

**The Town and Country Planning Act 1990 and the
Acquisition of Land Act 1981**

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

Summary Proof of Evidence

Pauline Roberts BA (Hons), MSc, MRTPI & MRICS

(Planning Matters)

For Church Commissioners for England

August 2021

Declaration

The evidence which I have prepared and provide for in this Summary Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.



Signed: Pauline Roberts

Dated: 17 August 2021

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1.0 **Qualifications and Experience**

1.1 This is the summary Proof of Evidence of Pauline Roberts BA (Hons), MSc, MRICS and MRTPI. I am a Planning Director at Lichfields (formerly Nathaniel Lichfield & Partners). I have been engaged in town and country planning for over 15 years.

1.2 I advise the Church Commissioners for England (the Commissioners) on their Strategic Land Portfolio across the south and south west of the Country and I am responsible for promoting land through Local Plans and negotiating planning permissions for development on their behalf. I have taken an overseeing role on the Tangmere land for the last seven years.

Involvement with the Project

1.3 I was instructed to provide planning evidence for the CPO Inquiry by the Commissioners because of my general experience in dealing with such matters and my involvement with this site.

2.0 **Scope of evidence**

- 2.1 I give evidence, on behalf of the Commissioners in their role as an objector to the CPO, on planning matters related to the justification for the CPO. I have regard to the adopted and emerging planning policy framework and the key planning considerations relevant to the CPO Development.
- 2.2 The CPO Development relates to the Tangmere Strategic Development Location (“TSDL”). The Council made the Order to enable it to acquire the land interests required to proceed with the development of land at Tangmere, including land within the TSDL. The land (“the Order Land”) is identified within the schedule to the Order (“the Schedule”) and on the map accompanying the Order (“the Order Map”).
- 2.3 The Commissioners are the registered freehold proprietors of Plots 9, 10, 11 and 12 of the Order Land registered at HM Land Registry under title numbers WSX323459, WSX323472 and WSX323495 (“**the Land**”) over which the Council are seeking compulsory purchase powers. The Commissioners are, therefore, a ‘qualifying person’ pursuant to section 12 of the Acquisition of Land Act 1981.
- 2.4 In preparing my evidence, I have considered the relevant planning matters set out in the CPO Guidance (CD/9). I consider whether, pursuant to paragraph 2 of MHCLG’s *“Guidance on compulsory purchase process and the Crichel Down Rules (July Secretary of State for Housing, Communities and Local Government 2019) (“CPO Guidance”)*, there is the necessary *“compelling case in the public interest”* justifying the compulsory acquisition of the Land.
- 2.5 For the reasons I state, I believe that there is no compelling case in the public interest for the confirmation of the Order in order to facilitate the CPO Development. I also believe that the purposes for acquiring the land could be achieved by an alternative means.

2.6 My evidence should also be read alongside the evidence prepared by Mr Gillington from Gerald Eve.

3.0 **Planning policy context**

- 3.1 Within this section I consider the planning policy context for the CPO Order Land.
- 3.2 The National Planning Policy Framework (2021) promotes a presumption in favour of sustainable development (para. 11) and aims to boost the supply of housing (para. 60). At paragraph 20 it advises that strategic policies should set out an overall strategy for the pattern, scale and design quality of places.
- 3.3 The statutory development plan comprises the Chichester Local Plan (2015) and the Tangmere Neighbourhood Plan (2016). The TSDL is a strategic housing allocation and is the only housing allocation at Tangmere in the Local Plan (Policy 18). Policy 2 of the Tangmere Neighbourhood Plan is consistent with this.
- 3.4 The emerging Local Plan is under review and carries limited weight currently as there remain unresolved objections and it has not yet been through examination. Emerging Local Plan Policy S3 (Development Strategy) includes Tangmere on a list of Strategic Development Locations to help achieve sustainable growth. Draft Policy AL14 (Land West of Tangmere) proposes to allocate land to the west of Tangmere for residential-led development of a minimum of 1,300 dwellings.
- 3.5 I acknowledge that adopted and emerging planning policy supports development at TSDL.

4.0 **The Countryside Scheme**

4.1 Chichester District Council secured Countryside Property (UK) Ltd as its delivery partner to bring forward the development of the TSDL in September 2018. A Development Agreement was subsequently signed in February 2019 and a Planning Performance Agreement signed in May 2019, which formalised arrangements for the pre-planning and planning application process.

4.2 As part of the pre-application process, a masterplan (“Masterplan Document”) was prepared by Countryside to outline how the Scheme can be brought forward and comprehensively developed in accordance with planning policy.

4.3 The Masterplan Document, intended as a ‘stepping stone’ between the existing allocation and the outline planning application, was submitted to and validated by the Council on 15 November 2019 (ref. 19/02836/MAS). It was then consulted on by the Council and was endorsed by the Council’s Planning Committee on 8 January 2020.

4.4 Countryside submitted an outline planning application for the TSDL on 6 November 2020, and it was validated by the Council on 18 November 2020 (ref. 20/02893/OUT). The Scheme comprises a residential-led mixed-use development proposal comprising up to 1,300 homes, an expanded village centre, community facilities, education facilities, open space and green infrastructure.

4.5 The application was presented to Planning Committee on 31 March 2021 where Members resolved to grant planning permission, subject to Highways England withdrawing its holding objection and completion of the Section 106 agreement. To date, both matters remain unresolved and there is, therefore, uncertainty that the Countryside scheme will be permitted and developed.

4.6 Chichester District Council maintain that the Council’s purpose in acquiring the Order Land is to facilitate strategic housing delivery on the TSDL. In this regard the Council assert that, in conjunction with its development partner,

they are using the Order Land to bring forward the Scheme. I maintain that the CPO is not necessary to bring forward development and associated benefits anticipated by the development plan or Masterplan Document.

