

**PROPOSED TESCO SUPERSTORE HARROGATE
PLANNING PROBLEMS - Issue 2011**

**Compiled by Brian L Dunsby
Chief Executive & Hon Secretary**

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TESCO Planning Problems

SUMMARY

Proposed Tesco Superstore - Old Gas Board Site, Harrogate

The President, the Management Group and the active members of this Chamber have studied TESCO's proposals and many supporting documents in great detail on several occasions and they have unanimously agreed that they should be rejected as damaging for Harrogate's economy and potentially dangerous for local residents.

Since they were first published in February 2007, we have explained our objections to TESCO several times in writing and in two meetings firstly in 2008 with Max Curtis and Matt Magee, and in October 2009 with Matt Magee, Corporate Affairs Manager and Deborah Hayeems, Regional Corporate Affairs Manager for North West and Yorkshire, with their Transport Consultant Mark Whitfield of Mouchel.

We have subsequently followed all the correspondence published on the HBC website together with the numerous letters of support and objection from businesses and local residents. The subject has also been discussed in several monthly Chamber meetings and at quarterly Management Group Meetings.

The Chamber is strongly opposed to Tesco's revised Planning Application for the following reasons:

1. Traffic Congestion
2. Road Safety
3. Gas Safety
4. Retail Trade Impact
5. Inadequate Mitigation measures
6. Failure to consider alternative solutions

Our reasons for objecting under each heading are set out in this report, to which are appended some of the most critical extracts from relevant technical reports.

The current application will result in massive traffic problems so unless and until there are proposals which really tackle and solve this issue; this is not a suitable location for a supermarket. There are also recognised serious safety hazards on this site due to the live gas holder and pipework that need removing entirely.

Even then we need effective measures to link the proposed new Store to the Harrogate Town Centre and to the District's Market Towns in order to mitigate the potential damage to the established retail trade across this District.

We therefore urge the Harrogate Planning Committee to reject the current proposals on the following grounds:

- Traffic congestion – on New Park roundabout, A59, A61 and cross-town
- Road Safety – especially on Ripon Road and Ripon Way
- Gas Safety – gas tank leakage; pipeline damage; cyanide residues
- Retail Trade Impact – Jennyfield; Town Centre; Market Towns & villages

We are willing to sit down with TESCO and the Planning Officers to work out a solution that protects all the long term interests of Harrogate District businesses and residents – wherever they are located. The desires of local residents for a very convenient Superstore should not outweigh the wider community interests.

1. Traffic Congestion

TESCO's proposals for customer access via one small roundabout on the Skipton Road together with a traffic-light controlled access shared with large goods delivery and service vehicles on the Ripon Road will in our opinion cause an unacceptable level of congestion, delay and risk of accidents on both the A59 and the A61, especially during the morning and evening peak periods.

Although NYCC are now the Highways Authority that has "approved" the TESCO Plans we would question the independence and the depth of knowledge of Harrogate of the Officers concerned. Firstly the original NYCC Highways Authority Recommendation dated 06/05/10 was signed by C. McGonigle who was previously employed by Harrogate Borough Council prior to the County taking over the Highways Agency. There is evidence that Mr McGonigle was actually advising the TESCO Consultants on how they should plan the road junctions around the site, so he should not have "approved" them for NYCC.

On 30/07/10 NYCC's Senior Highways Engineers made a site visit accompanied by Chamber Officers and a group of 11 local business owners and managers. After touring the site we had a round table discussion in which graphic examples were quoted of the current severe traffic congestion and the serious damage which Tesco's proposals will do to all of their businesses. As a result NYCC withdrew their approval of the plans. However, following further meetings between NYCC and Mouchel, approval was granted based on very limited observation of the junction but only outside peak hours.

We submit that the Highway Engineers who finally granted approval have not actually observed the severe congestion in the New Park area and they are relying upon obsolete and inadequate data from traffic surveys in 2007.

In February 2011 TESCO's Consultants published a Risk Assessment concerning potential vehicle impact with the gas pipelines, as detailed in Section 3.2. (Report No CL0054) In Section 5.2 of this report they quote information from TESCO's Highways Consultants Mouchel regarding the use of Ripon Road for access to the proposed store for a peak business day, with the following data:

Category	Vehicles In	Vehicles Out
Customer trips	7004	7011
Dotcom Delivery Vehicles	30	30
Large HGV Delivery vehicles	15	15
Other Delivery Vehicles	5	5
TOTAL	7054	7061

This shows the amazing figures of over 14,100 vehicle movements in and out of the Store on a Friday. In a full year this could amount to 2.5 millions cars, 12,600 transit vehicles and 5,475 HGV vehicles. Clearly this will cause the most awful traffic congestion when imposed on the already overloaded local roads.

1.1 New Park Roundabout

The forecasts of additional traffic will create gridlock at the New Park roundabout which is already overloaded due to the recent ban on HGVs using the B6161 through Killinghall as a short cut between the A61 and the A59.

At peak hours it will bring the New Park Roundabout, and hence Ripon Road and Skipton Road, to a state of gridlock. The report by Mouchel states that "Site

observations indicate that the junction is currently operating over capacity, particularly during evening peak periods." We agree - and this situation has been exacerbated by the recent NYCC 7.5 tonne Heavy Goods Vehicle ban on the B6161 through Killinghall which means that all such HGVs travelling between Skipton and the North of England now use this New Park roundabout in both directions – some with great difficulty.

1.2 Skipton Road (A59)

Brendan J Smith commented on 17/01/11 that the traffic situation continues to worsen on the A59 Skipton Road – and not just at peak times nowadays. He said *"roadworks last year highlighted the very serious repercussions relating to traffic flow if just one short stretch of the A59 is partially blocked. The A61 Ripon Road has become much busier as drivers attempt to avoid the tedious Skipton Road tailbacks. The already huge increases in heavy lorries in the area (following the ban on HGV traffic travelling through Killinghall) will be increased still further if a supermarket opens on this site."*

"I am very concerned that the extra supermarket-generated traffic will cause gridlock – especially when added to that using the new B&Q DIY, PetWorld and other stores and businesses across the road. When the much-needed amenity tip opens off the A59, this will simply exacerbate the problem. One only has to look at the Wetherby Road tailbacks to see the result of having an amenity tip and a supermarket on the same busy main road."

