

Response to Highways England Deadline 2 Documents 8.20, 8.23, 8.25 & 8.26:

8.20 Statement of Common Ground with Birmingham Airport Ltd
(TR010027-000443-TR010027_M42J6_8.20_SoCG_Birmingham Airport Ltd)

8.23 Lighting Technical Note
(TR010027-000446-TR010027_M42J6_8.23_Lighting Technical Note)

8.25 Outline Bird Strike Management Plan
(TR010027-000448-TR010027_M42J6_8.25_Outline Bird Strike Management Plan)

8.26 Written Submission of the Applicant's case put orally at the OFH on 21 May 2019 and the first ISH on the dDCO on 22 May 2019
(TR010027-000449-TR010027_M42J6_8.26_Written Submission of the Applicant's case at the OFH on 21 May and the first ISH on the dDCO on 22 May 2019)

8.20 Statement of Common Ground with Birmingham Airport Ltd
(TR010027-000443-TR010027_M42J6_8.20_SoCG_Birmingham Airport Ltd)

HE Document: 8.20 Statement of Common Ground with Birmingham Airport Ltd

Please note my comments below with regard to information recorded in minutes from meetings between Highways England and Birmingham Airport:

- 11th October 2017 - Note on installing lights at the reconfigured WGAA.
Andrew Davies (BIA Safeguarding) confirmed the lighting arrangements being proposed by the GAA is unlikely to be a problem for them in principle but they may wish to influence the type of lighting and baffles etc. to reduce glare.

I received an email from Jonathan Pizzey on 22nd March 2019 (transcript included in my document submitted separately - 'Record of engagement with HE and AECOM (12th December 2017 - 6th June 2019)') which confirmed that:

"There are no plans to include any high mast lighting for the WGAA pitches – as part of the scheme. Under the DCO scheme all the pitches would be too close to Birmingham Airports flight path to be allowed, let alone the impact on the environment in this 'dark' area of the greenbelt."

Throughout the consultation process Jonathan Pizzey has maintained that Birmingham Airport would not allow any lighting to be installed on the reconfigured WGAA despite the fact Birmingham Airport had previously confirmed it was unlikely to be a problem. Given the date of the meeting it is likely that the statement from Birmingham Airport was in connection with the proposed relocation of the WGAA to a site near Woodhouse Farm. However, there does not appear to have been any further discussion about the impact of lighting the reconfigured WGAA pitches and it is noted that the current proposals for the WGAA will include a new pitch (Pitch 2) which lies outside the airport surface.

As such, can Highways England and Birmingham Airport confirm that providing lighting to any of the pitches is not acceptable under the DCO or via a separate planning application?

- 28th February 2018 – Note on replanting trees outside the airport surface.
James Hemingway stated that around Bickenhill where the airport surfaces are already constrained by the existing ground there are likely to be replanting required for any existing trees removed by the scheme. Andrew Davies (BIA Safeguarding) confirmed that any replanting in this area would need to be outside the airport surface so as not to provide an additional obstruction.

Figure M.2: Ecological Features and Airfield Safeguarding Areas Plan which is provided in the HE Document: 8.25 Outline Bird Strike Management Plan indicates the safeguarding areas for Birmingham Airport and confirms that Four Winds is outside the safeguarding area. Andrew Davies (BIA Safeguarding) confirmed in the meeting of 28th February 2018 that Birmingham Airport would not have an issue with the planting of trees outside the airport surface. As such there are no reasonable grounds for HE to dismiss my suggestion to plant out the field around my property to not only mitigate the impact of the reconfigured WGAA on my property but to also mitigate the loss of natural habitat resulting from their scheme.

Can Highways England please confirm this matter will be given due consideration, and a full response provided, as it has previously been mooted in discussions with Jonathan Pizzey (HE)?

- 8th May 2018 – Note on removing proposed lighting to the offslip to Bickenhill.
Jonathan Pizzey raised the matter of the lighting strategy and areas such as the onslip and offslip for the mainline link being flagged as requiring to be lit. Andrew Davies (BIA Safeguarding) stated that he would like to see any proposals in this area, full cut off lighting would be essential. However, James Hemingway stressed that the offslip to Bickenhill would be the key issues as it is in the most sensitive area with regards to airport safeguarding and any lighting required would undoubtedly penetrate these surfaces. Jonathan Pizzey stated that it may be prudent to investigate whether a departure could be ascertained to remove this lighting in order to mitigate this issue.

In May 2018 Birmingham Airport and Highways England agreed to investigate the possibility of removing any proposed lighting from the 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout' as it was considered a sensitive area to airport safeguarding. In June 2019 Highways England submitted their document '8.23 Lighting Technical Note' which includes a Benefits to Cost Ratio (BCR) calculation for lighting the various scheme sections.

