

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 EVIDENCE

OF

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Director of Planning and Environment

21 November 2023

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1. INTRODUCTION

- 1.1 My name is Andrew Frost and I am the Director of Planning & Environment at Chichester District Council (the “**Council**”). I have an honours degree in Town Planning and a Diploma in Management Studies (DMS). I am a chartered member of the Royal Town Planning Institute. I am making this statement in support of the Council’s promotion of the Chichester District Council (Tangmere) (No2) Compulsory Purchase Order 2023 (the “**Order**”)
- 1.2 I have worked at the Council since 2008, initially as Assistant Director, Development Management with overall responsibility for the Development Management service, then as Head of Planning Services and since 2018, as Director of Planning and Environment. In my current role, I have overall responsibility for delivery of all the Council’s planning services, including the local plan and planning policy preparation and development management, which includes the planning application and planning enforcement service areas. I have a total of 36 years’ experience in local government, which includes development management roles at Horsham District Council and Croydon Borough Council.
- 1.3 As the lead officer responsible for delivery of the Council’s Planning & Environment services, I have overall responsibility for its statutory planning function. I am the lead officer responsible for strategic delivery of the Tangmere Strategic Development Location (“**TSDL**”) Scheme, and I have led or been closely involved in it since 2015. This has entailed overseeing the Council’s strategic role in seeking to secure comprehensive development of the TSDL through regular and active engagement with the original landowner and developer consortium; oversight and delivery of strategic planning advice to support a consortium led masterplanning process and delivery of planning guidance in respect of land assembly negotiations by the consortium.
- 1.4 I had oversight of the Council’s decision to acquire a development partner to facilitate comprehensive development of the TSDL through compulsory purchase and have overseen and supported the Council’s engagement with Countryside Properties in delivering planning advice and guidance in respect of their masterplan and outline planning application.
- 1.5 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 set out in the Council’s Statement of Case (**CD/15**), the purpose of the Order is to facilitate a scheme of development which is essentially the same scheme which was the subject of CPO1.
- 1.6 Following the confirmation of CPO1, National Highways indicated that the records maintained by the Highways Authority regarding the extent of adopted highway were incorrect. This meant that a small section of land that had previously been understood to be adopted highway was incorrectly recorded as such and had been excluded from CPO1 on the mistaken assumption that it was adopted highway. I will discuss this further in my evidence below.
- 1.7 Therefore the reason for this Order is to seek compulsory purchase powers over this small additional area of land, together with all of the land confirmed in CPO1, in order to ensure the comprehensive delivery of the TSDL.

Scope of Evidence

- 1.8 My evidence will demonstrate there is a compelling case in the public interest to confirm the Order. My evidence will set out:
- (a) A description of Tangmere and the Order Land;
 - (b) Background to the proposed development (“the **Scheme**”);
 - (c) The need for compulsory purchase;
 - (d) The Council’s relationship with Countryside;
 - (e) Delivery of the Scheme;
 - (f) Objections and the Council’s Response;
 - (g) Human Rights Act and Equality Act duties;
 - (h) Conclusions.
- 1.9 My evidence closely mirrors the evidence I gave in support of CPO1 as the development proposed by the Scheme has not materially changed from the position when CPO1 was considered at inquiry – if anything the need for the Scheme and the compelling case for compulsory powers are greater now since CPO1 was confirmed. My evidence in support of CPO1 was not challenged by any of the objectors and was therefore given appropriate weight by the Inspector in his decision.
- 1.10 References in my statement to documents beginning with ‘CD’ are references to documents in the Core Document list, and references to capitalised defined terms refer to those terms as defined in the Council’s Statement of Case.

Overview of the Scheme

- 1.11 The Scheme comprises a residential-led, mixed-use development including up to 1,300 dwellings, an expanded village centre, community uses, a primary school, informal and formal open spaces, playing fields, footpaths, cycleways, associated landscaping, utilities and drainage infrastructure.
- 1.12 The Scheme forms a vital part of the adopted Local Plan strategy for the East-West Corridor, which is the Council’s main focus for new development in the Local Plan. The TSDL is the second largest Strategic Development Location in the Local Plan, and the only allocation in Tangmere.
- 1.13 The Scheme is important for delivering much-needed housing and infrastructure in the local area, and represents 14% of the total housing need for Local Plan area for the period 2012-2029.
- 1.14 The urgent need for, and the significance of the Scheme, is further reinforced by the Council’s Proposed Submission Plan (details of which are set out at paragraphs 9.15-9.17 of the Statement of Case and in the statement of Hannah Chivers) to increase the scale of development at the TSDL from 1,000 to 1,300 homes.
- 1.15 The benefits of the Scheme in delivering housing and in facilitating the orderly and sustainable future development of the area depend upon site-specific infrastructure required by the Local Plan. It is imperative that the Scheme is delivered comprehensively with these requirements. These matters are dealt with further in the statement of Hannah Chivers.

Promotion of the Order

- 1.16 The Council’s purpose in acquiring the Order Land is to facilitate strategic housing delivery

on the TSDL, in conjunction with its development partner, Countryside.

