

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 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 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 Department for Transport 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.

<p>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</p>			
Element of objector proof	Objection	Response	Expert Witness
45/R01	<p>The draft CPO includes the main greenhouses, plant beds, vegetable growing area, potting and compost area car parking and heavy goods vehicle turning area. The proposals which take a large proportion of the nursery will make it very difficult if not impossible to continue to operate.</p>	<p>The impact of the scheme on the operation is understood. The extent to which compensation or works can be provided to mitigate the effect has been discussed but, in the absence of requested accounting information and clarity over the future tenure, it is not possible to assess the extent to which outcome is most economically justified.</p>	HC
45/R02	<p>The Environmental Statement Mouchel 2013 Page 246 P20 states <i>“28% of this plot will be required for the construction of the proposed scheme and will result in the demolition of the polytunnels associated with the nursery the polytunnels will be re sited and replaced as proposed mitigation”</i> Exhibit B. Please note that it is capital intensive glasshouses that are affected and not polytunnels which are a more temporary plastic type of greenhouse. The Council representatives in spring 2013 discussed a potential new layout of the site to help mitigate the worst effects of the scheme as per the statement above. I provided some details of the existing buildings with a new suggested layout. The Council subsequently arranged for</p>	<p>As long as it can demonstrated that the compensation payable in the alternative justifies the cost then funds for replacement facilities will be provided. At this stage it is not possible to make that assessment, the business accounts having not been made available.</p>	HC

	<p>Keder Greenhouses a specialist glasshouse company to advise on the costs and logistics of the replacement buildings in accordance with the statement above. However subsequent discussions since that time with the Council's representatives have indicated that they are no longer willing to help in such a fashion and I am therefore concerned about the Council's intentions to properly deal with the mitigation as outlined in the Environmental Statement above.</p>		
45/R03	<p>The road scheme will also be detrimental to horticultural activities as a result of dust from the road during construction and afterwards. The Environmental Statement Mouchel 2013 Table 8-23 Page 103 Exhibit C acknowledges that during construction the risk level for properties less than 20m from the construction boundary is High Risk especially in cases where as stated above the soil is peat (the area is called Moss Nook). This would lead to contamination.</p>	<p>It is inevitable that construction associated with the implementation of the proposed scheme will result in the generation of dust. It is acknowledged the proximity of the nursery outside of the CPO lands will render it a high risk site. The ES in section 8.5 identifies a number of measures which contractors will be required to adopt to control construction-related dust. The ES also indicates that method statements will be required in areas of high risk such as the nursery. It will be a requirement that the statements include provision for liaison with nearby sensitive receptors relating to the nature of the activities and dust, the timing and duration of the activities and measures to be adopted to mitigate potential impacts.</p>	PR
45/R04	<p>The main access to the nursery is at present from Ringway Road. The proposals in connection with the above road scheme are to make Ringway Road a service road only and thus both potential and existing customers will be discouraged from using the services of the nursery. As a result of the land take it will be also difficult for heavy goods vehicles</p>	<p>One of the objectives of the A6MARR scheme is to provide a dual carriageway relief road taking congestion off residential streets. The proposals include for junctions on the mainline with intersecting side roads. It does not provide for private accesses unless it serves to mitigate severed land. The scheme requires an area of land to the south of the plot but leaves no severed parcels to the south of the A6MARR therefore it is not appropriate to provide such an access into the garden centre.</p>	NH/ JMCM

	<p>to turn within the premises. My clients would therefore require an access off the proposed road in order to mitigate these serious consequences for vehicular accessibility and visibility to the public of their business premises.</p> <p>The Council have stated that no new access can be provided off the new road. I submit that they should seriously re-consider this point. At the least my clients require that the Council include highway signage off the proposed new road in both directions before the Styal Road junction from both the eastern and western approaches to point the way to Primrose Cottage Nurseries. Exhibit D</p>	<p>Furthermore, DMRB TA 79/99 sets out the expected carriageway standards provision for a new urban road based on the expected hourly traffic volumes. The TA defines four Road Types for Urban All-Purpose roads – UAP1 through to AP4. The closest Road Type to the proposed A6MARR scheme is UAP1. This relates to a high standard single or dual carriageway road carrying predominantly through traffic with limited access.</p> <p>It is understood that the objector is requesting signage facing the A6MARR at what is currently the rear of the site boundary (southern boundary). These proposals for advertisement signing should be applied for via the Local Planning Authority, Manchester City Council and cannot be catered for through the proposals of the scheme.</p> <p>The design and layout of the site post construction of the road will have to consider all aspects of the operation of the business including servicing arrangements. Therefore the final site layout will have to allow for current goods vehicles which enter the site to be able to enter and leave the site in a forward gear. Similar to current arrangements or to reflect current arrangements.</p>	
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A plan showing the relevant land contained within the order(s) is shown at Figure 1.

