months. Once the Order Land has been transferred to Countryside, the S.106 agreement will be completed with outline planning permission to follow.
- 6.23 Following the grant of outline planning permission, the Scheme will be built in phases, each requiring a reserved matters consent application. The first reserved matters application(s) will likely relate to the key strategic infrastructure required for the Scheme, including the north-south link road, principal areas of public open space and strategic landscaping.
- 6.24 The site preparation works associated with the development of the Scheme will be phased, with initial works anticipated to commence in 2022. This enables infrastructure and construction to commence in 2022. It is expected that the first homes would be completed and available for occupation within 12 – 18 months of starting on site.
- 6.25 Work undertaken to inform Members' assessment has included:-
 - (a) an updated viability assessment of the site;
 - (b) a review of the Equalities Impact Assessment required for the CPO (the Equalities Impact Assessment is attached to this report as Appendix D and

- the Director for Planning and Environment's consideration of the Public Sector Equality Duty is attached to this report as Appendix E); and
- (c) a refresh of the land referencing exercise (which originally took place in January 2018) (Appendix C).

The completion of this work reinforces the Council's position in seeking to make the Order. The anticipated timescale is set out below, but this is necessarily provisional to some degree.

Table 1 Revised timetable:

Project	Previous completion date (refers to end of relevant calendar month)	Revised completion date (refers to end of relevant calendar month)
Signing of development agreement with Countryside	October 2018	February 2019
Masterplan completed	April 2019	January 2020
Council resolution to make the CPO	May 2019	March 2020
Planning application submitted	October 2019	April 2020
CPO inquiry to start	December 2019	October 2020
Resolution to grant planning permission	March 2020	September 2020
CPO Secretary of State decision on CPO	December 2020	April 2021
Vacant possession secured	December 2020	August 2021
Start on site	December 2021	August 2022

- 6.26 As the Council's appointed development partner and the party responsible for bringing forward development of the TSDL, Countryside have agreed in principle that the revised timetable can be met. The CPO project will continue to be managed at Countryside by the Project Manager, and by a Principal Planning Policy Officer within the Planning Policy team at the Council, with ongoing assistance from Davitt Jones Bould and Citicentric.

7. Alternatives Considered

- 7.1 The alternative to the use of compulsory purchase powers is that comprehensive development of the TSDL is brought forward by the consortium of landowners and developers. To date, the only proposals to bring forward development of the TSDL by the existing landowners have comprised suggestions that development be brought forward on the basis of their own individual land ownerships, on a piecemeal basis. As already stated, these proposals are not acceptable as they do not comply with adopted development plan policy and would not provide certainty for the cohesive and coordinated delivery of the requisite infrastructure. By taking a piecemeal approach, it is highly unlikely that the TSDL would deliver the 1,000 homes and associated infrastructure identified in the Local Plan, or the requirements of the Local Plan Review.

- 7.2 Accordingly, having regard to the matters set out in this Report, officers believe there is a compelling case in the public interest that justifies the proposed compulsory acquisition of the Order Land.

8. Resource and Legal Implications

Finance implications:

- 8.1 There are significant financial implications arising from making the Order. The Council's development partner has agreed to reimburse the Council's professional and other legal and administrative costs associated with pursuing a CPO, although these are capped as part of the development agreement.

While the decision to proceed (or not) with a CPO is and remains solely that of the Council, the Council should be aware of any financial implications should it decide not to progress with the CPO at this stage. If the Council decides not to progress a CPO in a situation where Countryside (its development partner) considers it appropriate and lawful to do so, then the Council will be obliged to meet the reasonable and proper planning, valuation and legal costs incurred by Countryside to date. These costs are subject to change as Countryside continue to prepare a planning application and Officers will be able to provide a verbal update on the latest position at the meeting.

Resource implications:

- 8.2 The process will continue to be managed internally, requiring use of existing staff resources within the Planning Policy and Legal teams, and external Legal teams.

Legal implications:

- 8.3 There is a risk that affected landowners will challenge the decision of the Council to 'make' the Order. Following the date of the decision, parties will have 21 days within which to lodge an objection. If objections are received, it will be necessary to hold a public inquiry into the Order, conducted by an independent government-appointed Inspector.
- 8.4 It is anticipated that objections to the Order will be received, however officers, along with the Council's external advisors, and a Barrister (QC) appointed to represent the Council, consider that the Council are in a robust position to defend any such challenge through an inquiry.
- 8.5 Following the public inquiry, and the confirmation of the Order by the Secretary of the State, the Council must publicise the decision in local newspapers as soon as possible. The validity of the CPO is capable of being challenged through a judicial review within six weeks of the first newspaper notice.

Human Rights

- 8.6 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

- 8.7 In resolving to make the Order the Council needs to consider the rights of property owners under the Convention against the wider public interest, and in particular those rights under the following provisions.
- 8.7.1 Article 1 of the First Protocol to the Convention - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws
 - 8.7.2 Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 8.8 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.
- 8.9 The Order Land is in agricultural use and does not include any residential properties (with the exception of occupiers who have extended gardens by encroachment into Plot 6 and Plot 13 within the Order Land). Accordingly, no Article 8 rights will be infringed by the making of the Order. There is no suggestion that the Scheme will result in the extinguishment of any commercial enterprise and the owners of the Order Land have themselves indicated an aspiration to bring the Order land forward for development. Agreement on compensation will be settled once the Order is confirmed and in accordance with the applicable code for compensation.
- 8.10 In light of the significant public benefits which would arise from the implementation of the Scheme as set out within this Report, and having regard to the extent of the interference with parties' rights, officers have concluded that it would be appropriate to make the Order. Officers do not regard the Order as constituting any unlawful interference with individual property rights.

Public Sector Equality Duty:

- 8.11 The Council has a duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations. The decision to make the Order is one that this duty applies to.
- 8.12 External consultants have been commissioned to advise the Council on compliance with their duties under the Equality Act 2010 in the context of a CPO. A copy of the Equalities Impact Assessment ("**EqlA**") is attached to this report as Appendix D. The EqlA contains a number of recommendations and an action plan. Officers have had regard to the EqlA, including its recommendations and action plan. The Council has put in place measures to implement the recommendations and actions that can be addressed prior to the making of the Order and will continue to do so following the making of the Order. Further, the Council notes that a number of the

recommendations and actions relate to impacts yet to arise and the Council is mindful of the requirement to address these recommendations and actions as they do so.

- 8.13 The Council's assessment of the potential impacts of the Scheme indicate that the proposals have the potential to deliver multiple beneficial impacts for the local community, including those with protected characteristics in the local area, including:
- the delivery of a range of housing within Tangmere to address local need:
 - The quality of the new homes provided will have a range of positive impacts on equality, including accessibility and adaptability, which may be of significant benefit for those with disabilities, or the elderly.
 - Tangmere currently has a relatively high proportion of social housing, and development of the site will provide a diverse range of tenures including market and affordable housing, potentially providing low cost or shared ownership options, to create mixed and balanced communities.
 - The new homes will utilise sustainable design and construction techniques and be more energy efficient, which will benefit residents by reducing their energy usage.
 - Delivering improvements to local infrastructure including local convenience shopping, and enhanced social, community, recreation, primary education and healthcare facilities, which will be of benefit to all residents in providing better accessibility to infrastructure.
 - Providing enhanced open space and green infrastructure will link Tangmere to Chichester city, nearby developments and the South Downs National Park, which will allow residents easy access to open space for health and wellbeing benefits.
 - Integration with the existing village of Tangmere, in order to achieve the aspirations of the Neighbourhood Plan, to achieve their 'one village' vision. This will benefit new and existing residents by achieving a well-integrated and holistic development.
- 8.14 The Director of Planning and the Environment has considered the results of the EqIA and the Council's Public Sector Equality Duty and taken advice from the Council's legal advisers and is satisfied that in making the recommendations in this report, that the Council has given due regard to its obligations in this regard. A copy of that statement is attached to this report as Appendix E.
- 8.15 With regards to removing or minimising disadvantages suffered by those with protected characteristics, the Council will provide copies of the Cabinet and Council reports in different formats if required. The Council will publish all the Order documents on its website to make them as accessible and available as early as possible. It will also provide hard copies of the Order documents for those without access to the internet.
- 8.16 As the process continues, should there be a need for a public inquiry, when choosing a venue the Council will have regard to those with disabilities and will consider what other steps it can take in respect of eliminating or minimising discrimination for those with protected characteristics.

9. Consultation

- 9.1 The Council's Legal service team, external advisors including the Council's appointed external solicitor, Countryside and their appointed solicitor, and the appointed barrister have been consulted extensively on this matter.
- 9.2 The landowners and developers have been kept aware of the Council's intentions to pursue the CPO process, and have been given opportunities to bring forward the comprehensive development of the TSDL outside of the CPO process. Countryside also continues to engage with the landowners and developers to acquire the land via a negotiated process. Separately, Countryside and the Council have approached the residents of Saxon Meadows concerning the Order and the re-grant of rights over land. Negotiations will continue in parallel with the CPO process.

10. Community Impact and Corporate Risks

- 10.1 As set out in this Report the acquisition of the TSDL for development is fundamental to the delivery of the objectives and policies of the adopted, and emerging, development plans. Development of the TSDL has the capacity to create a significant number of new homes of different tenures, as well as sport and leisure opportunities, a new school and community/retail facilities. There are considerable benefits of the scheme for the local community.
- 10.2 There may be a negative impact if the TSDL is not delivered in line with the Local Plan strategy.
- 10.3 There are potential strategic risks arising from the CPO process to deliver the TSDL, including challenges to the CPO decision, and potentially negative publicity for the Council. However, these have been weighed against the reputational risks to the Council of being perceived as failing to deliver the housing identified in the adopted Local Plan, as well as risks to the Council in being able to demonstrate a robust five year housing land supply.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder The proposals in the masterplan and planning application should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	X	
Climate Change and Biodiversity Any masterplan or planning application should ensure that at the very least there should be no negative impact for climate change and that there should be a positive impact by including mitigation or adaption measures. Any application should seek to minimise the impacts on and provide net gains for biodiversity.	X	
Human Rights and Equality Impact Considered and set out at section 8 of this Report. The EqIA is attached at Appendix D and officer assessment of compliance at Appendix E.	X	
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X

<p>Health and Wellbeing Proposed development at the TSDL is predicted to deliver multiple beneficial impacts for the local community, including for their health and wellbeing. The quality of the new homes, including their adaptability and accessibility, will positively impact the community, particularly those with disabilities and the elderly. Additionally, development would deliver positive impacts through improvements to local infrastructure including community and healthcare facilities, as well as the provision of enhanced open space and green infrastructure.</p>	X	
<p>Other (please specify)</p>		X

12. Terms used

The following terms are used in this Report:

1981 Act	Acquisition of Land Act 1981.
1990 Act	Town and Country Planning Act 1990.
Countryside	Countryside Properties (UK) Limited of Countryside House, The Drive, Brentwood, Essex, CM13 3AT.
District	The administrative area of the Council.
Emerging Local Plan	Chichester Local Plan Review 2016-2035 – Preferred Approach (December 2018).
EqIA	An Equalities Impact Assessment, prepared by Mott MacDonald and dated 7 th February 2020.
Local Plan	The Chichester District Council Local Plan “Chichester Local Plan: Key Policies 2014-2029”, adopted by the Council on 14 July 2015.
Masterplan Document	The masterplan prepared by Countryside and submitted to and validated by the Council on 15 November 2019 (ref: 19/02836/MAS).
Neighbourhood Plan	The Tangmere Parish Council Neighbourhood Plan 2014-2029, “made” by the Council on 19 July 2016.
NPPF	The National Planning Policy Framework (February 2019)

NPPF (2012)	The National Planning Policy Framework (March 2012).
OAN	The objectively assessed housing need for the Council's administrative area
Order	Chichester District Council (Tangmere) Compulsory Purchase Order 2020.
Order Land	Land identified within the schedule to the Order which refers to the Order Map.
Order Map	The map accompanying the Order which identifies the Order Land.
Schedule	The schedule to the Order
Scheme	The development of the TSDL to deliver at least 1,000 homes (consistent with the figure identified in the Local Plan) and up to 1,300 homes (consistent with the figure identified in the Emerging Local Plan), associated infrastructure, school, open space and community facilities. Further detail is set out in Section 5.2 of this Report.
Secretary of State	Secretary of State for Housing, Communities and Local Government.
TSDL	The Tangmere Strategic Development Location as identified within the Chichester Local Plan: Key Policies 2014 – 2029 and shown edged red on Appendix A.

13. Appendices

Appendix A: Red line plan of Tangmere SDL

Appendix B: Proposed Order Map

Appendix C: Land referencing schedule (Part II – EXEMPT)

Appendix D: Equalities Impact Assessment

Appendix E: Statement as to compliance with Public Sector Equality Duty

Appendix F: Statement of Reasons

Appendix G: Valuation Assessment (Part II – EXEMPT)

14. Background Papers

Tangmere Strategic Development Location – Selection of a Development Partner – Cabinet Report (September 2018)

Delivery of the Tangmere Strategic Development Location – Cabinet Report (July 2017)

Delivery of the Tangmere Strategic Development Location – Cabinet Report (June 2016)

Public Document Pack



Minutes of the meeting of the **Council** held in Committee Rooms - East Pallant House on Tuesday 3 March 2020 at 2.00 pm

Members Present: Mrs E Hamilton (Chairman), Mrs C Apel (Vice-Chairman), Mrs T Bangert, Mr M Bell, Rev J H Bowden, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves, Mr F Hobbs, Mr K Hughes, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

Members not present: Mr G Barrett, Miss H Barrie and Mr C Page

Officers present: Mr N Bennett (Divisional Manager for Democratic Services), Mr A Frost (Director of Planning and Environment), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

91 **Minutes**

The Chairman extended a warm welcome to all those present and read out the emergency evacuation procedure.

There were two amendments to the minutes:

- Minute 86 to add that several members referred to the motion as a gimmick
- Minute 88 should refer to Mrs Lishman not Miss Lishman

Mr Brown also requested multiple additions to the minutes relating to comments he had made during several of the debates. Mr Ward explained that the minutes are not verbatim. Those who wish to hear the debates in full are referred to the audio recording on the council's website. Mr Bennett added that only factual amendments should be made to the minutes.

In a show of hands the Council voted to approve the minutes of the Council meeting held on 28 January 2020.

RESOLVED

That the minutes of the Council meeting held on 28 January 2020 subject to the above amendments be approved and signed by the Chairman as a correct record of the meeting.

92 **Urgent Items**

The Chairman confirmed that there were no late items.

93 **Declarations of Interests**

Mrs Apel and M Bell declared personal interests in relation to item 11 as Trustees of Stonepillow.

Mr Plowman declared a personal interest in relation to item 11 as the Chairman of the Mayors Rough Sleepers Forum.

Rev Bowden declared a personal interest in relation to agenda item 13 with regard to the Church Commissioners. He confirmed that he received no financial benefit from the Church Commissioners.

Mr Oakley declared a personal interest in relation to item 13 as a member of Tangmere Parish Council.

Mrs Duncton, Dr O'Kelly, Mr Oakley and Mrs Purnell declared personal interests in relation to item 14 as members of West Sussex County Council.

94 **Chairman's Announcements**

Apologies were received from Cllr Barrett, Cllr Barrie and Cllr Page.

95 **Public Question Time**

The following public questions were asked at the meeting (responses in italics). The Chairman explained that on this occasion there would be no supplementary questions and if there was not enough time in the 15 minute allocation for all the questions submitted then a written response would be provided (please see subsequent supplement to the agenda for all agenda items).

Questions from Mr Dicker

The council has recently announced that, and I quote: "Local Plan timetable to be reviewed following Government advice" I believe that it is very convenient for the officers and the council to delay.

I have been warning for 15 months that this is a flawed process that would never succeed with the examiner but I have always been told not to say "I told you so". As a result of this last minute change I would like answers to the following:

Why as a registered consultee and regular contributor to this planning process I still have not been informed directly of these changes.

Answer:

To ensure the widest possible coverage, a press release was issued by the Council which appeared in the Observer newspaper last week together with an email which was sent all

Parish Councils. Further community engagement and consultation options are currently being considered but I can advise that an email will be sent to all respondents regarding the Local Plan timetable as soon as possible.

With the very clear and unambiguous advice of Sir James Bevan, and I quote: “Properties should not be built on the floodplain” what CDC are going to do with the land availability assessment in this inevitable delay period whatever that may be and particularly AL6.

