



CHARTERED SURVEYORS • VALUERS • LAND AND MINERAL AGENTS

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: Marcus John Quiligotti, Simon Angelo Quiligotti, Bruno Ricardo Quiligotti and Lisa Gabriela Ward**

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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Associates: R.S. Hamilton FIA (Scot) MRICS S.M. Hinchcliffe B.Sc (Hons) MRICS M.J. Statham B.Sc (Hons) MRICS

Consultants: W. R. Winstanley FRICS FAAV S. T. Watson FRICS FAAV

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**

**Marcus John Quiligotti, Simon Angelo Quiligotti  
Bruno Ricardo Quiligotti and Lisa Gabriela Ward**

**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 the Quiligotti Family in January 2013
- 1.3 Our clients own approximately 25.5 acres (10.3 hectares) of generally level grassland, which is subject to an annual agricultural tenancy to Mr James Wainwright. The CPO affects approximately 23 acres (9.3 hectares) of the land, in other words the bulk of the holding. Our clients are concerned about the extent of 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.
- 1.5 Appendices:
  - 1.5.1 Garner Town Planning: supplementary presentation to Stockport MBC Allocations DPD, December 2013.
  - 1.5.2 Garner Town Planning: letter to Bruno Quiligotti dated 31<sup>st</sup> January 2014.
  - 1.5.3 Potential access arrangement drawing, Croft Transport Solutions, May 2014.

## **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 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 landholding was purchased in 1968 by the current owners' father, with a view to future potential development.
- 3.2 The owners' planning consultant, Garner Town Planning, has made representations to the Local Authority with regard to the land's suitability for future development, as witnessed by a copy of the supplementary representation at Appendix 1.4.1, and the letter to Mr Bruno Quiligotti at 1.4.2.
- 3.3 Land on the western side of the landholding, covered by the CPO, but described as land required for temporary licence, is also affected by the current route of the Poynton Bypass.
- 3.4 Loss of land with development potential cannot be remedied by compensation alone.
- 3.5 The agricultural data sheets do not cover this landholding, surprisingly, although it records the impact of the scheme on the landholding to the north east of our clients' landholding, which (in our view) is not as adversely affected as our clients' land, as "major". However in the private land impact assessment it appears that P11 relates to our clients' land (although it is labelled P12 on the attendant drawing) and the commentary is that "the proposed scheme will compromise and preclude its intended use and as such the land take is considered as a **substantial adverse** impact.
- 3.6 Our clients have objected to the extent of permanent land take to provide for bunding and environmental mitigation works, together with the new foot/cycle/equestrian routes, as excessive, compromising the future uses of the land. The Acquiring Authority has not demonstrated that the relevant scheme objectives could not be achieved by other means or designs, and therefore have failed to make a compelling case in respect of the extent of permanent land take involved.

#### **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 owners have worked hard to put forward alternative practical proposals as to land which could be suitable for the permanent tipping of spoil originally proposed (e.g. letter from John Seed to Jim McMahon, 13<sup>th</sup> March 2014).
- 4.4 Discussions and emails with CBRE, the Acquiring Authoritys' agents, have suggested that the Acquiring Authority will no longer permanently deposit soil/spoil on any part of the land required for temporary licence. However the Acquiring Authority have suggested that environmental bunds may still be a permanent feature on the land to be returned to our clients.
- 4.5 Our clients are in a position to withdraw their objection to this aspect of the scheme if the Acquiring Authority can produce a clear and unequivocal statement (together with revised drawings demonstrating there would be no permanent tipping or environmental bunds on the land in question) to the effect that the area required for temporary licence will be returned to our clients in the same condition and status, including levels, as it is prior to construction. Repeated requests have been made for such a clear statement from CBRE, commencing with the email from John Seed to Henry Church of the 23<sup>rd</sup> May 2014. CBRE's suggestion that this issue be addressed in the draft heads of terms is unacceptable as the draft heads of terms reflect the fact that no agreement has been reached on financial terms or accommodation works. Accordingly, this issue cannot stand alone in the heads of terms.
- 4.6 In the current situation the Acquiring Authority has not made a compelling case for the inclusion of any land to be acquired for temporary purposes within the CPO.

