THE HIGHWAYS ACT 1980 -andTHE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994 COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

REFERENCE: LAO/NW/SRO/2013/40 and LAO/NW/CPO/2013/41 REBUTTAL PROOF

-of-

James McMahon in relation to the Proof

of

Peter Simon, 48 Post Street, Padfield, Glossop, Derbyshire, SK13 1EF

The Metropolitan Borough Council of Stockport

acting on its behalf and on behalf of

-Manchester City Council -and
Cheshire East Borough Council

to be presented to a Local Public Inquiry on the 30th September 2014 to consider objections to

THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO MANCHESTER AIRPORT A555 CLASSIFIED ROAD) COMPULSORY PURCHASE ORDER 2013

THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO MANCHESTER AIRPORT A555 CLASSIFIED ROAD) (SIDE ROADS) ORDER 2013

Parveen Akhtar

Head of Legal and Democratic Governance

The Metropolitan Borough Council of Stockport

Corporate and Support Services

Town Hall, Stockport SK1 3XE

This rebuttal proof of evidence sets out the Council's response to the objector's proof in relation to their objection to the A6 to Manchester Airport Relief Road Compulsory Purchase Order and/ or Side Road Order that was submitted to the Department for Transport by Peter Simon, 48 Post Street, Padfield, Glossop, Derbyshire, SK13 1EF.

This rebuttal proof is presented by the Council's Project Director for the A6MARR scheme. James McMahon, however, contributions to this rebuttal have been made by the Council's Expert Witnesses as indicated alongside the responses.

The Expert Witnesses contributing to the responses to the objections submitted are as follows:

Expert Witness	Initials	Proof of Evidence Name and Reference Number
James McMahon	JMcM	Volume 1
Naz Huda	NH	Volume 2
Nasar Malik	NM	Volume 3
Paul Reid	PR	Volume 4
Paul Colclough	PC	Volume 5
Jamie Bardot	JB	Volume 6
Alan Houghton	AH	Volume 7
Sue Stevenson	SS	Volume 8
James McMahon	JMcM	Volume 9
Henry Church	HC	Volume 10

Objector 56: Peter Simon 48 Post Street, Padfield, Glossop, Derbyshire, SK13 1EF

Element of objector proof	Objection	Response	Expert Witness
56/R01	 When filing my objection I requested an acknowledgement (which I did receive first by auto reply, and subsequently in a letter from Sue Stevenson of Stockport Council both of which I attached here). I advised that I would not be amendable to the scheme irrespective of junction arrangements and therefore by implication would not be participating in the 2nd consultation dealing with specifics of the scheme as my Objection was of a general nature. I did however specifically ask to be kept informed as to the Project writing:- "I would be grateful to receive an acknowledgement of my Objection as filed, and wish to request I am mailed in the future with regard to developments within the development and consultation process of this proposal should it proceed". 	On 29 th January 2013, the Council responded to the objector's letter, dated 22 nd January 2013. The letter provided information on the points raised and referred him to the business case on the website for more detail regarding the schemes justification. The response also stated that further information about the scheme could be found on the scheme's website, by calling the scheme's dedicated phone line or by email to the specific email address for the scheme. The scheme's website has been kept up to date with relevant information about the scheme and its progress. As the scheme has progressed information was provided on the website, in the press and in Committee reports on its progress. The second phase of consultation was advertised through the same variety of mediums as the first consultation phase. Due statutory process was followed by the 3 Local Planning Authorities in advertising the Planning Applications for the scheme.	SS

