

**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 Marcus John Quiligotti, Simon Angelo Quiligotti, Bruno Ricardo Quiligotti**

**and Lisa Gabriela Ward**

**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 Marcus John Quiligotti, Simon Angelo Quiligotti, Bruno Ricardo Quiligotti and Lisa Gabriela Ward.

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 26: Marcus John Quiligotti, Simon Angelo Quiligotti, Bruno Ricardo Quiligotti and Lisa Gabriela Ward  
 Bruno Quiligotti & Lisa Ward's address: 1a Brookside Avenue, Poynton, Stockport, SK12 1PN  
 CPO Plots: 4/3 4/3A-4/3G 5/8 5/8A-5/8F  
 Agent:  
 John Seed  
 Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB

Element of objector proof	Objection	Response	Expert Witness
26/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 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>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

26/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 has offered to intercept every artificial land drain, whether previously identified or not and to pipe it to a suitable outfall. This undertaking is proposed as a contractual term in the Heads of Terms at Appendix HC23.</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>	HC/NH
26/R03	<p>The landholding was purchased in 1968 by the current owners' father, with a view to future potential development.</p> <p>The owners' planning consultant, Garner Town Planning, has made representations</p>	<p>This land does lie within the Green Belt. It is acknowledged that the scheme impacts on the Green Belt, and is pursued only in the light of the strategic benefits of the scheme itself, and of the wider SEMMMS project. It is not the purpose of the road scheme to provide access for adjacent land.</p>	AH

	to the Local Authority with regard to the land's suitability for future development, as witnessed by a copy of the supplementary representation at Appendix 1.4.1, and the letter to Mr Bruno Quilligotti at 1.4.2.		
26/R04	Land on the western side of the landholding, covered by the CPO, but described as land required for temporary licence, is also affected by the current route of the Poynton Bypass.	It is correct that the consultation stage design for the Poynton Relief Road (PRR) requires the use of land under the ownership of the objector. However, the PRR has no planning status at present and therefore this is of irrelevance to the CPO for the A6MARR scheme.  The scheme design is for construction of the A6MARR, and is specifically not intended to facilitate development of adjacent Green Belt land.	JMcM/ AH
26/R05	Loss of land with development potential cannot be remedied by compensation alone.	The Council has sought to reduce the affected land area as far as possible. Where land is still required the remedy for losses following compulsory purchase is compensation assessed in accordance with the compensation code.	HC
26/R06	The agricultural data sheets do not cover this landholding, surprisingly, although it records the impact of the scheme on the landholding to the north east of our clients' landholding, which (in our view) is not as adversely affected as our clients' land, as "major". However, in the private land impact assessment it appears that P11 relates to our clients' land (although it is labelled P12 on the attendant drawing) and the commentary is that the "proposed scheme will compromise and preclude its intended use and as such the land take is considered as a <b>substantial adverse</b> impact.	The assumption that P11 in Table 15.6 of the ES relates to Mr Quilligotti's land is correct as is the finding relating to the order of impact.	PR

