

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 Lisa Michelle and Paul Lawson

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 Department for Transport by The Brown Rural Partnership on behalf of Lisa Michelle and Paul Lawson.

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 30: Lisa Michelle Lawson
 The Shippon, 177 Woodford Road, Woodford, Stockport. SK7 1QE
 CPO Plots: 5/11 5/11A
 Agent:
 John Seed
 Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB

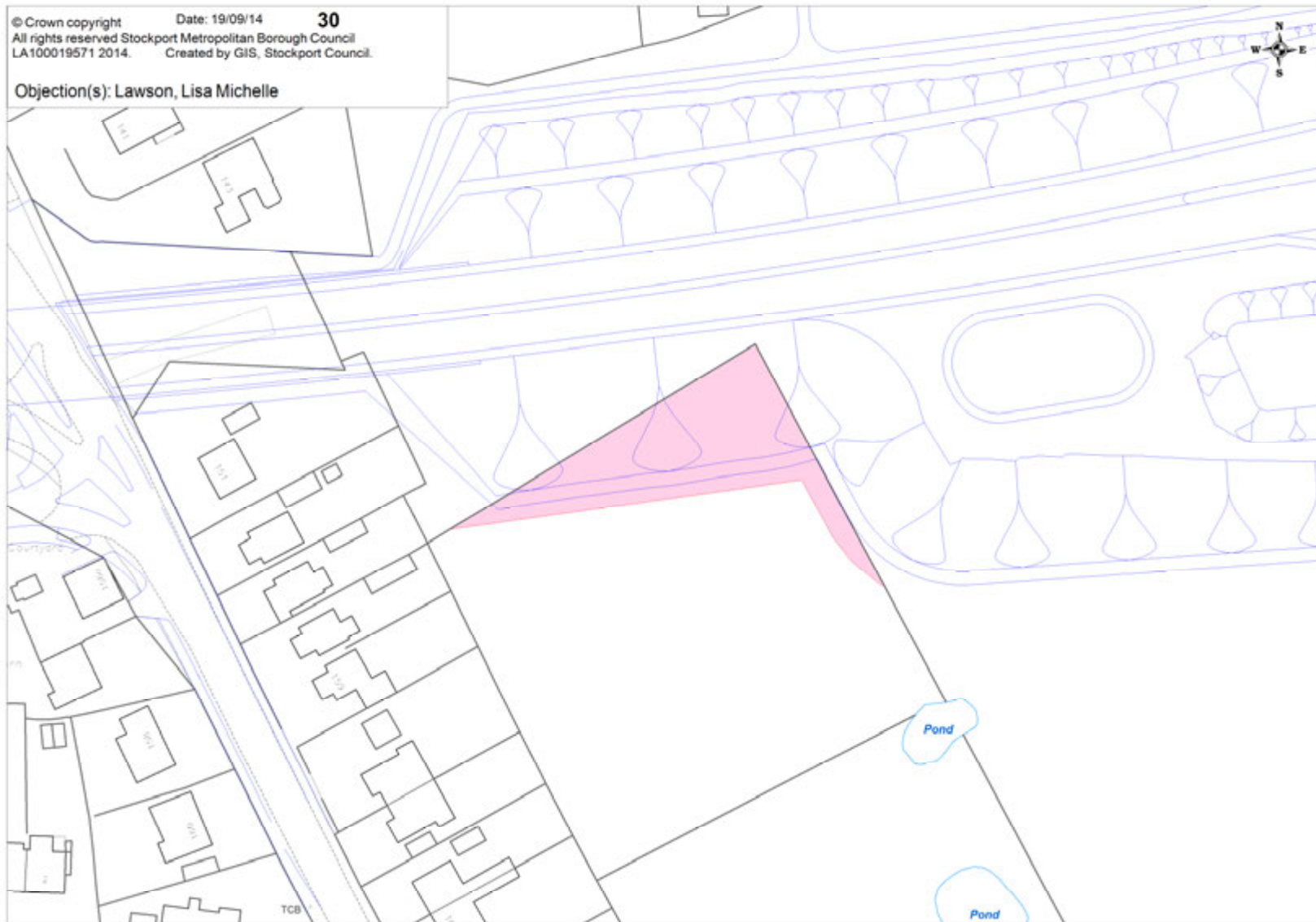
Element of objector proof	Objection	Response	Expert Witness
30/R01	<p>Whilst the statement of case examines a range of impacts, including environmental, air quality, cultural heritage, landscape, ecology and nature conservation, geology and soils, noise and vibration etc., it offers no explanation of 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 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 Steed'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 Steed'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, further to the discussions that have already taken place relating to accommodation works, further discussions are on ongoing and will be continue and appropriate measures will be agreed should the draft orders be approved and the proposed scheme be progressed.</p>	PR

30/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>The Council will intercept every artificial land drain, whether previously identified or not and to pipe it to a suitable outfall.</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>	NH/ HC
30/R03	<p>The reduction in grazing capacity means that the appeal of the property to equestrian users is marginal. The clients' estate agent has advised that equestrian properties with limited land in the area are very difficult to sell, including a property on the other side of Woodford Road to the subject property which failed to sell as a result of the limited amount of land it offered. This particular issue is not one that can be remedied by compensation.</p>	<p>The land is intensively used at present with 4 horses. It is unusual to find equestrian land as heavily stocked as this.</p> <p>The remedy for loss following compulsory purchase is compensation assessed in accordance with the compensation code.</p>	HC
30/R04	<p>The problem could be mitigated by:</p> <ol style="list-style-type: none"> 1. Extending the existing retaining wall at the junction of our clients' 	<ol style="list-style-type: none"> 1. The extension of the suggested retaining wall would increase the construction costs of the scheme substantially. The retaining wall has a retained 	NH

	<p>northern property boundary.</p> <ol style="list-style-type: none"> 2. Provision of an acoustic/noise fence to obviate or reduce the extent of bunding. 3. Limiting the grading of the bund. 4. Provision of replacement land from the land to be acquired to the east of the property. 5. Or a combination of any or all of the above. <p>The Authority have not demonstrated that all appropriate measures needed to limit or obviate the land take on our clients' property have been fully investigated, and in the context of compensation implications of current status.</p>	<p>height of circa 9.0m. The solution offers poor value for money to the Council.</p> <ol style="list-style-type: none"> 2. The land required from the Objector is required for the cutting slopes as the relief travels under Woodford Road, Bramhall. There is no environmental bunding proposed here, There are planting proposals but they relate to land which has been taken for engineering purposes . The proposals include an environmental barrier to the top of the cutting slope along the southern boundary of the proposed dual carriageway. 3. Please see response 2 above. 4. The land owned to the east is in ownership of a third party. It is our understanding that the land owner wished to retain all land not required for the scheme. 5. The design team has endeavoured to reduce the proposed land take form the Objectors It can be seen in the approved planning drawing 1007_3D_DF7_A6-MA_GA_205 (Appendix A) General Arrangement Drawing that the drainage attenuation and treatment ponds have been designed at the discharge point but further east in order to mitigate the land take from the Objector. 	
30/R05	<p>Our clients have already objected to the CPO on the basis that the CPO cannot authorise the taking of any land for temporary purposes, but, in the event that the CPO does contain powers to take land for temporary occupation, then the land in question should not be acquired permanently.</p>	<p>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.</p>	HC

30/R06	No part of the land to be acquired for temporary occupation should be used for the permanent tipping of spoil, and the Authority have failed to demonstrate that the land in question will be returned in the condition, status including levels, as exists prior to entry.	There is no proposal to tip spoil permanently other than in creating the environmental bunds.	HC
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Figure 1: Land within the Order(s)



