

THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

CHICHESTER DISTRICT COUNCIL (TANGMERE)

COMPULSORY PURCHASE ORDER 2020

STATEMENT OF REASONS FOR MAKING THE ORDER

Contents

1.	Introduction	1
2.	Description of the Order land, its location, present use and ownership	3
3.	Enabling power	4
4.	Purpose of Compulsory Acquisition	5
5.	Justification for Compulsory Acquisition	5
6.	Scheme Delivery	10
7.	Procedural Matters	12
8.	Human Rights	15
9.	Public Sector Equality Duty	15
10.	Acquisition by Agreement	17
11.	Conclusion	176
12.	Inquiries Procedure Rules	176
13.	Additional information	18
Appendix 1	Error! Bookmark not defined.	
(Landowner Plan)	Error! Bookmark not defined.	
Appendix 2		19
(Order Maps)		19
Appendix 3		20
(Core Document List)		20

DRAFT

Chichester District Council (Tangmere) Compulsory Purchase Order 2020

1. Introduction

- 1.1 On [DATE] Chichester District Council (the "Council") made the Chichester District Council (Tangmere) Compulsory Purchase Order 2020 (the "Order").
- 1.2 The Order has been made pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended).
- 1.3 The Council made the Order to enable it to acquire the land interests required to proceed with the development of land at Tangmere, including land within the Tangmere Strategic Development Location ("TSDL"). The land ("the Order Land") is identified within the schedule to the Order ("the Schedule") and on the map accompanying the Order ("the Order Map"). The details of known ownership of relevant interests in the Order Land are summarised within Section 2 below. The Order Land also includes land in unknown ownership, or land reputed to be in unknown ownership.
- 1.4 The following terms are used in this Statement:

1981 Act	Acquisition of Land Act 1981.
1990 Act	Town and Country Planning Act 1990.
Council	Chichester District Council of East Pallant House, Chichester, West Sussex, PO19 1TY.
Countryside	Countryside Properties (UK) Limited of Countryside House, The Drive, Brentwood, Essex, CM13 3AT.
Compensation Code	The principles set out in Acts of Parliament, principally the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004 supplemented by case law, relating to compensation for compulsory acquisition.
District	The administrative area of the Council.
Emerging Local Plan	Chichester Local Plan Review 2016-2035 – Preferred Approach (December 2018).
EqIA	An Equalities Impact Assessment prepared by Mott MacDonald and dated 7 th February 2020.
EqIA Addendum	An addendum to the EqIA prepared by Mott MacDonald and dated July 2020.
Guidance	The guidance issued by the Ministry of Housing, Communities and Local Government entitled "Guidance on

	<p>Compulsory purchase process and The Criche Down Rules" (July 2019).</p> <p>In this document, the expression "Guidance" also refers to guidance issued by the Ministry of Housing Communities and Local Government relating to the COVID 19 pandemic and the making of compulsory purchase orders.</p>
Local Plan	The Chichester District Council Local Plan "Chichester Local Plan: Key Policies 2014-2029", adopted by the Council on 14 July 2015.
Neighbourhood Plan	The Tangmere Neighbourhood Plan 2014-2029, "made" by the Council on 19 July 2016.
NPPF	The National Planning Policy Framework (February 2019).
NPPF (2012)	The National Planning Policy Framework (March 2012).
OAN	Objectively assessed housing need
Order	Chichester District Council (Tangmere) Compulsory Purchase Order 2020.
Order Land	Land identified within the schedule to the Order which refers to the Order Map.
Order Map	The map accompanying the Order which identifies the Order Land.
PSED Statement	Statement as to compliance with the Council's Public Sector Equality Duty, dated [DATE]
Schedule	The schedule to the Order
Scheme	The development of the TSDL to deliver at least 1,000 homes (consistent with the figure identified in the Local Plan) and up to 1,300 homes (consistent with the figure identified in the Emerging Local Plan), associated infrastructure, school, open space and community facilities.
Secretary of State	Secretary of State for Housing, Communities and Local Government.
Statement	This Statement of Reasons prepared in support of the Order
TSDL	The Tangmere Strategic Development Location as identified within the Chichester Local Plan: Key Policies 2014 – 2029.

1.5 This Statement of Reasons (the "Statement") has been produced in accordance with the Guidance.

2. Description of the Order land¹, its location, present use and ownership

2.1 The Order Land comprises an area of approximately 76 hectares, located to the west of the village of Tangmere, West Sussex, south of the A27. The land is shown coloured pink on the Order Map.

2.2 The Order Land is predominately used for agricultural purposes, and is separated into fields. There is a natural fall in level from north to south.

2.3 The Order Land does not include any areas designated for nature conservation, Sites of Special Scientific Interest, Special Areas of Conservation or Special Protection Areas. No part of the Order Land comprises an Area of Outstanding Natural Beauty or Local Landscape Area, and the land does not include any World Heritage Site, Registered Battlefield, Listed Buildings or Registered Parks or Gardens.

2.4 The Order Land is entirely within the administrative area of the Council.

Ownership of the Order Land

2.5 The Schedule to the Order identifies those parties understood to have an interest in the Order Land. The Schedule has been prepared based on information gathered through inspection of Land Registry title documents, site inspections and enquiries, and the responses to notices issued under sections 172-179 of the Housing and Planning Act 2016. The Order Land is described in summary below by reference to the numbered Plots shown on the Order Map. Appendix 1 of this Statement contains a Landowner Plan indicating the locations of the larger landowner interests within the Order Land.

2.6 In summary, the Order Land comprises the following:

Plots 2, 3, 4 and 16: the "Heaver Land"²

2.7 Plot 16 is a large section of farmland comprising two fields to the north of the Order Land of approximately 223,475 square metres in area running adjacent and to the south of the A27. Land Registry records indicate that this land is in the process of being transferred and registered to Bosham Limited and Shopwyke Limited from Herbert George Heaver and Shelagh Heaver. Bosham Limited and Shopwyke Limited are two companies over which John Philip Heaver and Shelagh Clare Richardson have significant control and are both Directors.