	This the Promoters signally failed to do despite the acknowledgement, and their comment to the following effect "The consultation has been supported by a communications strategy, intended to ensure that individuals with an interest in the scheme have been made aware that the consultation is taking place". I must therefore ask this Inquiry to note that this has hindered my Objection unfairly, as I could reasonably assume that silence meant the project had not been taken forward. I only learnt about the advanced stage of development when further consultation stages had passed, of which I had been kept ignorant and I was not made aware of the opportunity to formally comment on the Orders or submit evidence to the CPO Inquiry as an Objector. In view of this I send this submission now to the Inquiry Programming Officer and for the Promoter of the scheme for their consideration.		
	of the scheme for their consideration.		
56/R02	A. Procedural Failing of Promoter	Stockport Council undertook a 2 stage consultation on the	SS
	Had I been kept informed as required by a fair and reasonable consultation process my Objection would have been in much	scheme prior to the submission of the planning application of the scheme that was robust and in accordance with due process. Details of the consultation process are set out	

	greater depth and I would have taken greater steps to campaign vigorously. I have therefore to ask this Inquiry to consider whether the promoting Councils can be said to have fulfilled the legal requirements for consultation in my case.	within Proof 8/1. The planning application of the preferred scheme was submitted on 1st November 2013 to the Local Planning Authorities of Stockport Council, Cheshire East Council and Manchester City Council.	
	I would have in particular wanted to argue strenuously to the relevant Secretary of State, whether for Transport or for Local Government/Communities that a full rather than a Local CPO Inquiry should have been commissioned for a road which is a part-build proposal of a much greater scheme, encircling most of South Manchester, and thus ranking as significant national road infrastructure.	The Local Planning Authorities undertook a public consultation. Any comments in relation to the application were considered by the relevant Local Planning Authority in determining the application and the associated Decision Notice and planning conditions. The three Local Planning Authorities referred the planning application for the A6 to Manchester Airport Relief Road to the Secretary of State for Communities and Local Government ("The Secretary of State"). The Local Planning Authorities have now been informed that following careful consideration the Secretary of State has decided not to call the scheme in for a Public Inquiry so the decisions of the three Local Planning Authorities to grant the scheme planning permission is confirmed.	
56/R03	B. Context Description It was stated in the original case for the road that it would make good the current shortfall of major lateral arterial roads between East Cheshire and South Manchester. There is a substantial east/west lateral road in the shape of the M60 that lies at the heart of an already huge conurbation so this description	The broad route for the Relief Road has been well established in local plans since the 1990s. Specific plans for a Relief Road have been around since 2001 when the South East Manchester Multi-Modal Strategy (SEMMMS) recommended that the three councils work on developing plans for improving transport in the area for the benefit of both local communities and the local economy. The South East Manchester Multi-Modal Strategy is a 20	JMcM
	misrepresents. Since 2013 when I wrote	year strategy covering an area to the south east of Manchester including parts of Cheshire East, Derbyshire,	

this public announcements it is no longer a secret that this road is being considered by Local Authorities as part of a wider 2nd orbital road for much of Southern Manchester, of which it appears to have been part of a construction plan by stealth. It is no longer right or reasonable for this road to be considered on its own merits alone therefore, its case as a link to a wider project needs to be considered by decision makers.

http://www.civicr.com/a/poynton-hazel grove-bypass/forum/lib-dems-pushingm60-toa6-quot-part-2-quot-please-sharet4228-p1.html

In summary here it is self-evident that before this Inquiry is simply the original SEMMMS Southern Part-Orbital scheme in a fledgling form, and it should therefore be considered in its entirety, not in a piecemeal fashion if its merits or defects are to be properly understood. It may be appropriate in part to assess this road purely for itself, but clearly no assessment could be considered complete or sound if the wider context is not understood and weighed. This Inquiry should not allow the wool to be pulled over its eyes, nor over

Stockport and Tameside local authority areas.

In 2003-2004 the Council consulted on the 'SEMMMS road schemes' which linked the M60 in north Stockport with Manchester Airport, via Hazel Grove and Poynton, and included the Poynton Relief Road.

The current A6 to Manchester Airport Relief Road scheme is the first phase of the wider SEMMMS Relief Roads Scheme. Stockport and Cheshire East remain committed to delivery of the whole scheme subject to further funding being identified.

This information was provided to the objector in the Council's email of 29th January 2013.

On 1 April 2012, under the <u>Localism Act 2011</u>, the Planning Inspectorate became the agency responsible for operating the planning process for nationally significant infrastructure projects (NSIPs).

NSIPs are usually large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines, which require a type of consent known as 'development consent' under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011).