1.3 Ripon Road (A61)

Harrogate Chamber believes that the Mouchel Transport Assessment confirms our previous opinion that the current plans for the new TESCO Superstore will cause an unacceptable level of congestion and delay on the Ripon Road. We cannot accept that the recognised benefits of the store for local residents justifies such an intolerable delay to all traffic on the A59 and A61 – which they admit are main arterial routes through Harrogate.

The possibility of queues of up to 255 vehicles on the Ripon Road is totally unacceptable as they could tail back as far as Parliament Street and bring the whole of the Town Centre to a state of gridlock.

Our strong objections to the whole TESCO Project are fully justified by the figures revealed by TESCO's own Consultant's Traffic Assessment.

In our letter to TESCO of 19/01/10 we highlighted our serious concern over the traffic congestion that would be caused by the proposed development with new access junctions on both Ripon Road and Skipton Road. This paragraph is repeated in Appendix 10.1 together with verbatim extracts from the Mouchel Report which demonstrate the severe impact of the current proposals. (Document No 46083/001 January 2010.)

2. Road Safety

The extra traffic projected by TESCO's Consultants will create additional road safety hazards for the numerous local businesses situated either on or adjacent to Ripon Road, as well as for the nearby local infant and junior schools, especially children and bus passengers using the Pedestrian Crossing.

2.1 Ripon Road entrance

The concept of a shared access off the Ripon Road for both heavy goods vehicles and customers cars is flawed. The proposed junction is just opposite an Infant School and in between two well used bus stops, where the Ripon Road is quite narrow and on a bend that limits visibility in both directions.

There are two small Business Parks – one on each side of the road, in addition to numerous businesses with frontages on Ripon Road needing easy access for customers and for commercial deliveries – both in and out.

The proposed new traffic lights at this location are certain to cause more delay for both inbound and outbound traffic along the Ripon Road, whilst HGVs and cars turn into the new approach road – or out again towards the Town Centre.

We submit that separate access routes are needed for goods vehicles and for customers' cars in order to minimise the risk of collisions within the narrow traffic lanes available.

2.2 Ripon Way Business Park

TESCO's proposed new access on Ripon Road together with the proposed changes to the entrance to Ripon Way will make it almost impossible for many of the large delivery vehicles to enter and exit from the Ripon Way Business Park, including, for example, to Booker Cash & Carry.

There are six substantial businesses located on the lower level Business Park behind what is now GC Motors. They have not been considered or consulted by TESCO in this whole exercise. Ripon Way was not even shown on the original TESCO plans. Most of these businesses have regular deliveries of bulky and heavy products such as frozen foods, paper and timber on heavy goods vehicles, which already have difficulty turning off Ripon Road into Ripon Way, and subsequently turning out of Ripon Way back on to Ripon Road.

The proposed erection of a bus stop on the town centre side of Ripon Way will inevitably cause more pedestrians to cross the top of Ripon Way to reach the Store. The current proposal to install a large pedestrian island at the entrance to Ripon Way would make it virtually impossible for these HGVs to reach their destination. This location would simply become an accident waiting to happen.

We have previously proposed to TESCO an alternative access route for delivery and service vehicles via Ripon Way directly on to the roof level of the proposed new Store, but TESCO have rejected that option. This plan would have enabled the design of a junction that suits both TESCO and Ripon Way Business Park vehicles, instead of the proposed new entrance which is just to suit TESCO.

2.3 Cross-town Traffic – worse not better

TESCO claim that their proposals may reduce the town's traffic congestion and hence CO2 emissions by providing a main food store on the north side of town and reduce cross town traffic. In our experience most customers are generally loyal to their preferred suppliers, so apart from the curiosity of a visit to TESCO, they would continue to drive to the existing supermarkets. In addition TESCO will attract some customers from across the town and from out of town, hence increasing the total traffic in Harrogate, rather than reducing it as they claim.

Catherine Rowland made this point in her objection email dated 30/12/10 as follows: *"To say that the new TESCO Store would prevent cross-town transport is disingenuous. TESCO is hoping to build a store to get as many people as possible across their threshold and they do not care where they come from as long as they leave laden with goods. Foot and cycle customers are not so popular, as they carry less and spend less. People from all over the area will be encouraged to shop at TESCO and there will be extra traffic generated by the creation of the Store."*

2.4 Rat-running through the TESCO Car Park

The current plans appear to allow drivers to enter the Car Park from either Ripon Road or Skipton Road entrances and to depart through the other exit. That means there will be the potential for "rat-running" through the Car Park in order to avoid the congested New Park roundabout. Such vehicles driving straight through the Car Park could easily collide with pedestrians walking between their cars and the Store. This is another reason for pressing for a single access point – directly off a much larger New Park roundabout.

3. Gas Safety

There are three serious risks on this site of a former large Gas Works - namely gas tank leakage; high pressure pipeline leakage; potential cyanide poisoning.

The gas holding tank is capable of storing up to about 21 tonnes equivalent of natural gas which comprises about 95% methane, a highly flammable gas which can explode if ignited within a congested region but will more usually burn without any accompanying high overpressures.