Answer:

The latest information in relation to flooding and advice from the Environment Agency, will be used to inform both the update to the land availability assessment and subsequent site selection, and will form part of the Sustainability Appraisal considerations. As any further updates to flooding evidence are received, these will also be taken into account – this is a normal part of the iterative process of plan preparation. To be clear, only part of site AL6 lies within the floodplain – it was never intended that any housing would be built within those parts of the site subject to flood risk, hence the proposal for a large area of open space and Country Park within the policy.

Having been lied to at full council in responses to my previous questions when will we the public now be reconsulted and when will CDC be submitting this to the examiner.

Answer:

If you believe that officers or members have lied to you, you should write to the Monitoring Officer and ask him to investigate your complaint, in respect of members under the Council’s Code of Conduct and in relation to officers, under the Council’s formal complaints process.

In accordance with the press release and statement on the Council’s website, the timetable for the Chichester Local Plan is being updated and this will be made available as soon as it is ready. It will include proposed dates for both consultation and formal submission of the Plan for examination.

When will the decision to reject the unallocated housing from the SDNP come for decision at this council as it is not on the agenda today as previously PROMISED it would be.

Answer:

At the Cabinet and Council meetings of 3 December, in response to questions, I advised that the unmet need from the South Downs National Park Authority will be considered as this council finalises its proposed submission draft plan. Your question has therefore previously been answered. At the risk of wasting further Council time, I can advise that remains the intention.

What is the impact on housing numbers and in particular the impact on the 40% cap as a result of us failing to have a local plan in place approved by the examiner.

Answer:

The government's standard methodology for assessing housing need includes a 40% cap, with reference to either previous plan targets or household projections. After 15 July 2020 the cap will be applied to household projections rather than the previous Plan figure. The impact of that is that this year the figure derived from the methodology rises from 609 dwellings per annum to 628 dwellings per annum.

What action is being taken as a result of the failure of the plan to be ready for the examiner which has conveniently been obscured by the very helpful advice of Government saving the embarrassment of this council.

Answer:

As stated, the timetable for the Chichester Local Plan is being updated and this will be made available as soon as it is ready. Other measures are being considered as appropriate and will be the subject of further Council reports in due course.

Question from Carolyn Cobbold

In the light of CDC's recent Climate Change Emergency Declaration will CDC implement the latest guidance from the Committee for Climate Change and the Environment Agency and prepare its local plan to allow the district to become as flood resilient as possible with the expectation of a 4 degree Celsius global mean temperature increase by 2100? And how will CDC ensure that developments are not allowed to go ahead in the transition period between local plans that may compromise the district's future flood resilience?

Answer:

Work on the Council's high level Climate Emergency Action Plan will be used to help inform planning policies on this important issue going forwards. The Council does of course work within the context of advice set out in the National Planning Policy Framework and associated Planning Practice Guidance in preparing new planning policies. Latest advice on climate change allowances in relation to sea level rise was issued by the Environment Agency in December 2019 and we will be using this information and any subsequent updates as part of our flood risk assessments and to inform site selection, sustainability appraisal and policy wording as we progress the Local Plan Review. We work closely with the Environment Agency in relation to the Local Plan Review on an ongoing basis to ensure such matters are appropriately addressed.

In respect of applications for planning permission, a flood risk assessment is required for any proposal over 1ha, and proposals of any size in areas at risk of flooding. The flood risk assessment would need to demonstrate that the risk of flooding would be minimised to an acceptable level and that the new development would not increase flood risk elsewhere, taking account of climate change and other relevant strategies such as Shoreline Management Plans. The Environment Agency is consulted on any application in flood zones 2 or 3 and it is extremely unlikely that permission would be granted in the case of any unresolved objection from the Agency. In addition, 'sensitive' development in these locations must be sequentially assessed against other comparable alternative sites before development can be considered acceptable in principle.

Any updated information relating to flood risk will be taken into account in relation to planning applications as and when it is received.

Question from Lucia Withers

With reference to the proposed actions under Chichester District's Climate Emergency Action Plan 2020-25 on communications and promoting lifestyle changes, does the Council envisage stakeholder and public engagement in the process of developing the final plan, and what steps will it take to consult with and learn from the experience of other councils in this regard, including (although not limited to) the establishment of climate commissions, citizens assemblies and public consultations?

Answer:

The development of the final plan will build on the actions and priorities approved in the initial plan. In developing these further we fully intend to engage with stakeholders and the wider public. This will especially be the case in the development funding criteria for the Local Carbon Chichester fund in order to ensure that this is used effectively and in ways that meet the needs of our community. In detailing the tree planting and food waste actions, we will seek the view of stakeholders, as their participation will be vital to success in these areas. The development of planning policy through the Local Plan review will, as always, be subject to extensive consultation and engagement as detailed in our Statement of Community Involvement.

We are already engaged with other councils across Sussex to ensure sharing of best practice and joint working where appropriate through an officer level Climate Emergency Network group. The Initial Action Plan includes a specific action on evaluating a Climate Commission for the District. This will depend on the willingness of other key partners from the public, private and voluntary sectors to participate and to adopt joint actions. Part of that process will be to find out if a commission or similar body is needed and wanted by those partners and what it would add to the achievement of carbon reduction in the district. We are keeping an open mind as to best mechanism, whilst keeping a focus on not working in isolation.

Questions from Cllr Charlotte Pexton, Bosham Parish Council

When did CDC realise the Local Plan timescale was not achievable?

(CDC requested an extension in October 2019 which was refused.)

Has the failure to achieve the July 2020 deadline been formally recognised by CDC Cabinet, Council or other Committee?

Answer:

The Council has always recognised that the Local Plan timetable involving submission of a plan before July 2020 that was likely to be found sound was challenging given the complex planning issues that need to be addressed. These include the identification of sufficient land to meet the area's housing needs, an acceptable scheme of transport mitigation for the A27, including options without a Stockbridge Link Road and waste water capacity. At the Meeting with the Minister for Local Government and Homelessness in October 2019, support was offered to see if the timetable could be met before the July deadline. An independent advisor met with officers before Christmas and advice was received in

January, confirming it would be better to take longer to prepare a robust defensible plan. The Council's Development Plan and Infrastructure Panel has considered the findings, and it is expected that more details will be placed on the council's website next week. It is envisaged that a formal revision to the Plan timetable in the Local Development Scheme will be brought to Cabinet and Council in due course.

Does CDC have a final list of outstanding evidence / items needed to complete a Local Plan for submission?

Answer:

The report Local Plan Review - Responses to Preferred Approach Consultation and Way Forward considered by Cabinet and Council in December 2019 set out a programme of technical work required.

What are the barriers to completing the above such list of outstanding items? If resources then surely the £483,900 uncommitted revenue budget (see item 14: Budget Spending Plan 2020) could be spent on "Getting the Local Plan done" rather than being transferred to 2021/22 to mitigate the expected deficit or being spent on defending unwanted planning applications and consequent appeals - indeed, are the latter costs included in the 2021/22 budget as they will be significant?

Answer:

The Local Plan has not been delayed through lack of financial commitment by the Council. Preparing a Local Plan is an iterative process, informed by evidence and consultation responses. Not all the evidence and work can be undertaken concurrently – there is a sequence to the process so that each step is informed by evidence. This involves the commissioning and timely preparation of evidence based studies by consultants on behalf of the Council but also a reliance on effective and ongoing 3rd party engagement e.g. with Highways England, Environment Agency and Southern Water which means that effective progress is not entirely within the Council's control.

Will the 40% cap be lifted from CDCs housing requirements? What exactly will the revised numbers be?

Answer:

The government's standard methodology for assessing housing need includes a 40% cap, with reference to either previous plan targets or household projections. After 15 July 2020 the cap will be applied to household projections rather than the previous Plan figure. The impact of that is that this year the figure derived from the methodology rises from 609 dwellings per annum to 628 dwellings per annum.

Does the Preferred Option Local Plan still stand or, especially in light of 4 above, is it back to the drawing board?

Answer:

It is not back to the drawing board. The report Local Plan Review - Responses to Preferred Approach Consultation and Way Forward considered by Cabinet and Council in December 2019 outlined how the distribution of development across the Local Plan area

would be subject to further review – but the Preferred Approach document remains the most recent formal iteration of the emerging Local Plan. In addition, evidence studies are still relevant.

If the Local Plan is delayed does this mean that all successful planning applications will count as windfall and therefore be ignored in the delayed Local Plan?

Answer:

No. Any sites with permission, or granted permission after 1 April 2019 will count towards meeting the overall plan target, and will be reflected in the next version of the Plan.

Who is responsible for this fiasco and what is your exact timeline and strategy to reduce the appalling prospect of unplanned housing in the District? Bosham Parish Council is dismayed at the failure of CDC Councillors to “Get the Local Plan done” -

Answer:

The Council recognises and is similarly concerned about the implications of development preceding the Local Plan review and is considering actions to seek to manage and mitigate the impacts. A formal report will be brought to Members as soon as possible on this important matter. However I should explain that even if the Council decided to go ahead and submit its Local Plan prior to 14 July (i.e. within the 5 year period stipulated), this would not benefit the basis on which the Council’s 5 year housing land supply is calculated after that date, or the resulting implications for the determination of planning applications. It is the Council’s view therefore that the 5 year review period imposed on the Council by the last Local Plan Examiner was in reality, unrealistic and unachievable.

96 **2020-21 Treasury Management and Investment Strategies and Capital Strategy update**

The Chairman invited Mr Wilding to introduce the item and drew attention to the report which could be found on pages 15 to 17 of the Cabinet agenda for 4 February 2020. She confirmed that there were two recommendations to Council detailed on the agenda front sheet.

Mr Wilding explained that the council is required by both the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Ministry of Housing and Local Government (MHCLG) to approve a Treasury Management Strategy, an Investment Strategy and Capital Strategy each year. He drew attention to new section to the Treasury Management Strategy (page 14 of the Supplement to the agenda pack). The new section to read as follows:

Ethical Investments

Statutory guidance issued by CIPFA and MHCLG makes it clear that all treasury investments must adopt security, liquidity and yield (SLY) principles; ethical issues then play a subordinate role to those priorities. Nevertheless, there are a growing number of financial institutions and fund managers promoting Environmental, Social and Governance (ESG) products. The Director of Corporate Services will consider such investments when deemed appropriate within the Council’s overall treasury management policies, objectives and the risk management framework set out in this document.

Mr Wilding outlined a number of other changes to the draft Treasury Management and Investment Strategy (the page numbers referenced relate to the small figures in the agenda pack):

- On page 6, the figures in Table 2 now include Forecast CIL balances.
- On page 7, a new section on proportionality has been included.
- On page 9 and 10: The limit on non LAPF pooled funds has been increased from £25 million to £30 million and a new investment vehicle, Real Estate Investment Trusts (REITs) included with an investment limit of £4 million.
- On page 14, Table 5 increased Treasury Investment Limits for each type of investment.
- On page 16, Table 6 increased limits for external debt.

Mr Wilding added that last year the council was required to publish a Capital Strategy for the first time. The Strategy is an overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local services and how associated risk is managed by the council. The Capital Strategy for 2020/21 to 2024/25 remains unchanged from last year except for updated figures in the tables.

Mr Wilding explained that the Treasury Management, Investment and Capital Strategy were reviewed by the Corporate Governance and Audit Committee on 23 January 2020 and the Committee made the following recommendations:

- In the Treasury Management Strategy, a new section on Ethical, Social and Governance Investments should be included at the end of the section on pooled funds on page 12. A copy of this has been distributed to members of the Cabinet.
- Before making a potential investment decision with respect to Real Estate Investment Trusts (REIT) officers will after obtaining the appropriate professional advice consult the Cabinet Member for Financial Services and the chairman of the Corporate Governance and Audit Committee.

Further to the February Cabinet meeting Dr O'Kelly requested that all the documents related to the item be amalgamated into one easy to read document. Mr Ward agreed to update the document as necessary.

Mr Plowman requested information on the Coronavirus market reactions. Mr Ward explained that the Coronavirus had been an unforeseen risk although the council has £500,000 in reserves specifically to address fluctuations in fair value of investments. He confirmed that any stock market losses would only be recognised at the point of disposal.

Mr Wilding proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. That the Treasury Management Policy Statement, the Treasury Management Strategy Statement, the Investment Strategy, and the relevant Indicators for 2020-21, as amended be approved and;
2. The Capital Strategy for 2020-21 to 2024-25 be approved.

The Chairman invited Mrs Taylor to introduce the item and drew attention to the report which could be found on pages 27 to 31 of the Cabinet agenda for 4 February 2020. She confirmed that there were two recommendations to Council detailed on the agenda front sheet.

Mrs Taylor explained that the Infrastructure Business Plan (IBP) is updated each year. The IBP prioritises the strategic infrastructure projects from the Infrastructure Delivery Plan (IDP) necessary to deliver the growth identified in the Chichester Local Plan, particularly within the five year period 2020-2025. It includes updates and new projects put forward by West Sussex County Council (WSCC) and the key infrastructure commissioners. The IBP sets out the methodology for selecting which infrastructure projects have been prioritised for funding from the Community Infrastructure Levy (CIL) during the five year period from 2020 to 2025 which will be funded from S106/S278 agreements and which infrastructure projects are or would need to be, funded from other sources.

Mrs Taylor confirmed that the IBP was subject to six weeks consultation from 7 October to 18 November 2019 with the city, town and parish councils, WSCC, Neighbouring Planning Authorities including the South Downs National Park Authority and key infrastructure delivery commissioners.

Mrs Taylor then drew attention to appendix 1 and appendix 2 which details the views of the Chichester Growth Board which met on 9 January 2020 and the Development Plan and Infrastructure Panel (DPIP) which met on 16 January 2020 to consider the proposed responses to the representations received as a result of the consultation. Mrs Taylor explained that since the implementation of the CIL on 1 February 2016 a total of £9,828,007 had been collected to date (4 December 2019). At the end of October 2019 the total amount handed over to parishes was £1,666,648.

Mrs Taylor then outlined two new transport projects requested by WSCC:

- IBP/840 - (College Lane/Spitalfields Road Junction improvements) to make it suitable for shared use in years 2021/22 (cost estimate £60,000 to be fully funded from CIL)
- IBP/841 - (Chidham Sustainable Transport Improvements) to widen the existing footways to accommodate shared use to start 2022/23 (requesting £500,000 from CIL together with S106 from new developments at total cost estimate of £1.8 – 2 million)

Mrs Taylor explained that WSCC also sought a number of amendments.

With regard to IBP/349 - A286 Birdham Road/B2201 (Selsey Tram Roundabout) junction WSCC is currently undertaking feasibility work. The project is currently included in the CIL Spending Plan for £111,000 however the costs have increased and the CIL request is now for £440,000. Mrs Taylor explained that the increase is due to a change in the options under consideration which are different from the scheme envisaged at the time planning permission was granted.

With regard to IBP/353 (Sustainable transport corridor, City Centre to Westhampnett) Mrs Taylor explained that the project had been moved back from 2019/20 to 2020/21.

With regard to IBP/659 (school access improvements – drop off and pick up arrangements at expanded primary schools – Manhood Peninsula) Mrs Taylor confirmed that the project had been moved back from 2020/21 to 2021/22.

Mrs Taylor then explained that IBP/665, 655 and 654 had been amalgamated into two projects and the costs equally divided resulting in the deletion of IBP/654. IBP/655 (Phase 2 of the Chichester Road Space Audit) at a cost of £375,000 has been re-phased from 2020/21 to 2021/22 and IBP/665 (Phase 1 of the Chichester Road Space Audit) will cost £375,000 for 2020/21.

Mrs Taylor then outlined additional officer amendments as follows:

- IBP/721 (page 29, 3rd bullet point) to read IBP/721 Drainage improvements, Cheshire Crescent, Tangmere
- IBP/720 (page 135 of the supplement, 4th column) *quote awaited* to read *quote received £1,950*
- IBP/655 (page 142 of the supplement, last row) the figure should read £375,000
- IBP/665 (page 143 of the supplement last project) the figure should read £375,000

With regards to IBP/840 Mrs Lishman wished to clarify that it should refer to Spitafield Lane, rather than Spitafields Road.

Mr Brown requested reassurance that there would be no immediate rush for the parishes to spend the CIL money.

Mr Oakley emphasised the importance of maintaining a robust approach towards the assessment of business cases given that there is a finite level of funding.

Mrs Taylor explained that there is a protocol. Mr Frost added that each allocation of funding requires a detailed business case.

