

**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
GERARD DENNING MRICS
ON BEHALF OF
COUNTRYSIDE PROPERTIES (UK) LIMITED**

1. **Qualifications and experience**

- 1.1 My name is Gerard Denning. I am a Chartered Surveyor and have been a Member of the Royal Institution of Chartered Surveyors since October 2005 (membership number 1165678). I am an RICS Registered Valuer and a partner at Dalton Warner Davis LLP, (DWD).
- 1.2 DWD is a practice of Chartered Surveyors and Planning and Development Consultants with offices in the City of London. DWD has extensive valuation experience across the UK providing advice on aspects of property/land acquisition and undertaking associated valuations on behalf of clients. I have particular knowledge and experience in strategic land assembly and compulsory purchase, have been engaged in this work since 2004 and have been an active member of the Compulsory Purchase Association over the same period.
- 1.3 My experience in this field has involved providing advice to a number of strategic land assemblers and residential developers including Crest Nicholson, Berkeley Group, Family Mosaic and O&H Properties. I also have extensive experience in advising property/landowners, residential and commercial occupiers who are affected by proposals for the use of statutory powers of acquisition through the use of compulsory purchase orders in the UK.
- 1.4 I have specific knowledge of the Tangmere Strategic Development Location ("TSDL") as DWD have provided advice to Countryside Properties (UK) Ltd ("Countryside") since the summer of 2018. My initial involvement was as part of the Countryside team that participated in the Chichester District Council (the "Acquiring Authority") competitive tender process to select an appropriate development partner. I have provided acquisition, CPO and valuation advice to the Acquiring Authority and Countryside since that time.
- 1.5 The Development Agreement between Countryside and the Acquiring Authority, provides instructions for me to advise both parties on all negotiations to acquire the necessary land interests within the TSDL (CD4 Appendix 6 Schedule 3 – para 4.9).

2. **Scope of evidence**

2.1 I provide this evidence in support of the Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (the "Order") made by the Acquiring Authority on 28 October 2020, by which the Acquiring Authority seeks to acquire the relevant land interests ("the Order Land") necessary to deliver the Scheme. The Order will enable the development of at least 1,000 homes and up to 1,300 homes (the "Scheme").

2.2 The purpose of this Statement of Evidence is to set out:

- (a) The background to the need for the Order;
- (b) The nature of the interests to be acquired and identity of interested parties;
- (c) The attempts to acquire interests by private treaty;
- (d) The adequacy of attempts to acquire and justification for the use of the Order to facilitate development of the TSDL

3. **Background to the Order Land and need for the Order**

3.1 The Order Land comprises approximately 76 hectares of predominantly undeveloped open and flat in agricultural use for arable farming. It is located to the West of the village of Tangmere, West Sussex, south of the A27. There is further agricultural land lying to the South and West with residential houses adjoining the Order Land to the East.

3.2 The Statement of Case for the Order (section 2) and evidence of Mr Andrew Frost (Section 2) on behalf of the Acquiring Authority describes the character of the Order Land in more detail.

3.3 The detailed justification for the Order is provided in the evidence of Mr Andrew Frost (Section 4) on behalf of the Acquiring Authority. I note that development of the TSDL

is critical if the Acquiring Authority is to achieve its housing targets set out in its Local Plan. This issue is further discussed in the evidence of Hannah Chivers on behalf of the Acquiring Authority.

