

### Appendix B1: Summary of consultation responses – Questions 3

**Q3. To what extent do you agree to the exchange of grassed Stray land (556.9m2 gross) on Otley Road verges to one of the three land exchange options?**

**Total Agree responses 56%**

**Please explain the reason(s) for your choice below or make any other comments you feel may be appropriate:**

**Theme 1: Agree with the process and the proposal**

Respondents agreeing to the proposal to exchange the Stray land generally felt the proposals were in line with the Stray Act requirements and are necessary to facilitate the required cycling provision.

**Officer response**

Council officers agree with this. Officers have worked closely with the Duchy of Lancaster (landowner of The Stray) and NYCC to find the most suitable options for exchange land which meet these requirements.

**Theme 2: Agree with the proposal subject to conditions**

There were certain respondents who whilst agreed with the proposal felt there were certain areas that should be met:

- Should be put back to residents once a decision has been made.
- As long as it doesn't detract from use of the main Stray
- As long as there is still enough pavement to walk down with a pushchair
- Important not to damage any of the trees / tree roots and the surfacing.
- Keep the verges on the roads to maintain safe distances from traffic.

**Officer response**

The Council is following the governance processes set out in the Stray Act and the Council's Constitution. All these other points have been considered by NYCC in the design of the cycle way.

<p><b><u>Theme 3: Felt the proposal creates no loss of amenity / increases amenity</u></b></p> <p>There were many comments in relation to the grass verges being lost had little amenity value, whereas the amenity value of the cycle route would far outweigh any loss.</p>	<p><b><u>Officer response</u></b></p> <p>The Council does acknowledge the impact on amenity value of the verges but consider the preferred option for exchange land to be equally advantageous.</p>
<p><b><u>Theme 4: Supportive of the design and route location</u></b></p> <p>There were many comments in relation to the need for a segregated cycle route on the busy Otley road which will benefit cyclists, pedestrians and road users.</p>	<p><b><u>Officer response</u></b></p> <p>Council officers agree with this. This is why both HBC and NYCC are key to deliver on the implementation of the cycleway.</p>
<p><b><u>Theme 5: Recognises the need for sustainable transport and active travel</u></b></p> <p>There were many comments in relation to this route being key to sustaining growth in Harrogate and contributing to the cycling network to reduce congestion, pollution and improving health and the environment.</p>	<p><b><u>Officer response</u></b></p> <p>Council officers agree with this. This is the reason for the development of the cycleway.</p>
<p><b>Total Disagree responses 39%</b></p>	
<p><b><u>Theme 1: Critical of process and does not meet the Stray Act criteria</u></b></p> <p>That NYCC/HBC will be using stray land and exchanging it for existing grassed areas, not new grassed areas, so there is still a net loss of green space.</p>	<p><b><u>Officer response</u></b></p> <p>The Stray Act 1985 under Section 4 (4) requires that any land that is used (inclosed) must be exchanged for land that can be dedicated as public open space and is equivalent in size, no more than 100 metres from the Stray and is 'equally advantageous' to residents of the borough. The Act therefore does not require the exchange land to create new green space.</p>

<p>There has been concerns that the existing cycle path which is included in the land exchange presented as Option 1 should not be included as exchange land, as it is not grass.</p>	<p>Tarmac is not precluded as exchange land and the cycle path included in Option 1 is a permissive path and not an adopted highway or public right of way and therefore can become public open space.</p>
<p>Concerns there are covenants on the Option 1 Exchange land, which state that the land conveyed to HBC must be available for 'road schemes'.</p>	<p>A Conveyance of the land was made between the Secretary of State for Health and the Council on 6 November 1992. There are rights reserved by the vendor in relation their retained land which adjoins the land conveyed. None of these rights prevent the land from being designated as public open space. The land was conveyed for the purpose of recreation amenity or open space, notwithstanding that it could also be used as compensation land for road improvement schemes.</p>
<p>Setting a dangerous precedent changing the Stray Byelaws and Stray land should remain as Stray land</p>	<p>Amending the Stray Byelaws is a complex, time consuming process that requires a consultation process and the permission of the relevant Secretary of State. This is the first time the Byelaws have been amended in over ten years. Each time a Byelaw is proposed to be changed the same legal process will need to be adhered to. In addition the grass verges required for the cycle route will remain as Stray land.</p>
<p>The misunderstanding of public open space / Stray status</p>	<p>The three options presented do not currently have the legal status of public open space, they are just grassed areas. Therefore if one is identified as the preferred option it would be given public open space status. We have clearly stated on the webpage that the land option will become dedicated public open space and is not required by the Stray Act 1985 to become new Stray land.</p>
<p>That the options presented are not equally advantageous mainly in terms of character, amenity and exchange options are not an arterial route such as Otley Road.</p>	<p>HBC has liaised with the Duchy of Lancaster and NYCC to find exchange land options, which meet these requirements under Section 4 (4) of the Harrogate Stray Act 1985 and it is the Council's view that all options put forward meet the requirements of being</p>

