

Otley Road Stray land exchange and Stray Act byelaws consultation

Frequently asked questions

What is the project and consultation about?

North Yorkshire County Council (NYCC) are due to carry out a series of sustainable transport improvements in the West of Harrogate following investment from central government, ourselves and developer contributions.

These improvements, that will include smart traffic lights, improvements to the junction of Harlow Moor Road and Otley Road, a new off-road cycle route on Otley Road and new or improved pedestrian crossings, will help to improve safety, alleviate the current level of congestion and accommodate the future growth of Harrogate as recognised in the Local Plan.

As part of the proposed cycle route existing verges and footpaths between Cold Bath Road and Beech Grove on Otley Road, that form part of Stray land, are proposed to be used.

To enable cycling on the proposed cycle route an amendment to the Stray Byelaws (which currently prohibits cycling on the majority of Stray footpaths) will be required. Also due to the requirements of the Stray Act, exchange land is needed. Any 'inclosure' of grassed Stray land requires 'exchange land to be found' that is:

1. no less in size than the area proposed to be inclosed,
2. the land has to be equally advantageous (same level of benefit to the public) and
3. no more than 100m away from existing Stray land. As a result of these requirements, a consultation on the proposals is necessary

It must be emphasised that this current consultation to be carried out by HBC is specifically proposed for the Stray land exchange options and amended byelaws. It is not about the design of the cycle route, this has already been undertaken by NYCC in 2019 and the designs finalised.

Why is this cycle route required and what benefits will it bring?

This route is part of a longer-term aspiration to provide a cycle network in Harrogate. It will enable cycle links to be developed between Harlow Hill, Cold Bath Road, Cardale Park Business Park and future developments to the west of Harrogate and help address existing safety concerns from cyclists. The cycle route will also connect residential areas, schools, shopping facilities, employment areas and leisure sites, providing a greener, safer and improved quality of life for our communities and businesses.

Encouraging walking, cycling and public transport use is a key priority for us and this project plays a major role in providing infrastructure that enables people to have a genuine alternative to using the car in the west of Harrogate. Overall the scheme will support the council's ambitions to support the reduction on congestion in Harrogate, improve air quality and contribute to reductions in carbon emissions whilst also promoting an active and healthy lifestyle.

In addition the outcomes of NYCC's Harrogate and Knaresborough congestion study consultation showed that 77 per cent of respondents wanted walking and cycling infrastructure improving. Therefore a clear majority of people in the towns support the development of sustainable transport initiatives.

How will the cycle route support sustainable growth?

West Harrogate is an area experiencing growth through both residential and employment development. Cardale Park is a significant business park, supporting in the region of 3,500 jobs and

contributing over £670m to the district's economy. The business park contains a number of high value businesses employing skilled labour that are pivotal to the economic success of the area. The highways capacity issues in the area need addressing and are restricting the expansion of the Cardale Park, which could support the creation of 600 new jobs. A further risk of not addressing the capacity issues is the potential relocation of businesses to locations outside of the district.

When will I be able to cycle along the Otley Road cycle route?

Phase one of the cycle route (the section between the junctions of Otley road and Harlow Moor Road) is due for completion in spring 2021. If approved the timescales for phase two (the section between the junction of Cold Bath Road and Beech Grove) are to be confirmed, this is due to unknown timescales for Ministry of Housing, Communities and Local Government (MHCLG) approval of the Bye-laws

What is HBC's role in the development of the cycle route?

We are keen to support the investment in transport infrastructure and this project supports the promotion of sustainable transport, in a key area of Harrogate. Therefore we are working with NYCC to help deliver the wider scheme.

We are also responsible for the management of the Stray and because part the proposed cycle route intends to use existing verges and footpaths that are designated as Stray land a formal consultation is required followed by the necessary legal procedures.

As this would be classed as an inclosure (the Stray Act defines something as inclosure if something is put on the grassed Stray land - be it a post, tent or tarmac), then we must provide other land of equivalent size which is equally advantageous to residents and within 100m from the Stray.

Also, in order to enable cycling on the proposed cycle route this will require an amendment to the Stray Byelaws and approval from the Ministry of Housing, Communities and Local Government.

What will this consultation involve?

The 12-week consultation is to seek views specifically on the two aspects needed in order to enable the creation of the segregated cycle route on Otley Road between the junctions of Beech Grove and Cold Bath Road:

- The exchange of grassed Stray land (556.9m²) from Otley Road verges to one of the three land exchange options identified below
- The amendments to the byelaws, which includes provision to permit cycling on the cycle route along Otley Road

Where are the exchange land options proposed?

Three options have been identified:

- Option 1: Land at Wetherby Road (rear of the hospital) (645m²)
- Option 2: St James Drive verges (614m²)
- Option 3: Arthurs Avenue verges (614m²)

The main criteria which we have considered for all three of the exchange land options is that they all:

- provide at least the equivalent area of public open space (556.9m²)
- are no more than 100 metres, as measured from its nearest point, to the Stray
- are equally advantageous to the inhabitants of the borough as public open space

We believe this satisfies the requirements of the Section 4(4)(a) of the Harrogate Stray Act 1985.

Which is HBC's preferred exchange land option?

Our preferred exchange land option is option 1, the land at the rear of Harrogate Hospital on Wetherby Road. It offers the largest amount of open space to be exchanged and is the most equally advantageous exchange land.

Is there any way to prevent the loss of the tree and the grass verges along this section of Otley Road?

NYCC has minimised the amount of verge and tree removal whilst ensuring the scheme design is effective and safe for users. Trees that will be removed will be replaced at a rate of at least two to one.

Why have the Stray Byelaws been re-written and what are the consequences of this?

The MHCLG who has the responsibility for byelaws covering open spaces, advised that while we are proposing to amend the byelaws to permit cycling on Otley Road, we should take the opportunity to update them so that they are consistent with the national template for byelaws.

The Council is therefore seeking to amend the byelaws made under Section 7 of the Harrogate Stray Act 1985 as follows:

- To replace the plan annexed to the byelaws the effect of which will be to permit cycling on those parts of the Stray subject of the inclosure on Otley Road
- To update the format of the Byelaws so as to be consistent with the model Byelaws for pleasure grounds, public walks and open spaces as recommended by the Ministry of Housing Communities and Local Government"

What happens if the byelaws are not amended and the Stray land exchange process does not get approved?

NYCC will not be able to deliver a segregated cycle route so cyclists will need to cycle on the road between Cold Bath Road and Beech Grove. Current levels of congestion along Otley Road may continue as cycling will not be as attractive and therefore accommodating the future growth of Harrogate and carbon reduction aspirations will be reduced.

If I support the proposals do I still need to comment?

Yes, we need to know if you support the proposals. If we do not get enough support for the proposal(s) to exchange the Stray land and amend the byelaws, then this will risk the scheme not going ahead.