

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

CHICHESTER DISTRICT COUNCIL (TANGMERE) (No.2)
COMPULSORY PURCHASE ORDER 2023

STATEMENT OF REASONS FOR MAKING THE ORDER

Chichester District Council (Tangmere) (No.2) Compulsory Purchase Order 2023

1. Introduction

- 1.1 On 30 March 2023 Chichester District Council (the "Council") made the Chichester District Council (Tangmere) (No.2) Compulsory Purchase Order 2023 (the "Order").
- 1.2 The Order has been made pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended).
- 1.3 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 Tangmere Strategic Development Location ("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"). The details of known ownership of relevant interests in the Order Land are summarised within Section 2 below. The Order Land also includes land in unknown ownership, or land reputed to be in unknown ownership.
- 1.4 The Order follows the Chichester District Council (Tangmere) Compulsory Purchase Order 2020 ("CPO 1") which was confirmed on 11 November 2021. As is set out below, the purpose of the Order is to facilitate a scheme of development which is essentially the same scheme which was the subject of CPO1.
- 1.5 In determining to confirm CPO 1, the Inspector stated that *"the TSDL is undoubtedly a very significant opportunity to contribute to Chichester's needs consistent with national housing and planning policy"*¹, and that *"the Scheme would represent a major capital investment, providing homes, jobs and other facilities, would augment the local environment, and would generally enhance Tangmere's vibrancy, sustainability and sense of community"*². The Inspector also recognised that *"the Scheme would contribute, through its various features, to a sustainable development of Tangmere characteristic of the Framework's overarching economic, social and environmental objectives."*³
- 1.6 The Order incorporates the same land interests as CPO 1, but seeks to acquire a small additional area of further land adjacent to the A27 roundabout junction in the north of the TSDL. This land was originally excluded from CPO 1 as it was understood from adopted highway plans, issued by the Highways Authority at that time, to be adopted highway maintained at public expense in the ownership of National Highways. Following the confirmation of CPO 1 it was indicated by National Highways that the records maintained by the Highways Authority were incorrect. This meant that two sections of the land (now Plots 19D and 19E in the Schedule to the Order) that had been previously been understood to be adopted highway were incorrectly recorded as such. Therefore the Order has been brought forward to acquire this land together with the other land interests falling within CPO 1 and other land necessary to ensure access to the adopted highway is achieved.
- 1.7 The following terms are used in this Statement:

1981 Act	Acquisition of Land Act 1981.
1990 Act	Town and Country Planning Act 1990.
Council	Chichester District Council of East Pallant House, Chichester, West Sussex, PO19 1TY.

¹ CPO 1 Decision Letter, paragraph 34

² CPO 1 Decision Letter, paragraph 41

³ CPO 1 Decision Letter, paragraph 35

Countryside	Countryside Properties (UK) Limited of Countryside House, The Drive, Brentwood, Essex, CM13 3AT.
Compensation Code	The principles set out in Acts of Parliament, principally the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004 supplemented by case law, relating to compensation for compulsory acquisition.
District	The administrative area of the Council.
Emerging Local Plan	The Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)
EqIA	An Equalities Impact Assessment, prepared by Mott MacDonald and dated 7th February 2020.
EqIA Addenda	Two Addenda to the EqIA prepared by Mott MacDonald and dated July 2020 and February 2023
Guidance	<p>The guidance issued by the Ministry of Housing, Communities and Local Government entitled "Guidance on Compulsory purchase process and The Criche Down Rules" (July 2019).</p> <p>In this document, the expression "Guidance" also refers to guidance issued by the Ministry of Housing Communities and Local Government relating to the COVID 19 pandemic and the making of compulsory purchase orders.</p>
Local Plan	The Chichester District Council Local Plan "Chichester Local Plan: Key Policies 2014-2029", adopted by the Council on 14 July 2015.
Neighbourhood Plan	The Tangmere Neighbourhood Plan 2014-2029, "made" by the Council on 19 July 2016.
NPPF	The National Planning Policy Framework (July 2021).
NPPF (2012)	The National Planning Policy Framework (March 2012).
OAN	Objectively assessed housing need
Order	Chichester District Council (Tangmere) (No.2) Compulsory Purchase Order 2023.

Order Land	Land identified within the schedule to the Order which refers to the Order Map.
Order Map	The map accompanying the Order which identifies the Order Land.
PSED Statement	Statement as to compliance with the Council's Public Sector Equality Duty, dated 7 March 2023.
Schedule	The schedule to the Order.
Scheme	The development of the TSDL to deliver at least 1,000 homes (consistent with the figure identified in the Local Plan) and up to 1,300 homes (consistent with the figure identified in the Emerging Local Plan), associated infrastructure, school, open space and community facilities.
Secretary of State	Secretary of State for Levelling Up, Housing and Communities.
Statement	This Statement of Reasons prepared in support of the Order
TSDL	The Tangmere Strategic Development Location as identified within the Chichester Local Plan: Key Policies 2014 – 2029.

1.8 This Statement of Reasons (the "Statement") has been produced in accordance with the Guidance.

2. **Description of the Order land, its location, present use and ownership**

2.1 The Order Land comprises an area of approximately 77 hectares, located to the west of the village of Tangmere, West Sussex, south of the A27. The land is shown coloured pink on the Order Map.

2.2 The Order Land is predominately used for agricultural purposes and is separated into fields. There is a natural fall in level from north to south.

2.3 The Order Land does not include any areas designated for nature conservation, Sites of Special Scientific Interest, Special Areas of Conservation or Special Protection Areas. No part of the Order Land comprises an Area of Outstanding Natural Beauty or Local Landscape Area, and the land does not include any World Heritage Site, Registered Battlefield, Listed Buildings or Registered Parks or Gardens.

2.4 The Order Land is entirely within the administrative area of the Council.

Ownership of the Order Land

2.5 The Schedule to the Order identifies those parties understood to have an interest in the Order Land. The Schedule has been prepared based on information gathered through inspection of Land Registry title documents, site inspections and enquiries, and the responses to notices issued under sections 172-179 of the Housing and Planning Act 2016.

2.6 The Order Land is described in summary below by reference to the numbered Plots shown on the Order Map.

2.7 In summary, the Order Land comprises the following:

Plots 1, 3, 4, 5, 16, 17, 18 & 19E the "Heaver Interests Land"

2.8 Plots 1, 3, 4 & 5 are together a section of farmland to the south east of the Order Land of approximately 11,957 square metres in area. Land Registry records indicate that Plots 1, 3 & 5 are registered to Bosham Limited and Shopwyke Limited, being two companies for which John Philip Heaver and Emilie Jane Heaver are both Directors and Wilsons Trust Corporation Limited has significant control. Plot 4 is unregistered but reputed to be in the ownership of Bosham Limited and Shopwyke Limited

2.9 Plot 17 is a large section of farmland comprising two fields to the north of the Order Land of approximately 223,479 square metres in area running adjacent and to the south of the A27. Land Registry records indicate it is registered to Bosham Limited and Shopwyke Limited.

