

	REPORT TO THE OVERVIEW AND SCRUTINY BOARD TO BE HELD ON 5 DECEMBER 2018	
	Topic Task Group	Cinder Track Cinder Track
Corporate Aims People, Place and Prosperity	Cabinet Portfolio Holder for Leisure	Councillor M Smith

REVIEW OF THE CINDER TRACK

Report of the Overview & Scrutiny Cinder Track Task Group (reference 18/280)

WARDS AFFECTED: All

REASON REPORT REQUESTED:

This review was commissioned by the Overview and Scrutiny Board in September 2017 after considering the proposals developed by Sustrans for the Cinder Track and deciding that the Board would not be in a position to make a decision on these proposals until it had explored alternatives. Further time was needed for the Council to work on this, and therefore the Board decided to form a Task Group to examine the evidence and consider all of the pertinent issues.

PURPOSE OF REPORT:

To present the Overview and Scrutiny Board with the findings and recommendations of this Task Group.

STATUS OF REPORT:

This report is the work of the Member Task Group, on behalf of the Overview and Scrutiny Board, and where opinions are expressed it should be pointed out that they are not necessarily those of Scarborough Borough Council. While we have sought to draw on this review to make recommendations and suggestions that are helpful to the Council and its partners, our work has been designed solely for the purpose of discharging our terms of reference. Accordingly, our work cannot be relied upon to identify every area of strength, weakness or opportunity for improvement.

ACKNOWLEDGEMENTS:

The Task Group wishes to extend its thanks to all those who contributed their views, experiences and expertise to this review: local residents, horse riders, cyclists, ramblers, ecologists, disability activists, local businesses, Friends of the Old Railway, Whitby Gateway Community, Robin Hoods Bay 'Save the Cinder Track' Group, parish and town councils.

We are also grateful for the support of Richard Gunton, Director of Parks Services and Elspeth Ingleby, Natural Heritage Officer at North York Moors National Park Authority during this review and to the Peak District National Park for hosting a very informative visit to the Tissington and Monsal trails earlier this year. The degree of interest in, and affection for, the Cinder Track gives us much encouragement that together we can secure a bright future for this unique multi-user leisure and commuting route.

We trust our report demonstrates how much our understanding of the issues facing the Cinder Track has improved as a consequence of these contributions.

HIGHLIGHTED RISKS:

The principal risk is that the Cinder Track is left to erode further and become more overgrown. Investment in the track is necessary to preserve this valued resource for years to come, with all the public health, community, environmental and economic benefits it brings to the Borough outlined in the Restoration Plan.

1. INTRODUCTION

- 1.1 The Task Group responsible for this review comprised Cllrs Hazel Lynskey (Chair), Godfrey Allanson, Liz Colling, Gerald Dennett, and Jane Mortimer with officer support from Paul Thompson, Operations, Transport and Countryside Manager, Tim Allison, Parks and Countryside Manager, Tim Burkinshaw, Wetland Project Officer, and St John Harris, Democratic Services Manager.

Objective of the review:

To develop balanced proposals to secure the future of the Cinder Track, taking into account the views of different users and stakeholders

Outcome:

Proposals which attract a broad base of support to secure the future of the Cinder Track, as a basis for subsequent planning and funding applications

2. BACKGROUND

- 2.1 The Cinder Track, also known as the Scarborough to Whitby Old Railway, runs from Whitby passing through communities such as Robin Hoods Bay and

Ravenscar on route to Scarborough. The track is wholly owned by Scarborough Borough Council with the exception of Larpool Viaduct owned by Sustrans.

- 2.2 Since its closure as a railway the track has been maintained as an informal path and, for most of its length, a permissive bridleway. The name 'Cinder Track' was adopted locally as the track bed was originally laid on cinders and clinker rather than the more traditional crushed stone.
- 2.3 The track runs through breathtaking scenery and provides a well-used, well-loved urban and rural multi-user environment for both leisure and commuting. The very nature of the track and the changing landscapes through which it passes places a significant challenge for its ongoing maintenance and future restoration.
- 2.4 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.
- 2.5 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.
- 2.6 In 2016, Sustrans was awarded Coastal Revival Funding to develop a comprehensive restoration plan for the Cinder Track. Sustrans' plan provided an overview of the track, its importance and the problems it faced, and proposed how these challenges would be met. Specific design details were given in a series of maps covering the whole route with suggested phasing and actions proposed to achieve improvements. Sustrans' work was subject to extensive consultation, both at its outset and when a draft Restoration Plan had been produced. In addition to attracting a significant number of positive

comments, it also became clear that there was considerable opposition to the Plan, not least the nearly 3000-strong petition presented to the Council.

