

# North Yorkshire Council

## Executive

19 September 2023

### Harrogate Station Gateway Transforming Cities Fund Project

#### Report of the Corporate Director Environment

#### **1.0 PURPOSE OF REPORT**

- 1.1 To provide Executive with an update on the Harrogate Station Gateway Transforming Cities Fund project and to seek support for further work on options for the project.

#### **2.0 SUMMARY**

- 2.1 This report provides Executive with an update on the Harrogate Station Gateway Transforming Cities Fund project (Harrogate TCF) and outlines possible alternative scoping and delivery options to that originally envisaged.

#### **3.0 BACKGROUND**

- 3.1 The Harrogate TCF is part of the Department for Transport's (DfT) TCF programme and aims to 'improve productivity by investing in public and sustainable transport infrastructure in English cities. Approval to develop a Full Business Case (FBC) and implement the three projects in North Yorkshire was originally considered by Executive on 25 January 2022. On 30 May 2023, Executive was asked to approve proposed Traffic Regulation Orders (TROs) in Harrogate, to endorse the overall Harrogate TCF scheme and submission of a Full Business Case to the West Yorkshire Combined Authority (WYCA). This followed a meeting of the Harrogate and Knaresborough Area Constituency Committee (ACC) meeting earlier that month which considered the same items.

#### **4.0 CURRENT SITUATION**

- 4.1 Since the Executive meeting on 30 May 2023, the Council received a legal challenge by way of judicial review in relation to the Harrogate TCF project. The challenge was brought on six grounds in relation to the decision. Having considered the legal arguments put forward by the challenge and consulting with the relevant Executive member, it was considered prudent to consent to the quashing of the decision of the 30 May 2023 Executive to protect the Council's interests. The Decision Notice confirming this course of action was published on 22 August 2023. The terms of a consent order are being negotiated in order to avoid any further exposure to costs.

#### **5.0 OPTIONS**

- 5.1 In light of the quashing of the Executive decision, Officers have been considering further options for the Harrogate TCF including delivering a worthwhile descoped scheme in the town centre. It should be noted that some elements of descoping were considered to be likely given inflationary cost increases. Having reviewed the development work already undertaken, the funding criteria, and the elements that attracted public support, a high-quality pedestrian focussed public realm scheme, with improved access into the bus station, and better traffic flow through co-ordinated signal timings, could be deliverable as an option to consider. Other options could be to progress with the scheme originally

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conceived, either with the proposed Traffic Regulation Orders (TRO), but having objections considered at a public inquiry or alternatively revisiting some of the TRO proposals, such as not restricting loading hours; or to cancel the scheme in its entirety.

- 5.2 DfT and WYCA, as funding and governance bodies for the TCF programme, have been updated on the status of the Harrogate project and possible options have been discussed. WYCA have expressed willingness to see a successful deliverable project in Harrogate, and accept, in principle, a modified scope may be required to achieve this outcome, with the acknowledgement that there are implications for timescale and both development and delivery costs. It has been confirmed that any decisions around timescales lie with DfT who have also indicated initial support for a modified scope but have not yet formally responded.

## **6.0 NEXT STEPS**

- 6.1 It is proposed that officers explore the various options including those referred to in paragraph 5.1 above and report back to Executive in October/November on the options and with a preferred way forward.

## **7.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 7.1 The TCF scheme contributes to the following council priorities:

### Place and Environment

- A clean, environmentally sustainable and attractive place to live, work and visit
- A well connected and planned place with good transport links and digital connectivity

### Economy

- Economically sustainable growth that enables people and places to prosper

### Health and wellbeing

- People are supported to have a good quality of life and enjoy active and healthy lifestyles

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 There would be financial implications arising in respect of any option to be considered for the Harrogate TCF project. These will be fully considered and detailed in the report to the Executive in October/November along with a recalculated benefit cost ratio for each of the options.

- 8.2 Development costs incurred to date up to completion of the FBC ought to be considered eligible expenditure. The funding agreement includes a clawback clause whereby funding could be withheld, suspended or repaid if the scope is varied without the consent of the funder. Written confirmation is being sought from WYCA to confirm this. Should the project be varied written approval would be sought from WYCA and DfT via a Change Request.

