

**REPORT TO EDUCATION & CHILDREN'S SERVICES COMMITTEE – 12  
OCTOBER 2023**

**CHAPELTON TO NEWTONHILL PRIMARY SCHOOL TRANSPORT – SAFE WALK  
ROUTE TO SCHOOL**

**1 Executive Summary/Recommendations**

- 1.1 The Committee instructed this report, following consideration of a petition regarding the withdrawal of the Chapelton to Newtonhill Primary school transport service. The petition sought reinstatement of the Chapelton to Newtonhill Primary school transport service pending the opening of a new primary school in Chapelton on the grounds that the walking route is unsafe, and it is too far for children aged 4 to 11 to travel to school by means of active travel.
- 1.2 The report provides the Committee with the information necessary in order to give proper consideration of the petition received. In particular, the report seeks to explain that the officer decision to withdraw the service was in line with Council policy on school transport provision and in keeping with the Council policy on 'Safe Walk Routes to School'.
- 1.3 **The Committee is recommended to:**
- 1.3.1 Endorse the withdrawal of the school transport service from Chapelton to Newtonhill Primary School, in line with current Council policy.**

**2 Decision-Making Route**

- 2.1 At its meeting on 31 August 2023, the Committee considered a petition regarding the withdrawal of the school transport service between Chapelton and Newtonhill Primary (Item 6).
- 2.2 Having considered the petition, the Committee instructed:
- a. the Head of Education to provide a report for a subsequent meeting of the Committee; and,
  - b. to reinstate the bus service concerned until a substantive decision can be made following that report.
- 2.3 The Chapelton to Newtonhill Primary school transport service was reinstated on 4 September 2023.

**3 Discussion**

- 3.1 The further information sought by the Committee is set out below.

## 3.2 Entitlement to free school transport

- 3.2.1 The relevant policy is contained within the Passenger Transport Strategy which was approved by Infrastructure Services Committee on 5 December 2013. Appended to the Strategy is a suite of Passenger Transport Policies including those pertaining to School Transport. Following review of the Scheme of Governance on 27 January 2017, this falls under the remit of the Education and Children's Services Committee, which has responsibility for all policy issues and resource matters for education. Under current school transport policy, primary school pupils are entitled to free school transport on grounds of distance, safety, and in exceptional circumstances on medical/educational grounds. A full list of the Council's school transport policies is given in **Appendix 2**.
- 3.2.2 Entitlement on grounds of distance applies to primary pupils who reside over 2 miles from and attend their zoned school. The 2 miles is measured from the property exit/entrance of the pupil's home address to the nearest school gate, via the shortest appropriate walking distance using streets and suitable paths.
- 3.2.3 Entitlement on grounds of safety applies where there is no safe walking route for an in-zone pupil accompanied by a responsible adult and there is no other safe alternative such as a fare-paying bus service.
- 3.2.4 Entitlement to transport may also be authorised for pupils with additional support needs or on educational and/or medical grounds.
- 3.2.5 Free school transport may be provided on a privilege basis, for out-of-zone pupils and for primary pupils within 2 miles of their school who have a safe walking route, where there is spare seating capacity on a school bus carrying entitled pupils. Under such circumstances transport is only provided if the Council does not incur any additional costs.
- 3.2.6 In summary, Council policy does not provide for the provision of dedicated school transport for primary pupils who reside within two miles of their zoned school where there is a safe walk route for a child accompanied by a responsible adult. For those pupils who do not qualify for school transport, the responsibility for their attendance at school rests solely with their parent/carer.
- 3.2.7 School transport policies, along with all other passenger transport policies, are to be reviewed as part of the scheduled review of the Council's Passenger Transport Strategy under the direction of the Passenger Transport Network Review and School Transport Member Officer Working Groups. In this respect, it is noteworthy that the Council's current distance eligibility criteria is more generous than that set out under statute, whereby pupils under 8 years of age and residing more than 2 miles from their nearest appropriate catchment school are entitled to free transport and those 8 years of age and older are entitled to free transport if they reside more than 3 miles from their catchment school. The Council's school transport policies also align with current Scottish Government school transport guidance which is available at <https://www.gov.scot/publications/school-transport-guidance-2021/pages/1/>

3.2.8 This matter cannot therefore be treated in isolation on its own merits. A precedent would be set, and it would be difficult to justify not considering other requests under similar circumstances.

