

**The Warrington Borough Council (Omega to Burtonwood
Accessibility Improvements) Compulsory Purchase Order 2019**

Proof of Evidence

on behalf of

**Mr. Shun Kai Ye and Mrs. Liu Jiao Ye
Clay Lane Farm,
Burtonwood,
Warrington.
WA5 4DH**

**by Paul Johnson FRICS FAAV
Frank Marshall & Co.,
121 Billinge Road,
Garswood,
Ashton-in-Makerfield,
Wigan.
WN4 0XD**

Compulsory Purchase (Inquiries Procedure) Rules 2007

1. My name is Paul Anthony Edwin Johnson.

I am a chartered surveyor and agricultural valuer and I have been practising from my office at Garswood throughout Greater Manchester, Merseyside, North Cheshire and South Lancashire area for the past 40 years, engaged, amongst other spheres of work in assessing compensation for various statutory schemes including new roads, motorway junctions and road widening etc., including, in the vicinity of the current scheme, the formation of the M62 junction 8.

2. Mr. and Mrs. Ye own a smallholding at Clay Lane Farm, Burtonwood. It comprises a farmhouse, farm buildings and about 7 acres of land.
3. The property is occupied by Mr. and Mrs. Ye who keep geese, chickens and ducks on the land and quail in the buildings. Watercress and chives are grown on the land and the intention is to intensify the uses to which the buildings and land are put.
4. Mr. and Mrs. Ye instructed me to act on their behalf in May 2019 with regard to this scheme and I have liaised with them, their son Shaun and representatives of Warrington Council and its agent Kate Okell of Axis of Manchester.
5. That part of the frontage to the property which adjoins Clay Lane is predominantly pasture and is used for the free range flocks of geese and ducks and is bounded by a timber post and wire mesh fence subsumed within a mature and substantial hawthorn hedge which secures the birds within the boundary of the smallholding and, with other fencing associated with the pastures, prevents access by predators such as foxes.
6. The hedge is also of significant amenity value to the smallholding in general and the house in particular.
7. Mr. and Mrs. Ye appreciate that the footpath scheme cannot be implemented without the removal of the hedge and the acquisition of land in their ownership for the establishment of the footpath.
8. The issue which remains to be resolved is the means of reinstatement and accommodation works in the form and specification of a fence.
9. The council have made three principal proposals, the first being by means of a letter dated 19th June 2019 with associated plans. (Appendix 1)
10. A meeting on site was held on 20th August to discuss the details of its proposals but, eventually, agreement could not be reached on the responsibility for the maintenance of the Mobilane fence and no discussions took place and no agreement was reached on the specification of a high tensile stock fence to be erected on my clients' land.
11. A proposal was made by the council for the specification of a high tensile fence and a 1.6 metre high pre grown hedge on 18th September. (Appendix 2)
12. A further site meeting was held on 3rd October to review a further proposal from the council being a variation in the siting of the hedge in the vicinity of the pond to allay my clients' concerns about a visual screen for the property. At that meeting various

proposals were discussed, my clients' principal objective being the securing of a more substantial fence than exists at present due to the greater chance of vandalism, theft and trespass as a result of the proximity of the new footpath to the property. (No view was expressed by my clients about the planting of a hedge to provide a visual screen but it is appropriate to refer to the fact that negotiations took place by means of Shaun Ye translating the council's proposals and his parents' counter proposals on the telephone.)

13. A proposal was made by my clients, by an email of 4th October (Appendix 3). This was rejected by an email from the council of 7th October (Appendix 4).
14. The Council proposed a specification with metal posts on 11th October (Appendix 5) and this is being evaluated by my clients.
15. That part of the objection dated 16th May referring to the availability of alternative schemes which would achieve the same objective is withdrawn.

14th October 2019

- Appendix 1** **Warrington Borough Council's agent's letter dated 19th June 2019**
- Appendix 2** **Council's proposal - 18th September 2019**
- Appendix 3** **Clients' proposal - email 4th October 2019**
- Appendix 4** **Email from council dated 7th October 2019**
- Appendix 5** **Email from Kate Okell re. Council's proposed specification with metal posts.**

Axis Property Consultancy LLP
Suite 4C
Manchester Club
81 King Street
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M2 4AH

Mr Johnson
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121 Billinge Road,
Garswood
Ashton-in-Makerfield
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WN4 0XD

Tel: 0161 300 7760
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www.axisllp.com

19 June 2019

Our Ref: KLO/ag

Subject to Contract

Your Ref:

BY EMAIL ONLY

Dear Paul

Scheme: The Warrington Borough Council (Omega to Burtonwood Accessibility Improvements) Compulsory Purchase Order 2019

Owners: The Ye Family

Property: Land Situated to the West of Clay Lane Farm, Warrington

Plots: 1 & 2

I refer to our previous exchange of emails in respect of the above and in particular, your client's written objection to the Council's Compulsory Purchase Order (CPO) dated 16th May 2019.

Further to our recent site meeting, the Council have reviewed the scheme design in the vicinity of Plot 1 and I am pleased to confirm that they have been able to amend the design of their scheme in this location so that your client's pond is now avoided.

The revised proposal is shown on the attached plans for your consideration. They comprise the following:-

Plan 1. This shows the proposed revised scheme in the vicinity of Plot 1. The amended scheme incorporates a retaining wall structure and a double fencing arrangement. This means that there will be no permanent acquisition of your client's pond and therefore the land that the Council seeks to permanently acquire is reduced from 860 sq m to 646 sq m. The double fencing arrangement should provide the security/privacy as requested by your clients.

