

THE HIGHWAYS ACT 1980
-and-
THE 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

The Brown Rural Partnership

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

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 The Brown Rural Partnership on behalf of Michael E Simpson and Mrs Kathryn O Livesey (The Trustees of Simpson).

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	AC	Volume 7
Sue Stevenson	SS	Volume 8
James McMahon	JMcM	Volume 9
Henry Church	HC	Volume 10

A plan showing the relevant land contained within the order(s) is shown at Figure 1.

<p>Objector 2: Michael E Simpson and Mrs K O Livesey CPO Plots: 1/4, 1/4A-1/4K, 2/9, 2/9A-2/9Z, 2/9AA, 2/9AB Agent: John Seed Brown Rural Partnership, 29 Church Street, Macclesfield, Cheshire, SK11 6LB</p>			
Element of objector proof	Objection	Response	Expert Witness
02/R01	<p>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.</p> <p>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, 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.</p>	<p>Reference is made to agricultural and agricultural holdings under Community and Private Assets in the Statement of Case (paragraphs 20.23 and 20.24).</p> <p>As is acknowledged by Mr Seed, an assessment of the impact of the proposed scheme on agricultural land and that referred to in Mr Seed's proof of evidence has been undertaken and was reported in the Environmental Statement. The conduct of the assessments relating to agricultural land and individual farms, including that forming the subject of Mr Seed's evidence, was informed by the guidelines contained in the Design Manual for Roads and Bridges, Volume 11, Section 3. Part 6 - Land use. The guidance is nationally recognised and is adopted for the assessment of major road schemes throughout the UK.</p> <p>With regard to the concerns raised that more detailed discussion is required relating to accommodation works, further discussions will be held and appropriate measures agreed should the draft orders be approved and the proposed scheme be progressed.</p>	PR

02/R02	<p>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.</p>	<p>It has often been difficult to chart existing land drainage across private fields. Occasionally plans are provided in advance of the works but not in this case. It is therefore considered that much of the drainage will be discovered during construction. Connection to appropriate discharge points will be made physically by the contractor.</p> <p>All adoptable earthworks drainage will provide a drainage system that caters for the toe and top of earthworks slopes run off. This will be a combination of perforated French drains and ditches. This will provide opportunity to connect in severed private drains, if alternative discharge points, such as natural watercourses, ponds etc. are unavailable.</p> <p>The Council and the Contractor will liaise with the farming tenant or the objector in order to understand the existing field drainage systems.</p> <p>SMBC will intercept every artificial land drain, whether previously identified or not, and will pipe it to a suitable outfall. This undertaking is proposed as a contractual term in the Heads of Terms at Appendix HC3.</p>	NH/ HC
02/R03	<p>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</p>	<p>The Council has worked with the objector and his agent to reduce the land required to construct the scheme and this is demonstrated below in response to point 02/R04 and 02/R05.</p> <p>SMBC has been working with Simpson and Livesey to reduce the land take as far as possible. Losses will be compensated in accordance with the compensation code.</p>	HC

	take, which has been exacerbated by mitigation bunding and cycle routes on both sides of the A6.								
02/R04	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.	<p>The link referred to connects the shared use cycleway / footway, adjacent to the mainline dual carriageway, (circa 106.2m AOD) to the existing A6 (circa 110.8m AOD). The link is approximately 110m long and the gradient is approximately 4% which is accordance with TA90/05 The Geometric Design of Pedestrian, Cycle and Equestrian Routes (extract below).</p> <p><i>‘5.4 The preferred maximum gradient for off-carriageway cycle routes is 3%, with an acceptable maximum of 5%.’</i></p> <p>The internal radius of the link is 15m. This is in accordance with DMRB TA 90/05 advises that the minimum radii for off carriageway cycle routes should be as per table 4.1</p> <table><tr><td><i>Design Speed</i></td><td><i>Preferred Minimum Radii</i></td></tr><tr><td>30 kph</td><td>25 m</td></tr><tr><td>10 kph</td><td>4 m</td></tr></table> <p><i>Table 4.1 – Preferred Minimum Radii</i></p> <p>Due to the gradient of the ramp it is determined that the design speed lays between the 30kph and 10 kph. Tighter radii is not desired for the cycle user and this has been verified following liaison with the Vulnerable Road User Groups (VRUG) consisting of various Non-Motorised User (NMU) groups (2012-2013) and the findings of the COPECAT Report (Sep 2013) it was determined that a</p>	<i>Design Speed</i>	<i>Preferred Minimum Radii</i>	30 kph	25 m	10 kph	4 m	NH
<i>Design Speed</i>	<i>Preferred Minimum Radii</i>								
30 kph	25 m								
10 kph	4 m								