### 3.3 Background to the issue and communication with parents/carers

3.3.1 The housing development of Chapelton is located within the school catchment areas of Newtonhill Primary School and Portlethen Academy. The Chapelton to Newtonhill Primary school transport service was introduced in School Year 2018/19 at which time the walk route had not been assessed by the Road Safety Unit.

3.3.2 A formal risk assessment of the walk route was conducted on 8 June 2022 and, in response to the outcome of this risk assessment, officers concluded that the service should be withdrawn in order to comply with Council policy on the provision of school transport, with effect from the commencement of the 2022/23 School Year. Details of the risk assessment are provided in section 3.6 of the report and a copy of the assessment in **Appendix 3**. A copy of the parental letter of 29 June 2022 advising of the service withdrawal is provided in **Appendix 4**.

3.3.3 On notification of the pending service withdrawal various parental concerns were received including regarding the safety of the walk route and a decision to maintain the service was taken in order that the issues raised could be investigated and to provide additional time for parents/carers to make alternative travel arrangements.

3.3.4 A further risk assessment of the walk route was carried out on 10 May 2023 which forms **Appendix 5** and which concluded that the original assessment was sound and that a child could be expected to walk to/from school accompanied by a responsible adult. On this basis, parents/carers of those using the service were advised on 23 June 2023 of the intention to withdraw the service, with effect from the start of the 2023/24 School Year, leading to further parental complaints and the petition before Committee. Confirmation of the decision to withdraw the service was further communicated to parents/carers on 21 August 2023. Copies of both parental letters are provided in **Appendices 6 and 7**, respectively.

3.3.5 There are currently no other similar situations in Aberdeenshire where a dedicated service is provided solely for those not entitled to free school transport on grounds of distance or safety.

3.3.6 A new primary school for Chapelton is currently being progressed and is in the early design phase. The timescale for delivering this school is for occupation in 2026. Due to the rate of growth of housing at Chapelton, it is appropriate to grow a school within a school, allowing the pupil numbers to increase. This would mean that in its first phase Chapelton pupils will be accommodated within Newtonhill School in separate classes. The initial capacity of the new build Chapelton School will be 217 with a larger core facilities to allow the school to

be extended to meet the increase of pupils expected, following the build out of future phases of the development. A Statutory Consultation will be carried out within the next 12 months to officially determine the new school location and the school catchment zone.

### 3.4 Provision of a service bus

- 3.4.1 Public transport to/from Chapelton currently consists of an approximately hourly Monday to Saturday and two-hourly Sunday bus service to/from Aberdeen via Newtonhill, however none of the departures are timed to coincide with school opening or closing times.
- 3.4.2 Council policy does not provide for support for dedicated school transport or local bus services solely carrying pupils who reside within 2 miles from their school where there are safe walking routes available. Over recent years, the Council has gradually withdrawn support for such services including, for example, the withdrawal of bus services to/from Aboyne Primary, Cluny Primary, Ellon Primary, Newmachar Primary, Peterhead Academy and Uryside Primary, Inverurie.
- 3.4.3 A school day only local bus service, with sufficient seating capacity for 51 pupils would, under normal circumstances, cost the Council a minimum of approximately £74,400 per annum. In addition, the Council would also incur an additional cost of approximately £1,000 per annum associated with electronic ticketing provision and maintenance.
- 3.4.4 The aforementioned costs would be offset by fares income, including U-22 Concession revenue reimbursement, and by Network Support Grant (NSG), in total potentially amounting to approximately £25,400 per annum, based on: every child travelling both ways on all school days; and current child fares on local bus services. The best estimate of the net minimum cost of providing a school day only replacement local bus service at the current time is therefore in excess of £50,000 per annum.

### 3.5 Costs for a replacement school bus were parents/carers to contribute

- 3.5.1 Parents/carers have the option of hiring a coach from a private bus operator. Whist officers could provide advice in this regard, the hire would need to be administered by parents/carers as the Council would not ordinarily cover the financial liability of any revenue shortfall should any parents/carers default on their agreed share of the cost.
- 3.5.2 Based on the current cost of the contract, such a hire would entail a cost of the order of £49,400 per annum, i.e., approximately £260 per school day, which would equate to approximately £5.10 per child per day, assuming all 51 children who currently use the school bus continue to use the service. It should, however, be noted that these costs are only indicative and may be significantly higher given the ongoing increase in the costs of bus service operation for a number of factors such as driver shortages and transport inflation.

