

**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**

**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 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 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:

<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

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/R01	<p>The proposal removes land for the actual construction of the highway and in addition for landscaping, the detail of the latter which has not been discussed with the acquiring authority representatives. The CPO should seek to take as little land as absolutely necessary for the scheme and the landscaping proposed is beyond what my clients feel is reasonable for the scheme.</p>	<p>The proposed land take from the objector is required for the following:</p> <ul style="list-style-type: none"> <li>• The road itself on a low height embankment</li> <li>• Intended for temporary stockpiling of topsoil.</li> </ul> <p>The landscaping proposals are purely proposed on the embankment to the road.</p> <p>SMBC has identified that some of the land within the Order is only required temporarily, however it is unable to compulsorily acquire land temporarily. In the absence of an agreement to ensure the land is available it will ensure scheme delivery by permanent acquisition. On completion of the scheme it will offer the land back to the landowner, in accordance with the Criche! Down rules</p> <p>The landscape measures proposed on land included in the CPO comprises a narrow belt of tree planting varying in width from 5-10m extending along the northern margin of the proposed dual carriageway. It comprises a small part of more extensive planting which frames the proposed dual carriageway as it crosses the open countryside north and west of Styal Golf Course and rises to cross over the Styal railway. The purpose 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</p>	HC/ NH/ PR

		<p>reasonable.</p> <p>Henry Church has sought to meet with Mr W Nixon &amp; Sons but has been advised by their agent that they did not wish to do so.</p>	
44/R02	<p>The Council has not previously discussed their required use of the land shaded green amounting to 1.43 hectares (3.53 acres) or thereabouts on two draft CPO plans dated 7/07/14 sent to me by the Council's agents on 15<sup>th</sup> August 2014. Plans at Exhibit B.</p>	<p>The land highlighted green is that which SMBC would like to acquire, by agreement, on a temporary basis. As above, if agreement cannot be reached then it is necessary to acquire it permanently and offer back that not required on completion of the scheme. Offers to meet with Nixon have been made but not taken up. Terms for acquiring the land highlighted green are set out in the Heads of Terms offered (Appendix HC48). The terms have been rejected but, in spite of requests, the affected party has declined to say what financial terms would be acceptable.</p>	HC/ NH
44/R03	<p>Recent correspondence from the Council's agents dated 15<sup>th</sup> August 2014 has indicated that they require the area for topsoil storage. There are two ponds included in this area which I assume will be destroyed by the Council's proposals. I have not been able to find any information about any mitigation proposals for protected species which may be present in this area. The second plan at Exhibit B does not illustrate the ponds in the area shaded green.</p> <p>It is therefore considered that the inclusion of this amount of land for the convenience</p>	<p>The drawing referred to by the objector contains a drafting error. The ponds are not to be lost and the top soil storage area would start (allowing for buffer) to the east of the ponds. The sketch below illustrates this.</p>	NH/ JB / HC

of the road construction for topsoil storage is **unnecessarily draconian** (especially in relation to the permanent land take area amounting to 0.18 hectares (0.45 acres) or thereabouts and my client's request that this area at present included under the draft Compulsory Purchase Order is removed or substantially reduced should the Compulsory Purchase Order be confirmed.



Currently, our survey records show that one of these ponds (pond 34) held a small population of Great Crested Newts in 2014. This pond (and the dried up Pond (no. 38) will be retained. The area to the west of ponds will be kept clear of construction works and this habitat used and enhanced to the benefit of Great Crested Newts. The proposed mitigation measures are currently with Natural England for comment, but have been agreed in principle with Stockport and Manchester county ecologists. The A6MARR project team are awaiting a meeting with the county ecologist from Cheshire East.

It does not follow that, because Mrs Steer is unaware of the scheme design (having declined to meet to discuss), the land take is excessive or "draconian". We have followed a standard approach along the scheme to minimise the land requirements and confirm that the land take within the Orders is required.

44/R04	<p>We have not been provided with information about the location of any compound in connection with the construction of the bridge over the railway for Network Rail.</p>	<p>In the absence of an opportunity to meet no request has been made for the information referred to.</p> <p>It can be confirmed however that the contractor has confirmed that the compound and bridge materials storage area will be located to the south of the relief road. The Council is in negotiation with the land owner to agree to occupy the land via a licence agreement.</p>	HC/ NH
44/R05	<p>The proposed road scheme represents an opportunity to provide an access from the same into our client's property which has been discussed with the acquiring authority representatives. The proposals for the road include a vehicular road access from the east bound carriageway for neighbouring landowners (Exhibit C) to reach their land immediately adjoining the southern edge of our clients land. Unfortunately the latest proposals do not make such a provision for our clients. This seems inequitable as other adjoining land owners will be provided with an access off the proposed highway in the vicinity that my clients are requesting the same. In addition, in view of Stockport Council's desire to promote a local food culture; together with their stated support for local businesses this would therefore seem to represent an opportunity to help our clients main their business and service to the public in a more sustainable fashion with the resulting benefits to the local residents and road users. The objectives of the above road scheme included in the</p>	<p>One of the objectives of the A6MARR scheme is to provide a dual carriageway relief road taking congestion off residential streets. The proposals include for junctions on the mainline with intersecting side roads. It does not provide for private accesses unless it serves to mitigate severed land. The scheme requires an area of land to the south of the plot but leaves no severed parcels to the south of the A6MARR therefore it is not appropriate to provide such an access into the garden centre.</p> <p>Furthermore, DMRB TA 79/99 sets out the expected carriageway standards provision for a new urban road based on the expected hourly traffic volumes. The TA defines four Road Types for Urban All-Purpose roads – UAP1 through to AP4. The closest Road Type to the proposed A6MARR scheme is UAP1. This relates to a high standard single or dual carriageway road carrying predominantly through traffic with limited access.</p> <p>The Council has already explained that the access provided that the objector refers to mitigates the effects of severance that is caused by the alignment of the relief road for neighbouring land owners. this is not the case with this objector.</p>	NH/ JMcM

	<p>Business Case are as follows:</p> <p><i>Increase employment and generate economic growth; Boost business integration and productivity; reduce the impact of traffic congestion on local businesses and communities; improve the safety of road users, pedestrians and cyclists; Support lower carbon travel.</i></p> <p>This gives a clear direction to the Council(s) to consider the wider opportunities presented by the proposed road. The high costs to the taxpayer and serious impact on many local business and residents should be mitigated by the maximum benefits to them all; not only to the larger dominant businesses in the area. We therefore request that the Council reconsider the creation of an access point off the proposed road.</p>		
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Figure 1: Land within the Order(s)

