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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: Michael E Simpson and Mrs Kathryn O Livesey (The Trustees of Simpson)

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



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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
Michael E Simpson and Mrs Kathryn O Livesey (The Trustees of Simpson)

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 have been representing the Trustees on various versions of this road scheme since 1977 including a number of ground investigation projects repeatedly undertaken on the same land areas.
- 1.3 Our clients own approximately 56 acres (22.7 hectares) of arable grassland, grazing and woodland. The CPO affects approximately 32 acres (12.9 hectares), accordingly the majority of the landholding. The Trustees have a fiduciary duty to protect their assets for beneficiaries, and are primarily concerned about the extent of land take involved, and the impact of the scheme and/or its design on retained land.
- 1.4 Our clients submitted a letter of objection to the CPO and SRO and the grounds of that objection still stand. The Trustees also support the objections of their tenants Helen Harrison and Jan Shirt, and have no plans to let the relevant lands to other tenants.

1.5 Appendices

- 1.5.1 Letter from Taylor Wimpey dated the 6th November 2012.
- 1.5.2 Email from Taylor Wimpey dated the 1st July 2013.

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 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 The land between the road corridor and existing development has been subject to a number of option agreements in the 1980's and 1990's, and an approach was made on the 6th November 2012 for a further option agreement (Appendix 1.5.1). When the developers became aware of the full extent of land take and interference with potential access, this interest was withdrawn (Appendix 1.5.2). Compensation is not a remedy in this situation. The Trustees therefore have a duty to seek to minimise the extent of land take, which has been exacerbated by mitigation bunding and cycle routes on both sides of the A6.
- 3.2 It is accepted that the impact of the western footway/cycle way spur above the A6 has been reduced, but this still involves the acquisition of a significant area of land and our client questions the benefit of being able to cycle along only a small part of the carriageway above the A6, when an alternative route could be found to the remainder of the carriageway via Mill Lane.
- 3.3 The amount of land take has increased since original proposals covering land in the northwest corner of the holding that was previously intended for temporary occupation.
- 3.4 Our clients also believe 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.
- 3.5 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 our clients 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.
- 3.6 The agricultural data sheet for this holding confirms that the impact of the scheme would be “**major**” during construction, thereafter, and also in terms of residual effects.

3.7 We have previously advised that there are imperfections on the CPO/SRO including:

- The Trustees are in possession, and have been for many years, of a strip of land on the left hand corner of Wellington Road as it joins the A6 (claimed by the Highways Agency).
- The Trustees own one half of Wellington Road.
- Incorrect listing of tenants.

4. Temporary Land Take

- 4.1 Our clients have 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.
- 4.2 Our clients have also objected to the proposed use of land required for temporary licence for tipping of permanent spoil and/or the creation of environmental bunds, which will severely prejudice the future use of the said land for agricultural and future development purposes.
- 4.3 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.

5. Access to Retained Land

- 5.1 Prior to the design of the accommodation bridge affecting the land to the south of A6, neither our clients nor their tenants were consulted on the location and design details of the bridge, and accordingly the bridge has been designed without an understanding of their needs and concerns.
- 5.2 We submit that a more cost effective route for the accommodation bridge would be from a junction between Mill Lane and the railway line.
- 5.3 There is currently a separate access to the woodland on the southern boundary of our clients' landholding, from Old Mill Lane. This is being stopped up without any replacement access. As a result of existing topography, it is not possible to access the woodland from the land in the clients' ownership to the north of the woodland.

6. Conclusion

- 6.1 The impact of the scheme on the extent of our clients' landholding, and its future development prospects, is substantial. The Acquiring Authority have failed to make a compelling case for the inclusion of the full extent of land involved in both permanent and temporary land take, and they have failed to provide another convenient means of access to the woodland to replace the existing private access that is to be stopped up. Accordingly the CPO/SRO should not be confirmed on the lands in question.

John R Seed MA (Oxon) FRICS FAAV
Brown Rural Partnership
29 Church Street
Macclesfield
Cheshire
SK11 6LB

8th September 2014

APPENDIX 1.5.1

Letter from Taylor Wimpey dated the 6th November 2012



6 November 2012

Mr John Seed,
The Rural Brown Partnership
29 Church St
Macclesfield
SK11 6LB

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Strategic Land
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Subject to Contract & Board Approval

Dear John,

Re: Land to the east of Buxton Road, Hazel Grove, Stockport

Following on from our recent conversation, Taylor Wimpey Strategic Land would like to formally outline our position with regard to the aforementioned land and subsequently make your client an offer of an option.

Overall, we believe your client's site, which is in a good market location, offers an excellent opportunity for a sustainable urban extension to Hazel Grove. We are eager to act with the decisiveness and pro-activity required to secure a residential planning allocation in the Local Development Framework (LDF) and planning consent at the earliest reasonable opportunity.

