

NOT FOR PUBLICATION: Appendix 2 of this report contains information considered to be exempt under Paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended.

REPORT TO: Cabinet

DATE: 1 February 2023

SERVICE AREA: Place-shaping & Economic Growth

REPORTING OFFICER: Strategic Estates Surveyor (Glenn Levison)

SUBJECT: Diversion of Public Right of Way by the Royal Horticultural Society (RHS) at Harlow Carr, Harrogate.

WARDS AFFECTED: Harrogate Harlow Ward

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 To set out the background and reasons relating to Harrogate Borough Council's (HBC) decision to accept a financial sum, as landowner in order to permit land held within its ownership to be used to divert a public right of way (PROW) as shown on plans within Appendix 1. The decision to permit HBC land to be used is in return for a financial consideration as landowner as set out within Appendix 2 (exempt) given that the diversion will be on land outside that presently leased to the RHS on which the footpath currently runs. It should be noted that this is separate from any planning or other statutory permissions that may be required which the RHS will be responsible for obtaining as well as for undertaking all necessary on site physical works. This paper does not constitute HBC's support for any planning or other applications which will be dealt with separately and in the usual manner.

2.0 RECOMMENDATIONS

2.1 Cabinet approves the proposal as set out in further detail within Appendix 2 (exempt).

2.3 Head of Legal and Governance be given authority to prepare and enter into any necessary legal documentation to facilitate the permission and any other matters related thereto.

3.0 RECOMMENDED REASONS FOR DECISION

3.1 The RHS want the PROW relocated in order to facilitate their preferred redevelopment scheme for the former Harrogate Arms Public House which will create additional catering and teaching facilities on the site, relocation of the PROW enables greater integration of this asset with their existing facilities.

3.2 This represents an opportunity to generate an unplanned capital receipt which is financially beneficial and economically advantageous to the Council.

3.3 Should the opportunity be missed there is very little alternative potential to generate a similar payment for land in this area.

3.4 This land offers no identifiable potential for long term capital appreciation aside from the current opportunity presented.

3.5 The PROW will still be accessible from Crag Lane to Cardale Woodland as shown in Appendix 2. As such the change is only a relatively minor alteration and will improve the right of way for users once works are complete.

4.0 ALTERNATIVE OPTIONS CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 Not to take advantage of this opportunity is rejected because there are no potential alternative possibilities which would generate a similar or greater return.

4.2 Refusal could curtail RHS's plans to develop a property (the former Harrogate Arms Public House) that is currently derelict and which has been vacant for a number of years.

4.3 The RHS is a charitable organisation with the offer at Harlow Carr providing an important visitor attraction for the district. By facilitating this HBC can help support this, with no quantifiable cost, other than staff time whilst generating a capital receipt.

4.4 Not to proceed with the transaction would result in the loss of a capital receipt from land that is not currently generating a return and has little potential to do so in the future.

5.0 THE REPORT

5.1 The RHS have an existing lease on the land surrounding the former Harrogate Arms Public House. The existing lease to the RHS is for a term of 99 years from 1996 with the site extending in total to approximately 58 acres

as shown in Appendix 1 Plan 1 with the leased area outlined in red and the PROW shown in brown and green. Also within Appendix 1 are plans which show the existing location of the PROW (Plan 2) and the proposed diversion (Plan 3).

- 5.2 The RHS could proceed with an alternative scheme without the relocation of the footpath albeit this would be suboptimal for them. Should the RHS proceed with an alternative option the ability to generate a capital receipt would be lost as would the opportunity to improve the PROW for users.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

- 6.1 The following were considered: Financial Implications; Legal Implications; Strategic Property/Asset Management Considerations; Parks and Environmental Services. If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below

- 6.2 Legal Implications – The Council’s legal services team have been consulted during the preparation of this report and support the recommendations at paragraph 2, subject to the negotiation and approval of all the necessary legal documentation.

- 6.3 Financial Implications - The sale will generate a capital receipt, which will be used to support the funding of the capital and investment programme.

7.0 CONCLUSION

- 7.1 The transaction will generate a capital receipt for the Council and encourage increased economic activity in the area adding to the RHS visitor attraction offer.

Background Papers – None

- Appendix 1** **Plan - 1** RHS Leased area
 Plan - 2 Existing PROW
 Plan - 3 Proposed PROW

Appendix 2 – Financial Information / Explanation (Exempt)

<p>OFFICER CONTACT: Please contact Glenn Levison if you require any further information on the contents of this report. The Officer can be contacted at Council Offices, Harrogate by telephone on (01423) 500600 or by email at glenn.levison@harrogate.gov.uk</p>
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