Is it a coincidence that lighting the 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout' generated a BCR score of 1.92, thereby falling short of the BCR threshold of 2.0 by just 0.08, despite the fact traffic will be approaching the unlit 'Bickenhill Roundabout' travelling at 70mph?

It is also worth noting that the 'Clock Interchange' generated a BCR score of 1.89 and the 'A45E to M42N Free Flow Link, M42 Northbound Merge Slip for Junction 6' generated a BCR score of 1.80, both of which are lower BCR scores than the threshold of 2.0 and lower than BCR score for the 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout', but lighting has been recommended for both of these sections.

Furthermore, the 'M42 Northbound Diverge Slip at Junction 5A' section generated a BCR score of 1.98, which is again below the BCR threshold of 2.0, but lighting has also been recommended for that section.

Can Highways England please explain the purpose of carrying out a study and producing a report if the findings are going to be ignored and they are simply going to do what they want regardless of whether they have demonstrated sound justification for doing so?

8.23 Lighting Technical Note

(TR010027-000446-TR010027_M42J6_8.23_Lighting Technical Note)

HE Document: 8.23 Lighting Technical Note

- Item 2.1.8 (page 2) does not mention any works to Catherine de Barnes Lane or indeed closing the northbound carriageway access onto the Clock Interchange?
- Item 2.1.10 (page 3) states "It is assumed that the alterations to the B4438 Catherine-de-Barnes Lane will not be illuminated, shown in blue in Figure 1. This is to create consistency with the existing local network and to ensure journey quality is not adversely affected for users driving along its length." However, this is then contradicted later in the document which proposes lighting to 'Barber's Coppice Roundabout' on the B4438 Catherine de Barnes Lane?
- The Lighting Assessment, which includes Accident Analysis, for Catherine de Barnes Lane is incorrectly based on the following Road Lighting Guidance and Standards:

- o **IAN 160/12** Appraisal of Technology Schemes:
Summary - This Interim Advice Note (IAN) provides guidance on the appraisal of technology schemes, including: Closed-circuit television (CCTV), Motorway Incident Detection and Automatic Signalling (MIDAS) and Controlled Motorway (CM).

Instructions for Use - This document shall be used in the appraisal of all CCTV, MIDAS and Controlled Motorway schemes which have not already been approved.

This guidance is primarily focussed on the impact on accident rates and/or incident durations on motorways due to the installation of Variable Message Signs, CCTV, Motorway Incident Detection and Automatic Signalling (MIDAS) and Controlled Motorway (CM) systems. It does not include lighting. As such this guidance cannot be considered relevant when determining any requirement for road lighting provision on Catherine de Barnes Lane.

- o **IAN 161/15** Smart Motorways:
Summary - This IAN gives requirements and advice on smart motorways schemes implementing all lane running and controlled motorway. It sets out the design parameters and the associated infrastructure requirements and advice.

Instructions for Use - This IAN applies to Smart Motorways All Lane Running and Smart Motorways Controlled Motorway schemes on the Highways England network.

This guidance sets out the design parameters for Smart Motorways All Lane Running and Smart Motorways Controlled Motorways and the associated infrastructure requirements and advice. The proposed scheme is not a Smart Motorway. Catherine de Barnes Lane will be a single carriageway. As such this guidance cannot be considered relevant when determining any requirement for road lighting provision on Catherine de Barnes Lane.

- o **IAN 167/12 Revision 1** Guidance for the Removal of Road Lighting:
Summary - This IAN advises service providers on actions to be undertaken to select, assess, and implement removal of road lighting.

Instructions for Use - Prior to undertaking any major lighting works on the HA network (installation, maintenance, refurbishment, replacement / renewal) service providers must demonstrate to the service manager that Full Switch-off has been considered in accordance with the assessment guidance within this IAN.

This guidance assesses the actual benefits that an existing scheme is providing against the actual running costs. It is concerned with the removal of road lighting, not the installation of new lighting where no lighting was previously installed, and is therefore not applicable to a brand-new installation. As such this guidance cannot be considered relevant when determining any requirement for road lighting provision on Catherine de Barnes Lane.

- **TD 34/07** Design of road lighting for the strategic motorway and all-purpose trunk road network.
Summary - This document sets out the design standards applicable to road lighting on the strategic motorway and all-purpose trunk road network

This Standard sets out the design objectives and procedures that shall be adopted for the design of road lighting for the strategic road network. Catherine de Barnes Lane is not a trunk road, and is not part of the strategic road network. As such this guidance cannot be considered relevant when determining any requirement for road lighting provision on Catherine de Barnes Lane.

- **TA 49/07** Appraisal of new and replacement lighting on the strategic motorway and all-purpose trunk road network.
Summary - This document sets out the requirements for the appraisal of both new and replacement road lighting on the strategic motorway and all-purpose trunk road network (referred to as the strategic road network).

