

CHICHESTER DISTRICT COUNCIL (TANGMERE) (NO 2) COMPULSORY PURCHASE ORDER 2023

OBJECTION ON BEHALF OF SAXON MEADOW TANGMERE LIMITED

Dear Sir

Objection to the Chichester District Council (Tangmere) (No 2) Compulsory Purchase Order 2023 ('the Order') submitted on behalf of Saxon Meadow Tangmere Limited ('SMT')

Background

Saxon Meadow Tangmere Ltd (company registration no. 02102122) ('SMT'), has a servicing of address of, Suite 1, 26 The Hornet, Chichester, West Sussex PO19 7BB and its registered office is Cawley Place, 15 Cawley Road, Chichester, West Sussex, PO19 1UZ. It is the freeholder and management company for 28 residential leasehold properties known as Saxon Meadow, Tangmere ('the Property').

SMT is currently authorised to represent the entire group of 28 residential leaseholders who comprise its individual shareholders, and therefore references to SMT (as objector) in this objection below should be taken to include each of those individual leasehold interests. SMT notes, however, that some leaseholders may submit objections.

Overview of SMT's objection

Note: *In this objection below 'CPO1' refers to the compulsory purchase order that was confirmed by the Secretary of State on 11 November 2021¹, and 'CPO2', to the draft Order.*

SMT does not oppose the principle of the underlying scheme to build new homes on the agricultural land at Tangmere, however it is seeking that a series of vitally important revisions are made to the draft Order before it is confirmed.

SMT **objects** to the proposed compulsory acquisition by Chichester District Council ('CDC') of certain parcels of land (plot references 6, 7, 8 & 9, 9a & 9b) pursuant to the draft Order made on 30 March 2023.

SMT's substantive objection is essentially three-fold:

1. SMT is aggrieved that CDC and its development partner have singularly failed to appropriately engage with SMT at any stage of the proceedings before or since the draft Order was made. Accordingly, the draft Order unreasonably fails to deal with the issues which are raised in this objection below and is premature. Further, the lack of meaningful engagement with SMT residents prior to reaching this point

¹ The Chichester District Council (Tangmere) Compulsory Purchase Order 2021.

seriously undermines CDC's credentials when it claims there is a compelling public interest case for confirming the use of compulsory purchase powers.

2. There is no compelling justification in the public interest for compulsory acquisition of the meadow land (**plot 9, 9a & 9b**). This open space provides a valuable amenity to residents and visitors alike. It forms a key component of the Tangmere Conservation Area. The meadow is also required for the purposes of implementing a green energy scheme which would be capable of serving all the residents of Saxon Meadow.
3. The acquiring authority has also not adequately demonstrated why plots 7 & 8 are essential for the scheme. It is also key component of the Tangmere Conservation Area and positively enhances the 'setting' of the Grade I listed St Andrew's church. The draft Order must not be confirmed in relation to these plots unless and until the acquiring authority has provided legally binding guarantees which safeguard the existing use and enjoyment of the Property. This includes:
 - a. use of the main access and communal spaces by Saxon Meadow residents and visitors
 - b. wayleaves and easements for the provision and maintenance of vital utilities including gas, water, electricity and telecommunications and community support, emergency services and waste disposal.
 - c. Direct management control given to Saxon Meadow for the continued future maintenance of this land.

SMT is aggrieved that the timing of the official notice of CPO has unreasonably shortened the time available for preparing this objection. The statutory consultation period has coincided with Easter and a public holiday, which has placed an excessive burden on residents who have needed to sacrifice holidays and rest periods to engage with the matter.

SMT will now need to be given sufficient time to discuss the relevant matters with CDC and/or its development partner so that appropriate accommodation can hopefully be agreed without the need for an inquiry into the matters pertaining to this objection.

It is SMT's fundamental belief, however, that the required adjustments are minor in scope and effect relative to the overall scheme that encompasses some 77 hectares of mainly agricultural land. More importantly, that they do not seriously undermine or threaten the delivery of the overall scheme objectives as set out in CDC's statement of reasons ('SOR') which embodies its statutory reasons for making the draft Order.

In all the relevant circumstances of this case, therefore, SMT submits that the draft Order must not be confirmed until the necessary amendments to address its objections have been adequately secured.

These grounds are discussed in more detail below. SMT reserves the right to expand on them in its formal statement of case should a public inquiry be held into the Order.