Plan 2. This shows the land that is now required permanently (646 sq m) and the land required temporarily for 'working space' (207 sq m). The total overall land requirements is therefore less than what is currently proposed in the CPO.

Plan 3. This shows the standard detail which includes the proposed cross section for Plot 1 adjacent to the pond and the role of the 'living fence' at the base of the slope.

I also enclose photographic examples of a similar 'living fences' elsewhere in the Borough.



Please be aware that for technical drafting reasons, it is not possible to acquire land temporarily in a Highways Act CPO and therefore it will be necessary to retain both the temporary and permanent land requirements in the CPO, coloured pink. This is a precautionary measure as the Council must have certainty that it can occupy the 'temporary' land in order to build the Scheme. Nevertheless, the Council proposes to enter into a licence agreement with your client, to facilitate their occupation of the temporary land on a 'by agreement' basis, which will mean that it will only take title to the 'permanent land'.

During the construction works, it is anticipated that the Contractor will erect temporary fencing around the pond so that it is protected during the construction process. This detail will be discussed with your clients and confirmed in due course when the construction programme has been awarded. Nevertheless please be aware that as part of any commission, the contractor have to produce a RAMS (Risk Assessment and Method Statement) which sets out how they will do the work and address any health and safety issues. This can be shared with your clients at the appropriate time. Once the work is completed, any land that has been occupied on a temporary basis will be left clear of all materials and machinery, made good and returned on a like-for-like basis (as far as is reasonably possible).

Finally, I would confirm that when the contractor is on site there will be appointed personnel who are responsible for liaising with the landowners to ensure ongoing access to their premises and to address any concerns/questions they might have. The council will also have a regular presence in terms of a site supervisor to ensure the works proceed as planned and as per the final detailed design.

I hope that the amended design is an agreeable way forward as it will significantly reduce the impact of the Scheme on your clients retained land and will negate any need to interfere with the existing pond. If this is an acceptable way forward, the Council invites your clients to formally withdraw their objection to the CPO and it too will write to the Department for Transport notifying them of the amendment to the CPO that has been agreed between the parties.

In the event that a further site meeting would be helpful, I am happy to arrange this accordingly.

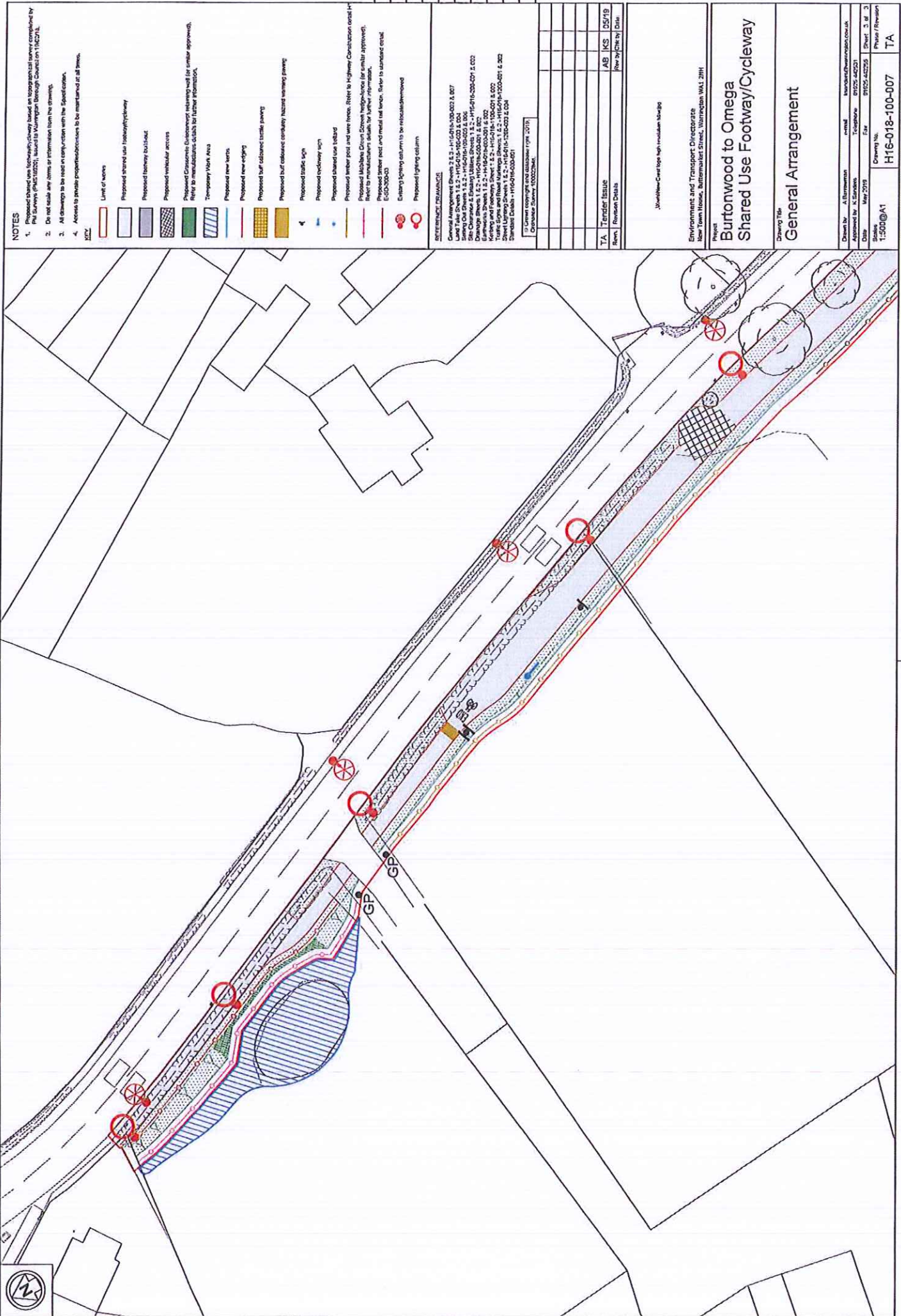
I look forward to hearing from you.