Mr Moss wished to note the inclusion of the cycle route.

Mrs Sharp requested a list of the updates that had been read out. Mrs Taylor agreed to send the updates.

Mrs Taylor proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. That the proposed responses to the representations received and subsequent modifications to the Infrastructure Business Plan (IBP) as set out in Appendix 1 be approved; and
2. The amended IBP including CIL Spending Plan attached as Appendix 2 be approved.

98 Allocation of Commuted Sums to Deliver Affordable Housing

The Chairman invited Mrs Graves to introduce the item and drew attention to the report which could be found on pages 15 to 18 of the Cabinet agenda for 3 March 2020. She confirmed that there were two recommendations to Council detailed on the agenda front sheet.

Mrs Graves explained that in certain circumstances the council accepts commuted sums from developers in lieu of the provision of affordable housing. The funding is used to support alternative schemes which Registered Providers are able to bring forward. She confirmed that the council is keen to support schemes which deliver homes at social rent levels which both the schemes recommended do. The Worthing Homes scheme in Bracklesham will provide nine homes for rent including one wheelchair accessible unit. The Chichester Greyfriars' scheme will provide eight new homes for older people as part of their existing development at Royal Close, Chichester. Both schemes will also attract Homes England funding.

Mr Brown requested clarification on whether any of the council's registered providers have additional capacity to deliver additional affordable housing. Mrs Graves explained that the schemes addressed by the report are suitable for funding and the council will take such opportunities as they arise. Mrs Rudziak added that the council's registered providers have all been made aware of the funding available (approximately £1 million). She explained that each provider has a different level of capacity that they can offer. In some cases the provider will have to acquire the land and borrow money to build, whereas in other cases the land may already be owned with reserves available.

Mrs Sharp wished to note that when building additional housing consideration should be given to road crossings. Mr Oakley suggested that Mrs Sharp may wish to investigate the West Sussex County Council Communities Highway Scheme further.

Mrs Lintill confirmed that at the Cabinet meeting earlier in the day Mr Moss had read out Mrs Sharp's statement relating to this item in full.

Mr Graves proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. The allocation of grant of £438,750 to Worthing Homes to support the development of 9 social rented homes on a site at Middleton Close, Bracklesham, funded from commuted sums.
2. The allocation of grant of £160,000 to Chichester Greyfriars Housing Association to support the development of 8 social rented homes at Royal Close, Chichester, funded from commuted sums.

99 Housing Strategy 2020-25

The Chairman invited Mrs Graves to introduce the item and drew attention to the report which could be found on pages 19 to 21 of the Cabinet agenda for 3 March 2020. She confirmed that there was one recommendation to Council detailed on the agenda front sheet.

Mrs Graves explained that the purpose of the Housing Strategy is to set out a long term vision of the council's aspirations for meeting housing need over the next five years. The strategy replaces a number of separate documents which have been produced in the past, the intention being to provide a single comprehensive housing strategy covering:

- Homelessness
- Private sector renewal
- The delivery of new affordable housing

Mrs Graves then clarified the aim to provide a concise statement of the council's priorities, indicating the reasons why these priorities had been chosen and setting them in the context of the resources opportunities and constraints. She explained that the Strategy aims to strike a balance between producing something which is detailed enough to be meaningful but concise enough to be readable and accessible. The strategy is the product of work with a variety of stakeholders and partners and has been the subject of consultation with members including the Overview and Scrutiny Committee. It represents an ambitious but achievable plan to respond to the pressing housing issues so many residents face.

With reference to page 7 of the agenda pack Mr Johnson drew attention to the number of homes being built on the coastal plains which do not account for the affordable housing numbers set. Mrs Rudziak explained that the affordable housing figures are under review and if the delegation were to be approved could be amended under delegated powers in line with the Local Plan Review.

Mr Johnson requested clarification on whether certain locations would be required to have a specific number of affordable homes or whether the figures are for the district as a whole. Mr Frost explained that how best to meet the affordable housing need would be a matter for Cabinet and Council going forwards.

Dr O'Kelly referring to page 22 of the agenda pack emphasised the need for housing to identify what is needed to boost community resilience. She requested clarification of how the districts housing stock can achieve the zero carbon targets and suggested that a strategy be put in place. Mrs Plant explained that the Environment Panel would be considering the council's own buildings primarily.

Mr Brown requested the addition of a clear definition of affordable housing. Mrs Lintill explained that the same request had been raised at Cabinet in the morning.

Mrs Lishman requested confirmation that the figures detailed at point 6 on page 2 of the appendices pack of 1000 affordable homes by 2025 remain accurate. Mrs Rudziak explained that the figures are intended although the locations are yet to be defined.

Mr Hughes requested the following considerations be made when creating the strategy:

- The green agenda
- Infrastructure
- Enforcement of council standards on Registered Housing Providers
- Relating affordable housing to Hedna
- Challenging developers where necessary
- Ensuring those in private rented accommodation are looked after
- Adequate staffing levels to carry out the work required

Mrs Shepherd confirmed that suitable zero carbon wording would be included. She added that staffing levels had been considered as part of the spending review. She then reminded members that ultimately they would need to agree the future priorities and how the council's funds should be spent. Mrs Rudziak added that Registered Housing

Providers are regulated and the standards for let properties were addressed as part of a Housing Task and Finish Group in the last administration. She clarified that the 30% affordable housing figure in the Local Plan Review had not yet been set.

Mr Oakley requested clarification of the degree to which commuted sums cover the costs of delivering affordable housing. Mrs Rudziak explained that it depends on the organisation and their reserves. It may be part funded by their capital, loans supported by rents, and S106 allocations by the Council.

Members supported the approach of a 'living' document which could be modified as required. Mr Moss as Chairman of Overview and Scrutiny Committee (OSC) agreed that OSC would be an appropriate place to carry out the review.

Mrs Graves proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. That the Housing Strategy 2020-25 be adopted.
2. That the Director of Housing and Communities is granted delegated authority to make modifications to the Strategy in order to align with the emerging Local Plan Review.

100 Report of the Independent Remuneration Panel

The Chairman welcomed and introduced Mr Pressdee, Mr Bevis and Mr Thompson who make up the council's Independent Remuneration Panel (IRP). Mr Pressdee the IRP Chairman then outlined the methodology used by the Panel and referred members to the recommendations made on pages 4 and 5 of the agenda supplement for the Cabinet meeting of 3 March 2020. Mr Pressdee drew particular attention to the Carers Allowance recommendation to bring the amount in line with the West Sussex County Council Carers Allowance. He added that 25 out of 36 members had responded to the questionnaire sent out and the response to the time taken to carry out tasks had been considered in making the recommendations.

Mrs Apel questioned whether the Overview and Scrutiny (OSC) and Corporate Governance and Audit (CGAC) Chair's should be given the same allowance.

Mr Brown referred members to a proposal which had been circulated in hard copy to members prior to the meeting. The proposal was as follows:

Council has considered the report of the Independent Remuneration Panel and in particular parts 3.13, 3.14 and 3.15. In light of the increased workload and time commitment required of councillors since boundary changes took effect in 2019 this council resolves to accept the recommendations of the Independent Remuneration Panel except for 2.2 and 3.18.

Instead, the Council resolves to increase the Members Basic Allowance such that the total financial impact to the council and the tax-payer after the changes to councillor numbers and ward boundaries is cost-neutral.

Mr Brown emphasised that the proposal is cost neutral and would recognise the additional work of all members since the boundary changes and acknowledge those members who take annual leave to attend meetings.

Mr Moss seconded the proposal.

Mr Oakley requested clarification on where Chichester stands in relation to other council's.

Several members referenced the need for allowances to allow the membership to be more widely representative.

Mrs Johnson wished to note her appreciation for the acknowledgement of carers.

Mr Johnson commented that the Leader of the Opposition and the Chair of Overview and Scrutiny if the same person can only receive one allowance which is less than a Cabinet member although he felt the work was equivalent.

Mrs Purnell reminded members that the allowance should not be viewed as a salary.

Mr Ward confirmed that the draft budget had not been reduced to reflect the reduction in membership from 48 to 36, and could therefore accommodate £35,400 for Mr Brown's proposal.

Mr McAra drew attention to the Licensing Sub-Committee allowance which he explained is no longer relevant and should be removed.

Mrs Duncton explained that the work of the IRP should be supported given the research and time spent on carrying out the review.

Mr Johnson proposed that 3.23 be amended to state:

If the Leader of the Opposition is also the Chairman of Overview and Scrutiny Committee then the allowance shall match that of a Cabinet member.

The proposal was seconded by Rev Bowden.

Mr Pressdee in response to members explained that uplifting the allowance would take Chichester up the South East Employer list of council's allowances. He confirmed that the Licensing Sub-Committee allowance had been included in error and should be removed.

Mrs Lintill then proposed that the standard member's allowance figure be amended to £5,500 with the removal of the Licensing Sub-Committee allowance. Mrs Graves seconded the proposal.

Following a request from Mr Moss, Mr Johnson withdrew his proposal.

Mr Bennett reminded members that the views of the Panel should be respected and should only be disregarded where there is significant evidence to back it up.

Following a request from Mr Dignum, Mrs Lintill withdrew her proposal.

Mr Dignum proposed that the original proposal of the IRP be voted on. Mr Potter seconded the proposal.

In a show of hands the Council voted in favour.

RESOLVED

That the recommendations of the Independent Remuneration Panel as set out on pages 4 and 5 of the Cabinet agenda supplement for 3 March 2020 be approved subject to the following amendment:

Removal of the allowance for members of the Licensing Sub-Committees.

Members took a 5 minute break.

101 Budget Spending Plan 2020 - 21 & Council Tax Resolution

The Chairman invited Mr Wilding to introduce the item and drew attention to the report which could be found on the amended document circulated to members prior to the meeting. He confirmed that there were six recommendations to Council detailed on the front sheet.

Mr Wilding explained that the report follows on from Council's approval of the Financial Strategy in December. Cabinet reviewed and then recommended the budget and level of Council tax in February. The Report to February's Cabinet set out the Budget Spending plans of each of the portfolios and these plans together with the various funding streams, underpin the balanced budget. The budget process involves close working between individual budget managers and the Council's finance team. The process ensures that service delivery priorities are met within the constraints on public sector financial resources.

He added that the draft financial settlement from the Government was broadly as anticipated, and this draft was finalised last week unchanged. Effectively the 2020-21 settlement is an extension to the previously agreed four-year settlement due to the Government Funding reforms being delayed until at least 2021-22.

He confirmed that it is an important statutory requirement that the council has a balanced revenue budget over the period of the 5 year financial strategy. Some of the key variables and issues that impact the forthcoming financial year are detailed in this report and supporting appendices, namely, income from fees, charges and rents; use of reserves; and Council tax.

Mr Wilding explained that he recommended that the council takes up central government's offer of allowing a rise in Council Tax by £5 for Band D properties (or less than 10 pence per week) and equivalent increases for other property Bands. The change would help to offset the continued reduction of central government funding. The Council Tax increase will generate an extra £270,667 per year and assist in closing the budget deficit that would otherwise emerge in the medium term. Not to approve would leave the Council with a deficit to address in later years. This measure is taken alongside the continuing work on the 2016 deficit reduction plan which aims to generate further income and savings amounting to just under £1m over the next 5 years. Mr Wilding pointed out that this Council continues to protect the most vulnerable in our community by maintaining 100% council tax relief for those in most need.

Mr Wilding then referred to the agenda supplement for the Cabinet on 4 February where the overall 2020-21 budget is summarised in the income and expenditure statement at page 62 and 63. A corrected page 63 was circulated as a supplementary Cabinet agenda paper. The correction shows a net revenue requirement of £14.236 million. The draft budget shows a net surplus of £484,000 for 2020-21. However, the Council's approved Financial Strategy shows that in the two subsequent years the total deficit is forecast to be £500,000. This deficit is largely due to spending reductions by WSCC which have resulted in additional costs to this Council of approximately £1m per annum. It is therefore prudent to reserve the 2020-21 surplus by transferring it to the Council's General Fund Reserve in order to off-set future deficits and avoid unwanted service reductions.

He then outlined that the budget process identifies major variances by department and service area between the 2019-20 budget and that for 2020-21 in the February Cabinet Supplement pack (on pages 64 and 65). The variances are explained in the notes section on page 66 to 69. The most significant variation is the loss of recycling credits which amounts to £769,000 per year.

He then confirmed that as in previous years members from both Overview and Scrutiny and Corporate Governance and Audit committees nominated members to form a joint Task & Finish group (TFG) to review and scrutinise the budget spending plans as part of the process in drafting this budget that is presented today. The T&F members reported back to their respective committees that they were satisfied with the explanations given by officers at the meeting.

Mr Wilding then drew attention to the budget summaries by portfolio on pages 71-86, in the supplement pack. The details behind these figures can be found in the draft budget book on to the council's website. The Capital and Projects Programme and Asset Replacement Programmes are set out at page 87 and page 93 respectively and the Resources Statement is at page 103. All projects included in the Capital Programme have already had approval from the Cabinet and Council, but some may be subject to a separate future report along with a Project Initiation Document before the funding is released. He confirmed that the Statement of Reserves remains robust and healthy and is shown at pages 105-113. This statement also highlights the purpose of specific reserves and the respective authorisations for their use, and demonstrates that the Capital Programme and Asset Replacement Programmes are fully funded, as demonstrated in the prudential indicators set out in page 115 of the supplement pack, along with the Council's Minimum Revenue Provision (MRP) Policy (pages 116-117) which states our arrangements for the repayment of any debt. This is a requirement of the Prudential Code even if the Council is debt free.

With reference to the Council Tax Resolution Report on page 1 of the agenda supplement Mr Wilding explained the proposals through to the legal Resolutions necessary for setting the Council Tax, incorporating the precepts required by West Sussex CC, Town and Parish Councils and The Police and Crime Commissioner for Sussex. The overall proposed Council Tax by band for each parish, broken down by precepting authority, is set out in Appendix B (page 7 to 16).

Mr Wilding then thanked Mr Ward, Mrs Belenger and all the finance team for their hard work and diligence on this year's budget.

Mr Wilding then invited Mr Ward to confirm the amendments to the recommendation following the approval of schemes at Cabinet and Council (3 March 2020). Mr Ward confirmed that recommendation 2.1 v should be amended to read:

That the uncommitted revenue budget of £521,800 be transferred to the General Fund Reserve to mitigate the deficit expected in 2021-22.

Mr Moss then proposed the following amendments:

Amendment to recommendation 1.4

That sufficient part of the uncommitted revenue budget of £521,800 be held in earmarked reserves while Cabinet gives proper consideration to the following initiatives to be funded from these reserves:

- a) The urgent employment of Planning Consultants and Legal Advisors to support Officers of the Council in preparation of the Local Plan and provide direct assistance to Parish Councils in the preparation of their Neighbourhood Plans. The maximum costs to be £150,000.*
- b) £100,000 to be allocated between the 4 Air Quality Management Areas (AQMA's) to deliver projects to decrease air pollution specifically in these hazardous areas. The money could be used flexibly for consultancy as well as being available to fund greening projects.*
- c) Financial support for the delivery of the Local Cycling and Walking Infrastructure Plans (LCWIPs) to increase safe and sustainable cycle journeys across the District. Consideration to be given to incentive schemes (e.g. Love to Ride), physical infrastructure delivery and the creation of a temporary part or full time post of an Active Travel Officer who would coordinate with colleagues at West Sussex County Council. The total costs to be £120,000.*

Any remaining balance of the uncommitted revenue budget to be placed in the General Fund Reserve.

Amendment to recommendation 1.5

That the capital programme, including the asset renewal programme (appendix 1c and 1d of the agenda report) be approved subject to modification by:

- a) The earmarking of £1,000,000 of what is current General Fund reserves (approximately 10% for the projected 2019-2023 fund) for a new Climate Capital Investment Reserve to be used to stimulate rapid and significant carbon reductions across the District.*
- b) The Environment Panel is tasked to work with the newly appointed Climate Emergency Officer to draw up criteria by which proposals to draw down funding from this reserve could be evaluated.*
- c) Final approval of any uses of the fund to be made by Cabinet and Council.*

Additional recommendation

Council notes that the very positive all-member workshop on the review of the Corporate Plan, facilitated and supported by peers from the Local Government Association, took place too late to feed meaningfully into the budget-making process.

