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The Rt Hon Heidi Alexander MP
Department for Transport,
Great Minster House,
33 Horseferry Road,
London,
SW1P 4DR.

4th February 2026

A66 Northern Trans-Pennine Project
Article 36 - Replacement Site for the Brough Hill Fair

Dear Secretary of State,

I write on behalf of the Brough Hill Fair Community Association in relation to ongoing consultations by National Highways around the A66 Northern Trans-Pennine Project, and specifically, the detailed designs for the proposed replacement site for the Brough Hill Fair - 'the Bivvi Site.'

I wrote to your predecessor; the Rt Hon Mark Harper on 6th November 2023; in the days before the Decision on the DCO was due to be made; and on 8th November 2023, Mr Harper made a written statement to Parliament, announcing a delay to the Decision of 6 months.

Please find that letter enclosed, along with the judgment in *'Wyld and Others v Silver'* which confirms that *'Once it is established that the inhabitants of a place are entitled to hold an annual fair or wake on a plot of land neither disuse nor waiver, nor anything short of an Act of Parliament, can take it away.'*

The relevance of the heritage of the Brough Hill Fair has not changed in the time that has passed since I wrote to Mr Harper, nor the position, either, of the BHFCA or of the law in relation to it. In fact, it appears that the only material change so far as the circumstances around the Fair, and its replacement site are concerned since that time, is that the issues arising in relation to the extinguishment of the Right to hold the Fair will no longer be his *'headache'*.

As the BHFCA has submitted, at length and in detail, throughout the process of the DCO Application, the Bivvi site is not and has not ever been a reasonable alternative to the existing site. We have not consulted further with NH on this matter, since there is no detailed design for the site that can possibly alter this fact.

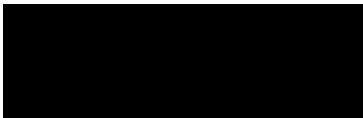
As is set out in the enclosed letter, the Examining Inspector for the DCO, recognising the complex legal and social issues involved in this issue, requested that Article 36, which deals with the scheme for the replacement site, should automatically require direct consultation between the Secretary of State and the Brough Hill Fair Community Association. This was not included. However, Article 36(4) provides that *'The Secretary of State may undertake his own consultation if he regards it to be appropriate with the parties referred to in paragraph (2)(b) and such other parties as he considers appropriate.'*

We would urge you to consider the enclosed documents carefully, and to make arrangements to consult with the BHFCA and other interested parties; in particular the Heron family, who owns the property adjoining the proposed site, and the Brough Parish Council.

It appears to us that the costs and conflict that are certain to be involved in navigating and correcting any proposed extinguishment of the right to hold the Fair on the existing site are likely to be very considerably more onerous, in the end, than those of identifying and securing an appropriate alternative.

Please confirm receipt of this letter and give us an indication of how you propose to proceed at your earliest convenience. The Brough Hill Fair Community Association is fully prepared to work with you directly to resolve this matter collaboratively.

Yours Sincerely;

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on behalf of the Brough Hill Fair Community Association