

**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 Woodland Trust**

**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 30<sup>th</sup> 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 Woodland Trust.

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:

<b>Expert Witness</b>	<b>Initials</b>	<b>Proof of Evidence Name and Reference Number</b>
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

Objector 54: Mr Oliver Newham  
 The Woodland Trust, Kempton Way, Grantham, Lincolnshire, NG31 6LL

Element of objector proof	Objection	Response	Expert Witness
54/R01	<p>National policy advice on biodiversity conservation and planning is provided by the National Planning Policy Framework (NPPF), which states, as one of its key principles, in Section 11 Conserving and enhancing the natural environment:</p> <p>“109. The planning system should contribute to and enhance the natural environment by:</p> <ul style="list-style-type: none"> <li>• protecting and enhancing valued landscapes, geological conservation interests and soils;</li> <li>• recognising the wider benefits of ecosystem services;</li> <li>• minimising impacts on biodiversity and providing net gains in biodiversity</li> <li>• where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”</li> </ul>	<p>The proposed scheme involves the loss of 0.08ha of a total of 2.3ha of ancient woodland at Carr Wood. It is acknowledged the National Planning Policy Framework notes that:</p> <p><i>planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;</i></p> <p>It is, therefore, the responsibility of the relevant planning authority to determine if there is such a case where a development will involve loss of ancient woodland. The loss of ancient woodland was specifically addressed in the officer report to the Cheshire East Council planning committee prior to the committee's decision to approve the application. The approval by committee in light of the information made available is a clear indication it was concluded the need and benefits outweigh the small-scale</p>	AH/ PR

	<p>The NPPF makes explicit reference to the consideration of ancient woodland in paragraph 118: “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”</p>	<p>loss in this instance.</p>	
<p>54/R02</p>	<p>Natural England states that the following impacts of development within and adjacent to ancient woodland should be taken into consideration:</p> <p><b>“Effects from development within ancient woodland:</b></p> <ul style="list-style-type: none"> <li>• Destruction of an area of ancient woodland;</li> <li>• Loss of whole veteran trees and/ or loss of limbs;</li> <li>• Ground damage, loss of understorey, and/ or soil and/ or root disturbance, and changes to hydrology from drainage within ancient woodland;</li> <li>• Damage to archaeological or historical features within ancient</li> </ul>	<p>The considerations identified are recognised and acknowledged, as they were by the Local Authority in considering the application.</p>	<p>AH/ PR</p>

	<p>woodland or associated with ancient or veteran trees.</p> <p><b>Effects from development of adjacent land:</b></p> <ul style="list-style-type: none"> <li>• Fragmentation and loss of ecological connections with surrounding woodland/ veteran trees and the wider natural landscape;</li> <li>• Effects on the root protection of individual trees;</li> <li>• Reduction in the area of other semi-natural habitats adjoining ancient woodland;</li> <li>• Increased exposure to pollutants from the surrounding area;</li> <li>• Increased deposition of dust, particularly from quarries, resulting in physical and/ or chemical effects;</li> <li>• Impacts on local hydrology through drainage or water table levels changing;</li> <li>• Increased public use near veteran trees such that safety works leading to possible damage to the tree may be needed;</li> <li>• Change to the landscape context for ancient woods and veteran trees;</li> <li>• Change to the landscape context for ancient woods and veteran</li> </ul>		
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	<p>trees;</p> <ul style="list-style-type: none"> <li>• Change to the light pollution at night (if development includes street lighting).” (Natural England Standing Advice for Ancient Woodland and Veteran Trees, published April 2014. Appendix A)</li> </ul> <p>Natural England also give clear advice on when to consider mitigation of effects and compensation in the “planning balance”:</p> <p><i>“The irreplaceable nature of ancient woodland and veteran trees means that loss of damage cannot simply be rectified by mitigation and compensation measures. Therefore, where measures seek to address issues of loss or deterioration of ancient woodland or veteran trees, through for instance, attempting to minimise the area of ancient woodland affected (mitigation), or through the provision of replacement habitat (compensation), our advice is that these should be issues for consideration only after it has been judged that the wider benefits of a proposed development clearly outweigh the loss or damage of ancient woodland.”</i> (Natural England Standing Advice for Ancient Woodland and Veteran Trees, published April 2014)</p>		
54/R03	Ancient woodland is an irreplaceable habitat and now makes up such a small	There is clear agreement between the Trust and the Councils that ancient woodland is a nationally important	PR