2.7 These issues were aired by local residents and users of the track at a meeting of the Overview and Scrutiny Board on 13 September 2017 when the draft Restoration Plan was submitted to the Board for comments. Principal concerns centred on:

- The proposed track surface and use of tarmac
- The proposed width of the track
- The potential damage to local flora, fauna and biodiversity
- The potential for conflict between track users
- The potential risk of speeding cyclists
- The failure to take proper account of the multi-user nature of the track

2.8 After considering the Sustrans report and the views of local stakeholders at this meeting, the Overview and Scrutiny Board concluded that, although the report was a useful starting point, more work needed to be done.

3. METHODOLOGY

3.1 The Task Group has involved a close collaboration between Scarborough Borough Council and North York Moors National Park Authority to develop a new draft Restoration Plan for the Cinder Track. Key milestones for this review have been:

- 29 November 2017 – site visit to the Cinder Track
- December 2017 – work to develop new ecological principles for the track in conjunction with the National Park Authority
- 12 January 2018 – visit to the Tissington and Monsal trails in the Peak District. Assess the multi-user surface, Ultitrec
- 8/9 February 2018 – informal consultation with key local stakeholders
- April 2018 – development of partnership approach with the National Park Authority on volunteering
- September 2018 – publication of draft Restoration Plan and informal consultation events with local stakeholders
- 18/20 September 2018 – formal consultation meetings with local stakeholders at the Town Hall
- 22 October 2018 – meeting with Whitby Town Council
- 1 November 2018 – public meeting at Whitby Coliseum
- 22 November 2018 – public meeting at Fylingdales Village Hall, Robin Hoods Bay
- 23 November 2018 – public meeting at Ravenhall Hotel, Ravenscar

4. FINDINGS AND ASSESSMENT

- 4.1 The draft Restoration Plan appended to this report highlights how valuable the track is to the local area as a green space, recreational facility, wildlife corridor and traffic free transport route. This plan then assesses this value against local development strategies and the need for restoration alongside the current physical condition of the track infrastructure. There is no doubt that we are at a crossroads when it comes to the track and the status quo is not an option – leave the track as it is and it will gradually erode further and become more overgrown. Investment in the track is necessary to preserve this valued resource for years to come.
- 4.2 The result is a plan containing a comprehensive package of improvement and management proposals which aim to make the best and most appropriate use of this valuable resource for all sections of the community. It is intended that this plan is adopted by stakeholder organisations as the blueprint for the long term development of the track, providing a strategic vision which can be delivered over a number of years. It is also intended that this plan will form the basis of future grant funding applications.
- 4.3 Included in the plan's Restoration Principles is a section on 'Ensuring future sustainability' which proposes a number of alternative funding models engaging the voluntary and community sector, and a series of measures which could be introduced to generate an income which can be used to offset the future maintenance costs for a restored track. Until a funding model has been established and these income-generating measures have been introduced as part of the capital works, the Task Group recommends an annual revenue grant of £70k to ensure future maintenance is financially sustainable. A further £20k is recommended to fund the planned update to the ecological surveys set out in the plan.
- 4.4 In addition to broad support for the plan, the recent consultation process has elicited a number of concerns which have been addressed as appropriate in the Plan. The consultation responses are appended to this report in the following format:
- Appendix B – minutes of the public meetings held on 18th & 20th September 2018
 - Appendix C – comments received at 'open surgery events' at Whitby, Robin Hoods Bay and Ravenscar
 - Appendix D – letter from Whitby Town Council.

The concerns raised by the key stakeholders which broadly reflect those received at the open surgery events held in local communities are set out in detail below.

Comments	Officer response
<p>Friends of the Old Railway priorities for the Cinder Track:</p> <ol style="list-style-type: none"> 1. End of Manor Road Cemetery to Station Road in Scalby – needs upgrading to release pent up demand by commuters / cyclists for daily journeys – track bumpy and not wide enough 2. Hawsker to Whitby – needs upgrading - sensible distance for everyday journeys 3. Scalby to Burniston – loose nature of material and ruts catch out cyclists and lead to accidents, in particular beginners – commutable distance to Scarborough 4. Borough is disconnected for road cyclists between north and south. Particular difficulty on the main road between Falcon Inn and Boggle Hole turn off. So would like Ravenscar to Boggle Hole section of track to be upgraded to help connect Borough for road cyclists 	<p>The Restoration Plan sets out a clear framework for general improvements to track surface using the Ultitrec compound and tarmac at specified locations. Whilst, it is accepted that there is no suitable north south connection for road cyclists it would not be appropriate to apply a sealed surface to the Cinder Track on the identified section to bridge this disconnect as it would be environmentally damaging and would be in direct contradiction to the majority view. The Ultitrec surface will provide a track suitable for leisure cyclists to transit north to south.</p>
<p>Woodland Trust:</p> <p>We are pleased to note that no widening or maintenance work will now occur within areas of ancient woodland.</p> <p>Will there be lighting installed within areas of the track bordering ancient woodland? If so, we would ask that for these areas that bat friendly lighting is provided to reduce any disturbance on nocturnal species.</p> <p>Overall, the Trust is satisfied that the measures outlined in the draft Restoration Plan should adequately protect the areas of ancient woodland adjacent to the track from</p>	<p>Yes. Some trees will need to be removed adjacent to the track, but this will not affect the areas of ancient woodland nearby.</p> <p>Yes</p>

