

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

John Houston Consulting
on behalf of Harrison Development Holdings
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 John Houston Consulting on behalf of Harrison Development Holdings Limited.

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

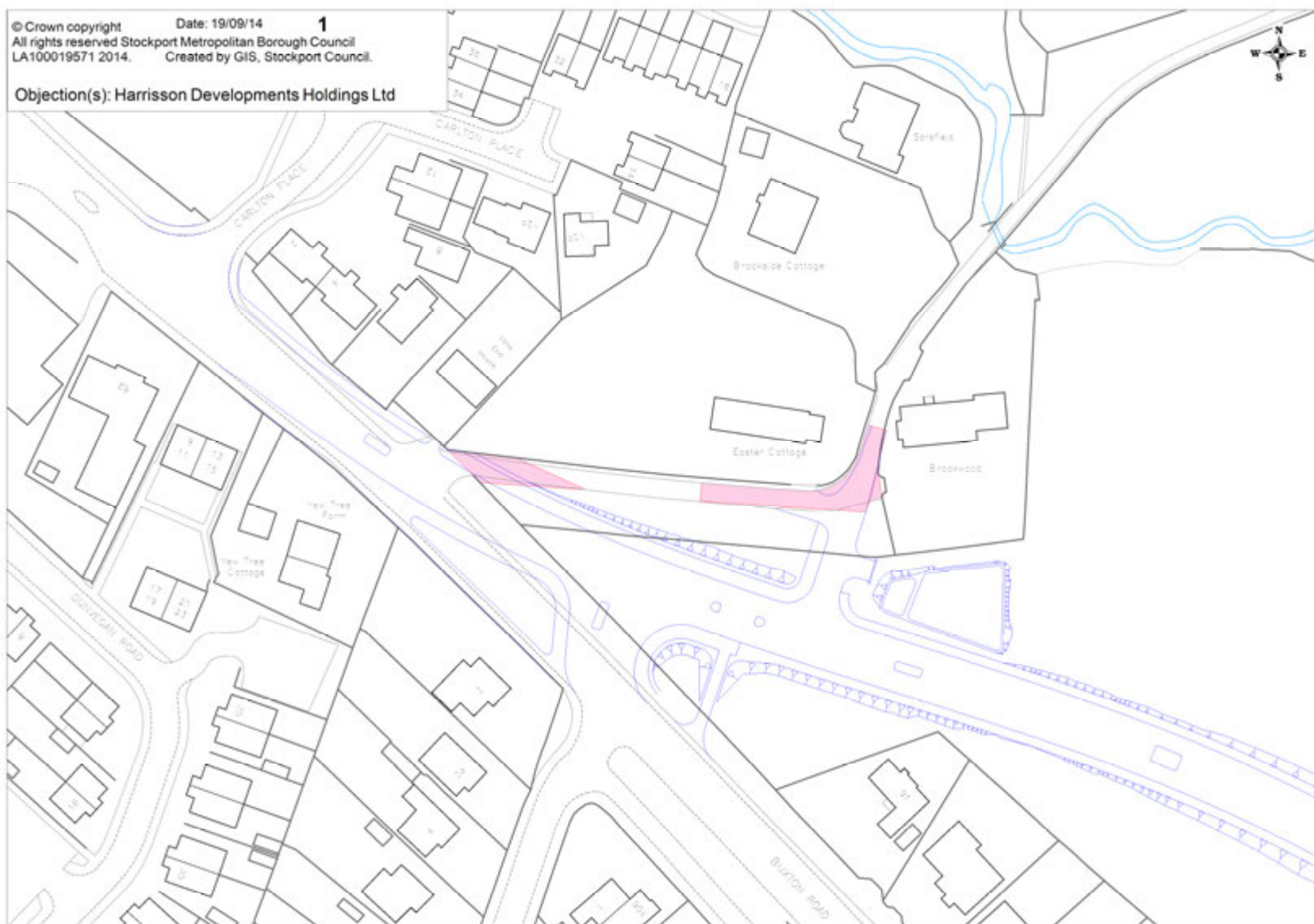
A plan showing the relevant land contained within the order(s) is shown at Figure 1.