Summary grounds of objection

SMT **objects** to confirmation of the Order on the following grounds:

1. CDC and its development partner have made no meaningful attempt to acquire the Order land by agreement.

2. In relation to plots 7 & 8:

CDC has failed to show why the land is required and how important rights and easements currently used in connection with the Property (including rights of access) would be preserved if the Order is confirmed.

3. In relation to plots 9, 9a & 9b:

The draft Order proposes acquisition of more land than is necessary having regard to the creation of a community orchard on the open meadow land.

4. In relation to plot 6:

The draft Order and SOR do not explain how the boundary between Saxon Meadow and new properties to the south will be managed to address flood risk / surface water issues.

5. Overall, the absence of a compelling case for compulsory acquisition in the public interest and failure to comply with the European Convention on Human Rights ('ECHR'). In particular, new statutory powers are not required for the purposes of claiming rights over, and acquisition of, a significant part of the Order land.

Detailed grounds of objection

1. *CDC and its development partner have made no meaningful attempt to acquire the Order land by agreement.*

As noted above, SMT considers that CDC has made no genuine attempt to engage with its concerns, nor has it ever received a formal invitation to acquire its land interests by private treaty.² SMT perceives that other strategic interests have been the dominant, if not exclusive focus of attention over the past several years, in particular, the Vistry Group Plc (CDC's development partner) and the "Heaver interests".³ In all the relevant circumstances

² We understand that SMT has raised an inquiry with council officers to confirm this and that a formal response is currently awaited.

³ See paragraphs 22 & 27-31 of Alexander Booth's 'Opening Submissions of the Acquiring Authority' dated 7th September 2021 for the inquiry into the 2021 Order.

SMT considers this lack of engagement is inadequate, and the making of the Order is distinctly premature.

SMT is aggrieved that it did not receive adequate warning of CDC's intention to issue notice of the making of the draft Order. SMT will show how it made numerous attempts (via its working group of members formed in February 2023) to engage with CDC since the issuance of preliminary enquiries by Gateley Hamer on 25 January 2023. SMT therefore welcomes the opportunity for a Public Inquiry to address fundamental issues that were either ignored or not addressed properly in 2020-2021, when CPO1 was promoted during the COVID-19 pandemic.

SMT is prepared to produce evidence to an Inquiry which will corroborate the following chain of events:

- i. CPO2 came as a surprise to SMT and its residents, when Gateley Hamer sent letters to residents dated 25 January 2023 [**Exhibit, pages 3-15**].
- ii. On 27 February 2023 SMT wrote to CDC seeking to understand what was happening [**Exhibit, pages 16-18**]. Despite not receiving any substantive response from CDC itself, SMT then learned via a local councillor (who was copied into the 27 February 2023 letter) that the CDC Cabinet was meeting to consider a resolution to make the draft Order.
- iii. On 20 March 2023 residents of Saxon Meadow and a representative of SMT duly tabled questions to CDC's cabinet meeting which questioned the need to use compulsory purchase powers.
- iv. In March 2023 various residents made numerous representations to CDC councillors and officers urging the Council to refrain from pursuing compulsory purchase powers, and to take the necessary time to engage with residents and discuss what was being planned [**Exhibit, pages 19-23**].
- v. Despite these representations, CDC seemingly ploughed on with CPO2 in double-quick time. On 4 April 2023 a 'virtual' meeting was held with Council Officers and some SMT residents [**Exhibit, pages 24-33**]. Several residents were not available due to planned holidays. This had been arranged as an opportunity to ask questions about the Council's plans for using compulsory purchase powers, at which point the residents were informed that the draft Order had already been made, on 30 March 2023.
- vi. The notice provides for a short public consultation period that spans Easter and May public holidays, with a deadline that coincides with the local elections on 4 May 2023.

The Guidance states:

'The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement.' (paragraph 2)

'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.'

.....

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the scheme on landowners and neighbours, thereby reducing the cost of a scheme. 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.'
(paragraph 17)

Paragraph 11.8 of the SOR merely states the following:

'Countryside and the Council have approached Saxon Meadow Tangmere Limited concerning the Order to confirm that the modification made to CPO 1 to provide the Saxon Meadow residents with a 'buffer' and retain land adjacent to their main building has also been reflected in the Order.'