Yours sincerely

Kate Okell MRICS
Associate Partner
For and on behalf of
AXIS PROPERTY CONSULTANCY LLP

DL: 0161 300 7765
M: 07740347082
E: kateokell@axisllp.com

PLAN 1.



NOTES

1. Proposed shared use footway/cycleway based on topographical survey completed by the contractor (provisional), subject to confirmation through Council on 11/03/21.
2. Do not make any items or information from the drawings.
3. All drawings to be read in conjunction with the Specification.
4. Access to private properties/structures to be maintained at all times.

KEY

- Limit of works
- Proposed shared use footway/cycleway
- Proposed footway build-out
- Proposed vehicular access
- Proposed Craspedon/Craspedon retaining wall (or similar approval). Refer to manufacturers details for further information.
- Temporary Work Area
- Proposed new kerbs
- Proposed new edging
- Proposed surf (cobble/tactile paving)
- Proposed half cobblestone/ceramic tactile warning paving
- Proposed traffic sign
- Proposed cycleway sign
- Proposed shared use (left)
- Proposed timber post and wire fence. Refer to Highway Construction code of Practice (Machias City Street Highways, for similar approval). Refer to manufacturers' details for further information.
- Proposed timber post and metal rod fence. Refer to standard detail E-03-200-03
- Existing lighting columns to be retained/renewed
- Proposed lighting column

REFERENCE (FOR AVOIDANCE)

- General Arrangement Sheets 2.1.2 - H16-018-100-002 & 007
- Limit Title Sheets 1.1.2 - H16-018-100-003 & 004
- Site Clearance & Earthwork Sheets 1.2.1 - H16-018-100-005 & 006
- Drainage Sheets 1.1.2 - H16-018-100-001 & 002
- Proposed Shared Use Footway/Cycleway Sheets 1.1.2 - H16-018-100-001 & 002
- Traffic Signs and Road Markings Sheets 1.1.2 - H16-018-100-001 & 002
- Street Furniture and Street Lighting Sheets 1.1.2 - H16-018-100-003 & 004
- Standard Details - H16-018-100-001

TA	Tender Issue	AB	KS	25/19
Rev	Revision Details	Rev'd/Chg'd by Date		

:\H16\H16-Gen\Top\High\roadwork.dwg
 Environment and Transport Directorate
 New Town House, Burtonmarket Street, Warrington WA1 2RH

Project
 Burtonwood to Omega
 Shared Use Footway/Cycleway

Drawing Title
 General Arrangement

Drawn by	A. Burrows	normal	h16-018-100-007.dwg
Approved by	N. Stables	For	01752-42205
Date	May 2019	Sheet	3 of 3
Scale	1:500@A1	Drawing No.	H16-018-100-007
		Printer / Revision	TA

PLAN 2

NOTES

1. Proposed shared use footway/cycleway based on topographical survey completed by PHL Survey (P14/16/020), subject to further topography obtained on 14/02/17.
2. Do not include any items or information from the drawings.
3. All drawings to be read in conjunction with the Specification.
4. Access to private properties/structures to be maintained at all times.

KEY

- Proposed Permanent Acquisition
- Original CPO boundary
- Temporary Work Area



REFERENCE DRAWINGS

- General Arrangement Sheets 2.2 - H16-018-100-002 & 007
- Site Plan Sheet 1.2 - H16-018-100-003 & 004
- Site Plan Sheet 1.1 - H16-018-100-001 & 002
- Site Clearance & Existing Utilities Sheets 1.2 - H16-018-100-001 & 002
- General Arrangement Sheets 1.2 - H16-018-100-001 & 002
- Access and Footways Sheet 1.2 - H16-018-100-001 & 002
- Street Signs and Road Markings Sheets 1.2 - H16-018-100-001 & 002
- Standard Details - H16-018-100-001 & 002

