

OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

Congleton Link Road - Hand Back of Surplus Land

Land at Holmes Chapel Road, Congleton

Date of Decision	25.07. 2025
Decision Taker (including Job Title)	Joanne Jones, Interim Head of Estates
Specific Delegation	<p>This relates to an officer decision taken under delegated authority from the Cabinet meeting held on 14th June 2016 :</p> <p>Item: 2.1(A)(e) - this recommendation delegates power to the Head of Assets (now the Head of Estates) to initiate negotiations and seek to conclude terms to acquire land and rights (or extinguish the same) required for the Congleton Link Road (CLR) by voluntary agreement and to instruct the Director of Legal Services to draw up the necessary documents and to execute such documents as are necessary to complete such acquisitions.</p> <p>Item: 2.1(A)(f) - to authorise the Head of Assets to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the scheme and related compensation claims and also in advancing the development or implementation of the CLR.</p>
Brief Description of Decision	<ul style="list-style-type: none">• To approve entering into an Agreement to hand back the land delineated red on Plan 1 (Land at Holmes Chapel Road, Congleton) to [REDACTED]• to pay reasonable and proper professional fees applicable to the agreement,

Reasons for the Decision and alternatives considered	<p>This report refers to the handback of surplus land relating to the Congleton Link Road (the Scheme) to [REDACTED] (the Claimant).</p> <p>Plots 1/11, 1/11a, 1/11b, 2/2, 2/2a and 2/2c of The Cheshire East Borough Council (A536 Congleton Link Road) Compulsory Purchase Order 2016 were compulsorily purchased from the Claimants in December 2018. These plots formed agricultural land required for both permanent works (12,032 sq m) and temporary works (5,900 sq m).</p> <p>The Council's external valuers (Jacobs) agreed a compensation entitlement (£) with the Claimant's agent with reference to Rule 2 (Market Value of land taken) and Rule 5 (Disturbance). The Rule 2 valuations were based on the permanent land requirements for the Scheme only.</p> <p>The compensation terms were agreed on the basis that the 5,900 sq m of temporary land would be transferred back to the Claimant following completion of the Scheme. As the Scheme has been completed and is open to the public, it has been agreed that the temporary land (as delineated red on Plan 1) will be transferred back to the Claimant for the sum of [REDACTED]</p> <p>The transfer agreement for the handback land will include an easement for the benefit of the Council for maintenance purposes.</p> <p>Alternative Options Considered</p> <p>To retain the temporary land – this may result in a claim for compensation for the loss of the temporary land and a requirement for the Council to install new fencing to encapsule the temporary land from the Claimants retained land.</p>
Member consultation and interests declared	Members have been kept up-to-date of the Scheme in accordance with the local ward member protocol
Significant Decision	NO
Legal Implications	<p><u>Governance and authority</u></p> <p>The decision maker has the necessary authority to make the decision , the matter has been considered by the Cabinet on 14 June 2016 to authorise the Head of Assets to enter into negotiations and</p>

agreements for compensation due and professional fees to be met by the Council incurred as a result of the Scheme. The delegation from Cabinet who had within their terms of reference at paragraph 1.1 of chapter 7 of the Constitution dated 5 February 2016 the duty and responsibility which are not the responsibility of any other part of the Council.

[REDACTED]

[REDACTED]

Land hand back and best value

The land is declared surplus to the Council's requirements further to implementation of the Scheme, with the decision to hand back this land to the previous owners [REDACTED] for the sum of [REDACTED]. The decision-taker has verified compliance with the terms of achieving best value in relation to the settlement terms offered and has provided a valuation report (appended).

Handing back the land to the original owner complies first, with the principles of the Crichel Down rules, secondly, removes any ongoing maintenance liability for the Council and furthermore, stymies any potential claim for the loss of the temporary land, thus mitigating the Council's exposure to more costs/ compensation outlay.

Provision will be made in the transfer for a temporary easement (in favour of the Council) for maintenance of the hedgerows abutting the highway.

Louise Carrington, Commercial Property solicitor,
18.7.2025

Financial Implications	<p>The final compensation payment has been based on the permanent land take only. The tract of land under this agreement has been held on a temporary basis and was not part of the permanent area subject to the compulsory purchase order. The intention has always been to hand back this land.</p> <p>As this agreement seeks to comply with the original transfer agreement, I can support the proposal.</p> <p>Helen Donald Principal Accountant 17.7.2025</p>
Confidential/Exempt Information	Yes.
Background Papers	<p>Appendix 1 – Plan showing temporary and permanent land takes.</p> <p>Appendix 2 – Plan showing easement.</p> <p>Appendix 3 – Handback Land – Plan 1</p>

Signed *J M Jones*

Joanne Jones, Interim Head of Estates

Dated 25.07.2025