

THE HIGHWAYS ACT 1980

-and-

THE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994

COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

REFERENCE: LAO/NW/SRO/2013/40 and LAO/NW/CPO/2013/41

REBUTTAL PROOF

-of-

James McMahon in relation to the Rebuttal Proof

of

Steer Ethelston Rural Ltd

on behalf of Messrs B and K Dumville, Primrose Cottage Nurseries, Moss Nook

The Metropolitan Borough Council of Stockport

acting on its behalf and on behalf of

-Manchester City Council -and-

Cheshire East Borough Council

**to be presented to a Local Public Inquiry on the 30th September 2014 to consider
objections to**

**THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO
MANCHESTER AIRPORT A555 CLASSIFIED ROAD) COMPULSORY PURCHASE
ORDER 2013**

**THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO
MANCHESTER AIRPORT A555 CLASSIFIED ROAD) (SIDE ROADS) ORDER 2013**

Parveen Akhtar

Head of Legal and Democratic Governance

The Metropolitan Borough Council of Stockport

Corporate and Support Services

Town Hall, Stockport SK1 3XE

This rebuttal proof of evidence sets out the Council's response to the objector's rebuttal proof in relation to their objection to the A6 to Manchester Airport Relief Road Compulsory Purchase Order and/ or Side Road Order that was submitted to the Programme Officer on 5th October 2014 by Steer Ethelston Rural Ltd on behalf of Messrs B and K Dumville, Primrose Cottage Nurseries, Moss Nook.

This rebuttal proof is presented by the Council's Project Director for the A6MARR scheme. James McMahon, however, contributions to this rebuttal have been made by the Council's Expert Witnesses as indicated alongside the responses.

The Expert Witnesses contributing to the responses to the objections submitted are as follows:

| Expert Witness | Initials | Proof of Evidence Name and Reference Number |
|-----------------------|-----------------|--|
| James McMahon | JMcM | Volume 1 |
| Naz Huda | NH | Volume 2 |
| Nasar Malik | NM | Volume 3 |
| Paul Reid | PR | Volume 4 |
| Paul Colclough | PC | Volume 5 |
| Jamie Bardot | JB | Volume 6 |
| Alan Houghton | AC | Volume 7 |
| Sue Stevenson | SS | Volume 8 |
| James McMahon | JMcM | Volume 9 |
| Henry Church | HC | Volume 10 |

A plan showing the relevant land contained within the order(s) is shown at Figure 1.

Objector 45: Messrs B and K Dumville
 Primrose Cottage Nursery and Garden Centre, Ringway Road, Moss Nook, Wythenshawe, Manchester, M22 5WF
 CPO Plots: 9/1E 9/1F
 Agent:
 Steer Ethelston Rural Ltd
 Estate Office, Deer Park Farm, Kermincham, Crewe, Cheshire, CW4 8DX

| Element of objector proof | Objection | Response | Expert Witness |
|---------------------------|---|--|----------------|
| 45/RR01 | <p>45/R01- The Council have stated that the account details have not been made available. These have in fact been provided to Mr H Church (on a confidential basis) which include the last seven financial years and show a healthy profit. In respect of the tenure this has also been discussed at length with Mr Church and he is aware of position. This comprises a retirement notice which has been served by the tenant to his nominated successor under the Agricultural Holdings Act. Specialist Counsel's advice on this matter has been taken and her detailed opinion confirms that the tenancy should subsist for two more generations.</p> | <p>A summary of profit and loss figures (not business accounts) was provided to SMBC at a meeting on 23 September. Audited business accounts are required to verify the information provided.</p> <p>The position in respect to the tenure and succession is understood. At the meeting on 23 September I was advised that the retirement notice was due to be served.</p> | HC |
| 45/RR02 | <p>45/ RO2 Please note the comments above account details have been provided. A further quotation is being worked on by Cambridge Greenhouse Company and will be available shortly to discuss with Mr Church.</p> | <p>The claimant's adviser has been aware that SMBC envisaged that Dumville would undertake works in mitigation. It is disappointing that it is only recently that Dumville has sought to progress this option.</p> <p>Dumville needs to secure landlord's consent for the works identified. It is not clear whether this has been sought</p> | HC |
| 45/RR03 | <p>45/ RO3 Thank you for the further explanation in respect of the dust situation. Would it be possible for the</p> | <p>Yes it is fully intended that the Contractor will liaise with the Nursery to understand the potential impacts of construction works including the dust on their business operations. A</p> | NH |