		<p>reduction in the radii would be acceptable in certain circumstances.</p> <p>The objector has noted that a concession has been made by the design team in reducing the land take by contracting the proposed radii of the cycleway / footway link.</p> <p>TA90/05 also notes the following:</p> <p><i>'4.2 Changes in horizontal alignment should normally be via simple circular curves, rather than straight sections with occasional sharp curves. Providing appropriate radii in both horizontal and vertical planes should help to ensure that appropriate forward visibility for cyclists and equestrians is achieved.</i></p> <p><i>4.3 At corners and junctions, the internal corners of footways should be splayed to assist the passage of wheelchairs and pushchairs. Surface undulations, steps and gaps may cause problems for people with mobility or sensory impairments.</i></p> <p><i>4.4 The preferred minimum radius for cycle routes is 25m. For sections of the route where the design speed is 10kph, a preferred minimum radius of 4m should be provided and consideration should be given to widening the track and providing warning signs.'</i></p> <p>It is therefore determined that the shared use footway cycleway will remain and as per the approved design.</p>	
02/R05	<p>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.</p> <p>Our clients also believe that the extent of</p>	<p>It is noted that the land required for a temporary purposes is still required to enable the Council's appointed contractor to temporarily stockpile topsoil during the works. The Council has indicated to the land owner that it is, subject to terms, willing to take temporary occupation of the land required for this purpose. The land will be unavailable during the works but be returned on completion.</p>	NH