- 3.4 Prior to the site being allocated in the Local Plan, the Acquiring Authority had been in discussions with the landowners since 2010 (Mr Andrew Frost's evidence Appendix 1). At that time, it was clear that the Acquiring Authority hoped that the development of the site could be delivered by the relevant landowners through a plan led process.
- 3.5 In this respect I understand that during the formulation of the Local Plan, the Acquiring Authority was assured by landowners and their advisors 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 application. Section 4 and Appendix 1 to Mr Andrew Frost's evidence describe regular contact between the Acquiring Authority and the landowners in during the period 2010-2018.
- 3.6 The TSDL was allocated in the Local Plan (adopted in 2015) and Section 4 of Mr Andrew Frost's evidence makes it clear that by this time the Acquiring Authority had concerns that the landowners and developer interests had not reached agreement on commercial terms or infrastructure provision across the site in order to produce a masterplan which could be expected to lead to the submission of a comprehensive outline planning application for the development as a whole.
- 3.7 Anticipating that there may be a delay in bringing its strategic development locations forward (and the TSDL in particular), on the 12th September 2013 the Acquiring Authority resolved to use its compulsory purchase powers if necessary in order to bring forward delivery of the strategic development locations in the Local Plan (CD4 SOC S.6 – 6.1).
- 3.8 In Section 4 of his evidence, Mr Andrew Frost describes that in 2018 the Acquiring Authority commenced an open competitive tender process led by Knight Frank with the intention of entering into a Development Agreement with a development partner to facilitate the delivery of the TSDL in accordance with its housing delivery strategy. The Acquiring Authority anticipated that the successful development partner would

be responsible for assembling the land interests required for the development of the TSDL, ultimately with its support for use of a CPO if it should become necessary.

- 3.9 I was part of the Countryside team that successfully participated in that tender process and Countryside entered into a Development Agreement with the Acquiring Authority on 5 February 2019. The details of the parties' roles in that partnership are explained in Mr Andrew Frost's evidence (Section 5) on behalf of the Acquiring Authority and by the evidence of Mr Martin Leach on behalf of Countryside.
- 3.10 On its appointment as Development Partner, Countryside committed to a Land Acquisition Strategy that was kept under review by the parties throughout the subsequent period. This strategy addressed how Countryside proposed that the land acquisitions required for the Scheme would be managed and comprised two principal approaches.
- 3.11 Although unlikely, where land and property interests were available on the market, Countryside would make reasonable attempts to acquire them by agreement where practicable. Countryside would also make direct contact with other landowners/interested parties and use reasonable endeavours to attempt to acquire other interests by private treaty agreement where practicable, or to reach an agreement which establishes the basis on which a future transaction would be undertaken.
- 3.12 Countryside's intention was to be flexible with regard to the structure of such agreements with the basic principle being that the landowner/interested party be paid an amount, or terms otherwise being agreed, reflecting the Market Value of its interest.
- 3.13 The second approach would rely on Countryside requesting the Acquiring Authority's use of a compulsory purchase order where purchase by agreement did not prove possible or was not practicable within a reasonable timescale.
- 3.14 The Land Acquisition Strategy stated that it would be Countryside's preference to reach an agreement with each affected owner/interested party by private treaty wherever practicable. Countryside also provided a commitment, at all stages during any potential statutory process to confirm and implement a CPO, to continue its

efforts to reach agreement with any remaining parties to acquire the outstanding land interests to enable delivery of the Scheme. That approach of making a CPO and, in parallel, conducting negotiations to acquire interests by agreement is in accordance with current Government guidance.

3.15 Since the appointment of Countryside the Acquiring Authority has also remained engaged in the land acquisition process. On 8th November 2019, a letter was issued to all relevant parties by the Council indicating that despite negotiations being undertaken between Countryside and the various landowners, this did not preclude a landowner from making contact direct with the Acquiring Authority at any stage. It is also the case that since the appointment of Countryside, the Acquiring Authority has intervened directly in negotiations between landowners, including on the technical nature of the voluntary agreements proposed and for the negotiation of undertakings between landowners and the Acquiring Authority.

3.16 The Statement of Case for the Order (CD4 Section 5) sets out the detailed reasons why the Acquiring Authority considers that the use of compulsory purchase power conferred by Section 226 of the 1990 Act is justified. In summary, the Acquiring Authority have formed the view that the Order is now required to facilitate the delivery of the Scheme in a reasonable timescale in order to meet its housing targets.

