

Inquiry into the Manchester Airport Relief Road Scheme  
Compulsory Purchase Order and Side Roads Order

Proof of Evidence of Michael Kingsley

as Personal Representative of the Estate of Marques Kingsley Dec'd, Director of Glenhazl  
Ltd and In Person

8<sup>th</sup> September 2014

1. My name is Michael Kingsley of Woodleigh Chester Road Poynton Cheshire.
2. I represent the Estate of Marques Kingsley Dec'd, am the sole Director of Glenhazl Ltd and also appear in my personal capacity as an objector.
3. We have extensive landholdings in the area affected by the proposed Orders and various parts of our land are proposed to be acquired compulsorily or adversely affected, as referred to in our letter of objection of the 30<sup>th</sup> January which refers. [Exhibit MK1 refers]
4. The acquiring authority (Stockport) has responded to the objections made in that letter at paragraph 37 of their Statement of Case of the 16<sup>th</sup> May 2014 but I regret to say that their responses are not accurate and/or acceptable, such that our objections are not satisfied and are therefore maintained.
5. Further, issue is taken with a number of points set out in that Statement of Case which are not accurate and/or acceptable, such that it is believed that Stockport is not entitled to the Orders which they seek.
6. Contrary to their various assertions, there has been no real attempt to reach any agreement with us in respect of design of scheme, mitigation of impact, provision of safe and comparable junctions to land in our ownership, accommodation of existing rights and/or acquisition (on any terms) of our land interests. [Exhibit MK2 refers]
7. It is therefore incorrect to say that the Orders are being promoted "as a last resort" (paragraph 38.9 *inter alia* of their Statement of Case refers).
8. It would seem that there was never any intention of acquisition by agreement nor does it seem that there is any intention now, contrary to the advice set out in Circular 06/2004. Those tests are accordingly not satisfied and there is no entitlement to Orders.
9. Regrettably, although here are only about 100 landowners whose land is required to implement the scheme and agreements are already in place with all statutory undertakers, everyone would be happy to transfer their land, [even if only on the basis of receiving 90% of the price admitted by Stockport, with the remainder, if any, to be negotiated for later (or in the event of failure to agree through the Tribunal process) and of course provided their rights were adequately protected in the design] but no realistic attempts have been made to reach agreements on any rational basis.
10. In the circumstances, there is no justification for the making of a compulsory purchase order, nor is there any need.

11. With regard to the Human Rights aspect, the making of an Order would be in contravention of our rights, since whilst it is accepted that in the right circumstances public rights can override private rights, it is not believed that those circumstances pertain here.
12. The Orders are not for a legitimate aim, since the aim of the Orders, as referred to at paragraph 27.3 of the Statement of Case, is to “enable the Partnering Authorities to acquire compulsorily land required” in circumstances where there has been no real attempt to acquire that land by agreement, contrary to the advice of Circular 06/2004.
13. Secondly, the Order is not necessary, in the absence of failure of those real attempts.
14. Thirdly, it would not be proportionate to grant Stockport the ability to acquire the identified land compulsorily, since:-
  - a) there is no public interest in depriving us of existing rights in exchange for lesser or no rights, in circumstances where the loss of those rights cannot be adequately compensated and
  - b) the granting of an order in circumstances where there has been no real attempt to comply with the advice of Circular 06/2004 to acquire land by agreement, would, as stated at MK1, give Stockport the power to enter or vest the land in its ownership and carry on with its scheme, leaving us to contest adequate compensation through a difficult process, at our own expense, in circumstances where there is currently no interest being paid and contrary to our legitimate expectation to be treated fairly, particularly in circumstances where we have been (and are) willing sellers and
  - c) there is no necessity to acquire all interests referred to at paragraph 2.7 of the Statement of Case, rather than only those that are specifically required and none have been specifically listed as required by the Annex to Circular 2/97.
15. The making of the Orders would accordingly be in contravention of our Human Rights.
16. Further, as will be referred to in more detail below, the Order seeks to take more land than is necessary at Clay Lane and less than is possibly necessary at Woodford Road Poynton and would need to be amended accordingly. [further details below]
17. Design solutions which are not appropriate and where alternative solutions would be more appropriate are also proposed in four separate areas. Those areas are Clay Lane Handforth, Woodford Road Bramhall, Chester Road Poynton and Woodford Road Poynton.
18. Dealing with Clay Lane, we have explicit rights over it, there is an agreement that it is to be kept open and the first 100 metres of it are in fact adopted. [Exhibit MK 3 refers]
19. Croft Transport Solutions confirms in a report that the junction currently proposed, as shown in the planning permission, is neither safe nor satisfactory. [Exhibit MK4 refers]
20. That Report also sets out an alternative proposed junction that would be both safe and satisfactory, along with the requisite plans. (see Exhibit 4)
21. Croft’s proposed junction would take less land than that included in the Order and the Order could be amended accordingly.
22. We have a legitimate expectation that our current rights of access and our ability to develop all of our land out of Clay Lane, along with our right to expect to have it remain open sufficient for that purpose, will continue to be accommodated.

23. The loss of all or any of the ability to continue to have full and safe access to the southern spur of the double dumbbell roundabout to a standard sufficient to enable the full development of our land cannot be properly compensated through the compensation process.
24. In the event that the Orders proceed, we would ask for a recommendation that our proposed alternative junction arrangement for Clay Lane will be substituted for the arrangement currently proposed.
25. The junction proposed for Woodford Road Bramhall should be amended to either have sliproads to connect it into the Relief Road to the East, so that the junction at Chester Road Poynton can be considered in isolation and on its own merits or alternatively should have no connections here at all, resulting in lesser land take. We again ask for a recommendation that one or other of these alternatives be substituted for the junction currently proposed, if the orders proceed.
26. The junction at Chester Road Poynton should, as an alternative to the junction shown in the planning permission, be as per the Plan originally prepared by Stockport appended hereto. That Plan would be a better solution for the connection to Chester Road and the oil depot than that presently proposed and would provide a better, less confusing and more effective connection for the Poynton Bypass. [Exhibit MK5 refers]
27. We would again ask for a recommendation that the junction proposed in our plan is substituted for the junction currently being proposed, should the orders proceed.
28. With regard to the position at Woodford Road Poynton, the current proposal for a bridge and no connection into the proposed Relief Road cuts off our access to Woodford Road from the land which we own to the East and leaves our land landlocked and/or unable to obtain access from our land to Woodford Road to the standard necessary to complete the extension of Glastonbury Drive from the East to Woodford Road to the standards of a full ghost island junction, as is possible at present.
29. Since the loss of the ability to create a ghost island junction here cannot be satisfied by compensation, we ask for a recommendation that there should be a connection of Woodford Road into the Relief Road in accordance with the Plan set out in Stockport's original public junction consultation and as previously proposed. [Exhibit MK6 refers]
30. Further, in respect of the design of the field crossing for footpath 31 fails to take into account our rights to have continued rights of access over the full width of the existing North/South roadway or our ability to improve it to full adoption standard.
31. The failure to accommodate our rights cannot be satisfied by compensation, so we would ask for a recommendation that the footpath crossing be redesigned to properly accommodate our rights, should the Orders proceed. [Exhibit MK7 refers]
32. All of the above matters and/or rights have been raised and/or identified in detail previously but have not been properly accommodated. We accordingly ask that the Orders be denied and that we are awarded Costs. [Exhibit MK8 refers]

Michael Kingsley

Personal Representative and Director