

**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**

**Helen Harrison, Mill Farm Riding School**

**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 Helen Harrison, Mill Farm Riding School.

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.

Objector 4 & 5: Helen Harrison  
 1 Red Row, Buxton Road, Hazel Grove, Stockport, SK7 6ND  
 CPO Plots: 1/4E 1/4F  
 Mill Farm Riding School, Wellington Road, Hazel Grove  
 CPO Plots: 1/4E 1/4F  
 Agent:  
 Steer Ethelston Rural Ltd  
 Estate Office, Deer Park Farm, Kermincham, Crewe, Cheshire, CW4 8DX

<b>Element of objector proof</b>	<b>Objection</b>	<b>Response</b>	<b>Expert Witness</b>
4,5/R01	I hold a secure tenancy and have sent evidence of this to Stockport Council representatives. I am also the freehold owner of 1 Red Row, Buxton road which adjoins Mill Farm but will be severed by the proposed new road. (Exhibit A)	Neither Ms Harrison nor her agent has provided compelling evidence to indicate a secure tenancy.  1 Red Row, Buxton Road does not enjoy a contiguous boundary with the riding school at present – as such is it is already “severed”. No land is being acquired from 1 Red Row for the construction of the road.	HC
4,5/R02	We have approximately 150 to 200 clients per week and have enjoyed a fabulous growth over the years and have increased financial turnover by 20 times from 2003 to present.	Evidence to support the alleged growth and turnover has been requested on several occasions but not yet provided. The stated position (“fabulous growth” and “increased turnover”) is unsubstantiated.	HC

4,5/R03	I am concerned that, due to the lack of communication from Stockport Council and the apparent indifference to our plight, that many of the older horses will have to be destroyed as to sell or re home elderly horses is almost impossible.	As Henry Church's proof and Appendix HC12 demonstrates he has regularly sought to communicate with Ms Harrison's agent and has met with Ms Harrison (on site) and with her agent (both on site and at her office).	HC/ JMcM
4,5/R04	We need to maintain our growth and our turnover to care for our horses and ponies and if the new road goes ahead it will disrupt our business and have an enormous impact on our ability to maintain the growth of both Mill Farm Riding School and Mill Farm Liveries.	Insofar as the development of the road scheme disrupts Ms Harrison's business then she is entitled to make a claim for compensation, the quantum of which will be assessed in accordance with the compensation code.	HC
4,5/R05	The closure of Wellington Road even for short periods of time is unacceptable as access is required at all times for animal welfare and health & safety. The Animal Welfare Act 2006 requires keepers of livestock to be readily available 24 hours per day. The Council have not provided sufficient detail of the timing and length of closures; the details of access during construction of the new A6 or Wellington Road.	Access to the Mill Farm Riding School will be maintained throughout the construction period .There may be short periods of time where access is restricted, by reduced road widths, but prior to this taking place liaison will take place with the parties concerned.	NH
4,5/R06	The provision of access to Mill Lane and Old Mill Lane and into the woodland during construction is unclear and not addressed by the Council.	No access will be available across the construction works into the woodland, south of Bridge B003 (south of Old Mill Lane) during the period of construction. However, access would be made available in the first few months of the overall construction period, ie prior to the actual works in this area commencing if required.	NH

4,5/R07	There is only a footpath the east of the proposed road shown on the designs which links to footpath 109, which will be unsuitable for tractors to access the woodland at Norbury Brook which is part of my tenancy. I will need to have a right of access via a proper suitable track to get to the woodland area, which does not appear to have been provided on the proposals between points A and B on the plan (Exhibit A)	Access has been provided to the adjacent field in the same land ownership. Access is to be agreed with the land owners. Alternative access to the woodland will remain via the level crossing.	NH
4,5/R08	The provision of only a pedestrian landing area at the new junction at Norbury Hollow Road should be upgraded to be suitable for equestrian users. The use of this junction will not be solely for my use but also other equestrian users who may wish to cross the junction from the south; especially as the Council has stated at 5.03 that it wishes to upgrade bridle paths in the vicinity. The Council stated at a meeting with me held on 22 <sup>nd</sup> October 2013, (Exhibit D) that they would look into the provision of a 'Pegasus' Crossing and warning signs on the highway at this point.	A standalone Pegasus crossing is not feasible at this location due to the proximity of the signalised T junction of the existing Buxton Road and the realigned A6. Wider landing areas have been proposed with the provision of refuge island.	SS/ NH
4,5/R09	Loss of valuable grazing land at Mill Farm Riding School. The Council representatives at the meeting on 22 <sup>nd</sup> October 2013 (Exhibit D) agreed to look into the possibility of providing land in the vicinity for me to purchase or lease to make up for the loss of land. This has not progressed at all since the meeting and we would request that the Council help in this.	The Council continues to undertake searches for replacement land but none suitably convenient has been identified	HC

