

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

The Brown Rural Partnership

on behalf of Christopher W Shenton

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 The Brown Rural Partnership on behalf of Christopher W Shenton.

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 38: Christopher W Shenton
 Bridge Farm, Wilmslow Road, Handforth, SK9 3EN
 CPO Plots: 7/4 7/4A-7/4H
 Agent:
 John Seed
 Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB

Element of objector proof	Objection	Response	Expert Witness
38/R01	<p>Whilst the statement of case examines a range of impacts, including environmental, air quality, cultural heritage, landscape, ecology and nature conservation, geology and soils, noise and vibration etc., it offers no explanation of the impact on agricultural land, and how this is to be mitigated.</p> <p>It is accepted that the Authority commissioned a limited Agricultural Impact Assessment; this has resulted in a brief section in the Environmental Statement but chiefly as an appendix to it. It was prepared, so far as I can determine, after minimal investigation and consultation; I was involved in an office meeting of approximately 1.5 hours with the agricultural consultant involved on 12th October 2012, but at an early stage of our being instructed by various clients. I am not aware of any detailed consultations by the consultant with our clients directly. The agricultural data sheets provide a brief summary of the impact of the scheme on various landholdings and a very brief note on proposed mitigation.</p>	<p>Reference is made to agricultural and agricultural holdings under Community and Private Assets in the Statement of Case (paragraphs 20.23 and 20.24).</p> <p>As is acknowledged by Mr Seed, an assessment of the impact of the proposed scheme on agricultural land and that referred to in Mr Steed's proof of evidence has been undertaken and was reported in the Environmental Statement. The conduct of the assessments relating to agricultural land and individual farms, including that forming the subject of Mr Steed's evidence, was informed by the guidelines contained in the Design Manual for Roads and Bridges, Volume 11, Section 3. Part 6 - Land use. The guidance is nationally recognised and is adopted for the assessment of major road schemes throughout the UK.</p> <p>With regard to the concerns raised that more detailed discussion is required relating to accommodation works, further discussions will be held and appropriate measures agreed should the draft orders be approved and the proposed scheme be progressed.</p>	PR

38/R02	<p>It is critical for the future use of retained land in agricultural or equestrian use that the scheme and/or its contractors employ specialist land drainage consultants and contractors to advise on and undertake appropriate land drainage remedial works, including new header drains, on relevant lands. This has been proposed as a standard accommodation work but does not appear to have been accepted by the Authority.</p>	<p>It has often been difficult to chart existing land drainage across private fields. Occasionally plans are provided in advance of the works but not in this case. It is therefore considered that much of the drainage will be discovered during construction. Connection to appropriate discharge points will be made physically by the contractor.</p> <p>All adoptable earthworks drainage will provide a drainage system that caters for the toe and top of earthworks slopes run off. This will be a combination of perforated French drains and ditches. This will provide opportunity to connect in severed private drains, if alternative discharge points, such as natural watercourses, ponds etc. are unavailable.</p> <p>The Council and the Contractor will liaise with the farming tenant or the objector in order to understand the existing field drainage systems.</p> <p>SMBC will intercept every artificial land drain, whether previously identified or not, and will pipe it to a suitable outfall. Insofar as a drainage issue arises one would expect it to be reflected in the rent payable.</p>	NH, HC
38/R04	<p>Mr Shenton has been in possession of the woodland between the southern boundary of the A555 and Spath Lane (Ref. Plot Plan 329) for more than sufficient time to establish adverse possession.</p>	<p>The land referred to is, subject to the Secretary of State accepting the modification, to be excluded from the Order. The extent to which Mr Shenton can establish adverse possession is not a matter for this Inquiry.</p>	HC
38/R05	<p>Design Freeze No. 6 shows the proposed new equestrian and cycle way use for the access track along both sides of the A555, and the bridge over the carriageway, that was provided as part of the accommodation works when that road was constructed. The road and bridge were not designed with a view to additional</p>	<p>The proposal are to create a shared use cycleway / footway between Hall Moss lane and The A34. The objector is incorrectly citing bridleway standards.</p> <p>The Design Manual for Roads and Bridges (DMRB) TA 90/05 states that:</p>	NH

