

A66 Northern Trans-Pennine Project

TR010062

4.5 Statement of Common Ground with the Gypsy and Travellers Representatives (Rev 2)

APFP Regulations 5(2)(q)

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The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

A66 Northern Trans-Pennine Project Development Consent Order 202X

4.5 STATEMENT OF COMMON GROUND WITH THE GYPSY AND TRAVELLER REPRESENTATIVES

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Planning Inspectorate Scheme	TR010062
Reference	
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Rev 1	13 June 2022	DCO Application
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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A66 Northern Trans-Pennine ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 This SoCG seeks to summarise and explain the respective parties' positions on issues but does not seek to replicate in full information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where the Applicant understands agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4 This SoCG has been prepared by the Applicant and in its view provides an accurate record of discussions to date and a summary of the issues that are either agreed, subject to further discussion or not agreed. The Applicant will work to agree and submit joint working drafts of the SoCG as the examination progresses. Prior to the end of the examination, the Applicant intends to submit jointly on behalf of both parties a final SoCG confirming what matters have been agreed and have not been agreed, and if any remain under discussion.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant. It has been shared with (2) the Gypsy and Traveller Representatives. for comment prior to the submission of the DCO. Where feedback has been received from the Gypsy and Traveller Representatives (either directly on the draft or pursuant to another submission by the Gypsy and Traveller Representatives) it has been incorporated into the latest draft by the Applicant.
- 1.2.2 The Applicant has set out the detail of the issues raised by the Gypsy and Traveller Representatives to date and each of the SoCG parties' respective positions. This is intended to assist the Examining Authority in understanding where discussions have reached to date. The Applicant intends to narrow the issues and level of detail in this SoCG as the examination progress and further matters are agreed.
- 1.2.3 National Highways (formerly Highways England) became the Governmentowned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State.



1.2.4 The Gypsy and Traveller Representatives represents the wider Gypsy, Traveller, Roma community which has interests in local events such as Appleby Fair and Brough Hill Fair. The community stakeholder is responsible for sharing the views of their community on the proposed works to the A66.

1.3 Terminology

- 1.3.1 In the table in the Issues section of this SoCG:
 - "Agreed" indicates area(s) of agreement from the Applicant's perspective;
 - "Under discussion" indicates area(s) of current disagreement from the Applicant's perspective, where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination;
 - "Not agreed" indicates a final position for area(s) of disagreement from the Applicant's perspective, where the resolution of different positions will not be possible, and parties agree on this point.
- 1.3.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to the Gypsy and Traveller Representatives, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, unless otherwise raised in due course by the Gypsy and Traveller Representatives.



2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between National Highways and the Gypsy and Traveller Representatives in relation to the Application is outlined in table 2.1.

Table 2.1 – Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes		
03.02.2021	Phone Call	Phone call between Bill Lloyd, National Highways and the Project Team discussing cultural significance of the local Fairs.		
18.03.2021	Email	Correspondence between Bill Lloyd and National Highways communications team to discuss contacts with the Gypsy and Traveller Facebook groups.		
19.03.2021	Email	Correspondence between Bill Lloyd and the Project Team to discuss the potential for a Gypsy and Traveller Focus Group.		
22.03.2021	Phone Call	Message left by Bill Lloyd with Project Team notifying of impacts of resurfacing works on Appleby Horse Fair traffic.		
23.03.2021	Letter	Letter issued from Project Team to Bill Lloyd regarding the resurfacing works in Appleby.		
07.04.2021	Phone call	Correspondence between Billy Welch and the Project Team discussing Brough Hill Fair and meeting availabilities.		
20.04.2021	Email	Email from Project Team exploring other examples of Gypsy Fair relocation and asking for details of the charter.		
09.06.2021	Phone Call	Phone Call between Bill Lloyd and Project Team discussing the history, legal status and operations of Brough Hill Fair.		
11.06.2021	Email	Email from Project Team with meeting note and leaflet regarding junctions appended.		
06.07.2021	Email	Email from Project Team to Bill Lloyd with meeting notes of phone meeting.		
16.07.2021	Email	Email from the Project Team to Bill Welch attaching leaflet in the Warcop event.		
17.07.2021	Email	Email between Project Team and Bill Lloyd regarding meeting note amendments.		
16.07.2021	Phone Call	Phone call between Billy Welch and Project Team to discussing the relocation of Brough Hill Fair and invitation to the drop-in regarding alternatives for this part of the project.		
13.08.2021	Phone Call	Phone call between Billy Welch and Project Team discussing Brough Hill Fair.		
19.08.2021	Email	Correspondence between Billy Welch and Project Team regarding site for Brough Hill Fair.		
01.10.2021	Meeting	Meeting with Project Team.		
03.11.2021	Phone Call	Phone call between Billy Welch and Project Team discussing stat-con feedback.		