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

- 5.1 The scheme drawings contain no adequate or workable access to the land that the Acquiring Authority state they will return to the owners, in the south west corner of the landholding.
- 5.2 The owners have at their own expense submitted to the Acquiring Authority a proposed access arrangement as detailed in the Croft Transport Solutions Drawing No. 0591-FO1, appearing at Appendix 1.4.3. In the event that the Acquiring Authority is able to make a clear and unequivocal statement to the effect that this access arrangement will be constructed as part of the scheme, and ownership of the access road will be transferred to our clients, our clients' objection on this issue will be withdrawn.

## **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 accordingly the CPO 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

8<sup>th</sup> September 2014



## **APPENDIX 1.5.1**

**Garner Town Planning: supplementary presentation to Stockport MBC Allocations  
DPD, December 2013**

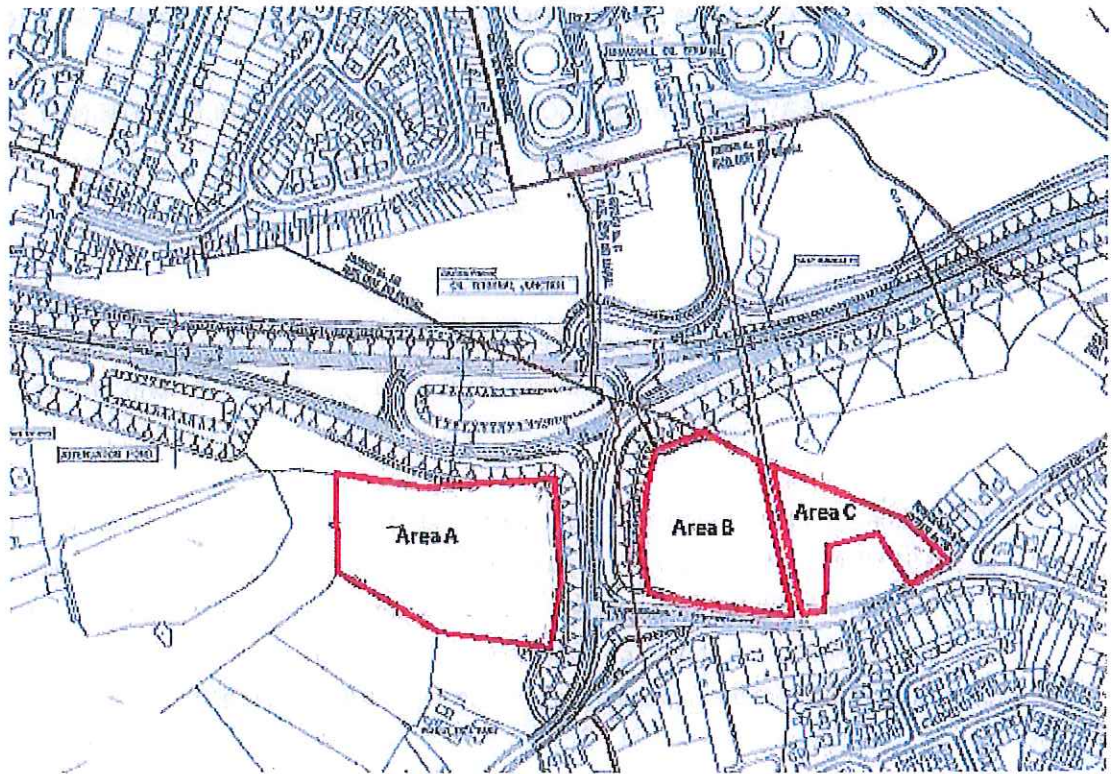
**LAND NORTH OF CHESTER ROAD, WOODFORD, STOCKPORT, CHESHIRE, SK7 1QG**

**SUPPLEMENTARY REPRESENTATION TO STOCKPORT MBC ALLOCATIONS DPD**

**DECEMBER 2013**

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- 1.1 This document is submitted as a supplementary representation further to the existing submission which was made to the Council in March 2012 relating to the Land North of Chester Road in Woodford.
- 1.2 The foundation for this further representation is that, since the original submission, the exact route of the SEMMMS junction has been issued which shows in details the proposed alignment of the road junction through the land to which the representation relates. On this basis, it is considered that the representation should be accepted by the Council and duly considered as part of the ongoing evaluation of the representations made to the Allocations DPD.
- 1.3 The existing representations made seek the allocation of the three areas of landholding (A, B and C) for residential development. However, two fundamental material considerations have taken place in the 18 months since the representations were made, namely: (1) the exact route of the SEMMMS junction and (2) the production of the Council's DPD relating to the development of Woodford Aerodrome Opportunity Site DPD in September 2012.
- 1.4 Given that the Woodford DPD seeks to allocate a large volume of residential properties, these representations seek to expand the existing submission to allow not only for residential development but also for other alternative built development on Areas A, B and C namely as (1) a care village to provide a nursing home and close-care residential properties and (2) as a small community facility for the locality to include a doctors surgery with ancillary amenities such as a post office and a small convenience store which are currently lacking from the area.
- 1.5 In terms of location, Area A has an area of 3.44 ha and will have SEMMMS and the new junction to the north and east with open field boundaries to the west and south. Area B has an area of 2.28 ha and will lie between the existing oil terminal access road to the east and the new road junction which wraps around the north, west and south boundaries of the land. Area C has an area of 0.91 ha and stands to the east of Area B. A plan showing the position of Areas A, B and C is provided on the following page of this document, with the extent of the landholding shown edged by a red line and the proposed route of SEMMMS also indicated.