	<p>pedestrian, cycle or equestrian traffic. The proposed intensification of use conflicts with existing farm traffic. A tractor coming over the bridge from the northern side will have to accelerate to get up the bank, without having sight of who or what might be on the bridge. This safety hazard is in conflict with one of the scheme's key objectives, which is to improve the safety of road users, pedestrians and cyclists. Modern agricultural machinery and equipment continually increases in size, and there is sufficient width for the bridge in particular to carry additional cycling or equestrian traffic. These issues cannot be resolved by the provision of passing places.</p> <p>Extracts from Guidance/Advice from the Highways Agency, The Countryside Agency, the British Horse Society and the PROW Good Practice Guide appear in the appendices. These include:</p> <ul style="list-style-type: none"> • Highways Agency: where horses are expected to pass, a preferred minimum width of 3 metres. A preferred minimum width for pedestrian and cycle routes of 5 metres. • Countryside Agency: optimum width for bridleways: 4 metres; desirable minimum width for bridleways 2.9 metres. • British Horse Society: 	<p>'7.16 Shared use facilities should generally be restricted to where flows of either cyclists or pedestrians are low, and hence where the potential for conflict is low. Unsegregated shared facilities have operated satisfactorily down to 2.0m wide with combined pedestrian and cycle use of up to 200 per hour. However, the preferred minimum width for an unsegregated facility is 3.0m.'</p> <p>The above design standards along with consultation with Vulnerable Road User Groups (VRUG) and the tenant farmer has inputted into the design of the proposed shared use cycleway / footway. The objector appears to have cited design standard that the scheme proposals adhere to.</p> <p>A site visit was undertaken in February 2014 to establish widths of the existing track in order to review options for upgrading the track to suite the requirements of the scheme.</p> <ul style="list-style-type: none"> • The minimum existing track width was surveyed to be 3.0m • The maximum existing track width was surveyed to be 6.5m <p>The surveys (as per drawing 1007/3D/DF7/A6-MA/GA/310 Shenton Land Cross Sections Appendix A) indicate that sufficient widths will be provided with additional passing places proposed. The track is of a linear nature and visibility will be safeguarded.</p> <p>Further mitigation measures that the Council proposes</p>	
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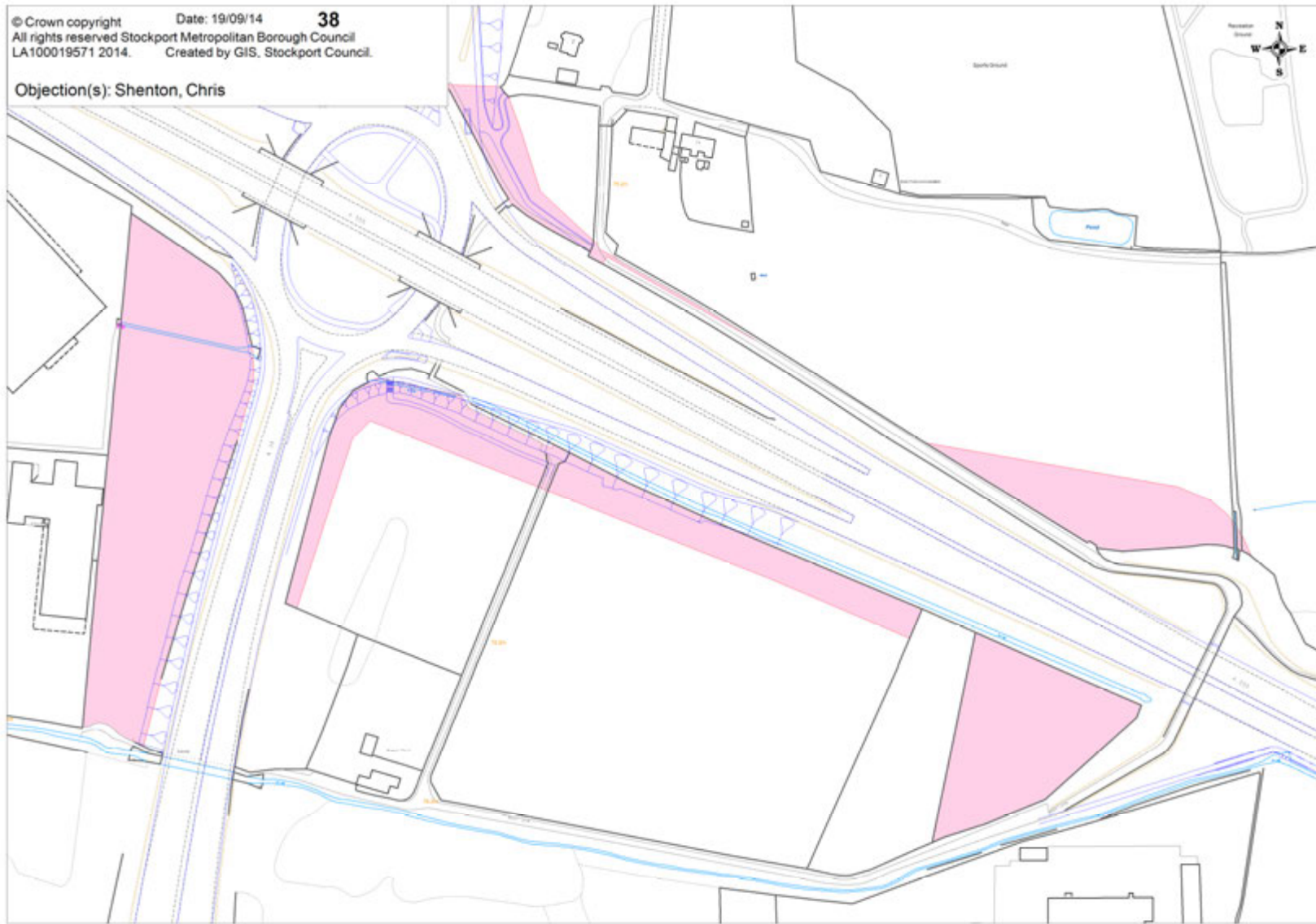
	<p>recommended standard for bridleways: 5 metres.</p> <ul style="list-style-type: none"> • Rights of Way Act 1990 Schedule 12A: minimum and maximum width for bridleways: 3 metres. <p>It appears that such standards have not been considered in the design process.</p>	<p>to alleviate the Objector's concerns are as follows:</p> <ul style="list-style-type: none"> • Signage to warn cyclists to approach the bridge with caution due to possible approaching agricultural traffic. • At the bridge location (Spath Lane Bridge) the Council will ensure that visibility is safeguard when either public or private users are travelling across • Mounted Convex mirrors could potentially be installed on the approach the bridge to allow visibility across the bridge for all approaching traffic will be considered. <p>It is therefore the case that the shared cycleway/footway traffic and the agricultural vehicles can travel safely across the bridge and along the length of the track.</p> <p>The preferred scheme is outlined in drawing 1007-3D-DF7-A6-MA-GA-304 (Appendix B)</p>	
38/R06	<p>Proposals are awaited to deal with the problem implicit in the junction of the southerly end of Spath Lane (to the south of the A555 bridge) with a new pedestrian/cycle/bridleway route coming in from the east; it is essential that sufficient gating is provided to prevent stock running on to the new access way.</p>	<p>Appropriate gates will be installed to segregate various types of traffic. This will be design in liaison with the Vulnerable Road User Groups and the land owners and tenant farmers.</p>	NH/ SS

