

# Chichester District Council

Cabinet

20 March 2023

Council

21 March 2023

## Tangmere Strategic Development Location – Chichester District Council (Tangmere) (No 2) Compulsory Purchase Order 2023

### 1. Contacts

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### 2. Executive Summary

Council has previously considered and approved the use of compulsory purchase powers for the Tangmere Strategic Development Location (“**TSDL**”) at its meetings of 3 March 2020 and 22 September 2020.

The Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (“**CPO 1**”) was duly made and confirmed by Mr Peter Rose, an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities<sup>1</sup>, on 11 November 2021 after a public local inquiry in September 2021. The Inspector’s decision report is contained at Appendix A (the “**CPO1 Decision**”)

Following the confirmation of CPO 1 it was indicated by National Highways that the records maintained by the Highways Authority regarding the extent of adopted highway were incorrect. This meant that a small section of land that had previously been understood to be adopted highway was incorrectly recorded as such. This section of land (“**the Excluded Land**”) had been excluded from CPO1 on the mistaken assumption that it was adopted highway.

The purpose of this report is to enable consideration of the use of compulsory purchase powers a second time – the Chichester District Council (Tangmere) (No 2) Compulsory Purchase Order 2023 (“**the Order**”) - to acquire the Excluded Land together with the same land interests falling within CPO 1, and so regularise the position which both the Council and the Inspector had sought to achieve by means of CPO1.

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<sup>1</sup> Acting in exercise of his powers under the Town & Country Planning Act 1990 and the Acquisition of Land Act 1981.

The extent of the interests and rights in land proposed to be acquired ("**Order Land**") are set out in this report and a map of the Order Land is contained at Appendix C. The additional land sought adjacent to the A27 southern roundabout comprises Plots 19A, 19C, 19D, 19E and 19F. Plot 19B was included in CPO1 and will be included in CPO2.

This report also updates Cabinet on progress made with regard to the development of the proposals for the comprehensive, residential-led development of the TSDL, referred to in this report as "**the Scheme**"<sup>2</sup>.

The report sets out relevant factors for Cabinet's consideration in determining whether or not to exercise compulsory purchase powers, including the Scheme's adherence to planning policy, its financial viability and prospects for delivery. It also includes matters for consideration in relation to the Council's Public Sector Equality Duty and the implications for the Human Rights of third parties who might be affected by the Order. It addresses the overall case for whether or not there is a compelling public interest case in making the Order in accordance with Government Guidance<sup>3</sup>.

On the basis of the analysis set out in this report, it is recommended that the Order is made to facilitate the carrying out of the Scheme.

### **3. Recommendation**

**The Cabinet recommends to Council that, following consideration of this report:**

- (1) the Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix C, and in particular that the Council makes the Order;**
- (2) the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to:**
  - a. settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;**
  - b. negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;**
  - c. implement the Order powers following confirmation of the Order and so acquire title to and/or take possession of the Order Land; and**

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<sup>2</sup> Terms and definitions used in this Report are defined in the Table of Definitions set out in section 12

<sup>3</sup> Guidance on Compulsory Purchase process and The Crichel Down Rules" – Ministry of Housing, Communities and Local Government (July 2019) and further guidance issued with regard to the impact of COVID 19 on the Compulsory Purchase process.

**(3) Cabinet notes the revised timetable in Table 1 of Section 6 of the Report.**

**4. Background: Planning Policy, the need for the Scheme and its benefits**

*Delivery of housing within the Local Plan area*

- 4.1 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 fell short of the Council's objectively assessed need ("**OAN**") as identified in the 'Review of Objectively Assessed Housing Need in light of the 2012-based Subnational Population Projections' (August 2014) which identified an OAN of 560-575 dpa in Chichester 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 adopted Local Plan.
- 4.2 Of the 7,388 homes provided for in the adopted 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.
- 4.3 At 1,000 homes, the TSDL is the second largest allocation in the adopted 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. The Inspector in the CPO1 Decision (Appendix A) noted that:
- "34. The TSDL is undoubtedly a very significant opportunity to contribute to Chichester's needs consistent with national housing and planning policy."*
- 4.4 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. It is proposed that the East-West Corridor (which includes the TSDL) will provide 6,156 homes during the Local Plan period.

