

	REPORT TO THE OVERVIEW AND SCRUTINY BOARD TO BE HELD ON 13 SEPTEMBER 2017	
Corporate Priority All	Cabinet Portfolio Holder	Cllr Mike Cockerill

REPORT OF: DIRECTOR (NE) – 17/190

WARDS AFFECTED: ALL

**SUBJECT: DRAFT RESTORATION PLAN FOR THE CINDER
TRACK (OLD RAILWAY)**

PURPOSE OF REPORT:

To consult with the Overview and Scrutiny (O&S) Board upon the content of the draft Restoration Plan for the Cinder Track in order to obtain feedback prior to presenting the plan to Cabinet for adoption or otherwise.

1.0 INTRODUCTION

- 1.1 The Cinder Track is a largely off highway multi-user route connecting Scarborough to Whitby via the disused Scarborough and Whitby Railway Line. The Track is popular with both local communities and visitors allowing access to the countryside as well as local amenities. It passes through wonderful scenery and provides outstanding views over the landscape as well as providing an everyday connection between villages and towns.
- 1.2 The Borough Council owns the land over which the Cinder Track runs and access is currently enabled due to the designation of the route as a permissive bridleway. The route forms part of National Cycle Network (NCN) Route 1 and the European North Sea Cycle Route. A Management Strategy was developed in 1995 and an Action Plan in 2011, however, competing interests, uses and funding priorities have prevented a coordinated and comprehensive restoration plan to date. Over the years improvements have been made such as a road crossing at Hawsker and Burniston, the purchase of Larpool Viaduct by Sustrans and subsequent incorporation into the Cinder Track, and recent resurfacing of the Track south of Ravenscar and north of Robin Hoods Bay by the Borough Council. In addition voluntary organisations (Friends of the Old Railway and Gateway Whitby) have raised funding for and

carried out localised improvements. However the overall standard of the Track, in particular its surface, has deteriorated over the years and in many places it is now in poor condition.

- 1.3 The Borough Council's recently adopted Local Plan has a specific policy (INF4) relating to the Cinder Track. The Policy states that "The Cinder Track...will be protected and developed as a recreational route as well as promoted as a sustainable commuting route." It has long been recognised that to reverse the deterioration and to create and implement an effective management strategy will take substantial co-ordinated investment.
- 1.4 In 2016, Sustrans were awarded Coastal Revival Funding to develop a comprehensive restoration plan for the Cinder Track. The Plan is appended to this report gives an overview of the Track - its importance and the problems that it faces, and proposes how these challenges will be met. It looks at the potential the Track has to boost the local economy and contribute to health outcomes. Specific design details are given in series of maps covering the whole route with suggested phasing and actions proposed to achieve improvements. The Restoration Plan is designed to be a working document providing design solutions and /or recommendations to inform strategic direction and future management. It is intended that it can be used to coordinate funding bids and action which would assist the Council deliver its aspirations as identified in the Local Plan.

2.0 CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 This report supports all four of the Council's key aims.

3.0 BACKGROUND AND ISSUES

- 3.1 The Cinder Track is currently a permissive bridleway which attracts a broad range of users including walkers, cyclists, horse riders, disabled users, dog walkers, vehicular access for domestic properties, agricultural access and commuting. Balancing the needs of such a range of users can be challenging and conflicts have the potential to occur. Analysis of the consultation responses indicates that the majority of users are walkers (74%), with cyclists (59%), dog walkers (37%) and horse riders (6%) making up the significant minority. The cumulative figure exceeds 100% which supports previous work which has suggested that individuals make use of the track for more than one purpose.
- 3.2 There has been a historic lack of investment in the maintenance of the track. The track surface has suffered significant erosion, drainage channels are blocked and the track sides have suffered from a lack of direct management. This can result in some sections of the track being impassable during winter months. It should, however, be noted that in some areas this lack of direct management has resulted in the creation of important local ecosystems

supporting local biodiversity and rare plant species. The importance of the Cinder Track as a wildlife corridor, stretching north to south should not be underestimated.

- 3.3 Tree growth along the track sides has also been unregulated and this has resulted in large numbers of self-seeded trees growing along the track side. These trees have clear ecological benefit but also present track surface management issues as many are growing in the track drainage channels.
- 3.3 The Cinder Track has been broadly managed over the last decade by a Management Board consisting of representatives from Scarborough Borough Council, Sustrans, North York Moors National Park, Friends of the Old Railway, Groundwork and Whitby Gateway.
- 3.4 The Borough Council's recently adopted Local Plan contains a specific policy relating to the Cinder Track. Policy INF 4 is appended to this report for information and specifically states:

The Cinder Track, as shown on the Policies Map, will be protected and developed as a recreational route as well as promoted as a sustainable commuting route. Proposals within the vicinity of the Cinder Track will have to demonstrate that it will not harm the character, integrity or amenity value of the route. Proposals that meet this criteria and have accessible routes onto the Cinder Track will be expected to demonstrate how this sustainable route can be utilised and contribute to improvements designed to increase recreational use and sustainable commuting.