Date	Form of correspondence	Key topics discussed and key outcomes		
05.11.2021	Email	Email from Project Team to Bill Lloyd and Bill Welch with typed up feedback for stat con response.		
05.11.2021	Email	Correspondence between Billy Welch and Project Team to agree that the response which was dictated over the phone and written up by Rachel Smith was accurate.		
08.02.2022	Meeting	On site to discuss changes to Appleby access arrangement and removal of impact on Fair Hill site. Also discussed site for Brough Hill Fair.		
25.02.2022	Email	From Project Team regarding meeting to discuss alternative sites.		
04.03.2022	Meeting	With Project Team in Darlington to discuss both sites.		
09.03.22	Email	Email from Project Team to MASG chair and Bill Lloyd to advise of additional consultation		
11.03.2022	Email	Leaflet and brochure for the supplementary consultation around site for Brough Hill Fair.		
14.03.2022	Meeting	Meeting on site with Billy Welch to look at the two alternative sites for Brough Hill Fair.		
08.04.2022	Email	Email from Project Team to Billy Welch with visualisations of alternative 'bivvy' site.		
20.04.2022	Email	Email from Project Team to Bill Lloyd with visualisations of alternative 'bivvy' site.		
25.04.2022	Email	Email from Project Team asking for feedback on Brough Hill visuals and offering meeting to discuss.		
24.04.2022	Phone call	With Billy Welch regarding feedback on sites and next steps.		
27.04.2022	Email	Email from Project Team to Billy Welch to follow up in emails and provide next steps		
04.05.2022	Phone call	From Billy Welch to ask for email to be resent.		
04.05.2022	Email	Resending previous email and reiterating offer to help further. Attaching letter send to local authorities and parish councils.		
11.6.2022.	Email	To Bill Lloyd and Billy Welch to send SoCG for review		
17.6.2022.	Email	From Bill Lloyd acknowledge receipt and suggest he will work with Billy Welch on this SoCG.		
29.7.2022.	Email	To Bill Lloyd and Billy Welch to alert them to the period for relevant reps beginning and sending note on how to apply to speak.		
29.7.2022.	Email	From Bill Lloyd acknowledging receipt and suggesting he will discuss with Billy Welch.		
31.10.2022.	Email	To Billy Welch and Bill Lloyd to request meeting to discuss PADS.		
2.11.2022.	Email	From Bill Lloyd to suggest meeting can go ahead without him.		
4.11.2022.	Email	To request a meeting with Billy Welch to discuss PADS.		
18.11.2022.	Phone call	Update discussion with Bill Lloyd around opportunities for speaking at hearings.		



Date	Form of correspondence	Key topics discussed and key outcomes
23.11.2022.	Meeting	Meeting with Billy Welch in Darlington to discuss PADs and hearings.
19.01.2023	Meeting	Meeting on site with Billy Welch to review and discuss plans and visualisations submitted by the Applicant for Deadline 1.

2.1.2 It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) National Highways and (2) the Gypsy and Traveller Representatives in relation to the issues addressed in this SoCG.



3 Issues

Table 3-1: Record of Issues – Agreed Issues

Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
3-1.1 Impact on the Appleby Fair Hill site Temple Sowerby to Appleby Scheme The design presented at statutory consultation show an incursion onto Fair Hill in Appleby which is used by the Gypsy and traveller community for the annual Appleby Horse Fair.	Statutory consultation map books and brochure	The Gypsy and traveller community consider the Appleby site to be 'sacrosanct' and no impact is acceptable. However, the eastbound slip road is a good idea and would ease traffic flow and better for the Fair.	The design has been amended since statutory consultation due to required deviations from design standards, safety concerns and in light of feedback from the attendees of the fair and the local authorities. The junction previously impacting the site has now been removed and there is no longer any impact upon the site of the Appleby Fair.	Agreed	Oct 2021

