# TOWN AND COUNTRY PLANNING ACT 1990 AND

**ACQUISITION OF LAND ACT 1981**

# CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE, BIRDHAM) COMPULSORY PURCHASE ORDER 2023

**SUMMARY PROOF OF EVIDENCE**

# of

**MARK BRISTOW**

# on behalf of Chichester District Council

**Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950**

# Introduction

* 1. My name is Mark Bristow, and I am the Principal Affordable Housing Delivery Officer for Chichester District Council.
	2. I am the Lead Officer for Custom and Self Build, Community Land Trusts and tasked with delivering affordable housing for the District, including the monitoring of the Affordable Homes Programme. This Programme is a key part of delivering against the Councils Corporate Priority: Homes for all, and the Council’s 2019- 2025 Housing Strategy, which seeks to deliver 1000 new affordable homes over the same period, equating to 167 per annum.
	3. My evidence has sought to demonstrate that there is a compelling case in the public interest for the confirmation of this Order. The principal issues addressed in my proof are as follows:

# Housing Site

* 1. Martlet Homes (a Registered Provider) already owns the Housing Site.

# Need for affordable housing

* 1. The HEDNA suggests a need for 278 social rented homes per annum across the whole study area, with a need shown in all sub-areas.
	2. In the Manhood Peninsula, the HEDNA identifies a total need for 76 social/affordable homes for rent, per annum. This area has the lowest median household income of the five sub-areas in the study.
	3. Analysis of allocated sites and progress to date shows that for the remainder of the plan period (up to 2029) a maximum of 41 affordable rental units will be delivered. However, this compares to a demand for 76 affordable homes per annum for the next five years; illustrating a significant shortfall in affordable housing delivery.
	4. The Scheme provides 15 (100%) affordable housing dwellings on the Housing Site. All of these homes will provide housing for Social Rent.
	5. The Scheme will make a valuable contribution of Social Rented Homes towards meeting the identified need; and specifically, will assist in meeting a proportion of the need for affordable homes identified in Birdham Parish.
	6. Each of the dwellings in the Scheme will be let by Martlet Homes at a Social Rent

i.e. a ‘target rent’ determined through the national rent regime. This typically produces a rent of about 50% of market rent.

* 1. The new homes will be allocated by the Council (through a nomination agreement with Martlet Homes) with priority being given to those on the Council’s housing register with a local connection to Birdham Parish. Where no household from Birdham bids for a property, then the ‘cascade’ provisions of the Council’s Allocations Scheme will make these homes available to households on the Council’s housing register in adjacent parishes within the Council’s area.

# Access road

* 1. The proposed access road has already been fully considered and approved as part of the planning process.
	2. WSCC, as the local highway authority, in its consultation response on the initial planning application, confirmed that the proposed access road: is sufficiently wide to allow two vehicles to pass; includes speed reducing features; complies with the Manual for Streets guidance; raises no safety concerns in respect of the proposed pedestrian crossing point; and finally, will generate a low volume of vehicular traffic. For all these reasons WSCC raised no objection to the grant of planning permission for the proposed access road.
	3. Martlet Homes highways consultants have since produced an updated Transport Technical Report, which includes an updated Stage 1 Road Safety Audit. This Report concludes that the proposed access design is safe and complies with national and local design guidance.
	4. Three alternative accesses have been considered by Martlet and discussed with the Council; at Chaffers Lane, The Saltings and Westlands Lane. One of these (at Chaffers Lane) was the subject of a formal pre-application determination by the Council. All of these possible accesses have significant negative impacts. There is no satisfactory alternative means of access to the Housing Site.

# Drainage and flooding

* 1. The issues of the drainage of the Scheme, and the risk of flooding, have also already been considered and assessed as part of the planning process.
	2. As part of this process, the relevant consultees; the Council’s Drainage Engineer, and Southern Water, have confirmed that there are no concerns about the drainage of the Scheme or around any risk of flooding.
	3. As part of the planning process, a condition requiring Sustainable Urban Drainage Systems has been imposed, which will reduce runoff rates and the risk of flooding, encourage natural groundwater recharge, reduce pollutants entering watercourses, provide natural habitats and promote biodiversity.

# Planning Policy and Planning Permission

* 1. The development of the Housing Site is in conformity with the Local Plan, and the Housing Site is specifically allocated for development in the Birdham Parish Neighbourhood Plan.
	2. Planning Permission has been granted for the Scheme. In addition, development has been lawfully commenced, as evidenced by the grant of a Certificate of Lawful Development in respect of the implemented commencement works.

# Order Land

* 1. The ownership of the Order Land is unknown, with various persons claiming title to it, or rights over it.

# Attempts to acquire the Order Land

* 1. First Martlet Homes, and subsequently the Council, have made more than reasonable attempts, over a long period, to reach agreement with those persons who claim an interest or right over the Order Land. Despite this, it has not been possible to reach agreement with such persons.
	2. Even if agreement could be reached with all reputed owners (and those claiming rights) the Council would still be uncertain that it had acquired all interests and rights in the land, because of the uncertainty of the title of those owners (and others claiming rights).
	3. For this reason, the Council has concluded that it will not be possible to acquire all land interests and rights necessary to deliver the Scheme by agreement, and therefore the Scheme will not be capable of being delivered without the use of compulsory purchase powers.

# Well-being benefits

* 1. The Order will achieve the promotion and improvement of the economic, social and environmental well-being of the Council’s area.
	2. The economic well-being benefits include 15 new households to support the existing village retailers including the Post Office, Spar Store, the Shell Garage and the plant nursery and garden centre.
	3. The social well-being benefits include increasing the supply of much needed affordable housing, ensuring a mixed, balanced and sustainable community for local people and the provision of bungalows for elderly or disabled residents.
	4. The environmental well-being benefits include the delivery of modern energy efficient homes (reducing energy and fuel use and costs) and sustainable drainage solutions.

# Funding

* 1. Martlet Homes will carry out the development. It is experienced in developing affordable housing and possesses the necessary funding to complete the Scheme.

# No Physical impediments

* 1. There are no physical impediments to the implementation of the Scheme.

# Public Sector Equality Duty and Human Rights

* 1. In order to discharge its public sector equality duty the Council has carried out an Equalities Impact Assessment, and concluded that the Scheme will have an overall positive effect and deliver benefits for the local community, including those persons with protected characteristics.
	2. The Council is satisfied that the Scheme, and the Order will not infringe the rights of persons which are provided under the Human Rights Act and the European Convention on Human Rights.

# Objections

* 1. The Council has addressed each of the qualifying objections (and all other objections) and does not consider that any of these objections constitute a reason why the Order should not be confirmed.

# Conclusions

* 1. The acquisition of the Order Land is the sole impediment preventing the carrying out of the Scheme.
	2. Having regard to the matters set out in my evidence, the Council believes there is a compelling case in the public interest which justifies the proposed compulsory acquisition of the Order Land; and that the public interest in satisfying a need for Social Rented housing, is sufficiently important to justify the interference with private rights. Accordingly, the Council respectfully requests that the Order is confirmed.