### 3.6 Safe Walk Route to School: Safety Issues and Improvements

- 3.6.1 The Client Transport team requested a walk route safety review, with a view to removing free school transport provision, as the walk route distance from Chapelton to Newtonhill Primary School is around 1.6 miles and does not qualify for free school transport. The walk route utilises existing pedestrian infrastructure that is used on a daily basis by the public. Assessments do not determine whether a route is “safe” or “dangerous”. All roads may be thought of as presenting some element of road safety risk, whether they are heavily trafficked urban routes, or more lightly trafficked rural routes. Instead, the assessment determines whether changes to existing transport provision should be provided because a particular walking route presents exceptional road safety hazards that would require mitigation, which is not the case with the Chapelton to Newtonhill Primary walk route.
- 3.6.2 A ‘Walk Route Safety Review’, carried out by two members of the Road Safety Unit on 8 June 2022, was originally undertaken to ensure that it was safe for children to travel to school in accordance with policy; on the basis that children are accompanied by a responsible adult. If the child is walking unaccompanied then it is for the parent/carer to determine that their child has the skills to walk and cross our roads without supervision. The Council expects parents/carers to make suitable alternative arrangements if they are unable to personally accompany their child. The walk distance did not have a bearing on the decision-making process of whether the route was acceptable as the report was to assess pedestrian safety of the walk route.
- 3.6.3 An additional review of the report, with a Local Member in attendance, was carried out at the request of the parents. This was undertaken, again by an officer who is a qualified road safety auditor, to re-assess the concerns raised by the petitioners. It should be noted that no concerns relating to the internal footway network within Chapelton were raised at any time and therefore the second review did not re-visit this part of the network.
- 3.6.4 The ‘Walk Route Safety Review’ and supplemental follow up review are attached as **Appendices 3 and 5**, respectively, with the summary of the conclusions being that the footpaths on the walk route between Chapelton and Newtonhill are generally in good condition and fit for purpose. There are, however, several areas where minor improvements could be made to enhance the ongoing safety of users. Whilst these issues would bring about improvements to the route, they are not at present a significant hazard in their current condition.
- 3.6.5 Also, the minor potential improvements identified are not specific to this walk route and could be considered common to any route, particularly following and during a period of limited routine maintenance.
- 3.6.6 The maintenance items identified in the assessment have been highlighted to the Roads Service and Landscape Services for prioritisation and incorporation into their maintenance programmes, where considered necessary.

3.6.7 The Road Safety Unit, as it must, follows the Road Safety GB Guidelines as set out in **Appendix 8** and have taken two key points into account: firstly, that the route has been assessed on the basis of the pupils being accompanied by a responsible adult; and secondly that the road safety auditing process is from the perspective of the Roads Authority's responsibilities and the matters within its control.

Concern	Council Response
<p>There does not appear to be any change to the infrastructure so why is the route now deemed to be safe and that this is the view of one officer.</p>	<p>At the time that the school transport service was initially provided, there was significant development taking place within Chapelton and as such would default to being classed as 'unsafe' until a review was requested. The 'Walk Route Safety Review' was carried out by two qualified road safety auditors with one of the original auditors attending the follow up review.</p>
<p>Various concerns raised regarding walking on the flyover.</p>	<p>The flyover was designed to Design Manual for Roads and Bridges National standard for pedestrian and vehicular use. Crossing over a dual carriageway, volume of traffic on the A92 has no bearing on the safety of walking along the footway. The flyover has guard railings to protect pedestrians from falling onto the road below. The vegetation issues that were identified due to encroaching and narrowing the footway have been passed to Landscape Services to progress arranging for it to be cut back. Pedestrians have been observed to be capable of using the footway without issue on several visits to the site. Deeming the use of the flyover as unsafe for the school walk is in effect deeming it unsafe for all pedestrians to use, therefore all flyovers would, by that logic, not be suitable for public use.</p>
<p>Concerns regarding crossing two roundabouts and traffic being unrepresentative due to prevailing weather conditions.</p>	<p>The walk route only requires the crossing of one roundabout, that is the minor arm to Cookney. Crossing the western arm of the roundabout leading to and from Cookney did not present an exceptional safety risk, particularly as there is a central refuge point allowing the crossing to be made in two phases if required.</p>

