

**A57 Link Roads**

**TR010034**

**9.76 Applicant's Written Summary of  
Compulsory Acquisition Hearing 2**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

April 2022

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

### A57 Link Roads Development Consent Order 202[x ]

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#### 9.76 Applicant's Written Summary of Compulsory Acquisition Hearing 2

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<b>Rule Number:</b>	Rule 8(1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010034
<b>Application Document Reference</b>	TR010034/EXAM/9.76
<b>Author:</b>	A57 Link Roads Project Team, National Highways and Atkins

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1.0	April 2022	Deadline 8

# Table of contents

<b>1. Introduction</b>	<b>4</b>
<b>2. Item 2 – Individual Objections, Issues and Voluntary Agreements</b>	<b>5</b>
<b>3. Item 3 – The Book of Reference, Statement of Reasons, Land Plans, Diligent Enquiry and Updates</b>	<b>9</b>
<b>4. Item 4 – Any Other Compulsory Acquisition or Temporary Possession Matters</b>	<b>10</b>

## **1. Introduction**

- 1.1.1. This document summarises the case made orally by National Highways, as the promoter of the A57 Link Roads scheme (the Scheme), at the second Compulsory Acquisition Hearing (CAH2) which took place virtually on 6 April 2022, at 13:30.
- 1.1.2. Vicky Fowler and Richard Thurling of Gowling WLG represented National Highways.
- 1.1.3. This document sets out National Highways submissions on the points raised following the agenda for the CAH2 as set out in the Examining Authority's (ExA) agenda published on the Planning Inspectorate website on 28 March 2022.

## **1.2. Agenda item 1 – Welcome, Introduction and arrangements**

- 1.2.1. No questions of an introductory or preliminary nature were raised by the Applicant or by other attendees at the CAH2.

## 2. Item 2 – Individual Objections, Issues and Voluntary Agreements

Response reference:	Representation Issue	National Highways Response
9.76.1	<p><u>Any Affected Person attending</u></p> <p>a) The ExA will invite <b>any Affected Person attending</b> to make an oral submission. The ExA may ask questions.</p>	<p>a) No response required</p>
9.76.2	<p>b) <b>The Applicant</b> will be invited to respond. The ExA may ask questions.</p>	<p>b) Engagement has continued throughout the DCO examination with the family of Mrs Valerie Bromley and the Applicant is grateful to the family for that engagement. National Highways is fully aware of the family's request for the affected property to be retained and has been looking at all options as part of the ongoing design. National Highways has always indicated that if the risks could be managed and a solution found that it would look to work with the family to retain the property. National Highways has also highlighted the scale and duration of the works and that disruption will be inevitable which could lead to periods when, during certain operations, the residents may have to be relocated until these operations are complete and it is safe to return to the property.</p> <p>National Highways has submitted to the Examination a technical report which confirms that with the information available to date and the status of the detailed design that the property is to remain within the Order limits, due the risk and uncertainty of the permanent and temporary effects of the scheme, specifically around settlement and potential damage to the property (as set out in the document REP6-016 Justification for the proposed Compulsory Purchase of No. 21a Old Road submitted at Deadline 6). The technical report has been shared with the family of Mrs Valerie Bromley. The family has now agreed to the structural surveys which will assist in that regard and calls with the family will continue on a fortnightly basis.</p> <p>As the design matures and the risks are confirmed National Highways will engage with the family to explore if there are any opportunities to retain the property but that this will be based on the residual risk at the end of detailed design. National Highways would pursue any changes to the outcome of the effect of the property in a side agreement if the remaining risks are at a level that National Highways feels are acceptable and that the family are willing to accept, should a solution to retain the property be found. Should National Highways not be able to negotiate an adequate level of structural survey on the property then a worse case would have to be adopted and potentially some of the risks associated with the scheme could not be reduced.</p> <p>National Highways has identified a solicitor with particular expertise in compulsory purchase to assist the family at National Highways' cost. During CAH2 National Highways also committed to pay the cost of an engineer to represent the family. Since CAH2 Gowling WLG, National Highways' external legal advisors, has contacted the identified solicitor to pass on the details of Hayley Simpson, to enable the solicitor to make contact. Within that correspondence Gowling WLG has also requested that the solicitor identify an engineer to represent the family (at the Applicant's cost) and suggested that as a first step the appointed engineer engage with the Applicant's engineers. Gowling WLG will facilitate that engagement through the identified solicitor once appointed. The Applicant is also committed to supporting Valerie Bromley and the family through well-being and welfare support and Gowling WLG has asked the identified solicitor for further thoughts on appointments.</p>
9.76.3	<p><u>Affected Persons objecting to rights being acquired</u></p> <p>c) Please could <b>the Applicant</b> identify any Affected Persons that are objecting to rights being acquired?</p>	<p>c) The Compulsory Acquisition Schedule (REP7-011) identifies Affected Persons that are objecting to rights being acquired. The Affected Parties comprise the following:</p>

