

## **Medway School Streets – statutory consultation**

### **St William of Perth RC Primary School objection**

This is our formal objection to the inclusion of St William of Perth in the Medway School Streets programme.

It is our understanding that to prohibit traffic from entering Canon Close the Council under the terms of this scheme will need to make a Traffic Regulation Order (TRO) under section 1(1) of the Road Traffic Regulation Act 1984. This is also our formal objection to a TRO.

The 1984 Act requires the Council to respond in writing to our objection.

### **Introduction**

We want to make clear that we do not object to the Medway School Streets programme on principle. We object to the application of the programme to Canon Close in the specific and unique circumstances of St William of Perth RC Primary School. We can see potential benefit of the programme in other situations, but not ours.

We object for one reason. The proposal will not improve the safety of pupils attending St William of Perth. It will instead increase their risk of harm. Our statutory responsibility for safeguarding the children in our care prevents us from agreeing or acquiescing to any change that will reduce the safety of our children.

At the Cabinet meeting on 19 November Councillors said that we must “do all we can to protect our children”. We agree. The problem is that we do not believe the Council’s proposal will do that, we think that it will achieve the very opposite.

We also believe that the required TRO fails to meet the requirements of the 1984 Act as we shall demonstrate.

### **Consultation**

There is little public support for School Streets in general and even less for Canon Close in particular. Councillors have demonstrably failed to take into account comments received. You cannot ignore the views expressed on the basis that it was not a referendum. In this statutory consultation you have a legal duty to take comments into account so thankfully you will not be able to ignore them so easily. Nor is it your job to change society when society tells you it does not want to change: those who elected you expect you to represent them, not dictate to them.

The paper presented to Cabinet did not discuss the comments received let alone offer any analysis of them. The fact that one of the schools had formally objected in the strongest terms was not even mentioned in the paper to Cabinet or discussed by Councillors. A more abject failure to take comments into account is impossible to imagine.

The analysis of the submitted views show that 76% of respondents disagreed with making Canon Close a School Street. The school’s Governing Body formally objected. But you refused to take that into account or even to have the courtesy to respond to the School.

## **Educational and equality impact**

We are very concerned about the impact the scheme will have on education within our school. Being a popular and successful faith school we have a wider catchment area with pupils travelling from across Medway to attend. These families have no choice but to travel by car to the school. It is our view that the scheme would represent discrimination on religious grounds.

The implementation of the scheme will see an increase in the number of pupils being late and missing valuable learning time. This would be in direct opposition to the principles outlined in the DFE's most recent guidance (Working together to improve school attendance which explicitly states the importance of school attendance – August 2024).

We also feel that the proposals would have a detrimental effect on the daily operation of the school thus reducing the quality of education which it can offer as it would prevent external support services such as SEND experts, Local authority advisors, contractors, and food delivery suppliers being able to travel to supply and service the school in order to fulfil and meet its statutory requirements.

We are an inclusive school with an excellent reputation for SEND support – we currently have 3% of students with an Education Health Care plan. Many of these children have mobility issues and would not be able to walk to school. It would also create a barrier for our SEND students receiving the expert support that they need e.g. educational psychologists, speech and language therapists, occupational therapy specialists, social and emotional support as they would need to arrive at the school during the proposed school streets times.

The proposals would disproportionately affect working mothers that need to travel to work after dropping off their children. The implementation of the scheme would penalise hard working mothers who have no option but to go to work. Speaking to our parents we know that the scheme will raise serious challenges for being able to travel to their place of work and could affect their terms of employment or at the very least incur significant extra childcare costs. It would also affect the school's ability to provide wraparound care as it means that after school club providers would not be able to access the site during the necessary times to provide these services.

## **TRO Legislation**

The 1984 Act provides that the traffic authority may make an order in respect of the road where it appears to the authority making the order that it is expedient to make it

- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- b) for preventing damage to the road or to any building on or near the road, or
- c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- f) for preserving or improving the amenities of the area through which the road, or
- g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

The only one that could theoretically apply (but does not apply) is section 1(1) a - for avoiding danger to persons using the road or for preventing the likelihood of any such danger arising. We do not believe the Environment Act 1995 (g) is relevant, but we nonetheless address air quality below.

A TRO may not be made to reduce traffic congestion, to appease unhappy home owners, to punish selfish drivers or to bring about societal change. None of those are valid reasons for a TRO under the terms of the 1984 Act.

## **Evidence**

It is our evidence that there is no evidential basis for the Council's proposal to make Canon Close a School Street. Quite the reverse, all the evidence points to excluding Canon Close from the programme.

## **Air Quality**

The Council has not undertaken a survey of air quality in Canon Close so by definition has no evidence that their proposal is required because air quality needs to be improved.

Further, there is no evidence that we know of that the air quality has been improved in the locations of the seven schools that are already in the School Streets programme.

Finally, the proposal is to ban some cars from Canon Close for two hours every weekday during term time – 390 hours out of 8,760 hours in every year. Some cars will be banned from Canon Close for 4.4% of the year, but allowed within 100 yards of the school. The impact on air quality in the location of the school will be non-existent.