2.8 Plots 2, 3 and 4 are together a section of farmland to the south east of the Order Land of approximately 11,708 square metres in area. Land Registry records indicate that Plot 2 is the process of being transferred and registered to Bosham Limited and Shopwyke Limited from Herbert George Heaver and Shelagh Heaver; Plot 3 is in the process of being transferred and registered to Bosham Limited and Shopwyke Limited from Herbert George Heaver. Plot 4 is owned by Bosham Limited and Shopwyke Limited.

Plots 15 and 17: the "CS East / CS South Land"

¹ Section to be checked once Persona Land Refresh Complete.

² Once Persona Land Refresh Complete, it may be that this needs to be changed to "Bosham Ltd and Shopwyke Ltd Land" and references to "Heaver Land" removed since Heaver may have completed all transfers to these companies.

- 2.9 Together, Plots 15 and 17 are a section of land approximately 1 metre in width and approximately 1,321 square metres in area on the southern and eastern edges of Plot 16. Plot 17 is within the ownership of CS East Limited and Plot 15 is within the ownership of CS South Limited.

Plots 5, 6, 13 and 14: the "Pitts Land"

- 2.10 Together, Plots 5, 6, 13 and 14 comprise sections of farmland of approximately 262,375 square metres in area, crossing the Order Land from the western boundary of the Order Land to the Tangmere Road. Plot 6 is within the ownership of Deirdre Jane Pitts, Michael Williams Pitts, Diana May Pitts and Valerie Ann Young. Plots 5, 13 and 14 are within the ownership of Andrew John Pitts.

Plots 9, 10, 11 and 12: the "Church Commissioners Land"

- 2.11 Plots 9, 10, 11 and 12 form together a large section of farmland in the south east of the Order Land comprising 257,290 square metres in area. Plots 9, 10, 11 and 12 are within the ownership of the Church Commissioners for England.

Plot 18 the "Highways Land"

- 2.12 Plot 18 is a section of land approximately 30 square metres in area in the ownership of Highways England Company Limited which does not form part of the highway adjacent to the A27 roundabout. Countryside is engaging with Highways England Company Limited to acquire this land voluntarily, or to secure that it will become adopted highway through the s.278/s.38 process as part of highway works required for the Scheme.

Plot 7

- 2.13 Plot 7 is an area of land of approximately 60 square metres in area located on the edge of Plot 6 where registered title plans show overlapping between the ownership of Deirdre Jane Pitts, Michael Williams Pitts, Diana Mary Pitts and Valerie Ann Young (forming part of the title of Plot 6) and Saxon Meadow Tangmere Limited.

Plot 8

- 2.14 Plot 8 is a section of open land of approximately 6,791 square metres in area adjacent to the Saxon Meadow Estate. Plot 8 is currently owned by a limited company which is in administrative receivership.

3. **Enabling power**

- 3.1 Under Section 226(1)(a) of the 1990 Act, a local authority may be authorised to acquire compulsorily any land within its area, if it considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The power under section 226(1)(a) is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals within its Local Plan or where strong planning justifications for the use of the power exist.

- 3.2 A local authority must not exercise the power under section 226(1)(a) of the 1990 Act unless it considers that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- (a) the promotion or improvement of the economic well-being of its area;
- (b) the promotion or improvement of the social well-being of its area; and

- (c) the promotion or improvement of the environmental well-being of its area.

4. Purpose of Compulsory Acquisition

- 4.1 The Council's purpose in acquiring the Order Land is to facilitate strategic housing delivery on the TSDL. In this regard the Council, in conjunction with its development partner, will use the Order Land to bring forward the Scheme.
- 4.2 The Scheme will comprise a residential-led mixed-use development comprising up to 1,300 homes, an expanded village centre (comprising units suited to A1, A2, A3, A4, A5 and B1(a)), community facilities, education facilities, open space and green infrastructure.
- 4.3 At this stage, the level of development that will be proposed within the Outline Planning Application has not been finalised. However, as set out within the Environmental Impact Assessment Scoping Report that was submitted to the Council by Countryside on 23 July 2019 (CDC ref. 19/01913/EIA), the maximum quantum of development that would be proposed as part of the Scheme is as follows:
- Units suited to A1, A2, A3, A4, A5 and B1(a) – up to 1,000sqm;
 - C3 (residential) – up to 1,300 dwellings;
 - D1 (education) – 2.89 ha primary school plus early years provision; and
 - D2 (assembly and leisure) – approximately 1,100sqm³.
- 4.4 It is proposed to deliver 30% of the new homes in the form of affordable housing, in accordance with the Local Plan.
- 4.5 For the purposes of any analysis regarding the extent of development to be disregarded in the 'no scheme world', such development is the Scheme as defined in this Statement, for which the Order is being promoted.

5. Justification for Compulsory Acquisition

Need for Scheme delivery

Delivery of housing within the Local Plan area

- 5.1 Policy 4 of the Local Plan makes provision for the Council to deliver 7,388 homes over the period 2012-2029 (equivalent to c.435 dwellings per annum ("dpa"). This housing target falls short of the Council's objectively assessed need ("OAN") as identified in the 'Review of Objectively Assessed Housing Need in light of 2012-based Subnational Population Projections' (August 2014) which identifies an OAN of 560-575 dpa in the District. Paragraph 7.4 of the Local Plan sets out that part of this identified housing requirement for the District has been met in the South Downs National Park, which lies outside the Local Plan area and that housing delivery in the National Park area of the District averaged around 70 dpa. Based on this assumption, the remaining OAN for the Local Plan area was estimated to be 505 dpa. The Local Plan was unable to meet the full OAN of 505 dpa due to key infrastructure constraints, including uncertainty about transport and wastewater treatment infrastructure provision. The target of c.435 dpa was based on the level of housing that could be realistically and sustainably delivered within the period, having regard to the identified constraints in the

³ A new Planning Use Classes Order comes into force on 1st September 2020 and therefore the use classes (but not the nature and/or scale of the proposed development) will require updating.

