

**A66 Northern Trans-Pennine Project
TR010062**

**7.32 Issue Specific Hearing 3 (ISH3)
Post Hearing Submission – Response
to Examining Authority’s Request
Under Agenda Item 10: Replacement
Sites Considered for Brough Hill Fair**

Planning Act 2008

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Development Consent Order 202x

**7.32 ISSUE SPECIFIC HEARING 3 (ISH3) POST HEARING
SUBMISSION – RESPONSE TO EXAMINING
AUTHORITY’S REQUEST UNDER AGENDA ITEM 10 -
REPLACEMENT SITES CONSIDERED FOR BROUGH HILL
FAIR**

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1 Introduction

- 1.1.1 This document has been prepared to support the Examination process for the A66 Northern Trans-Pennine Project (“the Project”). It forms part of the Deadline 5 submission to the Examining Authority (the “ExA”) made by the Applicant, National Highways on 14 March 2023.
- 1.1.2 This document provides information in respect of the selection of the proposed replacement site for the Brough Hill Fair. It responds to discussions at Issue Specific Hearing 3 (“ISH3”) held on 2 March 2023, to demonstrate the optioneering process undertaken to identify and assess a number of proposed alternative sites for the replacement of the Brough Hill Fair site.
- 1.1.3 In addition to the ExA and the Applicant, ISH3 was attended by a number of Interested Parties and Affected Persons, including Mr Billy Welch, Ms Abbie North and Mr Bill Lloyd (as representatives of the Gypsy and Traveller Community) and Ms Caroline Horn of George F. White LLP (representing the Heron Family). All these parties raised points regarding the proposed replacement Brough Hill Fair site.

1.2 Documents currently before the Examining Authority

- 1.2.1 A number of documents already produced by the Applicant and submitted as part of the DCO application or during the course of the Examination outline the site selection process in respect of the proposed replacement site for the Brough Hill Fair. This document has been produced to collate some of this information but may reference other documents as necessary to avoid repetition or the loss of context. Where this approach is taken, clear referencing to the Examination Library is included.
- 1.2.2 Documents within the DCO application, of particular relevance include:
- Statement of Common Ground with the Gypsy and Travellers Representatives [Document Reference 4.5, APP-283] (updated at Deadline 3 [Document Reference 4.5, REP3-036] and updated again at Deadline 5 [Document Reference 4.5]).
 - Project Development Overview Report [Document Reference 4.1, APP-244], paragraphs 5.5.84 to 5.5.89.
 - Route Development Report [Document Reference 4.1, APP-247], paragraphs 5.6.82 through 5.6.85.
 - Equalities Impact Assessment [Document Reference 3.10, APP-243], with key sections being 2.6 (Equalities baseline), 2.7 (Consultation and engagement 2019-2022), 2.9 (Assessment of potential impacts on equalities groups) and 2.13 (Mitigating Action).
 - Consultation Report [Document Reference 4.4, APP-252]: Tables 7.1 and 7.13; section 7.4, section 7.9, and paragraphs 7.11.60 to 7.11.66 of section 7.11.
 - Consultation Report Annex O: Supplementary Consultation Material [Document Reference 4.4, APP-272], pages 79 to 86, 100 to 101, and 119 to 120.

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- Consultation Report Annex P Tables evidencing regard to supplementary consultation responses [Document Reference 4.4, APP-273], document pages 944 to 1017 (also shown as pages P-1 of 74 to P-74 of 74).
 - Environmental Statement Chapter 13 Population and Human Health [Document Reference 3.2, APP-056], Table 13-24, paragraphs 13.9.17, 13.10.112 and 13.10.122.
- 1.2.3 Documents submitted during the course of the Examination of particular relevance are:
- Applicant’s Deadline 3 Submission – 7.16 Brough Hill Fair Technical Note – Rev1 [Document Reference 7.16, REP3-045].
 - Applicant’s Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions [Document Reference 7.3, REP1-009]; specifically,
 - Agenda Item 5.0 (pages 50 to 57 inclusive)
 - Appendix 5 – Brough Hill Fair Plan: existing and replacement
 - Appendix 6 – Brough Hill Fair Visualisations
 - Appendix 7 – Brough Hill Noise Assessment Technical Note
 - Appendix 8 – Documentary Evidence of the Brough Hill Fair Rights.
 - Agenda item 6.3 of Applicant’s Deadline 1 Submission – 7.4 Compulsory Acquisition Hearing 1 (CAH1) Post Hearing Submissions [Document Reference 7.4, REP1-007].
- 1.2.4 In addition to the Applicant’s submitted documents noted above, a number of documents submitted to the Examination by Interested Parties are relevant and have related to the consideration of alternative replacement sites for the Brough Hill Fair. These are summarised in Table 1 below.

Table 1 Summary of Representations by Interested Parties in relation to Brough Hill Fair and its proposed replacement site

Representation made by Interested Party		Response provided by Applicant (where relevant)	
Reference	Representation	Reference	Applicant’s Response
<u>RR-047</u>	Relevant Representation made by Mr Billy Welch	<u>PDL-013</u>	Applicant’s Response to Relevant Representations Part 4 of 4
<u>RR-149</u> <u>RR-150</u> <u>RR-151</u> <u>RR-152</u> <u>RR-153</u> <u>RR-154</u> <u>RR-155</u> <u>RR-156</u> <u>RR-157</u>	Relevant Representations made by George F White LLP on behalf of members of the Heron Family	<u>PDL-012</u>	Applicant’s Response to Relevant Representations Part 3 of 4
<u>AS-007</u>	Principal Areas of Disagreement Summary Statement submitted by Mr Billy Welch	<u>REP3-036</u>	Statement of Common Ground with the Gypsy and Travellers Representatives - Rev 2
<u>REP1-074</u> <u>REP1-075</u>	Written Representations made by George F White LLP on behalf of the Heron Family	<u>REP2-015</u>	Applicant’s Response to Written Representations made by Affected Persons at Deadline 1
<u>REP1-103</u> <u>REP1-104</u> <u>REP1-105</u> <u>REP1-106</u>	Written Representations made by Mr Bill Lloyd on behalf of Mr Billy Welch – Gypsy and Travellers Representative	<u>REP2-016</u>	Applicant’s Response to Written Representations made by Interested Parties subject to an SoCG at Deadline 1
<u>REP2-040</u>	Deadline 2 Submission – Comments on Written Representation made by George F White LLP on behalf of Messrs Heron	<u>REP4-014</u>	Applicant’s Response to Deadline 3 Submissions
<u>REP3-070</u>	Deadline 3 Submission – Comments on Deadline 2 Submission made by George F White LLP on behalf of George F White LLP Clients		

2 Brough Hill Fair

- 2.1.1 As outlined in the Equalities Impact Assessment [Document Reference 3.10, APP-243], Brough Hill Fair has a history which goes back centuries and is culturally important to the Gypsy community. The fair started in the 1300s and has been held almost every year since, for four days at the end of September.
- 2.1.2 It was originally held in Brough itself but in the mid to late 1600s relocated to Brough Hill approximately 1.2km to the east of Warcop and north of the A66. Development of the Ministry of Defence (“MoD”) estate around Brough Hill meant the fair was moved again in 1947 to the present field alongside the A66. Brough Hill was once one of the biggest horse fairs in the country, but as Mr Welch reported orally in Issue Specific Hearing 2 on 1 December 2022, has been much smaller in recent years.
- 2.1.3 The Project proposes the widening of the A66 at this location, which would require part of the existing field currently used for the fair. The Applicant has been working with representatives of the Gypsy community and local landowners to explore options for the relocation of the annual fair. In addition, the proposals were consulted upon in Autumn 2021 as part of the pre-application statutory consultation and further as part of a supplementary consultation in Spring 2022.

2.2 Existing Brough Hill Fair site

- 2.2.1 The existing site for the Brough Hill Fair is situated on the south side of the A66 to the east of the village of Warcop as shown below in Figure 1 (see also Appendix A). This site is a grass field, owned by the MoD and tenanted by the Heron Family from East Field Farm. This 5.4 acre field is used for agriculture and grazing sheep for the majority of the year and hosts the Brough Hill Fair for four days annually each September.



Figure 1 Aerial image showing the existing Brough Hill Fair site, outlined in red

- 2.2.2 The existing site is undulating as it generally rises and falls in line with the profile of the A66 (see Figure 2 and Figure 3 below), with the central section of it relatively level. It is immediately adjacent to the existing A66, only separated from traffic travelling at speeds of up to 60mph by a grass verge and agricultural, stock-proof fencing. There are currently no

additional safety or security measures in place, such as horse-containment fencing or double-gate arrangements at the site access points. There is also no bunding or other screening, to reduce visual or noise impacts of the existing A66 carriageway, on users of the site.



Figure 2 Google Streetview image (photography July 2022) of existing Brough Hill Fair site, looking southwest from the A66 carriageway



Figure 3 Google Streetview image (photography July 2022) of existing Brough Hill Fair site, looking west from the A66 carriageway

- 2.2.3 As advised by the representative of the Gypsy and Traveller Community, the site is accessed directly from the existing A66 carriageway (see Figure 4 below).
- 2.2.4 This access point is predominantly a grass track, which can become muddy and difficult to navigate with caravans and horse-drawn vehicles, as fair attendees arrive and leave the site.
- 2.2.5 Those approaching the site on the eastbound carriageway have no formal provision to make the right-turn into the site. Those approaching the site on the westbound carriageway are required to effectively perform a U-turn as the access point is not perpendicular to the carriageway.
- 2.2.6 There is a second access point to the site (Figure 5) from the A66 to the east of that shown in Figure 4.



