

THE TOWN AND COUNTRY PLANNING ACT 1990
AND
THE ACQUISITION OF LAND ACT 1981

CHICHESTER DISTRICT COUNCIL
(TANGMERE) COMPULSORY PURCHASE
ORDER 2020

STATEMENT OF EVIDENCE

OF

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17 August 2021

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1. INTRODUCTION

- 1.1 My name is Andrew Frost and I am the Director of Planning & Environment at Chichester District Council (the “**Council**”). I have an honours degree in Town Planning and a Diploma in Management Studies (DMS). I am a chartered member of the Royal Town Planning Institute.
- 1.2 I have worked at the Council since 2008, initially as Assistant Director, Development Management with overall responsibility for the Development Management service, then as Head of Planning Services and since 2018, as Director of Planning and Environment. In my current role, I have overall responsibility for delivery of all the Council’s planning services, including the local plan and planning policy preparation and development management, which includes the planning application and planning enforcement service areas. I have a total of 34 years’ experience in local government, which includes development management roles at Horsham District Council and Croydon Borough Council.
- 1.3 As the lead officer responsible for delivery of the Council’s Planning & Environment services, I have overall responsibility for its statutory planning function. I am the lead officer responsible for strategic delivery of the Tangmere Strategic Development Location (“**TSDL**”) Scheme (“the **Scheme**”), and I have led or been closely involved in it since 2015. This has entailed overseeing the Council’s strategic role in seeking to secure comprehensive development of the TSDL through regular and active engagement with the original landowner and developer consortium; oversight and delivery of strategic planning advice to support a consortium led masterplanning process and delivery of planning guidance in respect of land assembly negotiations by the consortium.
- 1.4 I had oversight of the Council’s decision to acquire a development partner to facilitate comprehensive development of the TSDL through compulsory purchase and have overseen and supported the Council’s engagement with Countryside Properties in delivering planning advice and guidance in respect of their masterplan and outline planning application.

Scope of Evidence

- 1.5 My evidence will demonstrate there is a compelling case in the public interest to confirm the Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (“the **CPO**”). My evidence will set out:
- (a) A description of Tangmere and the Order Land;
 - (b) Background to the Scheme;
 - (c) The need for compulsory purchase;
 - (d) The Council’s relationship with Countryside;
 - (e) Delivery of the Scheme;
 - (f) Objections and the Council’s Response;
 - (g) Human Rights Act and Equality Act duties;
 - (h) Conclusions.
- 1.6 References in my statement to documents beginning with ‘CD’ are references to documents in the Core Document list, and references to capitalised defined terms refer to those terms as defined in the Council’s Statement of Case.

Overview of the Scheme

- 1.7 The Scheme comprises a residential-led, mixed-use development comprising up to 1,300

dwellings, an expanded village centre, community uses, a primary school, informal and formal open spaces, playing fields, footpaths, cycleways, associated landscaping, utilities and drainage infrastructure.

- 1.8 The Scheme forms a vital part of the adopted Local Plan strategy for the East-West Corridor, which is the Council's main focus for new development in the Local Plan. The TSDL is the second largest Strategic Development Location in the Local Plan, and the only allocation in Tangmere.
- 1.9 The Scheme is critical for delivering much-needed housing and infrastructure in the local area, and represents 14% of the total housing need for Local Plan area for the period 2012-2029.
- 1.10 The urgent need for, and the significance of the Scheme, was further reinforced by the Council's Emerging Local Plan (details of which are set out at Paragraphs 8.15 to 8.16 of the Statement of Case and in the statement of Hannah Chivers) to increase the scale of development at the TSDL from 1,000 to a minimum of 1,300 homes.
- 1.11 The benefits of the Scheme in delivering housing and in facilitating the orderly and sustainable future development of the area depend upon site-specific infrastructure required by the Local Plan. It is imperative that the Scheme is delivered comprehensively with these requirements. This is dealt with further in the statement of Hannah Chivers.

Promotion of the Order

- 1.12 The Council's purpose in acquiring the Order Land is to facilitate strategic housing delivery on the TSDL, in conjunction with its development partner, Countryside.
- 1.13 There is a long history of failed attempts to bring forward development of the land forming the TSDL – this is dealt with further in section 4 below of my statement.
- 1.14 The Council has therefore determined to use compulsory purchase powers to bring forward the development.
- 1.15 In respect of the delivery of the TSDL, the Council has acted in accordance with the Government's CPO Guidance (**CD9**) at all times and has sought, and continues to seek, to reach agreement with the affected parties.
- 1.16 Nevertheless, the Council's (and Countryside's) negotiations with affected parties have demonstrated that it is likely that the acquisition of these interests on reasonable terms and within a realistic timescale based on the Council's requirements will, in some instances, only be achievable through compulsory purchase.
- 1.17 The Council agreed two separate resolutions to make and thereafter proceed with the Order in 2020. The First Council Resolution to make the Order was agreed on 3 March 2020, but given the circumstances surrounding the Covid-19 pandemic and lockdown which subsequently followed, the Council decided not to act upon the resolution to make the Order at that time. The Second Council Resolution to make the Order was subsequently agreed on 22 September 2020.
- 1.18 The reports for the Second Council Resolution reflected the updated position on the case for the Order, including land negotiations, viability, Equality Impact Assessment (EqIA) and an assessment of the Memorandum of Understanding (MoU) between the landowners.
- 1.19 The timeline of events up to the making of the Order is set out in Section 6 of the Council's

Statement of Case (**CD4**).

- 1.20 The Council has a clear, well-defined and detailed plan for the land it intends to acquire with the Order.