SMT does not agree that CDC has made enough effort to communicate its intentions. If it had done so, it would surely know already that it is simply not good enough just to maintain the status quo from CPO1. This will not suffice, for all the reasons explained below.

SMT considers that CDC's actions demonstrably fail to match the spirit and aims of the Guidance, and that it also fails to live up to the claim set out in the Chichester District Council (Tangmere) Compulsory Purchase Order 2020 Communications and Engagement Plan ('the Engagement Plan') which states that:

"The landowners, developers and those with an interest in the TSDL have been kept fully aware of the Council's intentions to pursue the CPO process throughout, and have been given opportunities to bring forward the comprehensive development of the TSDL outside of the CPO process".

It demonstrates a lack of any effort made by the acquiring authority towards reaching a negotiated settlement for acquisition of SMT's interests.

In any event, however, as stated above SMT's position regarding the buffer land is not the same as it was in 2021. CDC would already know this if it had engaged properly with SMT's representatives. It would understand too that SMT has various other concerns which will need to be resolved relating to rights and easements.

In summary, the evidence of attempts to negotiate with SMT are inadequate. We conclude that the acquiring authority has not taken reasonable steps to acquire the Property by

agreement nor is compulsory purchase being used as a last resort. Given the failure to take reasonable steps to negotiate with SMT the making of the Order is not justified and is premature at this stage.

2. *In relation to plots 7 & 8, CDC has failed to show why the land is required and how important rights and easements currently used in connection with the Property (including rights of access) would be preserved if the Order is confirmed.*

(i) Plot 7

SMT objects to the acquisition of a part of **plot 7** which provides a picturesque and well-maintained access route serving the Saxon Meadow properties. For the avoidance of doubt, this part of Plot 7 does not include any part of the fields to the north or east of Saxon Meadow, which have been earmarked for a playing field and allotments respectively.

The access route provides a clear sense of ‘arrival’ at Saxon Meadow, along an attractive single-carriage vehicle access driveway and pedestrian footway which benefits from parking spaces for visitors and delivery vehicles, a pond, veteran trees and mature hedgerows and grassy areas. It also carries essential infrastructure including a well, inspection hatches, and wastewater pumping facilities.

This route also provides a valuable amenity benefit to the public, as it is undoubtedly a beautiful spot, providing a fitting foreground to the heritage ‘setting’ of the historical Grade I Listed, 12th Century St Andrews Church [**Exhibit, pages 78-80**], which is a site of Commonwealth Graves. The access provides a genuinely shared space which is not only used for parking by residents, but by visitors to the Church as well. The availability of parking to the east of the pond is an important amenity used by residents of Saxon Meadow who are employed in sectors such as critical infrastructure and agriculture and need the space to park commercial vehicles given that covenants in the residential leases for Saxon Meadow restrict the parking available for commercial vehicles next to the houses. There is already pedestrian access to the surrounding fields from Saxon Meadow across plot 7.

The attractive condition of this site is the result of SMT's investment over almost four decades of residential accommodation at Saxon Meadow, including:

- i. Installation of safety railings around the pond
- ii. Maintenance and resurfacing of the road and hardstanding, including installation of ‘sleeping policemen’
- iii. Installation and maintenance of the entrance gate and signage
- iv. Installation and supply of electricity to street lighting
- v. Gardening, tree surgery, pond maintenance

These investments are of direct benefit to the public, having secured the long-term preservation and enhancement of an integral part of the Tangmere Conservation Area.

Inspection of CDC's planning portal indicates that the pond has been omitted from crucial site plans associated with the masterplan / outline plans. This material omission is of grave concern to SMT, because it suggests the pond may be placed at risk of neglect or even

destruction if it is to be acquired as part of plot 7. This pond contains important wildlife, such as newts.

Furthermore, the plan boundary is inaccurate with respect to 28 Saxon Meadow, which has buttress supporting the north-east wall and requires access for maintenance to the north of the property [Exhibit, pages 12-14]

In summary, SMT is concerned that the scheme plans do not give any regard to the features of plot 7 which provide public amenity value and are of material value to SMT and its residents. SMT alleges that discussions at the virtual meeting with CDC officers and residents on 4 April 2023 was opaque about these matters. They do not receive any consideration in the SOR.

SMT is therefore seeking agreement to a **deletion of a part of Plot 7 from the Order land**. The required changes to the boundary of Plot 7 affect roughly between 500 – 1500 sqm. A site visit and physical survey will be required to address this matter.

