

THE HIGHWAYS ACT 1980

THE ACQUISITION OF LAND ACT 1981

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

-and

APPLICATION UNDER ACQUISITION OF LAND ACT 1981, SECTION 19

OPENING STATEMENT OF THE ACQUIRING AUTHORITY

1. This Inquiry is being held to consider objections to the Orders which, together with an application under s.19 of the Acquisition of Land Act 1981, would enable the construction of the Hazel Grove (A6) to Manchester Airport A555 Relief Road ("A6MARR").

**Background and Development**

2. The A6MARR is part of the South East Manchester Multi-Modal Strategy ("SEMMMS") which is a 20 year transport plan covering parts of several local authority areas (Cheshire East, Derbyshire, Manchester, Stockport and Tameside) to the south east of Manchester and which was submitted to the relevant local authorities and the Regional Assembly in 2001. SEMMS was one of a number of multi modal strategies prepared in accordance with the Government's Guidance on the Methodology for Multi-Modal Studies (GOMMS) and which owed their origin to the Government's strategic review of the roads programme, as described in "A New Deal for Trunk Roads", and the White Paper "A New Deal for Transport – Better for Everyone", both published in 1998.
3. The remit for the team that produced SEMMMS was to develop a long-term (20-year) transport strategy that addressed the transport problems of South East Manchester. The team was also tasked to make specific recommendations in relation to three road

schemes in South East Manchester that had been withdrawn from the Government's roads programme namely:

- the A6(M) Stockport North South Bypass;
- the A555 Manchester Airport Link Road West (MALRW); and
- the A555/A523 Poynton Bypass.

("the Remitted Schemes").

4. The SEMMMS report recommended a large number of integrated transportation initiatives covering public transport (bus, rail, metrolink) improvements together with versions of the Remitted Schemes and a bypass of Alderley Edge. With respect to the MALRW (i.e the proposed road from the M56 spur to the western end of the A555), the study recommended that a reduced scale scheme (compared to the scheme that had been in the Roads Programme) be constructed in the already identified corridor with at grade junctions - with object of providing relief for the study area communities affected by inappropriate through traffic rather than providing a new strategic route of regional and potentially national significance. Similarly it recommended (as part of the Poynton bypass) an east-west dual carriageway section linking the A555/A5102 junction to the A6 at Hazel Grove (also with at grade junctions).
5. In Spring 2002 SEMMMS was accepted by Government and the three local authorities (Cheshire, Manchester and Stockport) were requested to start to develop a scheme. A bid for funding for the SEMMMS M60 to Manchester Airport Relief Road was submitted to Government in July 2004. In 2007, however, the Government made it clear that a full scheme could not be funded and asked the authorities to consider breaking the scheme into phases. In 2008 the government indicated that it would fund a scheme from the A6 at Hazel Grove to Manchester Airport (without a Poynton Bypass) if that was matched with local contributions. Local funding was then identified through the Greater Manchester Transport Fund established by the Association of Greater Manchester Authorities (AGMA) to fund key projects. The Government's funding was withdrawn in 2010 as a result of the spending review but then re-instated when the scheme was included in the National Infrastructure Plan in November 2011.
6. Two phases of consultation then followed in autumn/winter 2012/13 (including junction options) and summer 2013 (on design and follow up issues). In November 2012 a major scheme business case was submitted for the scheme to the DfT. A funding package was finalized in July 2013 and the scheme was awarded Programme Entry status in October 2013.

7. A planning application supported by an environmental statement was submitted to the three planning authorities of Cheshire East, Stockport and Manchester City Councils in November 2013 and, the Secretary of State having indicated in June 2013 that he did not intend to call these in, the permissions were granted in June and July of this year. As detailed design progressed it was found necessary to apply for further planning permissions to address some minor discrepancies in terms of the red line boundary of the main application. Four such applications have been approved by the relevant planning authorities, Stockport Council and Cheshire East Council, in June and July 2014, respectively. A further planning application for the formation of a soil bund has been submitted to Stockport Council on 28th August 2014 but has not yet been determined. A further planning application for the realignment of a Ministry of Defence oil pipeline at land south of Bramhall Oil Depot and north of A5149 Chester Road/Woodford Road submitted by the Oil and Pipelines Agency (OPA) was granted permission by Stockport Council and Cheshire East Council on 3rd September and 4th September 2014 respectively. An updated planning application is due to be submitted by the OPA by 3<sup>rd</sup> October 2014 with a re-alignment of the pipeline diversion further to discussions and agreement with landowners and the OPA.
8. The main body of the scheme, therefore, has planning permission and it is not anticipated that two outstanding applications will present any obstacle to the progression of the scheme. Funding has been identified and the three authorities have entered into an agreement under s.8 of the Highways Act for Stockport to take the lead in progressing the scheme. The scheme is an integral part of a wider long term strategy involving a multi modal approach to addressing transport problems in the south of the conurbation much of which has already been implemented.