According to Atkins Land Use Planning Assessment, HSE's main concern for the gas holder site is a major fireball following catastrophic vessel failure, but lesser events, such as flash fires and Vapour Cloud Explosions, could also have off-site impact. The worst case event, a fireball which could involve the complete contents of a water-sealed gas holder can cause significant damage and potential fatality for a distance of approximately 67 metres from the centre of the gas holder or more. (Atkins Report 5099181 Dec 2010 Section 4.4)

In Section 7 of the same report, Atkins state: *"A foreseeable major hazard event would be a vehicle losing control and impacting on the pipelines in the vicinity of the crossing. This could result in a significant release of pressurised gas (7 barg), possibly leading to major hazard consequences. There is a potential for this scenario to create a fireball, jet fire, or a flash fire, although the consequences will be significantly less severe than those from gas holder events. There may also be a possibility of a VCE (Vapour Cloud Explosion) if the compound has sufficient areas of congestion."*

3.1 HSE advise against permission

During the early period of consultation on these plans, the Health & Safety Executive was "unable to comment" on the proposed development (07/05/10), because they were not aware that the former Gas Works site was still an active gas storage and distribution site, with live high pressure gas mains and a low pressure storage tank. It was only after this Chamber raised the issue that HSE realised that the site did not have the necessary Hazardous Substances Consent.

When that was eventually resolved, the HSE considered the risks that the gas tank and pipeline would create for the proposed new Store and under their PADHI Guidelines they advised **against** granting Planning Permission. HM Principal Inspector of Health & Safety wrote to the Chamber on 24/01/11 stating *"I understand that the outcome of PADHI+ in this case is Advise Against. The*

next stage in the process is for the Planning Authority to make a decision with respect to planning permission. I must emphasise that this is a decision for the PA and not for HSE to take". However HSE has the right to call-in this decision.

Subsequently TESCO have retained Atkins Consultants to review the HSE criteria and try to show how the plans could comply with the PADHI Guidelines, using complex mathematical models for estimating societal risk using what is called the Scaled Risk Integral (SRI). Their report (5099181) concludes *that "based on the PADHI matrix system, the proposed superstore is Sensitivity Level 3 and is located within the Middle Zone of the New Park Roundabout Gasholder. Using the tables in PADHI, the outcome decision would be 'Advise Against' from HSE."*

Atkins then say that because the Scaled Risk Integral (SRI) value is below the lower limit of substantial risk, it can be concluded that HSE would not call-in the proposed development for Public Inquiry. However, HSE may invoke the call-in procedure if there are other aspects which caused exceptional concern.

Atkins also suggests that the safety exclusion zones could be adjusted on the basis of event frequency reduction, whilst still maintaining an appropriate separation according to HSE's criteria. The implication of such a reduction is that the proposed superstore would then be located in the Outer Zone of the adjusted Consultation Zones. By reassessing the proposed development against the PADHI+ software, the decision of 'Don't Advise Against' would then be obtained.

Finally Atkins conclude, *"As the 'Advise Against' decision based on the HSE Decision Matrix is only 1 cell away from 'Don't Advise Against' and the development does not put large additional numbers of people at risk, in Atkins' experience HSE would not normally request that the application be called-in for determination by the Secretary of State."*

We submit that these technical calculations on degrees of risk should not be the basis on which shoppers and local residents may be exposed to a major disaster. The correct solution is to remove all residual gas storage and distribution pipework from the whole of the site and thus eliminate all such risks entirely.

3.2 Impact with Overground Pipework

If TESCO are permitted to create the proposed new vehicle access route from Ripon Road in between two areas of exposed overground pipework there is a serious risk that a heavy goods vehicle could crash into the live pipes and valve gear that are currently above ground level, which would be a major disaster affecting a wide area around the site. (See Gas Works Site Plan, Appendix 10.3)

TESCO commissioned Atkins Consultants to review these and other gas safety issues. (Atkins Report 5099181) On page 21 of their report Atkins state:

"It can be seen from drawing 47H that the pipelines are installed above ground and are located at a lower level either side of the road crossing. A foreseeable major hazard event would be a vehicle losing control and impacting on the pipelines in the vicinity of the crossing. This could result in a significant release of pressurised gas (7 barg), possibly leading to major hazard consequences.

There is a potential for this scenario to create a fireball, jet fire, or a flash fire, although the consequences will be significantly less severe than those from gas holder events. There may also be a possibility of a VCE (Vapour Cloud Explosion) if the compound has sufficient areas of congestion."

Atkins conclusions on the assessment of protective barriers were that further work is to be undertaken to demonstrate that:

"1. A formal risk assessment process has been carried out to define the necessary location of protection barriers.

2. The protection barriers when installed will be able to provide a suitable degree of protection as far as reasonably practicable for foreseeable vehicle impact hazards. This should be based on frequency of type of impact versus consequence of impact, and should also consider the relative costs involved.

3. Protection barriers will be designed, installed and ultimately maintained to recognised industry standards.....

4. Further measures including transport control will have been considered as part of the overall risk assessment process aimed at reducing the likelihood of vehicle impact on the overground pipework."

Despite these assurances of reinforced protective walls and barriers for vehicles on this access road, we are still not satisfied that these measures will create a safe new access road across the existing Gas Works site which will protect all nearby customers, residents and delivery vehicles.

As stated in Section 1, Mouchel have given Atkins figures for expected vehicle movements that in a full year this could amount to 2.5 millions cars, 12,600 transit vehicles and 5,475 HGV vehicles passing along the Ripon Road access.

The site has a large number of high pressure gas mains and regulator valves close to the proposed route which would be vulnerable in the event of any vehicles colliding, tipping over or going off the designated road for any other reason. The proposed access road would have a steep gradient. Any leak of gas resulting from vehicle impact could be extremely dangerous, particularly with the large Gas Storage Tank nearby.

Even if they cannot acquire and demolish the Gas Storage Tank, our proposed alternative access via Ripon Way would we believe be a much safer route on to the site in terms of proximity to the live gas pipelines and valve gear. So the present proposals should be rejected as they stand and should be modified accordingly before re-presentation.

3.3 Underground Cyanide Storage Tanks

Mike Massingberd, the former owner of the site that is now occupied by GC Motors has stated "*This garage was built upon the former site of the Harrogate Gas Works. Cyanide is a natural by product after the production of town gas. I am truly amazed HBC Planning Dept. state they are not aware of the future problems associated with the remainder of this tank, for they built the Ripon Way Road over it!!!*

We discovered the cyanide when carrying out the re-construction of our Ripon Road site, which cost us a fortune in rectifying the portion of the cyanide tank within our land mass. What with specialists bought in from Manchester to advise & direct the removal of the said cyanide; remedial contractors; disruption to our service department ; staff being laid off; our used car display being stripped of both product & ground area, etc – the total cost was in excess of £250,000 all those years ago!!

