

COMMENTS RECEIVED AND OFFICER RESPONSE

	Comments	Response:
1.	I am a local Harrogate resident who is seriously concerned about what the Gateway project means for the town's future and am formally objecting to the latest TRO for the scheme (Harrogate TCF Parking Station Parade 129944). The following points apply: • Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • More lost parking elsewhere along Station Parade. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • Fails to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times. • It will be highly disruptive during a lengthy construction period, and I feel that it will seriously affect A61 traffic through the town after completion. • There is no real benefit for cyclists over such a short length of road in this proposal. How would cyclists reach this, and where is the provision on passing through (answer: none!) Traffic crossing the lane from bus and railway stations and their associated parking will severely risk cyclists.	1. Reduction in Parking in Station Parade The council is proposing to remove 25 pay and display spaces along the extent of Station Parade and 23 spaces on Station Parade North, which will leave 3 spaces . This is a very small reduction (0.4%) in the overall amount of parking provided in the Town Centre; which, excluding supermarkets, has 2,600 off-street and 4,000 on-street parking spaces. Priority has been given to the retention and better distribution of accessible blue badge parking along Station Parade. Pedestrian access to the adjacent Victoria Multi Storey Car Park is to be improved with refreshed surfacing, landscaping and lighting via the entrance by One Arch – which has an average daily occupancy of circa 50%. Recent occupancy data for the whole extent of Station Parade (1st – 7th October 2025) showed an average on-street occupancy of 65% - with a total of 1,292 stays (184 a day). Data extracted for a November Tuesday and December Saturday in 2018 showed that based on capacity for around 900 cars in the Pay & Display streets overall in Harrogate Town Centre, capacity reached a maximum of 649 (71%) occupancy on the Tuesday and 782 (86%) on the Saturday. Both daytime peaks occurred around lunchtime. This indicates that at the peak period on the December Saturday, there were still approximately 120 on-street spaces available across the central Pay & Display zone. Whilst a reduction in pay and display parking is proposed in Station Parade, this

	is considered proportionate given that there is alternative adequate parking in close proximity (3 min walk) to Station Parade and the town centre. The same research stated that 'the indications are that notwithstanding the peak days, the town could look to release around 500-600 parking spots overall, from a combination of either on or off street locations against current typical demand within the central area without detriment'. In the context of Station Parade North, whilst there will be impacts for some businesses in terms of parking in their immediate vicinity, the benefit for public transport and alternative available parking within 200 metres is considered by Officers to be proportionate justification. 2. Loading Bays/ Restrictions Loading is being restricted opposite the bus station, from 7.30am-9.30am and 4pm-6pm. During these times vehicles can access Beulah Street to load/unload. It is considered that there is ample provision for loading/unloading and parking within Station Parade North and Station Parade and the wider town centre. Loading bays are being reduced by two along Station Parade (not three) – with the reduction situated opposite the bus station (central Station Parade) This will ensure loading at times that will not impact the flow of traffic or create danger to persons or other traffic using the road and impede passage on the road. The TRO proposes to introduce new loading bays in Station Parade North (in part to enhance safety and operations for the taxi company by offering a loading bay within the vicinity of the office) and Station Parade South (at the request of retailers). In both locations there is currently no loading bay provision, which will be a benefit to local businesses. 4. Congestion/ Journey Times
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		Two lanes have been maintained on the Station Parade element that is the A61 – the original focus of the concern about congestion. Data from Traffic Modelling suggests a small improvement in journey times will be realised at the junction of A61 Cheltenham Parade / Station Parade, by the bus station access. Conversely, at the junction of A61 Station Parade / Station Bridge / Albert Street the design includes simplifying crossing for pedestrians, creating an easier junction to navigate and removing the need for pedestrians to wait in vulnerable positions on traffic islands. This results in small journey time disbenefits to general traffic at the latter junction. This contributes to an overall small disbenefit for general vehicular traffic in the scheme as a whole. It should be noted that this is measured in seconds per passenger car unit, not minutes and needs to be balanced against the improvements which will be achieved To tackle congestion across Harrogate NYC need to ensure that the infrastructure is in place to enable people to make walking, cycling or public transport their first choice for journeys. For example currently in Harrogate there are no cycle routes that continuously link from residential areas to major destinations such as the town centre, Cardale Park and Hornbeam Park and the council is working towards enabling cycling to be an option for everyone. Evidence from elsewhere in the UK and around the globe suggests that when cycling facilities are available more people will choose to cycle. In some cases, this may mean people deciding to leave their car at home. NYC have recently instructed consultants to consider options to improve journey times for all vehicles along the A61 corridor through the town centre. This study is at an early stage, but it is anticipated that future interventions will include an upgrade to MOVA traffic signal technology at key
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	junctions, to improve the efficiency of flows of pedestrians, cyclists and general traffic through these junctions. This has the potential to improve vehicular journey times and deliver positive impacts on active mode users. 5. Carbon A full carbon assessment has been undertaken for the wider TCF scheme that examined the universal impact of all project elements (including public realm) many of which are not the subject of the TRO decision. The carbon appraisal for the Harrogate TCF scheme estimates a total net carbon increase over the 60-year appraisal period of 1,044 tCO₂. This impact is predominantly attributed to the infrastructure carbon, also known as embodied carbon, associated with the scheme's construction and on-going maintenance. Any new or maintained highways infrastructure project carries carbon costs associated with construction. The scheme is designed to encourage a shift to more environmentally friendly travel decisions – thus decreasing emissions and improving air quality in the longer term. 6. Road Safety A full Road Safety Audit has been successfully conducted on the latest proposals and the WYCA Quality Panel have also assessed the proposals in this regard. A significant concern was raised regards an advisory cycle lane at the southern extent, however this was descope following the Traffic Regulation Order Consultation and public engagement. The most recent scheme is deemed safe and further detail on this is contained in the report at section 6. 7. Construction Period All new schemes will inevitably have a construction period and the council will seek to maintain through traffic and minimise disruption throughout
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		construction. The longer term impacts on the A61 are covered under point 4 above. 8. Issues for cyclists There is an abundance of evidence that segregated cycle lanes are a safer environment for cyclists. Cyclists can reach the cycle lane from Station Parade North, One Arch or Cheltenham Parade. Evidence shows that high-quality, separated cycle lanes increase cycling numbers and encourage a modal shift by providing safer and more convenient options for travel. Cycle lanes crossing junctions is normal practice.
2.	I am one of many local residents in Harrogate who has serious concerns about the Harrogate Station Gateway scheme and wish to formally register my objection to the latest TRO for the project (Harrogate TCF Parking Station Parade 129944). The proposal will reduce parking in an already desperate state, have a detrimental effect on local business, and be a deterrent to people visiting the town centre. The end result does not justify the huge expenditure which could be put to far better use within the town, let alone the total disruption and inconvenience for the people of Harrogate. I urge that the views of residents like myself are taken seriously and that the impact on our community and local economy is fully considered before any decision is made.	1.Reduction in parking in Station Parade is covered by the response to Comment 1 Point 1 above. 2. Effect on local economy Whilst the TRO proposals impact a small number of businesses in the town centre by way of a reduction in parking, in the context of what the TRO is facilitating, there are a number of economic benefits that the scheme is seeking to deliver. The overarching vision for the Leeds City Region TCF programme is: <i>“Connecting people to economic and education opportunities through affordable, sustainable transport, boosting productivity and helping to create cleaner, healthier and happier communities for the future”</i>. The local economy is facing challenges to its sustainability. Despite a long history of successful business start-ups and a well-qualified resident population that underpins a high quality of life; inclusive growth and productivity is being suppressed by local transport, property and demographic conditions. There is an overdependence on employment in lower-paid sectors. There are barriers preventing the creation of sustainable, higher-paid jobs where transport and the location/type of

		commercial accommodation do not support business growth. There is a persistent loss of young people, exacerbated by a growing elderly population. Housing is unaffordable for many, and retail is not immune to the changing face of high streets across the country. Supporting Inclusive Economic Growth Harrogate district's working age population was forecast to decrease by 6% over the ten years to 2031. There is an increasing decline in car ownership among the younger cohort across the UK – driven by increasing living/motoring costs and a shift in attitudes. This suggests an increasing dependence on active and sustainable travel methods in the workforce the Town should be seeking to attract/retain. The scheme is likely to support inclusive growth through enabling enhanced accessibility for working-age people to opportunities in Harrogate Town and beyond through tackling first and last mile connectivity issues – particularly for those who do not own a car. Indeed, six of the LSOAs (Lower Super Output Areas) within the Harrogate study area boundary, rank among the third most deprived of areas in the country; all are within a 20-minute cycle ride of the Station Gateway scheme area. The scheme links to a wider strategic plan of active travel interventions: to the north and east towards Bilton, Starbeck and Knaresborough via the Nidderdale Greenway and Beryl Burton Way; and to the west via Victoria Avenue and Otley Road. These interventions will improve linkages between the largest residential areas of the town to job and education opportunities. Retail and the Visitor Economy Evidence (such as retail vacancy rates and numbers of units) suggests that the town centre retail sector is at risk of decline in the
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		medium term. Consumer behaviours and expectations are evolving, and towns must diversify and advance to maintain healthy and vibrant visitor economies. The TRO and wider scheme is seeking to do just this.
3.	I am a Harrogate business owner and I am formally objecting to the latest TRO for the Station Gateway Scheme (Harrogate TCF Parking Station Parade 129944). These proposals will hurt my business and livelihood, and I'm sure many other local traders share the same worries. Especially when the cost simply to do business is putting on so much pressure already. My business will be seriously impacted by the lack of parking and accessibility. Please record my objection and ensure that the voices of local businesses are considered before any decision is made.	Reduction in parking in Station Parade is covered by the response to Comment 1 Point 1 above. . The proposals have been formed in order to facilitate a project that will improve the environment for sustainable travel choices whilst, as far as possible, mitigating any detrimental impact on other highway users.
4.	I am a Harrogate business owner, owner of Imagined Things Bookshop (Imagined Things Ltd.) established in 2017, an independent bookshop on Montpellier Parade. I am formally objecting to the latest TRO for the Station Gateway Scheme (Harrogate TCF Parking Station Parade 129944). These proposals will hurt my business and livelihood, and I'm sure many other local traders share the same worries. Especially when the cost simply to do business is putting on so much pressure already. Parking is already a serious issue, and many of my customers complain regularly that they have trouble parking in the town centre. The scheme is fundamentally flawed and will not have the desired effect. If it does reduce cars it will only be because people have stopped coming entirely due to the increased traffic this will create. There is already lots of traffic around that area at busy times, this proposed plan will make that untenable. Many people will not switch from their car to public transport as they're unable to do so due to disabilities or limited mobility. I myself could not walk to work regularly or get public transport due to medical reasons, and I find this scheme highly discriminatory of those who rely on their cars like myself. If people stop coming to the town centre in cars due to the	Reduction in parking in Station Parade is covered by the response to Comment 1 Point 1 above. However, Montpellier Parade is not impacted by the TRO proposals or the wider scheme. Congestion and Journey times are covered by the response to Comment 1 point 4 above. Impacts on Businesses are covered by the response to Comment 2.

reduced parking and increased traffic/difficulty getting into town this will create, they will still shop and will get things delivered from online (at more pollution and carbon footprint) or they will drive to shops further afield (again at environmental detriment). There is nothing wrong with Station Parade as is. The proposed plans will make it less accessible, not more so. Many people cannot use bicycles or have no inclination to, and there is no evidence people will abandon their cars and suddenly take up cycling. The town centre is perfectly safe and appropriate for pedestrians as is. Electric cars are rapidly increasing in popularity and car transport soon will not bear the same burden on pollution and carbon footprint as they do now, by that time the station parade parking situation will not be easily put back to its current state. I wholeheartedly agree with the points below and they require more serious consideration: • Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. • That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • More lost parking elsewhere along Station Parade. • Fails to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times. Please record my objection and ensure that the voices of local businesses are considered before any decision is made. Harrogate is such a special and unique place that has managed to retain many independent shops such as my own, and attract a wide variety of bigger retailers. It is a desirable location to live and visit. People need to be able to access the town centre to enjoy this, and if they are put off, as they will be by this scheme, then shops like mine will eventually	The TRO proposals are not seeking to restrict access to the town by car – but improve the environment for people who choose not to drive or cannot. Accessible parking bays are maintained and better distributed along Station Parade. Please see response to comment 20.
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	cease trading and Harrogate's town centre will decline. This would lead to a massive effect on the entire local economy impacting hoteliers, hospitality and house prices. The town centre is integral to Harrogate's uniqueness and good standing. I object to this expensive, and inappropriate scheme. I hope voices like mine will be listened to, and it will not go ahead. We need more ease of access to the town centre, and more parking, not less.	
5.	I am one of many local residents in Harrogate who has serious concerns about the Harrogate Station Gateway scheme and wish to formally register my objection to the latest TRO for the project (Harrogate TCF Parking Station Parade 129944). Harrogate has suffered considerably from various road works on its surrounding main road network and this scheme would cause further disruption to the town centre businesses and traders who are already struggling to survive. Given the lack of money to support the maintenance of our roads it would be better to spend the Gateway scheme money to repair existing roads and make cycling a more enjoyable mode of transport. I very much doubt it will encourage anyone to cycle up Station Parade. I urge that the views of residents like myself are taken seriously and that the impact on our community and local economy is fully considered before any decision is made.	Impacts on Businesses are covered by the responses to Comments 2 and 20. The Construction period is covered by the response to comment 1 point 7 Funding criteria is restricted to include enhancements in sustainable travel options. It would not be able to be used generally as is being proposed.
6.	I am one of many local residents in Harrogate who has serious concerns about the Harrogate Station Gateway scheme and wish to formally register my objection to the latest TRO for the project (Harrogate TCF Parking Station Parade 129944). • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • All local surveys indicated the majority were against the scheme. • The consultation process was fundamentally flawed and therefore inadmissible.	Most points are covered by the responses to comments 1 and 2 above. whilst seemingly referring to the wider scheme that the TRO is seeking to facilitate, it is worth noting that around 4,500 responses have been received across the three consultation stages in addition to face-to-face drop-in days, business meetings/updates, stakeholder focus groups and online question & answer sessions. The first stage (February 2021) asked respondents as to whether they favoured a one-lane or two-lane station parade, whether they supported Station Parade

	• More lost parking elsewhere along Station Parade. • Parking slashed by 87% on Station Parade North - from 23 spaces down to just • That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Fails to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times. I urge that the views of residents like myself are taken seriously and that the impact on our community and local economy is fully considered before any decision is made.	North becoming one-way southbound (with removal of on-street parking spaces) and sought views on public realm upgrades at One Arch and Station Square. Each of these questions are central to the final scheme design. The second consultation (October 2021) asked how respondents felt overall about the latest plans to improve the Harrogate Station Gateway, more respondents felt 'negative' or 'very negative' (56%) than felt 'positive' or 'very positive' (39%). However, respondents felt more positive about the material choices proposed – that remain in the final scheme. The consultation also stated that there were decisions still to take regards details of the scheme. The third consultation presented designs for One Arch, Station Parade North and Station Square (all of which remain principally unchanged). At this point a one-lane station parade was put forward as well as additional areas now outside of scheme scope due to budgetary pressures. Overall opinion was almost exactly equally divided between “negative” or “very negative” (46%) and “positive” or “very positive” (45%). Officers are of the view that consultation has been extensive and began in the formative stage of the project and has continued to shape proposals to the final designs. Sufficient reasoning and supporting information has been provided throughout the three consultation stages. The resident and business community have been given ample time and opportunity to provide their views and conscientious consideration of these responses has led to the final scheme and the TRO proposal. The TRO consultation process is outlined in the main report.
7.	I am one of many local residents in Harrogate who has serious concerns regarding the Harrogate Station Gateway scheme and wish to	

	formally register my objection to the latest TRO for the project (Harrogate TCF Parking Station Parade 129944). I urge that the views of residents like myself and many, many others are taken seriously and that the impact on our community and local economy is fully considered before any decision is made. I have viewed the proposed changes and cannot understand how these will improve one iota, the wonderful spa town of Harrogate. The 'artist's impressions' paint a picture more associated with an inner city – there is no empathy with the existing architecture. As for the loss of parking spaces and, frankly ridiculous new traffic flow arrangements, I really cannot understand how this could be considered an improvement.	Impacts on Businesses are covered by the responses to Comments 2 ad 20. . Design Issues Though not relevant to the TRO, the designs have embraced high quality materials and Harrogate's spa town history Traffic Flow Arrangements The new traffic flow arrangements are on Station Parade North. This currently is a two-way street. The proposed one-way would retain one southbound lane for general traffic and reallocate one lane for bus travel to improve reliability and journey times for users.
8.	I am one of many local residents about Harrogate who have serious concerns about the Harrogate Station Gateway scheme and wish formally to register my objection to the latest TRO for this project. This would worsen congestion in Harrogate town centre, particularly in Cheltenham Crescent and Cheltenham Parade. Parking restrictions in North Station Parade will significantly reduce access to businesses including takeaway food outlets. I urge that views of local residents like myself are taken seriously and that impacts on our local community and economy are fully considered before any decision is made.	Reduction in parking in Station Parade is covered by the response to Comment 1 Point 1 above. Congestion and Journey times are covered by the response to Comment 1 point 4 above. Impacts on Businesses are covered by the response to Comment 2.
9.	I am one of many residents in Harrogate who has serious concerns about the Harrogate Station Gateway scheme and wish to formally register my objection to the latest TRO for the project (Harrogate TCF Parking Station Parade 129944). In my opinion this proposal is to the significant detriment of the town centre, local businesses and local people who use and believe that the town centre needs to continue to be full, well used by locals and well visited by tourists and people from further away.	Reduction in parking in Station Parade is covered by the response to Comment 1 Point 1 above. Loading bays and Restrictions are covered by the response to Comment 1 Point 2 Congestion and Journey times are covered by the response to Comment 1 point 4 above.