2.10 Together, Plots 16 and 18 are a section of land approximately 1 metre in width and approximately 1,320 square metres in area on the southern and eastern edges of Plot 17. Plot 16 is within the ownership of CS South Limited and Bosham and Shopwyke Limited and Plot 18 is Bosham and Shopwyke Limited. CS South Limited is a company for which John Philip Heaver and Emilie Jane Heaver are both Directors and John Philip Heaver has significant control.

2.11 Plot 19E is a small section of track approximately 39 square metres in area which forms part of the larger land registry title of Plot 17, although National Highways Company Limited may also hold an ownership interest in this Plot based upon historic title information. The land within Plot 19E was not within the extent of CPO 1.

Plots 6, 7, 14 & 15: the "Pitts Land"

2.12 Together, Plots 6, 7, 14 & 15 comprise sections of farmland of approximately 262,371 square metres in area, crossing the Order Land from the western boundary of the Order Land to the Tangmere Road. Plot 7 is within the ownership of Deirdre Jane Pitts, Michael Williams Pitts, Diana May Pitts and Valerie Ann Young. Plots 6, 14 & 15 are within the ownership of Andrew John Pitts and his farming company the Woodhorn Group Limited.

Plots 10, 11, 12 & 13: the "Church Commissioners Land"

2.13 Plots 10, 11, 12 & 13 form together a large section of farmland in the south east of the Order Land comprising 257,278 square metres in area. Plots 10, 11, 12 & 13 are within the ownership of the Church Commissioners for England and C.C. Projects.

Plot 9

2.14 Plot 9 is a section of open land of approximately 3342 square metres in area registered in the name of Saxon Meadow Tangmere Limited, adjacent to a grassed lawn forming part of the Saxon Meadow property.

Plots 8, 9A & 9B

2.15 Plot 8 is an area of land of approximately 60 square metres in area located on the edge of Plot 7 where registered title plans show 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 7) and Saxon Meadow Tangmere Limited.

2.16 Plots 9A and 9B are sections of open land approximately 65 square metres in area which are adjacent to Plot 9. These plots only became apparent upon the completion of the registration of Saxon Meadow Tangmere Limited's adverse possession claim in respect of Plot 9. It is considered that ownership of Plots 9A & 9B will either lie with Saxon Meadow Tangmere

Limited, or the owner registered as the owner of Plot 9 prior to the adverse possession claim (being a limited company which is in administrative receivership) or Deirdre Jane Pitts, Michael Williams Pitts, Diana Mary Pitts and Valerie Ann Young as part of the wider title of Plot 7.

Plots 19A, 19B, 19C, 19D, 19F the "National Highways Land"

- 2.17 Plots 19A, 19B, 19C, 19D and 19F are a section of land approximately 2,390 square metres in area in the ownership of National Highways Company Limited of which Plots 19A, 19C and 19F form part of the adopted highway adjacent to the A27 roundabout. Plots 19B and 19D are unadopted land, used by National Highways for highway maintenance purposes.
- 2.18 Plot 19E (referred to under paragraph 2.11 above) is a small section of track which forms part of the larger land registry title of Plot 17, although National Highways Company Limited may hold an ownership interest in this Plot. This section of land did not form part of CPO 1.
- 2.19 Plot 19B is within the extent of CPO 1, numbered as its Plot 18. The land within Plots 19A, 19C, 19D, 19E & 19F are not within the extent of CPO 1, but have been included (together with Plot 19B) within the Order to allow the Council, if required, to acquire the land and interests for the full extent of the connection needed to the A27 roundabout junction.

Plot 2

- 2.20 Plot 2 is approximately 100 square metres of grass verge west of Tangmere Road, of unregistered title, the ownership of which is unknown.
- 2.21 The extent of the Order Land is substantially the same as that when CPO 1 was confirmed in November 2021, except for the addition of Plots 19A, 19C, 19D, 19E and 19F adjacent to the A27 southern roundabout, together with minor adjustments to the boundaries of Plots 1, 2 and 13 to reflect title updates and boundary changes which were identified following the land referencing process for the Order.

3. Enabling power

- 3.1 Under Section 226(1)(a) of the 1990 Act, a local authority may be authorised to acquire compulsorily any land within its area, if it considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The power under section 226(1)(a) is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals within its Local Plan or where strong planning justifications for the use of the power exist.
- 3.2 A local authority must not exercise the power under section 226(1)(a) of the 1990 Act unless it considers that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- (a) the promotion or improvement of the economic well-being of its area;
 - (b) the promotion or improvement of the social well-being of its area; and
 - (c) the promotion or improvement of the environmental well-being of its area.
- 3.3 In his determination of CPO 1, the Inspector found that 226(1)(a) was the appropriate enabling power and no evidence had been offered of any alternative provisions which could serve the scheme in the manner required⁴. In respect of meeting the economic, social and environmental well-being objectives, the Inspector in determined the following in respect of CPO 1⁵:

"The economic benefits of the Scheme would include investment in construction and related employment as it is developed. There would also be a subsequent legacy through an increase

⁴ CPO 1 Decision Letter, paragraph 81

⁵ CPO 1 Decision Letter, paragraph

in local household expenditure and demand for services once completed and occupied, so contributing to the future viability and vitality of Tangmere village centre.

The social benefits would include delivery of significant and much-needed housing. The Scheme would involve up to 910 open-market homes, and up to 390 affordable dwellings. This would diversify housing tenures within Tangmere and contribute to a mixed, balanced and sustainable community. The Council does not consider the additional 300 dwellings over and above the existing Local Plan allocation to compromise any of the other policy requirements for the development and has resolved to grant permission to that effect. The Scheme therefore presents a further opportunity to contribute towards meeting local housing needs over and above the original Local Plan expectations.

Infrastructure associated with the residential development, including a new school, extensive open space, a community orchard and other community facilities, would all make a significant contribution to social well-being. Provision for allotments would also yield a further indirect benefit by advancing possibilities for expansion of the important adjacent Tangmere Military Aviation Museum.

The environmental benefits would include on-site habitat creation, sustainable drainage works, and delivery of modern, energy-efficient homes. The Scheme would occupy a relatively accessible location in-keeping with the Settlement Hub designation of the Local Plan, would reduce the need for residents to travel further afield for facilities and services and, insofar as this necessary, would provide the opportunity for improved pedestrian and cycle connections.

In summary, the Scheme would represent a major capital investment, providing homes, jobs and other facilities, would augment the local environment, and would generally enhance Tangmere's vibrancy, sustainability and sense of community.