Response reference:	Representation Issue	National Highways Response																
		<ul style="list-style-type: none"> <li>• Cadent</li> <li>• Trustees of Mrs E Bissill's Marriage Settlement</li> <li>• Graham Beaumont</li> <li>• John Bower, Warner Bower and related companies</li> <li>• David Radford</li> <li>• United Utilities</li> <li>• Crossways Commercial Estates Ltd</li> <li>• James Wood</li> </ul>																
9.76.4	<p>d) Please could <b>the Applicant</b> summarise the progress made during the Examination and the progress anticipated during the remainder of the Examination? Please include discussions with any Affected Persons that have requested their properties be retained and the need for any side agreements.</p>	<p>d) National Highways has sought to engage with all Affected Persons. The Compulsory Acquisition Schedule (REP7-011) sets out the progress that has been made to date with those Affected Persons who have been engaging with National Highways and their agents.</p> <p>In terms of those objecting to their rights being acquired the following is a summary of the progress made:</p> <table border="1" data-bbox="940 940 2315 1854"> <thead> <tr> <th data-bbox="940 940 1626 1020">Affected Party</th> <th data-bbox="1626 940 2315 1020">Status</th> </tr> </thead> <tbody> <tr> <td data-bbox="940 1020 1626 1171">Cadent</td> <td data-bbox="1626 1020 2315 1171">Use of land in which Cadent has rights and apparatus is expected to be agreed in the SoCG to be submitted at Deadline 9.</td> </tr> <tr> <td data-bbox="940 1171 1626 1285">Trustees of Mrs E Bissill's Marriage Settlement</td> <td data-bbox="1626 1171 2315 1285">National Highways has made contact and discussions are ongoing.</td> </tr> <tr> <td data-bbox="940 1285 1626 1398">Graham Beaumont</td> <td data-bbox="1626 1285 2315 1398">National Highways has made contact and discussions are ongoing.</td> </tr> <tr> <td data-bbox="940 1398 1626 1512">John Bower, Warner Bower and related companies</td> <td data-bbox="1626 1398 2315 1512">National Highways has made contact and discussions are ongoing.</td> </tr> <tr> <td data-bbox="940 1512 1626 1625">David Radford</td> <td data-bbox="1626 1512 2315 1625">National Highways has made contact and discussions are ongoing.</td> </tr> <tr> <td data-bbox="940 1625 1626 1738">United Utilities</td> <td data-bbox="1626 1625 2315 1738">National Highways has made contact and discussions are ongoing.</td> </tr> <tr> <td data-bbox="940 1738 1626 1854">Crossways Commercial Estates Ltd</td> <td data-bbox="1626 1738 2315 1854">National Highways has made contact and discussions are ongoing.</td> </tr> </tbody> </table>	Affected Party	Status	Cadent	Use of land in which Cadent has rights and apparatus is expected to be agreed in the SoCG to be submitted at Deadline 9.	Trustees of Mrs E Bissill's Marriage Settlement	National Highways has made contact and discussions are ongoing.	Graham Beaumont	National Highways has made contact and discussions are ongoing.	John Bower, Warner Bower and related companies	National Highways has made contact and discussions are ongoing.	David Radford	National Highways has made contact and discussions are ongoing.	United Utilities	National Highways has made contact and discussions are ongoing.	Crossways Commercial Estates Ltd	National Highways has made contact and discussions are ongoing.
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Response reference:	Representation Issue	National Highways Response									
		James Wood	At the request of the Affected Person, Parcel 8/6 has been changed from all interests and rights in land to temporary possession and use of land.								
9.76.5	e) Please could <b>the Applicant</b> set out where it has not been able to progress discussions with known parties? What steps will be taken during the remainder of the Examination?	There are no other Affected Persons for whom agreement is subject to side agreements. e) National Highways is not aware in respect of acquisition of rights where there has not been engagement with Affected Parties.									
9.76.6	<p><u>Affected Persons not objecting to rights being acquired</u></p> <p>f) Please could <b>the Applicant</b> identify any Affected Persons that have made submissions to the ExA, previously objected to rights being acquired, and are not now objecting? Why is it considered that those parties are not objecting? Please include, but don't be limited to:</p> <ul style="list-style-type: none"> <li>• John Bower, Warner Bower and related companies</li> <li>• Valerie Bromley, Michaela Bromley and Hayley Simpson</li> <li>• Crossways Commercial Estates Ltd</li> <li>• Christopher Hill</li> <li>• Graham Beaumont</li> <li>• Jason Farrow</li> <li>• Trustees of Mrs E Bissill's Marriage Settlement</li> <li>• David Radford</li> <li>• Steeple Building and Preservation</li> <li>• Jeffrey Brown</li> </ul>	<p>f) As of to date, in terms of the properties that are still to be acquired or where rights are being acquired, no one party has fully committed to entering into agreement or intent to sell since the DCO submission.</p> <p>In some cases, such as the land owned by John Joseph Bower and Warner Eric Bower, it has been agreed that early acquisition would be challenging given the extent of land requirements and the difficulty at this early stage of assessing all losses together with the impact on retained land. Notwithstanding that, discussions are ongoing and consideration is being given to the various heads of claim.</p> <p>In the case of James Wood, the Applicant has agreed to Parcel 8/6 being changed from all interests and rights in land to temporary possession and use of land.</p> <p>For other parties, if there has not been a relevant representation or other representation through examination, National Highways is assuming there is no objection.</p> <p>In terms of the parties listed that are not referenced above we comment as follows:</p> <table border="1" data-bbox="937 1352 2350 1776"> <thead> <tr> <th data-bbox="937 1352 1644 1432">Affected Party</th> <th data-bbox="1644 1352 2350 1432">Status</th> </tr> </thead> <tbody> <tr> <td data-bbox="937 1432 1644 1549">Valerie Bromley, Michaela Bromley and Hayley Simpson</td> <td data-bbox="1644 1432 2350 1549">Please see the Applicant's response to agenda item b)</td> </tr> <tr> <td data-bbox="937 1549 1644 1667">Christopher Hill</td> <td data-bbox="1644 1549 2350 1667">The affected property is subject to a blight case with an initial offer made on the property.</td> </tr> <tr> <td data-bbox="937 1667 1644 1776">Steeple Building and Preservation</td> <td data-bbox="1644 1667 2350 1776">National Highways has made contact to open negotiations for the acquisition of the affected land.</td> </tr> </tbody> </table>		Affected Party	Status	Valerie Bromley, Michaela Bromley and Hayley Simpson	Please see the Applicant's response to agenda item b)	Christopher Hill	The affected property is subject to a blight case with an initial offer made on the property.	Steeple Building and Preservation	National Highways has made contact to open negotiations for the acquisition of the affected land.
Affected Party	Status										
Valerie Bromley, Michaela Bromley and Hayley Simpson	Please see the Applicant's response to agenda item b)										
Christopher Hill	The affected property is subject to a blight case with an initial offer made on the property.										
Steeple Building and Preservation	National Highways has made contact to open negotiations for the acquisition of the affected land.										