38/R07	<p>Construction and compensation costs could be saved by relocating the new footpath to the north of Beech Farm into the existing land take area. A better route for footpath No. 81 would be along the western perimeter of the field, obviating the need for stile/kissing gates etc. This would help to mitigate some of the effects of the permanent land take. Given that footpaths at this location already cross and/or run close to existing highways, there should be no safety implications of this proposal.</p>	<p>There is no intention nor justification to divert this section of Footpath FP81 as part of the scheme proposals.</p> <p>The scheme wishes to minimise the impact of the road proposal on the existing footpath network, as far as practicable by limiting the scope of diversions.</p> <p>The alternative route suggested by the Objector seeks to re-route pedestrian from the field to adjacent to the A34, currently a dual carriageway of 70mph speed limit (for this section) which is undesirable.</p>	NH/ SS
38/R08	<p>In the field to the north of the A555 and to the east of the A34, the proposed cycle way/bridleway should be re-routed to field boundaries to avoid further loss of land.</p>	<p>The Council will construct the shared cycleway/footway as close to the carriageway as safely possible. Only the land required to construct the scheme will be acquired by the Council in order to mitigate the loss of private land.</p>	NH
38/R09	<p>To avoid unnecessary and inequitable costs for Mr Shenton, the Authority should confirm responsibility for future maintenance and repair of all new land drainage running under or adjoining the carriageways, and also banks to the highway.</p>	<p>It has often been difficult to chart existing land drainage across private fields. Occasionally plans are provided in advance of the works but not in this case. It is therefore considered that much of the drainage will be discovered during construction. Connection to appropriate discharge points will be made physically by the contractor.</p> <p>All adoptable earthworks drainage will provide a drainage system that caters for the toe and top of earthworks slopes run off. This will be a combination of perforated French drains and ditches. All adoptable highway drainage will be maintained by the relevant Local Highway Authority. This will provide opportunity to connect in severed private drains, if alternative discharge points, such as natural watercourses, ponds etc. are unavailable. SMBC will intercept every artificial land drain, whether previously identified or not, and will pipe it to a suitable outfall.</p>	NH