Catherine de Barnes Lane is not a trunk road, and is not part of the strategic road network. As such this guidance cannot be considered relevant when determining any requirement for road lighting provision on Catherine de Barnes Lane.

- There are a number of issues with Table 1 (page 6) 'PIA's saved for scheme sections':
 - Using the HE data provided, the correct length of the scheme is 12.23km, Yr1 PIAs is 6.1, YR1 PIAs saved is 1.27 and 30Yr PIAs saved is 29 which are not the totals shown in the table. It appears HE have overinflated and underinflated the figures as necessary to justify their decisions for installing lighting.
 - 'Barber's Coppice Roundabout' is stated as being 0.74km in length which is actually the same length as the distance from the southern boundary of the proposed works on Catherine de Barnes Lane to the proposed new location of Shadowbrook Lane, which would also include the 'Catherine-De-Barnes Lane North Overbridge' section for which HE have provided separate data. The actual length of 'Barber's Coppice Roundabout' is less than 400m and therefore the corresponding PIA figures stated in the document are double what they should be.
 - Inserting the correct figures (Cost of PIA's = £144,154.00 / 30-year Cost of Lighting = £130,264.18) into the BCR calculation for 'Barber's Coppice Roundabout' results in a BCR score of 1.11.
 - The Mainline Link will be a dual carriageway connecting the M42 to the Clock Interchange, whereas Catherine de Barnes Lane will be a single carriageway. They are different road types and consequently the evidence data from one type is not applicable to another type. HE have simply adopted a broad brush approach and made no differentiation in their analysis.
- General points:
 - It appears that HE have based their accident analysis on data provided by a previous consultant (item 4.1.2, page 6) rather than their own data. Has this data been checked?
 - The approach roads to 'Barber's Coppice Roundabout' are proposed to be 40mph and 50mph. The approach roads to 'Bickenhill Roundabout' are proposed to be 40mph and 70mph. However, HE do not believe it is necessary to light 'Bickenhill Roundabout' but suggest it is necessary to light 'Barber's Coppice Roundabout' on safety grounds. Can Highways England please explain how they came to this conclusion?
 - There is no existing street lighting to the proposed locations for 'Bickenhill Roundabout', 'Catherine-de-Barnes Lane North Overbridge' or 'Barber's Coppice Roundabout'. Lighting is not recommended for 'Bickenhill Roundabout' as it "will have a negative environmental and social impact." Lighting is also not recommended for 'Catherine-de-Barnes Lane North Overbridge' "as the surrounding lanes are not lit, so there would be a negative environmental impact." However, despite the fact that lighting 'Barber's Coppice Roundabout' will have a negative environmental impact as the surrounding areas are not lit, and a negative social impact on my property, HE "recommended that this section of the highway is illuminated" and that lighting this location is "environmentally acceptable". Can Highways England please explain how they came to this conclusion?

- Why is it that 'Catherine-de-Barnes Lane North Overbridge', with a BCR score of 2.86, will not be lit whereas 'Barber's Coppice Roundabout', with a lower BCR score of 2.21, will be lit and the decision appears to have been based solely on its BCR score?
- Lighting the 'M42 Southbound Diverge Slip for Junction 6' section will apparently save 0.13 PIA's in year 1 and 3.00 PIA's over 30 years. It has a BCR score of 2.36 which is described in 'Conclusions and Recommendations' on page 17 as a "low BCR." HE recommends that although "the BCR highlights street lighting is not justifiable for the slip road . . . it is recommended that the junction is illuminated to maintain continuity of road users' driving experience." In comparison, lighting the 'Barber's Coppice Roundabout' section will apparently save 0.09 PIA's in year 1 and 2.00 PIA's over 30 years, both lower than the 'M42 Southbound Diverge Slip for Junction 6' section. It has a BCR score of 2.2, which again is lower than the 'M42 Southbound Diverge Slip for Junction 6' section. However, HE now recommends that "Street lighting is justifiable for the roundabout from the BCR analysis" despite the fact it is lower than the 'M42 Southbound Diverge Slip for Junction 6' score. Can Highways England please explain how they came to this conclusion?
- Jonathan Pizzey (HE) confirmed in email dated 21st December 2018 that any lighting to 'Barber's Coppice Roundabout' would be "full cut off lanterns on reduced height lighting columns (as required by the Airport)." The road lighting key sheet indicates the columns will be a nominal height of 15m whereas other columns are either 12m or 10m. Why are lights now proposed to be installed along Catherine de Barnes Lane, beyond the northern boundary of my property, when I was told they would only be on the roundabout? Why is it necessary for these proposed lights to be mounted on 15m high columns when the majority of other proposed lights are being mounted on 12m high columns?
- I also note the specifications stated for the proposed 'Philips Luma' light fittings do not appear to be correct as they do not correspond to the actual specifications published by Philips in their product literature.