Local Plan area, the evidence base prepared to support the Local Plan and potential development capacity. It is therefore essential that, as a minimum, the Council meet the housing target identified in the Local Plan.

5.2 Of the 7,388 homes provided for in the Local Plan, 3,250 are to be provided at the Strategic Development Locations allocated at West of Chichester, Shopwyke, Westhampnett/North East Chichester and Tangmere. Delivery of housing on all of the Strategic Development Locations in the Local Plan (including the TSDL) is therefore essential to ensure that there is no shortfall in meeting the housing target set out in the Local Plan.

5.3 At 1,000 homes, the TSDL is the second largest allocation in the Local Plan and represents approximately 14% of the total housing need for Local Plan area for the period 2012-2029 and 31% of the total housing to be provided within the Strategic Development Locations. Development of the TSDL is therefore critical to delivery of the Council's housing target.

East-West Corridor

5.4 The East-West Corridor is the Council's main focus for new development in the Local Plan. The East-West Corridor has an emphasis on consolidating and enhancing the role of Chichester City as the District's main centre, whilst also developing the role of key settlements to its east and west, most notably Southbourne and Tangmere, to help to relieve pressure on the city and take advantage of access to jobs and services to the east and west of the District.

5.5 It is proposed that the East-West Corridor (which includes the TSDL) will provide 6,156 homes during the Local Plan period.

5.6 The vision for the East-West Corridor proposes that the village of Tangmere will grow and develop its role as a 'settlement hub' by widening the range and improving the quality of public open space, leisure and community facilities for the local area. The vision seeks to significantly enhance the village's range of facilities to the benefit of the local community through the development of new homes and workspace.

The importance of the TSDL

5.7 Paragraph 2.7 of the Local Plan notes that Tangmere hosts a number of local businesses and has some dispersed community facilities including shops and a medical centre, but that it currently lacks many of the amenities and services normally associated with a settlement of its size.

5.8 Accordingly, Policy 18 of the Local Plan allocates the TSDL for mixed development, comprising 1,000 homes, community facilities, open space and green infrastructure. The TSDL is the only housing allocation at Tangmere in the Local Plan.

5.9 The Scheme therefore plays a significant role in addressing the need for new housing across the Local Plan area and makes a significant contribution to the objectives of the Local Plan. In particular:

- (a) delivering the vision for the East-West Corridor;
- (b) assisting with the need to relieve pressure on Chichester city;
- (c) addressing local needs for both market and affordable housing;
- (d) providing enhanced amenities and services for existing and future residents of Tangmere;

5.10 The fact that the Council's adopted Local Plan, even in the event of comprehensive delivery, does not in fact meet its full OAN (for the reasons set out in Paragraph 5.1 above) means it is imperative that each and every allocated site come forward. In this regard the housing trajectory set out in the Local Plan in 2015 envisaged that delivery of homes at the TSDL

would commence from 2019/2020 onwards. Failure to deliver homes on the site within the Plan period would mean a very significant shortfall in housing delivery.

- 5.11 The need for new development at Tangmere is further emphasised by the Council's proposals in the Emerging Local Plan (details of which are set out at Paragraphs 7.14 to 7.16 below) to increase the scale of development at the TSDL from 1,000 to 1,300 homes).

Benefits of Scheme

- 5.12 The Scheme will contribute to, and deliver extensive benefits in respect of, the economic, social and environmental wellbeing of the District. Taken as a whole, it will make a significant contribution to the Council's vision for its Local Plan area and the Settlement Hubs within it (one of which is Tangmere). The Local Plan anticipates that the role of Settlement Hubs as key local centres is to provide a range of homes, workplaces, social and community facilities and the Scheme is a major contributor to those aspirations for Tangmere and its surrounding area.
- 5.13 In particular, as regards economic matters, the provision of the substantial new housing anticipated by the Scheme will not only create and support jobs in the construction sector but will also result in an increase in local population, bringing with it enterprise, labour, wealth and income all of which are necessary for economic prosperity. The resultant neighbourhood of approximately 2,800 residents (depending on the eventual outcome of the master-planning exercise and planning process) will contribute to the viability and vitality of Tangmere village centre and nearby town centres.
- 5.14 In terms of social issues, the Plan area currently has a clear need for additional housing and a requirement to diversify housing tenures within Tangmere. Delivery of the Scheme on the Order Land will contribute very significantly towards meeting housing targets, providing both market and affordable units. The development of balanced and mixed residential housing stock will retain and attract a wide diversity of population, ensuring a mixed, balanced and sustainable community. Provision of infrastructure associated with the residential development, including the school, open space and community facilities, will also make a material contribution to social wellbeing and a sense of community. Part of the Council's Local Plan vision is to promote and provide sustainable communities served by appropriate infrastructure and facilities and the Scheme makes a significant contribution to that vision for Tangmere.
- 5.15 In terms of environmental wellbeing, the Scheme offers the opportunity for on-site habitat creation in accordance with the Local Plan. Wastewater from the Scheme will drain via the Tangmere Wastewater Treatment works, which discharges into the Aldingbourne Rife, avoiding discharge into Chichester Harbour and the attendant environmental issues associated with it.
- 5.16 Further, the Scheme's delivery of modern, energy efficient homes in a well-planned development which incorporates open-space and sustainable drainage solutions will represent an environmental benefit. Such strategic development of land which has been identified for development through the Council's Local Plan process will also reduce pressure for development on other, less suitable sites.
- 5.17 Finally, the expansion of Tangmere, to include new housing and the provision of a range of community infrastructure will improve and enhance the sustainability of Tangmere as a Settlement Hub, reducing the need for residents to travel further afield for those facilities and services and providing the opportunity for the provision of improved local public transport services and cycle connectivity to Chichester and other surrounding settlements.