The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be nationally significant and require development consent.

The legislation states that it applies to Highways if "(1)Highway-related development is within section 14(1)(h)

those who have concerns about sider road building impacts on their community and environment.

A second orbital road echoing the line of the M60 in South East and South West Manchester either side of the Airport should not be built by stealth. If that is the road on the promoters private drawing board, as the press context and history suggests, the merits or not of such a road. and all that it implies should be considered now at outset. Converting Manchester into something like Los Angeles in respect of road infrastructure and traffic volumes should not be taken so lightly. It is not right for this road to be considered in isolation if its true context and implications are so much wider. As I point out at A above, there is an overwhelming case here for this road to be considered as a national infrastructure road proposal that requires a full Government Inquiry to have been undertaken before it can be seen as validly examined and fit or not fit to proceed to construction.

- only if the development is-
- (a)construction of a highway in a case within subsection (2),
- (b)improvement of a highway in a case within subsection (3), or
- (c)alteration of a highway in a case within subsection (4).
- (2)Construction of a highway is within this subsection only if the highway will (when constructed) be wholly in England and—
- (a)the Secretary of State will be the highway authority for the highway, or
- (b) the highway is to be constructed for a purpose connected with a highway for which the Secretary of State is (or will be) the highway authority.
- (3)Improvement of a highway is within this subsection only if—
- (a)the highway is wholly in England,
- (b)the Secretary of State is the highway authority for the highway, and
- (c)the improvement is likely to have a significant effect on the environment.
- (4)Alteration of a highway is within this subsection only if—(a)the highway is wholly in England,
- (b)the alteration is to be carried out by or on behalf of the Secretary of State, and
- (c)the highway is to be altered for a purpose connected

		with a highway for which the Secretary of State is (or will be) the highway authority." The Highway Authority for the proposed road scheme will be the local authorities not the Secretary of State and therefore NSIP is not an appropriate process for this scheme. It should be noted again that the Secretary of State has not called this scheme in for a planning public inquiry, further to due consideration and in considering that matter, the Secretary of State did not suggest that the scheme be dealt with as an NSIP. Relevant decision notices have been issued by the three LPAs.	
56/R04	This country is in the heart of a huge and problematic energy debate in the media and before our law courts on a daily basis, where many experts are questioning if the UK can service its current energy demands, or whether controversial last ditch unconventional extraction underground in the UK is necessary to "keep the lights on".	The robustly held concerns raised by Mr Simon are matters which have and continue to exercise debate within the wider public and around policy at a national level. Whilst the Council fully respects the right of Mr Simon to express what are clearly heartfelt views, it is the Council's view that the CPO inquiry is not an appropriate forum for such a debate.	PR
	Experts also sound alarms about the danger of us being energy dependent on unreliable international sources. Accommodating and encouraging further energy intensive transport is therefore a		

perverse direction to take which cannot be sustained and departs severely from the pressing need to start developing a less energy intense planning system.

Amidst this clearly critical situation what are the Councils doing here? – promoting yet another road, accommodating further the demand for diminishing fossil fuels and energy. This is therefore a reckless and indefensible step in the wrong direction ethically, that claims a social intent as regards of job creation but is in fact oblivious to the serious social detriment of a legacy of energy depletion facing future generations now being born and growing up.

We also have grave concerns about the warming of our planet (the only one that we know of hosting life in the entire cosmos) the melting of its icecaps North and South an overwhelming scientific consensus that we cannot go on with our current prodigal expenditure of fossil based energy without threating global catastrophe. Proposing a new mega road system for Manchester, which is the acknowledged reality of the so called