	This proposal further restricts traffic movement around the town centre, creates more traffic delays which are already evident from the bottom of Station Parade. Reducing parking by 87% is idiotic and deters travel into the town centre. Reducing loading facilities for local businesses is just another deterrent to a thriving and local retail community. If the town is to continue to have a successful town centre, then this proposal needs to be stopped, reviewed and wider and deeper consultation made with all residents and local businesses. The people to whom the council and councillors and all of the officers and staff are accountable. I require that the views of residents like myself are taken seriously, that the impact on our town and local economy is fully considered before any decision is made.	Impacts on Businesses are covered by the response to Comment 2.
10.	On behalf of WorkWell Offices, based at Copthall Bridge, we wish to register our formal objection to the proposed Gateway development in Harrogate. Grounds for Objection Noise Disruption The proposed scheme would bring significant construction and operational noise to the immediate vicinity. Given our offices are home to a range of professional businesses that require a quiet, productive environment, this level of disruption would have a detrimental effect on both our tenants' working conditions and the long-term attractiveness of Harrogate as a business hub. Loss of Parking Facilities The proposal allows for only one loading bay to serve in excess of thirty businesses, which is wholly inadequate. Current parking and loading provisions are already limited in the area, and any further reduction would severely restrict daily business operations, deliveries, and access for clients. Traffic Congestion The reduction of parking and loading capacity will inevitably increase congestion on Copthall Bridge and surrounding streets. This is a busy part of	Though not relevant to the TRO, construction noise is inevitable in any highway and public realm improvement scheme. Businesses impacted will be contacted as to locations and programme and the council will seek to minimise disruption where possible. Please see Rows 1 and 2 responses.

	Harrogate and already experiences pressure on traffic flow. Introducing a development of this scale, without sufficient infrastructure to support it, risks worsening gridlock and reducing accessibility for employees, clients, and visitors. 4. Economic and Business Impact WorkWell Offices provides space for a wide variety of small and medium-sized businesses that contribute to the local economy. The proposed Gateway development, as currently designed, would negatively affect these businesses by creating operational challenges, reducing accessibility, and undermining the quality of their work environment. This is contrary to the wider economic interests of Harrogate town centre. Conclusion We urge the planning committee to reconsider or reject the proposal in its current form. At the very least, substantial revisions must be made to ensure adequate parking, loading facilities, and noise mitigation measures are included. WorkWell Offices supports sustainable and thoughtful development in Harrogate, but not at the expense of existing businesses and the vitality of the town centre.	
11.	I am a resident in Harrogate and also have a business working as a music tutor and accompanist in Harrogate. I'm very concerned about the latest TRO for the Station Gateway Scheme. The changes proposed would have a major negative impact on me as a resident and user of the town centre and doubtlessly many traders in the town centre. I am now in my sixties and rely on my car to access the town centre when I come to shop and attend concerts/cultural events. I do not live on a bus route and it would take me fifteen minutes to walk to a bus route or train station, something I would be afraid to do in the evening certainly. The reduction of car parking spaces and the inevitable increase in congestion around Station Parade with the alterations to traffic lanes and the upheaval entailed for the duration of	The proposals are not seeking to restrict access to the town by car – but improve the environment for people who choose not to drive or cannot.

	Failure to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times. I urge you to take my objection seriously as this cannot be the best course of action for Harrogate.	
12.	I am writing as a resident in Harrogate as I live on Queen Parade to express my concerns over the latest Traffic Regulation Order connected to the Harrogate Station Gateway Scheme (Harrogate TCF Parking Station Parade 129944). I am concerned for local traders that are already facing immense pressure and these plans threaten to make things even worse. I believe this will have a derogatory effect on the town. I have particular concerns about the following points: - Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • More lost parking elsewhere along Station Parade. • Fails to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times. Please register my objection to this TRO. Harrogate deserves a solution that supports both local people and local businesses.	Please see responses at Rows 1 and 2.
13.	I am writing to object to the above plans for Station Parade in Harrogate. As a resident of Harrogate who also works in the town centre, I support the views of the local businesses who are extremely worried about their livelihoods, which are already struggling to keep going in the current economic climate.	Please see responses at Rows 1 and 2.

	Please register my objection to this TRO as Harrogate deserves a solution that supports local people and local businesses.	
14.	We write to voice out profound and complete objection to the above traffic orders and proposal to alter Station Parade in Harrogate in so many ways. This proposal has been reproduced in various formats for a number of years now, and each time the people and businesses of Harrogate, almost unanimously, voice their total objection to it. Yet this viewpoint, these objections, continue to be ignored and overruled. This is totally undemocratic, and it is very clear that NYC have no care or concern for the opinions of the people who actually live and work in Harrogate. Again, completely undemocratic. We, like many others, object to this utterly unnecessary reconstruction of the main 'A' route through Harrogate, with all the attendant alterations to Station Parade and the area outside the railway station itself. It is a complete waste of Taxpayers money, both unrequired and unwanted. Removal of so much of the parking is both absurd and totally detrimental. For example removing 87% of the parking on Station Parade North, reducing it from 23 spaces to a mere 3 is, quite frankly, outrageous. Several restaurants will be left with no parking whatsoever and there will also be only one loading bay for in excess of thirty businesses. This scheme has been promoted over past years as essential for the advancement of cycling and walking. However, it is perfectly clear that this will not be the case at all. The Station Gateway scheme will not encourage cycling, not improve Active Travel as such, but simply create traffic chaos, increase travel times for those going through the town...we reiterate... on the 'A' route and result in the destruction of the majority of businesses. All these points are aside of the utterly ridiculous cost of this scheme, which has risen exponentially and will, undoubtedly, increase further. A complete waste of Taxpayers money	This is inaccurate. Please refer to consultation reports where there has been support for several elements of the scheme and not a unanimous total objection. Please see responses at Rows 1, 2 and 6. Evidence shows that high-quality, separated cycle lanes increase cycling numbers and encourage a modal shift by providing safer and more convenient options for travel. The scheme seeks to improve the environment for pedestrians by incorporating: • New areas of dropped kerbs with tactiles • Speed tables introduced around the crossing points, reducing vehicle speed approaches

	and adding insult to the inevitable injury to Harrogate businesses. Harrogate is a town which is heavily reliant on visitors and many estimate that 60+% of their trade comes from both the outlying villages and visitors/tourists from further afield. Construction itself would devastate such trade and the outcome, with restrictions and the above mentioned loss of parking would annihilate trade. As long term residents of the town we know that we and many, many others would not venture into Harrogate both during construction and afterwards. With nowhere to park, thanks to the ever increasing removal by NYC of parking spaces throughout Harrogate, the removal of so many more, in a hitherto busy commercial and hospitality area, would make patronising these establishments all but impossible. Station Gateway's implementation would be the death knell of what is currently a busy, and successful part of Harrogate. Is this really what Government would want? We, Harrogate's residents most certainly do not want it. Please accept this as our objection to every part of the proposed redevelopment of this part of our beautiful town.	• For the proposed rain gardens there are kerbs surrounding them in line with Inclusive Mobility requirements • Crossings and Ladder and tramline paving in line with DFT guidance of the use of tactile paving • Crossing distances reduced in most locations • Waiting times reduced at crossing signals • Tonal differences in primary paving areas with the Yorkstone flags and Granite Kerbs • Footway widths not <1.5m, mostly around 2m in line with the Inclusive mobility docs. Bus priority measures improve journey times and reliability and there is clear evidence of this nationally. The bus lane will also encourage use of public transport - this supports an on-going commitment to increase its use and reduce traffic pollution and congestion and to promote more sustainable travel options. Recent census data shows that at least 40% of households in central Harrogate do not own a vehicle.
15.	I run a local business in Harrogate and I'm very concerned about the latest TRO for the Station Gateway Scheme. The changes proposed would have a major impact on me, and doubtlessly other traders in the town centre. I don't believe the actual impacts of the scheme including congestion, carbon, road safety and journey time have been properly considered or addressed. I am concerned about the effect the proposed changes will have on my business as my customers will no longer be able to park along Station Parade for easy access to my shop. On top of that, the construction work associated with this scheme will be coming at a time when we	

	and other town centre businesses have so many other issues to contend with, and following a year of road works relating to the electrical upgrade works. It makes trading extremely difficult as visitors stop coming, seeing Harrogate's roads as a "no go area". I believe this scheme will have a very negative effect on the town, preventing the success of independent retailers and other businesses as well, which are all key to attracting visitors to the area and helping Harrogate to thrive. I object to the TRO on the following grounds: • Parking reduced by 87% on Station Parade North - from 23 spaces down to just 3. That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • More lost parking elsewhere along Station Parade. I urge you to take my objection seriously. This cannot be the best course of action for Harrogate.	Officers understand that recent utility-related works disruption has caused impact on the local road network. The works on the scheme would be co-ordinated with any other works and every effort will be made to minimise disruption. Please see responses in Rows 1 and 2.
16.	I am writing as a local resident, living just outside Harrogate, to express my concerns over the latest Traffic Regulation Order connected to the Harrogate Station Gateway Scheme (Harrogate TCF Parking Station Parade 129944). I am concerned about the effect the proposed changes will have on local traders that are already facing immense pressure. I believe this will have a derogatory effect on the town as it risks us losing some of our unique, independent retailers and other businesses as well. I have particular concerns about the following points: - Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. That's a	Please see responses in Rows 1 and 2.

	potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • More lost parking elsewhere along Station Parade. • Fails to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times. Please register my objection to this TRO. Harrogate deserves a solution that supports both local people and local businesses.	
17.	I am writing as a local resident to express my concerns over the latest Traffic Regulation Order (TRO) connected to the Harrogate Station Gateway Scheme (Harrogate TCF Parking Station Parade 129944). I do not want to stand by and say nothing when I feel these changes will be so harmful to my town. I don't believe the actual impacts of the scheme including congestion, carbon, road safety and journey time have been properly considered or addressed. I am concerned about the effect the proposed changes will have on local traders that are already facing immense pressure as well as local residents (including myself) who use the parking areas you are proposing to remove. I honestly cannot see the value of introducing such a short bus lane, and feel that the changes to traffic flow as part of the Station Gateway scheme will be a definite step backwards. I believe this will have a derogatory effect on the town as it risks us losing some of our unique, independent retailers and other businesses as well, which are all key to attracting visitors to the area and helping Harrogate to thrive. In factual terms, I object to the TRO on the following grounds: • Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. That's a	Please see responses in Rows 1 and 2. Bus priority measures improve journey times and reliability and there is clear evidence of this nationally. The bus lane will also encourage use of public transport - this supports an on-going commitment to increase its use and reduce traffic pollution and congestion and to promote more sustainable travel options.

	potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • More lost parking elsewhere along Station Parade.	
18.	I am a local Harrogate town centre resident who is seriously concerned about what the Gateway project means for the town's future and am formally objecting to the latest TRO for the scheme (Harrogate TCF Parking Station Parade 129944). The unique character, aspect and gentile, high-end personality of Harrogate town centre is being systematically altered and eroded by a stream of ill-conceived planning initiatives made by people who do not live in the town and do not 'know' how it operates, nor do they have a vested interest in how Harrogate should look and feel for both residents, traders and visitors alike. A one-size-fits-all solution is NOT appropriate, nor appreciated. Homogenisation doth not a pleasing and unique town make. Furthermore, please see below the impacts of the TRO as highlighted by the Get Away group: • Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade.	Though not relevant to the TRO, the designs have embraced high quality materials and Harrogate's spa town history and floral excellence. Please see responses in Rows 1 and 2.

	• More lost parking elsewhere along Station Parade. • Fails to take into account the actual impacts of the scheme including congestion, carbon, road safety and journey times.	
19.	I am a local Harrogate resident who is seriously concerned about what the Gateway project means for the town's future and I am formally objecting to the latest TRO for the scheme (Harrogate TCF Parking Station Parade 129944). As a town centre resident I have huge concerns regarding the reduction of parking and reduced accessibility for this area. I have written in detail on many occasions and have attended several meetings to voice my objections and I request that you refer to previous correspondence. I write to express my extreme concerns regarding the above proposed scheme. Further to your letter of 9 March 2023 it would appear that yet again we have been invited to provide comments on the above proposals. These proposals have been commented on a number of times now, and letters of opposition sent accordingly. How many times do we have to say 'NO' to this scheme! The results of the last three consultations show that the people of Harrogate District, including the Granville Road Residents Group are NOT IN FAVOUR of this scheme going ahead. I can only presume that you ignore the results of the previous consultations and hope that by sending another, then the response you receive is much reduced in numbers as a result of either participant lethargy or more worryingly that people assume that because they have already objected to the scheme that their previous response will be taken into consideration on this latest consultation. The NYCC councillors are voted in by Harrogate Residents who assume that they will implement the wishes of the Residents in a democratic process but with regards to this scheme this seems not to be the case which is completely unacceptable. Once again, please find below the reasons for objecting to this Scheme.	Please see responses in Rows 1, 2 and 6. Also the main body of the report regards road safety. The previous correspondence is in relation to a previous version of the scheme. Many of the claims and impacts outlined are either inaccurate or outside the scope of both the wider scheme and the TRO.

My objections are primarily as follows: I feel, that as a resident in central Harrogate, and indeed a resident in an area that is going to be profoundly affected, that a prior consultation with myself and others in a similar situation, should have been offered, similar to the consultation that I understand was held with at least one cycling group during the preparation of the scheme. The viewing opportunities to look at the scheme in person were only available during working hours and with very little notice, thus limiting the option for local people who work during office hours to attend, The apparent solution of 'zoom' meetings on an evening are NOT convenient to many people despite NYCC believing this to be the case! The plans at Victoria Centre didn't even show the name of Mount Parade, the street name presumably being covered with a dialog box – was this intentional I wonder? There are serious implications for Mount Parade, in particular, due to the closure of Cheltenham Crescent to two way traffic at the junction of Mount Parade. I believe that the scheme is not detailed sufficiently on the 'fly through' in that the lower end of town is not even shown. The pretty drawings showing cyclists merrily cycling along in what appears to be excellent weather, together with the small amount of vehicles, portrays an extremely unrealistic idealism and is therefore very misleading and potentially dishonest in its presentation. I was advised at the Victoria Centre that similar schemes have been 'very successful' in Cambridge and Amsterdam. I would like to express my concerns about the comparison of these two cities to Harrogate in that a) they have a completely different landscape, b) better weather conditions and c) a younger demographic. I feel that it is very misleading and again potentially dishonest to make comparisons between Harrogate and the two cities specifically referred to by the project team. I object strongly to the implementation of a scheme that seeks to reduce the flow of traffic on the main A61 trunk road, from two lanes to one and which will inevitably cause huge congestion. These changes will encourage cars to use	
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surrounding residential streets to attempt to avoid the gridlock and this cannot possibly meet town centre planning requirements! The affect that this will have on the residential areas are primarily as follows: It will no doubt limit how we, as residents, are able to come and go from our properties by vehicle necessary to carry out our day to day life. To exit Mount Parade we will be forced to attempt to cross a bus lane into what will enivitably be queuing traffic, without the ability to 'nudge' out to obtain access. Furthermore, we will be required to then cross another bus lane and a cycle lane to access what is a very narrow street, ie Commercial Street, to enable us to do a 'loop' looking for a parking space in the area close to our homes. I believe that this will cause us to carry out unsafe manouvers and no doubt induce camera generated violation tickets whilst using the bus lane to access the main road. There will be increased congestion as a result of larger vehicles getting 'stuck' in the narrow residential streets and the inevitable resulting build up of traffic. I believe also that this in turn will create a cause for on-street parking to be reconsidered in the future, which I have detailed below. It will potentially lead to damage to our vehicles whilst parked on these narrow residential streets and being 'accessed' on a regular basis by larger vehicles. It will create an unsafe environment for pedestrians and pets, ie local residents, walking their children to school/walking their dogs and generally going about the area by foot which we do on a daily basis. This will be due to increased traffic in the area and the potential for increased speed of vehicles, particularly on Cheltenham Crescent when it is changed to one way. It will create a health hazard due to the increased vehicle exhaust emissions in this residential area and will cause stress due to the noise of additional traffic and the enivitable vibrations created by standing traffic, together with the general stress of being 'trapped'. This is a conservation area and many properties have sash windows which are a) not sound proofed	
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and b) already rattle with the vibration of stationary vehicles. I understand that an Environmental Impact Study has not been obtained, as the Council see “no need” and I strongly object to this decision and insist that if there is nothing to ‘hide’ that this be obtained and thoroughly examined prior to any scheme being approved. NYCC state catagorically in their letter of 18 October 2021 that “there are no plans to change the existing parking arrangements”. This is false information and again a dishonest approach to the scheme. Included in the scheme is a) the removal of what is already residents’ parking spaces in Zone P2 on Cheltenham Parade, and b) the removal of on street parking on Station Parade and James Street. We already struggle in this area to be able to park near our homes and the additional pressure of reduced allocated residential spaces, together with the removal of on street parking on Lower Station Parade and James Street will only contribute towards more people seeking car parking spaces in our already overburdened residential area, both during the day and on an evening. Furthermore it is our belief that there is no doubt whatsoever that more on street car parking spaces will be taken, possibly small numbers initially, but larger numbers will be inevitably necessary once it is discovered that certain route change proposals will no doubt necessitate this with the re-routing of larger vehicles through our narrow residential streets and ‘tight’ junctions. It is worth pointing out whilst writing, the unfairness of the current residential parking arrangements whereby Mount Parade, as a primarily residential street, is excluded from the opportunity to purchase visitors passes in line with surrounding streets in Zone N1. The reality of this is that we are a) never able to park a second vehicle for more than 3 hours (and being subject to full payment of current on street charges) and b) cannot have visitors for more than 3 hours at a time. This includes all Sundays and Bank Holidays such as Christmas Day and Easter Sunday, which is completely unacceptable . This has been the case, again without consulation, since the on street parking	
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charges were extended to Sundays and Bank Holidays. I would like to formally request that the Zone P2 Residential Scheme is reconsidered, outside of these gateway plans, to enable residents to park their vehicles, together with their visitors, by way of the option to purchase visitors passes, in line with Zone N1. I also believe that the implications of this scheme in this residential area will most likely affect the future value of our properties in a negative direction which again is completely unacceptable. There are other issues that I have serious concerns relating to the scheme as a whole, which are as follows: The plans showing the redevelopment of One Arch are completely unrealistic. Concerns have been raised with the project team but no satisfactory answer has been provided. The primary concerns are a) the bridge leaks but any work to address this is apparently not possible within the scheme due to the bridge being owned by Network Rail and b) the dangers associated with the combination of pedestrians and cyclists in close proximity without any separation. Apparently the bridge is not wide enough to accommodate the safe passage of both walkers and cyclists and I fail to see therefore how it conforms to the planning requirements which are presumably required within the scheme. I do not agree to the removal of the tree at the entrance to the One Arch and I am concerned to see no trees on the odeon roundabout – are these to be removed or have they been left out, either accidentally or deliberately from the artist's impressions. I do not agree with James Street being pedestrianised. As a resident in central Harrogate, James Street is the ONLY safe street to walk down in the town centre at night. Both Oxford Street and Cambridge street appear to be a magnet for antisocial behaviour. It is interesting that I visit a Tesco Express in Horsforth on a regular basis and they do not apparently have the requirement for a security guard, but that a security guard is employed in the Harrogate Tesco Express on Cambridge Road, which is an area	
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that runs between these two pedestrianised streets. Furthermore, it would appear to be 'no accident' that the upmarket shops are mainly located on James Street and it is likely that if this pedestrianisation is implemented, that there would be a further loss of upmarket retail establishments in Harrogate, causing visitors to shop elsewhere. How can this be good for the economic viability of Harrogate? I don't believe that acceptable consideration has been made with regards to deliveries to both the Victoria Centre, shops on Station Parade, behind Station Square, James Street (where pedestrianisation is intended) and Lower Station Parade. It has been suggested that a loading bay be included on the West Side of Lower Station Parade but this would cause a further loss of parking spaces for P2 Zone residents and again this would be unacceptable. When speaking to the project team it has been emphasised to us that 15000 people responded to a survey apparently supporting this Gateway scheme in Harrogate. I would argue that as one of those 15000 people that voted, it had nothing to do with the Gateway scheme and had everything to do with a by-pass directly through the Nidderdale Way. We have also asked for the possibility of trialling the scheme prior to approval but apparently this isn't possible due to the new scheme being subject to advanced technology in traffic light sequencing. Would it not be a good idea to look at the sequencing of traffic lights currently installed, which are seriously out of sync at the junctions of Parliament Street and Kings Road, Cheltenham Parade and Kings Road and Cheltenham Parade and Lower Station Parade (ever since the additional set of lights was installed, having worked perfectly well before!) In essence, the result of implementing the proposed Gateway Scheme in its current format will actually achieve the exact opposite from what appears to be the general aim ie. of improving the centre of Harrogate for residents and tourists. It promotes a green agenda but the outcome will be the complete opposite with traffic congestion and the associated implications.	
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	Expecting residents to take their families to school on a bike, doing their shopping on a bike or indeed carrying about their business requirements on a bike is completely unrealistic. Maybe we should be looking at financially supporting alternative funding to be able to improve the current town centre arrangements and maybe a bus to school scheme which would reduce short journey traffic which seems to be the general aim of Harrogate Borough Council and NYCC. I hope that HBC and NYCC WILL listen to the residents of Harrogate and put an immediate halt to this Scheme.	
20.	I am local Harrogate resident who is seriously concerned about what the gateway project means for the towns future, and I'm formally objecting to the latest TRO for the scheme (Harrogate TCF, parking Station Parade, 129944). The scheme will seriously harm many of the adjacent businesses by reducing parking for them and the public during construction and when completed. It will not reduce traffic on Station Parade or improve public access. What is needed is a bypass around Harrogate?	Please see responses in Rows 1 and 2.
21.	I am a local Harrogate resident who is seriously concerned about what the Gateway project means for the town's future and am formally objecting to the latest TRO for the scheme (Harrogate TCF Parking Station Parade 129944). The whole project is an obvious waste of Harrogate council tax payers money. NYC seem to have no concern as to the costs involved. How can they justify such a huge increase in cost while removing numerous expensive features, for example, the station square fountains, the modifications to the roundabout, scrapping pedestrianisation of James Street, removal of bus lane...the list goes on. There have been consultations regarding the scheme all of which resulted in residents rejecting the proposed. NYC obviously don't want to accept the feedback. Retail businesses are closing regularly, obviously this has numerous results. Loss of foot-fall, jobs,	Please see responses in Rows 1, 2 and 6.

	income via business taxes. We need to attract visitors...Who wants to visit a ghost town? Even exhibitions will elect to choose far more vibrant local economies. But NYC seem to ignore what is obvious. One only has to look at the finances of the "Conference Centre" I've lived in Harrogate all my life and I'm saddened to say the town centre is a depressing place to visit, the last thing it needs is the disaster better known as the "Harrogate station Gateway"	
22.	I strongly object to the current proposals as they are prejudicial to the smooth functioning of the businesses and facilities in our town centre. My reasons are set out below – 1.The reduction to only 3 Parking Places This reduction penalises the reasonable access for customers of the 5 Restaurants and the Takeaway Business on Station Parade North. There is no adequate for stopping to allow customers to alight from a car or taxi. 2. Reduction to 1 single Loading Bay This is a severe handicap to the necessary the servicing of all the businesses on Station Parade North and on Station Parade. There are more than 30 businesses along Station Parade North and Station Parade whose businesses will be damaged and may be lost to the town. 3. Further loss of parking elsewhere along Station Parade. The reduction of parking provision is detrimental to ordinary residents who have reasons to access the town centre to execute their shopping and business. The entire scheme is detrimental to the attractiveness and potential for successful businesses and visitors to the town. This is an ill-conceived scheme that the former Borough Council and North Yorkshire Council seem intent to inflicted on us. NONE OF THESE ALTERATIONS WILL MAKE ANY DIFFERENCE TO THE VOLUME OF ESSENTIAL TRAFFIC TRAVERESING THE TOWN TO EITHER TRAVEL NORTH OR SOUTH. So called congestion is tidal and all the	Please see responses in Rows 1 and 2.

	while all the secondary schools are located south of the town centre this will not change.	
23.	I am writing as a business owner in Harrogate, owning premises on Station Parade Harrogate. to express my grave concerns and objections to the latest Traffic Regulation Order connected to the Harrogate Station Gateway Scheme (Harrogate TCF Parking Station Parade 129944). In large part this road is actually the 'A' road through Harrogate and, as such, as busy thoroughfare. Despite several years of rational objection and several petitions against this proposal, NYC keep updating and persisting with it. This, despite the vociferous protests of the business owners in the area and hundreds of Harrogate residents who will also be seriously affected by these plans. There is already tremendous pressure on businesses and the plans proposed by NYC will only exacerbate this to breaking point. The plans listed below are nothing short of detailed decimation of a large part of commercial Harrogate and will result in catastrophic consequences to almost all of the businesses. • Parking slashed by 87% on Station Parade North - from 23 spaces down to just 3. That's a potential loss of 300 visits per day - up to 2,000 customers a week gone. • Takeaway customers for five restaurants left with nowhere to stop. • Only one loading bay for 30+ businesses. • Loading bays will be reduced by 75% from four to one along Station Parade North and Station Parade. • More lost parking elsewhere along Station Parade. • Fails to take into account the actual impacts of the scheme including After so much dissent and so many objections over such a lengthy period surely it is about time NYC conceded that this is a pointless, unwanted	Please see responses in Rows 1, 2 and 6.

	and ridiculously expensive project which nobody in Harrogate wants, or needs? Saying that the hard pressed Council is not paying for this, the Governments is, is frankly, puerile. Government money is Taxpayers money...our money. Which we will be unable to pay if our businesses go under. Please think about that for a moment or two. This is not a question of NYC knowing what is best for Harrogate. Not a question of Active Travel and reducing car use. THIS is a plan which will destroy Harrogate's commercial heart. Frankly, it is about time that certain people listened and took heed of what the people of Harrogate and the business owners of Harrogate both know, need and want. They do NOT WANT the Harrogate Gateway proposal. Not in any way, shape or form. Please accept this as my total 100% objection to all plans, proposals and ideas concerning the Harrogate Gateway Scheme. Your acknowledgement would be appreciated.	
24.	As a local trader in Harrogate, I am formally registering my objection to the latest TRO for the Harrogate Station Gateway Scheme. These plans are not in the best interests of the community, needlessly risk hurting businesses like mine and SHOULD NOT be approved. I hope my concerns, which are shared by so many other business owners, are taken seriously.	Noted.
25.	Background Grounds of Objection Our client and Getaway object to the making of Order 5 for the reasons set out below. 1. The premature making of Order No. 5 and the need to consider the Scheme as a whole 1.1. The sole purpose of the TROs is to implement the Scheme. They come as a package and cannot operate independently of one another. In particular, Order no5 cannot operate independently of Orders 1-4 and <i>vice versa</i>. 1.2. As set out in our application for permission to appeal to the Court of Appeal (skeleton	1.A number of legal points are made in respect of TRO 5 and the Council makes reference to the Judgement of Mr CM Ockleton in the High Court ('The Judge') which considered similar points in relation to TRO's 1-4 Response to points 1.1, 1.2 1.3,1.4, 1.5 The TRO's do not implement the wider TCF scheme. It is necessary to introduce new Traffic Regulation Orders (TROs) to allow

