

Sections 239, 240, 246 and 260

Highways Act 1980

Acquisition of Land Act 1981

**THE WARRINGTON BOROUGH COUNCIL (OMEGA TO
BURTONWOOD ACCESSIBILITY IMPROVEMENTS)
COMPULSORY PURCHASE ORDER 2019**

REFERENCE:

NATTRAN/NW/LAO/194

**Proof of evidence of
CATHERINE THOMPSON
(IMPACT ON SCHOOL STUDENTS)**

1 INTRODUCTION AND QUALIFICATIONS

- 1.1 I am Catherine Thompson and I am the Principal Manager of School Admissions and Planning, based in Education Services at Warrington Borough Council ("the Council"). I have been in post for just over 3 years and contributed to the drafting of the Council's Home to School Transport policy [**document 23** to the Council's Statement of Case ("SoC")].
- 1.2 In total, I have 16 years' experience in local authority education services, with 13 years of this being employed at Warrington Borough Council.

Scope of Evidence

- 1.3 This proof of evidence has been prepared regarding the impact on school students, particularly in terms of school transport policies, as a result of the Scheme and the Order [**document 1** to the Council's SoC]. The Scheme is for the improvement of Burtonwood Road and Clay Lane to extend the highway in order to incorporate a cycle lane with pedestrian rights of way on foot. The Order was made by the Council on 18 April 2019 and submitted to the Secretary of State for Housing, Communities and Local Government on 25 April 2019. The Order is now due to be considered by an inspector at a Public Inquiry scheduled to open on Tuesday 5 November 2019. This proof of evidence has been prepared in connection with that Inquiry.
- 1.4 I confirm that the evidence that I have prepared in respect of this Inquiry is given in accordance with the Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities (the "Statutory Guidance") published by the Department for Education in July 2014 [**Appendix 1**], which refers to Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act, as inserted by Part 6 of the Education and Inspections Act 2006; Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended; the Equality Act 2010; School Admissions Code; European Convention on Human Rights; School Travel regulations 2007; Public Service Vehicles (Carrying Capacity) Regulations 1984; and Section 48 of the School Standards and Framework act 1998. I can confirm that the opinions expressed are my true and professional opinions.
- 1.5 The purpose of my evidence is to explain the impact on school students and access to transport, in support of the Scheme. I also address the grounds of objection raised by Mr Alexander Abbey in his non-statutory objection lodged on 17 May 2019 [**document 21** to the SoC] ("the Non Statutory Objection"), insofar as they relate to my area of expertise.
- 1.6 My evidence does not address the technical details of the Scheme, the Order Land nor other matters considered by the Council's other witnesses. I focus purely on the impact on school students and school transport, and provide a response to the grounds of objection raised by the Non Statutory Objection, together with my conclusions on the justification for seeking confirmation of the Order from the perspective of my area of experience.
- 1.7 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council, including:
- 1.7.1 Technical Highways Engineering prepared by Keith Sanders of Warrington Borough Council;
 - 1.7.2 Land Assembly and Ongoing Negotiations prepared by Kate Okell of Axis Property Consultancy; and

1.7.3 Scheme Development, Transport Planning, and Compulsory Purchase
Justification prepared by John Nichol of Warrington Borough Council.

2 HOME TO SCHOOL TRANSPORT POLICY

- 2.1 Statutory Guidance states that local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. This information should be clear, easy to understand and provide full information on the travel and transport arrangements.
- 2.2 Section 508B of the Education Act 1996 ("the Act") deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.
- 2.3 The Act includes a requirement for local authorities to provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is beyond 3 miles (if aged between 8 and 16), where a 'suitable school' is defined as the nearest establishment to the home address that can meet the needs of the child, and has a place available in the appropriate year group.
- 2.4 Travel assistance must also be provided where a family's circumstances meet the extended rights criteria. The extended rights criteria apply when:
- 2.4.1 The child or young person is attending a suitable school which is one of the three nearest secondary schools, including cross boundary, and the shortest walking distance from home to that school is more than 2 miles but less than 6 miles; or
- 2.4.2 The child or young person is attending a school and the shortest walking distance from home to that school is more than 2 miles but less than 15 miles and is the nearest school preferred on the basis of the parent's/carer's religion or belief.
- 2.5 Qualification for the extended rights criteria is assessed on the basis of low income. In accordance with Schedule 35B of the Education and Inspections Act 2006, low income is defined as entitlement to claim one of the following benefits:
- Universal credit (household income must be less than £7,400 a year (after tax and not including other benefits))
 - Income support
 - Income based jobseekers allowance
 - Child tax credit but only those who are not entitled to a working tax credit and whose annual income (as assessed by the inland revenue) does not exceed £16,190 (subject to annual review)
 - Working tax run-on
 - Support under Part VI of the Immigration and Asylum Act 1999
 - Guarantee element of state pension credit
 - Income related employment and support allowance
 - Maximum level of working tax credit.
- 2.6 Guidelines produced on behalf of Road Safety GB states that "the walking route must be measured by the "nearest available route" rather than a direct distance or 'as the

