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

Mrs Parveen Akhtar  
Head of Legal and Democratic Governance  
Corporate and Support Services  
Stockport Legal Services  
2<sup>nd</sup> 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 – 30<sup>th</sup> September 2014 – Proofs of Evidence**

**Our Client: Hazel Margaret Mort, Janet Elsie Bourne, Gill Elizabeth Zeiss and Anne Elizabeth Lomas**

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**

**Email: [jrs@brownrural.com](mailto:jrs@brownrural.com)**



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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**  
**Hazel Margaret Mort, Janet Elsie Bourne, Gill Elizabeth Zeiss**  
**and Anne Elizabeth Lomas**

**8<sup>th</sup> 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 Hazel Mort and her family in December 2012.
- 1.3 Our clients own approximately 126 acres (51 hectares); this is subject to annual short term lettings to Mr David Hall of Mill Hill Farm, which stands to the north of the subject land, on the north side of Woodford Road. Mr Hall has rented the subject land for at least 25 years, and it is the intention of the owners to continue letting the land to Mr Hall. The CPO affects approximately 9.38 acres (3.80 hectares) of the land, a substantial part. Our clients are concerned about the extent of the land take involved, and the impact of the scheme and/or its design on their retained land.
- 1.4 Our clients submitted a letter of objection to the CPO and SRO and the grounds of that objection still stand. Attached to the objection letter was a copy of our letter dated the 28<sup>th</sup> June 2013 to Mandy Clarke, and accordingly a further copy is not attached to this proof.

## **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 the 12<sup>th</sup> 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 The agricultural data sheet for the holding (ID20) confirms that the overall impact of the scheme on the farm business will be **major** both during and post-construction, and also in terms of residual effects. In terms of mitigation it proposes "access to severed parts of the farm to be maintained".
- 3.2 It also comments: "although access is to be provided to the land north of the road the presence of a major road running through the farm will inevitable (sic) make it more difficult to manage and may restrict the operations that can be carried out upon it".
- 3.3. As mentioned above the land is let to David Hall and forms a major element of his farming operation. Mr Hall has a major dairy enterprise, and the proximity of the subject land take to his farmstead means that the land is used for conservation grass and grazing purposes for the dairy herd.

#### **4. Temporary Land Take**

- 4.1. The most recent version of the plot plan (dated 07/07/2014) was sent to us by CBRE in an email of the 31<sup>st</sup> August 2014. This plan has proposed a CPO licence area sitting within proposed permanent CPO areas and no explanation has to date been forthcoming as to what the intention of the plan/CPO is.
- 4.2 In the event that the CPO contains power to take land for temporary occupation, which is not accepted, it is contended that the CPO does not have power to allow the Authority to permanently tip spoil on land required for temporary occupation.
- 4.3 The Authority have not demonstrated that they have a clear idea of how it intends to use the land it is proposed to acquire.

## **5. Access to Retained Land**

- 5.1 Our clients' major concern is the position of the accommodation bridge which is designed with the purpose of servicing the land generally between Mill Hill Hollow and Woodford Road. A significant amount of land is severed by the scheme, and the problems with the bridge location has been the subject of representations in various meetings and correspondence including my letter to Mandy Clarke of the 28<sup>th</sup> June 2013.
- 5.2 Neither our clients or David Hall (who owns and rents the majority of the land between Mill Hill Hollow and Woodford Road) were consulted about the location and design of the accommodation bridge. An email from Naz Huda to Hazel Mort of the 15<sup>th</sup> November 2012 states "apologies again that we, the project team, have not been able to meet you prior to the commencement of the Public Consultation". Accordingly the bridge and its location have been designed without an understanding of the needs and concerns of the landowner and occupier.
- 5.3 The bridge also serves land formerly owned by Michael Kingsley but now owned by the Highways Agency as a result, I understand, of Mr Kingsley's blight notice served some years ago. That land is used more extensively than the subject land, involving sheep and beef cattle grazing. Given both these points and the absence of any consultation with our clients it is surprising that, as Mandy Clarke put it in an email to me of the 15<sup>th</sup> August 2013 "I can assure you that numerous discussions have taken place with the adjoining landowner".
- 5.4 It is hard to understand why the only private landowner requiring access to severed land was not consulted prior to the design and positioning of the bridge.
- 5.5. We have put forward a practical proposal for an alternative bridge location that in terms of construction costs should be neutral (the Authority have not demonstrated otherwise) and in terms of compensation will be more cost effective. Our proposal uses a more established hard access track.
- 5.6 The proposal also uses the existing route of FP37 which is believed locally to be used more extensively than FP31, being the starting point of the access to the current bridge location. As mentioned at 7.2 of our letter of objection, farm vehicles come at the bottom of the list of users of the bridge "following pedestrians, cyclists and equestrian use". This is also hard to understand given that, according to the Environmental Statements Footpath Monitoring Survey Report, footpaths 31 and 37 are the "least used" of the footpaths affected by the scheme.
- 5.7 Concerns remain about the capacity of the bridge to deal with modern agricultural traffic and their turning circles and in a way that does not prejudice the safety of other users. The Authority has not demonstrated its case in this respect.

## **6. Conclusion**

- 6.1 The Authority has failed to mitigate the significant impact of the scheme on this landholding, arising from the extent of land take and severance. They have adhered to their design in spite of a practical and cost effective alternative appraisal and, given the lack of consultation, and therefore understanding of the needs of existing users, prior to design, the Authority's attitude to the bridge location is irrational, inequitable and oppressive.
- 6.2 The Authority are stopping up a private means of access but have failed to provide another reasonably convenient means of access.
- 6.3 The Authority has failed to make a compelling case for the full extent of the land involved in permanent and temporary land take as well as the bridge location, and the CPO/SRO should not be confirmed on the lands in question.

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8<sup>th</sup> September 2014