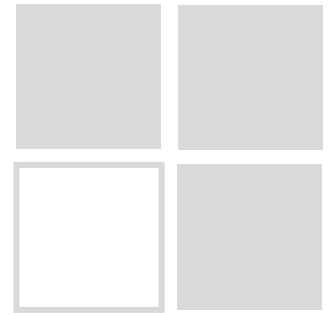


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**A66 Northern Trans- Pennine Project Examination**

**Deadline 5, Post-Hearing Submission (including Written Submission of Oral Case)**

**Relating to Environmental Statement, Intangible Cultural Heritage, and Equality Impact Assessment**

**On behalf of the Brough Hill Fair Community Association**

## **1.0 Introduction**

- 1.1 This submission builds on the previous submissions by the Brough Hill Fair Community Association. It expands on the oral submissions at the hearing on 2 March. It focusses on whether the Environmental Statement is consistent with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations and equality legislation. It responds to points made by National Highway (NH) in its Deadline 4 Submission responding to the Examining Authority's questions.
- 1.2 Through this submission the Brough Hill Fair Community Association confirms that relocation of the Fair to the 'Bivvy site' does not meet its requirements for the relocation of the Fair and is not acceptable to it.
- 1.3. Through this submission the Community Association formally requests the Examining Authority to require the Applicant to include the Intangible Cultural Heritage of the Brough Hill Fair in its Environmental Management Plan, as required by Legislation, and to consult with the Equality and Human Rights Commission and the Homes and Communities Agency accordingly.
- 1.4 We would invite the Examining Authority to require National Highways to develop and appraise reasonable alternatives for the section of the A66 east of Warcop, including an alternative based on the 'Billy Welch Straight Line' alignment, retaining the Brough Hill Fair in its present location and retaining the existing A66 as a local access road.

## **2.0 Background**

- 2.1 On behalf of the Romany Gypsy community who visit the Fair, the Brough Hill Fair Community Association has attempted to engage in the A66 Project process, including in regard to National Highway's (NH's) proposals to relocate the site. Its representations have focused on:
  - the historic heritage of the Fair (Rep4 048 to 052 refers);

- the legal rights to the Fair and the potential mechanisms to relocate it; and
- promoting an alternative alignment for the road, '*the Billy Welch straight line*' which would move the road alignment to the north and allow the Fair to remain in its current location.

2.2 The Community Association was increasingly aware that it did not have the full range of planning, transport, environmental and legal expertise to represent the interests of Gypsy and Traveller users of the Fair through the complex infrastructure planning process. They approached Abbie North who helped draft the Deadline 4 Submissions and contributed, together with Mr Billy Welsh, to the oral hearing on 2 March.

2.3 In drafting the Deadline 4 Submissions Abbie became aware, contrary to the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations, that the Environmental Statement failed to identify the likely significant effects of the proposed road scheme on the Brough Hill Fair site and how those likely significant effects could be avoided, prevented, reduced or offset. She became aware that the cultural significance of the Fair for the Gypsy and Traveller community raised Equality Act and Human Rights considerations, which had not been addressed in the Development Consent Order process. She could not find any reference to an Equality Impact Assessment. She raised these issues orally at the session on 2 March (Minutes 40.0, 41.45, 42.21 refer) and made the point that cultural heritage and Equality Impact are closely related and should complement and reinforce each other.

2.4 Following the oral hearings, we have been appointed to articulate those concerns on behalf of the Community Association. This representation expands on the points in the Deadline 4 Submissions and that Abbie made orally.

2.5 Reflecting the late stage in the process when we became involved and the complex documentation, it is possible we have missed some relevant documents. For which, apologies. That said, our central point is that NH has failed to make reference to Brough Hill Fair in its Environmental Management Plan, and specifically to recognise its importance as a key feature of the Intangible Cultural Heritage impacted on by the road. The Community Association is formally requesting the Examining Authority to require National Highways to include the Intangible Cultural Heritage of the Brough Hill Fair in its Environmental Management Plan.