The Order would thereby promote all three aspects of well-being set out in section 226(1)(a)."⁶

4. Purpose of Compulsory Acquisition

- 4.1 The Council's purpose in acquiring the Order Land is to facilitate strategic housing delivery on the TSDL. The Order incorporates very largely the same land as CPO 1 but seeks to acquire additional limited land interests in the north of the TSDL which fall outside of CPO 1.
- 4.2 Post confirmation of CPO 1 in November 2021, it was indicated by National Highways that they believed that land adjacent to the A27 roundabout junction (now forming Plots 19D & 19E of the Order Land) was incorrectly recorded as highway on the Highway Authority's definitive map, when it was not in fact highway or adopted highway maintainable at public expense. With this information, the definitive map was subsequently corrected by the Highway Authority in March 2022.
- 4.3 Prior to this, the Council was proceeding on the basis that the land, now within Plots 19A – 19F, would form part of an agreement under s.278 of the Highways Act 1980 to connect the A27 southern roundabout to the spine road that is proposed to be built under the Scheme's planning permission, once granted. Given the change in the known status of the land post confirmation of CPO 1, the Order has been progressed to acquire the interests within Plots 19A – 19F to deliver this element of the Scheme.

5. The Scheme

- 5.1 The Scheme will comprise a residential-led mixed-use development comprising up to 1,300 homes, an expanded village centre (comprising units suited to Use Classes E and pubs or drinking establishments and/or takeaways in Use Class *sui generis* under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (formerly Use Classes A1, A2, A3, A4, A5 and B1(a) under the Town and Country Planning (Use Classes) Order 1987)), community facilities, education facilities, open space and green infrastructure.

⁶ CPO Decision Letter, paragraphs 37 – 42.

- 5.2 The Scheme as described in this Section is the same as that for which CPO 1 was originally confirmed⁷.
- 5.3 The proposed level of development is set out within the outline planning application that was submitted on 6 November 2020 and was validated by the Council on 18 November 2020 (ref. 20/02893/OUT). On 31 March 2021 the Council's Planning Committee resolved to approve the application, subject to the completion of a Section 106 Agreement. The Scheme will comprise a residential-led, mixed use development comprising up to 1,300 homes, an expanded village centre, community facilities, education facilities, open space and green infrastructure. Although not yet finalised, the maximum quantum of development proposed as part of the Scheme is as follows:
- Units suited to Use Class E (shops, professional and financial services, restaurants and cafes and offices) and sui generis (drinking establishments, hot food takeaways) (formerly A1, A2, A3, A4, A5 and B1(a)) – up to 1,000sqm;
 - C3 (residential) – up to 1,300 dwellings;
 - F1 (learning and non-residential institutions) (formerly D1 education) – 2.89 ha primary school plus early years provision; and
 - F2 (local community uses) (formerly D2 assembly and leisure) – approximately 1,100sqm⁸.
- 5.4 It is proposed to deliver 30% of the new homes in the form of affordable housing, in accordance with the adopted Local Plan.
- 5.5 For the purposes of any analysis regarding the extent of development to be disregarded in the 'no scheme world', such development is the Scheme as defined in this Statement, for which the Order is being promoted.
- 5.6 The Council, in conjunction with its development partner, will use the Order Land to bring forward the Scheme.

6. **Justification for Compulsory Acquisition**

Need for Scheme delivery

Delivery of housing within the Local Plan area

- 6.1 Policy 4 of the adopted 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"). This housing target falls short of the Council's objectively assessed need ("OAN") as identified in the 'Review of Objectively Assessed Housing Need in light of 2012-based Subnational Population Projections' (August 2014) which identifies an OAN of 560-575 dpa in the District. Paragraph 7.4 of the Local Plan sets out that part of this identified housing requirement for the District has been met in the South Downs National Park, which lies outside the Local Plan area and that housing delivery in the National Park area of the District averaged around 70 dpa. Based on this assumption, the remaining OAN for the Local Plan area was estimated to be 505 dpa. The Local Plan was unable to meet the full OAN of 505 dpa due to key infrastructure constraints, including uncertainty about transport and wastewater treatment infrastructure provision. The target of c.435 dpa was based on the level of housing that could be realistically and sustainably delivered within the period, having regard to the identified constraints in the Local Plan area, the evidence base prepared to support the Local Plan and potential development capacity. It is therefore essential that, as a minimum, the Council meet the housing target identified in the Local Plan.

⁷ CPO Decision Letter, introductory second bullet point

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- 6.2 Of the 7,388 homes provided for in the Local Plan, 3,250 are to be provided at the Strategic Development Locations allocated at West of Chichester, Shopwyke, Westhampnett/North East Chichester and Tangmere. Delivery of housing on all of the Strategic Development Locations in the Local Plan (including the TSDL) is therefore essential to ensure that there is no shortfall in meeting the housing target set out in the Local Plan.
- 6.3 At 1,000 homes, the TSDL is the second largest allocation in the Local Plan and represents approximately 14% of the total housing need for Local Plan area for the period 2012-2029 and 31% of the total housing to be provided within the Strategic Development Locations. Development of the TSDL is therefore critical to delivery of the Council's housing target.
- 6.4 In considering the benefits of the Scheme when determining CPO 1, the Inspector recognised that "*the social benefits would include delivery of significant and much-needed housing.*"⁹

East-West Corridor

- 6.5 The East-West Corridor is the Council's main focus for new development in the adopted Local Plan. The East-West Corridor has an emphasis on consolidating and enhancing the role of Chichester City as the District's main centre, whilst also developing the role of key settlements to its east and west, most notably Southbourne and Tangmere, to help to relieve pressure on the city and take advantage of access to jobs and services to the east and west of the District.
- 6.6 It is proposed that the East-West Corridor (which includes the TSDL) will provide 6,156 homes during the Local Plan period.
- 6.7 The vision for the East-West Corridor proposes that the village of Tangmere will grow and develop its role as a 'settlement hub' by widening the range and improving the quality of public open space, leisure and community facilities for the local area. The vision seeks to significantly enhance the village's range of facilities to the benefit of the local community through the development of new homes and workspace.

The importance of the TSDL

- 6.8 Paragraph 2.7 of the adopted Local Plan notes that Tangmere hosts a number of local businesses and has some dispersed community facilities including shops and a medical centre, but that it currently lacks many of the amenities and services normally associated with a settlement of its size.
- 6.9 Accordingly, Policy 18 of the Local Plan allocates the TSDL for mixed development, comprising 1,000 homes, community facilities, open space and green infrastructure. The TSDL is the only housing allocation at Tangmere in the Local Plan.
- 6.10 The Scheme therefore plays a significant role in addressing the need for new housing across the Local Plan area and makes a significant contribution to the objectives of the Local Plan. In particular:
- (a) delivering the vision for the East-West Corridor;
 - (b) assisting with the need to relieve pressure on Chichester city;
 - (c) addressing local needs for both market and affordable housing;
 - (d) providing enhanced amenities and services for existing and future residents of Tangmere;
- 6.11 The fact that the Council's adopted Local Plan, even in the event of comprehensive delivery, does not in fact meet its full OAN (for the reasons set out in Paragraph 6.1 above) means it is imperative that each and every allocated site come forward. In this regard the housing trajectory

⁹ CPO 1 Decision Letter, paragraph 38

set out in the Local Plan in 2015 envisaged that delivery of homes at the TSDL would commence from 2019/2020 onwards. Therefore, The failure to deliver homes on the site to date has contributed to a very significant shortfall in housing delivery.

