

Terry Flemming

Date: 19 June 2023

Our Reference: 20412097

Your reference: request-982716-91790d8c@whatdotheyknow.com

Dear Terry Flemming

Information Request - 20412097 - The Meadows Congleton

I am responding to your request for information, which has been considered under the Freedom of Information Act 2000 (FoIA) and logged as case 20412097.

Your request is as follows:

I write in relation to the encroachment of an area of Congleton called "The Meadows". It is the same area I requested information about previously in my request ref: 16482053.

Please can you provide a copy of all internal information (such as emails, communication with local councillors etc) that is not subject to legal privilege.

Can you also confirm the cost to date relating to this matter? If it is still the case that it is only council officers time, can you please provide the approx. cost of this.

I can confirm that Cheshire East Council holds the information you have requested. I have detailed below the information that is being released to you.

I refer to your Freedom of Information enquiry (ref: 20412097) concerning land at The Meadows in Congleton.

The matter of the encroachment was first brought to the attention of the Property Services Team in 2017. The matter was investigated, and appropriate action taken which resulted in the encroachment being removed. At that point, the matter was considered closed.

It was subsequently brought to our attention that the land was again subject to encroachment during the Covid lock down period. The Council wrote to the offending party on 26th May 2021, this being the first substantive date requiring the removal of the new encroachment. We endeavoured to remedy the situation without recourse to

litigation which is standard practice in an effort to avoid undue costs where possible. This is a common constraint that Council officers deal with when trying to bring a resolution to a problem of this nature.

Progress has been hampered due to the number of internal and external agencies and issues involved. This has been further compounded due to the seasonal nature of these activities whereby during the winter period any nuisance is much reduced.

It has been concluded that a resolution between the parties will not be possible and this matter has been referred to our Legal Services Team. Legal advice has been given which is privileged. It concerns the involvement and duties of other organisations. Contact will be made shortly with the same.

We also be looking to implement measures of prevention going forward as well – works to the land to try to prevent such use, if at all possible.

Every effort has been made to mitigate costs and to date the only financial costs incurred by the Authority have been officer time - which we have not quantified on this case as there is no costs recovery mechanism. We only time record on cases we can recharge for such costs.

I trust the above is of assistance and has addressed all relevant points to your satisfaction.

Please quote the reference number 20412097 in any future communications.

An anonymised copy of this response may be published in the Council's Disclosure Log, which is available online at the following address: www.cheshireeast.gov.uk/foi

If you are not satisfied with the outcome of your request or if you are not happy with the way your request has been handled, you can request an internal review. Internal review requests should be submitted within 20 working days of our response by emailing foi@cheshireeast.gov.uk or in writing to the Information Rights Team, Cheshire East Council, 1st Floor, Westfields, c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: <https://ico.org.uk>; Tel: 0303 123 1113; or Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. The Information Commissioner will not normally investigate your case until the Council's internal review process has been completed.

Yours faithfully

Estates

Cheshire East Council