4. **Interests to be acquired**

4.1 The interests in the Order Land are described in Sections 2 and 11 of the Acquiring Authority's Statement of Case (CD4), by reference to the numbered Plots shown on the Order Map (CD2).

4.2 Appendix 3 to the Acquiring Authority's Statement of Case (CD4) contains a Landowner Plan indicating the locations of the larger landowner interests within the Order Land

Freehold Ownerships

4.3 In summary, the freehold ownership of almost the entire extent of the Order Land

rests with three landowner groups that I identify as the 'Heaver Interests Land', the 'Pitts Family Land' and the 'Church Commissioners Land'.

- 4.4 The Heaver Interests Land comprises Plots 2, 3, 4, 15, 16 and 17 and is used almost entirely for arable farming. Land Registry records indicate that Plots 2, 3 & 4 are owned by Bosham Limited and Shopwyke Limited, Plot 15 is within the ownership of CS South Limited, Plot 16 is owned by Bosham Limited and Shopwyke Limited and Plot 17 is within the ownership of CS East Limited.
- 4.5 The Acquiring Authority and Countryside have established relationships between these entities as set out in the table at paragraph 11.5 of the Statement of Case for this Order (CD4), and have formed the view that these are either controlled by the Heaver family, related or connected to it.
- 4.6 The Pitts Family Land comprises Plots 5, 6, 13 and 14 and is used as farmland (arable farming). Plots 5, 13 and 14 are within the ownership of Andrew John Pitts Plot 6 is within the ownership of Deirdre Jane Pitts, Michael Williams Pitts, Diana May Pitts and Valerie Ann Young.
- 4.7 The Church Commissioners Land comprises Plots 9, 10, 11 and 12 and is used as farmland (arable farming). Land Registry records indicate that these Plots are within the ownership of the Church Commissioners for England.
- 4.8 Plot 1 is a grass verge West of Tangmere Road. The ownership of Plot 1 unknown.
- 4.9 Plot 7 comprises a small area of land on the edge of Plot 6 where Registered Title plans indicate overlapping between the ownership of Deirdre Jane Pitts, Michael Williams Pitts, Diana Mary Pitts and Valerie Ann Young (forming part of the title of Plot 6) and Saxon Meadow Tangmere Limited.
- 4.10 Plot 8 is a parcel of open land adjacent to the Saxon Meadow Estate and is owned by Saxon Meadow Tangmere Ltd. Since the Order was first made, the Acquiring Authority has agreed with the owners of Plot 8 to modify its size. This will formally be requested from the Secretary of State during the Public Inquiry. This in effect reduces the amount of land required from this owner allowing it to retain a greater 'buffer' from the Scheme.

- 4.11 Plots 8A and 8B are small areas of open land adjacent to Plot 8. These plots only became apparent upon the completion of the registration of a recent adverse possession claim in respect of Plot 8. The owners of Plots 8A and 8B are considered to be either Saxon Meadow Tangmere Limited, the owner registered as the owner of Plot 8 prior to the adverse possession claim (a limited company which was wound up in February 2021) or Deirdre Jane Pitts, Michael Williams Pitts, Diana Mary Pitts and Valerie Ann Young as part of Plot 6.
- 4.12 Plot 18 is a small section of land in the ownership of the Highways England Company Limited that does not form part of the highway adjacent to the A27 roundabout. Following delivery of the Scheme Countryside's intention is that this will become adopted highway through the s.278/s.38 process.