4,5/R10	<p>Impact on rider safety and animal welfare insufficient information has been provided by the Council into the mitigation measures to be provided on the impacts on horses during construction, for example horses and riders jumping and cantering in close proximity to the road are likely to be adversely affected by inhaling dust and frightened by construction activities. The Environmental Statement Mouchel 2013 Page 103 (Exhibit E) details the high risk of dust emission when property is in close proximity to construction boundary. The provision of opaque noise attenuation fencing may help alleviate some of the impacts both during construction and on scheme completion. The Council have not progressed discussions about any accommodation works with me.</p>	<p>It is acknowledged that construction associated with the implementation of the proposed scheme will result in the generation of dust and noise. However, the control of dust in a safe manner during construction is a fundamental requirement of all major construction projects and will be so in the case of the contracts for the construction of the proposed scheme. Dust will not be an issue once the proposed scheme is in operation.</p> <p>The Scheme has been designed to minimise the effect on neighbouring properties during construction. The Environmental Statement does consider Construction related dust issues, but also proposes detailed mitigation to be implemented by the Contractor through the Construction Phase. (see ES page 104) The Contractor will provide a Construction Environmental Management Plan (CEMP). This plan will provide method statements for the control of dust generating activities on site, which are generally due to earth moving plant on site. Mitigation measures will include appropriate speed limits on site, dust suppressant measures, such as spraying water on haul roads, plant routes if possible located away from site boundaries close to residential areas. The Contractor will also adhere to the agreed “</p> <p>Code of Construction Practice” Section 2.5 Page 8 that confirms the necessary measures requirements for dust control. The Environmental Statement (Page106) states that taking into account the measures proposed it has been concluded dust deposition associated with the Works will not constitute a significant effect. With regards to noise limits the “Code of Construction Practice” clearly notes in Section 2.3 Noise and Working Hours” the requirements. The Environmental Statement Chapter 13 deals with Construction related noise. Proposed mitigation will form</p>	PR
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		part of the CEMP. Mitigation will include “notification to residents in advance of any activities involving any potentially intrusive noise “The Contractor will therefore liaise with local residents and businesses on these issues as the works proceed.	
4,5/R11	The Council states that my horses are already accustomed to nearby traffic noise; however the new road will be much closer to the stables, with a likelihood of a greater volume of traffic and with the loss of the substantial thick hedge (which at present provides a good barrier between road and the horses) it is not a matter that can be easily resolved by monetary compensation. The Environmental Statement Mouchel 2013 Appendix 10E acknowledges that the ‘loss of hedgerow to the south will open up views of traffic’ (Exhibit F)	<p>Insofar as increased noise leads to a diminution in value or disturbance to the business then the affected party will be entitled to claim compensation the quantum of which will be assessed in accordance with the compensation code.</p> <p>With regard to traffic-related noise during construction, the contractors will be required to ensure that notice of activities which involve higher levels of construction-related noise are subject to the preparation of specific method statements. It will be a requirement the statements include provision for liaison with nearby sensitive receptors relating to the nature of the activities and noise, the timing and duration of the activities and measures to be adopted to mitigate the levels.</p> <p>With regard to the hedgerow to be removed, the proposals provided for the re-introduction of a new hedgerow with hedgerow trees along the boundary along the boundary of the new road.</p>	PR/ HC
o4,5/R12	The proposed timing of the construction now revised to Spring 2015 is still of great concern to me, especially as the Council have not followed up on the matters of concern raised by me at our meeting on 22nd October 2013 as already mentioned.	<p>The Council has endeavoured to keep the objector informed about construction commencement dates in order for the impact on the business and land to be assessed by the objector. Initial correspondence commenced in 2011 with more detailed discussion commencing in 2012.</p> <p>The Mouchel Landscape Mitigation Proposals (Sheet 1 of 18 Oct 2011) (Appendix A) indicates an area of circa 7000m2 within the area tenanted by Mill Fold Riding School which was identified for ecological mitigation</p>	NH

		<p>purposes. Subsequently, a further meeting was held with Helen Harrison and she raised concerns about the residual land area and the ability to provide a circuitous trek around the perimeter of the site. The design team subsequently redesign the environmental mitigation measure in this vicinity to reduce the overall land take from the objector and the tenant Riding School.</p> <p>Various other matters have been dealt with by the Council's land agent.</p>	
4,5/R13	<p>In respect of my home at 1 Red Row, Buxton Road – I purchased this house due to its immediate proximity to Mill Farm Riding School and this proximity is now to be severed by the new road affecting my enjoyment of the property by being located between two highways.</p>	<p>1 Red Row and the Riding School are physically separated – Ms Harrison must presently either use Buxton Road and/or cross third party land to access the riding school.</p> <p>Ms Harrison will be able to submit a claim for diminution in the value of 1 Red Row under Part 1 Land Compensation Act 1973.</p>	HC
4,5/R14	<p>The Council have admitted that there will be an increase in the amount of artificial lighting. There is also likely to be an increase in road noise and pollution from a heavier volume of traffic.</p>	<p>The Council acknowledges there will be an increase in artificial light in the vicinity of Mrs Harrison's home.</p> <p>The assessments undertaken for traffic-related noise once the proposed scheme is in operation have indicated that predicted levels will be likely to be reduced by some 20dBA(decibels) where her property fronts onto the existing A6 and increase by some 4dBA where the new road would be located to the rear of her property.</p> <p>The assessments undertaken relating to local air quality once the proposed scheme is in operation have indicated that predicted concentrations of nitrogen dioxide and particulates (the principal pollutants associated with traffic) in the vicinity of her home will be between 14.5 and 15 ug/m<sup>3</sup>. These concentrations are well below the 40ug/m<sup>3</sup> air quality objectives for both pollutants. Environmental Protection (UK) in its guidance on air quality</p>	PR



		<p>impacts would deem such a change at these pollutant concentrations as negligible.</p> <p>Insofar as Ms Harrison's residential property is injuriously affected she will be entitled to claim for compensation under Part 1 Land Compensation Act 1973</p>	
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Figure 1: Land within the Order(s)



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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** Draft Proposed Landscape Mitigation Principals Sheet 1 of 18 Oct 2011



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0 100 200 METRES  
SCALE 1:2500



## LEGEND

### EXISTING FEATURES

- Existing Vegetation: significant areas of existing mature woodland/tree groups or significant areas of shrub cover
- Existing Hedgerows
- Existing Watercourses
- Existing Ponds

### PROPOSALS

- CPO Boundary: land to be bought under Compulsory Purchase Order for road construction.
- License - For Construction
- Retained Easement
- New Road: proposed road with adjoining footpath & cycleway.

LE 2.1 Woodland: tree & shrub mix forming an identifiable woodland canopy and understory structure.

LE 2.2 Woodland Edge: tree & shrub mix appropriate to the location, forming a stable and visually appropriate woodland edge.

LE 2.4 Linear Belts of Shrubs & Trees: tree & shrub mix appropriate to the location in narrow linear belts.

LE 2.5 Shrubs with Intermittent Trees: shrub mix appropriate to the location with intermittent trees/groups of trees dispersed throughout.

LE 2.6 Shrubs: a shrub mix appropriate to the location or of species already existing on site.

LE 2.7 Individual Trees: species appropriate to the location dispersed to form scattered groups or designed avenues as appropriate.

LE 2.9 Wet Woodland: native species adapted to wet environments for the water treatment process.

LE 1.1 Amenity Grassland: grass species appropriate to the location, of an even grade and under a maintenance regime.

LE 1.3 Species Rich (or Conservation) Grassland: grass and herb species encouraged to develop biodiversity interest over time.

LE 1.8 Open Grassland: grass and herb species appropriate to the desired maintenance regime (roadside verge - woodland swashes).

LE 1.7 Agricultural Handback: land to be reinstated for potential continued agricultural use.

LE 6.4 Wet Grassland: species mix capable of developing valuable flora and fauna habitats associated with the drainage elements.

Boundary Fence

Proposed Pathways: included in road layout

Proposed Pathways: additional pathways to maximise recreational potential of the landscape.

LE 4.4 Native Species Hedgerows with Trees: local shrub species with intermittent trees managed as a hedgerow.

Proposed Watercourse Diversions: designed for maximum habitat benefit.

Proposed Ponds: pond creation for Great Crested Newt mitigation and habitat improvement.

Proposed Ponds: drainage attenuation ponds.

Proposed Ecological Features: bats hops and mammal crossings

### FUNCTIONS

EFA Visual Screening: screening views of the highway and associated infrastructure from properties and public viewpoints.

EFB Landscape Integration: integrating the highway into the landscape character by linking local vegetation patterns and landforms.

EFC Enhancing the Built Environment: enhancing local townscape through hard or soft landscaping reflecting local character.

EFD Nature Conservation & Biodiversity: enhancing the conservation value of the highway estate and integrating it with adjacent habitats.

EFE Visual Amenity: creating visual interest and a sense of place through landscape design.

EFG Auditory Amenity: reducing adverse noise effects on properties/public spaces through earthenmounding, planting and noise barriers.

EFH Water Quality: measures to mitigate impacts on areas sensitive to flooding, hydrological changes, water courses and groundwater.