2. TANGMERE AND THE ORDER LAND

Location and Context

- 2.1 The Order Land is located to the west of the village of Tangmere, about 3 miles to the east of Chichester. It comprises an area of circa 76 hectares and is a greenfield site.
- 2.2 The Land is bounded to the north by the A27 Trunk road, which connects Southampton to the west and Folkestone to the east.
- 2.3 Tangmere Road forms the whole of the southern boundary of the Order Land, running westwards as far as Copse Farm.
- 2.4 The Order Land's western boundary includes some existing hedgerows, and it then staggers slightly north-westerly, before reaching the A27. There is an established hedge along the southern boundary.
- 2.5 The site is generally flat and open arable land and a number of existing drainage ditches run through the site.
- 2.6 The site is entirely undeveloped, with no existing buildings within the site boundary. It is generally used for arable purposes, although there are areas of grassland near the centre of the site and a number of hedgerows and trees. There is also some scattered scrubland along or near ditch lines.
- 2.7 Within the site itself, there are no formally designated areas and the nearest Site of Special Scientific Interest (SSSI) is Halnaker Chalk Pit, which is located approximately 2.7 km to the north-east of the site. A number of European designations are located within the wider surrounds of the site, including the Chichester and Langstone Harbour Special Protection Area and the Solent Maritime Special Area of Conservation, which lies 5.7 km to the west of the site. Pagham Harbour is located 6.3 km to the south.
- 2.8 There is no railway station serving Tangmere, although rail services can be accessed either from Chichester to the west or Barnham to the south-east. Tangmere is served by the Stagecoach 55 bus service and this provides a regular public transport link to and from Chichester.
- 2.9 Tangmere village contains a number of community facilities, including a community centre, a convenience store, a health centre and a primary academy school. Access to and between these facilities is available using existing footpaths within the village, from which pedestrian access can also be gained to the application site. There is an existing dedicated cycle link to the north of Tangmere (on the south side of the A27) which links the village to the city of Chichester. This currently runs along the south side of the A27, as far west as the Temple Bar junction. It then runs westwards to the north of the A27.

Land Ownerships & Interests

- 2.10 The interests in the Order Land are described in sections 2 and 11 of the Council's Statement of Case (**CD4**), by reference to the numbered Plots shown on the Order Map (**CD2**).

- 2.11 Appendix 3 to the Council's Statement of Case contains a Landowner Plan indicating the locations of the larger landowner interests within the Order Land, but broadly speaking they are as follows:
- 2.11.1 The "Heaver Interests Land" comprises plots 2, 3, 4, 15, 16 and 17;
 - 2.11.2 The "Pitts Family Land" comprises plots 5, 6, 13 and 14;
 - 2.11.3 The "Church Commissioners' Land" comprises plots 9, 10, 11 and 12;
- 2.12 The remaining smaller plots are owned as follows:
- 2.12.1 Unknown owner – plot 1;
 - 2.12.2 The Pitts Family and Saxon Meadow Tangmere Limited – plots 7, 8;
 - 2.12.3 Highways England – plot 18.
- 2.13 The Heaver Interests Land has been grouped together by the Council for ease of reference in dealing with their objections. It comprises a number of different entities which the Council believes, through diligent enquiry, are related, connected or controlled by the Heaver family. These relationships are set out in the table in paragraph 11.5 of the Council's Statement of Case.
- 2.14 I will deal further with the Heaver Interests in section 7 of my statement.

3. BACKGROUND TO THE SCHEME

Description of the Scheme

- 3.1 As mentioned above, the TSDL is the second largest Strategic Development Location in the Local Plan, and the only allocation in Tangmere. The statement of Hannah Chivers discusses the allocation and the adopted and emerging local planning policy applicable to the TSDL.
- 3.2 Following the allocation, a Masterplan Document (**CD17**) was prepared by Countryside in accordance with the Local Plan, emerging local plan and the Tangmere Neighbourhood Plan. It was then fine-tuned iteratively with feedback from the Council and other statutory consultees and stakeholder groups, and endorsed by the Council's Planning Committee in January 2020.
- 3.3 The Masterplan Document underpins the outline planning application which was submitted for the Scheme, which was validated by the Council on 18 November 2020 and given the reference 20/02893/OUT. On 31 March 2021 the Council's Planning Committee resolved to grant outline permission subject to signing of a Section 106 Agreement and the withdrawal of a holding objection from Highways England.
- 3.4 The description of development within the outline planning application is as follows:

"Outline planning application for a residential-led mixed use development comprising up to 1,300 dwellings (Use Class C3), an expanded village centre (comprising flexible units suited to Use Class E and pubs or drinking establishments and/or takeaways in Use Class Sui Generis), community uses, primary school, informal and formal open space, playing pitches, footpaths, cycleways, associated landscaping, utilities and drainage infrastructure,

including on-site pumping station(s) with connection to the Strategic Foul network; associated infrastructure and groundworks; with all matters reserved except for the principal access junctions from the A27 grade-separated junction and Tangmere Road and the secondary access at Malcolm Road.”

- 3.5 All matters are to be reserved, with the exception of the principal access junctions from the A27 (which will be from the existing grade separated Temple Bar junction) and Tangmere Road to the south, along with a secondary access at the western end of Malcolm Road.
- 3.6 The outline planning application is supported by five parameter plans which were developed from the Masterplan Document. They include: Land uses, building heights, building density, access and movement and open space and strategic landscape. These are each described in summary below.

Land Uses Parameter Plan

- 3.7 This plan arranges the major components of the Scheme, being:
 - 3.7.1 Expansion to the Tangmere village centre, focused on a Village Main Street prioritising pedestrian and cyclist-friendly transport, and comprising up to 1000m² of flexible floorspace suited to Use Class E uses, food and drinking establishments;
 - 3.7.2 Potential new community building;
 - 3.7.3 New primary school with associated playing fields, playground & staff car park, with provision for early years and a special support centre;
 - 3.7.4 Safeguarding area for the expansion of the primary school site to accommodate the possible relocation of the Tangmere Primary Academy;
 - 3.7.5 Up to 1,300 residential dwellings with 30% affordable housing;
 - 3.7.6 Public realm including new local square, green infrastructure and open space improvements;

Building Heights Parameter Plan

- 3.8 This plan defines:
 - 3.8.1 The building heights for the creation of a distinctive townscape in the village centre which responds to the topography of the site and respects the existing built environment;
 - 3.8.2 Maximum building heights for the other zones.

Building Density Parameter Plan

- 3.9 This plan identifies a range of residential densities to provide for variation in approach, intensity and character of the proposed neighbourhoods, whilst ensuring that the density of homes across the site is appropriate to their surrounding context.