I trust the above gives you a positive insight of the future problems associated with this area. It will require a substantial investment to return this area to a safe state for future construction – or it will remain a potential danger to local residents."

We have drawn this matter to the attention of HBC Environmental Health Officer who said that it would be up to the developer of the site to investigate this issue and arrange remediation as appropriate to eliminate any such residues. We question whether TESCO are aware of this problem and the potential cost and disruption of such remediation.

4. Retail Trade Impact

The Council appointed NJL Consulting (NJL) to act as retail planning advisors and they prepared a statement which provides guidance and recommendations to the Borough Council with regards retail planning issues of relevance in the determination of the planning application.

The intention of the Council is to secure meaningful measures that will actually mitigate impacts of the scheme on the identified centres and a range of measures relevant to promoting the long term health of these centres. The Core Strategy promotes this through Policy C1 which places a need on developers to provide for and/or contribute towards the provision of community and other infrastructure needs generated directly by their development where this is necessary to make a scheme acceptable in planning terms.

The Policy Response from the HBC Forward Planning Team (27/04/10) states: *"without appropriate mitigation the Tesco proposal would have the very real potential to deliver lasting and adverse impacts on Harrogate Town Centre and Jennyfields District Centre. The Council has sought advice about how the identified impacts could be mitigated in a way that is in accordance with national guidance on planning obligations."*

As we understand Planning Policy Statement 4 published in December 2009, Policy EC17.1 states that where a significant adverse impact is identified, as in this case, planning permission should be **refused**. At no point does the policy allow for mitigation measures or wider planning contributions to be balanced against a significant adverse impact. (Ref: HOW Planning LLP 19/10/11 page 4)

4.1 Harrogate Town Centre

Chamber Vice-President, Peter Jesper, has expressed his concerns very clearly:

"With the economy as it is and with the well reported issues that face retailers nationally (and more specifically in Harrogate), commercial grounds must surely mean that Tesco's presence is now a far bigger threat to the Town Centre's health than ever.

With the HG's being unique in the country as a Tesco free zone (i.e. Superstore NOT 'express' store), this should surely be viewed as a badge of honour for Harrogate. We're not a big town and we already have Asda, Lidl, Morrison's, Sainsbury's, Waitrose, and several Co-ops serving the needs of the populous.

As I see it, their application will not sort out the congestion issues on Ripon Road and it will fail to reduce the flow of traffic through town to reach the other superstores – In fact, how many shoppers will choose to drive through town to go to the new Tesco store, so adding to HG1's traffic problems? Also at risk is the Jennyfield Co-op that has loyally served the locals for 30 years!

I understand that Tesco are committing some funds for Town Centre improvements – Their funding for some minor improvements in mitigation may pull the wool over some people's eyes, but they'll go nowhere in actually making a difference to the Town Centre's offering. The net effect will still be a further footfall reduction and therefore erosion of our strong (but wavering) TC offering.

Perhaps we need to remind ourselves that a healthy town centre is a key employment area in any district and provides a real (not virtual) shop window for a diversity of products and services that the superstores undermine . . ."

Some lost names from our Town Centre past (recent and legendary):"

(- Denotes recent closures announced*

<ul style="list-style-type: none"> • Standings • John Hardy • Allen's • Blackburn & Swallow • Collinson's Toys • Shirley's Florists • Austwicks • The Good Cook's Shop • To Catch A Dream 	<ul style="list-style-type: none"> • Browns • Pinocchio's • Prontaprint • John G • The Golfer • Morris Interiors • Paper Tiger • Wilson & Cloakie • Rita Valpiani 	<ul style="list-style-type: none"> • Susan Gillis Browne • Lords • Odd-Bins • Lemon Tree • Habitat • Greensmith's • Focus DIY * • Mothercare * • HMV * • Thornton's *
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4.2 Jennyfield District Shopping Centre

NJL concluded "There would be a direct and adverse impact resulting from the proposed Tesco and the impact would be unacceptable unless proper mitigation was secured." "The Borough Councilhas a responsibility to ensure there would be no lasting harm caused to Jennyfield District Centre as part of the Borough Council's Centre's Strategy. In this regard we consider there to be a clear demonstration that the Tesco's proposals would directly deliver a significant adverse impact upon the centre and its onward vitality".

The fact that TESCO have had to make so many commitments to protect the Jennyfield Centre is evidence of the harm that the new Store will cause, not only to the Co-operative but also to the associated smaller businesses.

4.3 Ripon Road

Those businesses situated on the east side of Ripon Road south of the roundabout are very concerned at the likely impact on their business.

Sue Pearce, Proprietor of Autumn Pine says "I will lose most of the shop road frontage. I will be unable to unload and take deliveries from suppliers at the front of the shop, as I am legally allowed to do at the moment. Customers will no longer be able to park outside for loading of the goods they have purchased. The noise pollution will greatly increase, as we are set back from the road."

4.4 District Market Towns

4.4.1 Pateley Bridge

John Corfield, Chairman of Nidderdale Business Association says: "The rural traders will further lose business for a radius including Pateley Bridge. This superb example of a traditional market town continues to attract thousands of visitors in its own right. We have no boarded up shops and we still have a petrol station but this and many of the small businesses trade at a margin which would see a significant number closures if the TESCO development goes ahead.

The Planning Department does not have to look far afield to see prime examples of large supermarket developments bringing about the ruin of small town centres. Whatever the initial financial incentives they will be insignificant in the longer term with loss of business rates and 'tourist pounds' from this still viable rural economy.

In addition to the supermarket itself the extended reach of TESCO online will directly impact our area with unfair competition.

Our access east via Skipton road is bad and will be much worse with TESCO visitors from N, W and S - this road must be upgraded its full length, not just the immediate area of the roundabout."

