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Minutes of the Special meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Monday 20 March 2023 at 9.30 am

Members Present Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

Members Absent

In attendance by invitation

Officers Present Mrs L Baines (Democratic Services Manager), Mr A Frost (Director of Planning and Environment), Miss N Golding (Principal Solicitor), Mrs D Shepherd (Chief Executive), Mr J Ward (Director of Corporate Services) and Mr T Whitty (Divisional Manager for Planning Policy)

103 **Chair's Announcements**

Cllr Lintill welcomed all those present and listening online and read the emergency procedures. She thanked the emergency services and the team from the council for their help and support following the Midhurst fire. She explained that the Economic Development team were supporting local businesses effected.

There were no apologies for absence.

104 **Declarations of Interests**

There were no declarations of interest.

105 **Public Question Time**

The following public questions and answers were read out:

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 to all three questions:

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.

106 **Tangmere Strategic Development Location - Chichester District Council (Tangmere) (No 2) Compulsory Purchase Order 2023**

Cllr Taylor introduced the item.

Mr Whitty distributed a colour copy of page 45 to members. He explained that the land indicated in purple relates to CPO1. The two parcels of land indicated in green are 19D which is National Highways interest and 19E which is Heaver interest. The remaining land indicated in pink relates to the rights of Highways. 19C, 19D and 19E are all part of the Compulsory Purchase Order (CPO) or transfer to the council as part of the process.

Cllr Briscoe asked whether if agreement were sought on section 19E whether the CPO would be required. Mr Whitty confirmed that if a legally binding obligation were signed there would be no requirement for the CPO. Mr Frost added that CPO1 expires at the end of 2024.

Cllr Wilding requested clarification of the ownership of sections 19A and 19F. Mr Whitty confirmed that National Highways had rights over both sections of land.

Cllr Wilding then requested an explanation of the link to Saxon Meadow following the public questions. Mr Whitty explained that Saxon Meadow is included in CPO2 which will include all the land that formed part of the first CPO.

Cllr Plant asked what the financial risk to the council would be. Mr Whitty explained that the risk is that the council would be liable for the costs of Countryside to date.

Cllr Plant then requested clarification on the funding cap. Mr Whitty explained that it is the amount agreed to reimburse the Council's CPO related costs and is part of the Development Agreement agreed by the Council's development partner, Countryside Properties.

Cllr Dignum requested clarification on whether the negotiations have to conclude in the three year period of the CPO. Mr Frost confirmed that CPO1 is due to expire at the end of the three years and the council would need to acquire the land during that time unless a further CPO was in place.

In a vote the following recommendations to Council and resolution were agreed:

RECOMMENDATIONS TO COUNCIL:

The Cabinet recommends to Council that, following consideration of this report:

- (1) the Council authorises the use of Compulsory Purchase powers as set out in Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire the Order Land identified within Appendix C, and in particular that the Council makes the Order;**
- (2) the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to:**
 - a. settle the final form and content of the Order and all associated documentation and take all action needed to pursue the Order and secure its confirmation;**
 - b. negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections or undertakings not to enforce the Order on specific terms including where appropriate removing land or rights from the Order or to request the modification of the Order by the Secretary of State;**
 - c. implement the Order powers following confirmation of the Order and so acquire title to and/or take possession of the Order Land; and;**

RESOLVED

That Cabinet notes the revised timetable in Table 1 of Section 6 of the Report.

107 **Late Items**

There were no late items.

108 **Exclusion of the Press and Public**

There was no requirement to exclude the public or press.

The meeting ended at 10.02 am

CHAIRMAN

Date:

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