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Summary proof of evidence:
J Alexander F Gillington

On behalf of:
The Church Commissioners for England

In respect of:
Chichester District Council (Tangmere) Compulsory Purchase Order 2020

Property:
Land at Tangmere - Plots 9, 10, 11 and 12: the "Church Commissioners Land"

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1. Qualifications and Instructions

- 1.1. This is the summary Proof of Evidence of Mr. Alexander Gillington MRICS. I have over 20 years experience of development consultancy, including disposal and acquisition advice for major masterplan residential led developments. I have provided evidence on these matters at public inquiry level, arbitrations, and in the High Court.
- 1.2. I advise The Church Commissioners for England (“**The Commissioners**”) on their strategic portfolio across the south and I have consistently advised on the Tangmere Strategic Development Location (“**TSDL**”) since 2015.
- 1.3. I have been instructed to provide evidence for the CPO inquiry relating to the TSDL due to my familiarity with the site and experience.

2. Scope of Evidence

2.1. This Proof of Evidence focuses on The Commissioners objection to the Chichester District Council (“**the Council**”) Compulsory Purchase Order 2020 (“**the Order**”) made on 28 October 2020 pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (“**1990 Act**”) in relation to the acquisition of the land interests of the following parcels of land (“**the Commissioners Land**”), on behalf of the Council’s development partner, Countryside Properties UK (“**Countryside**”). The land in question being:

- a. Title number WSX323459 (whole)
- b. Title number WSX323472 (part)
- c. Title number WSX323495 (part)

2.2. The above land parcels (Plots 9-12 of the Order Land) forms part of a wider proposed land assembly area belonging to three landowners (“**the Principal Landowners**”) comprising of:

- a. The Commissioners Land – 63.58 acres
- b. The Pitts Family Land – 64.85 acres (Plots 5,6,13 and 14 of the Order Lands)
- c. The Heaver Interests Land – 58.12 acres (Plots 2,3,4,15,16 and 17 of the Order Lands)

2.3. A map of the above can be found attached at Appendix AG2 of the main proof.

2.4. Ms Pauline Roberts has provided advice on planning matters which should be read in conjunction with this summary of Proof.

3. Background

- 3.1. Discussions between the Council and the three Principal Landowners started in 2010 prior to the adoption of the Chichester Local Plan in 2015.
- 3.2. Once the Chichester Local Plan had been adopted the Principal Landowners undertook initial investigations, financed under an informal agreement between them. The works consisted of both highways and drainage investigations, undertaken by WYG. These investigations led to further discussions between the Commissioners, the Pitts Family (“collectively the **Southern Landowners**”) and the Council, regarding master planning and next steps.
- 3.3. In 2016 the Southern Landowners instructed OSP Architecture to prepare a masterplan framework document for the whole site, consisting of the three main landholdings and the further ancillary landholdings. This document was presented to the Council in 2016 and again displayed the intentions of the Southern Landowners to work collaboratively bring the TDSL development forward on a comprehensive basis.
- 3.4. Once this masterplan had been presented to the Council the Commissioners sat on the steering group for the Tangmere Neighbourhood Plan, showing further intention from the Southern Landowners to endorse their 2016 OSP masterplan document.
- 3.5. The Council appointed Countryside as the Development Partner for the TDSL in September 2018. A Development Agreement was entered into in February 2019. Countryside’s masterplan document was subsequently prepared and submitted to the Council for approval in November 2019 and endorsed by the Council at committee in January 2020 (“Endorsed Framework Masterplan”). The Endorsed Framework Masterplan is largely informed by and consistent with the earlier masterplanning work undertaken by the Principal Landowners.
- 3.6. Equalisation between the Principal Landowners has been a historic obstacle in the promotion of the TDSL. Since 2010 the Church Commissioners and the Pitts Family have shared an aligned interest in promotion of the TSDL based on equalisation of interests and a Landowners Agreement has been drawn up and agreed between them. The Heaver Family initially would not agree to work on an equalised basis however a basis of equalisation has been agreed by all Principal Landowners in the Memorandum of Understanding entered into between the Principal Landowners in July 2020. This

Memorandum of Understanding details the shared agreement between the Principal Landowners to promptly bring forward the TSDL development on a comprehensive basis in accordance with the objectives of the Local Plan site allocation and Endorsed Framework Masterplan.

4. Grounds of Objection

- 4.1. I consider the Council's case for compulsory purchase of the Commissioners' land to be premature given the current agreement between the Principal Landowners.
- 4.2. Although the timelines associated with the land assembly of the TDSL have been somewhat lengthy, not least due to delays induced by COVID-19, I have provided substantial evidence at section 5.7 of my Proof of Evidence to show the proactive level of engagement and consistent and concerted efforts of the Principal Landowners to work in a collaborative and co-operative manner.
- 4.3. Indeed, the principle and detail of a voluntary agreement ('Hybrid Agreement') has been agreed in principle between Countryside and the Southern Landowners and has been engrossed for execution, subject to the final details of a satellite agreement between Countryside and Seaward Homes being finalised. Given the very advanced agreed status of this Hybrid Agreement, there is no public interest justification for the use of CPO powers by the Council to compulsorily acquire the relevant land.
- 4.4. Even if the Hybrid Agreement does not exchange, I still do not consider it is necessary or justified for the Council to compulsorily acquire the Commissioners' Land as the Principal Landowners have the necessary resources, experience, and expertise to bring forward their own comprehensive development of the TSDL. At section 5.21 of my proof I provide an indicative timeline of a Principal Landowner led development of the TSDL. At paragraphs 5.27 to 5.37 of my proof I set out how such a Principal Landowners scheme would provide a more effective and efficient delivery of housing than the proposed Countryside TSDL scheme.

5. Conclusions

- 5.1. The Principal Landowners have shown high levels of engagement and co-operation consistently over the previous 11 years, engaging in the necessary work to curate the original TSDL masterplan and have shown that they have the necessary resources, expertise and experience to deliver a comprehensive development of the TSDL which accords with the objectives of the Local Plan and masterplan.
- 5.2. The Southern Landowners have agreed all commercial terms regarding Landowners Agreements and equalisation to bring the land forward quickly and a Memorandum of Understanding has been entered into with the Heaver Interest.
- 5.3. For the reasons set out above, I am of the conclusion that the Council's proposal to compulsorily acquire the Commissioners Land is unnecessary and unwarranted. Accordingly, the Commissioners hereby respectfully request that the SSHCLG does not confirm the compulsory purchase powers sought over the Commissioners Land.

6. Statement of Truth and Declaration

- 6.1. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 6.2. I am also required by the RICS practice statement Surveyors acting as expert witnesses to make the following declaration:
- 6.3. I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 6.4. I confirm that I understand and have complied with my duty to the Inspector as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 6.5. I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 6.6. I confirm that I have no conflicts of interest.
- 6.7. I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions relating to a public local inquiry.
- 6.8. I confirm that my report complies with the requirements of the RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement Surveyors acting as expert witnesses

Signature



Date 17 August 2021