<p>disturbance during the restoration works.</p>	
<p>British Horse Society Regional Access Officer:</p> <p>Report states that only 6% of track users are horse riders. Question this statistic since many riders hack out in the early hours of the morning. Willing to undertake a head count of horse riders and frequency of track use to assist the Task Group</p>	<p>Will check data, and undertake more survey work as required with the help of the BHS. It is however felt that the proposals contained within the Restoration Plan accommodate the needs of horse riders.</p>
<p>Scarborough and District Group, Ramblers Association:</p> <p>There are four embankments each with a tunnel in the centre and a stream running through between Stoupe Brow and Boggle Hole road which are in a poor state of repair. Danger of collapse and flooding. Repairs should be included in the Project Plan.</p> <p>Against use of tarmac on the track below Stoupe Brow. The people who use their vehicles on the track to access their properties do not want it. Their vehicles do not damage the track, rather it is the farmers' tractors and trailers. Prefer use of crushed stone as the Forestry Commission use</p>	<p>An allocation is made within the final costings to survey and repair all major structures and drains along the length of the track.</p> <p>It is only proposed to use tarmac in a very short stretch from Stoupe Brow bridge to two properties to facilitate access.</p>
<p>Local resident:</p> <p>Against use of road planings in some areas – even if well compacted, they are little more than a poor person's tarmac</p> <p>Against chicanes – will encourage rogue cyclists to show off. Gates should not be locked and should be accessible for all users. Limit signage to the necessary (should not be an art display) and prevent street clutter</p> <p>Memorial benches can become a negative influence when adorned with vases and</p>	<p>Agreed. Ultitrec is the preferred surface</p> <p>Agreed. Different measures will be used to slow cyclists and other users appropriate to the location on the track</p>

<p>flowers – cannot be used to sit on. Limit non-natural street furniture to that of need. Do not decorate the track, but allow people to see the natural beauty around</p> <p>‘The management committee would undertake the day to day running of the track’ Is this a change of responsibilities? Last year, was informed that the management committee e.g. Friends of the Old Railway had overarching management responsibility, not the day to day</p> <p>‘Improved signage on Lancaster Way’ (residential cul-de-sac/turning circle). Congestion problems raised by residents of LW do not seem to have been taken into account, including use of turning circle as a free parking area by track users</p> <p>Fylinghall car parking – believe this should be free, otherwise drivers will clog up neighbouring single track roads to avoid payment. Prefer a donations approach.</p> <p>Suggest a track maximum speed limit of 10mph which would be self-policing</p> <p>Suggest a priority code for users as seen elsewhere:</p> <ul style="list-style-type: none"> i Bikes and motorised vehicles give way to walkers, wheelchair users and horse riders ii Walkers give way to horse riders iii Horse riders to be aware of all other users 	<p>Memorial benches could be a key source of income for the future maintenance of the track. Care will be taken, however, when siting any benches to ensure that their placement is sensitive to the local environment</p> <p>No change of responsibility, just a different use of words.</p> <p>The improved signage on Lancaster Way will include appropriate ‘No Parking’ signs for vehicular traffic as well as directional signage for track users.</p> <p>Agreed. A donations approach would be appropriate in this area</p> <p>A Code of Conduct has been included in the final Restoration Plan</p>
<p>Local resident:</p> <p>Welcomes the change in tone in the document and the emphasis now given to describing the Track as both a multi-user track path connecting villages and dwellings, and a unique wildlife and</p>	

ecological corridor supporting a wide range of biodiversity, rare plants and species.