Access & Movement Parameter Plan

- 3.10 This plan indicates the principal road through the development scheme (the north-south

spine road) that connects Tangmere Road and the A27.

- 3.11 The plan also shows the three principal vehicular access points to the Scheme which have been submitted in the outline planning application in detail – as mentioned above in paragraph 3.5. These are:
- 3.11.1 Temple Bar A27/A285 – northern gateway to the Scheme and northern end of the north-south spine road;
 - 3.11.2 Tangmere Road – western access from Tangmere Road will be in the form of a roundabout forming a new gateway to the village and the southern point of the main north-south spine road;
 - 3.11.3 Tangmere Road – eastern access will provide an additional access onto Tangmere Road and will be in the form of a new T junction
- 3.12 The plan also shows a further vehicular highway extension at the western end of Malcolm Road, which will solely be used to provide access to the new primary school and expanded village centre from the existing village.
- 3.13 In relation to pedestrians and cyclists, a range of new facilities are proposed to be provided within the development including a principal segregated cycleway, and a principal recreational route for both pedestrians and cyclists will run around the majority of the site boundary and through the western and eastern areas of public open space. All are indicated on the parameter plan.
- 3.14 Connections will be made from the principal recreational route to both the principal segregated cycleway and also to the existing Public Rights of Way (PRoW), with additional footpaths also created through areas of public open space.

Open Space and Strategic Landscape Parameter Plan

- 3.15 This plan shows the open space and strategic landscape proposals of the Scheme, which include:
- 3.15.1 Informal open space focused on green corridors which incorporate surface water attenuation basins;
 - 3.15.2 Formal parks, including an area for the extension of St Andrew's Church cemetery if required;
 - 3.15.3 Sports and recreation facilities including sports pavilion building;
 - 3.15.4 Allotment area, including space for the relocation of the existing allotments to the north of the Tangmere Military Aviation Museum;
 - 3.15.5 Community orchard;
 - 3.15.6 Native species woodland providing a buffer between the existing and proposed new homes to the south of Saxon Meadow;
 - 3.15.7 Children's play areas including a Neighbourhood Equipped Area for Play (NEAP) and a Locally Equipped Area for Play (LEAP).
- 3.16 As a fully-integrated and comprehensive vision for the area, the Scheme ensures that the

TSDL can be developed to deliver the necessary transport, drainage and other infrastructure improvements to realise the extensive social, environmental and economic benefits to the Chichester Local Plan area. It will also allow for future residential development that is essential in order to provide for the housing needs of the CDC area.

4. THE NEED FOR COMPULSORY PURCHASE

Need for the Scheme

- 4.1 The District has experienced continual population growth over the last 30 years, with 16% growth since 1991. This exceeds growth rates nationally (15.4%), and post-Covid-19 this growth is expected to continue.
- 4.2 Section 5 of the Council's Statement of Case (**CD4**) sets out the justification for the Order and in particular the difficulty that the Council has had in meeting its objectively-assessed need ("**OAN**") for new housing.
- 4.3 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**"). The OAN at that time was actually assessed at 560-575dpa. After deducting the 70dpa requirement that could be met in the South Downs National Park, the balance for the Local Plan area was 505dpa. However, this figure was reduced to 435dpa on the basis of infrastructure constraints and anticipation of what could realistically be delivered.
- 4.4 Therefore, the housing target in the Local Plan when adopted in 2015 was already well below what is needed. Given this position, it is imperative that every single allocated site in the Local Plan is delivered. To date, development has commenced on each of the SDLs allocated in the Local Plan, except for the TSDL.
- 4.5 Further, since July 2020 the adopted Local Plan has been more than five years old. Accordingly, and on this basis national policy in the NPPF directs that housing delivery should be assessed against a calculation of Local Housing Need (LHN). Since July 2020 then the housing need for the plan area has risen significantly and therefore delivery of housing is even more critical.
- 4.6 In July 2021 the standard methodology for assessing housing need indicates a Local Housing Need for the plan area of 634 dpa. Therefore, the target for delivery in 2020/21 was 596 dwellings (calculated using 4 months of the adopted plan figure, and 8 months of LHN after July 2020, giving 568 dpa, plus a buffer of 5%).
- 4.7 In the year 2020/21 provisional monitoring information provided by West Sussex County Council indicates the scale of housing delivered was only 461 dwellings as against that 596 target for the year, and the anticipated LHN for 2021/22 is expected to be higher still, based on a full years' worth of LHN based on the standard methodology.
- 4.8 It is the Strategic Development Locations ('**SDLs**') which contribute the most towards meeting the Council's housing target in the adopted Local Plan, with the greatest number of dwellings being brought forward on these SDLs. The SDLs were considered the best locations to support strategic new growth in accordance with the Local Plan-defined settlement hierarchy.
- 4.9 This position is underscored in the emerging Local Plan, which seeks to make provision for larger scale development in order to meet the higher housing needs. In a similar way, the Strategic Allocations in the Local Plan Review are proposed to provide the greatest number of dwellings and make the most significant contribution to meeting the housing target for the

Plan Area. At 1,300 homes, the proposed allocation at Tangmere is the second largest allocation in the emerging Local Plan, and I note that development has already commenced on the largest allocation at West of Chichester.

- 4.10 As referenced in the statement of Hannah Chivers, the Council is not currently able to demonstrate a five year supply of housing land, as required by the NPPF. The most recent calculation of Five Year Housing Land Supply as at 15 July 2020 identifies that the Council is only able to demonstrate a 4.3 year supply of housing land as matters currently stand.
- 4.11 Failure to deliver the Scheme would mean a very significant shortfall in housing delivery in the Local Plan area, which will only be exacerbated by the increase in housing need indicated by the standard methodology, which is some 50% above the target in the previously adopted Local Plan.
- 4.12 As discussed in paragraphs 5.7 – 5.17 of the Council's Statement of Case (**CD4**), the substantial and comprehensive residential development of the TSDL is essential for:
 - 4.12.1 delivering the adopted Local Plan vision for the East-West Corridor;
 - 4.12.2 assisting with the need to relieve pressure on Chichester city;
 - 4.12.3 addressing local needs for both market and affordable housing; and
 - 4.12.4 providing enhanced amenities and services for existing and future residents of Tangmere.