	<p>equally advantageous. Whilst the Act doesn't define "advantageous" the dictionary defines it as meaning "useful". Therefore we have considered the three options based on socially, visually and functionally useful aspects to ensure the options are 'equally advantageous'. Further detail is within Appendix D.</p>
<p>The exchange land options are not as advantageous as the proposal destroys the current stray land, environment, and character.</p>	<p>The Stray Act states: <i>The Council may improve the Stray or a part thereof so far as may be necessary or desirable for the purposes of health, recreation and enjoyment and may thereon (a) make and maintain roads and footpaths;</i></p> <p>The cycle route will not take all of the verges, some will remain and there will be some new verges created along the route. There will be 153.9m<sup>2</sup> of new grass verges created. Therefore, whilst the gross loss is 556.9m<sup>2</sup> the net loss is 403m<sup>2</sup>. Therefore the route will still have soft landscaping and the green assets which we acknowledge are so important and valued.</p>
<p>Options 2 &amp; 3 do not meet the third criteria, not within 100m.</p>	<p>This is not correct, all options are within 100m of existing Stray land.</p>
<p>Additional options suggested: There is land at Granby Farm (ref H22 in the Local Plan) presently under consultation for construction of more housing. The site adjoins the Stray at Granby Road / Silverfields Road and is therefore ideal as exchanged land. Take out some of the car parking space on any of the roads adjacent to the stray. Look at the A61 between the Princess of Wales roundabout and the centre of town: four lanes and two of them are for parking.</p>	<p>A large number of options for exchange land were considered but bearing in mind the requirements of the Stray Act and the tight timescales that need to be adhered to, the three options consulted on were the most appropriate.</p>
<p><b><u>Theme2: Critical of design and location</u></b></p>	<p><b><u>NYCC's response</u></b></p>

<ul style="list-style-type: none"> <li>• There are better routes into town</li> <li>• Such a short stretch will have no benefit</li> <li>• Concerns it will be dangerous and critical of how it will look</li> <li>• Steep road not suitable for cycling</li> <li>• The new housing developments will be car dependent so will not use this route</li> <li>• Question the demand and use</li> </ul>	<p>NYCC held a consultation at Harrogate Grammar school in 2019, where residents were invited to attend and the design options were presented. The design was completed using London Cycling Design Standards (LCDS), which is a technical document that was used to inform design options to design the high quality cycling infrastructure on Otley Road. A review of the design was recently completed using the recently published LTM 1/20 cycling infrastructure guidance.</p>
<p><b><u>Theme 3: Removal of tree/s and grass verges</u></b></p> <ul style="list-style-type: none"> <li>• Removal of mature trees is not good for the environment, wildlife and flood prevention</li> <li>• The trees and verges must be protected or aesthetic and heritage reasons</li> <li>• The trees and verges are what makes this route into the town centre special</li> <li>• The replacement trees will not benefit the residents</li> <li>• All Stray land must be protected otherwise more will be taken / nibbled away at</li> </ul>	<p><b><u>NYCC's response</u></b></p> <p>Whilst many responses were for the concern of the loss of trees, only one tree will be removed at the junction of Wordsworth Crescent and will be replaced by 4 trees at Harrogate Grammar school. The tree at Victoria Road is to be saved, as NYCC were able to adjust the design of the cycleway at this location. We acknowledge the concerns for the loss of grass verges, which is why NYCC has also minimised the amount of verge removal whilst ensuring the scheme design is effective and safe for users. The cycle route will not take all of the verges, some will remain and there will be some new verges created along the route. There will be 153.9m<sup>2</sup> of new grass verges created. Therefore, whilst the gross loss of verge removal is of 556.9m<sup>2</sup> the net loss is 403m<sup>2</sup>. Therefore the route will still have soft landscaping and the green assets which we acknowledge are so important and valued.</p>
<p><b><u>Theme 4: Concerns for pedestrian safety</u></b></p> <ul style="list-style-type: none"> <li>• Lessening the space for pedestrians</li> <li>• Bikes travelling at high speed is dangerous for pedestrians</li> <li>• Cars reversing out their driveways may collide with cyclists</li> </ul>	<p><b><u>NYCC's response</u></b></p> <p>The cycle route will reduce traffic by encouraging cycling and walking into Harrogate. Perception is that speeding cyclists will use the new route, whereas the faster, more confident cyclists are likely to continue to use the carriageway, it will be the less confident cyclists who are more likely to use the cycleway. These types of cyclists do</p>

	<p>not travel at speed. Pedestrian safety has been considered and where the cycle route is segregated cyclists are accommodated nearest the carriageway. There are shared areas on the route, where these shared areas are signage has been provided to warn both cyclists and pedestrians that they are entering a shared area. A full safety audit has been carried out by NYCC.</p>
<p><b><u>Theme 5: Against the cycle route generally / lack of demand</u></b></p> <ul style="list-style-type: none"> <li>• Question the use – need and demand</li> <li>• Sends out the wrong message that cyclists are the priority</li> <li>• There are not enough cyclists to warrant the investment</li> <li>• Better public transport and roads are what is needed more</li> </ul>	<p><b><u>NYCC's response</u></b></p> <p>The full cycle route runs from Harlow Moor Road to Beech Grove. The consultation is for the section of cycleway from Arthurs Avenue to Beech Grove, where Stray land is affected. Cycling and walking is being actively encouraged to reduce traffic travelling into Harrogate and the subsequent congestion and pollution. The government has recently identified funding with the aim to build on the significant increase in the number of people cycling since the coronavirus pandemic, the cycle route will increase active travel and embed the benefits of walking and cycling into how we live, work and get around. More over the recent NYCC Harrogate and Knaresborough congestion study indicated that 77% of respondents support more sustainable transport interventions.</p>
<p><b>Neither Agree or Disagree 5%</b></p>	
<p><b><u>These responses were very varied</u></b></p> <ul style="list-style-type: none"> <li>• Don't understand</li> <li>• Don't know the areas well enough</li> <li>• Querying boundaries of option 1</li> <li>• Want a bypass, querying demand</li> <li>• Feel cycle path inadequate</li> <li>• Just feel the cycle route should be delivered</li> </ul>	<p><b><u>Officer's response</u></b></p> <p>These responses do not substantiate any reasons for not going ahead with what is being proposed.</p>

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| <ul style="list-style-type: none"><li>• Not of concern</li><li>• Stray should not be touched</li><li>• Concern for trees.</li></ul> |  |
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