Interests other than Freehold

- 4.13 The Order Schedule identifies a number of other interests affected by the Order.
- 4.14 Seaward Properties Limited ("Seaward") has the benefit of an option over Plots 6 and 13, those plots being land in the ownership of the Pitts family (para 4.5 above).
- 4.15 Bloor Homes ("Bloor") has the benefit of a promotion and option agreement over Plot 16, that plot being in the ownership of is owned by Bosham Limited and Shopwyke Limited (para 4.3 above) and is therefore, as I understand, in a contractual relationship with the Heaver family.
- 4.16 Temple Bar Partnership LLP have an interest as tenants and occupier of Plots 2, 3 and 4, those plots being owned by Bosham Limited and Shopwyke Limited. Mr Herbert Heaver and Shelagh Heaver are the sole LLP designated members of Temple Bar Partnership LLP which is joint owner of the Tangmere Medical Centre (together with Herbert George Heaver and Denton & Co Trustees Ltd).
- 4.17 Tangmere Medical Centre is a tenant of the medical centre, which is leased by Temple Bar Partnership LLP. The freehold of the medical centre is owned by Mr Herbert George Heaver, Denton & Co Trustees and Temple Bar Partnership LLP. Although the freehold of the medical centre is not within the Order Land, Tangmere Medical Centre has rights over Plots 15, 16 and 17, those plots are respectively

owned by CS South Limited, Bosham Limited and Shopwyke Limited and CS East Limited.

- 4.18 Denton & Co Trustees Ltd, as mentioned above, is the joint freehold owner of the medical centre. Although this freehold is not within the Order Land, rights are claimed over Plot 15, 16 and 17 with those plots respectively owned by CS South Limited, Bosham Limited and Shopwyke Limited and CS East Limited.
- 4.19 Southern Gas Networks (“SGN”) is a Gas Transporter and Statutory Undertaker that owns and operates Low/Medium pressure gas pipelines and apparatus within the Order Land (Plots 2, 3, 4, 5, 6 9 and 10). In implementing the Scheme Countryside’s intention is that SGN’s rights this will be re-granted and agreement will be reached prior to construction to protect SGN’s interests.
- 4.20 Steve Murphy of 113 Cheshire Crescent, Tangmere has claimed to have accrued a right of access to Plot 6 from rear of his garden. This right of access, if it is proven to exist, would directly interfere with the landscaping required to implement the Scheme and would need to be acquired under this Order.
- 4.21 Richard Bryant, Shady Oak, Old Bridge Road, Bosham, West Sussex. The land referencing exercise undertaken by the Acquiring Authority did not identify Mr Bryant as having an interest in the Order Land. Mr Bryant has objected to the CPO with a general complaint about development in Tangmere

5. **Negotiations on interests to be acquired**

- 5.1 Following its appointment as Development Partner and having agreed a Land Acquisition Strategy with the Acquiring Authority, in September 2018 Countryside commenced making contact with the three main landowner parties (or their known agents/advisors) being Heaver, Pitts and the Church Commissioners. In the first instance this was to confirm its appointment as Development Partner, provide contact details for future discussions and to establish that it would like to commence private treaty negotiations for the acquisition of the respective landowner’s interests in the TSDL.
- 5.2 As a property/valuation advisor to Countryside on strategic matters, I was party to all of the subsequent negotiations and attended most if not all meetings where that

was considered necessary or conducive to reaching agreement on appropriate commercial terms. As experts with considerable experience in strategic land assembly themselves, Countryside took a lead role in the negotiations of detailed commercial terms, supported by my strategic overview and I was consulted on all meetings, proposals and exchanges of communication and correspondence between the parties. In each case, I confirm that in my opinion the landowners were advised by appropriate professional representatives and the subsequent discussions were principally held between Countryside, myself and the legal/property advisor teams of each landowner.