### **3.0 Legal and Procedural Requirements**

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

- 3.1 Regulation 3 provides, at Schedule 3, a list of *'persons prescribed for the purposes of section 42(a).'*' These include the Equality and Human Rights Commission, and the Homes and Communities Agency, whose objectives include to *'contribute to the creation, regeneration or development of communities in England or their continued well-being'*<sup>1</sup> and to *'contribute to the achievement of sustainable development and good design'*<sup>2</sup> with a view to *'meeting the needs of people living in England.'*<sup>3</sup>
- 3.2 Regulation 5(2)(a) requires that applications for an order granting development consent must be accompanied by *'the environmental statement required pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulation 2009 and any scoping or screening opinions or directions'*

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<sup>1</sup> S2(c) Housing and Regeneration Act 2008

<sup>2</sup> S2(d) Housing and Regeneration Act 2008

<sup>3</sup> S2 Housing and Regeneration Act 2008

### 3.3 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

#### Environmental statements

14. (1) An application for an order granting development consent for EIA development must be accompanied by an environmental statement.

(2) An environmental statement is a statement which includes at least—

(a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;

(b) a description of the likely significant effects of the proposed development on the environment;

(c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

(d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;

(e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and

(f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

(3) The environmental statement referred to in paragraph (1) must—

(a) where a scoping opinion has been adopted, be based on the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion);

(b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and

(c) be prepared, taking into account the results of any relevant UK environmental assessment, which is reasonably available to the applicant with a view to avoiding duplication of assessment.

(4) In order to ensure the completeness and quality of the environmental statement—

(a) the applicant must ensure that the environmental statement is prepared by competent experts; and

(b) the environmental statement must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of such experts.

### 3.4 **Design Manual for Roads & Bridges LA106 Cultural Heritage Assessment, Revision 1, 2019**

At page 6 of the LA106 Guidance cultural heritage is defined as: '*Historic monuments, historic groups of buildings and/or **historic sites.***' A cultural heritage resource is defined as '*A **building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.***' (Our emphasis). The Guidance is explicit that these resources may be designated or undesignated.

### 3.5 The Guidance states:

1.3. '*Environmental assessments must, in line with the 2014/52/EU [Ref 3.N], identify, describe and assess the absorption capacity of sites of historical, cultural or archaeological significance; and*

1.4 *For the purposes of cultural heritage assessments, landscapes of historical, cultural or archaeological significance shall be assessed as a cultural heritage resource.*

### 3.6 The Assessment Methodology at Paragraph 3 requires that the scoping assessment addresses whether any heritage resource is '*in the footprint of the scheme or outside that footprint but still potentially physically affected by it?*'<sup>4</sup>; or '*in the footprint of the scheme, within the zone of visual influence or potentially affected by noise?*'<sup>5</sup> At paragraph 3.3 it requires: '*Where the response to one or more of the scoping assessment questions is 'yes', 'further assessment shall be undertaken'*'. Paragraph 3.4. requires that: '*Scoping shall apply established and reliable design, mitigation and best practice measures when reporting against the scoping assessment questions.*'

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<sup>4</sup> 3.2(1)

<sup>5</sup> 3.2(2)

### 3.7 **National Policy Statement for National Networks, 2014 (NPSNN)**

The A66 Northern Trans-Pennine Project is subject to the European Environmental Impact Assessment Directive. Paragraph 4.15 of the NPSNN states: *'The Directive specifically requires an environmental impact assessment to identify, describe and assess effects on', amongst other things, human beings, [...] the landscape [...] cultural heritage, and the interaction between them.* Paragraph 4.15 states: *'Any requests for environmental information not included in the original environmental statement should be proportionate and focus only on significant effects. In this NPS, the terms 'effects,' 'impacts' or 'benefits' should accordingly be understood to mean likely significant effects, impacts or benefits.'*

3.8 Paragraph 5.127 continues: *'The applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise'; and '5.140 Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State should require the applicants to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part).'*

### 4.0 **The A66 Project and the Brough Hill Fair Site**

4.1 The Brough Hill Fair occupies land to the east of the village of Warcop and south of the existing A66. The site (Parcel ABR06 on TR010062-000348-3.3 Environmental Statement Figure 8.10.2) fronts onto and is accessed directly from the existing A66.

4.2 While during its long lifetime, the fair has occupied a number of locations, the right to hold the fair for four days in September is ancient, going back to the Charter of 1330 (Document TR010062).