Need for Order to ensure Scheme delivery

Strategic Development Locations and the requirement for comprehensive development

- 5.18 Policy 7 (Masterplanning Strategic Development) of the adopted Local Plan emphasises the need for the strategic development locations to come forward comprehensively, stating that:

“Development of the strategic locations identified in the Local Plan will be planned through a comprehensive masterplanning process. Preparation of masterplans will involve the active participation and input of all relevant stakeholders, including the Council, landowners, developers, the local community, service providers and other interested parties. Masterplans will be developed in consultation with the Council prior to the submission of a planning application.”

- 5.19 Supporting paragraph 7.33 of Policy 7 also states that:

“The strategic development locations will be planned and designed to a high standard as sustainable mixed communities, well integrated with existing settlements and neighbourhoods. The strategic developments also offer opportunities to expand and enhance local infrastructure and facilities for the wider Plan area. To achieve these objectives, development will be planned in a coordinated way through a comprehensive masterplanning process...”

- 5.20 Policy 18 (Tangmere Strategic Development Location) confirms that development will be masterplanned in accordance with Policy 7.

Infrastructure requirements of the TSDL

- 5.21 The TSDL is allocated for development in the Local Plan and is a proposed allocation in the Emerging Local Plan. The Neighbourhood Plan provides a set of development principles for the TSDL that have informed the Masterplan Document. Between them, these documents identify various infrastructure requirements that the TSDL is expected to deliver, both on- and off-site, including:

- On-site primary school provision;
- New or expanded community facilities (possibly including a new village centre) providing local convenience shopping (referred to as the ‘Village Main Street’ in the Neighbourhood Plan);
- Small-scale business uses;
- Green links to the South Downs National Park and Chichester City;
- Primary road access from the slip-road roundabout at the A27/A285 junction to the west of Tangmere providing a link with Tangmere Road (referred to as the ‘North-South Link Road’ in the Neighbourhood Plan);
- Provision for improved more direct and frequent bus services between Tangmere and Chichester city, and improved and additional cycle routes linking Tangmere with Chichester city, Shopwyke and Westhampnett;
- Provision for the expansion or relocation of the Tangmere Military Aviation Museum; and
- New public open space including a Community Orchard / Garden / Allotment and a new Public Park comprising sufficient space to include a children’s play area, recreational area, sports pitches and an outdoor sports pavilion.

Why comprehensive development of the TSDL is required

- 5.22 It is imperative that development comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development, and to guarantee that such infrastructure will be delivered in a cohesive and co-ordinated manner.

Comprehensive development is also necessary if best and most efficient use is to be made of the TSDL, and delivery of residential development maximised.

5.23 Piecemeal development would be prejudicial to the proper future development of the TSDL, and would not accord with the policies in the adopted Local Plan. Concerns in this regard include the following:

- **Highways and Access:** There is a need to ensure a coordinated and connected approach to the delivery of the North-South Link Road, which, by its nature, will need to traverse land controlled by all three current principal landowners. Piecemeal development may result in the delivery of sections of road in different manners, or not at all. A co-ordinated approach is fundamental to the delivery of the Scheme given the lack of potential vehicular connection points into the existing village and the constrained nature of Malcolm Road;
- **Public Transport:** A comprehensive approach to development is required to enable the proper integration of public transport opportunities into the TSDL, in particular enabling the extension of existing bus services into the site in a practical and commercial manner;
- **Public Open Space:** Comprehensive development is also required to ensure adequate provision of open space, education and community facilities across the site as a whole. The Neighbourhood Plan requires parts of the TSDL to be provided as open space (including sports pitches and allotments, which includes the relocation of existing allotments onto the TSDL to facilitate the expansion of the Tangmere Military Aviation Museum) and the failure to deliver these is a significant risk to the comprehensive delivery of the TSDL;
- **Services:** Capacity of incoming services to serve the wider Scheme and not just individual developed parcels is required, this would be at risk were there delivery on a piecemeal basis by different developers;
- **Sustainable Drainage Systems (“SuDS”):** the provision of SuDS drainage may not be delivered appropriately in the event of piecemeal development. Any independently delivered drainage strategy in the absence of a comprehensive drainage strategy may result in a higher proportion of the TSDL being required for retention basins and subsequent inefficient use of land, which would, in addition to conflict with the Local Plan, not align with the relevant requirements of the NPPF;
- **EIA:** A comprehensive outline application for the Scheme will require an Environmental Impact Assessment (EIA) as the project meets the spatial criteria within Schedule 2 10 (b) of the Town and Country Planning (EIA) Regulations, 2017 (as amended). Given the degree of functional interdependence required due to the TSDL’s allocation if the site were to come forward via piecemeal development, a separate EIA could be required for each individual parcel / planning application, to guard against ‘salami-slicing’. In this circumstance any planning applications for individual parcels that were not accompanied by an Environmental Statement would be subject to further delays to allow for an EIA to be undertaken;
- **Transport Assessment:** Similar to the EIA process, if the development were to come forward via separate piecemeal applications, the Transport Assessments for each application would need to assess the cumulative impact of the development as a whole, and the prospect of these coming forward under a single agreed methodology is unlikely.

5.24 A piecemeal approach could render some parcels unviable, resulting in the risk that the TSDL fails to come forward in its entirety and fails to provide the necessary infrastructure required. By taking a piecemeal approach, it is highly unlikely the TSDL would deliver the 1,000 homes identified in the Local Plan, or the requirements of the Emerging Local Plan (when adopted).