attached here at Appendix 1), it was irrational for the Council to make Orders 1-4 which implemented only part of the Scheme without certainty that Order 5 would be made. This also applies to the making of Order 5, in that Order 5 would implement part of the Scheme without certainty that Orders 1-4 will be upheld. 1.3. There is no provision contained in The Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996 which would enable the Council to "line up" TROs to prepare for the final implementation of a scheme and then place traffic signs and road markings if and when it sees fit. Further, once the Order is made there is no power simply to revoke it. For the measures to be reversed a new TRO must be promoted, consulted upon and publicised with the aim of restoring the <i>status quo</i>. It would therefore be irrational and unlawful for the Council to proceed to make Order 5 which will, as Orders 1-4 did, come into force upon the date contained within the made order and then "wait and see" what happens with Orders 1-4. 1.4. The sole purpose of the TROs, including Order 5, is to facilitate and implement the Scheme. There are measures in each of the TROs which rely on the other TROs in order to be delivered, they cannot operate nor can the Scheme be delivered without the full package of TROs. For example, Order 5 is required to alter current parking provision in order to deliver the bus lane which is the subject of Order 1. The Scheme and its impacts therefore need to be considered as a whole. It is therefore irrational for the Council to take a salami slice approach to the TROs. 1.5. Further, even if it were correct that the Council could make TROs and then simply decide whether or not to put out traffic signs in order to render them enforceable (which is clearly not the case as a matter of law) then it would be obviously unlawful to consider the Orders separately from one another. This is because, on the Council's view, it has a discretion as to whether or not it would ever render Orders 1-4 enforceable. In such circumstances they cannot properly be considered as a baseline against which the acceptability of Order 5 should be considered.	for the improvements to be made by the Scheme. It is common practice for the TRO process to be commenced ahead of major projects receiving full funding to ensure that necessary measures can be enabled so that the project will function appropriately. At full business case stage (January 2024) the West Yorkshire Combined Authority (WYCA) appraised the scheme and set out a condition that, prior to 'approval to proceed', the council must 'provide a progress update on the TRO consultation'. It is, therefore, prudent to update on the consultations carried out in relation to the proposed TRO and to seek decisions where appropriate in order that reassurance can be provided to funders that this element is progressing in tandem with the project and funding approvals. The Judge states at paras 36 and 37 of his judgement: <i>So far as the previous TROs are concerned, as also noted above, although they have come into operation, they are not in force because the relevant signage has not been introduced. TRO 5 is in the process of being made, modified but still with the intention of delivering the Scheme. The position at the date of this application and proceedings is that there is nothing comprising merely a part of the Scheme that is in force; and there is no decision or intention that there should ever be a time when only part of the Scheme is in force. There cannot be anything remotely irrational in preparing for the implementation of a scheme bit by bit, with the intention of arriving at a point where it is ready to be brought into force as a whole.....</i> <i>The Scheme as a whole is the basis for making each of the TROs in order that together, when they are all made, and other works are completed, the Scheme can be implemented. There is no basis on the facts of this case for saying that there will not, in due course, be a set of TROs that will together deliver what is needed from TROs to provide the benefits of the Scheme.</i> Otherwise for large scale public realm/infrastructure schemes the Council would have to make the TROs all at same time at the very last minute before immediately implementing the Scheme
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1.6. Finally on this point, as noted above, the Council's notification letter for Order 5 simply states that the decision to approve Orders 1-4 was upheld by the High Court. The letter fails to acknowledge or inform the public that those orders remain the subject of a legal challenge, despite the application for permission to appeal having been filed and served prior to the notification letter being sent/published. This is misleading as it erroneously treats those orders as part of the 'status quo' without acknowledging that they are the subject of legal challenge. In addition, it is also misleading if the Council's view of the status of Orders 1-4 is correct. As set out above, these are not a 'given' if the Council retains a discretion as to whether to ever render these enforceable. 2. Lack of consultation/final decision on the Scheme and authority to make Order 5 2.1. The November 2023 Resolution (which was and is the only resolution of the Council's Executive to proceed with the Scheme) was that the Council should only progress with the Scheme subject to a period of public engagement to gauge public support for the revised proposals. The decision makes clear that this engagement is in addition to any subsequent TRO process. The decision to proceed with the Scheme was also subject to the receipt of funding and satisfactory conditions relating to that funding. 2.2. It remains the case when considering Order 5 that the Council has not undertaken public consultation/engagement to understand the level of support for the scheme which Order 5 seeks to partially implement, and taken this into account as part of their decision making. We also understand that it remains the case that the Council has not received a final decision as to whether funding is to be provided for the Scheme. 2.3. For the Scheme to proceed (which Order 5 is required to implement) the public engagement must be "satisfactory" as per the November 2023 Resolution. That will necessarily include full and frank disclosure by the Council of the impacts of the scheme and then the conscientious consideration of responses by the public (it is	(which further ignores that the TROs were a pre-requisite for funding being released for the Scheme to proceed).TRO'S require a statutory consultation process followed by consideration of representations which may lead to alterations in the TRO necessitating further consultation; a process which can take in excess of a year or more in some cases. To suggest that this should take place only at the final point in the process fails to grasp the practicalities involved in delivering infrastructure schemes at scale. . Response to 1.6 The notification letter provided by the Council referred to the position on TRO's 1-4 by way of background information. These TRO's have been determined. The purpose of the letter was the highlight the further consultation on TRO 5 and there is nothing misleading in the context of TRO 5, by not referring the application to seek permission to appeal. This is not a matter material to consideration of TRO 5. Response to 2.1, 2.2 and 2.3 These arguments were made in similar terms in the High Court challenge to TRO'S 1-4 . In his judgement Mr Ockleton concluded that they were not arguable stating in Paras 33 to 34 <i>33. A glance at the November 2023 Resolution shows immediately the difficulties in such an argument. First, the making of the TROs is one of the matters to which the Scheme is subject: this submission reverses that position by arguing the making of the TROs is itself subject to some (re-) authorisation of the Scheme. Secondly, following extensive consultation before November 2023, the Resolution does not say or imply that there will be further consultation before it is implemented. The phrase used is 'a satisfactory TRO and public engagement outcome'. 'Engagement' is not consultation: engagement can consist solely in publicity and communication, and the word (even when associated with 'successful' does not to my mind imply any of the obligations arising out of consultation. In particular, the decision to require</i>
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noted that the technical assessments of the Scheme which reveal the damaging consequences of it, discussed below, have not been released to the public). There will need to be a further decision taken by the Council, having taken those responses into account. In addition, no final decision on the Scheme can be taken unless and until funding has been awarded with acceptable terms and conditions. It is understood that no such funding decision has been made. As such, without a final decision on the Scheme it is unlawful, and contrary to the November 2023 Resolution, for the Council to make the Order 5 which, as a matter of law, implements part of the Scheme (see skeleton for the Court of Appeal) without conducting this additional engagement.	<i>‘engagement’ does not begin to suggest that the Scheme or its implementation are in merely provisional terms, ready for a further round of consultation in which the opponents of it will have another opportunity to repeat their points and the defendant will have a further duty to reconsider them. Thirdly, any points about incompleteness of consultation before adopting the Scheme belong, and belong only, to a challenge to the adoption of the Scheme in November 2023, and could have been made only by an application for Judicial Review, made promptly and in any event no later than three months thereafter. Fourthly, in the circumstances of this case there is no basis for the slightest suggestion that anybody had a legitimate expectation of further consultation. The decision on the Scheme had been made, and anybody who reads the Resolution can see exactly what the next steps will be.</i> <i>34. The November 2023 Resolution, and the Scheme then adopted, clearly and unambiguously authorised the TROs. The first ground of challenge fails.</i> In addition to the three rounds of consultation, Officers have continued to carry out public engagement on the Revised Harrogate Gateway Scheme by making information available on the council’s website – which has garnered public and media interest and input. This information has been updated twice to reflect work carried out. Meetings have also been held with stakeholders including Station Parade retailers, the Harrogate Disability Forum, Harrogate District Cycle Action Group, Transdev, Victoria Shopping Centre and the Exchange operators. Officers and the Executive Member for Highways and Transportation, Road Safety and Cycling/Active Travel also attended a large business event in September 2024. The key themes of feedback to this further engagement related to loss of parking and an “underwhelming” public realm. This was reported along with the resulting proposed amendments to the Harrogate and
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	3. Wider impacts of the TRO 3.1. The TRO has been publicised on the basis that this TRO is simply proposing ‘minor adjustments to restriction positions, lengths and feedback received on proposals effecting loading on Station Parade’. This is wholly incorrect and misleading. As set out below TRO 5 in fact provides for significant changes to existing parking and loading provisions. Our concerns regarding these particular measures are set out in section four below. 3.2. It is also the case that draft Order TRO 5 seeks to implement the Scheme and the Scheme cannot be implemented without it. It is therefore misleading that your publicity has not acknowledged this but has painted a picture of minor adjustments to what already exists. This is particularly misleading in light of what the Council knows are the predicted impacts of its traffic proposals. Further, the statement of reasons with the publicity material presents the Scheme as a ‘fait accompli’ without acknowledging that the traffic impacts fall to be considered through the TRO process.	Knaresborough Area Constituency Committee Station Gateway Working Group. Members of the Working Group were supportive of the scheme progressing to final design and delivery. Please see above regards the logical process of consulting on TROs prior to final funding approval. The impacts of the scheme as a whole could be found on the council's website during the TRO consultation process and members of the public were directed there. The TRO was previously advertised with a full scheme commentary. As noted in the recent Judgement: <i>It is subject to modification as a result of responses to publicity. As modified it will be put out to consultation and be subject to publicity again but continues to form part of the defendant's intentions.</i> Response to 3.1 This is covered in main body of the report. Response to 3.2 The answer to the point about the TRO allegedly implementing the Scheme has been covered by the High Court case and Paras 36 and 37 of the judgement set out in response to Point 1 are relevant. Response to 3.3
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3.3. As set out above, residents and businesses in Harrogate are largely wholly unaware of the impacts which the Scheme will have. This is because the Council has chosen to press ahead with implementing the Scheme through the TROs without satisfactory public engagement. Such public engagement would necessarily require informing the public of the impacts of the proposals. 3.4. It is only through disclosure which has occurred during the Court litigation that our client is aware that the Scheme will have a number of significant effects on congestion, journey times (including by busses) and highway safety. In particular our client is aware of the following evidence: a) The WSP traffic modelling (December 2024) which concluded that overall the proposals would lead to an increase in journey times and a disbenefit to general traffic (through the legal challenge, the Council has accepted that these conclusions also apply to bus traffic); b) The WSP Carbon assessment (December 2024) which concluded a net increase in carbon emissions which would not be offset by modal shift; and c) The Road Safety Audit (June 2024) which raised numerous safety concerns with regards to the traffic proposals and the Quality Assurance Report (iterative document but latest available version December 2024) which retained a “critical” safety concern. 3.5. Although those reports had been produced as a result of the funding process for the Scheme, they are obviously material to the traffic	Statutory consultation has been carried out in respect of TRO 5 – as it was originally in 2024 and then again when modified in 2025. With regard to the wider scheme the Judge sets out in para 33 of the High Court Judgement that there has been ‘<i>extensive consultation</i>’ and goes on to say: <i>The phrase used is ‘a satisfactory TRO and public engagement outcome’. ‘Engagement’ is not consultation: engagement can consist solely in publicity and communication, and the word (even when associated with ‘successful’ does not to my mind imply any of the obligations arising out of consultation.</i> Response to 3.4 It is not normal practice to publish documents such as Road Safety Audits, economic analysis, and carbon/climate change analysis. when consulting on an individual TRO. However as part of engagement on the Scheme the plans and Full Business Case have been available on the council’s website and updated as new versions became available. Those that have previously commented on the TROs were sent links to these documents as part of this consultation. It is clear from the responses received to the TRO 5 consultation that consultees and the general public were aware of the wider reported impacts of the scheme. Response to 3.4(a) - this is covered in the response to Comment 1 Points Response to 3.4(b)- this is covered by the response to comment 1 Point 5 Response to 3.4(c) - this is covered by the report at section 6. Response to 3.5 onwards
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regulation elements of the Scheme. They all address the impacts of the traffic measures which the TROs seek to implement and address topics which either the statute expressly requires to be taken into account (journey times, congestion and safety all go to the duty to secure “expeditious, convenient and safe movement of vehicular and other traffic” under s122(1) Road Traffic Regulation Act 1984 (“the 1984 Act”)) or, in the case of carbon impact is obviously material. 3.6. The fact that these impacts are predicted to occur as a result of the Scheme’s traffic measures and it is the TROs which seek to implement those measures underlines the necessity of considering the TROs as a whole. Further, and in any event, given the Scheme cannot proceed without Order 5 then the traffic impacts of the Scheme will need to be considered as part of the decision over whether to make Order 5. 3.7. In light of what the technical evidence demonstrates it is clear that it is not expedient to make the Order which will enable and implement the Scheme, applying ss1 and 122 Road Traffic Regulation Act 1984. The following points are made: 3.7.1. It is not considered that, once the impacts of the Scheme are understood, Draft Order 5 can meet any of the purposes set out in s1 RTRA 1984, in particular: 3.7.1.1. the Road Safety Audit and Quality Assurance Report shows that, as at December 2024, the Scheme will not avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising. Further, and in any event, now that the proposals in Order 5 have been amended additional technical review is required to identify the full extent of the safety concerns with the proposals; 3.7.1.2. the Scheme will not facilitate the passage of either cars or busses on roads in Harrogate. The evidence demonstrates that even if there is a small benefit to bus journey times as a result of busses using the bus lane to enter the bus station, that benefit is more than outweighed by congestion caused to busses exiting the bus station;	The Council will consider factors material to the decision on TRO 5. Most of the issues highlighted below are covered by earlier responses to comments. TRO’s 1- 4 have been made and legally upheld. Traffic impacts are being considered. The role of the Council is to consider whether TRO 5 should be made and to perform it’s duty under S122. It will consider evidence relevant in the context of that decision. The Order clearly meets purposes set out in RTRA 1984 as set out in the report. This is addressed in the report. A full Road Safety Audit has been undertaken for the latest/final proposals and can be found at Appendix F. This is not accurate and not based on any evidence Officers are aware of.
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3.7.1.3. the Scheme will not preserve or improve the amenities of the area through which the road runs due to the increase in congestion. 3.7.2. Further, applying s122 RTRA 1984, the Scheme (which Order 5 implements) will not secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. This is as a result of: 3.7.2.1. the increase in congestion (see the WSP December 2024 report); 3.7.2.2. increase in journey times (see the WSP December 2024 report); 3.7.2.3. the road safety issues which have been raised in the technical assessments; 3.7.2.4. the significant loss of parking and loading facilities (which is addressed below); 3.7.2.5. the significant reduction in access to premises as a result of the loss of parking and loading facilities; and 3.7.2.6. a likely adverse impact upon air quality as a result of increased congestion. 3.8. It is therefore clear that Order 5 ought not to be made and the Scheme ought to be abandoned. 4. Impact of Order No. 5 on businesses and highway safety 4.1. As has been indicated above, the proposals within Order 5 will have particularly significant impacts upon businesses. This is due to the loss of parking and loading which is entirely contrary to relevant policies. Loss of parking – Impact on businesses 4.2. The making of Order No. 5 will result in a significant loss of parking along the entirety of Station Parade, particularly Station Parade (North) which will see the current 23 parking spaces reduced to 3 plus 2 disabled bays. There are approximately 30 businesses along Station Parade North including beauty salons, barbers, a tattoo parlour, taxi rank, takeaways, restaurants, clothes stores, convenience stores and a tailor. A large proportion of these businesses rely upon short stay parking and the reduction in on-street parking has the potential to result in the loss of	This is covered in the report at section 6. The TRO is not being made to alleviate congestion. The purpose of the scheme for which the TRO is required is about modal shift in travel and the purpose of the TRO is set out in the report. There will be changes for individual vehicle users, but these are proportionate and acceptable when considering the expeditious, convenient and safe movement of public transport, cyclists and pedestrians. Response to 4.1 This is covered in the response to Comment 2 above. Response to 4.2 Reduction in Parking is covered in response to Comment 1 Point 1. However, whilst Officers recognise the importance of parking for Station Parade and other town centre businesses, from the mid-point of Station Parade (North) it takes three minutes to walk to a multi-story car park. which can accommodate parking. The TRO is not restricting loading on the north-east section of Station Parade North and is introducing accessible parking in that area. The wider scheme is enhancing access to
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300 visits per day and up to 2,000 per week to the town centre for short duration visits (18 bays, average of 1 hour a day from 8am to 12pm = 288 x 7 = 2,016). This loss is continued on Station Parade Central and South where in excess of 35 businesses will be affected by the changes (this number does not include the businesses within the shopping parades of Cambridge Street and Markey Place). 4.3. As previously highlighted to the Council, the availability of on-street parking is a key factor for the continued success of businesses in Harrogate. The current parking availability allows convenient access to Harrogate town centre and the businesses within. The Council should be aware of the recent demise in high street shopping, particularly following the pandemic where online shopping became hugely popular (see the attached BRC article: The Importance of Sufficient Car Parking for Retail Success at Appendix 2). The removal of convenient, quick and safe access to the businesses within Harrogate will simply add to the strain already felt by such businesses. As noted above, the vast majority of businesses along Station Parade North rely on short visits (barbers, takeaways, convenience store and tailor) or appointment based (beauty salons, tattoo parlour and physio) which are made easier and more accessible by the localised parking. Using the public car parks located around the town would add an additional 20-30 minutes onto customers trips, making short visits unviable in a short timescale. This is a factor which weighs heavily against the Scheme and the costs have not been evaluated in the business case.	the multi-storey car park next to Station Parade North (via One Arch). Response to 4.3 Parking's impact on town centre retail is complex, with research suggesting that more or cheaper parking does not guarantee greater economic success. A recent academic study by Laura Merten and Tobias Kuhnimhof proffered: • Reducing on-street parking can have a positive impact on retail in city centres. • Parking in urban centres should be clustered in multi-story car parks. • This enables to calm traffic, improve cycle infrastructure, or unseal street space. • Spatial Regression indicates: retail benefits from good public transport access. A range of articles, studies and briefings suggest: • There is no direct correlation between having more or cheaper parking and a town centre's economic health. • Retailers often overestimate how many of their customers drive and how crucial parking is to their success. • Walking and cycling projects can increase retail sales. • A reduction in retail vacancy has been observed after active mobility infrastructure improvements were made. • Pedestrians, cyclists, and public transport users frequently visit more often and may contribute more to the economy over time than drivers. Shoppers often prioritize issues like reliable public transport and less traffic over the availability or cost of parking.
