

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

**Application for a Certificate
pursuant to S19(1)(a) of the
Acquisition of Land Act 1981
Public Local Inquiry
September/October 2014**

Proof of Evidence

Paul Nicholas Singleton BSc, M.A., MRTPI

On behalf of:

Mr P Holmes & Mrs B Holmes (Objectors)

Land at Moorend Golf Club, Woodford Road,
Bramhall

8 September 2014

Turley

Contents

1.	Introduction	3
2.	Details of Objections and Scope of Evidence	4
3.	Justification for the Acquisition – The Key Tests	6
4.	The Lack of Justification for the Compulsory Purchase of the Exchange Land	9
5.	Summary of Objections and Remedy Sought	15

Contact

Paul Singleton

paul.singleton@turley.co.uk

Client

Turley

8 September 2014

1. Introduction

- 1.1 I am Paul Nicholas Singleton and I appear at this Public Inquiry on behalf of Mr P and Mrs B Holmes of Moorend Farm, Woodford Road, Bramhall, who are objectors both to the Compulsory Purchase Order and to the application pursuant to S19(1)(a) of the Acquisition of Land Act 1981.
- 1.2 I hold the degrees of Bachelor of Science and Master of Arts and am a member of the Royal Town Planning Institute. I am a Director of Turley, a UK-wide planning consultancy and hold the position of the Company's national Head of CPO and Expert Witness services. I am a member of the Compulsory Purchase Association and am currently national Chairman of the Association for the 2013/14 year.
- 1.3 I have some 34 years' post-qualification experience of planning in both the public and private sectors and have advised local authorities and clients in relation to a wide range of development proposals. I have had an involvement in compulsory purchase projects throughout my professional career, advising acquiring authorities on the preparation and justification of CPOs under a range of different powers and advising the owners and occupiers affected by such orders. I have appeared at CPO Inquiries, both for objectors and acquiring authorities.
- 1.4 In this case I was instructed by Roger Hannah & Company, agents for Mr & Mrs Holmes, to provide planning advice in relation both to their objections to the CPO and to their potential land compensation claim, should the CPO be confirmed in respect of their land interests. I appear on behalf of Mr & Mrs Holmes in relation to their objections to the CPO and the S19 application.

2. Details of Objections and Scope of Evidence

- 2.1 Mr & Mrs Holmes are freehold owners and proprietors of the Moorend Golf Course at Woodford Road in Bramhall and also reside adjacent to the Golf Course at Moorend Farm on Woodford Road. The CPO includes various parcels of land in the ownership of Mr & Mrs Holmes and comprised in CPO plot references: 5/7 and 5/7A-M inclusive.
- 2.2 An objection to the CPO was lodged on behalf of Mr & Mrs Holmes by Roger Hannah & Company in a letter to the Secretary of State for Transport dated 30 January 2014 (refer to Appendix 1). This set out a range of concerns with regard to the need and justification for the proposed link road, the funding for the scheme and whether in this case compulsory purchase was in fact, being used as a last resort. In addition to these broader concerns, the objection expressly challenged the extent of the land take being sought from Mr & Mrs Holmes' ownership and requested, in the event of the Secretary of State being minded to confirm the Order, that land to the north and south of the actual new road alignment should be removed from the CPO. This part of the objections related specifically to land comprised in plot references 5/7A, 5/7D and 5/7B (for access purposes).
- 2.3 On 23 May 2014, Squire Sanders (now Squires Patton Boggs) wrote to the Secretary of State (refer to Appendix 2) to supplement the grounds of objection in relation to Plots 5/7A and 5/7D which is proposed for acquisition as "Exchange Land" to replace other land which currently form part of an area of public space which is said by the Acquiring Authority to be required for the proposed road. That letter amplified the grounds of objection to the proposed acquisition of the Exchange Land as follows:
- (i) The CPO seeks the acquisition of a substantially larger area of land as "Exchange Land" than that which will be lost from the existing area of public open space and such action would, in the objectors' view, require a very clear justification;
 - (ii) Not only has no clear justification been given for the larger land take, but in practice no justification whatever has been set out by the Acquiring Authority for the proposed acquisition;
 - (iii) No assessment appears to have been undertaken by the Acquiring Authority as to what other land might be provided as replacement open space so as to avoid the need for the compulsory purchase of Mr & Mrs Holmes' land.
 - (iv) In the absence of any such assessment or clear justification, it is impossible for the objectors or the Secretary of State to form a balanced view as to whether or not there is a compelling case in the public interest for the compulsory acquisition of Plots 5/7A and 5/7D.