Figure 4 Google Streetview image (photography July 2022) of main access point to existing Brough Hill Fair site, looking southeast from the A66 carriageway



Figure 5 Google Streetview image (photography July 2022) of alternative access point to existing Brough Hill Fair site, looking southwest from the A66 carriageway

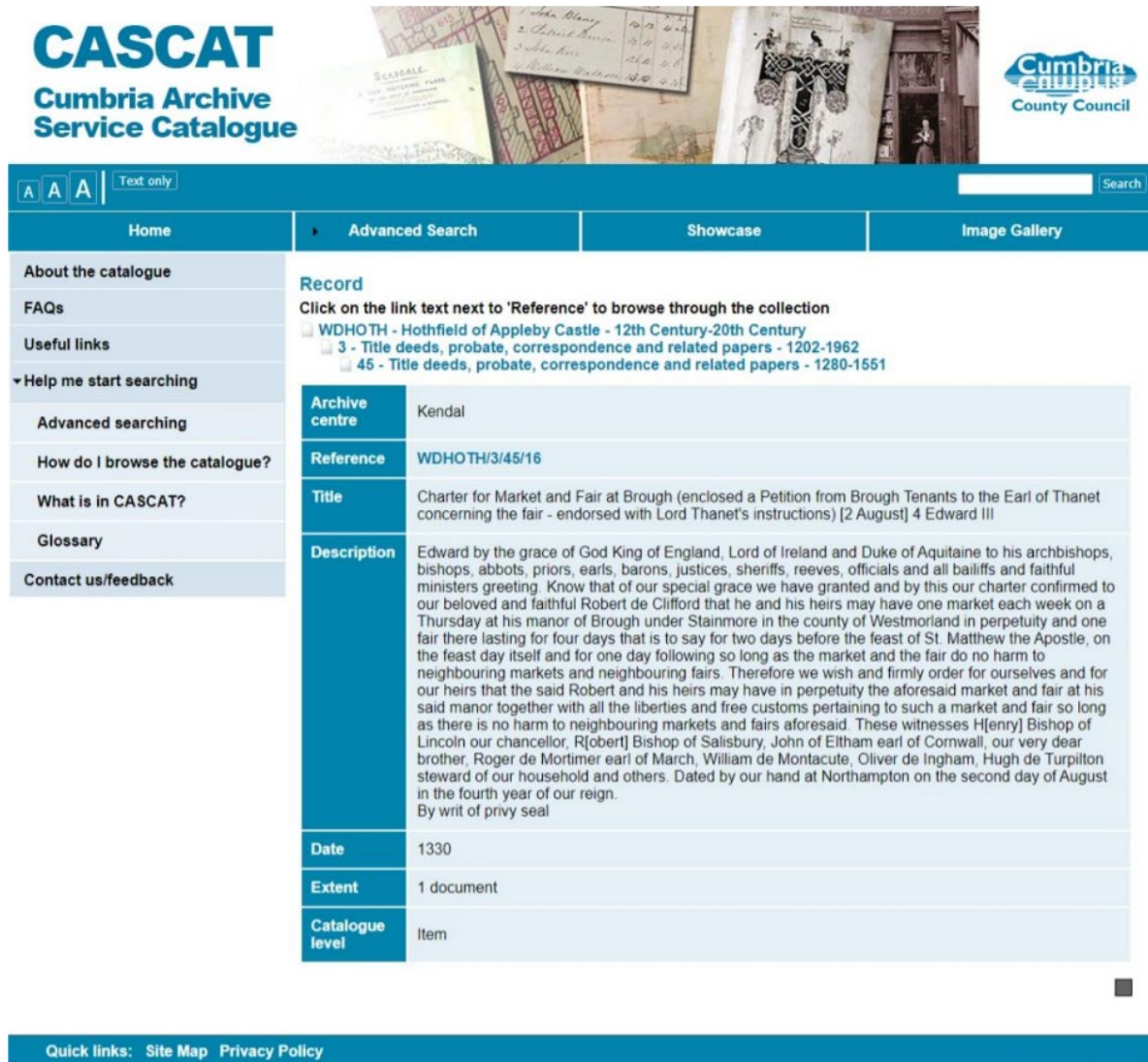
- 2.2.7 The existing site is outwith both the North Pennines Area of Outstanding Natural Beauty (the “AONB”) and the MoD active training area.
- 2.2.8 There are limited facilities at the existing site, with no mains electricity and water supply available. Toilet and refuse facilities are provided by the MoD at their expense for the duration of the fair.

2.3 The Royal Charter

- 2.3.1 As outlined under Agenda Item 5 of the Applicant’s Issue Specific Hearing 2 (ISH2) Post Hearing Submissions [Document Reference 7.3, REP1-009] and further detailed in Appendix 8 to that document, the origins of Brough Hill Fair can be traced back to a Royal Charter granted by King Edward III in the 1300s to Robert de Clifford and his heirs of the Manor of Brough under Stainmore.
- 2.3.2 As shown below in Figure 6, the extract from Cumbria County Council’s publicly available online archive, CASCAT¹, demonstrates the Charter authorised Robert de Clifford and his heirs to hold one market each week

¹ Cumbria County Council, *Record WDHOTH – Hothfield of Appleby Castle – 12th Century-20th Century*, CASCAT Cumbria Archive Service Catalogue, available online: <https://archiveweb.cumbria.gov.uk/CalmView/Record.aspx?src=CalmView.Catalog&id=WDHOTH%2f3%2f45%2f16&pos=1> [accessed 07 March 2023].

on a Thursday at his manor of Brough under Stainmore and “one fair there lasting for four days that is to say for two days before the feast of St. Matthew the Apostle, on the feast day itself and for one day following so long as the market and the fair do no harm to neighbouring markets and neighbouring fairs.” (The feast day of St. Matthew the Apostle is 21 September).



The screenshot shows the CASCAT website interface. The main content area displays search results for a record. The record details are as follows:

Record	Click on the link text next to 'Reference' to browse through the collection
	<ul style="list-style-type: none"> WDHOTH - Hothfield of Appleby Castle - 12th Century-20th Century 3 - Title deeds, probate, correspondence and related papers - 1202-1962 45 - Title deeds, probate, correspondence and related papers - 1280-1551
Archive centre	Kendal
Reference	WDHOTH/3/45/16
Title	Charter for Market and Fair at Brough (enclosed a Petition from Brough Tenants to the Earl of Thanet concerning the fair - endorsed with Lord Thanet's instructions) [2 August] 4 Edward III
Description	Edward by the grace of God King of England, Lord of Ireland and Duke of Aquitaine to his archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, officials and all bailiffs and faithful ministers greeting. Know that of our special grace we have granted and by this our charter confirmed to our beloved and faithful Robert de Clifford that he and his heirs may have one market each week on a Thursday at his manor of Brough under Stainmore in the county of Westmorland in perpetuity and one fair there lasting for four days that is to say for two days before the feast of St. Matthew the Apostle, on the feast day itself and for one day following so long as the market and the fair do no harm to neighbouring markets and neighbouring fairs. Therefore we wish and firmly order for ourselves and for our heirs that the said Robert and his heirs may have in perpetuity the aforesaid market and fair at his said manor together with all the liberties and free customs pertaining to such a market and fair so long as there is no harm to neighbouring markets and fairs aforesaid. These witnesses H[enry] Bishop of Lincoln our chancellor, R[obert] Bishop of Salisbury, John of Eitham earl of Cornwall, our very dear brother, Roger de Mortimer earl of March, William de Montacute, Oliver de Ingham, Hugh de Turpilton steward of our household and others. Dated by our hand at Northampton on the second day of August in the fourth year of our reign. By writ of privy seal
Date	1330
Extent	1 document
Catalogue level	Item

Figure 6 Extract from Cumbria County Council's online archive search facility, CASCAT showing the record held by them in relation to the Brough Hill Fair Royal Charter (as shown in Appendix 8 – Documentary Evidence of the Brough Hill Fair Rights [Document Reference 7.3, REP1-009]

2.3.3 To date, the Applicant has not been able to identify the precise location of the original fair, or the locations at which it has been held prior to the modern era. However, the Applicant is aware that the Brough Hill Fair is known to have been held on Brough Hill and then, approximately 70 years ago, began to be held at its current location as described in section 2.2 above (see also Appendix 8 of the Applicant’s Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions [Document Reference 7.3, REP1-009]) . It should be noted that neither of these

locations are within the known boundary of the Manor of Brough under Stainmore, as referenced in the Charter above and as shown in Figure 7 below.

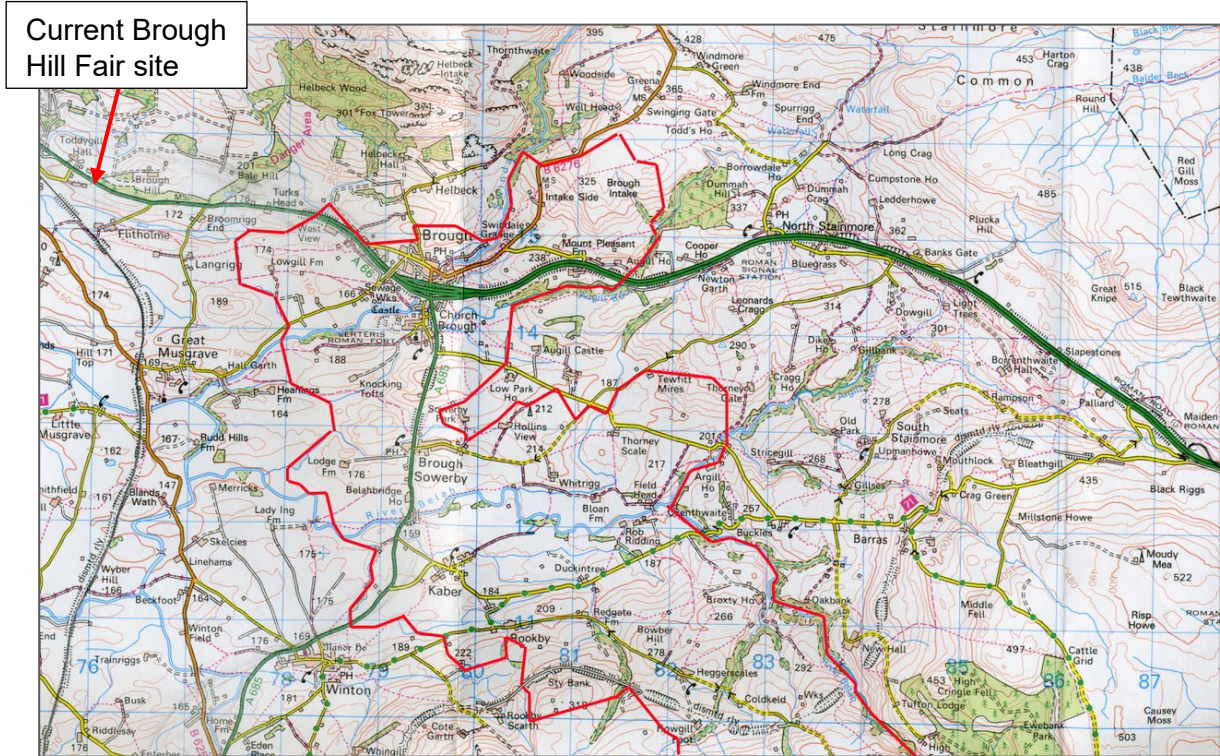


Figure 7 Map showing an outline of the Manor of Brough, as relevant to the extents of the A66 Northern Trans-Pennine project Appleby to Brough scheme

2.4 The need for a replacement site

2.4.1 All of the route alignments considered for the Appleby to Brough scheme throughout the preliminary design stage would result in the loss (of the majority of the site) of the existing Brough Hill Fair site (as outlined in Section 2.2 above). The loss of this site is assessed as part of Chapter 13 Health and Population of the Environmental Statement [Document Reference 3.2, APP-056], as is copied below:

“Brough Hill Fair, which is of high sensitivity, will be subjected to land take due to the realignment of this scheme. The land will be replaced with one of two potential alternative sites. Option 1 is to relocate the Brough Hill Fair to a site currently used by the MoD as a 'bivvy' or camping site and training area, and the access to the site is from Station Road. Option 2 is located to the south of the A66 and has access from Musgrave Lane which would allow access for horses and horse-drawn vehicles. It would also allow users of the site to park their caravans further from the road. This mitigation will be implemented during the construction phase and the replacement site would be operational prior to closure of the existing Brough Hill Fair. Therefore, it is considered that this scheme will not change the overall viability of this community asset and the impact would

be temporary in nature and negligible adverse due to the disruption caused for relocation. This will be a slight adverse effect, which is not significant.”