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		• Accessibility through various transport options is critical for a thriving town centre economy. • Town centres that are designed to be walkable, intimate, and entertaining are more likely to thrive in the long term. • A high-quality mix of shops and restaurants is a key driver of success. • A town centre's overall atmosphere, street layout, and general appeal are more important than parking availability. • While parking remains important for those who choose to drive, making it the primary focus can be a misallocation of resources. The goal should be a balanced approach that prioritizes overall accessibility and a positive shopping experience for all customers, not just those who arrive by car. Sources for this information are included in the background papers to the report. • Impacts of parking and accessibility on retail-oriented city centres Laura Merten & Tobias Kuhnimhof • Town Centre Recovery Post Covid Parking Perspectives • Do Parking Charges Drive Success? Evaluating the Impact of Parking Fees on Town Centres Rob Leet • The relevance of parking in the success of urban centres. A review for London Councils Sophie Tyler, Giles Semper Peter Guest & Ben Fieldhouse • The conundrum of the car park Uma Saranya Kesavan • Why fewer (polluting) cars in cities are good news for local shops. A review of evidence: impact of low emission zones and other “Urban Vehicle Access Regulations” on retail in European cities CleanCities
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4.4. In addition to visitors to the town, the loss of parking will also detrimentally impact the operation of a number of businesses in other ways. For example, there are 6 restaurants on Station Parade (North), 5 of which offer a takeaway service: Pizza Parada, Hacs, Olivetta, Jodhupur and Much Mania. Excluding the loading bay and disabled bays, there will be 3 parking places available on Station Parade North where both delivery drivers and customers will opt to park for collections. When the 3 available spaces are full, drivers and customers will be forced to park elsewhere in the town and as a result, delivery times will increase and customers may choose to go elsewhere due to the loss of any convenient parking close to the restaurants/takeaways. This will ultimately result in the loss of trade. 4.5. It is not correct to simply view the loss of these parking spaces as a percentage of the wider town centre. The parking spaces are currently directly outside a number of businesses and available for their customers and deliveries to use. Parking on nearby streets is heavily congested and cars are often observed circulating to find a space. 4.6. It is inadequate to suggest that a customer may simply park across town or, for example in the Victoria MSCP. The Victoria MSCP is comparatively expensive and is unlikely to be used by someone who would want to visit a particular store on Station Parade for, say 15 minutes. The reality is that customers of many of the businesses on station parade have an alternative of internet shopping. It is therefore imperative that the ease of visiting businesses is maintained. A customer who's visit would require: seeking out parking in a multi-storey (which will not necessarily be available), paying for that parking, walking to Station Parade and carrying any goods some distance back to the car would obviously be tempted to simply purchase their goods from the internet.	• Re-Think! Parking on the High Street Guidance on Parking Provision in Town and City Centres British Parking Association • Impact of Parking on Town Centre Retail Parking Perspectives Drivers can load/unload at the north-eastern extent of Station Parade North. However, the benefits that that the TRO is seeking deliver are considered to outweigh a motorist potentially having to walk for several minutes to pick up a takeaway. Please see response in Row 1. There is ample parking available within a three minute walk or 200 metres. The TRO introduces a loading bay and does not prohibit loading/unloading on the North East side of Station Parade North. It costs £1.80 to park in Victoria MSCP where an entrance/exit is 200m away from the centre of Station Parade North. It costs £2.10 to park on-street on Station Parade North. Evidence and research shows that customer behaviours are not driven by the price of parking. The TRO and wider scheme is seeking to enhance the environment for shoppers and visitors to the town – to combat the rise of internet shopping.
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4.7. Further, the Victoria Car Park's main entrance is through the shopping centre itself and so it is difficult to see why a user of the car park would seek out businesses on Station Parade if there are already shops servicing their needs in the shopping centre itself. Further the car park shuts at 7.30 and therefore it will be of little use for restaurants and takeaways. The reality is that (as the study at appendix 2 as well as this Council's Parking Principles sets out) the removal of these convenient and easily accessible spaces will have an immediate and irreversible deleterious impact upon these businesses. 4.8. The significant loss of parking will reduce parking levels to below that which policy indicates is acceptable. The North Yorkshire Interim guidance on transport issues, including parking standards sets out minimum parking standards for land uses. Relevant minimum standards for uses in the area affected by Order 5 include: 4.8.1. Offices, space for deliveries 4.8.2. Restaurants: taxi/car pick up/set down, space for deliveries, 4.8.3. Town centre/neighbourhood shops – 1 service vehicle per 500m² GFA. 4.9. It is abundantly clear that the parking which will be left (together with the limited loading provision) is woefully inadequate when compared with parking standards. 4.10. Further, in August 2025 your executive considered a report of the Corporate Director Environment which presented draft Strategic Parking Principles, that document was adopted. The document sets out a foundation for how parking is to be managed across North	There is an alternative entrance/exit next to Station Parade North. Evidence shows that after 7.30pm there is an abundance of available parking within 200m of Station Parade North. The interim guidance referred to is for new developments. The Guidelines for Provision state: <i>These are minimum parking standards, to be applied at residential developments with different values dependent on accessibility to public transport proximity of differing land uses and location.</i> <i>A flexible approach should be taken in using the standards so that each development proposal is assessed on its merit. A lower parking provision may be appropriate, particularly in more central locations where public transport provision is greater, depending on the circumstances of each case. This should be established from early discussions with the highway authority.</i> However, as previously stated, the council is not restricting loading/unloading on the north-east section of Station Parade North. It is also introducing a loading bay on a section of road where currently one does not exist. It also states, in relation to restaurants specifically, that <i>these standards may be varied for town centre sites depending on the availability of public car parking.</i> The Parking Principles provide a strategic framework to cover parking across the
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Yorkshire. Principle 1 is that 'Parking facilities will aim to provide a good quality, value-for-money service to users across North Yorkshire' and principle 2 acknowledges that parking needs to address local needs and circumstances. 4.11. Under the heading 'Supporting the Economy' the parking principles state: 'Shopper/visitor parking will usually have priority in town centres and shopping parades. We will aim for commuter parking to be on the edges of town centres, to reduce the traffic driving through these and allow space to be devoted to shopper/visitor parking or enhancements to the town centre. We will also support staff parking provision in a way that maintains availability of convenient parking for shoppers and visitors. For shoppers and visitors, destinations are chosen because of what the town has to offer and its proximity to the origin; parking costs are a secondary consideration. Surveys in Harrogate and elsewhere have confirmed that parking charges are not what is driving users onto internet shopping. It is the availability and certainty of finding a space, rather than its cost, that is most important to users. 4.12. This text then leads into principle 7 which is that: 'Parking will be managed so as to support the vitality and attractiveness of town centres, recognising parking arrangements are key to trade'. 4.13. Principle 8 is that 'Parking incentives to encourage people to visit town centres will be reviewed to ensure a fair approach across the county, and to ensure that they are most effective in supporting town centre businesses. 4.14. The proposed substantial loss of parking in a key town centre area on roads which are populated by numerous businesses is wholly contrary to the parking principles which the Council has recently adopted. There is not alternative adequate parking nearby and no assessment appears to have been done by the Council of the economic loss which the loss of these parking spaces will cause to businesses. Further, there appears to have been no survey of whether there is adequate capacity in spaces within a reasonable walking distance of those businesses so as to mitigate in any way the damaging impacts which this proposal will have	whole of North Yorkshire. noting the sections referred to, it is abundantly clear that there is ample parking provision within the vicinity of the site – including a surface-level car park and multi-storey car park both under 200 metres away from Station Parade North. As previously stated, data and studies have shown an over provision of car parking in Harrogate Town Centre. Officers consider the re-allocation of road space to support the vitality and attractiveness of the town by enhancing public/sustainable transport provision. The supporting text for principle 9 states that the parking estate <i>provides opportunities to support the council's other wider needs and goals, particularly where parking allocation can be adjusted to free-up locations for other purposes. Although most parking areas and car parks are likely to remain as parking, potential opportunities, depending on the location, might include enhancing the public realm and enabling improvements to active travel facilities.</i> In this instance the reduction in parking is supporting the council's wider aims. The decision is being taken democratically (in line with the constitution) and in consultation with the local member. Response to 4.14 This is covered in the response to comment 1 point 1.
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on nearby businesses. This is wholly irrational in circumstances where it appears that surveys in Harrogate (which our client has not had sight of but must obviously be relevant to these proposals) have expressly shown that the availability of parking is what drives people's decisions over whether to visit physical shop premises or whether to shop on the internet. 4.15. It is noted that Principle 9 is that 'The parking estate will be put to its best use across all the council's needs and goals, aiming to protect capacity where there is demand, while also recognising strategic opportunities to support the council's wider aims'. The text states that where parking is to be lost in order to pursue other opportunities then 'Any decisions will be democratically taken, following consultation with the local councillor, and the council's Property Procedure Rules will be followed.' This does not appear to have occurred in this case and must of course now be followed now that the parking principles have been adopted. Loss of parking – Safety impacts 4.16. Furthermore, the taxi rank located on Station Parade (North) will no longer be able to ensure the safety of its customers and drivers. The taxi rank is located on the eastern side of Station Parade where parking is proposed to be completed removed and replaced by a bus lane. Drivers will therefore be forced to utilise the very limited parking on the western side. If and when a space is available, passengers leaving from the taxi rank will need to cross the bus lane and road and then the passenger side door will be on the roadside, increasing safety issues. In the inevitable cases where no parking is available, taxis may need to park on the surrounding streets. This will not be possible when collecting disabled customers who may not be able to commute the extra distance resulting in taxis resorting to boarding in the middle of the road amidst moving traffic. The safety of both passengers and drivers is further endangered when a wheelchair ramp is required, increasing the loading and unloading time for taxis. 4.17. The lack of parking is likely to lead to unlawful parking by those wishing to deliver/collect/visit local premises. This is clearly a safety hazard which needs to be considered.	No survey is required. Data shows that there is more than enough parking available within a short walk of Station Parade. As referenced in Row 1, the council is basing its decision on parking availability on both historical and recent data. Property procedure rules do not apply to the Council's highway.. The reference to other opportunities applies where there is the disposal of land which has been used as a car park. There is not a taxi rank on Station Parade North – there are pay and display parking spaces that are used to load and unload when available. Taxis will still be able to load/unload on the north-eastern side of Station Parade North. A new pedestrian crossing and loading bay is being introduced opposite the taxi office with space for rear loading of wheelchairs. Officers have observed taxis loading/unloading in the middle of the road when parking spaces are occupied so conditions should improve in this regard. There is an extensive taxi rank on lower Station Parade designed for this purpose. Officers do not consider the proposed arrangements to be a safety hazard. Civil
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Loss of loading bays 4.18. Order No. 5 proposes one loading bay for the whole of Station Parade (North) for an area comprising of some 30+ businesses including restaurant deliveries and general shop collections and deliveries who will be required to operate from one loading bay. This is simply inadequate and will have a huge impact upon the way in which the businesses currently operate day to day. As set out above, it is obviously far short of the minimum parking standards set by the Council. 4.19. A number of these businesses would need to cross the road when loading and unloading including Jodhpur Indian restaurant, namaste supermarket and bargain zone. This would also include maintenance vehicles (shop fitters, electricians etc.) who would require access to their vehicles for tools and parts. When dealing with large, heavy deliveries this would be unsafe for both the delivery drivers and other road users. This is clearly a safety concern weighs heavily against the scheme. 4.20. The reduction to one loading bay and significant reduction in overall parking increases the likelihood of no loading space being available close to the businesses. This would be a particular issue for those with no rear access and large deliveries (such as Jodhpur Indian restaurant, namaste supermarket and bargain zone). Lorries would either have to stop traffic or wait and go round the top of Station Parade, down east parade and back up Station Parade North in the hope that the bay would be empty on their return. Possibly repeating this numerous times. Consequently, this would increase delivery times, congestion and journeys around the town centre. 4.21. A further loss of loading bays is proposed on Station Parade (Central) which, again, will impact businesses on that section of Station Parade. 4.22. As with the loss of parking, the wholly inadequate loading provision is likely to lead to unlawful parking which will have consequent safety impacts. Indeed, on the issue of safety it is	Enforcement Officers will seek to penalise and discourage any unlawful parking. Response to 4.18 There is not currently a loading bay on Station Parade North. The TRO is introducing one and is not prohibiting loading at the north-east section of Station Parade North. Please see response in Row 1 regards loading/unloading. Loading along Station Parade Central is being restricted during peak hours, at which time vehicles can load/unload on Beulah Street next to the relevant unit. This is not considered a safety hazard. Please see paragraphs 6.5 to 6.8 in the main report and Appendix F regarding road safety. Please see response in Row 1. There is not a loading bay on Station Parade North currently. Loading can take place on the North-East side. Please see response above re Beulah Street.
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clearly imperative that the entire scheme is submitted to a road safety assessment which includes these latest amendments. Waste collection 4.23. All of the premises along the routes affected by Order 5 will require their commercial waste to be collected. The commercial bins of the various businesses are currently collected by different companies at different times of day. If Order 5 is to be confirmed this will require stopping traffic whilst collecting and emptying the bins as well as requiring those engaged in waste collection to cross traffic. This will clearly add to the congestion and lead to obvious safety concerns. No consideration appears to have been given to this by the Council. Construction period 4.24. The construction period for the Scheme is understood to be approximately 2 years which in turn applies for the period in which Order No. 5 will be implemented. During that period parking is expected to be very limited or non-existent. As discussed above, some businesses simply cannot survive those impacts in a sector which already continues to suffer the impacts of the pandemic and online shopping and the further increase of business rates and National Insurance has added an extra strain to these small businesses. These concerns can be seen from the responses from business owners set out below. Economic impact 4.25. The significant reduction in customers that is expected throughout the construction period and once the Scheme is implemented (which encompasses Order No.5) will inevitably result in the loss of jobs as a result and from which, some businesses will be unable to recover. 4.26. There has been a complete lack of direct and close consultation with businesses in the town centre and no economic surveys been undertaken in relation to the impact on local trade or the town centre as a whole (particularly during the construction period). Cyclists – Safety issues 4.27. The proposed changes to the junction of Station Bridge/Station Parade/Albert Street will	Please see above. A road safety audit has been carried out. Response to 4.23 Waste is collected now so there is no change to the current position. This aspect has been considered and it is common practice for waste collection vehicles to stop traffic temporarily as they work. Rarely can/do they park in a pay and display space. There is no impact on waste collection nor will any congestion arise because of these activities Response to 4.24 Please see response to comment 1. Whilst disruption is likely to occur during construction, the council would seek to direct users to the multi-storey car parks adjacent. Response to 4.25 and 4.26 Please see response to Comment 2 and Comment 6 and additional points made in response to part 4 of this representation Response to 4.27 Please see response to comment 1 point x
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create a dangerous junction for cyclists in moving traffic as it creates a pinch point which will lead to conflict between cyclists and vehicles. This is in addition to the safety impacts which the technical reports mentioned above have revealed. Local Business Survey 4.28. Getaway has gathered some comments from local businesses who would be affected by these proposals. The comments which have been received include the following: <i>“As being a disabled shop owner , I won’t be able to stay open if this goes ahead , I will have to close after being open 23 years.”</i> <i>“Local businesses have not been considered at all regarding this scheme. There are already so many empty shops in the town and this will just result in the closure of more independent businesses.”</i> <i>“The proposed cycle lanes run up station parade alongside the bus station exit, an independent car park & the train station car park. I fear it won’t be long until someone is killed. I also rely on my clients to pull up outside the shop, pay for half an hour’s parking then on their way. I fear the parking will vanish & the chaotic traffic will put my clients off coming & head to an out of town centre business.”</i> <i>“Complete waste of money”</i> <i>“Please consider our request this is going to have a massive impact on our businesses”</i> <i>“Stop ruining local businesses”</i> <i>“My customers would not be able to park outside my business.”</i> <i>“Waste of money and what benefit is it to the people of Harrogate”</i> <i>“Would be shameful if it goes ahead”</i> <i>“I believe the chaos it would cause is absolutely absurd, it would have a negative impact on Harrogate”</i> <i>“It will have a negative impact on Harrogate”</i> <i>“Don’t believe people shop on bicycles”</i> 4.26 These comments pithily summarise the significant negative effects which this proposed TRO will have on local businesses. This is a	Please see above re safety. The removal of the island in this location improves the environment for cyclists and road widths are compliant with the Design Manual for Roads and Bridges. Response to 4.28 Whilst noting the responses, Officers considered this survey to contain inaccurate information provided to respondents. Many local businesses also support the scheme. The comments will be taken into account where relevant to the consideration of the TRO.
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clear and weighty reason why the Order should not be made and why the Scheme should not proceed. Concluding remarks Overall, Order 5 should not be made. First, it should not be made separately to Orders 1-4 which are currently the subject of litigation. Second, the Order should not be made whilst a final decision on the Scheme has not been taken (both due to the need for further public engagement and also the award of funding with acceptable terms and conditions. Third, the publicity for Order 5 is misleading. It is presented as minor amendments to what exists whereas, in fact, Order 5 is a necessary component of the Scheme as a whole and it will lead to significant changes for Harrogate. Fourth, it seeks to implement a Scheme whose impacts are overwhelmingly deleterious and it is absolutely clear that it is not expedient to make the Order implementing the scheme which would not secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The deleterious impacts arise as a result of: traffic congestion, delayed journey times, adverse safety implications, climate change impacts and deleterious impacts upon local businesses.	Please see responses above.
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Appendix 1 to Response 25.

