

**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 CASE ON BEHALF OF
CHICHESTER DISTRICT COUNCIL UNDER RULE 7 OF
THE COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007**

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 by a planning inspector ("the Inspector") on 11 November 2021, following the holding of a public inquiry. 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 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 inaccurate. This meant that two sections of the land (now Plots 19D and 19E in the Schedule to the Order) that had 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.

¹ CPO 1 Decision Letter, paragraph 34

² CPO 1 Decision Letter, paragraph 41

³ CPO 1 Decision Letter, paragraph 35

Council	Chichester District Council of East Pallant House, Chichester, West Sussex, PO19 1TY.
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.
Development Agreement	The Development Agreement between the Council and Countryside completed on 5 February 2019 and amended by supplemental deeds dated 3 April 2020, 6 September 2021 and 16 February 2023
District	The administrative area of the Council.
Emerging Local Plan	The Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)
EqlA	An Equalities Impact Assessment, prepared by Mott MacDonald and dated 7th February 2020.
EqlA Addenda	Two Addenda to the EqlA 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 and is provided at Appendix 1.
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 and is provided at Appendix 2.
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 Case 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 Case (the "Statement") has been produced in accordance with the Guidance. A list of core documents is provided at Appendix 3.

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 over which 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 for which 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 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 "C.C. Projects 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 C.C. Projects, which is a development vehicle of the Church Commissioners of England. Land in the ownership of the Church Commissioners was transferred to C.C. Projects to allow it to be party to the voluntary agreements with the Council and Countryside under CPO 1 and the Order.

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 is not within the extent of CPO 1, but has 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 determined the following in respect of CPO 1:

"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.

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)."⁵

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

⁴ CPO 1 Decision Letter, paragraph 81

⁵ CPO Decision Letter, paragraphs 37 – 42.

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.
- 5.2 The Scheme as described in this Section is substantively the same as that for which CPO 1 was originally confirmed.⁶
- 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) – 2.89ha primary school plus early years provision; and
 - F2 (local community uses) (formerly D2 assembly and leisure) – approximately 1,100sqm.
- 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 CPO Decision letter, introductory second bullet point.

- 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.
- 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 When determining to confirm CPO1, the Inspector observed "*The TSDL is undoubtedly a very significant opportunity to contribute to Chichester's needs consistent with national housing and planning policy*"⁷. In considering the benefits of the Scheme, the Inspector recognised that "*the social benefits would include delivery of significant and much-needed housing.*"⁸

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,

⁷ CPO1 Decision Letter, paragraph 34.

⁸ CPO1 Decision Letter, paragraph 38.

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 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 Local 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 Policy 7 and Policy 18 of the adopted Local Plan and the draft policies within the Emerging Local Plan, and Policy 2 of the Tangmere Neighbourhood 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 development of the TSDL and would risk the development not according 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 210 (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 enhanced 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 C.C. Projects 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 however 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 The Council was made aware by National Highways that as of June 2023 Mr Heaver, Bosham

Limited and Shopwyke Limited have sought a High Court Injunction to prevent the agreed transfer of Plots 19B and Plot 19D from National Highways to the Council. The Council understands that Mr Heaver is also claiming freehold ownership of Plots 19B and 19D. It is noted that Plot 19B was within the extent of CPO 1 (as Plot 18 of that CPO) and Mr Heaver did not make any claims of ownership over the land or seek to intervene in the negotiations or transfer of that land in the context of CPO 1, and indeed made no assertion in respect of it until June 2023.

6.32 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.

6.33 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.*"⁹

7. Promotion of the Scheme and Order

7.1 Since 2013, the Council has considered the use of compulsory purchase powers as an option to bring forward the development of Strategic Development Locations. In respect of the delivery of the TSDL, the Council has acted in accordance with the Guidance. In leading up to the making of the Order, the Council kept the option to proceed with the Order and use compulsory purchase powers under constant review. The timeline of events up to the making of the Order and promotion of the Scheme is as follows:

12 September 2013	Resolution to use Compulsory Purchase Powers to bring forward delivery of the Strategic Development Locations if necessary.
7 June 2016	Cabinet Approval to (i) instruct a valuer to undertake a valuation of the TSDL prior to further consideration; (ii) instruct a specialist solicitor to advise on technical and legal matters relating to the compulsory purchase order; (iii) subject to outcome of (i) & (ii) appoint consultants to prepare a masterplan for the TSDL.
11 July 2017	Cabinet Approval that (i) the use of the Council's compulsory purchase and associated powers to facilitate comprehensive development at the TSDL be supported in principle; (ii) The selection process to identify a suitable development partner to deliver a masterplan for the TSDL and a subsequent scheme that delivers the comprehensive development of the TSDL shall be

⁹ CPO 1 Decision Letter, paragraph 107.

	commenced (iii) Certain appointed advisors to deliver (i) & (ii) will be retained; (iv) Officers will be authorised to undertake the next steps.
4 September 2018	Cabinet resolved to (i) Appoint Countryside as Development Partner; (ii) Delegate authority to the Director of Planning and Environment to agree and sign the finalised Development Agreement; (iii) Instruct officers and the development partner to continue dialogues with the landowners/site promoters to facilitate development of the site without the need for a CPO if possible; (iv) agree the revised timetable for making of the CPO.
5 February 2019	Completion of the Development Agreement between Countryside and the Council.
15 May 2019	Signing of a Planning Performance Agreement between Countryside and the Council.
8 January 2020	Endorsement of the Masterplan.
3 March 2020	First Council Resolution to make CPO 1.
22 September 2020	Second Council Resolution to make CPO 1.
6 November 2020	Submission of Outline Planning Application.
31 March 2021	Resolution to Grant the Planning Application
16 February 2023	Completion of the Third Supplemental Development Agreement between Countryside and the Council.
30 March 2023	Making of the Order by the Council.
21 March 2023	Council Resolution to make the Order.
16 August 2023	Second Resolution to Grant planning permission in respect of the Planning Application.

8. Scheme Delivery

Development Partner

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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).
- 8.5 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.
- 8.6 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.
- 8.7 The Inspector also expressed support for the partnership between the Council and Countryside in determining to confirm 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"*¹⁰.

Development Agreement

- 8.8 The 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.
- 8.9 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.

Timetable for delivery

- 8.10 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.
- 8.11 Following the grant of outline planning permission, the Scheme will be built in phases, each

¹⁰ CPO Decision Letter, paragraph 74

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.

- 8.12 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

- 8.13 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.
- 8.14 A copy of the Viability Assessment is attached to this Statement as Appendix 4.
- 8.15 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."¹¹

9. Procedural Matters

- 9.1 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

- 9.2 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.
- 9.3 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 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

¹¹ CPO Decision Letter, paragraphs 70-74

national and local planning policy and have culminated in the Masterplan Document which was subsequently incorporated into the outline planning application.

- 9.4 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.
- 9.5 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 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.
- 9.6 On 31 March 2021, CDC's Planning Committee resolved to approve the outline planning application, subject to signing of the section 106 agreement, 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, as well as an amendment to the red line boundary to exclude the remaining land within Saxon Meadow Tangmere Limited ownership and relocate the community orchard. Planning Committee resolved to approve the amended application, subject to signing of the section 106 agreement, on 16 August 2023.
- 9.7 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

- 9.8 The NPPF promotes a presumption in favour of sustainable development.
- 9.9 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.
- 9.10 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.
- 9.11 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

- 9.12 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.
- 9.13 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.
- 9.14 As noted 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

- 9.15 The Local Plan is currently under review. The Council consulted on the Chichester Local Plan Review 2016 – 2035 Preferred Approach plan (Regulation 18) (the "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 Autumn of 2023, following which an Inspector will be appointed on behalf of the Secretary of State and the Examination will commence.
- 9.16 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 . This proposed figure is less than the identified housing figure in the Preferred Approach. The Preferred Approach was based on meeting the identified objectively assessed housing needs of the Plan area of 638 dpa, plus an allowance for meeting unmet need arising from the Chichester District part of the South Downs National Plan. Since consultation on the Preferred Approach, identified constraints including surrounding the capacity of the A27 has led to a proposed reduction in the housing requirement to c.575 dpa (535 dpa within the southern plan area (the part of the plan area south of the South Downs National Park) and a further 40 dpa

within the northern plan area (the part of the plan area north and north-east of the South Downs National Park)).

- 9.17 In order to achieve the levels of housing supply required to meet identified needs, the Chichester Local Plan 2021 – 2039: Proposed Submission makes provision for large scale development to come forward in the 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. Given the Proposed Submission plan does not meet the identified housing need for the plan area, it is critical that development comes forward on the allocated sites.
- 9.18 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

- 9.19 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 has informed 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.
- 9.20 The Framework Masterplan (which was endorsed in 2020, and forms 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

- 9.21 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

- 9.22 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

- 9.23 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.

- 9.24 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

- 9.25 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.

10. Human Rights

- 10.1 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.

- 10.2 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.

- 10.3 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.

- 10.4 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 C.C. Projects 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).

- 10.5 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.

11. Public Sector Equality Duty

- 11.1 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.
- 11.2 The land being acquired is predominantly agricultural land and does not require relocation of any protected groups.
- 11.3 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 Equalities 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.
- 11.4 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 better 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.
- 11.5 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.
- 11.6 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.

11.7 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.

12. Responses to Objections

12.1 The Order has received 21 objections. Of these the Council considers 20 to be qualifying objections. The objections to the Order can be grouped together by their respective interests within the Order Land. The objections fall into four groups as follows:

(a) Objections in respect of the Heaver Interests Land, being land in control of the Heaver family, made by parties related or connected to the Heaver family including the Tangmere Medical Centre;

(b) Holdings objections in respect of the C.C. Projects Land and the Pitts Land, by those with interests in that land;

(c) Objections by Saxon Meadow Tangmere Limited and Saxon Meadow residents; and

(d) Other objectors to the Order.

12.2 The Council is continuing to negotiate with objectors with a view to removing their objections prior to the start of the Inquiry.

12.3 The Council does not consider that the issues raised in the objections materially affect or undermine the compelling case in the public interest for the confirmation of the Order.

12.4 The Table below sets out the parties who have made objections, the Plots to which their objections were identified as relating, and which of the four groups listed above the objections fall within.

Objector	Plot or Plots to which their objections relate	Objector Group (Heaver Interests Land, C.C Projects Land and the Pitts Land, Saxon Meadow Tangmere, other Objector)
Bosham Limited and Shopwyke Limited	1, 3, 4, 5, 17, 18 and 19E	Heaver Interests Land.
Herbert George Heaver, Temple Bar Partnership and Denton & Co Trustees Limited	16, 17,18 and 19E	Heaver Interests Land.
Alice Chishick	16, 17, 18 and 18E	Heaver Interests Land.
C.C. Projects	10, 11, 12 and 13	C.C. Projects Land and the Pitts Land.
Woodhorn Group (Andrew John Pitts and Woodhorn Group Limited)	5, 13 and 14	C.C. Projects Land and the Pitts Land.
Pitts family	7, 8, 9A and 9B	C.C. Projects Land and the Pitts Land.

Saxon Meadow Tangmere Limited	6, 7, 8, 9, 9A and 9B	Saxon Meadow Tangmere.
John and Moria Wolfenden	Part of Plot 7	Saxon Meadow Tangmere.
Matthew Rees	6, 7, 8, 9, 9A and 9B	Saxon Meadow Tangmere.
Paula Riches	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Coleen and Brian Ayton	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Adele Craig	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Lindsay Davey	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Susan John	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Alison and Oliver Gale	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Morag Mills	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Kathy Ternan	Resident of Saxon Meadow.	Saxon Meadow Tangmere.
Elspeth Rendall and Jamie Hutchinson	Plots 6, 7, 8, 9, 9A and 9B.	Saxon Meadow Tangmere.
Julie Warwick	The CPO generally.	Other objector.
Laura Plain	Plot 7.	Other objector.
Thelma Stone	Plot 7.	Other objector.

The Heaver Interests Land

Objection of Bosham Limited and Shopwyke Limited ("BL & SL") (Plots 1, 3, 4, 5, 17, 18 and 19E)

- 12.5 BL & SL set out a number of grounds of objection which they summarise within their objection letter as grounds numbered (a) – (h). However, the "Context" and "Additional Land" sections raise a number of points and assertions. These are in turn summarised and commented upon as follows:

The Council has not demonstrated why there is a need for any of the CPO 1 land to be included in the Order nor that making a further compulsory purchase order is proportionate to that need

- 12.6 As is noted in BL & SL's objection, CPO 1 has limited time remaining within which its powers can be exercised. Given the time it would take to promote and exercise a CPO, there is a real risk that CPO 1 would expire before a second compulsory purchase order can be exercised. If the second CPO was sought solely for Plots 19A, 19C, 19D, 19E and 19F, and CPO 1 expired, land assembly would not be possible for the entire Scheme and this would risk or entirely prevent delivery of the TSDL.

The Council is resiling from its previous estimate of compensation it offered previously.

- 12.7 The settlement offer previously made to BL & SL dated 25 August 2021, as referred to in the objection, was made by Countryside in entirely different factual circumstances prior to the

commencement of the CPO 1 Inquiry and was, in any event, not accepted. The context of that offer was confirmed by statements made by the Council's surveyor given in evidence at the CPO 1 Inquiry. Further proposals have been made to BL & SL since 2021 but agreement has not been reached.

No evidence has been provided that the Scheme is Viable

- 12.8 The Viability Assessment referred to in the Statement of Reasons and this Statement at paragraph 8.14 is attached as Appendix 4 to this Statement. In this context it is reiterated that, as noted above, in the context of determining to confirm CPO 1 the Inspector concluded that the Scheme was viable.

The Council has not acted in accordance with paragraph 19 of the Guidance

- 12.9 The Council has communicated the issues concerning the errors in the adopted highways position at the A27 roundabout with BL & SL through their advisor Mr Bodley and conducted negotiations with the aim of seeking a swift resolution to acquiring or otherwise dealing with Plot 19E to allow the Scheme to proceed. That such resolution has not been reached does not demonstrate any failure to comply with Paragraph 19 of the Guidance; on the contrary, that guidance has been complied with.
- 12.10 In this context the Council notes that in June 2023, BL & SL together with Mr Heaver sought a High Court Injunction to prevent the transfer of Plots 19B and 19D from National Highways to the Council, which had previously been agreed and was proceeding.
- 12.11 The Injunction sought by BL & SL and Mr Heaver has caused delay to the Council being able to assemble land voluntarily and promptly for the Scheme.
- 12.12 This is also despite BL & SL noting in their objection that the transfer between National Highways and the Council appeared to be 'imminent' and querying why it was therefore necessary to include Plots 19B and 19D in the Order.

The Order should be amended so that it only includes the "Additional Land" being Plots 19A, 19C, 19D, 19E and 19F

- 12.13 As is noted above at paragraph 12.6, CPO 1 has a limited time remaining within which it can be exercised and therefore in order to avoid this expiry preventing delivery of the Scheme, the Order covering the entire TSDL is wholly appropriate.
- 12.14 National Highways have not objected to the Order Land including Plots 19A, 19B, 19C, 19D or 19F. Plots 19A and 19F are included within the Order to allow for the full extent of land required to deliver the proposed highway works at the A27 roundabout.

There is no need for Plot 19E to be within the Order

- 12.15 Plot 19E forms part of the access to the North-South Link Road, and therefore its inclusion within the Order is required so that there is certainty as to its being available.
- 12.16 As is accepted by BL & SL in their objection, the Council has been seeking to negotiate a voluntary agreement to acquire Plot 19E from BL & SL for a considerable period of time.
- 12.17 However, terms have not been voluntarily agreed for the acquisition of 19E and therefore the Order is still required to complete the land assembly for the Scheme within a known timeframe.

Objection of Herbert George Heaver, Temple Bar Partnership and Denton & Co Trustees Limited (Tangmere Medical Centre) (Plots 16, 17, 18, 19E).

- 12.18 One objection letter has been submitted on behalf of Herbert George Heaver, Temple Bar Partnership and Denton & Co Trustees Limited as joint freehold owners of the Tangmere Medical Centre.

- 12.19 Countryside and the Council have continued to negotiate agreements with Herbert George Heaver, Temple Bar Partnership, and Denton & Co Trustees which will re-grant rights pertaining to the Medical Centre within the Order if rights pursuant to either CPO 1 or the Order (if confirmed) are exercised. Final amendments on these documents have been made and the Solicitors acting for the Heaver Interests are being chased for approval so these can be engrossed and completed. On completion the objections will be withdrawn.
- 12.20 The objection of Herbert George Heaver, Temple Bar Partnership and Denton & Co Trustees Limited is summarised as follows:
- (a) the Order is unnecessary;**
 - (b) the Order fails to comply with the Guidance and should not be confirmed by the Secretary of State;**
 - (c) the purpose of the Order could be achieved by other means – including amending the Order so that it only includes the Additional Land;**
 - (d) the Council has failed to demonstrate that the purposes of the Order cannot be achieved by other means and without the use of compulsory purchase powers additional to those in CPO 1;**
 - (e) the Council has failed to demonstrate that there is a compelling case in the public interest for the Order; and**
 - (f) confirmation of the Order would amount to an unjustified and disproportionate interference with our Clients' rights under Article 1 of the First Protocol to the European Convention on Human Rights.**
- 12.21 Sections 4 and 6 of this Statement of Case set out the purpose of compulsory acquisition and justification for compulsory acquisition. Section 10 sets out the Council's consideration of Article 1 of the First Protocol to the European Convention on Human Rights.
- 12.22 As explained above at Paragraph 12.6, CPO 1 has a limited time remaining within which it can be exercised. If the Council promoted a compulsory purchase order for a limited number of plots, there is a real risk that the CPO 1 would expire before a second 'limited' compulsory purchase order is confirmed. This would prevent the delivery of the Scheme.

Objection of Dr. Alice Chishick (Tangmere Medical Centre) (Plot 16, 17, 18, 19E)

- 12.23 Dr. Alice Chishick is the leaseholder of the Tangmere Medical Centre.
- 12.24 The Council and Countryside have continued to negotiate agreements with Dr Alice Chishick for the re-grant of rights if rights under either CPO 1 or the Order (if confirmed) are exercised. Final amends on these documents have been made and the Solicitors acting for the Heaver Interests are being chased for approval so these can be engrossed and completed. On completion the objection will be withdrawn.
- 12.25 Dr. Chishick's objection is identical to that of Herbert George Heaver, Temple Bar Partnership and Denton & Co Trustees Limited with the exception of the paragraph requesting that CPO 1 is revoked is removed. The Council's comments on the objection of Herbert George Heaver, Temple Bar Partnership and Denton & Co Trustees are repeated for the objection of Alice Chishick.

C.C Projects and Pitts Land (Plots 6, 7, 10, 11, 12, 13, 14 & 15)

Holding objections by C.C. Projects, Woodhorn Group and the Pitts family.

- 12.26 C.C. Projects, Woodhorn Group and the Pitts family have submitted holding objections to the

Order noting the variations to voluntary agreements negotiated in respect of CPO 1. These are expected to be concluded in advance of Inquiry.

- 12.27 Reference is made in the holding objection of C.C. Projects that the Church Commissioners are incorrectly referred to in the Schedule to the Order. The Schedule to the Order refers to C.C. Projects as the Owner of the Plots 10, 11, 12 and 13 and the Church Commissioners are listed as reputed owner, given that the Church Commissioners had entered into voluntary agreements concerning the land under CPO 1 with both the Council and Countryside which are presently being varied.

Saxon Meadow Tangmere

Objection of Saxon Meadow Tangmere Limited and Saxon Meadow Residents

- 12.28 Countryside and the Council have engaged with Saxon Meadow Tangmere since 2018 with regards to the Scheme and promotion of both CPO 1 and the Order. This has included email correspondence, telephone calls, and in-person meetings held directly between the Council, Directors of Saxon Meadow Tangmere Limited and their appointed advisors, including on site at Saxon Meadow itself on several occasions.
- 12.29 Saxon Meadow Tangmere Limited originally objected to CPO 1 on 18 November 2020. The original objection is provided as Annexure 1 to this Statement. This objection was stated to be made on behalf of the 28 homeowners who collectively own Saxon Meadow. The objection was signed "*For and on behalf of the residents of Saxon Meadow and Saxon Meadow Tangmere Limited*".
- 12.30 CPO 1 was originally seeking to acquire the full extent of the meadow to the west of the Saxon Meadow Tangmere residential buildings to provide a Community Orchard as part of the Scheme.
- 12.31 The original objection stated "the solution" on which Saxon Meadow Tangmere Limited and its residents would agree to withdraw their objection to CPO 1 was if the meadow to be acquired by CPO 1 was reduced by a specified area. No other objections were raised by Saxon Meadow Tangmere Limited or its residents over any other Plots in which Saxon Meadow Tangmere Limited holds an interest (which are identical plot areas as within the Order). Heads of Terms were also issued to Saxon Meadow Tangmere in September 2020 in respect of both the access rights along the main entrance road to Saxon Meadow if CPO 1 was exercised, and the approach to dealing with the equivalent plot to Plot 8 in the Order, where the registered titles of the Pitts family and Saxon Meadow Tangmere Limited overlapped.
- 12.32 As is stated within the Statement of Case for CPO 1, the proposal from Saxon Meadow Tangmere Limited was accepted and agreed to by the Council. The Council confirmed that the reduction in landtake could be accommodated and that a modification to CPO 1 would be sought. On this basis, the Saxon Meadow objection was withdrawn. At the CPO1 Inquiry, the Council requested this in the precise specifications which had been asked for by Saxon Meadow Tangmere Limited and the Saxon Meadow Residents. CPO 1 was confirmed by the Inspector as modified accordingly.
- 12.33 The narrative above evidences how both the Council and Countryside have sought to accommodate the concerns of Saxon Meadow Tangmere Limited and its residents when they have been raised.
- 12.34 Since the confirmation and modification of CPO 1, the Council's surveyors DWD, and Saxon Meadow Tangmere Limited's then appointed Surveyor, Andrew Thomas of Henry Adams Surveyors discussed various points concerning compensation and valuation of the meadow which would be acquired under CPO 1. In December 2022, all residents of Saxon Meadow were notified that CPO 1 was confirmed. The first General Vesting Declaration of CPO 1 was subsequently paused following the indication by National Highways that Plots 19D and 19E adjacent to the A27 roundabout were not adopted highway.

- 12.35 The Council understands that some of the residents of Saxon Meadow were subsequently aggrieved at receiving a standard land referencing letter in January 2023, which the Council's land referencing agents are required to send in advance of any CPO. This letter referred to a deadline for response, contact details to discuss the request and indicated that as the request was made under statutory powers, criminal sanctions applied for failure to reply. Letters of this type have previously been served on Saxon Meadow Tangmere Limited for CPO 1 and were served on all parties with an interest in the land within the TSDL. These letters noted that it may be necessary for the Council to make a second compulsory purchase order for the Scheme.
- 12.36 Following this letter, the Council sought to engage with Saxon Meadow Tangmere to confirm that the proposed Order was in effect exactly the same for Saxon Meadow as had previously been secured by them in the confirmed CPO 1. Nevertheless, their current objection relates to the inclusion of the remainder of the meadow, which had been previously accepted by them as Community Orchard in the outline planning application. Since then, the Council has had exchanges of email correspondence and meetings with representatives from Saxon Meadow Tangmere Limited and residents, including subsequent on-site meetings to discuss their objections to the Order in further detail.
- 12.37 Through the Council and Countryside's engagement with Saxon Meadow Tangmere Limited, the Council and Countryside have investigated the potential for the relocation of the Community Orchard over Plot 9 to elsewhere within the Order land, such that Saxon Meadow Tangmere Limited could retain the meadow in its entirety. Countryside prepared and submitted an amendment to the planning application which relocated the Community Orchard to outside of Plot 9. As noted above, this amended planning application was heard at planning committee on 16 August 2023 and is subject to a resolution to grant.
- 12.38 At the Planning Committee meeting, John Wolfenden (a Director of Saxon Meadow Tangmere Limited and resident), Paula Riches and Jamie Hutchinson (both residents of Saxon Meadow) spoke in support of the amendment of the planning application to relocate the Community Orchard away from Plot 9.
- 12.39 As a further resolution to grant of the planning application now relocates the Community Orchard to outside of Plot 9, the Council will formally request that the Order is modified to remove Plots 9, 9A and 9B. Doing so will overcome a significant element of the objection of Saxon Meadow Tangmere Limited and its residents to the present Order.
- 12.40 The Council has also offered to Saxon Meadow Tangmere Limited a further set of heads of terms to address the access, garden land (in respect of 28 Saxon Meadow) and drainage issues raised in its own and residents' objections. These Heads of Terms are presently being negotiated. The Council is seeking that the objections of Saxon Meadow Tangmere Limited and its residents would be formally withdrawn by its completion.
- 12.41 The objections raised by Saxon Meadow Tangmere Limited and objections by some of the Saxon Meadow residents cover the same or similar points. Comments against individual objections are set out within Annexure 2 to this Statement. However, the repeated grounds of the Saxon Meadow objections can be summarised as follows:
- Failure to Consult with Saxon Meadow Tangmere Limited and Saxon Meadow Tangmere residents***
- 12.42 As stated above, Saxon Meadow Tangmere Limited and the Saxon Meadow residents have been engaged by the Council and Countryside in the promotion of the Scheme through both CPO 1 and the Order in accordance with the requirements of the Guidance.
- 12.43 As is noted in the Statement of Case for CPO 1, discussions with Saxon Meadow Tangmere Limited began in 2018 and resulted in the withdrawal of their objection to CPO 1. The Council understands that some of the residents of Saxon Meadow were aggrieved at receiving a land referencing letter. The Council and Countryside have however continued to engage with Saxon Meadow Tangmere Limited and its residents including investigating and obtaining an amendment to the Scheme to accommodate their concerns.

There is no compelling justification for compulsory acquisition of meadow land (Plots 9, 9A & 9B), in that it provides valuable amenity to residents and visitors alike.

- 12.44 This ground can now be resolved as the planning committee has passed a resolution to grant the amended planning application and the Council will formally request the Order be modified to remove Plots 9, 9A and 9B.

The open space provides a key component to the Tangmere Conservation Area

- 12.45 This ground can now been resolved as the planning committee has passed a resolution to grant the amended planning application and the Council will formally request the Order be modified to remove Plots 9, 9A and 9B.

The other half of the meadow are required for the purposes of implementing a green energy scheme which would be capable of serving all the residents of Saxon Meadow.

- 12.46 This ground can now been resolved as the planning committee has passed a resolution to grant the amended planning application and the Council will formally request the Order be modified to remove Plots 9, 9A and 9B.

Plots 7 & 8 are not demonstrated as being essential for the Scheme

- 12.47 Plot 7 is in the ownership of the Pitts family and is identical to that within the confirmed CPO 1. Plot 7 is an integral part of the Scheme and Sections 4 and 5 of this Statement set out the purpose and justification for their acquisition.
- 12.48 Saxon Meadow Tangmere Limited does not have full rights of access over Plot 7 and it would appear that Saxon Meadow Tangmere Limited has not sought to resolve this position through securing further rights from the Pitts family.
- 12.49 This land is required to deliver the cycle path required for the Scheme and to avoid leaving a strip of land in the ownership of the Pitts family should the land around it be compulsorily acquired. Saxon Meadow Tangmere Limited has been offered Heads of Terms relating to the transfer of this land should the Order be confirmed. Heads of Terms have previously been offered in respect of the access way for a deed of grant in respect of CPO 1.
- 12.50 Paragraph 2.15 of this Statement notes that Plot 8 is a plot where both Saxon Meadow Tangmere Limited and the Pitt family's registered titles overlap. To deal with this overlap, Heads of Terms have been offered to address the boundary issues within Plot 8. These are currently being negotiated between Saxon Meadow Tangmere Limited, the Council and Countryside.

Other objectors to the Order

Objection of Julie Warwick, 97 Cheshire Crescent

- 12.51 Julie Warwick is the tenant of 97 Cheshire Crescent, Tangmere. Her objection is as follows:

"I have lived at 97 Cheshire Crescent since October 2008 and the garden has always been the size it is today. Previous tenants had extended the garden and it has remained this size for at least 20 years. My shed and apple tree are on the site for the Order and the area is small in comparison to the development. I would therefore ask you to consider allowing me to keep my garden the size it is now so I can continue to enjoy it"

- 12.52 The property 97 Cheshire Crescent is part of a row of terraced houses whose gardens back onto Plot 7. The Council understands from land registry records that the registered extent of 97 Cheshire Crescent ends on the edge of Plot 7. The land over which the garden has extended and encroaches is in the ownership of the Pitts family.

- 12.53 The land on which the garden extension is located is part of one of the principal areas of public open space within the Scheme, including sports pitches and an associated sports pavilion. The detailed layout and design of this area will be sensitively considered to reflect the proximity of the Grade 1 listed St Andrew's Church to the south. Development on this land will also include new boundary treatments for safety, security and visual amenity reasons as well as significant new landscaping.
- 12.54 The encroachment onto Order land is not compatible with the Scheme and consequently any right of occupation or adverse possession must be acquired by the Order. The Council is actively engaging with the objector to provide further information.

Objection of Laura Plain, 17 Bayley Road

- 12.55 Laura Plain is the resident of 17 Bayley Road who also objects on behalf of Mr Plain. The property 17 Bayley Road does not form any part of the Order Land. The objector does not appear within the Schedule to the Order and is not considered to be a qualifying objector. Her objection is concerning the development of the TSDL from a planning perspective, rather than a specific objection relating to the Order land. Sections 5 and 8 set out the justification for compulsory acquisition and the planning position respectively. The Council is actively engaging with the objector to provide further information as to where to direct concerns relating to the development planning process.

Objection of Thelma Stone, 107 Cheshire Crescent

- 12.56 Thelma Stone is the tenant of 107 Cheshire Crescent, Tangmere. Her objection is as follows:

"I am a tenant at the above address, and have used my rear gate to use my right of way around Saxon Meadow. I leave foliage [sic] down over winter to house the many slow-worms that make their winter to home there. From April to October I use this path to the church with a cut pathway. I lodged my feelings about this field 18 months ago, with many letters and confirmation of all the wildlife out there, with a letter with over 100 people signing. I have left a voicemail with Tony Whitty confirming that I want to lodge my right of way from my rear garden to the Church. And that the disruption to the wildlife is not within the interest of the eco system."

- 12.57 The land onto which Thelma Stone's gate accesses is proposed to form one of the principal areas of public open space within the Scheme, including sports pitches and an associated sports pavilion. The detailed layout and design of this area will be sensitively considered to reflect the proximity of the Grade 1 listed St Andrew's Church to the south. Development on this land will also include new boundary treatments for safety, security and visual amenity reasons as well as significant new landscaping.
- 12.58 The gated access onto Plot 7 and any alleged right onto the Order land is not compatible with the Scheme and consequently any right of access must be acquired by the Order. The Council is actively engaging with the objector to provide further information about access and ecological mitigation included the Scheme.

13. Conclusion

- 13.1 For the reasons set out in this Statement of Case, the Council considers that the criteria in the Guidance is satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

14. Core Documents

- 14.1 The core documents listed in Appendix 3 to this Statement are available for inspection at the Council's offices at East Pallant House, Chichester, West Sussex, PO19 1TY until the date of

commencement of the Inquiry.

- 14.2 The Council reserves the right to add or remove documents from this list, as necessary, including in response to evidence put forward by objectors.

Annexure 1

**Objection of Saxon Meadow Tangmere Limited to the Chichester District Council (Tangmere)
Compulsory Purchase Order 2020**

The Secretary of State for Housing,
Communities & Local Government
Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW
(cc: pcu@communities.gsi.gov.uk)

Our Ref: ADT/20v19

18 November 2020

Dear Sirs

**Re: Objection on behalf of 28 homeowners at Saxon Meadow, Tangmere, PO20 2HA
Chichester District Council (Tangmere) Compulsory Purchase Order 2020**

Summary

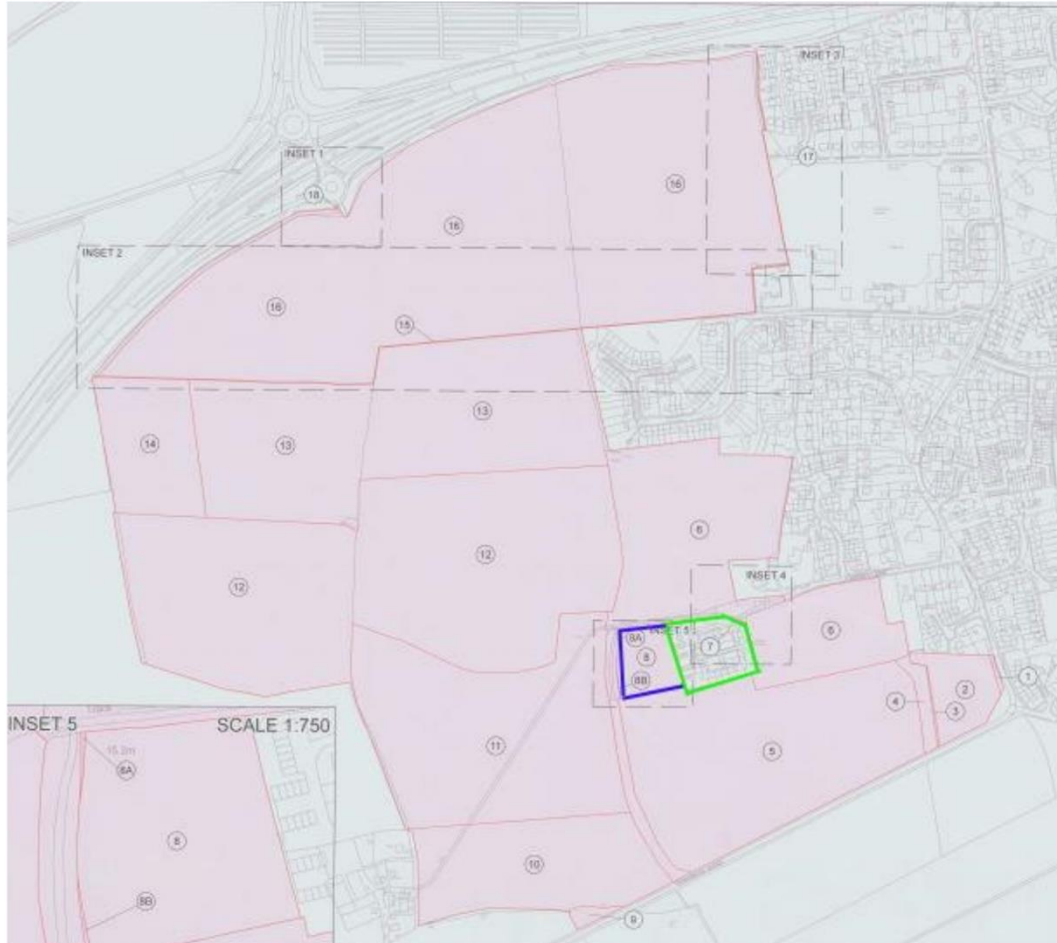
I am writing on behalf of 28 homeowners who collectively own Saxon Meadow in Tangmere. Our objection is summarised as follows:

- We own the entirety of Plot 8 and are therefore qualifying persons as defined under s12.
- Our 28 homes have no private gardens. The CPO proposes to remove our only communal green space. This green space has been enjoyed for over 30 years for recreation, resident gatherings & social events.
- The loss of this green space will be detrimental to our health, mental and social wellbeing.
- Furthermore, sports pitches and a path leading to the sports pitches, are proposed to adjoin our homes and will share the same main entrance. This will have a detrimental impact the homes closest to the pitches.

We are willing to reduce the area of land take, so we can retain at least half of Plot 8.

Saxon Meadow - Background

We are 28 single storey barn conversions, that were collectively developed in the 1980's. We are outlined in green on the plan below. You will note that we are entirely surrounded by the proposed CPO and are therefore extremely vulnerable to the development scheme at Tangmere. Our private communal land is outlined in blue.



The building developer of our homes was liquidated in the 1980's. Without our agreement, the liquidators were able to retain ownership of Parcel 8 for over 30 years. Such is the importance of this land, we have collectively maintained it all this time. We successfully demonstrated and claimed adverse possession which completed last year. It is therefore not a recent purchase and has always been part of our lives at Saxon Meadow.

Below is a photograph showing typical homes at Saxon Meadow. They are single storey barn conversions with no private gardens.



Our primary objections surround the following concerns:

1. Loss of essential outdoor space

Our 28 homes have no private gardens. We have used Plot 8 for over 30 years and have taken enjoyment from our beehives, summer BBQs and residents parties. One of our homeowners regularly flies a model aeroplane over the land.

Initially, our homes were marketed as retirement homes, and we, therefore, have a large proportion of elderly residents. Many are widowed or live alone. The single storey homes are located in a peaceful area and have always attracted elderly residents. The field has given us the opportunity to meet and socialise with other residents, build a strong community, and connect with residents who might be suffering from loneliness or ill health. The field benefits our physical and mental health and provides visiting families with a safe place to play.

2. Anti-Social Behaviour

A community orchard is proposed on our field. It is reasonably foreseeable that this community orchard will be used for anti-social gatherings because it will be out-of-sight but centrally located near the sports pitches. We are nervous that gatherings at night, potentially 30m from our bedroom windows, will carry noise in the prevailing wind and cause an ongoing inconvenience, with limited opportunities to remedy and resolve. We are supportive of initiatives like community orchards, but these should not be located so close to residential homes.

3. 365 degrees of disturbance

In addition to the community orchard, the local authority is proposing a new road near our southern boundary, sport pitches on our northern boundary, and a public route into the sport pitches will share our main entrance. There are too many conflicting interests with older people at Saxon Meadow, attracted to live here for the quiet and rural environment, now potentially being disturbed daily and at all hours.

4. Mis-leading CPO Order and Neighbourhood Plan

The CPO refers to Plot 8 as an 'open area of land' which doesn't accurately reflect its use. It is parcel of permanent pasture, cut regularly and used exclusively by residents of Saxon Meadow for recreational purposes. It is not used by the general public or for agricultural purposes.

The CPO order states "*the scheme will contribute to, and deliver extensive benefits in respect of.... social and environmental wellbeing*". (Para 5.12). We are 28 homes and this scheme will undoubtedly reduce our ability to access and enjoy private outdoor space, to socialise and not to be lonely.

Furthermore, the order states "*...material contribution to social wellbeing and a sense of community*" (para 5.14). Saxon Meadow is a community, albeit a small one, and this proposed scheme will be detrimental to it. The authority has not tried to understand our community or mitigate the effect of development upon it.

The Tangmere Neighbourhood Plan public consultation did not refer to community orchards. Question 29 is the relevant question, with respondents overwhelmingly in favour of new woodlands and hedgerows. However, only a minority of respondents wanted 'community areas'. So neither were residents consulted on community orchards, but it could be argued that they were not supported if classified as a community area. We cannot reconcile how Community Orchards are absent from the consultation, absent from para 2.27 (Green Environment Task Group), yet somehow made it into Policy 2 of the Neighbourhood Plan with references at vii(c) and at 4.22.

Solution

We agree to withdraw this objection if the area of land take (within parcel 8) is limited to 0.4ha and is for the western portion only. This provides the 28 homes at Saxon Meadow with adequate private outdoor space where we can continue to meet one another and enjoy our environment. It provides a buffer sufficient to help protect us from anti-social behaviour. We welcome any opportunity to amend the CPO boundary.

Yours sincerely

Terry Pickering

10 Saxon Meadow

For and on behalf of the residents of Saxon Meadow and Saxon Meadow Tangmere Limited

Annexure 2

Comments on Objections From Saxon Meadow Tangmere Limited and Residents

Annexure 2: Comments on Objections From Saxon Meadow Tangmere Limited and Residents

No.	Name	Summary	Response
1.	Saxon Meadow Tangmere Ltd	<p>The objector does not oppose the principle of the scheme but is seeking a series of revisions before the Order is confirmed. These revisions are minor in scope and would not seriously undermine the overall scheme objectives.</p> <p>The Council and its developer partner have failed to appropriately engage with the objector or to acquire the land by agreement, making the Order premature. SMT was first made aware of CPO 2 on 25 January 2023 ahead of a CPO resolution on 4 April 2023. This lack of engagement undermines the assertion that there is a compelling public interest case for confirming the Order, and there has been a failure to comply with the ECHR. Insufficient notice of the CPO was given owing to the objection period coinciding with Easter and a public holiday. The Council has failed to comply with the CPO Guidance and its Engagement Plan for the scheme.</p> <p>There is no compelling justification for acquisition of the meadow land (plots 9, 9A and 9B). This open space provides a valuable amenity to residents (none of which have private gardens) and visitors, and forms a key component of the Tangmere Conservation Area. The meadow is also required for the purposes of implementing a green energy scheme to serve the residents of Saxon Meadow, and the Council has failed to establish a public interest or planning policy justification for establishing a community orchard on this land.</p> <p>The Council has not adequately demonstrated why plots 7 and 8 are essential for the scheme. These plots provide access, parking and important infrastructure. They are also a key component of the Tangmere Conservation Area and positively enhance the setting of the Grade I listed St Andrew's church. The pond within this area contains important wildlife and has been omitted from the scheme masterplan. Plot 8 is not suitable / necessary to facilitate the proposed cycle path having regard to DfT guidance. The Order must not be confirmed in relation</p>	<ul style="list-style-type: none"> • The objector does not oppose the principle of the scheme. • Engagement with Saxon Meadow Tangmere Limited ("SMTL") has taken place since 2018 and occurred through the progression of the Scheme, during both the promotion of CPO 1 and the Order. This has included engagement with SMTL Directors, Company Secretary, residents and their appointed advisors, via telephone calls, email correspondence, video call meetings and in person meetings on site. The Council believes that it has followed the consultation requirements within the Guidance. • Through engagement with SMTL and its residents, an amendment to the Scheme has been sought to remove the Community Orchard from Plot 9. Countryside submitted an amendment to the planning application in June 2023 to relocate the Community Orchard. On 16 August 2023 the Local Planning Authority passed a resolution to grant to the effect that the Community Orchard due to be placed on Plot 9 can be accommodated outside of the Saxon Meadow estate. A modification will be sought to remove Plots 9, 9A and 9B from the Order. • Plot 7 is in the ownership of the Pitts family and is identical to that within the confirmed CPO 1. Plot 7 is an integral part of the Scheme and Sections 4 and 5 of the Statement of Case set out the purpose and justification for their acquisition. • SMTL does not have full rights of access over Plot 7 and it would appear that SMTL has not sought to resolve this position through securing further rights from the Pitts family. This land is required to deliver the cycle path required for the Scheme and to avoid leaving a strip of land in the ownership

No.	Name	Summary	Response
		<p>to these plots until the Council has provided guarantees safeguarding the existing use and enjoyment of Saxon Meadow (including use of the main access / communal spaces, wayleaves / easements for servicing and management control for future maintenance).</p> <p>In relation to plot 6, the Council has not explained how the boundary between Saxon Meadow and new properties to the south will be managed to address flood risk / surface water issues.</p> <p>In circumstances where CPO powers have already been confirmed it is unclear why the Order replicates those rights rather than being limited to the acquisition of the additional land parcels required.</p>	<p>of the Pitts family should the land around it be compulsorily acquired. SMTL has been offered Heads of Terms relating to the transfer of this land should the Order be confirmed. Heads of Terms have previously been offered in respect of the access way for a deed of grant in respect of CPO 1. Paragraph 2.15 of the Statement of Case notes that Plot 8 is a plot where both SMTL and the Pitt family's registered titles overlap. To deal with this overlap, Heads of Terms have been offered to address the boundary issues within Plot 8. These are currently being negotiated.</p> <ul style="list-style-type: none"> • The Scheme is subject to a resolution to grant for planning permission. Concerns regarding drainage and ecological mitigation are planning issues, in respect of which planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in full accordance with the submitted Flood Risk Assessment, Environmental Impact Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased. This includes development over Plot 6. • A set of Heads of Terms has been issued and is being negotiated in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow.

No.	Name	Summary	Response
			<ul style="list-style-type: none"> ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. ● CPO 1 has a limited time remaining within which it can be exercised. If the Council promoted a compulsory purchase order for a limited number of plots, there is a real risk that the CPO 1 would expire before a second 'limited' compulsory purchase order is confirmed. This would prevent the delivery of the Scheme.
2.	John & Moira Wolfenden, 28 Saxon Meadow	<p>There is no in-principle objection to the scheme and minor revisions to the Order only are sought.</p> <p>The objector's property is affected by a boundary issue relating to a small strip on the southern edge of Plot 7 (owned by the Pitts family). This area is not part of the objector's registered title but includes the buttress supporting the property's north east wall and access to it is also required for maintenance purposes. The objector states they have been granted access through verbal agreement with Diana Pitts, who has indicated however that the land cannot be sold to the objector because of the ongoing CPO process.</p> <p>The objector requests that the boundary of their property is corrected and a 3m buffer zone provided between the property and the proposed cycle / pedestrian route.</p> <p><u>Supplemented by further objection dated 21 June 2023:</u></p> <p>The scheme does not take into account the local topography, permeability of surface geology or the local groundwater levels, on and adjacent to Saxon Meadow resident's site owned by Saxon Meadow Tangmere Limited. The objector is concerned by the lack of due diligence in considering the fine equilibrium of surface water drainage issues faced. The issues will become more exacerbated by the development adjacent to their property. Specific issues include ponding on the southern and eastern boundaries of Saxon Meadow and the extremely high</p>	<ul style="list-style-type: none"> ● The objector does not make an in-principle objection to the Scheme and minor revisions to the Order only are sought. ● It is understood that the objector's property was purchased without acquiring the freehold of the 'garden land' and is seeking this is transferred to SMTL. ● A set of Heads of Terms has been issued by the Council and Countryside and is being negotiated in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow. ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents.

No.	Name	Summary	Response
		<p>groundwater level of adjacent fields.</p> <p>The surface water plan shows SUDS relief to the southern side adjacent to the Tangmere road. The topography of the land slopes towards Saxon Meadow from that point. This solution does not protect and exacerbates the groundwater flooding threat to Saxon Meadows southern side. Ground water flooding will undermine our existing fragile surface water infrastructure and create ingress into the foundations of our approximately 33% of the Saxon Meadow properties.</p> <p>The plan fails to recognise the existing drainage to the north and east of Saxon Meadow (Plot 7) The current indicative plan of development at the Saxon Meadow end of Church Lane next to St Andrews Church has removed the natural groundwater pond which has only been there for at least 12 centuries. This takes away our natural SUDS relief to the north side properties in Saxon Meadow.</p>	<ul style="list-style-type: none"> The Scheme is subject to a resolution to grant for planning permission. Concerns regarding drainage are planning issues, to which planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in full accordance with the submitted Flood Risk Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased.
3.	Matthew Rees, Saxon Meadow 4	<p>The Order appears to be "anti Saxon Meadow", and could unfairly restrict access to the objector's property and destroy amenities used by the objector (and their neighbours). The objector does not consider there to be a compelling case in the public interest for the use of CPO powers and the interference with the objector's human rights is not justified.</p> <p>The Council's statement of reasons is misleading and inaccurate. Paras 2.12 and 2.15 are materially incorrect. Para 2.3 does not acknowledge that plot 7 is part of the Tangmere Conservation Area.</p> <p>The Council has not shown the necessary resources for the CPO.</p> <p>The objector seeks minor revisions to the scheme which would not impact the overall scheme objectives:</p> <p>The access driveway to Saxon Meadow from Church Lane (plots 7 and 8) is an integral part of Saxon Meadow and is required at all times for access, parking and passage of essential utilities. The Council does not have a clear</p>	<ul style="list-style-type: none"> The compelling case for the Order is set out in the Statement of Case. Section 10 addresses interference with Human Rights. The Council and Countryside can demonstrate that during the promotion of both CPO 1 and the Order, that they have sought to accommodate the concerns of SMTL and its residents, in both reducing the land take from the meadow in CPO 1, offering terms in respect of the access to Saxon Meadow and seeking to first reduce, and then subsequently relocate the Community Orchard originally proposed on Plot 9 through an application to amend the planning application for the Scheme as promoted by the Order. SMTL and its residents withdrew their objection for CPO 1 on the provision that CPO 1 was modified to their precise specifications in reducing the land take over the meadow. The modified layout for CPO 1 is identical to plot layout in the areas around Saxon Meadow as in the Order.

No.	Name	Summary	Response
		<p>understanding of the existing biodiversity on this land.</p> <p>The Council's proposals for a cycle path across plot 7 could be accommodated on the site through private agreement with SMT Ltd and residents. This indicates the absence of compelling reasons for CPO.</p> <p>Plot 8 needs to be removed from the Order. A site survey is needed to inform changes needed to plot 7.</p> <p>Plots 9, 9A and 9B are not necessary for the scheme. The objector has never been consulted about the division of the meadow (contrary to para 11.8 of the SoR). The objector does not have a private garden and has come to use the communal meadow frequently as amenity space. This space is used by a variety of people and provides public benefit in its current layout. Plot 9 should be safeguarded to facilitate a renewable energy project benefitting Saxon Meadow. This would provide significant public interest benefits, supporting the economy, environment and social issues.</p> <p>The objector does not consider there to be a need for another community orchard in Tangmere such that this is not a valid purpose for compulsory purchase of this land. There is a community orchard 450 paces to the east of Saxon Meadow. If a new orchard is required it could be delivered elsewhere on the Order Land such as adjacent to the proposed allotments. The Local Plan does not identify a need for a community orchard whereas the Tangmere Neighbourhood Plan identifies land in the field south east of the church for this purpose.</p> <p>Plot 9 should be removed from the Order, along with plots 9A and 9B once their boundaries are confirmed.</p> <p>Plot 6 is affected by periodic ponding and remedial work is required to address surface water issues before the scheme is progressed. This plot should not be included in the Order.</p> <p>The Council's approach to communication / notification in respect of the Order has been inadequate and inconsistent with its Statement of Community Involvement. The Council's</p>	<ul style="list-style-type: none"> • The reference in Paragraph 2.3 of the Statement of Case is to Special Areas of Conservation (SAC), being a special area of conservation as defined in the European Union's Habitat Directive, rather than as a reference to the Tangmere Conservation Area. Matters concerning the protection of the Tangmere Conservation Area are addressed within the planning application submitted for the Scheme. • SMTL does not own the freehold of Plot 7, and nor does it have full rights of access over Plot 7. It would appear that SMTL has not sought to resolve this position through securing further rights from the Pitts family. This land is required to deliver the cycle path required for the Scheme and to avoid leaving a strip of land in the ownership of the Pitts family should the land around it be compulsorily acquired. SMTL has been offered Heads of Terms relating to the transfer of this land should the Order be confirmed. Heads of Terms have previously been offered in respect of the access way for a deed of grant in respect of CPO 1. Paragraph 2.15 of the Statement of Case notes that Plot 8 is a plot where both SMTL and the Pitt family's registered titles overlap. To deal with this overlap, Heads of Terms have been offered to address the boundary issues within Plot 8. These are currently being negotiated. • The necessary resources for the Scheme are evidenced by the Development Agreement with Countryside and Section 8 of the Statement of Case. The position as regards viability and deliverability for the Scheme were considered and endorsed by the Inspector in his report determining to confirm CPO 1. • A set of Heads of Terms has been issued by the Council and Countryside and is being negotiated in respect of the following points:

No.	Name	Summary	Response
		<p>developer partner has ignored the scheme's Engagement Plan. This denied the objector the opportunity to make representations as part of the planning and CPO processes. The Council took unfair advantage of the Easter and May public holidays and the objector does not consider that the Council is willing to engage with SMT Ltd or other objectors.</p>	<ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow. ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. <ul style="list-style-type: none"> • Management of drainage on Plot 6 is a planning matter, which will be addressed within the planning permission for the development. The Scheme is subject to a resolution to grant for planning permission. Concerns regarding drainage are planning issues, in respect of which planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in full accordance with the submitted Flood Risk Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased. • The Director and residents of Saxon Meadow spoke in support of the amendment to the planning application to the relocation of the Community Orchard forming part of the Scheme at planning committee and a resolution to grant was passed for the planning application on 16 August 2023. • Engagement with Saxon Meadow has taken place since 2018 and occurred through the progression of the Scheme, during both CPO 1 and the Order. This has included engagement with SMTL Directors, Company Secretary, residents and their appointed advisors, via telephone calls,

No.	Name	Summary	Response
			<p>email correspondence, video call meetings and in person meetings on site. The Council believes that it has followed the consultation requirements within the Guidance.</p>
4.	Paula Riches, 25 Saxon Meadow	<p>The objector made an offer to purchase 25 Saxon Meadow on 4 February 2023.</p> <p>Inadequate notice was given to affected parties and to Cabinet members of the resolution in respect of CPO 2 and the objector was unable to find details of the CPO on the Council's website. The objector therefore questions the legality of CPO 2. At the time of CPO 1 many affected residents were elderly (as is the case now for CPO 2) and felt intimidated by the Council so accepted retention of half of the meadow rather than losing the entirety.</p> <p>The new land affected by CPO 2 is the only right / route of access to Saxon Meadows and the meadow provides an amenity space for residents. The Council has not informed residents of its intentions for the new land. There is significant wildlife on / around the development site, which is partly within a Conservation Area. The access abuts St Andrews Church, the site of Commonwealth War Graves Commission Graves.</p>	<ul style="list-style-type: none"> • The Council confirms that it has undertaken the correct statutory procedures and consultation as required by the Guidance. • The objector alleges that SMTL's agreement to the withdrawal of their CPO 1 objection was in 2015, rather than 2021 when SMTL's objection was actually withdrawn. SMTL was advised both before and during the CPO 1 Inquiry by a specialist Compulsory Purchase surveyor, with expertise in CPO matters. SMTL participated in the CPO 1 process. The suggestion to reduce the Meadow area by half was put forward voluntarily by SMTL. The Council arranged to provide exactly what SMTL had proposed to reduce the area of the Meadow in their objection. • A series of consultations and engagement has continued throughout the progression of the Scheme since 2018 during both CPO 1 and the Order. This has included engagement with SMTL directors, company secretary and residents, via telephone calls, email correspondence, video call meetings and meetings on site. The Council is of the view it has complied with the Guidance in regards to engagement regarding the Scheme and demonstrably has sought to accommodate SMTL and its resident's concerns during both CPO 1 and the present Order. • Heads of Terms have been offered to SMTL and are being negotiated regarding both the access road and meadow itself. These are in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO;

No.	Name	Summary	Response
			<ul style="list-style-type: none"> ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow. ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. <ul style="list-style-type: none"> ● Matters concerning the Conservation Area, wildlife and archaeology are matters addressed within the planning application.
5.	Coleen & Brian Ayton	<p>The objector is concerned regarding their rights of access to their home and to car parking spaces, which will impact on their property's value. The meadow comprises amenity space which is regularly used. There will also be an impact on biodiversity. There will be an impact on the objector's human rights (the right to enjoy their property) and the risk of flooding will increase.</p>	<ul style="list-style-type: none"> ● Heads of Terms have been offered to SMTL and are being negotiated regarding both the access road and meadow itself. These are in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow. ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. ● Matters concerning the impact on Human Rights are addressed at paragraph 10 of this Statement.

No.	Name	Summary	Response
			<ul style="list-style-type: none"> Biodiversity and flooding risk are planning matters. The Scheme is subject to a resolution to grant for planning permission. Concerns regarding drainage are planning issues, to which planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in full accordance with the submitted Flood Risk Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased.
6.	Adele Craig, 9 Saxon Meadow	The objector suffers from osteoarthritis causing mobility issues and enjoys the property's setting and views of the meadow.	<ul style="list-style-type: none"> Following the resolution to grant planning permission, the Scheme has been amended to relocate the Community Orchard to outside of Plot 9.
7.	Lyndsay Davey	The objector is concerned regarding the risk of flooding and the need for provision to be made to address this. Plot 6 is highly prone to noticeable ponding. The proximity of the development to the objector's property will reduce its value, impact on views from the property and have a detrimental effect on biodiversity in the surrounding area, impacting on the objector's wellbeing.	<ul style="list-style-type: none"> Flooding and biodiversity are both matters to be addressed within the planning permission, for which a resolution to grant was passed on 16 August 2023. Regarding drainage, planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in full accordance with the submitted Flood Risk Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased. Matters concerning the impact on Human Rights are addressed at paragraph 10 of this Statement.
8.	Susan John, 2 Saxon	The Order would undermine rights of access for residents and	<ul style="list-style-type: none"> Heads of Terms have been issued to SMTL concerning the access route to Saxon Meadow.

No.	Name	Summary	Response
	Meadow	destroy the peaceful setting of Saxon Meadow.	<ul style="list-style-type: none"> • Following the resolution to grant planning permission on 16 August 2023, the Community Orchard can be re-located from Plot 9 and a modification will be proposed to remove Plots 9, 9A & 9B from the Order.
9.	Alison & Oliver Gale	The objector is concerned regarding the rights of access to Saxon Meadow and car parking spaces, as well as the value of their property. The CPO will impact on the tranquillity of Saxon Meadow and Tangmere's historical centre (including the Saxon church of St Andrew and the Commonwealth war graves in the churchyard). There will be a loss of amenity space for residents of Saxon Meadow and an impact on biodiversity.	<ul style="list-style-type: none"> • A set of Heads of Terms has been issued and is being negotiated in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow. ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. • Through engagement with SMTL and its residents, an amendment to the Scheme has been sought to remove the Community Orchard from Plot 9. Countryside submitted an amendment to the planning application in June 2023 to relocate the Community Orchard. On 16 August 2023 the Local Planning Authority passed a resolution to grant to the effect that the Community Orchard due to be placed on Plot 9 can be accommodated outside of the Saxon Meadow estate.