Failure to deliver the TSDL to date

- 5.25 The Council has sought to encourage delivery of comprehensive development of the TSDL over a number of years, but no material progress has been made.
- 5.26 Throughout the formulation of the Local Plan (from its earliest stages in 2010 and thereafter), the Council was assured by the landowners and site promoters of the Order Land that there was a commitment to jointly deliver the residential development and the requisite infrastructure in a coordinated way, initially through the production of a masterplan and then a single subsequent outline planning application. However, no material progress was made prior to the adoption of the Local Plan in 2015, and since that date – unlike other strategic development locations allocated in the Local Plan which have been progressed, or are progressing – there has again been no material progress in terms of comprehensive delivery of the TSDL.
- 5.27 In this regard, the Council is aware that landowners have not been able to agree mutually acceptable commercial terms, which has proved a major barrier to development coming forward.
- 5.28 As a consequence, to date the only proposals to bring forward development at the TSDL by any of the existing landowners, have comprised suggestions that development be brought forward on individual land ownerships, on a piecemeal basis. For the reasons set out above, such proposals are not acceptable, and would not be consistent with the Council's objectives. The Council believes that there are no credible alternatives to compulsory purchase to achieve delivery of the Scheme in accordance with the Local Plan.
- 5.29 Despite discussions between the Council and the landowners having commenced as early as 2010, when proposals for the development of what is now the TSDL were first considered, landowners and site promoters have not been able to work together to deliver development. Indeed, no meaningful proposals have been progressed, despite numerous assurances that a masterplan was in preparation and that all landowners were committed to progressing the TSDL in a policy compliant fashion.
- 5.30 The Council has, on various occasions, requested to be advised of any collaboration agreement or timeframe for bringing forward the entire TSDL for delivery of housing and infrastructure in accordance with the Local Plan. As at the date of this Statement, the Council is not satisfied that the landowners are willing and able to work together to deliver the comprehensive development of the TSDL within any acceptable timeframe. In this regard, as noted above, the Council's housing trajectory as contained in the Local Plan anticipated delivery of dwellings at the TSDL from 2019/20 onwards. In view of this position, the Council considers the TSDL to be a stalled development site.
- 5.31 The Council considers that the compulsory purchase power conferred by Section 226 of the 1990 Act, insofar as it is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals within their Local Plan, was created for use in circumstances just such as these.

6. Scheme Delivery

Development Partner

- 6.1 Through a competitive tender process, Countryside Properties (UK) Limited ("Countryside") was selected as the Council's development partner to bring forward and facilitate the residential-led development of the TSDL.
- 6.2 Countryside is a major housebuilding and urban regeneration company with over 60 years' experience. The company has a track record in delivering large scale residential led schemes in London and the South East, the Midlands and the North West of England. This has included several garden village developments providing between 1,000 and 3,600 residential units,

including where compulsory purchase powers have been exercised to bring forward and deliver schemes.

- 6.3 In the year 1 October 2018 – 30 September 2019, Countryside completed on a total of 5,733 homes, comprising a mix of private, affordable and PRS (Private Rented Sector).
- 6.4 Countryside, as the main trading entity of Countryside Properties PLC ("CPPLC"), can call on its parent company for further lending support if necessary. In February 2016, CPPLC raised £130 million of new capital as part of its initial public offering and secured a group revolving credit facility of £300 million, which is available until May 2023. As at 30 September 2019, the net assets of CPPLC were £899.1 million and for the financial year ended 30 September 2019, CPPLC delivered adjusted revenue of £1,422.8 million and adjusted operating profit of £234.4 million.
- 6.5 Therefore, Countryside's strong financial position provides the company with the flexibility necessary for implementing compulsory purchase order projects such as the Scheme.
- 6.6 The Council is satisfied that Countryside has sufficient resources and if required can obtain sufficient funding for both acquiring the Order Land and implementing the Scheme, both presently and during the compulsory acquisition process.

Development Agreement

- 6.7 A development agreement between the Council and Countryside was completed on 5 February 2019 and a supplemental agreement varying the development agreement in order to reflect the latest Order Map was entered into on 3rd April 2020.
- 6.8 The development agreement provides an indemnity for the Council's costs of bringing and making the Order, the acquisition of the land and the payment of compensation, together with securing planning permission and implementing the Scheme within an agreed programme. It also requires Countryside to prepare an outline planning application for the delivery of the TSDL, which is currently being prepared.

Timetable for delivery

- 6.9 Pre-application intrusive and non-intrusive surveying works over the extent of the TSDL were undertaken by Countryside during Spring and Summer of 2019.
- 6.10 Following the Council's endorsement of the Masterplan Document in January 2020 and the making of the CPO, it is anticipated that the outline planning application for the Scheme will be submitted in October 2020, targeting a resolution to grant in March 2021.
- 6.11 Once the CPO has been confirmed, the Council will take possession of the entirety of the Order Land within 6 months. Once the Order Land has been transferred to Countryside, the s.106 Agreement will be completed with outline planning permission to follow.
- 6.12 Following the grant of outline planning permission, the Scheme will be built in phases, each requiring a reserved matters consent application. The first reserved matters application(s) will likely relate to the key strategic infrastructure required for the Scheme, including the north-south link road, principal areas of public open space and strategic landscaping.
- 6.13 The site preparation works associated with the development of the Scheme will be phased, with initial works anticipated to commence in 2022. This enables infrastructure and construction to commence in 2023. It is expected that the first homes would be completed and available for occupation within 12-18 months of starting on site.