IN THE COURT OF APPEAL

AC-2025-LDS-000037

B E T W E E N:

A&E BAINES

Claimant/Appellant

-and-

NORTH YORKSHIRE COUNCIL

Defendant/Respondent

WEST YORKSHIRE COMBINED AUTHORITY

Interested Party

APPELLANT’S PERMISSION TO APPEAL SKELETON ARGUMENT

This skeleton has left placeholders for references which will be added once the Core and Supplementary Bundles have been prepared and filed.

References to the High Court Judgement are in the format HCJ[PARA]

INTRODUCTION AND SUMMARY

1. This is an appeal against the Order and decision (dated 4 August 2025) of Mr CMG Ockelton, sitting as a judge of the High Court in which he dismissed the Appellant’s challenge to four Traffic Regulation Orders (“**TROs**”) made on 10 January 2025 by the Respondent local traffic authority. That challenge was brought under para.35 of sch.9 to the Road Traffic Regulation Act 1984 (“**RTRA 1984**”). Six TROs were initially promoted and considered by the Respondent in order to implement controversial traffic proposals for Harrogate’s town centre, the Revised Harrogate Station Gateway Scheme (“**RHSGS**”). As made, the four TROs implement a small part of the RHSGS which cannot sensibly operate without at least one additional order being made. The original claim was pursued on five grounds, three of which (grounds 1,2 and 5) continue to be pursued as part of this appeal.
2. In summary, the grounds of appeal are:

Ground 1: The Judge was wrong to hold that it was lawful to make the Traffic Regulation Orders (“**TROs**”) in circumstances where additional public consultation/engagement had not occurred. In particular, the Judge erred in:

- a. Failing to acknowledge the legal consequences of making the TROs which is that, as a matter of law, they implement the Revised Harrogate Station Gateway Scheme (“RHSGS”);
- b. Failing properly to interpret the November 2023 Resolution to proceed with the RHSGS which made clear that it was subject to additional public engagement/consultation and other matters such as affordability and funding;
- c. Failing to acknowledge that it was irrational to make orders implementing the RHSGS where no final decision on the scheme had been made;
- d. Concluding that it was incumbent upon the Claimant to challenge the November 2023 Resolution on the basis of a failure to consult in circumstances where that resolution was expressly subject to satisfactory public engagement.

Ground 2: The Judge was wrong to conclude that it was lawful for the Respondent to make TROs which implemented only part of the RHSGS (a) without any certainty that the remainder of the scheme would be delivered by further TROs, and (b) whilst taking into account the benefits of the wider scheme which included TROs which were not made. In particular, the Judge:

- a. Erred in failing to acknowledge the fact that, as a matter of law, the TROs implement the RHSGS (as per ground 1 above) and therefore it was irrational to make orders which did not deliver the entirety of the RHSGS;
- b. Erred in failing to acknowledge that it was irrational to take into account the benefits of the wider scheme whilst making orders which did not bring the wider scheme into force;
- c. In so far as the Judge relied upon the fact that the TROs as made used the words “into operation” as opposed to “into force” as meaning that the Orders were not “in force” then this was also an error.

Ground 3: The Judge was wrong to conclude that the Respondent’s decision was not unlawful by virtue of the fact that it (a) relied upon conclusions unsupported by adequate evidence or contrary to available evidence (b) failed to take into account material considerations and (c) was supported by inadequate reasoning. In particular, the Judge erred in:

- a. Relying upon the fact that technical assessments had been conducted in relation to highway safety, bus journey times, traffic congestion and carbon impact without engaging at all with the fact that those assessments were not taken into account as part of the decision;

- b. Failing to acknowledge the fact that the technical evidence, which was not taken into account, contradicted bald statements made in the officer's report on highway safety, bus journey times, traffic congestion and carbon impact;
 - c. Failing to acknowledge that considering the topics of highway safety, bus journey times, traffic congestion and carbon impact is obviously different from engaging with highly pertinent technical evidence on these issues which are obviously matters for technical assessment;
 - d. In so far as the Judge's consideration of this ground relied upon the November 2023 Resolution as curtailing the scope of that which required consideration as part of the TRO process then this was an error.
3. This appeal has real prospects of success. Additionally, there is another compelling reason why the appeal should be heard. As set out in the grounds and explained further below the Judge has erred in his understanding of the legal effect of the TROs once made. He has erroneously found that it was lawful for the Respondent to make TROs and then leave them "on ice" until it was ready to render them enforceable by putting out traffic signs and until it had made orders for the remainder of the scheme. This conclusion is wrong in law and has infected his consideration of the entirety of the claim.
4. TROs are regularly made by local authorities across the country to regulate traffic in their areas. The judgement below would lead a local authority to believe that it could make a TRO/TROs under the Road Traffic Regulation Act ("**RTRA 1984**") but leave it/them dormant until it saw fit to place traffic signs so as to render it/them enforceable. That is simply not open to a local authority under the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("**TRO Regulations**"). As is explained further below, were an authority to take this course it would have the clear potential to lead to a mismatch between road signage and TROs in force rendering local transport traffic measures un-enforceable. There is therefore a compelling need for this Court to clarify this matter.

FACTUAL CONTEXT

5. The Appellant is a property management company based in Harrogate which is the freehold owner of a number of properties in Harrogate town centre which are let to commercial tenants. The Appellant is a member of "Get Away", a group of businesses and residents in Harrogate who have objected to the proposals. Steven Baines, a director of the Appellant provided a witness statement to the High Court.

6. The Respondent was a participant in a successful bid by the Interested Party (“**IP**”) to secure Transport for Cities (“**TCF**”) funding.
7. The Respondent is seeking to progress plans for transport schemes in Harrogate, Selby, and Skipton. The implementation of these plans is subject to receipt of TCF funding by the IP. This claim is concerned with the Harrogate proposals only.

Harrogate Station Gateway Proposals 2021-23

8. An initial public consultation on some “high level” proposals was undertaken in February and March 2021 which, in relation to Harrogate, focused upon Station Parade and adjoining streets (“**the first consultation**”).
9. Consultation on more detailed proposals occurred in October and November 2021 (“**the second consultation**” on the Harrogate Station Gateway Scheme (“**HSGS**”). The measures proposed are shown on the plans at [REF]). The level of public support was quantified.¹
10. On 25 January 2022 the Respondent approved that the HSGS be taken forward.
11. Following the sending of a pre-action letter by Hornbeam Park Developments Ltd alleging a number of errors of law, on 18 March 2022 the Respondent agreed not to implement the decision of the 25th January 2022 so far as it related to the HSGS and confirmed it would undertake a further consultation on the HSGS.
12. The Respondent held a further consultation on the HSGS between 20 July 2022 and 23 August 2022 (“**the third consultation**”). Public opinion was again gauged.² Separately, the Respondent publicised for comment a number of TROs which were designed to implement the traffic elements of the HSGS.
13. On 30 May 2023 the Respondent’s Executive resolved to: (a) Make the proposed TROs; (b) Prepare and submit a full business case to IP for the HSGS; (c) Delegate acceptance of any funding awarded by IP and thereafter to proceed with the implementation of the HSGS).
14. The Decision of 30 May 2023 was challenged by Hornbeam Park Developments on a number of grounds relating to consultation, the TROs and the decision to proceed with the HSGS. The Respondent consented to judgment on the basis that one of the TROs ought to have been the subject of a public inquiry but did not defend any other grounds.

¹ 55% feeling negative or very negative about the proposals with 39% feeling positive or very positive (see 5. of the 25 January 2022 Report at [REF])

² 45.7% feeling negative or very negative about the proposals and 45.3% feeling positive or very positive about the proposals and 9% of respondents were neutral (see para 6.4 of the 30 May 2023 report [REF])

Current proposals for Harrogate, which are the subject of this Appeal

15. On 28 November 2023 the Respondent's Executive considered a revised scheme, "the RHSGS", (scheme shown on plan at [REF]). The scheme included:
 - a. On Lower Station Parade to Station Parade, making the currently two-way system one way, introducing a new bus lane, the removal of parking and loading bays;
 - b. On Cheltenham Parade to Station Bridge, a new southbound cycle lane, level pedestrian crossings, removal of some disabled parking/loading and repaving;
 - c. At Station Parade (Station Bridge to Victoria Avenue), junction alterations, repaving.
16. This was a much reduced scheme from the HSGS originally proposed. Part 5 of the report addressed consultation. It states:

"5.2 ... A period of public engagement, as well as any TRO public consultation required is also proposed to understand the level of public support and the outcome of this would be reported to the ACC." [REF]
17. The minutes for the meeting on 28 November 2023 record the following resolution as having been made:

"the descopeing options for Harrogate, the preparation and submission of a Full Business Case, with approval of the detail delegated to the Corporate Director of Environment in consultation with the Corporate Director of Resources and Executive Member for Highways and Transportation. In the event that the Full Business Case is approved by the West Yorkshire Combined Authority, to delegate the acceptance of the TCF funding to the Corporate Director Resources in consultation with the Assistant Chief Executive Legal and Democratic Services, the Executive Member for Highways and Transportation, and the Executive Member for Finance, **subject to the scheme being affordable, and acceptable terms and conditions being received, and for a satisfactory TRO and public engagement outcome the scheme to be implemented.**" ('the November 2023 Resolution' [REF]) (emphasis added)
18. The November 2023 Resolution was therefore subject to a number of "provisos". Whilst the November 2023 was a decision to progress with the proposals it was not in any way the final word on whether the scheme should ultimately come to fruition. It was dependent upon:
 - a. Funding/affordability;
 - b. A satisfactory public engagement outcome; and
 - c. The consideration of TROs which, as set out below, was the process by which the transport impacts of the proposals would be considered.

19. The fact that the TRO process would consider the transport impacts is supported by the fact that the 2023 proposals considered by the Committee were high level. There was no information as to their impact on issues such as: journey times, congestion and highway safety. Such matters obviously fell to be considered as part of the TRO process.

The business case

20. In January 2024 the Respondent submitted a revised business case to the Interested Party [REF] in order to support its bid for funding.³ This was further revised in December 2024.
21. For the purposes of its funding bid the Respondent conducted a number of technical assessments of the RHSGS. As set out under ground 3 below, this information was not taken into account by the Respondent in its decision to make the TROs, which the Appellant contends was unlawful.
22. At the hearing below, the parties agreed a note which set out the factual position in relation to the technical information which the Respondent had available to it at the time it conducted publicity on the TROs and also at the time it took the impugned decisions [REF]. This related to: (a) journey times/congestion of private vehicles, (b) bus journey times, (c) carbon impact and (d) highway safety. In short:
- a. At the time it took its decision to make the TROs, the Respondent was in possession of a transport modelling report by transport consultants WSP [REF]. This was dated December 2024 and showed that overall the traffic proposals resulted in increased congestion/delays (benefits at one junction being more than outweighed by disbenefits at another) [REF]. The conclusions of this report applied to both private car journeys and to bus journeys (agreed with the Respondent [REF]);
 - b. Additionally, prior to receipt of the December 2024 traffic modelling report the Respondent was in possession of data relevant to the issue of journey times/congestion as at January 2024 analysis of which showed that there would be a disbenefit to general traffic as a result of the RHSGS [REF];
 - c. The Respondent conducted some analysis of bus journey times in/before January 2024 this showed no overall benefit to bus journey times. Where some routes benefitted then others suffered disbenefits [REF];
 - d. At the time it took its decision to make the TROs the Respondent was in receipt of an expert technical carbon assessment (the Carbon Zero Summary Report and Carbon Zero

³ This revised a previous business case for the HSGS with the insertion of new text relating to the RHSGS and indicated in red.

Method and Summary Note [REF]). This showed a net impact of 1,04tCO₂e and that the adverse carbon impact will not be outweighed by modal shift;

- e. At the time it took its decision the Respondent had available to it a Road Safety Audit for the RHSGS and a Quality Assessment Report (“**QAR**”) conducted by the Interested Party. The Road Safety Audit raised numerous concerns with regards to the safety of the proposed measures [REF]. The QAR was an iterative safety assessment conducted by the Interested Party. At the time of the decision the QAR indicated that there was a “critical” safety concern outstanding with regards to the proposals [REF].

Publicity

23. Between 25 July and 26 August 2024 the Respondent publicised six draft TROs. These were:

- a. The North Yorkshire Council (Bus Lane and Cycle Lane) (Station Parade, Harrogate) Order 2024 (“**Draft Order 1/Order 1**”) [REF]
- b. The North Yorkshire Council (Harrogate, Burn Bridge, Pannal and Knaresborough) (One Way Traffic) (Station Parade, Harrogate) Order 2024 (“**Draft Order 2/Order 2**”) [REF]
- c. The North Yorkshire Council (Prescribed Routes)(Station Bridge, Harrogate) Order 2024 (“**Draft Order 3/Order 3**”) [REF]
- d. The North Yorkshire Council (Prohibited Turning Movements)(Various Roads, Harrogate) Order 2024 (“**Draft Order 4/Order 4**”) [REF]
- e. The North Yorkshire Council (Harrogate, Knaresborough, Pannal and Burn Bridge) (Prohibition of Waiting and Loading and Provision of Parking) (Amendment No ##) Order 2024 (“**Draft Order 5**”) [REF]
- f. The North Yorkshire Council (Prohibition of Traffic) (Various Roads, Harrogate) Order 2024 (“**Draft Order 6**”) [REF]

24. The published documents included the draft TROs, plans, a statement of reasons for each and a Scheme Information Document (“**SID**”) [REF].

25. The SID was entitled “Harrogate Station Gateway Transforming Cities Fund”. It provided what purported to be a summary of the RHSGS proposals and made clear that the TROs which were being consulted upon were needed for the RHSGS proposals (p2 [REF]).

26. The SID set out the proposals on page 3 [REF]. These included a summary of the proposed works including a new south-bound segregated cycle lane on Station Parade.

The Appellant’s objection to the TROs

27. As set out in Mr Baines’ witness statement, he was unaware of the TRO publicity at the time it was occurring but became aware through a meeting of the Harrogate Business Improvement District and Chamber of Commerce (“**BID Meeting**”) on 3 September 2024 (at [19] [REF]).
28. Thereafter Mr Baines, via his solicitors, requested the opportunity to view and comment on the proposals. This was followed by a meeting between Mr Baines, David Walton of Walton & Co (the Appellant’s solicitor), Matt Roberts and Richard Binks (the Respondent’s Head of Major Projects and Infrastructure), on 7 November 2024 the meeting is described at para 26 of the Mr Baines’ witness statement [REF]).
29. On 21 November 2024 Mr Baines, acting in his capacity as director of the Appellant, together with a number of others with similar concerns regarding the RHSGS (a group called “Get Away”) wrote to the Respondent to object to the RHSGS and the TROs which are required to implement it [REF]. The letter raised a number of objections to the TROs and RHSGS. The objections included inadequate consultation and also the failure to conduct technical assessments with regards to journey times, congestion, highway safety and carbon impact. At that time the Appellant was unaware of the fact that the Respondent had in fact commissioned a number of technical assessments of the traffic measures.

The decision to make the TROs

30. On 13 December 2024 the Respondent’s Officer Matt Roberts reported to Cllr Keane Duncan and the decision-maker Assistant Chief Executive Barry Khan regarding the TROs [REF]. The report recommended that draft orders 1-4 be made without modification, that draft order number 5 be modified in a number of respects (see paras 3.2, 3.3, 5.2 and 12.1 [REF]) and that draft order 6 be re-publicised in light of a plan having been omitted from the publicity material (see para 3.4 [REF]).
31. The effect of only making Orders 1-4 (and not draft Order 5) is that the TROs only deliver some of the RHSGS focussed upon the northern part of Lower Station Parade. This can be seen from the approved plans of the various TROs (at [REF]). The TROs as made do not include any measures on Station Parade south of Cheltenham Parade, including measures which are required to facilitate delivery of the south-bound segregated cycle lane. Further, Draft Order 5 is in fact necessary to deliver measures which are included in Orders 1-4 which have been made. For example, Order 1 includes the bus lane on Lower Station Parade but Draft Order 5 includes the amendments to parking and loading in order to deliver the bus lane (see plans at [REF]). Thus, it would appear that Orders 1-4 are not in and of themselves “workable” but require additional measures to be delivered.

32. The “Justification for the Orders Sought” is set out in four paragraphs at part 6 of the report [REF]. In purporting to consider ss1 and 122 of the RTRA 1984 this section of the report claimed that introducing a bus lane would “reduce the likelihood of conflicts”, “improve journey times” and reduce busses waiting (para 6.2). The report further claimed that the TROs would “create improved infrastructure for all road users” and would “maintain the expeditious safe and convenient movement” of private vehicles through the network (para 6.3). It also claimed that the measures would enable the Respondent “*to carry out its network management duty under Section 16 of the Traffic Management Act 2004 to secure the expeditious movement of traffic on the authority’s road network and both the more efficient use and the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network*”. No evidence was provided to support these assertions.
33. As set out above, it has emerged through the litigation that the Respondent had carried out a number of technical assessments of the traffic impact of its proposals. These included the transport modelling [REF] demonstrating the proposals would disbenefit general traffic as well as busses (accepted by the Respondent in the agreed note [REF]), a road safety assessment [REF] raising numerous safety concerns, a review by a Quality Review Panel which retained a “critical” outstanding safety concern with regards to the proposals [REF]. Further, it is now agreed that when the Respondent tested data (in January 2024) it showed that overall bus journey times would not be improved by the RHSGS (agreed note at [REF]). None of these assessments, tests, or their conclusions were taken into account in the OR or otherwise drawn to the decision-maker’s attention.
34. On the issue of carbon impact the OR (at para 11.1 [REF]) stated that it was “the view of Officers that the recommendations related to TROs do not have an adverse impact on Climate Change”. A climate change impact assessment was included at appendix E [REF]. This purported to set out a qualitative appraisal of the entirety of the RHSGS by officers. It did not include any quantitative impact assessment but asserted a neutral impact overall. In fact, at the time of the decisions the Respondent was in possession of a quantitative carbon assessment of the RHSGS [REF] and this concluded that there would be a net impact of 1,04tCO₂e and that the adverse carbon impact will not be outweighed by modal shift, thus directly contradicting the evaluative assertions made at appendix E. This assessment was not drawn to the decision-maker’s attention in any way.
35. Orders 1-4 were made by the Respondent on 10 January 2025. It remains the case that neither draft Orders 5 or 6 have been made by D. As such, the TRO scheme which has been approved does not include significant parts of the RHSGS including the cycle lane.