Rebuttal Volume 18/2
25th September 2014

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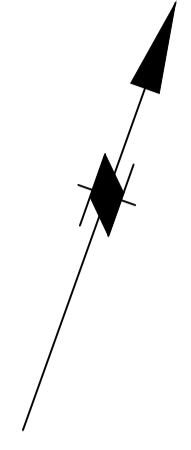
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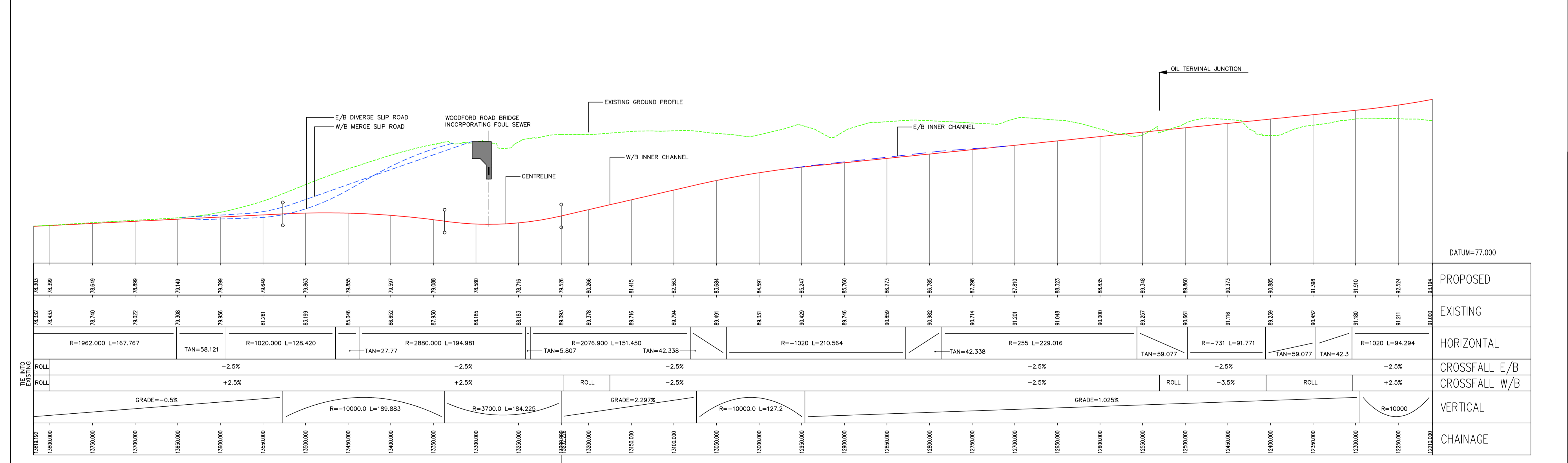
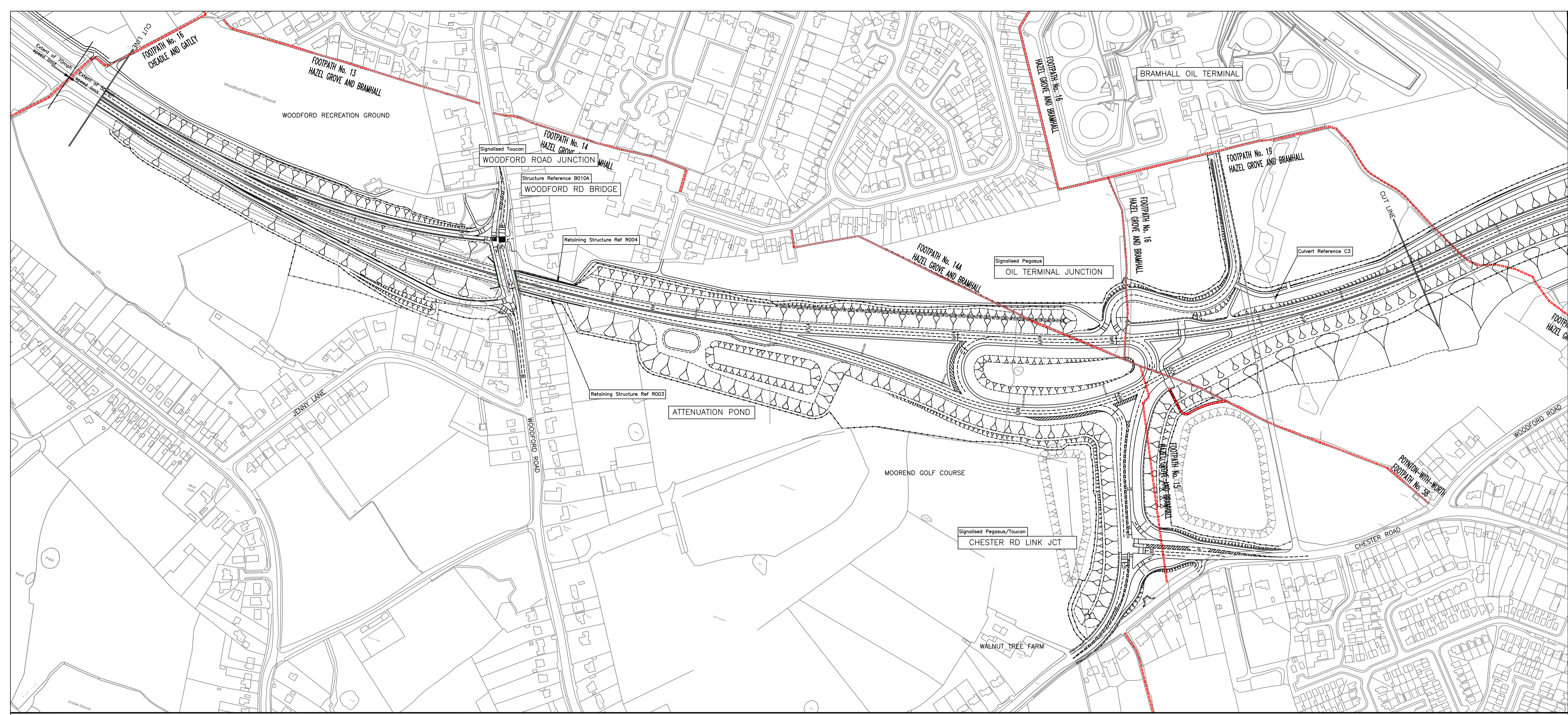
Parveen Akhtar
Head of Legal and Democratic Governance
The Metropolitan Borough Council of Stockport
Corporate and Support Services
Town Hall, Stockport SK1 3XE