- 4.3 Since 1947 the Fair has occupied its current site on Ministry of Defence (MoD) owned land. The MoD unlocks the gate, which enables the Fair to exercise its right to function for a week in September around the dates of the fair. The land is used for grazing much of rest of the year.
- 4.4 For at least the last 150 years Brough Hill has principally been a Romany Gypsy horse fair. Until the early 1970s, it was as busy as the Appleby Fair, and, for a number of families, it remains a highpoint of their year. Although not as busy as it once was, it is of major historical and cultural importance for the Romany and Traveller communities.
- 4.5 Mr Welch makes the point that we should not judge the importance of the Brough Hill Fair by the way the numbers attending have fallen off in recent years. This is a consequence of the increase in traffic on the A66 in recent decades combined with the fact the access is through a gate located at the brow of a hill directly off the narrow, existing A66. This location means getting into and out of the site when towing a caravan or a horse drawn vehicle is difficult and potentially dangerous. The fence along the road does not provide a safe barrier to prevent horses escaping onto the A66. Mr Welch believes, if we can provide a site in the countryside with safe access, which is not dominated by traffic and traffic noise, that the hunger among Gypsy people for traditional fairs in the countryside will mean people will come to Brough Hill Fair in large numbers.
- 4.6 NH's Appleby to Brough preferred route requires acquisition of more than two-thirds of the Fair site. The acquisition of the land combined with the impacts of a larger, more heavily trafficked road will mean the Fair will not be able to continue in its current location.
- 4.6 NH has attempted to identify an alternative site for relocation of the Fair. It has identified the Ministry of Defence 'Bivvy' site, together with the remaining sliver of the existing site not required for the road. The proposed site is shown on the attached plan 'Bivvy site from TR010062-001085'. For the



reasons at paras 6.4 -6.8 the Bivvy site would not be an acceptable relocation site. It would lead to the loss of the qualities which are valued by Gypsy people and probably result in the death of the Fair.

4.7 The identification of the Bivvy site has not been carried out based on effective engagement with the Community Association. It appears the site has been identified on the basis the land could be made available, rather than by a serious attempt to understand what is important to Gypsy people about the Fair and the site. NH appears to have assumed that any site that is big enough will be good enough.

4.8 A central part of the Community Association's submissions has been the promotion of an alternative alignment. That alignment, known locally as the Billy Welch straight line, would shift the road some 100m to the north and away from the Fair site. It would allow the Fair to remain in its existing location with access from the existing A66. The approximate route of Mr Welch's alternative alignment is shown on the drawings in the Community Association's response to the Examining Authority's question PC1.1 In its response to question PC1.1 NH dismisses the Billy Welch alignment, but also makes clear that it has not carried out the necessary technical work to develop and properly assess Mr Welch's proposal.

## **5.0 Why NH's Approach to Environmental Impact Assessment is Flawed and Unlawful**

5.1 Paragraph 9.1.3 of the Scoping Report, TR010062 states: '*The methodology used will follow the requirements of DMRB LA 106 Cultural Heritage Assessment*', (the LA 106 Guidance).

5.2 The site of the Brough Hill Fair is a '*cultural heritage resource*' within the meaning of the Guidance. As the Applicant's own evidence shows, the Brough Hill Fair is of major cultural significance to the Gypsy and Traveller

communities, and requires consideration in the application for a Development Consent Order.

- 5.3 The record of consultation with the Brough Hill Fair Committee shows that the Applicant was aware of the significance of the Fair to the Community from an early stage. Document TR010062, dated 7<sup>th</sup> June 2022 provides a 'Draft Statement of Common Ground' with the Gypsy and Traveller Representatives. This includes, at paragraph 2, a 'Record of Engagement' with the Brough Hill Fair Committee which shows 32 separate communications with Mr Lloyd and Mr Welch in relation to the Brough Hill Fair beginning as far back as 3 February 2021.
- 5.4 The 1<sup>st</sup> Revision of the Outline Heritage Mitigation Strategy, Document TR010062, dated 13 June 2022, which post-dates the beginning of these communications by some 5 months, includes, at p10, specific reference to 'The Appleby Horse Fair and other Romani heritage.' The 1<sup>st</sup> Revision of the Draft Consent Order, also dated 13 June 2022 includes, at Article 36, provision for the undertaker to '*transfer the Brough Hill Fair rights to the replacement Brough Hill Fair site*'.
- 5.5 Given that the Applicant was clearly aware of the importance of the Brough Hill Fair to Gypsy and Traveller communities, and of the relevance of this kind of event to the Cultural Heritage of the area through which the proposed road expansion proceeds; it is clear that the Applicant identified the Brough Hill Fair site as a ***site, place, area or landscape [...] having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*** (p.6 LA106 Guidance).
- 5.6 Given the Applicant's early acknowledgement of the issue, it is difficult to understand why the Brough Hill Fair was not considered in the Scoping Report, as clearly it ought to have been.

