

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 Rebuttal Proof

of

Steer Ethelston Rural Ltd

**on behalf of W Nixon & Sons Ltd, Wood Farm and Outwood Farm, Bolshaw Road,
Heald Green**

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 rebuttal 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 Programme Officer on 5th October 2014 by Steer Ethelston Rural Ltd on behalf of W Nixon & Sons Ltd, Wood Farm and Outwood Farm, Bolshaw Road, Heald Green.

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 44: W Nixon and Sons c/o Mrs Joan Nixon Outwood Farm, Bolshaw Road, Heald Green, Cheadle. SK8 3PE CPO Plots: 9/10 9/10A 9/10B Agent: Steer Ethelston Rural Ltd Estate Office, Deer Park Farm, Kermincham, Crewe, Cheshire, CW4 8DX</p>			
Element of objector proof	Objection	Response	Expert Witness
44/RR01	<p>The rebuttal clarifies the requirement for landscaping as a narrow band; however the Acquiring Authority is intending to take a considerably greater area for the storage of topsoil. This land is at present good agricultural land which will much less productive following the proposed use. On the west side of the railway there is land which has not been farmed for many years and is in the control of Manchester Airport; which could be used for the Authority's top soil storage purposes and would not impact any farming business. (Exhibit 1)</p>	<p>SMBC has offered to take a licence of the land identified as being required for a temporary topsoil store and to compensate the affected party for any diminution in the value of its land as a result of the works</p> <p>The proposed alternative location (as per Objector Exhibit B) is situated on land that is already outlined for the contractor to lay down construction materials in order to construct the new road over Styal rail line bridge and the widening of the Styal Road bridge. This is required due for those purposes due to the proximity of the works and therefore it would be inappropriate and inefficient to locate these compounds elsewhere.</p> <p>The proposed alternative location is located in a position whereby access for maintenance of the topsoil would be extremely difficult. The location would create safety issues that in terms of requiring operatives to work close to the rail lines and the substation unnecessarily.</p>	NH / HC
44/RR02	<p>The Acquiring Authority representatives have in fact met on three separate occasions with the Nixon Family (Exhibit 2). It is disappointing that the Acquiring Authority are stating that the family were</p>	<p>Henry Church has requested meetings with the Nixon family, through their agent, on a number of occasions including on 26 March 2014 and in week commencing 6 April. The response has been clear – that Nixon would rather wait and see if the CPO is confirmed before</p>	HC/ JB

	<p>not happy to hold another meeting and that all the information which has been raised in this objection would have been available had such a meeting been held, (when in fact there have been drafting errors and no approval/ comment from Natural England and Cheshire East Council on the GCN mitigation at the date of this document). If the Authority had requested to me that it was important to hold a meeting to discuss their landscaping/ mitigation requirements (which their agent certainly did not make clear) of course we would have obliged and are still willing to do so.</p>	<p>engaging</p>	
44/RR03	<p>I object to the statement that somehow my clients and myself have been obstructive in this matter and are very surprised indeed that this is raised repeatedly in the Acquiring Authority's rebuttal statement.</p>	<p>Repeated requests have been made to meet with the Nixon family and to date none has been taken up. We consider this form of meeting will allow the Council to better understand the business, its concerns and solutions to overcome those concerns.</p>	<p>HC</p>

Figure 1: Land within the Order(s)