- 6.12 The need for new development at Tangmere is further emphasised by the Council's proposals in the Emerging Local Plan to increase the scale of development at the TSDL from 1,000 to 1,300 homes. Further details on the Emerging Local Plan are set out in Section 8 below.

Benefits of Scheme

- 6.13 The Scheme will contribute to, and deliver extensive benefits in respect of, the economic, social and environmental wellbeing of the District. Taken as a whole, it will make a significant contribution to the Council's vision for its Local Plan area and the Settlement Hubs within it (one of which is Tangmere). The Local Plan anticipates that the role of Settlement Hubs as key local centres is to provide a range of homes, workplaces, social and community facilities and the Scheme is a major contributor to those aspirations for Tangmere and its surrounding area.
- 6.14 In particular, as regards economic matters, the provision of the substantial new housing anticipated by the Scheme will not only create and support jobs in the construction sector but will also result in an increase in local population, bringing with it enterprise, labour, wealth and income all of which are necessary for economic prosperity. The resultant neighbourhood of approximately 2,800 residents (depending on the eventual outcome of the master-planning exercise and planning process) will contribute to the viability and vitality of Tangmere village centre and nearby town centres.
- 6.15 In terms of social issues, the Plan area currently has a clear need for additional housing and a requirement to diversify housing tenures within Tangmere. Delivery of the Scheme on the Order Land will contribute very significantly towards meeting housing targets, providing both market and affordable units. The development of balanced and mixed residential housing stock will retain and attract a wide diversity of population, ensuring a mixed, balanced and sustainable community. Provision of infrastructure associated with the residential development, including the school, open space and community facilities, will also make a material contribution to social wellbeing and a sense of community. Part of the Council's Local Plan vision is to promote and provide sustainable communities served by appropriate infrastructure and facilities and the Scheme makes a significant contribution to that vision for Tangmere.
- 6.16 In terms of environmental wellbeing, the Scheme offers the opportunity for on-site habitat creation in accordance with the Local Plan. Wastewater from the Scheme will drain via the Tangmere Wastewater Treatment works, which discharges into the Aldingbourne Rife, avoiding discharge into Chichester Harbour and the attendant environmental issues associated with it.
- 6.17 Further, the Scheme's delivery of modern, energy efficient homes in a well-planned development which incorporates open-space and sustainable drainage solutions will represent an environmental benefit. Such strategic development of land which has been identified for development through the Council's Local Plan process (including within the Emerging Local Plan) will also reduce pressure for development on other, less suitable sites.
- 6.18 Finally, the expansion of Tangmere, to include new housing and the provision of a range of community infrastructure will improve and enhance the sustainability of Tangmere as a Settlement Hub, reducing the need for residents to travel further afield for those facilities and services and providing the opportunity for the provision of improved local public transport services and cycle connectivity to Chichester and other surrounding settlements.

Need for Order to ensure Scheme delivery

Strategic Development Locations and the requirement for comprehensive development

- 6.19 Policy 7 (Masterplanning Strategic Development) of the adopted Local Plan emphasises the need for the strategic development locations to come forward comprehensively, stating that:

“Development of the strategic locations identified in the Local Plan will be planned through a comprehensive masterplanning process. Preparation of masterplans will involve the active participation and input of all relevant stakeholders, including the Council, landowners, developers, the local community, service providers and other interested parties. Masterplans will be developed in consultation with the Council prior to the submission of a planning application.”

6.20 Supporting paragraph 7.33 of Policy 7 also states that:

“The strategic development locations will be planned and designed to a high standard as sustainable mixed communities, well integrated with existing settlements and neighbourhoods. The strategic developments also offer opportunities to expand and enhance local infrastructure and facilities for the wider Plan area. To achieve these objectives, development will be planned in a coordinated way through a comprehensive masterplanning process...”

6.21 Policy 18 (Tangmere Strategic Development Location) confirms that development will be masterplanned in accordance with Policy 7. Accordingly, the Masterplan Document for the TSDL was produced by Countryside and was endorsed by the Council’s Planning Committee on 8 January 2020, in accordance with Policies 7 and Policy 18 of the adopted Local Plan and the draft policies within the Emerging Local Plan. The proposals set out within the subsequent outline planning application were considered by the Council’s Planning Committee, meeting on 31 March 2021, to be consistent with the endorsed masterplan.

Infrastructure requirements of the TSDL

6.22 The TSDL is allocated for development in the adopted Local Plan and is a proposed allocation in the Emerging Local Plan, which increases the planned number of dwellings at the TSDL to 1,300. The Neighbourhood Plan provides a set of development principles for the TSDL that have informed both the Masterplan Document and the outline planning application. Between them, these documents identify various infrastructure requirements that the TSDL is expected to deliver, both on- and off-site, including:

- On-site primary school provision;
- New or expanded community facilities (possibly including a new village centre) providing local convenience shopping (referred to as the ‘Village Main Street’ in the Neighbourhood Plan);
- Small-scale business uses;
- Green links to the South Downs National Park and Chichester City;
- Primary road access from the slip-road roundabout at the A27/A285 junction to the west of Tangmere providing a link with Tangmere Road (referred to as the ‘North-South Link Road’ in the Neighbourhood Plan);
- Provision for improved more direct and frequent bus services between Tangmere and Chichester city, and improved and additional cycle routes linking Tangmere with Chichester city, Shopwyke and Westhampnett;
- Provision for the expansion or relocation of the Tangmere Military Aviation Museum; and
- New public open space including a Community Orchard / Garden / Allotment and a new Public Park comprising sufficient space to include a children’s play area, recreational area, sports pitches and an outdoor sports pavilion.