8.25 Outline Bird Strike Management Plan

(TR010027-000448-TR010027_M42J6_8.25_Outline Bird Strike Management Plan)

HE Document: 8.25 Outline Bird Strike Management Plan

Contrary to information previously provided by Highways England, this document confirms my property and the majority of the adjacent field are outside the Airport Safeguarding Area:

- Figure M.2: Ecological Features and Airfield Safeguarding Areas Plan

This drawing indicates the safeguarding areas for Birmingham Airport and confirms that Four Winds is outside the safeguarding area. Andrew Davies (BIA Safeguarding) confirmed in a meeting with Highways England on 28th February 2018 that Birmingham Airport would not have an issue with the planting of trees outside the airport surface. As such there are no reasonable grounds for HE to dismiss my suggestion to plant out the field around my property to not only mitigate the impact of the reconfigured WGAA on my property but to also mitigate the loss of natural habitat elsewhere resulting from their scheme. Can HE please confirm this matter will be given due consideration, and a full response provided, as it has previously been discussed with Jonathan Pizzey (HE)?

As such there are no reasonable grounds for HE to dismiss my suggestion to plant out the field around my property to not only mitigate the impact of the reconfigured WGAA on my property but to also mitigate the loss of natural habitat resulting from their scheme.

8.26 Written Submission of the Applicant's case put orally at the OFH on 21 May 2019 and the first ISH on the dDCO on 22 May 2019

(TR010027-000449-TR010027_M42J6_8.26_Written Submission of the Applicant's case at the OFH on 21 May and the first ISH on the dDCO on 22 May 2019)

HE Document: 8.26 Written Submission of the Applicant's case put orally at the OFH on 21 May 2019 and the first ISH on the dDCO on 22 May 2019

- Item 2.1.1
 - It is noted that Nick Evans of BDB Pitmans (NE) for the Applicant fails to mention any impact on my property and only has concern for the impact on the WGAA.
 - NE suggests the WGAA design has gone through several iterations but these have never been disclosed. Can they now be disclosed along with the cost analysis for each option to demonstrate every potential option has been explored?
 - Jonathan Pizzey (HE) and Lydia Barnstable (AECOM) both confirmed that the only scheme being discussed with the WGAA was the 'Option 1 Drawing' and that it had been submitted with the DCO application. This has proven to be untrue.
 - It is also noted that Items 4.4.45 and 4.4.46 (page 24) of Highways England Document '6.1 Environmental Statement Chapter 4 – Scheme History and Alternatives' make reference to a study carried out by Highways England which assessed the various WGAA reconfiguration options. Can this study now be disclosed along with the cost analysis for each option to demonstrate every potential option has been explored?

- Item 2.1.2
 - Nick Evans suggests it is clear from the WGAA's Relevant Representations that they have other aspirations for what might be done on the site. Can NE kindly provide a link to the document(s) he is referring to as the aspirations of the WGAA are far from clear based on their Representations?
 - NE confirms Highways England and the WGAA have yet to reach any agreement regarding either the facilities that will be provided or the pitch configuration. Jonathan Pizzey (HE) has maintained throughout the consultation process that to comply with legislation Highways England are only required to provide the WGAA with proportionate and equivalent mitigation. As the scheme impacts the WGAA access to Catherine de Barnes Lane, 1 pitch, and approx. 50 defined car parking spaces then surely that is all that should be replaced?
 - That being the case, can NE kindly clarify why the 5 proposed mitigation options, 'TR010027-000157-TR010027_M42J6_6-2_Environmental_Statement_Figures_Figure 3.5', that Highways England submitted in their DCO application, include a new larger clubhouse, a new hurling wall and a new car park providing 150+ parking spaces?
 - Can NE also kindly explain why Highways England have not added any notes to drawing 'TR010027-000157-TR010027_M42J6_6-2_Environmental_Statement_Figures_Figure 3.5', to indicate a new clubhouse, a new hurling wall and a new car park providing 150+ parking spaces do not form part of the DCO Application and are subject to a separate planning application to be submitted by the WGAA?