36. The claim was heard by the High Court on 24 and 25 April 2025 and dismissed in a judgment dated 4 August 2025 [REF]. The Judge’s reasons, as relevant to this claim, are addressed under the grounds below.
37. The Appellant applied to the judge below for Permission to Appeal but this was refused by order dated 4 August 2025 [REF].

LEGAL CONTEXT

The making of TROs

38. Section 1 RTRA 1984 sets out the statutory power for making a TRO. It states:

“1 The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a “traffic regulation order”) in respect of the road where it appears to the authority making the order that it is expedient to make it—

(a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or

(b) for preventing damage to the road or to any building on or near the road, or

(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or

(f) for preserving or improving the amenities of the area through which the road runs

(g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)”

39. The power to make a TRO is subject to the general provisions in s122 RTRA 1984. Subsection (1) states:

“(1) It shall be the duty of every ... local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway”

40. Once made, a TRO may be revoked but this must be through a further TRO (see para 27, schedule 9 RTRA 1984).

The procedure for making a TRO and the legal effect of the TROs, as made

41. As explained below, a key error in the Judge’s reasoning is that he has failed to acknowledge the true legal effect of the TROs. Contrary to HCJ[36] they are “in force” and, as a matter of law they implement part of the RHSGS. Unlike the grant of a planning permission, whereby a developer could simply decide either to delay the build out of the development or not to build it at all, the TROs are as a matter of law “in force”.⁴
42. Under the statutory regime there is no scope for a local authority to make a TRO and then place it “on ice” whilst waiting for other events to occur for example, the making of additional TROs or the receipt of funding/final approval for the scheme.
43. The TRO Regulations apply to TROs made under s1 RTRA 1984 (see Regulation 4(1)). The following points are relevant to this appeal:
 - a. The TRO Regulations set out a procedure for the making of orders which includes consultation (Regulation 6), publicity (Regulation 7) and the taking into account of objections (Regulation 8). A TRO may not be made until after the last date by which any person may object in accordance with Regulation 9 and may not be made after the period of two years beginning with the publication of the notice of the proposals;
 - b. The date for “making” an order is not necessarily the same as it being brought into force. Regulation 16(3) provides that no order shall come into force before the date on which the order making authority (“**OMA**”) intend to publish a notice of making the order;
 - c. Within 14 days of making a TRO the OMA is required to publish a notice of the making of the order, notify those who objected to the order (Regulation 17);
 - d. Whilst there is no regulation which explicitly requires a TRO to specify the date on which it comes into force, it is clear that this is in fact a requirement because:

⁴ The grounds of claim (both as originally pleaded, and as amended) made clear that the TROs had implemented part of the RHSGS [REF]. The Respondent’s skeleton argument before the High Court accepted that the TROs were “in force” (para.18). However, at the hearing the Judge questioned the status of the Orders which led to submissions on the point by both parties. The Appellant was clear that the true legal position was that the orders were in force and did implement part of the RHSGS and made submissions to this effect. It is necessary to highlight this as the Respondent’s response to the Appellant’s application for permission to appeal to the High Court alleged that these points amounted to a new ground of challenge, which is incorrect.

- i. A TRO does not automatically come into force on the date it is made by virtue of Regulation 16(3);
 - ii. The notice which is required to be published under Regulation 17 must include the date on which the order is to come into force (Regulation 12(2)(a)(ii) and schedule 3, para.11); and
 - iii. There is no provision under the TRO Regulations for an OMA to insert the date on which a TRO comes into force after the TRO has been made;
- e. The OMA is required to take such steps as are necessary to secure before the order comes into force the placing of traffic signs on or near the road in relation to the order (Regulation 18).

44. It is correct that the TROs may not be enforceable through criminal proceedings until appropriate road signage is provided (see jurisprudence approved in *R(Herron and another) v Parking Adjudicator* [2011] EWCA Civ 905 cited at HCJ[15]). However, that does not mean that a TRO is only “in force” once those signs are provided. In fact, the signs are required to be provided before the TRO comes into force (Regulation 18). The placing of signage does not affect the legal status of the Order. It is the making/bringing into force of the Order which requires the placement of signs and not the other way around.
45. Whilst there is power to revoke an order which has not been published in circumstances where the order has not come into force (Regulation 20) there is no power simply to revoke an order which has been published and/or has come into force. For the measures which a TRO contains to be reversed, a new TRO must be promoted, consulted upon and publicised with the aim of restoring the *status quo*.

The Court’s Approach to this statutory challenge

46. The general principles of judicial review apply to a statutory challenge to a TRO (see HCJ[22] citing Fordham J in *R(Hawes) v Tower Hamlets LBC* [2024] EWHC 3262). The approach to officer’s reports is well known and summarised at HCJ[24].
47. The decision making duty under s1 and 122 RTRA 1984 was considered by the Court of Appeal in *Trail Riders Fellowship v Hampsbrie CC* [2019] EWCA Civ 1275 (HCJ[26]). Longmore LJ agreed with the following part of the summary of the law given at first instance:
- “(i) the duty in section 122(1) when exercising functions conferred by the Act to secure the expeditious, convenient and safe movement of traffic extends not only to vehicles but includes pedestrians;

(ii) the duty of securing the expeditious, convenient and safe movement of traffic is not given primacy but is a qualified duty which has to be read with the factors in section 122(2), such as the effect on the amenities of the area and, in the context of making a traffic regulation order, with the purposes for this identified in section 1(1) of the Act;

(iii) the issue is whether in substance the section 122 duty has been performed and what has been called the balancing exercise conducted, not whether section 122 is expressly mentioned or expressly considered”.

48. Longmore LJ added that there needed to be “actual evidence that the balancing process required by section 122 has been, in substance, conducted”. Longmore LJ went on to summarise the approach which traffic authorities should take when considering whether to make a TRO (at [40]):

“(1) the decision-maker should have in mind the duty (as set out in section 122(1) of the 1984 Act) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable;

(2) the decision-maker should then have regard to factors which may point in favour of imposing a restriction on that movement; such factors will include the effect of such movement on the amenities of the locality and any other matters appearing to be relevant which will include all the factors mentioned in section 1 of the 1984 Act as being expedient in deciding whether a TRO should be made; and

(3) the decision-maker should then balance the various considerations and come to the appropriate decision.”

GROUND OF APPEAL

Ground 1: The Judge was wrong to hold that it was lawful to make the TROs in circumstances where additional public consultation/engagement had not occurred

49. Paragraphs 50-56 below set out why it was unlawful for the TROs to be made in circumstances where additional public consultation/engagement had not occurred (as alleged under ground 1 of the High Court claim). Paragraphs 57-61 then address why the Judge erred in considering this ground.
50. The TROs as made came into force on 24 January 2025. As set out above, these implement part of the RHSGS. The Respondent has a legal duty to render them enforceable through putting out traffic signs. The breach of the TROs is a criminal offence (s5 RTRA 1984). Further, and in any event, in order to be revoked/reversed, new TROs would need to be promoted.

51. The sole purpose of the TROs was to implement the RHSGS (see para 1.1 of the OR at [REF]). The Respondent has never reached any decision to promote the TROs apart from the RHSGS.
52. Properly understood the November 2023 Resolution (which was and is the only resolution of D's Executive to proceed with the RHSGS) was that the Respondent should only progress with the RHSGS subject to a period of public engagement to gauge public support for the revised proposals (resolution read in conjunction with paragraph 5.2 of the report to committee [REF]). The decision makes clear that this engagement is in addition to any subsequent TRO process. The gauging of public opinion was something which had occurred on previous proposals for Harrogate, whereby consultation had been undertaken to assess public opinion (see paras 9 and 12 above).
53. It remains the case that the Respondent has not undertaken public consultation/engagement to understand the level of support for the proposal and taken this into account as part of their decision making. The witness statement of Mr Roberts to the High Court set out what engagement the Respondent had conducted in relation to the RHSGS [REF]. It is clear that meetings have been had with certain groups and businesses have been visited. However, none of this has sought to understand or report upon or take into account the level of public support for the proposal.
54. For, the RHSGS to be proceeded with the public engagement must be "satisfactory". That will require a decision to be taken by the Respondent. No such decision has been taken.⁵ It was therefore unlawful, and contrary to the November 2023 Resolution, for the Respondent to make the TROs which, as a matter of law, implemented part of the RHSGS without conducting this additional engagement.
55. Further, the November 2023 Resolution gives rise to a legitimate expectation that the Respondent would consult on the RHSGS to gauge public opinion (see *R(Moseley) v Haringey*

⁵ The publicity exercise which was undertaken for the TROs is not sufficient proxy for consultation which is designed to gauge public opinion. First, the resolution itself made clear that public engagement would be in addition to TRO publicity. Second, it did not gauge public opinion at all), there was no attempt to assess whether the public were generally supportive of the proposals. Third, it was not widely publicised and many local residents and businesses were unaware of it occurring (see Mr Baines' witness statement at [19]-[24] [REF]). It may be that the publicity requirements of the TRO regulations were met but it is a far cry from the publicity undertaken on previous versions of the HSGS (see methodology described in the consultation report at [REF]). Third, it was devoid of sufficient information to enable intelligent responses to be made, indeed the information was misleading. Fourth, it not undertaken at a "formative stage". Fifth, the decision-making following the TRO consultation has purportedly been limited to solely "TRO matters" (see e.g. 5.1 of the OR [REF]) and as such has not considered the wider aspects of the TRO scheme.

LBC [2014] UKSC 56 at [35], *R(Save Britain's Heritage) v Secretary of State for Communities and Local Government* [2018] EWCA Civ 2137 at [35]-[39] and [50] and *R(oao Keyhole Bridge User Safety Group) v Bournemouth, Christchurch and Poole Council* [2021] EWHC 3082 (Admin) in a TRO context) prior to its being carried out. It was unlawful to proceed to implement part of the RHSGS without carrying this out.

56. This ground can be put another way which is that it was irrational to make the TROs implementing the traffic measures of the RHSGS without certainty that a final decision on the RHSGS would be made. Here, there could be no such certainty because of the terms of the November 2023 Resolution which made it clear that the implementation of the RHSGS was dependent upon other factors including public engagement as well as affordability/receipt of funding.
57. The Judge erred in his consideration of this ground. The judge's reasons are at HCJ[33]. First, the Judge stated that this ground seeks to render the TROs themselves subject to some re-authorisation of the scheme. The judge has erred in failing to acknowledge the legal consequence of making the TROs which is that as a matter of law they implement part of the RHSGS. The judge himself acknowledged that the November 2023 resolution to proceed with the RHSGS was subject to "provisos" (see HCJ[10]-[11]). Once that is understood it was undoubtedly unlawful to make orders which as a matter of law implement the scheme without having first fulfilled the provisos which included satisfactory public engagement outcome and funding matters.
58. Further, it is correct that one of the "provisos" in the November 2023 resolution was that there be a satisfactory TRO outcome. That would obviously have to be the case given the fact that TROs were required to implement the proposals. However, given the legal effect of these orders the making of them logically had to come last in the process.
59. Second, the Judge states that the November 2023 Resolution does not require consultation and "does not begin to suggest that the Scheme or its implementation are in merely provisional terms, ready for a further round of consultation in which opponents of it will have another opportunity to repeat their points and the defendant will have a further duty to reconsider them" (HCJ[33]). This is simply wrong. The resolution, read with the committee report, required public opinion to be gauged and for the outcome to be "satisfactory". This obviously required the public to be asked their opinions on the proposals and for those to be taken into account. This is the very nature of consultation. Indeed, it follows the Respondent's previous approach to the HSGS which had been to consult and gauge public opinion in a way in which

enabled the Respondent to understand the level of public support (see reports of consultation outcomes which included levels of support enumerated in percentages [REF]).

60. Third, the Judge states that any points regarding a failure to consult should have been brought to the November 2023 Resolution (HCJ[33]). This is clearly wrong. A challenge could not have succeeded because the resolution was expressly subject to a satisfactory public engagement outcome. A challenge to the November 2023 resolution based on a failure to consult/engage with the public to understand the level of support would not have succeeded because that is exactly what the resolution itself required.
61. Fourth, the Judge states that the resolution could not give rise to a legitimate expectation of further consultation. That is wrong and is based upon his misreading of the November 2023 resolution for the reasons set out above.
62. Overall, this ground has real prospects of success.

Ground 2 – the Judge was wrong to conclude that it was lawful for the Respondent to make TROs which implemented only part of the RHSGS (a) without any certainty that the remainder of the scheme would be delivered by further TROs, and (b) whilst taking into account the benefits of the wider scheme which included TROs which were not made.

63. Paragraphs 64-67 below set out why it was unlawful for the Respondent to make the TROs which implemented only part of the RHSGS scheme (a) without any certainty that the remainder of the scheme would be delivered by further TROs and (b) whilst taking into account the benefits of the wider scheme. Paragraphs 68-75 explain why the Judge’s decision was wrong.
64. By making TROs 1-4, but not Draft Order 5, the Respondent has implemented some traffic measures relating to only part (broadly one third) of the RHSGS area⁶. Taking the plan on p7 of the SID [REF], the traffic measures implemented by TROs 1-4 are only part of those required to deliver measures within and around the “red line which indicates the bus lane”. These amount to the introduction of a bus lane and the introduction of a one-way system. By not making TRO 5 at the same time, the Respondent has not implemented any measures which are in and around the green line on that plan. This includes the cycle lane. Nor has the Respondent delivered measures which are required to support TROs 1-4. These include, for example, the removal of parking spaces within the bus lane.

⁶ D’s DGR wrongly proceed on the basis that 5 TROs have been made (paras 1, 24-29, and 55-59 [REF])

65. In addressing draft Order 5 the OR listed a number of proposed amendments at para 3.2 and 3.3 [REF]. Paragraph 5.2 contained recommendations for the order which include the re-assessment of the design and inclusion of the area south of Station Bridge. Paragraph 9.1 of the report states: “[W]here the Council proposes to modify an Order which has been subject to consultation and those modifications appear to make a substantial change to the Order the Council has to follow the Regulation 14 of the Regulations which requires informing persons likely to be affected by the modifications and giving those persons an opportunity to make representations” [REF]. The report then recommended following the requirements in regulation 14 (see para.12 [REF]), the decision maker appears to have agreed this recommendation. Thus, at the time of the decision (and now) it is not certain that order number 5 will come forward. The Respondent cannot fetter its discretion in relation to that order. Further representations may be made upon it and they will need to be considered. Equally, the impacts of any proposed modifications (including the loss of a loading bay which sits directly outside some of the Appellant’s properties) will need to be considered.

66. In light of the fact that:

- a. the whole purpose of the TROs is to implement the RSHGS;
- b. the November 2023 Resolution approved proceeding with the RSHGS (subject to certain matters) on the basis that it included the cycle lane (para 4.15 of report at [REF]);
- c. the Business Case made clear that the revised scheme included the “retention of segregated cycle lanes along Station Parade to the station...” (p12 [REF]); and
- d. There is no evidence that: (a) the Respondent’s Executive would approve an even further reduced scheme for Harrogate and/or (b) funding would be forthcoming for a scheme without the cycle lane.

It was obviously irrational for the Respondent to make Orders 1-4 which implement only a portion of the RSHGS without certainty that draft Order 5 would be made. This is clear from the importance of the cycle lane to (a) the November 2023 Resolution, and (b) TCF funding and also the fact that measures in draft Order 5 are also required to deliver the measures provided for in Orders 1-4.