	A555 Relief Road is logically about as wrong as it can get in the current energy and climate crisis. I urge the Inquiry while there is time to pull back from what appears a giant step in so obviously the wrong direction. We need sustainable planning proposals, not "more business as usual", which has brought us to the brink of a national energy crisis, and a probable global climate crisis.		
56/R05	The proposal will both intersect and consume a precious fragile Green Belt area around a dense conurbation and "exceptional circumstances" will need to be demonstrated for this to be allowed. I do not believe such "exceptional circumstances" exist or have been shown to exist within the proposal case documentation.	It is acknowledged that the scheme represents development in the Green Belt and as such needs to show that 'very special circumstances' exist to overcome this objection. The Local Planning Authorities, have considered this issue and, in granting planning permission, have concluded that the overriding benefits of the scheme provide sufficient weight to satisfy this test. The Secretary of State has not seen fit to call the matter in whether on Green Belt grounds or otherwise.	AH
56/R06	Similarly violation of a heavily protected ancient wood will require more justification than has currently been presented.	Similarly so, the appropriate national planning policy test has been taken into account by Cheshire East Council relative to the small area of ancient woodland which would be removed as a result of implementation of the proposed scheme.	PR
56/R07	More locally the project represents planning folly in the sense that it covers an area of open countryside around Bramhall, Poynton and Hazel Grove, thus destroying one of the keys to the popularity and social well-being of these residential districts. Again a casual almost unthinking degradation of existing social assets is being contemplated where the human and	The Council recognises that Mr Simon is of a different view to the three Council's which have been responsible for determining the planning applications for the proposed scheme.	PR

	social need of amenity is simply disregarded.		
56/R09	The extent of wildlife destruction and impact on important and threatened species in the open pastures and woodland does not bear thinking about, in an already highly urbanised area. I would imagine that the EIA has had to be commissioned, and will make worrying reading. Hopefully, there will be expert evidence in Objection on this matter at Inquiry.	The Environmental Statement has investigated predicted impacts on designated sites, habitats and fauna. It has demonstrated that there will be a significant effect at a local level relative to Carr Wood (the ancient woodland affected) and no significant effects relative to habitats and fauna.	PR
56/R10	The economic rationale for the scheme seems to be of a general nature, and lacks substance or certainty. Using such general terms I believe it could equally be argued that the substantial contribution of Manchester made to the national and regional economy (50% in the NW according to Atkins' business case) is due to the particular semi-rural environment surrounding South Manchester – as well as Manchester as a whole – which complements and eases the industrial heartland of the city.	A detailed appraisal for the economic benefits of the scheme and any adverse impacts is set out within the business case for the scheme which has been produced in accordance with guidance set out by the Department for Transport.	NM
56/R11	The scheme which is classic urban sprawl threatens the classic identity of the city and thus its financial wellbeing. The road will inevitably lead to infill between South Manchester at Poynton and Woodford – note the proposed Woodford (Aerodrome) Village development proposal – redrawing the boundary of the built up area to start to fatally merge Macclesfield and the South	It is the explicit intention of the scheme that it is not intended or designed to facilitate further development in the Green Belt adjacent to it.	AH

56/R12	of the City. The end result will be an amorphous graceless excessive urban mass rather than the critically important environment as now. The greed of the Manchester and nearby Councils involved in this project is in danger of yet again making the classic mistakes that gave us areas of industrial wasteland in other cities in the North East and the Midlands. Having lived in these areas, I can testify that Manchester has something unique in its green circumference, but this is now put under the most serious of threats by this proposal. The Councils should learn from history and abandon their short-termist mistake. An overbuilt conurbation will not as proposed attract international business or glamorous culture and celebrities, it will deter all of these. Celebrities that act as an advertisement for Manchester currently settle in spots such and Prestbury and Alderley, and extending the city out into the Greenbelt towards Macclesfield will strike the wrong note with these personages, and endanger the image and prosperity of the City. It is the lack of balance that is worrying, Manchester already has plenty of roads and developments, which are replaceable, but its special green qualities will not be reclaimable. Once gone the landscape and natural habitat legacy of centuries will	It is the explicit intention of the scheme that it is not intended or designed to facilitate further development in the Green Belt adjacent to it. The Environmental Statement has investigated predicted impacts on designated sites, habitats and fauna. It has demonstrated that there will be a significant effect at a local level relative to Carr Wood (the ancient woodland affected) and no significant effects relative to habitats and fauna. The economic case for the scheme is made in the Council's evidence.	PR/ AH
--------	---	--	--------

be lost effectively forever.