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- 1.6 In respect of the development of the site for a care home and close care accommodation, it is considered that the recent appeal decision reference APP/R0660/A/12/2188195 at Handforth just over the County boundary in Cheshire East which allowed for such a scheme is a further material consideration. In arriving at the decision to allow the appeal, the Inspector concluded at paragraphs 59 and 60 that there is a clearly identified need for this type of accommodation as the elderly population increases, that this form of development has significant benefits, and that there are no other suitable sites in the locality to accommodate such a scheme. A copy of the appeal decision is submitted separately as part of this supplementary representation.
- 1.7 It is trusted that the Council will look favourably on this supplementary representation and acknowledge the benefits which the development of the sites will bring to the area by allocating the land for a mixed development of residential, care home, close care accommodation and community facilities as suggested.
- 1.8 If the expansion of this representation is considered appropriate, further details can be provided upon request from the Council such as an indicative layout to show the development of the site.

## **APPENDIX 1.5.2**

**Garner Town Planning: letter to Bruno Quiligotti dated 31<sup>st</sup> January 2014**

PO BOX 138, STOCKPORT, CHESHIRE, SK6 8WT  
Mob: 07973 976935 / Tel: 0161 449 5930 / E-mail: philipggarner@hotmail.com

Mr B Quilligotti  
Q Estates and Developments Ltd  
1A Brookside Avenue  
Poynton  
Cheshire  
SK12 1PN

**Your Ref:**

**Our Ref:** 510/PG

31 January 2014

Dear Bruno,

**LAND NORTH OF CHESTER ROAD, WOODFORD**

I write further to our recent meetings and discussions concerning the above in order to provide my summary of the current advice on the potential planning issues for your family's landholding.

As discussed, the starting point to secure development of any site over a medium or longer term period is via representations to the emerging Local Development Framework for the Council. We have already done this on 28 March 2012 to seek the allocation of the land for residential development as part of the Land Allocations Development Plan Document (DPD) which is currently being prepared by the Council. We have also submitted further representations to the Council on 9 December 2013 to have the land allocated for commercial uses (care home, doctor's surgery, convenience store, etc) although the Council have responded to this to suggest that such representations are resubmitted once the initial Land Allocations DPD is published for public consultation in the spring of 2014.

Whenever a major new road is constructed, in planning terms it always provides opportunities for any areas of land to be allocated for development where their previous function as open land is jeopardised, or where it simply makes land use sense for existing areas of built development to be expanded up to the edge of the new defensible boundary formed by the new road. Examples of this are frequently found where new large-scale developments provide funds towards the cost of the new road e.g. Tesco, Marks & Spencer, John Lewis and Sainsbury's along the route of the A34, but other smaller-scale examples can also be found.