<p>Objector 1:Harrison Developments Holdings Cramond, Broadway, Bramhall, Stockport, SK7 3BR CPO Plots: 1/1 1/1A 1/1B 1/1C Agent: John Houston John Houston Consulting, 82 King Street, Manchester, M24WQ</p>			
Element of objector proof	Objection	Response	Expert Witness
1/R01	Various plans have been produced by the Acquiring Authority over time for the design and length of the assumed-to-be-adopted cul-de-sac to be formed as part of the schemes to the south of Easter Cottage. This has confused issues.	<p>In order to reduce confusion and further to the published CPO, SRO and Planning Application plans the Council has produced further plans to identify the existing situation, the proposals indicating the Private Means of Access (PMA) to be stopped up and the proposals including the PMA to be re-provided:</p> <p><u>Existing Situation – Drawing 1007/3D/DF7/A6-MA/GA/350 – Existing Access Plan (Appendix A)</u></p> <p>The plan indicates the land plot owned by the objector and the extents of adopted highway according to SMBC records at the junction of the A6 Buxton Road and Occupiers Lane. Site visits have indicated that there is no gated access between the plot and the Occupiers land but a clearing in the hedgerow to the north side of Occupiers Land, west of Easter Cottage, a photographs have <u>yes</u> been provided <u>at Appendix B</u>. There is no direct access onto adopted highway nor does the plot front onto adopted highway.</p> <p>Investigation of land registry records and the owner of Occupiers lane have indicated no rights to pass across Occupiers Lane therefore no stopping up of PMAs have been proposed in Schedule 1 of the Side Roads Order (SRO) nor Site Plan of the SRO.</p>	NH/ HC

		<p><u>Proposed Scheme – Drawing 1007/3D/DF7/A6-MA/GA/351 - PMA to be Stopped Up (Appendix C)</u></p> <p>The plan indicates various PMAs to be stopped up including on Occupiers Lane that provides access to various residential properties off Occupiers Lane including Easter Cottage and Brookwood. It also provides access to Hazel Grove Golf Club. The PMA to Land End House of the A6 is proposed to be stopped up. For clarity only stopping up of PMAs off Occupiers Lane and adjacent to the plot are shown.</p> <p>No specific stopping up off PMA is shown to the plot as from Council investigations a PMA does not exist.</p> <p><u>Proposed Scheme – Drawing 1007/3D/DF7/A6-MA/GA/352 - PMA to be Re-provided (Appendix D)</u></p> <p>Occupiers Lane is to be stopped up east of Lane End House. The realigned A6 will diverge to the rear of 91 Buxton Road. A new junction will be created with Yew Tree Avenue on the south side of the new highway and a new access to Occupiers Lane to the north side.</p> <p>Off the realigned Occupiers Lane various new PMAs will be created:</p> <ul style="list-style-type: none"> • To the proposed new drainage attenuation pond south of Brookwood • To Brookwood • To Easter Cottage • To Hazel Grove Golf Club <p>No new PMA is proposed to be created to the plot.</p> <p>Should the objector provide evidence that rights across Occupiers Lane exist then these rights will</p>	
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		<p>not be affected as the owner of Occupiers Lane will be able to re-grant those rights.</p> <p>The extension of the land take in front of the neighbouring property appears justified but the scheme is not going to open up this site for development.</p> <p>It is therefore not proposed to alter the proposed scheme nor the Orders.</p>	
1/R02	<p>I request that this proposed adopted cul-de-sac be extended westwards along Occupiers Lane, past the shared boundary between my client's site and Easter Cottage. This would necessitate a greater land acquisition than I believe is currently earmarked. The suggested extension of this intended assumed public highway should be sufficient to allow ready and suitable access to these building plots and prevent any third party owner, including the Highway Authority, forming a ransom strip to prohibit the development of my client's site in the future.</p> <p>At the present time, discussions are taking place with the owners of Occupiers Lane to resolve a dispute on the rights of access to my clients' site. On the assumption that this issue is resolved either before the Inquiry, or at some time thereafter, my client would not want a similar obstacle to his development arising in the future.</p>	<p>Previous discussions with the landowner and their representatives have highlighted this matter. However, with the information provided to date to Stockport Council the right has not been demonstrated and as such we are not therefore stopping up any private means of access. We continue to progress discussions in order to come to an agreement with specifics related to the scheme proposals.</p>	HC

Figure 1: Land within the Order(s)