Why comprehensive development of the TSDL is required

- 6.23 It is imperative that development comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development, and to guarantee that such infrastructure will be delivered in a cohesive and co-ordinated manner. Comprehensive development is also necessary if best and most efficient use is to be made of the TSDL, and delivery of residential development maximised.
- 6.24 Piecemeal development would be prejudicial to the proper future development of the TSDL and would not accord with the policies in the adopted Local Plan or the Emerging Local Plan. Concerns in this regard include the following:
- **Highways and Access:** There is a need to ensure a coordinated and connected approach to the delivery of the North-South Link Road, which, by its nature, will need to traverse land controlled by all three current principal landowners. Piecemeal development may result in the delivery of sections of road in different manners, or not at all. A co-ordinated approach is fundamental to the delivery of the Scheme given the lack of potential vehicular connection points into the existing village and the constrained nature of Malcolm Road;
 - **Public Transport:** A comprehensive approach to development is required to enable the proper integration of public transport opportunities into the TSDL, in particular enabling the extension of existing bus services into the site in a practical and commercial manner;
 - **Public Open Space:** Comprehensive development is also required to ensure adequate provision of open space, education and community facilities across the site as a whole. The Neighbourhood Plan requires parts of the TSDL to be provided as open space (including sports pitches and allotments, which includes the relocation of existing allotments onto the TSDL to facilitate the expansion of the Tangmere Military Aviation Museum) and the failure to deliver these is a significant risk to the comprehensive delivery of the TSDL;
 - **Services:** Capacity of incoming services to serve the wider Scheme and not just individual developed parcels is required, this would be at risk if the delivery were to occur on a piecemeal basis by different developers;
 - **Sustainable Drainage Systems (“SuDS”):** the provision of SuDS drainage may not be delivered appropriately in the event of piecemeal development. Any independently delivered drainage strategy in the absence of a comprehensive drainage strategy may result in a higher proportion of the TSDL being required for retention basins and subsequent inefficient use of land, which would, in addition to conflict with the Local Plan, not align with the relevant requirements of the NPPF;
 - **EIA:** A comprehensive outline application for the Scheme requires an Environmental Impact Assessment (EIA) as the project meets the spatial criteria within Schedule 2 10 (b) of the Town and Country Planning (EIA) Regulations, 2017 (as amended). Given the degree of functional interdependence required due to the TSDL’s allocation if the site were to come forward via piecemeal development, a separate EIA could be required for each individual parcel / planning application, to guard against ‘salami-slicing’. In this circumstance any planning applications for individual parcels that were not accompanied by an Environmental Statement would be subject to further delays to allow for an EIA to be undertaken;
 - **Transport Assessment:** Similar to the EIA process, if the development were to come forward via separate piecemeal applications, the Transport Assessments for each application would need to assess the cumulative impact of the development as a whole, and the prospect of these coming forward under a single agreed methodology is unlikely.
- 6.25 A piecemeal approach could render some parcels unviable, resulting in the risk that the TSDL fails to come forward in its entirety and fails to provide the necessary infrastructure required. By

taking a piecemeal approach, it is highly unlikely the TSDL would deliver the 1,000 homes identified in the adopted Local Plan, or the requirements of the Emerging Local Plan (when adopted).

Delivery of the TSDL to date

- 6.26 The Council has sought to encourage delivery of comprehensive development of the TSDL since 2010, but no material progress was made by the landowners. The failure by the landowners to bring forward the development of the TSDL is documented within the Inspector's decision to confirm CPO 1 in November 2021.
- 6.27 As part of the promotion of CPO 1, Countryside completed voluntary agreements with the landowners of both the Church Commissioners Land and Pitts Land for the removal of their objections and to allow comprehensive development of their land interests within the TSDL. A withdrawal agreement with Bloor Homes Limited, who held an option over Plot 17 was completed in respect of their land interest. A modification to the Order which removed the objections of Saxon Meadow Tangmere Limited was proposed by the Council at the Inquiry and subsequently accepted, to allow the retention of a part of the Saxon Meadow's land as a 'buffer' from the TSDL development.
- 6.28 In February and March 2022, the Council was preparing to serve General Vesting Declarations in accordance with the Scheme's programme to acquire the 'Heaver Land Interests'. Following the vesting of land it was intended that the section 106 Agreement would be completed and planning permission issued. Countryside was also at that time preparing material to discharge planning conditions in anticipation of the planning permission being issued. This progress was halted when National Highways informed the Council that land now forming Plots 19D and 19E was not adopted highway.
- 6.29 Since becoming aware of this, the Council has agreed Heads of Terms with National Highways to purchase Plots 19B, 19C and 19D. The negotiation to progress the legal agreements to transfer the land within Plots 19B, 19C and 19D is currently underway. Plots 19A, 19C and 19F form part of the adopted highway adjacent to the A27 roundabout.. Therefore, they have been included within the Order to allow the Council, if required, to acquire the land and interests for the full extent of the connection needed to the A27 roundabout junction.
- 6.30 The Council has also sought to negotiate with Bosham Limited and Shopwyke Limited to acquire Plot 19E, which is a 'Heaver Land Interest' within the Order. However, although these negotiations continue, the Council still requires certainty by the use of compulsory purchase powers that this interest can be acquired within a known timeframe.
- 6.31 Therefore, the Council considers that the compulsory purchase power conferred by Section 226 of the 1990 Act, insofar as it is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals within their Local Plan, is appropriate given that it was created for use in circumstances where development needs to be unlocked.
- 6.32 In considering whether it was necessary to confirm CPO 1, the Inspector concluded that "*The Inquiry was presented with no reasonable basis to conclude that any alternative proposals might represent a realistic and imminent prospect of realising those same clear ambitions of the development plan and so delivering the benefits arising. The purposes of the Order could not be achieved in the absence of compulsory purchase action. It is clear that the Authority has opted to use its powers only as a necessary last resort to address the outstanding acquisitions and that section 226(1)(a) is appropriate.*"¹⁰

¹⁰ CPO 1 Decision Letter, paragraph 107.

7. **Scheme Delivery**

Development Partner

- 7.1 Through a competitive tender process, Countryside Properties (UK) Limited ("Countryside") was selected as the Council's development partner to bring forward and facilitate the residential-led development of the TSDL.
- 7.2 Countryside is a major housebuilding and urban regeneration company with over 60 years' experience. The company has a track record in delivering large scale residential led schemes in London and the South East, the Midlands and the North West of England. This has included several garden village developments providing between 1,000 and 3,600 residential units, including where compulsory purchase powers have been exercised to bring forward and deliver schemes.
- 7.3 Countryside was the main trading entity of Countryside Partnerships PLC ("CPPLC"), which was subsequently acquired by Vistry Group PLC in November 2022 for c.£1.25 billion. As a result of the merger, the company is now one of the UK's leading housebuilders comprising a top tier housebuilder and leading partnerships business with capability across all housing tenures with a revenue in excess of £3bn.
- 7.4 In the year ended 31 December 2022, Vistry Group PLC completed on a total of 9,299 homes across its Housebuilding and Partnerships divisions, comprising a mix of private, affordable and PRS (Private Rented Sector).
- 7.5 Therefore, Countryside's position within the Vistry Group provides the company with a strong financial basis together with the flexibility necessary for implementing compulsory purchase order projects such as the Scheme. Countryside can call for further lending support from its parent company if necessary.
- 7.6 Therefore, Countryside's strong financial position provides the company with the flexibility necessary for implementing compulsory purchase order projects such as the Scheme.
- 7.7 The Council is satisfied that Countryside has sufficient resources and if required can obtain sufficient funding for both acquiring the Order Land and implementing the Scheme, both presently and during the compulsory acquisition process.
- 7.8 The Inspector also expressed support for the partnership between the Council and Countryside in determining CPO 1, stating that *"I am satisfied that the Scheme is consistent with the expectations of the CPO guidance with particular regard to information relating to the sources and timing of funding. The evidence is of a very committed partnership drawing upon significant resources and expertise and now looking to a timely development"*¹¹.

