

Chichester District Council

Cabinet

6 July 2021

Public Questions and Answers Sheet

Question submitted by David Williams:

Interestingly on the 13th July 2010 the CDC Executive Board agenda, item 18, under risks 8.2 “ the vendor has not been able to register title to the track” **CDC had identified ownership of the track as a risk back in 2010. At the time of purchase of the site Hyde knew full well that it did not include the access.** There was a large amount of communication, between the Land Owner, neighbours and Land Registry regarding the claimed ROW over the track. This resulted in October 2012 the Land Registry removing the note claiming a ROW over the track from the title deeds of the site. **So at the time Hyde purchased the Land in Jan 2014 it was well known that the vendor was not able to grant any ROW over the track. Hyde would have purchased the land knowing full well that it did not include the access track and there was no ROW to use the track.** This fact has been poorly presented to Councillors over the years.

1) A letter was read out just before the planning hearing was started, it was from Hyde’s solicitors “ the position regarding the access to the development site on this project has been investigated and we are satisfied that the Association will be in a position to implement the scheme in line with the terms of the application”

2) In 2016, three years after planning was approved, when it is obvious that the site is non deliverable, at the hearing to vary conditions Hyde’s 3 mins speaker (Sarah Poullter) said “ **Access is a complex civil matter**” (can be found on CDC audio of hearing at 19:45 mins.)

3) Cabinet agenda notes 10th April 2018

4.7 The legal transfer of the development site, at the time of purchase by Hyde, granted rights of entry and a right of way over the access **only so far as the vendor was able to do so.**

During the whole planning process, issues with the ownership and Right of Way over the track have been classified as a private legal matter, for Hyde to resolve. Some would say that it was a poor commercial decision for Hyde to purchase a development site without access. In fact in CDC’s recent Interim Position statement for Housing 4.2 “ a site should be fully in the applicants control”.

Is a CPO being considered purely to resolve the decision by Hyde to purchase a site without control of the access?

What is the justification now, for CDC to get involved?

Answer provided by Cllr Sutton:

Thank you for your question.

Regarding the first part of your question as to the reasons for the CPO I can confirm the reasons are set down in the report to Cabinet today in particular in paragraphs 6.2.1 and 6.3. Any decision to proceed with actually “making” the CPO will be accompanied by a statement of reasons setting out the full justification for use of the Council’s CPO powers.

Regarding the second part of your question about the justification for the Council to be involved in this process I can confirm that the District Council is the only body with statutory powers to make a compulsory purchase order – Hyde has no such powers. Hyde has presented their request to the Council to consider its use of such powers against the statutory tests which the Council is, properly, doing. The statutory requirements to establish the grounds on which a CPO may be granted are again as set out in the report and those, if proven to the satisfaction of the Council, would comprise the justification for proceeding to CPO.