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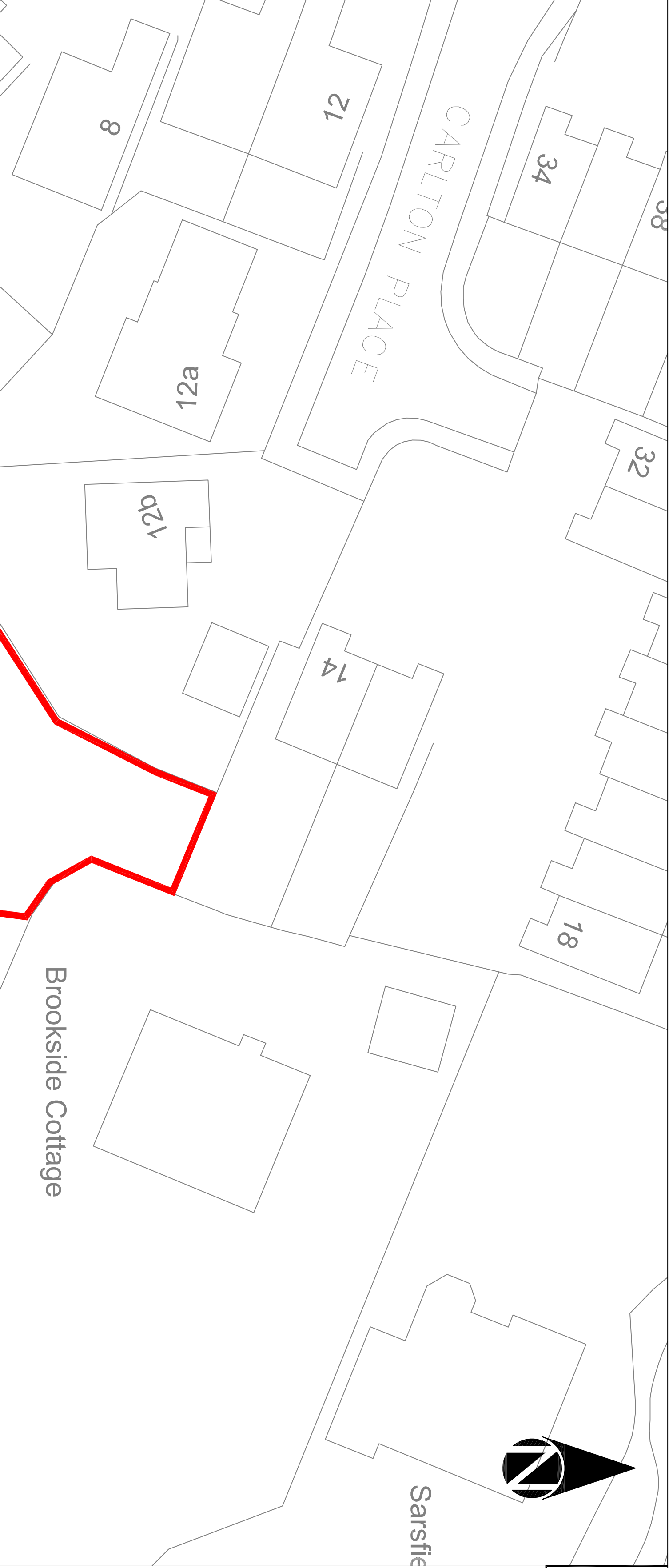
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VOLUME 2 - APPENDICES

Parveen Akhtar
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Corporate and Support Services
Town Hall, Stockport SK1 3XE

Appendix A Existing Access Plan (1007-3D-DF7-A6MA-GA-350)



Revision Details		
Rev.	Drawn	Checked
Date	Date	Date

www.semmms.info



STOCKPORT HOUSE
1007/30/DF7/A6-MA/GA/350
NO : 1007/30/DF7/A6-MA/GA/350
DATE : 18/09/14

Job Title
**A6 to MANCHESTER AIRPORT
RELIEF ROAD**

Drawing Title

**EXISTING
ACCESS PLAN**

Drawn	Engineer	Checked	Approved
JW	NH	NH	JMc
Date	Date	Date	Date
18/09/14	18/09/14	18/09/14	18/09/14
Size	Scale		
A3	1:500		
SGC No.	Filename		
1007/30/DF7/A6-MA/GA/350			