Plans that work on this scale cannot be undertaken without adequate baseline data. However, the document is generous to the earlier work done by Sustrans. Need to be clear that the Phase 1 survey of 2012 by Sustrans was then, and still is, out of date and partial. It helped to highlight the scale of diversity on the Track but, sadly, was ignored by Sustrans themselves when they came to planning and sequencing the works. This can't be allowed to happen again. Notes the intention in the document to update the Phase 1 study and would hope that it goes further and is seen to underpin the scale and nature of the works along the Track. To that end hopes to see rigorous planning conditions applied by NYMNP/NYCC and independent ecological oversight of the proposed works.

Notes there is no funding immediately available for the £3.5 million cost of the works. This presents a challenge. Not least it requires that the change in the tone of these proposals and the core principles continue to guide funding applications and any phased work does not become so ad hoc that it undermines them and further damages the wonderful resource already there – for all that it needs maintenance and some TLC

Very impressed by new Plan – reflects the local campaign's views, is readable and accessible

Would like to continue to work with the Council to make the Plan a reality. Campaign group with a mixture of skills who can offer much to the ongoing management of the track. Would like the campaign group and others with an interest to be

Agreed. The Restoration Plan will be a live document and further ecological study will be undertaken in 2019. This will inform updates to the ecological principles contained within the plan.

Agreed. It is important that the plan sets out a clear set of restoration principles which will be followed whatever the scale of works undertaken on the track.

Welcome this offer and will involve campaign group in future management

<p>represented on the Management Group</p> <p>Funding is a challenge – needs strong community support but huge educational and leisure potential</p> <p>Would like funding to be prioritised on the maintenance and development of the track and to see money ringfenced on an annual basis for maintenance</p>	
<p>Concern at proposed use of Ultitrec – why not use crushed limestone instead? Can we see a sample?</p>	<p>Ultitrec is more akin to a forestry crushed stone than a sealed, tarmac surface. Ultitrec has been used to great effect on the Tissington and Monsal trails. Samples of this surface will be trialled</p>
<p>Concern at speeding/racing cyclists and conflict between users</p>	<p>The proposed Code of Conduct which will be largely self-policing will create a family friendly environment that will discourage racing cyclists. Most users are respectful to other users. Ultitrec surfaces slows down cyclists, and discourages speeding. The Code of Conduct will also ask users to respect wildlife.</p>
<p>Concern that special events in the new plan may include cycle time trials</p>	<p>The restoration of the Cinder Track will afford opportunities for any future events to be properly marshalled and managed with appropriate signage, rather than the current free-for-all</p>
<p>The Restoration Plan needs to reflect the important cultural heritage of the track</p>	<p>Agree. Heritage interpretation is now identified at various locations along the track in the ‘Identified works’</p>
<p>Need measures to reduce speed of cyclists between Ravenscar and Station Lane in Cloughton</p>	<p>Agree. It is proposed to retain the existing ‘cross-track’ gates in key locations to reduce the speed of</p>

	cyclists
<p>Concern at the proposal to open up Ravenscar Tunnel because of (i) increased congestion, parking and street furniture (ii) anti-social behaviour (iii) cost and (iv) effect on bat roosts</p>	<p>(i) Parking and congestion problems have been raised by a number of communities as part of the consultation. It is not felt that the current issues are a direct result of the Cinder Track, however, officers will directly raise the concerns with the Highway Authority outside of this process.</p> <p>(ii) A sum has been included in the proposals to provide a decorative arch and gates at either end of the tunnel to prevent anti-social behaviour.</p> <p>(iii)The cost of re-opening the tunnel is considered appropriate within the scheme of the whole plan.</p> <p>(iv) Bat surveys have revealed small numbers of bats which use the tunnel to transit from one end to the other. Confident that if the tunnel is returned to use, that working with the ecologists, a solution can be found which will enhance the habitat for bats</p>
<p>Whitby Naturalists' Club and Scarborough Field Naturalists:</p> <p>Very pleased with draft Plan and the Environmental Principles.</p> <p>2:1 tree replacement ratio may be too onerous if applied rigidly – should allow some flexibility</p> <p>Would very much like to see a nature trail</p>	<p>Agreed. The 2:1 replacement ratio demonstrates a commitment to tree replacement, however, this will be undertaken sensitively in</p>