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Ordnance Survey, 1000275448

Rev.	Revision Details	Prepared By	Date
TA	Tender Issue	AB	06/10

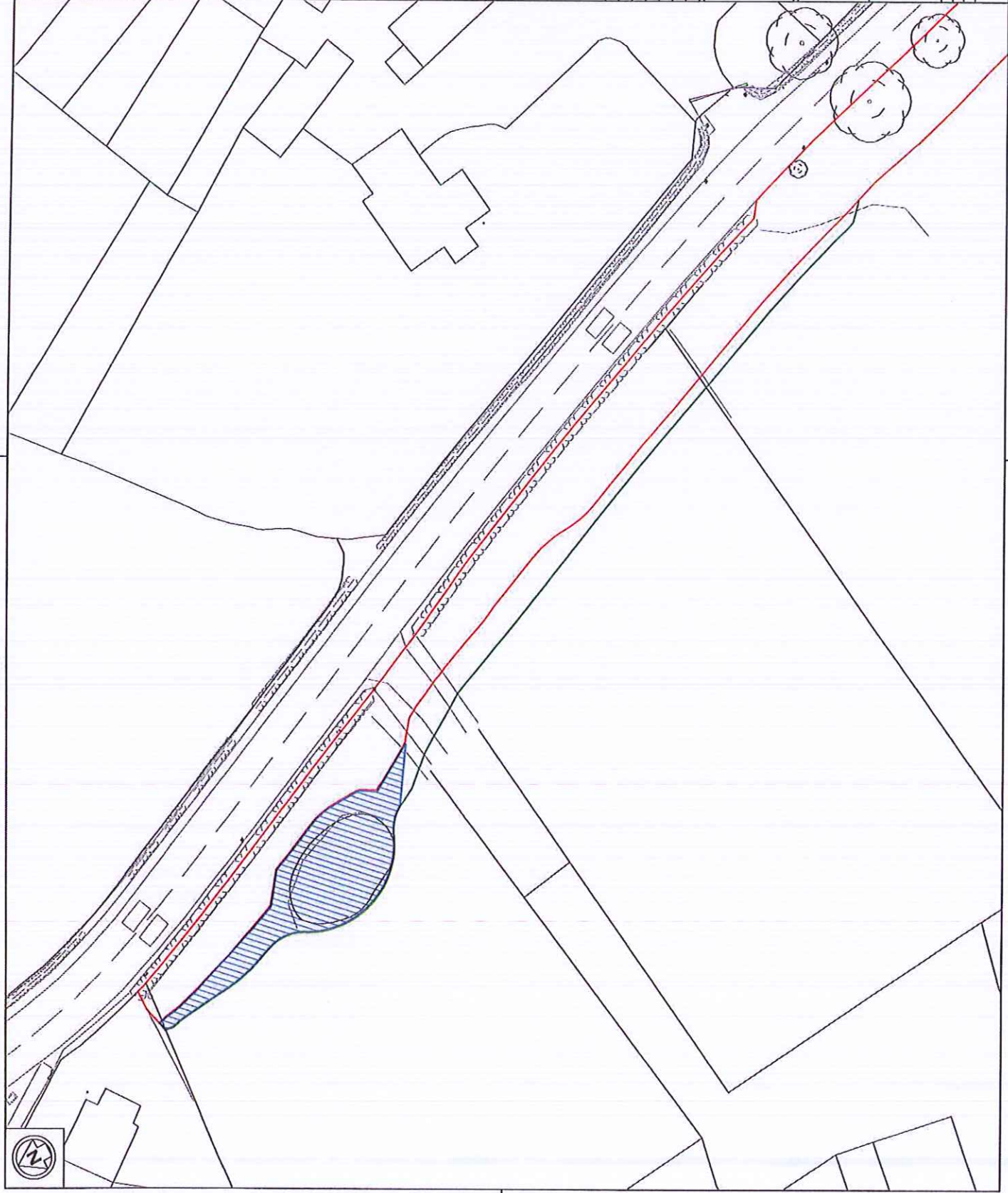
Environment and Transport Directorate
New Town House, Buttmarket Street, Warrington WA1 2NH

Project
Burtonwood to Omega
Shared Use Footway/Cycleway

Drawn: TSB
General Arrangement
CPO Boundary Revisions

Drawn by	J. Brannan	email	brannan@cherrytree.co.uk
Approved by	E. Sanders	Telephone	01927 442251
Date	May 2019	Fax	01927 442250
Scale	1:500@A1	Drawing No.	H16-018-100-007
		Project / Revision	TA

AUSCAD File Ref: H16-018-100-007 - General Arrangement Sheet 3 of 3 - For Land Take Booking



PLAN 3

NOTES

REFERENCE DRAWINGS
 Concept Arrangement Sheets 1.1.2 - H16-C11-100-001, 022 & 023
 Land Take Sheets 1.1.2 - H16-C11-100-002 & 004
 Signing Out Sheets 1.1.2 - H16-C11-100-005 & 006
 Street Furniture Sheets 1.1.2 - H16-C11-100-007 & 008
 Drainage Sheets 1.1.2 - H16-C11-100-009 & 010
 Earthworks Sheets 1.1.2 - H16-C11-100-011 & 012
 Traffic Signs and Road Markings Sheets 1.1.2 - H16-C11-100-013 & 014
 Street Lighting Sheets 1.1.2 - H16-C11-100-015 & 016

3.0.001 (Signature and date) 19/11/2019	
Contractor Survey 10/02/2014	
TA	Tender Issue
Rev.	Revision Details
AB	KS
19/11/19	19/11/19

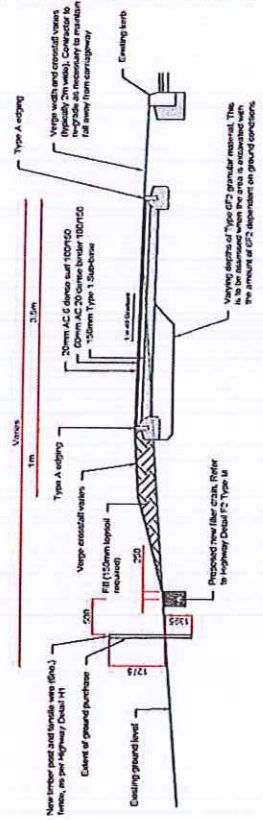
Environment and Transport Directorate
 New Town House, Buttmarket Street, Warrington WA1 2NH