In order that all councillors can contribute fully the Council therefore resolves to:

- a) Begin the Corporate Plan and budget-setting process in June rather than September, or as early as necessary for all councillors to consider the shape of the budget in conjunction with the Corporate Plan.*
- b) Bring forward member workshops in line with the above, including any to which Local Government Association Peers are invited, subject to their availability, so that new priorities may be identified and considered in the new budget.*
- c) Ensure that confident dedicated officer support be allocated to opposition groups early in this process to enable all members to make informed, legal and properly costed contributions to the process including well-drafted amendments and/or to put an alternative budget to the Council for consideration.*
- d) Ensure that nothing in items A, B or C should impact upon deadlines imposed upon the Council by law and/or auditing requirements.*

Mr Johnson added the following amendment recommendation 1.4:

Taking into account any earmarked reserves resulting from amendments to agenda item 14, the remaining balance of the uncommitted revenue budget be transferred to the General Fund Reserve to help mitigate the deficit expected in 2021-22 providing it is available to help staff access the support they need to mitigate stress at work and it is not needed to help independent 'small shop' traders mitigate any negative economic impact of the Covid-19 outbreak by providing assistance with their rent payments.

Both combined proposals were seconded by Mr Hughes.

Members took a short break to allow discussion of the proposals.

Mr Ward responded to the proposals and explained that the proposals would not short cut the approval process for any project funding. Projects would still require a PID and then approval by Cabinet, or if over £100,000 approval by Full Council. He added that putting money into general funds rather than ringfencing allows greater flexibility of spend and less constraints.

With regard to the timescale of the Budget Mr Ward explained that the Budget timetable starts in August. It is then taken to a Cabinet Strategy meeting in September/October. The Business Routeing Panel also see the budget timetable proposals. The Panel includes the Chairs of Corporate Governance and Audit Committee and Overview and Scrutiny Committee. There is also a Budget Task and Finish Group which consists of appointed members from both Committees. The opposition leader is also invited to strategy days.

Mr Ward went on to stress that the council is in an extremely unstable period financially as the government have not confirmed funding beyond one year, and the extent to which we are reliant on the local economy to generate income from fees and charges to balance our budget. The emergence of the Corona virus is a significant threat to the world economy and was not a risk that was foreseen when the financial strategy was approved before Christmas. Mr Ward therefore urged caution when considering committing the balance of the revenue budget.

Members discussed their views in support and against the proposals. Mr Brown referred to his proposal and explained that the amendments had been designed to make sound business cases. He asked that members be given budget options to choose from.

Mr Sutton proposed that a vote be taken. This was seconded by Mr Dignum.

The results of the first recorded vote on the amendment proposed by Cllr Moss and Cllr Tim Johnson which was seconded by Cllr Hughes were as follows:

Cllr Apel – For
Cllr Bangert – For
Cllr Barrett – Absent
Cllr Barrie – Absent
Cllr Bell – Against
Cllr Bowden – For
Cllr Briscoe – Against
Cllr Brown – For
Cllr Dignum – Against
Cllr Duncton – Against
Cllr Elliott – Against
Cllr Evans – For
Cllr Fowler – For
Cllr Graves – Against
Cllr Hamilton – Against
Cllr Hobbs – Against
Cllr Hughes – For
Cllr D Johnson – For
Cllr T Johnson – For
Cllr Lintill – Against
Cllr Lishman – For
Cllr McAra – Against
Cllr Moss – For
Cllr Oakley – Against
Cllr O’Kelly – For
Cllr Page – Absent
Cllr Palmer – Against
Cllr Plant – Against
Cllr Plowman – Absent
Cllr Potter – Against
Cllr Purnell – Against
Cllr Rodgers – For
Cllr Sharp – For
Cllr Sutton – Against
Cllr Taylor – Against
Cllr Wilding - Against

Total – 14 For, 18 Against, 0 Abstain, 4 Absent

The amendment was not carried.

The results of the second recorded vote on the recommendations (as amended) were as follows:

Cllr Apel – Abstain
Cllr Bangert – Abstain
Cllr Barrett – Absent

Cllr Barrie – Absent
Cllr Bell – For
Cllr Bowden – Against
Cllr Briscoe – For
Cllr Brown – Against
Cllr Dignum – For
Cllr Duncton – For
Cllr Elliott – For
Cllr Evans – Against
Cllr Fowler – Abstain
Cllr Graves – For
Cllr Hamilton – For
Cllr Hobbs – For
Cllr Hughes – Abstain
Cllr D Johnson – Against
Cllr T Johnson – Against
Cllr Lintill – For
Cllr Lishman – Abstain
Cllr McAra – For
Cllr Moss – Against
Cllr Oakley – For
Cllr O’Kelly – Against
Cllr Page – Absent
Cllr Palmer – For
Cllr Plant – For
Cllr Plowman – Absent
Cllr Potter – For
Cllr Purnell – For
Cllr Rodgers – Against
Cllr Sharp – Against
Cllr Sutton – For
Cllr Taylor – For
Cllr Wilding - For

Total – 18 For, 9 Against, 5 Abstain, 4 Absent

The recommendation as amended was carried.

RESOLVED

1. That the following as submitted to and recommended by the Cabinet as the Budget for 2020-21 be approved:
 - a) The 2020-21 Net Revenue Budget in respect of the Council’s own services be approved at £14,235,800.
 - b) The 2020-21 Council Tax Requirement in respect of the Council’s own services be approved at £8,975,796.
 - c) That Council approve a Council Tax of £165.81 (Band D equivalent). This represents a £5.00 (3.11%) increase on the Band D charge.
 - d) That the uncommitted revenue budget of £521,800 be transferred to the General Fund Reserve to mitigate the deficit expected in 2021-22.

- e) That the capital programme, including the asset renewal programme (appendix 1c and 1d of the February Cabinet report) be approved.

2. That Council approve the Resolutions in Appendix A.

102 **Request for delegated authority - Carry forward requests**

The Chairman invited Mr Wilding to introduce the item and drew attention to the report which could be found on pages 23 to 25 of the Cabinet agenda for 3 March 2020. She confirmed that there were two recommendations to Council detailed on the agenda front sheet.

Mr Wilding explained that the report seeks permission for an update to be made the Council's Financial Regulations for the approval of budget carry forward requests. The current approval process for budget carry forward requests is now considered to be an inefficient use of both officer and member time as outlined in paragraph 3.1 of the report. It is proposed that the Council's Financial Regulations are updated to delegate authority for the approval of budget carry forward requests to the S151 Officer following consultation with the Chief Executive. These senior officers will scrutinise each request to ensure that there is a genuine reason for slippage on the budget and guarantee that the funds are used for the same purpose as was originally agreed by members when the budget was set. In order to maintain transparency of this new procedure with members, it is proposed that the details of all carry forwards agreed by the S151 officer are included in the Statement of Accounts outturn report considered annually by the Corporate Governance and Audit Committee. This new approach will allow officers of the Council to manage the resources made available to them by members in a more efficient and effective way in order to deliver the Council priorities, and free up member time in Committees considering reports on topics that could be dealt with more efficiently by senior officers.

Mr Johnson asked whether given the Coronavirus outbreak members would have an option to decide whether to use the funds to mitigate any impact. Mr Ward explained that if the funds were to be used for a different purpose a report to Cabinet (or Council if over £100,000) would be required as per the Constitution. Mr Hobbs added that officers with delegated authority are held to account via the Corporate Governance and Audit Committee.

Mr Wilding proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. That the Council's Financial Regulations are updated in order to delegate authority for the approval of budget carry forward requests to the Director of Corporate Services (the Council's S151 officer) following consultation with the Chief Executive.
2. To ensure transparency of budget carry forwards to members, the details of all carry forwards agreed by the S151 Officer to be included in the draft Statement of Accounts outturn report considered annually by the Corporate Governance and Audit Committee.

103 **Rough Sleeper Initiative Grant**

The Chairman invited Mrs Graves to introduce the item and drew attention to the report which could be found on pages 27 to 29 of the Cabinet agenda for 3 March 2020. She confirmed that there were two recommendations to Council detailed on the agenda front sheet.

Mrs Graves explained that the Strategy requires collaboration from central and local government as well as the local community. She confirmed that the council has received a total allocation of £230,465 to deliver rough sleeper services in Chichester. The Grant requires the funds to be spent on specific activities in line with the guidance. It is therefore proposed that funding be spent on the following:

- Retention of the Navigator post appointed by Stonepillow last year on a 12 month contract
- Retention of Lettings Officer post appointed by Stonepillow last year on a 12 month contract
- Additional staffing resources to extend the council's support of rough sleepers
- Extending the opening hours of Stonepillow's day services and hub
- A new Dual diagnosis Worker post to be appointed by Stonepillow

Mrs Graves proposed the recommendation which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. That Cabinet recommends to the Council that delegated authority is given to the Director of Housing and Communities, following consultation with the Cabinet Member for Housing Services, to spend the Rough Sleeper Initiative (RSI) Grant set out in para 5.1 of the agenda report in accordance with the terms of the grant.
2. That Council accommodate receipt and spending of the Rough Sleeper Grant when considering the annual Budget Spending Plan report 2020-21.

104 Senior Staff Policy Statement

The Chairman invited Mr Wilding to introduce the item and drew attention to the report which could be found on pages 31 to 33 of the Cabinet agenda for 3 March 2020. She confirmed that there was one recommendation to Council detailed on the agenda front sheet.

Mr Wilding explained that each year the Council is required to publish a Pay Policy Statement as part of the requirements of the Localism Act 2011. The statement must be agreed by Full Council. The intention of the statement is to ensure that as a public body the council is fully transparent in terms of our pay policies and levels of pay for senior staff. The Council publishes the Senior Pay Policy Statement (attached at Appendix A) and the associated appendices (1 to 9). Appendix 1 shows senior staff pay on 1 April 2020 and clarifies that during the last year the number of Directors has reduced from six to four with their responsibilities reallocated to the remaining Directors with an additional reduction in two Divisional Managers. In Appendix 6, relocation expenses have increased in line with CPI. The rest of the appendices remain unchanged since last year's report and so have not been included but they are available on the council's website.

Mr Wilding confirmed that the County Adaptions Manager role manages the Disabled Facilities Grants across West Sussex. The role is hosted by the council with the salary costs split across the West Sussex partnership.

Mr Wilding proposed the recommendation which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

That the Senior Staff Pay Policy Statement 2020-2021 be agreed for publication.

105 Tangmere Strategic Development Location - Chichester District Council (Tangmere) Compulsory Purchase Order 2020

The Chairman invited Mrs Taylor to introduce the item and drew attention to the report which could be found on pages 35 to 180 of the Cabinet agenda for 3 March 2020. She confirmed that there were four recommendations to Council detailed on the agenda front sheet.

Mrs Taylor explained that the current Local Plan makes provision for the delivery of 7,388 homes over the period 2012-2029. Of the 7,388 homes, 3,250 are to be provided at the Strategic Development Locations, the second largest of which at 1,000 dwellings at the Tangmere Strategic Development Location (TSDL). It represents approximately 14% of the total housing need for the Local Plan Area and 31% of the total housing need to be provided by the Strategic Development Locations. In addition the emerging Local Plan makes provision for 1,300.00 dwellings. Therefore delivery of the Tangmere TSDL is critical to delivery of the Council's housing target. The land comprises approximately 76 hectares and is shown coloured pink in Appendix 2. The site has been identified for residential development since 2010 and was formerly allocated for residential development since 2015 after adoption of the current Local Plan.

Mrs Taylor further explained that the land has a number of land owners and promoters. Despite the council being assured by the landowners and site promoters over the past ten years that there was progress in terms of commitment to jointly deliver the residential development and associated infrastructure there has been no material progress in terms of comprehensive delivery of the site. It is essential that development comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development and to guarantee that such infrastructure be delivered in a cohesive and co-ordinated manner. Comprehensive development is also necessary if best and most efficient use is to be made of the TSDL. A piecemeal approach could render some parcels unviable, resulting in the risk that the TSDL fails to come forward in its entirety and fails to provide the necessary infrastructure required. By taking a piecemeal approach it is highly unlikely the TSDL would deliver the 1000 homes or the 1,300 homes in the emerging Local Plan. Paragraph 6.8 of the report sets out in greater detail the reasons why a piecemeal approach is inappropriate.

Mrs Taylor confirmed that as a result of the lack of progress the council has no alternative but to make use of the Compulsory Purchase Order (CPO) powers available to it and after a tender exercise appointed a development partner in 2018 and subsequently entered into a Development Agreement with Countryside Properties (UK) Limited on 5 February 2019. A Masterplan of the proposed development was presented to and endorsed by the

Planning Committee on 8 January 2020. Countryside are planning to submit a planning application for 1,300 dwellings in April 2020. Table 1 on page 48 sets out the current timetable for progress of the CPO.

Mrs Taylor added that although work is progressing on the CPO there will continue to be engagement with the landowners to provide for the possibility of voluntary agreements to enable comprehensive development of the site. However, due to the lack of progress with the owners and promoters of the site despite engagement over a ten year period the council considers that it has no alternative but to progress with the CPO as the TSDL is a major contributor to the delivery objectives of both the Local Plan and the emerging LP and to the contribution of the achievement of social, environmental and economic development and wellbeing of the community.

Mr Oakley referred to the 10 year period leading up to the proposed CPO. He then requested an amendment to recommendation 3 to ensure consultation with the Cabinet member and local member. Mrs Taylor explained that the site had first been promoted in 2010 with records of engagement however the time lapsed without any credible proposals being put forward. Mr Bennett added that the legal involvement had been extensive with specialist external legal advice, two internal solicitors and a barrister. He also advised caution regarding amending the recommendation which could carry unforeseen consequences. Both the Leader and Mrs Shepherd reassured Mr Oakley that the relevant members would be consulted at the appropriate times.

Mr Plowman requested a single outline plan for the site. Mrs Taylor explained that it would be a matter for the landowners and promoters. Mr Frost added that that the CPO route was a last resort as the landowners were given as long as possible. He expected a single outline planning application to come forward in April.

Mr Johnson requested clarification of whether any of the housing quotas could be absorbed within the Local Plan. Mr Frost explained that the site had already been allocated within the current Local Plan and is identified with up to 1300 homes in the emerging Local Plan.

Mr Potter questioned the length of time and the cost to the council and commented on whether the use of CPO was excessive. Mr Bennett confirmed that a CPO is a serious step for a council to take but referred members to the justifications set out in section 6 of the report.

Mrs Taylor proposed the recommendations which were seconded by Mrs Lintill.

In a show of hands the Council voted in favour.

RESOLVED

1. The Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix B, and in particular that the Council makes the Order;
2. The Director of Planning and the Environment be authorised to settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;

3. The Director of Planning and the Environment be authorised to negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;
4. The Director of Planning and the Environment be authorised to implement the Order powers following confirmation of the Order, and so acquire title to and/or take possession of the Order Land.

106 **Questions to the Executive**

The Chairman announced that due to the time taken on previous items on this occasion *Questions to the Executive* would be removed from the agenda.

107 **Late Items**

There were no late items.

108 **Exclusion of the press and public**

There was no requirement to exclude the press and the public.

The meeting ended at 6.51 pm

CHAIRMAN

Date:

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ADDENDUM

Chichester District Council

Cabinet

8 September 2020

Council

22 September 2020

Report on Tangmere Strategic Development Location – Chichester District Council (Tangmere) Compulsory Purchase Order 2020

1 Introduction

- 1.1 This is a written addendum to the above report, specifically updating Councillors on the MoU referred to at paragraph 4.34 of the said report. Paragraph 4.34 is reproduced below and all defined terms used in the report are used within this addendum and should be interpreted accordingly.

2 Paragraph 4.34 of Report

4.34 *The Council has, on various occasions (but until recently, without any such response being received), requested to be advised of any collaboration agreement or timeframe for bringing forward the entire TSDL for delivery of housing and infrastructure in accordance with the Local Plan. In early August 2020, the Council received a letter from the representative of the Heaver family land interests stating that all principal landowners had recently concluded an MoU (which is understood to refer to a Memorandum of Understanding, although only the phrase “MoU” is used in the correspondence). At the same time, the solicitor for the Heaver family land interests sent a letter making the same assertion to the solicitor for Countryside. The MoU referred to is expressed to “make provision for agreeing detailed arrangements for formulating a Joint Strategy” and it is stated that this will include “the provision of a masterplan, land equalisation agreements and a procurement and delivery strategy to ensure timely delivery of infrastructure.” A copy of the MoU referred to has been requested from the legal and property representatives of the Heaver family land interests and the other landowners within the TSDL, but as at 26th August 2020, no copy of the MoU has been provided from any party. Without having had sight of the content of the MoU:-*

- (a) *the Council cannot be confident that there has been substantive change in the progress of the landowners in bringing forward meaningful proposals for the development of the TSDL to date; and*
- (b) *even if it can be meaningfully implemented, the MoU would clearly require a significant period of commercial negotiation by the landowners and subsequent negotiation and completion of legal agreements for the collaboration between*

the parties (including land equalisation, procurement and delivery of infrastructure) for bringing forward the TDSL, as well as the preparation, submission and approval of an alternative masterplan, planning application and Environmental Statement.