<p>developed in Larpool Wood and Cock Mill Wood as an offshoot/loop off the Cinder Track to enhance visitors' enjoyment of the spring flora here</p> <p>Recent surveys have revealed bat foraging habitat at the Whitby end of the Cinder Track. If lighting goes ahead here, then suggest further survey work to mitigate impact.</p>	<p>consultation with local ecologists.</p> <p>The nature trail will be considered as an add-on to this project in the future, subject to landowners' consent.</p> <p>Agreed</p>
<p>Yorkshire Coast & Ryedale Disability Forum and Disabled Ramblers:</p> <p>Access for disabled people is possible, at several places at the south end of the track, but currently very, very limited at the northern end. If disabilities of all forms are considered, then surfaces along the track, nearest to Scarborough, are reasonable for most, if not all, of the year. At the northern end, from the tourist hot spot of Whitby, the only access is onto a rough, wet, usually muddy track that needs immediate attention. For most of the year the surface deters those with visual and mobility impairments, as well as young families walking or cycling to school, and those commuting to town.</p> <p>New access is proposed both north and south of the Larpool viaduct, which is excellent, as the views of the river Esk are good. I would suggest that the plan adds a viewing platform for wheelchair users, to be able to see over the walls of the viaduct. Alternatively remove the iron sheets, one on either side, and replace them with toughened glass screens, creating a perfect view from a wheelchair. Seats are always appreciated by the disabled, their partners and the elderly, on viewpoints like the viaduct as well as along the track itself.</p>	<p>Agreed. A tarmac surface is proposed as far south as the Larpool Viaduct to ensure access is available to all</p> <p>Elsewhere, the Ultitrec surface is suitable for all users, including wheelchairs, and access points are proposed at multiple locations along the track.</p> <p>Agreed. This will be discussed with Sustrans as landowners</p>

<p>Farmer and Cinder Track user who lives in Fylingdales parish. Separated from the rest of the parish by a 14 mile road trip. The distance along the Cinder Track is 2.5 miles. Pays an annual licence to the Borough Council to use the Cinder Track. Carries out some 20-30 hours of maintenance a year of the track on a voluntary basis. Very important that both HM Coastguard and the Fire Service can continue to use the track to access isolated dwellings and the cliff top</p>	<p>Plan continues to support access for HM Coastguard and the Fire Service, to avoid the separation of communities and to restrict unauthorised access. Council continues to be grateful for this voluntary maintenance work.</p>
<p>How much could Sirius Minerals contribute towards the maintenance and future sustainability of the track?</p>	<p>This is to be explored further. Already Sirius Minerals are in discussion about funding for off road mobility scooters to be stationed at both Ravenscar and Trailways at Hawsker.</p>

5 RECOMMENDATIONS

5.1 The Board is asked to support the following recommendations to the Cabinet:

1. That the draft Restoration Plan for the Cinder Track (Appendix A) is approved
2. That mainstream budget provision of £70k pa is approved for the future maintenance of the Cinder Track as part of the Council's Financial Strategy and Revenue Budget
3. That £20k is allocated to update the ecological survey of the Cinder Track
4. That officers are instructed to submit external capital funding applications as appropriate to support the implementation of the Restoration Plan and to ensure the Cinder Track remains sustainable for the future.

6 IMPLICATIONS

Policy

6.1 Section 3 of the Restoration Plan sets out its Strategic Context including the Borough Council's Strategic Priorities:

1. To have a safe, happy, healthy population, with people who feel valued and included.

2. To protect and improve our environment, now and for the future.
3. To develop a prosperous and innovative borough, with a highly skilled and aspirational workforce.
4. To be an efficient and effective Council that is financially sustainable for the future.

And the specific policy (INF4) in the Borough Council's recently adopted Local Plan relating to the Cinder Track:

"The Cinder Track...will be protected and developed as a recreational route as well as promoted as a sustainable commuting route."

Legal

- 6.2 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. 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.

Financial Implications

- 6.3 A key section of the Restoration Plan is the schedule of identified works which is at stage 2 'concept design' with detailed technical design to be undertaken as part of any future capital scheme. The improvements have been provisionally costed at some £3.5m with further detailed technical works required at stages 3 and 4 to refine the costs further. It is anticipated that these works would be the subject of one large or several smaller capital grant applications in order to progress them. While these applications are for the future, the Cinder Track requires now regular maintenance to prevent further deterioration costed at £70k pa. In addition, the identified update to the ecological surveys is costed at £20k.

Environmental and sustainability implications

- 6.4 The Restoration Plan establishes a set of specific ecological principles that will be further enhanced following an update of the phase 1 habitat survey previously undertaken in 2012.

**Equalities and Diversity, Staffing Implications, Planning Implications,
Crime and Disorder Implications**

- 6.5 The Restoration Plan is underpinned by the commitment to make the Cinder Track accessible to all users at major access points. It is estimated that an annual revenue budget of £70k is required to ensure future maintenance is financially sustainable. This budget would pay for a full time employee, an apprentice, a vehicle and associated plant and materials. Subject to Cabinet approval, the Restoration Plan will form the basis of a planning application to the North York Moors National Park Authority in early 2019.

**Councillor Hazel Lynskey
Chair of the Scrutiny Task Group**

Background papers:

None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT
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