
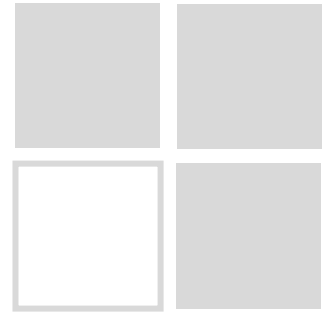


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## **A66 Northern Trans-Pennine Project Examination**

**Deadline 7 Submission on behalf of the Brough Hill Fair Community Association and the Gypsy and Traveller Community**

**Comments on National Highway's Document 7.37 Summary Statement on Brough Hill Fair Relocation**

## **Introduction**

References are to the paragraphs in National Highway's Document 7.37 Summary Statement on Brough Hill Fair Relocation.

This submission should be read with The Proposal to the Examining Authority of 24 April, which we are submitting in parallel.

### **Introduction**

- 1.1.1 The Brough Hill Fair Community Association made submissions at Deadline 5 [Rep 5-031], and at Deadline 6 [Reps 6-035 & 6-036], including a joint submission with the Heron family [Rep 6-041].

### **Consideration of Alternative Sites**

- 3.1.1 Our position is that reflecting the importance of the Brough Hill Fair as a cultural heritage resource [Rep 6-036, paras 5.1 – 5.17], National Highways (NH) was required to describe the likely significant effects of the proposed development on the Brough Hill Fair; together with 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, and then to identify reasonable alternatives for addressing the impacts on the Fair, and the reasons for the option chosen [Rep 6-036, paras 6.1 – 6.2].

What NH has done is consider reasonable alternatives to the Project as a whole, wrapping the relocation of the Fair as a necessary feature of the Project, rather than, as it was legally required to do, developing and appraising reasonable alternatives for addressing the impacts on the Fair, including, alternatives, which would not result in the loss of the current Fair site, such as through the Billy Welch Straight Line and a wider range of more acceptable relocation sites than have been considered and consulted on so far.

We note that in its Summary Statement on Brough Hill Fair, NH has not addressed our point that its Environmental Statement fails to make appropriate reference to Brough Hill Fair. Rep 6-036 paras 3.1-3.3, 5.6-5.10 and 5.12- 5.20<sup>1</sup> refer.

3.2.1 While as we acknowledge at Rep 6-036, para 5.15 the Equalities Impact Assessment makes a number of references to the importance of Brough Hill Fair, it undermines that acknowledgement by not considering how the likely significant adverse effects of the project could be avoided, prevented, reduced, or, if possible, offset. Rather, it unjustifiably asserts the positive benefits from relocation onto the Bivvy site when that site is wholly unacceptable to the Gypsy and Traveller community, page 42 refers.

3.3.1 It is not correct to say that the Gypsy Community had reservations about both sites. The Brough Hill Fair Community Association's position is that neither of the alternatives on which it has been consulted are appropriate or acceptable. We have specifically asked the Examining Authority to find that relocation of the Brough Hill Fair to the Bivvy Site is unacceptable and 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.

At paras 6.7 – 6.13 of Doc we outline the reasons why The Bivvy site is not an acceptable site for the relocation of the Fair.

In his own words Mr Welch summarised other reasons for rejecting the Bivvy site in his comments at minutes 1:17:02, 1:32:13 and 1:48:11 of examination session 3 on 1 December 2022. At minute 1:48:11 he confirmed in response to the Inspector's question, that the Bivvy site was unacceptable.

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<sup>1</sup> Wrongly numbered 5.17.

At paras 6.20 – 6.23 of Doc we propose criteria for an acceptable relocation site, and explain why those are the criteria which should be used, rather than the related, but narrower criteria proposed by National Highways.

We welcome the Inspector's indication at minute 1:31:50: *'We would like to see there was a real dialogue with Mr Welch and his community'*; and again at minute 1:50:00: *'But I think I speak on behalf of my colleagues, that we do press upon the applicant to try and resolve this issue and, if necessary, suggest more suitable sites'*.

However, beyond the previous consultation on two sites, neither of which is unacceptable, this dialogue about alternative sites has not occurred.

The Gypsy and Traveller community is open to considering alternative sites: *'We have looked at other alternatives and other fields and have said maybe that one would work better or this one .... We would be willing to leave the hill, provided the charter was transferred from there to another area, but somewhere [that] would be more suitable'*, Session 3, minute 1:50:00.

The problem is that NH has been unwilling to consider other sites. Rather than understanding that the Bivvy site is unacceptable to the Gypsy community, and indeed to the Heron family, it has persisted in focussing on persuading the Gypsy and Traveller community of the suitability of the Bivvy site and on believing that the drawbacks of the Bivvy site can be mitigated.