Project
**Burtonwood to Omega
 Shared Use Footway/Cycleway**

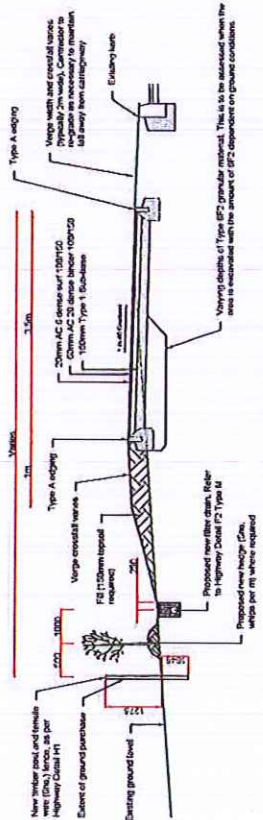
Drawn By
Standard Details

Drawn By	A. Thompson	e-mail	atompson@northwest.gov.uk
Approved by	E. Sanders	Telephone	01925 442521
Date	Mar 2019	File	01925 442525
Scale	1:100@A1	Drawing No.	H16-018-000-001
		Project / Revision	TA

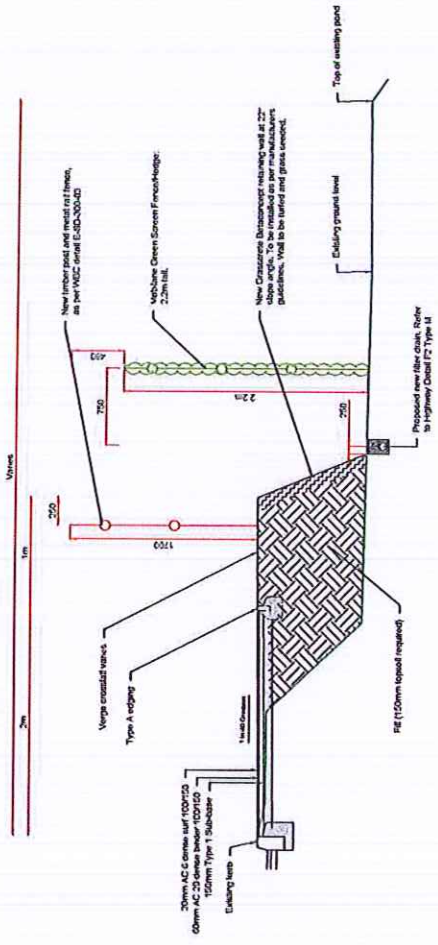
AUCMOD File Ref: H16-C11-100-001 - Standard Details - TA.uncg



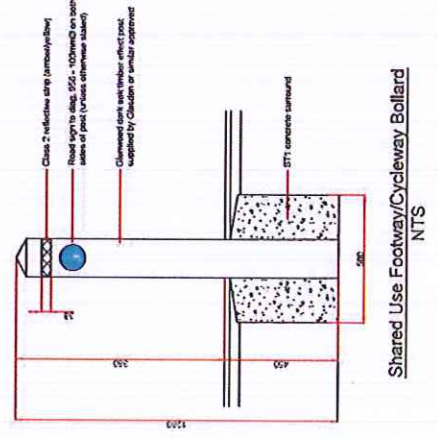
Typical Shared Use Footway/Cycleway cross section
 NTS



Typical Shared Use Footway/Cycleway cross section
 NTS



Typical Shared Use Footway/Cycleway cross section
 NTS



Shared Use Footway/Cycleway Bollard
 NTS

PHOTOS



Paul Johnson

From: Kate Okell [kateokell@axisllp.com]
Sent: 18 September 2019 09:40
To: Paul Johnson
Subject: FW: Burtonwood to Omega Accessibility improvements Scheme - Ye
Attachments: H16-018-000-001 - Standard Detail Rev TE.PDF

Paul,

I refer to our ongoing discussions in respect of the above.

As you will be aware, the Council is now preparing for a Public Inquiry into the above Scheme and associated Compulsory Purchase Order (CPO). As such, I am instructed to prepare a Proof of Evidence for the Inquiry which will address, amongst other things, Mr & Mrs Ye's objection and the efforts that have been undertaken to resolve their concerns. For this reason, I have been asked to reiterate the Council's most recent offer of accommodation works, this time on an open basis. This is set out below and will be referred to in my Proof of Evidence.

Please be assured that this action is being taken as a precautionary measure, in the event that an agreement is not reached in advance of the Inquiry. I can confirm that all efforts will continue to try and resolve Mr & Mrs Ye's objection and your assistance in this matter is much appreciated.

To date I have not heard back from you in relation to the accommodation works offer, albeit I am aware you are waiting for instructions. I therefore look forward to hearing from you in the near future.

Alternative Option for Accommodation Works

Following further internal discussion and liaison with a landscape architect, the Council are now able to offer an alternative option of a 1.6m pre-grown hedge in lieu of the Mobilane fence as a potential solution to the ongoing maintenance liability. I attach a cross-section showing how this would look. Over time this would provide a much improved screen for the Ye Family.

The offer of the tensile stock fence would remain. In terms of specification, the Council would suggest the following:

3. SHEEP FENCE 900MM (GALVAN COATED) B6/90/30 & C6/90/30

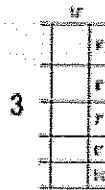
* Six line wires and uprights 300mm apart

* Heavy B6/90/30 Code 320700

* Gauge Top and Bottom 4.0mm, Intermediates 3.0mm

* Medium C6/90/30 Code 320800

* Gauge Top and Bottom 3.0mm, Intermediates 2.5mm



The plan previously provided was not to scale and was intended to show the indicative location of the various boundary treatments. At the location of the pond, the levels difference between the proposed path and the retained land is circa 1.0m. Elsewhere across the boundary the variance is much reduced, particularly to the south of the access track where the difference is marginal.

