

## Appendix 3

# Cheshire East Council: Special Meeting

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**23<sup>rd</sup> February 2017**

**Report of: Cllr Liz Durham, Children and Families Portfolio Holder**

**Subject: Response to Motion**

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## **1. Introduction**

Council have been asked to consider the motions set out below

1. This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, and the Council continues to fund the bus as this route cannot be made safe.
2. This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Willaston to Malbank School & Brine Leas School, and the Council continues to fund the bus until the London Road railway crossing is upgraded by Network Rail.
3. In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route, this Council requests that funding be made available to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school. `

## **2. Background: Bollington to Tytherington School Transport**

**(Provided by Councillor Amanda Stott)**

Bollington's senior school closed in 1966, at which time Tytherington High school was designated as the senior school for Bollington children.

The route between Bollington and the school involves crossing the Silk Road (A523) and a free bus service was provided to transport the children to school.

In 2012/13 Cheshire East reviewed this arrangement and proposed that the children use a 'safe walking route' along the Middlewood Way. Councillor Michael Jones was the leader of the council at the time and having walked the route totally refuted the suitability of the route as safe for children to walk to school.

In 2016 this issue was brought back on to the Cabinet agenda and the proposal was again to remove the free bus service as the Middlewood Way was deemed to be a safe walking route – this decision is affecting 171 children.

The Middlewood way is a pedestrian route along a disused railway track. It sits in a steep-sided, heavily-wooded cutting which is isolated from residential roads and has no safe exit for a child who feels threatened.

Should an emergency incident occur on the Middlewood Way there are issues which would need to be overcome before the emergency services even begin to deal with an incident; be they police, fire or ambulance.

1. Location of incident
2. Vehicle access to the Middlewood Way
3. Lack of mobile phone coverage

Such is the geography of Bollington that should the bus be withdrawn, children who live in the Bollington Cross and Kerridge areas will take the shortest walking route to school which will take them across the Silk Road (A523) a route which has been, justifiably, deemed to be an unsafe route. It is a rare child that will add to the distance of their walking route by using the Middlewood Way.

Fairness across the borough has been cited for the reason to withdraw the bus service and a fear of challenge by other walking routes – but, although the question has been posed, no other like-for-like routes have been identified. So, a challenge is unlikely.

Road safety, not personal safety is taken into account when assessing if a route is safe or not. This is a pedestrian route so there is no danger from vehicle traffic – the danger comes by creating a honey pot by funnelling over 170 children along the route at predictable times for those who prey on children.

I would ask that you support the motion to declare this route as unsafe for children getting to school.

*Councillor Amanda Stott*

### **3. Cllr Durham response in relation to Bollington to Tytherington High School**

Cabinet gave full consideration to all of the evidence provided through the Overview and Scrutiny call-in process and to parental complaints, when making their decision.

The decision is based on the fair, equitable and consistent application of both Cheshire East Council Policy and the adherence to national guidance.

Council could decide not to implement our own policy but the route assessment would not change as this is conducted by Officers who are experienced and qualified in assessing the route.

If the decision of Cabinet were to be reversed, it should be noted that members would be agreeing not to apply its own policy, or follow national guidance and as a consequence the

Council would be open to claims for free transport from all other families, where children travel more than three miles to school.

In terms of access to the route by emergency services, these issues were considered, and response sought from emergency services. Officers will continue to liaise with the emergency services in relation to this matter.

In terms of Children using the Silk Road as an alternative route, we are exploring the potential to have a crossing on the Silk Road, (see progress report update), and therefore this would provide an additional alternative routes to school, subject to Council approval of the budget.

***I recommend that Council note the reasonable actions taken by Cabinet and support the decision made by Cabinet on 18<sup>th</sup> October 2016.***

#### **4. Background: Willaston to Nantwich route**

**(Provided by Councillor Sarah Pochin)**

The Willaston to Nantwich route affects 111 children that go to Malbank School in Nantwich and 8 children that go to Brine Leas School also in Nantwich.

This particular Walking Route has one major safety concern that cannot be addressed before the free school bus ends in September 2017 and Government policy clearly states that a walking route can only be deemed available if it is road safe. This route crosses the London Road railway crossing in Nantwich which has the following safety concerns:

1. This crossing is a single barrier crossing and not a double barrier crossing. This means that only half the road is blocked when the barrier comes down making it a temptation for pedestrians (especially children) to run around the barrier and 'beat the train'. These crossings are currently being upgraded to double barriers up and down the country by Network Rail. Their current programme of works runs to 2019 and does not include this crossing as other crossings around the country have had fatalities that make them a greater priority.
2. The angle of tracks are diagonal to the road, rather than at right angles, meaning that cyclists are at risk from tyres getting stuck down the tracks and being stuck on the tracks struggling to free their bike tyre when the barrier comes down.
3. There is no clear pavement demarcation over the crossing itself and therefore there is heightened risk that children in groups may be pushed into or wander into the heavy traffic flow along London Road which includes many HGVs.
4. There have been several incidents at this crossing over the years including a car that was trapped on the wrong side of the barrier when it came down and a pedestrian that was hit by a train. There was also a party of school children from Malbank School that were trapped on the crossing itself as the barriers came down.
5. There have been 8 occasions in the last 5 years when the barrier has been stuck down for more than 30 minutes at a time. Children on their way to school are just going to risk it and run around the barrier if this happens on their way to school.

Network Rail acknowledges the safety concerns associated with this crossing becoming a walking route to school for children.

A meeting took place on 21st December 2017 between the Network Rail Area Manager, the British Transport Police, CE officers, Councillor Pochin, Councillor Rachel Bailey, Councillor David Brown and Councillor Glen Williams. The meeting took place at the crossing at 8.00am during the rush hour period and at the time the children would be walking to school. The Network Rail Area Manager publicly stated at that meeting that this crossing is classified as a HIGH RISK CROSSING by Network Rail and is NOT SUITABLE to be used as part of a walking route to school.

The Area Manager went on to state that she would not let her own children cross this crossing as part of a walking route to school. She also volunteered concerns about cycle wheels getting stuck down the train tracks and it not being suitable as a cycle route.

Network Rail have stated that although this crossing is 'safe enough' for current use, it is not safe in the context of an increase of potentially 100 vulnerable users ie. children to use as a walking route to school. Network Rail have confirmed that they were never told by the CE Council that this crossing was to be part of a walking route to school.

The British Transport Police have attended twice at the crossing at the request of Councillor Pochin. On the first occasion they did a traffic survey and counted over 500 vehicles crossing the crossing between 8am and 9am. They also attended the meeting on 21st December with Network Rail and suggested that the council find an alternative walking route for the children.

There are other safety concerns on this walking route to school which the council have said they will address before the end of the free school transport in September.

These are:

1. Reinstating the street lighting along Newcastle Road / London Road
2. Improving the warning signage on the A500 as vehicles approach the Cheerbrook roundabout where there is a road crossing that the children will have to use. There have been several incidents on this roundabout with vehicles crashing into the roundabout crash barriers
3. Cutting back and maintaining the overgrown hedgerows along Newcastle Road / London Road which make the pavements very narrow
4. Reducing the speed limit along Newcastle Road from 60mph to 30mph.

We are waiting for confirmation that the above will be in place before September.

For all of the above reasons we ask that you vote in favour of our motion (as set out at the end of this Appendix) that this Council requests that Cabinet reverses the decision made on 18th October 2017 to withdraw free school transport from Willaston to Malbank School / Brine Leas School and continues to fund the transport until the railway crossing is upgraded by NR.

*Councillor Sarah Pochin*

#### **5. Cllr Durham response in relation to Willaston to Malbank School / Brine Leas School**

I agree that this crossing is a single barrier crossing and not a double barrier crossing, which means that only half the road is blocked when the barrier comes down. These crossings are currently being upgraded to double barriers up and down the country by Network Rail. Their current programme of works runs to 2019 and does not include this crossing as other crossings around the country have been assessed as being a greater priority.

It is agreed that safety training will be provided for children to ensure they are aware of how to safely cross and the risks of not doing so. However, it is for parents to ensure that their children behave reasonably on the way to school or that they accompany them to school.

There are clear pavement demarcations over the crossing, however, we have asked for additional markings to be put in place.

Network Rail has been asked to verify if there have ever been any recorded incidents of cyclists falling off because of the tracks.

Network Rail's website shows that at this location there have been the following recorded incidents:

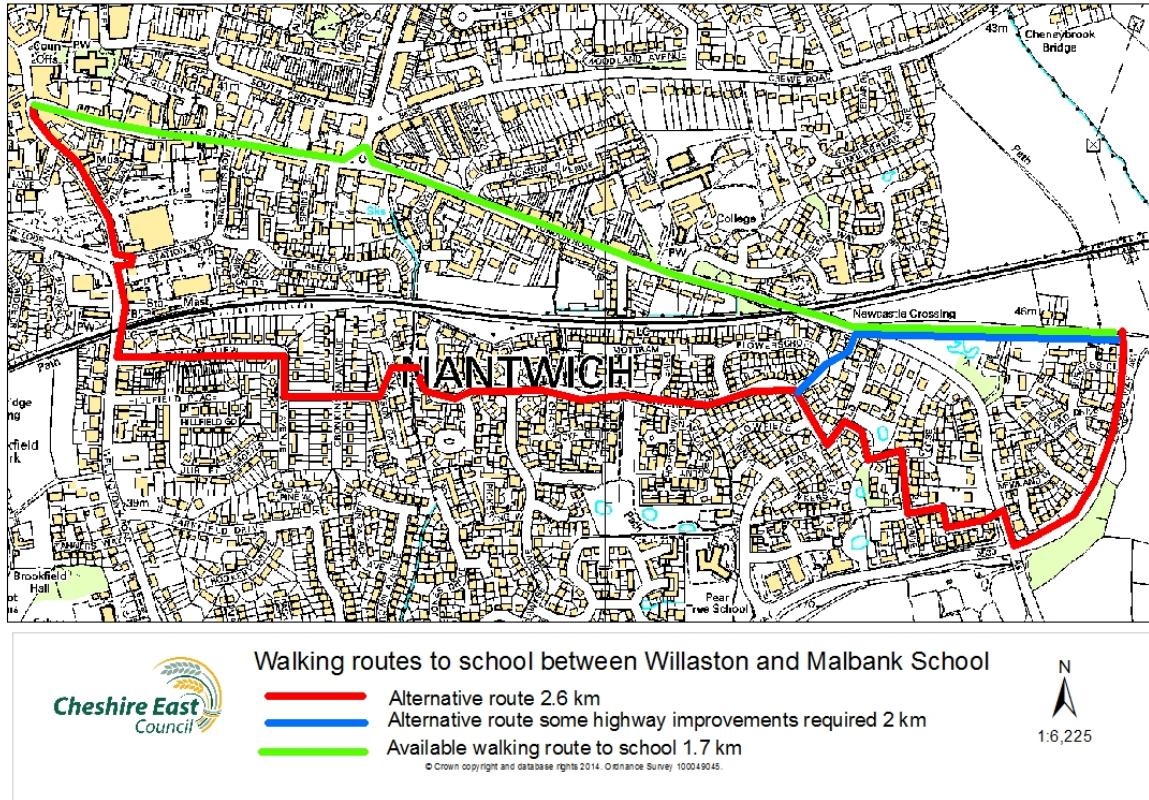
- Misuse - 2 incidents in year prior to assessment date (Feb-2016) and no incidents since.
- Near misses - Nil incidents in year prior to assessment date (Feb-2016) and no incidents since.
- Accidents - Nil incidents in year prior to assessment date (Feb-2016) and no incidents since.

The website also states that Network Rail surveyed the route which showed that 9423 vehicles and 594 pedestrians or cyclists used the crossing on the day of the survey.

Pupils from Malbank School currently use the crossing and a survey carried out in September 2016 showed that 9 school children crossed in the morning period and 17 children crossed in the afternoon period. See full chart below of pedestrian and cyclist using the crossing when an assessment took place.

	Travelling East			Travelling West			Total
	0-4 Years	5-16 Years	16 Years +	0-4 Years	5-16 Years	16 Years +	
<b>Pedestrian</b>	0	1	3	2	5	11	<b>22</b>
<b>Cyclist</b>	0	0	4	0	1	11	<b>16</b>
<b>Total</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>6</b>	<b>22</b>	<b>38</b>
	Travelling East			Travelling West			Total
	0-4 Years	5-16 Years	16 Years +	0-4 Years	5-16 Years	16 Years +	
<b>Pedestrian</b>	1	6	10	1	6	4	<b>28</b>
<b>Cyclist</b>	0	3	13	0	0	4	<b>20</b>
<b>Total</b>	<b>1</b>	<b>9</b>	<b>23</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>48</b>

An alternative route has been suggested if the barrier is stuck. This also provides an alternative route to school if parents do not wish their child to use the crossing



Cabinet agreed a number of improvements to the route to be in place by September, these are all on schedule as indicated in the progress update report provided separately.

***I recommend that Council note the reasonable actions taken by Cabinet and support the decision made by Cabinet on 18th October 2016.***

## **6. Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route**

In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route. Cabinet has agreed to make funding available in terms of a subsidy to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school.

***I recommend that Council note the reasonable actions taken by Cabinet and support the decision made by Cabinet on 18th October 2016.***