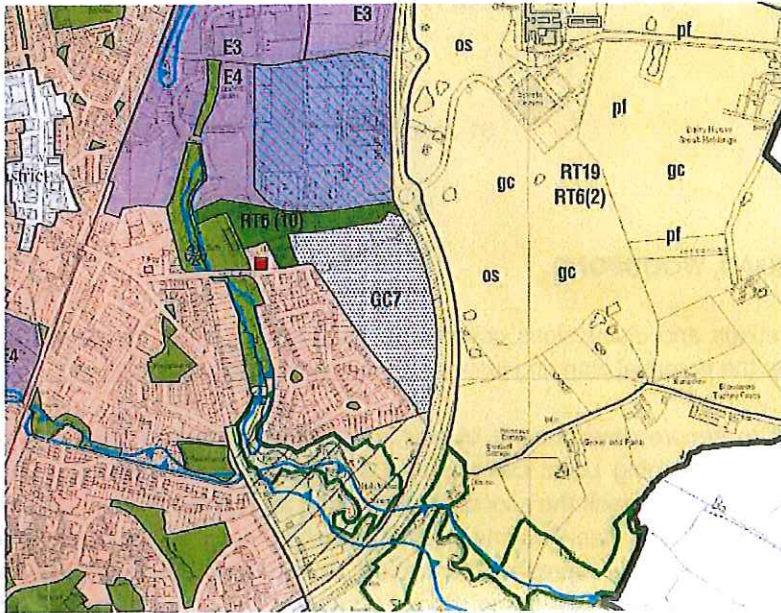
The closest example to the subject land that I can refer to is an area of land allocated as GC7 'White Land' to the west of the A34 by-pass in Handforth (as shown in the centre of the plan on the second page of this letter) where the local authority removed the land from its previous Green Belt designation when they prepared the Local Plan on the basis that it no longer provided an open land function in the same manner as the land to the east of the A34 which was retained as Green Belt.

In respect of the nearby GC7 land, it will be very useful to us to utilise the recent appeal decision reference APP/R0660/A/12/2188195 which allowed for a care home and close-care residential units scheme at the site which will be a material consideration. In arriving at the decision to allow the appeal, the Inspector concluded that there was a clearly identified need for this type of accommodation as the elderly population increases, that this form of development has significant benefits, and that there are no other suitable sites in the locality to accommodate such a scheme.

Since this appeal decision, a further planning consent reference 13/0735M has been resolved to be granted by Cheshire East Council (subject to legal agreements) for the remainder of the GC7 land between the existing residential development to the west and the A34 road to the east to be filled with a residential development of up to 175 dwellings. This is a classic example of utilising a firm 'built'



feature as a defined boundary for development and one which we can utilise for your land. It is opportunities such as this which will be presented by SEMMMS and allow scope for development on your land which would otherwise never be possible given its current Green Belt status.



Once the development of the SEMMMS road has been undertaken, your land will effectively be more attractive for development as it will no longer form any 'open' parcel of land and will not make any contribution to the Green Belt which lies beyond the road and its associated junctions. It would therefore make absolute land-use sense to take the opportunity of extending built development along Chester Road as we have suggested to the Council in the representations made.

I note that the current proposal by SEMMMS includes the potential tipping of inert material onto your land which is a by-product of the development of the road, and that your estimate of stripping the material back off the site to return it to a developable state would be considerable and would seriously prejudice any development which will become possible due to the creation of the road as described earlier. I am aware that you currently have specialist advisors regarding the landfill issues, but in my role as appointed planning consultant it would be remiss of me if I did not point out that such landfilling would generate significant obstacles to the future development of the land.

I trust that the advice set out in this letter is of assistance and serves to clarify the current position and the potential opportunities currently open to you which are offered by the creation of SEMMMS.

Kind regards.

Yours sincerely,

*P. Garner*

Philip Garner  
DipPS MSc MRTPI  
**Director**

### **APPENDIX 1.5.3**

**Potential access arrangement drawing, Croft Transport Solutions, May 2014**

NORTH SOUTH AERIAL VIEW



NOTES

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:

-

PROJECT:

CHESTER ROAD, POYNTON

DRAWING TITLE:

POTENTIAL ACCESS  
ARRANGEMENT

SCALE:

1:500 @ A3

DRAWN:

JC

CHECKED:

MC

DATE:

MAY 14

9 Jordan Street,  
Manchester,  
M15 4PY

Email: [info@crofts.co.uk](mailto:info@crofts.co.uk)

Tel: 0161 667 3746

Web: [www.crofts.co.uk](http://www.crofts.co.uk)

**croft**  
Transport Solutions

DRAWING NUMBER:

0591-F01

REVISION: