

**Deadline 7 Submission**

**Compulsory Acquisition Hearing 2 (22.10.2019) - Comments**

HE document '4.1 Statement of Reasons' states that "It is the intention of the Applicant to submit further updates post-application, either when appropriate or as directed by the Examining Authority in the form of a Compulsory Acquisition Schedule". However, no updates appear to have been provided.

#### Four Winds:

- Highways England (HE) have provided a drawing but unfortunately it lacks sufficient detail for meaningful discussion.
- HE have committed to further discussions regarding the boundary works around my property but nothing has been scheduled.
- Given it has now been confirmed that a number of issues will impact my property and will require professional advice – boundary changes, the Ad Medium Filum rule and compulsory purchase – I would ask that HE agree to cover the cost of a professional advisor.

#### WGAA:

- In its DCO application for the Scheme, Highways England (HE) seeks compulsory acquisition powers in respect of certain land interests.
- The HE scheme will impact one of the pitches located in the north of the Warwickshire Gaelic Athletic Association (WGAA) site, may also impact the pitch located in the south of the site, will impact 39 parking spaces and will impact access to the clubhouse. As a consequence of this HE have proposed to reconfigure the WGAA site.
- HE document 'TR010027-000444-TR010027\_M42J6\_8.21\_WGAA\_Proposed\_Reconfiguration' includes a drawing (Figure 8.21) of the proposed reconfigured site and item 1.2.3 of that document confirms that the key elements of the proposed WGAA reconfiguration are as follows:
  - a. a new access off Catherine-de-Barnes Lane and access track to the existing clubhouse and new car parking area;
  - b. new car parking to the west and north of the clubhouse broadly equivalent in size to that which will be lost by the Scheme;
  - c. two new, approximately north-south facing sports pitches (85m x 135m and 80m x135m respectively) with the third pitch retained;
  - d. ball stop fencing; and
  - e. relocation of the memorial
- Item 1.2.3 a. specifically states the new access and access track are to the existing clubhouse and new car parking area only.
- Item 1.2.3 b. specifically states new car parking equivalent in size to that which will be lost is to be provided to the west and north of the clubhouse only.
- Item 1.2.3 c. specifically states two new pitches will be 85m x 135m and 80m x135m respectively.
- Figure 8.21 specifically shows the size and position of the two new pitches on the reconfigured site.
- The compulsory acquisition powers are therefore to be used for the specific purpose of facilitating the above works under the DCO.
- That said, it is hard to conclude that HE can justify the acquisition of land outside the existing WGAA site to facilitate these works as there does not appear to be a compelling case in the public interest to do so, particularly as HE confirmed a number of relocation sites were offered to the WGAA and rejected out of hand.
- Furthermore, HE are unable to provide any reasonable justification for the use of compulsory acquisition powers to acquire land that currently provides income to a landowner in order to provide leisure facilities to a private members club, other than as a means to remove an objection to their proposed scheme.
- It is also difficult to understand how compulsory acquisition powers can be used to facilitate works that will have a detrimental impact on my property and are therefore in contravention of the right to peaceful enjoyment of possessions under The Human Rights Act.
- Should these works be taken out of the DCO and submitted under a separate planning application it is difficult to understand how, in that event, any compulsory acquisition powers in respect of the proposed reconfiguration of the WGAA site (under the DCO) can still apply.
- In the event that these works are taken out of the DCO and submitted under a separate planning application, one can only conclude that, given the difficulties in justifying the use of compulsory acquisition powers under the DCO, any land required could only be acquired through negotiation as compulsory acquisition powers could not be used.