

North Yorkshire County Council
Business and Environmental Services

Executive

24 July 2018

Proposal to rescind the approved preferred route of the Harrogate Northern Relief Road

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose Of Report

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| 1.1 To seek Executive approval to rescind the County Council's current approved preferred route for the Harrogate (Outer) Northern Relief Road. |
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2.0 Background

- 2.1 In the 1990's the County Council undertook a large scale scheme of identification and consultation in order to identify routes for a Harrogate Relief Road and Killinghall Bypass. This resulted in the County Council resolving to approve a preferred route for a 'Harrogate Western Relief Road' and a 'Harrogate Northern Relief Road and Killinghall Bypass'. For the purposes of clarity this is an Outer Northern Relief Road and not any of the options running between Harrogate and Knaresborough that are currently being investigated as part of the Harrogate Congestion Study.
- 2.2 At the time the preferred routes were approved it was hoped that the routes could be delivered within five to ten years. However, as a result of a number of significant and on-going changes in the way in which Government funds major transport schemes and availability of such funding this has not proved to be possible.
- 2.3 In 2002 in response to significant local interest the Executive reassessed the situation with regards to the Harrogate Western Relief Road and took the following decision at its meeting on 10 December 2002:
- a. Harrogate Western Relief Road should not be included in the Council's medium to longer term strategy for providing traffic relief and the preferred route for the scheme be rescinded.
 - b. The alternative strategy should be developed for the medium and longer term based on encouraging the take-up and better provision of pedestrian facilities, cycling and public transport, as identified in section 8 of the report, along with the provision of park and ride and development of a northern relief road, together with the Killinghall Bypass.
- 2.4 The County Council therefore retain an approved preferred route for the Harrogate (Outer) Northern Relief Road and Killinghall Bypass. A plan showing this alignment is attached as Figure 1.
- 2.5 As a result of an approved planning application for housing on Killinghall Moor, in May 2016 the Executive agreed to rescind the approval for the preferred route of a section of Killinghall Bypass between A61 south of Killinghall and the A59 west of Travellers Rest. The Executive also resolved that '*pending the outcome of the review of the need for and alignment of a Harrogate Relief Road*' the remainder of the route of the Killinghall Bypass and Harrogate Northern Relief Road remain as an approved route.

3.0 Proposed Housing Development Boroughbridge Road, Knaresborough

- 3.1 NYCC, as Local Highway Authority (LHA), has been consulted on an outline planning application for a residential development at Boroughbridge Road, Knaresborough by Harrogate Borough Council (HBC) under planning reference 17/01350/OUTMAJ. A plan showing the area and the site boundary is attached as Figure 2.
- 3.2 The application site includes land which forms the line of the County Council's approved preferred route for the Harrogate Northern Relief Road (NRR) (see Figure 3). On 20 April 2018 the LHA advised HBC that they were unable to support a development which would compromise NYCC's ability to deliver the NRR on the approved preferred route. This is the LHA's sole reason for a recommendation of refusal for the application. All other matters relating to the acceptance of the application site in highway terms have been resolved following earlier discussions which have resulted in the applicant agreeing to a number of highway related planning conditions and planning obligations to mitigate the impact of development on the local road network.
- 3.3 Since issuing the LHA's formal recommendation of refusal NYCC has exchanged correspondence with HBC and the applicant to consider the implications of the situation and to discuss the constraints currently on NYCC and potential solutions. The application has not yet been considered by the HBC Planning Committee.
- 3.4 In the event that HBC determined to refuse the planning application on the basis of the LHA recommendation the Applicants have indicated they would appeal. This would require the LHA to defend its recommendation of refusal.

4.0 Harrogate Local Plan Housing Allocations

- 4.1 The latest consultation document for the emerging Harrogate District Local Plan, Publication Draft, sets out HBC's growth strategy for the district to 2035 with employment and residential site allocations.
- 4.2 Two of the draft allocated sites, references K37 and K25, include land which forms part of the approved NRR route. K25; Land at Highfield Farm, Knaresborough has a potential number of dwellings of 402 and K37; Land at Boroughbridge Road, Knaresborough has a potential number of dwellings of 146. As outlined in section 3.0 site K37 has a live planning application brought forward in advance of the Plan to which the LHA has recommended refusal. The location of the Knaresborough site allocations is shown in Figure 4.
- 4.3 HBC's draft Harrogate District Local Plan is at its latter stages of the Local Plan process and is programmed to be submitted to the Secretary of State in Summer 2018.