Public benefits

- 4.7 I acknowledge that adopted and emerging planning policy supports development at TSDL and there is a resolution to grant planning permission subject to the removal of a Highways England objection and completion of the Section 106 agreement.
- 4.8 The Countryside Scheme will contribute to, and deliver economic, social and environmental benefits, including housing delivery. I therefore broadly agree with the summary of benefits set out by the Council in Section 5 of its Statement of Case. However, the pace of progress has been slow as outlined in Mr Gillington's proof and these benefits are yet to be realised.
- 4.9 Housing development at this site accords with paragraph 76 of the DCLG Guidance on compulsory purchase (2015), which states that the purpose for which the land is being acquired should fit in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF. Delivery of housing is a public benefit.
- 4.10 However, it is maintained that it is not necessary to compulsorily acquire the Commissioners land, to achieve the delivery of housing as it would be possible to deliver the same benefits through an alternative approach.
- 4.11 The Commissioners are prepared for Countryside to acquire the Land by private treaty subject to suitable commercial terms and reasonable assurances, safeguards and protective provisions being agreed. The Commissioners have been willing and open with Countryside to reach a mutually agreeable arrangement in relation to the Land without the need to resort to compulsory purchase powers and, indeed, terms for the voluntary agreement have now

been agreed and agreements engrossed for execution. This is explained in more detail by Mr Gillington in his proof.

4.12 In terms of planning considerations, there is an endorsed masterplan for the site and an outline application with a resolution to grant. It would therefore be open to the Commissioners to agree, as part of a voluntary agreement, to have the Land developed by Countryside.

5.0 **Progress to date and next steps**

- 5.1 Discussions between the three principle landowners within the TSDL commenced in 2010 in response to Chichester District Council's identification of the site for development within its "Focus on Strategic Growth Options" consultation document. Technical work was undertaken prior to and after adoption of the Local Plan in 2015.
- 5.2 It was agreed with the Council that the most appropriate planning strategy was to prepare a framework masterplan for the whole site which would 'lay the foundations' for subsequent planning applications.
- 5.3 OSP Architecture were appointed to prepare a comprehensive masterplan for the TSDL site. In November 2016 this was presented to the Council and Tangmere Parish Council. A further update was presented a year later, in November 2017, at which point there was a discussion about it being progressed to become an endorsed masterplan.
- 5.4 The Masterplan Document itself was used by the Council in its selection process to find a Development Partner. Countryside used this Masterplan Document and the now endorsed masterplan is largely consistent with it. This demonstrates that the principle landowners have been collaborating and working towards a comprehensive masterplan for the site.

6.0 **Objections to CPO**

6.1 The Commissioners objection to the CPO is principally on two main grounds as summarised below.

CPO Guidance: Alternative proposals

6.2 The SSHCLG must consider whether the purposes for which the Council is proposing to acquire the Land could be achieved by any other means, which includes considering the appropriateness of any alternative proposals put forward by owners of the land.

6.3 In my view, as an alternative to the CPO Order, the Commissioners could combine with the adjoining land owners who are, themselves, intending to collectively bring forward their respective land holdings to deliver a policy-compliant comprehensive sustainable development of the TSDL for the delivery of housing and infrastructure. This could achieve the strategic objectives of the Order and development plan, as it could still be in line with the endorsed masterplan and deliver the same benefits.

6.4 The Council state that that landowners have not been able to agree mutually acceptable commercial terms, which has proved a major barrier to development coming forward. It maintains that proposals have been on a piecemeal basis to date.

6.5 However, in this regard, there is already in place an executed deed of memorandum of understanding (“**Memorandum of Understanding**”) entered into between the Commissioners and the adjoining TSDL landowners on 30 July 2020. Among other things, this sets out the parties’ shared objectives in respect of which they wish to continue co-operating and collaborating, provides for the parties to agree and implement a joint strategy to achieve the shared objectives, and states that the parties have the necessary resources and expertise to bring forward their own comprehensive development of the TSDL.

6.6 In my experience, such an application could be prepared quickly; it could take 6-8 months to finalise the application with the determination of the planning application by Autumn/Winter 2022. An indicative timetable is set out within Mr Gillington's proof of evidence at paragraph 5.21. Or the Commissioners could submit a reserved matters application for their Land, which is in line with the endorsed masterplan. I therefore query the need for the Order as the TSDL could be delivered by the landowners in broadly similar timescales to the Countryside proposal.

6.7 In striving for a comprehensive development, it does not require one landowner to bring forward development. Elsewhere, for example in Arun District, strategic developments are being brought-forward comprehensively by multiple landowners, by having an agreed masterplan, an infrastructure delivery framework and a coordinated approach to individual S106 agreements and associated obligations.

CPO Guidance: Prematurity

6.8 Paragraph 15 of the CPO Guidance states that the Council will need to be able to satisfactorily demonstrate that the scheme underlying the Order is unlikely to be blocked by any physical or legal impediments to implementation which such impediments include the need for planning permission for the underlying scheme.

6.9 Applying this policy, the Commissioners consider it is premature for the Council to have made the Order seeking compulsory purchase powers over the Land in circumstances when Countryside have not yet been granted planning permission for their development proposal with an outstanding holding objection from Highways England and an incomplete S106 agreement. Therefore, there is insufficient certainty that the Countryside scheme will be permitted or delivered.

7.0 **Conclusions**

- 7.1 Individually and/or cumulatively, for the reasons set out above, the Commissioners consider that the Council have not demonstrated, for the reasons set out above, that there is a compelling case in the public interest for the compulsory acquisition of the Land.
- 7.2 Accordingly, the Commissioners hereby request that the SSHCLG does not confirm the compulsory purchase powers sought over the Land.