

### **Woodford Road – Skeleton Argument**

1. We have rights which exist over the land transferred to the Highway Authority. [Glehazi Ltd Transfer refers]
2. The Highways Authority also has rights over the land which we retain. [Glehazi Ltd Transfer also refers]
3. Those rights are currently in the process of being registered at the Lands Registry. [BDB/LT/LR refer]
4. We have priority for registration of our rights and for the correction of the Register.
5. Stockport will therefore have to take subject to our rights or pay compensation in extinguishment.
6. There is no list within the Orders of the rights which are to be acquired and extinguished. [see regulations]
7. We have the right to go north/south over the HA land and to construct a road to full LA adoption standard.
8. There is no provision for those rights in the scheme, even though Stockport was always aware of them. [see Plans]
9. We have the right and the ability to construct a full ghost island junction to Woodford Road to the North.
10. We have the right and the ability to take access from our retained land to Woodford Road to the West.
11. That access has been enjoyed for over 20 years without interference and is for a width of a full 24 ft. [no fencing]

12. We have the right to maintain and improve that access, having done so for more than twenty years. [no fencing]
13. We have the right and the ability to construct a full access to Woodford Road to the West to adoption standard.
14. We also have the right and the ability to construct a full ghost island junction to Woodford Road to the West.
15. Those rights are also enjoyed by the HA to access the land which they have acquired. [par 13 and 14 above]
16. At the same time, we have our own direct frontage to Woodford Road in addition to the current access.
17. We accordingly also have the right and the ability to construct and take access to Woodford Road there.
18. No provision is made for maintaining access to the existing standard to the West onto Woodford Road. [see Plans]
19. No provision is made in land take to enable the continued ability to create a full ghost island junction to the West.
20. No adequate provision for a full junction has been made in respect of land take or site lines in the current design.
21. No right is proposed to enable utilisation of scheme land for future road improvements. [Stokes v Cambridge]
22. Road improvements to the West will be required in the future to enable development of Site B. [LP & history]
23. Development would require the extension of Glastonbury Drive to connect to Woodford Road to the West. [pp docs]

24. The sole purpose of acquiring land to the North West of Lower Park Road was to enable development of Site B.
25. We own the Southern part of Site B and have recently granted an Option over it to Messrs Persimmon.
26. That Option does not include rights over our Northern land and we retain full rights to benefit from it.
27. Benefit includes compensation for access to Woodford Road, should it be required as a planning condition.
28. If the scheme fails to provide a continued ability to provide such access, we will be severely prejudiced.
29. We are further prejudiced by the failure of the scheme to incorporate our North/South rights as an alternative.
30. It is apparent that the scheme has been designed without regard to our rights since our rights are excluded.
31. No satisfactory assessment has been undertaken of how our rights could be properly accommodated.
32. No independent Stage 1 Audit of any potential solution has been undertaken.
33. We had a legitimate expectation that our rights would be protected and incorporated into any scheme. [cases]
34. We have acted upon that expectation to our detriment. [land purchased to provide access for development]
35. There has not been a genuine desire to acquire by agreement and no offers were ever made. [history]

36. There is only an intention to acquire by CPO and then vest, leaving us to argue in LT for compensation.

37. Not proportionate or in accordance with the Circular's recommendations. [last resort]

38. It has never been necessary to have an Order, since we have always been a willing seller. [subject to contract]

39. If the Order is approved, notice would be served and entry taken, thereby fixing the date for valuation.

40. At that time, the land would not be ours and we would not have satisfactory access to the West or the North.

41. It is not in the public interest to deprive us of our current ability to develop. [by not providing sufficient access]

42. Our interests would be seriously prejudiced if there was a failure to provide satisfactory access.

43. If no adequate access is provided then there would be no ability to develop and therefore no development value.

44. Loss of future development value is not recoverable in the compensation process, only an element of hope value.

45. Failure to provide adequate access cannot therefore be satisfied by compensation.

46. Such failure would therefore contravene our rights under the Human Rights Act and the Convention.

47. The application for a CPO and Side Roads Order should therefore be amended or otherwise denied.