Drawing No.
1007/30/DF7/A6-MA/GA/350

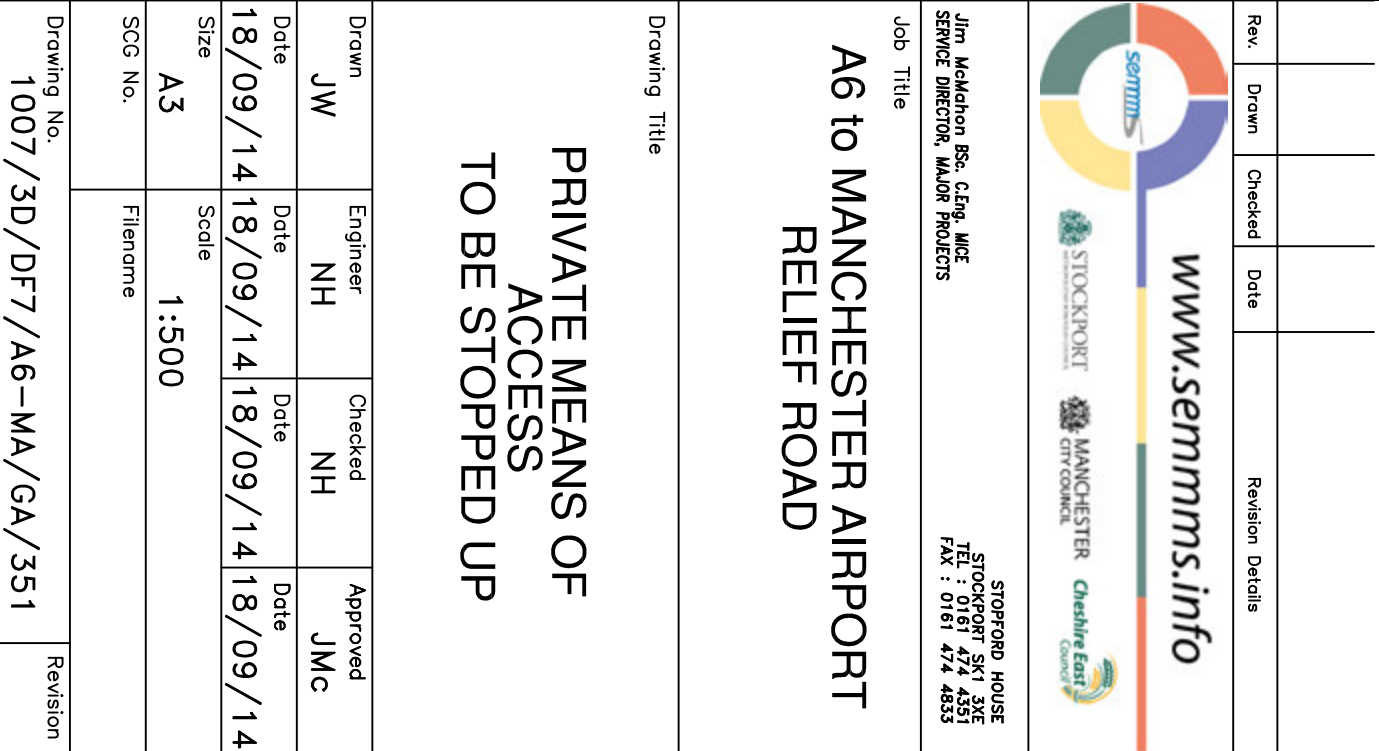
Appendix B Site Visit Photographs



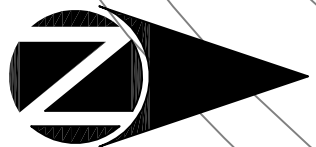




Appendix C Private Means of Access to be Stopped Up (1007-3D-DF7-A6MA-GA-351)