- 2.4.2 The Brough Hill Fair site is also identified in the Equalities Impact Assessment [Document Reference 3.10, APP-243] as an equalities’ receptor used by the Gypsy and Traveller community group, who are identified as an equality group with protected characteristics. The assessment concludes that there will be a negative impact on the group noting that there will be a ...“*direct loss of the current Brough Hill Fair site. The loss of which will be mitigated with a replacement site to the immediate west.*” The assessment goes on to report in Section 2.10, “*potential positive impacts on the gypsy and traveller population as result of the relocation of the Brough Hill Fair site. The proposed replacement site will provide greater separation from the A66, as well as safer access, being accessed from local roads rather than directly from the A66.*”
- 2.4.3 In acknowledgement of the protected characteristics of the Gypsy population who access the Brough Hill Fair, as recognised in the Equalities Impact Assessment [Document Reference 3.10, APP-243] and the high sensitivity of the site as a community asset (see Chapter 13 of the Environmental Statement [Document Reference 3.2, APP-056]), the Applicant proposes that Brough Hill Fair is moved to a nearby site to enable its continuation, and thereby proposes a replacement site. This is highlighted in paragraphs 5.6.82 through 5.6.85 of the Route Development Report [Document Reference 4.1, APP-247], and within the materials shared with stakeholders during Statutory Consultation held in Autumn 2021 (see Consultation Report Annex L: S47 Consultation Material Part 1 [Document Reference 4.4, APP-264]).
- 2.4.4 The current location, as described in section 2.2 above, would not be viable following construction of the proposed A66. Figure 8 below, extracted from Appendix A shows the proposed scheme in relation to the existing site. The majority of the site is required for the A66 dual carriageway and its associated earthworks and drainage features. The south-western edge of the current site is beyond the engineering works boundary and is incorporated into the proposed replacement site. During detailed design it may be feasible to reduce the footprint of the engineering works, thus retaining a greater proportion of the current site.

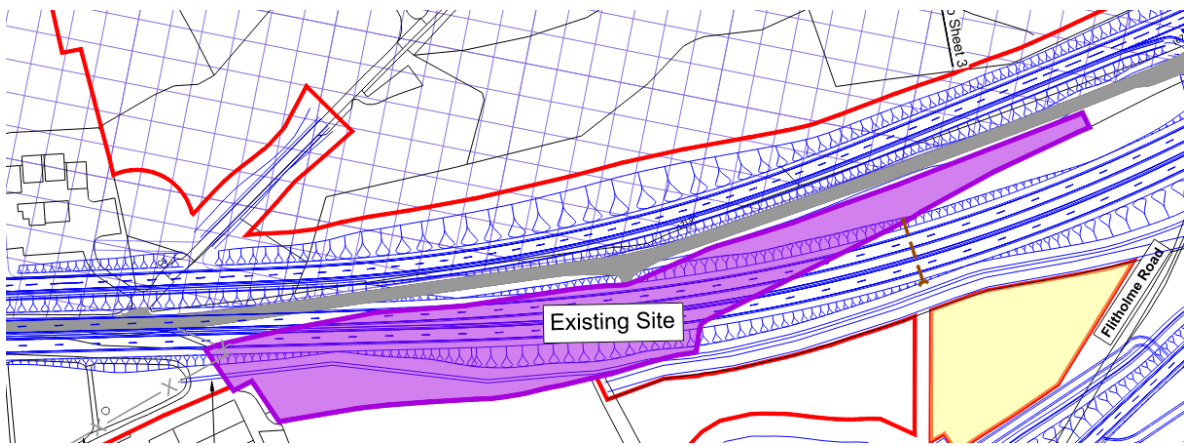


Figure 8 Extract from Appendix A showing the existing Brough Hill Fair site in relation to the proposed Appleby to Brough scheme

3 Identification and assessment of potential replacement sites

- 3.1.1 A number of considerations and requirements were established to support this process, which were informed by engagement with representatives of the Gypsy and Traveller community and feedback received in response to the consultation process.
- 3.1.2 These general criteria can be summarised as follows, that the replacement site will:
- In its final provision, be a grass field, with an area of level ground to match the existing site.
 - Be the same size (or greater) as the existing 5.4 acre site.
 - Be within the “Appleby to Brough” scheme extents, i.e., between Café 66 and Brough.
 - Have safe access to the site, suitable for the vehicles anticipated to be using it.
 - Be outside the MoD training range and camp.
 - Be outside the designated North Pennines Area of Outstanding Natural Beauty.
 - Be able to be acquired by agreement with the affected landowner.
 - Have regard to the Royal Charter (noting however, that the current fair location is not within the Manor of Brough under Stainmore – see 2.3.3 above).
 - Be as close as practicable to the existing site given the cultural association of the site to the Gypsy community.
- 3.1.3 These general criteria informed the initial identification of potentially suitable sites. Following this, each site was then reviewed from an engineering, environmental and regulatory perspective, to determine if it were still a viable alternative and to identify mitigation measures required to make it so.

3.2 Identification of potential replacement sites

- 3.2.1 Appendix A shows a series of plans of Scheme 06 Appleby to Brough, with the existing Brough Hill Fair site identified. These plans also show five potential replacement sites that were identified during design development and engagement with stakeholders.
- 3.2.2 The optioneering process undertaken by the Applicant throughout the preliminary design stage, to arrive at the proposed replacement site for the Brough Hill Fair, is described below.
- 3.2.3 The options considered are shown in Table 2 below.

Table 2 Summary of options considered for Brough Hill Fair replacement sites

Option considered	Period Option developed during Preliminary Design
Option 1 – the ‘Bivvy’ site	Developed for Statutory Consultation (Autumn 2021) Taken to supplementary consultation (Spring 2022) Presented in DCO application as submitted (Summer 2022) Developed further during the Examination process (Autumn 2022 to Spring 2023)
Option 2 – the ‘eastern’ site at Mains House, Brough	Developed following Statutory Consultation feedback (Autumn 2021) Taken to supplementary consultation (Spring 2022)
Option 3 – opposite Street House	Developed in response to Statutory Consultation feedback (Autumn 2021)
Option 4 – West of Warcop	Developed in response to Statutory Consultation feedback (Autumn 2021)
Option 5 – Heron Family Proposal	Developed in response to supplementary consultation feedback (Spring 2022)

3.3 Assessment of potential replacement sites

Prior to Statutory Consultation (Autumn 2021): Option 1

3.3.1 Prior to Statutory Consultation in Autumn 2021, National Highways had identified a potential replacement site for the Brough Hill Fair.

Option 1 – the ‘bivvy’ site

3.3.2 As reported in Statutory Consultation materials (refer to section 7 of Consultation Report Annex L S47 consultation material Part 1 [Document Reference 4.4, APP-264]), the Applicant proposed to relocate the Brough Hill Fair to a site known as the ‘bivvy’ site. This option is located to the south of the proposed A66 and utilises land from the MoD bivvy site and existing Brough Hill Fair site following construction of the proposed Appleby to Brough scheme. It is adjacent to East Field Farm and incorporates part of the existing fair site into its area, as shown below in Figure 9 (see also Sheet 2 of 3 in Appendix A).

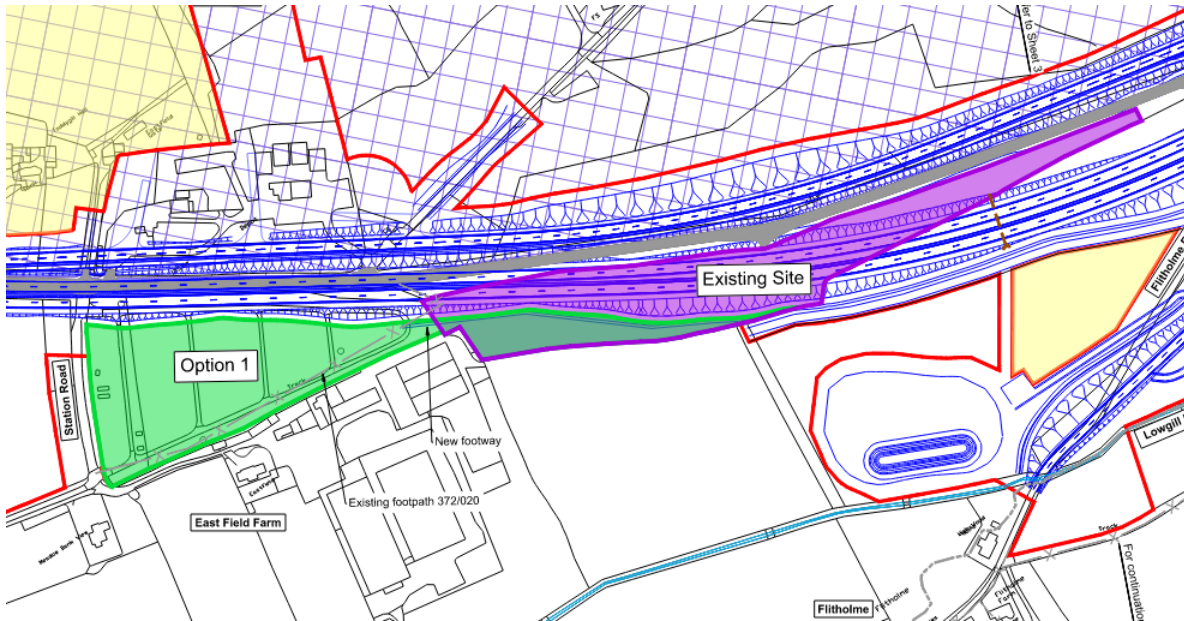


Figure 9 Extract from Appendix A showing the potential replacement site identified as Option 1 - the 'Bivvy' site

- 3.3.3 The site comprises an existing area of land known as the 'bivvy' site, used by troops and cadets visiting the MoD facilities in Warcop, to camp in. In addition, the proposed alternative would incorporate what remains from the existing Brough Hill Fair site, thereby maintaining the cultural connection to the site the Gypsy community have used in recent memory. The existing Brough Hill Fair site is tenanted by the Heron Family and used for grazing sheep for the majority of the year. Both land plots are owned by the MoD.
- 3.3.4 Following construction of the Appleby to Brough scheme, a relatively flat area of approximately 5.4 acres would be available for a replacement site for the Brough Hill Fair, as described above. A pinch point of 7m connects the bivvy site and the existing fair site, but is sufficient to allow movement of vehicles between either part of the site.
- 3.3.5 Access to the bivvy site is currently available via Station Road, a local road that currently provides access to a small number of properties and will be stopped up as part of the construction of the Project. An image of this access is provided in Figure 10 below.