Its approach, which is on the lines: we know better than you what is in your best interest, comes over as patronising and as not taking the strongly expressed views of the Gypsy community seriously eg at minutes 1:35:56 – 1:37:00: *'we will keep on as we are now in response to the relevant representation, engaging with Mr Welch. Absolutely, we will in the hope that we can persuade him and his community that our proposals are appropriate and better than any alternative that we have looked at. And we have looked at a lot of alternatives, including the Eastern site in relation to which .. we had a consultation ... And ... we entirely understand the concern about the loss of*

*the cultural connection with Brough Hill ... and we feel that feeling of the loss of the cultural connection can be mitigated by maintaining some of the old site in the layout of the new site.'*

- 3.4.1 At paras 5.18 & 5.19 of Rep 6-036 we outline why NH's approach of failing to give appropriate weight to the cultural importance of Brough Hill Fair 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, risks acting contrary to the Prohibition of Discrimination under Article 14 and is inconsistent with the Public Sector Equality Duty under s.149 of the Equality Act.
- 3.5.1 At paras 6.16 & 6.17 of Rep 6-036 we outline why we do not accept all of NH's criticisms of the Billy Welch alignment.
- 3.5.2 In the 2<sup>nd</sup> bullet of para 6.26 of Rep 6-036 we indicated that we broadly supported the reasoning for rejecting the alternative site proposed by the Heron family.

### **Intangible Cultural Heritage**

- 4.1.1 It is not true that the Gypsy Community / Brough Hill Fair Community Association first raised the issue of intangible cultural heritage at Issue Specific Hearing 3 and through our Deadline 5 and 6 submissions. It is true that they were the first times we made explicit reference to the technical term '*intangible cultural heritage*'.

While he did not use formal language, in the following statements to Session 3 on 1 December 2022 Mr Welch was referring to intangible cultural heritage: '*Yes, it's just it's extremely important to my people, culturally. It's where our ancestors have gone for centuries. And when we're there we get a sense of place, a sense of belonging, a sense of ancestry. It is called very, extremely culturally important to us*', 1:17:47- 1:17:58;

*'it's not the actual ancestral site, we won't be staying where our ancestors did, which is important to us in our culture ..... south of the 66 where we're talking about its pristine English countryside. It's picturesque, we refer to it as God's country. The other side, it's an abandoned industrial estate where they don't want to put the road, so we can't see the sense in it', 1:32:13..*

Mr Welch confirms that in many face to face meetings with Highways England over the last 4 or 5 years he has repeatedly stressed the major cultural importance of Brough Hill Fair, and indeed of much of the landscape around the A66 to the Gypsy and Traveller community. In his words the Fair is sacred. However, National Highways has repeatedly not understood or chosen not to understand the implication of what he was saying to them.

At paras 5 – 8 of its Deadline 4 response to the Examining Authority's Question 1.3 concerning the future management of the Brough Hill Fair, while not making reference to intangible cultural heritage as such, the Brough Hill Fair Community Association described fairly precisely why the Brough Hill Fair represents Intangible Cultural Heritage:

1. In addition to the safety concerns about a horse fair sharing a boundary with a dual carriageway, we would like to take this opportunity to set out why this Fair is so culturally important and to explain why we are seeking to retain the existing site and the essential elements which make it important.
2. As the majority of roadside stopping places have been closed to us over the whole country, and recent legislation has criminalised the stopping on roadside verges and waste ground, the nomadic characteristics which are central to our culture are being taken from us. Gypsy and Traveller people are now mostly settled on official sites where they can raise their families and access public services like everyone else, but travelling round the country for work is still the central part of the Gypsy and Traveller economy. This distinctive traditional way of life manifests itself not only in the importance of the extended family, and in our entrepreneurial economy, but also in nomadism. This is because we specialise in working on the land on seasonal work, and in doing jobs which only need doing occasionally in any given area. When the trees have been felled and the paving stones or tarmac laid in one area, we move to another area. Fruit picking, hedge laying, ditching and ground works, and horse trading, all require travelling for continuous work, and as our traditional stopping places are closed, the Gypsy Fairs become more important to maintain this nomadic lifestyle.

3. At Brough Hill Fair, and other Horse Fairs around the country, we can meet up with our extended families and camp in particular locations as we have done for centuries. These landscapes are best described as sacred to us. When we sit round the fire, in the same spot, using the same fire-irons and the same pans and kettles that our grandparents used, we feel close to our ancestors. When we look at the moon rising over a particular hill as our ancestors did, and sing the same songs that our ancestors did, it sustains us in our sense of ourselves and our history, and the long road we have come to reach this day, when another year is done. When we sit around our fires, we have a sense that our ancestors are present, as if they are with us, sustaining us and encouraging us. These considerations may be seen as romantic by non-Gypsies, but for us they are not romantic dreams, but an essential part of who we are. This relationship with the land and the place cannot be transferred in a legal document, and the special character of family gatherings round a campfire cannot survive intact if it is next to a river of heavy traffic moving at 70 – 80 miles an hour, just a few yards away, even with a noise- reduction fence in place. Building this road next to the Fair would be insensitive and destructive.

4. We believe that the removal of the traditional site which has been in use by our people for longer than anyone can remember will damage that heritage, at a time when it is already under threat from many sides.

It is difficult not to read NH's failure to understand and take account of the cultural importance of the Fair with its unwillingness to identify alternative sites and discuss them with representatives of the Gypsy and Traveller community in a serious way.

We would invite the Examining Authority to find that relocation of the Brough Hill Fair to the Bivvy Site is unacceptable.

We 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.

While our preference is for moving the road alignment so that the Fair can be retained in its present location, 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. They should consider sites which would need to be compulsorily purchased.