

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

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

SUMMARY STATEMENT OF EVIDENCE

OF

ANDREW FROST

Director of Planning and Environment

21 November 2023

1. INTRODUCTION

- 1.1 My name is Andrew Frost and I am the Director of Planning & Environment at Chichester District Council (the “**Council**”).
- 1.2 I am the lead officer responsible for strategic delivery of the Tangmere Strategic Development Location (“**TSDL**”) Scheme (“the **Scheme**”), and I have led or been closely involved in it since 2015.
- 1.3 My evidence will demonstrate there is a compelling case in the public interest to confirm the Chichester District Council (Tangmere)(No 2) Compulsory Purchase Order 2023 (“the **Order**”).

Promotion of the Order

- 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 a public inquiry. As set out in the Council’s Statement of Case (**CD15**), 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 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.
- 1.6 The excluded land forms Plots 19A, 19C, 19D, 19E and 19F and they have been included in the Order land, together with all of the land confirmed within CPO1, to ensure this land will be available to facilitate access as part of the Scheme. I explain this further in paragraphs 2.14 – 2.25 of my Statement.
- 1.7 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.
- 1.8 If this 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 the comprehensive delivery of the TSDL.
- 1.9 The Council passed its resolution to make the Order on 21 March 2023, and the Order was made on 30 March 2023.

2. TANGMERE AND THE ORDER LAND

- 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, with no existing buildings and is generally used for arable purposes.
- 2.2 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**), and in paragraphs 2.10 – 2.23 of my Statement.

3. BACKGROUND TO THE SCHEME

- 3.1 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.
- 3.3 The Masterplan Document underpins the outline planning application (reference 20/02893/OUT) which the Council's Planning Committee resolved to grant on 31 March 2021 subject to signing of a Section 106 Agreement (see the Statement of Hannah Chivers at section 5).
- 3.4 The Scheme comprises a mixed-use development comprising up to 1,300 dwellings and is described fully in Section 3 of my Statement.

4. THE NEED FOR COMPULSORY PURCHASE

- 4.1 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.
- 4.2 I deal with the housing need and delivery in paragraphs 4.1 – 4.12 of my Statement, and I note that the housing target in the Local Plan when adopted in 2015 was already well below what is needed. In her Statement, Hannah Chivers states that the Council is not currently able to demonstrate a five year supply of housing land.
- 4.3 This position is underscored in the emerging Local Plan, which seeks to make provision for Strategic Development Locations ("**SDLs**") in order to meet the higher housing needs. At 1,300 homes, the proposed allocation at Tangmere is the second largest allocation in the emerging Local Plan.
- 4.4 Failure to deliver the Scheme would mean a significant shortfall in housing delivery in the Local Plan area, which will be exacerbated by the increase in housing need indicated by the Local Housing Need standard methodology, which is some 50% above the target in the previously adopted Local Plan.

Failure to Deliver Housing at Tangmere

- 4.5 In paragraphs 4.13 to 4.19 of my Statement I deal with the historic inability of the landowners to deliver housing development at the TSDL.
- 4.6 Since 2010 the Council has been actively engaging with the landowners to support them in their stated objective to bring forward strategic development on the TSDL. Amongst frequent email correspondence with the various agents, there were meetings and letters, which are summarised in **Appendix 1** of my Statement.
- 4.7 In my Statement at paragraph 4.15 I note there was a pattern of 'disjointedness', and while all parties communicated their individual commitment to a masterplan, there was never a joined-up approach. Accordingly, on 8 October 2013 the Council's Cabinet first approved the general principle to use its compulsory purchase powers if necessary to bring forward delivery.

4.8 Having regard to all these circumstances, I consider it clear that in the absence of compulsory acquisition, development of the TSDL will not come forward. Site assembly within a single ownership is necessary to deliver the strategic development of the TSDL and maximise its benefits.

5. RELATIONSHIP WITH COUNTRYSIDE

5.1 Section 5 of my Statement deals with the selection of Countryside as a suitable development partner after a competitive tender process in 2017, based on who would best deliver the comprehensive development of the TSDL, and the Development Agreement with Countryside dated 5 February 2019.

5.2 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 I deal with the construction of the Scheme in paragraphs 6.1 to 6.8 of my Statement, and Hannah Chivers also covers delivery in her Statement at paragraphs 5.29 to 5.31.

6.3 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 Heads of Terms have been agreed with: CC Projects, the Pitts Family, Seaward Properties, Bloor Homes and Southern Gas Networks - progress on acquisitions is discussed further in the statement of Peter Roberts.

7.3 Section 7 of my Statement addresses in detail the remaining objections and the Council's responses to them.

8. HUMAN RIGHTS & EQUALITY

8.1 Section 8 of my Statement deals with the consideration that has been given by the Council to the interference with the individual rights of those directly affected by the Order under the Human Rights Act 1998, and to its public sector equality duty under the Equalities Act 2010.

8.2 In light of the significant public benefits which would arise from the implementation of the Scheme as set out in my Statement, the Council does not regard the Order as constituting any unlawful interference with individual property rights.

8.3 The Council has commissioned external consultants to advise the Council on compliance with their duties under the Equality Act 2010 and an EqIA and Addenda have been produced (**CD12**). 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 The proposals for the Order Land will deliver significant economic, social and environmental benefits to the Chichester local area. As explained within my Statement, the necessary resources are in place now to deliver the Scheme within a reasonable timescale and without planning impediments.
- 9.2 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.