Manchester's premier sport/entertainment and business status in the North, currently well justified, will start to dwindle. The attractions and reputation that brought the national profile of the BBS to the City would be eroded. I would argue that rather than bring prosperity the road will upset the balance between the built and nonbuilt environment, currently finely poised, with resulting catastrophic effect for the long term economic and social future of the city. I doubt on the other hand that it will make Manchester an international business travel goal as claimed or bring long term prosperity. Quite the reverse, it will introduce more areas of social deprivation just like the ones such as Wythenshawe it now purports to help. This is hugely counterproductive.

To reiterate – Manchester's unique character currently attracts business and business people to reside in the city, and help it achieve wealth and status, with its lush green surrounds, particularly to the South of the City. These are virtually

	unique in the urban UK in mitigating the harsh industrial and commercial centre, so to remove a vast tract of environmental assets in one sweep is a proposal as imprudent economically as it is in terms of heritage and ecology. The proposal catastrophically underestimates the financial contribution the critical balancing rural fringe environment has made to Manchester's recent prestige and success and the loss losing this threatens.		
	In summary, any economic and related social benefits will have to demonstrably outweigh substantial environmental and social harm, which I do not believe can be shown as possible.		
56/R13	One of the chief arguments/objectives flagged in favour of the proposal is increased airport connectivity. However, Atkins themselves acknowledge that there is almost in place a completely modern popular Metrolink across South Manchester to the Airport (early completion expected by 2014) as well as an overground rail system to the City Centre. By 2017 the Metrolink will duplicate the rail system by offering a direct route into Manchester. This is quite sufficient to service the airport as it	Specific plans for a Relief Road have been around since 2001 when the South East Manchester Multi-Modal Strategy (SEMMMS) recommended that the three councils work on developing plans for improving transport in the area for the benefit of both local communities and the local economy. Throughout each stage of the SEMMMS scheme, detailed assessments have been undertaken to analyse the need for the proposed Relief Road. Results identified the following main reasons for the development of the A6 to Manchester Airport Relief Road: Relieve existing traffic congestion and address poor connectivity which constrains the economy through	JMcM

currently stands, as long as travel to and from is directed in a sustainable way. This can meet the demands of sustainable future growth. SEMMMS study of 2001 apparently agrees that with the Metrolinks in place the need for this road no longer exists.

- lengthening journey times. Current congestion reduces labour market catchments and business-to-business activity as well as creating delays on designated freight routes (e.g. the A6) which, in turn, generates productivity losses for businesses;
- Address the current poor access to/from the east to Manchester Airport which acts as a barrier for economic growth and regeneration;
- Improve the existing poor transport links in communities throughout south Manchester in particular relating to the east-west highway network;
- Relieve current congestion on current roads, where average peak time vehicle speeds of less than 10mph have been recorded on many parts. This congestion has led to journey times that are longer than all other 'large' urban areas across the UK, including those in London:
- Reduce existing trips using residential streets as well as passing through local centres which will in turn reduce levels of pollution, road traffic incidents and journey times;
- Relieve current congestion problems along the A6 and in local centres including Gatley, Bramhall, Heald Green, Hazel Grove, Poynton, Wilmslow, Handforth and Cheadle Hulme which currently affect accessibility and lead to delays;
- Improve existing poor environmental conditions in local communities caused by the high volumes of traffic passing through the areas to reach other destinations; and
- Relieve currently congested conditions for pedestrians and cyclists which results in non-motorised transport users facing problems of safely accessing education, employment and leisure facilities.

