

**North Yorkshire Council
Scarborough and Whitby Area Constituency Committee
7 June 2024**

**Assessment of Walked Routes to School –
Stainsacre to Caedmon College, Whitby**

1.0 Purpose of the Report

1.1 At its meeting on 22 March 2024 the Committee considered a question from a member of the public regarding an assessment of the walking route between Stainsacre and Caedmon College, Whitby via the Cinder Track and that had determined the route to be safe in accordance with national guidance that is utilised by the Council. The Committee requested that further information about the assessment be provided.

1.2 This report provides: -

- Information about the national guidance that is utilised by the Council in the assessment of walked routes to school,
- Information about the Cinder Track between Scarborough and Whitby, including its maintenance; and
- An overview of the assessment undertaken of the walked route from Stainsacre to Whitby.

1.3 Further information will be provided in a presentation to the Committee meeting.

2.0 Background

2.1 The arrangements for travel to school for children of statutory school age, including the definition of statutory walking distances, are the subject of legislation and statutory guidance produced by the Department for Education (DfE). A copy of the most recent guidance, published in January 2024, is attached to this report at Appendix 1.

2.2 The legislation and statutory guidance defines the statutory walking distances (i.e. the distance beyond which a child who is attending their nearest suitable school is eligible for transport) as being:-

- 2 miles for a child under the age of 8; and
- 3 miles for a child aged 8 or over.

2.3 In assessing the distance between a child's home and their nearest suitable school local authorities are required to consider the shortest route (including footpaths, bridleways, and other pathways) along which a child may walk in reasonable safety accompanied as necessary.

2.4 The guidance notes that there is no expectation that children will walk and that it is for the parent to decide what arrangements would be suitable for their child.

2.5 Upon parental request the Council assesses walking routes to schools to determine whether they are able to be walked in reasonable safety, accompanied as necessary. Assessments are undertaken in accordance with guidance that is provided by Road Safety GB, *Assessment of Walked Routes to School*. A copy of the guidance is attached to this report at Appendix 2.

2.6 The Assessment of Walked Routes to School guidance identifies a number of principles that are to be used, including: -

- **Nearest Available Route**

The route considered should be the shortest available walking route that a child is available to utilise, accompanied as necessary, and that the assessment should look at the relationship between pedestrians and traffic only.

- **Accompaniment of Children**

For a route to be available it must be a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route would not fail to qualify as available because of dangers which would arise if the child was unaccompanied.

- **Street Lighting**

The presence or absence of street lighting on a route is not considered to be a factor.

2.7 In the event that children of statutory school age are assessed as living more than the statutory walking distance away from their nearest suitable school, that they were not able to walk there because of Special Educational Needs or disability or would not be able to walk there in reasonable safety even if they were accompanied by their parent then the Council must make arrangements for travel assistance to be available.

3.0 The Cinder Track

3.1 The 'Cinder Track' is the former railway line between Scarborough and Whitby and runs between the two towns passing through part of the North York Moors National Park and a number of villages, including Stainsacre. The route now has the status of a permissive footpath.

3.2 The Cinder Track is owned by the Council and has long been an important recreational feature used by walkers, cyclists and horse riders.

3.3 The Local Plan adopted in July 2017, at Policy Inf4, identified that, 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 a range of purposes, including education. The Draft Plan identifies the promotion of the Cinder Track as a sustainable route as being a policy objective.

3.4 In accordance with this policy objective (and those arising from similar previous policies) the route has been the subject of a number of improvement projects including, specifically: -

- 2018 The provision of a new proprietary surface to the section between Hawsker and the Larpool Viaduct, Whitby; and
- 2019 The provision of a new tarmac surface between the Larpool Viaduct and the end of the line.

3.5 The management and maintenance of the track is the responsibility of the Council. The council undertakes monthly inspections, repairs of any damage to the track surface that is identified and also grass cutting / shrub maintenance to ensure that the route is clear of vegetation.

3.6 In addition to the maintenance regime the Council ensures that litter bins are emptied regularly, and that litter picking is undertaken.

4.0 Assessment of the Route

4.1 Following receipt of a parental request in November 2023 an assessment of the walked route from Stainsacre to Whitby was undertaken on 23 January 2024 to determine its safety and in accordance with the guidance summarised above.

4.2 A copy of the assessment report, amended to ensure the anonymity of the applicant, is attached to this report at Appendix 3.

4.3 The report identified that: -

- There is safe access from the centre of Stainsacre to the Cinder Track,
- The Cinder Track provides a level access to Whitby without any significant risks; and
- That there is safe access from the track to the school gate via a crossing over the A171.

4.4 The assessment concluded that the route is a safe walked route to school for children, accompanied as necessary.

4.5 When a route has been assessed as being safe to walk, accompanied as necessary, and a child is not eligible to travel assistance then a parent is able to appeal the decision. The Council has a two-stage appeal process. Stage One provides an opportunity for the parent to present reasons as to why the Council should review its decision. Stage Two of the process provides for a review of the decision by a Member Appeals Committee.

5.0 Legal Implications

5.1 Section 508B of Education Act 1996 places a duty upon the Council to make free travel arrangements, as they consider necessary, to secure suitable home to school travel arrangements for eligible pupils.

5.2 Schedule 35B defines an eligible child, paragraph 4 states that a child between 5 and 16 registered at a school within walking distance (under 2 miles for under 8 years and under 3 miles for 8 – 16 years), having regard to the nature of the routes which he could reasonably be expected to take, he cannot reasonably be expected to walk to the school.

5.3 The Council must have regard to the statutory guidance.

6.0 Financial Implications

6.1 As a consequence of the walked route from Stainsacre to Caedmon College Whitby being assessed as being: -

- Less than 3 miles; and
- A safe route

Assistance with free travel to children living in Stainsacre will not be required to be provided by the Council.

6.2 The extent of the cost of the provision of such travel is dependent upon both the number of eligible children resident within the village and attending their nearest / catchment school, and the associated commissioning arrangement. As a result it is not possible to provide an estimate of the cost that would be incurred in the event that travel were to be provided for eligible children.

7.0 Equalities Implications

7.1 There are no direct equalities implications arising from this report.

7.2 The arrangements for home to school travel provide that travel assistance is provided to any child who could not be reasonably expected to walk to school because of special educational needs, disability or mobility problems even if they were accompanied by their parent.

8.0 Climate Change Implications

8.1 There are no climate change implications arising from this report.

Stuart Carlton
Corporate Director – Children and Young People’s Service
COUNTY HALL, NORTHALLERTON
7 June 2024

Author of Report – Jon Holden, Head of Service, Strategic Planning, CYPS

- Appendix A - Travel to school for children of compulsory school age. Statutory guidance for local authorities, January 2024
- Appendix B - Assessment of Walked Routes to School Guidelines, April 2021
- Appendix C - Summary of an assessment report of the walked route from Stainsacre to Caedmon College, Whitby