I look forward to hearing your clients preference on how to take things forward.

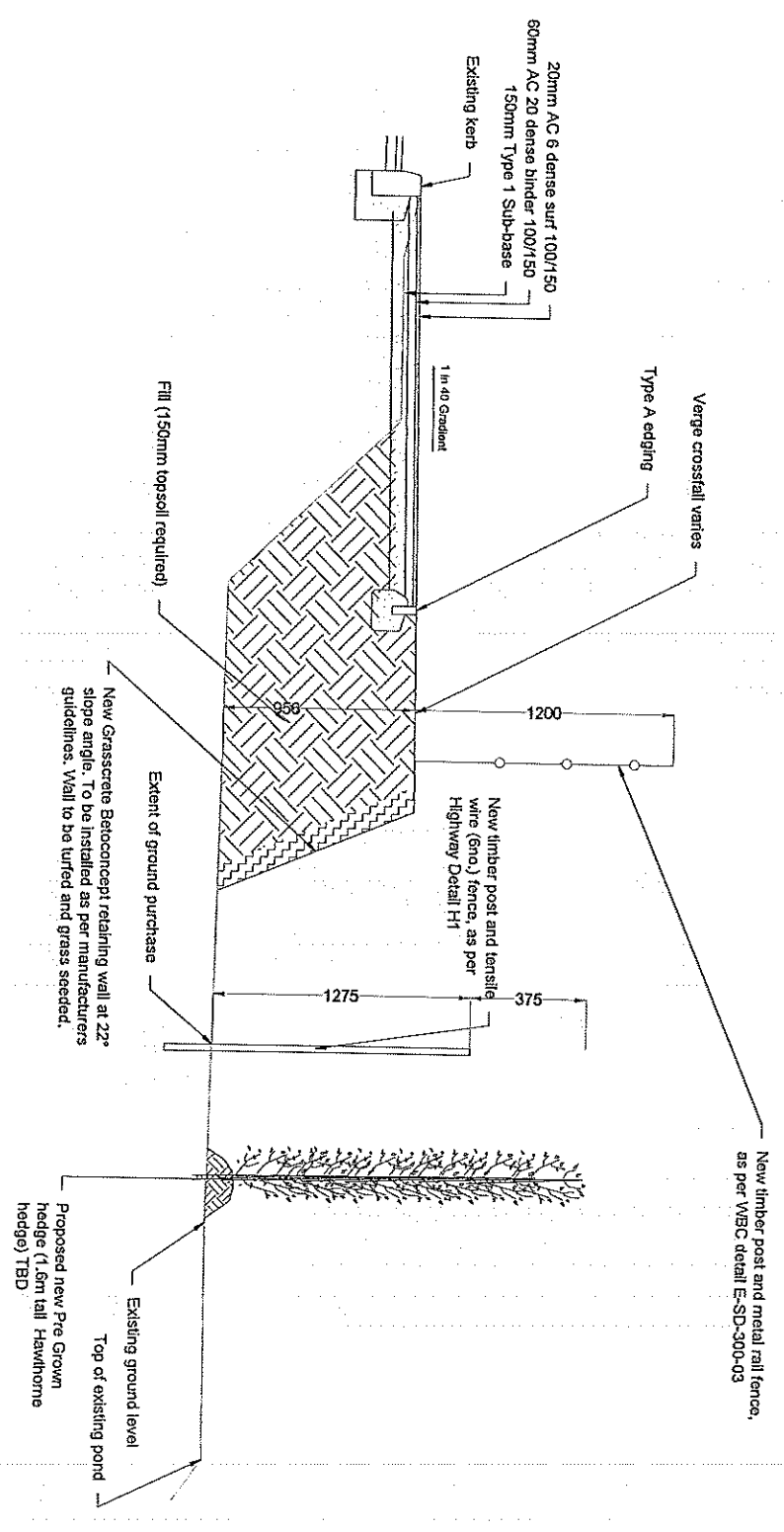
Kind regards.

Kate C. Hill MRICS
Associate Partner

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M2 4AH

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E: kateokell@axisllp.com





Typical Shared Use Footway/Cycleway cross section (Post & Wire Boundary / Pre Grown Hedge)
NTS

NOTES

- REFERENCE DRAWINGS:
- General Arrangement Sheets 1, 2 & 3 - H19-D19-100-001, 002 & 003
 - Detailing - See Sheets 1 & 2 - H19-D19-100-002 & 003
 - Site Conditions & Existing Utilities Sheets 1 & 2 - H19-D19-100-001 & 002
 - Existing and Proposed Sheets 1 & 2 - H19-D19-100-001 & 002
 - Street Lighting Sheets 1 & 2 - H19-D19-100-001 & 002

WARRINGTON Borough Council

Item	Revision Details	Rev	By	Date
TD	Original Hedge fence report options	RD	RD	08/11/19
TC	Changed boundary fence layout options	KS	KS	08/11/19
TB	Changed boundary height, removed new height line	LB	KS	08/11/19
TA	Tender Issue	AG	KS	08/11/19



WARRINGTON Borough Council
 Performance and Transport Directorate
 New Road, Warrington, Cheshire, Warrington WA1 2JH
 Project: Burtonwood to Omega Shared Use Footway/Cycleway
 Drawing Title: Standard Details - Ye's Farm

Drawn by: A. Mahon	Issued:	Manufacture/Production Control
Checked by: K. Shapton	Telephone: 01925 443251	
Date: May 2019	Fax: 01925 443250	Drawn: 1 of 7
NTS	Drawing No: H16-018-000-001	Printed From: NTS

Paul Johnson

From: shaun ye [shaunye_1994@hotmail.com]
Sent: 04 October 2019 14:16
To: Paul Johnson
Subject: Re: Burtonwood to Omega Accessibility improvements Scheme - Ye

Hi Paul,

After aggressive discussions last night we have been able to come up with an option that we believe the council will be happy to oblige with.