67. Further, it was obviously unlawful for the Respondent to rely upon the benefits of the entirety of the RSHGS (including the cycle lane) in making orders 1-4 which did not in fact deliver the cycle lane. Section 6 of the OR sets out the justification of the orders sought and the reasoning includes reliance upon the cycle lane which is explicitly mentioned at 6.3 [REF], however those

“benefits” were immaterial in circumstances where the decisions as made did not in fact deliver the cycle lane or any measures in that area.

68. The judge’s reasons on this ground are at HCJ[36]-[37].
69. The Judge states at HCJ[36] that “there might be circumstances in which it could be said that it was irrational and therefore unlawful to bring into operation of part or parts of an approved scheme without bringing the whole scheme into operation”. However, he goes on to state that “[S]o far as TROs 1-4 are concerned...although they have come into operation, they are not in force because the relevant signage has not been introduced”.
70. This is incorrect as a matter of law for the reasons set out at paragraphs 41-45 above. The orders are in force and the consequence of that is that the Respondent is required to place signs to render them enforceable. Indeed, this should have occurred before the orders were in force. There is no provision under the TRO Regulations which would allow a local authority to “line up” TROs to prepare for the final implementation of a scheme and then place traffic signs if and when it sees fit.
71. If it were the case that a local authority could make TROs and then leave them dormant until it decided to amend road-signage there would be a clear potential for road signage to be inconsistent with orders which were in place. This is because pre-existing road signage would remain in place but unsupported by Orders which govern the regulation of the relevant road. For example, in this case, the TROs as made render part of Station Parade a bus lane as a matter of law and make that part of the road one-way. However, current road signage includes parking in the area of the bus lane. It also allows for cars to travel in the wrong direction down a one-way street. The Judge’s approach is clearly wrong. Contrary to HCJ[36] it is obviously irrational for the Respondent to prepare “for the implementation of a scheme bit by bit”.
72. Further, even if it were the case that Orders would not be “in force” until road signage was placed on the roads. It remains the case that once made orders cannot be simply undone. For the measures to be replaced new orders must be promoted with the publicity and consultation required under the TRO Regulations. Thus, it is was clearly irrational of the Respondent to make orders which could not operate on their own and might not ultimately be brought into effect (if draft TRO 5 is not confirmed) and which would then require unwinding through additional legal processes.
73. It is unclear from the Judge’s reasons but in so far as the Judge was seeking to draw a distinction between the fact that the orders used the phrase that they came “into operation on 24 January 2025” (see orders at [REF] and press notice at [REF]) as opposed to “into force on

24 January 2025” then he was wrong to do so. The phrase “into operation” is synonymous with “into force” in this context for the following reasons:

- a. It appears that the Respondent uses the term “into operation” on all of its TROs (see witness statement of David Walton filed with this appeal). This appears to be the practice of many local authorities. It is clear from Mr Walton’s review of TROs that the terms are used interchangeably by local authorities according to their particular “house style”;
- b. “into operation” and “into force” are, in any event, synonymous;
- c. As set out at paragraph 43(d) above, prior to being made TROs must specify the date they come into force this is because the notification of the orders must include that date. The only date on the TROs and the press notice which could be the date on which the TROs came into force was 24 January 2025 [REF]; and
- d. There is no provision under the TRO Regulations to insert the date on which a TRO comes into force after the making of a TRO.

74. Finally, the judge was also wrong at HCJ[37] to find that it was not unlawful for the Respondent to take into account the benefits of the scheme as a whole, including the cycle lane whilst making TROs which did not deliver the scheme as a whole or the cycle lane. First, as already set out above, the Judge was wrong to find that it was lawful for the Respondent to approach the TROs “bit by bit” in the way that it did. Second, it was patently wrong for the Judge to state that there *“is no basis on the facts of this case for saying that there will not, in due course, be a set of TROs that will together deliver what is needed from TROs to provide the benefits of the Scheme.”* The Respondent has to keep an open mind to the merits of Draft Order 5 and cannot fetter its discretion. Draft Order 5 has particular consequences for the Appellant’s businesses. One reason for this is because the officer’s proposed amendment includes the removal of a loading bay which is immediately outside premises owned by the Appellant. This will mean that it will not be possible for the Appellant’s tenants safely to load and unload having significant deleterious consequences for those businesses and other nearby premises. Once that TRO is consulted upon the Appellant will make those points which will need to be considered by the Respondent. By taking into account the benefits of the entirety of the scheme, including TRO 5, the Respondent unlawfully assumed that it would proceed as a whole. This was unlawful.
75. This ground therefore has real prospects of success. Further, there is another compelling reason why this appeal should be heard which is the issue of whether it is lawful for a local authority to

make TROs and then leave them “on ice” until it puts out traffic signs to render them enforceable.

Ground 3 – The Judge was wrong to conclude that the Respondent’s decision was not unlawful by virtue of the fact that it (a) relied upon conclusions unsupported by adequate evidence or contrary to available evidence (b) failed to take into account material considerations and (c) was supported by inadequate reasoning

76. Paragraphs 77-85 below set out why the Respondent’s decision to make the TROs was unlawful by virtue of the fact that it (a) relied upon conclusions unsupported by adequate evidence or contrary to available evidence (b) failed to take into account material considerations and (c) was supported by inadequate reasoning. Paragraphs 86-92 set out why the Judge’s conclusions on this ground were wrong.
77. When considering whether to make the TROs, the Respondent was required to comply with sections 1 and 122 RTRA 1984. Section 1 provides that a traffic authority “may make an orderwhere it appears to the authority making the order that it is expedient to make it” for one of a number of purposes (set out at (a)-(g)). Section 122(1) provides that there is a duty on the Respondent to “(so far as practicable having regard to the matters specified in subsection (2)...) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway”. Section 122(2) sets out particular matters which the Respondent was required to have regard to.
78. Under section 16 of the Traffic Management Act 2004 the local traffic authority is required “to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to other obligations, policies and objectives” the objective of “securing the expeditious movement of traffic on the authority’s road network”.
79. The reasons for the decision are found in parts 6-11 of the OR which include part 6 “Justification for the Orders Sought” [REF].
80. The OR did not advise the decision-maker of the following expert technical reports/work which had been carried out:
 - a. The WSP traffic modelling which concluded that overall the proposals would lead to an increase in journey times and a disbenefit to general traffic [REF], the Respondent accepts that these conclusions also apply to bus traffic [REF];

- b. The WSP Carbon assessment which concluded a net increase in carbon emissions which would not be offset by modal shift [REF]; and
 - c. The Road Safety Audit which raised numerous safety concerns with regards to the traffic proposals [REF] and the Quality Assurance Report which retained a “critical” safety concern [REF].
81. Although those reports had been produced as a result of the funding process for the RHSGS, they were obviously material to the traffic regulation elements of the RHSGS. They all addressed the impacts of the traffic measures which the TROs sought to effect and addressed topics either which the statute required to be taken into account (journey times, congestion and safety all go to the duty to secure “expeditious, convenient and safe movement of vehicular and other traffic” under s122(1) RTRA 1984) or, in the case of carbon which was a matter which the Respondent itself clearly considered was material because the OR included a section on carbon impact (REF). The failure to take into account technical evidence on these topics was unlawful.
82. Worse than that, statements made in the OR on the topics of journey times, congestion, carbon and safety were contrary to the reports in the Respondent’s possession and were themselves unsupported by any technical evidence. In purporting to assess the TROs under s1 and 122 RTRA 1984 the OR advised:
- a. That the new bus lane would “*separate busses and cyclists from general traffic, reducing the likelihood of conflicts with other traffic. It will also improve journey times for buses travelling to the bus station, better facilitating their passage (grounds a and c). Reductions in busses waiting are considered to improve the amenities of the area (ground f)*” (see reasoning at 6.2(1) and (2) [REF]) (emphasis added)
 - b. “*The benefits of the proposals are that they will create improved infrastructure for all road users by making better use of available highway space in the interests of balancing the needs of all vehicles (including buses) pedestrians and cyclists*” (6.3 [REF] (emphasis added))
 - c. “*Currently the highway arrangements prioritise the private motor vehicle above other users – to re-balance this priority, mitigation is also required to maintain the expeditious safe and convenient movement of these private vehicles through the network....*” (6.3 [REF](emphasis added))
 - d. The TROs “*enable the Council to comply with its duty under Section 122 (1) of the Road Traffic Act 1984 to exercise their functions as road traffic authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), as set out in the Statements of Reasons for proposing to make the Orders attached to this report (see Appendix C). This includes consideration*

of all the specific factors set out at s.122 (2) including the desirability of securing and maintaining reasonable access to premises (which officers are satisfied that the TRO would).” (6.4 [REF]);

- e. *“The proposed measures will also enable the Council to carry out its network management duty under Section 16 of the Traffic Management Act 2004 to secure the expeditious movement of traffic on the authority’s road network and both the more efficient use and the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network.” (6.4 [REF](emphasis added))*

83. Further, at paragraph 11.1 the report advised: *“...It is the view of Officers that the recommendations related to TROs do not have an adverse impact on Climate Change and a copy of the Climate Change Impact Assessment decision form is attached as Appendix E.” [REF].*

84. The statements made above were thus pronouncements on technical matters unsupported by evidence (an assessment made without any supporting evidence cannot stand, see *R(Lancashire County Council) v Secretary of State for the Environment, Food and Rural Affairs* [2019] UKSC 58 *per* Lord Carnwarth and Lord Sales at [32]) and were also materially misleading in light of the technical assessments which the Respondent had in fact received. Even if there was scope for the officer to disagree with any of the technical assessments it would be obviously unlawful not to take those assessments into account as part of the decision. However, rather than reporting those assessments to the decision maker the Officer simply made unsupported assertions on the issues of safety, journey times, congestion and carbon. This was an obvious error of law.

85. Finally, particularly in light of the technical assessments which had been prepared, the reasoning provided by the Respondent is obviously inadequate. It falls far below the standard of reasons set out in *South Bucks v Porter*. In particular it is impossible to understand what the impacts (both benefits and disbenefits) of the proposals were and how or if they were weighed in the balance. The reasons amount to no more than generalised assertions in favour of the scheme without grappling with the detail of the impacts upon road users. There is therefore substantial doubt as to whether the Respondent has complied with its duty under s1 and s122 of the RTRA 1984.

86. The reasoning of the Judge on this ground is very difficult to understand in light of the evidence before the Court. At HCJ[61] the Judge states:

“The applicant says that in relation to highway safety, bus journey times, general traffic congestion, air quality and carbon impact there was required to be ‘expert technical assessment’. As a ground of challenge this rather loses impact in view of the fact that not only was there expert assessment on each of these topics, but the applicant accepts that there was.”

87. But, this misses the point. There were expert technical assessments but these were not taken into account as part of the decision. They were not mentioned in the officer report and they were not otherwise reported to the decision-maker. Notably, the Judge does not conclude that the expert technical assessments were not obviously material considerations to be taken into account. In particular, the Judge rightly does not dismiss them as obviously material because they were produced for the purposes of the Respondent's funding bid.
88. At HCJ[64]-[66] the Judge dismisses the ground out of hand. In so far as reasons are given on particular issues they are wrong:
- a. At HCJ[65] the Judge states that “[T]he report took into account the more recent assessment and recognised the problem; it maintained the aspirational elements of the Scheme, which tend to render any current assessment irrelevant...” This is simply not understood. As a matter of fact the OR did not take into account the WSP technical report which made clear that the scheme would lead to adverse carbon impacts;
 - b. Also at HCJ[65] the Judge focusses on whether there was evidence that the bus lane would improve bus journey times and concludes that this was a matter on which no evidence was required. But the Judge fails to acknowledge that the technical evidence available to the Respondent was that the scheme would disbenefit journey times overall. Even if it could be said that the c.50m bus lane would improve journey times over that stretch the scheme overall would be adverse. It was obviously irrational to solely take into account an asserted benefit without also considering the technical evidence which concluded there would be a disbenefit overall;
 - c. At HCJ[66] the Judge states that: “Mr Riley-Smith took me through the officer's report in order to show that each of the points said by the applicant to fall under this head was dealt with in the report. It is true of course that the officer, and hence the decision-maker, did not take the same view as the applicant about the weight or impact of the factors in question, but they were all addressed.” But, this wholly misses the point. The OR dealt with the topics of journey times, carbon, congestion and safety but the error of law was failing to take into account the technical evidence on these issues in circumstances where that evidence contradicted assertions made in the OR, again notably the Judge did not hold that these reports were not obviously material to the decision;
 - d. At HCJ[67] the Judge states that “[I]f there is some matter on which it can still be said that the defendant's response does not close the issue, it is certainly of minor importance...”. Such a statement

obviously does not apply to technical evidence which goes to the heart of whether or not it would be expedient to make any TRO (traffic impact, safety and carbon);

- e. The overall conclusion at HCJ[68] that the task undertaken was “sufficient” is wrong for the reasons already outlined. So too is the judge’s conclusion on the adequacy of the reasons at HCJ[59].

89. Finally, as part of the consideration of ground 3 of the High Court claim (which is not pursued in these appeal proceedings) the Judge stated:

“The Scheme was the background against which the TROs were being made and the purpose behind them, as the passage quoted above makes clear. Whatever the applicant may have hoped, the Scheme itself was not under (re-) consideration. The Scheme had been decided on, and the current question was, given the existence of the Scheme, whether these TROs should be made in order to deliver it.”

90. Similarly, as part of ground 4 at HCJ[53] the Judge additionally stated:

“...the TROs were proposed as implementation of the Scheme, not as a free-standing measure. The question was not whether the Scheme should be delivered, but whether, given that the decision had been made to deliver the Scheme, the TROs were appropriate to implement it.”

91. In so far as the Judge approached his consideration of the lawfulness of the Respondent’s decision from the starting point that the matters to be taken into account were in any way “curtailed” by the November 2023 Resolution then that was incorrect. The November 2023 Resolution was subject to the TRO process which would necessarily need to consider the full gamut of considerations which flowed from the traffic proposals. This obviously included: congestion, journey times, highway safety and carbon impact.
92. This ground has real prospects of success.

CONCLUDING REMARKS

93. The Court is respectfully requested to grant permission to appeal the decision of Mr CMG Ockelton dated 4 August 2025. In the event that permission is granted the Appellant will request that the Court allows the appeal and either remits the appeal for consideration by the High Court or decides the claim itself.

VICTORIA HUTTON

39 Essex Chambers

21 August 2025

Appendix 2 to Response 25.

The Importance of Sufficient Car Parking for Retail Success

13 November 2024 2 Minute Read

Lucy Whing Policy Advisor – Business & Regulation | BRC lucy.whing@brc.org.uk

Retail is going through a period of transformation, driven by new technology and changing consumer shopping habits. Although retail is no longer solely about physical shops, these will remain a crucial part of retailing in the future and a core purpose of high streets, town centres and other commercial spaces. A focus on accessibility and convenience will support the transformation of the industry and community spaces alike.

In recent years, making public transport an attractive and everyday choice for residents has become a popular tool for reducing transport sector carbon emissions. However, for many people the car is still a convenient way of shopping. For this reason, parking policies such as parking capacity reductions and restricting motorised access are preventing retail planning projects with commercial imperative and substantive planning merit.

Car parking availability plays a pivotal role in retaining and attracting visitors to stores, making stores more accessible, enhancing customer experience and promoting longer visits. Research by the Federation of Small Businesses with Public First showed 38 per cent of the UK public said more accessible or cheaper parking would most encourage them to visit businesses on their local high street. Beyond shopping experience, the congestion can also reduce accessibility for employees and service and delivery traffic.

The High Streets Task Force identified car parking as one of over two hundred factors influencing the vitality and viability of high streets, that is the number or availability of parking spaces in the town centre, High Street, shopping centre, retail park etc. The report concludes car parking is 'highly influential' and a 'very high priority', ranking 8th out of 237 factors assessed.

By focusing on accessibility, retailers can welcome everyone, making shopping easier for all. Car parks equipped with accessibility features, such as designated spaces for disabled drivers, ramps, and clear signage, will ensure all visitors can easily reach the desired destinations. Other factors to consider include the placement and design of parking areas, safety and security, management of parking facilities and parking costs and restrictions.

To support the goal of cleaner emissions in road transport, all parking policies should also be delivered in conjunction with an Electric Vehicle (EV) strategy to support a scalable transition to zero emission vehicles. Facilitating the provision of accessible and reliable charging points will ensure the required infrastructure is delivered, and that it meets the needs of customers and businesses alike.

Effective parking strategies should be central in the policy and planning for maintaining or improving access and convenience of retail areas. By retaining and attracting customers, parking policy is an essential tool to ensure the industry can continue to play a vital role in serving communities, providing rewarding careers and driving economic growth.

References

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