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

**SUMMARY OF PROOF OF EVIDENCE OF SARAH POULTER**

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

1. **Introduction**
	1. This document summarises my Proof of Evidence written in support of confirmation of the Chichester District Council (Access track off Crooked Lane, Birdham) Compulsory Purchase Order 2023 (“**Order**”). The Order will deliver the ownership of road access (“**Order Land**”) necessary to facilitate the delivery of 15 social rented homes on land to the west of Crooked Lane (“**the Site**”).
	2. Martlet Homes Limited (“**Martlet**”), the freehold owner of the Site, are a wholly owned subsidiary of Hyde Housing Association Limited (“**Hyde**”).
2. **Background to acquisition and development of the Site for affordable housing**
	1. In December 2007 Martlet entered into a Rural Affordable Housing Partnership Agreement with Chichester District Council (“**CDC**”) to increase delivery of affordable housing in rural areas within the District. That included a provision which enabled CDC to seek approval for use of compulsory purchase powers where development of sites was prevented by lack of consent from a third party landowner.
	2. In April 2013 Martlet exchanged contracts with Mr Way, conditional on securing planning permission, for acquisition of the Site. In November 2013 planning permission was granted for the development of 15 new affordable dwellings and associated external works under reference 13/01391/FUL (“**the Development”**). That decision was not subject to a judicial review challenge. The ownership of the Site transferred to Martlet in January 2014.
	3. A contractor was appointed by Martlet in January 2014. The access track was blocked by local residents and objectors in or around February 2014 when attempts were made to access the Site.
	4. Offers were made to some of the parties who claimed rights over or title to the track (see Proof of Evidence of Virginia Blackman for further details).
	5. Martlet started to explore alternative access routes to the Site in 2015 (see section 3 of this summary for further details).
	6. In January 2016 a formal request was made by Hyde to CDC to consider use of compulsory purchase powers to acquire the Order Land.
	7. The planning permission 13/01391/FUL was due to expire in November 2016 and it was necessary for Hyde to implement the permission to preserve the ability to build out the approved development.
	8. It was necessary to vary the conditions on permission 13/01391/FUL to allow the approved development to be commenced in circumstances where access to the Site via the Order Land was being restricted. An application for variation of conditions 3, 5, 6, 8, 13, 20 and 21 was approved and a new permission issued in October 2016 under reference BI/16/01809/FUL.
	9. Pre-commencement conditions on that permission were formally discharged and initial works undertaken to implement the permission prior to the permission expiry date of 29th November 2016. A Lawful development certificate was granted under reference 17/01163/PLD on 25th July 2017 which established that the permission had been lawfully implemented and that the approved development could lawfully be carried out after that date.
3. **Alternative means of access to the Development**
	1. The three potential alternative access routes to the Site considered were:
		1. Via Chaffer Lane
		2. Via the Saltings
		3. Via Westlands Lane.
	2. Pre-application advice received from CDC in January 2018 regarding the Chaffer Lane route confirmed that that planning officers had fundamental concerns with the principle of an access road as proposed and it would be unlikely to receive officer support.
	3. None of these alternatives were considered by Hyde and it’s advisors to be feasible for a combination of reasons including legal / ownership impediments, planning and highways policy contravention and cost.
4. **Suitability of the Order Land as a means of access to the Development**
	1. The Order Land was fully assessed for its suitability as a means of access to the Development during the course of the planning application reference 13/01391/FUL. The planning and highway authorities determined that it was acceptable.
	2. A Transport Technical Note commissioned by Hyde and prepared by Ridge in February 2024, including an updated independent Stage 1 Road Safety Audit, confirms that the approved design remains safe and suitable and complies with relevant design guidance.
5. **Adequacy of drainage infrastructure**
	1. The drainage proposals for the Development were assessed during the course of the planning applications 13/01391/FUL and 16/01809/FUL and were found to be acceptable, subject to conditions.
	2. When the original application 13/01391/FUL was submitted, the response from Southern Water confirmed that there was network capacity for the Development.
	3. Ridge Consultants have confirmed via email in July 2024 [see Appendix SP16] that:
		1. due to the low level of development in the immediate area and the small size of the development, the capacity position is not expected to have changed significantly;
		2. irrespective of whether there is capacity or not, Southern Water have a duty to provide capacity at the nearest suitable connection point on their existing sewer network in line with the new connections charging regime; and
		3. the cost of upgrade works required is covered by an infrastructure charge for new properties.
	4. Drainage infrastructure is adequate for the proposed development and is not an impediment to delivery of the Development.
6. **Impact of the Development on nature**
	1. The impact of the Development on nature has been considered as part of the planning application. Natural England and the Council’s Ecologist raised no objections to the application and the permission contains various conditions which are designed to protect and conserve nature in the vicinity of the Site.
	2. The impact of the Development on nature was determined to be acceptable by the Local Planning Authority. This should not therefore constitute a reason for refusing confirmation of the Order.
7. **Hyde’s capacity, ability, and commitment to delivery of the Development.**
	1. The Development benefits from various sources of funding from Hyde, Homes England and CDC and remains financially viable.
	2. The necessary funds are in place to deliver the Development.
	3. Hyde have extensive experience of delivering and managing affordable homes in the region and have the capability and capacity to complete the Development.
	4. The completed homes will be owned, managed and maintained by Hyde, and will provide safe, secure, affordable homes for up to 61 people from CDC’s housing waiting list.
8. **Conclusion**
	1. There are no physical, legal, procedural, financial or practical impediments to delivery of the Development and I would therefore request the Secretary of State to confirm the Order.