



Secretary of State  
C/O The Planning Inspectorate  
Major Applications and Plans  
3D Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

SDC.CM.CP0439

Our Ref:

Your Ref:

23<sup>rd</sup> September 2024

Dear Sirs,

**M60/M62/M66 Simister Island Interchange, Development Consent Order, 2024.**  
**Owner: Joseph Holt Ltd**  
**Property: Frigate Public House, Thatch Leach Lane, Manchester M45 6FW**  
**Plot Numbers: 1/33a & 1/33b**

We act on behalf of Joseph Holt Ltd in respect to the aforementioned Development Consent Order being promoted by Highways England under the Planning Act 2008.

We can confirm that our clients wish to **make representations** relating to the M60/M62/M66 Simister Island Interchange, Development Consent Order, 2024 ("The Order") as currently proposed. We would be grateful if you would accept this letter as a representation in response to your letter to my client dated 20 May 2024.

Whilst Joseph Holt Ltd do not oppose the purpose or principle of The Order. Our clients do wish to make representations relating to the design of the scheme and proposed land take. No clear justification has been provided as to why plots 1/33a and 1/33b are required for the purpose of the scheme, nor has have alternative considerations been made.

In preparing our Representation we have been mindful of the Statement of Reasons (April 2024), set out by National Highways as their justification for the making of the proposed Order.

In summary, our representations are as follows:

### **I. Purpose of the Acquisition**

In the Statement of Reasons, National Highways have failed to justify why the land falling within our client's ownership is required.

There are two parcels of land within our client's interest to be acquired:

- Parcel 1/33a is to be acquired on a temporary basis
- Parcel 1/33b is to be acquired on a temporary basis with a permanent acquisition of access rights.

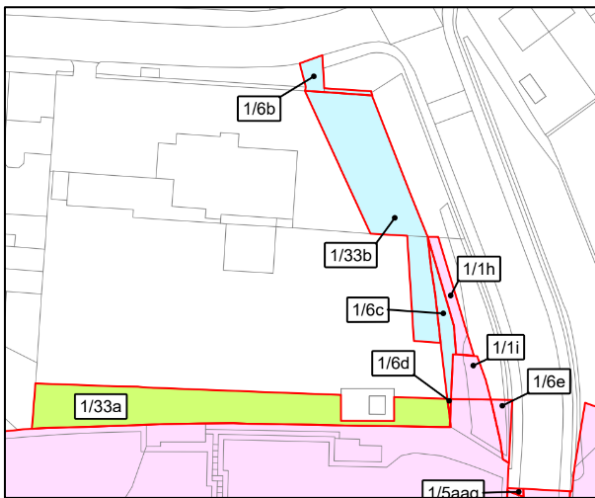
Appendix A of the Statement of Reasons fails to detail the justification for the acquisition of each land parcel. The justification relating to our client's land relates to the wider works to be carried out on this strip of road (within Sheet 1 of the associated plans), detailing the construction or alteration of portal and cantilever gantries. Appendix A does not provide specific justification as to why our client's land is required for the purpose of the scheme. With reference to the Work Plans (2024) below, the proposed cantilever gantry is positioned below our client's land ownership, and it is not clear as to why plots 1/33a and 1/33b are required to facilitate the construction of the gantry. Plot 1/33a sits just

above Highway's own landholding whilst plot 1/33b is located further back from the motorway network. There is no clear reason why the acquisition of these land parcels should be required for the construction or alteration of gantries.

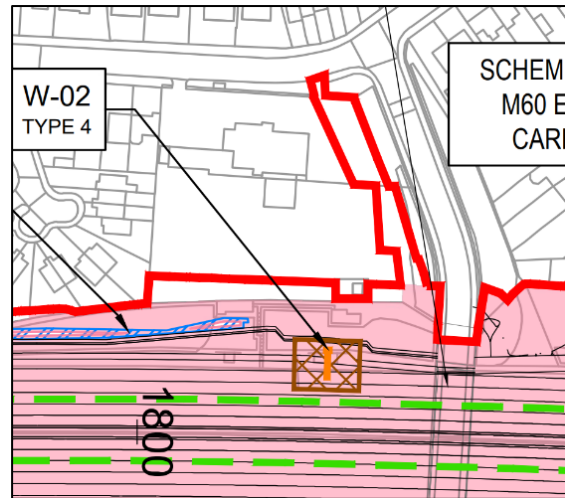
We do note the M60/M62/M66 Simister Island Interchange - map book 2 - land use plans (July 2023) describes the need for the land take as:

*“Land located within Frigate Pub car park and land south of Frigate Pub car park, north of the M60 eastbound and west of Sandgate Road. Land required under a combination of permanent acquisition and 'temporary possession and permanent acquisition of rights' to allow access to existing motorway communication and technology cabinets located north of the M60 eastbound. These cabinets are presently accessed via the hard shoulder of the M60 eastbound, but a new retaining wall is to be constructed in this location which will result in this method of access no longer being safe for maintenance operatives. Additionally, it is worth noting that the permanent acquisition shown is our existing land.”*

With reference to the Land Plans (2024) below, National Highways' existing land ownership (highlighted pink) contains the above-mentioned technology cabinets. There is therefore no clear justification why Joseph Holt's land is required for access, when the scheme can be amended to provide safe access to the cabinets via National Highways' own landholding. This point is discussed further Section 2 of this letter. The permanent access rights sought represent the primary issue of concern for my client.



Source: M60/M62/M66 Simister Island Interchange, TR010064, Land Plans (April, 2024)



Source: M60/M62/M66 Simister Island Interchange, TR010064, TR010064, Works Plans (April, 2024)

The requirement for access only proposes justification for the permanent acquisition rights over plot 1/33b (blue land). There have been no justifications provided as to why the temporary acquisition of either plot is required for the purpose of the scheme. Alternative arrangements can be made which would avoid these permanent rights being taken which would have the positive effect of reducing interference in land ownership and National Highways own compensation burden.

Section 5.2 of the Statement of Reasons sets out the statutory obligations of the Applicant. The CA Guidance (paragraph 11) states *“In respect of whether the land is required to facilitate or is incidental to the proposed development, the Secretary of State will need to be satisfied that the development could only be carried out to a satisfactory standard if the land in question were to be compulsorily acquired and that the land to be taken is no more than is reasonably necessary for that purpose and that it is proportionate.”*

Highways England have provided no justification as to why the land is required for the development to be carried out to a satisfactory standard. This has not been provided for either the permanent acquisition of access rights nor the temporary loss of land. Furthermore, the extent of land taken within Joseph Holt Ltd.'s ownership is not proportionate to the purpose of the construction of a cantilever gantry nor providing access. The proposed acquisition will result in the temporary loss of a significant portion of the car park land and would have an adverse impact on the viability of the business and future ownership plans. The interference in private ownership rights is wholly disproportionate and needs to be reviewed.

The Order should be amended to exclude the land ownership of Joseph Holt (Plot 1/33a and Plot 1/33b) and at a minimum exclude the permanent land acquisition.

## 2. Consideration of Alternatives

Section 5.2.5 of the Statement of Reasons refers to Paragraphs 8 to 10 of the CA Guidance, stating “*all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.*”.

As discussed above, it has been proposed that Joseph Holt's land is required for access purposes. However, with reference to the plans above, there are clear alternative access options which have not been considered.

We would consider that safe access can be provided from the M60 by the maintenance of the proposed scheme or through alteration. The design of a road scheme should incorporate means of access to technology cabinets without requiring the acquisition of neighboring land.

Furthermore, National Highways' land ownership spans from Sandgate Road, to the east, providing direct access to the technology cabinets. National Highways are requested to fully investigate whether alternative access can be facilitated from Sandgate Road.

As stated in Section 5.3.5 of the Statement of Reasons, all reasonable alternatives to compulsory acquisition should first be explored. National Highways are requested to demonstrate why access cannot be obtained from their own existing land holding or via Sandgate Road.

## 3. Public Interest

Section 5.4.1 of the Statement of Reasons states that the compulsory acquisition must be “*proportionate and in the public interest by reducing environmental impacts, minimising costs to the Applicant (and hence the public purse) and mitigating the impact on land interests*”.

National Highways have not adhered to this on two accounts. The first being that the costs are not being minimised through the compulsory acquisition of rights over the Joseph Holt land. The impact of the temporary loss of car park land would have a significant impact on the viability of the business, and the compensation claim put forward by Joseph Holt will reflect this. Given that there is no clear justification why the land is required for the scheme, and alternative, cheaper options are possible, it is not a proportionate use of public spending.

Secondly, National Highways have not mitigated the impact on land interests. Sections 1 and 2 of this letter clearly demonstrate that there is no clear need for the acquisition of the land on a temporary basis and that there are clear alternatives to provide access. Therefore, the impact on Joseph Holt's land has not been mitigated.

#### 4. Human Rights

The proposed Order is also an infringement of our client's human rights under the Human Rights Act 1998. The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order land. As correctly pointed out in Paragraph 6.2.4 of the Statement of Reasons, the Secretary of State has to be satisfied that the DCO's infringement on human rights is proportionate and otherwise justified. The purpose of the scheme can be achieved without the compulsory acquisition of our client's land and as such, there is inadequate justification for interfering with the human rights of the owner. A balance has not been struck between the individual rights and the wider public interest.

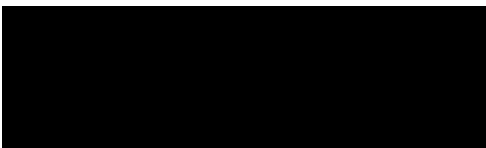
#### 5. Conclusion

In conclusion, Joseph Holt Ltd are supportive of the delivery of the proposed M60/M62/M66 Simister Island Interchange scheme but they are concerned that the proposed temporary land take and the permanent acquisition of access rights, which affects their interests, has not been fully thought through.

National Highways have demonstrated a lack of consideration for the requirement of the temporary land take of plots 1/33a and 1/33b whilst also failing to consider alternative options for access to the technology cabinets. They have not demonstrated that there is a compelling case in the public interest which justifies the compulsory acquisition of the Joseph Holt land.

On this basis, it is Joseph Holt's view that the Order in its current state should not be confirmed by the Secretary of State.

Yours faithfully,



**Simon Cook BSc (Hons) MRICS**  
**Managing Director**  
**For and on behalf of**  
**ROGER HANNAH**

Direct line: 

Email: 

## Summary

Introduction	Whilst Joseph Holt Ltd do not oppose the purpose or principle of The Order. Our clients do wish to make representations relating to the design of the scheme and proposed land take.
Representations	<ol style="list-style-type: none"> <li>1. <b>Purpose of the Acquisition.</b> No justification has been provided as to why Joseph Holt's land and access rights are required for the proposed scheme. The extent of land taken within Joseph Holt Ltd.'s ownership is not proportionate.</li> <li>2. <b>Consideration of Alternatives.</b> National Highways are requested to demonstrate why access cannot be obtained from their own existing land holding or via Sandgate Road.</li> <li>3. <b>Public Interest.</b> Costs are not being minimised through the compulsory acquisition of rights over the Joseph Holt land. Additionally, National Highways have not mitigated the impact on land interests.</li> <li>4. <b>Human Rights.</b> The purpose of the scheme can be achieved without the compulsory acquisition of our client's land and as such, there is inadequate justification for interfering with the human rights of the owner.</li> </ol>
Conclusion	It is Joseph Holt's view that the Order in its current state should not be confirmed by the Secretary of State.