Appendix A Planning Application General Arrangement Sheet 5 of 9 (1007_3D_DF7_A6-
MA_GA_205)

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- KEY**
- EXISTING DEFINITIVE PROW
 - EXISTING BRIDLEWAY
 - LADYBROOK VALLEY INTEREST TRAIL
 - PROPOSED FENCELINE



SECTION ALONG E/B INNER CHANNEL OF SEMMMS RELIEF ROAD (SPEED LIMIT 50MPH)

Rev.	Drawn	Checked	Date	Revision Details

www.semmms.info

STOCKPORT MANCHESTER CHESTER

Jim McMahon BS: C.Eng. MICE
SERVICE DIRECTOR, MAJOR PROJECTS

STOCKPORT HOUSE
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FAX : 0161 474 4653

Job Title
A6 to MANCHESTER AIRPORT RELIEF ROAD

Drawing Title
PLANNING APPLICATION GENERAL ARRANGEMENT SHEET 5 of 9

Drawn	Engineer	Checked	Approved
SP	SP	NH	AB

Date	Date	Date	Date
03.10.13	03.10.13	03.10.13	03.10.13

Size	Scale
A1	Hz 1:2500, Vt 1:250

SCG No.	Filename

Drawing No.	Revision
1007/3D/DF7/A6-MA/GA/205	