

**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 Mark and Carole Freedman**  
**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 Mark and Carole Freedman.

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.

<p>Objector 32: Mr and Mrs Freedman  86 Albany Road, Bramhall, Stockport, SK7 1NE  CPO Plots: 5/24 5/24A 5/24B  Agent:  John Seed  Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB</p>			
Element of objector proof	Objection	Response	Expert Witness
32/R01	<p>It is noted that item 2 on our objection letter has not been correctly reproduced in Appendix 32 of the Council's Statement of Case of May 2014. It appears to have been copied and pasted from elsewhere.</p> <p>It is noted that item 3 on our objection letter has been entirely omitted from Appendix 32 of the Council's Statement of Case.</p> <p>Given these fundamental errors, we are concerned as to the accuracy of the Statement of Case document, including appendices, as a whole.</p>	<p>It is noted that the sentence in Appendix 32 of the Statement of case <i>"No part of road, cutting or embankment is intended to be placed on 2 substantial plots shown edged/ coloured green on the attached plans."</i> is incorrect and should read "No part of the proposed Road, cuttings or embankments is intended to be placed on the land listed in Schedule 1 to the CPO." However, this error does not result in any change to the Council's response to the objection.</p> <p>The Council responds to Item 3 of the objector's objection letter it its response to Item 4 that follows.</p>	JMcM
32/R02	<p>This effectively reduces the usable width of our clients' driveway by half in what is already and awkward driveway to access given the angles involved. This will inhibit our clients' vehicular access to their property.</p>	<p>The Council has taken on board the comments of the objector and therefore provided additional plans to their agent.</p> <p>Drawing <b>1007/3D/DF7/A6-MA/GA/360 – 86 Albany Road Proposed Cyclist Provisions and Tracking (Appendix A)</b> indicates the proposal that ties into the kerb line adjacent to the driveway. The swept paths indicate an ability for drivers to reverse into the driveway and back onto the highway in a forward gear. This will ensure that there is good visibility of pedestrians and cyclists using the proposed link between the A6MARR and Albany Road in</p>	NH

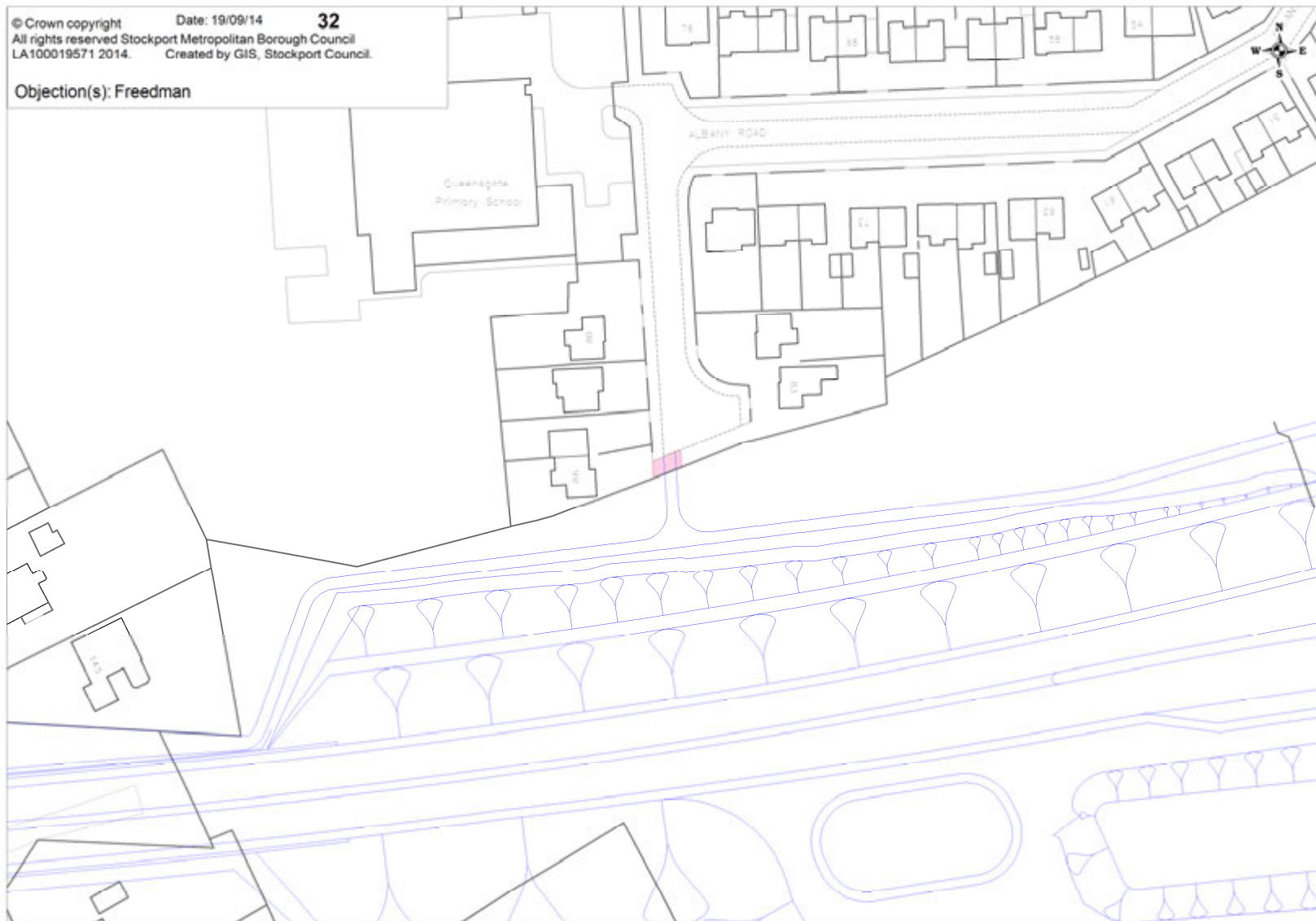
		<p>both directions. Further provisions such as appropriate fencing and guardrail will ensure again that visibility of both drivers entering / exiting the driveway and the pedestrian / cyclist road users are maximised. The guardrail on the shared cycleway / footway will be designed to reduce cyclist speeds through this point.</p> <p>The objector's agent suggests that the driveway access is effectively cut off by the provisions and has provided an aerial image to this effect. The accuracy of this superimposed image is unknown. The Council has however checked the scheme design against aerial imagery superimposed using Ordnance Survey mapping and has created the drawing 1007/3D/DF7/A6-MA/GA/361– 86 Albany Road Aerial Photo Proposed Cyclist Provisions and Tracking (Appendix B). This clearly indicates that the driveway remains accessible and that cyclists and pedestrians will be able to access the link between Albany Road and the A6MARR in a northerly and southerly direction.</p>	
32/R03	<p>Even if a vehicle is still able to access the property, which is not accepted, this could not be achieved without a significant re-landscaping of the frontage to the property including the removal including the removal of a wide mature beech hedge along the boundary between 86 and 84 Albany Road.</p>	<p>Vehicles are able to access the driveway as explained above.</p> <p>The proposals will involve the removal of some 3m of a 1.5m high beech hedge which extends for some 12m along the boundary of Mr and Mrs Freedman's property and the golf course. The substantial length of the hedge will, therefore, be unaffected. There will not be a need for any other re-landscaping of the frontage to the property or the removal of the hedge between Mr and Mrs Freedman's property and their neighbours' property.</p>	PR, NH

32/R04	We have proposed an alternative access point for the purpose envisaged, which is the existing gateway from Albany Road to the land to the south. This would deal with most of our clients' concerns.	The proposed alternative access requires land from a third party not currently within the Order and it is considered that the proposal offers to greater safety benefits to the Objector nor pedestrians or cyclists using the link.	NH
32/R05	Our clients have significant concerns over the creation of a public open space (POS) adjacent to their boundary. The proposed space will be narrow, covered in trees and have only one access point, that being between the exit from the cycle path and our clients' driveway. Over time the trees will begin to shade over our clients' garden as they will be to its south, which will make it feel very enclosed.	The proposed open space will range in width from some 20m at the head of the cul-de-sac on Albany Road to 100m wide further to the east. The planting proposals shown in the ES are indicative. The detailed design will take into account the relationship to adjoining property and the likelihood of shading.	PR
32/R06	The other key concern is that the POS will attract undesirable individuals and anti-social behaviour in a very closed in 'open space' which is also adjacent to the Primary School's boundary.	The scheme has undergone a brief Secure by Design review. This has provided general advice on the matter of security. The review advises to carry out practical measures in terms of landscaping, visibility sights lines etc. in order to safeguard personal safety. The objector's comments will feed into the detailed design stage in order to mitigate the concerns raised.	SS
32/R07	<p><b>Safe Lines of Visibility</b></p> <p>Our clients feel strongly that the proposed path access should not be at the end of their driveway but instead use the point where a gateway to the current field already exists. This solution would not only not hinder the use of our clients' driveway so greatly but it would also afford cyclists with better visibility when they approach Albany Road from the new path, particularly as Albany Road can become extremely busy during rush hour due to</p>	The safeguarding of visibility has been explained above.	NH