Alternatively, the Order must not be confirmed in respect of this part of the Order land unless appropriate legal guarantees have been provided that maintain the status quo in terms of current access rights, amenity benefits and other entitlements described above. Any proposals for the future management and maintenance of this area should cede to the direct control of the steering group of Saxon Meadow residents on a funded basis given its successful track record in the way it has beneficially enhanced this land over a period of many years.

(ii) Plot 8

Plot 8 is an integral part of the SMT's access (from Saxon Meadow to Church Lane). A physical site visit is a necessity to determine the extent of new rights that will need to be granted (in favour of SMT) before the Order is confirmed should CDC be able to demonstrate this land is required for the scheme.

However, SMT does not agree that Plot 8 is suitable or necessary to facilitate the proposed cycle path:

Firstly, plot 8 appears to be too close to the residential properties (Number 25 and Number 28) for this to be a viable or practical location.

Secondly, there is space further to the east on a small part of Plot 7 to allow for anyone on foot, on a bicycle or mobility scooter to travel in this direction without depriving Saxon Meadow of the essential amenity of visitor parking, and notes that the map on the planning portal⁴ shows SMT's position on this matter to be well-founded.

According to Department for Transport guidance⁵, a segregated cycle path should be between 1.5m and 2.0m wide. Based on a route distance of 40 m (approx.) from the pond

⁴ map reference: 20_02893_OUT_MOVEMENT_AND_ACCESS_PARAMETERS_PLAN.

⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf. Page 43

to the farm gate, this requires only 60-80 sqm, and can easily be placed on Plot 7 (not plot 8). SMT would be willing to provide this right of way, if required.

3. *In relation to plots 9, 9a & 9b, the draft Order proposes acquisition of more land than is necessary or justified having regard to the creation of a community orchard on land which is open meadow.*

Plot 9 is stated to have an area of 3,342 sqm (0.43% of the Order land). It is a subsection of the open meadow owned by SMT on the western edge of the estate.

SMT strongly objects to the proposed compulsory acquisition of plot 9, along with plots 9a and 9b.⁶ SMT would like to retain this part of the Order land, in its entirety, as a single undivided plot of land.

(i) *Current benefits provided by this part of the Order land*

The retention of these plots is required by SMT for essentially **three** separate reasons:

Firstly, it provides a highly valued area of communal open space which is frequently used and enjoyed by residents of Saxon Meadow, none of whom has a private garden. In the past it has been put to a variety of uses, such as keeping bees, and grazing sheep. Residents are also actively interested in implementing future measures to improve biodiversity on this part of the Order land. The usefulness of this prized amenity would be seriously diminished if part of the land is to be acquired for the purposes of a community orchard.

According to the ONS⁷ 8% of dwellings in Tangmere, Mundham and Hunston are without private or shared garden and the median garden size for a house of 181 square metres in this part of England.⁸ Instead, there are four communal gardens providing seating and landscaping, along with an open meadow to the West and a narrow strip of mown grass next to the garage blocks which also contains the communal washing line. This combination of communal space and dwellings in its current layout provides a viable balance between the natural and built parts of the estate and supports its attractiveness as a place to live.

The presence of open land provides public recreational value too, as this meadow is not a private walled garden, and it can be accessed on foot from both a westerly and easterly direction. SMT is willing to discuss granting permissive rights of way for the benefit of the wider community in step with the future development of TSDL.⁹ The precise terms of any such arrangement would clearly need to be negotiated between SMT and the acquiring authority, but this should not be under the shadow of proposed compulsory acquisition.

⁶ **Plots 9a and 9b** are described as boundary overlaps of some 65 square metres and are part of the hedgerow boundary to the west of the Property. Title to this part of the land requires Land Registry rectification to reflect SMT's ownership.

⁷ [One in eight British households has no garden - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

⁸ It should be noted that if the entire meadow of approximately 6,600 square metres was 'allocated' in equal proportions to the 28 residents, this would equate to roughly 235 square metres per dwelling, slightly higher than the median garden size.

⁹ SMT notes the aspirations set out in the Neighbourhood Plan with its 'one-village' concept.

Secondly, the entire site is currently surrounded by open fields, with the closest building being the Grade I listed St Andrews Church. The overall setting is a key cultural and heritage asset. It is a feature of the landscape that exists in Ordnance Survey maps dating back some 150 years. CDC recognized its importance to the Tangmere Conservation Area when making its decision to define those boundaries in 2014.¹⁰

Arbitrary subdivision of this land for the purposes of a community orchard would therefore result in a detrimental impact on public value and would be generally harmful to the quality of this part of the Conservation Area.

Thirdly, the recent double-whammy of the ‘cost-of-living’ crisis and invasion of Ukraine has prompted residents of Saxon Meadow to actively investigate the viability of proposals to develop this part of the Order land for a community heat pump system. Individual residents have been exploring their own solutions since at least 2020/21 (see comments of Matthew Rees). These plans are already being progressed and they would deliver very significant private and public benefits (cheaper energy and CO2 reduction) in line with key local and national policies. The installation of an underground heating system is wholly compatible with the intention of improving biodiversity on this part of the land.

As noted above, neither the meeting with CDC officers and residents on 4 April 2023 (nor the SOR) provide any assurance that the importance of these features has been given sufficient thought (or indeed any recognition at all) in the overall scheme planning.

(ii) The lack of public interest justification for establishing a community orchard

On the other side of the balance, CDC itself has failed to offer any cogent reasons why the creation of a community orchard on land at Saxon meadow is vital and necessary, or even beneficial, to delivering the scheme objectives for providing community infrastructure¹¹ to the Tangmere Strategic Development Location (‘TSDL’). This is especially so given that allotments and a sports pitch will also be provided on other parts of the Order land.

Policy 2 (Strategic Housing Development) of the Tangmere Neighbourhood Plan (2014-2029) specifies that the development layout of the TSDL will specifically include ‘*a Community Orchard/Garden/Allotment in the broad location shown on the Policy 2 inset Map*’.

Firstly, the wording of policy 2 does not specify that the delivery of the TDSL should require a community orchard, garden, and allotment all to be provided. On a natural reading of policy 2 these are alternative choices. An allotment is being provided elsewhere on the Order land, and indeed an orchard could be provided in addition to the allotments within that same land

¹⁰ Saxon Meadow features prominently in the Character Appraisal and Management Proposals document. This public document contains details of the sight-lines from Saxon Meadow to the south downs, Chichester Cathedral.

¹¹ To be provided as part of a strategic residential-led mixed-use development comprising up to 1,300 dwellings on 76 hectares of undeveloped farmland situated to the West of Tangmere, lying between the A27 Trunk road to the North, and Tangmere road to the South. Delivery of the Tangmere SDL forms a key part of the strategy for the East-West corridor, which is the Council's primary focus for new development in the Local Plan.

parcel, so there can be no compelling requirement for an additional community orchard to be established on the land at Saxon Meadow.

Secondly, there is no proven need for a community orchard, or at least none which has been explained. No evidence has been provided to show that there is sufficient local demand for a community orchard, nor to show how its implementation would be successfully managed.

SMT is concerned that these ill-defined plans would risk creating an unwelcome blight on the land. Those fears are amplified by the damage caused at the existing community orchard approximately 450 metres to the east of Saxon Meadow and general lack of use of that public facility for the purposes for which it was originally provided.

4. *In relation to plot 6, the draft Order and SOR do not explain how the boundary between Saxon Meadow and new properties to the south will be managed to address flood risk / surface water issues*

Rainfall and surface water run-off at Saxon Meadow relies upon natural soakaway capacity because it is currently surrounded by agricultural and open land. This water is not introduced into the wastewater system. Residents of SMT have observed regular 'ponding' on Plot 6, close to its southern boundary. In light of the proposal for development of housing, SMT is concerned that there will be adverse consequences of development, which would mean that in future there would be insufficient capacity for surface water unless there is an appropriate scheme to develop and maintain surface water undertaken by the developer. No details have yet been provided to satisfy residents that this risk will be satisfactorily controlled and managed.

5. *Overall, the absence of a compelling case for compulsory acquisition in the public interest and failure to comply with the ECHR*

The Guidance makes it clear that a compulsory purchase order should only be made where there is a **compelling case in the public interest**, and that the purposes for which the compulsory purchase order is made justifies interference with the human rights of those with an interest in the land affected.

In summary, for all the reasons given above, the SOR has failed to demonstrate a compelling case in the public interest for the exercise of compulsory purchase powers against SMT. The justification for depriving SMT of important property rights, and for curtailing residents' enjoyment of the amenity land at Saxon Meadow, is also inadequate in the specific context of CDC's overriding obligations under the ECHR.

Further, the acquiring authority has failed to demonstrate a compelling case for the exercise of compulsory powers because new statutory powers are simply not required for the purposes of claiming rights over, and acquisition of, a significant part of the Order land.

The Chichester District Council (Tangmere) Compulsory Purchase Order 2021 ('the 2021 Order') was confirmed on 11 November 2021. It is therefore unclear why the draft Order replicates the authorisations already granted by the 2021 Order. The SOR asserts that the new draft Order would also include a few additional land interests which would enable the

scheme to connect to the A27 at its northern boundary. However, the SOR offers no explanation as to why the new draft Order is not limited to the acquisition of those additional land parcels.

This does need to be explained. Fundamentally, there can be no demonstration of a compelling case for compulsory acquisition in the public interest, nor acquisition in accordance with the principles engaged under Convention rights (article 8 and article 1 of the first protocol of the ECHR), in a case where compulsory purchase powers have already been confirmed, and which remain legally effective and available to be used in relation to the same Order land.

It is not known why matters have been taken forward in this fashion, but two points remain:

Firstly, the acquiring authority needs to set out its reasons in the SOR as a matter of procedural propriety. Secondly, the making of a compulsory purchase order for ulterior motives would amount to an illegal and improper use of statutory powers, particularly where it might potentially have the effect of reducing the level of compensation entitlement due to affected parties for no good reason (and no reasons have been offered in the SOR).

Further, the Ministry of Housing, Communities and Local Government document '*Guidance on Compulsory purchase process and The Criche Down Rules*' (16 July 2019) ('the Guidance') states that acquiring authorities should consider:

'keeping any delay to a minimum by completing the statutory process as quickly as possible'.

It is difficult to see how that principle could be maintained in circumstances where the draft Order re-runs a significant element of the compulsory purchase process without stating why that step should be necessary.

Summary and conclusion

In summary:

- i. CDC has failed to take reasonable steps to assemble the site by private treaty (as evidenced by the very limited number of attempts made to negotiate with SMT and the terms of such negotiations), as well as the unusually rapid progression from first notification of residents to the making of the draft Order. Negotiations have been woefully inadequate in that regard. In particular, the quality of communications and efforts made by CDC and its development partner to acquire rights and interests by private treaty fall inexcusably short of the expected norms advocated by Guidance, and do not match up to the claims set out in the acquiring authority's Engagement Plan.
- ii. CDC has unreasonably failed to integrate vital and necessary measures into the draft Order for the purposes of ensuring that SMT, and its residents, will be able to enjoy in the same beneficial manner as they do at present, rights of access and easements, and privileges, in relation to the Property.

- iii. The public interest case for depriving SMT of the open meadow is wholly inadequate given that this land currently provides an important amenity for residents and is recognised as a positive contributor to the quality of the Conservation Area and the 'setting' of the Grade I listed St Andrew's church. There has also been no attempt to discuss how, through private negotiations, the benefit of this open space as a recreational resource might potentially be extended to a wider section of the local public.
- iv. Delivery of the infrastructure and associated funding mechanism required to address flood risk / surface water issues pertaining to plot 6 has not been adequately articulated.
- v. No reasons are provided for why the Order land is not just restricted to the '*small additional area of further land adjacent to the A27 roundabout junction in the north of the TSDL*'.¹² In all respects, CDC has not shown there is a compelling case for compulsory acquisition in the public interest, and therefore the associated interference with ECHR rights is not adequately justified.

For all these reasons the making of the draft Order is misconceived and/or premature and should not be confirmed in its current form.

Please acknowledge safe receipt of this letter to confirm that SMT is recorded as a Statutory Objector (which for the avoidance of doubt also includes each individual leaseholder of the Property). We would also ask you to note the following points:

- i. SMT considers that its objections should be considered by way of public inquiry.
- ii. SMT does not consent to the use of the 'written representations' procedure for consideration of objections to the Order, pursuant to section 13A(2)(c) of the Acquisition of Land Act 1981 (as amended).
- iii. We reserve the right to expand on these grounds of objection upon receipt of further information from CDC including, but not limited to, its detailed Statement of Case.

Yours faithfully,

Keystone Law

¹² SOR, para. 1.6.