crow flies'. In all cases, the shortest walking distance from home to school is calculated using a Geographical Information Address Point system based on the Local Land and Property Gazetteer (LLPG). Each measurement is taken from the central point of the child's home address to the central point of the school.

- 2.7 The measurement of the walking distances is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk safely. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.
- 2.8 We are also required by law to provide or pay for free transport where the shortest walking route from home to school is less than 3 miles but the route in question has been classified as hazardous.
- 2.9 The Council's current Home to School Transport Policy [**document 23** to the Council's SoC] was adopted in 2014 and complies with statutory requirements. It clearly defines eligible children as those of compulsory school age (5-16) in an authority's area, for whom free travel arrangements will be required.
- 2.10 For the purpose of the Home to School Transport Policy, there were traditionally six walking routes in Warrington that were classified as hazardous. In 2012/2013, the Home to School Transport Policy was subject to a comprehensive review, which included the re-assessment of the six walking routes that had previously been classified as hazardous by the Council. As part of the review, it was necessary to determine if these six routes would continue to be classified as hazardous. It should be noted that none of these walking routes were located in Burtonwood.
- 2.11 The Council commissioned 'Local Transport Projects' (LTP) based in Beverley, East Yorkshire to undertake the route assessments. LTP assessed the six walking routes in accordance with national guidelines which are set out in "Assessment of Walked Routes to School" published by Road Safety Great Britain (RSGB). The assessment reports are published on the Council's website.
- 2.12 When considering the Burtonwood area and the number of pupils eligible for free transport, it was decided that, on balance, it would not be necessary to assess routes in the area as the vast majority of pupils accessing free travel were eligible due to exceeding the statutory distance or the extended rights criteria rather than the hazardous nature of the route.
- 2.13 Notwithstanding this, the Council was satisfied that there was sufficient evidence to suggest that, if an assessment of this route was undertaken, the likelihood would be for the outcome to be to classify it as hazardous due to a lack of pavements. Rather than undertake another route assessment, a decision was taken by the Council that any school aged pupil applying for transport assistance where:
 - 2.13.1 the shortest walking route to the nearest suitable school was less than the statutory distance; and
 - 2.13.2 the family circumstances did not meet the extended rights criteria; but
 - 2.13.3 the journey would involve walking along the route from Burtonwood to Great Sankey High School

would be eligible for free travel due to the hazardous nature of the route.

3 OBJECTIONS TO THE ORDER

3.1 The Secretary of State received three objections to the Order, as referenced in Section 12 of the Council's Statement of Case. Since submission of the Statement of Case, the objection of Mr Holding and Ms Wilson was formally withdrawn on 1 October 2019 [appendix 2 to the proof of evidence of John Nichol]. At the time of writing, two objections ("the Objections") remain, with one being a statutory objection ("the Statutory Objection") and one being a non-statutory objection ("the Non-Statutory Objection").

3.2 I consider in the following paragraphs the Non-Statutory Objection [document 21 to the Council's SoC] to the extent that it sits within my area of expertise and my role within the Council.

3.3 I do not address the Statutory Objection to the Scheme, as it is not relevant to my particular area of expertise.

Objection submitted by Alexander Abbey

3.4 Mr Abbey states that the Scheme will:

"...allow the Council to remove transport to the local secondary school for pupils from the village and beyond. This will result in the further costs to young families wishing to set up home to the sum of a minimum of £350 per pupil per year, the current cost of a bus pass for students in the town. It will also remove the direct feeder school status for the local primary school to one of the best schools in the town. With rapid development around Great Sankey High School, parents will be left with no bus, no direct access to secondary schooling and the possibility of children being sent all over Warrington for their secondary education. Also there is a very real possibility that families will have siblings at various schools across the borough."

3.5 Mr Abbey also states that the village has *"...an aging population with little to encourage inward migration from other areas of the town. This path will further discourage young families from migrating into the village as school access is sited as a main reason that house prices in the village are significantly suppressed."*

3.6 The following paragraphs seek to illustrate my professional opinion, setting out why it is my view that the Scheme:

- will not result in the removal of existing transport to the local secondary school for pupils from the village and beyond; and
- will not remove the direct feeder school status for the local primary school.

