

North Yorkshire County Council

Business and Environmental Services

Executive Members

24 July 2020

Proposed 'Stray Land Exchange Three Options'

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 The purpose of the report is to advise the Corporate Director, Business and Environmental Services (BES) and the BES Executive Members of the upcoming consultation by Harrogate Borough Council relating to the three options for the Stray Land exchange that is required for the NPIF Otley Road cycle route.
- 1.2 This report is to inform of those three options ahead of the consultation by Harrogate Borough Council.

2.0 Background

- 2.1 In May 2018 Department for Transport allocated North Yorkshire County Council (NYCC) with £3.2 million to be spent by March 2020, as part of a bigger package of works with local authority contributions and third party contributions bringing the total cost of improvements to £4.6 million. This fund was to be spent in one of Harrogate's busiest transport corridors to the West of Harrogate.
- 2.2 Among the planned upgrades are improvements to junctions on Otley Road including smart traffic lights, extra traffic lanes, a new off road cycle lane to link into the developing cycle network and new/improved pedestrian crossings. These engineering measures will be complimented by an investment into the 'softer' measures such as publicity and education regarding sustainable travel.
- 2.3 The Cycle route has been designed off road along the wide footpath and verges of Otley Road. It has been designed to take cyclists on both sides of the road on majority segregated routes. The final design has included a number of new junction upgrades to introduce two new Toucan facilities for cyclists.
- 2.4 The design includes the use of the Stray, requiring a change in byelaw. This must be implemented by Harrogate Borough Council (HBC) under the Harrogate Stray Act 1985, and North Yorkshire County Council (NYCC) local highways team are liaising with Harrogate Officers. It is likely that the legal requirements associated with the Stray will not be concluded by March 2021. If this is the case the delivery will need to be split into phases. The first phase (Harlow Moor Road to Harrogate Grammar School), start date to be confirmed, the second phase (Harrogate Grammar School to the town centre) to be delivered at a later date once the use of the Stray and associated requirements have been concluded. There will be a third phase funded by developers, linking Cardale Park to Harlow Moor Road.

- 2.5 Harrogate Borough Council (HBC) and North Yorkshire County Council Officers (NYCC) have agreed three options for the Stray Land exchange, in consultation with the Duchy of Lancaster. The Chancellor of the Duchy of Lancaster is the freeholder of the Stray. Harrogate BC cannot exercise the power to grant consent conferred to them under the Harrogate Stray Act 1985 without the agreement of the Chancellor of the Duchy of Lancaster. HBC officers are therefore proposing to consult with their members on the three options of the Stray Land exchange, of which North Yorkshire County Council as the Local Highway Authority will be key statutory consultees.

3.0 Consultation

- 3.1 Harrogate Borough Council (HBC) will be taking a paper to their members 15 July 2020 to propose the public consultation arrangements. The three locations of the proposed Stray Land exchange are;

1. Harrogate Borough Council Land located adjacent to the Stray, at the side of Harrogate Hospital
2. Verge and footways on Arthurs Avenue
3. Verge and footways on St James Drive.

- 3.2 Locations 2 and 3 are Highway land and will therefore require the permission of the Highway Authority and necessary Traffic Regulation Orders.

4.0 Option Details

- 4.1 Option 1 Harrogate Borough Council Land adjacent to the Stray

- This is not Highway Land
- Currently looks like the Stray, and would be no visual change
- Would be a seamless transition from HBC land to Stray Land.

- 4.2 Option 2 Arthurs Avenue

- This would give the required Stray Land 'Pay Back'
- There would be no visual change to what is on site currently.
- This would mean converting highway verge and footpath into designated public open space, therefore preventing any further highway improvements in this location.
- There are no future highway improvements considered necessary at this location.
- It will make changes / improvements to vehicle crossings for existing residents much more difficult, as they would have to consult with the Duchy Of Lancaster.

- 4.3 Option 3 St James Drive would be the same as Arthurs Avenue above.

5.0 Officer Comment

- 5.1 Officer recommendation would be to progress with Option 1 as this would have no material change to the existing Highway

- 5.2 However if option 2 or 3 is chosen, it would have no serious effects to the current Highway network, and would only make it difficult for residents should they wish to install a new vehicle crossing into their property. This would still be achievable, however the residents or NYCC as the Highway Authority would have to consult with the **Duchy of Lancaster** over any highway improvements it wishes to make to any highway land that is exchanged as Stray. However, I must point out that maintenance and utility access would be allowed to be carried out without consultation.

- 5.3 After a recent meeting with Harrogate Borough Council it is noted that the preferred option 1 is the preferred option of the Duchy of Lancaster, and Harrogate Borough Council's members.
- 5.4 The relevant NYCC members have been consulted, and I will provide a verbal update at the Exec members meeting of any comments that I receive back from them
- 5.5 Once the consultation process has completed, and the decision has been taken on which option to accept, I will submit another report to exec members outlining the way forward in the stray land exchange process.

6.0 Financial Implications

- 6.1 If option 1 is chosen which is the preferred option, then this would be at no cost to the Highway Authority.
- 6.2 If options 2 or 3 are chosen, then this would be subject to a Traffic Regulation Order, which would cost in the region of £3,000.

7.0 Equalities Implications

- 7.1 No significant equalities implications have been identified as a result of the recommendations of this report.

8.0 Legal Implications

- 8.1 No significant legal implications have been identified as a result of the recommendations of this report

9.0 Recommendation(S)

- 9.1 It is recommended that –
- i.) Members note the content of this report.
 - ii.) Harrogate Borough Council consult on all 3 options as part of their requirements from the Duchy Of Lancaster, it is therefore requested support is given for the officers preferred scheme which is Option 1 as Stray Land 'Pay Back' for the reasons set out in this report

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