- 1.17 In respect of the delivery of the TSDL, the Council has acted in accordance with the Government's CPO Guidance (**CD8**) at all times and has sought, and continues to seek, to reach agreement with the affected parties.
- 1.18 Nevertheless, the Council's (and Countryside's) negotiations with affected parties have demonstrated that it is likely that the acquisition of these interests on reasonable terms and within a realistic timescale based on the Council's requirements will, in some instances, only be achievable through compulsory purchase.
- 1.19 The Council formally resolved to make the Order on 21 March 2023. The Council reports in respect of the resolution reflected the updated position on the case for the Order, including the additional land required, land negotiations, an updated viability assessment, and an updated Equality Impact Assessment (EqIA).
- 1.20 The timeline of events up to the making of the Order is set out in Section 7 of the Council's Statement of Case (**CD15**).
- 1.21 The Council has a clear, well-defined and detailed plan for the land it intends to acquire pursuant to the Order.

2. TANGMERE AND THE ORDER LAND

Location and Context

- 2.1 The Order Land is located to the west of the village of Tangmere, about 3 miles to the east of Chichester. It comprises an area of circa 77 hectares and is a greenfield site.
- 2.2 The Land is bounded to the north by the A27 Trunk road, which connects Southampton to the west and Folkestone to the east.
- 2.3 Tangmere Road forms the whole of the southern boundary of the Order Land, running westwards as far as Copse Farm.
- 2.4 The Order Land's western boundary includes some existing hedgerows, and it then staggers slightly north-westerly, before reaching the A27. There is an established hedge along the southern boundary.
- 2.5 The site is generally flat and open arable land and a number of existing drainage ditches run through the site.
- 2.6 The site is entirely undeveloped, with no existing buildings within the site boundary. It is generally used for arable purposes, although there are areas of grassland near the centre of the site and a number of hedgerows and trees. There is also some scattered scrubland along or near ditch lines.
- 2.7 Within the site itself, there are no formally designated areas and the nearest Site of Special Scientific Interest (SSSI) is Hainaker Chalk Pit, which is located approximately 2.7 km to the north-east of the site. A number of European designations are located within the wider surrounds of the site, including the Chichester and Langstone Harbour Special Protection Area and the Solent Maritime Special Area of Conservation, which lies 5.7 km to the west of the site. Pagham Harbour is located 6.3 km to the south.

- 2.8 There is no railway station serving Tangmere, although rail services can be accessed either from Chichester to the west or Barnham to the south-east. Tangmere is served by the Stagecoach 55 bus service and this provides a regular public transport link to and from Chichester.
- 2.9 Tangmere village contains a number of community facilities, including a community centre, a convenience store, a health centre and a primary academy school. Access to and between these facilities is available using existing footpaths within the village, from which pedestrian access can also be gained to the application site. There is an existing dedicated cycle link to the north of Tangmere (on the south side of the A27) which links the village to the city of Chichester. This currently runs along the south side of the A27, as far west as the Temple Bar junction. It then runs westwards to the north of the A27.

Land Ownerships & Interests

- 2.10 The interests in the Order Land are described in sections 2 and 12 of the Council's Statement of Case (**CD15**), by reference to the numbered Plots shown on the Order Map (**CD2**).
- 2.11 The locations of the larger landowner interests within the Order Land are broadly speaking as follows:
- 2.11.1 The "Heaver Interests Land" comprises plots 1, 3, 4, 5, 16, 17, 18 and 19E;
 - 2.11.2 The "Pitts Family Land" comprises plots 6, 7, 14 and 15;
 - 2.11.3 The "C.C. Projects Land" comprises plots 10, 11, 12 and 13;
- 2.12 The remaining smaller plots are owned as follows:
- 2.12.1 Unknown owner – plot 2;
 - 2.12.2 The Pitts Family and Saxon Meadow Tangmere Limited – plots 8, 9, 9A and 9B;
 - 2.12.3 National Highways – plots 19A, 19B, 19C, 19D and 19F.
- 2.13 The Heaver Interests Land has been grouped together by the Council for ease of reference in dealing with objections to the Order. It comprises a number of different entities which the Council believes, through diligent enquiry, are related, connected or controlled by the Heaver family.
- 2.14 The extent of the Order Land as described above is substantially the same as that confirmed in CPO1, 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.
- 2.15 Plots 19A, 19B, 19C, 19D, 19E and 19F have been included in the Order land to ensure this land will be available for the full extent of the connection to the A27 roundabout junction as part of the Scheme. All except Plot 19B were originally excluded from CPO 1 as that land 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.

- 2.16 The sub-division and addition of these plots became necessary when, in February and March 2022, the Council was preparing to serve General Vesting Declarations under CPO1 in accordance with the Scheme's programme to acquire the 'Heaver Land Interests'.
- 2.17 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. The plots are described and explained as follows:
- 2.18 Plot 19A is adopted highway owned by National Highways. It will be subject to an agreement under section 278 of the Highways Act 1980 for the A27 access.
- 2.19 Plot 19B was part of Plot 18 in CPO1. It is unadopted land used by National Highways for highway maintenance purposes. The Council agreed terms with National Highways in May 2023 for the purchase of this Plot (together with Plots 19C and 19D), but the Heaver family have sought a High Court injunction to prevent this transfer, claiming freehold ownership of Plots 19B and 19D. I provide further detail on this in section 7 below.
- 2.20 Plot 19C is adopted highway owned by National Highways. The Council agreed terms with National Highways in May 2023 for the purchase of this Plot (together with Plot 19B and 19D), but the Heaver family have sought a High Court injunction to prevent this transfer, claiming freehold ownership of Plots 19B and 19D.
- 2.21 Plot 19D is unadopted land used by National Highways for highway maintenance purposes. The Council agreed terms with National Highways in May 2023 for the purchase of this Plot (together with Plot 19B and 19C), but the Heaver family have sought a High Court injunction to prevent this transfer, claiming freehold ownership of Plots 19B and 19D.
- 2.22 Plot 19E is a small section of track which forms part of the larger land registry title of Plot 17 (the rest of which was included in CPO1), although National Highways Company Limited may also hold an ownership interest in this Plot based upon historic title information.
- 2.23 Plot 19F is adopted highway owned by National Highways. It will be subject to an agreement section 278 of the Highways Act 1980 for the A27 access.
- 2.24 There is limited time remaining within which the powers conferred by CPO1 can be exercised. Given the time it would take to promote and exercise a compulsory purchase order, there is a real risk that the powers under CPO1 would expire before a second compulsory purchase order could be confirmed, and its powers exercised. If the second compulsory purchase order 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.
- 2.25 Therefore the Order has been brought forward to acquire these additional parcels, together with the entirety of the land interests falling within CPO1, to ensure access to the adopted highway is achieved and the whole of the TSDL can be delivered comprehensively.

3. BACKGROUND TO THE SCHEME

Description of the Scheme

- 3.1 As mentioned above, the TSDL is the second largest Strategic Development Location in the

Local Plan, and the only allocation in Tangmere. The statement of Hannah Chivers discusses the allocation and the adopted and emerging local planning policy applicable to the TSDL.

- 3.2 Following the allocation, a Masterplan Document (**CD16**) was prepared by Countryside in accordance with the Local Plan, emerging local plan and the Tangmere Neighbourhood Plan. It was then fine-tuned iteratively with feedback from the Council and other statutory consultees and stakeholder groups, and endorsed by the Council's Planning Committee in January 2020.
- 3.3 The Masterplan Document underpins the outline planning application which was submitted for the Scheme. 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.
- 3.4 On 26 June 2023, Countryside submitted an amendment to the planning application to address an objection raised by Saxon Meadow Tangmere Limited, which relocated the Community Orchard to outside of Plot 9 (see Section 7 below). This amended planning application was reported to the Council's Planning Committee on 16 August 2023 and is subject to a resolution to grant permission (**CD19** and **CD20**).
- 3.5 The Scheme is substantively the same as that for which CPO1 was originally confirmed; it 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.
- 3.6 All matters are to be reserved, with the exception of the principal access junctions from the A27 (which will be from the existing grade separated Temple Bar junction) and Tangmere Road to the south, along with a secondary access at the western end of Malcolm Road.
- 3.7 The outline planning application is supported by five parameter plans which were developed from the Masterplan Document. They include: Land uses, building heights, building density, access and movement and open space and strategic landscape. These are each described in summary below.

Land Uses Parameter Plan

- 3.8 This plan arranges the major components of the Scheme, being:

- 3.8.1 Expansion to the Tangmere village centre, focused on a Village Main Street

prioritising pedestrian and cyclist-friendly transport, and comprising up to 1000m² of flexible floorspace suited to Use Class E uses, food and drinking establishments;

- 3.8.2 Potential new community building;
- 3.8.3 New primary school with associated playing fields, playground & staff car park, with provision for early years and a special support centre;
- 3.8.4 Safeguarding area for the expansion of the primary school site to accommodate the possible relocation of the Tangmere Primary Academy;
- 3.8.5 Up to 1,300 residential dwellings with 30% affordable housing;
- 3.8.6 Public realm including new local square, green infrastructure and open space improvements;

Building Heights Parameter Plan

- 3.9 This plan defines:
 - 3.9.1 The building heights for the creation of a distinctive townscape in the village centre which responds to the topography of the site and respects the existing built environment;
 - 3.9.2 Maximum building heights for the other zones.

Building Density Parameter Plan

- 3.10 This plan identifies a range of residential densities to provide for variation in approach, intensity and character of the proposed neighbourhoods, whilst ensuring that the density of homes across the site is appropriate to their surrounding context.

Access & Movement Parameter Plan

- 3.11 This plan indicates the principal road through the development scheme (the north-south spine road) that connects Tangmere Road and the A27.
- 3.12 The plan also shows the three principal vehicular access points to the Scheme which have been submitted in the outline planning application in detail – as mentioned above in paragraph 3.6. These are:
 - 3.12.1 Temple Bar A27/A285 – northern gateway to the Scheme and northern end of the north-south spine road;
 - 3.12.2 Tangmere Road – western access from Tangmere Road will be in the form of a roundabout forming a new gateway to the village and the southern point of the main north-south spine road;
 - 3.12.3 Tangmere Road – eastern access will provide an additional access onto Tangmere Road and will be in the form of a new T junction
- 3.13 The plan also shows a further vehicular highway extension at the western end of Malcolm Road, which will solely be used to provide access to the new primary school and expanded village centre from the existing village.

- 3.14 In relation to pedestrians and cyclists, a range of new facilities are proposed to be provided within the development including a principal segregated cycleway. A principal recreational route for both pedestrians and cyclists will run around the majority of the site boundary and through the western and eastern areas of public open space. All are indicated on the parameter plan.
- 3.15 Connections will be made from the principal recreational route to both the principal segregated cycleway and also to the existing Public Rights of Way (PRoW), with additional footpaths also created through areas of public open space.

Open Space and Strategic Landscape Parameter Plan

- 3.16 This plan shows the open space and strategic landscape proposals of the Scheme, which include:
- 3.16.1 Informal open space focused on green corridors which incorporate surface water attenuation basins;
 - 3.16.2 Formal parks, including an area for the extension of St Andrew's Church cemetery if required;
 - 3.16.3 Sports and recreation facilities including sports pavilion building;
 - 3.16.4 Allotment area, including space for the relocation of the existing allotments to the north of the Tangmere Military Aviation Museum;
 - 3.16.5 Community orchard;
 - 3.16.6 Native species woodland providing a buffer between the existing and proposed new homes to the south of Saxon Meadow;
 - 3.16.7 Children's play areas including a Neighbourhood Equipped Area for Play (NEAP) and a Locally Equipped Area for Play (LEAP).
- 3.17 As a fully-integrated and comprehensive vision for the area, the Scheme ensures that the TSDL can be developed to deliver the necessary transport, drainage and other infrastructure improvements to realise the extensive social, environmental and economic benefits to the Chichester Local Plan area. It will also allow for future residential development that is essential in order to provide for the housing needs of the CDC area.
- 3.18 The Inspector noted in his CPO1 Decision Letter (para 41 **CD/14**) 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.*"

4. THE NEED FOR COMPULSORY PURCHASE

Need for the Scheme

- 4.1 The District has experienced continual population growth over the last 30 years, with 16% growth since 1991. This exceeds growth rates nationally (15.4%), and this growth is expected to continue.

- 4.2 Section 6 of the Council's Statement of Case (**CD15**) sets out the justification for the Order and in particular the difficulty that the Council has had in meeting its objectively-assessed need ("**OAN**") for new housing.
- 4.3 Policy 4 of the 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**"). The OAN at that time was actually assessed at 560-575dpa. After deducting the 70dpa requirement that could be met in the South Downs National Park, the balance for the Local Plan area was 505dpa. However, this figure was reduced to 435dpa on the basis of infrastructure constraints and anticipation of what could realistically be delivered.
- 4.4 Therefore, the housing target in the Local Plan when adopted in 2015 was already well below what is needed. Given this position, it is important that every single allocated site in the Local Plan is delivered. To date, development has commenced on each of the SDLs allocated in the Local Plan, except for the TSDL.
- 4.5 Further, since July 2020 the adopted Local Plan has been more than five years old. Accordingly, and on this basis national policy in the NPPF directs that housing delivery should be assessed against a calculation of Local Housing Need (LHN). Since July 2020 the housing need for the plan area has risen significantly and therefore delivery of housing is even more critical.
- 4.6 As at 31 March 2022, the standard methodology for assessing housing need indicated a Local Housing Need for the plan area of 638 dpa. This gives a cumulative requirement of 3,190 net dwellings over the five year period 2022-2027. The housing requirement 2022-2027 has been adjusted to take account of a 5% buffer added to this total, as required by the NPPF. The extent of the buffer was informed by the Housing Delivery Test which demonstrates that the Council has successfully been delivering housing for the period 2018-2021 when measured against the housing requirement for that period. This adjustment has the effect of increasing the five year housing requirement to 3,350 net dwellings, equivalent to 670dpa. This matter of housing supply is addressed in the evidence of Ms Hannah Chivers, who considers both the housing supply position and also planning matters more generally.
- 4.7 It is the Strategic Development Locations ('**SDLs**') which contribute the most towards meeting the Council's housing target in the adopted Local Plan, with the greatest number of dwellings being brought forward on these SDLs. The SDLs were considered the best locations to support strategic new growth in accordance with the Local Plan-defined settlement hierarchy.
- 4.8 This position is underscored in the emerging Local Plan which is at Regulation 19 stage and was consulted upon between February and March 2023. The Chichester Local Plan 2021-2039: Proposed Submission (the "Proposed Submission Plan") seeks to make provision for larger scale development in order to meet the higher housing needs. In a similar way, the Strategic Allocations in the Proposed Submission Plan are proposed to provide the greatest number of dwellings and make the most significant contribution to meeting the housing target for the Plan Area. At 1,300 homes, the proposed allocation at Tangmere is the second largest allocation in the Proposed Submission Plan, and I note that development has already commenced on the largest allocation at West of Chichester.
- 4.9 As referenced in the statement of Hannah Chivers, the Council is not currently able to demonstrate a five year supply of housing land, as required by the NPPF. The most recent calculation of Five Year Housing Land Supply as at 1 April 2022 identifies that the Council is only able to demonstrate a 4.74 year supply of housing land.

- 4.10 Failure to deliver the Scheme would mean a significant shortfall in housing delivery in the Local Plan area, which will only be exacerbated by the increase in housing need indicated by the standard methodology, which is some 50% above the target in the previously adopted Local Plan.
- 4.11 As discussed in paragraphs 6.8 – 6.18 of the Council's Statement of Case (**CD15**), the substantial and comprehensive residential development of the TSDL is essential for:
- 4.11.1 delivering the adopted Local Plan vision for the East-West Corridor;
 - 4.11.2 assisting with the need to relieve pressure on Chichester city;
 - 4.11.3 addressing local needs for both market and affordable housing; and
 - 4.11.4 providing enhanced amenities and services for existing and future residents of Tangmere.
- 4.12 The Inspector noted in his CPO1 Decision Letter (**CD/14**) that:
- "34. [...] "The TSDL is undoubtedly a very significant opportunity to contribute to Chichester's needs consistent with national housing and planning policy."*
- 35. More generally, 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.*
- 36. In summary, the planning policy context is therefore highly supportive of the Scheme."*

Failure to Deliver Housing at Tangmere

- 4.13 The Council identified the land comprised in the TSDL for strategic allocation for 1,000 homes in 2010 and commenced discussions with the major landowners, namely Herbert Heaver, the Church Commissioners (as C.C. Projects then was) and the Pitts Family. At this time, the landowners were operating as a 'Consortium' and representations were made to the Council in 2011 which suggested that the Consortium was able to deliver comprehensive and carefully planned growth to Tangmere, including delivery of around 1,500 new homes and new supporting infrastructure, including a revitalised centre containing new employment space, retail and other community facilities, recreation and new highways and transport infrastructure.
- 4.14 The landowners maintained that they were committed to jointly delivering the 1,000 dwellings (or more), and requisite infrastructure, in a coordinated way through the production of a masterplan and subsequent planning applications.
- 4.15 The Council actively engaged with the landowners to support them in this objective. However, this proved challenging because each party appointed a different agent, and no single representative ever spoke on behalf of the whole group. A pattern of 'disjointedness' soon emerged, and while all parties communicated their individual commitment to a masterplan, there was never a joined-up approach. This was not helped by the fact that not all landowners were represented at all the meetings.
- 4.16 The consortium's efforts and the Council's engagement with them, were fully detailed in my evidence in CPO1 and are attached to my proof as **Appendix AF1**.

4.17 This evidence was considered by the Inspector in CPO1, who found 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.” (CD14 para 107)

4.18 The evidence of Peter Roberts demonstrates that further attempts at negotiations have failed, and the position remains as it was at the confirmation of CPO1 – that there is no alternative proposal and no prospect of achieving the purposes of the Order without compulsory purchase powers. The Council has therefore determined to use compulsory purchase powers to bring forward the development.

4.19 Having regard to all these circumstances, I consider it is clear that in the absence of compulsory acquisition, development of the TSDL will not come forward in the timeframe desired. Site assembly within a single ownership is necessary if progress is to be made.

Need for Comprehensive Development

4.20 The statement of Hannah Chivers discusses the need for comprehensive development of the Scheme in terms of the infrastructure that underpins the Scheme’s benefits, and the planning policy that supports this approach.

4.21 In short, it is a long-standing objective of local planning policy to deliver new homes and communities, and in particular, to do so in the East-West Corridor, where infrastructure can be implemented that supports future growth.

4.22 It is simply not possible for that infrastructure to be delivered without the developer having the means to secure all necessary land and property rights, and to enable the Scheme to be implemented without further delay.

5. RELATIONSHIP WITH COUNTRYSIDE

5.1 On 11 July 2017 the Council resolved to identify a suitable development partner to deliver a masterplan for the TSDL, and to underwrite a compulsory purchase order on the basis that the developer should then make profit on the eventual sale and disposal of the site. This is a common approach to the promotion of major regeneration schemes.

5.2 Through a competitive tender process, 13 companies expressed an interest, but only 3 tenders met the required criteria and were taken forward for further consideration.

5.3 The selection process for the development partner was on the basis of the understanding of the Council’s requirements, ability to work in partnership, strength of their delivery team and their financial offer.

5.4 The selection of a development partner was not based on a particular scheme, but a partner who the Council believed would best deliver the comprehensive development of the TSDL, in accordance with the Local Plan and Neighbourhood Plan policies.

5.5 Countryside scored the highest in the selection process and was selected as the Council’s development partner.

5.6 The Council resolved on 4 September 2018 to enter into a Development Agreement with Countryside, which was completed on 5 February 2019. Supplemental agreements were

entered into on 3 April 2020, 6 September 2021 and 16 February 2023.

- 5.7 The Development Agreement and the Supplemental Agreements are at Appendix 5 to the Council's Statement of Case. They provide for the land assembly and delivery of the TSDL in accordance with the development plan, and without prejudice to that, the realisation of development value from the Scheme.
- 5.8 The Council has obligations to acquire or compulsorily purchase the Site and subsequently transfer it to Countryside. Countryside is responsible for obtaining planning permission for the TSDL. Viability mechanisms are also built into the Development Agreement and the Council must satisfy itself of the viability of the Scheme and Countryside's capacity to deliver it.
- 5.9 The statement of evidence of Martin Leach deals with Countryside's corporate structure, its acquisition by Vistry Group Plc, its financial position and how it will deliver the Scheme.
- 5.10 The Council is satisfied that Countryside has sufficient resources to deliver the Scheme within the required timeframes and can obtain sufficient funding for both acquiring the Order Land and implementing the Scheme, both presently and during the compulsory acquisition process.

6. DELIVERY

- 6.1 The Council considers that there are no material impediments to the delivery of the Scheme on the Order Land.
- 6.2 Pre-application intrusive and non-intrusive surveying works over the extent of the TSDL were undertaken by Countryside during Spring and Summer of 2019.
- 6.3 Following the Council's endorsement of the Masterplan Document in January 2020 and the making of CPO1, an outline planning application for the Scheme was submitted in November 2020, with a resolution to grant planning permission made on 31 March 2021.
- 6.4 Once the Order has been confirmed, the Council will take possession of the entirety of the Order Land within 6 months and transfer it to Countryside in accordance with the Development Agreement.
- 6.5 A Section 106 Agreement will be completed in accordance with the heads of terms approved by the Council's Planning Committee on 31 March 2021. This will enable grant of the outline planning permission.
- 6.6 Countryside will then make applications for reserved matters approvals in respect of each phase. Details of phasing will be finalised through the reserved matters, however the application indicates commencement of development in January 2025, with completion by 2037.
- 6.7 The phasing of development is dealt with in the Statement of Hannah Chivers, but in summary it will be controlled via a pre-commencement planning condition. In the meantime, the outline planning application anticipated the broad phasing of development as follows:
 - 6.7.1 site preparation works, with initial works anticipated to commence in 2025;
 - 6.7.2 the key strategic infrastructure required for the Scheme, including part of the north-south link road, principal areas of public open space and strategic

landscaping to commence in 2026;

6.7.3 the first phase of housing will be delivered at the southern end of the site, with construction served by a haul road from the A27 grade-separated junction. Occupation is expected to commence in 2026, served by the proposed eastern and western accesses from Tangmere Road;

6.7.4 the second phase would be constructed in the north of the site, making use of the new A27 Temple Bar access;

6.7.5 after completion of the north-south spine road and link to the second western access from Tangmere Road, subsequent stages would then proceed in both the north and south simultaneously with construction then working towards the centre of the site.

6.8 The only issue which affects the delivery of the Scheme relates to land ownership. Without the certainty of land assembly through the CPO process, the Scheme will not be realised.

7. OBJECTIONS AND THE COUNCIL'S RESPONSE

7.1 A total of 21 objections were received to the Order, with 20 being 'qualifying objections'.

7.2 It is the intention of the Council to continue to seek to acquire all interests by agreement, and negotiations are continuing. Pursuant to the terms of the Development Agreement with Countryside, given their technical nature for the development of a strategic land site, detailed negotiations with landowners have been led by DWD and Countryside. However the Council has been fully advised and engaged through both Sponsor Board and Steering Group meetings with Countryside and regular day to day updates through the Council, DWD and Countryside project team.

7.3 The Council, through its solicitors, has also engaged directly in discussions with landowners where required. The Council is therefore fully aware of the voluntary agreements which have been entered or are proposed to be entered into. The Council is satisfied that Countryside is making all efforts to conclude voluntary agreements, and good progress is being made with various parties.

7.4 Heads of Terms for variations to agreements that were entered into in respect of CPO1, in order to extend them to this Order, have been agreed with: C.C. Projects (formerly Church Commissioners), the Pitts Family, Woodhorn Group, Bloor Homes and Southern Gas Networks - progress on acquisitions is discussed further in the statement of Peter Roberts.

7.5 The Council's responses to objections are covered in detail in section 12 of the Council's Statement of Case. The objections fall into 4 groups, reflecting the groupings of land ownerships:

7.5.1 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;

7.5.2 Holding objections in respect of the C.C. Projects Land and the Pitts Land, by those with interests in that land;

7.5.3 Objections by Saxon Meadow Tangmere Limited and Saxon Meadow residents;

and Medical Centre;

7.5.4 Other objectors.

Heaver Interests Objections

- 7.6 The Heaver Interests Land represents roughly one third of the Site, covering the northern part of the TSDL, and a smaller section in the south-eastern corner of the Site.
- 7.7 The Heaver Interests Land comprises a number of different entities which the Council believes, through diligent enquiry, are related to, connected or controlled by the Heaver family - Herbert and Shelagh Heaver, or their children John Heaver and Shelagh Richardson. -
- 7.8 These parties and entities have submitted separate but similar objections, and are represented by the same law firm.
- 7.9 Since the appointment of Countryside as development partner and the commencement of negotiations, the Council has (through its solicitors and agents) engaged and corresponded directly with both solicitors acting for Mr Heaver and his agents.
- 7.10 The objection of Bosham Limited & Shopwyke Limited raised the following grounds of objection, to which the Council responds as set out below:
- 7.10.1 Ground: The CPO1 land does not need to be included in the Order/should be amended to remove the CPO1 land.
 - 7.10.2 Response: If the Order was sought solely for Plots 19A, 19C, 19D, 19E and 19F, and CPO 1 expired before it could be exercised, land assembly would not be possible for the entire Scheme and this would risk or entirely prevent delivery of the TSDL. Further reasoning as to why the CPO1 powers cannot be exercised over the CPO1 land on advance of the confirmation of this Order is set out in the evidence of Peter Roberts. re.
 - 7.10.3 Ground: The Council is resiling from its previous estimate of compensation.
 - 7.10.4 Response: Disputes as to compensation entitlement are not relevant grounds for objection, but in any event the settlement offer referred to was made in different factual circumstances, and was also refused by the objector.
 - 7.10.5 Ground: It has not been demonstrated that the Scheme is viable.
 - 7.10.6 An updated viability assessment was carried out by Knight Frank prior to making the Order. It is Appendix 4 to the Statement of Case (**CD/14**). Further, this matter is addressed by Mr Roberts.
 - 7.10.7 Ground: The Council has not acted in accordance with Paragraph 19 of the CPO Guidance.
 - 7.10.8 Response: The Council has fully considered all steps under Paragraph 19 and acted in accordance with all of them, as has been demonstrated by the evidence in support of this Order and CPO1. Again, the conduct of the Council in this regard is further considered by Mr Roberts.
 - 7.10.9 Ground: There is no need for Plot 19E to be in the Order.
 - 7.10.10 Response: Section 2 above explains the justification for Plot 19E. 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.

7.11 The objection of Herbert George Heaver, Temple Bar Partnership LLP, and Denton & Co Trustees Limited (as joint freehold owners of the Tangmere Medical Centre) can be summarised as follows, with the following responses:

7.11.1 Ground: the Order is unnecessary;

7.11.2 Response: The Council is seeking the Order as a last resort as all attempts at acquisition by private treaty have failed. Paragraphs 6.19-6.33 of the Council's Statement of Case provide detailed evidence;

7.11.3 Ground: the Order fails to comply with the Guidance and should not be confirmed by the Secretary of State;

7.11.4 Response: This is a vague assertion which does not identify those parts of the Guidance with which non-compliance is asserted. In any event, the Order has been prepared fully in accordance with all requirements of the Guidance as set out in the Council's Statement of Case.

7.11.5 Ground: the purpose of the Order could be achieved by other means – including amending the Order so that it only includes the Additional Land;

7.11.6 Response: See 7.10.2 above. It is unclear what 'other means' can be used – negotiations have not yet proved to be successful and the life of CPO1 cannot be extended. This issue is addressed above.

7.11.7 Ground: 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;

7.11.8 Response: Section 2 above and the Council's Statement of Case demonstrate the need for the additional land, and the circumstances of the failure to acquire that land which have led to the need for powers – including failure to reach agreement with the Objector for the acquisition of these interests by agreement and the Objector's own High Court injunction proceedings to prevent the transfer of Plots 19B, 19C and 19D.

7.11.9 Ground: the Council has failed to demonstrate that there is a compelling case in the public interest for the Order;

7.11.10 Response: Again, this is a vague and unsubstantiated assertion. The justification for the Order has been demonstrated at length in Sections 4 and 6 the Statement of Case, and the Scheme underpinning the Order has already justified the confirmation of CPO1.

7.11.11 Ground: 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

7.11.12 Response: The position of the Objector under the Order is identical to that under CPO1. The Scheme underpinning the Order has already justified the confirmation of CPO1 and the Inspector in that case found no reasons to refuse CPO1 on Human Rights grounds.

7.11.13 The objection of Dr Alice Chishick as leaseholder of the Tangmere Medical Centre, is identical to that of the joint freehold owners of the Tangmere Medical

Centre, except for requesting the revocation of CPO1. This is not warranted, or legally possible.

CC Projects and Pitts Land Objections

- 7.12 The CC Projects, Woodhorn Group and Pitts Land comprise the majority of the southern and central thirds of the TSDL.
- 7.13 Deidre Pitts, Michael Pitts, Diana Pitts and Valerie Young are represented by the same solicitors; Andrew Pitts and Woodhorn Group are represented by their own solicitor, but together with CC Projects have effectively objected as one group all adopting the same objection as submitted by CC Projects' solicitors.
- 7.14 However, both sets of parties have submitted holding objections noting the variations to voluntary agreements negotiated in respect of CPO 1. These are expected to be concluded in advance of Inquiry.

Saxon Meadow Tangmere

- 7.15 The Council has engaged with Saxon Meadow Tangmere Limited ('SMTL') and its shareholders and residents since 2018 with regards to the Scheme and promotion of both CPO 1 and the Order.
- 7.16 Only SMTL, the freeholder, objected to CPO1, on behalf of itself and the shareholders/residents. A modification to CPO1 to allow the retention of part of the Saxon Meadow land as a 'buffer' from the TSDL development facilitated the removal of the objection of Saxon Meadow Tangmere Limited to CPO1. The full background to this is set out from paragraph 12.28 of the Council's Statement of Case.
- 7.17 The remainder of the area of land which was reduced in CPO1 is the same area as Plot 9 in the Order, which is required for the provision of a Community Orchard within the Scheme as originally proposed within the associated planning application and as resolved to be permitted by the Council on 31 March 2021. Despite having previously agreed to the inclusion of Plot 9 in CPO1, SMTL, as well as various shareholders/residents, have objected to the Order on the basis that Plot 9 has been included in the Order.
- 7.18 With a view to reaching common ground, the Council, CPUK, SMTL and the residents agreed to, and with, the removal of Plot 9 from the Order and the associated planning application to provide the Community Orchard elsewhere within the Scheme. The statement of Hannah Chivers (paragraph 5.23) and the Council's Statement of Case (paragraphs 12.37-12.39) address this variation.
- 7.19 The remaining grounds of objection otherwise concern matters which pertain to planning permission for the Scheme, and a detailed analysis of these objections and the Council's responses are contained in Annexure 2 of the Council's Statement of Case.
- 7.20 The Council has also offered to SMTL 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 and I refer to the evidence of Peter Roberts in relation to the detail of these negotiations.

Other Objections

- 7.21 Julie Warwick is the tenant of 97 Cheshire Crescent, claiming rights over Plot 7 by virtue of a rear garden encroachment onto that land. 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
- 7.22 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.
- 7.23 Thelma Stone is the tenant of 107 Cheshire Crescent, claiming an access right from her back garden onto Plot 7. 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.

8. HUMAN RIGHTS & EQUALITY

Human Rights Act 1998

- 8.1 The Order Land has predominantly been used for agricultural purposes, and the main landholdings are being commercially farmed by either the Pitts family (for the Pitts and Church Commissioners land), and by Herbert Heaver for his own land (through Temple Bar Partnership LLP and Shores Meadow Farming Partnership– both of which are registered or addressed to his Estate Office).
- 8.2 The Order will not otherwise result in the extinguishment of a commercial enterprise. No residential property is being acquired (with the exception of occupiers who have extended gardens by encroachment into Plot 7 and Plot 14 – see table below).
- 8.3 A list of occupiers known to the Council at the time of making this statement is below:

| Plot | Landowner Grouping | Occupier |
|---------|--------------------------------------|---|
| 1 | Heaver Interests Land | John Heaver Farming Partnership, West Sussex County Council (highway authority) |
| 2 | Unregistered | West Sussex County Council (highway authority) |
| 3, 4, 5 | Heaver Interests Land | John Heaver Farming Partnership |
| 6 | Pitts Land | Andrew John Pitts, Woodhorn Group Limited |
| 7 | Pitts Land | Pitts family, West Sussex County Council (highway authority), Occupier of 97 Cheshire Crescent (encroacher), Occupier of 99 Cheshire Crescent (encroacher), Occupier of 48 Bayley Road (encroacher) |
| 9 | Saxon Meadow Tangmere Limited, Pitts | Saxon Meadow Tangmere Limited, Pitts family |

| | Land | |
|------------|---|--|
| 8, 9A, 9B | Unknown, Saxon Meadow Tangmere Limited | Saxon Meadow Tangmere Limited and Saxon Meadow residents |
| 10 | C.C. Projects Land | C.C. Projects (formerly Church Commissioners of England) |
| 11, 12, 13 | C.C. Projects Land | Andrew John Pitts |
| 14 | Pitts Land | Andrew John Pitts, Woodhorn Group Limited, Occupier of 125 Mannock Road (encroacher) |
| 15 | Pitts Land | Andrew John Pitts, Woodhorn Group Limited |
| 16 | Heaver Interests Land | Unoccupied |
| 17 | Heaver Interests Land, National Highways | Shores Meadow Farming Partnership, SSE plc, National Highways |
| 18 | Heaver Interests Land | Shores Meadow Farming Partnership |
| 19A | National Highways Land | National Highways – adopted highway |
| 19B | National Highways Land | National Highways - unadopted |
| 19C | National Highways Land | National Highways – adopted highway |
| 19D | National Highways Land | National Highways - unadopted |
| 19E | National Highways Land, Heaver Interests Land | Shores Meadow Farming Partnership |
| 19F | National Highways Land | National Highways – adopted highway |

- 8.4 Careful consideration has been given by the Council to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998. These include in particular Article 1 (the right to peaceful enjoyment of possessions), Article 6 (fair and public hearing) and Article 8 (respect for private and family life and home) and of the European Convention on Human Rights.
- 8.5 The decision to make or confirm the Order must strike a fair balance between the public interest associated with the regeneration of the land and the interference with these private rights.
- 8.6 To the extent that the Order would affect those individual rights, the Council considers that proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate.
- 8.7 In the event that financial compensation cannot be agreed voluntarily between parties, this will be determined by reference to the Lands Chamber (Upper Tribunal).

- 8.8 All those affected by the Order have been notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed by the Secretary of State.
- 8.9 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.

Equality Act 2010

- 8.10 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations. The decision to make the Order is one that this duty applies to.
- 8.11 The land being acquired is agricultural land and does not require relocation of any protected groups.
- 8.12 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 this Order. This addendum was issued in February 2023. Taken together, the original EqIA and the two addenda ("EqIA Addenda") (**CD12**) set out how the Council has complied with their duties under the Equalities Act 2010
- 8.13 The EqIA and EqIA Addenda contain a number of recommendations and an action plan. The Council has had ongoing regard to the EqIA and the EqIA Addenda, including their recommendations and action plan, and has put in place the relevant measures to implement the recommendations and actions.
- 8.14 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 the Order documents 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.
- 8.15 Further, the Council notes that a number of the recommendations and actions relate to impacts yet to arise and the Council is mindful of the requirement to address these recommendations and actions as they do so.
- 8.16 As the process continues, when conducting the Inquiry, 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.
- 8.17 As set out in the Public Sector Equality Duty Statement (**CD12**), the Council is satisfied that it has given due regard to its Duty.

9. CONCLUSION

- 9.1 I consider that the Council has demonstrated that there are compelling reasons for the

powers to be authorised at this time to enable the Scheme and its benefits to be delivered.

- 9.2 The Council and Countryside have a clearly articulated vision for how they intend to use the land which it is proposed to acquire. The land is required to deliver the Scheme in accordance with the Local Plan and in compliance with national and local planning policy.
- 9.3 The proposals for the Order Land will deliver significant economic, social and environmental benefits to the Chichester local area. As explained within this statement, the necessary resources are in place now to deliver the Scheme within a reasonable timescale.
- 9.4 The Council and Countryside have the necessary resources to meet all land acquisition and compensation costs (including acquisition and compensation costs arising from the service of any blight notice(s)).
- 9.5 Subject to confirmation of the Order to enable site assembly to be achieved, the Council considers there are no impediments to implementation of the Scheme.
- 9.6 I consider that there is a compelling case in the public interest for compulsorily acquiring the Order Land and believe that the benefits which the Scheme would secure in the public interest outweigh the effect of the acquisition on the rights of individuals.