	<p>Crossing the road with a pram / wheelchair is facilitated by the presence of dropped kerbs and tactile paving. Adequate gaps in traffic make crossing safe as this arm is lightly trafficked with good visibility, low traffic volumes, slower vehicle speeds resulting from vehicles either decelerating on the approach to the roundabout or approaching the crossing, having slowed to negotiate the roundabout. During the time we waited at this arm of the junction there was one vehicle in the 5 minute assessment period. Traffic patterns are predominantly for either the through route from Chapelton to and from Newtonhill or to access the A90, additionally the bus service does not use the Cookney route. Where the two way (one way of a dual carriageway) traffic flow is below 240 vehicles per hour the road is assessed as safe to cross. This is based on the original County Road Safety Officers Association criteria and is equivalent to 1 vehicle every 15 seconds and allows a reasonable gap time to cross a 7m wide road at a walking speed of 3ft per second. As there is a pedestrian refuge and the crossing is split into two separate crossings the acceptable traffic flow is doubled to 480 vehicles per hour. Traffic levels fall way below this threshold. Parents had claimed that the roundabout on Newtonhill Road is dangerous and would need to be crossed to access the footway that runs along the northern side of the road. However, the road does not need to be crossed at this location as there is a remote lit path that is adjacent to Newtonhill Road and leads to the zebra crossing at St Crispins Road where Newtonhill Road can be crossed.</p>
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<p>What happens when there is a diversion route in place directing traffic through this junction?</p>	<p>It would not be appropriate or practicable to have procedures in place whereby every community throughout Aberdeenshire is deemed as having unsafe walking infrastructure in the random event of traffic being diverted through their settlement at a time that may coincide with the school walk. The updated rule H2 of the Highway Code informs that drivers 'give way to pedestrians crossing or waiting to cross a road into which or from which you are turning. If they have started to cross they have priority, so give way'.</p>
<p>At the ECS Committee the invited speaker implied that the follow up review was incomplete and that the same officer just stood on the flyover.</p>	<p>The officer walked the route with an elected Local Member re-visiting each of the areas of concern and explaining the rationale behind the decisions that were made in the report. As there were no identified risks made by either residents or in the report the walk started at the first point of contention, the Cookney arm of the roundabout, and concluded at Newtonhill Primary School. The most qualified and experienced officer attended the follow up visit and conducted the review without bias in accordance with the Engineering Councils ethical principles.</p>
<p>Walking in poor weather was commented upon as being a barrier to walking.</p>	<p>The weather patterns in the north east of Scotland do not form part of the risk, parents/carers are responsible for ensuring that their children have suitable clothing and footwear for the conditions. Their clothing should be reflective or use other high visibility aids including torches etc. where applicable.</p>
<p>The safety of using the steep steps leading to the informal zebra crossing within Tesco car park.</p>	<p>There is no requirement to use the steps to access the route to school. For completeness of the review, this option was pointed out as a possible short-cut if the user was confident in using the steps and was not recommended as the route to follow.</p>



<p>Concerns about the safety of using the zebra crossing on the road adjacent to Tesco in light of an historic collision on the crossing along with issues due to service buses.</p>	<p>The accident record for the route over a 5-year period was taken into consideration. The existence of an accident record does not necessarily indicate that the route is unsafe for the journey to school, this would depend on the type, nature and relevance of the incidents. A review of the safety of the crossing was discussed with Roads Policing following the incident referred to that occurred in January 2020. The full details cannot be shared, however pedestrian visibility or the type of crossing was not a contributing factor in the collision. With regard to crossing when a bus is at the bus stop; on occasions where there is a bus at the stop then pedestrians should wait until it has cleared the bus stop if their visibility of approaching cars is compromised whilst the stop is in use.</p>
<p>The day selected was not representative of the volumes of traffic normally experienced.</p>	<p>Traffic volumes even accounting for any that normally travelled on that day were very low and doubling the traffic that was observed would still be low. The majority of commuting traffic would be heading north and in the AM be travelling on the far side of the carriageway of the flyover (carriageway furthest away from pedestrians) on the northern footway and very little additional traffic would be impacting on crossing the Cookney Road. Traffic from Chapelton would not have an impact on traffic levels on the flyover unless heading south.</p>
<p>Poor visibility in Tesco car park.</p>	<p>There is very good visibility in Tesco car park, in conjunction with very little circulating traffic. Several options were given in the report on where to cross, be it in advance of the entrance, across the entrance/exit or within the car park which was adjudged to be the safest option. The Tesco facility will have had audits and assessments carried out when building the facility to ensure pedestrian safety within its grounds.</p>