- 5.7 We note that Historic England was consulted on the Scoping Report, but that Brough Hill Fair was not referenced in the documents for their assessment. In the context of its Report of July 2020; '*Advising on Historic England's Future Engagement with Intangible Cultural Heritage*' Historic England may have been well placed to advise NH on the need to assess the issues and provide effective mitigation.
- 5.8 Contrary to the requirements of Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009, neither the Equality and Human Rights Commission nor the Homes and Communities Agency are listed among the consultees at the Option Identification Stage of the Scoping Assessment.
- 5.9 At page 10 TR10062, the Environmental Management Plan Outline Heritage Management Plan acknowledges that the annual Appleby Horse Fair represents an Intangible Heritage Asset. There is a passing reference to 'Other Romani Heritage', but it is not clear what that refers to. No reference is made to Brough Hill Fair.
- 5.10 The Brough Hill Fair is of similar cultural significance as the Appleby Fair. It is difficult to understand why it has not been included within the Environmental Management Plan, given the explicit recognition by the Applicant:
- of the need to assess and provide mitigation for any harm to the Intangible Cultural Heritage caused by the proposed road within the Plan;
  - of its recognition that Appleby, which is exactly the same kind of fair as Brough Hill, does represent Intangible Cultural Heritage that should be considered within the Plan; and
  - that the relevance and importance of the Brough Hill Fair to the Gypsy and Traveller communities merits consideration *of some kind* in its application for a Development Consent Order.

- 5.11 The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, although not yet adopted in England and Wales, provides support for our case. The introductory text, included with our Deadline 4 submissions recognises the benefits that the safeguarding of Intangible Cultural Heritage has in supporting cultural diversity, environmental and social sustainability, and human creativity.
- 5.12 Their nomadic character, not investing in property, but moving on to other locations for work or to meet up with family, necessarily means Gypsy people do not leave much in the way of buildings and physical remains. That does not mean the land where people have stopped does not have significance. Rather, because the ability to camp and live outdoors, and to meet up with friends and family is so central to the Gypsy way of life, and because many historic stopping places have been closed, those places where people are still able to live in a more traditional way are particularly important and valued. Sites like Brough Hill are a crucial part of the historic cultural heritage.
- 5.13 The Appleby Fair is the biggest event in the English Romany year. People converge on the town in the weeks before and move away area in the weeks afterwards. During Appleby week people camp over a wide area of countryside around the town. The A66 is important for reaching Appleby and you see many caravans and horse drawn vehicles travelling along it. The whole area is of cultural importance to Gypsies. The Brough Hill site is a key feature of the area, as well as being of major importance in itself.
- 5.14 Paras 5 – 8 of the Community Association's response to Question PC1.3 stress how important for Gypsy people is retaining aspects of nomadism. They resent the ever increasing barriers to travelling. They regret the disappearance of some of the fairs. They value the opportunities to live and socialise in ways that reflect their cultural traditions at those horse fairs that persist. Against that context, substantial weight should be attached to avoiding the loss of, or the degrading of, the Brough Hill Fair.