	<p>part of our landscape (approximately 2%) that even small losses may have irredeemable impacts on the flora and fauna found in an area. It is impossible to replicate because many of the species that make up ancient woodland are long-lived and slow growing, do not respond positively to any disturbance and the conditions in which the woodlands formed no longer exist.</p> <p>The trust is pleased that the ES recognises that ancient woodland is an irreplaceable habitat, although it is concerning that it contains a reference to the proposed planting replacing the ancient woodland lost in the environmental mitigation chapter (para. 5.14.4). However, Chapter 11 (Nature Conservation) does clearly state that the loss of ancient woodland cannot be mitigated for (para. 11.5.6). Although the applicant appears to understand the importance of ancient woodland, the assessment in the ES of the value of ancient woodland varies between local, district and county level. Ancient woodland is an irreplaceable habitat, a fact that is clearly recognised in the NPPF and Natural England's Standing Advice and therefore it should be regarded as being of national value. Likewise any loss is</p>	<p>resource which cannot be replaced. It is however, the Council's view that the conclusion reached in the ES that a small-scale loss of a type of natural resource which is recognised as being of national importance can be, and in this instance is, significant at a local level. In keeping with all forms of environmental assessment impacts and their effects are reliant on consideration of sensitivity of the resource and magnitude of impact, an approach which is recognised and advocated by the Chartered Institute of Ecological and Environmental Management. If sensitivity were to be the only criterion, it could then be the case that the loss of a single tree from a large area of ancient woodland would constitute a nationally significant effect.</p>	
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	<p>significant at a national level because it is irreplaceable. The trust does not agree with the applicant's assessment that the direct loss of part of Carr Wood is only significant at a local level.</p>		
54/R04	<p>Part of the easternmost extent of the proposed A6 relief road cuts through Carr Wood, an ancient woodland on Natural England's ancient woodland inventory (AWI). The applicant states that only 0.08ha of ancient woodland will be lost to the scheme. However, it is often wrongly assumed that development can only have an impact on ancient woodland if there is direct loss to the wood. As noted by Natural England, development adjacent to a woodland can cause indirect effects such as changes to drainage, increase in pollution risk, impacts on tree roots and changes to noise and lighting all of which can have a deleterious effect on the woodland ecosystem.</p> <p>For example, anthropogenic light pollution is a problem associated with road development and use. Artificial illumination reduces the visibility of the moon and the stars, affects species orientation and may serve to attract or repulse particular species. This affects foraging,</p>	<p>The proposed scheme does not involve marked modification of landform beyond the area of woodland which would be removed and as such would not involve material modification to the groundwater regime within the area. There are no proposals for the introduction of road-related lighting in the vicinity of the woodland. Construction will involve the generation of dust in the vicinity of the woodland for part of the anticipated 27month construction period. Measures have, however, been introduced focused on the control of dust and their inclusion in method statements for construction activity close to sensitive locations such as the woodland.</p> <p>Taking into account the above considerations, it is the Council's view the concerns raised by the Trust relative to indirect impacts will not materialise.</p>	PR



	<p>reproduction, communication, and other behaviour. It consequently disrupts natural interactions between species. Light pollution near to ancient woodland is, therefore, likely to affect the behaviour of species active during dawn and dusk twilight or nocturnal species, such as moths, bats, and certain species of birds, resulting in the decline of some species. Coupled with the changes to the background noise levels in this area if the proposal goes ahead, the Trust considers that the impact on the ecology of the ancient woodland could be significant and long-lasting.</p> <p>The Trust is concerned that the applicant makes no reference to the impacts of the operation of a dual carriageway directly adjacent to an ancient woodland that was previously surrounded by fields. As a result of this omission the applicant has offered no mitigation for the potential impacts of the operation of the road on Carr Wood. Whilst the applicant may argue that only a tiny percentage of the ancient woodland is being directly lost to the proposed scheme they have not taken into account the potential on-going deterioration of the woodland ecosystem due to increases in noise, lighting, dust</p>		
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	deposition etc.		
54/R05	<p>The Woodland Trust initially responded to the SEMMMS consultation in January 2013 (appendix B, please be aware in the initial letter there is a typo and the date should read 2013). We are aware that this was received by the SEMMMS team on 25<sup>th</sup> January 2013 and passed onto Emma Hughes on 28<sup>th</sup> January 2013 (Appendix C). Although we did not respond to the application in November 2013 our initial comments should have still be taken into consideration. Although we were not informed by the council it should not be assumed that a lack of comment means no objection.</p>	<p>The Woodland Trust were consulted on the Environmental Impact Assessment Scoping Report in 2009 and a follow up email was sent requesting a response in September 2009 ( none was received). The report identified the area as a Site of Biological Interest but not as ancient woodland.</p> <p>An acknowledgement of the Woodland Trust's response was sent.</p> <p>Responses received to the Phase 1 and 2 consultations on the A6 to Manchester Airport Relief were considered and used to inform the development of the design for the scheme where appropriate. The Comments log from the Phase 1 consultation noted there was concern about the impact on ancient woodland and the project team response was -</p> <p>“Ancient woodland, as an irreplaceable resource, cannot be replicated through compensation and therefore its loss represents a significant negative residual effect on the local environment. However it should be noted that the area of loss is small (0.06ha) and the woodland at Norbury Brook SBI as a whole remains intact.”</p> <p>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.</p> <p>The Statement of Community Involvement included in the Planning Application identified there was concern about the impact on the ancient woodland and also included a</p>	SS

		<p>comments log identifying issues raised and the project team responses( see above).</p> <p>Due statutory process was followed by the 3 Local Planning Authorities in advertising the Planning Applications for the scheme.</p> <p>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.</p>	
54/R06	<p>Although the proposed A6 relief road will result in a small direct loss of ancient woodland from Carr Wood, the proposed road will radically alter the environment directly adjacent to the woodland and this could result in the on-going deterioration of the habitat. This indirect impact has not been addressed by the applicant in their Environmental Statement. For this reason coupled with the direct loss of irreplaceable habitat The Woodland Trust continues to object to the proposed scheme in its current format.</p>	<p>As indicated in the response to 54/R04, the range of potential indirect impacts referred to by the Trust are not ones which will occur in the case of the proposed scheme. The direct loss of ancient woodland is a matter which has been correctly taken into account by Cheshire East Council in accordance with their obligations as the relevant planning authority.</p>	PR