- (v) In light of the above the use of compulsory purchase powers in respect of the Exchange Land is not proportionate and the Order should not be confirmed with these plots included.

- 2.4 On the same day (23 May 2014), Squire Sanders also submitted an objection (refer to Appendix 3) to the Acquiring Authority's application for a certificate in relation to the provision of Exchange Land in respect of the public open space to be lost as a consequence of the CPO. This letter sets out the objectors' concerns as to the lack of justification for the acquisition of the much larger area of land and argued that this does not meet the principle of equivalence which is to be applied by the Secretary of State when deciding whether or not to issue a Certificate under S19(1)(a) of the 1981 Act. The letter requested that the Secretary of State should not grant a Certificate in relation to the application. The Secretary of State has subsequently directed that my clients' objection to the S19 application should be considered at this Public Inquiry alongside their objection, and those of other objectors, to the compulsory purchase order.
- 2.5 My evidence therefore relates to the objections both to the S19 application and to the CPO. However, in respect of the CPO my evidence is concerned only with my clients' objections in respect of the proposed Exchange Land comprised in CPO Plots 5/7A and 5/7D.
- 2.6 My clients wish their other objections to the CPO to be considered by the Inspector and the Secretary of State on the basis of the written objections dated 30 January 2014 from Roger Hannah & Company.

3. Justification for the Acquisition – The Key Tests

- 3.1 S19(1)(a) of the Acquisition of Land Act provides an opportunity for an Acquiring Authority to avoid the need for a compulsory purchase order, which includes land that is currently used as common land or public open space, to go through the Special Parliamentary procedure by securing a certificate from the Secretary of State. However, in considering whether or not to issue a certificate, the Secretary of State must be satisfied (inter alia) that:-

“There has been given or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public ...”

As noted in Squire Sanders’ letter of 23 May, the “test” operates on the principle of equivalence, i.e. that the Exchange Land should be equivalent in area and of equal advantage to the public that enjoys the use of the open space which is to be lost.

- 3.2 The application of this principle of equivalence has been considered by the High Court and the leading judgment on this matter is that by Mr Justice Hutchinson in the London Borough of Greenwich & Others v. Secretary of State for the Environment and Secretary of State for Transport [1993 ENV. LR 344] (this judgment is enclosed at Appendix 4). The case concerned a challenge by the Council and others against the decision by the Secretaries of State to issue a certificate under S19 in respect of the loss of part of Oxleas Wood, part of an ancient woodland and an SSSI which is open to the public and its replacement with land that was, at the time of the Order, open farmland.

- 3.3 Although the Exchange Land in the Greenwich case was marginally larger than the land to be lost from Oxleas Woods, this was not a point of issue in the legal challenge. Hence the judgment does not provide any assistance in respect of what justification is required for the acquisition of land as Exchange Land where, as is the present case, the area of land to be acquired is substantially larger than the area of open space to be lost. The judgment does however, provide clear direction as to how the phrase “equally advantageous” should be interpreted and applied. The main points of note can be summarised as follows:

- *“Equal advantage to the public”* must involve a consideration primarily of those members of the public who enjoy or might ordinarily be expected to enjoy the advantages of the open space, but may also include, as an ingredient in the equation, benefits to the public at large.
- A strict approach which requires that the Exchange Land should provide all of the benefits of the open space to be lost is too restrictive and Parliament would have intended to permit a degree of flexibility, leaving it to the Secretary of State to judge whether advantages of one sort could be offset against disadvantages of a different sort.

- When balancing the advantages of one parcel of land against those of the other, it is appropriate to consider only those features which bear on the use and enjoyment which the public derive from it. The Order Land may be advantageous for reasons unconnected with public recreation but such advantages are irrelevant. The same considerations apply to the Exchange Land.
- For example, whilst the fact that Oxleas Wood has been declared an SSSI may enhance enjoyment for public recreation, it is important to distinguish between recreation on the one hand and ecological interests on the other, and to recognise that the assessment of equal advantage is not the assessment of equal ecological advantage, but an assessment in terms of public recreation.
- The Secretary of State is obliged to take into account the fact that rights of access for the purposes of public recreation are already enjoyed over the Exchange Land.
- In a case where the Exchange Land has not yet been given the appropriate time for the comparison of advantages is the time when the exchange will take place.
- It is permissible to have regard to the predicted future development or occurrences which, it is anticipated, will affect either or both of the parcels. It is not, however, permissible to approach the equation on the basis that such future developments will result in the Exchange Land, not equally advantageous at the date of exchange, becoming equally advantageous at some future date.

3.4 It is clear therefore, that a full and careful assessment of the advantages and disadvantages of the Order Land and the Exchange Land for public recreation is required.

3.5 In addition, it is necessary that the compulsory purchase of any land, whether it be for a development or infrastructure project or to be given as Exchange Land, should be fully justified, having regard to the tests set out in legislation and in ODPM Circular 6/04 on the use of compulsory purchase powers. These key tests can be summarised as follows:

- Compulsory purchase should be used only as a last resort.
- The Secretary of State should not confirm a CPO unless he is satisfied that there is a compelling case in the public interest for the use of the powers.
- The powers should be used in a proportionate way and a CPO should not seek to include more land than is reasonably required to achieve the purpose of the Order.
- An Acquiring Authority should be ready, at the time of making the Order, to defend such proposal at any Inquiry and, if necessary, through the Courts.

3.6 Applying these tests and requirements to the current Oder and S19 application, I consider that the following principles should apply, both to the Acquiring Authority's use of the powers and the Secretary of State's decisions whether or not to confirm the CPO and to issue the S19 certificate:

- (i) The principle of equivalence should apply to the selection of the Exchange Land, both in terms of land area and its suitability as replacement open space.
- (ii) The "not less in area" test does not mean that a larger area of land cannot be given in exchange. However, if it is necessary to acquire that land through means of compulsory purchase, the proposed acquisition needs to be demonstrated to be proportionate and to meet the public interest test. Hence, there is a need for a clear and specific justification as to why a substantially larger area of land needs to be taken as Exchange Land.
- (iii) The selection of the proposed Exchange Land should be made on the basis of a clear and transparent assessment of the potential options and alternatives.
- (iv) That assessment should involve a full and careful consideration of the relative advantages and disadvantages for public recreation use of both the land to be lost from existing open space use (the Order Land) and the proposed Exchange Land.
- (v) If the Acquiring Authority's selection of its preferred Exchange Land depends upon the balancing out of advantages and disadvantages, it should be clear where and how this has been done.
- (vi) All of the above works should result in a clear and robust justification for the compulsory acquisition of the land proposed as Exchange Land. In accordance with paragraph 19 of Circular 6/04 that justification should have been prepared and developed to a level such that at the time of making the CPO, the Acquiring Authority should be ready to defend its proposals at a Public Inquiry.

3.7 As detailed in the next section of my proof my submission is that, in this case, the Acquiring Authority has failed to meet any of these requirements or principles.

4. The Lack of Justification for the Compulsory Purchase of the Exchange Land

- 4.1 The proposed Exchange Land (Plots 5/7A and 5/7D) currently forms part of the “rough” within the overall layout of the Moorend Golf Course situated at the northern edge of the course. This area of rough performs an important function (in safety terms) of separating the fairway from the gardens and houses of the adjacent residential properties on Albany Road. The land is an area of rough grass with low level shrubs and small trees and there is an existing public footpath partly within the land which runs from Albany Road along the north-eastern boundary of the golf course. It adjoins an area of grazing land to the east which is in a separate ownership. Although not of course public open space, this land is used for recreational purposes by those members of the public who “pay and play” at the golf course.
- 4.2 The CPO seeks the compulsory acquisition of other land in my clients’ ownership, to the south of the proposed Exchange Land, which is said to be required for the construction and operation of the proposed new road and is included in Schedule 1 to the CPO. However, the land comprised in Plots 5/7A and 5/7D which is proposed as Exchange Land (and included in Schedule 2 to the CPO) comprises all of my clients’ ownership to the north of the line of the new road.
- 4.3 It is my clients’ firm belief, and one which I support, that the boundary of the CPO in respect of the Exchange Land has been drawn on the basis of what might be termed administrative convenience rather than on the grounds of what is reasonably required or appropriate to be taken as Exchange Land. This assertion is, I consider, strongly supported by the absence from the Planning and CPO documentation of any explanation of why this land is considered to be either an appropriate or the most appropriate land to be used as Exchange Land and of any justification for its compulsory acquisition for this purpose.