### *The importance of the TSDL*

- 4.5 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.
- 4.6 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.
- 4.7 Policy 18 of the adopted 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.
- 4.8 The Scheme therefore plays a significant role in addressing the need for new housing across the Chichester Local Plan area and makes a significant contribution to the objectives of the Local Plan. In particular: delivering the vision for the East-West Corridor; assisting with the need to relieve pressure on Chichester city; addressing local needs for both market and affordable housing; and providing enhanced amenities and services for existing and future residents of Tangmere. In the CPO1 Decision (Appendix A) the Inspector noted that:
- "41. [...] 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."*
- 4.9 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 4.1 above) means it is imperative that each and every allocated site comes forward. In this regard the housing trajectory set out in the Local Plan in 2015 envisaged that delivery of homes at the TSDL would commence from 2019/2020 onwards. Failure to deliver homes on the site within the Plan period would mean a very significant shortfall in housing delivery.
- 4.10 The need for new development at Tangmere is further emphasised by the Council's proposals in the Emerging Submission Local Plan (details of which are set out below) to increase the quantum of development at the TSDL from 1,000 to 1,300 homes.

### *The Planning Policy Position*

- 4.11 The NPPF contains a presumption in favour of sustainable development.
- 4.12 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.

4.13 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. In the CPO1 Decision (Appendix A) the Inspector noted that:

*“35. [...] 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.”*

4.14 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 85 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 have been carried forward into the outline planning application.

4.15 The land is currently allocated within the adopted Local Plan and has been a site formally allocated for residential housing development since adoption of the 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 considered the potential options for significant growth within the Chichester plan area and accordingly formed part of the early stages of preparation for the formulation of the Local Plan.

4.16 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.

4.17 The Masterplan Document for the TSDL was produced by Countryside Properties (UK) Ltd (“**Countryside**”) (please refer to Section 4.31 below for further details on

Countryside's role in respect of the TSDL) and endorsed by the Council as Local Planning Authority, in accordance with Policy 7, Policy 18 and draft policies in the emerging Local Plan. An outline planning application was submitted by Countryside on 6 November 2020 and validated by the Council on 18 November 2020 (ref. 20/02893/OUT). It seeks 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 is considered to comply with all other relevant policy requirements within the Local Plan and on 31 March 2021 the Council's Planning Committee resolved to approve the application. The Scheme will realise the objectives of relevant policy as contained in the Local Plan.

- 4.18 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 23<sup>rd</sup> January 2023. Following approval at a Special meeting of Council on 24<sup>th</sup> January 2023, the Council consulted on the Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) between 3<sup>rd</sup> February and 17<sup>th</sup> 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.
- 4.19 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.
- 4.20 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.
- 4.21 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. The Scheme and the planning policy context remain largely unchanged from those considered by the Inspector in the CPO1 Decision and therefore his comment is still correct (para 36) that *“the planning policy context is therefore highly supportive of the Scheme.”*

- 4.22 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 master planning 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.
- 4.23 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 will therefore realise the objectives of relevant policy as contained in the Neighbourhood Plan.

#### *Benefits of Scheme*

- 4.24 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<sup>4</sup> 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.
- 4.25 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 planning process) will contribute to the viability and vitality of Tangmere village centre and nearby town centres. This was acknowledged by the Inspector in the CPO1 Decision (Appendix A):

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

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<sup>4</sup> The identification of Settlement Hubs, including Tangmere is taken forward by draft Policy S2 (Settlement Hierarchy) within the Chichester Local Plan 2021 – 2039: Proposed Submission.

4.26 In terms of social issues, the District 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. This was acknowledged by the Inspector in the CPO1 Decision (Appendix A):

*“38. 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.”*

4.27 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 Waste Water Treatment works, which discharges into the Aldingbourne Rife, avoiding discharge into Chichester Harbour and the attendant environmental issues associated with it.

4.28 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 will also reduce pressure for development on other, less suitable sites.

4.29 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 substantially improved local public transport services and cycle connectivity to Chichester and other surrounding settlements. This was acknowledged by the Inspector in the CPO1 Decision (Appendix A):

*“40. 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.”*



*Progress in delivering the Scheme to date*

- 4.30 The Council has sought to encourage delivery of the comprehensive development of the TSDL since 2010, but no material progress was made by the landowners. As a result of the lack of progress made by the existing landowners (set out in detail in the Report to Council dated 22 September 2020) the Council sought to make use of compulsory purchase powers available to it and to appoint a development partner to progress the development of the TSDL.
- 4.31 The Council conducted a competitive tender process to select such a development partner in 2018 and subsequently entered into a Development Agreement with Countryside Properties (UK) Limited ("**Countryside**") on 5 February 2019 to bring forward and facilitate the development of the TSDL. The Development Agreement was subsequently amended on 16 February 2023 to make reference to the Order and adjusted programme for the delivery of the Scheme.
- 4.32 The failure by the landowners to bring forward the development of the TSDL is documented within the Inspector's CPO1 Decision. The Inspector notes in particular at para 52 that:

*"52. The purposes of the Order are not to seek piecemeal development of individual sites within the TSDL. There are no planning permissions for any such developments, and the proposition of possible separate development of either Tangmere Corner or of wider land has not been pursued by either application or subsequent appeal. There is also no formally substantiated nor tested planning evidence before the Inquiry that such permissions might be forthcoming, for example, as a consequence of any pre-application discussions. Indeed, the Council's planning witness, contrary to the independent advice cited by the Heaver Objectors, indicated that no such permissions would be forthcoming."*

The Inspector concluded at para 55 of the CPO1 Decision that:

*"55. The purposes of the Order relate to development of the TSDL as one entity. I have little reason to conclude that that, left to their own devices, the various land-owning interests are likely to deliver such development. Indeed, this appears to be the experience and evidence of the last decade."*

- 4.33 As part of the promotion of CPO 1, Countryside completed voluntary agreements with the landowners Church Commissioners Land and the Pitts Family for the acquisition of their land interests within the TSDL. The Council is seeking to agree Heads of Terms with these owners such that the voluntary agreements completed in respect of CPO 1 will also apply in respect of the Order.
- 4.34 An agreement with Bloor Homes Limited, who held an option over Plot 17 was completed in respect of their land interest in CPO1. A modification to CPO1 which removed the objections of Saxon Meadow Tangmere Limited was proposed by the Council at the Inquiry and subsequently accepted by the Inspector, to allow the retention of a part of the Saxon Meadow's land as a 'buffer' from the TSDL development.
- 4.35 In February and March 2022, the Council was preparing to serve General Vesting Declarations in accordance with the Scheme's programme to acquire the Order

Land. 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 (National Highways land interest) and 19E (Heaver land interest) was not adopted highway. That land (together with Plot 18 of CPO1, also owned by National Highways) would have afforded the necessary access to the site from the A27 roundabout, but was excluded from CPO1 on the basis it was shown to be adopted on the Adopted Highways Plan.

- 4.36 According to the latest Adopted Highways Plan, Plots 19A, 19C and 19F form part of the adopted highway adjacent to the A27 roundabout. Plots 19B, 19D are non-adopted land, and it is understood by the Council that they are used by National Highways for highway maintenance purposes. 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. Therefore, Plots 19A, 19B, 19C, 19D and 19F 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.
- 4.37 Plot 19E is a small section of track which forms part of the larger land registry title of Plot 17 (the rest of which was included in CPO1). National Highways may also hold an ownership interest in this Plot. This section of land did not form part of CPO 1. The Council has also sought to negotiate with the owners 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.
- 4.38 In accordance with a strategy agreed with the Council, Countryside has sought and will continue to seek to negotiate voluntary terms with all parties in parallel with any Order made by the Council.
- 4.39 The Order Land comprises an area of approximately 76 hectares, located to the west of the village of Tangmere, West Sussex, south of the A27. The land is shown coloured pink on the draft Order Map.
- 4.40 The Order Land is predominately used for agricultural purposes and is separated into fields.
- 4.41 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.
- 4.42 The Schedule to the Order (attached as Appendix D) 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.

## **5. Outcomes to be Achieved: Use of Compulsory Purchase Powers**

- 5.1 The purpose being sought by the Council in considering making the Order under the powers conferred by Section 226(1)(a) of the 1990 Act is to facilitate strategic housing delivery and associated development on the TSDL and, in conjunction with its development partner, to use the Order Land to bring forward the Scheme delivering the economic, social and environmental well-being benefits set out in this report.
- 5.2 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:
- 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 Use Classes A1, A2, A3, A4, A5 and B1(a)) – up to 1,000 sqm;
  - 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 1,100 sqm.
- 5.3 It is proposed to deliver 30% of the new homes in the form of affordable housing, in accordance with the adopted Local Plan.