Figure 10 Google Streetview image (photography July 2022) of proposed access to potential Brough Hill Fair replacement site, the 'bivvy' site, looking east from Station Road

- 3.3.6 The site is outwith the AONB. Although part of the site is currently an MoD facility, this presents the opportunity to repurpose the existing MoD buildings, facilities and utility connections.

Following Statutory Consultation in Autumn 2021: consideration of Options 2, 3 and 4

- 3.3.7 Through the Statutory Consultation process, National Highways received feedback from stakeholders, including representatives of the Gypsy and Traveller Community and parties with interests in land.
- 3.3.8 There was positive feedback regarding aspects of the proposed bivvy site, such as the proposed access to the site from the local road network alleviating local concerns regarding the potential for congestion from slow-moving vehicles on the strategic road network during the fair period each year. However, feedback also made the design team aware of challenges with the proposed site, such as land levels, proximity to residential properties and proximity to the proposed A66 dual carriageway.
- 3.3.9 This led to the consideration of an alternative site, known as “Option 2 – the ‘eastern’ site at Mains House, Brough”.

Option 2 – the ‘eastern’ site at Mains House, Brough

- 3.3.10 This option is located on the south side of the existing A66, at the Brough end of the scheme (eastern extents) and would utilise land associated with the property known as Mains House, as shown below in Figure 11 (see also Sheet 3 of 3 in Appendix A). The site is approximately 2.5km east of the current Brough Hill Fair site, providing the opportunity to move the Fair closer to its known origins in Brough.

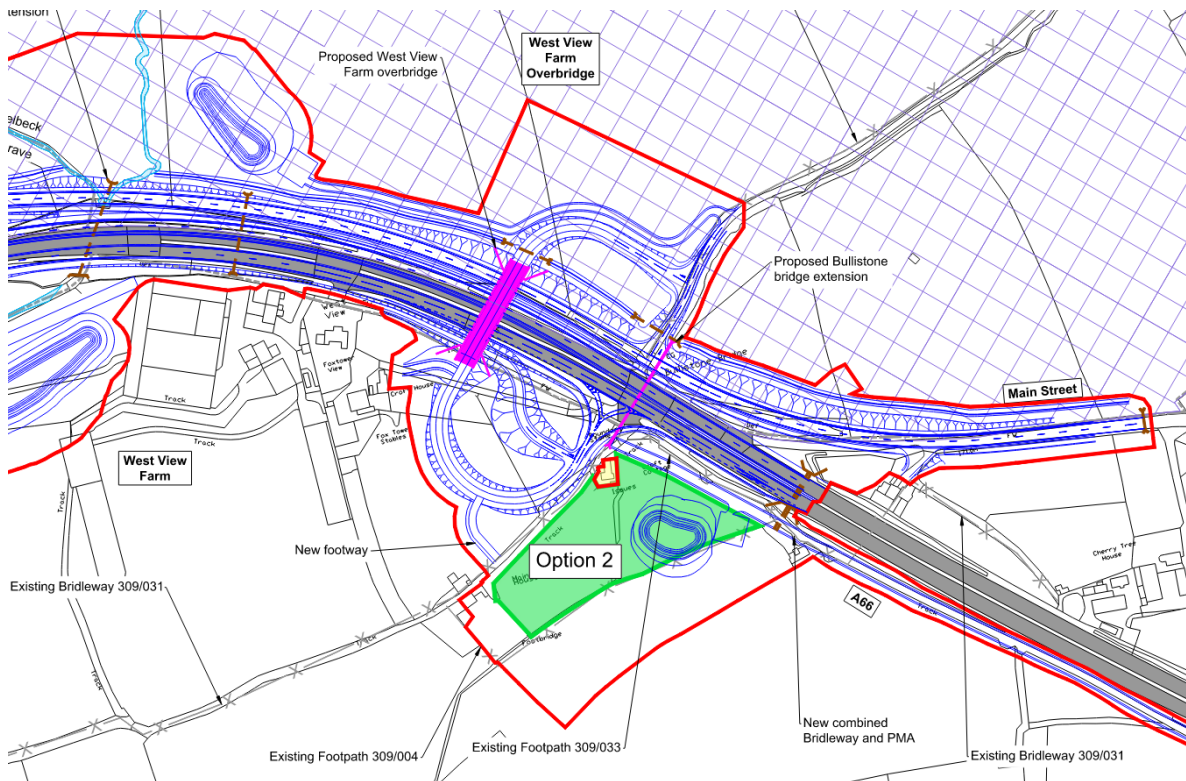


Figure 11 Extract from Appendix A showing the potential replacement site identified as Option 2 – the ‘eastern’ site at Mains House, Brough

- 3.3.11 This site is privately owned and currently used for grazing livestock. After construction of the proposed Appleby to Brough scheme, an area of approximately 2.3 acres would be available for a replacement site for the Brough Hill Fair.
- 3.3.12 This site is considerably smaller than the 5.4 acre site that the Brough Hill Fair currently occupies. Although flatter than the existing topography of the Brough Hill Fair site, it would require a split between site uses, with horses potentially tethered in the steeper areas to the north of the site, with caravans parked in the lower paddock closer to Mains House.
- 3.3.13 Currently, access to this site is off the existing A66 as shown in Figure 12 below, with access allowed to both the eastbound and westbound carriageways. Following construction of the proposed Appleby to Brough scheme, the site could either be accessed off the A66 westbound dual carriageway, connected to the local road proposed to link Warcop and Brough or via Musgrave Lane.



Figure 12 Google Streetview image (photography June 2022) showing access to potential replacement site at Mains House, Brough

3.3.14 The site is outwith the boundaries of both the AONB and the MoD training areas. There is also the opportunity to repurpose existing buildings, facilities and utility connections at the site.

3.3.15 Following this identification and assessment process, Option 2 was presented to stakeholders at supplementary consultation in Spring 2022 (refer to 3.3.27 through 3.3.29 below).

3.3.16 In addition to the ‘eastern’ site at Mains House, Brough, two other sites were considered at this point during the preliminary design process. These are described below, as “Option 3 – Opposite Street House” and “Option 4 – West of Warcop”. However, neither of these sites were progressed to supplementary consultation, for the reasons outlined below.

Option 3 - Opposite Street House

3.3.17 This option is located to the east of Wheatsheaf Farm and would utilise grassland on the south side of the old, de-trunked A66 opposite Street House and to the west of the new Warcop eastbound junction and to the north of the proposed new A66 dual carriageway, as shown below in Figure 13 (see also Sheet 1 of 3 in Appendix A).

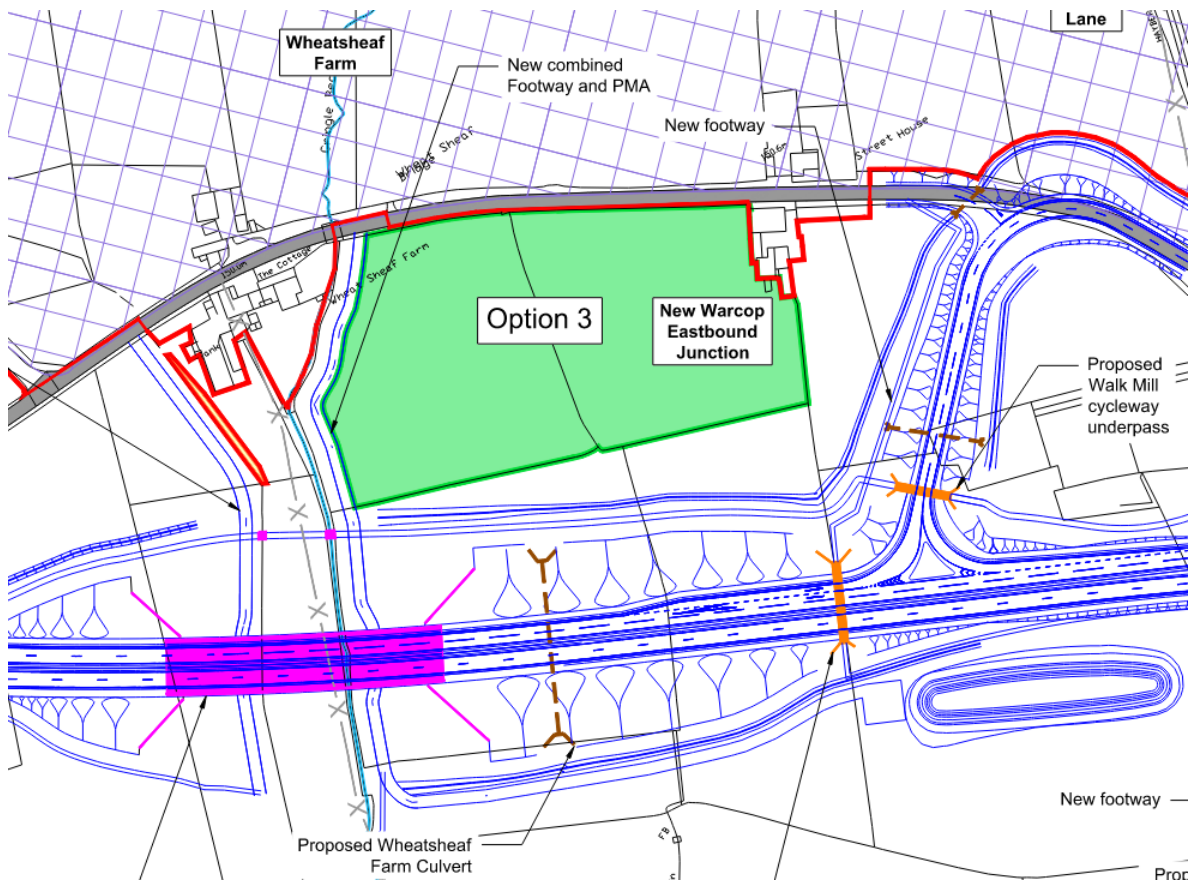


Figure 13 Extract from Appendix A showing the potential replacement site identified as Option 3 - opposite Street House

- 3.3.18 This site is agricultural grassland, owned by the MoD and tenanted by the Heron Family. After construction of the proposed Appleby to Brough scheme, a relatively flat area of approximately 6.3 acres would be available for a replacement site for the Brough Hill Fair.
- 3.3.19 Access to the site would be off the old, de-trunked A66 and the site is outwith the boundaries of both the AONB and the MoD training areas. Facilities, including utilities, would have to be provided as part of the proposed Project.
- 3.3.20 However, parts of this site are in flood zone 3 and at risk of flooding during 1 in 100 year weather events. This area is at risk of surface water flooding (based on the Defra flood risk maps) and has also been identified as a suitable location for essential flood compensation to mitigate the impact that the scheme has on the flood plain. Despite meeting a number of the criteria outlined in 3.1.2, this site was discounted due to flood risk.
- 3.3.21 The site was therefore not presented to the Gypsy community for their consideration, taken to public consultation nor included in the DCO application documentation.