Viability of Scheme

- 6.14 The Council has considered the financial viability of the Scheme and has obtained external, independent viability advice from a firm of leading real estate practitioners in order to satisfy

itself that the Scheme is and remains viable. Given the impact of COVID 19 on global markets and the UK economy, the Council has obtained updated valuation advice (as at July 2020) and the position remains that the Scheme is viable. Having reviewed this advice, the Council is satisfied that the Scheme is and remains financially viable.

7. Procedural Matters

- 7.1 Subject to the confirmation of the Order to enable site assembly to be achieved, the Council considers there are no procedural impediments to delivery of the Scheme.

The Planning Position

- 7.2 Planning permission has not yet been granted in respect of the Scheme. As outlined above, Countryside anticipate submitting an application for outline planning permission in respect of the Scheme in October 2020.
- 7.3 A Planning Performance Agreement was signed between the Council and Countryside on 15 May 2019. This provides for the provision of pre-application advice, masterplanning preparation and the timely consideration of an outline planning application for the Scheme.
- 7.4 As part of the pre-application process, a masterplan (“Masterplan Document”) has been prepared by Countryside to outline how the Scheme can be brought forward and comprehensively developed in accordance with the Local Plan, Tangmere Neighbourhood Plan and emerging Local Plan. This Masterplan Document sets out Countryside’s broad approach to the future development of the TSDL and explains how this approach has evolved, including following extensive engagement with the Council, Tangmere Parish Council, the local community and other key stakeholders, as well as a range of technical site assessment work. It focuses on the key features and principles of the Scheme, which have been designed in accordance with national and local planning policy and have culminated in the Masterplan Document.
- 7.5 The Masterplan Document was submitted to and validated by the Council on 15 November 2019 (ref. 19/02836/MAS). It was consulted on by the Council and was endorsed by the Council’s Planning Committee on 8 January 2020.
- 7.6 The Masterplan Document is intended as a ‘stepping-stone’ between the existing allocation and the outline planning application. It is imperative that development of the TSDL comes forward comprehensively in order to provide certainty over delivery of the infrastructure requirements for the planned residential development. This will ensure that the necessary infrastructure can be delivered in a cohesive and co-ordinated manner. It is therefore intended that the scheme will be delivered via a single outline planning application. It is anticipated that the Scheme will be consistent with planning policy at both a national and a local level, and there is no reason to believe that planning permission will not be forthcoming. In this regard the policy is position is summarised below.

National Policy

- 7.7 The NPPF promotes a presumption in favour of sustainable development.
- 7.8 The strategic objectives of the NPPF are to support economic growth, achieve a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities. The NPPF also supports the highest standards of architectural and urban design.
- 7.9 The TSDL is allocated for development in accordance with the Local Plan, which was examined against the relevant provisions of the NPPF (2012) and found to be sound. The Emerging Local Plan will be assessed against the most up to date version of the NPPF when submitted for examination. The development of the TSDL complies with the core principles of

the NPPF and represents sustainable development in accordance with the prevailing national policy.

- 7.10 Paragraph 72 of the NPPF recognises that housing supply can sometimes be best achieved through planning for larger scale development, such as significant extensions to existing villages. The delivery of the Scheme will make a significant contribution to the housing supply for the Local Plan area, as well as satisfying the NPPF's requirement for plans to deliver a sufficient supply of homes. Residential development on the TSDL also has an important role to play in contributing to the development and vitality of Tangmere village centre, in accordance with paragraph 85 of the NPPF. The policy objectives of comprehensive development of the TSDL, including securing the necessary infrastructure, community facilities, services, and open space provision accord with the NPPF's principle of promoting healthy and safe communities and underpin the content of the Masterplan Document, which are being carried forward into the outline planning application.

Local Plan

- 7.11 The land is currently allocated within the Local Plan, and has been a site formally allocated for residential housing development since the adoption of the Local Plan in 2015. Previous to this the site was identified for residential development in 2010 within the Council's "Focus on Strategic Growth Options" consultation document. This document was a consultation document considering potential options for significant growth within the District and accordingly formed part of the early stages in preparation for the formulation of the Local Plan
- 7.12 Specific policy considerations can be summarised as follows
- Policy 2 (Development Strategy and Settlement Hierarchy) of the Local Plan identifies Tangmere as being capable of accommodating further sustainable growth to enhance and develop its role as a settlement hub.
 - Policy 4 (Housing Provision) states that strategic development locations are allocated in the Local Plan to accommodate 3,250 homes over the Local Plan period.
 - The TSDL is identified within Local Plan Policy 18 for the delivery of 1,000 homes and associated infrastructure including a school, open space and community facilities.
 - Policy 7 ('Masterplanning Strategic Development') confirms that development of the strategic locations identified in the Local Plan (including the TSDL) will be planned through a comprehensive masterplanning process, which will involve the active participation and input of all relevant stakeholders.

- 7.13 As above, a Masterplan Document for the TSDL has been produced by Countryside and endorsed by the Council, in accordance with Policy 7. An outline planning application to be submitted by Countryside will seek permission for up to 1,300 homes and associated uses to reflect the proposed increase in the Emerging Local Plan, thus also ensuring the delivery of the 1,000 homes allocated in the current Local Plan. The outline planning application is being prepared to comply with all other relevant policy requirements within the Local Plan. The Scheme will realise the objectives of relevant policy as contained in the Local Plan.

Emerging Local Plan

- 7.14 The Local Plan is currently under review. The Council consulted on the Chichester Local Plan Review 2016 – 2035 Preferred Approach plan between December 2018 and February 2019. The Emerging Local Plan currently contains proposals for at least 12,350 dwellings during the period 2016 – 2035, equivalent to c.650 dpa. The Emerging Local Plan also proposes to meet unmet housing need arising from that part of the District lying within the South Downs National

Park. This comprises 41 dpa out of the total 650 dpa. At least 4,400 dwellings are proposed to come forward from strategic allocations, including the TSDL.