Failure to Deliver Housing at Tangmere

- 4.13 The Council identified the land comprised in the TSDL for strategic allocation for 1,000 homes in 2010 and commenced discussions with the major landowners, namely Herbert Heaver, the Church Commissioners and the Pitts Family. At this time, the landowners were operating as a 'Consortium' and representations were made to the Council in 2011 which suggested that the Consortium was able to deliver comprehensive and carefully planned growth to Tangmere, including delivery of around 1,500 new homes and new supporting infrastructure, including a revitalised centre containing new employment space, retail and other community facilities, recreation and new highways and transport infrastructure.
- 4.14 The landowners maintained that they were committed to jointly delivering the 1,000 dwellings (or more), and requisite infrastructure, in a coordinated way through the production of a masterplan and subsequent planning applications.
- 4.15 The Council has actively engaged with the landowners to support them in this objective. However, this has proved challenging because each party appointed a different agent, and no single representative ever spoke on behalf of the whole group. A pattern of 'disjointedness' soon emerged, and while all parties communicated their individual commitment to a masterplan, there was never a joined-up approach. This was not helped by the fact that not all landowners were represented at all the meetings, as is explained further below.
- 4.16 Amongst frequent email correspondence with the various agents, there have been meetings and letters, which are summarised in **Appendix AF1** to my statement. Further, I note in particular the following events in the period 2010-13:
 - 4.16.1 On 29 April 2010 Drivers Jonas Deloitte (on behalf of Church Commissioners) emailed CDC regarding attendance at a meeting together with Mr Heaver

and Seaward Properties. A meeting was subsequently held on 14 May 2010, at which CDC attended with the Church Commissioners and Seaward;

- 4.16.2 On 14 September 2011 a meeting was held between CDC, Church Commissioners, Seaward Properties and Mr Heaver to discuss masterplanning at Tangmere and the landowners confirmed their commitment to work together;
- 4.16.3 On 2 November 2011 a meeting was held with the Consortium to discuss concept plan objectives, and the outcome of that meeting was the Consortium would agree a list of actions with the Council over the period to summer 2012;
- 4.16.4 No further progress appeared to have been made, and in October 2012 Savills (on behalf of Mr Heaver) met separately with the Council and thereafter wrote to CDC to express the Heaver Family's support for the allocation of Tangmere;
- 4.16.5 The Council sought to convene a development forum with the Consortium for 17 January 2013, but on 23 November 2012 Savills wrote to CDC to advise that it would be hearing from Church Commissioners and Seaward Properties to advise they would not be attending it, but that Mr Heaver wished to attend and present a plan for delivery of the first phase of a wider masterplan;
- 4.16.6 On 26 November 2012 the Council wrote to Savills, Church Commissioners and Seaward Properties to relay that its fears had been confirmed that the Consortium had collapsed, and urged the parties to resolve their differences and present a 'united front' at the Development Forum;
- 4.16.7 On 27 November 2012, Church Commissioners replied to reiterate their commitment to the scheme, that they would attend the forum and continue to engage with Mr Heaver and Seaward Properties to "move forward on a united front and on an equal basis";
- 4.16.8 The Council's email records at this time are incomplete but no progress seems to have been made, and the issue of the ransom strip appears to have come to the fore in the intervening period. On 15 August 2013 Amanda Jobling (then CDC Director of Home & Community) emailed the Homes and Communities Agency for advice on how to unblock the stalemate between the landowners – she states: "*the landowner that controls the principle [sic] route into the site has stepped outside of the cooperative arrangements and is now stating that he wants a ransom payment to reflect the additional value his site controls. The other parties are not prepared to agree and the site risks being undeliverable.*"
- 4.16.9 On 5 September 2013 the Council met with Carter Jonas (on behalf of Church Commissioners) who advised that their client continued to support comprehensive growth but could not work with an inequitable approach to development with a ransom strip.
- 4.17 By this time it appeared to the Council that the landowners were not able to work together to devise and deliver a scheme. This was particularly so in the light of the 'ransom strip' issue, and work on the draft Local Plan was at an advanced stage. In order to be found sound the (then) draft local plan needed to show deliverability, and this could not be demonstrated in the absence of a clear and definitive agreement between the landowners.

- 4.18 It was therefore determined that the potential use of compulsory purchase powers would be referenced in the plan text. The alternative would have been to withdraw the site from the draft Local Plan and allocate an alternative (and less suitable) development site, which could have had significant adverse consequences in delaying the preparation of the Plan.
- 4.19 Therefore on 8 October 2013 (**CD8**), the Council's Cabinet approved the general principle that the Council would use its compulsory purchase powers if necessary to bring forward delivery of the strategic development locations.
- 4.20 The report to the Council's Development Plan Panel (which precedes the Cabinet decision set out above) notes:
- "4.1 Officers have been involved in continuing communications with the planning consultants representing the landowners. Whereas previously the advice was 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".*
- 4.21 In the following period between September 2013 and November 2015, numerous communications between the Council and the landowners took place, including discussions as to the preparation of a masterplan and the importance of it being a masterplan for the site as a whole. However, no masterplan was prepared or shared with the Council. The Council also sought to reiterate that one of the reasons for selecting the TSDL as a location for strategic growth was to ensure that the development would provide significant infrastructure in the area.
- 4.22 On 3 November 2015, the Council emailed the Consortium to outline concerns that no substantive progress had been made in terms of agreeing a landowners' agreement in respect of costs and values, and that officers did not have sufficient confidence that development of the Scheme was being actively progressed.
- 4.23 At a meeting held by the Council, which all of the landowners except for Mr Heaver or his representatives attended, the Council outlined that the requirement for the link road (a policy requirement of the adopted Local Plan, Neighbourhood Plan and, subsequently, the Local Plan Review) meant that no landowner could proceed in isolation, and that it was looking more likely that, in the absence of agreement, the use of CPO powers would be explored.
- 4.24 Subsequent letters sent from the Council to the Consortium sought to request details of ownerships and interests, and establish whether there was willingness on the part of the landowners to work together to deliver the Scheme. In response to this, the agent for Mr Heaver indicated in correspondence dated 22 February 2016 that in their view the ransom strip remained a valid consideration for provision of access to the A27.
- 4.25 The response letter dated 29 February 2016 on behalf of Pitts stated that there was a significant issue in being able to bring forward the land as a whole due to the stance of the owners of the control strip and their agent, who continue to maintain that they have a 'ransom' position, and would not engage in dialogue unless the other landowners are

prepared to talk to them in regard to agreeing commercial terms.