Development Agreement

- 7.9 A development agreement between the Council and Countryside was completed on 5 February 2019 and has been subsequently amended to make reference to the Order and adjusted programme for the delivery of the Scheme.
- 7.10 The development agreement provides an indemnity for the Council's costs of bringing and making the Order, the acquisition of the land and the payment of compensation, together with securing planning permission and implementing the Scheme within an agreed programme.

¹¹ CPO Decision Letter, paragraph 74

Timetable for delivery

- 7.11 Once the Order has been confirmed, the Council will take possession of the entirety of the Order Land within 6 months. Once the Order Land has been transferred to Countryside, the section 106 Agreement will be completed, with outline planning permission to follow.
- 7.12 Following the grant of outline planning permission, the Scheme will be built in phases, each requiring a reserved matters application. The first reserved matters application(s) will likely relate to the key strategic infrastructure required for the Scheme, including the north-south link road, principal areas of public open space and strategic landscaping.
- 7.13 The site preparation works associated with the development of the Scheme will be phased, with initial works anticipated to commence in early 2025. This enables infrastructure and construction to commence later in 2025. It is expected that the first homes would be completed and available for occupation within 12 - 18 months of starting on site.

Viability of Scheme

- 7.14 The Council has considered the financial viability of the Scheme and has obtained external, independent viability advice from a firm of leading real estate practitioners in order to satisfy itself that the Scheme is and remains viable. Having reviewed this advice, the Council is satisfied that the Scheme is and remains financially viable.
- 7.15 In respect of the viability of CPO 1, the Inspector concluded:

"The Authority's appointment of Countryside followed a competitive tendering process, and initially included 13 expressions of interest.

Countryside is a publicly quoted company of national repute. It has a proven track record of housing delivery, and this includes experience and proficiency of large-scale joint venture developments delivering varieties of tenure.

The Scheme would be funded from the company's working capital. In conjunction with external quantity surveyors, Countryside has prepared detailed costings for delivery of the Scheme in its entirety and these inform its approved internal budget for the project.

Both the Council and Countryside have acted upon viability advice from expert consultants. Both parties confirm the Scheme to be viable.

I am satisfied that the Scheme is consistent with the expectations of the CPO guidance with particular regard to information relating to the sources and timing of funding. The evidence is of a very committed partnership drawing upon significant resources and expertise and now looking to a timely development."¹²

8. Procedural Matters

- 8.1 Subject to the confirmation of the Order to enable site assembly to be achieved, the Council considers there are no procedural impediments to delivery of the Scheme.

The Planning Position

- 8.2 A Planning Performance Agreement was signed between the Council and Countryside on 15 May 2019. This provides for the provision of pre-application advice, masterplanning preparation and the timely consideration of an outline planning application for the Scheme.
- 8.3 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 the adopted Local Plan, Tangmere Neighbourhood Plan and emerging Local

¹² CPO Decision Letter, paragraphs 70 - 74

Plan. This Masterplan Document sets out Countryside's broad approach to the future development of the TSDL and explains how this approach has evolved, including following extensive engagement with the Council, Tangmere Parish Council, the local community and other key stakeholders, as well as a range of technical site assessment work. It focuses on the key features and principles of the Scheme, which have been designed in accordance with national and local planning policy and have culminated in the Masterplan Document which was subsequently incorporated into the outline planning application.

- 8.4 The Masterplan Document was submitted to and validated by the Council on 15 November 2019 (ref. 19/02836/MAS). It was consulted on by the Council and was endorsed by the Council's Planning Committee on 8 January 2020.
- 8.5 The Masterplan Document was intended as a 'stepping-stone' between the existing allocation and the outline planning application, which was prepared and submitted by Countryside on 6 November 2020 and was validated by the Council 18 November 2020 (ref. 20/02893/OUT). The outline planning application seeks permission for up to 1,300 homes and associated uses as required by Policy 7 and Policy 18 of the Local Plan, thus ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The Emerging Local Plan proposes to allocate the site for 1,300 homes, and the outline application seeks permission for this number of homes in accordance with draft Policy A14.
- 8.6 On 31 March 2021, CDC's Planning Committee resolved to approve the outline planning application, and a further variation of the red line to the planning application to include the full extent of the highway works was submitted on 2 December 2022, which is expected to be the subject of a formal resolution during March 2023.
- 8.7 It is imperative that development of the TSDL comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development. This will ensure that the necessary infrastructure can be delivered in a cohesive and co-ordinated manner. It is therefore intended that the scheme will be delivered via a single outline planning permission. It is anticipated that the Scheme will be consistent with planning policy at both a national and a local level, and there is no reason to believe that planning permission will not be forthcoming. In this regard the policy position is summarised below.

National Policy

- 8.8 The NPPF promotes a presumption in favour of sustainable development.
- 8.9 The strategic objectives of the NPPF are to support economic growth, achieve a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities. The NPPF also supports the highest standards of architectural and urban design.
- 8.10 The TSDL is allocated for development in accordance with the adopted Local Plan, which was examined against the relevant provisions of the NPPF (2012) and found to be sound. The Emerging Local Plan will be assessed against the most up to date version of the NPPF when submitted for examination. The development of the TSDL complies with the core principles of the NPPF and represents sustainable development in accordance with the prevailing national policy.
- 8.11 Paragraph 73 of the NPPF recognises that housing supply can sometimes be best achieved through planning for larger scale development, such as significant extensions to existing villages. The delivery of the Scheme will make a significant contribution to the housing supply for the Local Plan area, as well as satisfying the NPPF's requirement for plans to deliver a sufficient supply of homes. Residential development on the TSDL also has an important role to play in contributing to the development and vitality of Tangmere village centre, in accordance with paragraph 86 of the NPPF. The policy objectives of comprehensive development of the TSDL, including securing the necessary infrastructure, community facilities, services, and open space provision accord with the NPPF's principle of promoting healthy and safe communities

and underpin the content of the Masterplan Document, which was carried forward into the outline planning application.

Local Plan

- 8.12 The land is currently allocated within the adopted Local Plan and has been a site formally allocated for residential housing development since the adoption of the Local Plan in 2015. Previous to this the site was identified for residential development in 2010 within the Council's "Focus on Strategic Growth Options" consultation document. This document was a consultation document considering potential options for significant growth within the Chichester plan area and accordingly formed part of the early stages in preparation for the formulation of the Local Plan.
- 8.13 Specific policy considerations can be summarised as follows
- Policy 2 (Development Strategy and Settlement Hierarchy) of the adopted Local Plan identifies Tangmere as being capable of accommodating further sustainable growth to enhance and develop its role as a settlement hub.
 - Policy 4 (Housing Provision) states that strategic development locations are allocated in the Local Plan to accommodate 3,250 homes over the Local Plan period.
 - The TSDL is identified within Local Plan Policy 18 for the delivery of 1,000 homes and associated infrastructure including a school, open space and community facilities.
 - Policy 7 ('Masterplanning Strategic Development') confirms that development of the strategic locations identified in the Local Plan (including the TSDL) will be planned through a comprehensive masterplanning process, which will involve the active participation and input of all relevant stakeholders.
- 8.14 As above, a Masterplan Document for the TSDL has been produced by Countryside and endorsed by the Council, in accordance with Policy 7. An outline planning application has been submitted by Countryside seeking permission for up to 1,300 homes and associated uses to reflect the proposed increase in the Emerging Local Plan, thus also ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The outline planning application was considered by the Council's Planning Committee to comply with all other relevant policy requirements within the Local Plan. The Scheme will therefore realise the objectives of relevant policy as contained in the Local Plan.