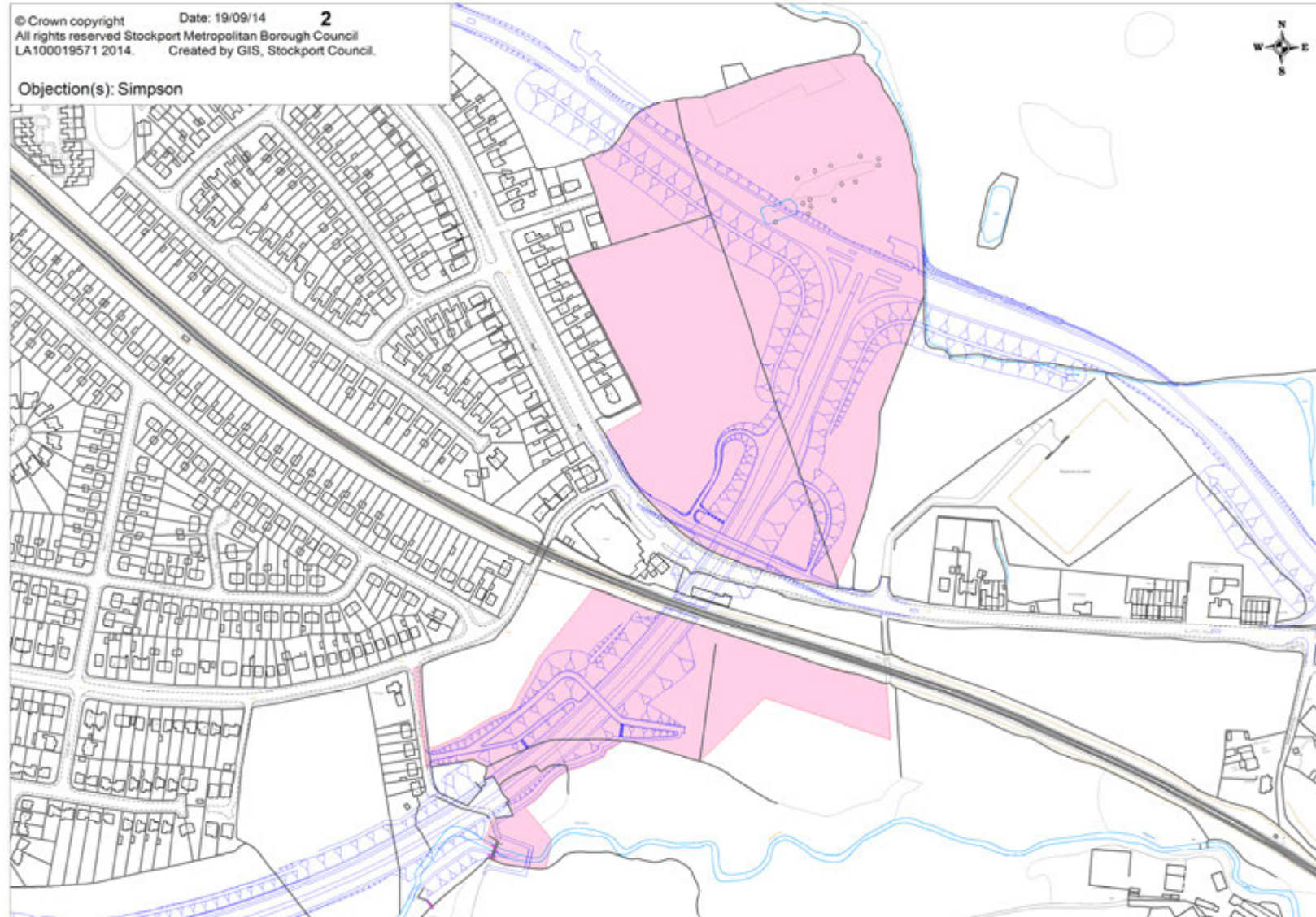
	<p>bunding and land taken for the footway/cycle way, as well as the accommodation road, on the land to the south of the A6 is excessive. An alternative access using Old Mill Lane, or alternatively Mill Lane, would achieve the same ends at a much lower construction and compensation cost.</p>	<p>Regarding the permanent land take it should be noted that a reduction in the land required for environmental mitigation purposes was carried out following liaison with one of the objector's tenants, Helen Harrison of Mill Fold Riding School, Wellington Road off the A6 Buxton Road. The Mouchel Landscape Mitigation Proposals (Sheet 1 of 18 Oct 2011) (Appendix A) indicates an area of circa 7000m² within the area tenanted by Mill Fold Riding School which was identified for ecological mitigation purposes. Subsequently, a meeting was held with Helen Harrison and she raised concerns about the residual land area and the ability to provide a circuitous trek around the perimeter of the site. The design team subsequently redesign the environmental mitigation measure in this vicinity to reduce the overall land take from the objector and the tenant Riding School.</p>	
02/R06	<p>It is submitted that more could be done to reduce the impact of the land take having regard to the following:</p> <ul style="list-style-type: none"> • 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. 	<p>4 plots have been included in the draft CPO for the purposes of providing environmental mitigation. These comprise plots 1/4A, 1/4B, 1/4D and 1/4E. Plots 1/4A, 1.4D and 1.4E have been included to enable a combination of mounding, woodland planting and scrub with intermittent trees to be established with the objective of mitigating noise and visual impacts for property located along the existing A6 Buxton Road. Plot 1.4B has been taken to enable replacement ponds to be provided for a pond which will require removal to facilitate construction of the road.</p> <p>The purpose of the bunding and landscaping being to screen the road to limit visual intrusion. The Council believes the measures are proportionate to the scale of the proposed scheme taking into account the location and that, as such, they are reasonable. The approach taken to the design and implementation of the bunding was to follow appropriate guidance for purposes of maintenance. We</p>	NH/ PR

	<p>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.</p>	<p>have only sought to utilise noise fencing only when there is a lack of space and/ or where there requires to be more effective noise mitigation.</p> <p>We note that the reference within the Council's Statement of Case to that stated in bullet point 2 of the Objection referenced 08/R04 with regard to "engineers have agreed to reduce bunding to minimise land take" is page 46 of the Appendix.</p>	
02/R08	<p>We have previously advised that there are imperfections on the CPO/SRO including:</p> <ul style="list-style-type: none"> • 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. <p>Incorrect listing of tenants.</p>	<p>The land on the left hand corner of Wellington Road is registered to the Highways Agency. Should Simpson and Livesey be able to demonstrate a compensatable interest for the land then they will be compensated in accordance with the compensation code.</p> <p>Should Simpson and Livesey be able to demonstrate a compensatable interest in the ½ width of Wellington Road then they will be compensated for their loss in accordance with the compensation code</p> <p>Notwithstanding the incorrect listing, all tenants are aware of the impact of the scheme.</p>	HC
02/R09	<p>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.</p>	<p>SMBC is unable to acquire land compulsorily on a temporary basis and, in order to bring certainty to scheme delivery, has to acquire the land permanently. Accordingly SMBC is seeking to agree terms to secure the land by private treaty (see Appendix HC3). Where that is not possible and land is acquired permanently it will be offered back to the landowner in accordance with the Crichel Down rules.</p>	HC
02/R10	<p>Our clients have also objected to the proposed use of land required for temporary licence for tipping of permanent</p>	<p>There is no proposal to tip spoil permanently other than in creating the environmental bunds.</p>	HC/ AH

	<p>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.</p>	<p>All land which has been subject to temporary tipping will be remediated to allow it to be returned to its previous use. Where permanent bunds are created to provide environmental mitigation, this may impact on agricultural use and development potential. It is not the purpose of the road to facilitate any associated development.</p>	
02/R11	<p>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.</p>	<p>SMBC will use its reasonable endeavours to offer that land which has been acquired permanently but not subsequently required permanently in as close to its original condition as possible. Insofar as there is any variation then that will be dealt with by way of compensation.</p>	HC
02/R12	<p>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.</p>	<p>The position of the proposed bridge was shown during the two stages of consultation and as part of the first stage of consultation there was an explicit consultation event for land owners who had concerns regarding the design to come and meet the designers to allow people to identify any issues they had.</p>	SS/ NH
02/R13	<p>We submit that a more cost effective route for the accommodation bridge would be from a junction between Mill Lane and the railway line.</p>	<p>Consultation has occurred with the objector regarding the location of the bridge. An alternative location for the bridge was suggested adjacent to Bridge B002 (Road under Hazel Grove Rail Line). This is not a viable option as it the location is not optimum position to cater for its multi-purpose natures including accommodating walkers currently using Footpath FP76HGB, PwWFP62, FP109HGB. The location of the bridge is located close to the confluence of these footpaths.</p> <p>Consultation has also occurred with Network Rail resulting in the bridge</p>	NH

		The ramp and bridge are design to cater for agricultural purposes. The ramp radii, gradients, widths, surfacing and bridge width, loadings are designed to the appropriate design standards to accommodate agricultural movements.	
02/R14	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.	<p>A private means of access is proposed via the accommodation bridge noted above.</p> <p>No access would be available across the construction works into the woodland ,south of Bridge B003 (south of Old Mill Lane) during the period of construction. However, access would be made available in the first few months of the overall construction period, i.e. prior to the actual works in this area commencing if required.</p>	NH/ SS
02/R15	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.	<p>It is considered that the Acquiring Authority has made a compelling case for the inclusion of the necessary land as identified within the CPO.</p> <p>It is not the purpose of the road to facilitate further development in the Green Belt. Notwithstanding this, land take required for the scheme has been kept to a minimum, and design of the scheme has sought to keep impact on neighbouring users of their remaining landholding to the minimum possible.</p>	AH / HC