A TRO for air quality improvements does not meet the requirements of the 1984 Act.

## **Safety**

The only (theoretical but not actual) justification for a TRO under the 1984 Act is avoiding danger to persons using Canon Close. Perversely, the Council's proposal will actually increase danger.

The Council's stated objective (emphasised at the Cabinet meeting on 19 November) is traffic displacement. The Council is actively seeking to move traffic out of Canon Close onto other roads. That is the expressly stated aim.

Therein lays the fundamental problem. The other roads near to St William of Perth the Council is forcing parents and carers to use are much more dangerous than Canon Close. There have not been any RTAs in Canon Close but there are frequent RTAs on Maidstone Road. According to Medway Council, Maidstone Road Rochester is the 16th most dangerous road in Medway. Only this August a wall was demolished by a car on the corner of Canon Close and Maidstone Road.

In the summer of 2021 Cllr Teresa Murray assisted the school PTA in their request for a crossing patrol to help parents cross Maidstone Road safely. Leanne Adams, Senior Road Safety Officer explained that after a PV2 assessment the request had been rejected. Although vehicle numbers in Maidstone Road were high, because they can drive into Canon Close a very low number of St William of Perth families crossed Maidstone Road to reach Canon Close. Further evidence that Maidstone Road is already dangerous to cross. It will be ten times worse if Canon Close is closed to traffic.

Far from 'avoiding danger to persons...or...preventing the likelihood of any such danger arising' the Council will be substantially increasing the danger to the children the Council says we must do all we can to protect.

It is our understanding that based on the available data in the three years to December 2023, 248 under 16 years of age pedestrian casualties were reported in Medway, an average of 83 per annum.

That is all children under 16. The TRO would apply to Canon Close and St William of Perth, is a primary school. So we need to estimate the number of casualties aged 5-11. Younger children are accompanied by adults who will protect them, so are much less likely to be casualties. But we will be generous and assume that nearly half of all child casualties are primary age. That is 40 per annum.

Some accidents happen during school holidays. Let us assume an equal distribution throughout the year. The school year is 39 weeks so  $40/52 \times 39 = 30$  per annum.

How many of those 30 5-11 year old casualties were within 100 yards of the school gate - the area to be excluded in Canon Close under the TRO? In our estimation, almost certainly none, but again let's be exceptionally generous and assume around half. So, 15 casualties aged 5-11 near to their school every year.

There are 86 primary schools in Medway so the statistical probability for any one school that one of their pupils will be injured outside the school gates is  $15/86$  per annum. A 17% chance that one pupil in each primary school in Medway will be injured in an RTA every year. 71 primary schools will have no pupil accidents outside their gates.

We agree that 17% is too high, everyone would prefer 0%, but does that really represent a **danger** in the terms of the 1984 Act?

We have a much better spread of data for St William of Perth specifically. The school was opened in 1974 and in 50 years the number of pupil casualties in Canon Close was - 0. None; Canon Close is one of the safest streets in Medway.

Is that enough danger to meet the requirements for a TRO under the 1984 Act? Clearly it is not. The evidence does not support the existence of a danger which needs to be addressed through a TRO. Is there any likelihood of a danger arising that a child pedestrian will be injured by a car outside the gates of St William of Perth? No, there is not. On the basis of 50 years of data, the statistical probability of a pupil of St William of Perth being hit by a car in Canon Close is 0%.

The requirements of the 1984 Act have clearly not been met and we formally object to a TRO for Canon Close.

If the Council intends to persist, then we will vigorously lobby for there to be a Public Inquiry into the TRO.

### **Public Inquiry**

A TRO can be subject to a Public Inquiry if its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week

- (i) at all times;
- (ii) before 07.00 hours;
- (iii) between 10.00 and 16.00 hours; or

(iv) after 19.00 hours,

and an objection has been made to the order (other than one which the Council is satisfied is frivolous or irrelevant) and not withdrawn.

The TRO will prevent parents and carers from loading and unloading their vehicles between 15.00 and 16.00 and the School has objected (by means of this paper) to the TRO. We will not withdraw our objection and the Council cannot conceivably claim that our objection is frivolous or irrelevant. The requirements for a public Inquiry are met and if the Council persists we demand one be held.

### **Conclusion**

So far we have kept our objections brief and to the point. That has not served us well, with Councillors simply ignoring us. Our hope is that we can persuade the Council with this detailed explanation of our reasons for arguing that the inclusion of St William of Perth in School Streets is not appropriate. We firmly believe that School Streets is not going to be appropriate for every one of the 86 primary schools in Medway so why can the council not accept that it is not appropriate for St William of Perth? We feel our arguments are unassailable and progressing would be wholly irrational and in our view entirely inconsistent with the 1984 Act.

If the council do persist, we demand a Public Inquiry into the TRO. We are confident that an Inspector would accept our objections and reject the TRO.

L. O'Hara

D. Brent

J. Willis

Chair of Governors

Deputy Chair of Governors

Headteacher