Accordingly, it is not considered that the reference to the MoU represents a reason for not progressing with the proposed Order and as at the date of this Report, the Council is not satisfied that the landowners are willing and able to work together to deliver the comprehensive development of the TSDL within any acceptable timeframe. In this regard, as noted above, the Council's housing trajectory as contained in the Local Plan anticipated delivery of dwellings at the TSDL from 2019/20 onwards. In view of this position, the Council considers the TSDL to be a stalled development site.

3 Update

- 3.1 The Council received a copy of the above referenced MoU from the property representative of the Heaver family by email on 30th August 2020. The terms of the MoU have been reviewed by the Council's legal advisers and referred to Leading Counsel (Alex Booth QC of Francis Taylor Buildings) for a considered opinion. Leading Counsel has confirmed that the provisions of the MoU do not alter the conclusion reached by paragraph 4.34 of the report, nor the recommendations of the report. It is Leading Counsel's considered opinion that the MoU does not represent a reason for not progressing with the proposed Order.
- 3.2 The terms of the MoU are not considered to represent a reason for not progressing with the proposed Order for the following reasons:-
1. Although the MoU does, as asserted by the representatives of the Heaver family *"make provision for agreeing arrangements for formulating a Joint Strategy"*, it is not considered that these can be considered *"detailed"* arrangements. The terms of the MoU set out, in broad terms, the general steps that any group of landowners might have to go through in order to promote a strategic development site.
 2. Each of the individual steps identified within the MoU have the potential to be extremely complex and time consuming and there are no definitive timescales set out within the MoU, with no programme or other indicative timeline within which the steps are to be carried out. Instead, progress in agreeing a joint strategy and the shared objectives within the MoU is to be made *"promptly"*. Accordingly, the Council cannot draw any conclusion as to the timescale in which any development envisaged by the MoU (or indeed, any of the steps leading up to that point) may come forward.
 3. The MoU states that the landowners will *"agree the arrangements for procuring and facilitating the delivery of the policy compliant development in a timescale commensurate with the Council's aspirations for meeting the housing need in the area"*. As set out at point 2 above, there is no definite timescale set out for this and given that the Council is now considering making the Order and bringing forward the development of the TSDL in accordance with the defined timescale set out in the report, it is difficult to see how the MoU could realistically achieve this stated aim.

4. The MoU does not restrict any landowner from pursuing its own activities in relation to their respective land holdings within the TSDL (separate to or in addition to any joint strategy approach). In addition, any party to the MoU may withdraw from it immediately upon the provision of notice to the others.
- 3.3 Accordingly, the disclosure of the MoU does not, in the opinion of officers, present a reason to change the recommendations of the report.

Chichester District Council

Cabinet

8 September 2020

Council

22 September 2020

Tangmere Strategic Development Location – Chichester District Council (Tangmere) Compulsory Purchase Order 2020

1. Contacts

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2. Executive Summary

Council has previously considered this report at its meeting of 3 March 2020 at which time the recommendations set out below were agreed. However, shortly after that meeting, the COVID 19 pandemic resulted in the closure of all public buildings as the country was placed into Lockdown. The Council, taking a pragmatic approach and acting in line with Government guidance (both then and as time has passed), suspended progress in connection with the making of a compulsory purchase order. It is now, however, considered appropriate to re-commence this process and given the passage of time, seek updated resolutions from Cabinet and Council that take into account the matters within this report and the updated supporting documents referred to.

This report updates Cabinet on progress made with regard to the development of the Tangmere Strategic Development Location (“**TSDL**”) and outlines proposals for the comprehensive, residential-led development of the TSDL, referred to in this report as “**the Scheme**”¹.

The purpose of the report is to enable consideration of the use of compulsory purchase powers and whether or not there is a compelling case in the public interest for doing so. On the basis of the analysis set out in this report, it is recommended that the Council makes a compulsory purchase order (“**Order**”) to facilitate the carrying out of the Scheme.

The extent of the interests and rights in land proposed to be acquired (“**Order Land**”)

¹ Terms and definitions used in this Report are defined in the Table of Definitions set out in section 12

are set out in this report and a map of the Order Land is contained at Appendix B.

The report sets out the background to and need for the Scheme and information about the current ownership of the Order Land. It explains the relevant powers of the Council to acquire land compulsorily and the equivalent powers to acquire land and rights by agreement. It explains what the compulsory purchase process involves and where relevant makes reference to Government Guidance².

The report sets out relevant factors for the Council's consideration in determining whether or not to exercise compulsory purchase powers, including the Scheme's adherence to planning policy, its financial viability and prospects for delivery. It also includes matters for consideration in relation to the Council's Public Sector Equality Duty and the implications for the Human Rights of third parties who might be affected by the Order. It addresses the overall case for whether or not there is a compelling public interest case in making the Order.

3. Recommendation

The Cabinet recommends to Council that, following consideration of this report:

- (1) the Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix B, and in particular that the Council makes the Order;**
- (2) the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to:**
 - a. settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;**
 - b. negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;**
 - c. implement the Order powers following confirmation of the Order and so acquire title to and/or take possession of the Order Land; and**
- (3) Cabinet notes and approves the revised timetable identified in section 6 of the Report.**

² Guidance on Compulsory Purchase process and The Criche Down Rules" – Ministry of Housing, Communities and Local Government (July 2019) and further guidance issued with regard to the impact of COVID 19 on the Compulsory Purchase process.

4. Background: Planning Policy, the need for the Scheme and its benefits

Delivery of housing within the Local Plan area

- 4.1 Policy 4 of the Local Plan makes provision for the Council to deliver 7,388 homes over the period 2012-2029 (equivalent to c.435 dwellings per annum ("dpa"). This housing target falls short of the Council's objectively assessed need ("OAN") as identified in the 'Review of Objectively Assessed Housing Need in light of 2012-based Subnational Population Projections' (August 2014) which identifies an OAN for 560-575 dpa in Chichester District. Paragraph 7.4 of the Local Plan sets out that part of this identified housing requirement for the District has been met in the South Downs National Park, which lies outside the Local Plan area, and that housing delivery in the National Park area of the District averaged around 70 dpa. Based on this assumption, the remaining OAN for the Local Plan area was estimated to be 505 dpa. The Local Plan was unable to meet the full OAN of 505 dpa due to key infrastructure constraints, including uncertainty about transport and wastewater treatment infrastructure provision. The target of c.435 dpa was based on the level of housing that could be realistically and sustainably delivered within the period, having regard to the identified constraints in the Local Plan area, the evidence base prepared to support the Local Plan and potential development capacity. It is therefore essential that, as a minimum, the Council meet the housing target identified in the Local Plan.
- 4.2 Of the 7,388 homes provided for in the Local Plan, 3,250 are to be provided at the Strategic Development Locations allocated at West of Chichester, Shopwyke, Westhampnett/North East Chichester and Tangmere. Delivery of housing on all of the Strategic Development Locations in the Local Plan (including the TSDL) is therefore essential to ensure that there is no shortfall in meeting the housing target set out in the Local Plan.
- 4.3 At 1,000 homes, the TSDL is the second largest allocation in the Local Plan and represents approximately 14% of the total housing need for Local Plan area for the period 2012-2029 and 31% of the total housing to be provided within the Strategic Development Locations. Development of the TSDL is therefore critical to delivery of the Council's housing target.
- 4.4 The East-West Corridor is the Council's main focus for new development in the Local Plan. The East-West Corridor has an emphasis on consolidating and enhancing the role of Chichester city as the District's main centre, whilst also developing the role of key settlements to its east and west, most notably Southbourne and Tangmere, to help to relieve pressure on the city and take advantage of access to jobs and services to the east and west of the District. It is proposed that the East-West Corridor (which includes the TSDL) will provide 6,156 homes during the Local Plan period.

The importance of the TSDL

- 4.5 The vision for the East-West Corridor proposes that the village of Tangmere will grow and develop its role as a 'settlement hub' by widening the range and improving the quality of public open space, leisure and community facilities for the local area. The vision seeks to significantly enhance the village's range of facilities

to the benefit of the local community through the development of new homes and workspace.

- 4.6 Paragraph 2.7 of the Local Plan notes that Tangmere hosts a number of local businesses and has some dispersed community facilities including shops and a medical centre, but that it currently lacks many of the amenities and services normally associated with a settlement of its size.
- 4.7 Policy 18 of the Local Plan allocates the TSDL for mixed development, comprising 1,000 homes, community facilities, open space and green infrastructure. The TSDL is the only housing allocation at Tangmere in the Local Plan.
- 4.8 The Scheme therefore plays a significant role in addressing the need for new housing across the Chichester Local Plan area and makes a significant contribution to the objectives of the Local Plan. In particular: delivering the vision for the East-West Corridor; assisting with the need to relieve pressure on Chichester city; addressing local needs for both market and affordable housing; and providing enhanced amenities and services for existing and future residents of Tangmere;
- 4.9 The fact that the Council's adopted Local Plan, even in the event of comprehensive delivery, does not in fact meet its full OAN (for the reasons set out in Paragraph 4.1 above) means it is imperative that each and every allocated site comes forward. In this regard the housing trajectory set out in the Local Plan in 2015 envisaged that delivery of homes at the TSDL would commence from 2019/2020 onwards. Failure to deliver homes on the site within the Plan period would mean a very significant shortfall in housing delivery.
- 4.10 The need for new development at Tangmere is further emphasised by the Council's proposals in the Emerging Local Plan (details of which are set out below) to increase the quantum of development at the TSDL from 1,000 to 1,300 homes.

The Planning Policy Position

- 4.11 The NPPF contains a presumption in favour of sustainable development.
- 4.12 The strategic objectives of the NPPF are to support economic growth, achieve a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities. The NPPF also supports the highest standards of architectural and urban design.
- 4.13 The TSDL is allocated for development in accordance with the Local Plan, which was examined against the relevant provisions of the NPPF (2012) and found to be sound. The Emerging Local Plan will be assessed against the most up to date version of the NPPF when submitted for examination. The development of the TSDL complies with the core principles of the NPPF and represents sustainable development in accordance with the prevailing national policy.
- 4.14 Paragraph 72 of the NPPF recognises that housing supply can sometimes be best achieved through planning for larger scale development, such as significant extensions to existing villages. The delivery of the Scheme will make a significant contribution to the housing supply for the Local Plan Area, as well as satisfying the NPPF's requirement for plans to deliver a sufficient supply of homes.

Residential development on the TSDL also has an important role to play in contributing to the development and vitality of Tangmere village centre, in accordance with paragraph 85 of the NPPF. The policy objectives of comprehensive development of the TSDL, including securing the necessary infrastructure, community facilities, services, and open space provision accord with the NPPF's principle of promoting healthy and safe communities and underpin the content of the Masterplan Document, which are being carried forward into the outline planning application.

- 4.15 The land is currently allocated within the Local Plan, and has been a site formally allocated for residential housing development since the adoption of the Local Plan in 2015. Previous to this the site was identified for residential development in 2010 within the Council's "Focus on Strategic Growth Options" consultation document. This document considered the potential options for significant growth within the District and accordingly formed part of the early stages of preparation for the formulation of the Local Plan.
- 4.16 Specific policy considerations can be summarised as follows
- Policy 2 (Development Strategy and Settlement Hierarchy) of the Local Plan identifies Tangmere as being capable of accommodating further sustainable growth to enhance and develop its role as a settlement hub.
 - Policy 4 (Housing Provision) states that strategic development locations are allocated in the Local Plan to accommodate 3,250 homes over the Local Plan period.
 - The TSDL is identified within Local Plan Policy 18 for the delivery of 1,000 homes and associated infrastructure including a school, open space and community facilities.
 - Policy 7 ('Masterplanning Strategic Development') confirms that development of the strategic locations identified in the Local Plan (including the TSDL) will be planned through a comprehensive masterplanning process, which will involve the active participation and input of all relevant stakeholders.
- 4.17 The Masterplan Document for the TSDL has been produced by Countryside Properties (UK) Ltd ("**Countryside**") (please refer to Section 4.35 below for further details on Countryside's role in respect of the TSDL) and endorsed by the Council as Local Planning Authority, in accordance with Policy 7, Policy 18 and emerging policies in the Emerging Local Plan. An outline planning application to be submitted by Countryside will seek permission for up to 1,300 homes and associated uses to reflect the proposed increase in the Emerging Local Plan, thus also ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The outline planning application is being prepared to comply with all other relevant policy requirements within the Local Plan. The Scheme will realise the objectives of relevant policy as contained in the Local Plan.
- 4.18 The Local Plan is currently under review. The Council consulted on the Chichester Local Plan Review 2016 – 2035 Preferred Approach between December 2018 and February 2019. The Emerging Local Plan currently contains proposals for at least 12,350 dwellings during the period 2016 – 2035, equivalent to c.650 dpa. The Emerging Local Plan Preferred Approach also proposes to meet unmet housing need arising from that part of the District lying within the South Downs National Park. This comprises 41 dpa out of the total 650 dpa. At least 4,400 dwellings are proposed to come forward from strategic allocations, including the TSDL.

- 4.19 The Emerging Local Plan includes draft policies which are relevant to the TSDL. Draft Policy S3 (Development Strategy) includes Tangmere on a list of Strategic Development Locations to help achieve sustainable growth. Draft Policy AL14 (Land West of Tangmere) proposes to allocate land to the west of Tangmere for residential-led development of a minimum of 1,300 dwellings. Draft Policy S32 (Design Strategies for Major Development Sites) requires proposals for housing allocations and major development sites to be accompanied by a site-wide design strategy that includes a masterplan.
- 4.20 As above, the Masterplan Document for the TSDL has been produced by Countryside and endorsed by the Council, in accordance with draft Policy S32. The outline planning application will seek permission for up to 1,300 homes and associated uses in accordance with draft Policy AL14, and will have due regard to other detailed emerging policies as material considerations in the determination of the planning application, albeit that the Emerging Local Plan only carries limited weight at present. The Scheme would therefore realise the objectives of relevant policy as contained in the Emerging Local Plan.
- 4.21 The Tangmere Neighbourhood Plan was 'made' on 19 July 2016 and forms part of the development plan. The Neighbourhood Plan includes a concept statement for the development and is informing the master planning process. The vision of the Neighbourhood Plan is a "one village" concept to unite and integrate the existing Tangmere village with the new development. In line with Policy 2 (Strategic Housing Development) of the Neighbourhood Plan, this identifies the land as a Strategic Development Location and sets out the requirement for the provision of 1,000 new homes, new community facilities, a main village street, new open space and green infrastructure.
- 4.22 The Masterplan Document has been designed to comply with the requirements of the Neighbourhood Plan Policy 2 and also has regard to Policy 7 (Land to the West of Malcolm Road) given the Neighbourhood Plan's expectation that this land is considered as part of the TSDL masterplan. The Scheme will therefore realise the objectives of relevant policy as contained in the Neighbourhood Plan.

Benefits of Scheme

- 4.23 The Scheme will contribute to, and deliver extensive benefits in respect of, the economic, social and environmental wellbeing of the District. Taken as a whole, it will make a significant contribution to the Council's vision for its Local Plan Area and the Settlement Hubs within it (one of which is Tangmere). The Local Plan anticipates that the role of Settlement Hubs as key local centres is to provide a range of homes, workplaces, social and community facilities and the Scheme is a major contributor to those aspirations for Tangmere and its surrounding area.
- 4.24 In particular, as regards economic matters, the provision of the substantial new housing anticipated by the Scheme will not only create and support jobs in the construction sector but will also result in an increase in local population, bringing with it enterprise, labour, wealth and income all of which are necessary for economic prosperity. The resultant neighbourhood of approximately 2,800 residents (depending on the eventual outcome of the planning process) will

contribute to the viability and vitality of Tangmere village centre and nearby town centres.