- 4.26 A number of landowners, including those representing CS East Limited and CS South Limited (within the Heaver interests) did not respond to the requests for information about land interests made by the Council by letter dated 12 February 2016, and in the absence of key responses the Council sought to pursue replies and investigate the potential for a CPO.
- 4.27 On 7 June 2016, the Council's Cabinet resolved to appoint consultants to prepare a masterplan for the site, and to pursue compulsory purchase powers if necessary for the delivery of the scheme.
- 4.28 The Report to the Cabinet of 7 June 2016 (**CD8**) notes:
- “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.”*
- 4.29 Since the adoption of the Local Plan in 2015 which formalised the allocation, the principal landowners have yet to produce a masterplan or planning application for the entire site – which is evidently due to the inability of the parties to reach agreement amongst themselves. The Council understands that its pursuit of CPO powers had provided ‘comfort’ to some of the landowners and further discussions had been held about an equalisation agreement and masterplan, however this was in the absence of any involvement of any of the Heaver interests and Bloor Homes.
- 4.30 At a further meeting on 21 February 2017 at which all of the landowners and/or their agents were present, the Council reiterated the need for comprehensive development and a comprehensive masterplan for the site. At the same meeting, the agent for the control strips would not confirm that his clients would be involved in the masterplan process.
- 4.31 In April 2018, a letter on behalf of the Church Commissioners, Pitts and Seaward Properties was sent to the Council, in which it was outlined that the landowners had invited Mr Heaver to participate in the masterplan preparation but that this invitation had been declined.
- 4.32 A Promotion and Option Agreement was entered into between Bloor Homes Limited, (which has an option over plot 16) and Bosham and Shopwyke Limited (a major owner of the

Heaver Interests as set out in the table in paragraph 11.5 of the Council's Statement of Case) in December 2012.

- 4.33 However the Promotion and Option Agreement did not result, and still has not resulted, in a planning application being submitted, or any detailed proposal being put forward to the Council for the comprehensive development of the TSDL or part of it.
- 4.34 Prior to the making of the CPO, the Council tendered for a development partner for the TSDL in the summer of 2018. None of the landowners applied to be involved (except for Seaward Properties, which has an option over plots 6 and 13), and the process resulted in the appointment of Countryside.
- 4.35 In November 2018, Countryside approached the landowners with heads of terms for voluntary acquisition. These discussions are discussed in the statement of evidence of Ged Denning and in the table in paragraph 11.5 of the Council's Statement of Case.
- 4.36 Following the Council having passed its first resolution to proceed with the making of the Order on 3 March 2020, on 30 July 2020 a Memorandum of Understanding (the "MoU") was entered into by the Church Commissioners, Pitts Family and the Heaver Interests, a copy of which is Appendix 5 to the Council's Statement of Case.
- 4.37 The MoU provided that the parties would "continue to co-operate and collaborate" in order to bring forward a masterplan, agree a valuation approach and agree a procurement and delivery strategy. However, the fact remains that even after all these years, issues such as the 'valuation approach' had yet to be agreed. This was very significant since it was (and remains) the Council's understanding that such difference of opinion as to valuation has proved a major stumbling block to development coming forward. The MoU is discussed further in paragraphs 11.12-11.23 of the Council's Statement of Case.
- 4.38 Subsequently, the Church Commissioners and the Pitts Family both agreed heads of terms (in September 2020 and November 2020 respectively) with Countryside. They have indicated that they will withdraw their objections on entering a voluntary agreement and at the time of making this statement the detailed documentation was in the process of being completed.
- 4.39 The Council has seen no evidence at all that the MoU has been acted upon and no steps have been taken to put forward an alternative scheme.
- 4.40 The Heaver Interests are the only parties ostensibly still promoting the concept of an alternative scheme to that promoted by the Council. The Council has maintained that it would be happy to hold meetings with Mr Heaver, but no responses have been received to date and no information advanced which would indicate to the Council that a credible and viable alternative to the Scheme exists.
- 4.41 Having regard to all these circumstances, I consider it is clear that in the absence of compulsory acquisition, development of the TSDL will not come forward. Site assembly within a single ownership is necessary if progress is to be made.

Need for Comprehensive Development

- 4.42 The statement of Hannah Chivers discusses the need for comprehensive development of the Scheme in terms of the infrastructure that underpins the Scheme's benefits, and the planning policy that supports this approach.
- 4.43 In short, it is a long-standing objective of local planning policy to deliver new homes and

communities, and in particular, to do so in the East-West Corridor, where infrastructure can be implemented that supports future growth.

- 4.44 It is simply not possible for that infrastructure to be delivered without the developer having the means to secure all necessary land and property rights, and to enable the Scheme to be implemented without further delay.
- 4.45 Despite the many years of professing otherwise, the landowners have not been able to reach agreement to bring forward a credible plan for the comprehensive development of the TSDL in accordance with the adopted Local Plan.
- 4.46 Their inability to reach an agreement, and the continual fracturing of relationships, would appear to indicate that it is either never going to be possible for them to deliver development together, or at least that they will not do so within the timescales within which the Local Plan requires the TSDL to come forward.
- 4.47 The uncertainty that this creates is a clear risk to the TSDL – without any single one of the interests required the Scheme could not go ahead.