5.0 Rescinding the approved preferred route of the Harrogate Northern Relief Road

- 5.1 As stated in paragraph 2.5 above the Executive agreed that the remainder of the route of the Killinghall Bypass and Harrogate (Outer) Northern Relief Road remain as an approved route *'pending the outcome of the review of the need for and alignment of a Harrogate Relief Road'*. At the present time the review of the need for and alignment of a Harrogate Relief Road/ Killinghall Bypass has not yet concluded and the remit has now been widened to become a review of options to address congestion and its associated issues in Harrogate and Knaresborough.

- 5.2 Although the review is still on going some initial results are available in an Options Assessment Report produced by the County Council's consultants WSP. This includes an assessment of the likely traffic relief afforded by different potential relief road options. Details of the Option Assessment Report were provided to the County Area Committee for the Harrogate District on 7 December 2017 and this included the view that the traffic relief that any outer northern or western relief road option provided to central Harrogate on the A59 and A661 was generally less than 15% and on the A61 were negligible and that 'On this basis these routes (*including the outer northern relief road*) have not been considered any further as part of this study'.
- 5.3 It is clear from the work undertaken to date and set out in the WSP Options Assessment Report that the outer northern options for a relief road would not be the favoured approach to addressing the congestion problems in Harrogate and Knaresborough.
- 5.4 Given this information it is considered that an appeal against a recommendation to refuse the planning application (on highway grounds), discussed in section 3 of this report, would be successful and there is a high risk that costs could be awarded against the County Council. If the matter were considered at Inquiry such costs could, based on experience, be in the order of £200k. It is the understanding of officers that the Applicants for planning permission do not intend to take any action with regard to an appeal against Harrogate BC for non-determination until the Executive's decision on this matter is made.
- 5.5 Additionally, the current approved preferred route remains in conflict with proposed housing allocations in the Harrogate Local Plan and as such there is a significant risk of challenge to the route and/or the housing allocations at the Examination in Public which is expected to start in winter 2018.
- 5.6 Officers have carefully considered this matter and suggest that the most appropriate way forward would be to rescind the approved preferred route of the Harrogate (Outer) Northern Relief Road as shown on Figure 5. Members should note that due to the proximity of former gravel workings north of the Boroughbridge Road development site it would not be possible to identify a feasible alternative alignment for an outer northern relief road in this vicinity in the future that did not involve the demolition of a large number of properties.
- 5.7 Whilst in the normal course of events the County Council would consult widely before rescinding any approved preferred route, given the conflict between the approved route and the planning application and also the Local Plan and the risks to the County Council this has not been possible this time.
- 5.8 The current approved route includes an alignment for a Killinghall Bypass. Whilst the on going Harrogate Congestion Study has identified that an outer northern relief road is unlikely to be a suitable solution to congestion it has not yet been determined whether a Killinghall Bypass is an appropriate part of the solution, either as part of other inner relief road options which have not been discounted or as a stand alone scheme. It is therefore proposed that the current approved route for Killinghall Bypass is retained pending the completion of the Harrogate Congestion Study.
- 5.9 It is therefore recommended that the Executive agree to rescind the approved route for the Harrogate (Outer) Northern Relief Road as shown on Figure 5.
- 5.10 As stated above, the Harrogate Congestion Study has not yet been completed and as such at this time options for an inner relief road have not been discounted. It is recommended that Members explicitly note that a decision to revoke the approved alignment of the (outer) northern relief road is taken without prejudice to any future decision on any inner relief road alignment.

5.11 Should the NRR route be rescinded the LHA will be in a position to formally withdraw the recommendation of refusal relating to the planning application discussed in section 3 of this report and replace it with a positive recommendation detailing the appropriate conditions and planning obligations.

6.0 Financial Implications

6.1 Should the recommendations of this report not be agreed and an appeal against a refusal to grant planning permission is pursued or the application is refused by Harrogate BC on the basis of the LHA recommendation for refusal there is a significant risk of a successful claim for costs against the County Council. Experience suggests that these costs could be in the region of £200k.

7.0 Equalities Implications

7.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendations of this report. It is the view of officers that the recommendations included in this report do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. See Appendix A

8.0 Legal Implications

8.1 Section 24 of the Highways Act 1980 provides that a local highway authority may construct new highways and Schedule 13 (Paragraph 15) to the Town and Country Planning Act 1990 states that land shown on plans approved by a resolution of a local highway authority as part of a highway proposed to be constructed, improved or altered by that authority is classed as blighted land.

8.2 As the Options Assessment Report produced by the County Council's consultants WSP does not support the Harrogate Northern Relief Road as an approach to addressing the congestion problems in Harrogate it would be challenging for the County Council to be able to defend it's position on a recommendation for refusal. There is a significant risk of a successful claim for costs against the County Council if we were unable to satisfactorily defend our position in an appeal.