## **6. Proposal for Order and its Justification**

- 6.1 This Report sets out the background to and need for the Scheme, as well as the basis on which it is considered that the compulsory purchase of the Order Land is justified, it being considered that there is a compelling case in the public interest to do so. A Statement of Reasons has been prepared for the Order in accordance with the Guidance and a copy of this is provided at Appendix G.
- 6.2 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.
- 6.3 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 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.

The Inspector in the CPO1 Decision found that Section 226(1)(a) was the appropriate power and that the Council was justified in using it:

*“81. I consider section 226(1)(a) to be appropriate and no evidence has been offered of any alternative provisions which could serve the Scheme in the manner required.”*

*Need for Order to ensure Scheme delivery*

6.4 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.”

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...”

6.5 Policy 18 (Tangmere Strategic Development Location) confirms that development will be masterplanned in accordance with Policy 7.

6.6 The TSDL is allocated for development in the adopted Local Plan and is a proposed allocation in the Emerging Local Plan. The Neighbourhood Plan provides a set of development principles for the TSDL that have informed the Masterplan Document. 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.

6.7 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 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. This was accepted by the Inspector in the CPO1 Decision (Appendix A):

*“39. 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.”*

6.8 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. 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 were there delivery 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.

- 6.9 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 increased requirements of the Emerging Local Plan (when adopted). This was emphasised by the Inspector in the CPO1 Decision (Appendix A):

*"66. A planned and comprehensive arrangement is required to ensure certainty over delivery, to guarantee that infrastructure and housing would be delivered in a cohesive and co-ordinated manner and, critically, to maximise the public benefits from development of the TSDL as a whole."*

#### *Scheme Delivery and Viability*

- 6.10 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.
- 6.11 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.
- 6.12 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. 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).

- 6.13 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.
- 6.14 Officers are 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. The Inspector also expressed support for the partnership between the Council and Countryside in determining CPO 1, stating that
- "74. 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".*
- 6.15 A development agreement between the Council and Countryside was completed on 5<sup>th</sup> February 2019 and supplemental agreements varying the development agreement were entered into on 3<sup>rd</sup> April 2020 and 6<sup>th</sup> September 2021. A further supplemental agreement was completed on 16<sup>th</sup> February 2023. 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.
- 6.16 Officers have considered the financial viability of the Scheme and the Council 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. Officers have obtained updated valuation advice as at March 2023. The market value and viability advice remains the same as previously obtained and therefore it is not considered that the assessment of the Scheme's viability has materially changed. Officers have reviewed all viability advice and are satisfied that the Scheme is financially viable.

#### *Planning Position and Timetable*

- 6.17 Planning permission has not yet been granted in respect of the Scheme. An outline planning application was submitted by Countryside on 6 November 2020 and validated by the Council on 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.
- 6.18 On 31 March 2021 the Council's Planning Committee resolved to approve the application subject to entering into a section 106 Agreement. A section 106 Agreement has been drafted and is in substantially agreed form. When the Order is 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. There is no reason to believe that planning permission will not be forthcoming.

- 6.19 Revised plans to alter the 'red line' boundary in the outline planning application have been submitted by Countryside and public consultation on that variation closed on 6 January 2023, with a resolution expected to be issued in March 2023. This amendment will not change the existing Scheme in any way and is purely a technical change to reflect the new boundary of the Order Land.
- 6.20 A Planning Performance Agreement was signed between the Council and Countryside on 15<sup>th</sup> 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.
- 6.21 Pre-application intrusive and non-intrusive surveying works over the extent of the TSDL were undertaken by Countryside during Spring and Summer 2019. Since that time, Terence O'Rourke as Archaeological Consultant to Countryside have project managed further investigative trenching works for the site. This included a second phase of trenching work which was undertaken by Archaeological South East (ASE) between July to September 2022, following Phase 1 of the work which was completed in 2019. The Phase 2 trenching consisted of trial trenching undertaken on the Church and Pitts landholding area, with a trenching area spread evenly (a 5% sample) over that parcel of land. This was an approach agreed in consultation with the Archaeology officer. The results of both phases of trenching have identified the areas of mitigation to be excavated prior to start on site, in line with the archaeological planning conditions that were agreed as part of the resolution of the Planning Committee on 31 March 2021.
- 6.22 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.
- 6.23 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.
- 6.24 Work undertaken to inform Members' assessment has included:
- (a) an updated viability assessment of the site as at March 2023;
  - (b) a review of the Equalities Impact Assessment required for the Order and a further Equalities Impact Assessment Addendum to consider any specific considerations now applying to the making of the Order. The Equalities Impact Assessment and the Addenda to it are attached to this report as Appendix E, E(i) and E(ii) and the Director of Planning and Environment's consideration of the Public Sector Equality Duty is attached to this report as Appendix F); and
  - (c) the land referencing exercise (which originally took place in January 2018, was refreshed in February 2020 and has now been further updated between December 2022 and February 2023) (Appendix D).



