

## Chichester District Council

Full Council

21 March 2023

### Public Questions and Answers Sheet

#### Question from David Williams:

The process of getting to this point has been long and contentious .  
I'll start with a bit of history

An earlier owner of the site made a Statutory Declaration to the Land Registry in January 2010 claiming he had a Right of Way to use the track to Crooked Lane. Back in 2010 CDC was going to purchase the site and an agreement was drawn up, interestingly, the CDC Executive Board had identified lack of ownership of the track as a risk

Once this Declaration was seen by the public it's accuracy was challenged, resulting in the Land Registry removing this claimed Right of Way from the title deeds in October 2012

CDC's agreement to purchase was terminated April 2013

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.

Under 2012 version of National Planning Policy Framework ( NPPF) para 173 sites should be deliverable. Most would consider a site without an access as not deliverable.

At the original planning hearing this rule was ignored, problems with the track were classified as a "private legal matter" then 3 yrs later when it is obviously not deliverable and the planning approval was about to run out CDC agreed to amend the wording of conditions to allow a material start.

Issues with the track were now classified as "a complex civil matter" still no mention that the site might need a CPO.

Is it the proper use of a CPO to get Hyde out of a poor decision that they took to purchase a site without an access. Without an access a site is not deliverable, and why your all here today. Nobody in CDC or Hyde wants to back down. The amount of time and money spent on this project has got to make a mockery of any cost normally associated with delivering social housing. And talking of money the fact that Hyde has guaranteed to underwrite costs associated with a CPO, ignores the fact that Hyde is in receipt of taxpayers money by way of Housing benefit, so while the potentially large cost of a CPO might not appear on CDC's budget the taxpayer will still pay.

My question is this,

Is it right and proper for the Council to use CPO powers to overcome the problem Hyde gave itself by making a poor commercial decision to purchase a development

site without control over the access particularly as during the planning stage it was regarded as a private legal matter. ?

**Answer from Cllr Sutton:**

Please be assured that the Council does not take decisions to recommend or authorise a compulsory purchase order lightly. Decisions are made within very clearly defined legislation and the Council is required to give full consideration of this and not look beyond it. Members will be applying those legal requirements alone and are fully aware that such powers are a very serious matter.

The first question the authority will need to consider is whether the acquisition of the land will facilitate the carrying out of development, re development or improvement in 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.

In relation to Hyde please be advised that Hyde is a registered provider of social housing, and their funding and financial status is regulated by the Regulator of Social Housing.

**Question from David Wade-Smith:**

The councils case to use a CPO depends on proving a large housing need.

So in the Public Document Pack there is about 50 pages on Housing need, lots of colourful tables and graphs, proving a large requirement for affordable homes in the Chichester district.

However, this is an H9 Exception Site which comes with it's own set of rules. It is not like a normal development site.

An exception site is allowed on land not usually available for building,( in this case building on the AONB ) and one of the rules is that it meets a need of people with a local connection , in this case Birdham, not a need for social housing from other Parishes.

There is a definition of " Local Connection" in CDC's H9 Document which does not include people from other Parishes.

In CDC's Housing Need Evidence page 18 table 13

In Birdham there are only 7 on housing list A-C, and back in 2013 it was only 10.

Only households in bands A-C are considered to be in a high priority housing need.

Also over the recent years the need in Birdham has been met in other ways.

Affordable homes have been built in Birdham :

Longmeadow 10 in July 2013,

Tawney Nursery 12 in Nov 2013,

Rowan Nursery 7 in Mar 2020

So there never has been a need to justify this development or now a CPO.

My Question is this,

As an exception site, it is only for the needs of people with a Birdham connection. There is not a large enough need in Birdham to justify the use of a CPO ?

**Answer from Cllr Sutton:**

The planning application was considered against policy H9 of the Chichester Local Plan Review 1999, which was the adopted local plan at the time of the decision. At the time of determining the planning application there were 39 households on the Council's housing register with a local connection to the Parish of Birdham, and planning permission was granted because there was a local identified need. The planning permission, is subject to a S106 Planning Obligation that requires the dwellings to be offered to people with a local connection to Birdham in the first instance. If there is no need for household with a Parish Connection then a connection to the other nearby Parishes on the Manhood Peninsula would be required. These measures would ensure the housing would meet a local need.

The Local Plan 2014-29 identified a future provision of 50 homes were needed in Birdham and this need remains unmet. To date 37 homes have been delivered.

There are currently 18 households with a local connection to Birdham on the Council's housing register. However, this figure is a snapshot in time and will change when new families are formed, families grow, or residents wish to return to the parish for work or family.

**Question from Tony Corkett:**

Good afternoon, I have lived for over 8 years at Copperfields which is next to the farm track and opposite the school.

At certain times of the day during school term time, I see parents parking along Crooked Lane and taking their children in and out of school. At these times Crooked Lane becomes congested as there is only room for one vehicle to travel along Crooked Lane whilst parents are looking for parking spaces.

The CPO would create a road opposite the Birdham Primary School which will lead to an increased risk to the safety of children and their carers particularly at school drop off and pick up times. There is public concern that delivery vans, refuse vehicles and additional cars travelling along the farm track access road will create further congestion and an accident blackspot.

The GM Traffic consultants study (Road Safety Audit) was carried out over 10 years ago in January 2013. This report did not state the time of the site visit. It did not mention the proximity of the school, but it did say the traffic was light. At the planning stage, decisions on the suitability of the access track used this report. The report is now out of date (expiry after five years). The school has had the addition of a

nursery, the traffic has increased and I believe a new Road Safety Audit is necessary.

Would the Council recommend a new Road Safety Audit being performed at school drop off times and pick up times (in term time) in order to help assess the safety risks to vulnerable children that a dangerous junction would create?

**Answer from Cllr Sutton:**

The planning permission for this small scale development was granted after consideration of the information submitted with the application and following consultation with the Local Highways Authority. The planning permission has been implemented and therefore the developer has a lawful fall-back position to complete the development. As such, no further road safety audit is required for the development.