4.4.2 Ripon

David Briggs, acting Chairman of Ripon Chamber of Trade & Commerce has written a long letter of objection to the TESCO plans, including these significant comments: *"Tesco's have been reported as saying that their business will not adversely affect the existing supermarket businesses in Harrogate. We do not believe that assertion but if it were true then the huge amount of business that Tesco's will be hoping to achieve will have to come from the rest of the settlements in the Harrogate District.*

Tesco's being the organisation that they are will have budgeted for weekly turnover figures in the millions of pounds. If this happens then it will significantly affect the viability of many small businesses in the area north, east and west of Harrogate. It is not only the supermarkets that will be affected but very many small retailers in the area in what is called comparison shopping could be so damaged as to be put out of business. Ripon will be at the forefront of these effects and we cannot accept that allowing such a new development would be a good planning outcome.

All this extra business means that customers will be using the A61 Ripon Road and A59 Skipton Road much more and the levels of traffic are going to increase considerably in what can already be a very congested area. Not only that - the carbon footprint, which is not good in the District anyway, will take a serious hit.

HBC's vision of the districts small market towns being vital and vibrant is going to be less achievable if more and more customers are going to be directed to and encouraged to visit Harrogate's new TESCO for their shopping needs."

4.4.3 **Knaresborough** (Knaresborough Chamber comments to follow)

4.4.4 Rural Villages

Local resident Liz Hatherly submitted an objection on 05/03/11 saying: *"of more concern is the sustainability of Jennyfields and the villages of Hampsthwaite, Birstwith and Ripley. Central government is urging us to make fewer car journeys and for those who live in these villages, there are shops which serve daily and weekly needs. It is highly likely the businesses will become unviable if they lost trade which will be of detriment to the elderly and those without access to a car as well as those of us who like to preserve the more gentle pace of life.*

Harrogate is already over-provided with supermarkets. It also has a thriving town centre. It is notable that where TESCO's have opened in towns, the centres quickly go downhill. Is that what you want for our area? Please, I would urge you to reject this application."

4.5 Other similar Towns

4.5.1 Horncastle (August 2011)

BBC News reported that an application to relocate a Tesco store in Lincolnshire had been unanimously rejected. The supermarket chain wanted to move from the centre of Horncastle to Lincoln Road, on the west of the town, to allow for expansion to about double the size. But East Lindsey District Council turned down the application, saying there were concerns about traffic and the impact on town centre shops.

The plans had been opposed by the Town Council, its Civic Society, the Chamber of Commerce and a number of smaller traders' groups.

The Conservative-controlled District Council's Chairman of Planning, Councillor Neil Copper, said: *"The main issues were around the viability of the town centre and how the moving of this Tesco store would affect that. "There were also the*

traffic management problems and how Lincoln Road was pretty much gridlocked during the summer months with the holiday traffic."

4.5.2 Dawlish (June 2011)

Government inspector Stuart Nixon ruled out proposals for a Tesco out-of-town store saying that *"Two stores would almost certainly damage the health of the town centre. The Tesco proposal, cumulatively with the approved Sainsburys' scheme, would deliver every prospect of a significant adverse impact on the vitality and viability of Dawlish town centre"*. His report added: *"Even without Tesco, the Sainsbury's' offer is likely to 'challenge' some of the convenience outlets in Dawlish, for example the butchers, bakers and greengrocers and possibly one chemist."*

4.5.3 Huddersfield (June 2011)

We understand from the local press that Kirklees Council granted planning permission for a new TESCO Supermarket in the centre of Huddersfield. However their decision to allow permission has been called-in by the Secretary of State for Communities and Local Government, Eric Pickles who feels that the proposals *"may conflict with national policies on important matters."*

4.5.4 Stoke on Trent (October 2010)

The Secretary of State for Communities and Local Government, Eric Pickles, has also thrown out Tesco's plan to increase the store's size from 5,342 square metres to 9,383 square metres following a public inquiry. The Government inspector ruled that an extended store *"would likely result in a decline in Newcastle town centre trade/turnover"*. The decision has been backed by residents, who had raised concerns about the impact of extra traffic, including pollution, road safety dangers and noise from the 24-hour store.

4.5.5 Alton, Hampshire (July 2010)

According to the TESCOPOLY website, a Planning Inspector dismissed Tesco's appeal against refusal for a new store with a gross floor area of 6,112sqm and 296 car parking spaces, highlighting three key issues –

- Whether the edge of town proposal would cause significant harm to the vitality and viability of the town centre;
- Whether it is likely to provide an adequate choice of transport, or increase reliance on the use of the motor car;
- Whether the resulting use of the highway network would have detrimental effect on highway safety and the free flow of traffic

4.5.6 Newcastle upon Tyne

Roger Thomas commented on the HBC website on 07/01/11 *"A massive Tesco's would be disastrous to the free flow of traffic in northern Harrogate. 2. Gridlock at peak times I am not just scaremongering, this actually happens at the Tesco's Extra in Newcastle-upon-Tyne. My sister lives in Newcastle-upon-Tyne and has used the Tesco's Extra at Kingston Park for many years. She has told me that there is massive congestion all around that store. On the weekends and busy times, such as major holidays, it is virtually gridlocked. On a few occasions, it has taken her 40 minutes to get out of the car park! A new Sainsbury's has opened in my sister's local high street (in Gosforth). She uses this store whenever possible for all her day-to-day shopping, just to avoid the 'hell' of the Tesco's Extra."*

4.5.7 Rugeley

John Corfield, Chairman of Nidderdale Business Association, who runs a B&B and self-catering cottage business, reported that he recently had some guests from Rugeley in Staffordshire. *"They had a thriving butchers shop in the town centre. They survived, with staff reductions, the first Tesco supermarket to open on the North of the town. They hurt with the opening of the second Tesco to the west and finally had to liquidate the 130 year old family business when Morrison's were allowed to open to the South. The centre of Rugeley is now more like a ghost town (though it has more charity shops than it used to!). I felt that there may be an element of deja vu as we chatted over the breakfast table."*