The completion of this additional evidence work reinforces the Council’s position in seeking to make the Order. The anticipated timescale is set out below, but this is necessarily provisional to some degree.

Table 1 Revised timetable:

<b>Project</b>	<b>Previous completion date<sup>5</sup> (refers to end of relevant calendar month)</b>	<b>Revised completion date (refers to end of relevant calendar month)</b>
Signing of development agreement with Countryside	February 2019	Complete
Masterplan completed	January 2020	Complete
Council resolution to make the CPO	September 2020	Complete
Planning application submitted	October 2020	Complete
CPO1 Decision	November 2021	Complete
Resolution to grant planning permission	March 2021	Complete
CPO2 inquiry to start	-	January 2024
CPO2 Secretary of State decision	-	April 2024
Vacant possession secured	February 2022	August 2024
Start on site	August 2022	January 2025

- 6.25 As the Council’s appointed development partner and the party responsible for bringing forward development of the TSDL, Countryside have agreed in principle that the revised timetable can be met. The CPO project will continue to be managed at Countryside by the Project Manager, and by a Principal Planning Policy Officer within the Planning Policy team at the Council, with planning, legal and specialist CPO consultancy support as necessary.

*Conclusions:*

- 6.26 This section has outlined the strong policy support for the Scheme and the overriding need for a comprehensive approach to delivering the TSDL that will ensure that the required infrastructure and Scheme benefits can be appropriately delivered as planned. As set out above, a 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. The Scheme is viable and can be delivered by the Council’s development partner and this is supported by up-to-date evidence work undertaken. It is also the case that the compelling case in the public interest to make the Compulsory Purchase Order has already been established and confirmed following the CPO1 Inquiry. In particular, the Inspector concludes in the CPO1 Decision:

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<sup>5</sup> As approved by Council on 22 September 2020

*“107. The Scheme appears viable, there are no other impediments beyond the remaining land assembly, and the developer has the resources, experience and expertise to deliver. 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.*

*109. For the reasons set out above, I am satisfied that acquisition of all the Order Land and rights, excepting the proposed modified element of Plot 8, is 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.*

*110. In summary, there is a compelling case in the public interest for the use of compulsory purchase powers and such action is expedient.”*

## **7. Alternatives Considered**

- 7.1 The alternative to the use of compulsory purchase powers is that comprehensive development of the TSDL is brought forward by the consortium of landowners and developers. To date, the only proposals to bring forward development of the TSDL by the existing landowners have comprised suggestions that development be brought forward on the basis of their own individual land ownerships, on a piecemeal basis. As already stated, these proposals are not acceptable as they do not comply with adopted or emerging development plan policy and would not provide certainty for the cohesive and coordinated delivery of the requisite infrastructure. By taking a piecemeal approach, it is highly unlikely that the TSDL would deliver the 1,000 homes and associated infrastructure identified in the Local Plan, or the higher figure of 1,300 dwellings identified within the Emerging Local Plan.
- 7.2 In relation to the Excluded Land and the specific purpose of the Order, officers are aware of the need to consider alternative configurations of the A27 roundabout, as opposed to continuing with the original alignment as confirmed through CPO1. Various investigations and workstreams have been undertaken by Countryside to consider these alternative highway configurations and this work has been reported to and assessed by officers. In consideration of the technical work undertaken and legal advice received, it is considered by officers that a robust case can be made to the effect that the alternative configurations should not be regarded as a viable or acceptable alternative when compared to the originally designed scheme. This also includes considering the urgent need to deliver the TSDL within a known and agreed timeframe, which allows for the timeframe to acquire the Order Land, including the Excluded Land.

7.3 Accordingly, having regard to the matters set out in this Report, officers believe there is a compelling case in the public interest that justifies the proposed compulsory acquisition of the Order Land.

## **8. Resource and Legal Implications**

### *Finance implications:*

8.1 There are significant financial implications arising from making the Order. The Council's development partner has agreed to reimburse the Council's professional and other legal and administrative costs associated with pursuing a CPO, although these are capped as part of the development agreement. Taking account of the supplemental development agreement signed on 16 February 2023 Countryside have agreed to underwrite the Council's professional and other legal and administrative costs associated with pursuing CPO1 and CPO2, capped at £700,000.