- Item 2.1.3
 - Nick Evans confirmed in item 2.1.2 that the WGAA had other aspirations for the mitigation to their site. His language now suggests the WGAA may be looking at an option that goes beyond what was included in the DCO application but Highways England are not aware of it. Can NE please confirm the current position regarding negotiations with the WGAA and also provide a drawing of the WGAA's aspirational site plan?
 - If Highways England are only concerned with providing proportionate and equivalent mitigation, can NE please explain why the 5 proposed options Highways England submitted in their DCO application include a new larger clubhouse, a new hurling wall and a new car park providing 150+ parking spaces, all of which could be considered as betterment?
 - Can NE please advise on what the legal position would be if Highways England were to provide 2 replacement pitches as proportionate and equivalent mitigation to the WGAA but intentionally did not minimise the land take required or maximise the distance between those 2 new pitches and the nearest dwelling (my property), thereby also failing to minimise the impact on that property, despite the assurances provided in their DCO application?
 - Can NE please advise on what the legal position would be if the intended consequence of Highways England deliberately positioning those 2 pitches as described previously, was to maximise the

distance to the existing clubhouse, rendering it peripheral to the site, and thereby provide a Planning Authority with sufficient justification to approve a subsequent Planning Application, submitted by the WGAA, for a new clubhouse located adjacent to the 2 new pitches?

- The Representation submitted by Sport England on 27th March 2019 advises that ‘the clubhouse should be well related to the replacement car park’. Can NE please confirm that the only car parking provision on the reconfigured WGAA site will be as shown in Highways England document ‘8.21 Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association’ i.e. adjacent to the existing clubhouse?

- Item 2.1.4

- With regard to the WGAA reconfiguration Nick Evans confirmed Highways England “would consider whether there were any other reconfiguration options open to it and would present its position by Deadline 2.” For Deadline 2 Highways England submitted document ‘8.21 Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association’. This document consisted of a two-page report and a revised version of their ‘Option 1 Drawing’ entitled ‘Figure 8.21, Proposed Reconfiguration of WGAA facility’. Can NE kindly indicate where in this report I can find information on the ‘other reconfiguration options open to’ Highways England?
- Can NE please advise on whether he considers it unreasonable for Highways England to have been requested to produce, for Deadline 2, an updated reconfiguration drawing for the WGAA site?
- Given the fact that the updated reconfiguration drawing (Figure 8.21) is simply a revised version of the ‘Option 1 Drawing’, issued to me in March 2019 (although first issue was in February 2019), does NE consider it unreasonable to have expected the updates to have amounted to more than the resizing and repositioning of two rectangles, the addition of 6 dimensions and the deletion of a line (which indicated a proposed environmental barrier to my property)?
- Highways England document ‘8.21 Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association’ is rather light on detail and overlooks a number of key points. As such can NE kindly advise on the following:
 - Why have Pitch 2 and Pitch 3 been moved further south, closer to Four Winds, thereby increasing the impact on my property rather than reducing it?
 - Why is there now a gap of 28m between the southern edge of Pitch 1 and the northern edge of pitches 2 and 3, when previously the pitches were a lot closer together?
 - Why has the orientation of Pitch 2 and Pitch 3 not been adjusted so they run north to south as recommended in Sport England guidance? There is ample space available and by doing so could avoid building over the ESSO pipeline.
 - Why does the document fail to mention that the WGAA propose to apply for planning permission to construct a new club house and hurling wall to the north of Pitch 2, hence the positioning of Pitch 2 and Pitch 3, and in doing so avoid the scrutiny of the Planning Inspectorate?
 - Why does the document not mention the fact that Pitch 3 will be an artificial surface (costing more than a like-for-like replacement pitch and suitable for year-round use, whatever the conditions) thereby increasing the impact on my property?
 - If there are no plans to build a new clubhouse, why does the drawing not confirm the existing club house will be retained?
 - Why does the document fail to confirm the proposal for a hurling wall has been removed once and for all, if that is indeed the case?
 - Why does the document not confirm the extent of additional parking provision that could be provided to the east of Pitch 1 and Pitch 3?
 - Why is it that after more than two years of negotiation HE are still no closer to agreeing the basis of a scheme for the WGAA reconfiguration and therefore no closer to confirming the impact on my property?

- Item 2.1.5

- Nick Evans suggests that Highways England’s poor communication was down to the process being complicated “going through several iterations and different parties providing information to Mr O’Reilly at different times about different options.” As evidenced by my previously submitted

document, 'Deadline 2 Submission - Record of engagement with HE and AECOM (12th December 2017 - 6th June 2019)', and contrary to the explanation provided by NE, Highways England's poor communication appears to have been a calculated strategy to ensure those affected by the scheme were kept in the dark for as long as possible.

