

**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 David Ralph Hall, Roger Graham Hall, Susie Wendy Allen and Douglas**

**Charles Hall**

**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 30<sup>th</sup> 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 David Ralph Hall, Roger Graham Hall, Susie Wendy Allen and Douglas Charles Hall.

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:

<b>Expert Witness</b>	<b>Initials</b>	<b>Proof of Evidence Name and Reference Number</b>
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 23: David Hall  Mill Hill Farm, Woodford Road, Poynton, Cheshire, SK12 1EG  CPO Plots: 3/3 3/3A-3/3E  Agent:  John Seed  Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB</p>			
Element of objector proof	Objection	Response	Expert Witness
	<p>David Hall runs a major farming business from Mill Hill farm, Woodford Road, Poynton involving in excess of 500 cattle, including in excess of 250 dairy cattle. The partnership, Hall Brothers, own approximately 200 acres and David Hall rents in, in his own name, approximately 300 acres. Some of the agreements are on annual agricultural tenancies. The remaining land is let on annual agreements, but the majority of these lettings have run consistently for a number of years.</p>	<p>It is the Council's understanding, derived from meetings with John Seed and David Hall is that</p> <ul style="list-style-type: none"> <li>• Hall Bros/Roger Graham Hall, Susan Wendy Allen, David Ralph Hall and Douglas Charles Hall owned Mill Hill Farm,</li> <li>• David Hall and Wendy Allen (his sister) are in a farming partnership, and</li> <li>• David Hall rented land in his name for use by the farming partnership</li> </ul> <p>Whilst the annual agreements referred to may have run for a number of years it is open to either landlord or tenant to agree to a longer term should it suit them.</p>	<p>HC</p>
<p>23/R01</p>	<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 had resulted in a brief section in the Environmental Statement but chiefly as an appendix to it.</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 Seed'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 Seed'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</p>	<p>PR</p>

	<p>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 12<sup>th</sup> 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>for the assessment of major road schemes throughout the UK.</p> <p>With regard to the concerns raised that more detailed discussion is required, further to the discussions that have already taken place relating to accommodation works, further discussions are on ongoing and will be continue and appropriate measures will be agreed should the draft orders be approved and the proposed scheme be progressed.</p>	
23/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>SMBC will intercept every artificial land drain, whether previously identified or not, and will pipe it to a suitable outfall.</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</p>	HC/ NH

		field drainage systems.	
23/R03	Our clients remain concerned at the extent of the land taken to provide for bunding, environmental mitigation works and pedestrian, cycling and equestrian traffic. The Authority has not demonstrated that these additional lands and routes are required for, or critical to, the purpose of constructing the relief road and its cuttings and embankments.	<p>SMBC has identified that some of the land within the Order is only required temporarily, however it is unable to compulsorily acquire land temporarily. In the absence of an agreement to ensure the land is available it will ensure scheme delivery by permanent acquisition. On completion of the scheme it will offer the land back to the landowner, in accordance with the Crichel Down rules</p> <p>The integration of new pedestrian and cycle facilities in the Scheme has always been a fundamental part of the Scheme development because of the recognised importance of encouraging more sustainable modes of transport.</p> <p>The Scheme includes a shared use pedestrian and cycle path along its length including retrofitting this to the existing A555, crossing facilities at junctions and links into the existing network and with the adjacent communities to allow access to the new path facility.</p> <p>Further justification of the proposals, design and consultation are outlined within the Proof of Sue Stevenson.</p>	HC/ SS
23/R04	Our clients remain concerned about significant noise impact on the farmhouse and bungalow at Mill Hill Farm, and the absence of mitigation measures provided by the Authority.	The assessments undertaken indicate that there will be no material change in traffic-related noise levels at the farmhouse or bungalow. This is due to the distance of the properties from the proposed scheme, the location of part of the scheme to the south of the properties in cutting and	PR

		the inclusion of mitigation in the form of bunding and environmental barriers.	
23/R05	<p>One of the grounds of our clients' objection to the CPO is that the CPO cannot authorise the taking of any land for temporary purposes, but, in the event that the CPO does contain powers to take land for temporary occupation, then the land in question should not be acquired permanently. A further ground of objection is that land acquired for temporary purposes cannot be used for the permanent tipping of spoil.</p> <p>Our clients remain concerned at the extent of land required for temporary occupation, and the use of that land for bunding.</p>	There is no proposal to tip spoil permanently other than in creating the environmental bunds.	HC
23/R06	Our clients fully support the objection submitted by Hazel Mort and Family with regard to the location of the accommodation bridge which is intended to provide access to the land which David Hall rents from Hazel Mort and Family.	We would refer to the response to Rebuttal Vol. 12 Objection reference 21/R06 within the rebuttal in relation Hazel Mort and Family.	HC
23/R07	It is essential that access is maintained to all parts of the farming operation, for milk tankers, general agricultural traffic etc., during the construction phase, but the Authority have not been able to demonstrate that sufficient measures are in place to preserve that access.	Hill Green Accommodation Bridge is due to be completed in the summer of 2016, approximately 15 months into the Construction period for the A6. Prior to the opening of the new bridge access between plots 112 and 114 will be maintained by providing a suitable fenced off access track across the works. A gated section within the track, similar to a level crossing layout will be established. If the Contractor is moving plant or materials along the corridor of the Project the gates will be manned to ensure safe passage and control. Any delay would be kept to a minimum. At all other times the gates will be set to allow	NH

		free passage for farm usage.	
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Figure 1: Land within the Order(s)