<p>There are multiple unsupervised crossings on the route.</p>	<p>The route is assessed as being an accompanied walk and therefore children would be expected to be supervised by a responsible adult. The route comprises of a minor arm of a roundabout to be crossed followed by crossing an informal zebra crossing within a low speed, low traffic environment. A zebra crossing is then available to assist in crossing the road to get to the east side with a short walk along a lit footway to access a remote footway that leads to a zebra crossing on Newtonhill Road. Once crossed, pedestrians enter a designated School Safety Zone, walking along residential streets along with other school children.</p>
<p>Time to walk, job pressures were raised as an issue.</p>	<p>The review is for assessing road safety where a walk route is below the two-mile threshold for school transport. It is the parent/carers responsibility to make arrangements for their charges to attend school. A route would not fail to qualify as “available” because of dangers which would arise if the child was unaccompanied.</p>

#### 4 Council Priorities, Implications and Risk

- 4.1 This report helps deliver the Strategic Priority of “Education and Health and Wellbeing” within the Pillar “Our People”.
- 4.2 The table below shows whether risks and implications apply if the recommendation is agreed.

<b>Subject</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Financial		<b>X</b>	
Staffing		<b>X</b>	
Equalities and Fairer Duty Scotland	<b>X</b> [IIA attached as Appendix 1]		
Children and Young People’s Rights and Wellbeing	<b>X</b> [IIA attached as Appendix 1]		
Climate Change and Sustainability	<b>X</b> [IIA attached as Appendix 1]		
Health and Wellbeing	<b>X</b> [IIA attached as Appendix 1]		
Town Centre First			<b>X</b>

- 4.3 There are no staffing or financial implications if the report recommendation, which confirms the walk route is safe, is agreed. However, should Committee instruct officers to maintain the Chapelton to Newtonhill Primary school transport service, an unbudgeted expenditure will be incurred. Also, the risk of a number of analogous requests could substantially increase the school transportation costs of Aberdeenshire Council.
- 4.4 An integrated impact assessment has been carried out as part of the development of the proposals set out above. It is included as **Appendix 1** and:
- the following impacts have been identified which can be mitigated as described in relation to, Childrens' Rights & Wellbeing, Climate Change & Sustainability, and Health Inequalities;
  - the following impacts have been identified which cannot be fully mitigated as explained with respect to Equalities & Fairer Scotland Duty; and,
  - there are positive impacts regarding Childrens' Wellbeing, Health Inequalities and Emissions & Resources.
- 4.5 The following Risks have been identified as relevant to this matter on a Corporate Level, should the service be maintained: ACORP001 Budget Pressures; and, ACORP006 Reputational Management. No Directorate Risks have been identified.

## **5 Scheme of Governance**

- 5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 5.2 The Committee is able to consider this item in terms of Section E.1.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to school transport a function of the Council under the Education (Scotland) Act, 1980 and other associated legislation.

**Laurence Findlay**  
**Director of Education & Children's Services**

Report prepared by Richard McKenzie, Passenger Transport Manager.  
14 September 2023

### **List of Appendices –**

Appendix 1 - Integrated Impact Assessment: Chapelton to Newtonhill School Bus Withdrawal

Appendix 2 - School Transport Policies

Appendix 3 - Newtonhill Walk to School Safety Review

Appendix 4 - Parental Letter of 29 June 2022

Appendix 5 - Follow up Assessment of the Chapelton to Newtonhill Primary School Walk

Appendix 6 - Parental Letter of 23 June 2023

Appendix 7 - Parental Letter of 21 August 2023

Appendix 8 - Road Safety GB 'Walked Routes to School'