26/R07	<p>Our clients have objected to the extent of permanent land take to provide for bunding and environmental mitigation works, together with the new foot/cycle/equestrian routes, as excessive, compromising the future uses of the land. The Acquiring Authority has not demonstrated that the relevant scheme objectives could not be achieved by other means or designs, and therefore have failed to make a compelling case in respect of the extent of permanent land take involved.</p>	<p>Five plots forming part of Mr Quilligotti's land have been included in the CPO for environmental mitigation purposes - plots 4.3A, 5.8, 5.8C, 5.8D and 5.8F. They have been included to enable a combination of mounding and scrub planting with intermittent trees to be established with the objective of enclosing the extended junction between Bramhall and the west of Poynton, providing noise mitigation where Meadway and Albany Road are located to the north of the proposed junction and screening traffic associated with the dual carriageway from houses in Bramhall and the western part of Poynton. The wider landscape objective has been to enclose the complex junction arrangement and screen views of the road and its traffic from housing at Poynton and Bramhall whilst maintaining a clear sense of the separation between the two settlements established by mature tree planting associated with Moorend Golf Course and in hedgerows which define fields.</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> <p>The Council has striven to keep land take to a minimum within the context of the above objectives and it is not</p>	SS/ PR
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		possible to reduce it further in the present case.	
26/R08	Our clients have objected to the inclusion within the CPO of land described on the plot plans as area required for temporary licence. The Acquiring Authority maintains that is unable to acquire land on a temporary basis via the CPO process, but is equally unable to demonstrate beyond doubt that the land in question will be acquired on a temporary basis and returned to the owners.	SMBC has identified land that it requires temporarily. It is unable to acquire land compulsorily on a temporary basis and, in order to bring certainty to scheme delivery, has to acquire the land permanently. That land not required permanently will be offered back to the affected party subject to the Crichel Down rules.	HC
26/R09	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.  The owners have worked hard to put forward alternative practical proposals as to land which could be suitable for the permanent tipping of spoil, originally proposed (e.g. letter from John Seed to Jim McMahon, 13 <sup>th</sup> March 2014).	Any land which has been subject to temporary tipping will be remediated to allow it to be returned to its previous use. Where permanent bunds are created to provide environmental mitigation, this may impact on agricultural use and development potential. It is not the purpose of the road to facilitate any associated development.  Since the issue of this letter, the Council has agreed with the landowner and their agent changes to the scheme earthworks proposals that addressed the points raised with regard to permanent tipping of soil. This has effectively removed all proposals for earth bunds where they are not required for environmental screening purposes.	AH
26/R10	Discussions and emails with CBRE, the Acquiring Authority's agents, have suggested that the Acquiring Authority will no longer permanently deposit soil/spoil on any part of the land required for temporary licence. However, the Acquiring Authority have suggested that environmental bunds may still be a	As noted above the Council has agreed with the landowner and their agent changes to the scheme earthworks proposals that addressed the points raised with regard to permanent tipping of soil. This has effectively removed all proposals for earth bunds where they are not required for environmental screening purposes.	NH

	permanent feature on the land to be returned to our clients.		
26/R11	Our clients are in a position to withdraw their objection to this aspect of the scheme if the Acquiring Authority can produce a clear and unequivocal statement (together with revised drawings demonstrating there would be no permanent tipping or environmental bunds on the land in question) to the effect that the area required for temporary licence will be returned to our clients in the same condition and status, including levels, as it is prior to construction. Repeated requests have been made for such a clear statement from CBRE, commencing with the email from John Seed to Henry Church of the 23 <sup>rd</sup> May 2014. CBRE's suggestion that this issue be addressed in the draft heads of terms is unacceptable as the draft heads of terms reflect the fact that no agreement has been reached on financial terms or accommodation works. Accordingly, this issue cannot stand alone in the heads of terms.	<p>The Council will clarify the land intended to be required on a temporary basis with a plan or plans to be issued to the Objector and his agent.</p> <p>As noted above the Council has agreed with the landowner and their agent changes to the scheme earthworks proposals that addressed the points raised with regard to permanent tipping of soil. This has effectively removed all proposals for earth bunds where they are not required for environmental screening purposes.</p>	HC
26/R12	The scheme drawings contain no adequate or workable access to the land that the Acquiring Authority state they will return to the owners, in the south west corner of the landholding.	<p>An access has been provided off Chester Road to the severed land south of A6MARR and west of the Chester Road link road. This is indicated on Side Roads Order Site Plans 5 by PMA5.</p> <p>Planning Submission Drawing 1007/3D/DF7/A6-MA/PABP/P/035 Block Plan Proposed Sheet 14 indicates a gated access (opposite No. 225 Chester Road) into the land in question. A 5.0m wide gate and track is proposed</p>	NH



		and will cater for agricultural vehicle movements.	
26/R13	The owners have at their own expense submitted to the Acquiring Authority a proposed access arrangement as detailed in the Croft Transport Solutions Drawing No. 0591-FO1, appearing at Appendix 1.4.3. In the event that the Acquiring Authority is able to make a clear and unequivocal statement to the effect that this access arrangement will be constructed as part of the scheme, and ownership of the access road will be transferred to our clients, our clients' objection on this issue will be withdrawn.	<p>The Croft Transport Solutions Drawing 0591-F01 Potential Access Arrangement indicates a potential layout for the same access location noted above.</p> <p>The layout includes various features that the scheme nor the existing use of the residual land has justification for:</p> <ul style="list-style-type: none"> <li>• Two x 2.00m footways</li> <li>• 6.00m width track</li> </ul> <p>It is therefore not proposed to construct or commit to construct this layout.</p> <p>The visibility sight lines noted as 2.4m x 70m can be satisfied with the scheme design drawings already approved and with the benefit of planning permission.</p>	NH

Figure 1: Land within the Order(s)