Option 4 – West of Warcop

3.3.22 This option is located to the north of Warcop on the south side of the existing A66 and to the west of the local road into Warcop, as shown below in Figure 14 (see also Sheet 1 of 3 in Appendix A).

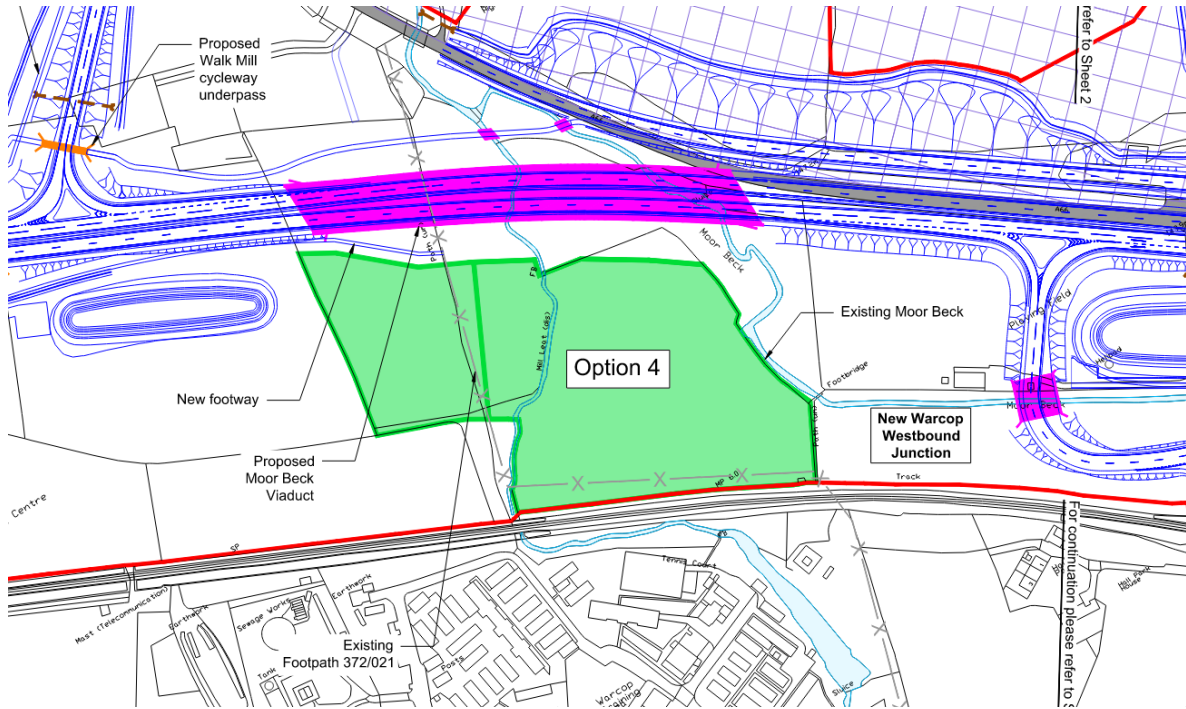


Figure 14 Extract from Appendix A showing the potential replacement site identified as Option 4 - West of Warcop

- 3.3.23 This site is privately owned and used for making hay and grazing livestock. The land to the west of the site is steep, which would limit the potential area available for a replacement Brough Hill Fair site to a usable 5.8 acres (despite an available land area of 8.2 acres).
- 3.3.24 Access to the site would be off the existing local road to Warcop, via an existing track parallel to the Eden Valley Railway. The site is outwith the boundaries of both the AONB and the MoD training areas. Facilities, including utilities, would have to be provided as part of the proposed Project.
- 3.3.25 However, the eastern parts of this site are in flood zone 3 and at risk of flooding during 1 in 100 year weather events. This area is at risk of surface water flooding (based on the Defra flood risk maps). Flood modelling work carried out during the preliminary design stage identified this land as being essential for flood compensation and wetland areas, which would make the majority of the site unsuitable for hosting the Brough Hill Fair.
- 3.3.26 The site was therefore not presented to the Gypsy community for their consideration, taken to public consultation nor included in the DCO application documentation.

Supplementary Consultation (Spring 2022): presentation of Options 1 and 2

- 3.3.27 Following consideration of the additional Options 2, 3 and 4 and the discounting of Options 3 and 4 as outlined above, the Applicant undertook a supplementary consultation in Spring 2022.
- 3.3.28 The purpose of this consultation was to seek feedback on the two options under consideration at the time for the replacement Brough Hill Fair site; Options 1 and 2.
- 3.3.29 Further information on this consultation, the process followed, and feedback received, can be found in Section 7 and Table 7.13 of the Consultation Report [Document Reference 4.4, APP-252]. Annex O of the Consultation Report also shows the Supplementary Consultation Material [Document Reference 4.4, APP-272] and Annex P contains tables demonstrating how the Applicant had regard to feedback received [Document Reference 4.4, APP-273].

Site visits with the representative of the Gypsy and Traveller Community, March 2022: Options 1 and 2

- 3.3.30 The Applicant attended site visits with Mr Billy Welch, the representative of the Gypsy and Traveller Community, in March 2022. Together, they visited both sites presented during supplementary consultation. Key points discussed with Mr Welch during the site visits are summarised below and these comments are echoed in Mr Welch’s Representations made during Examination (see for example, AS-007 and REP1-103 through REP1-106 as referenced in Table 2).

Option 1 – the ‘bivvy’ site

- 3.3.31 Feedback received from Mr Welch noted concerns regarding the site’s proximity to the proposed dual carriageway, the undulating nature of the site, and the quality of the ground (obvious signs of rabbit burrows). In addition, he expressed concerns in respect to the previous use of the site as an MoD firing site.
- 3.3.32 Mitigation measures were discussed, including the potential for incorporating regrading of the site, and providing bunding along the northern edge of the site to screen it from the road. Visualisations were prepared by the Applicant and shared digitally with Mr Welch in April 2022 to demonstrate what these mitigation measures may look like once implemented. These visualisations were also included as Appendix 6 to the Applicant’s Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions [Document Reference 7.3, REP1-009].

Option 2 – the ‘eastern’ site at Mains House, Brough

- 3.3.33 Feedback received from Mr Welch noted that the site was smaller than the current site, which may limit future growth of the fair as an event.
- 3.3.34 Mr Welch also raised concerns over land drainage and potential flooding of the site, although the Applicant’s analysis did not show the site to be at risk

of fluvial or surface water flooding (refer to Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy [Document Reference 3.4, APP-221]).

Following supplementary consultation in Spring 2022: consideration of Option 5

3.3.35 Following Supplementary Consultation, Option 1, the ‘Bivvy’ site was selected as the preferred alternative site for the relocation of Brough Hill Fair. This site is more than twice the size of the alternative eastern site (Option 2) presented in Spring 2022, has the ability for better mitigation than the Option 2 in terms of noise bunding and screening to the upgraded A66 and nearby businesses and has good access available from Station Road. 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.

3.3.36 However, during supplementary consultation and in their Representations made during Examination, the Heron family raised concerns about the proposed Option 1 site (see for example, REP2-040 as referenced in Table 1). In May 2022, the Heron family proposed an alternative site for the relocation of the Brough Hill Fair, described below as “Option 5 – Heron Family proposal”.

Option 5 – Heron Family proposal

3.3.37 This option is located south of the proposed A66, just north of Flitholme. It is adjacent to East Field Farm and incorporates part of the existing fair site into its area, as shown below in Figure 15 (see also Sheet 2 of 3 in Appendix A).

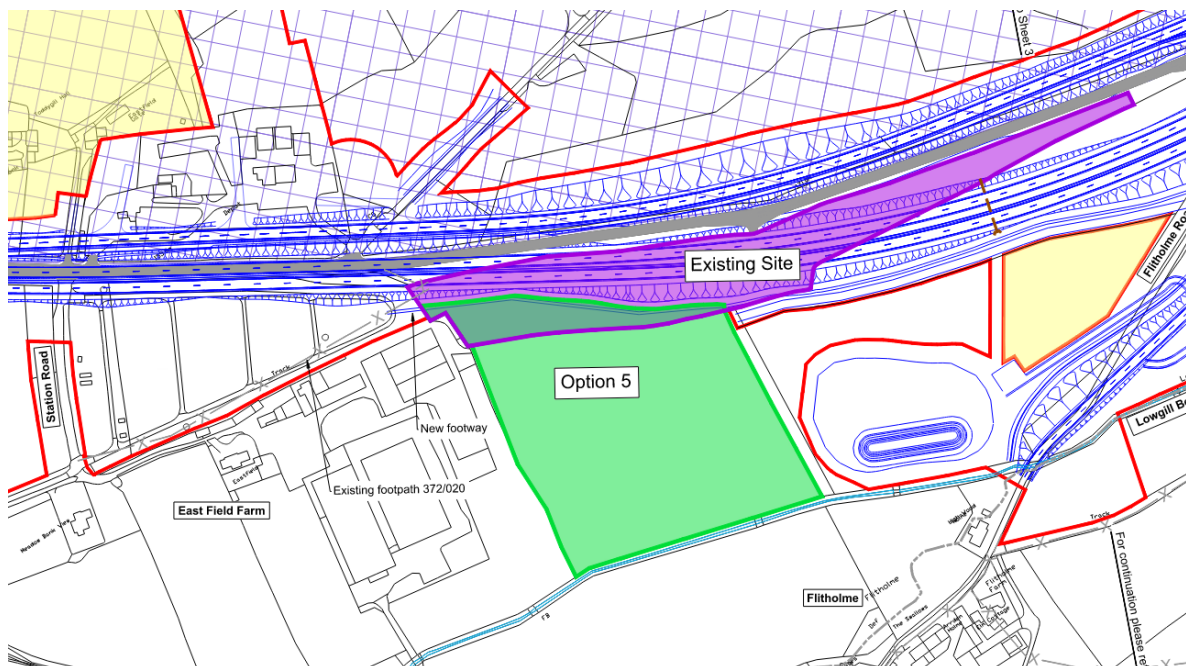


Figure 15 Extract from Appendix A showing the potential replacement site identified as Option 5 - Heron Family proposal

