
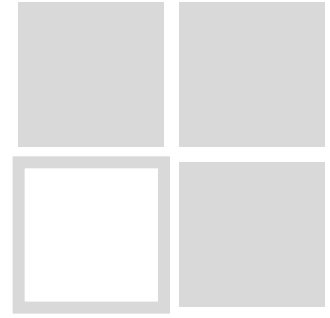


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## **A66 Northern Trans-Pennine Project Examination**

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

**A Request to the Examining Authority, 23 April 2023**

1. This request to the Examining Authority is submitted on behalf of the Brough Hill Fair community Association and the Gypsy and Traveller Community.
2. We are submitting it to the Examining Authority and in parallel to National Highways (and the Heron Family) in advance of Deadline 7 because we are deeply concerned about the damage that will be done to the Gypsy and Traveller community by the current proposals to relocate Brough Hill Fair onto the Bivvy site.
3. Submission in advance of Deadline 7 will give both parties more time to consider our comments and to take action in response to them within the time frame of the examination. In parallel we are submitting a more technical response to National Highway's Document 7.37, Summary Statement on Brough Hill Fair Relocation.
4. This submission follows a meeting on 19 April between Billy Welch, Bill Lloyd and myself on behalf of the Gypsy and Traveller community, and Andy Johnson, Hannah Smith and Rachel Smith for National Highways.
5. The meeting made clear that the technical team working for National Highways fully understand the cultural importance of the Brough Hill Fair and the current Brough Hill Fair site to the Gypsy community, they understand that the Bivvy site is inappropriate for relocation of the Fair, and is unacceptable to the Gypsy community and the Heron family, but they are not authorised by National Highways not to discuss other relocation options.
6. The Bivvy site is unacceptable on the basis it is a long, narrow bit of land left over from construction of the road squeezed between the dual carriageway and the Heron family's industrial scale farm operation. Locating the fair with its horses, dogs and Gypsy children alongside the road and immediately adjoining the farm with its large scale operations - hay store, sheep dipping, cattle sheds, slurry - and requiring it to share

access with the farm and transport depot creates significant health and safety risks, and National Highways could not answer where liability would rest, if there was a significant accident, see the joint letter on behalf of the Heron family and the Brough Hill Fair Community Association, Rep 6-041.

7. The proposals to mitigate the impacts on the users of the site through bunds and fencing will increase the feeling for the Gypsy community of being within a walled enclosure, not a horse fair in the countryside. It will remind them of the Council sites developed in the past, which often located Traveller sites by sewage works, under flyovers or next to tips.
8. A decision to approve relocation to the Bivvy site would be 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. It risks being contrary to the Prohibition of Discrimination under Article 14. It would be inconsistent with the Public Sector Equality Duty under s.149 of the Equality Act.
9. Gypsy people were encouraged by the Inspectors' instructions at the examination session on 1 December, 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'*.
10. The dialogue about alternative sites has never happened. NH's engagement has been limited to mitigation and persuading the Gypsy community that the Bivvy site is in their best interests. All the good participation work through the project development process will be negated if the outcome is the relocation of the Fair onto an unacceptable site, which risks the Fair's death. To the Gypsy community it will be another example of their experience of prejudice and marginalisation within Britain going back centuries.

11. While our preference is for moving the road alignment so that the Fair can be retained in its present location, we understand that AONB and Ministry of Defence constraints make that difficult.
12. On that basis we would invite the Examining Authority to require National Highways to develop and appraise reasonable alternatives for relocation of the Fair.
13. At paras 6.20 – 6.26 of our Deadline 6 submission on Brough Hill Fair Intangible Heritage we made a number of comments about the approach to identifying reasonable alternatives. While all those comments are relevant, we would particularly stress the third bullet of para 6.26:
  - If a suitable site is to be identified quickly, it is essential that Gypsy and Traveller representatives are actively involved throughout that process, rather than National Highways developing options based on its own interpretation of what the Gypsy and Traveller community needs, and only engaging the community once they have identified what they consider a suitable site.
14. We would make a further point about the identification of an acceptable alternative site. We suspect National Highway's unwillingness to engage over relocation sites is because it has only considered land over which it has control or can acquire by agreement, which means odd bits of land left over after construction of the road, and that is why we have ended up with the Bivvy site.
15. The cultural importance of the Fair requires NH to identify suitable land. It is also the safe approach. Given the apparent failure to take full account of environmental impact and equality legislation, forcing relocation onto the Bivvy site carries a risk of legal challenge.

16. The importance of treating relocation of the Fair onto an appropriate site as an essential strand of the A66 Project, would allow National Highways to escape the constraint of the sites over which they currently have control, and would justify use of compulsory purchase powers.
17. We only require the land for 10 days a year, the four days of the Fair, plus three days either side to set up and take down. We would imagine, that from the substantial areas of grazing land around Warcop and Brough, it should be possible to identify far more suitable land than the Bivvy site, and then to purchase it for the Fair for 10 days a year by agreement or compulsory purchase, with the land owner retaining the land for the rest of the year.

### **Conclusions**

18. We would invite the Examining Authority to find that relocation of the Brough Hill Fair onto the Bivvy Site is unacceptable and to exclude it from the Development Consent Order.
19. We would invite the Examining Authority to require National Highways to develop and appraise reasonable alternatives for relocation of the Fair, including sites which would need to be compulsorily purchased. We would respectfully ask the Examining Authority to give this instruction to NH by Deadline 7 in order that the process of site identification can begin before the end of the examination.
20. If the Examining Authority is minded to recommend approval of the Development Consent Order, we would invite them to include a provision in the Order on the lines of a requirement for National Highways to identify and ensure the availability of an acceptable relocation site, before construction of the Warcop to Brough section of the road can begin. We have in mind a requirement analogous to a pre-commencement condition to a planning permission.