Taylor Wimpey UK Ltd as the nation's largest homebuilder actively needs to build homes to maintain and grow the business. With an excellent track record in the North West and throughout the UK, we are able to bring our full range of experience onto this project to maximise value for all parties and realise the potential of the land.

Site Planning Position

Your client's land is designated as 'Greenbelt' within the 2006 Stockport UDP Review. This means that there is a presumption against new development on the land, except for very specific exemptions.

The first major part of the new planning system for Stockport Borough, the Local Development Framework (LDF), was adopted in May 2011. This document is the Core Strategy, and it was examined by an independent Planning Inspector in November 2010. The Inspector confirmed that the Core Strategy was based on a robust evidence base, and as such has endorsed the approach taken to housing numbers and housing policy (amongst other new policies) so that the document may be formally adopted by the Council.

The Council are retaining a target of 7,200 dwellings during the Core Strategy period equating to 480 dwellings per annum.

Taylor Wimpey UK Limited
Registered Number:
1392762 England and Wales.
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The adopted Core Strategy's preference is that the Borough continues to focus on areas of regeneration in urban areas and existing centres, with some housing also coming forward in other genuinely accessible locations. Ninety percent of the new housing supply is expected to be delivered on previously developed land (PDL), however if this approach creates a position where the Borough have less than a 5 year deliverable housing supply (as required by the government guidance), the Council suggest that the criteria will be relaxed to broaden both the distribution and location of housing to 'top-up' the supply. So if there is less than a 5 year housing land supply at any time, the PDL target would be reduced to eighty percent to sequentially release greenfield sites as long as they are sustainable, justified and can be adequately replaced. Accessible Green Belt sites would come forward at the end of the queue behind urban Greenfield sites and other less onerous designations.

Core Strategy draft policy CS 4 confirms that urban greenfield and Green Belt sites will be allocated for housing in the Site Allocations Development Plan Document (SADPD) if this is necessary to meet the Borough's needs and are exceptionally justified. This is the document which is currently being written by the Council that should come out for Public Consultation next year.

The Council as part of the LDF evidence base use a document called the Strategic Housing Land Availability Assessment (SHLAA) to review a range of sites all across the Borough to understand where their housing supply may come from. It is from this wider list, with the addition of new site suggestions (from landowners and developers) that site will be allocated with the SADPD.

The Council considers that there are no Green Belt sites that are identified within the SHLAA which would amount to an exceptional strategic change to the Green Belt if released for housing. Any Green Belt sites that are to make it in the SADPD must be accessible, attached to the urban area, have clear defensible boundaries and must not require any exceptional substantial change to the Green Belt or its boundaries. Whilst your client's site has not been considered to date, we believe that once the proposed Manchester Airport relief road is built, your client's site could fit this criteria.

The Council considers that its housing supply can be delivered by those sites identified in the SHLAA, however in our view the vast majority of sites identified are small and may not viably deliver the housing required throughout the plan period. Indeed, around 50% of the supply is envisaged to come from sites less than one hectare and forty percent of the supply has a density of over sixty dwellings per hectare (flatted development in essence). The Core Strategy suggests that supply could be made up by urban PDL and greenfield sites, with potentially Green Belt sites in latter part of the plan period. The Core Strategy does not expressly identify these sites by my intelligence suggests that the following Green Belt sites make up the 537 dwellings identified in the CS that could come forward:

Land at Hall Moss Farm, Hall Moss Lane (200 dwellings)

Land at Offerton Road (100 dwellings)

Land south of Bolshaw Road (54 dwellings)

Land at Brickbridge Road (50 dwellings)

Intersection of Buxton Rd and Middlewood Rd (27 dwellings)

Land adjacent to 172 Woodford Road (9 dwellings)

Land north of Blackberry Lane (51 dwellings)

Lapwing Centre and Castle Hill School, Polletts Ave (96 dwellings)

In addition to the above the Council have also identified the redevelopment of the Woodford Aerodrome site in the Green Belt as a means contribute greatly toward the current undersupply of housing land in the Borough. This scheme will provide a mixed use development including up to 500 residential units to be delivered over the course of the next 5 – 10 year period. An application on this site is about to be submitted according to our sources at Stockport Council.

The Green Belt sites identified above are those which the Council considers are probably most appropriate if they are ultimately required. From my own detailed research into Stockport these sites are not necessarily in good market areas and have a number of technical issues (such as no access).

Your client's site compares favourably to this list. In my view it could deliver a sizeable residential development, it is attached to the urban area and has a clear defensible boundary (with the proposed relief road to add weight to this argument as and when it is developed). The site is accessible, in being close to Hazel Grove station, strategic road network and employment areas.