5. Mitigation Measures

Tesco have agreed to provide a "Retail Mitigation Measures Contribution" of £1,571,360 which is to be spent by the Council on measures to mitigate against the retail impact of the Development. Such Planning obligations must be consistent with the guidance contained within Circular 05/05 which requires them to be:

- relevant to planning
- necessary to make the proposed development acceptable in planning terms
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development

There has been no dialog with the business community as to the best use of such a sum, and in the opinion of one a former Chamber President *"to agree to any planning application under these circumstances would be wrong and a full disclosure must be made in the public domain in order to prevent calls of bribery."*

5.1 Town Centre "improvements"

The detailed schedule of improvements from the Section 106 Agreement is outlined in Appendix 10.2 which includes measures such as the following:

- replacement of existing paving to various town centre pathways
- refurbishment of lighting pedestrian tunnel
- clean stonework
- fingerpost signage
- replacement of street lighting
- tree planting
- new fountain feature
- provide seasonal planting beds
- provide drinking fountain
- replace cycle parking hoops
- refurbishment of steps
- new street seating

These proposed "mitigation measures" in the Town Centre will be of almost no benefit whatsoever for the numerous smaller retail traders who will be commercially damaged by TESCO's aggressive marketing and pricing policies. Many of the suggested "cosmetic" features on footpaths and signage should be done anyway by either the Borough or the County Council, just as they used to be done when Harrogate Borough Council operated the Highways Agency.

Decorative items such as a Fountain and extra planting beds will need ongoing maintenance and cleaning at the Council's expense.

The Forward Planning Report concludes: *"As the proposed Tesco store would be an out of centre development, the proposals, by their nature and location have the very real potential to deliver lasting and adverse impacts and without proper mitigation to counter these evidenced impacts could be deemed unacceptable. The proposals will only be acceptable if sufficient mitigation measures are secured to ensure the proposals can be considered appropriate in planning terms"*

We submit that such trivial improvements to the footpaths, signage and lighting etc do not constitute meaningful "mitigation" of the disastrous impact that a TESCO Superstore would have on our unique Town Centre Retailers.

5.2 Local Bus Services

In the draft Section 106 Agreement TESCO offer to pay £94,500 per year for 3 years to Transdev to provide a new Bus Service linking Bilton, New Park and Jennyfields residential areas with the new Store which will provide a service of a 30 minute frequency between 0900 and 1800 Monday to Saturday inclusive. In addition Tesco has also agreed to pay for the cost of concessionary fares on this service up to a maximum of £190,000.

In addition TESCO offer to contribute £70,000 towards the provision and maintenance of fourteen (14) real time bus information displays within Harrogate Bus Station.

We submit that neither of these contributions will do anything whatsoever to support the existing retail trade in Harrogate. In fact the new direct bus service from Bilton to the Store will actually draw customers away from the existing No 2 Bus Services between Bilton and the Town Centre. .

5.3 Little Red Bus Services

In the draft Section 106 Agreement TESCO offer to pay £26,000 to the Little Red Bus Company to finance the purchase of a low floor accessible bus which shall be fully branded in Tesco livery. *This bus is only to provide shopping trips for elderly disabled and disadvantaged residents of Harrogate who live within the vicinity of the Store between the Store and their residences between the hours of 8.00am and 6.00pm Mondays to Fridays inclusive. "This "First Little Red Bus" may not be used to provide a service to any other supermarkets in Harrogate or the surrounding area."*

In addition TESCO offer to pay a further £26,000 for a second Little Red Bus to operate twice daily on fixed routes both between the Jennyfields Estate and the Jennyfields District Centre and between the adjacent Rural Parishes to the west and north-west and the Jennyfields District Centre and a route which comprises demand responsive pick-ups en route, such route to be decided at the discretion of the Little Red Bus Operator in consultation with the County Council and the Developer. Tesco would also make a contribution of £13,000 per annum and £1500 worth (per annum) of Tesco vouchers for the running of the bus and for the reward/incentivisation of drivers for a period of 3 years

In addition TESCO have offered a contribution of £13,000 per annum for the running of the buses and up to £6,000 in vouchers Tesco vouchers towards incentivising and rewarding the drivers of the two Little Red Buses operating these services.

Again we submit that neither of these contributions will do anything whatsoever to support the existing retail trade in Harrogate. In fact they so-called

Jennyfield Services will clearly call at the new TESCO Store – to the detriment of the existing Jennyfields Centre – and to existing retail shops in the rural villages.

6. Alternative Solutions

6.1 Use Ripon Way for Commercial Vehicle access

In our early discussions with TESCO and Council Officers we suggested that a simple alternative access route on to the site was via the existing Ripon Way junction with Ripon Road – just to the west of the existing entrance gate to the Northern Gas Utilities Depot. This would have only required repositioning of the proposed bridge over Oak Beck. Due to the natural difference in land levels this route would have provided a less steep approach to the Service Vehicle Bay proposed on the roof of the Store. We did not suggest this as a Customer route.

TESCO rejected the suggestion because the small wooded area along Ripon Way was not within their ownership and they did not know who did own it. In any case they thought that they would not be permitted to cut down the small copse of young trees on this land.

We believe that this would have been a much shorter, safer and less expensive route for HGVs and other Service Vehicles to reach the proposed new Store Delivery Bays. Then it would not be necessary for a new entrance to be made through the existing stone wall along the Ripon Road, with all the consequential problems described in Section 1.2 above.

6.2 Acquire the whole Gas Tank site

As TESCO have rejected the possibility of using Ripon Way, the only alternative we can suggest is to acquire the whole of the Gas Works Site, decommission the tank and remove all the pipelines. Then it should be possible to demolish the existing tank, clear the whole site and create a much larger roundabout at New Park, with one large entrance to the new TESCO Store. United Utilities have informed us that it would be feasible to discontinue use of the Gas Storage Tank, although the pipelines are still active.