The Cinder Track runs between Scarborough and Whitby passing through the North York Moors National Park for the part between Cloughton and the outskirts of Whitby. It is the route of the former Scarborough to Whitby Railway Line and is a natural green corridor with valuable wildlife and habitats along its length. The Cinder Track has long been an important recreational feature and is well used by walkers, cyclists and horse riders. It remains of great potential for further improvements to benefit both residents and visitors to the area. This attraction benefits from the views to and from it and development which would harm the sensitive sections of the Cinder Track should be resisted.

In addition to being an asset for recreational purposes, the Cinder Track offers the opportunity for more sustainable travel modes (walking and cycling) into the towns of Scarborough and Whitby for work, education, leisure and shopping from the suburbs and nearby rural villages. These routes are currently underutilised for such purposes and greater usage should be encouraged wherever possible through improvements.

A means of increasing usage is to ensure that any new developments within reasonable proximity to the Cinder Track actively promote its use as an alternative to road based transport and thereby relieve pressure on the local highway network, provide appropriate access whilst not adversely affecting the integrity of the line and, where appropriate, contribute to improvements to the Cinder Track. The proposed housing allocations within reasonable proximity to the Cinder Track in Scarborough, Whitby and Scalby and within the villages of Burniston and Cloughton will be expected to make a contribution through a Section 106 Agreement to the improvement of the Cinder Track. Such improvements would be determined in consultation with the Borough Council and the Cinder Track Steering Group. (3) Likely improvements could include the attainment of a well-drained surface, suitable for use

by pedestrians and cyclists, with a minimum width of 2.5m; and the installation of street lighting along the urban section of the Cinder Track between Scalby and central Scarborough. This should also form part of any required Travel Plan.

4.0 CONSULTATION

- 4.1 At the outset of this project, the Groundwork Trust undertook an online public consultation, on behalf of Sustrans, to help inform the development of the Restoration Plan. This consultation received over 1100 responses.
- 4.2 The draft version of the Restoration Plan was published by Sustrans earlier this year and subsequent direct consultation has been undertaken with Parish Councils along the route. This consisted of a public meeting at Fylingthorpe together with written correspondence with other Parishes.
- 4.3 In addition, Sustrans and the Borough Council arranged an open public information session on 5 September at the Colliseum in Whitby.
- 4.4 A significant number of positive comments have been received by Borough Council Officers, National Park Officers and representatives of Sustrans throughout the process. In addition, supportive media articles have appeared in some specialist publications.
- 4.5 There has also been considerable opposition to the proposals and an online petition on change.org has received 3190 signatures (data correct as of 11 August 2017) opposing the restoration plan. This petition was covered in a BBC Look North media broadcast earlier this year. It is understood that a copy of this petition will be presented to Councillor Mortimer in due course.
- 4.6 The Cinder Track Management Board has met to discuss the content of the Restoration Plan and further evidence has been submitted by the National Park which is considered in detail in paragraph 5.7 of this report.

5.0 ASSESSMENT

- 5.1 The Borough Council has adopted the new Local Plan which contains a specific policy which seeks the future development and protection of the Cinder Track as a recreational and commuter route. The Restoration Plan, developed by Sustrans, provides a comprehensive framework for this to be achieved.
- 5.2 There are clear economic and health benefits to the local and wider communities which could be delivered as a result of restoring the Cinder Track. The Restoration Plan sets out the cost benefit analysis of this project

in Appendix 2. When valued in line with Department for Transport WebTAG guidance, the potential usage of the Cinder Track by cyclists and pedestrians following restoration is valued at £37,000,000 over 20 years. Typical of walking and cycling schemes, the majority of the benefits accrued are to health (73% of all benefits) and journey quality (22% of all benefits). The benefit to cost ratio (BCR) is estimated to be **5.1:1**, comparable to other walking and cycling schemes. The Department for Transport categorises schemes with a BCR greater than 4.0:1 as being 'very high' value for money. Applying a 10% decay rate to demand, as recommended by the Department for Transport, gives a BCR of **2.8:1**, within the 'high' value for money category.