- 4.25 In terms of social issues, the District currently has a clear need for additional housing and a requirement to diversify housing tenures within Tangmere. Delivery of the Scheme on the Order Land will contribute very significantly towards meeting housing targets, providing both market and affordable units. The development of balanced and mixed residential housing stock will retain and attract a wide diversity of population, ensuring a mixed, balanced and sustainable community. Provision of infrastructure associated with the residential development, including the school, open space and community facilities, will also make a material contribution to social wellbeing and a sense of community. Part of the Council's Local Plan vision is to promote and provide sustainable communities served by appropriate infrastructure and facilities and the Scheme makes a significant contribution to that vision for Tangmere.
- 4.26 In terms of environmental wellbeing, the Scheme offers the opportunity for on-site habitat creation in accordance with the Local Plan. Wastewater from the Scheme will drain via the Tangmere Waste Water Treatment works, which discharges into the Aldingbourne Rife, avoiding discharge into Chichester Harbour and the attendant environmental issues associated with it.
- 4.27 Further, the Scheme's delivery of modern, energy efficient homes in a well-planned development which incorporates open-space and sustainable drainage solutions will represent an environmental benefit. Such strategic development of land which has been identified for development through the Council's Local Plan process will also reduce pressure for development on other, less suitable sites.
- 4.28 Finally, the expansion of Tangmere, to include new housing and the provision of a range of community infrastructure will improve and enhance the sustainability of Tangmere as a Settlement Hub, reducing the need for residents to travel further afield for those facilities and services and providing the opportunity for the provision of substantially improved local public transport services and cycle connectivity to Chichester and other surrounding settlements.

Progress in delivering the Scheme to date

- 4.29 The Council has sought to encourage delivery of comprehensive development of the TSDL over a number of years, but no material progress has been made.
- 4.30 Throughout the formulation of the Local Plan (from its earliest stages in 2010 and thereafter), the Council was assured by the landowners and site promoters of the Order Land that there was a commitment to jointly deliver the residential development and the requisite infrastructure in a coordinated way, initially through the production of a masterplan and then a single subsequent outline planning application. However, no material progress was made prior to the adoption of the Local Plan in 2015, and since that date – unlike other strategic development locations allocated in the Local Plan which have been progressed, or are progressing – there has again been no material progress in terms of comprehensive delivery of the TSDL.

- 4.31 In this regard, the Council is aware that landowners have not been able to agree mutually acceptable commercial terms, which has proved a major barrier to development coming forward.
- 4.32 As a consequence, to date the only proposals to bring forward development at the TSDL by any of the existing landowners, have comprised suggestions that development be brought forward on individual land ownerships, on a piecemeal basis. For the reasons set out in this Report, such proposals are not acceptable, and would not be consistent with the Council's objectives. The Council believes that there are no credible alternatives to compulsory purchase to achieve delivery of the Scheme in accordance with the Local Plan.
- 4.33 Despite discussions between the Council and the landowners having commenced as early as 2010, when proposals for the development of what is now the TSDL were first considered, landowners and site promoters have not been able to work together to deliver development. Indeed, no meaningful proposals have been progressed, despite numerous assurances that a masterplan was in preparation and that all landowners were committed to progressing the TSDL in a policy compliant fashion.
- 4.34 The Council has, on various occasions (but until recently, without any such response being received), requested to be advised of any collaboration agreement or timeframe for bringing forward the entire TSDL for delivery of housing and infrastructure in accordance with the Local Plan. In early August 2020, the Council received a letter from the representative of the Heaver family land interests stating that all principal landowners had recently concluded an MoU (which is understood to refer to a Memorandum of Understanding, although only the phrase "MoU" is used in the correspondence). At the same time, the solicitor for the Heaver family land interests sent a letter making the same assertion to the solicitor for Countryside. The MoU referred to is expressed to *"make provision for agreeing detailed arrangements for formulating a Joint Strategy"* and it is stated that this will include *"the provision of a masterplan, land equalisation agreements and a procurement and delivery strategy to ensure timely delivery of infrastructure."* A copy of the MoU referred to has been requested from the legal and property representatives of the Heaver family land interests and the other landowners within the TSDL, but as at 26th August 2020, no copy of the MoU has been provided from any party. Without having had sight of the content of the MoU:-
- (a) the Council cannot be confident that there has been substantive change in the progress of the landowners in bringing forward meaningful proposals for the development of the TSDL to date; and
 - (b) even if it can be meaningfully implemented, the MoU would clearly require a significant period of commercial negotiation by the landowners and subsequent negotiation and completion of legal agreements for the collaboration between the parties (including land equalisation, procurement and delivery of infrastructure) for bringing forward the TDSL, as well as the preparation, submission and approval of an alternative masterplan, planning application and Environmental Statement.

Accordingly, it is not considered that the reference to the MoU represents a reason for not progressing with the proposed Order and as at the date of this Report, the Council is not satisfied that the landowners are willing and able to work together to deliver the comprehensive development of the TSDL within any acceptable timeframe. In this regard, as noted above, the Council's housing trajectory as contained in the Local Plan anticipated delivery of dwellings at the TSDL from 2019/20 onwards. In view of this position, the Council considers the TSDL to be a stalled development site.

- 4.35 As a result of the lack of progress made by the existing landowners (and referenced in sections 4.29 to 4.34 above), the Council has sought to make use of compulsory purchase powers available to it and explored appointing a development partner to progress the development of the TSDL. The Council conducted a competitive tender process to select such a development partner in 2018 and subsequently entered into a Development Agreement with Countryside Properties (UK) Limited ("**Countryside**") on 5th February 2019. Accordingly, Countryside has been appointed to bring forward and facilitate the residential-led development of the TSDL.
- 4.36 The land required to deliver the residential-led development of the TSDL has been identified and is referred to in this Report as "**The Order Land**". The Order Land comprises all the land required for the Scheme in order to maintain its viability, affordability and deliverability. Ownership of the entirety of the Order Land is necessary to enable the Scheme to proceed.
- 4.37 In accordance with a strategy agreed with the Council, Countryside has sought to acquire the various interests in the Order Land by agreement and will continue to do so in parallel with any Order made by the Council.
- 4.38 Countryside has contacted landowners and interested parties within the Order Land to acquire interests by private treaty agreement, or to reach an agreement which establishes the basis on which a future transaction will be undertaken. As at the date of this Report, no agreement has been reached with owners of the Order Land for the voluntary acquisition of any of their land interests.
- 4.39 The Order Land comprises an area of approximately 76 hectares, located to the west of the village of Tangmere, West Sussex, south of the A27. The land is shown coloured pink on the draft Order Map.
- 4.40 The Order Land is predominately used for agricultural purposes, and is separated into fields.
- 4.41 The Order Land does not include any areas designated for nature conservation, Sites of Special Scientific Interest, Special Areas of Conservation or Special Protection Areas. No part of the Order Land comprises an Area of Outstanding Natural Beauty or Local Landscape Area, and the land does not include any World Heritage Site, Registered Battlefield, Listed Buildings or Registered Parks or Gardens.
- 4.42 The Schedule to the Order (attached as Appendix C) identifies those parties understood to have an interest in the Order Land. The Schedule has been prepared based on information gathered through inspection of Land Registry title documents,

site inspections and enquiries, and the responses to notices issued under sections 172-179 of the Housing and Planning Act 2016.

5. Outcomes to be Achieved: Use of Compulsory Purchase Powers

- 5.1 The purpose being sought by the Council in considering making the CPO under the powers conferred by Section 226(1)(a) of the 1990 Act is to facilitate strategic housing delivery and associated development on the TSDL and, in conjunction with its development partner, to use the Order Land to bring forward the Scheme delivering the economic, social and environmental well-being benefits set out in this report.
- 5.2 The Scheme will comprise a residential-led, mixed use development comprising up to 1,300 homes, an expanded village centre (comprising units suited to A1, A2, A3, A4, A5 and B1(a) uses³), community facilities, education facilities, open space and green infrastructure. Although not yet finalised, the maximum quantum of development proposed as part of the Scheme is:-
- Units suits to A1, A2, A3, A4, A5 and B1(a) uses – up to 1,000 sqm;
 - C3 (residential) – up to 1,300 dwellings;
 - D1 (education) – 2.89 ha primary school plus early years provision; and
 - D2 (assembly and leisure) – approximately 1,100 sqm

It is proposed to deliver 30% of the new homes in the form of affordable housing, in accordance with the Local Plan.

6. Proposal for Order and its Justification

- 6.1 This Report sets out the background to and need for the Scheme, as well as the basis on which it is considered that the compulsory purchase of the Order Land is justified, it being considered that there is a compelling case in the public interest to do so. A Statement of Reasons has been prepared for the Order in accordance with the Guidance and a copy of this is provided at Appendix F.
- 6.2 Under Section 226(1)(a) of the 1990 Act, a local authority may be authorised to acquire compulsorily any land within its area, if it considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The power under section 226(1)(a) is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals within its Local Plan or where strong planning justifications for the use of the power exist.
- 6.3 A local authority must not exercise the power under section 226(1)(a) of the 1990 Act unless it considers that the development, re-development or improvement is likely to contribute to the achievement of one or more of the following objectives:
- (a) the promotion or improvement of the economic well-being of its area;

³ A new Planning Use Classes Order comes into force on 1st September 2020 and therefore the use classes (but not the nature and/or scale of the proposed development) will require updating.

- (b) the promotion or improvement of the social well-being of its area; and
- (c) the promotion or improvement of the environmental well-being of its area.

Need for Order to ensure Scheme delivery

- 6.4 Policy 7 (Masterplanning Strategic Development) of the adopted Local Plan emphasises the need for the strategic development locations to come forward comprehensively, stating that:

“Development of the strategic locations identified in the Local Plan will be planned through a comprehensive masterplanning process. Preparation of masterplans will involve the active participation and input of all relevant stakeholders, including the Council, landowners, developers, the local community, service providers and other interested parties. Masterplans will be developed in consultation with the Council prior to the submission of a planning application.”

Supporting paragraph 7.33 of Policy 7 also states that:

“The strategic development locations will be planned and designed to a high standard as sustainable mixed communities, well integrated with existing settlements and neighbourhoods. The strategic developments also offer opportunities to expand and enhance local infrastructure and facilities for the wider Plan area. To achieve these objectives, development will be planned in a coordinated way through a comprehensive masterplanning process...”

- 6.5 Policy 18 (Tangmere Strategic Development Location) confirms that development will be masterplanned in accordance with Policy 7.

- 6.6 The TSDL is allocated for development in the Local Plan and is a proposed allocation in the Emerging Local Plan. The Neighbourhood Plan provides a set of development principles for the TSDL that have informed the Masterplan Document. Between them, these documents identify various infrastructure requirements that the TSDL is expected to deliver, both on- and off-site, including:

- On-site primary school provision;
- New or expanded community facilities (possibly including a new village centre) providing local convenience shopping (referred to as the ‘Village Main Street’ in the Neighbourhood Plan);
- Small-scale business uses;
- Green links to the South Downs National Park and Chichester City;
- Primary road access from the slip-road roundabout at the A27/A285 junction to the west of Tangmere providing a link with Tangmere Road (referred to as the ‘North-South Link Road’ in the Neighbourhood Plan);
- Provision for improved more direct and frequent bus services between Tangmere and Chichester city, and improved and additional cycle routes linking Tangmere with Chichester city, Shopwyke and Westhampnett;
- Provision for the expansion or relocation of the Tangmere Military Aviation Museum; and
- New public open space including a Community Orchard / Garden / Allotment and a new Public Park comprising sufficient space to include a children’s play area, recreational area, sports pitches and an outdoor sports pavilion.

- 6.7 It is imperative that development comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development, and to guarantee that such infrastructure be delivered in a cohesive and co-ordinated manner. Comprehensive development is also necessary if best and most efficient use is to be made of the TSDL, and delivery of residential development maximised.
- 6.8 Piecemeal development would be prejudicial to the proper future development of the TSDL, and would not accord with the policies in the adopted Local Plan. Concerns in this regard include the following:
- Highways and Access: There is a need to ensure a coordinated and connected approach to the delivery of the North-South Link Road, which, by its nature, will need to traverse land controlled by all three current principal landowners. Piecemeal development may result in the delivery of sections of road in different manners, or not at all. A co-ordinated approach is fundamental to the delivery of the Scheme given the lack of potential vehicular connection points into the existing village and the constrained nature of Malcolm Road;
 - Public Transport: A comprehensive approach to development is required to enable the proper integration of public transport opportunities into the TSDL, in particular enabling the extension of existing bus services into the site in a practical and commercial manner;
 - Public Open Space: Comprehensive development is also required to ensure adequate provision of open space, education and community facilities across the site as a whole. The Neighbourhood Plan requires parts of the TSDL to be provided as open space (including sports pitches and allotments, which includes the relocation of existing allotments onto the TSDL to facilitate the expansion of the Tangmere Military Aviation Museum) and the failure to deliver these is a significant risk to the comprehensive delivery of the TSDL;
 - Services: Capacity of incoming services to serve the wider Scheme and not just individual developed parcels is required, this would be at risk were there delivery on a piecemeal basis by different developers;
 - Sustainable Drainage Systems (“SuDS”): the provision of SuDS drainage may not be delivered appropriately in the event of piecemeal development. Any independently delivered drainage strategy in the absence of a comprehensive drainage strategy may result in a higher proportion of the TSDL being required for retention basins and subsequent inefficient use of land, which would, in addition to conflict with the Local Plan, not align with the relevant requirements of the NPPF;
 - EIA: A comprehensive outline application for the Scheme will require an Environmental Impact Assessment (EIA) as the project meets the spatial criteria within Schedule 2 10 (b) of the Town and Country Planning (EIA) Regulations, 2017 (as amended). Given the degree of functional interdependence required due to the TSDL’s allocation, if the site were to come forward via piecemeal development, a separate EIA could be required for each individual parcel / planning application, to guard against ‘salami-slicing’. In this circumstance any planning applications for individual parcels that were not accompanied by an Environmental Statement would be subject to further delays to allow for an EIA to be undertaken;
 - Transport Assessment: Similar to the EIA process, if the development were to come forward via separate piecemeal applications, the Transport Assessments for each application would need to assess the cumulative

impact of the development as a whole, and the prospect of these coming forward under a single agreed methodology is unlikely.

- 6.9 A piecemeal approach could render some parcels unviable, resulting in the risk that the TSDL fails to come forward in its entirety and fails to provide the necessary infrastructure required. By taking a piecemeal approach, it is highly unlikely the TSDL would deliver the 1,000 homes identified in the Local Plan, or the increased requirements of the Emerging Local Plan (when adopted).

Scheme Delivery and Viability

- 6.10 As set out at section 4.35 above, through a competitive tender process, Countryside was selected as the Council's development partner to bring forward and facilitate the residential-led development of the TSDL. Under the terms of the Development Agreement entered into between the Council and Countryside, Countryside have agreed to underwrite the Council's professional and other legal and administrative costs associated with pursuing a Compulsory Purchase Order, capped at £300,000.
- 6.11 Countryside is a major housebuilding and urban regeneration company with over 60 years' experience. The company has a track record in delivering large scale residential led schemes in London and the South East, the Midlands and the North West of England. This has included several garden village developments providing between 1,000 and 3,600 residential units, including where compulsory purchase powers have been exercised to bring forward and deliver schemes.
- 6.12 In the year 1st October 2018 to 30th September 2019 Countryside completed on a total of 5,733 homes comprising a mix of private, affordable and PRS (Private Rented Sector).
- 6.13 Countryside, as the main trading entity of Countryside Properties PLC ("CPPLC") can call on its parent company for further lending support if necessary. In February 2016, CPPLC raised £130 million of new capital as part of its initial public offering and secured a Group revolving credit facility of £300 million, which is available until May 2023. As at 30 September 2019, the net assets of CPPLC were £899.1 million and for the financial year ended 30 September 2019, CPPLC delivered adjusted revenue of £1,422.8 million and adjusted operating profit of £234.4 million.
- 6.14 Therefore, Countryside's strong financial position provides the company with the flexibility necessary for implementing compulsory purchase order projects such as the Scheme.
- 6.15 Officers are satisfied that Countryside has sufficient resources and can obtain sufficient funding for both acquiring the Order Land and implementing the Scheme, both presently and during the compulsory acquisition process. Countryside have confirmed that, notwithstanding the COVID 19 pandemic, the financial information within this report remains accurate and that from their perspective, the Scheme is and remains viable.
- 6.16 A development agreement between the Council and Countryside was completed on 5th February 2019 and a supplemental agreement varying the development agreement in order to reflect the latest Order Map was entered into on 3rd April 2020. The development agreement provides an indemnity for the Council's costs of

bringing and making the Order, the acquisition of the land and the payment of compensation, together with securing planning permission and implementing the Scheme within an agreed programme. It also requires Countryside to prepare an outline planning application for the delivery of the TSDL, which is currently being prepared.