**The issues that the road scheme is designed to address**

9. There is currently no direct transport link running east-to-west through south-east Greater Manchester and Cheshire East connecting with the A6 and providing direct access across this part of the conurbation, including to employment developments in the Manchester Airport area. Traffic wishing to travel from the A6 in a westerly direction towards the Airport, A34, or M56 has to use local roads or alternatively travel north to the M60, west to the M56 and southwards down the M56 to reach its destinations – and *vice versa*. The same is true of other traffic on the other north south routes into the conurbation that wishes to travel east or west. This creates congestion (which can be measured in increased journey times and delays at specific junctions) on the local road

network - much of which is unsuitable for this type and level of traffic. This is likely to get worse as major employment developments are brought forward in the Manchester Airport area following its Enterprise Zone designation.

10. In order to assess the effectiveness of the A6MARR in addressing these congestion and accessibility issues a traffic model has been developed and validated which allows the relative impact of not carrying out the scheme (do minimum) and implementing the scheme (do something) to be compared.

**The objectives of the scheme**

11. The main objectives of the A6 MARR (not in any particular order of priority) are to –
  - (a) Reduce the impact of traffic congestion on local businesses and communities
  - (b) Improve the safety of road users, pedestrians and cyclists and reduce the volume of through traffic from residential areas and retail centres
  - (c) Increase employment and generate economic growth and provide efficient surface access and improved connectivity to, from and between Manchester Airport, local, town and district centres, and key areas of development and regeneration (e.g. Manchester Airport Enterprise Zone)
  - (d) Boost business integration and productivity: improve the efficiency and reliability of the highway network, reduce the conflict between local and strategic traffic, and provide an improved route for freight and business travel;
  - (e) Promote fairness through job creation and the regeneration of local communities: reduce severance and improve accessibility to, from and between key centres of economic and social activity;
  - (f) Support lower carbon travel: reallocate road space and seek other opportunities to provide improved facilities for pedestrians, cyclists and public transport.
12. The A6MARR would intercept many of the radial commuter routes through the conurbation and provide access from the south and east of the region to Manchester International Airport and the surrounding commercial areas, including the newly formed Enterprise Zone adjacent to the airport. The A6MARR will also provide a suitable route for freight vehicles to access the strategic road network (M56) from the south and east of the region and reduce the number of heavy goods and other commercial vehicles using roads in residential areas.
13. In order to assess the Scheme's performance against these objectives a number of specific measurable outcomes have been identified. These are listed in the Statement of Case, and in our evidence, but basically involve reductions in journey times, reduction in

traffic volumes and severance in local centres, reduction in the number of road traffic accidents on roads passing through the local centres, improvement in public transport accessibility (measured by reduced journey times for buses), encouraging increased bus usage between Stockport and Manchester Airport, improvement of facilities for and usage by cyclists and pedestrians between Hazel Grove and Manchester Airport and improvement of pedestrian and cyclist facilities and usage on local roads relieved of heavy traffic.

**Does the Scheme deliver against these objectives and outcomes?**

14. The detailed evidence of Nasar Malik concludes that the scheme will be successful in delivering the identified outcomes.
15. The changes that result will, however, also lead to a small number of locations experiencing an increase in traffic and, in order to address this, a package of traffic mitigation measures – which form part of the overall package of “Complementary and Mitigation Measures” associated with the Scheme has been devised in order to address these changes. One element of these measures, for example, is the proposal to introduce enhanced mitigation by way of traffic management measures along the A6 south east of the Scheme to reduce the forecast increase in the level of traffic on this part of the A6 corridor.

**Cost effectiveness**

16. The cost effectiveness of the scheme has been evaluated using TUBA (Transport Users Benefit Appraisal) which demonstrates a net present value of benefits of £879,699<sup>m</sup> compared with a net present value of costs of £173.883<sup>m</sup>, resulting in a very high benefit to cost ratio of 5.06.

**Environmental issues**

17. The environmental impacts of the scheme have been addressed through the submission of an environmental statement as part of the planning applications. As part of that process there was consultation with the relevant environmental bodies and a consideration of any objections received from individuals. As indicated above, all three planning authorities have granted planning permission for the scheme and the Secretary of State did not find it necessary to call in the applications. The environmental issues, therefore, have been considered through the proper processes.
18. Our evidence will, however, include descriptions of the measures that will be taken to mitigate the visual and noise impact of the scheme and the effect of the scheme on air quality.

19. Some suggestion has been made that the Scheme would breach the requirements of the Air Quality Directive simply because in a small number of instances there would be new exceedances of the air quality limit values. We are satisfied that that there is no such breach (as the evidence of Paul Colcough describes) and, in more general terms, it is our case that there will be an overall improvement in air quality as a result of this scheme.
20. So far as ecological matters are concerned our evidence will explain, *inter alia*, what measures are being taken to ensure that replacement habitat is being provided in the long term for great crested newts displaced as a result of the scheme and how it is proposed to ensure the protection of those newt populations (through relocation) during construction.
21. Whilst there is a very small portion (0.08ha out of 2.3ha) of ancient woodland taken for the scheme at Carr Wood the extent of this land-take has been kept to the minimum. Alternatives have been considered but these would either involve the demolition of residential property or would not achieve the objectives of the scheme as effectively whilst impacting significantly on residential property, agricultural land holdings, the Norbury Brook and public rights of way. The grant of planning permission for the Scheme by Cheshire East Council (in whose area the ancient woodland lies) indicates that the view was taken that the need for, and benefits of, the proposal clearly outweighed the loss (as provided in paragraph 118 of the National Planning Policy Framework).

**Brief description of the scheme**

22. The A6MARR falls into three sections.
  - (a) The first section includes a short realignment, (1 kilometre in length), of the A6 at Hazel Grove and approximately 5.1 km of new dual carriageway extending to the A555 at Woodford Road, Bramhall, Stockport.
  - (b) The second section is the provision of a new shared use cycleway/footway adjacent to the existing A555 (some 4.0km in length) together with highway improvement works on the A34 (over a length of approximately 1 kilometre).
  - (c) The third section is approximately 3.2km of new dual carriageway forming an extension to the existing A555, crossing Styal Road and tying in with an existing improved Ringway Road, Wythenshawe, Manchester.
23. The route of the Scheme and its horizontal and vertical alignment are very largely determined by existing physical features (e.g. railway lines, residential properties, Norbury Brook, ancient woodland) and the need to tie in with existing A555 which forms the central section of the completed road. The detailed alignment is driven by

technical standards and the objectives of avoiding the demolition of, and mitigating the impact of the Scheme on, residential property, keeping the landtake to the minimum and overall cost effectiveness.

24. The road would be built as a 2-Lane Urban All Purpose dual carriageway with a shared use cycle/footway. Except where the new road connects to the existing A555 at the A5102 Woodford Road and the B5358 Wilmslow Road the junctions will be at grade. A number of bridges will be provided specifically to carry public rights of way over the new road and/or as accommodation bridges to address the severance of land.

**Description of the CPO and SRO and s. 19 application**

25. The CPO is made under ss.8, 239, 240, 246, 250 and 260 of the Highways Act 1980. Section 8 is the provision which allows for highway authorities to enter into agreements with each other in relation (inter alia) to the construction, alteration and improvement of highways. The other provisions allow for the acquisition of land (including compulsory acquisition) for the construction and improvement of highways (s.239), for the provision of exchange land (s.239(5)), for the carrying out of works necessitated by the Side Roads Order (s.240(1)), for use in connection with the construction or improvement of a highway (s.240(2)(a)) and for the purpose of mitigation (s.246). Under s.250 the Authority would be entitled to acquire rights over land and under s.260 they would be empowered to include land in the Order that they have already acquired voluntarily in order to clear the title.
26. These powers (as above) enable an acquiring authority to acquire land which is “required for the construction of a highway” and “required for use by them in connection with the construction or improvement of highway” or in relation to an SRO (ss.239(1) and 240(2)(a)). Contrary to the suggestion in some of the objections, this includes land required for the storage of materials during construction, the establishment of contractors’ depots and the deposit of spoil or topsoil. The Highways Act 1980 does not allow for the acquisition of land temporarily and, in the absence of an agreement to occupy the land from the landowner, such areas of land have to be acquired permanently. However, subject to the Crichel Down rules, the Council would be bound to offer the land back to the original landowner once these areas are no longer required for the statutory purpose.
27. The SRO contains detailed provisions dealing with the alterations necessary where roads or public rights of way are intercepted by the new road and for dealing with the stopping up, relocation and creation of private means of access (PMAs) which are interfered with

by the new road.