- 5.3 Countryside provided regular updates on land assembly efforts to the Acquiring Authority through the meetings held by the Sponsor Board, attended by the senior representatives of the parties to the Development Agreement. The Acquiring Authority was both advised and consulted on aspects of the progression of those negotiations and where necessary (or requested) liaised directly with the owners of the interests in the TSDL.
- 5.4 The freehold landowners and their advisors clearly had a detailed knowledge of the Scheme, the development proposals and the fact that Chichester District Council as a potential acquiring authority were supporting the delivery of the scheme to meet its housing targets. They were also aware that the Council had proposed to use its statutory powers of acquisition, if necessary, to assemble the land interests through use of a compulsory purchase order. In the early communications/ meetings with these landowners, Countryside's stated preference was to attempt to reach agreement on reasonable commercial terms to acquire freehold interests in advance of any CPO process commencing.
- 5.5 I sought to implement this approach which was, I believe, a collaborative one, and one that was appropriate when dealing with a significant strategic housing site such as the TSDL. Landowners were provided updates as to Countryside's progress with the delivery of the Scheme, principally the site investigations, masterplanning together with the various public consultations and subsequent outline planning application. It was also made clear that the Acquiring Authority's commitment to ensure delivery of the TSDL and Scheme was such that, in the event it was not possible to reach an agreement voluntarily, the CPO process would commence but

that Countryside was committed to continue with its private treaty negotiations, in parallel with the statutory process.

- 5.6 Following initial exchanges of correspondence, telephone calls and some meetings (where possible), comprehensive offers to purchase the Heaver Interests Land, Pitts family Land and the Church Commissioners Land were made by Countryside on the 7th November 2018.
- 5.7 Reinforcing its preferred collaborative approach, these offers set out an approach to development with these landowners so that a planning application could be progressed and development brought forward at the earliest opportunity. The offers were based on the principle of equalisation of value, whereby all costs and receipts are shared on an equal basis in accordance with the pro rata gross acreage of each landowner interest. Two potential contractual models were offered and Countryside indicated it remained open to discuss variations of those or other potential deal structures.
- 5.8 I provide records of the progress of those negotiations in respect of the Heaver Interests Land and Bloor (see Appendix GD 1) and the Church Commissioners, the Pitts family and Seaward (see Appendix GD 2).

Parties with whom Countryside has already reached agreement

- 5.9 Despite its considerable and well documented efforts (Appendix GD 1 and GD 2), at the date of this statement, it has not yet been possible to complete any agreement for the purchase of land or interests in land that comprise the Order Land. However, considerable progress has been made in reaching agreement across the majority of the Order Land.

Parties with whom Countryside is in advanced negotiations pending agreement

- 5.10 The following tables summarise where it has been possible to make substantial progress with negotiations to acquire land and interests in land identified in section 4, above.

Party	CPO Plot	Status of Negotiation	Commentary
Church Commissioners for England	9,10,11 & 12	Agreed Heads of Terms for voluntary agreement dated 4 th November 2020	The Church Commissioners negotiated jointly with Pitts family. Final legal agreements are agreed. Parties expect to have exchanged contracts before the Public Inquiry and the objection will be withdrawn.
Pitts	5,6,7, 8A, 8B, 13 & 14	Agreed Heads of Terms for voluntary agreement dated 7 th September 2020	The Church Commissioners negotiated jointly with Pitts family. Final legal agreements are agreed. Parties expect to have exchanged contracts before the Public Inquiry and the objection will be withdrawn.
Seaward	6 &13	Agreed Heads of Terms for voluntary agreement dated 16 th December 2020	Seaward have been represented in the final drafting of legal agreements with the Church Commissioners and Pitts. Final legal agreements are agreed. Parties expect to have exchanged contracts before the Public Inquiry and the objection will be withdrawn.
Bloor	16	Agreed Heads of Terms for voluntary agreement dated 31 st March 2021	Bloor has been involved in tripartite discussions between Countryside and the Heaver entities with an interest within Plot 16. Given the lack of progress with these tripartite discussions, in order to reach commercially acceptable terms for Bloor and Countryside, Bloor has agreed terms in a direct agreement with Countryside and the Acquiring Authority. Final legal agreement has been circulated for approval and parties intend to have exchanged contracts before the Public Inquiry and the objection of Bloor will be withdrawn

5.11 Countryside has made substantial progress in its discussions with Saxon Meadow Tangmere Limited in relation to Plot 8. Saxon Meadow Tangmere Limited is represented by a professional valuer / CPO expert and originally sought to reduce the impact of the Scheme on land that is owned by them but excluded from the Order. Countryside and the Acquiring Authority have reached an agreement with

this landowner to reduce the size of Plot 8, re-grant rights over Plot 6 and use best endeavours to incorporate requests in respect to potential boundary treatments on the interface with the Order Land. Saxon Meadow Tangmere Limited did not object to the Order in respect of their alleged overlapping ownership interest with the owner of Plot 6 within Plots 7, 8A or 8B.