Emerging Local Plan

- 8.15 The Local Plan is currently under review. The Council consulted on the Chichester Local Plan Review 2016 – 2035 Preferred Approach between December 2018 and February 2019. Details of the extensive work undertaken following the Preferred Approach consultation are set out within the Report to Cabinet for the Special meeting of Cabinet held on Monday 23rd January 2023. Following approval at a Special meeting of the Council on 24th January 2023, the Council consulted on the Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) between 3rd February and 17th March 2023. The Regulation 19 consultation phase is the last stage in the preparation of the local plan before the plan is submitted to the Secretary of State for independent Examination. The intention is to submit the Emerging Local Plan later in the spring of 2023, following which an Inspector will be appointed on behalf of the Secretary of State and the Examination will commence.
- 8.16 The Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) contains proposals for at least 10,350 dwellings during the period 2021-2039, equivalent to c.575 dpa (535 dpa within the southern plan area and a further 40 dpa within the northern plan area). At least 7,000 dwellings are proposed to come forward from strategic allocations, including those strategic allocations carried forward from the adopted 2015 Local Plan. These strategic allocations include the TSDL, which is now proposed to be allocated for 1,300 dwellings, an additional 300 over the previous allocation of 1,000.

- 8.17 The Chichester Local Plan 2021 – 2039: Proposed Submission includes draft policies which are relevant to the TSDL. Draft Policy H2 (Strategic Locations/ Allocations 2021 - 2039) includes the TSDL on a list of strategic allocations to help achieve sustainable growth. Draft Policy A14 (Land West of Tangmere) proposes to allocate land to the west of Tangmere for a comprehensive residential-led development of 1,300 dwellings.
- 8.18 The Masterplan Document for the TSDL has been produced by Countryside and endorsed by the Council, in accordance with Policy 7 (Masterplanning Strategic Development) of the adopted (2015) Local Plan. The outline planning application seeks permission for up to 1,300 homes and associated uses in accordance with draft Policy A14. As set out above, the outline planning application is considered to comply with all relevant policy requirements within the adopted Local Plan, including with the relevant emerging draft policies (as material considerations) as they stood on 31 March 2021 when the Council's Planning Committee resolved to approve the application. As the majority of the emerging strategic and development management policies from the Preferred Approach version of the local plan have been carried forward to the Chichester Local Plan 2021 – 2039: Proposed Submission, the Scheme can therefore be considered to realise the objectives of relevant policy as contained in the current version of the Emerging Local Plan.

Neighbourhood Plan

- 8.19 The Tangmere Neighbourhood Plan was 'made' on 19 July 2016 and forms part of the development plan. The Neighbourhood Plan includes a concept statement for the development and is informing the masterplanning process. The vision of the Neighbourhood Plan is a "one village" concept to unite and integrate the existing Tangmere village with the new development. In line with Policy 2 (Strategic Housing Development) of the Neighbourhood Plan, this identifies the land as a Strategic Development Location and sets out the requirement for the provision of 1,000 new homes, new community facilities, a main village street, new open space and green infrastructure.
- 8.20 The Framework Masterplan (submitted as part of the outline planning application) has been designed to comply with the requirements of the Neighbourhood Plan Policy 2 and also has regard to Policy 7 (Land to the West of Malcolm Road) given the Neighbourhood Plan's expectation that this land is considered as part of the TSDL masterplan. The Scheme would therefore realise the objectives of relevant policy as contained in the Neighbourhood Plan.

Other Consents

Works to Existing Highways

- 8.21 Where works are required to existing highways, Section 278 agreements will be entered into with National Highways for any works relating to the strategic road network or West Sussex County Council as the local highway authority.

Road Traffic Orders

- 8.22 Applications will be made to West Sussex County Council as local highway authority for any necessary temporary or permanent Road Traffic Orders.

Temporary Stopping Up or Diversions of Footpaths

- 8.23 There is one existing Public Right of Way (PRoW) which falls partially within the TSDL (designated as Path Number 282). This provides a pedestrian link from Church Lane to Chestnut Walk. The outline planning application indicates that this part of the TSDL will be used for public open space and so no alterations are expected to this footpath.
- 8.24 In the unlikely event that any necessary Temporary Road Traffic Orders or consents under section 257 of the 1990 Act (in respect of the temporary stopping up or diversion of footpaths) are required at a later stage, application(s) will be made to West Sussex County Council as the local highway authority.

Licences for protected species

- 8.25 Although it is not expected that any European Protected Species ("EPS") may be affected by the Scheme, should any potential disturbance be considered then Countryside will apply for an EPS licence from Natural England.

9. Human Rights

- 9.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

- 9.2 In resolving to make the Order the Council has carefully considered the rights of property owners under the Convention against the wider public interest, and in particular those rights under the following provisions.

Article 1 of the First Protocol to the Convention

- (a) This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8

- (b) This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 9.3 The European Court of Human Rights has recognised that "*regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole*". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.
- 9.4 As set out within Section 2 above, the Order Land has predominantly been used for agricultural purposes. It has not been suggested by any party that development of the Order Land will result in the extinguishment of a commercial enterprise and no residential property is being acquired (with the exception of occupiers who have extended gardens by encroachment into Plot 7 and Plot 14). The Order Land falls within a strategic development location and the landowners of the Heaver Interests Land, Pitts Land and the Church Commissioners Land have all 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).
- 9.5 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.

10. Public Sector Equality Duty

- 10.1 The Council has a 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.

