

03/10/14

HILL DICKINSON

Secretary of State for Transport
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Your Ref:
Our Ref: 1057713.64.CW.CW
Doc Ref: 126184995.1
Date: 02 October 2014

Direct Line: +44 (0)151 600 8683
craig.walker@hilldickinson.com

Please ask for Craig Walker

Dear Sir,

Re: **The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchase Order 2013 and The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013**

Plots: 9/6D, 9/7A and 9/7B

Our Client: Electricity North West Limited

Introduction:

We act on behalf of Electricity North West Limited.

Our client has a leasehold interest in the above plots pursuant to a lease dated 19th October 1960 and made between The Lord Mayor Aldermen and Citizens of The City of Manchester (1) and The Central Electricity Generating Board (2) under which the land was demised to the tenant for a term of 99 years from 5th September 1958.

Our client is a statutory undertaker within the meaning of section 8 of the Acquisition of Land Act 1981 by virtue of paragraph 2(g) of Schedule 16 to the Electricity Act 1989.

Defective Service of Notice:

Our client's registered office and address for service is, and was at all material times, 304 Bridgewater Place, Birchwood Park, Warrington, WA3 6XG.

Unfortunately, it seems the notice of the Order was not sent to our client's registered office as required by section 6(3) of the 1981 Act and, consequently, was not brought to the appropriate officer's attention.

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The Hill Dickinson Legal Services Group has offices in Liverpool, Manchester, London, Sheffield, Piraeus, Singapore, Monaco and Hong Kong.

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As such, our client has not been afforded the proper opportunity to respond to the notice and make the appropriate representations on the Order.

Our Client's Site:

Plots 9/6D, 9/7A and 9/7B form part of our client's operational land.

The site was acquired by our client for the purposes of its statutory undertaking and is presently used for a key grid and primary substation serving Manchester Airport and the surrounding area.

Plot 9/6D comprises part of the curtilage of the existing substation. Plots 9/7A and 9/7B comprise part of key operational land adjoining and contiguous with the existing substation and are required as part of our client's asset replacement programme for the future.

Representations:

Whilst our client does not object to the principle of the Scheme please treat this letter as a representation in accordance with section 16(1) of the 1981 Act that Plots 9/6D, 9/7A and 9/7B are being used for the purposes of our client's statutory undertaking and/or our client's interest in these plots is held for these purposes.

The Plots cannot be purchased and not replaced without serious detriment to the carrying on of our client's undertaking or if they were purchased they could not be replaced by other land belonging to our client, or available for acquisition, without serious detriment to the carrying on of our client's undertaking.

In the circumstances, our client requests that to the extent the Order is confirmed, it should not authorise the compulsory acquisition of our client's land.

Without prejudice to the foregoing we would comment as follows:

Plot 9/6D:

This forms part of the existing substation. Whilst the extent of the land involved is fairly modest there would need to be agreement with the acquiring authority concerning how this land could be taken whilst ensuring the security of the existing substation and the security of supply to the airport and surrounding areas.

Plots 9/6D and 9/7A:

In addition, the proximity, together with the proposed levels and curvature, of the proposed new road as it passes our client's substation raises issues as to the appropriate safeguards that will be required against the potential for any catastrophic accidents – both in terms of the road users as well as the potential implications for the security of supply of electricity to the airport and surrounding area.

Plot 9/7B:

As stated this forms part of our client's operational land adjoining and contiguous with the existing substation and is required as part of our client's asset replacement programme for the future.

The plot is some distance from the proposed new road and our client does not believe its acquisition is necessary of the Scheme in any event.

Error and Correction:

We also wish to correct what is, we believe, an important error in the acquiring authority's Statement of Reasons.

At paragraph 29.2, the acquiring authority states that the appropriate legal agreement is in place with the statutory undertakers to facilitate the implementation of the Relief Road.

Whilst our client is willing to liaise with the acquiring authority in an effort to facilitate the implementation of the scheme, no legal agreement has yet been reached which would allow the scheme to be implemented whilst providing adequate protection to our client's statutory undertaking.

Conclusion:

In the circumstances, unless or until a legal agreement has been reached between the acquiring authority and our client, our client requests that, to the extent the Order is confirmed, it should not authorise the compulsory acquisition of our client's land.

We should be grateful if the above representations could be taken into account when considering whether to confirm the Order.

If you require any further information please do not hesitate to contact us.

Yours faithfully


Hill Dickinson LLP

cc:

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Acquiring Authority:

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