- 5.3 The delivery cost of the plan is estimated at over £7 million. It should be noted that this is an aspirational scheme and a degree of optimism bias has been incorporated into this calculation. Should the Council decide to adopt this plan, then external grant funding would need to be sought to enable delivery. The Rural Development Programme for England (RDPE) Rural Growth Programme for Rural Tourism Infrastructure is currently open for funding bids of up to £2 million across North and East Yorkshire for projects of this type. This funding is time limited and awarded on a first come first served basis so the Council would need to move quickly should it wish to make an application for this grant.
- 5.4 The initial consultation, undertaken by Groundwork received over 1100 responses, largely from current track users, with over 75% supporting improvements to the track. Secondary consultation, undertaken by Sustrans in summer 2016, suggested that over 75% of respondents felt that the proposals within the draft plan were either good or very good.
- 5.5 The proposed Restoration Plan has also courted considerable opposition as outlined in paragraph 4.5 of this report. The primary concerns raised relate to the proposed track surface; the potential damage to local wildlife and biodiversity; the potential for conflict between track users; the potential speed of cyclists using the track together with a general response that the track should be left as it is. These are important issues which the Borough Council would need to address should it wish to take this project forwards and appropriate measures which recognise these concerns would need to be included in any planning submission for work on the track.
- 5.6 The North York Moors National Park has also been consulted on the Restoration Plan and the points below summarise the Parks position:
 - The National Park wholeheartedly support the need to improve the surface and drainage of the route, to provide a more easily managed multi user, off road recreational route and a safe place for local people to commute to school or work.

- The Park could only support a project which saw the value of the route as a wildlife habitat and corridor enhanced and we would expect that a thorough and detailed analysis of the environmental impact of the proposal should be carried out prior to any work taking place.
- The Park believes that where the route passes through the National Park, a sealed surface is not suitable or necessary unless the route is shared with vehicular traffic.
- The Park does not believe that it is necessary or desirable to construct a 3m surfaced width for the whole length. This would exacerbate issues of user conflict rather than ease them. It would also negatively impact on visual amenity. Likewise, the need for a 1m margin of managed vegetation on either side of the track for its whole length is considered unnecessary. Passing places at regular intervals should be sufficient so long as user speeds are reasonable.

5.7 Subject to adoption of the Cinder Track Restoration Plan by Cabinet, Officers will undertake to seek funding to commence the delivery of the plan. The delivery of this plan will require full planning consent from the appropriate Planning Authority, namely the North York Moors National Park and Scarborough Borough Council, and adoption of this plan does not circumvent this requirement.

6.0 IMPLICATIONS

(a) Policy

There are no new policy implications that arise from this report.

(b) Financial

The delivery of capital projects contained within the Restoration Plan will almost certainly have financial implications. These implications will be the subject of future reports and will be considered on an individual basis as they occur.

(c) Legal

There are no legal implications associated with this report however some of the actions contained within the Restoration Plan may have legal implications as they progress. Any implications which may arise will be reported to Members as they arise and will be subject to the ongoing scrutiny of the Board. It should be noted that the Cinder Track is currently a permissive Bridleway along its entire length. As such, its use by the general public is by permission rather than by right, as is the case with a public bridleway or footpath. This means the owner is able to close it, or a section thereof (perhaps for maintenance works), without prior warning or legal procedures.

(d) Equalities and Diversity

The Restoration of the Cinder Track would deliver an aspiration to ensure access for all wherever practicable and thus fulfils the Council's Equalities and Diversity Agenda.

(e) Staffing Issues

There are no staffing issues associated with this report.

(f) Planning, Environmental, Health and Safety, Sustainability, Crime and Disorder

There are planning, environmental and sustainability issues relating to this plan which are outlined with the report and appended plan. Delivery of capital projects associated with this plan would require appropriate planning consents and associated robust environmental assessment.

Nick Edwards
Director

Author: Paul Thompson – Operations, Transport and Countryside Manager

Telephone No: 01723 232323

E-mail address: paul.thompson@scarborough.gov.uk

Background Papers: None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT PAUL THOMPSON ON 01723 232323 OR E-MAIL paul.thompson@scarborough.gov.uk

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1		'Do nothing'	The Cinder Track continues to fall into a state of disrepair and becomes unfit for purpose.	Development and delivery of a plan for the restoration of the track will provide a framework for improvement	C3	B2	Operations, Transport & Countryside Manager	As identified in the report
2		'Do nothing'	The Council fails to attract external funding to take forwards capital works to restore the track.	Development and delivery of a plan for the restoration of the track will allow for funding bids to be submitted as appropriate	C3	B2	Operations, Transport & Countryside Manager	As identified in the report
3		The Council fails to recognise the environmental importance of the track as a wildlife corridor	Damage to the local environment	Ensure that full consideration is given to the local environment and biodiversity at all stages of the restoration of the track	C3	B2	Operations, Transport & Countryside Manager	
4		The Council fails to take the views of local communities into account when delivering the restoration of the track	Reputational damage and potential challenge	All aspects relating to the wholesale track restoration will be subject to consideration by the appropriate Planning Authority	C3	A1	Planning Services Manager	

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
			A	B	C	D
		Likelihood				

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster