

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 Hazel Margaret Mort, Janet Elsie Bourne, Gill Elizabeth Zeiss and Anne

Elizabeth Lomas

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**

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The Metropolitan Borough Council of Stockport

Corporate and Support Services

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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 Hazel Margaret Mort, Janet Elsie Bourne, Gill Elizabeth Zeiss and Anne Elizabeth Lomas.

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 21: Janet Elsie Bourne, Jill Elizabeth Zeiss, Anne Elizabeth Lomas, Hazel Margaret Mort
Hazel Mort's address: 11 Kingsbury Drive, Regents Park, Wilmslow, SK9 2GU
CPO Plots: 3/4 3/4A-3/4U
Agent:
John Seed
Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB

Element of objector proof	Objection	Response	Expert Witness
21/R01	<p>Whilst the statement of case examines a range of impacts, including environmental, air quality, cultural heritage, landscape, ecology and natu--re 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. 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 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 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

21/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 to pipe it to a suitable outfall. Furthermore SMBC has offered, within the Heads of Terms (see Appendix HC18) to make this a contractual obligation.</p>	NH/ HC
21/R03	<p>The most recent version of the plot plan (dated 07/07/2014) was sent to us by CBRE in an email of the 31st August 2014. This plan has proposed a CPO licence area sitting within proposed permanent CPO areas and no explanation has to date been forthcoming as to what the intention of the plan/CPO is.</p>	<p>SMBC is unable to acquire land temporarily by compulsory purchase. Pending agreement on terms for the temporary occupation of some of the land and in order to ensure scheme delivery the totality of land required is shown as being acquired permanently. That land not required post completion of the road will be offered back to the landowner under the Crichel Down rules.</p>	HC

21/R04	<p>In the event that the CPO contains power to take land for temporary occupation, which is not accepted, it is contended that the CPO does not have power to allow the Authority to permanently tip spoil on land required for temporary occupation.</p>	<p>It is intended that approximately 452m² is required on a temporary basis. This is to enable construction of earthworks slopes of reduced gradients on the adjacent field in order to return to the land owner at gradients suitable for agricultural purposes.</p> <p>Legislation does not make provision for SMBC to acquire land temporarily – nor is SMBC seeking to do this. As stated above SMBC has identified some areas that it does not require permanently and which it would like to occupy temporarily by agreement. This is the land referred to as being highlighted green.</p> <p>There is no proposal to tip spoil permanently other than in creating the environmental bunds.</p>	HC
21/R05	<p>The Authority have not demonstrated that they have a clear idea of how it intends to use the land it is proposed to acquire.</p>	<p>The Council has demonstrated a compelling case to acquire the land.</p>	NH
21/R06	<p>Our clients' major concern is the position of the accommodation bridge which is designed with the purpose of servicing the land generally between Mill Hill Hollow and Woodford Road. A significant amount of land is severed by the scheme, and the problems with the bridge location has been the subject of representations in various meetings and correspondence including my letter to Mandy Clarke of the 28th June 2013.</p> <p>Neither our clients or David Hall (who owns and rents the majority of the land between Mill Hill Hollow and Woodford Road) were consulted about the location</p>	<p>Our records indicated that the Project Director and the teams' Land Agent Manager (at the time of the meeting) and the Design Manager met with the farming tenant David Hall and his neighbouring land owner Alan Thompson with the land agent of the objector on 4th September 2012 prior to the public consultation commencement. A comment of note from the farming tenant (David Hall) was for the scheme not to go ahead.</p> <p>The location of the bridge was noted to be investigated. The design team subsequently did carried his out. However, the location as proposed was proposed to remain due to the following reasons:</p> <ul style="list-style-type: none"> • The location provides a solution to two land owners in terms of severed land, both to the objector's land and the land owner to the west; 	NH

	<p>and design of the accommodation bridge. An email from Naz Huda to Hazel Mort of the 15th November 2012 states “apologies again that we, the project team, have not been able to meet you prior to the commencement of the Public Consultation”. Accordingly the bridge and its location have been designed without an understanding of the needs and concerns of the landowner and occupier.</p>	<ul style="list-style-type: none"> • The location also provide a safe crossing point for walkers who currently enjoy the use of Footpaths 31 and 37 that are intersected by the relief road; • The location minimises the land take of the objector; • There is an existing track opposite Mill Hill Farm (the farmstead of the tenant farmer Mr Hall) that leads directly towards the proposed bridge; <p>The location of the bridge ultimately rationalises the number of bridges crossing the new relief road. This reduces the construction costs, whole life costs and the ultimately the land take required.</p>	
21/R07	<p>The bridge also serves land formerly owned by Michael Kingsley but now owned by the Highways Agency as a result, I understand, of Mr Kingsley’s blight notice served some years ago. That land is used more extensively than the subject land, involving sheep and beef cattle grazing. Given both these points and the absence of any consultation with our clients it is surprising that, as Mandy Clarke put it in an email to me of the 15th August 2013 “I can assure you that numerous discussions have taken place with the adjoining landowner”.</p> <p>It is hard to understand why the only private landowner requiring access to severed land was not consulted prior to the design and positioning of the bridge.</p>	<p>Consultation has occurred with the objector and their respective land agent at various stages of the design, prior to finalisation of the approved design and publication of the Order.</p> <p>The approved design provides best value to the Council which also considers the impact on land owners operations as a whole, not just the objector.</p>	NH
21/R08	<p>We have put forward a practical proposal for an alternative bridge location that in terms of construction costs should be neutral (the Authority have not</p>	<p>We agree that the alternative bridge location does not have a construction cost impact on the scheme but does have various environmental impacts as noted above.</p>	NH

	demonstrated otherwise) and in terms of compensation will be more cost effective. Our proposal uses a more established hard access track.	The compensation impacts are considered scheme wide rather than simpler considering single land owners.	
21/R09	The proposal also uses the existing route of FP37 which is believed locally to be used more extensively than FP31, being the starting point of the access to the current bridge location. As mentioned at 7.2 of our letter of objection, farm vehicles come at the bottom of the list of users of the bridge “following pedestrians, cyclists and equestrian use”. This is also hard to understand given that, according to the Environmental Statements Footpath Monitoring Survey Report, footpaths 31 and 37 are the “least used” of the footpaths affected by the scheme.	The bridge has been located in the optimum position to provide access to your client’s land as well as the adjacent land. In addition, this location allows rationalisation of the number of crossings over the new road as well as reducing land take as much as possible. The bridge has been located in the optimum position to provide access to your client’s land as well as the adjacent land. In addition, this location allows rationalisation of the number of crossings over the new road as well as reducing land take as much as possible.	NH
21/R10	Concerns remain about the capacity of the bridge to deal with modern agricultural traffic and their turning circles and in a way that does not prejudice the safety of other users. The Authority has not demonstrated its case in this respect.	<p>The land agent for the Council has repeatedly requested information regarding what equipment is used by the tenant farmer.</p> <p>In the absence of this data the loadings and dimensions have been designed to cater for agricultural vehicles within the preliminary design stage and to the latest Eurocodes which take account of all loadings of modern farm machinery and road lorries. The Contractor will design the Structure and the Technical Approval Authority (Cheshire East Council Highways Structures Section are the approving authority, acting as an independent checker.</p> <p>Confirmation of any details of intended farm machinery usage from the objector and/or the tenant farmer into the Detailed Design Stage of the Project would resolve this</p>	NH

		issue . However, the Council consider that the Design Manuals and Eurocodes for structures take account of the Objector's concerns	
21/R11	The Authority are stopping up a private means of access but have failed to provide another reasonably convenient means of access.	The Side Roads Order has re-provided access where possible. The relief road severs land to the north and south of it and an accommodation bridge has been proposed (Bridge B006 Hill Green Bridge) in order to mitigate this. Various tracks and gates have also been proposed following a survey of all visible field gates on site. Further to this liaison has occurred with land owners, tenants and agents in order to re-provide accesses as far as practicable.	NH

Figure 1: Land within the Order(s)