| | | | |
|---------|--|--|-------------|
| | Council/ their contractors to liaise with the claimants in the preparation of the method statement for this particular property please? | method statement will be developed in liaison with the Nursery and also other stakeholders such as the Local Highway Authority and the Local Planning Authority in accordance with the Construction Environment Management Plan (CEMP) and the Code of Construction Practice. | |
| 45/RR04 | 45.R04 It is very disappointing indeed that small healthy business cannot be supported by the Council to provide an access and whilst the claimant accept for highway reasons it may be difficult to do so; at the very least they should be in position to provide much more help in respect of the signage provision and not simply refer the claimants to Manchester City Council. It is especially surprising that the rebuttal should be so unhelpful when the City Council is involved in supporting this road project. Please do try and establish an accommodation on this matter with the City Council and not leave it to the claimants who will find it very difficult indeed to deal with the bureaucracy post road construction. The signage we believe will make a considerable difference to the continuing success of the business. | <p>The design team has liaised with the Local Highway Authority, Manchester City Council regarding this matter. They have advised that the garden centre does not qualify for signage on the highway for various reasons in line with their respective policy (see Appendix A).</p> <p>It is suggested that the objector investigate the proposals for off highway signage via the appropriate planning channels. The design team will facilitate those discussions.</p> | NH/ JMcM |

A plan showing the relevant land contained within the order(s) is shown at Figure 1.



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VOLUME 2 - APPENDICES

Parveen Akhtar

Head of Legal and Democratic Governance

The Metropolitan Borough Council of Stockport

Corporate and Support Services

Town Hall, Stockport SK1 3XE

Appendix A Manchester City Council Response: A6MARR - Signage off Ringway Road / Styal Road

From: p.swann@manchester.gov.uk [mailto:p.swann@manchester.gov.uk]
Sent: 06 October 2014 13:31
To: Naz Huda
Subject: Re: A6MARR - Signage off Ringway Road / Styal Road

Naz,

Manchester has a policy for signing, and the relevant part of it in relation to the signing of a business premises is:

Manchester Policy on Directional Signs for Pedestrian and Cyclists

The location or facility to be signed should have no commercial involvement, although each location will be assessed on its own merits. In addition the applicant may not use the signing as an advertising method for a commercially registered business or businesses.

The facility must meet a local need and the signage must be installed where there is a transient population. The location of pedestrian signage needs to be dictated by the walking or cycling route to the facility. Pedestrian signage is not an advanced type directional sign and it should be located only at the point where the direction to the facility is required to be changed. Pedestrian signs make use of area names where possible; signs to specific facilities will only be approved in the immediate vicinity of the facility.

A comprehensive list of all facilities for which pedestrian and cyclist directional signing may be used is given below. For cycling the signs to be provided would be supported only on an appropriate or recognised route.

Where applications for this type of sign are made by third parties, the applicant should meet the cost of the design and installation of the signs as detailed below. The number and locations of cycle or pedestrian signs is determined by the City Council and not the applicant.

With regard to signing to tourist attractions, the policy is:

Manchester Policy on Tourist Destination Signing and Vehicular Directional Signing

When requests are received requesting brown tourist destination signage they are assessed using the following guidelines:

the tourist business must be open for a minimum period during the year;
the tourist business must be publicised in the tourist guide and at the Tourist Information Centre;
the tourist business is accredited by the "Visitor Attraction Quality Assurance Service" (VAQAS) run by VisitBritain;
the tourist business has adequate car parking and toilets (including provision for visitors with disabilities) on site or close by; and
the tourist business has adequate cycle parking.

*All **tourist attractions** listed above can qualify for directional signing, if such a facility were to be established in Manchester or an existing facility requested such signage. Where applications for this type of sign are made by third parties, the applicant should meet the cost of the design and installation of the signs as detailed below.*

*None of the **tourist facilities** listed above will be granted brown tourist signs. Manchester is an urban authority where there are many accommodation facilities, restaurants and public houses. To sign all*

these facilities would create an enormous amount of street clutter and confusion, particularly as the majority of these facilities are located within the city centre or in the urban area.

I would therefore conclude that under MCC's policy, the nursery would not qualify for a sign.

Regards,

Paul

Paul Swann,
Team Leader

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Capital Programmes and Property,
Growth and Neighbourhoods Directorate,
Manchester City Council.

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