-
- 3.3.38 The land to the south of the boundary of the current Brough Hill Fair site is owned by the Heron family, and used for grazing livestock.
 - 3.3.39 The site slopes steeply from north to south down to an existing watercourse, Lowgill Beck. Significant earthworks would be required to reprofile the site to create a usable area for the Brough Hill Fair. Through reprofiling, there would be the potential for a usable site area of just 4.0 acres to be created, despite the land area available being 6.2 acres.
 - 3.3.40 Even with reprofiling, the site would still be elevated above the proposed A66 dual carriageway and therefore difficult to screen (both from a visual and noise perspective) for fair attendees.
 - 3.3.41 Although outwith the boundaries of both the AONB and the MoD training areas, there are currently no services (e.g., utilities) available at the site.
 - 3.3.42 Construction of a new access would be required for the site, involving the construction of a track south of the A66 that would connect to an existing access track proposed for maintenance of an attenuation pond. This track would require land from another landowner currently not impacted by the relocation of the Brough Hill Fair site.
 - 3.3.43 Given the extent of the earthworks required to make this site viable and the other factors outlined above in 3.3.41 and 3.3.43, it was not presented to the Gypsy community for their consideration, nor included in the DCO application documentation.

DCO Application June 2022: presentation of Option 1

- 3.3.44 Following the process outlined above, the Applicant progressed Option 1, the ‘bivvy’ site as its proposed site for the relocation of the Brough Hill Fair.
- 3.3.45 As previously reported in the Project Development Overview Report [Document Reference 4.1, APP-244], the primary reasons for the selection of this site include the means to improve the access to the fair site via the local road network, the comparable size and topography of the site to the existing fair site, and the means to connect to the existing Brough Hill Fair site to maintain the cultural connection that is of significance to the Gypsy community, as highlighted in their representations made throughout Examination.
- 3.3.46 In addition, the site presents the opportunity to repurpose existing MoD buildings, facilities and utility connections.
- 3.3.47 Since the beginning of the Examination process, the Applicant has sought to develop the proposals for this site further, including responding to concerns raised during Issue Specific Hearing 2 in December 2022 and in further representations made by the Representative of the Gypsy and Traveller Community and other Affected Persons.
- 3.3.48 This includes additional safety provisions through incorporation of fencing and double gate arrangements; the fencing also provides visual and noise screening for site users, from the proposed dual carriageway.

3.3.49 Further information can be found in Applicant’s Deadline 3 Submission – 7.16 Brough Hill Fair Technical Note – Rev1 [Document Reference 7.16, REP3-045] and Applicant’s Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions [Document Reference 7.3, REP1-009]).

3.4 Summary of assessment of potential replacement sites

3.4.1 Each of the sites described in 3.2 above was assessed against the criteria set out in 3.1.2 to determine if it could be a suitable replacement site for the Brough Hill Fair. This initial, general assessment is summarised in Table 3 below, where a cell with green shading represents a positive assessment against the criteria, and orange shading represents a negative assessment against the criteria. As well as a review against these general criteria, each site was also reviewed from an engineering, environmental and regulatory perspective, to determine whether it is a viable alternative site and to identify mitigation measures required to make it so. Further information on these aspects, on a site-by-site basis, is as outlined in 3.3 above.

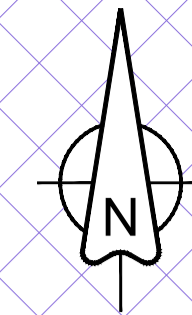
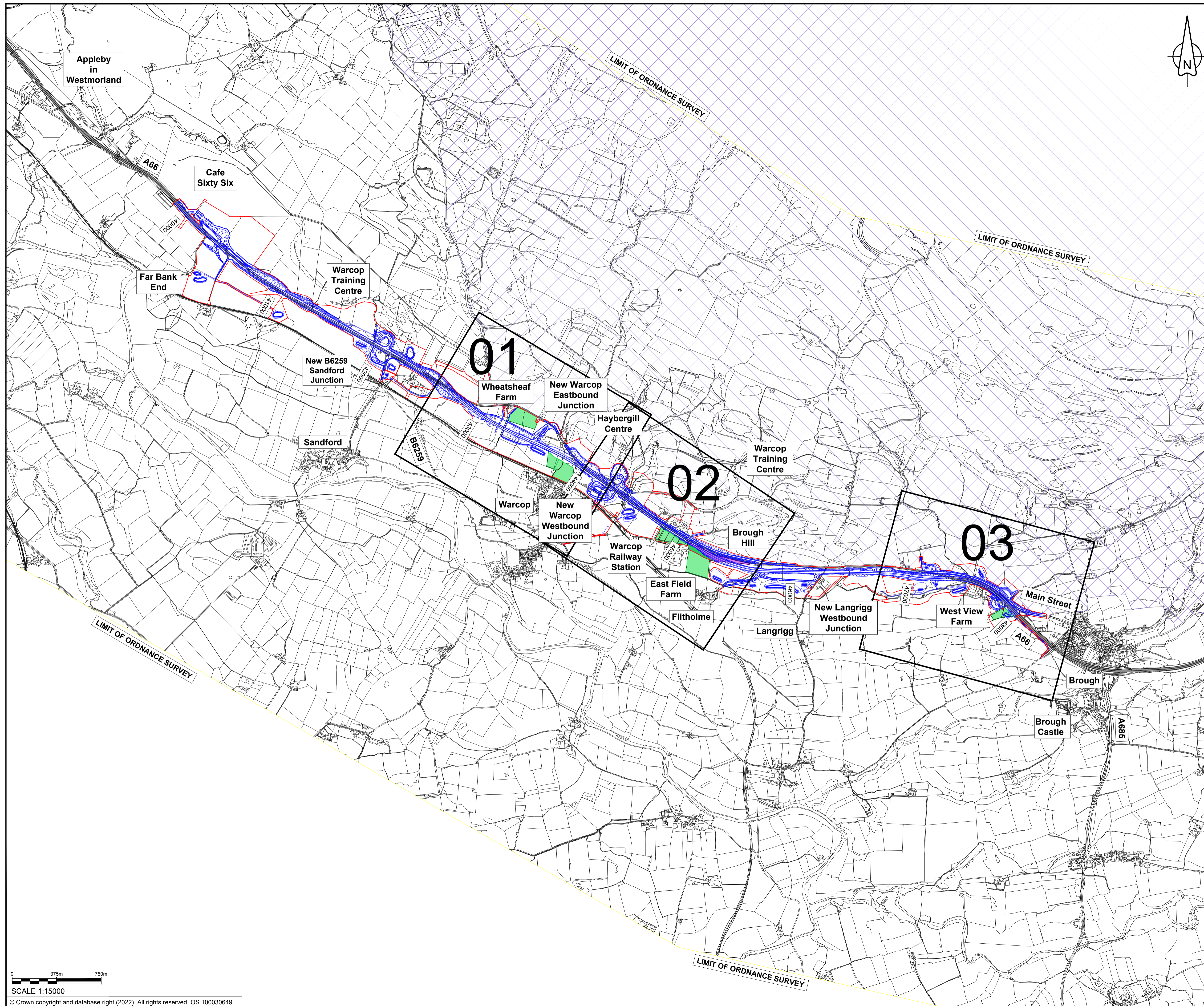
Table 3 Summary of assessment of potential replacement sites for the Brough Hill Fair

Criteria	Current proposed site	Alternative site taken to supplementary consultation	Alternative sites considered by not taken to supplementary consultation		
	Option 1 – the 'Bivvy' site	Option 2 – the 'eastern' site at Mains House, Brough	Option 3 – opposite Street House	Option 4 – West of Warcop	Option 5 – Heron Family Proposal
Be a grass field, relatively flat and level	Relatively flat site	Gently sloping site (though less undulating than current site)	Relatively flat site	Steeply sloping site at western side; flatter towards the east	Steeply sloping site (significant earthworks required)
Be the same size (or greater) as the existing 5.4 acre site	5.4 acres usable area	2.3 acres usable area	6.3 acres usable area	5.8 acres usable area	4.0 acres usable area
Be within the extents of Scheme 06 Appleby to Brough (and ideally within the Order Limits)	Yes	Yes	Yes	Yes	Yes
Have safe access to the site	Access via Station Road (existing local road)	Access from westbound carriageway of dualled A66, via local road that links Warcop and Brough; alternative access available via Musgrave Lane	Access from de-trunked A66	Access from existing local road to Warcop, via existing track parallel to Eden Valley Railway	New access track required to facilitate access to the site
Be south of the existing A66 and therefore outside the MoD training range and North Pennines AONB	Yes	Yes	Yes	Yes	Yes
Be able to be acquired by agreement with affected landowner	Land owned by MoD; agreement reached	Land to be under NH ownership; no agreements required	Land owned by MoD; agreement required (and not reached)	Privately owned land, agreement required (and not reached)	Privately owned land, agreement required (and offered by landowner)
Geographical context of the Royal Charter	The proposed site is not within the Manor of Brough under Stainmore.	The proposed site is within the Manor of Brough under Stainmore.	The proposed site is not within the Manor of Brough under Stainmore.	The proposed site is not within the Manor of Brough under Stainmore.	The proposed site is not within the Manor of Brough under Stainmore.
Be as close as practicable to the existing site	Yes – proposed site layout utilises part of existing site	No	No	No	Yes – proposed site layout utilises part of existing site

4 Conclusion

- 4.1.1 As demonstrated in this document, the Applicant has considered a range of sites for the relocation of the Brough Hill Fair throughout the preliminary design stage of the A66 Northern Trans-Pennine project.
- 4.1.2 Following this optioneering process and having regard to feedback received via engagement and consultations held throughout, the Applicant is of the view that the Bivvy site (Option 1) best meets the needs of the Gypsy community for the purpose of providing a replacement site to host the Brough Hill Fair.
- 4.1.3 Throughout the detailed design stage, mitigation measures to address concerns raised, such as fencing requirements and safe access arrangements, will continue to be developed in close consultation with members of the Gypsy community, and those landowners and local businesses impacted by the relocation of the Brough Hill Fair to this proposed site.
- 4.1.4 In addition, as outlined against Agenda Item 6.1 of the Applicant’s Deadline 5 Submission – 7.30 Issue Specific Hearing 3 (ISH3) Post Hearing Submissions (including written submissions of oral case), it is the Applicant’s intention to undertake an Operational Risk Assessment for the proposed bivvy site following Deadline 5 and submit it into Examination as soon as is reasonably practicable, in response to concerns presented by Interested Parties at Issue Specific Hearing 3 (March 2023) around the use of the proposed site and access to it.