- Highways England's response to my request for information on the WGAA reconfiguration to allow me to get an understanding of the impact on my property was as follows:
 - Action point from meeting with Highways England on 21st September 2018 was for Jonathan Pizzey (HE) to provide information on the WGAA reconfiguration so I could get an understanding of the impact on my property.
 - Following newspaper reports about different options being discussed between Highways England and the WGAA I emailed Jonathan Pizzey (HE) on 30th October 2018 requesting information on the WGAA reconfiguration as discussed at the last meeting.
 - Jonathan Pizzey (HE) advised in his email dated 7th November 2018 that Highways England "are waiting to understand how the GAA's site is likely to be reconfigured before formally replying to you – as this would have an impact on both yourself and on our response."
 - The DCO application was received by the Planning Inspectorate on 2nd January 2019.
 - On 14th January 2019 I sent an email to Jonathan Pizzey (HE) and Lydia Barnstable (AECOM) requesting details of the options being reviewed with the WGAA so I could get an understanding of the impact on my property before a proposed meeting with Highways England on 25th January 2019. Lydia Barnstable (AECOM) replied later that day and advised that she would need to "check with Highways England what information was available."
 - I sent another email on 18th January 2018 to Jonathan Pizzey (HE) and Lydia Barnstable (AECOM) requesting the information. Lydia Barnstable (AECOM) replied that she was "waiting for the information on mitigation options and will get these across to you early next week." No information was provided.
 - On 24th January 2018 I emailed Jonathan Pizzey (HE) and Lydia Barnstable (AECOM) again requesting the information. Lydia Barnstable (AECOM) replied soon afterwards informing me that "with regards to the mitigation options for the GAA, we are not able to share these with you as the discussions are ongoing."
 - At our meeting on 25th January 2019 I requested details of the options being discussed with the WGAA and was informed by Lydia Barnstable (AECOM) "that until discussions with the WGAA had reached a point whereby a form of layout could be agreed, it was not practicable to provide option drawings as these may not reflect potential or practical reconfiguration arrangements."
 - On 30th January 2019 the Planning Inspectorate accepted the DCO Application for Examination and published the Application Documents on their website.
 - On 19th February 2019 I received an email from Jonathan Pizzey (HE) advising that Highways England would shortly be meeting with the WGAA "to discuss the latest proposals – though we are still not certain these would be acceptable. Once we have an agreement of our outline proposals – I would be happy to discuss the details with you."
 - On 23rd February 2019 I received a copy of the complete DCO Application on a USB memory stick from Lydia Barnstable (AECOM).
 - At our meeting on 1st March 2019 Jonathan Pizzey (HE) advised that "an option was being developed within the DCO order limits . . . a variety of configurations utilising land to the south of the existing site were assessed (and) the application focuses on a southern option for reconfiguration as the option that would have the greatest potential environmental impact due to the proximity to a residential property." Jonathan Pizzey (HE) confirmed that Highways England were not aware of any potential locations for a new clubhouse and did not mention any potential locations for a new car park. No drawings of the WGAA options were tabled at the meeting and Jonathan Pizzey (HE) maintained that no information on the options could be made available until an agreement was reached with the WGAA.
 - Later that day I downloaded all of the DCO Application Documents from the National Infrastructure Planning website, instead of reviewing the documents again on the memory stick, just to ensure I had all of the DCO Application documents. As I downloaded the DCO documents I stumbled upon '6.2 - Environmental Statement Figure 3.5 - Warwickshire Gaelic

Athletics Association A-E' and initially thought the document had been uploaded in error as there were 5 drawings showing the proposed mitigation options for the WGAA: the same options Jonathan Pizzey (HE) had told me at the meeting just hours beforehand could not be shared. The options included a new clubhouse and car park adjacent to my property, again contrary to the information provided by Jonathan Pizzey (HE).

