

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

Peter Ashburner

on behalf of Mrs Dorothy Mills

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 Programme Officer for the Local Public Inquiry as referenced on the previous page by Peter Ashburner on behalf of Mrs Dorothy Mills

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 20: Dorothy Mills Barlow Fold Farm, London Road North, Poynton, Stockport, Cheshire, SK12 1BX CPO Plots: 3/9 3/9A -3/9I Agent: Peter Ashburner Wright Marshall Ltd, Marshall House, Church Hill, Knutsford, Cheshire, WA16 6DH</p>			
Element of objector proof	Objection	Response	Expert Witness
20/R01	<p><u>Land Take</u> The latest plans prepared by the acquiring authority show the full extent of Mrs Mills' land covered by the Compulsory Purchase Order. Mrs Mills, who runs a very important charity, only has a limited amount of land and it is imperative that the amount of land take is kept to an absolute minimum.</p>	<p>Whilst SMBC is aware that Mrs Mills rescues dogs from Greece it has not been previously made aware that Mrs Mills ran a charity.</p> <p>Whilst, inherently, Mrs Mills has a limited amount of land she currently lets surplus grazing out which suggests that her charitable work is unlikely to be limited by the loss of a limited area of land.</p>	NH
20/R02	<p>I am given to understand that not all of the land shown on the plan is required as permanent take and that some is only required on a temporary basis while the road is being constructed. The boundary of the compulsory purchase land has been marked on the ground but the boundary of the land required as permanent take has not been identified. We require the acquiring authority to identify the boundary of the permanent land take as a matter of urgency and to ensure that the permanent land take to an absolute minimum.</p>	<p>As requested by the Objector and their agent, the proposed land take as per the published CPO was marked out on site. Furthermore the land required temporarily and the eastern kerb line of the road itself was marked out on site on 22 September 2014.</p>	NH

20/R03	<p><u>Accommodation Work</u> Accommodation works are still to be agreed in relation to both permanent and temporary take for fencing, gates and other matters relating to the public and private right of way. These matters need to be agreed with the acquiring authority as soon as possible.</p>	<p>A proposal in respect of Accommodation Works was put to Mrs Mills' agent as part of the Heads of Terms. No comment has been received in respect of those works proposed. The Council remains open to discussions in this respect</p>	NH
20/R04	<p><u>Licence</u> Terms for a licence agreement need to be agreed with the acquiring authority in relation to any land that is to be taken on a temporary basis and returned to Mrs Mills upon completion of the scheme.</p>	<p>A proposal in respect of the terms for the licence agreement over the temporary land was put to Mrs Mills' agent as part of the Heads of Terms. No comment has been received in respect of this. The Council remains open to discussions in this respect</p>	HC
20/R05	<p><u>Site Surveys</u> A site investigation survey has already been carried out resulting in some damage to land and inconvenience to the client. A claim has been submitted and settlement is awaited.</p>	<p>Compensation is not a matter for this Inquiry but negotiations in respect of the claim continue.</p>	HC
20/R06	<p>Further surveys are proposed and appropriate procedures need to be implemented to ensure that Mrs Mills is fully informed of when access is required and the purpose for the access and whether access needs to be taken across her land.</p>	<p>The Council has and will request access to land in advance of the survey requirements. It is the intension of the council to obtain the agreement of the access in advance in order to mitigate any adverse effects of the proposed survey works. The Council and its contractor will continue to liaise directly with the objector.</p>	NH
20/R07	<p><u>Sewer Diversion</u> It is understood that United Utilities will require to divert a sewer that currently runs adjacent to the public footpath. Mrs Mills has concerns and needs to have full details of the proposal and an opportunity to comment on the proposals.</p>	<p>The current proposals are to protect the existing sewers rather than to divert the sewer. The Council has already advised the objector of this. This will mitigate the works effects on the objector's respective land.</p> <p>The objector will be kept informed of the design proposals with respect to the effects on United Utilities apparatus.</p>	NH

20/R08	<p><u>Route Alignment</u> The general alignment of the road as it passes Mrs Mills' property appears to show a bend which potentially means that all of her land is being taken and may perhaps be necessary. An explanation is required from the acquiring authority as to why there is a curve in the line of the road and whether this could be straightened to further reduce the amount of land take.</p>	<p>The horizontal alignment of the road is optimum in design terms, is the necessary alignment for the route in this location and is in accordance with current design standards, namely the Design Manual for Roads and Bridges (Volume 6 Road Geometry, Section 1 Links, TD 9/93 Highway Link Design). The Council has minimised land take where appropriate, but will consider options to further minimise the land take in this location such as described above. The horizontal and vertical alignment seeks to minimise the land required to construct and operate the relief road whilst meeting the design objectives for safety, capacity, NMU usage etc.</p>	NH
R20/09	<p><u>Private Right of Way</u> Mrs Mills has a private right of way currently that runs straight across the proposed new road. The acquiring authority are currently proposing to divert the right of way and to take it through a tunnel adjacent to the brook. There have been some discussions concerning this and the acquiring authority have investigated the construction of a separate tunnel to ensure that the right of way continues on its existing path. My client is not satisfied that the diverted route is a satisfactory alternative as she has concerns about health and safety in relation to the proposed route with high banks and steep drops down to the brook, and would ask the acquiring authority to consider more seriously having a separate tunnel running straight through the existing line to protect her existing rights.</p>	<p>This right of way will be maintained throughout once the road has been completed. The current design utilises the proposed road bridge over the brook. To create an online bridge or subway would require substantially more land from both this land owner and others. The diverted track would accommodate farm traffic in terms of gradients, widths and radii. The proposal, by the land owner, to construct an 'online' subway has been considered by the Council's contractor and would require more land and substantial costs expenditure over and above the existing design solution.</p>	NH/SS

Figure 1: Land within the Order(s)