Wooden posts in our experience have a tendency to rot in the ground and be able to be pushed over. To avoid this happening we are proposing that the council use concrete posts. The sheep wire fence that the council has shown may be able to stop the larger geese from escaping, it will not stop any of the smaller geese or ducks. In addition it will not stop foxes getting in. Wire mesh will solve the problem with the ducks but again foxes are able to gnaw through the metal and get in.

We propose that chain link fencing is used. The holes are small enough to stop all animals from passing through and thick enough wires to prevent gnawing. The positioning of the new proposed concrete post and chain link fence will be as discussed yesterday, behind the hedgerow half way up the embankment. The height we accept would be 1275mm as written in the diagram provided. We believe that this will not require planning and it will suit our needs. I will attach a website which has images of the style of posts and fencing that we had in mind. Please can we get a response from the council asap to avoid the objection on Tuesday.

<https://allenconcrete.co.uk/fencing/chain-link-fence-posts/>



Concrete Chain Link Fence Posts | Height 0.9m to 3.05m | Allen Concrete

Barbed wire chain link fence posts. Extra security can be achieved by adding a barbed wire section to the top of your chain link fencing. All our concrete chain link fence posts in heights from 1.8m to 3.05m are available with cranked tops for three rows of barbed wire. 1.8m and 24m chain link heights are also available with vertical extensions for three rows of barbed wire.

allenconcrete.co.uk

Many thanks,
Shaun

From: Kate Okell <kateokell@axisllp.com>
Sent: 30 September 2019 09:45
To: Paul Johnson <paul.johnson@frankmarshall.uk.com>
Cc: 'shaun ye' <shaunye_1994@hotmail.com>
Subject: RE: Burtonwood to Omega Accessibility improvements Scheme - Ye

Paul,

Paul Johnson

From: Nichol, John [jnichol@warrington.gov.uk]
Sent: 07 October 2019 13:12
To: paul.johnson@frankmarshall.uk.com
Cc: Sanders, Keith; Kate Okell <kateokell@axisllp.com> (kateokell@axisllp.com); Dyson, Ryan; shaunye_1994@hotmail.com
Subject: Burtonwood to Omega Accessibility improvements Scheme - Ye Without Prejudice
Attachments: H16-018-000-001 - Standard Detail Rev TG.pdf

Good afternoon Paul

Thank you for arranging the site meeting last week and thank you for your email to Keith on Friday regarding the Ye Family's latest position on the fence.

I consulted Mike Davies, a colleague in the council's development management team, and I can confirm that planning approval would be required for a tall fence boundary. It is very unlikely that this would be approved by the council because of its location and visual impact.

However a wire mesh fence, capable of containing geese, similar in height to the existing fence behind a pre-grown and re-planted hedge is unlikely to attract any objection. This is the proposal we made on site. We would agree to move the fence closer to the hedge as shown on the attached diagram.

In view of the Ye family's latest proposal for the boundary fence to be constructed with concrete posts (your email to Keith on Friday) I should point out that this is far in excess of the current boundary arrangement and would be an additional costs to the scheme costs which is difficult to justify. Our fencing suppliers (Jacksons) have advised us that their timber posts carry a 25 year guarantee which we believe is more than adequate to ensure a long life to the fence. We therefore do not agree with the suggestion of using concrete posts.

I would therefore suggest that the original offer we made to your clients on site (subject to the minor modification referred to above) is a very fair and reasonable one. It not only serves to contain the livestock but it offers a boundary which meets local amenity objectives, and over time, would provide a visual barrier to provide ongoing privacy to the Ye family.




I would be grateful if you could confer with your clients to agree to the council's position.

I am available this afternoon should you need to discuss this email.

Yours sincerely

John Nichol
 Principal Transport Planner

Environment and Transport Directorate
 Transport for Warrington
 Warrington Borough Council
 New Town House, Buttermarket Street, Warrington, WA1 2NH

 jnichol@warrington.gov.uk
 Office: 01925 443867
 Mobile: 07920 287937

NOTES

REVISIONS/CHANGES
 General Arrangement Sheets 1, 2 & 3 - H16-018-100-001, 002 & 003
 Road Signs 1.1 - H16-018-100-002 & 001
 Road COI Sheets 1.1 - H16-018-100-002 & 001
 Blue Clearance & Existing Utilities Sheets 1 & 2 - H16-018-100-001 & 002
 Landscaping & Planting Sheets 1 & 2 - H16-018-100-001 & 002
 Utilities Sheets 1 & 2 - H16-018-100-001 & 002
 Kerbs and Footways Sheets 1 & 2 - H16-018-100-001 & 002
 Street Lighting Sheets 1 & 2 - H16-018-100-001 & 002

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 Ordnance Survey 100079746

TG	Changed fence location / boundary option	KS	KS	10/19
TF	Changed hedge / fence layout option	KS	KS	08/19
TE	Changed edge / fence layout option	RD	RD	08/19
TD	Changed hedge / fence layout option	RD	RD	08/19
TC	Changed edge / fence layout option	KS	KS	08/19
TB	Changed general height, removed new tangent	LB	KS	05/19
TA	Tender Issue	AB	KS	05/19
Rev	Revision Details			