- Furthermore, the drawing was on the USB memory stick I had received on 23rd February 2019 but on the stick it had been given the title 'TR010027-000157-TR010027_M42J6_6-2_Environmental_Statement_Figures_Figure 3.5' rather than '6.2 - Environmental Statement Figure 3.5 - Warwickshire Gaelic Athletics Association A-E' as it was on the National Infrastructure Planning website.
 - On 19th March 2019 I received an email from Lydia Barnstable (AECOM) with Highways England drawing 'HE551485-ACM-GEN-ZZ_SW_ZZ_ZZ-DR-ZH-0109' attached. Lydia Barnstable (AECOM) referred to this drawing as "the reconfiguration option, Option 1, which is the layout that has been included for consideration in the DCO application and that is currently being discussed with the GAA." I responded by asking for the location of the drawing within the DCO application but got no reply.
 - On 22nd March 2019 I received an email from Jonathan Pizzey (HE) with the same Highways England drawing 'HE551485-ACM-GEN-ZZ_SW_ZZ_ZZ-DR-ZH-0109' (the 'Option 1 Drawing') attached. Jonathan Pizzey (HE) referred to this drawing as "the proposed DCO mitigation for the WGAA site."
 - On 25th March 2019 I received another email from Jonathan Pizzey (HE) in which he referred to the 'DCO scheme' and gave an explanation of the 'Option 1 Drawing'.
 - At our meeting on 28th March 2019, Jonathan Pizzey (HE) maintained that the 'Option 1 Drawing' was the scheme being discussed with the WGAA and was being progressed through the DCO. After being repeatedly challenged on this, he finally conceded that the 'Option 1 Drawing' was only the default option should HE fail to reach agreement with the WGAA and confirmed it had not been submitted with the DCO Application.
- Can NE please advise on whether he would define a poor communicator as someone who, when participating in the consultation exercise, deliberately withheld information, was not truthful about the availability of information, failed to make me aware of information that was available (amongst 170 DCO Application documents) despite numerous requests, was not truthful about the content of the 5 proposed options for the WGAA and was not truthful about the relevance of the 'Option 1 Drawing'?
 - NE acknowledges "that the information provided by the Applicant to Mr O'Reilly may have been superseded by other information and apologised for any confusion which this may have caused". As can be seen from the example above, this does not quite explain why Highways England deliberately withheld information and were not truthful about the availability of information or the content of that information?
 - Can NE please provide some examples of the superseded 'information' he is referring to?
 - As no information on the WGAA reconfiguration was provided to me, despite numerous requests, perhaps NE can clarify how this could possibly cause me to be confused?
 - Highways England's response to my request for direct access to be provided to my property off Catherine de Barnes Lane rather than off a proposed access lane was as follows:
 - At my meeting with Jonathan Pizzey (HE) on 21st September 2018 I requested direct access be provided to my property off Catherine de Barnes Lane rather than off a proposed access lane.
 - Jonathan Pizzey (HE) advised in his email dated 7th November 2018 that "the team have looked at revised accesses for both Four Winds and the GAA; and determined it would be possible to give you both independent direct accesses onto Catherine De Barnes lane."
 - On 21st December 2018 I received an email from Jonathan Pizzey (HE) advising that "the DCO has been drafted to provide a combined access from the new Barber Coppice Roundabout; however following your representations during the follow-up consultation, we have looked into the possibility of splitting the combined access, and providing you with a direct access off Catherine de Barnes lane; suitable for a domestic residents . . . We would be happy to promote if it's acceptable to yourself." Attached to this email was a drawing showing access

to my property off an access lane, off the access lane to Woodhouse Farm, off the proposed 'Barber's Coppice Roundabout' (see appendix one of my document 'Deadline 2 Submission - Record of engagement with HE and AECOM (12th December 2017 - 6th June 2019).

- Solihull Metropolitan Borough Council (SMBC) document 'Draft Statement of Common Ground between Solihull Metropolitan Borough Council and Highways England', submitted at Deadline 2, confirms "the plan for an alternative access arrangement from Catherine de Barnes Lane to Four Winds" was discussed with them in an email dated 18th October 2018.
 - In Section 3.1 (Issues raised) page 16 of that document, under the heading 'Matters resolved 2017 to December 2018' SMBC questioned whether there was "an alternative access to the WGAA, off Catherine-de-Barnes Lane, that would avoid a link past Four Winds?" Highways England responded with "Highways England has developed a proposal for an alternative access for the WGAA within the Order Limits that has been discussed with SMBC. It was noted that this proposal is preferable to SMBC. Highways England will be putting this forward to the ExA as part of the more detailed proposals for the WGAA reconfiguration."
 - On 22nd March 2019 I received an email from Jonathan Pizzezy (HE) advising that "as we have altered our plans to accommodate your concerns over access . . . we are doing the same with the WGAA and their concerns."
 - Jonathan Pizzezy (HE) confirmed that changes I requested to the proposed access to my property could be made; confirmed it again in an email 7 weeks later; advised in an email 6 weeks after that that the DCO drawings would not incorporate the changes I had requested; then enquired as to whether direct access off Catherine de Barnes Lane to my property would be acceptable.
 - Jonathan Pizzezy (HE) maintained throughout discussions that the proposed access arrangements around my property would be amended to satisfy the concerns I had expressed and to mitigate the impact on my property, when the truth is that SMBC had requested the changes.
 - Throughout the consultation Highways England have only been concerned with the impact of the scheme on the WGAA and, as can be seen above, Jonathan Pizzezy (HE) even resorted to making false statements to make it appear as though my concerns were being considered and remedied.
- Item 2.1.6
- Nick Evans confirms that a timeline of my communications with Highways England was requested by the Examining Authority and subsequently submitted at Deadline 1. Unfortunately, the submitted document contained a number of errors and omissions so I compiled an accurate record of communications which I submitted for Deadline 2: 'Deadline 2 Submission - Record of engagement with HE and AECOM (12th December 2017 - 6th June 2019). Can NE please clarify why a 'complete' document was not submitted as requested by the Examining Authority?
- Item 2.1.7
- Nick Evans confirms that the DCO drawings of the WGAA reconfiguration were "preliminary designs . . . and that more detail would follow". Highways England confirmed that more detail would be provided for Deadline 2 but instead they submitted a revised version of the 'Option 1 Drawing'. It is difficult to conclude that resizing and repositioning two rectangles, adding 6 dimensions and deleting a line (which indicated a proposed environmental barrier) could be considered as 'more detail'. Can NE please advise on when Highways England are actually going to provide "more detail" on the WGAA reconfiguration?
 - NE confirmed "that the final designs must accord with these preliminary designs and could not go beyond the parameters set out in the DCO". It is my understanding that Highways England must minimise the impact on my property. The 5 options submitted in the DCO Application include a new car park adjacent to my property; a new clubhouse adjacent to my property; and a new hurling wall in the field adjacent to my property. Is NE suggesting that these are the parameters Highways England must not go beyond?
- Item 2.1.8
- Nick Evans confirms that Highways England "did not consider that the acquisition of Mr O'Reilly's land was justified, given the amount of land already included in the red line boundary is sufficient to mitigate the impacts on WGAA".