- 6.17 Officers have considered the financial viability of the Scheme and the Council has obtained external, independent viability advice from a firm of leading real estate practitioners in order to satisfy itself that the Scheme is and remains viable. Officers have obtained updated valuation advice as at 14th July 2020. It was considered prudent to re-visit the viability advice provided before the COVID 19 pandemic occurred, given the global impact and potentially far-reaching economic effects of it. Although the COVID 19 pandemic has increased uncertainty, the market value and viability advice remains the same as previously obtained and therefore it is not considered that the assessment of the Scheme's viability has materially changed. Officers have reviewed all viability advice and are satisfied that the Scheme is financially viable.

Planning Position and Timetable

- 6.18 Planning permission has not yet been granted in respect of the Scheme. As outlined further below, Countryside anticipate submitting an application for outline planning permission in respect of the Scheme, in October 2020. The outline planning application will seek permission for up to 1,300 homes and associated uses as required by Policy 7 and Policy 18 of the Local Plan, thus ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The Emerging Local Plan proposes to allocate the site for 1,300 homes, and the outline application will seek permission for this number of homes in accordance with draft Policy AL14 and draft Policy S32. It is anticipated that the application will be compliant with planning policy at both a national and local level and therefore at this stage, there is no reason to believe that planning permission will not be forthcoming.
- 6.19 A Planning Performance Agreement was signed between the Council and Countryside on 15th May 2019. This provides for the provision of pre-application advice, masterplanning preparation and the timely consideration of an outline planning application for the Scheme.
- 6.20 Pre-application intrusive and non-intrusive surveying works over the extent of the TSDL were undertaken by Countryside during Spring and Summer 2019.
- 6.21 Following the Council's endorsement of the Masterplan Document in January 2020 and the making of the CPO, it is anticipated that the outline planning application for the Scheme will be submitted in October 2020, with the intention to target a resolution in March 2021.
- 6.22 Once the CPO has been confirmed, the Council will take possession of the entirety of the Order Land within 6 months. Once the Order Land has been transferred to Countryside, the S.106 agreement will be completed with outline planning permission to follow.
- 6.23 Following the grant of outline planning permission, the Scheme will be built in phases, each requiring a reserved matters consent application. The first reserved

matters application(s) will likely relate to the key strategic infrastructure required for the Scheme, including the north-south link road, principal areas of public open space and strategic landscaping.

6.24 The site preparation works associated with the development of the Scheme will be phased, with initial works anticipated to commence in 2023. This enables infrastructure and construction to commence in 2023. It is expected that the first homes would be completed and available for occupation within 12 – 18 months of starting on site.

6.25 Work undertaken to inform Members' assessment has included:-

- (a) an updated viability assessment of the site and a further update as at 14th July 2020;
- (b) a review of the Equalities Impact Assessment required for the CPO and a further Equalities Impact Assessment Addendum (to consider the impact of COVID 19 and any specific considerations now applying to the making of the CPO). The Equalities Impact Assessment and the Addendum to it are attached to this report as Appendix D and the Director for Planning and Environment's consideration of the Public Sector Equality Duty is attached to this report as Appendix E); and
- (c) the land referencing exercise (which originally took place in January 2018, was refreshed in February 2020 and has now been further updated) (Appendix C).

The completion of this work reinforces the Council's position in seeking to make the Order. The anticipated timescale is set out below, but this is necessarily provisional to some degree.

Table 1 Revised timetable:

Project	Previous completion date (refers to end of relevant calendar month)	Revised completion date (refers to end of relevant calendar month)
Signing of development agreement with Countryside	October 2018	February 2019
Masterplan completed	April 2019	January 2020
Council resolution to make the CPO	March 2020	September 2020
Planning application submitted	April 2020	October 2020
CPO inquiry to start	October 2020	April 2021
Resolution to grant planning permission	September 2020	March 2021
CPO Secretary of State decision on CPO	April 2021	October 2021
Vacant possession secured	August 2021	February 2022
Start on site	August 2022	February 2023

- 6.26 As the Council's appointed development partner and the party responsible for bringing forward development of the TSDL, Countryside have agreed in principle that the revised timetable can be met. The CPO project will continue to be managed at Countryside by the Project Manager, and by a Principal Planning Policy Officer within the Planning Policy team at the Council, with ongoing assistance from Davitt Jones Bould and Citicentric.

7. Alternatives Considered

- 7.1 The alternative to the use of compulsory purchase powers is that comprehensive development of the TSDL is brought forward by the consortium of landowners and developers. To date, the only proposals to bring forward development of the TSDL by the existing landowners have comprised suggestions that development be brought forward on the basis of their own individual land ownerships, on a piecemeal basis. As already stated, these proposals are not acceptable as they do not comply with adopted development plan policy and would not provide certainty for the cohesive and coordinated delivery of the requisite infrastructure. By taking a piecemeal approach, it is highly unlikely that the TSDL would deliver the 1,000 homes and associated infrastructure identified in the Local Plan, or the requirements of the Local Plan Review.
- 7.2 Accordingly, having regard to the matters set out in this Report, officers believe there is a compelling case in the public interest that justifies the proposed compulsory acquisition of the Order Land.

8. Resource and Legal Implications

Finance implications:

- 8.1 There are significant financial implications arising from making the Order. The Council's development partner has agreed to reimburse the Council's professional and other legal and administrative costs associated with pursuing a CPO, although these are capped as part of the development agreement.

While the decision to proceed (or not) with a CPO is and remains solely that of the Council, the Council should be aware of any financial implications should it decide not to progress with the CPO at this stage. If the Council decides not to progress a CPO in a situation where Countryside (its development partner) considers it appropriate and lawful to do so, then the Council will be obliged to meet the reasonable and proper planning, valuation and legal costs incurred by Countryside to date. These costs are subject to change as Countryside continue to prepare a planning application and Officers will be able to provide a verbal update on the latest position at the meeting.

Resource implications:

- 8.2 The process will continue to be managed internally, requiring use of existing staff resources within the Planning Policy and Legal teams, and external Legal teams.

Legal implications:

- 8.3 There is a risk that affected landowners will challenge the decision of the Council to 'make' the Order. Following the date of the decision, parties will have 21 days within which to lodge an objection. If objections are received, it will be necessary to hold a public inquiry into the Order, conducted by an independent government-appointed Inspector.
- 8.4 It is anticipated that objections to the Order will be received, however officers, along with the Council's external advisors, and a Barrister (QC) appointed to represent the Council, consider that the Council are in a robust position to defend any such challenge through an inquiry.
- 8.5 Following the Public Inquiry, and the confirmation of the Order by the Secretary of the State, the Council must publicise the decision in local newspapers as soon as possible. The validity of the CPO is capable of being challenged through a judicial review within six weeks of the first newspaper notice.

Human Rights

- 8.6 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 8.7 In resolving to make the Order the Council needs to consider the rights of property owners under the Convention against the wider public interest, and in particular those rights under the following provisions.
- 8.7.1 Article 1 of the First Protocol to the Convention - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws
 - 8.7.2 Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 8.8 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.
- 8.9 The Order Land is in agricultural use and does not include any residential properties (with the exception of occupiers who have extended gardens by encroachment into Plot 6 and Plot 13 within the Order Land). Accordingly, no Article 8 rights will be infringed by the making of the Order. There is no suggestion that the Scheme will result in the extinguishment of any commercial enterprise and the owners of the Order Land have themselves indicated an aspiration to bring the Order land forward for development. Agreement on compensation will be settled once the Order is confirmed and in accordance with the applicable code for compensation.

8.10 In light of the significant public benefits which would arise from the implementation of the Scheme as set out within this Report, and having regard to the extent of the interference with parties' rights, officers have concluded that it would be appropriate to make the Order. Officers do not regard the Order as constituting any unlawful interference with individual property rights.

Public Sector Equality Duty:

8.11 The Council has a duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations. The decision to make the Order is one that this duty applies to.

8.12 External consultants have been commissioned to advise the Council on compliance with their duties under the Equality Act 2010 in the context of a CPO and prepared an Equalities Impact Assessment ("**EqlA**") in respect of the Scheme and proposed Order. Since commissioning the EqlA, progress in making the Order has been impacted by the COVID 19 pandemic. Mindful of the need for the PSED to take into account the unique impacts of the COVID 19 pandemic, the Council commissioned an addendum to the EqlA, issued July 2020 ("**EqlA Addendum**"). A copy of the EqlA and EqlA Addendum are attached to this report as Appendix D and Appendix D(i). The EqlA and EqlA Addendum contain a number of recommendations and an action plan. Officers have had regard to these and the Council has put in place measures to implement the recommendations and actions that can be addressed prior to the making of the Order and will continue to do so following the making of the Order. Further, the Council notes that a number of the recommendations and actions relate to impacts yet to arise and the Council is mindful of the requirement to address these recommendations and actions as they do so.

8.13 The Council's assessment of the potential impacts of the Scheme indicate that the proposals have the potential to deliver multiple beneficial impacts for the local community, including those with protected characteristics in the local area, including:

- the delivery of a range of housing within Tangmere to address local need:
 - The quality of the new homes provided will have a range of positive impacts on equality, including accessibility and adaptability, which may be of significant benefit for those with disabilities, or the elderly.
 - Tangmere currently has a relatively high proportion of social housing, and development of the site will provide a diverse range of tenures including market and affordable housing, potentially providing low cost or shared ownership options, to create mixed and balanced communities.
 - The new homes will utilise sustainable design and construction techniques and be more energy efficient, which will benefit residents by reducing their energy usage.
- Delivering improvements to local infrastructure including local convenience shopping, and enhanced social, community, recreation, primary education and healthcare facilities, which will be of benefit to all residents in providing better accessibility to infrastructure.
- Providing enhanced open space and green infrastructure will link Tangmere to Chichester city, nearby developments and the South Downs National Park,

which will allow residents easy access to open space for health and wellbeing benefits.

- Integration with the existing village of Tangmere, in order to achieve the aspirations of the Neighbourhood Plan, to achieve their 'one village' vision. This will benefit new and existing residents by achieving a well-integrated and holistic development.

- 8.14 The Director of Planning and the Environment has considered the results of the EqlA, the EqlA Addendum and the Council's Public Sector Equality Duty and taken advice from the Council's legal advisers and is satisfied that in making the recommendations in this report, that the Council has given due regard to its obligations in this regard, a copy of that statement is attached to this report as Appendix E.
- 8.15 With regards to removing or minimising disadvantages suffered by those with protected characteristics, the Council will provide copies of the Cabinet and Council reports in different formats if required. The Council will publish all the Order documents on its website to make them as accessible and available as early as possible. It will also provide hard copies of the Order documents for those without access to the internet.
- 8.16 The Council has extended the statutory timescales for responding to requests for information or raising objections to the making of the Order by a period of two weeks and will provide electronic and/or hard copies of order documents as required. To that end, the Council has adopted the recommendations from the EqlA Addendum to ensure that impacts from the COVID 19 pandemic are mitigated.
- 8.17 As the process continues, should there be a need for a Public Inquiry, when choosing a venue the Council will have regard to those with disabilities and will consider what other steps it can take in respect of eliminating or minimising discrimination for those with protected characteristics.

9. Consultation

- 9.1 The Council's Legal service team, external advisors including the Council's appointed external solicitor, Countryside and their appointed solicitor, and the appointed barrister have been consulted extensively on this matter.
- 9.2 The landowners and developers have been kept aware of the Council's intentions to pursue the CPO process, and have been given opportunities to bring forward the comprehensive development of the TSDL outside of the CPO process. Countryside also continues to engage with the landowners and developers to acquire the land via a negotiated process. Separately, Countryside and the Council have approached the residents of Saxon Meadows concerning the Order and the re-grant of rights over land. Negotiations will continue in parallel with the CPO process.

10. Community Impact and Corporate Risks

- 10.1 As set out in this Report the acquisition of the TSDL for development is fundamental to the delivery of the objectives and policies of the adopted, and emerging development plans. Development of the TSDL has the capacity to create a significant number of new homes of different tenures, as well as sport and leisure

opportunities, a new school and community/retail facilities. There are considerable benefits of the scheme for the local community.

- 10.2 There may be a negative impact if the TSDL is not delivered in line with the Local Plan strategy.
- 10.3 There are potential strategic risks arising from the CPO process to deliver the TSDL, including challenges to the CPO decision, and potentially negative publicity for the Council. However, these have been weighed against the reputational risks to the Council of being perceived as failing to deliver the housing identified in the adopted Local Plan, as well as risks to the Council in being able to demonstrate a robust five year housing land supply.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder The proposals in the masterplan and planning application should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	X	
Climate Change and Biodiversity Any masterplan or planning application should ensure that at the very least there should be no negative impact for climate change and that there should be a positive impact by including mitigation or adaption measures. Any application should seek to minimise the impacts on and provide net gains for biodiversity.	X	
Human Rights and Equality Impact Considered and set out at section 8 of this Report. The EqIA and EqIA Addendum is attached at Appendix D and officer assessment of compliance at Appendix E.	X	
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing Proposed development at the TSDL is predicted to deliver multiple beneficial impacts for the local community, including for their health and wellbeing. The quality of the new homes, including their adaptability and accessibility, will positively impact the community, particularly those with disabilities and the elderly. Additionally, development would deliver positive impacts through improvements to local infrastructure including community and healthcare facilities, as well as the provision of enhanced open space and green infrastructure.	X	
Other (please specify)		X

12. Terms used

The following terms are used in this Report:

1981 Act	Acquisition of Land Act 1981.
1990 Act	Town and Country Planning Act 1990.

Countryside	Countryside Properties (UK) Limited of Countryside House, The Drive, Brentwood, Essex, CM13 3AT.
District	The administrative area of the Council.
Emerging Local Plan	Chichester Local Plan Review 2016-2035 – Preferred Approach (December 2018).
EqlA	An Equalities Impact Assessment, prepared by Mott MacDonald and dated 7 th February 2020.
EqlA Addendum	An addendum to the EqlA prepared by Mott MacDonald and dated July 2020.
Local Plan	The Chichester District Council Local Plan “Chichester Local Plan: Key Policies 2014-2029”, adopted by the Council on 14 July 2015.
Masterplan Document	The masterplan prepared by Countryside and submitted to and validated by the Council on 15 November 2019 (ref: 19/02836/MAS).
Neighbourhood Plan	The Tangmere Parish Council Neighbourhood Plan 2014-2029, “made” by the Council on 19 July 2016.
NPPF	The National Planning Policy Framework (February 2019)
NPPF (2012)	The National Planning Policy Framework (March 2012).
OAN	The objectively assessed housing need for the Council’s administrative area
Order	Chichester District Council (Tangmere) Compulsory Purchase Order 2020.
Order Land	Land identified within the schedule to the Order which refers to the Order Map.

Order Map	The map accompanying the Order which identifies the Order Land.
Schedule	The schedule to the Order
Scheme	The development of the TSDL to deliver at least 1,000 homes (consistent with the figure identified in the Local Plan) and up to 1,300 homes (consistent with the figure identified in the Emerging Local Plan), associated infrastructure, school, open space and community facilities. Further detail is set out in Section 5.2 of this Report.
Secretary of State	Secretary of State for Housing, Communities and Local Government.
TSDL	The Tangmere Strategic Development Location as identified within the Chichester Local Plan: Key Policies 2014 – 2029 and shown edged red on Appendix A.

13. Appendices

Appendix A: Red line plan of Tangmere SDL

Appendix B: Proposed Order Map

Appendix C: Land referencing schedule (Part II – EXEMPT)

Appendix D: Equalities Impact Assessment

Appendix D(i): Equalities Impact Assessment Covid-19 Addendum

Appendix E: Statement as to compliance with Public Sector Equality Duty

Appendix F: Statement of Reasons

Appendix G: Valuation Assessment (Part II – EXEMPT)

Appendix G(i): Valuation Assessment Update (Part II – EXEMPT)

14. Background Papers

Cabinet Report Tangmere Strategic Development Location –
Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (3 March 2020)

Tangmere Strategic Development Location – Selection of a Development Partner –
Cabinet Report (September 2018)

Delivery of the Tangmere Strategic Development Location – Cabinet Report (July 2017)

Delivery of the Tangmere Strategic Development Location – Cabinet Report (June 2016)

Public Document Pack



Minutes of the meeting of the **Council** held in Virtual on Tuesday 22 September 2020 at 2.00 pm

Members Present: Mrs E Hamilton (Chairman), Mrs C Apel (Vice-Chairman), Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves, Mr F Hobbs, Mr K Hughes, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

Members not present:

Officers present all items: Mr N Bennett (Divisional Manager for Democratic Services), Mr A Frost (Director of Planning and Environment), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

18 Minutes

Cllr Johnson requested an amendment minute to note that some members did not support the proposal as it was understood that one Parish on the Peninsula did not support the proposal.

RESOLVED

That the minutes of the Annual Council meeting held on 21 July 2020 be approved subject to the above amendment.

19 Urgent Items

The Chair confirmed that she would be accepting no late items.

20 Declarations of Interests

The following declarations of personal interest were made in respect of agenda item 7:

- Cllr Oakley as a member of West Sussex County Council, Tangmere Parish Council and a Chichester District Council appointed member of the Portsmouth Water Customer Forum.

- Cllr Duncton as a member of West Sussex County Council and as a member of the South Downs National Park Authority Planning Committee

21 Chair's Announcements

There were no apologies for absence.

The Chair on behalf of the Council sent sincere condolences to the family of Tony French who recently passed away. Tony was a long serving district councillor who demonstrated dedication to his local community. He will be remembered for his vibrant personality and for the friendship he gave to many members present today.

Cllr Duncton and Cllr Apel also paid personal tributes to Tony French.

22 Public Question Time

The following public question was submitted by Mr Oliver English:

I think it would be fair to say that we need more provisions for cyclists, so my question has more than one part

Currently the WSCC Pop up Covid Cycle Lanes are causing huge amounts of chaos around Chi, including blocking emergency vehicles in congestion, people such as myself experiencing pollution in their homes on a regular basis since the cycle lanes are causing more congestion and more cars are sitting idling in traffic jams, to the first part of my question, aren't CDC concerned about the negative impact of this poorly thought out scheme on businesses and residents and are you talking to WSCC in order for them to make some urgent safety changes. No crossings for cyclists or pedestrians to use.

Chi seems to already have some good secretions of cycle links. Is there any plans to link up the likes of Centurion Way with the canal basin, perhaps with a provision for cyclists to use the pedestrianised centre?

Is CDC adopt a joint up approach, so that in future any out of town shops such as Lidl must include provisions for cycle and public transport links, if car journeys are to be discouraged?

Cllr Plant responded as follows:

Thank you for statement and questions. The Council agrees that greater provision for walking and cycling is important given the many health, environmental and economic advantages of these active, self-propelled, travel modes. CDC is currently out to consultation on its draft Local Cycling and Walking Infrastructure Plan, which is available on the Council's 'Let's Talk' webpages. WSCC has also produced a LCWIP, Sustainable Travel Package and Local Transport Improvement Plan for Chichester. Over the years CDC has grant funded many additional bike racks in the city centre, promoted active travel to schools through grant funded Sustrans' Bike It officers and is supporting the development of the Chichester to Selsey Greenway through grant which is delivering the necessary baseline ecological surveys.

We are aware of the diversity of views on social-media and the local press that are prevalent about the WSCC pop-up cycle scheme in Chichester. The scheme has been

delivered by WSCC following a successful bid to DfT for the government's post-Covid recovery Emergency Active Travel Fund. The scheme, as with those across the UK, is designed to provide room for social-distanced cycling and walking, facilitate safer walking and cycling as a way of locking-in the increased prevalence of those modes throughout Covid Lockdown and minimising the use of public transport to enable social-distancing.

CDC is in regular contact with WSCC who, as the local Highway Authority, have received the bulk of the feedback on the pop-up scheme and are highly aware of the many views expressed. WSCC confirm that they are liaising with Sussex Police, West Sussex Fire and Rescue and Sussex Ambulance Service to better understand any issues that may arise. There are no immediate plans to amend the scheme though a Road Safety Review is programmed for the week commencing 21 September 2020 with a wider review of the scheme to be undertaken in early October.

CDC has an air quality monitoring station on Orchard Street and we are watching the data carefully for signs that the scheme is having a significant impact which, to date, is not evident. Air quality across the city has seen improvements in recent years and in most places is compliant with UK air quality standards which are designed to protect those most vulnerable to the impact of poor air quality. Computerised air quality modelling predicts that air quality will continue to improve in the coming years. Nevertheless we are not complacent and continue to monitor air pollution in many places and are currently rewriting our Air Quality Action Plan.

There are crossing points indicated on the existing Chichester pop-up scheme. In most cases these offer a shorter pedestrian route across the road than would otherwise be the case. WSCC has bid for a second tranche of DfT monies and, should WSCC be awarded the grant, then further amendments could be made to the scheme. WSCC has set-up a member led task and finish group to agree the detail of what the second tranche monies would be spent on and crossing points is one possibility.

There are no specific plans to link Centurion Way with the canal basin. Nevertheless the Southern Gateway development includes the aspiration to make the area's regeneration walking and cycling friendly and CDC's draft CDC LCWIP includes a route along Westgate. We are working to integrate the LCWIP into planning considerations by associating it with the emerging revised Local Plan and WSCC's Local Transport Plan rewrite. Whilst CDC is the Local Planning Authority we take our transport related advice from WSCC highways who specify what any planning application should deliver by way of infrastructure and layout that will encourage non-car mode travel. For many people cycling to a supermarket is unlikely to be a viable option for shopping trips.

23 Council's Annual Report 2019-2020

Cllr Lintill was invited to introduce the report. She took the opportunity to thank Mr Buckley and Mrs Westbrook for their work in producing the report. Both Cllr Lintill and the Cabinet members also gave thanks to officers and members for all the work carried out over the past year and throughout the pandemic.

Cllr Lintill moved the recommendation which was seconded by Cllr Taylor.

Cllr Lintill then invited each Cabinet member to outline their portfolio in turn.

Members made the following suggestions:

- With reference to page 49 of the agenda pack consideration to be given to widening the notification of planning applications to include a greater number of people in the local communities that are affected by applications.
- Broadening the remit of the wellbeing service to help mitigate the effects of the pandemic.
- Given the current use of virtual meetings consideration to be given to the flexibility they offer to consider the opportunity of more flexible meeting timings.

Further to a request for the statistics on the level of enforcement notices Mr Frost confirmed that the workload had remained similar to the previous year.

Cllr Taylor then responded to comments regarding the omission of the implications of the delay on the Local Plan. She explained that all Local Plan reports are received by the Development Plan and Infrastructure Panel. Mr Frost added that the Annual Report is not a progress report. With regard to the implications of the transport modelling work in respect of the southern link road, both Cllr Taylor and Mr Frost agreed that the wait for statutory responses had contributed to the delay.

Cllr Dignum then responded to a suggestion that the council consider offering mortgages. He explained that there is currently no policy to do so but he would work with Cllr Wilding to consider the option.

Members voted virtually on the officer recommendation which was carried.

RESOLVED

That the Annual Report 2019-2020 be received.

24 Tangmere Strategic Development Location - Chichester District Council (Tangmere) Compulsory Purchase Order

Cllr Taylor was invited to introduce the report.

Cllr Taylor then moved the recommendation which was seconded by Cllr Plant.

With regard to concerns raised about delivery in excess of 1300 homes Mr Frost sought to reassure members that officers will continue to work with Countryside Properties on the quantum, form and details of the scheme.

With regard to a suggestion as to whether more needs to be done in the future at an early stage, Mr Bennett accepted that early stage conversations are helpful. He then referred members to Robin De Wreede, the council's specialist legal advisor who provided an overview of the process. Mr De Wreede took the opportunity to clarify that the 1300 new homes figure is linked to the Compulsory Purchase Order, however any planning application for those homes should be considered at the time on its planning merits.

Members voted by roll call on the officer recommendation which was carried.

RESOLVED

1. That the Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix B, and in particular that the Council makes the Order;
2. that the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to:
 - a. settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;
 - b. negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;
 - c. implement the Order powers following confirmation of the Order and so acquire title to and/or take possession of the Order Land.

25 Committee and Outside Body Appointments

The Chair congratulated Cllr Dignum who had re-joined the Cabinet. She explained that as a result of the appointment the Council is requested to agree changes to Committee memberships in order to maintain political balance and to comply with the Constitution which does not allow a Cabinet member to sit on Overview and Scrutiny Committee or to Chair the Corporate Governance and Audit Committee.

The first recommendation to appoint Cllr Bell to replace Cllr Dignum on Overview and Scrutiny Committee was proposed by Cllr Lintill and seconded by Cllr Taylor.

Members voted virtually on the recommendation which was carried.

RESOLVED

That Cllr Bell be appointed to the Overview and Scrutiny Committee in place of Cllr Dignum

The second recommendation to appoint Cllr Dignum to replace Cllr Bell as Chichester District Council representative on the Chichester Business Improvement Board was proposed by Cllr Lintill and seconded by Cllr Taylor.

Members voted virtually on the recommendation which was carried.

RESOLVED

That Cllr Dignum be appointed as the Chichester District Council representative on the Chichester Business Improvement Board in place of Cllr Bell.

The Chair then sought nominations for the third vote to appoint a Chair for Corporate Governance and Audit Committee.

Cllr Lintill put forward Cllr Hobbs which was seconded by Cllr Taylor.

Cllr Barrie put forward Cllr O'Kelly which was seconded by Cllr Brown.

There were no further nominations.

Cllr Brown and Cllr Lintill gave reasons for their nominations.

In line with the Constitution Mr Bennett conducted a secret virtual ballot.

Cllr Hobbs received 19 votes. Cllr O'Kelly received 16 votes. There was one abstention.

RESOLVED

That Cllr Hobbs be appointed as Chair of Corporate Governance and Audit Committee.

26 Committee Calendar of Meetings May 2021 to May 2022

Cllr Wilding was invited to introduce the report. He explained there was one amendment to change the start time of Overview and Scrutiny Committee's to 2.00pm.

Cllr Wilding then moved the amended recommendation which was seconded by Cllr Lintill.

Cllr Lintill confirmed her commitment to consider meeting timings prior to the next district elections.

Members voted virtually on the officer recommendation with the amendment of a 2.00pm Overview and Scrutiny Committee start time which was carried.

RESOLVED

That the committee calendar of meetings for May 2021 to May 2022 be approved subject to the amendment of a 2.00pm start time for Overview and Scrutiny Committee.

27 Motion submitted by Cllr Oakley

The Chair explained that she had received three motions and one amendment. One motion from Cllr Tim Johnson was not allowed due to its similarity in nature to a recently debated motion. The second a motion from Cllr O'Kelly was referred directly to the Environment Panel. The third a motion from Cllr Oakley was accepted for debate. The amendment from Cllr Brown was also accepted for debate.

Cllr Oakley outlined his motion below:

This Council calls on the Government to withdraw its proposals, contained in its consultation on Changes to the Current Planning System, for altering the Standard Methodology for calculating housing delivery targets and raising the on-site Affordable

Housing provision threshold, so that full consideration of the consequences of these proposals can be considered as part of its wider Planning for the Future White Paper.

Cllr Oakley explained that he accepted the addition of Cllr Brown's amendment as follows:

In the interim, this Council calls on the Government to genuinely support local democracy by supporting rather than undermining the Local Plan and Neighbourhood Plan making processes, recognising and allowing for genuine constraints upon development and making Ministerial interventions as required to enable meaningful community involvement and influence.

Cllr Brown seconded the motion as amended.

Cllr Taylor as Cabinet portfolio holder responded and explained that housing is the priority and as such the Cabinet fully support the motion put forward.

Cllr Moss as local ward member responded by commenting on the consultation not taking account of the proximity of the Area of Outstanding Natural Beauty or the South Downs National Park. He also noted that the consultation does not address social housing and could put the Local Plan at risk.

The wider membership provided comments of support for the motion as amended.

Members voted on the motion as amended which was carried.

RESOLVED

This Council calls on the Government to withdraw its proposals, contained in its consultation on Changes to the Current Planning System, for altering the Standard Methodology for calculating housing delivery targets and raising the on-site Affordable Housing provision threshold, so that full consideration of the consequences of these proposals can be considered as part of its wider Planning for the Future White Paper.

In the interim, this Council calls on the Government to genuinely support local democracy by supporting rather than undermining the Local Plan and Neighbourhood Plan making processes, recognising and allowing for genuine constraints upon development and making Ministerial interventions as required to enable meaningful community involvement and influence.

28 Questions to the Executive

The Chair invited Questions to the Executive.

Cllr Plowman had submitted the following question in advance:

The Development Brief for the Southern Gateway quotes "This substantial largely brown field area has a site with waterside development potential and the flexible master plan covering eight key sites.

These sites will provide:

- 365 new homes, 30% affordable; Chichester enjoys a very buoyant residential market.
- Over 20,000 square metres of mixed commercial space, including the opportunity for retail, office, hotel, leisure, entertainment, visitor and night time economy. Chichester is a successful tourist destination and there is demand for new food and beverage outlets in the City as well as potentially a new arts and multipurpose entertainment facility.
- Excellent opportunity to improve the public realm and landscaping.
- Improved transport links, creating the focus on walking, cycling and the public transport interchange.”

And later in the brief:” The scheme is the flagship project for the Chichester Vision which looks ahead over the next 20 years to see how the city centre can be enhanced, while at the same time protecting our important heritage”.

Can you inform Council realistically what the Southern Gateway will deliver and by what date? Covid -19 has not changed this only delayed the discussions I understand.

I believe the Development brief was mainly put together by the advisors, Jones, Lang and LaSalle ltd (JLL) and in view of what will now be delivered, is it time for some fresh advisors?

Cllr Dignum provided the following response:

The Covid 19 pandemic has had an inevitable impact on progress in completing the development agreement with Henry Boot the Council’s selected developer. Market conditions are very different to where they were 9 months ago when the procurement process was being undertaken however HBD have confirmed they remain committed to signing the Development Agreement and progress the regeneration project.

The Development Agreement will include a 12 month pre condition period which follows the principles of the heads of terms agreed by this Council last year. This aim of this stage is to test the property market across all relevant uses post Covid 19. This will provide a better understanding of the emerging impact of Covid 19 which in turn will inform the overall scheme viability and phasing.

The master plan is a flexible plan. However there are some key delivery principles including calming the traffic, improving the public realm, especially the look and feel from the railway station to the city, and bringing forward a hotel and entertainment venue.

When land assembly is completed for each site within the Southern Gateway HBD will come forward with proposals for a viable scheme for that site.

This is a major regeneration project for the City over a number of years , the largest the City has seen for many years and every effort is being made to bring forward land assembly and to complete the Development Agreement to enable the progression of the project. Jones, Lang, Laselle , JLL, are international property advisors and have a wealth of knowledge of all of the sectors linked to the project delivery as well as a depth of knowledge of this particular project. Now as we near the signing of the Development Agreement is not the right time to be considering any changes which would slow the progress of the project.

Cllr O’Kelly asked how a no deal Brexit would affect businesses. Mrs Shepherd responded by explaining that the council is working on a multi-agency approach and that it already

had an plan in place that assessed the impact on the Council and this was being updated as new information came to light.

Cllr Bangert requested consideration be given to the housing options in the district specifically the lack of suitable properties for downsizers. Cllr Sutton explained that members influence lies in planning policy. He emphasised the importance of promoting new ideas to improve the future of housing the district.

Cllr Evans requested information regarding a planning enforcement case at Lagoon 3 - Crouchland Farm which Mr Frost agreed to respond to in writing. Cllr Palmer requested the information be shared with all members. (Post meeting note: this information was circulated to members on 29 September 2020).

Cllr Brown requested further information on the West Sussex County Council partnership work on electric charging points. Cllr Plant confirmed that the work was in hand.

Cllr Oakley requested clarification on whether the council is able to assess and monitor traffic queuing in relation to what air quality measures are in place on the Westhampnett Road. Cllr Plant confirmed that the council's officers are in contact with their counterparts at West Sussex County Council. She explained that monitoring takes place over a period of time in order to produce data that can be analysed.

Cllr Apel asked why residents would take part in local democracy if they are required to take development in their local areas. Cllr Taylor emphasised the importance of the Local Plan Review taking place as soon as possible. Mr Frost added that the council has prepared an Interim Planning Policy Statement which outlines the current position.

29 **Late Items**

There were no late items.

30 **Exclusion of the press and public**

There was no requirement to exclude the press or the public.

The meeting ended at 5.08 pm

CHAIRMAN

Date:

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