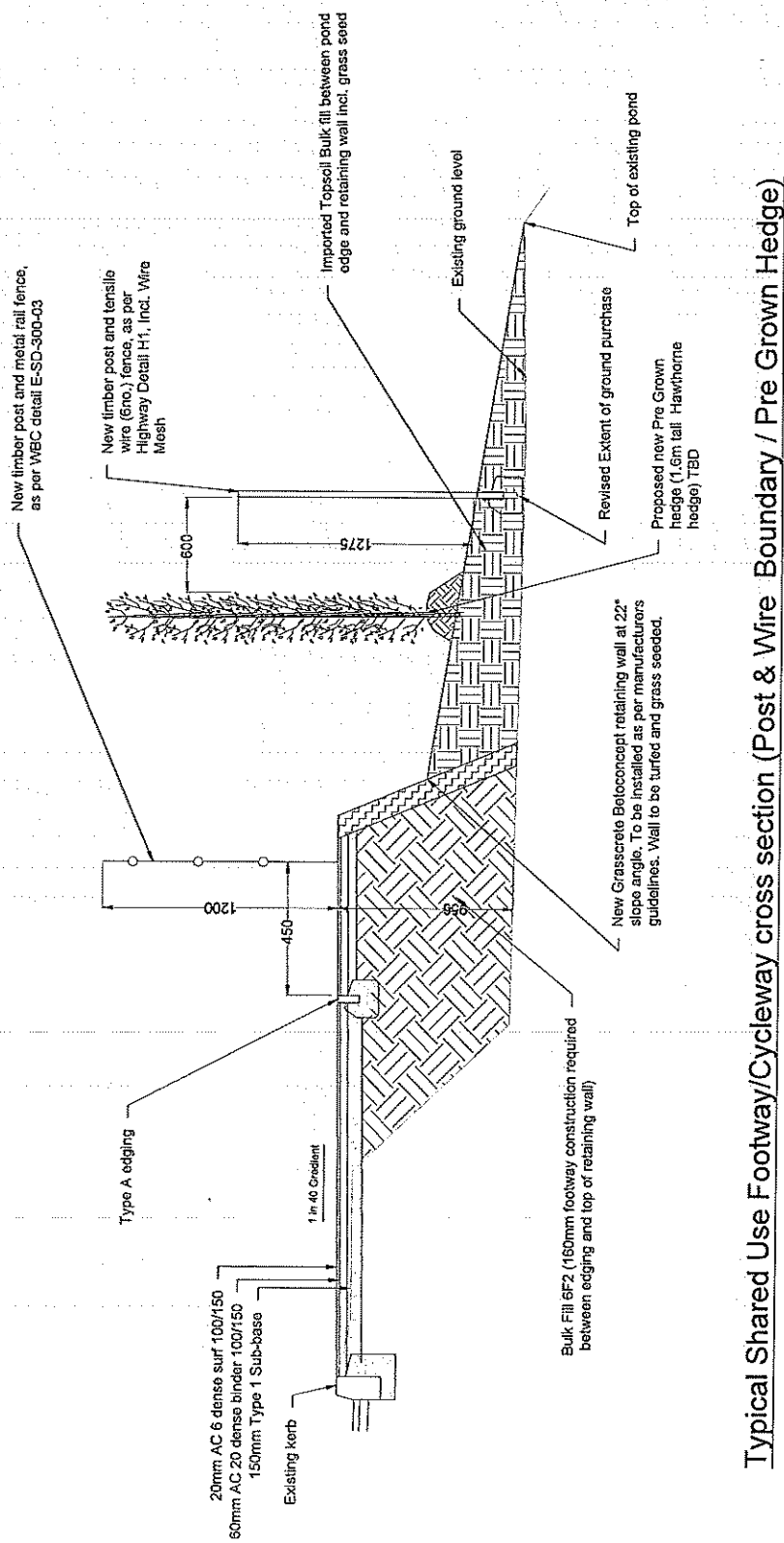


Project
 Burtonwood to Omega
 Shared Use Footway/Cycleway

Drawing Title
 Standard Details - Ye's Farm

Drawn by	A. Eamesworth	Drawn by	Warrington Borough Council
Approved by	K. Edwards	Reference	01075-442531
Date	May 2019	File	01075-442531
Scale	NTS	Drawing No.	H16-018-000-001
		Phase / Revision	TG

AutoCAD File No: H16-018-000-001 - Standard Details - Ye's Farm



Typical Shared Use Footway/Cycleway cross section (Post & Wire Boundary / Pre Grown Hedge)
 NTS

wigan@frankmarshall.uk.com

From: Kate Okell [kateokell@axisllp.com]
Sent: 11 October 2019 14:00
To: Paul Johnson
Subject: Re: The Ye Family

Paul,

Please see below.

Dear Keith Sanders,

Ref: Warrington Borough Council Clay Lane

Thank you for contacting Jacksons Fencing. I have summarised our quotation below as requested. A breakdown of the quotation is available upon request.

**Budget cost to supply & install approx 107m of PVC Chainlink fencing
1.2m high 50x50x2.5/3.5mm on 60.3mm Tubular steel posts with
41.5mm top rail.**

..
**Galvanised and Polyester Powder Coated finish to a Jacksons standard
RAL colour Green 6005.**

..
This is a budget quotation and subject to a site visit before we can
accept an order for supply and installation.