Detailed information about the scheme benefits and any

		adverse impacts are set out within the scheme's business case. There is no direct rail or metrolink link between Stockport and the airport. The new metrolink will go between Manchester Airport and Manchester City Centre via Wythenshawe. The SEMMM Strategy recommended additional metrolink lines but none of these have funding. The SEMMM Strategy recommendation was a multi modal package including both a road and new metrolink lines. The strategy was clear that all elements needed to be delivered for the strategy objectives to be met.	
56/R14	I feel this is a "catch 22" situation, because were there to be a surge in demand for Manchester as an airport freight centre, any congestion reliefs that the road might aspire to would be negated. The current road cannot absorb commuter traffic from current congestion hotspots and expect this to share new road space with significant new freight traffic as might be generated by an enhanced role for the Airport. The claim for suburban traffic relief therefore collapses within the positive economic scenario envisaged, should this considerable gamble even pay off. Without being able to promise both economic success and local congestion relief the	Traffic forecasts showing the impact of the A6MARR are included in the Transport Assessment Report for the scheme. Figure 9.6 of this report presents on a map based diagram the traffic volumes on roads across the scheme area for three scenarios: a) 2009 flows; b) 2017 forecast traffic flows without the A6MARR; and c) 2017 forecast traffic flows with the opening of the A6MARR. The plan shows roads that have a decrease or an increase of more than 5% in traffic volume and those roads that have a flow change of less than 5% as a result of the construction of the A6MARR which illustrates that the scheme will result in a reduction in traffic along the A6 and in local centres including Gatley, Bramhall, Heald Green, Hazel Grove, Poynton, Wilmslow, Handforth and Cheadle Hulme.	NM/ JMcM

	road loses the sight of its total objectives and thus its justification.	increases in a small number of areas and the Council has sought to keep such traffic increases to a minimum. Where increases in traffic levels approximately in excess of 5% have been identified, a range of traffic mitigation strategies and measure have been included to address any potential impacts that may arise. The A6MARR has specifically been designed in line with the SEMMMS ethos of a relief road with at grade junctions rather than the strategic road with grade-separated junctions that was originally proposed by the Highways Agency. Evidence submitted by Mr Malik to the Inquiry has shown that the A6MARR will predominantly serve traffic currently using local roads. The scheme will not provide a new strategic route for long distance freight traffic currently using the motorway network to access Manchester Airport. That traffic will remain on the motorway network and continue to access the Airport from the M56. The claim by Mr Simon that the A6MARR will attract significant new freight traffic is therefore not valid. The relevant future development scenarios have been factored into the traffic modelling and considered accordingly within the associated Transport Assessment.	
56/R15	Hopes of providing local jobs through expansion may be one side of the argument, but the current noise levels for South West Manchester residents are already close to intolerable, so another consultation question arises. Can local residents and businesses absorb further	The question of noise pollution related to flights is not one for this project.	PR/ JMcM

	noise pollution from even more flights? There is a little sustainable argument for improving passenger connectivity by road, against the social and environmental cost incurred.		
56/R16	The "business case" waves a "magic wand" over the projected cost to reduce it by one third (£100 million), citing factors like inflation as fixed when of course these indices are variables. At best a realistic cost would be the original one of £300m, but a cautious estimate would probably rise to half a billion (£500m). I believe the projected cost within the business cost is more sleight of hand to mask a lack of funds, than a plausible estimate. Budgetary diligence requires dropping the proposal as the funding in full may not be there, if costs rise.	The business case for the scheme was submitted to the Department for Transport for the purpose of programme entry and the department has considered the details within this submission including the scheme costs and the funding allocation. This is referred in Proof of Evidence Volume 1/1.	JMcM
56/R17	To the North of Poynton between the A6 and the oil refinery, the road would traverse a flood plain so that particularly costly engineering measures would be required in construction, such as raising or lowering of the road at considerable extra expense. These do not appear to be costed, strengthening the case for a cost projection actually rising way above the original £300m, to around half a billion	The scheme budget includes an appropriate level of risk allowance within the overall costings. This has been referenced within the business case submission and the scheme costs and risk allowance are monitored and managed as the scheme is developed through its various stages to construction and implementation. Appropriate governance arrangements are in place to manage and report overall scheme costs inclusive of risk allowance to ensure the project does not exceed its budget.	JMcM

which seems a realistic rather than cautious estimate. If there is any risk of the project exceeding budget, it should not be considered, in view of the severity of UK debt.	A Drainage Strategy report and Flood Risk Assessment have been undertaken and submitted as supporting documents with the planning application. As a result, full consideration has been given to the drainage and flooding issues and the design of the scheme caters for these accordingly.	
---	--	--