Planning Documents

- 4.4 I have examined the planning application for the proposed road and the supporting documents including the Planning and Environmental Statements and the Statement of Community Involvement. From this review I note the following:
- (i) That neither the planning application submitted to, or the decision notice issued by, Stockport Council includes any reference to the provision of public open space within the description of development.
 - (ii) The Planning Statement (October 2013), at paragraph 4.5.42, is at pains to inform the reader that a process of “design refinement” has minimised the loss of open space from the Woodford Recreation Ground such that the use of the football pitches there will be maintained. However, notwithstanding these efforts to minimise the loss of open space to an area of 7,442 sq.m., the statement simply asserts that this loss of open space

“shall be replaced” with a new area of 17,210 sq.m., bounded by the new road and properties on Albany Road. There is no explanation as to what site selection process has been followed or why this land is considered to either to be suitable or the most appropriate land to be used for Exchange Land and no justification as to why an area so large is required to replace the “minimised” land taken from the existing open space.

- (iii) The Environmental Statement (October 2013) does not address any of these issues and more importantly, gives no indication that any alternatives for the provision of Exchange Land have been considered.
- (iv) The Statement of Community Involvement (October 2013) includes no suggestion that alternative sites for the Exchange Land provision have either been assessed or consulted upon. Indeed, insofar as any comments regarding the suitability of Plots 5/7A and 5/7D as replacement open space were recorded, these appear to have been negative, with residents of properties on Albany Road raising concerns that the use of this land as open space would present a security risk to their properties (Comment References 1251 and 1252 on p.16 of Consultation Response Report). However these concerns appear to have been overridden and the plans have been progressed notwithstanding the apparent lack of any positive public support to outweigh these concerns.

CPO Documents

- 4.5 The Acquiring Authority's Statement of Reasons (December 2013) includes a section which expressly deals with the Exchange Land. However, this section (paragraphs 29.3 and 29.4) includes no explanation as to how or why this land has been selected, or any justification either as to why the compulsory acquisition of any privately-owned land to meet this need is necessary or to why an area of land nearly three times the area of that to be lost as open space is required. The statement again records the efforts made by the Acquiring Authority to minimise the loss of open space from the Woodford Recreation Ground but, confusingly, has different figures from those used in the Planning statement for both the area to be lost and the area to be acquired as Exchange Land. Indeed it is clear from the text that the person drafting the Statement of Reasons did not even know the location of the proposed Exchange Land, never mind what the justification might be for its acquisition. This is apparent from the question “where?” which has been left in the published text in paragraph 29.3.
- 4.6 The absence from the Statement of Reasons of any explanation as to the basis of selection of the proposed Exchange Land or the justification for its compulsory purchase is the more surprising since the Acquiring Authority asserts, in two separate places within the statement (paragraph 28.8 and 28.25), that the Council has given “*careful consideration to the need to include each parcel of land shown on the order map*”.
- 4.7 The section dealing with the Exchange Land in the Statement of Case (May 2014) is largely unchanged from that in the Statement of Reasons other than that it fills in the gap as to where my clients' land is located and includes a note to the effect that an S19 application had been made by the time of its preparation. Still there is no explanation as

to the selection process or justification for the acquisition of the land proposed as Exchange Land.

- 4.8 Even the detailed response to my clients' written objection to the CPO, set out in Appendix 27 to the Statement of Case, provides no further information on these important issues. In fact, the response to my clients' assertion that the CPO proposes an excessive land take is revealing as this simply states that:

"The land take has been extensively reviewed and is the minimum amount considered necessary to build the road".

This might best be described as a cursory response and demonstrates that the Acquiring Authority did not even consider that it should seek to justify the excessive land take for Exchange Land or why it was necessary to make this provision through the compulsory purchase of my clients' land, never mind attempt to provide such justification.

Extent of Explanation Received

- 4.9 Notwithstanding the written objections that have been lodged and subsequent letters sent by Squires Patton Boggs seeking an explanation and justification for the land take proposed, there has been very little response from the Acquiring Authority. In practice the only response has comprised an undated and unsigned letter from John Hill of the Council's legal department which I attach as Appendix 5 and an internal email from another Council officer to John Hill which was copied (apparently in error) to Squires Patton Boggs. This is attached as Appendix 6.
- 4.10 The letter from John Hill is a response only to the objection to the S19 application and does not respond directly to the CPO objections. My reading of the letter is that such explanation of justification of the Exchange Land acquisition as is set out is an "after the fact" rationalisation of what is proposed rather than a record of what assessment and consideration actually took place before the CPO was made. This is evidenced by the exchange of email correspondence (dated 1st and 2nd September 2014) between Henry Church of CBRE (acting for Stockport MBC) and Simon Cook of Roger Hannah & Co (representing Mr and Mrs Holmes).
- 4.11 Internal emails from Naz Huda of Stockport Council and Jamie Bardot of Morgan Sindall confirm that the Council could release part of the exchange land. However but then decide that they now need all the exchange land for the 'dual purpose' of POS and Great Crested Newts habitat including a 'couple of ponds.' Copies of the email correspondence can be found at Appendix 7.
- 4.12 Dealing with Mr Hill's "responses" in the order set out in the letter, I comment as follows.