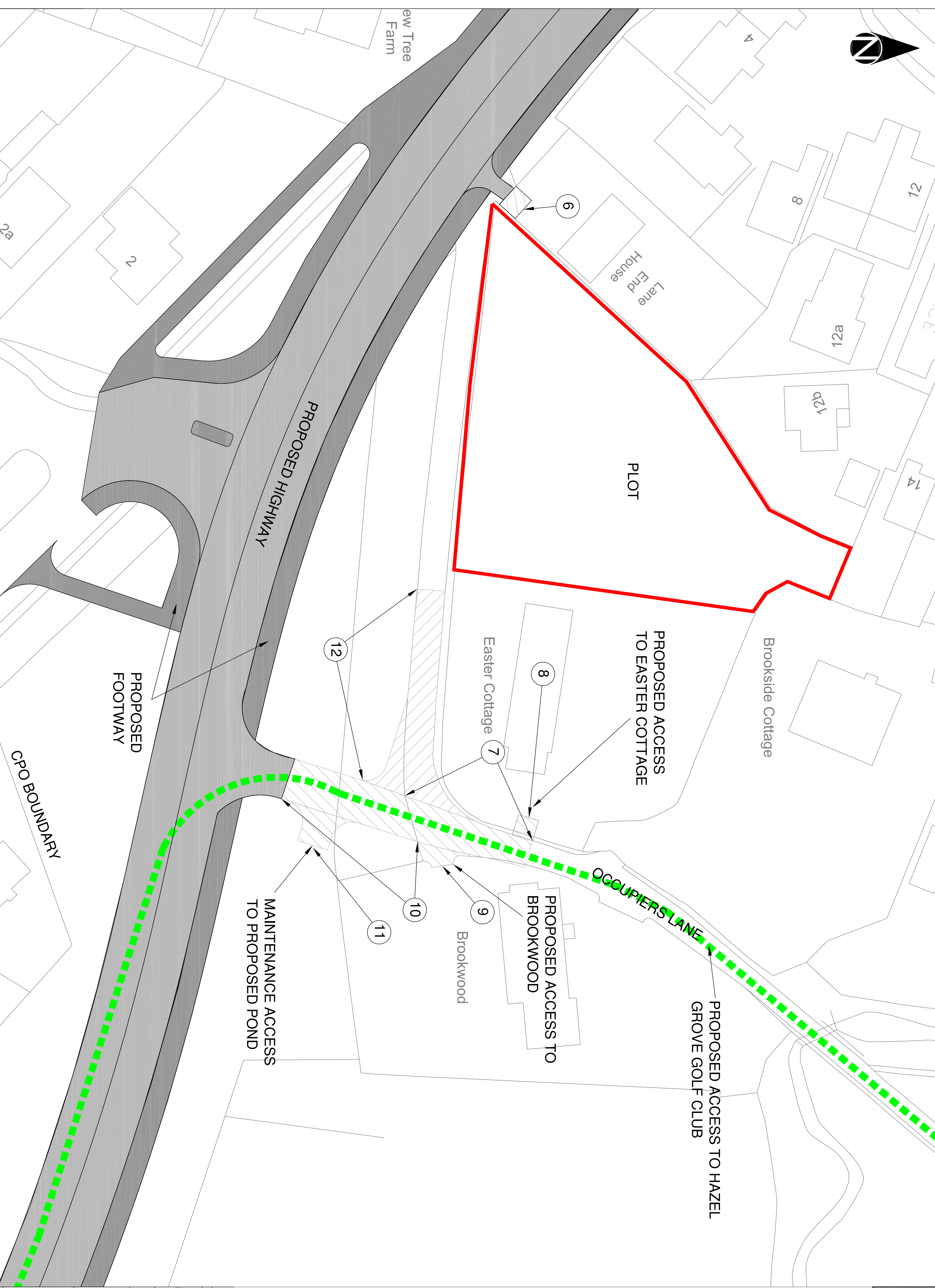


Appendix D Private Means of Access to be Reprovided (1007-3D-DF7-A6MA-GA-352)



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- KEY**
- ACCESS TO HAZEL GROVE GOLF CLUB
 - PRIVATE MEANS OF ACCESS (PMA) TO BE PROVIDED
 - PMA No. AS PER PUBLISHED SIDE ROAD ORDERS



Rev.				Revision Details			
Drawn	Checked	Date					
www.semmms.info							
Job Title				Stockport Housing			
A6 to MANCHESTER AIRPORT RELIEF ROAD				10001957/1 2012			
Drawing Title				Private Means of Access To Be Reprovided			
Job Title				A6 to MANCHESTER AIRPORT RELIEF ROAD			
Drawing No.				1007/30/DF7/A6-MA/GA/352			
Revision							
Drawn				Engineer			
JW				NH			
Date				Date			
18/09/14				18/09/14			
Scale				Scale			
A3				1:500			
SGC No.				Flaretime			