Figure 1: Land within the Order(s)



THE HIGHWAYS ACT 1980

-and-

THE 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

The Brown Rural Partnership

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

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**

VOLUME 2 - APPENDICES

Parveen Akhtar

Head of Legal and Democratic Governance

The Metropolitan Borough Council of Stockport

Corporate and Support Services

Town Hall, Stockport SK1 3XE

LEGEND

EXISTING FEATURES

- Existing Vegetation: significant areas of existing mature woodland/tree groups or significant areas of shrub cover
 - Existing Hedgerows
 - Existing Watercourses
 - Existing Ponds
- PROPOSALS**
- CPO Boundary: land to be bought under Compulsory Purchase Order for road construction.
 - License - For Construction
 - Retained Easement

- New Road: proposed road with adjoining footpath & cycleway.
 - LE 2.1 Woodland: tree & shrub mix forming an identifiable woodland canopy and understory structure.
 - LE 2.2 Woodland Edge: tree & shrub mix appropriate to the location, forming a stable and visually appropriate woodland edge.
 - LE 2.4 Linear Belts of Shrubs & Trees: tree & shrub mix appropriate to the location in narrow linear belts.
 - LE 2.5 Shrubs with Intermittent Trees: shrub mix appropriate to the location with intermittent trees/groups of trees dispersed throughout.
 - LE 2.6 Shrubs: a shrub mix appropriate to the location or of species already existing on site.
 - LE 2.7 Individual Trees: species appropriate to the location dispersed to form scattered groups or designed avenues as appropriate.
 - LE 2.9 Wet Woodland: native species adapted to wet environments for the water treatment process.
 - LE 1.1 Amenity Grassland: grass species appropriate to the location, of an even grade and under a maintenance regime.
 - LE 1.3 Species Rich (or Conservation) Grassland: grass and herb species encouraged to develop biodiversity interest over time.
 - LE 1.8 Open Grassland: grass and herb species appropriate to the desired maintenance regime (roadside verge - woodland swatches).
 - LE 1.7 Agricultural Handback: land to be reinstated for potential continued agricultural use.
 - LE 6.4 Wet Grassland: species mix capable of developing valuable flora and fauna habitats associated with the drainage elements.
 - Boundary Fence
 - Proposed Pathways: included in road layout
 - Proposed Pathways: additional pathways to maximise recreational potential of the landscape.
 - LE 4.4 Native Species Hedgerows with Trees: local shrub species with intermittent trees managed as a hedgerow.
 - Proposed Watercourse Diversions: designed for maximum habitat benefit.
 - Proposed Ponds: pond creation for Great Crested Newt mitigation and habitat improvement.
 - Proposed Ponds: drainage attenuation ponds.
 - Proposed Ecological Features: bats hops and mammal crossings
- FUNCTIONS**
- EFA Visual Screening: screening views of the highway and associated infrastructure from properties and public viewpoints.
 - EFB Landscape Integration: integrating the highway into the landscape character by linking local vegetation patterns and landforms.
 - EFC Enhancing the Built Environment: enhancing local townscape through hard or soft landscaping reflecting local character.
 - EFD Nature Conservation & Biodiversity: enhancing the conservation value of the highway estate and integrating it with adjacent habitats.
 - EFE Visual Amenity: creating visual interest and a sense of place through landscape design.
 - EFF Auditory Amenity: reducing adverse noise effects on properties/ public spaces through earthing/rounding, planting and noise barriers.
 - EFH Water Quality: measures to mitigate impacts on areas sensitive to flooding, hydrological changes, water courses and groundwater.



Draft Proposed Landscape Mitigation Principals

