

STATEMENT OF REASONS

Proposed Appropriation of land west of the A34, Handforth - Section 122 Local Government Act 1972

Introduction

This Statement of Reasons explains why Cheshire East Council (the "Council") proposes to appropriate land situated to the west of the A34 Wilmslow-Handforth Bypass, Handforth (the "Land") for planning purposes pursuant to section 122 of the Local Government Act 1972.

The Land is required to facilitate the delivery of the infrastructure associated with the wider Handforth Garden Village development area (the "Site")

Appropriation is the process by which a local authority changes the statutory purpose for which land is held where it is satisfied that the land is no longer required for its existing purpose and is required for another lawful purpose. The Council is satisfied that the Land is no longer required for the purpose for which it is currently held and considers that appropriation is necessary to support delivery of the infrastructure associated with Handforth Garden Village development.

Description of the Land

The Land comprises an area of landscaped open space situated to the west of the A34 Wilmslow-Handforth Bypass, Handforth shown edged red on the plan.

Purpose of the Appropriation

The Council proposes to appropriate the Land for planning purposes in order to facilitate the delivery of the infrastructure associated with the Handforth Garden Village.

Need for Appropriation

The Council has reviewed the purposes for which the Land is currently held and is satisfied that it is no longer required for those purposes. Appropriation is required to enable the Land to be used for planning purposes and to facilitate delivery of infrastructure associated with the Handforth Garden Village scheme.

The Council's land is subject to several private rights and interests, including rights of way, easements and restrictive covenants, which benefit other land and which may conflict with the proposed works.

The Council is seeking to address these matters through negotiation wherever possible. However, there is no certainty that all necessary rights can be varied or released by agreement within a reasonable timeframe. Appropriation of the Land for planning

purposes will enable the Council, where necessary, to rely on statutory powers to override such rights so that the works can proceed.

Without appropriation, there is a material risk that these rights could delay or prevent the implementation of the Garden Village.

Planning Justification and Public Benefits

The Land forms part of the wider Site which is allocated in the Local Plan as a strategic development site for a garden village. The proposed works will facilitate the development which will make a significant contribution to meeting housing needs, including the delivery of affordable housing, in an area where demand is high and available land is limited.

The Garden Village will deliver a sustainable and well-planned community, supported by new infrastructure, community facilities and employment opportunities. It will also provide enhanced green infrastructure, including accessible public open space and ecological improvements. Taken together, these benefits will support the economic, social and environmental wellbeing of the area.

Open Space Considerations

The Council recognises that the Land includes open space. The development proposals for the Site that the Land supports includes the provision of new and enhanced publicly accessible open space as part of a comprehensive green infrastructure network. The Council considers that the overall quality, accessibility and extent of open space will be improved through the development.

Human Rights Considerations

In reaching its decision, the Council has had regard to its obligations under the Human Rights Act 1998. The appropriation of the land, and the potential interference with private rights, engages Article 1 of the First Protocol to the European Convention on Human Rights. The Council considers that any interference is lawful, necessary and proportionate, having regard to the significant public benefits arising from the development. Affected parties will be entitled to compensation in accordance with the statutory framework.

Conclusion

The Council is satisfied that the Land is no longer required for its existing purposes and that appropriation for planning purposes is necessary to enable the delivery of the Garden Village. The Council considers that there is a clear and compelling case in the public interest, and that the benefits of the proposed development outweigh any adverse impacts arising from the appropriation.