3.7 At present, there are 99 school aged pupils living in Burtonwood entitled to claim free transport assistance to Great Sankey High School. Of these, 85 are in receipt of free travel as they live more than the statutory distance from their nearest suitable school; 2 are eligible due to meeting the extended rights criteria; and 12 pupils are eligible due to the hazardous nature of the route.

3.8 On the basis of the improvements proposed as part of the Scheme, and the increased public safety of a paved pedestrian route, it is unlikely that free transport would continue to be granted on the basis of it being a hazardous route. If this is the case, it would mean that 12 of the 99 pupils currently entitled to free travel (12%) could potentially cease to benefit from free travel in the future.

- 3.9 Although it is not possible to pre-determine the impact of the Scheme for these 12 pupils, when these circumstances are compared with similar situations from previous years, it is likely to be the case that any changes to eligibility due to changes to the nature of a route would only be considered for new applicants. On that basis any pupil with an existing entitlement to free transport would be protected for the remainder of their secondary phase of education.
- 3.10 In my professional opinion, the likelihood is that any pupil in receipt of free transport at the time of completion of the Scheme would have their entitlement protected for the remainder of their time accessing secondary school education, so would not lose their entitlement to free travel to school.
- 3.11 Any new applicants would be assessed taking account of the proposed improvements and, if found to be ineligible to claim free travel to school, would still be able to access the school bus as fare paying passengers. Therefore, improvement of the route is unlikely to make the village a less attractive place for young families to move to.
- 3.12 There is a commercial bus service that links the Burtonwood area to Great Sankey High School. The Council uses this service to transport students who qualify for free transport, by issuing bus passes at a cost of £570 (current cost) per pass per year and paying the fares for them directly to the operator. If the number of eligible students making this trip reduced as a result of the Scheme (and there is no evidence that such an outcome is likely), there is an overwhelming likelihood that the service would remain. New students that did not qualify for free travel would have to pay the prevailing bus fare each day.
- 3.13 In respect of the claim regarding feeder school status (made within the Non-Statutory Objection), it is not correct to say that the feeder school status of the primary schools in Burtonwood to Great Sankey High School would be affected by the Scheme.
- 3.14 The School Admissions Code ('the Code') [**Appendix 2**] has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA 1998'). The purpose of the Code is to ensure that all school places for maintained schools and Academies are allocated and offered in an open and fair way. Burtonwood Primary School is part of the Omega Multi Academy Trust, which includes Great Sankey High School as the only secondary school.
- 3.15 The Code states that all state funded schools must set out their admission arrangements, including the criteria which will be applied for allocating places at the school when there are more applications received than places available (oversubscribed), and the order in which the criteria will be applied. Great Sankey High School is regularly oversubscribed and as a consequence, it has been necessary to consider all applicants against its oversubscription criteria.
- 3.16 The oversubscription criteria determined by the Academy Trust at Great Sankey High are as follows:
1. Children in care and children formerly in care;
 2. Siblings (pupils with older brothers or sisters already attending the preferred school and expected to continue at the school in the following school year, including students in Barrowhall College. This includes full, half or step brothers and sisters and foster brothers and sisters who are living at the same address as part of the same family unit);

