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for Transport

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Our Ref: LAO/NW/SRO/2013/40

LAO/NW/CPO/2013/41

Date: 26 January 2015

Dear Mr Hill

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO
MANCHESTER AIRPORT A555 CLASSIFIED ROAD) (SIDE ROADS) ORDER 2013
("the SRO")

THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO
MANCHESTER AIRPORT A555 CLASSIFIED ROAD) COMPULSORY PURCHASE
ORDER 2013 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries ("the Inquiry") held at Cheshire Conference & Events at Edgeley Park, Stockport between 30 September and 17 October 2014 before Mr David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted for confirmation by the Metropolitan Borough Council of Stockport ("the Council").

2. If confirmed by the Secretary of State the SRO and CPO would, respectively, authorise the Council to:

(i) improve or stop up lengths of highway, construct new highways and stop up and/ or provide new private means of access to premises, in order to construct the A6 to Manchester Airport Relief Road ("A6MARR"); and

(ii) compulsorily purchase land and the rights over land in order to construct the A6MARR with its associated works and mitigation measures, as provided for by the above-mentioned SRO.

THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the Orders both as made in writing and presented orally at the Inquiry and submitted a report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 3.1 to IR 3.66. The case for the objectors is summarised at IR 4.1 to IR 4.149 and the Council's response to individual objections is detailed at IR 5.1 to IR 5.169. The modifications proposed to the Orders are summarised at IR 5.170 to IR 5.179 and the overall summary of the Council's case is given at IR 5.180 to IR 5.184. The Inspector's conclusions are detailed at IR 6.1 to IR 6.238 and recommendations are given at IR 7.1 to IR 7.3.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of conclusions reached, the Inspector recommended at IR 7.1 that the SRO should be modified as indicated at IR 6.220 and that the Order so modified should be confirmed. Additionally it is recommended at IR 7.2, that the CPO should be modified as indicated at IR 6.229 and that the Order so modified should be confirmed. The modifications are set out in Inquiry Document CD 1104 and the accompanying Appendices (A to H); they are summarised at IR 5.170 to IR 5.179 in the Council's response to objections and are proposed as a result of ongoing consultation and negotiation with stakeholders and objectors and a further examination of the Orders. A copy of Inquiry Document CD1104 can be found as an Annex to this letter.

6. Having considered the descriptions and explanations for the proposed modifications to the SRO, at IR 6.221 the Inspector concluded that he agrees with the Council's view that they all relate to relatively minor matters which would not affect the extent or scale of the proposals.

7. At IR 6.222 the Inspector confirms acceptance that none of the modifications to the SRO would materially alter anyone's understanding of the Order. Additionally, in view of the fact that many of the people likely to be affected by the modifications have been informed of them directly, it is considered that no further formal consultation on the modifications is necessary. At IR 6.223 the Inspector confirms that all of the proposed modifications to the SRO are necessary to address specific objections and to aid clarity and accuracy. He further concludes that all proposed modifications can be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980.

8. At IR 6.230 the Inspector comes to the same conclusion in relation to the proposed modifications to the CPO, stating that the modifications would not require

additional land outside that required for the published scheme. At IR 6.231 the Inspector concludes that none of the proposed modifications to the CPO would materially alter anyone's understanding of the Order. The Inspector is of the view that no further formal consultation is necessary on the modifications and that they could be made in accordance with paragraphs 4 and 5 of Schedule 1 to the Acquisition of Land Act 1981.

THE DECISION OF THE SECRETARY OF STATE

9. The Secretary of State has considered carefully all the objections to, and representations about the Orders, including alternative proposals put forward. He has considered the Inspector's report and accepts his conclusions and recommendations. Following the close of the Inquiry, correspondence has been received from Mr D M Westbrook, Ms Sheila Oliver, Mr Greg Willman and from the Council. The Secretary of State has carefully considered the matters raised and is satisfied that there is nothing new raised in this correspondence that has not already been adequately addressed by the Inspector or which causes discrepancy with the Inspector's conclusions and recommendations.

10. The Secretary of State has noted the request by Mr Kingsley that the CPO be confirmed in part, omitting those parts of land to which his objections relate and allowing discussions to continue. Given the extent of the land concerned the Secretary of State is, however, of the opinion that the Orders could not reasonably be confirmed in part excluding Mr Kingsley's land. The Secretary of State shares the view of the Council and the Inspector that the Council could not reasonably start to construct a road scheme without knowing that it had secured all the necessary land interests. Furthermore, the Secretary of State is in agreement with the Inspector that Mr Kingsley's objections can either not be supported or could be adequately addressed through the compensation process.

11. The Secretary of State notes the decision of the Secretary of State for Communities and Local Government to, today, issue a Certificate under Section 19(1) (a) of the Acquisition of Land Act 1981 in respect of Open Space Land which is to be acquired under the CPO. The Secretary of State is satisfied, in light of this decision, that there are no special parliamentary procedure considerations which will apply to the CPO in relation to its special category land.

12. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR 6.216, IR 6.217 and IR 6.232 and is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

13. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals and accepts that the

modifications referred to in paragraphs 5 to 8 above are necessary and that they should be made. For these reasons the Secretary of State has decided to confirm, as modified, The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013 and The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchase Order 2013 and this letter constitutes the decision to that effect.

14. In confirming the Orders the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

COMPENSATION

15. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

16. A copy of this letter and the annexed modifications report, together with a copy of the Inspector's report, has been sent to statutory objectors, those objectors, their representatives and the other persons who appeared and made representations at the Inquiry and to relevant Members of Parliament. A copy of this letter and its annex, together with a copy of the Inspector's conclusions and recommendations, has been sent to all other supporters of the scheme and outstanding objectors. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>.

17. Please arrange for a copy of the Inspector's report and a copy of this letter, including its Annex, to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans are retained at this office and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

18. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained

therein, on the grounds that the Secretary of State has exceeded powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Pointer', with a long horizontal flourish extending to the right.

VICTORIA POINTER
Authorised by the Secretary of State
to sign in that behalf