- 5.15 While the Outline Heritage Management Plan makes no reference to Brough Hill Fair, by its efforts to relocate the Fair NH has effectively acknowledged the Fair's heritage importance.
- 5.16 It is hard not to interpret the token reference to Appleby and the ignoring of Brough Hill as typical of a context where the cultural heritage and traditions of the Gypsy way of life are not understood and appropriately valued by many in the non-Gypsy population.
- 5.17 In our submission, the approach of the Environmental Management Plan Outline Heritage Management Plan in not understanding the wider significance of the area around Appleby and in ignoring Brough Hill Fair contravenes the National Policy Statement for National Networks referenced at paras 3.7 & 3.8 above.
- 5.18 It is inconsistent with the positive obligation imposed on the UK Government to protect the Gypsy way of life through Article 8 of the European Convention on Human Rights and the Human Rights Act. (See the references to the Buckley and Chapman judgements at para 9 of the Community Association's response to Question PC1.3). It risks acting contrary to the Prohibition of Discrimination under Article 14.
- 5.19 It is difficult to see how it is consistent with the Public Sector Equality Duty under s.149 of the Equality Act, which among other duties requires public bodies *'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'*.
- 5.17 For related reasons we find the lack of an Equality Impact Assessment and absence of reference to equality issues in regard to Gypsy heritage as surprising, wrong, and telling. Despite the clear knowledge of the Applicant of the importance of the Brough Hill Fair to the Gypsy and Traveller Communities, the Equality and Human Rights Commission does not appear to have been consulted in the process of this application. We request that the Examining Authority now requires the Applicant to revise the Environmental

Management Plan to include the Brough Hill Fair as a part of the Cultural Heritage, and to consult with the Equality and Human Rights Commission and the Homes and Communities Agency accordingly.

## **6.0 Addressing the Deficiencies in the Environmental Statement**

- 6.1 All of the above means the Environmental Statement is required to describe the likely significant effects of the proposed development on the Brough Hill Fair and on the wider Appleby landscape, working closely with the Gypsy and Traveller communities, and drawing on appropriate expertise; and the features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset the likely significant adverse effects.
- 6.2 It would then need to identify reasonable alternatives for addressing the impacts on the Fair, and the reasons for the option chosen.
- 6.3 What NH has effectively done is to present a single option, the preferred route, together with relocating the Fair on to the Bivvy site and the remaining sliver of the existing site.

### **Site Relocation**

- 6.4 We are not opposed to relocation, provided the alternative site for the Fair is at least an adequate replacement and, if possible, an enhancement of the existing site. Mr Welch has confirmed that a suitable alternative site would meet the following criteria:
- a) Within reasonable distance, perhaps 1 mile, of the existing location or of Brough itself;
  - b) Of at least the size of the existing site (5.4 acres), or slightly larger;
  - c) Well drained;

- d) With safe highway access, including for horse drawn vehicles from a road that is not subject to heavy through traffic; and
- e) In the countryside with views of the hills, that is one that provides a comparably attractive environment to the existing site as it was before the major growth in A66 traffic of recent decades. An appropriate site would not be dominated by the structures of a major highway and would not require a solid fence barrier to reduce noise and keep horses from escaping onto the highway.

6.5 With the new road relocated to the north, the existing Fair site would meet all these criteria. Since it has been used every year for the last 75 years the existing site has a historic cultural value no relocation site could match.

6.6 While the proposed Bivvy site is as large as the existing site, it only achieves that size by including the sliver of the Fair site not required for the road. That section may be too narrow to be useful for people towing caravans or horse drawn wagons.

6.7 The Bivvy site would not meet criterion d) requirement for safe highway access, including for horse drawn vehicles, because the Fair would be dependent on sharing the access road with the complex of activities linked to Eastfield Farm, including the 24 hour haulage business and concrete plant.

6.8 Criterion e) is closely linked to the cultural value of the site, and is central to why the Bivvy site is not acceptable to the Community Association and community. What people value is the ability to camp in the countryside with their horses, to meet up with family and friends, and to do that in locations they visited as children and that were visited in their turn by their parents, grand-parents and previous generations. It is for that reason, that it carries the historic cultural importance of being the Fair site since 1947, that means the existing site has a value no replacement site could have.

6.9 The powers granted through the Caravan Sites and Control of Development Act, 1960 allowed local authorities to exclude Gypsy people from the

Common Land where they had camped for centuries and created an accommodation crisis. A significant number of local authority sites were developed following the 1968 Caravan Sites Act. Many of the sites were located on land nobody else wanted adjoining factories, sewage works and major roads, and those sites still represent a significant proportion of Traveller accommodation. For many of their residents such sites constitute the types of environment they want to get away from when they visit the fairs.