3. Children for whom it is essential to be admitted to Great Sankey High School Academy because of special circumstances to do with significant medical needs. The recommendation must be received in writing from a consultant at an NHS hospital or equivalent. This criterion relates to the child's medical needs and does not include any other member of the child's family. The supporting evidence should set out the particular reasons Great Sankey High School is the most suitable school and difficulties that would be caused if the child had to attend another school;
 4. Pupils attending Burtonwood Primary School;
 5. Pupils living nearest to the school defined as a direct distance from the child's permanent place of residence to the school, measured using a Geographical Information Address Point system based on the Local Land and Property Gazetteer. This measures straight line distances from the address point of the permanent place of residence to the address point of the school, (in miles).
- 3.17 In order to consider applications against these criteria, applications must be ranked in accordance to the highest criterion possible. For example, if an applicant is currently attending Burtonwood Primary School (partner primary) but also has an older sibling in Year 8 living at the same address and attending Great Sankey High School, the applicant must be ranked against Criterion 2.
 - 3.18 This also addresses the objection by Mr Abbey claiming that there is *"...a very real possibility that families will have siblings at various schools across the borough."*
 - 3.19 Applicants meeting one of the higher ranked criteria are more likely to be successful in gaining a place at the school, but this is never guaranteed. It can, however, be said that, to date, no children on roll at Burtonwood Primary for whom a secondary school application was submitted on-time, expressing a first preference for Great Sankey High School have been refused a place at the School.
 - 3.20 Additional housing being built in and around Great Sankey High School would not have a direct impact on partnering arrangements, as those applicants meeting the partnering criterion are considered over and above applicants meeting the distance criterion.
 - 3.21 Any changes to admission arrangements must be proposed 18 months before they will be implemented. For example, if an Academy Trust was seeking to change its oversubscription criteria for admission to the school in September 2020, it would have to have formally consulted (in accordance with the statutory process set out in the School Admissions Code 2014 [**Appendix 2**]) on these proposed changes between October 2018 and January 2019 for a minimum of six weeks.
 - 3.22 As a result of this, it is difficult to predict whether or not an Academy Trust will seek to consult on changes to its admission arrangements at any point in the future, but this would be the case regardless of the Scheme.
 - 3.23 Burtonwood Primary School is the only primary school partnered with Great Sankey High School. The reason for maintaining this partnering arrangement was due to the fact that, following a review of partnering arrangements during 2013, the Council concluded that families living in Burtonwood would be disadvantaged when applying for their children to transfer to secondary school, if partnering did not exist. In light of this, the decision was made to retain partnering arrangements for this community. At the time of writing, there are no proposals for this to alter, nor are there any proposals of which I am aware to create any new primary schools in the area as a result of the additional housing being built around Great Sankey High School.

- 3.24 It should also be noted that parents are able to express a preference for any school, not necessarily the closest one to home. If a place is offered at the school of choice, however, the parent is responsible for making suitable travel arrangements to ensure their child is able to attend on a regular basis.

Summary

- 3.25 It is my professional opinion that, on balance, the impact of the Scheme on a small number of students does not outweigh the greater benefits of the Scheme, and consequently, the reasons for the objection do not justify the refusal of the Scheme.
- 3.26 The claim in the Non-Statutory Objection that the Scheme will allow the Council to remove transport to the local secondary school for pupils from the village and beyond is untrue.
- 3.27 The Council will act at all times in accordance with national and local guidance and legislation in relation to travel to school policies, and these will not be altered by the Scheme.
- 3.28 Although it is not possible to pre-determine the impact of the Scheme for the small number of pupils who could potentially be affected (12 pupils), when these circumstances are compared with similar situations from previous years, it is likely to be the case that any changes to eligibility due to changes to the nature of a route would only be considered for new applicants. This means that, any pupil with an existing entitlement to free transport would be protected for the remainder of their secondary phase of education.
- 3.29 In my professional opinion, the likelihood is that any pupil in receipt of free transport at the time of completion of the intended build would have their entitlement protected for the remainder of their time accessing secondary school education, so would not be impacted as a result of the proposed Scheme.
- 3.30 Any new applicants found to be ineligible to claim free travel as a consequence of the proposed improvements will still have access to buses as fare paying passengers and the vast majority of pupils will still qualify for free bus travel in any event (as they live more than 3 miles from their nearest suitable school).
- 3.31 It is not correct to say that the feeder school status of the primary school in Burtonwood to Great Sankey High School would be affected by the Scheme as attendance at a partner primary school and sibling criteria are prioritised above home to school distance. This is set out in the school's oversubscription criteria, where applications must be ranked in accordance to the highest criterion possible.
- 3.32 Further, it is not accurate to say that additional housing being built in and around Great Sankey would have a direct impact on partnering arrangements, as those applicants meeting the partnering criterion are considered over and above applicants meeting the distance criterion.
- 3.33 Taking all of the information into account, it is concluded that the use of compulsory purchase powers is justified.

4 STATEMENT OF TRUTH AND DECLARATION

- 4.1 I confirm that, insofar, as the facts stated in my proof evidence are within my own knowledge, I have made clear what they are and I believe them to be true and that the opinion I have expressed represent my true and complete professional opinion.
- 4.2 I confirm that my proof of evidence includes all facts that I regard as being relevant to the opinions that I have expressed and that attention to drawn to any matter which would affect the validity of those opinions
- 4.3 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 4.4 I confirm that, in preparing this proof of evidence, I have assumed that same duty that would apply to me when giving my expert opinion in a court of law under oath or affirmation. I confirm that this duty overrides any duty to those instructing or pay me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 4.5 I confirm that I have no conflicts of interest of any kind other than those already disclosed in this proof of evidence.

CATHERINE THOMPSON

October 2019