



**Westmorland  
& Furness  
Council**

To:

A66 Northern Trans-Pennine Project Case Team  
National Infrastructure Planning

20<sup>th</sup> December 2023

**Sent by email only to: [A66Dualling@planninginspectorate.gov.uk](mailto:A66Dualling@planninginspectorate.gov.uk)**

Dear Sir/Madam,

**A66 NORTHERN TRANS PENNINE PROJECT – REQUEST FOR COMMENTS BY THE SECRETARY OF STATE**

Thank you for your email on 7 December 2023, with the Secretary of State's letter requesting comments in relation to amendments to Article 36 (relocation of Brough Hill Fair).

This letter sets out the position of Westmorland and Furness Council (the Council) in relation to those potential amendments.

Throughout the application process and during the Examination, neither of the Council's statutory predecessors (Cumbria County Council and Eden District Council) participated in the discussions relating to Brough Hill Fair (BHF). In its Deadline 5 submission (reference REP5-034) the Council (at the time this was both Cumbria County Council and Eden District Council) confirmed that it was not prepared to take on ownership of land nor any maintenance responsibility for the relocated BHF and this remains the Council's position.

The Council does not wish to assume responsibility for either approving the scheme for the provision of the replacement BHF site or for certifying satisfactory implementation, suitability or availability for use.

The Council's reasons are as follows:

1. The Council is not well appraised of the issues or the user requirements for the replacement BHF site.
2. Article 36 relates to more than simply the laying out of the site and considers issues beyond planning matters. The article is concerned with the physical relocation of

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BHF as well as ensuring the continuation of perceived charter rights, of which the Council has no knowledge, experience nor expertise.

3. The Council does not want to become the arbiter of a matter which is not its responsibility. This is a matter is for the affected parties, National Highways and the Gypsy and Travellers Representatives, to resolve.
4. The future arrangements for ongoing maintenance and management of the site appear to be unresolved, which could make approval of those arrangements problematic.
5. There is no timescale for the approval and certification process, nor any provision for non-determination.
6. The Council does not have the resources to take on the responsibility as approver under Article 36, which it believes may be quite onerous and time consuming.

Notwithstanding the above, the Council will have a view about the proposals for the replacement BHF site, which should enable the same level of provision and usage as the current site and address any potential impacts. The Council therefore still welcomes the proposed consultation arrangements under paragraph (2) (b) (iii) and (iv) of Article 36.

There is currently no need for a traffic management plan for BHF due to the low level of activity that occurs and the Council would have significant increased resource demands if the future use of the replacement BHF site increased to such an extent that Council resources were needed to manage the impacts of the event, as happens on a large scale with Appleby Horse Fair.

Should you require anything further, please let me know.

Your sincerely,

[Redacted Signature]

Guy Kenyon

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