		The Council and the Contractor will liaise with the farming tenant or the objector in order to understand the existing field drainage systems. Private accommodation drainage constructed as part of the works will remain in the ownership of the land owner.	
38/R10	The loss of the field for a site compound (Plot 74A and 74B, Plot Plan 408) will have a serious impact as that field is used as an isolation field for cattle under a high health scheme. The Authority has tabled a revised scheme to use the top end of the field as the compound, but that remains unworkable as that would require significant additional time for Mr Shenton and/or his employees to go in to the field to manage cattle. As CBRE, the Authority's Agents, have stated that they will not compensate claimants time incurred on the scheme, this proposal is wholly unacceptable.	SMBC is reviewing its proposal to try to mitigate, as far as possible, the effects of the scheme on this field. Assurances have been given in respect of reimbursement of affected party's time subject to proof as to the loss.	NH/ HC
38/R11	Our clients have also objected to the proposed use of land required for temporary licence for tipping of permanent spoil and/or the creation of environmental bunds, which will severely prejudice the future use of the said land for agricultural and future development purposes.	There is no proposal to tip spoil permanently other than in creating the environmental bunds. All land which has been subject to temporary tipping will be remediated to allow it to be returned to its previous use. It is not clear why Mr Shenton, as tenant, should be concerned about prejudicing the future use of land for "future development" when, should that occur, his interest would terminate. The land is, in any event, within the Green Belt. It is not the purpose of the road to facilitate any associated development.	HC/ AH

38/R12	Current design closes off the existing access to Plot 7/4A and 7/4B, and the Authority have failed to demonstrate any alternative convenient arrangements.	It has been clarified to the tenant farmer that access to the said plot will not be closed off. This is a drafting error in the approved planning drawing 1007_3D_DF7_A6-MA_PABP_P_030 Block Plan Proposed Sheet. The Council and the Contractor will work with the tenant farmer and the land owner to minimise the impact on their respective operations during the works.	NH
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Figure 1: Land within the Order(s)



