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Our Ref: JRS/lg
Your Ref: 68C-16944
Date: 9th September 2014

Mrs Parveen Akhtar
Head of Legal and Democratic Governance
Corporate and Support Services
Stockport Legal Services
2nd Floor, Stopford house
Stockport
SK1 3XE
For the attention of John Hill

Dear Mrs Akhtar

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

The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013

Public Local Inquiry – 30th September 2014 – Proofs of Evidence

Our Client: Mrs Janet Shirt

I am pleased to attach herewith our Proof of Evidence on behalf of our above client.

I confirm that one hard copy will follow in the post, with three further hard copies being posted to Persona Associates.

Yours sincerely

J R Seed

For and on behalf of the Brown Rural Partnership

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Regulated by RICS



Public Local Inquiry into
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

Proof of Evidence of
John Seed MA (Oxon) FRICS FAAV
For
Mrs Janet Shirt

8th September 2014



1. Introduction

- 1.1 I am John Seed and I have been a partner in the Brown Rural Partnership, based in Macclesfield Cheshire, since its inception in 1995. We undertake a full range of land agency and rural property work including compensation, and I have been practicing in the northwest of England, with occasional UK wide instructions, since 1973. I am a former Chairman of the regional Rural Practice division of the RICS and a former President of the Cheshire Agricultural Valuers Association.
- 1.2 I was instructed by Mrs Shirt in March 2013.
- 1.3 Our client is a tenant of land at Mill Lane, Hazel Grove, Stockport, Cheshire, which is owned by Michael E Simpson and Mrs Kathryn O Livesey (The Trustees of Simpson). She is also a licensee of land at Mill Lane, Hazel Grove, Stockport, Cheshire, which is owned by Stockport Metropolitan Borough Council. Mrs. Shirt has rented the land from both landlords for a number of years and has a justifiable expectancy that this situation will continue. Mrs. Shirt supports the objection of her landlord, The Trustees of Simpson. Our client is concerned about the proposed land take and the impact of the scheme and/or its design on the retained land.
- 1.4 Our client submitted a letter of objection to the CPO and SRO and the grounds of that objection still stand.

2. Impact on Land in Agricultural or Equestrian Use: General

- 2.1 The Acquiring Authority statement of case of May 2014 acknowledges the impact of the scheme on agricultural land:

"The scheme corridor comprises open space and broader countryside. The land use pattern is mainly agricultural land..." (20.2)

"Construction of the scheme will involve the loss of agricultural land..." (20.23)

"The Order land consists of mainly agricultural land and golf courses" (27.1)

"Construction of the relief road will involve the loss of agricultural land..." (Property Demolition, 31.1)

"The relief road will sever and fragment a number of agricultural holdings with potential implications for future operations. In addition to these permanent impacts there are potential temporary impacts on existing uses related to disruption to access" (31.2)

- 2.2 Given that the Authority states that agricultural land (and by extension land in equestrian use) is the main property type to be adversely affected by the scheme, it would be reasonable to expect an assessment of the impact on agricultural holdings both generally and specifically. 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.
- 2.3 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.
- 2.4 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.

3. Permanent Acquisition

- 3.1 Our client believes that the extent of bunding and land taken for the footway/cycle way, as well as the accommodation road, on the land to the south of the A6 is excessive. An alternative access using Old Mill Lane, or alternatively Mill Lane, would achieve the same ends at a much lower construction and compensation cost.
- 3.2 It is submitted that more could be done to reduce the impact of the land take having regard to the following:
- As has been accepted by the design engineer, bund grading could be reviewed to reduce the land take.
 - Bunding has been reduced elsewhere: at Page 46 of the Council's Statement of Case – "engineers have agreed to reduce bunding to minimise land take".
 - At 5.6 of the Environmental Statement, a shortfall of excavation overfill is noted.
 - Notwithstanding the landowners, The Trustees of Simpson, have offered to take permanent fill on retained land.
 - A noise/acoustic fence is being constructed to the rear of properties on the A6 near the entrance to Hazel Grove Golf Club, and could therefore be utilised elsewhere on the Trustees land.
- 3.3 Our client's business activities will be severely impacted not only during the construction of the scheme, but also as a result of the division of the land and the volume of land lost under both ownerships.

4. Temporary Land Take

- 3.1 Our client has objected to the inclusion within the CPO of land described on the plot plans as area required for temporary licence. The Acquiring Authority maintains that it is unable to acquire land on a temporary basis via the CPO process, but is equally unable to demonstrate beyond doubt that the land in question will be acquired on a temporary basis and returned to the owners.
- 3.2 The Authority have not demonstrated that any land taken for temporary occupation will be returned in the same condition, status or with the same levels as exists prior to entry. There is no guarantee that such land will again be suitable for equestrian purposes.
- 3.3 Mrs Shirt will be substantially adversely affected by the inclusion of two major temporary occupation sites. There is no indication from the Authority as to how and when this situation could be mitigated. Similarly there is no indication from the Authority as to how land in the south west corner of The Trustees of Simpson land holding will be accessed during construction.
- 3.4 A detailed and fully justified compensation claim for losses arising out of the Ground Investigation Survey was submitted on June 19th 2014. As at the date of this proof, no financial offer has been made in response to the claim, demonstrating a lack of good faith on the part of the Authority.

4. Access to Retained Land

- 4.1 Prior to the design of the accommodation bridge affecting the land to the south of A6, our client was not consulted on the location and design details of the bridge, and accordingly the bridge has been designed without an understanding of her needs and concerns.

- 4.2 We submit that a more cost effective route for the accommodation bridge would be from a junction between Mill Lane and the railway line.

5. Conclusion

- 5.1 The impact of the scheme on this client's equestrian operation and business is substantial. The Acquiring Authority have failed to consult on the location and design of the accommodation bridge and have failed to make a compelling case for the inclusion of the full extent of land involved in both permanent and temporary land take. Accordingly the CPO/SRO should not be confirmed on the lands in question.

John R Seed MA (Oxon) FRICS FAAV
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8th September 2014