28. The construction of the road would involve the loss of 9,195sqm of open space held for recreational purposes and, to avoid the necessity of the CPO having to be subject to special parliamentary procedure, two plots of land are included within the order for the purpose of providing exchange land pursuant to s.19 of the Acquisition of Land Act 1981. The Authority's application for a certificate under s.19 is before this Inquiry.

#### **Objections received and withdrawn**

29. There were 57<sup>1</sup> objections to the two Orders (+ an unnamed and unknown objection) and 1 objection to the application for the s.19 certificate.
30. 3 objections have now been withdrawn including those from Network Rail and the objections to the s.19 application.
31. A substantial area of land along the route of the proposed road is held by the Highways Agency (a legacy from the period when they were proposing the Remitted Schemes) and by the three authorities themselves. The Highways Agency has indicated its agreement to sell its landholdings to the Authority.

#### **Modifications to the Orders**

32. The CPO as drafted includes land held by the Crown and by the three acquiring authorities. It is, therefore, necessary to modify the CPO to remove references to these interests. A number of other small modifications are also being proposed to the CPO – none of which require the acquisition of any new land or interests.
33. A number of small errors have been identified in the SRO – mainly being inconsistencies between the Order and the accompanying plans. It is the Authority's case that these alterations can also be addressed by modifications.
34. We have, therefore, prepared bundles showing the changes which we will be requesting you to recommend as proposed modifications to the Secretary of State if you recommend that the Orders should be confirmed.
35. At present, although some interests have been acquired, or are in the process of being acquired, voluntarily we will be requesting that these remain in the CPO in order to clear the title.

#### **Demonstrating a compelling case for compulsory acquisition**

36. Discussion with affected landowners in relation to the Scheme have been going on in many cases for several years and a number of changes to the design of the Scheme were

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<sup>1</sup> 36 statutory objectors to the CPO, 12 duly made objections to the SRO and 10 non statutory objections.



made as a result of these discussions. Since the Orders have been made, there have been further discussions and in most cases (i.e. those cases where the landowner has supplied sufficient information for this to occur) offers have been made to acquire the land voluntarily with any disputes over the purchase price to be the subject to determinations by the Lands Chamber in accordance with the compensation code. Detailed schedules and descriptions of the Council's contacts with objectors (and other affected landowners) are contained in the evidence of Henry Church.

37. Our evidence will, we believe, demonstrate that the construction of this Scheme is in the public interest, that it will achieve the objectives set for it, that it represents very good value for money and that the land to be acquired is all required (and is the minimum required) in order to successfully construct the Scheme. Our evidence will demonstrate that it has not proved possible to reach agreement on voluntary acquisition.
38. We will demonstrate that we have obtained (or have every expectation of obtaining) all the required planning permissions to construct the Scheme, that funding has been identified and that a programme for construction of the road has been agreed and is on target to deliver the Scheme subject to confirmation of these orders. There are not considered to be any other obstacles to delivery of the Scheme.
39. It will, therefore, be our contention that there is a compelling case in the public interest for the CPO to be confirmed, that there is clear evidence that the public benefit will outweigh the impact on private interests and that, in accordance with Article 1 of the First Protocol to the European Convention on Human Rights, a fair balance has been struck between the use of compulsory purchase powers and the rights of the owners and occupiers of the land affected by the CPO.

**Meeting the statutory requirements in relation to the Side Roads Order**

40. It will be our case so far as the SRO is concerned that, where existing public highways or private means of access are to be stopped up, the statutory tests have been met i.e.
  - (a) In the case of highways – that another reasonably convenient route is available or will be provided before the highway is stopped up;
  - (b) In the case of private means of access that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided
41. In conclusion, therefore, we will seek to demonstrate that it is in the public interest that the A6MARR be constructed and that the Orders and Application before this Inquiry are both necessary and adequate to enable its construction. We will, therefore, in due course,

request that you recommend confirmation of the CPO and SRO and that the section 19 certificate be issued.

**Stephen Sauvain Q.C.**

**Alan Evans**

Kings Chambers

Manchester, Leeds and Birmingham

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