There could be substantial additional car parking on this existing Gas Works Site to supplement that proposed at the lower ground level beneath the Store. It should then be possible to remove the proposed roundabout on the Skipton Road and route all vehicles from the larger New Park roundabout – with a separate lane created for service and delivery vehicles going direct to the new roof level, if the more direct Ripon Way route is not utilised.

7. Commercial Competition

We wish to stress that Harrogate Chamber of Trade & Commerce is NOT opposed to the new TESCO Store on purely commercial grounds in terms of competition with the four established Supermarkets in Harrogate – Asda, Morrison, Sainsbury and Waitrose. However a significant number of our traditional independent retailers could be adversely affected, whilst the TESCO Store will attract customers to Harrogate from outlying areas, particularly to the north and west of Harrogate, and from the District's market towns.

If TESCO will create a Park and Ride site and allow free parking for sufficient time to enable customers to use the No. 36 bus to travel into the Town Centre, then we believe the majority of the Town Centre retailers would not suffer too seriously by the opening of a TESCO Store.

8. Proposed Solution

Harrogate needs a solution to the congestion on the New Park roundabout and the ugly gas tank and dangerous above ground pipework behind the stone wall along the Ripon Road. So we propose that TESCO should acquire the remaining upper parts of the Gas Works Site, decommission the tank and remove all the associated pipelines. Then it should be possible to demolish the existing tank, clear the whole site and create a much larger roundabout at New Park, with one large entrance to the new TESCO Store. This would be much safer and more efficient for existing and projected future traffic flows through this busy junction.

We understand from Northern Gas Networks that the Gas Holder is surplus to requirements and it has already been offered to Tesco but they declined to buy it. So if they proceed with the new store without demolishing it, Harrogate will be left for ever with a major eyesore and a derelict gas works in a small island site that will have no commercial value to anyone else.

Those parts of the disused Gas Works that are not being built on by Tesco would make an ideal "Park and Ride" site using the existing No 36 bus running every 15 minutes into the Town Centre. This could be another part of their Section 106 Agreement to enable people from outside Harrogate to not only visit the Tesco store but also go into the Town Centre to patronise the many speciality shops, cafes and restaurants on which our local economy depends. Naturally the permitted time would need to be limited to say 4 or 6 hours to enable use by Shoppers and other Visitors whilst not being filled up by Town Centre workers.

This is a once in a lifetime opportunity for TESCO to solve most of the problems that their present plans would create, whilst also investing in a genuine improvement to the northern approaches to Harrogate.

9. Conclusion

The current application will result in massive traffic problems, and that until and unless there are proposals which really tackle and solve this issue, this is not a suitable location for a supermarket. There are also recognised serious safety hazards due to the live gas holder and pipework that need removing entirely.

Even then we need effective measures to link the proposed new Store to the Harrogate Town Centre and to the District's Market Towns in order to mitigate the potential damage to the established retail trade across this District.

We therefore urge the Harrogate Planning Committee to reject the current proposals on the following grounds:

- Traffic congestion – New Park roundabout, A59, A61, cross-town
- Road Safety – especially on Ripon Road and Ripon Way
- Gas Safety – gas tank leakage; pipeline damage; cyanide residues
- Retail Trade Impact – Jennyfield; Town Centre; Market Towns & villages

We are willing to sit down with TESCO and the Planning Officers to work out a solution that protects all the long term interests of Harrogate District businesses and residents – wherever they are located. The desires of local residents for a very convenient Superstore should not outweigh the wider community interests.

Report compiled by

Brian L Dunsby, Chief Executive & Hon Secretary
HARROGATE CHAMBER OF TRADE & COMMERCE

10. Appendices (Supporting evidence)

10.1 Transport Assessments

Extracts from Mouchel's Revised Transport Assessment January 2010:
(Text in bold selected by the Chamber to highlight our concerns)

7.4.1 Ripon Road / Skipton Road (New Park roundabout) (Pages 48-52)

This existing four-arm roundabout is the junction that connects A61 and A59. The A61 is the main arterial route through Harrogate town centre between Ripon in the north and Leeds to the south and the A59 is the main east-west route along the northern edge of the town, providing links between Skipton to the west and Knaresborough to the east. **Site observations indicate that the junction is currently operating over capacity, particularly during evening peak periods.**

The industry standard programme ARCADY has been used to assess the operation of this roundabout for base and with development scenarios. The results of the assessments indicate that the New Park roundabout currently operates within its practical capacity limits with no significant queues forecast, with the proposed development in place, in either the opening or future year scenario. However site observations at this junction suggest that lane usages at the approaches of the roundabout are unequal. Therefore modelling the roundabout using its default settings, as above, is likely to produce overly-optimistic predictions of operation on approaches. In order to fully investigate the effects of Unequal Lane Usage (ULU) on the results of the assessments, a second set of models have been created that account for the effects of ULU.

The results of these assessments show that the highest RFC during the Friday PM peak period in 2010, with the proposed development in place, is 1.536 with **queues of 192 vehicles forecast** on Ripon Road (S) between 17:30-17:45. The highest RFC during the Saturday peak period (2010 with the development in place), is 1.307 with **a queue of 64 vehicles forecast on the Ripon Road (S) arm** between 11:00-11:15. By 2020, it is forecast that the highest RFC values for the New Park junction, with the proposed development in place, will be 1.635 (**queue of 219 vehicles**) on the Ripon Road (S) arm and 1.344 (**maximum queue of 206 vehicles**), during the Friday PM and Saturday peak periods respectively.

85th Percentile Trip Rates: 2010 and 2020

The results for these assessments show that the highest RFC forecast during the Friday PM peak in 2010 is 1.639 on the Ripon Road (S) arm, **with queues of 218 vehicles forecast**. The highest RFC value forecast during the Saturday peak assessments in 2010 is 1.369 with **a queue of 219 vehicles forecast on the Skipton Road (E) arm**. For 2020, during the Friday PM peak period, the highest RFC value is forecast for the Ripon Road (S) arm of the junction, where a value of 1.745 and **a queue of 243 vehicles are forecast**. For the Saturday peak period, the highest RFC value forecast is 1.417 on the Skipton Road (E) arm, with **a queue of 255 vehicles being forecast**.