9.0 Recommendation(s)

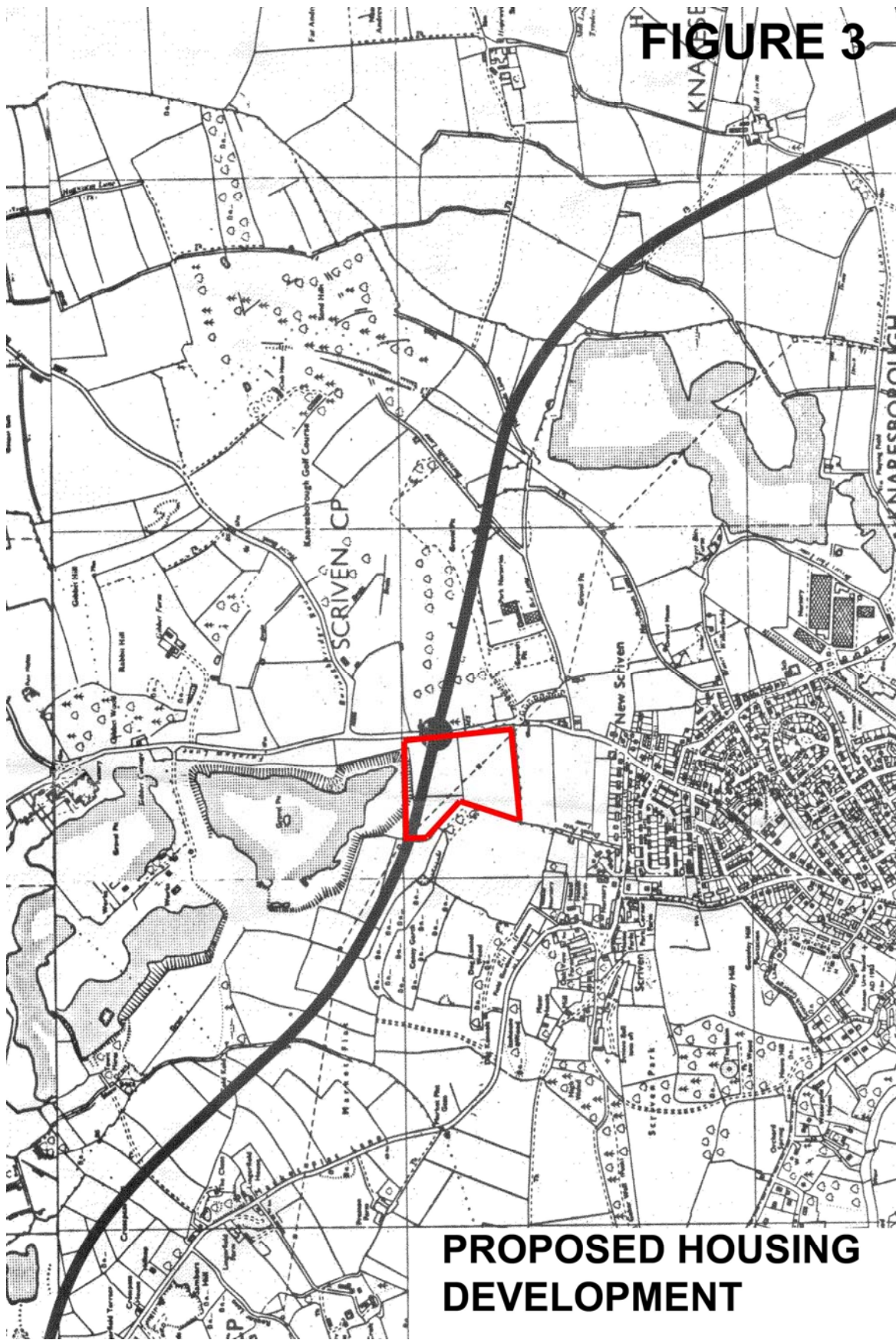
- 9.1 It is recommended that the Executive approves the proposal to
- i) rescind the approved route for the Harrogate (Outer) Relief Road as shown on Figure 5.
 - ii) retain the current approved route for the Killinghall Bypass pending the outcome of the Harrogate Congestion Study.
 - iii) note that the above decisions are taken without prejudice to any future decision on any inner relief road alignment.