5. RELATIONSHIP WITH COUNTRYSIDE

- 5.1 On 11 July 2017 the Council resolved to identify a suitable development partner to deliver a masterplan for the TSDL, and to underwrite a CPO on the basis that the developer should then make profit on the eventual sale and disposal of the site. This is a common approach to the promotion of major regeneration schemes.
- 5.2 Through a competitive tender process, 13 companies expressed an interest, but only 3 met the required criteria and were taken forward for further consideration.
- 5.3 The selection process for the development partner was 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.
- 5.4 The selection of a development partner was not based on a particular scheme, but a partner who the Council believed would best deliver the comprehensive development of the TSDL, in accordance with the Local Plan and Neighbourhood Plan policies.
- 5.5 Countryside scored the highest in the selection process and was selected as the Council's development partner.
- 5.6 The Council resolved on 4 September 2018 to enter a development agreement with Countryside, which was completed on 5 February 2019. A supplemental agreement was entered into on 3 April 2020.
- 5.7 The Development Agreement and the Supplemental Agreement are at Appendix 6 to the Council's Statement of Case. They provide for the land assembly and delivery of the TSDL in accordance with the development plan, and without prejudice to that, the optimisation of development value realised from the Scheme.
- 5.8 The Council has obligations to acquire or CPO the Site and subsequently transfer it to Countryside. Countryside is responsible for obtaining planning permission for the TSDL. Viability mechanisms are also built into the Development Agreement and the Council must satisfy itself of the viability of the Scheme and Countryside's capacity to deliver it.
- 5.9 The statement of evidence of Martin Leach deals with Countryside's corporate structure,

financial position and how it will deliver the Scheme.

- 5.10 The Council is satisfied that Countryside has sufficient resources to deliver the Scheme within the required timeframes and can obtain sufficient funding for both acquiring the Order Land and implementing the Scheme, both presently and during the compulsory acquisition process.

6. DELIVERY

- 6.1 The Council considers that there are no material impediments to the delivery of the Scheme on the Order Land.
- 6.2 Pre-application intrusive and non-intrusive surveying works over the extent of the TSDL were undertaken by Countryside during Spring and Summer of 2019.
- 6.3 Following the Council's endorsement of the Masterplan Document in January 2020 and the making of the CPO, the outline planning application for the Scheme was submitted in November 2020, with a resolution to grant planning permission made on 31 March 2021.
- 6.4 Once the CPO has been confirmed, the Council will take possession of the entirety of the Order Land within 6 months and transfer it to Countryside in accordance with the Development Agreement.
- 6.5 A Section 106 Agreement will be completed in accordance with the heads of terms approved by the Council's Planning Committee on 31 March 2021. This will enable grant of the outline planning permission, following the withdrawal by Highways England of its holding objection – this is dealt with in the Statement of Hannah Chivers at section 5.
- 6.6 Countryside will then make applications for reserved matters approvals in respect of each phase. Details of phasing will be finalised through the reserved matters, however the application indicates commencement of development in 2022, with completion between 2032-2034.
- 6.7 The phasing of development is dealt with in the Statement of Hannah Chivers, but in summary it will be controlled via a pre-commencement planning condition. In the meantime, the outline planning application anticipated the broad phasing of development as follows:
- 6.7.1 site preparation works, with initial works anticipated to commence in 2022;
 - 6.7.2 the key strategic infrastructure required for the Scheme, including part of the north-south link road, principal areas of public open space and strategic landscaping to commence in 2023;
 - 6.7.3 the first phase of housing will be delivered at the southern end of the site, with construction served by a haul road from the A27 grade-separated junction. Occupation is expected to commence by 2023, served by the proposed eastern and western accesses from Tangmere Road;
 - 6.7.4 the second phase would be constructed in the north of the site, making use of the new A27 Temple Bar access;
 - 6.7.5 after completion of the north-south spine road and link to the second western access from Tangmere Road, subsequent stages would then proceed in both the north and south simultaneously with construction then working towards the centre of the site.

6.8 The only issue which affects the delivery of the Scheme relates to land ownership. Without the certainty of land assembly through the CPO process, the Scheme will not be realised.

7. OBJECTIONS AND THE COUNCIL'S RESPONSE

7.1 A total of 16 objections were received to the Order, with 15 being 'qualifying objections'.

7.2 One qualifying objection has been withdrawn – that of Saxon Meadow Tangmere Limited, which was withdrawn on 22 March 2021.

7.3 It is the intention of the Council to continue to seek to acquire all interests by agreement, and negotiations are continuing. Pursuant to the terms of the Development Agreement with Countryside, given their technical nature for the development of a strategic land site, detailed negotiations with landowners have been led by DWD and Countryside. However the Council has been fully advised and engaged through both Sponsor Board and Steering Group meetings with Countryside and regular day to day updates through the Council, DWD and Countryside project team.

7.4 The Council, through its solicitors, has also engaged directly in discussions with landowners where required. The Council has entered undertakings with certain landowners where voluntary acquisitions have been agreed, in order to facilitate the removal of their objections, such as with the Church Commissioners, Pitts family and Southern Gas Networks.

7.5 The Council is therefore fully aware of the voluntary agreements which have been entered or are proposed to be entered into. The Council is satisfied that Countryside is making all efforts to conclude voluntary agreements, and good progress is being made with various parties.

7.6 Heads of Terms have been agreed with: Church Commissioners, the Pitts Family, Seaward Properties, Bloor Homes and Southern Gas Networks - progress on acquisitions is discussed further in the statement of Gerard Denning.

7.7 The Council's responses to objections are covered in detail in section 11 of the Council's Statement of Case. The objections fall into 3 groups, reflecting the groupings of land ownerships:

7.7.1 Objections in respect of the "Heaver Interests Land" comprising plots 2, 3, 4, 15, 16 and 17;

7.7.2 Objections in respect of the "Church Commissioners Land (plots 9, 10, 11 and 12) and Pitts Family Land" (comprising plots 5, 6, 13 and 14);

7.7.3 Other objectors including Southern Gas Networks, Mr Murphy and Mr Bryant (non-qualifying).

Heaver Interests Objections

7.8 The Heaver Interests Land represents roughly one third of the Site, covering the northern part of the TSDL, and a smaller section in the south-eastern corner of the Site.