- 5.12 The Order Plan has been modified to reflect a reduced land take creating a greater buffer zone to the Scheme. The landowner has in turn withdrawn its objection to the Order.
- 5.13 Countryside made an offer on the 8th September 2020 (re-stated on the 18th September 2020) proposing commercial terms for the acquisition of Plot 8 on an unconditional basis. The landowner's advisor provided its response to those terms on the 29th July 2021 and on the same day Countryside requested further details in order to provide a full response. Countryside are awaiting a response from the landowner's advisor.
- 5.14 Plot 18 is owned by Highways England who have not objected to the Order. The land in question is not adopted highway and will be included within the area of the highway junction works for the Scheme, to be adopted as highway maintainable at public expense under a standard s.278 / s.38 Highways Agreement.
- 5.15 Countryside has progressed discussions with Southern Gas Networks in relation to its status as a statutory undertaker on the Order Land. On the 5th February 2021 Countryside issued draft Heads of Terms for an Asset Protection Agreement with SGN. The negotiated Asset Protection Agreement has been engrossed and circulated between the Acquiring Authority, Countryside and SGN. The parties expect to complete the Asset Protection Agreement prior to the Public Inquiry for the CPO upon which the objection of SGN will be withdrawn

Parties with whom Countryside has not reached agreement

- 5.16 Plot 1 – Is in unknown ownership
- 5.17 Countryside offered Heads of Terms to the Tangmere Medical Centre on the 25th February 2021 for a Deed of re-grant of rights over Plots 15, 16 and 17. A response was received from Ashurst solicitors on 30th June 2021 but on behalf of Denton & Co Trustees, Temple Bar Partnership LLP and Mr H G Heaver.
- 5.18 Revised Heads of Terms were received from Ashurst on the 1st July 2021. In addition, a response from Ashurst on behalf of Tangmere Medical Centre was also received on the 1st July. Countryside are endeavouring to conclude an agreement with Tangmere Medical Centre ahead of the Public Inquiry for the CPO.

Heaver Interests Land

- 5.19 The Heaver Interests Land extends over Plots 2, 3, 4, 15, 16 and 17, as identified above in Section 4 to this Statement of Evidence. In addition to the ownership of the freehold of those plots, which amounts to approximately one third of the Order Land, other lesser interests are identified above at paragraphs 4.16 - 4.18 being principally rights over the Order Land. Paragraph 11.5 of the Statement of Case for this Order (CD4) and paragraph 7.7 *et seq* of Mr Andrew Frost's evidence also establishes the interconnection between the controlling parties behind the commercial entities.
- 5.20 Countryside first made a proposal to acquire the Heaver Interests land and interests/rights on 7th November 2018, at the same time similar approaches were made to the Church Commissioners and the Pitts family (see paras 5.6 - 5.7 above). Countryside's original proposal to acquire the Heaver Interests Land was consistent with proposals made to the other principal landowners (the Church Commissioners and the Pitts family).
- 5.21 Negotiations with all of the principal landowners have taken place over the subsequent period to the date of this Statement of Evidence. The progress of negotiations for interests within the Heaver Interests Land between Countryside and

their representatives have been recorded in Appendix GD x1. This records the lengthy period over which negotiations have occurred, particularly between Countryside, representatives for the Heaver Interests Land and for their option holder, Bloor.

5.22 Following a number of requests for further information, Countryside received a counter proposal from the representatives for the Heaver Interests Land on the 8th May 2019. The negotiations over the subsequent period were undertaken between an extensive professional team for the Heaver Interests Land and by Nicholle Phillips (Director Strategic Land West, Countryside) supported by my advice.