- The first issue with NE’s statement is that he confirms the determining factor for not considering the acquisition of my property was “the amount of land already included in the red line boundary”. However, this is different to the reasons given previously:
 - At our meeting on 1st March 2019, Jonathan Pizzey (HE) confirmed an option that included my property was not explored as the cost would be considerable.
 - Highways England’s Deadline 2 submission ‘8.21 Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association Facility’ confirms an option that included my property was not explored because:
 - “The property was not immediately contiguous with the existing WGAA site while a number of other reconfiguration options were directly contiguous with it. This option was therefore not considered to deliver a proportionate response to the impact on the club arising from the Scheme.
 - Other reconfiguration options required less, and more cost effective, land-take than the options involving Four Winds and would be on land immediately adjoining the WGAA site. The other options were therefore better mechanisms for reconfiguring the WGAA.
 - Were Four Winds included for the WGAA reconfiguration there would be a further social impact arising from the DCO Scheme resulting from the demolition of an additional residential property.
 - In line with the Compensation Code, the Applicant did not consider it justifiable to seek permanent acquisition rights over Four Winds (compulsorily or otherwise) when it was clear that other, more proportionate mitigation options existed. Nor was it considered an appropriate use of public funds for this same reason”.

The simple fact of the matter is that Highways England have ignored the impact on my property when exploring ‘options’ for the reconfiguration of the WGAA site as they know it is going to cost them more to properly consider the impact on my property.

They suggest there would be a further social impact by including my property in the WGAA reconfiguration but ignore the considerable social impact their scheme and the WGAA reconfiguration proposals will have on my property.

Highways England are fully aware that once works are complete, they will be washing their hands of the scheme and its impact and Solihull Metropolitan Borough Council will be left to deal with the consequences.

- The second issue with NE’s statement is that if Highways England’s draw a red line boundary on a land plan and then promote an area of land as a potential site to mitigate the impacts on the WGAA they could reasonably be expected to carry out due diligence beforehand to determine the viability of using that land for the intended purpose, rather than defining it a an ‘option’ from the outset.
 - In HE Document ‘6.1 Environmental Statement Chapter 4 – Scheme History and Alternatives’ Highways England defined their ‘options’ for mitigating the WGAA site as the ‘the northern options’, ‘the western options’, and ‘the southern options’:
 - The northern options:

Proposed using land to the north of the existing site however the meeting minutes from their meeting with Birmingham Airport on 8th May 2018, suggest this was never an option: “Jonathan Pizzey (HE) raised the issue of whether a GAA pitch could be relocated into the field to the north of the clubhouse. Andrew Davies (BIA Safeguarding) had immediate concerns with this as it would move the pitch and any associated goal posts within the airport safeguarding zones. Andrew Davies (BIA Safeguarding) requested

that a study be undertaken to determine whether the goal posts would penetrate the airport safeguarding surfaces". These options are rejected by Highways England due to opposition from Birmingham Airport and in fact no options are explored.

- The western options:
Proposed using land to the west of the existing site but again this was also never really an option as that land is an historic landfill site i.e. defined as a place "where records of waste being received to be buried are now closed, meaning there is no Pollution Prevention and Control (PPC) permit or waste management licence currently in force". These options are rejected by Highways England due to remediation costs and health concerns and in fact no options are explored.
- The southern options:
Proposed using land to the south of the existing site. It is currently a greenfield site, but brings the WGAA site closer to my property which will obviously be impacted by the reconfiguration. It could reasonably be considered as the path of least resistance. Highways England decide to progress the southern option and develop five layout options to be submitted with the DCO Application but I am not consulted, despite the fact they consulted with Birmingham Airport on the northern options.

Given the above it is not difficult to conclude that Highways England have simply carried out an exercise to give the impression they explored all options for the reconfiguration of the WGAA, knowing from the outset that they could justify not using the northern options and western options, intentionally leaving them with no alternative to using the remaining southern options, which were always their preference.