- 10.2 The land being acquired is predominantly agricultural land and does not require relocation of any protected groups.
- 10.3 External consultants have been commissioned to advise the Council on compliance with their duties under the Equality Act 2010 in the context of a CPO and they prepared an Equalities Impact Assessment (“EqIA”) in respect of the Scheme and CPO1. Following the commissioning of the EqIA, progress in making CPO 1 was impacted by the COVID 19 pandemic and the Council commissioned an addendum to the EqIA, issued in July 2020. A further addendum was commissioned to take into account the particular impacts of the Order. This addendum was issued in February 2023. Taken together, the original EqIA and the two addenda (“EqIA Addenda”) set out how the Council has complied with their duties under the Equality Act 2010. The EqIA and EqIA Addenda contain a number of recommendations and an action plan. Officers have had regard to these and the Council has put in place measures to implement the recommendations and actions that can be addressed prior to the making of the Order and will continue to do so following the making of the Order. 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.
- 10.4 The Council’s own assessment of the potential impacts of the Scheme indicates that the proposals have the potential to deliver multiple beneficial impacts for the local community, including those with protected characteristics in the local area, including:
- the delivery of a range of housing within Tangmere to address local need:
 - The quality of the new homes provided will have a range of positive impacts on equality, including accessibility and adaptability, which may be of significant benefit for those with disabilities, or the elderly.
 - Tangmere currently has a relatively high proportion of social housing, and development of the site will provide a diverse range of tenures including market and affordable housing, potentially providing low cost or shared ownership options, to create mixed and balanced communities.
 - The new homes will utilise sustainable design and construction techniques and be more energy efficient, which will benefit residents by reducing their energy usage.
 - delivering improvements to local infrastructure including local convenience shopping, and enhanced social, community, recreation, primary education and healthcare facilities, which will be of benefit to all residents in providing better accessibility to infrastructure.
 - providing enhanced open space and green infrastructure will link Tangmere to Chichester city, nearby developments and the South Downs National Park, which will allow residents easy access to open space for health and wellbeing benefits.
 - integration with the existing village of Tangmere, in order to achieve the aspirations of the Neighbourhood Plan, to achieve their ‘one village’ vision. This will benefit new and existing residents by achieving a well-integrated and holistic development.
- 10.5 The Director of Planning and the Environment has considered the results of the EqIA, the EqIA Addenda and the Council’s Public Sector Equality Duty and taken advice from the Council’s legal advisers and is satisfied that in making the recommendations in this report, that the Council has given due regard to its obligations in this regard.
- 10.6 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 this Statement 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.
- 10.7 As the process continues, should there be a need for a public inquiry, when choosing a venue 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.

11. Acquisition by Agreement

- 11.1 The Order has been made to ensure that all the land required for the Scheme can be secured within a reasonable timescale, thereby maintaining the viability, affordability and deliverability of the Scheme. Ownership of the entirety of the Order Land is necessary to enable the Scheme to proceed.
- 11.2 The Guidance states at Paragraph 17 that "*Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect*" and "*Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question*".
- 11.3 In accordance with a strategy agreed with the Council, Countryside has sought to acquire the various interests in the Order Land by agreement and will continue to do so in parallel with the making of this Order.
- 11.4 Countryside has contacted landowners and interested parties within the Order Land to acquire interests by private treaty agreement, or to reach an agreement which establishes the basis on which a future transaction will be undertaken.
- 11.5 The Council has agreed Heads of Terms for the voluntary acquisition of Plots 19B, 19C and 19D from National Highways, with the legal agreement for its transfer currently being negotiated.
- 11.6 The Council is seeking to agree Heads of Terms with the owners of the Heaver Interests Land for the voluntary acquisition of their interests.
- 11.7 The Council is seeking to agree Heads of Terms with the owners of the Pitts Land and the Church Commissioners Land, to the effect that the voluntary agreements which were completed prior to the confirmation and in respect of CPO 1 will apply in respect of the Order.
- 11.8 Countryside and the Council have approached Saxon Meadow Tangmere Limited concerning the Order to confirm that the modification made to CPO 1 to provide the Saxon Meadow residents with a 'buffer' and retain land adjacent to their main building has also been reflected in the Order.
- 11.9 Negotiations with affected parties will continue through the compulsory acquisition process.

12. Conclusion

- 12.1 The Scheme promoted for the Order is the same as that for CPO 1. In determining CPO 1, the Inspector concluded that CPO1 was "*required to facilitate the carrying out of development, redevelopment and improvement works comprised within the Scheme, and that compulsory acquisition will thereby secure improvement to the economic, social and environmental well-being of Tangmere and its surrounding area. I consider that the overall scale of public benefits arising from the Scheme would far outweigh the loss of any remaining private interests, and that no violation of the HRA or breach of the EA would be incurred. In summary, there is a compelling case in the public interest for the use of compulsory purchase powers and such action is expedient.*".¹³
- 12.2 Having regard to the matters set out in this Statement, the Council believes there is **a compelling case in the public interest** that justifies the proposed compulsory acquisition of the Order Land and the Council respectfully request the Secretary of State to confirm the Order accordingly.

¹³ CPO 1 Decision Letter, paragraphs 109 & 110.

13. Inquiries Procedure Rules

- 13.1 This Statement of Reasons for making the Order is not intended to discharge the Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007 No.3617), should a public inquiry be held.
- 13.2 In the event of a public inquiry, a Statement of Case, further supporting material, plans and documents will be put in evidence by the Council. A list of these, together with the addresses at which they can be inspected, will be notified to the public in accordance with the relevant Rules.

14. Additional information

- 14.1 Persons requiring further information regarding the Order should contact Tony Whitty – Divisional Manager Planning Policy, Chichester District Council, T: 01243 534875, E-mail: twhitty@chichester.gov.uk, at East Pallant House, Chichester, West Sussex, PO19 1TY.
- 14.2 Owners and tenants of the land, and any other parties with interests affected by the Order, who wish to negotiate a sale or discuss matters of compensation should also contact Tony Whitty, as above, or Peter Roberts, DWD LLP, T: 0207 489 4835, E: peter.roberts@dwdllp.com.
- 14.3 Copies of the Order, Order Map and this Statement of Reasons can be inspected during normal office hours at the Council's offices at East Pallant House, Chichester, West Sussex, PO19 1TY. If electronic copies, or hard copies of the Order, Order Map and this Statement of Reasons are required, please contact Tony Whitty, whose details are set out at 14.1 above.

Appendix 1
(Order Maps)

Appendix 2

Chichester District Council (Tangmere) (No.2) Compulsory Purchase Order 2023

Core Document List

Document Number	Document
1.	Chichester District Council (Tangmere) (No.2) Compulsory Purchase Order 2023
2.	Order Map
3.	Statement of Reasons
4.	Press Notices
5.	Specimen Notice of Making of the Order served on Owners
6.	Specimen Site Notice advertising Making of the Order
7.	Cabinet Report to Full Council and Resolutions
8.	Compulsory Purchase and the Criche Down Rules: Guidance, MHCLG, July 2019 and guidance issued by the Ministry of Housing Communities and Local Government relating to the COVID 19 pandemic and the making of compulsory purchase orders.
9.	The National Planning Policy Framework, MHCLG, February 2019
10.	Adopted Local Plan
11.	Emerging Local Plan
12.	EqIA, EqIA Addenda and PSED Statement
13.	Chichester District Council (Tangmere) Compulsory Purchase Order 2020
14.	Inspector's Decision dated 7 November 2021 in respect of the Chichester District Council (Tangmere) Compulsory Purchase Order 2020.

The Council reserves the right to refer to any other documentation at a later stage.