Summary

The results of the assessments confirm the on-site observations relating to the operation of the New Park roundabout; **it currently operates above its absolute capacity limits with some lengthy queues forecast, in particular on the Ripon Road (S) arm of the junction.**

Overall Junction Assessment Summary

For the assessments modelled with ULU, the results show that the roundabout would be operating over its absolute capacity during base scenarios in 2010 and 2020 and will continue to operate over its capacity with the development in place. Whilst the highway works proposed for this junction do not address the capacity need of this junction, the improvement works are expected to deliver safety benefits to both drivers and pedestrian."

"7.4.10 Proposed Ripon Road/ Site Access junction (Pages 60-62)

It has been agreed with highway officers at HBC that a signal controlled junction would be the most appropriate form of access into the site from Ripon Road. The operation of this junction for the 'base with development' scenarios has been assessed using LINSIG ...which ...makes reference to the flow to Degree of Saturation (DoS) on each lane where this provides a basis for judging the performance of the junction. It is generally accepted that a junction is at its recommended practical capacity if its DoS value reaches 90% and the junction will be operating at its absolute capacity when the DoS value reaches 100%.

Average Trip Rates: 2010 and 2020

For the proposed development opening year, the model indicates that the junction will operate with a maximum DoS during the Friday PM peak hour of 90.8% with a maximum queue of 25 vehicles on the Ripon Road (S) arm. During the Saturday peak, the maximum DoS, 107.8%, occurs on the Ripon Road (S) arm of the junction, **with a queue of 50 vehicles forecast.**

In the future year of 2020, the highest DoS value forecast for this junction during the Friday PM peak is 93.8%, with a queue of 27 vehicles, on the Ripon Road (S) arm. For the Saturday peak period, the highest DoS of 114.6% is forecast, also on the Ripon Road (S) arm of the junction, **with a queue of 72 vehicles.**

85th Percentile Trip Rates: 2010 and 2020

The sensitivity tests for the 'with development' scenario indicate that during the opening year of 2010, the junction is forecast to operate with maximum DoS of 93.2% on the Tesco site access arm, with a queue of 8 vehicles forecast (the longest queue is 22 vehicles on the Ripon Road (S) arm). For the Saturday peak period, the maximum DoS value forecast is 106.7%, **with a queue of 46 vehicles on the Ripon Road (S) arm.**

By the future year of 2020, the maximum DoS forecast at this junction is 93.2% during the Friday PM peak, on the Tesco site access arm. The queue forecast for this arm is 8 vehicles, with the longest queue occurring on the Ripon Road (S) arm at 26 vehicles. For the Saturday peak period, the maximum DoS value forecast for the junction is 113.3% on the Ripon Road (S) arm, **with a queue of 57 vehicles forecast.**" (END OF EXTRACTS FROM MOUCHEL REPORT)

10.2 Retail Mitigation Measures (Section 106, Schedule 6)

1 Routes between the Asda store and Waitrose store respectively and Harrogate Town Centre Shopping Centre.

(a) Bower Road (3739 TC – 04)

- (i) Replace existing paving to footways (both sides).
- (ii) North side – refurbish lighting through pedestrian tunnel.
- (iii) South side – reopen and refurbish tunnel for pedestrians/cyclists.
- (iv) Clean stonework to railway bridge.
- (v) Replace pedestrian guard rails.
- (vi) Provide fingerpost signage (to match existing).
- (vii) Replace street lighting (where necessary)

(b) Lower Station Parade (3739 TC – 05)

- (i) Replace existing paving to footways (both sides).
- (ii) Plant street trees in footways (both sides) or in build-out areas.
- (iii) Replace street lighting (where necessary).

(c) Station Parade (3739 TC – 06)

- (i) Selectively replace existing paving to footways (both sides).
- (ii) Replace street lighting (where necessary).

(d) Station Square (Victoria Gardens) (3739 TC – 07)

- (i) Replace existing paving.
- (ii) Plant street trees.
- (iii) Provide new fountain feature.
- (iv) Provide seasonal planting bed around Victoria monument with floodlighting.
- (v) Provide drinking fountain to cupola.
- (vi) Replace street lighting (where necessary).

(e) Station Parade (Cophall Tower) (3739 TC – 08)

- (i) Replace existing paving to footway.
- (ii) Replace existing concrete planters with stone planters.
- (iii) Replace street lighting (where necessary).

(f) Station Parade (Prince Albert Row) (3739 TC – 09)

- (i) Replace existing paving to footways (both sides).
- (ii) Replace existing street trees (west side).
- (iii) Replace cycle parking hoops.
- (iv) Provide fingerpost signage (to match existing).
- (v) Replace street lighting (where necessary).

2 Routes between Harrogate International Conference Centre and the Shopping Centre

- (a) Provide fingerpost signage (to match existing) as shown on drawing 3739-TC-10.
- (b) Refurbish steps between Kings Road and Back Cheltenham Mount and between Back Cheltenham Mount and Cheltenham Mount as shown on drawing 3739-TC-11.

3 Upgrading of pedestrianised streets within the Harrogate Shopping Centre.

(a) Oxford Street (3739-TC-12)

- (i) Refurbish/clean existing paving.
- (ii) Relocate existing brass plaque to outside theatre.
- (iii) Provide new seating.
- (iv) Replace street lighting (where necessary).

(b) Cambridge Street/Market Place/Cross James Street (3739-TC-13)

- (i) Replace existing paving.
 - (ii) Replace all existing trees with new formal avenue and seats in Cambridge Street.
 - (iii) Replace street lighting (where necessary).
-

10.3 Proposed new Entrance Road through Pipe field

Please see following page for a scale drawing of the proposed new entrance road from Ripon Road through the high-pressure over-ground gas pipework.