Appendix A

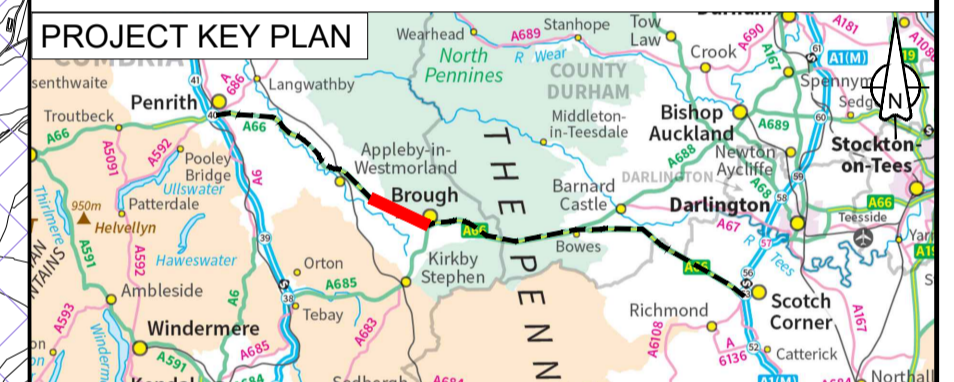


NOTES

- ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.

KEY

- THE SCHEME (SHOWN FOR ILLUSTRATIVE PURPOSES ONLY)
- SHEET USED AS PART OF THIS DRAWING SERIES
- DESIGNATED AREA OF OUTSTANDING NATURAL BEAUTY (ACNB)
- CHAINAGE (MEASURED DISTANCE ALONG THE SCHEME LENGTH)
- ORDER LIMITS
- EXISTING A66 CARRIAGEWAY
- EXISTING BROUGH HILL FAIR SITE
- POTENTIAL REPLACEMENT SITE FOR BROUGH HILL FAIR



P01.1	CF	AB	AB	PC	AJ
	13/03/2023	13/03/2023	13/03/2023	13/03/2023	13/03/2023

Revision	Created	Checked	Reviewed	Approved	Authorised
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Purpose: Deadline 5 submission

PINS Reference Number: TR010062

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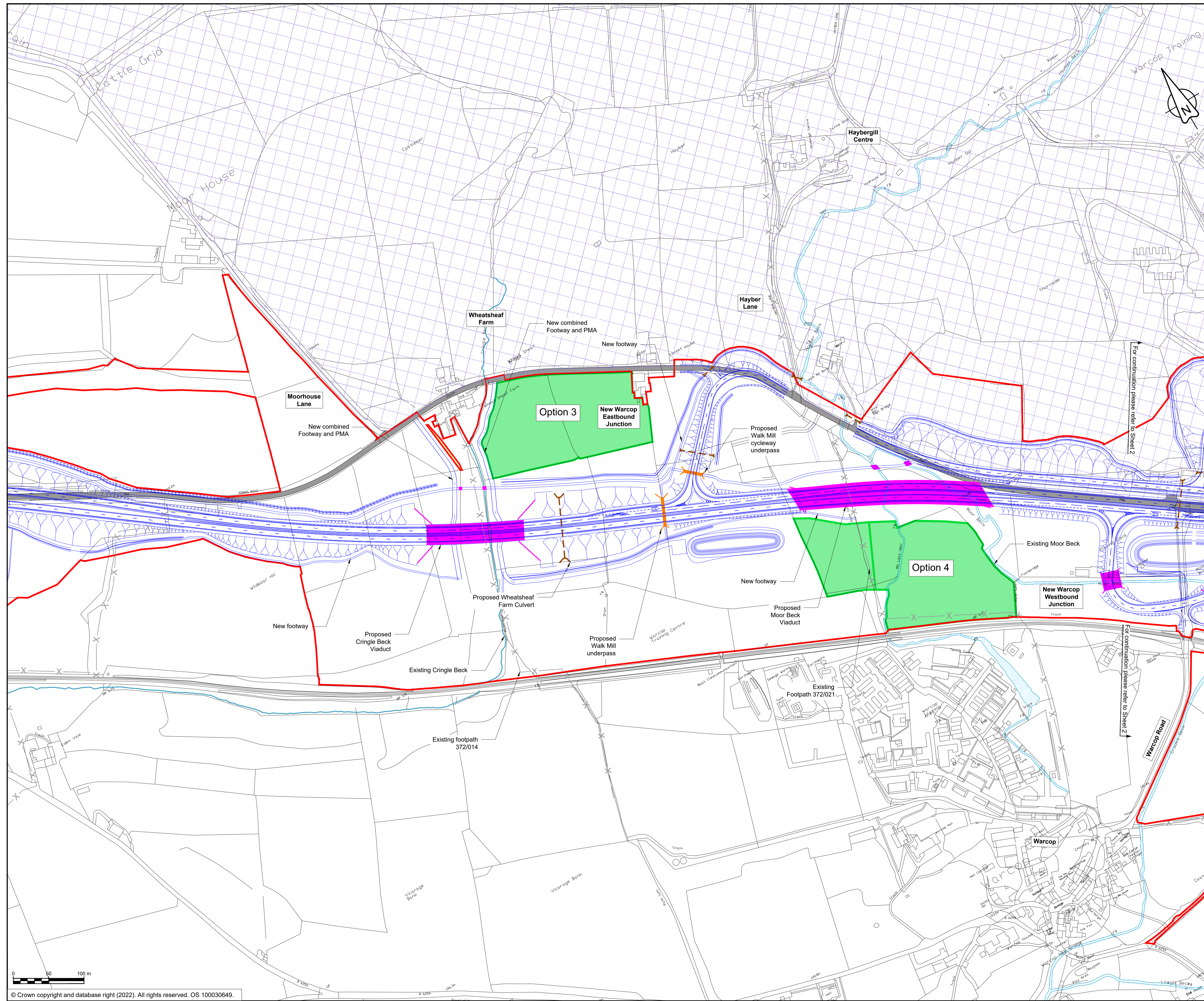
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 Appleby to Brough

Drawing Title: Deadline 5 Submission Brough Hill Fair – Selection of Replacement Sites Key Plan

Project Ref. No.	Stage	Scale : As Shown	@ A1
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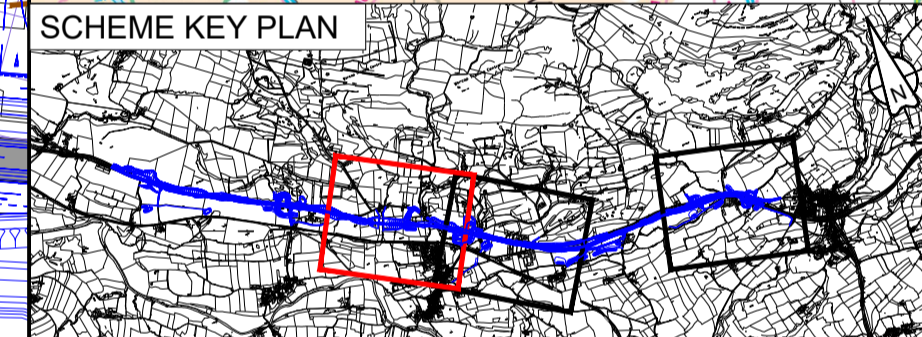
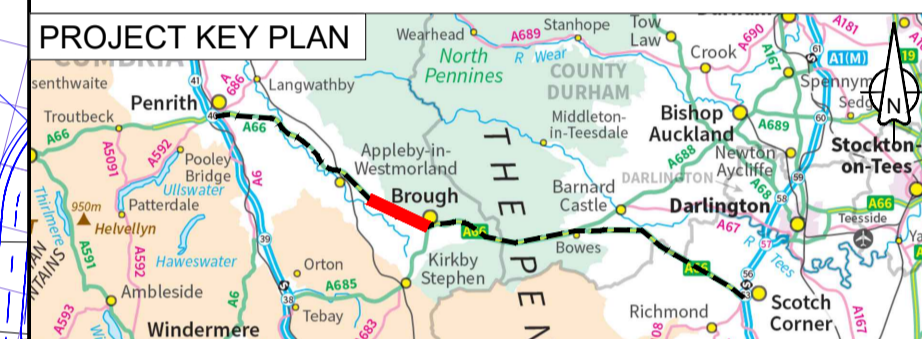
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 5. PLANS PRODUCED TO ACCOMPANY THE APPLICANT'S DEADLINE 5 SUBMISSION. REPLACEMENT SITES CONSIDERED FOR BROUGH HILL FAIR. PLANS ARE BASED ON THE GENERAL SCHEME OUTLINE PLANS FOR SCHEME 06 APPEAL TO BROUGH, SUBMITTED TO THE EXAMINING AUTHORITY AT PROCEDURAL DEADLINE 1 [PDL-006].