Rebuttal Volume 23/2
25th September 2014

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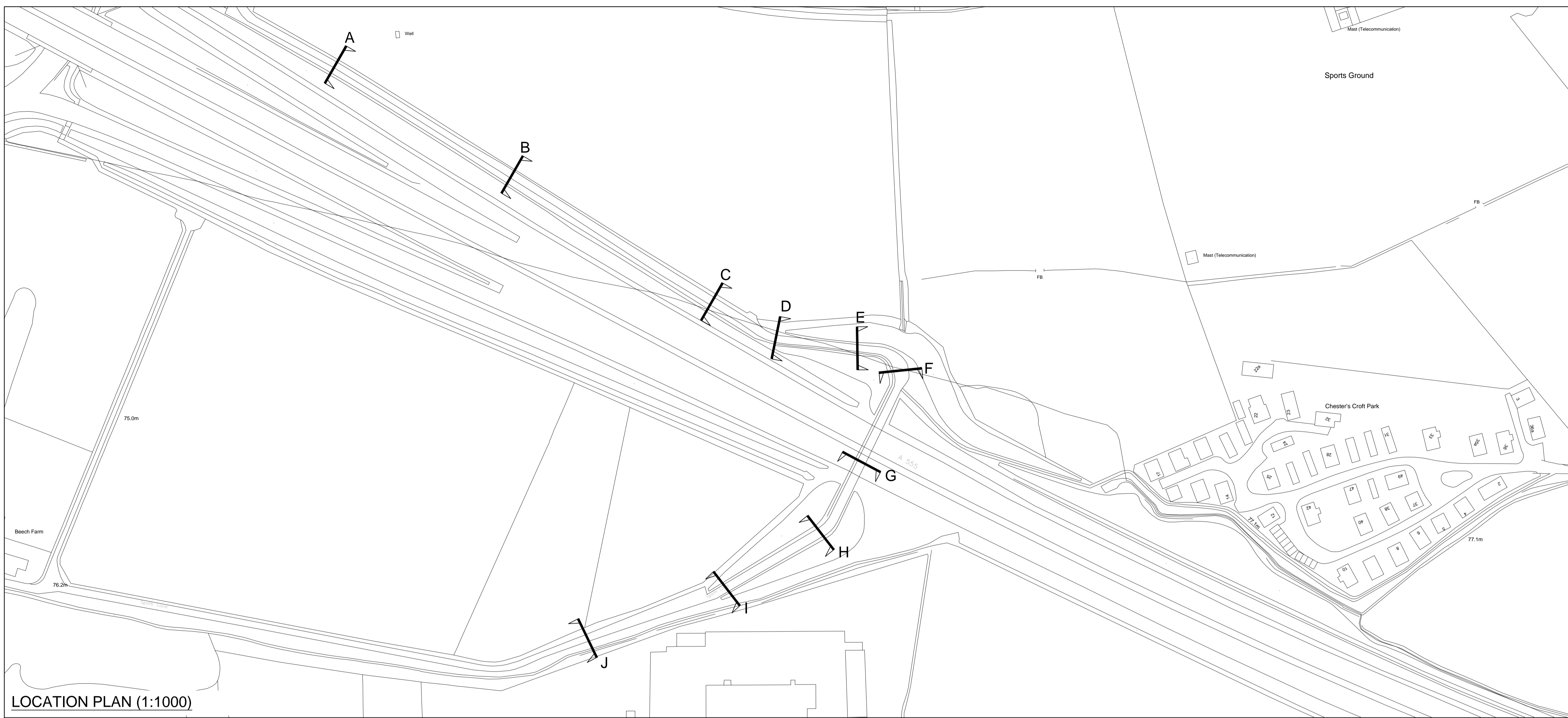
VOLUME 2 - APPENDICES

Parveen Akhtar

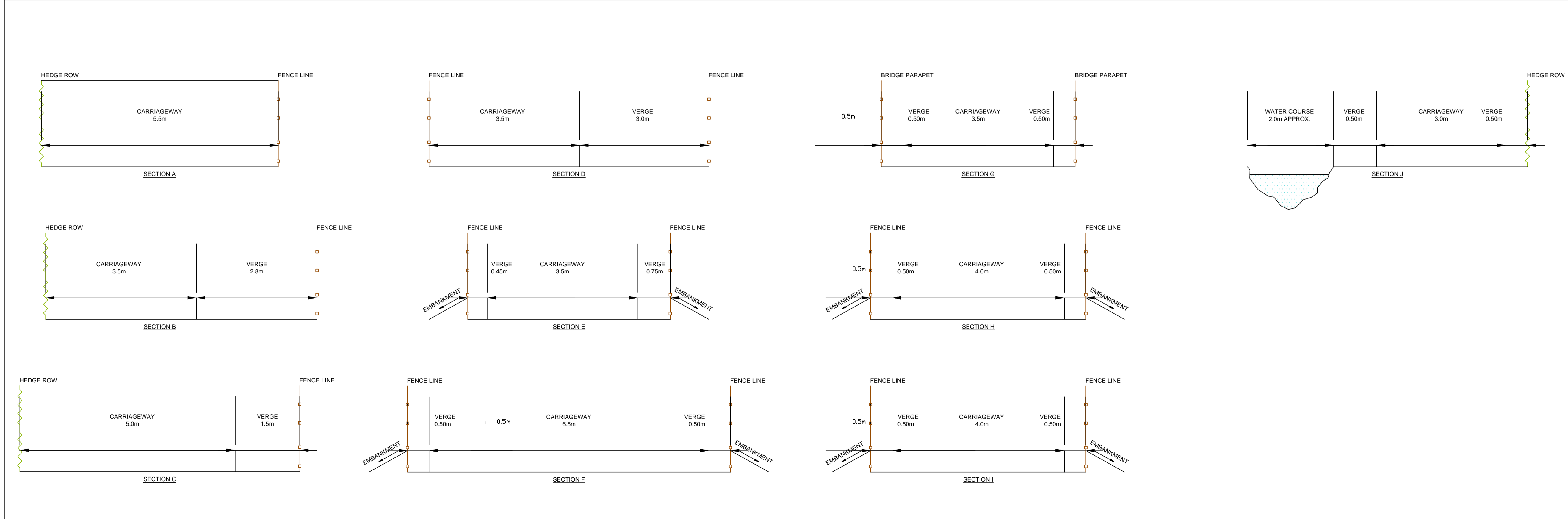
Head of Legal and Democratic Governance
The Metropolitan Borough Council of Stockport
Corporate and Support Services
Town Hall, Stockport SK1 3XE

Appendix A_1007-3D-DF7-A6-MA-GA-310 SHENTON LAND CROSS SECTIONS

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LOCATION PLAN (1:1000)



SECTIONS (1:50)

Rev.	Drawn	Checked	Date	Revision Details

www.semmms.info

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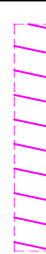

Job Title
SEMMMS - A6 TO MANCHESTER AIRPORT RELIEF ROAD

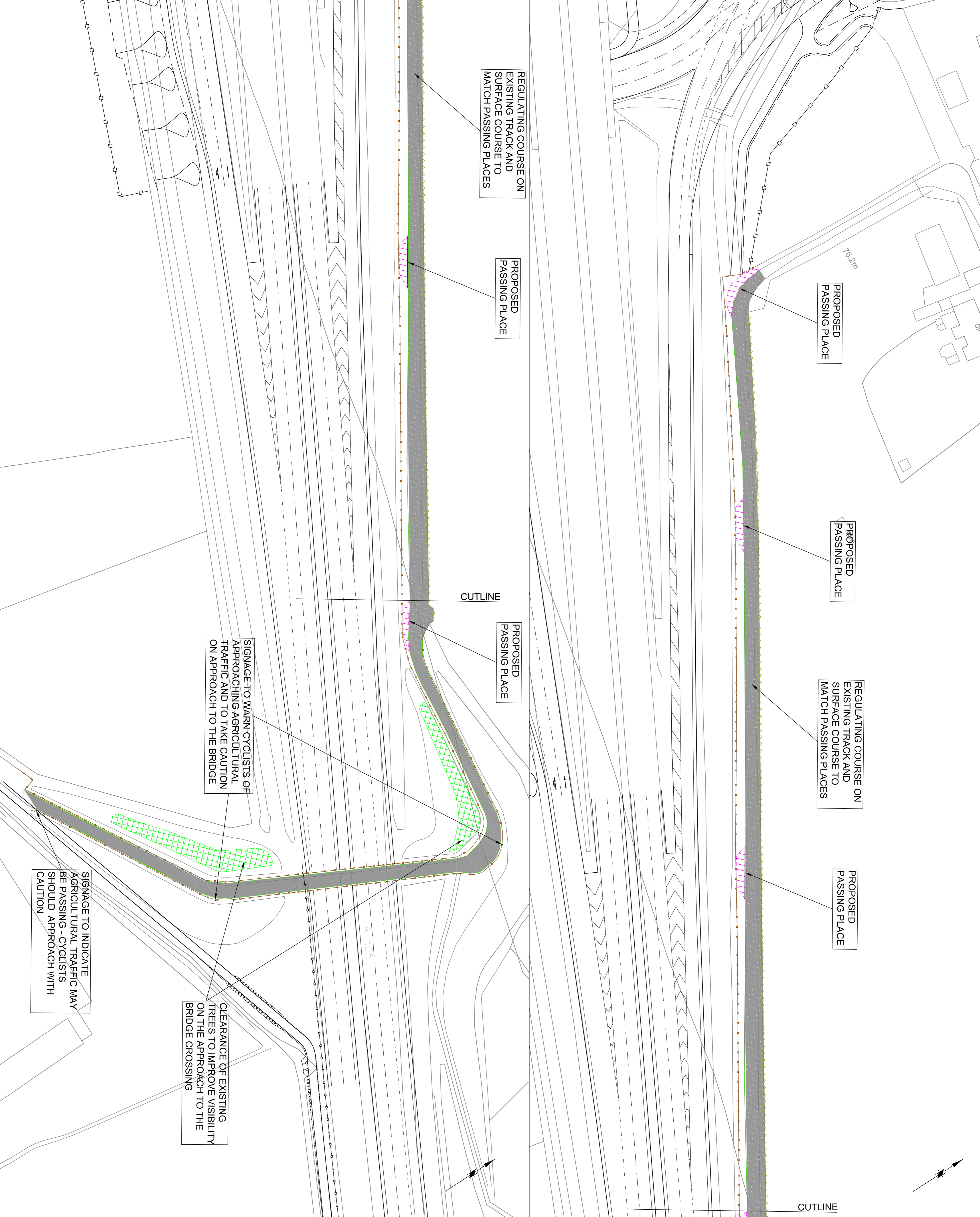
Drawing Title
SHENTON LAND CROSS SECTIONS

Drawn	Engineer	Checked	Approved
TF	JW	NH	
Date	Date	Date	Date
24.09.14	24.09.14	24.09.14	24.09.14
Size	Scale		
A1	AS STATED		
SCG No.	Filename		
Drawing No.	Revision		
1007/3D/DF7/A6-MA/GA/310	-		

Appendix B_1007-3D-DF7-A6-MA-GA-304 Shenton Option 1

KEY

-  EXISTING HEDGEROW
-  EXISTING FENCIBLE
-  EXISTING EDGE OF VERGE
-  EXISTING TRACK
-  PROPOSED SIGNAGE
-  PROPOSED REGULATING COURSE ON EXISTING TRACK
-  PROPOSED VEGETATION CLEARANCE



Rev.	Drawn	Checked	Date	Revision Details

www.semms.info

SEMMS - A6 TO MANCHESTER AIRPORT RELIEF ROAD

Job Title: **SHENTON LAND - CYCLEWAY OPTION 1**

Drawn: JW	Engineer: JW	Checked: NH	Approved:
Date: 07.03.14	Date: 07.03.14	Date: 07.03.14	Date: 07.03.14
Scale: A1	Scale: 1:500	Filename:	Revision:

Stockport Housing Regeneration Ltd
 1007/3D/DF7/A6-MAAGA/304