7.9 The Heaver Interests Land comprises a number of different entities which the Council believes, through diligent enquiry, are related, connected or controlled by the Heaver family. These relationships are set out in the table in paragraph 11.5 of the Council's Statement of

Case.

- 7.10 Essentially, the land ownership structure of the Heaver Interests Land is arranged such that various interests have been transferred to entities within the control of Herbert and Shelagh Heaver, or their children John Heaver and Shelagh Richardson.
- 7.11 These parties and entities have submitted separate but similar objections, and are represented by the same law firm.
- 7.12 The Council has always pursued negotiations with the Heavers, who, until the CPO was made, were represented by Herbert Heaver.
- 7.13 Since the appointment of Countryside as development partner and the commencement of negotiations, the Council has through its solicitors engaged and corresponded directly with both solicitors acting for Mr Heaver and his agents (as identified in Appendix AF1 to this Statement).
- 7.14 This has included matters concerning the involvement of Countryside, progress of negotiations, the Memorandum of Understanding and progress of any policy compliant development of the TSDL. Meetings have also been held with Mr Heaver's representatives and the Council. I do not believe that efforts to reach agreement have been in any way incomplete or lacking.
- 7.15 The objection of Bosham Limited & Shopwyke Limited raised the following themes and responses:
- 7.15.1 Theme: The CPO is premature as an alternative scheme can be promoted with Bloor
 - 7.15.2 Response: See section 4 above – the Council has seen no substantive evidence that the Bloor Agreement has been acted upon and no steps have been taken to put forward an alternative scheme.
 - 7.15.3 Theme: The CPO is unnecessary as a voluntary agreement & a JV can be reached.
 - 7.15.4 Response: The Council does not consider a JV is an appropriate delivery model for the Scheme, powers are required to ensure comprehensive delivery of the Scheme. See sections 4 and 5 of the Council's Statement of Case.
 - 7.15.5 Theme: A compelling case in the public interest has not been made out.
 - 7.15.6 Response: Paragraphs 5.12-5.17 of the Council's Statement of Case and the evidence submitted to this Inquiry demonstrate the compelling case in support of compulsory acquisition, in my view.
 - 7.15.7 Theme: There are impediments to delivery.
 - 7.15.8 Response: Deliverability of the Scheme is dealt with in section 7 of my statement, and the statements of Hannah Chivers and Martin Leach. The Scheme is deliverable
 - 7.15.9 Theme: Insufficient attempts by the Council to negotiate.
 - 7.15.10 Response: The Council has been engaging with Mr Heaver since 2010, and continues to remain closely involved with negotiations led by Countryside. See statement of Gerard Denning. The Council has taken reasonable steps to acquire the relevant interests by agreement.
- 7.16 The objections of Herbert and Shelagh Heaver, CS East Limited, CS South Limited, Temple

Bar Partnership LLP, and Denton & Co Trustees Limited were all very similar and raised themes in 7.15.3, 7.15.5 and 7.15.7 as well as the following themes and responses:

- 7.16.1 Theme: The CPO is unnecessary as an alternative scheme can be promoted under the MoU with the Church Commissioners/Pitts
- 7.16.2 Response: See section 4 above – Council has seen no substantive evidence that the MoU has been acted upon and no steps have been taken to put forward an alternative scheme.
- 7.16.3 Theme: The CPO unreasonably interferes with Human Rights.
- 7.16.4 Response: Interference with Humans Rights is addressed within paragraphs 9.1– 9.5 of the Council’s Statement of Case. Such interference with rights in private property is justified in the public interest.

7.17 The objection of Tangmere Medical Centre raised the above themes in 7.15, as well as the following themes and responses:

- 7.17.1 Theme: Insufficient consultation and attempts by the Council to negotiate.
- 7.17.2 Response: Those with an interest in the land have been contacted throughout the land referencing stage (which took place in both 2018 and 2020) and also have been consulted by letters and circulars from the Council confirming the Scheme. Heads of terms were subsequently offered to Tangmere Medical Centre which would re-grant its rights.

7.18 The objection of Bloor Homes raised the above themes in 7.15, 7.16 and 7.17.

Church Commissioners Land and Pitts Land Objections

7.19 The Church Commissioners and Pitts Land comprise the majority of the southern and central thirds of the TSDL. They include the interest of Seaward Properties, which has an option over plots 6 and 13.

7.20 Deidre Pitts, Michael Pitts, Diana Pitts and Valerie Young are represented by the same solicitors; Andrew Pitts is represented by his own solicitor, but together with the Church Commissioners, have effectively objected as one group all adopting the same objection as submitted by the Church Commissioner’s solicitors.

7.21 However, both sets of parties have negotiated jointly with Countryside to agree Heads of Terms for a voluntary agreement. Their objections are stated to be holding objections and will be withdrawn on exchange of this voluntary agreement.

7.22 The objections of Church Commissioners, Pitts Family and Seaward Properties (the Pitts Land option holder) raised the following themes and responses:

- 7.22.1 Theme: The CPO is unnecessary as voluntary agreement can be reached.
- 7.22.2 Response: Powers are still required to ensure comprehensive delivery of the Scheme. See sections 4 and 5 of the Council’s Statement of Case.
- 7.22.3 Theme: The CPO is unnecessary as an alternative scheme can be promoted under the MoU with Heaver
- 7.22.4 Response: See section 4 above – Council has seen no substantive evidence that the MoU has been acted upon and no steps have been taken to put forward an alternative scheme.
- 7.22.5 Theme: Prematurity and insufficient attempts by the Council to negotiate.

7.22.6 Response: The Council has been engaging with the parties for a period of years, and continues to remain closely involved with negotiations led by Countryside in order to exchange voluntary agreements however that has not yet occurred. See statement of Gerard Denning.

7.22.7 Theme: There are impediments to delivery.

7.22.8 Response: Deliverability of the Scheme is dealt with in section 7 of my statement, and the statements of Hannah Chivers and Martin Leach. The Scheme is deliverable.