- 7.15 The Emerging Local Plan includes draft policies which are relevant to the TSDL. Draft Policy S3 (Development Strategy) includes Tangmere on a list of Strategic Development Locations to help achieve sustainable growth. Draft Policy AL14 (Land West of Tangmere) proposes to allocate land to the west of Tangmere for residential-led development of a minimum of 1,300 dwellings. Draft Policy S32 (Design Strategies for Major Development Sites) requires proposals for housing allocations and major development sites to be accompanied by a site-wide design strategy that includes a masterplan.
- 7.16 As above, a Masterplan Document for the TSDL has been produced by Countryside and endorsed by the Council, in accordance with draft Policy S32. The outline planning application will seek permission for up to 1,300 homes and associated uses in accordance with draft Policy AL14, and will have due regard to other detailed emerging policies as material considerations in the determination of the planning application, albeit the Emerging Local Plan only carries limited weight at present. The Scheme would therefore realise the objectives of relevant policy as contained in the Emerging Local Plan.

Neighbourhood Plan

- 7.17 The Tangmere Neighbourhood Plan was 'made' on 19 July 2016 and forms part of the development plan. The Neighbourhood Plan includes a concept statement for the development and will inform the masterplanning process. The vision of the Neighbourhood Plan is a "one village" concept to unite and integrate the existing Tangmere village with the new development. In line with Policy 2 (Strategic Housing Development) of the Neighbourhood Plan, this identifies the land as a Strategic Development Location and sets out the requirement for the provision of 1,000 new homes, new community facilities, a main village street, new open space and green infrastructure.
- 7.18 The Framework Masterplan has been designed to comply with the requirements of the Neighbourhood Plan Policy 2 and also has regard to Policy 7 (Land to the West of Malcolm Road) given the Neighbourhood Plan's expectation that this land is considered as part of the TSDL masterplan. The Scheme would therefore realise the objectives of relevant policy as contained in the Neighbourhood Plan.

Other Consents

Works to Existing Highways

- 7.19 Where works are required to existing highways, Section 278 agreements will be entered into with Highways England for any works relating to the strategic road network or West Sussex County Council as the local highway authority.

Road Traffic Orders

- 7.20 Applications will be made to West Sussex County Council as local highway authority for any necessary temporary or permanent Road Traffic Orders.

Temporary Stopping Up or Diversions of Footpaths

- 7.21 There is one existing Public Right of Way (PRoW) which falls partially within the TSDL (designated as Path Number 282). This provides a pedestrian link from Church Lane to Chestnut Walk. The endorsed Masterplan Document indicates that this part of the TSDL will be used for public open space and so no alterations are expected to this footpath.
- 7.22 In the unlikely event that any necessary Temporary Road Traffic Orders or consents under section 257 of the 1990 Act (in respect of the temporary stopping up or diversion of footpaths) are required at a later stage, application(s) will be made to West Sussex County Council as the local highway authority.

Licences for protected species

- 7.23 Although it is not expected that any European Protected Species ("EPS") may be affected by the Scheme, should any potential disturbance be considered then Countryside will apply for an EPS licence from Natural England.

8. Human Rights

- 8.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

- 8.2 In resolving to make the Order the Council has carefully considered the rights of property owners under the Convention against the wider public interest, and in particular those rights under the following provisions.

Article 1 of the First Protocol to the Convention

- (a) This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8

- (b) This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.

- 8.3 The European Court of Human Rights has recognised that *"regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"*. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.

- 8.4 As set out within Section 2 above, the Order Land has predominately been used for agricultural purposes. It has not been suggested by any party that development of the Order Land will result in the extinguishment of a commercial enterprise and no residential property is being acquired (with the exception of occupiers who have extended gardens by encroachment into Plot 6 and Plot 13). The Order Land falls within a strategic development location and the landowners of the Heaver Land, CS East / CS South Land, Pitts Land and the Church Commissioners Land have all expressed interest in developing their land for housing development. In the event that financial compensation cannot be agreed voluntarily between parties, this will be determined by reference to the Lands Chamber (Upper Tribunal).

- 8.5 In light of the significant public benefits which would arise from the implementation of the Scheme as set out within this Statement, and having regard to the extent of the interference with parties' rights, the Council has concluded that it would be appropriate to make the Order. It does not regard the Order as constituting any unlawful interference with individual property rights.

9. Public Sector Equality Duty

- 9.1 The Council has a duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations. The decision to make the Order is one that this duty applies to.