Response 1

- 4.13 Whilst it may factually be correct that the loss of the land being acquired for the road will have the greatest impact on the operation of the golf course, this does not provide any justification for the compulsory acquisition of the Exchange Land.

Response 2

4.14 The response states that the Project Team considered the amount of open space being lost, confirming in my view that there was no full and proper consideration of the advantages and disadvantages of the land for public recreation use or of those of the proposed Exchange Land.

4.15 The statement that the *“existing and proposed physical boundaries created by the residential estate, the private land to the east, and the proposed A6MARR has informed the decision to take the area of land bounded by that described”* appears also to confirm that the decision to seek the acquisition of nearly 17,000 sq.m of land was one of administrative convenience and was not at all based on any assessment of what area is reasonably required as Exchange Land. Indeed, this perception is supported by the internal email from Mr Huda to Mr Hill dated 20 August 2014 in which he states:

“If the road corridor was not required, then obviously the land would not be so ideal for use as Exchange Land”.

4.16 In my view this confirms that the Council has failed to adopt a correct approach to the selection of a site which would most appropriately serve as Exchange Land.

4.17 In Response 2 Mr Hill states that the land being lost from open space is “part of a larger area and it is believed that the proposed larger area of replacement land provides greater benefit to the neighbouring estate allowing a variety of uses consistent with the original space”. I would comment as follows:

- (i) The Acquiring Authority has told us in the Planning Statement, the Statement of Reasons and the Statement of Case, that the loss of open space has been minimised so as not to impact on the use of the football pitches at Woodford Recreation Ground. Hence, there is no loss of functionality of the recreation ground in terms of formal sport and recreation and nothing of this nature that needs to be replaced.
- (ii) It is apparent from the aerial photograph of Woodford Recreation Ground (Appendix 8) that the majority of the land being lost to the road is covered with mature trees that currently provide a landscape screen to the existing dual carriageway, their presence effectively preventing any actual use of this land for recreation.
- (iii) In practice what is being lost is a relatively narrow strip of grass along which people might be able to walk in between the trees and undergrowth to the formal sport pitches/playing fields area to the north. At best this is an informal recreational/dog walking route and, although its users might currently “enjoy” views of the trees and, at some times, of football or other games taking place, the Council’s proposal for the Exchange Land do not seek to replicate this context at all. Instead what is proposed is an area of open amenity space between an existing public footpath and a proposed footpath and cycleway.

- (iv) If the larger area being taken for Exchange Land is considered to provide “*greater benefit*” to the residential estates, this clearly goes beyond the principle of equivalence. The compulsory acquisition of land for this outcome would require specific justification as it is not part of the purpose of the Order to enhance open space provision in this part of Bramhall, nor is it asserted by the Council that there is any current deficiency in open space provision in the area. However, no such justification has been given.
- (v) There is no assessment of the features that make the area to be lost useable and attractive for public recreation and no comparison or balancing exercise has been carried out. As seen from the Greenwich judgement, the “ecological features” (which I take to be the small pond shown in the landscape plans for the Exchange Land) are not relevant considerations unless they are deemed to be important to public recreation. Certainly I am not aware that there are any such features in the land being taken from the recreation ground for the road construction.
- (vi) As noted previously, it is simply incorrect for the Authority to say that the land comprised in Plots 5/7A and 5/7D is not currently used for the operation of the golf course. However, even if that were true, I do not see how this assists the Council in justifying its compulsory acquisition.

4.18 The response also appears to argue that the acquisition of this land for Exchange Land is justified because if the CPO for the road land take is confirmed, “vehicular access to it would be limited”. This is, in my view, a misguided basis on which to promote the compulsory acquisition of the land. Firstly, if vehicular access is being lost as a consequence of the road CPO, the Council would need either to provide an alternative means of access or to compensate the owner for its loss. Secondly, even with a different or even reduced level of access, the land would still be capable of beneficial use, for example as grazing land, either on its own or in combination with the land to the east. Hence, the land would still have a value to my clients and I can see no good reason why they should be deprived of that value because it avoids the Authority having to put forward a full and robust justification for its acquisition.