DAVID BOWE
Corporate Director – Business and Environmental Services

Author of Report: Andrew Bainbridge/Abi Holt

Background documents: None

FIGURE 3



PROPOSED HOUSING DEVELOPMENT

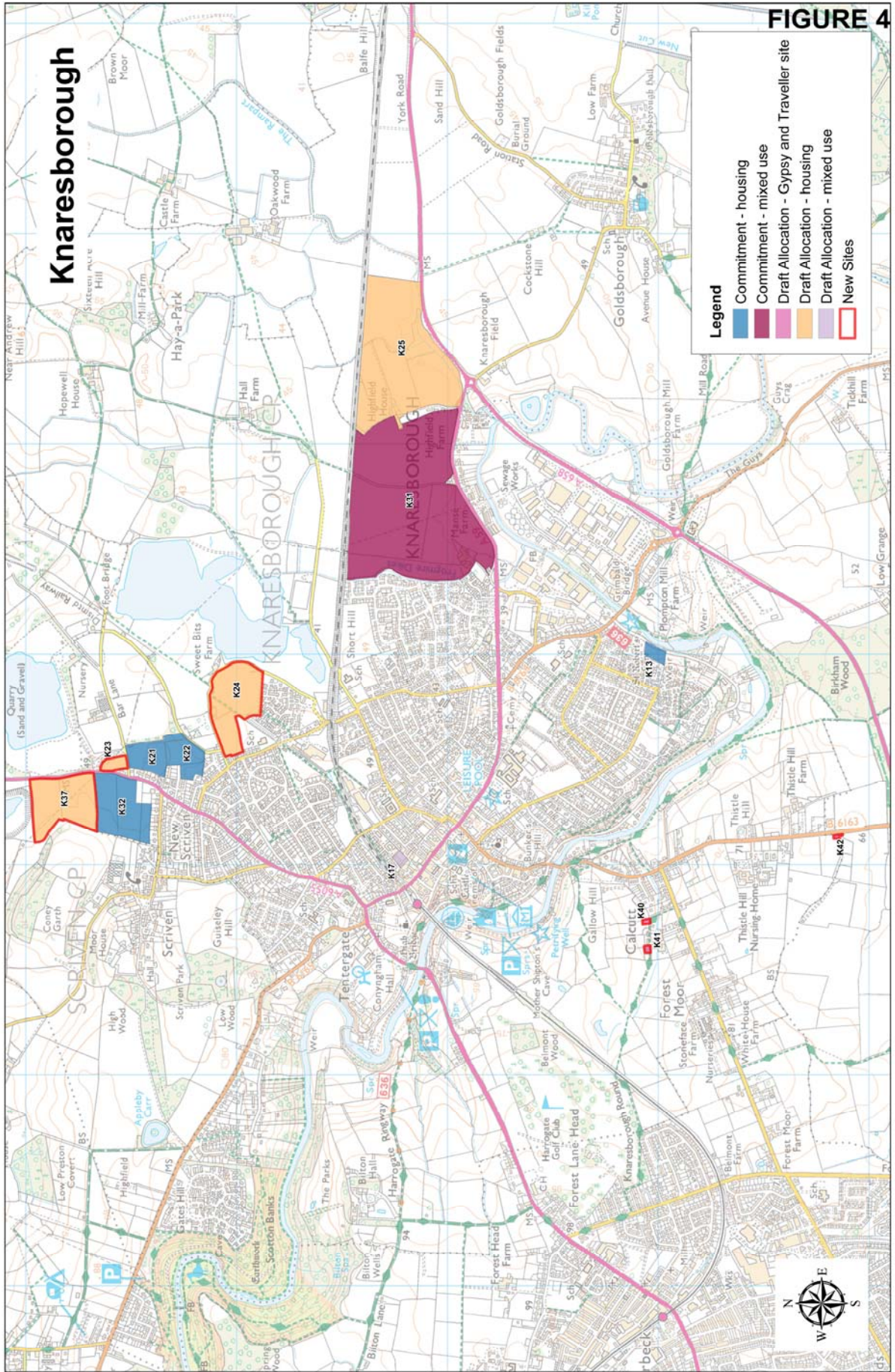


FIGURE 4

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Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	Revocation of the Harrogate Northern Relief Road Approved Route		
Officer(s) carrying out screening	Andrew Bainbridge		
What are you proposing to do?	Recommend the revocation of the Harrogate Northern Relief Road Approved Route .		
Why are you proposing this? What are the desired outcomes?	Remove the protection of the approved relief road alignment to remove conflict with housing development proposals		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known	No		

inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.				
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	Yes. It will allow the development of housing sites proposed in the Harrogate Local Plan. This will include a proportion of affordable housing.			
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:	
Reason for decision	No significant impact on any of the protected characteristics			
Signed (Assistant Director or equivalent)	<i>Barrie Mason</i>			
Date	09/07/18			

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