- 9.2 The land being acquired is agricultural land and does not require relocation of any protected groups.
- 9.3 The Council has commissioned external consultants to advise the Council on compliance with their duties under the Equality Act 2010 and an EqlA has been produced. The Council has also commissioned the EqlA Addendum to specifically consider the impacts of the COVID 19 pandemic and ensure that any specific equalities considerations arising from it were taken into account. The EqlA and EqlA Addendum contain a number of recommendations and an action plan. The Council has had regard to the EqlA and the EqlA Addendum, including their recommendations and action plan and has put in place measures to implement the recommendations and actions that can be addressed prior to the making of the Order. The Council will continue to do so following the making of the Order. Further, the Council notes that a number of the recommendations and actions relate to impacts yet to arise and the Council is mindful of the requirement to address these recommendations and actions as they do so.
- 9.4 The Council's own assessment of the potential impacts of the Scheme indicate that the proposals have the potential to deliver multiple beneficial impacts for the local community, including those with protected characteristics in the local area, including:-
- the delivery of a range of housing within Tangmere to address local need:
 - The quality of the new homes provided will have a range of positive impacts on equality, including accessibility and adaptability, which may be of significant benefit for those with disabilities, or the elderly.
 - Tangmere currently has a relatively high proportion of social housing, and development of the site will provide a diverse range of tenures including market and affordable housing, potentially providing low cost or shared ownership options, to created mixed and balanced communities.
 - The new homes will utilise sustainable design and construction techniques and be more energy efficient, which will benefit residents by reducing their energy usage.
 - delivering improvements to local infrastructure including local convenience shopping, and enhanced social, community, recreation, primary education and healthcare facilities, which will be of benefit to all residents in providing better accessibility to infrastructure.
 - providing enhanced open space and green infrastructure will link Tangmere to Chichester city, nearby developments and the South Downs National Park, which will allow residents easy access to open space for health and wellbeing benefits.
 - integration with the existing village of Tangmere, in order to achieve the aspirations of the Neighbourhood Plan, to achieve their 'one village' vision. This will benefit new and existing residents by achieving a well-integrated and holistic development.
- 9.5 The Council has considered the results of the EqlA, the EqlA Addendum and its duties under the Equality Act 2010 and, as set out in the PSED Statement, is satisfied that it has given due regard to its obligations thereunder.
- 9.6 With regards to removing or minimising disadvantages suffered by those with protected characteristics and steps that can be taken as part of the compulsory purchase process, the Council can provide copies of this Statement in different formats. The Council has published all the Order documents on its website to make them as accessible and available as early as possible. It will also provide hard copies of the Order documents for those without access to the internet.
- 9.7 The Council has extended the statutory timescales for responding to requests for information or raising objections to the making of the Order by a period of two weeks and will provide electronic and/or hard copies of order documents as required. To that end, the Council has adopted the recommendations from the EqlA Addendum to ensure that impacts from the COVID 19 pandemic are mitigated.

9.8 As the process continues, should there be a need for a public inquiry, when choosing a venue the Council will have regard to those with disabilities and will consider what other steps it can take in respect of eliminating or minimising discrimination for those with protected characteristics.

10. Acquisition by Agreement

10.1 The Order has been made to ensure that all the land required for the Scheme can be secured within a reasonable timescale, thereby maintaining the viability, affordability and deliverability of the Scheme. Ownership of the entirety of the Order Land is necessary to enable the Scheme to proceed.

10.2 The Guidance states at Paragraph 17 that *"Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect" and "Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question"*.

10.3 In accordance with a strategy agreed with the Council, Countryside has sought to acquire the various interests in the Order Land by agreement and will continue to do so in parallel with the making of this Order.

10.4 Countryside has contacted landowners and interested parties within the Order Land to acquire interests by private treaty agreement, or to reach an agreement which establishes the basis on which a future transaction will be undertaken.

10.5 In this regard, on their appointment as the Council's development partner in September 2018, Countryside contacted the respective landowners of the Heaver Land, the CS East / CS South Land, the Pitts Land and the Church Commissioners land, explaining that they were the Council's development partner and that offers would be made for their interests. Countryside subsequently made detailed offers to these landowners on 7 November 2018 to acquire their land and interests voluntarily. Countryside is continuing to negotiate to acquire these interests voluntarily, but to date has been unable to do so. Separately, Countryside and the Council have approached the residents of Saxon Meadows concerning the Order and the re-grant of rights over land. Negotiations with affected parties will continue through the compulsory acquisition process.

11. Conclusion

11.1 Having regard to the matters set out in this Statement, the Council believes there is **a compelling case in the public interest** that justifies the proposed compulsory acquisition of the Order Land and the Council respectfully request the Secretary of State to confirm the Order accordingly.

12. Inquiries Procedure Rules

12.1 This Statement of Reasons for making the Order is not intended to discharge the Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rule 2007 (SI 2007 No.3617), should a public inquiry be held.

12.2 In the event of a public inquiry, a Statement of Case, further supporting material, plans and documents will be put in evidence by the Council. A list of these, together with the addresses

at which they can be inspected, will be notified to the public in accordance with the relevant Rules.

13. Additional information

- 13.1 Persons requiring further information regarding the Order should contact Hannah Chivers, Principal Planning Policy Officer, Chichester District Council, T: 01243 521272, E: hchivers@chichester.gov.uk at East Pallant House, Chichester, West Sussex, PO19 1TY.
- 13.2 Owners and tenants of the land, and any other parties with interests affected by the Order, who wish to negotiate a sale or discuss matters of compensation should also contact Hannah Chivers, as above, or Nicholle Phillips, Director Strategic Land (West), Countryside Properties, T: 0118 934 8036; E: Nicholle.Phillips@cpplc.com at Countryside Properties, Millgate House, Ruscombe Lane, Twyford, Berkshire RG10 9JT.
- 13.3 Copies of the Order, Order Map and this Statement of Reasons can be inspected during normal office hours at the Council's offices at East Pallant House, Chichester, West Sussex, PO19 1TY. If electronic copies, or hard copies of the Order, Order Map and this Statement of Reasons are required, please contact Hannah Chivers, whose details are set out at 13.1 above.

Appendix 1
(Landowner Plan)

DRAFT

Appendix 2

(Order Maps)

DRAFT

Appendix 3

Chichester District Council (Tangmere) Compulsory Purchase Order 2020

Core Document List

Document Number	Document
1.	Chichester District Council (Tangmere) Compulsory Purchase Order 2020
2.	Order Map
3.	Statement of Reasons
4.	Press Notices
5.	Specimen Notice of Making of the Order served on Owners
6.	Specimen Site Notice advertising Making of the Order
7.	Cabinet Report to Full Council and Resolutions
8.	Compulsory Purchase and the Crichel Down Rules: Guidance, MHCLG, July 2019 and guidance issued by the Ministry of Housing Communities and Local Government relating to the COVID 19 pandemic and the making of compulsory purchase orders.
9.	The National Planning Policy Framework, MHCLG, February 2019
10.	Local Plan
11.	Emerging Local Plan
12.	EqIA, EqIA Addendum and PSED Statement

The Council reserves the right to refer to any other documentation at a later stage.