Planning Strategy

Our strategy will be the key to the release of this site. At present the Borough feel they are able to demonstrate a more than adequate 5 year housing land supply (which includes the additional NPPF endorsed 5% buffer mentioned above). We believe that there may be some scope to challenge this position in order for the Council to then consider some limited Green Belt release in the medium / long term. We would instruct a leading market expert consultant in this area to provide us with a full analysis of the Borough's housing requirements and ultimately to challenge their current housing figures and their claim of having a 5 year plus supply.

The above challenge will prove to be very difficult in its own right however it may pave the way for the council to call for an early green belt review if we are successful in our approach. Beyond the above review and challenge of the council's housing targets it will be necessary to complete our own Green Belt study of the Borough in order to be one step ahead of the Council should they decide to undertake their own Green Belt review. Our Green Belt study of the Stockport Borough will again be completed by a team of expert external planning consultants with the necessary skills and experience required to identify all possible and viable development options within the Borough's Green Belt. This will enable us to be fully aware of the competing Green Belt sites within the Borough and allow us the opportunity to study their strengths and weaknesses so that we are then able to present the strongest possible case as to why your site is potentially one of the best and most viable sites, suitable for Green Belt release.

In order to put forward our best possible case for your client's site release from the Green Belt, we would assemble an experienced and highly professional consultant team to prepare and submit to the Council a detailed site specific promotional document incorporating a comprehensive master-plan in order to support the allocation of the site through the Local Development Framework at all key stages. This process would involve quickly addressing all the technical and site constraints to prove to the Council that the site meets NPPF guidance and is achievable, available and suitable for residential development (as the sites that have undertaken this work will move ahead in the queue for Green Belt release).

Another important part of our approach (unlike a lot of developers) is to work closely with local communities and Council's to gain their support through the promotion process. We have done this very successfully on a number of projects throughout the North West that I will touch upon below in this letter.

Our experienced consultant team would be retained to promote and take the site through both the Council's Green Belt review (if it occurs) and Housing Allocations DPD Examination, and thereafter through the planning application process if the site is phased for release.

We will of course look to build a case for your client's land to come forward for development sooner, and would take the advice of our planning consultants to go for planning permission at the earliest reasonable opportunity.

The LDF structure creates a front loaded planning system where residential allocations must be proven on the above criteria and as such is an expensive exercise. Your client's position however would be protected from any accountability of these fees under the terms of the option and will all be at the sole risk of Taylor Wimpey. However, should Taylor Wimpey be successful in securing a residential led planning consent across the site these costs would be deductible from the overall land value.

Some of the costs required to justify the site's identification in the LDF are:

- Landscape Assessments
- Tree Surveys
- Hedgerow Assessments
- Ecological Assessments
- Ground Conditions Survey (Phase 1 and Phase II)
- Drainage/Flood Risk Assessments
- Archaeological Surveys
- Transportation and Highways Assessments
- Statement of Community Involvement
- Energy Strategy/Sustainability Assessments
- Services Reports
- Topographical Survey
- Masterplanning
- Development Brief
- Noise and Air Surveys

It should be noted that these costs/works would need to be undertaken for every site to get a planning permission, and equally if you marketed the site today on the Open Market with a planning consent (which conversely and for confirmation, is not possible without these works), you would still need to undertake them to know, for example, the type of foundation solutions the land would require.

Without these required advocacy materials to support your client's site, other sites that have undertaken these works are likely to step ahead in the queue for an allocation/planning permission.

Option Terms:

I would like to put forward the following terms:

1. The option period will be for 8 years, extendable in the event of an outstanding planning application, appeal or legal challenge. The fee for this contract would be [REDACTED] non returnable but deductible.
2. Should planning permission not be granted by the end of the initial 8 year period, Taylor Wimpey have the right if they so wish to extend the option for a further period of 8 years, also subject to the above extensions. The fee for this extension would also be [REDACTED] non returnable but deductible.
3. The purchase price on exercise of the option is to be 80% of Market Value prevailing at the time.
4. Taylor Wimpey are prepared to pay your client's solicitors reasonable legal fees on exchange of the option agreement.
5. Taylor Wimpey are prepared to pay your reasonable agents fees on exchange of the option agreement.
6. Taylor Wimpey will use reasonable endeavours to promote your land for residential development through the planning system towards obtaining a satisfactory and implementable planning permission at the earliest reasonable opportunity.

Following the grant of Planning Permission Taylor Wimpey will be able to exercise the option and purchase the area of the site to which the planning permission applies. We will only be able to purchase the site by paying the agreed percentage of market value as if the land was marketed on the open market with the planning permission. At the time of purchase, there would be the opportunity for your client's land to be valued independently through a 'predefined expert', so that you can be assured that they are receiving a fair and equitable market value.

All the costs which we would deduct from the land value would be the same costs that any other potential purchaser would have to deduct from their land value if sold on the open market. For clarity (and in line with the previous sentence), the fees spent in the promotion of the site through to a planning permission and only if we are successful, would ultimately be deductible from the final price paid.

Taylor Wimpey

Having a major housebuilder attached to a development site adds significant weight to the deliverability of a site. This is one of the three components the council requires in order to allocate a site for a residential use and would give significant confidence to the Local Planning Authority that a development such as this will happen and the housing numbers will be delivered.

All new build residential sites now face a multitude of requirements and standards from the Borough Council, such as the Code for Sustainable Homes, Affordable Housing, Building for Life, Lifetime Homes, and various aesthetic design standards. Taylor Wimpey has the experience to negotiate with the Council on all these elements and provide the solutions in a cost effective manner to meet the challenges that they present. The scale of the Company means we can draw on the expertise of our personnel in land acquisition, the planning system,

home and community design, urban regeneration and the development of supporting infrastructure; and enables us to quickly resolve any problems we may encounter. It would be our intention to bring all these resources and expertise to bear on this project, a requirement for realising the development potential of the land.

At Taylor Wimpey we pride ourselves on our ability to stay one step ahead of the field through continually generating creative ideas and streamlining working practices. The principle of adding value to each and every development through imaginative and innovative features and processes will be fundamental to our approach.

In the North West, our Strategic Land operation currently has a large active portfolio of Brownfield and Greenfield sites varying from 5 – 200 acres and in various stages of the planning system. In recent times, Strategic Land has experienced considerable success in working closely with key stakeholders bringing freehold, option and joint venture sites through the planning system to deliver valuable and viable developments for our operating business units to build out on the ground.

Brief details of a few exemplar Strategic projects that have been successfully promoted through the planning system in the North West are set out below in order to emphasise the strength and experience of the company's Strategic operations (I would be delighted to present further examples on request):

- In late 2011 Taylor Wimpey Strategic Land has now secured approval for 650 new homes on land to the north of Crewe www.coppenhalleast.co.uk
- In early 2012, Strategic Land has secured approval for 450 new homes on land to the north of Preston www.haydockgrange.co.uk
- In March 2012, we secured approval for 130 new homes on a Greenfield site in the village of Tarvin, Cheshire <http://www.eddisburypark.co.uk/>.
- In July 2012 we promoted and secured the release and allocation of a Green Belt site in the town of Ormskirk, West Lancashire, through the LDF / Local Plan process.
- In October 2012, we secured approval for over 300 new homes on a Greenfield site to the north of Winsford, Cheshire West and Chester Borough.
- Furthermore, we have 'live' planning applications on sustainable urban extension sites in North West which amount to around 1000 new homes.

Once you have had the opportunity to digest the content of this letter, it would be beneficial to meet with you and your client's and thoroughly discuss our strategy and offer. However, if you require any further clarification or information in the meantime, please do not hesitate to contact me.

Yours sincerely,



Peter Ryan
Strategic Land Manager

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APPENDIX 1.5.2

Email from Taylor Wimpey dated the 1st July 2013

John Seed

From: Ryan, Peter - TW North West <Peter.Ryan@taylorwimpey.com>
Sent: 01 July 2013 11:03
To: John Seed
Cc: Thorley, Andrew - TW North West
Subject: RE: Trustees of Simpson - land at Buxton Road Hazel Grove Stockport

Hi John,

Please accept my sincere apologies for my late reply. I have been on annual leave for the last two and half weeks and simply didn't have the time to respond to you in advance of my departure.

Having had another review of the site, it still appears to be ever so slightly on the small side taking into account the eventual developable area (circa 70-75% of the yellow land). Another concern we have is in relation to the access arrangement. Cranleigh Drive in its current state would not be an acceptable access point into the site and also further along Buxton road on the south east boundary there does not appear to be a suitable location for an access point.

I hope you appreciate our honesty in relation to the site appraisal.

If you have any other opportunities in the Stockport / Greater Manchester area which you think may be of interest to us please feel free to send them over for our review. We are interested mainly in Greenfield / Green Belt urban extension sites.

Best Regards,

Pete.

From: John Seed [mailto:jrs@brownrural.com]
Sent: 10 June 2013 15:12
To: Ryan, Peter - TW North West
Subject: Trustees of Simpson - land at Buxton Road Hazel Grove Stockport

Peter,

You will probably recall the discussions we had about the above land at the end of last year.

The SEMMMS road team have now reduced the land take area for the road scheme, and I attach a copy of the latest plan. The revised landtake is not necessarily acceptable to our clients, but I would appreciate it if you could let me know if the increased area to be retained is of interest to you.

I look forward to hearing from you.

Regards,

John.

John Seed



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