Table 3-2: Record of Issues – Under Discussion Issues

Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
3-2.1 Replacement site for Brough Hill Appleby to Brough The redesigned A66 utilises a large part of the site currently used by the gypsy community for the		The gypsy community deem the proposed site on the MoD's bivvy site (next door to the current site) is not suitable. The site is too close to A66, too small and there are concerns that the field has been used for cattle.	The proposed site is 5.4 acres which is comparable to the existing Brough Hill site. It is also flatter and squarer. Both the landowner and the neighbouring farmer have assured National Highways that the field	Under discussion	24.01.2023



Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
annual Brough Hill Fair.		The site is also rutted and uneven. This remains the gypsy community's position in January 2023.	has not been used for cattle in living memory. Site plans with further detail shared Dec 22. The plans shared are included as Appendix A to this		
3-2.2 Replacement site for Brough Hill Appleby to Brough		The slither of the old site which remains is too narrow to park caravans or tether horses.	SoCG. The current site is also narrow and adjoins the A66. The Bivvy Site is twice the width of the existing site at the widest points. The proposed site is 4.3 acres and the remaining site (that part of the existing site that is also included in the replacement site) is 1.1 acres giving a total site area of 5.4 acres (broadly the same size as the existing Brough hill Fair site).	Under discussion	24.01.2023
3-2.3 Replacement site – horse safety concerns	Concerns raised at preliminary hearings (November 2022) regarding horses accessing adjacent A66.	The double leaf horse security fence treatment the Applicant is proposing along the northern boundary of the Bivvy Site does not guarantee horse safety. Concerns that the proposed fencing will deteriorate over time and become less secure. Double gated arrangement is not suitable due to need for constant access and egress.	Subsequently the Applicant has proposed double leaf fencing to mitigate this issue. The Applicant is proposing a double leaf fencing arrangement, the maintenance of which would be secured via a maintenance agreement. It was agreed that Billy Welch would discuss the fencing	Under discussion	24.01.2023



Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
			proposals with the Gypsy community. We will continue to engage with the Gypsy community on this issue.		
3-2.4 Transfer of rights to alternative site	Email of 21.12.2022 from Bill Lloyd	Billy Welch had understood from telephone calls with you, and from a conversation at a site meeting, that you were aware of the registered rights associated with the current site of Brough Hill Fair, and that their rights were clear, and enforceable. We took that assurance at face value, so it was a surprise when the Inspector stated, based on the draft DCO, that the rights were not defined and not registered. The Applicants representative further stated that these rights are not proprietary rights and could not comment on the fact that the Office Copy of the Title is not visible from a Land Registry search. He went on to say that National Highways proposed to transfer these rights as an undefined bundle, 'similar' to the rights in the 1947 conveyance, but not identical. This is unacceptable, and we have challenged these proposals	Article 36 of the Draft Development Consent Order refers to the Relocation of Brough Hill Fair. The purpose and effect of this article is to enable any customary or prescriptive rights that may subsist in relation to the holding of the Brough Hill Fair to be relocated to the replacement Brough Hill Fair Site. It is required in order to facilitate the relocation of the Brough Hill Fair. Following ISH2, the Applicant amended article 36 of the draft DCO at Deadline 2 [REP2-005] to more clearly express the process to be followed in order to transfer the Brough Hill Fair rights. The Applicant has explained in its oral submissions and subsequently (see Agenda Item 5.0 in [REP1-009] and associated appendices) that the nature of the Brough Hill Fair rights is not a matter for National Highways to determine or adjudicate upon. The provisions of article 36 will have the effect, if the DCO is granted,	Under discussion	24.01.2023



Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
		in written submissions which explain our argument in detail. We are unfamiliar with the procedures, but I assume that the draft SoCG should reflect the concerns set out in our Deadline 1 submissions.	in transferring the location in relation to which they are exercised. The character or status of the Brough Hill Fair rights would not otherwise be affected. Article 36 has been shared with Billy Welch by email for information and was discussed at the meeting on 19 January 2023 We will continue to engage with the Gypsy community to re-assure community that the rights will be transferred to the replacement site.		
3-2.5 Alternative replacement site for Brough Hill Appleby to Brough Proposed alternative site suggested closer to Brough. The redesigned A66 utilises a large part of the site currently used by the gypsy community for the annual Brough Hill Fair	Alternatives consultation brochure Brough Hill replacement site winter 2021/2022	The proposed alternative site at Brough is not suitable. It is smaller and has potential flooding issues. Any reprofiling to mitigate flooding would make the site more dangerous for children and horses. The proximity to Brough is positive s is the access lane which would allow access to the village without using he A66.	Consultation has been undertaken with the Gypsy community and the local residents to gather feedback on both sites – Brough and the bivouac site at Warcop. The outcome of this process is that we have included the bivouac site within the DCO for the replacement site for the Brough Hill Fair. We have chosen this site following the supplementary consultation because it is more than twice the size of Site 2 Eastern Site, has the ability for better mitigation than Site 2 Eastern Site in terms of earth bunding and planted screening to the upgraded A66 and nearby	Under discussion	May 2022



Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
			businesses, has good access from Station Road and has less drainage issues than first anticipated. It also maintains the cultural connection to the existing Brough Hill Fair site by being alongside and using part of the old site in the layout.		
3-2.6 Alternative route alignment suggested by Billy Welch, Gypsy community representative.	Discussed during in person meetings as set out in Table 2	The 'Billy Welch' straight line option for the route would bypass on the straight line – 100 yards north. This is shorter in construction terms and would need less slips and local access provision. It would leave the A66 as a local road for walkers, cyclists and horses, and contractors could continue to use the old road during construction. The fair could remain on the current site and the only impact would be on an unattractive area of heathland. This solution is better for National Highways, Warcop and the Gypsy community.	We have investigated both the 'Billy Welch' route and the route proposed by the parish council which would be further north into the AONB. Through the design stage, work has been carried out to ensure that the route taken forward minimises the impact of and potential damage to the North Pennines AONB, which is protected as a nationally designated site by legislation and policy. In accordance with the National Networks National Policy Statement (NNNPS) paragraph 5.151, the Secretary of State is directed to refuse development consent in nationally designated areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest. A route even further into the AONB and MOD land to the north of the existing	Under discussion	March 2022



Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
			A66, would have considerable impact on the AONB and MOD operations and would highly likely not obtain a grant of DCO. In relation to comments on the ability of the old A66 to provide for walkers, cyclists and horse riders (WCH), the existing A66 east of Warcop is retained as part of the local road connecting into Brough and allowing for WCH as well as local traffic.		
DCO Relevant represen	tations				
3-2.7 Cultural connection of existing site	Discussed during in person meetings as set out in Table 2	The site is an ancient site with cultural, heritage and ancestral significance of great importance to this community.	The layout for the proposed bivvy site allows for the remainder of the Brough Hill site to be incorporated into the new site. This will help to maintain the cultural connection to the old site. Site plans with further detail shared Dec 22 (Appendix A of this SoCG). We will continue to engage with the Gypsy community on this issue.	Under discussion	24.01.2023
3-2.8 Size of replacement site	Discussed during in person meetings as set out in Table 2	Proposed alternative site is too small, being less than half the size of the original site. It is inadequate for the number caravans and grazing horses.	The new site is 5.4 acres which is the same size as the existing Brough Hill Site. The existing site appears larger as it is long and thin while the new site is deeper	Under discussion	24.01.2023