No.	Name	Summary	Response
10.	Morag Mills, 15 Saxon Meadow	<p>The Council has failed to communicate accessibly with affected parties (particularly the elderly / those without internet access).</p> <p>The Council has failed to clarify / explain the consequences of the scheme amendments to elderly Saxon Meadow residents. The objector is concerned about access to the property going forward.</p> <p>Plots 6, 7 and 8 are not required for the Council's house building objectives.</p> <p>The objector considers that no regard has been had to her human rights to enjoy / use the amenity space provided by the meadow. The meadow should not form part of the Order due to its amenity value. It also presents an opportunity for residents to implement a green energy initiative.</p> <p>The proposed development would negatively impact Tangmere Conservation Area and the setting of St Andrew's Church and the Commonwealth war graves. It would also have a negative impact on biodiversity and destroy excellent graded arable farmland. The Council could achieve its building objectives through redevelopment of Tangmere's disused airfield. The extent of the conservation area should be expanded and brought within the scope of the South Downs National Park.</p>	<ul style="list-style-type: none"> • Engagement with Saxon Meadow has taken place since 2018 and occurred through the progression of the Scheme, during both CPO 1 and the Order. This has included engagement with SMTL Directors, Company Secretary, residents and their appointed advisors, via telephone calls, email correspondence, video call meetings and in person meetings on site. The Council believes that it has followed the consultation requirements within the Guidance. • Plots 6, 7 and 8 are required for the Scheme as set out within the Statement of Case. • Through engagement with SMTL and its residents, an amendment to the Scheme has been sought to remove the Community Orchard from Plot 9. Countryside submitted an amendment to the planning application in June 2023 to relocate the Community Orchard. On 16 August 2023 the Local Planning Authority passed a resolution to grant to the effect that the Community Orchard due to be placed on Plot 9 can be accommodated outside of the Saxon Meadow estate. • Matters concerning the impact on Human Rights are addressed at paragraph 10 of this Statement. • Concerns regarding the Tangmere Conservation Area, biodiversity and Local Plan requirements are addressed within the planning application which is subject to a resolution to grant.

No.	Name	Summary	Response
11.	Kathy Ternan, 19 Saxon Meadow	<p>There has been a lack of appropriate engagement with affected residents by the Council and reasonable steps have not been taken to acquire the land by agreement. The CPO is premature and cannot proceed until future rights of access and land management guarantees have been agreed.</p> <p>The new CPO is not limited to the acquisition of additional land and this creates anxiety / human rights impacts for residents and may deprive them of parking spaces. It would also make the objector's property difficult to sell. Access to the property is necessary to enable the elderly objector to live independently at Saxon Meadow.</p> <p>The land take is very small compared to the wider scheme so is therefore not in the public interest (but is of paramount importance to the residential amenity of Saxon Meadow). The development would prevent the objector from refitting their property with green energy infrastructure.</p> <p>The CPO ignores the contribution made by Saxon Meadow Tangmere Ltd to the management / improvement of the site and makes no provision for the sustainable management of the Tangmere Conservation Area and the rural amenity surrounding Saxon Meadow. The development will devalue Tangmere's heritage assets and the Council has chosen this scheme over development of brownfield sites, in contravention of local and national planning policy. The area is regularly used by residents of Saxon Meadow and other members of the public and the Order ignores the value provided by the space.</p> <p>The Order would remove the natural flood protection provided by the meadow and the impact on flood risk has not been explained in the Order.</p>	<ul style="list-style-type: none"> • Engagement with Saxon Meadow has taken place since 2018 and occurred through the progression of the Scheme, during both CPO 1 and the Order. This has included engagement with SMTL Directors, Company Secretary, residents and their appointed advisors, via telephone calls, email correspondence, video call meetings and in person meetings on site. The Council believes that it has followed the consultation requirements within the Guidance. • Through engagement with SMTL and its residents, an amendment to the Scheme has been sought to remove the Community Orchard from Plot 9. Countryside submitted an amendment to the planning application in June 2023 to relocate the Community Orchard. On 16 August 2023 the Local Planning Authority passed a resolution to grant to the effect that the Community Orchard due to be placed on Plot 9 can be accommodated outside of the Saxon Meadow estate. • A set of Heads of Terms has been issued and is being negotiated in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plots 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow;

No.	Name	Summary	Response
			<ul style="list-style-type: none"> ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. • Delivery of the Scheme is entirely in accordance with allocations in both the adopted and emerging Local Plans. The Scheme is subject to a resolution to grant for planning permission. Concerns regarding flooding and drainage are planning issues, to which planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in full accordance with the submitted Flood Risk Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased.
12.	Elspeth Rendall & Jamie Hutchinson, 20 Saxon Meadow	<p>Plots 6, 7, 8, 9A and 9B should not be included in the Order and CPO 2 itself is fundamentally flawed.</p> <p>Saxon Meadow is a sympathetic conversion of old agricultural farm buildings and is designated as a rural heritage site. Its meadow and the historical views of Chichester Cathedral from the meadow and farm land adds value. The meadow space needs to be retained to enable a green energy solution for Saxon Meadow and to protect existing biodiversity, and Plots 9, 9A and 9B are not needed for house building. The existing Tangmere Conservation Area should be extended to include Saxon Meadow and this land should be designated as rural and treated accordingly. The SoR also fails to acknowledge that Plot 7 falls within the Conservation Area.</p> <p>Little or no regard has been made of the impact on the objector's human rights to the use and enjoyment of amenity space.</p> <p>The Council has failed in its duty to follow due process in respect</p>	<ul style="list-style-type: none"> • The compelling case for the Order is set out within the Statement of Case. The Plots referred to by the objector are equivalent to those in the confirmed CPO 1. • Through engagement with SMTL and its residents, an amendment to the Scheme has been sought to remove the Community Orchard from Plot 9. Countryside submitted an amendment to the planning application in June 2023 to relocate the Community Orchard. On 16 August 2023 the Local Planning Authority passed a resolution to grant to the effect that the Community Orchard due to be placed on Plot 9 can be accommodated outside of the Saxon Meadow estate.

No.	Name	Summary	Response
		<p>of the CPO in terms of proper engagement and communication. A large number of Saxon Meadow residents are elderly and some have disabilities and/or are without internet access. Insufficient notice was given of the CPO Cabinet resolution and insufficient time has been allowed to work towards a resolution of outstanding issues. The Council has failed to explain how this approach to engagement complies with its Statement of Community Involvement. The Council also made the decision not to send individual notification to Saxon Meadow residents and has failed to help affected parties as required by the CPO Guidance.</p> <p>The Council has failed to apply the Crichel Down rules.</p> <p>The Order should not be approved until after the Chichester Local Plan regulation 19 consultation. The Council has rushed to progress CPO 2 on the basis of the current 2014 Local Plan.</p> <p>The Council's Local Plan is "not sound" as it fails to set out clearly why parcels of land are needed. Communal land and Conservation Areas (and their views) should be protected.</p> <p>The Council has failed to make a compelling public interest case for the Order. There is a lack of clarity as to the purposes to which the land will be put following the CPO, and the Order proposes to remove the objector's only right of way and access to their home. The objector's property is likely to be hugely negatively impacted, and these plots are not necessary for house building. The CPO fails to satisfy the requirements of the 2012 Town and Country Planning Regulations, Section 99 [sic]. The Order would not facilitate the promotion / improvement of the economic, social and/or environmental wellbeing of the Council's area.</p> <p>The scheme is not compatible with the national planning policy framework (NPPF) with respect to hierarchy of land use and availability of sustainable transport.</p> <p>The objector believes there is a viable alternative of an existing brownfield site (the disused airfield at Tangmere) that would enable the Council to achieve its objective of house building with</p>	<ul style="list-style-type: none"> • A set of Heads of Terms has been issued and is being negotiated in respect of the following points: <ul style="list-style-type: none"> ○ Relocation of the Community Orchard from Plot 9 and removal of Plots 9, 9A and 9B from the CPO; ○ Provisions relating to the Access Road to Saxon Meadow within Plot 7 to remedy access and development issues; ○ Provisions relating to reconciling the 'cross over' of SMTL title and the Pitts land's title within Plot 8; ○ Provisions in respect of the 'Garden Land' adjacent to 28 Saxon Meadow; ○ The Heads of Terms seek the removal of the objections of SMTL and the Saxon Meadow Residents. • Engagement with SMTL has taken place since 2018 and occurred through the progression of the Scheme, during both CPO 1 and the Order. This has included engagement with SMTL Directors, Company Secretary, residents and their appointed advisors, via telephone calls, email correspondence, video call meetings and in person meetings on site. The Council believes that it has followed the consultation requirements within the Guidance. • Matters concerning the impact on Human Rights are addressed at Section 10 of the Statement of Case. • Delivery of the Scheme is entirely in accordance with allocations in both the adopted and emerging Local Plans. The Scheme is subject to a resolution to grant for planning permission, planning policy is addressed in paragraph 9 of the Statement of Case. Regarding drainage, planning conditions will be imposed in the planning permission requiring that the development shall be carried out only in

No.	Name	Summary	Response
		<p>minimum disruption to the historical heart of Tangmere village. The Council has failed to undertake an objective assessment of the availability of alternative brownfield sites for the scheme.</p> <p>The Council has also failed to address concerns regarding the adequacy of existing drainage, highway and healthcare infrastructure.</p>	<p>full accordance with the submitted Flood Risk Assessment and that surface water from the development shall be disposed of using a Sustainable Urban Drainage System (SUDS) providing that the system shall be designed to ensure that the pre-existing rate of run-off from the site is not increased.</p>