

Chichester District Council

Special Cabinet

20 March 2023

Public Questions and Answers Sheet

Question from John Wolfenden:

With reference to the Tangmere Hub of the CPO there have been many representations made by local residents in response to the recent Local Plan 2021-2039 Consultation. Cabinet will know from these representations that many relate to the Plan being deficient in evidence to support assertions on need, size of the housing requirement, the existence of infrastructure and amenities. In addition the absence of consideration of the special Conservation status of the area 2014, the Transport links and drainage, are instances where there are a number considerations are simply absent or ignored. These issues go to the heart of compliance of the CPO. With this in mind how can this CPO be in a fit and final state for approval without serious revision to the document and a further round of representation?

Question from Coleen Ayton, Director, Saxon Meadow Ltd:

Is the Cabinet willing today to issue a written undertaking to Saxon Meadow Tangmere Ltd to pay all the professional fees that we are now facing as a direct consequence of CPO activity and provide a calculation of the estimated compensation due to the company and the resident leaseholders and a timeline for advance and final payments?

Question from Elspeth Rendall:

Given that the Council set a deadline of 5pm last Friday, 17 March for representations on the update to the Local Plan which contains material changes from the agreed 2015 plan that affect the residents of Saxon Meadow, I would like to know how could Chichester District Council process all the responses that have been submitted, over a single weekend, and provide Cabinet today, 20 March with sufficient evidence to demonstrate that all three tests set out in Section 99 of the 2012 Town and Country Planning Regulations have been satisfied, given that all three tests must be satisfied for a CPO to be permitted? Can Cabinet explain how 2 days is enough to demonstrate compliance with the principles set out in your statement of community involvement, given the scale of changes to housing in Tangmere between the 2015 plan and the draft plan? How can Cabinet make a compelling case in the public interest and comply with the Crichel Down Rules in relation to the removal of our only right of way and access into our homes and the main communal space that we depend upon, given that neither action is necessary for house building?

Answer from Cllr Taylor:

A decision on whether or not to make a compulsory purchase order is carried out within very clearly defined statutory rules. The Council is required to apply those questions

and not look beyond them. If it does, then it would be acting in a way which would be itself unlawful.

The first question the authority will need to consider is whether the acquisition of land will facilitate the carrying out of development, re development or improvement on, or in relation to the land. Secondly it will consider whether that development will contribute to the promotion or improvement of the economic, social or environmental well being of the area.

The CPO must first and foremost have regard to the Development Plan, which includes the Chichester Local Plan 2014-2029. As such any questions as to the ongoing local plan regulation 19 considerations do not go to the heart of compliance with the CPO requirements and each must be considered separately under its own legal framework. In addition, Following an Inquiry in 2021 a CPO has been confirmed over the majority of the land to which this CPO relates, the only difference being the inclusion a few minor areas of land to the north of the site, where it adjoins the access on to the A27. The principle of CPO is therefore definitively established, and consideration has been had to the matters raised in the question, previously.

In terms of compensation, Saxon Meadow Tangmere Limited is entitled to make a claim for compulsory purchase compensation after its land is compulsorily acquired. If a compensation figure cannot be agreed between the parties, it can make a reference for a determination of compensation to the Upper Tribunal Lands Chamber. Any surveyor acting on behalf of the company can advise them further on this matter.

The final compensatory amount cannot be determined at this stage, but only after the CPO 2 has been confirmed. In advance of CPO 1, the Council's surveyors directly asked the surveyor on behalf of Saxon Meadow Tangmere Limited for a proposal for his fees to advise in respect of valuation and any other heads of claim. An hourly rate was agreed with him and it was explained that an undertaking for reasonable costs would be given for fixed elements of work on him providing an estimate, but this was not received. We would anticipate giving an undertaking on the same basis, which is the standard approach in these matters as an open-ended undertaking for costs cannot be given.

Finally, it should be noted that the extent of CPO 2 in relation to Saxon Meadow involves exactly the same reduction in land area which was agreed to satisfy their objection in relation to CPO 1 which was confirmed by the Secretary of State.