

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

**CHICHESTER DISTRICT COUNCIL
(TANGMERE) COMPULSORY PURCHASE
ORDER 2020**

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

- 1.1 Further to the request of the Planning Inspectorate at the Case Management Conference held on the 20th July 2021, the purpose of this report is to provide a summary of my Statement of Evidence for the Public Inquiry in to The Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (the “Order”).
- 1.2 My evidence concerns the Acquiring Authority and its Developer Partner’s efforts to acquire the land within the Order which itself relates to the Tangmere Strategic Development Location (TSDL).
- 1.3 Section 1 of my Statement of Evidence sets out my credentials and experience as a Chartered Surveyor and RICS Registered Valuer with particular experience in strategic land assembly and compulsory purchase. It also confirms the basis of my instructions to advise on matters relating to attempts to acquire all the necessary land interests within the TSDL (“Order Land”).

2. **Background and need for the Order**

- 2.1 In paragraphs 3.1 - 3.3 I identify the TSDL location and confirm that the Statement of Case for the Order (CD4) and the evidence of Mr Andrew Frost describe the character of the Order Land, also that detailed justifications for the Order are set out in Section 4 of Mr Andrew Frost’s evidence.
- 2.2 In this respect, Section 3 of my evidence describes the importance of the TSDL as being critical to Chichester District Council achieving its housing targets set out in its Local Plan. Paragraphs 3.4 – 3.7 I describe a history of the Acquiring Authority’s efforts to promote the development of the TSDL by the relevant landowners through a plan led process, with landowners providing assurances they were committed to jointly delivering the development. Mr Andrew Frost’s evidence (Section 4 Appendix 1) describes the regular and sustained contact the Acquiring Authority had with the landowners in the period 2010-18.
- 2.3 Paragraphs 3.6 – 3.8 of my evidence confirm the concerns the Acquiring Authority had in relation to landowners not being able to reach agreement and make progress

with proposals for delivery of the TSDL, ultimately leading to the Acquiring Authority resolving to use its compulsory purchase powers, if necessary, from as early as 12th September 2013.

- 2.4 Paragraphs 3.8 et seq confirm that by the Summer of 2018, the Acquiring Authority commenced the process of identifying a potential Development Partner to facilitate the delivery of the TSDL in accordance with its housing delivery strategy. Countryside Properties (UK) Ltd (“Countryside”) won the competitive tender process and became Developer Partner in February 2019.
- 2.5 I set out between paragraphs 3.10-3.15 that Countryside agreed and implemented a Land Acquisition Strategy with the Acquiring Authority to make direct contact with the landowners/interested parties and use reasonable endeavours to attempt to acquire other interests by private treaty agreement where practicable. Contact with landowners commenced in September 2018 and the Acquiring Authority has reviewed progress and remained engaged in the land acquisition process.
- 2.6 Paragraph 3.16 of my evidence sets out that 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. The detailed reasons are found in the Statement of Case for the Order (CD4 Section 5).

3. **Interests to be acquired**

- 3.1 Section 4 of my evidence sets out the detail of the interests to be acquired within the Order by reference to Sections 2 and 11 of the Statement of Case (CD4), the numbered Plots shown on the Order Map (CD2) and a Landowner Plan (CD4 Appendix 3).
- 3.2 In summary, the freehold ownership of almost the entire extent of the Order Land rests with three landowner groups I identify as the ‘Heaver Interests Land’, the ‘Pitts Family Land’ and the ‘Church Commissioners Land’.
- 3.3 Some land is in unknown ownership and paragraph 4.10 – 4.12 of my evidence identifies further minor freehold interests (Saxon Meadow Tangmere Ltd and Highways England).

3.4 Paragraph 4.13 et seq identifies a number of other interests affected by the Order.

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

4.1 Section 5 of my evidence details the sustained communications/negotiations with all landowners/interested parties since September 2018. I have supported Countryside and the Acquiring Authority throughout this process which has been led by Countryside as experts in strategic land assembly and delivering housing development. My evidence includes detailed 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).

4.2 I set out in paragraph 5.5 that a collaborative approach was adopted to negotiations with landowners/interested parties with updates provided on the progression of Countryside's masterplanning and its planning application. In line with Government Guidance, negotiations have continued in parallel with the statutory CPO process.

4.3 At the date of my Statement of Evidence it has not been possible to complete any agreement for the purchase of land or interests in land that comprise the Order Land, however paragraphs 5.10 (together with its associated table) and 5.11-15 confirms that considerable progress has been made in reaching agreement across the majority of the Order Land, with final legal agreements expected to exchange prior to the Public Inquiry.

4.4 Paragraph 5.19 in my evidence summarises the position in relation to the one principal landowner with whom it has not been possible to agree terms. This is in respect of (collectively) the Heaver Land Interests who have been represented by both legal and strategic land/valuation advisors throughout the negotiation process.

4.5 Appendix GD 1 and the position summarised in paragraphs 5.20-5.26 sets out that negotiations over the period from September 2018 to April 2021 had resulted in the parties reaching broad agreement on principal commercial terms within a travelling draft Heads of Terms. It was thought that an agreement would be reached on those terms ahead of the Public Inquiry and that was certainly the intention of Countryside and the Acquiring Authority. Thereafter, those negotiations stalled and paragraphs

5.28-5.29 of my evidence describes the situation whereby this landowner has now proposed materially different terms, abandoning the commercial principles discussed over the previous 20 or so months between respective professional teams.

4.6 Unfortunately, given that significant departure 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.

4.7 Paragraphs 5.31-5.34 set out the position in relation to a number of other interested parties with rights over land included in the Order land. Heads of Terms have been proposed but agreement has not been possible at the date of my evidence. The Acquiring Authority and Countryside will continue to seek agreement of the Heads of Terms

5. **Conclusions on Land Assembly**

5.1 In my final section (Section 6) I have set out my conclusions that prior to the appointment of Countryside as Development Partner, it is clear to me that the Acquiring Authority had engaged with the principal landowners in the TSDL over an extended period of years. It was hoped development of the land could be realised by the landowners in that way.

5.2 Paragraphs 6.1-6.2 of my evidence, which in turn refer to the evidence of Mr Andrew Frost, identifies issues between landowner groups that has meant they have not been able to agree mutually acceptable terms that would deliver development of the TSDL. In fact, none of the principal landowners applied to be involved in the delivery of the TSDL as Development Partner to the Acquiring Authority.

5.3 In paragraphs 6.5 et seq, I confirm that since Countryside's appointment as Development Partner, it has had considerable success with acquiring the required interests in the TSDL and as a result the majority of the interests in the Order Land will have been acquired prior to the Public Inquiry. I have concluded that is evidence of the Acquiring Authority and Countryside's genuine attempts to assemble the Order Land by private treaty where this has been reasonably practicable.

5.4 Despite the endeavours of the Acquiring Authority and Countryside, it has not been possible to agree mutually acceptable terms on all the Order Land and I conclude at paragraph 6.9 that my view is that all reasonable steps have been taken to acquire the interests by private treaty agreement, as is required by national guidance.