- 6.10 As shown on the attached Drawing, Bivvy Site from TR010062-001085, the Bivvy site will run along the new A66. It will be dominated by the structures of the road, and by solid fencing to reduce noise and avoid horses escaping. To its south are the massive structures of Eastfield Farm, which accommodates a concrete plant, a 24 hour haulage business, and industrial scale sheds housing hundreds of cows. Rather than in the countryside among green fields, the Bivvy site would provide an industrial type environment people are seeking to escape from. The qualities of that environment is why the Bivvy site will not work, and would lead to the Fair's death.

### **Reasonable Alternatives**

- 6.11 A road alignment based on the Billy Welch straight line with the Brough Hill Fair retained in its existing location accessed off the old A66 represents the most obvious reasonable alternative to NH's single option of the preferred route, with the Fair on the Bivvy site. However, it is clear from NH's response to the Examining Authority question PC 1.1 that it has not carried out the necessary technical work to develop and properly assess Mr Welch's proposal.
- 6.12 We do not accept all of NH's criticisms of the Billy Welch alignment in its response to the examining authority's questions. That the road would extend into the AONB is a factor to which weight should be attached, but it should not be determinative. The AONB boundary would appear to have been defined by the current A66. Elsewhere substantial sections of the A66 Project will go through AONB. The MoD has substantial land-holdings and we would need to



be convinced that making the land available for a re-routed A66 would significantly compromise the MoD's operational needs.

6.13 A full appraisal of the reasonable alternative based on the Billy Welch alignment and retaining the Fair in situ is likely to establish that such an option has advantages, and it is for such reasons that the approach is supported by Warcop Parish Council, and most local residents and land owners. The advantages include:

- Retaining the Fair in its current location, where it will have historical cultural value impossible for a relocated site;
- Locating the Fair in a rural location with views of the hills;
- The above factors will allow the Fair to flourish, which will reinforce Gypsy cultural identity and contribute to addressing inequality. It will have local economic benefits from the increased expenditure during the Fair;
- Putting the road in a cutting will help screen the road and its traffic, including as seen in views from within the AONB. A cutting may contribute to limiting noise and light pollution;
- Allowing the old A66 to be retained for local access and use by farm vehicles, cyclists, pedestrians, and horse riders. Such a route would be much more attractive, compared with NH's proposal for a combined pedestrian cycle route along the north side of the new A66, which will be inherently unattractive to walkers and cyclists. <sup>6</sup>

6.14 The above points mean our firm preference is for an alternative based on the Billy Welch alignment, and retaining the Fair in its current location.

6.15 While it would not retain the existing A66 as a pedestrian cycle and local access route and would lose the historic cultural value of the existing site, it may be possible to develop a further reasonable alternative based on the

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<sup>6</sup> In the time available we have had difficulties reading all the plans. If we have interpreted them correctly, the retained A66 would be able to provide a pedestrian, cycle and pedestrian route all the way into Brough. If this is or can be made the case, it would add substantially to the advantages of the alternative we favour.

Appleby to Brough preferred route and relocating the Fair to a location which fully meets the Para 6.4 criteria. Such a site would need to be developed in partnership with the Community Association and Gypsy community. It would require an understanding of why Brough Hill Fair is a precious part of our heritage, which National Highways has so far failed to display.

- 6.16 We understand the Heron family at Eastfield are opposed to relocating the Fair to the Bivvy site for reasons including the potential conflicts between the safe functioning of the Fair and the functioning of their businesses. We are advised by the agent for the Heron Family that they proposed to NH that the right to hold the Fair could be transferred to an alternative piece of land in the family's ownership, which would not risk the potential conflicts between the Fair and the Herons' businesses from relocation to the Bivvy site. Without prejudice to the acceptability of the site suggested by the Herons, that kind of approach may offer a way forward in generating further reasonable alternatives.
- 6.17 We would invite the Examining Authority to require National Highways to develop and appraise reasonable alternatives for the section of the A66 east of Warcop, including an alternative based on the 'Billy Welch Straight Line' alignment, retaining the Brough Hill Fair in its present location and retaining the existing A66 as a local access road.

Michael Hargreaves Planning

14 March 2023