	<p>close proximity of Bramhall Queensgate Country Primary School.</p> <p>Given the proposed extra tree planting to the south and east of our clients' boundary and bordering the access route from the new road, and cyclist accessing Albany Road via the new exit will not be seen until the moment they are effectively at the end of our clients' drive.</p>		
32/R08	<p><b>Cyclists' Safe Access to and from Albany Road</b></p> <p>In Henry Church's response to this issue by e-mail dated 1<sup>st</sup> September 2014 (16:05), he stated that:</p> <p>"The project doesn't see safety issues on the current alignment – it would like cyclists to enter Albany Road on the left hand side of the road i.e. the correct side."</p> <p>This appears to assume that cyclists will only ever be travelling in one direction on the new path – from the new relief road onto Albany Road. We would assume that cyclists would indeed also want to access the relief road from Albany Road and therefore given the above statement, would need to place themselves entirely on the <u>wrong</u> side of the road in order to access the path.</p> <p>Therefore our clients' proposal that the entrance is located more centrally at the</p>	<p><u>Cyclists travelling north onto Albany Road</u> The Council has expressed the desire for the cyclists that travel north from the off-carriageway shared cycleway / footway onto the carriageway at Albany Road onto the left hand side of the carriageway. The safety risk is posed by the cyclist travelling from off-carriageway to on-carriageway and therefore it is important for the cyclist to enter onto the correct side of the road reducing the risk of head on conflict with vehicles.</p> <p><u>Cyclists travelling south off Albany Road</u> Cyclist travelling from on-carriageway to off carriageway are not posed with the same potential risk of vehicles travelling in the opposite direction.</p> <p>It is therefore not proposed that the entrance to the cycleway / footway be relocated further east.</p>	NH

	end of the road would mean that cyclists travelling in both directions would be able to reach the correct side of the road more quickly and safely.		
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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** 86 Albany Road Proposed Cyclist Provisions and Tracking (1007\_3D\_DF7\_A6-  
MA\_GA\_360)



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80

ALBANY ROAD

83

EXISTING ACCESS  
PROTECTION  
MARKINGS

PROPOSED LOW HEIGHT FENCING TO  
ALLOW BETTER VISIBILITY FOR CYCLISTS  
APPROACHING ALBANY ROAD  
(SPECIFICATION TO BE AGREED)

86

SHARED FOOTWAY  
/ CYCLE WAY



PROPOSED STAGGERED GUARDRAILS TO SLOW  
CYCLIST SPEEDS

Rev.	Drawn	Checked	Date	Revision Details

[www.semmms.info](http://www.semmms.info)



Jim McMahon BSc. C.Eng. MICE  
SERVICE DIRECTOR, MAJOR PROJECTS

STOFORD HOUSE  
STOCKPORT SK1 5XE  
TEL : 0181 474 4321  
FAX : 0181 474 4323

Job Title

**SEMMMS - A6 TO MANCHESTER  
AIRPORT RELIEF ROAD**

Drawing Title

**86 ALBANY ROAD  
PROPOSED CYCLIST  
PROVISIONS AND TRACKING**

Drawn JW	Engineer JW	Checked NH	Approved JMCM
Date 19.09.14	Date 19.09.14	Date 19.09.14	Date 19.09.14
Size A3	Scale 1:200		
SCG No.	Filename		
Drawing No. 1007/3D/DF7/A6-MA/GA/360			Revision -

**Appendix B 86** Albany Road – Aerial Photo Proposed Cyclist Provision and Tracking  
(1007\_3D\_DF7\_A6-MA\_GA\_361)





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PROPOSED LOW HEIGHT FENCING TO ALLOW BETTER VISIBILITY FOR CYCLISTS APPROACHING ALBANY ROAD (SPECIFICATION TO BE AGREED)

ALBANY ROAD

Standard Design Vehicle (SDV)

SHARED FOOTWAY / CYCLE WAY



PROPOSED STAGGERED GUARDRAILS TO SLOW CYCLIST SPEEDS

Rev.	Drawn	Checked	Date	Revision Details
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[www.semmms.info](http://www.semmms.info)



STOPFORD HOUSE  
STOCKPORT SK10 5XE  
TEL : 0181 474 4351  
FAX : 0181 474 4353

Job Title  
**SEMMMS - A6 TO MANCHESTER  
AIRPORT RELIEF ROAD**

Drawing Title  
**86 ALBANY RD - AERIAL PHOTO  
PROPOSED CYCLIST  
PROVISIONS AND TRACKING**

Drawn JW	Engineer JW	Checked NH	Approved JMCM
Date 19.09.14	Date 19.09.14	Date 19.09.14	Date 19.09.14
Size A3	Scale 1:200		
SCG No.	Filename		
Drawing No. 1007/3D/DF7/A6-MA/GA/361			Revision -