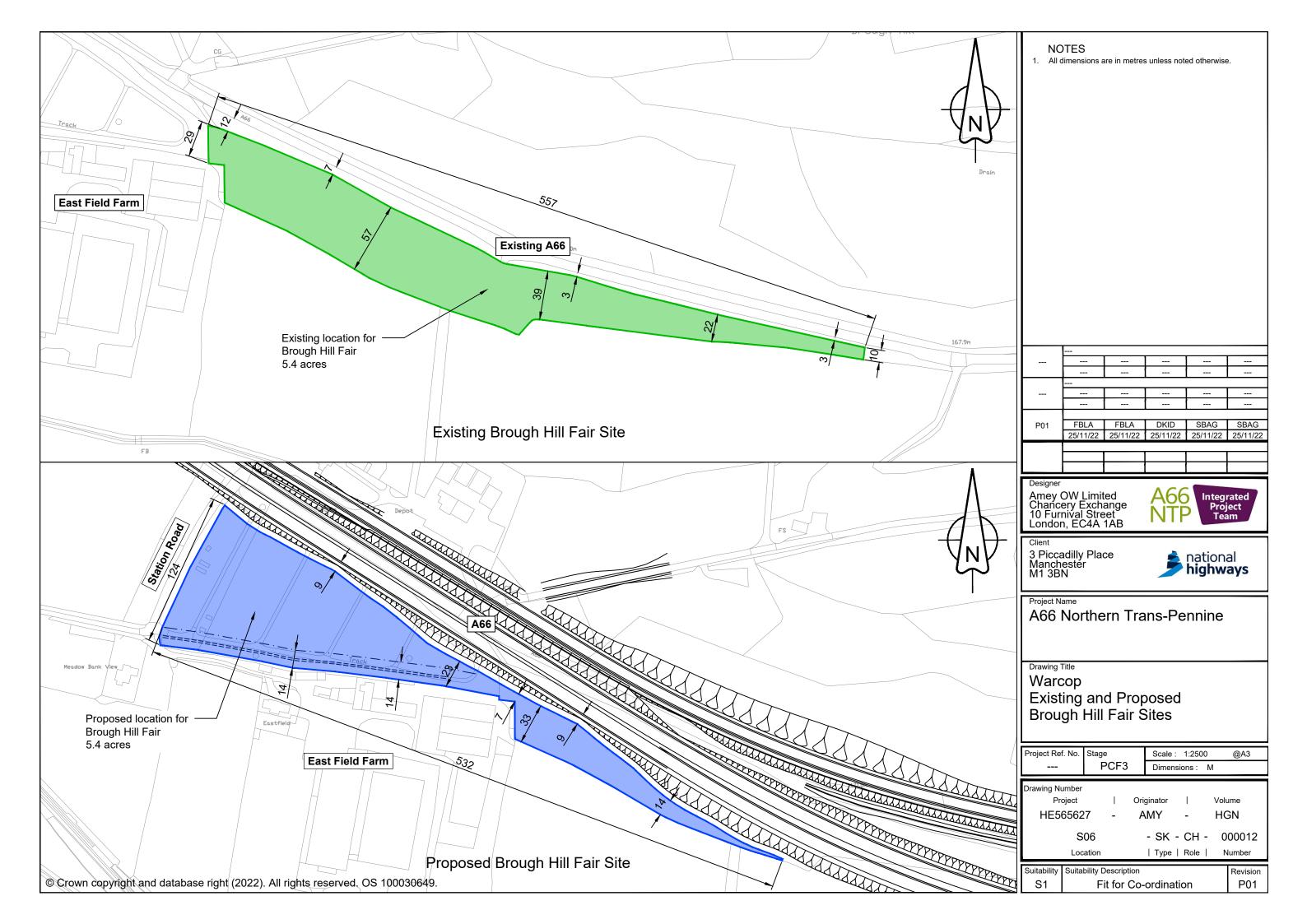
Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
3-2.9 Noise issue	Discussed during in	The small size of the proposed	and is more distanced from the A66. The benefit of the new site over the old Brough Hill site is that it can be levelled to create a flatter more usable area. Site plans with further detail shared Dec 22 (Appendix A of this SoCG). We will continue to engage with the Gypsy community on this issue. Noise modelling has been	Under	24.01.2023
	person meetings as set out in Table 2	alternative site means that caravans and horses will be too close to fast moving traffic on the new dual carriageway. The existing site was large enough to allow some distance between caravans, horses and existing single carriageway road.	produced, which looks at the current noise produced by the A66 and predicts how loud that noise would be with additional traffic after the road is constructed. These predictions showed that the noise levels on the new site will be considerably less than those experienced at present on Brough Hill, given the proposed noise mitigation. Noise modelling was discussed at the meeting held in January 2023.	discussion	