5.23 An additional complicating factor in relation to Plot 16 (being the main Heaver Interests Land Plot in the north of the Order Land) is the existence of the contractual relationship between the freehold owner of Plot 16 (currently Bosham Limited & Shopwyke Limited) and Bloor (see paragraph 4.15). It is commercially prudent for Countryside, or indeed any strategic land assembler, to ensure that it is in a position to be able to assemble both the Plot 16 freehold and Bloor interest simultaneously on known terms and the following deal structures were proposed:

- i. The Plot 16 freeholder and Countryside contract with each other directly conditional upon a simultaneous exchange of Deed of Variation between Bloor and the Plot 16 freeholder; or
- ii. A tripartite proposal binding the parties together on mutually acceptable terms.

5.24 Subsequent negotiations by the Heaver advisors sought variations to a number of aspects of Countryside's proposals. This would be expected and normal commercial practice in land assembly exercises on a site such as the TSDL.

5.25 On the 7th February 2020, the lead advisor for the Heaver Interests Land (Colin Wilkins, Director, Head of South Coast Development, Savills) confirmed that the deal structure Countryside proposed was generally agreed (a direct deal with simultaneous variation with Bloor), albeit a number of detailed commercial terms were not (which were identified within). Countryside reverted on the 24th February 2020 issuing first draft Heads of Terms.

- 5.26 There continued to be detailed negotiations with this landowner, culminating on 26th April 2021 with Countryside issuing what it thought was a final draft Heads of Terms that accommodated the commercial terms being requested by the professional team for the Heaver Interests Land. It was thought that agreement would thereafter be forthcoming but no formal response was received at that time to those proposed Heads of Terms.
- 5.27 On the 11th June 2021 Countryside were contacted by a different advisor (Mr Matthew Bodley) who indicated that he was now the lead contact responsible for progressing negotiations for the Heaver Interests Land. I understood that Mr Bodley was going to provide his client's response to the latest Heads of Terms issued by Countryside on the 26th April 2021.
- 5.28 On the 3rd August I received a draft Heads of Terms document that, despite over 20 months of negotiation and refinement between the parties respective legal and professional teams, represented a significantly different commercial mechanism that ignored what had been understood to be previously agreed principles. I requested further supporting information and justifications for this re-positioning on the 4th August 2021 in order that I could advise the Acquiring Authority and Countryside accordingly.
- 5.29 Given the significant departure from the basis of previous negotiations that had been progressed (since at least the 7th February 2020 when the landowners advisor confirmed the deal structure was generally agreed), it has not been possible to agree mutually acceptable terms for the acquisition of the Heaver Interests Land within the Order Land. The Acquiring Authority and Countryside will continue to seek agreement where it is reasonably practicable to do so.
- 5.30 Separate to those negotiations and in the interests of securing the opportunity to assemble the TSDL land in a reasonable timeframe, Countryside also pursued a direct private treaty deal with Bloor. This culminated in the agreement of Heads of Terms referred to in the table at paragraph 5.11 and the parties intend to exchange contracts prior to the Public Inquiry which will, in turn, see the Bloor objection withdrawn.
- 5.31 Heads of Terms have been issued in respect of Herbert George Heaver's interests in Plots 2, 3, 15, 16 and 17 of the Order Land by virtue of his joint ownership of the

Tangmere Medical Centre. Heads of Terms were issued on 3 March 2021 and were responded to for the first time on 30 June 2021 by Ashurst acting on behalf of Herbert and Shelagh Heaver. The Acquiring Authority and Countryside will continue to seek agreement of the Heads of Terms.

5.32 Heads of Terms have been issued in respect of Temple Bar Partnership LLP's interests in Plots 2, 3, 4, 15, 16 and 17 of the Order Land by virtue of their joint ownership of the Tangmere Medical Centre. Heads of Terms were issued on 3 March 2021 and were responded to for the first time on 30 June 2021 by Ashurst acting on behalf of Temple Bar Partnership LLP. The Acquiring Authority and Countryside will continue to seek agreement of the Heads of Terms.