Other Objections

7.23 Southern Gas Networks has lodged a holding objection to ensure the negotiation of acceptable interests to retain and protect its apparatus in the Order Land. An asset protection agreement providing necessary assurance that SGN's interests will be protected has been engrossed and is in the process of being completed by the parties. On completion of this agreement, the objection of SGN will be withdrawn.

7.24 Mr Murphy is a resident of 113 Cheshire Crescent, claiming a right of access over plot 6. The gated access on Plot 6 and any alleged right onto the Order land is not compatible with the Scheme and consequently any right of access must be acquired by the Order – this is a matter for compensation.

7.25 Mr Bryant is a non-qualifying objector and his objection appears to be a general one in relation to the principle of development. The Council will continue to attempt to engage with Mr Bryant in order to provide such information as he requires with respect to the proposals.

8. HUMAN RIGHTS & EQUALITY

Human Rights Act 1998

8.1 The Order Land has predominantly been used for agricultural purposes, and the main landholdings are being commercially farmed by either the Pitts family (for the Pitts and Church Commissioners land), and by Herbert Heaver for his own land (through Temple Bar Partnership LLP and Shores Meadow Farming Partnership– both of which are registered or addressed to his Estate Office).

8.2 The Order will not otherwise result in the extinguishment of a commercial enterprise. No residential property is being acquired (with the exception of occupiers who have extended gardens by encroachment into Plot 6 and Plot 13 – see table below).

8.3 A list of occupiers known to the Council at the time of making this statement is below:

Plot	Landowner Grouping	Occupier
1	Unregistered Land	Unoccupied
2, 3 and 4	Heaver Interests Land	Temple Bar Partnership LLP
15	Heaver Interests Land	CS South Limited
16	Heaver Interests Land	Shores Meadow Farming Partnership, SSE plc, Highways England Company Limited

17	Heaver Interests Land	CS East Limited
5, 13 and 14	Pitts Land	Andrew John Pitts and the Occupier of 125 Mannock Road (encroacher)
6	Pitts Land	Andrew John Pitts and Pitts family, Julie Warwick (encroacher)
9, 10, 11 and 12	Church Commissioners Land	Andrew John Pitts
7	Overlapping ownership of Deirdre Jane Pitts, Michael Williams Pitts, Diana Mary Pitts and Valerie Ann Young and Saxon Meadow Tangmere Limited	Saxon Meadow Tangmere Limited and Saxon Meadow residents
8	Saxon Meadow Tangmere Limited	Saxon Meadow Tangmere Limited and Saxon Meadow residents
8A and 8B	Overlapping ownership of Saxon Meadow Tangmere Limited, Deirdre Jane Pitts, Michael Williams Pitts, Diana Mary Pitts and Valerie Ann Young	Saxon Meadow Tangmere Limited and Saxon Meadow residents
18	Highways England	Unoccupied

- 8.4 Careful consideration has been given by the Council to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998. These include in particular Article 1 (the right to peaceful enjoyment of possessions), Article 6 (fair and public hearing) and Article 8 (respect for private and family life and home) and of the European Convention on Human Rights.
- 8.5 The decision to make or confirm the CPO must strike a fair balance between the public interest associated with the regeneration of the land and the interference with these private rights.
- 8.6 To the extent that the Order would affect those individual rights, the Council considers that proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate.
- 8.7 The Order Land falls within a strategic development location and the landowners of the Heaver Interests Land, CS East / CS South Land, Pitts Land and the Church Commissioners Land have all previously expressed interest in developing their land for housing development. In the event that financial compensation cannot be agreed voluntarily between parties, this will be determined by reference to the Lands Chamber (Upper Tribunal).
- 8.8 All those affected by the Order have been notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed by the Secretary of State.

- 8.9 In light of the significant public benefits which would arise from the implementation of the Scheme as set out within this Statement, and having regard to the extent of the interference with parties' rights, the Council has concluded that it would be appropriate to make the Order. It does not regard the Order as constituting any unlawful interference with individual property rights.

Equality Act 2010

- 8.10 The Council has a public sector equality 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.
- 8.11 The land being acquired is agricultural land and does not require relocation of any protected groups.
- 8.12 The Council has commissioned external consultants to advise the Council on compliance with their duties under the Equality Act 2010 and an EqlA has been produced (**CD13**). The Council has also commissioned the EqlA Addendum (**CD13**) to specifically consider the impacts of the COVID-19 pandemic and ensure that any specific equalities considerations arising from it were taken into account.
- 8.13 The EqlA and EqlA Addendum contain a number of recommendations and an action plan. The Council has had regard to the EqlA and the EqlA Addendum, including their recommendations and action plan, and has put in place the relevant measures to implement the recommendations and actions.
- 8.14 With regards to removing or minimising disadvantages suffered by those with protected characteristics and steps that can be taken as part of the compulsory purchase process, the Council can provide copies of the Order documents in different formats. The Council has published 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.
- 8.15 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.
- 8.16 As the process continues, when conducting the Inquiry, 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.
- 8.17 As set out in the Public Sector Equality Duty Statement (**CD13**), the Council is satisfied that it has given due regard to its Duty.

9. CONCLUSION

- 9.1 I consider that the Council has demonstrated that there are compelling reasons for the powers to be authorised at this time to enable the Scheme and its benefits to be delivered.
- 9.2 The Council and Countryside have a clearly articulated vision for how they intend to use the land which it is proposed to acquire. The land is required to deliver the Scheme in accordance with the Local Plan and in compliance with national and local planning policy.
- 9.3 The proposals for the Order Land will deliver significant economic, social and environmental benefits to the Chichester local area. As explained within this statement, the necessary

resources are in place now to deliver the Scheme within a reasonable timescale.

- 9.4 The Council and Countryside have the necessary resources to meet all land acquisition and compensation costs (including acquisition and compensation costs arising from the service of any blight notice(s)).
- 9.5 Subject to confirmation of the Order to enable site assembly to be achieved, the Council considers there are no impediments to implementation of the Scheme.
- 9.6 I consider that there is a compelling case in the public interest for compulsorily acquiring the Order Land, and believe that the benefits which the Scheme would secure in the public interest outweigh the effect of the acquisition on the rights of individuals.