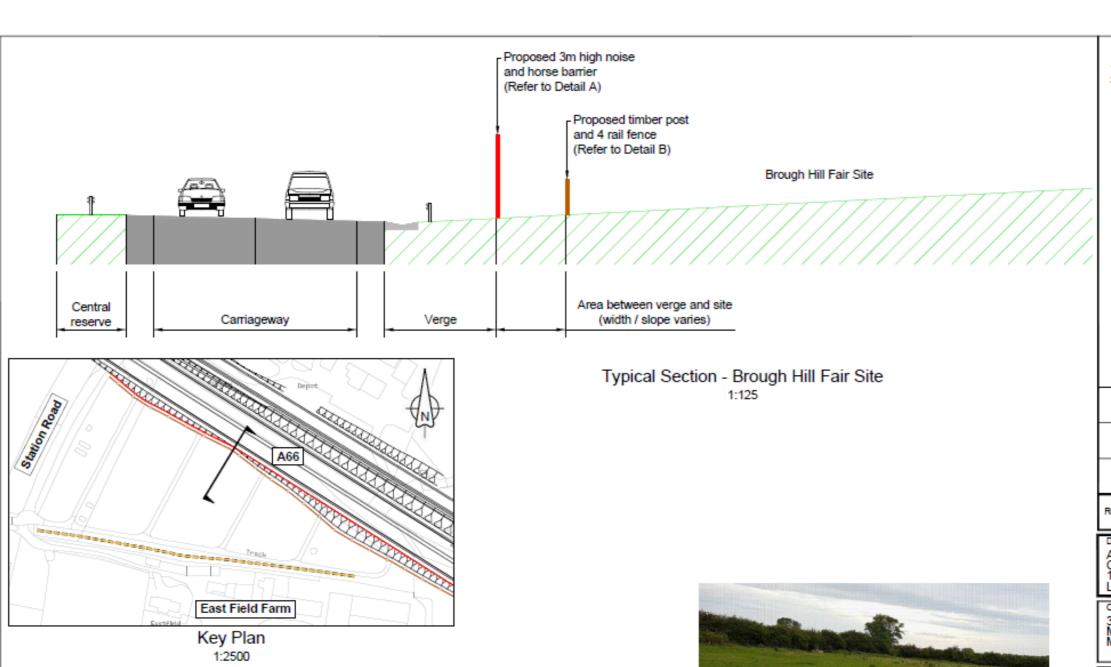


Issue	Document References (if relevant)	Gypsy and Travellers Representatives Position	National Highways Position	Status	Date
			We will continue to engage with the Gypsy community on this issue.		
3-2.10 Concern regarding impacts on adjoining property	Discussed during in person meetings as set out in Table 2	The proposed site is too close to a dwelling, being immediately outside of Mr Heron's front door.	While the proximity to Mr. Heron's front door is not a problem for the gypsy community they do not want to impact on Mr. Heron and are concerned about visual and noise impacts on Mr. Heron's property. The bunding provided along the site is 3m tall and would mitigate any visual or noise impacts from	Under discussion	23.11.2022.
			the site onto Mr. Heron's property.		
3-2.11 Re-locating the new A66 through the AONB to the north of Warcop	Discussed during in person meetings as set out in Table 2	An alternative and shorter route for construction of the new road exists to the north of the A66.	Any incursion into the Area of Outstanding National Beauty (AONB) needs to have regard to policy contained within the National Networks National Policy Statement.	Under discussion	23.11.2022.



Appendix A: Site Plans shared with the Gypsy Community December 2022









Detail A - Proposed 3m High Noise and Horse Barrier (or similar approved)

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Detail B - Proposed Timber Post and 4 Rail Fence (or similar approved)

NOTES

- All dimensions are in metres unless noted otherwise.
- Proposed Timber Post and 4 Rail fence to minimum height of 1.3m as per British Horse Society Guldance.

KEY

Proposed fence (min 1.3m high)

==== Proposed 3m high earth bund

------ Proposed 3m high noise and horse barrier

Proposed typical section marker

-				-			
					-		
-							
	-			-			
P01	FBLA	FBLA	ASCR	DKID	DKID		
	08/12/22	08/12/22	08/12/22	08/12/22	08/12/22		
	Revision details						
Revision	Created	Checked	Reviewed	Approved	Authorised		
	dd/mm/vv	dd/mm/w	dd/mm/vv	dd/mm/vv	dd/mm/vv		

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Project Name

A66 Northern Trans-Pennine

Warcop
Brough Hill Fair Site
Typical Section
Sheet 1 of 1

Project Ref. No.	Stage	Scale: As Shown	@A3
	PCF3	Dimensions: M	

Sultability	Sultability Description	Revision
S1	Fit for Co-ordination	P01