Response reference:	Representation Issue	National Highways Response	
		Jeffrey Brown	National Highways made contact with regards to Mr Brown's access interest in the non adopted section of Old Hall Lane. National Highways will seek to discuss further issues related to Mr Brown's well once effects of the project on the well can be accurately predicted, as detailed design progresses.
9.76.7	<p><u>Compulsory Acquisition Schedule</u>            The Applicant has provided a Compulsory Acquisition Schedule [REP7-011] to set out progress on discussions regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, objections and blight.</p> <p>g) Please could <b>the Applicant</b> summarise the progress made during the Examination and the progress anticipated during the remainder of the Examination?</p>	g) Progress to date is set out in the Compulsory Acquisition Schedule (REP7-011). National Highways will continue to engage with affected parties to, where possible, reach voluntary agreements before the close of examination. Should these agreements not be reached by the close of examination, National Highways will continue to engage with affected parties to endeavour to reach voluntary agreements before the DCO decision is made.	
9.76.8	h) Please could the Applicant set out where it has not been able to progress discussions with known parties? What steps will be taken during the Examination?	h) At the time of CAH1 there were a small number of parties that had not formally responded. The National Highways team was aware of those parties and was in the process of contacting them directly as National Highways had previously engaged with them to secure access for surveys. These included the owners of Grange Farm and the owners of Roe Cross Industrial Estate. National Highways is in contact with the unit tenants and Grange Farm has engaged now. The owner of Roe Cross Industrial Estate continues not to engage. The tenants have engaged and National Highways is in the process of arranging meetings to understand the effects on these businesses.	
9.76.9	The ExA may ask more questions or invite more oral submissions.		



### 3. Item 3 – The Book of Reference, Statement of Reasons, Land Plans, Diligent Enquiry and Updates

Response reference:	Representation Issue	National Highways Response
9.76.10	<p><u>Book of Reference update</u></p> <p>The Applicant provided updates to the Statement of Reasons [REP7-005] and Book of Reference [REP7-006] at Deadline 5.</p> <p>a) Please could <b>the Applicant</b> summarise where it has been able to identify any unknown parties or interests during the Examination? What steps will it take to identify any remaining unknown parties or interests during the remainder of the Examination?</p>	<p>As set out previously, the interests listed as ‘unknowns’ are unknown by virtue of the freehold titles not being registered at Land Registry. The Applicant has undertaken Land Registry ‘refreshes’ at appropriate intervals and will continue to do so before the close of the examination. It was this approach which enabled a revised Book of Reference to be submitted at Deadline 7. However, the status of interests that are unregistered at the Land Registry will remain ‘unknown’, save where reputed owners have made themselves known or can otherwise be conclusively identified through ongoing diligent enquiry.</p> <p>The Applicant identified a number of reputed owner(s) of unregistered land using the diligent enquiry process prior to the application for the DCO, but adopting a cautious approach, the affected plots retained “an unknown” entry in the Book of Reference. The entries for Plots 3/6 and 3/19 were updated at Deadline 7 (REP7-006).</p> <p>The steps that have been taken in relation to Plot 3/13, which is all interests and rights in land comprising approximately 2 square metres of land to the rear of residential premises known as 4 Tollemache Close, Mottram, Hyde SK14 6LN, include: Land Interest Questionnaires and chasers were sent to the occupiers of the adjoining properties at Tollemache Close prior to the DCO application. There was no response. Since number 4 Tollemache Close is owned by National Highways and based on a re-examination of the land boundaries, National Highways has been included as reputed owner but the unknown reference remains in the Book of Reference.</p> <p>In a number of cases the remaining unknown entries relate to the beneficiary of rights contained in historic conveyances e.g. Part 1 Plot 1/1a, 1/1b, 1/1e, 1/1f, 1/1g, 1/1h, 1/1j, 1/1l, 1/6a, 1/6b,1/6c. National Highways was not able to identify these interests after diligent inquiry prior to the application for the DCO and that position remains the same.</p> <p>Other Plots e.g. 1/2, 1/3, 1/4, 1/5, 1/7, 1/8, 1/10, 1/12, 1/13, 2/5, 2/9, 3/4, 3/7, 3/10, 3/14, 4/1, 4/2, 4/18, 7/2, 7/3, 8/1, 8/4, 8/5, 9/1, 9/13, 9/14, 9/15, 10/1, 10/2, 10/3 relate to highway and the unknown reference relates to the subsoil ownership. National Highways was not able to identify these interests after diligent inquiry prior to the application for the DCO and that position has remained the same, although for certain plots the subsoil is in fact excluded from acquisition.</p>
9.76.11	The ExA may ask more questions or invite more oral submissions.	

#### 4. Item 4 – Any Other Compulsory Acquisition or Temporary Possession Matters

Response reference:	Representation Issue	National Highways Response
9.76.12	a) Please could <b>the Applicant</b> provide a written summary of its responses for Deadline 8, on Wednesday 13 April 2022?	a) National Highways can confirm that it will submit a written summary of its responses at Deadline 8.
9.76.13	b) Please could <b>the Applicant</b> provide up to date Book of Reference, Statement of Reasons, Compulsory Acquisition Schedule, and Schedule of Progress in relation to s127 and s138(2) for Deadline 9 on Wednesday 27 April 2022?	b) National Highways can confirm that it will provide up to date Book of Reference, Statement of Reasons, Compulsory Acquisition Schedule, and Schedule of Progress in relation to s127 and s138(2) for Deadline 9.
9.76.14	Time permitting, and at its discretion, the ExA may invite other oral submissions on Compulsory Acquisition or Temporary Possession matters.	

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Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ  
National Highways Limited registered in England and Wales number 09346363

