

# **M42 Junction 6 Development Consent Order**

**Scheme Number TR010027**

## **8.21 Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association Facility**

Planning Act 2008

Rule 8 (1)(k)

The Infrastructure Planning (Examination Procedure) Rules 2010

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## Infrastructure Planning

### Planning Act 2008

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# M42 Junction 6 Development Consent Order

## Development Consent Order 202[ ]

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### Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association Facility

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<b>Regulation Number</b>	Rule 8(1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010027
<b>Document Reference</b>	8.21
<b>Author</b>	Highways England

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# 1 Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association Facility

## 1.1 Introduction

- 1.1.1 At the M42 Junction 6 (the Scheme) Development Consent Order (DCO) Open Floor Hearing on 21 May 2019 Mr O'Reilly, the owner of Four Winds, raised concerns to the Examining Authority about the lack of clarity on the Applicant's proposals to reconfigure the Warwickshire Gaelic Athletic Association (WGAA) facility and the subsequent impact that this might have on his property.
- 1.1.2 In responding to queries raised by the Examining Authority on this matter, the Applicant confirmed that it would:
  - a. provide an update to the Examining Authority on the reconfiguration and mitigation proposals that it would be promoting within the DCO Scheme; and
  - b. confirm to the Examining Authority whether it had considered a reconfiguration option that would involve the inclusion of Four Winds.
- 1.1.3 This Paper sets out the Applicant's Response to these issues.

## 1.2 Update to the Examining Authority on the reconfiguration and mitigation proposals

- 1.2.1 The Applicant's proposed solution to mitigate the impact of the Scheme on the WGAA facility is shown in **Figure 8.21**, Proposed Reconfiguration of WGAA facility, in **Appendix A** to this Paper.
- 1.2.2 **Figure 8.21** is a variant of Option 5, one of five mitigation options developed and assessed within the Environmental Impact Assessment. The extents and configuration of Option 5 are illustrated in Figure 3.5e in Volume 2 of the Environmental Statement [APP-069, Volume 6.2] and re-provided as **Appendix B** to this Paper.
- 1.2.3 The key elements of the proposed WGAA reconfiguration within **Figure 8.21** are:
  - 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.

- 1.2.4 Under these proposals, the nearest sports pitch would be approximately 120 metres from the edge of Mr O'Reilly's boundary at Four Winds.
- 1.2.5 An early iteration of this reconfiguration proposal, including slightly smaller pitches to those shown in **Figure 8.21**, was shared by the Applicant at a meeting with the Chairman of the WGAA and the club's Land and Property Agent at a meeting on 3 June 2019.
- 1.2.6 Following the meeting of 3 June 2019 between the Applicant and the WGAA, the WGAA's representative provided the Applicant with a plan on 4 June 2019 showing an alternative reconfiguration layout to that set out by the Applicant. The WGAA's reconfiguration proposals covered an area larger than that proposed by the reconfiguration proposals within **Figure 8.21**.
- 1.2.7 **Figure 8.21** was shared with the WGAA by email on 21 June 2019 in advance of this Paper being submitted to the Examining Authority.
- 1.2.8 The Applicant understands that the WGAA continues to prefer its own reconfiguration proposals. Whilst the Applicant will continue to engage with the WGAA on these matters, it considers that its reconfiguration proposals in **Figure 8.21** provide a proportionate solution to directly mitigate the impacts on the WGAA from the Scheme and to minimise the land to be permanently acquired from adjoining landowners.
- 1.2.9 The reconfiguration proposals illustrated in **Figure 8.21** are also considered to fall within the maximum development parameters upon which the Environmental Impact Assessment of the Scheme was undertaken, the approach to which is reported within Chapter 5 of Volume 1 of the Environmental Statement [**APP-050/ Volume 6.1**]. As such, no new or different significant adverse environmental effects, additional to those reported in the Environmental Statement, are likely.
- 1.2.10 Like the DCO Scheme as a whole, the proposals within **Figure 8.21** represent a preliminary design option. Once the final detailed design for the reconfiguration is developed it must comply with Requirement 3 to the dDCO. Should a scheme be promoted at a later stage by the WGAA that varies from that in **Figure 8.21** and goes beyond the scope of the DCO, this will require authorisation by a separate planning permission.

### 1.3 Did the Applicant Consider acquiring Four Winds (land and house) as part of its WGAA Reconfiguration Proposals?

1.3.1 The Applicant does not consider the acquisition of Four Winds for the purposes of accommodating the WGAA reconfiguration is either necessary or justifiable.

1.3.2 In developing options for the reconfiguration of the WGAA the Applicant did consider using land at Four Winds, including the existing property. This option was however not progressed for the following reasons:

- I. 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.
- II. 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.
- III. 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.
- IV. 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.

## Appendix A: Figure 8.21- Proposed WGAA Reconfiguration Plan

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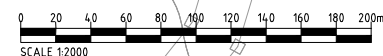
**NOTES**  

LIMITS OF LAND TO BE ACQUIRED OR USED PERMANENTLY OR TEMPORARILY (THE ORDER LIMITS)

LAND NOT INCLUDED WITHIN THE ORDER LIMITS

EXISTING WGAA SITE

EXISTING ALIGNMENT OF ESSO FUEL LINE BASED UPON AS-BUILT RECORDS RECEIVED 25/03/2019. DRAWING REFERENCE 6225/DR/BL/LR/10027 REV X5.



DRAFT

FOR INFORMATION

M42 JUNCTION 6 IMPROVEMENT

FIGURE 8.21  
PROPOSED DCO MITIGATION  
RECONFIGURATION  
OF WGAA

Designed JCH	Drawn JCH	Checked ME	Approved NC	Date 19/06/19
Internal Project No. 60543032			Suitability S2	
Scale @ A1 N/A			Zone Scheme Wide General	
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First Issue	JCH	20/06/19	C01
Revision Details	By Check	Date	Suffix

Appendix B: Figure 3.5e – WGAA Reconfiguration  
Option 5 (Taken from ES Ref: APP-069, Volume 6.2)

Filename: K:\GIS Management\60543032 - M42 Jct 6 GIS Folder\_GIS\01\_Maps\02\_Figures\New Template\FIGURE 3.5.mxd



NOTES  
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FIRST ISSUE	GB	JG	12/12/18	C01
Revision Details	By	Check	Date	Suffix

Purpose of Issue  
DCO SUBMISSION

Client  
Highways England  
Floor 5  
Two Colmore Square  
38 Colmore Circus  
B4 6BN



Development Consent Order Number  
TR010027

Project Title  
M42 JUNCTION 6  
IMPROVEMENT

Drawing Title  
FIGURE 3.5E  
WARWICKSHIRE  
GAELIC ATHLETIC ASSOCIATION  
OPTION 5

Designed JH	Drawn GB	Checked JG	Approved JG	Date 12/12/18
Internal Project No 60543032			Suitability D7	
Scale @ A3 NTS			Zone M42	

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