8.2 While the decision to proceed (or not) with a CPO is and remains solely that of the Council, members should be aware of any financial implications should it decide not to progress with the CPO at this stage. If the Council decides not to progress a CPO in a situation where Countryside (its development partner) considers it appropriate and lawful to do so, then the Council will be obliged to meet the reasonable and proper planning, valuation and legal costs incurred by Countryside to date. These costs are subject to change as Countryside continue to expend funds on the CPO and associated planning application process.

8.3 To enable the Council's ability to manage its tax affairs the council has reserved the right to be able to opt to tax the land referred to within the Development Agreement with Countryside Properties (UK) Limited, should that be necessary.

### *Resource implications:*

8.4 The process will continue to be managed internally, requiring use of existing staff resources within the Planning Policy and Legal teams, but with support where required from external Legal teams and planning consultants. It should be noted that the fees for external legal and planning consultancy support are recoverable from the Council's development partner under the development agreement.

### *Legal implications:*

8.5 There is a risk that affected landowners will challenge the decision of the Council to 'make' the Order. Following the date of the decision, parties will have 21 days within which to lodge an objection. If objections are received, it will be necessary to hold a public inquiry into the Order, conducted by an independent government-appointed Inspector.

8.6 It is anticipated that objections to the Order will be received, however officers, along with the Council's external advisors, and a Barrister (KC) appointed to represent the Council, consider that the Council are in a robust position to defend any such challenge through a Public Inquiry.

- 8.7 Following the Public Inquiry, and the confirmation of the Order by the Inspector appointed on behalf of the Secretary of State, the Council must publicise the decision in local newspapers as soon as possible. The validity of the CPO is capable of being challenged through a judicial review within six weeks of the first newspaper notice.

### *Human Rights*

- 8.8 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.
- 8.9 In resolving to make the Order the Council needs to consider 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 - 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 - 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.

- 8.10 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.
- 8.11 The Order Land is predominantly in agricultural use and does not include any residential properties (with the exception of occupiers who have extended gardens by encroachment into Plot 7 and Plot 14 within the Order Land). Accordingly, no Article 8 rights will be infringed by the making of the Order. There is no suggestion that the Scheme will result in the extinguishment of any commercial enterprise and the owners of the Order Land have themselves indicated an aspiration to bring the Order land forward for development. Agreement on compensation will be settled once the Order is confirmed and in accordance with the applicable code for compensation.
- 8.12 In light of the significant public benefits which would arise from the implementation of the Scheme as set out within this Report and having regard to the extent of the interference with parties' rights, officers have concluded that it would be appropriate to make the Order. Officers do not regard the Order as constituting any unlawful interference with individual property rights.

*Public Sector Equality Duty:*

- 8.13 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.
- 8.14 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 CPO1 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 Equalities Act 2010. A copy of the EqIA and EqIA Addenda are attached to this report as Appendix E, Appendix E(i) and Appendix E(ii). 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.
- 8.15 The Council’s 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.

- 8.16 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, a copy of that statement is attached to this report as Appendix F.
- 8.17 With regards to removing or minimising disadvantages suffered by those with protected characteristics, the Council will provide copies of the Cabinet and Council reports in different formats if required. The Council will publish 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.
- 8.18 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.

## **9. Consultation**

- 9.1 The Council's Legal service team, external advisors including the Council's appointed external solicitor, Countryside and their appointed solicitor, and the appointed barrister have been consulted extensively on this matter.
- 9.2 The landowners and developers have been kept aware of the Council's intentions to pursue the second CPO process and have been given opportunities to bring forward the comprehensive development of the TSDL outside of the CPO process. Countryside also continues to engage with the landowners and developers to acquire the land via a negotiated process. Separately, Countryside and the Council have approached the residents of Saxon Meadow concerning the Order and the regrant of rights over land. Negotiations will continue in parallel with the CPO process.

## **10. Community Impact and Corporate Risks**

- 10.1 As set out in this Report the acquisition of the TSDL for development is fundamental to the delivery of the objectives and policies of the adopted, and emerging development plans. Development of the TSDL has the capacity to create a significant number of new homes of different tenures, as well as sport and leisure opportunities, a new school and community/retail facilities. There are considerable benefits of the Scheme for the local community.
- 10.2 There may be a negative impact if the TSDL is not delivered in line with the Local Plan strategy, particularly if the Scheme comes forward in a piecemeal way which would threaten the ability to deliver necessary infrastructure and the anticipated benefits of the Scheme.
- 10.3 There are potential strategic risks arising from the CPO process to deliver the TSDL, including challenges to the CPO decision, and potentially negative publicity

for the Council. However, these have been weighed against the reputational risks to the Council of being perceived as failing to deliver the housing identified in the adopted Local Plan, as well as risks to the Council in being able to demonstrate a robust five-year housing land supply.

## 11. Other Implications

<b>Are there any implications for the following?</b>		
	Yes	No
<b>Crime and Disorder</b> The proposals in the masterplan and planning application should ensure that at the very least there is no negative impact on the potential for crime and disorder and that there should be a positive impact in reducing the potential for crime and disorder.	X	
<b>Climate Change and Biodiversity</b> Any masterplan or planning application should ensure that at the very least there should be no negative impact for climate change and that there should be a positive impact by including mitigation or adaption measures. Any application should seek to minimise the impacts on and provide net gains for biodiversity.	X	
<b>Human Rights and Equality Impact</b> Considered and set out at section 8 of this Report. The EqlA and EqlA Addenda are attached at Appendix E, E(i) and E(ii) and the officer assessment of compliance at Appendix F.	X	
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b> Proposed development at the TSDL is predicted to deliver multiple beneficial impacts for the local community, including for their health and wellbeing. The quality of the new homes, including their adaptability and accessibility, will positively impact the community, particularly those with disabilities and the elderly. Additionally, development would deliver positive impacts through improvements to local infrastructure including community and healthcare facilities, as well as the provision of enhanced open space and green infrastructure.	X	
<b>Other</b> (please specify)		X

## 12. Terms used

The following terms are used in this Report:

1981 Act	Acquisition of Land Act 1981.
1990 Act	Town and Country Planning Act 1990.
Countryside	Countryside Properties (UK) Limited of Countryside House, The Drive, Brentwood, Essex, CM13 3AT.
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 7 <sup>th</sup> February 2020 contained at Appendix E.
EqIA Addenda	Two Addenda to the EqIA prepared by Mott MacDonald and dated July 2020 (Appendix E(i)) and February 2023 (Appendix E(ii))
Excluded Land	The new land to be included within the Order that was excluded from CPO1 comprising plots 19A – 19F of the Order Land.
Local Plan	The Chichester District Council Local Plan “Chichester Local Plan: Key Policies 2014-2029”, adopted by the Council on 14 July 2015.
Masterplan Document	The masterplan prepared by Countryside and submitted to and validated by the Council on 15 November 2019 (ref: 19/02836/MAS).
Neighbourhood Plan	The Tangmere Parish Council 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	The objectively assessed housing need for the Council’s administrative area.
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 contained at Appendix C.
Schedule	The schedule to the Order contained at Appendix D.
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. Further detail is set out in Section 5.2 of this Report.
Secretary of State	Secretary of State for Levelling Up, Housing and Communities.
TSDL	The Tangmere Strategic Development Location as identified within the Chichester Local Plan: Key Policies 2014 – 2029 and shown edged red on Appendix B.

### 13. Appendices

Appendix A: Inspector's decision report confirming CPO1 (11 November 2021)  
Appendix B: Red line plan of Tangmere SDL  
Appendix C: Proposed Order Map  
Appendix D: Land referencing schedule (Part II – EXEMPT)  
Appendix E: Equalities Impact Assessment  
Appendix E(i): Equalities Impact Assessment Covid-19 Addendum  
Appendix E(ii): Equalities Impact Assessment CPO2 Addendum  
Appendix F: Statement as to compliance with Public Sector Equality Duty  
Appendix G: Statement of Reasons  
Appendix H: Valuation Assessment (Part II – EXEMPT)

### 14. Background Papers

Cabinet Report Tangmere Strategic Development Location –  
Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (8  
September 2020)

Cabinet Report Tangmere Strategic Development Location –  
Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (3 March  
2020)

Tangmere Strategic Development Location – Selection of a Development Partner – Cabinet Report (September 2018)

Delivery of the Tangmere Strategic Development Location – Cabinet Report (July 2017)

Delivery of the Tangmere Strategic Development Location – Cabinet Report (June 2016)