4.19 The September 1st and 2nd email correspondence from Naz Huda of Stockport Council and Jamie Bardot of Morgan Swindell advises that the Council will now put forward the case that the land is required for a dual purpose of POS and as a relocation site for Great Crested Newts habitat. The Great Crested Newt habitat comprises of 2 ponds.

4.20 In the event, that the Inspector determines that part of the proposed exchange land is required for POS then I would consider that 2 additional ponds could be incorporated without the loss of the whole 17,000 sq m. This is evidenced on the plan attached at Appendix 9.

Response 3

4.21 It is stated here that the location of the Exchange Land was determined following the evaluation of land adjacent to the recreation ground. However, we have seen no evidence that such an assessment did take place and there is no reference in the application or CPO documents to the scope and finding of any such assessment. In

addition, despite a written request from Squires Patton Boggs, the Council has provided no information as to what alternatives were considered.

- 4.22 Even on the basis of this response however, it seems that the key criteria that the Council considers appropriate for any decision making process are proximity and whether or not the land in question is “in use”. However even these “reasons” do not stand up to scrutiny.
- 4.23 In terms of proximity to the active recreational facilities which are to be retained on the Recreation Ground, and any informal recreational use of the Order Land in connection with or conjunction with those activities, it is clear that the proposed Exchange Land is unsuitable by virtue of it being located on the other side of a major road and that land to the west of the recreational ground would be preferable as Exchange Land. However, this has been ruled out as it is “*in use*” and, hence, possibly perceived to be more expensive for the Council to acquire.

5. Summary of Objections and Remedy Sought

- 5.1 Following on from the evidence set out above, it is my contention that the Acquiring Authority has not provided any evidence to show that it has carried out a full and proper assessment of the advantages of the open space that has included in the CPO, for public recreation in order to come to an informed view as to the size and characteristics of land that would be suitable and appropriate as replacement land. Nor has there been any structured and informed assessment of alternatives.
- 5.2 As a consequence the Authority has, in my view, failed to demonstrate that Plots 5/7A and 5/7D are appropriate as Exchange Land and has not met the key tests that would need to be applied and satisfied before the Secretary of State can issue a certificate pursuant to S19 of the 1981 Act.
- 5.3 More importantly, and as a consequence of the above failures, the Authority has not set out any reasonable justification as to:
- Why it is necessary to compulsorily acquire privately-owned land in order to meet the Exchange Land provision; or
 - Why it is necessary or appropriate to acquire some 17,000 sq.m of land when only c. 7,500 sq.m of open space is to be lost.
- 5.4 Hence, I would respectfully request that the Inspector accept my view that no compelling case for the acquisition of these plots has been made out and that the Order should not be confirmed with these plots included. In this case and in the absence of any alternative provision, the Inspector would, I think, also have to conclude that no certificate can be issued.
- 5.5 However, if the Inspector is satisfied as to the general location of the proposed Exchange Land, I would request on behalf of my clients, that the land take be reduced to an area more closely related to the area of open space that will be lost as a result of the road proposal and that the balance of my clients' land ownership be excluded from the CPO. To assist the Inspector in respect of this possible option, I attach as Appendix 9 to my proof, a revised Exchange Land plan prepared by a landscape architect within my company which shows how an appropriate area of amenity space can be accommodated or an area of land broadly equivalent to that to be lost as open space.
- 5.6 Other than its reduced size, this alternative scheme provides for all the amenity benefits that the Council's proposals for the Exchange Land would achieve. The scheme does however, incorporate an access track through this amenity area to my clients' retained land which would allow them to use that land, for example, for grazing purposes and to continue to derive an income from the land. The Council would of course, need to grant appropriate access rights but this be expected given that the land does currently enjoy access to the highway across the existing golf course.

5.7 I therefore request that the Inspector recommend that Plots 5/7A and 5/7D be excluded from the Order and that a certificate should not be issued. In the alternative, and from my clients' perspective, as a least preferred option, I request that the Inspector recommend the exclusion of all that land not shown as new open space in the revised Exchange Land plan which I have put before the Inquiry.

Turley
1 New York Street
Manchester
M1 4HD

T 0161 233 7676

Turley