5.33 Heads of Terms have been issued in respect of Denton and Co Trustees Limited's interests in Plots 15, 16 and 17 of the Order Land by virtue of their joint ownership of the Tangmere Medical Centre. Heads of Terms were issued on 3 March 2021 and were responded to for the first time on 30 June 2021 by Ashurst acting on behalf of Denton and Co Trustees Limited. The Acquiring Authority and Countryside will continue to seek agreement of the Heads of Terms.

5.34 Heads of Terms have been issued to Dr Alice Chiswick on behalf of the Tangmere Medical Centre and its interests in Plot 15, 16 and 17 of the Order Land. Heads of Terms were issued on 25 February 2021 and were responded to for the first time on 1 July 2021 by Ashurst on behalf of the Tangmere Medical Centre. The Acquiring Authority and Countryside will continue to seek agreement of the Heads of Terms.

6. **Conclusions on land assembly negotiations**

6.1 It is clear from the evidence of Mr Andrew Frost (para 4.12 et seq) and the supporting Appendix 1 to his Statement of Evidence, that prior to Countryside's appointment as Development Partner, the Acquiring Authority had engaged with the principal landowners in the TSDL over an extended period of years in the hope that development of the land could be realised. That evidence identifies issues between the Church Commissioners and the Pitts family landowners on the one hand (who were seemingly aligned with their aspirations as to commercial terms based on

equalisation of the value of the development opportunity on a pro-rata basis) and the Heaven family interests on the other.

- 6.2 In the period up to the appointment of Countryside as Development Partner the landowners had not been able to agree terms that would jointly deliver development of the TSDL and requisite infrastructure in a coordinated way, despite the support and encouragement of the Acquiring Authority and the allocation of the TSDL in the Local Plan in 2015.
- 6.3 Mr Andrew Frost has confirmed that the Acquiring Authority tendered for a Development Partner for the TSDL in the summer of 2018 and that none of the principal landowners applied to be involved in its delivery. This process resulted in the appointment of Countryside as Development partner.
- 6.4 Section 3 of my evidence describes my appointment by Countryside to provide land assembly advice and assist with its commitment to the Acquiring Authority to attempt to acquire the interests in the Order Land by private treaty where this is reasonably practicable. The acquisition strategy adopted has seen comprehensive and sustained attempts to seek agreement of terms with all parties with an interest in the Order Land.
- 6.5 Section 5 of my evidence comprehensively describes all attempts to acquire those interests and the considerable success that has been achieved. Terms have been agreed with two of the three principal landowners (the Church Commissioners and Pitts family), amounting to c. two thirds of the Order Land. Those parties together with Countryside expect the final legal agreements to be in place prior to the Public Inquiry for this CPO at which point the parties have agreed to withdraw their objection to the CPO.
- 6.6 Private treaty negotiations are continuing and prior to the Public Inquiry I expect further agreements to be in place on other interests identified in the Order Land, as discussed in Section 5 of this Statement of Evidence. As a consequence, the majority of the interests in the Order Land will have been acquired prior to the Public Inquiry.

- 6.7 I consider that this demonstrates the reasonableness of the Acquiring Authority and Countryside's approach and its genuine attempts to acquire the Order Land by private treaty where this has been practicable.
- 6.8 Against that background and despite its reasonable endeavours to negotiate contemporaneously with the other landowners, there remains one principal landowner with whom it has not been possible to make material progress. Efforts will continue to agree reasonable terms for the acquisition of the freehold land and other interests that are either controlled by the Heaver family, related or connected to it and it is hoped some progress can be made prior to the Public Inquiry.
- 6.9 In my view the Acquiring Authority has taken reasonable steps to acquire the relevant interests by agreement, as required by national guidance.