- 8.3 In principle any descoping of the project could reduce the project costs, but it will be necessary to consider any additional costs that could come with a further development period. Officers have explored with WYCA and DfT the implications of a reduced requirement for TCF funds towards the Harrogate project. In principle, this funding may be able to be reallocated to either or both the Selby and Skipton TCF projects in North Yorkshire. Written approval from the funder would be required which would be requested should this be necessary. The FBCs for these projects would have to justify any proposed reallocation in addition to agreement from the funder.

## **9.0 LEGAL IMPLICATIONS**

9.1 The legal implications of a revised scope scheme or other option, including any implications in relation to Traffic Regulation Orders, would be considered as part of any development work.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 As this is an update report there are no equalities implications, and a copy of the EIA screening form is attached as Appendix A. More detailed consideration of equalities issues will be considered in the next report.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

11.1 As this is an update report there are no climate change considerations.

## **12.0 CONCLUSIONS**

12.1 This report updates Executive on the Harrogate TCF since the previously approved report in May 2023 and in light of the Council consenting to quashing the decision by the Executive at that meeting. This report is to seek views from the Executive as to the next steps and to give the Executive some initial views on options for the Harrogate project.

## **13.0 REASONS FOR RECOMMENDATIONS**

13.1 To ensure Executive is kept updated upon the Transforming Cities Fund project for Harrogate and some of the delivery options in principle that are currently being considered by officers.,

## **14.0 RECOMMENDATIONS**

14.1 It is recommended that the Executive notes the current project position and supports officers to undertake further work on possible options for the Project and that a further report be brought to Executive in October/November setting out the options for consideration.

### **APPENDICES:**

Appendix A – Equality Impact Assessment Screening Form

### **BACKGROUND DOCUMENTS:**

[30 May 2023 Executive Meeting reports pack](#)

KARL BATTERSBY  
Corporate Director – Environment  
County Hall  
Northallerton  
23 August 2023

Report Author – Richard Binks, Head of Major Projects & Infrastructure and Tania Weston, TCF Programme Manager

Presenter of Report – Richard Binks, Head of Major Projects & Infrastructure

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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<b>Initial equality impact assessment screening form</b> 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.			
<b>Directorate</b>	Environment		
<b>Service area</b>	Major Projects & Infrastructure		
<b>Proposal being screened</b>	Harrogate Transforming Cities Fund		
<b>Officer(s) carrying out screening</b>	Tania Weston		
<b>What are you proposing to do?</b>	Reporting to Executive upon Harrogate TCF delivery progress and outlining further options are now in consideration		
<b>Why are you proposing this? What are the desired outcomes?</b>	An escalation of project cost and legal challenge received by way of a Judicial Review has led to quashing of the project decision of the 30 May 2023 Executive to protect the Council's interests. Desired outcome is for Executive to note the current position and support offices to develop delivery options that would be reported in detail at an Autumn Committee.		
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	The scheme as originally envisaged had committed development funding from WYCA (DfT fund) with in principle funding for delivery, as well as a commitment of funding from the Council. Continued project development would require further resource commitment from these sources.		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</b> As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <b>If for any characteristic it is considered that there is likely to be an 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 directorate representative for advice if you are in any doubt.</b>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	

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<p><b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (for example, disabled people's access to public transport)? Please give details.</p>	<p>The area is located within one of the more deprived areas of Harrogate (IMD). If the project was developed it should enhance, rather than inhibit people's ability to access travel options and opportunities.</p>			
<p><b>Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.</p>	<p>No</p>			
<p><b>Decision (Please tick one option)</b></p>	<p>EIA not relevant or proportionate:</p>	<p>✓</p>	<p>Continue to full EIA:</p>	
<p><b>Reason for decision</b></p>	<p>No adverse impact on any groups with protected characteristics.</p> <p>An EIA is not considered proportionate at this stage. Should the scheme progress a full EIA will be completed and regularly updated.</p>			
<p><b>Signed (Assistant Director or equivalent)</b></p>	<p>Barrie Mason</p>			
<p><b>Date</b></p>	<p>08/09/23</p>			