- ### KEY
- ORDER LIMITS
 - AREA EXCLUDED FROM ORDER LIMITS
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 - EXISTING A66 CARRIAGEWAY
 - PARISH BOUNDARY
 - EXISTING PUBLIC RIGHT OF WAY
 - PROPOSED WORKS
 - PROPOSED EARTHWORKS
 - EXISTING BROUGH HILL FAIR SITE
 - POTENTIAL REPLACEMENT SITE FOR BROUGH HILL FAIR
 - PROPOSED CULVERT & HEADWALL
 - PROPOSED BRIDGE / VIADUCT
 - PROPOSED UNDERPASS / TUNNEL



P01.1	CF	AB	AB	PC	AJ
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Revision details					
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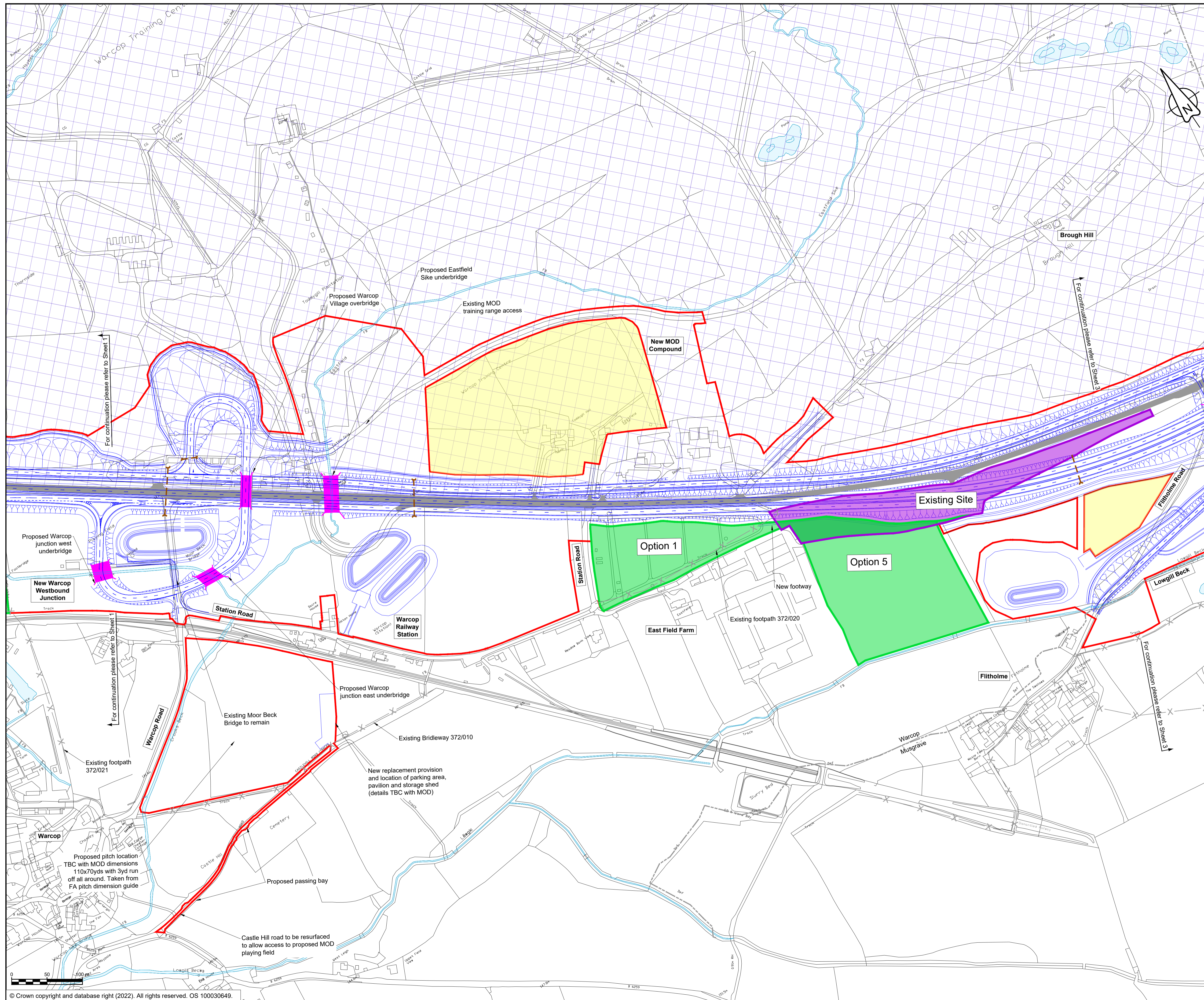
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Drawing Title: Deadline 5 Submission Brough Hill Fair – Selection of Replacement Sites Sheet 1 of 3

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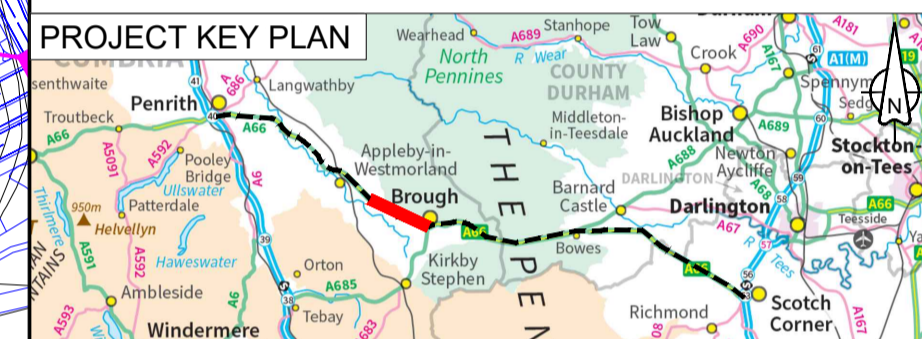
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Purpose: Deadline 5 submission

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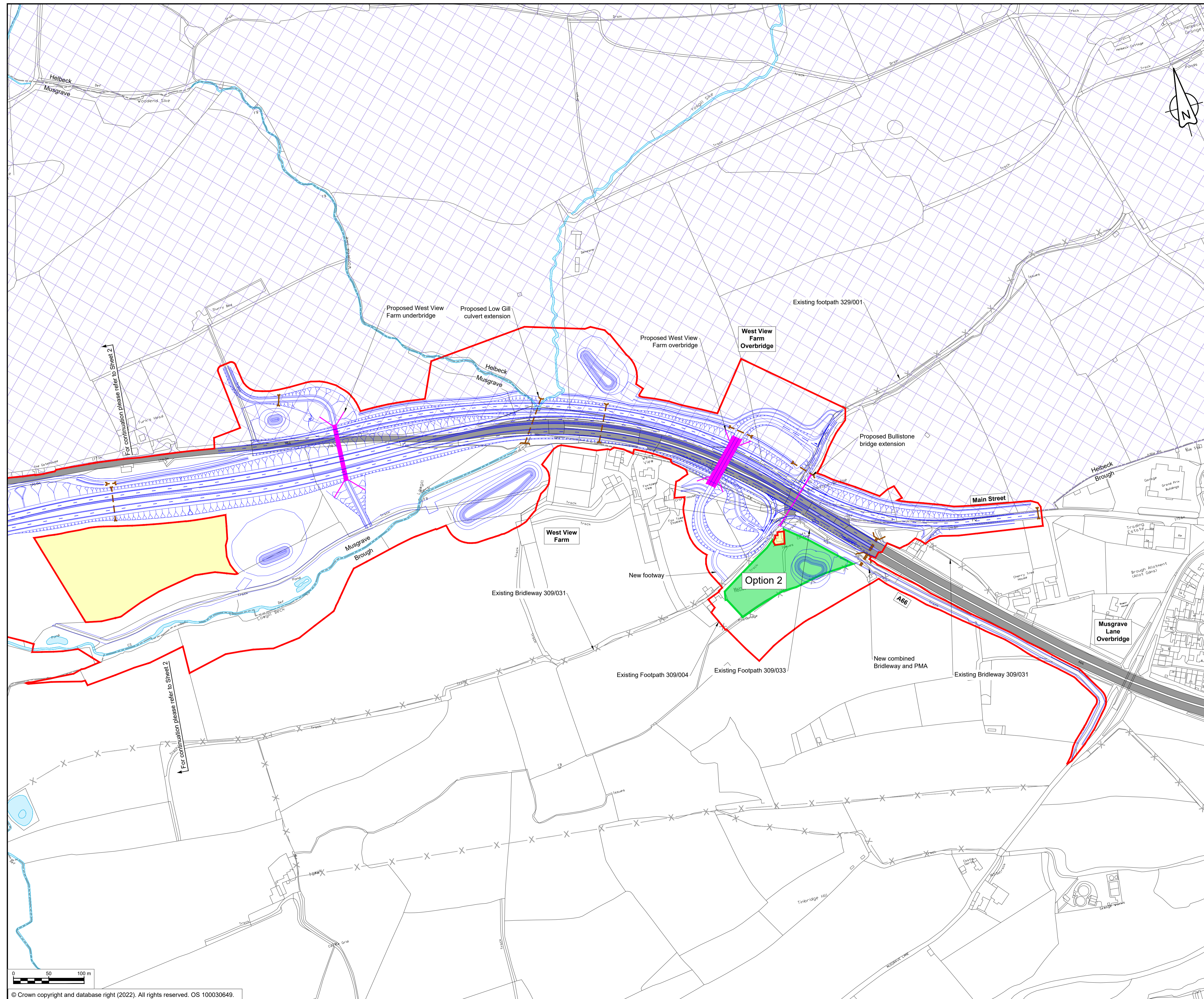
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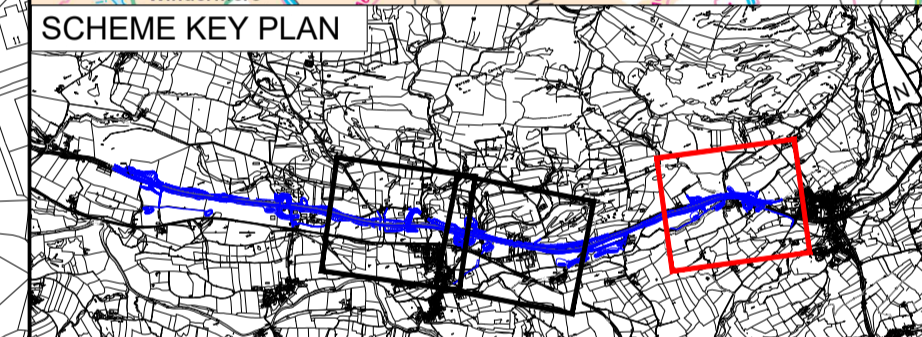
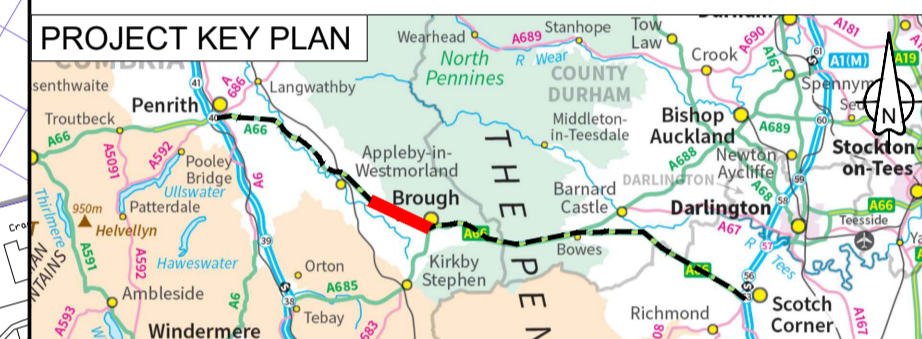
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PINS Reference Number: TR010062

Client: 3 Piccadilly Place, Manchester, M1 3BN



Project Name / Scheme Name: A66 Northern Trans-Pennine Project Scheme 06 Appleyby to Brough

Drawing Title: Deadline 5 Submission Brough Hill Fair – Selection of Replacement Sites Sheet 3 of 3

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