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Subject:

Date:

Attachments:

[M42 Junction 6](#)

Warwickshire Gaelic Athletic Association

02 June 2019 22:11:54

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[image004.png](#)

[WGAA Relevant Representation - 18.3.19 FINAL.doc](#)

Dear Mr Cullingford,

I am writing in response to your letter dated 31st May 2019 relating to an application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement. I confirm that I am instructed by the abovenamed party and I am working alongside Matthew Scudamore on the Association's behalf. Matthew submitted the Association's relevant representation and was provided with a copy of your letter last Friday.

I am writing to address a number of matters, as follows:

Compulsory Acquisition Hearing

I confirm that the Association wishes to speak at the CAH on 20th August.

Accompanied Site Inspection

Within your letter you refer to the inspection taking in a 'sports club'. We assume by that you mean my client's site, Pairc na hEireann. We agree that it would be appropriate for the site to be inspected by the Examination Panel. Arrangements should be made through Mr Mark McLoughlin, Chair of the Association and copied on this email. Mr McLoughlin and I would both wish to accompany you on the inspection.

Statement of Common Ground

I confirm that my client is hoping to enter in to an agreement with HE, to cover all aspects of its representation. However, in the absence of an agreement having been reached by 24th June I confirm my client would be prepared to enter in to a SOCG, assuming that common ground has been found by that date.

Comments on representations already submitted

For ease of reference I have attached the wording that was submitted previously as my client's representation. There is nothing further to add at this stage.

Provision of information in electronic format

I confirm that my client is happy to accept correspondence in electronic format. Please copy all correspondence to both Matthew Scudamore and myself.

Kind regards

Jon

Jonathan Stott MRICS
Managing Director
for Gateley Hamer

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Dear Sir / Madam,

Introduction

This firm is instructed by the Warwickshire Gaelic Athletic Association (WGAA) to advise in relation to the impact of the proposed M42 Junction 6 Improvement Development Consent Order (DCO) on Pairc na hEireann at Catherine de Barnes.

The WGAA wish to register as an Interested Party for the purpose of the DCO Examination.

Affected property interest

The proposed scheme will impact Pairc na hEireann, WGAA's headquarters in the following manner:

- pitch 2 (of the 3 at the facility) will be wholly acquired for the scheme;
- access to the remainder of the facility including club house will be severed;
- pitch 3 will also be impacted such that it will need to be relocated as a consequence of the scheme.

The above impact on the facility is such that the only method of mitigation is to relocate the entire facility.

Objection

The WGAA's principle point of objection is that Highways England ('the Applicant') has failed to include sufficient land within the DCO to enable the facility to be replaced in a manner that would deliver proportionality and equivalence. Furthermore, the Applicant has reneged on a previous commitment to relocate the facility in its entirety.

Overview of Pairc na hEireann

Pairc na hEireann is the headquarters of the WGAA. It is used by 3,000 members locally and 12,000 nationally, and therefore is an important sporting facility providing extensive social and economic benefits for the local community and beyond. It enjoys a rural setting and includes private means of access, a clubhouse, car-park, three pitches and a memorial garden.

The WGAA have invested in Pairc na hEireann over the years and have planning consent (reference 2012/799) to extend the existing clubhouse.

Commitment to relocate Pairc na hEireann

In recognition of the severity of the impact on Pairc na hEireann the Applicant made a commitment to the WGAA that it would relocate the facility in its entirety. This commitment was made by the Applicant at a meeting on 10th August 2017 attended by Jonathan Pizzey, Ollie Gray (Mouchel), Peter Cullen, Ian Bamforth, Noel McClean Snr (trustee WGAA), Noel McClean Jnr, Mark McLoughlin (Chair WGAA) and Michael Collins (Sec WGAA).

The commitment was also provided in writing and a preferred site was identified and agreed for the purpose of relocating the facility, on a site to the south-west of the existing facility. That site was referenced in the consultation brochure published by the Applicant as part of its statutory consultation process in spring 2018, and the requirement to relocate the facility was also stated at paragraph 12.6.10 of the Applicant's Preliminary Environmental Information Report (PEIR):

With regard to commercial businesses, the assessment has identified that landtake would be required from within the GAA football and hurling fields to facilitate construction, which would impact this interest to the extent that it would no longer be operationally viable and would have to be relocated.

Having been informed of HE's commitment to relocate the facility the WGAA incurred costs in developing the design of the replacement facility and obtained the support of its members to the proposal.

Current position

At a meeting on June 6th 2018 the Applicant informed the WGAA that, whilst relocation of the facility could be included in the DCO as a form of Associated Development, it had concerns about its ability to promote powers of compulsory acquisition for the purpose of acquiring the necessary land to relocate the facility.

This news represented a complete change of position by the Applicant and was a major surprise to the WGAA. The WGAA disputes the Applicant's assertion that the promotion of compulsory acquisition powers to enable the relocation could not be justified and remains of the view that relocation is the only means by which an equivalent facility can be delivered.

Since the meeting on 6th June 2018 the Applicant conducted a further round of public consultation which removed the site previously identified for relocation of the facility, and extended the red line boundary to the north, west and south of Pairc Na hEireann. However, the revised red line boundary was not drawn with reference to any particular reconfiguration design and the WGAA's appraisal of ten reconfiguration proposals that were later presented concluded that none of the options would deliver a proportionate facility, and that equivalence could only be achieved through relocation of the entire facility.

We note that at Paragraph 4.4.46 of its Environmental Statement the Applicant states that it carried out its own assessment of the various reconfiguration options:

'The assessment focused on appraising the relative advantages and disadvantages of each option against operational, safety, cost, environmental, programme and statutory criteria. Each option was ranked based on their performance against the criteria, and the exercise concluded that the full relocation options be discounted from further consideration in the design on the grounds that the appraisal of options demonstrated that reconfiguring the facility could be delivered using adjacent land'.

However, despite having asked, the Applicant has failed to share the assessment. The WGAA therefore request that this assessment is made available through the Examination process.

The WGAA has, despite losing faith in the Applicant's willingness to work collaboratively, adopted an open and transparent approach to discussions, including sharing designs and option appraisals with the Applicant. In return the Applicant has failed to disclose relevant information to the WGAA and its unwillingness to properly take account of the WGAA's requirements has led to a position whereby the DCO does not include sufficient land to enable a proportionate reconfigured facility to be delivered.

The only means by which a proportionate reconfigured facility could be provided is if the Applicant is able to secure by agreement additional land adjoining the red line boundary and promote a separate planning application to obtain consent for it to be delivered. Even then it is not feasible that a

scheme that truly reflects equivalent reinstatement could be delivered because at least one pitch would need to be located above a live oil pipeline and subject to the associated easements and rights of access in favour of a third party.

The WGAA's case

The WGAA's case is that the Applicant has failed to include sufficient land within the DCO to deliver a proportionate replacement facility for Pairc Na hEireann. Further, the WGAA is clear that the only means by which the Applicant is able to mitigate the devastating affect that the scheme will have on Pairc Na hEireann is to relocate the entire facility; as was acknowledged in the Applicant's PEIR.

The Applicant's failure to include land within the DCO for that purpose means that the DCO is deficient. As such the WGAA request that the DCO is not granted until the Applicant has demonstrated that it is able to deliver a proportionate replacement facility that provides the WGAA with equivalence. Without such a replacement facility being provided, the WGAA asserts that any benefits of the DCO will be outweighed by the loss of Parc Na hEireann and the public benefit that it itself provides.